

1977

Session Law 77-165

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1977	Session Law No. 77-165	LOF Cite	#pp
Prime Bill# H 803	Sponsor HIRN	Comp./Sim. Bills (S/SB 317)	
JLMC Hist. Leg. Cites	Senate pp.#s	House pp.#s 205 (H 803)	#pp
Committee of Ref.	Senate TRANSPORTATION	Previous versions?	
	House TRANSPORTATION		

Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
H	TRANS	77	BILL FILE (PCB1)	19/492 ✓	
H	APR.	77			
H	TRANS.	77	BILL FILE (SB 317) <small>copy of bill only</small>	19/491	X
S	TRANS.	77	" " (SB 317) (PCB1)	18/504	
S	"	77	" " (HB 803)	18/506	
H	TRANS	77	Meeting FILES 3/8/77 2/8/77	19/493	

Senate/House Journals

Page	?	Date	#pp	Page	?	Date	#pp

Tape Recordings

H/S	Floor	Committee/subcommittee	Date	# Tapes	Location Cite

Other Documentation

Record series title, folder title, etc.	Location Cite	#pp

77-165/16 (337,29)

CS/HB 803 (Sim, CS/SB 317, Comp. SB 170)

HTRN (PCB 1) 5.19/492

Mtr. Files " /493

HAPR (5/29/77?)

SPJ 09 (6/3/77) S. FR. AND.

HTRN (SB 317) 5.19/491

STRN (SB 317) 5.18/504

" (HB 803) 5.18/506

Statutes, authorizing the Department of
Transportation to prepare maps delineating
rights-of-way for certain roads of the state
highway system; providing for hearings thereon
and procedures relating thereto; amending s.
335.04, Florida Statutes, providing for a
functional classification plan for roads;
authorizing the matching of certain federal aid
highway funds; providing certain
responsibilities for the Department of
Transportation; requiring transfer of
responsibility for maintenance of certain
public roads; providing for operation and
maintenance of public roads; amending s.
336.41, Florida Statutes, restricting the use
of existing county forces in the construction
of public roads and providing exceptions;
amending s. 336.44(1), Florida Statutes,
requiring boards of county commissioners to let
contracts for certain work on public roads;
amending s. 339.08(2)(b) and (c), (3), and (4),
Florida Statutes, and adding subsection (5) to
said section; providing for the use of certain
gas tax revenues; providing for advance of
certain second gas tax revenues; creating s.
339.083, Florida Statutes, providing for a
county transportation trust fund; providing for
controls; creating s. 339.084, Florida
Statutes, requiring the department to recommend
program data to the Department of Banking and
Finance; requiring the department to report to

the Legislature annually; amending s.
337.29(2), Florida Statutes, and adding a
subsection thereto, relating to transfer of
title to certain roads; repealing s.
206.605(2)-(4), s. 334.03(1), (8), (12), and
(13) and 335.041, Florida Statutes, relating to
distribution and use of proceeds of the
additional eighth cent tax on motor fuel,
defining the terms "arterial highway," "primary
road system," "secondary road system," and
"state highway system" for purposes of the
Transportation Code and providing for
expenditure of secondary road funds,
respectively; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 129.01, Florida
Statutes, is amended to read:

129.01 Budget system established.--There is hereby
established a budget system for the control of the finances of
the boards of county commissioners of the several counties of
the state, as follows:

(1) There shall be prepared, approved, adopted, and
executed, as prescribed in this chapter, for the fiscal year
ending September 30, 1952, and for each fiscal year
thereafter, an annual budget for the following funds:

- (a) General fund
- (b) County transportation trust fund ~~Road-and-bridge~~
~~fund~~
- (c) Fine and forfeiture fund

- (d) Capital outlay reserve fund
- (e) Bond interest and sinking fund, and
- (f) Special district operating fund

which shall control the levy of taxes and the expenditure of money for all county purposes during the ensuing fiscal year.

Section 2. Subsection (1) of section 129.011, Florida Statutes, is amended to read:

129.011 Consolidation of funds.--

(1) In order to simplify and otherwise improve the accounting system provided by law and to facilitate a better understanding of the fiscal operation of the county by the general public, the board of county commissioners may, by resolution duly adopted, consolidate any of its separate budgetary funds into a single general fund, except that the road and bridge tax shall be levied under s. 336.59, and all revenue and expenditures of the county transportation trust fund established pursuant to s. 339.083 (created by this act) shall be shown as a separate budgetary fund.

Section 3. Subsection (4) of section 199.292, Florida Statutes, is amended to read:

199.292 Disposition of intangible personal property taxes; appropriations for expenses of assessment and collection; county sharing.--

(4) An amount equal to 55 percent of the total net intangible taxes collected shall be transferred to the Revenue Sharing Trust Fund for counties in the month following collection. However, net collections from the amounts assessed as of January 1, 1972, and collected prior to July 1, 1973 only, as provided in s. 199.032, shall be deposited in the General Revenue Fund. The remaining balance of net collections

from this tax shall be transferred to the Revenue Sharing Trust Fund for municipalities General-Revenue-Fund. For the purposes of this law, "net collections" means the total amount collected less a pro rata share of all costs, as provided in subsections (2) and (3).

Section 4. Subsection (2) of section 206.60, Florida Statutes, is amended to read:

206.60 Additional tax upon motor fuel.--

(2) The proceeds of said tax are hereby appropriated for public transportation purposes in the manner following:

(a) The department, after deducting its expenses of collection, and provided that no deduction shall be made from said tax proceeds as presently provided for by ss. 215.20 and 215.22 (2), shall monthly divide the proceeds of said tax into 4 equal parts and allocate said parts to the credit of each county upon the following formula distribution factors:

1. Three of the 4 parts in the ratio that the total taxable gallons sold and delivered to each county of the state for resale at retail or use during the previous state fiscal year bears to the total taxable gallons sold in the state.

2. One of the 4 equal parts in the ratio that the area of each county bears to the total area of all the counties.

(b) 1. The Department of Revenue shall, from month to month, distribute the amount allocated to each of the several counties under paragraph (a) to the board of county commissioners of the county, who shall use said funds solely for the acquisition of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of transportation facilities, roads, and bridges therein; or for the reduction of bonded indebtedness of such county or of special road and bridge districts within such county, incurred

revenues and expenditures. All funds available to a county for transportation shall be deposited into this fund. No expenditures other than authorized transportation expenditures shall be made from said fund and the counties shall comply with all constitutional and statutory requirements in connection therewith. Each county shall use a uniform accounts classification system approved by the Comptroller.

(2) If, as a result of a completed audit pursuant to s. 11.45, the Auditor General determines that a county has violated the constitutional or statutory requirements for expenditure of transportation funds including intergovernmental transfers, he shall thereafter certify his findings to the department. The county may acknowledge such findings, or may have such findings reviewed pursuant to the provisions of chapter 120. If the findings of the Auditor General are acknowledged, or upheld by actions taken under chapter 120, the county will have 30 days in which to certify to the department that appropriate steps have been taken to correct the violation. If such certification is not received, the department shall suspend all transfers of funds until such certification is received.

(3) The county engineer in each county shall certify for each project of work commenced that all design, construction, and maintenance comply with the standards established pursuant to s. 335.075.

Section 17. Section 339.084, Florida Statutes, is created to read:

339.084 Annual reports required.--

(1) The department shall recommend to the Department of Banking and Finance no later than April 1, 1978, uniform program data to be furnished by each local government as a

part of its annual financial report submitted pursuant to s. 218.32. Such data shall include, but not be limited to, miles of new construction, miles resurfaced or reconstructed, miles maintained, work performed by county or municipal forces and by contract, contracts let and such other pertinent information as determined by the department.

(2) The department shall compile an annual comprehensive transportation report for presentation to the Legislature no later than March 15 of each year.

Section 18. Subsections (2), (3), and (4) of section 206.605, Florida Statutes, subsections (1), (8), (12), and (13) of section 334.03, Florida Statutes, and section 335.041, Florida Statutes, are hereby repealed.

Section 19. Subsection (2) of section 337.29, Florida Statutes, is amended, and subsection (3) is added to said section to read:

337.29 Title to roads in State Highway, County Road, City Street and State Park Road Systems; recording deeds and maps.--

(2) Upon the vesting of title to any lands for highway purposes in the state, the commissioners or public municipal authorities, as the case may be, shall forthwith issue a deed or right-of-way map to the state covering said lands which shall be duly recorded. Recordation of deeds or right-of-way maps shall also be effected upon acquisition of any lands by the Division of Administration.

(3) Title to all roads transferred in accordance with the provisions of s. 335.04 shall be in the governmental entity to which said roads have been transferred upon the recording of a right-of-way map by the appropriate governmental entity in the public land records of the county

1 or counties in which such rights-of-way are located.

2 Liability for torts shall be in the governmental entity having
3 title as provided herein.

4 Section 20. This act shall take effect July 1, 1977;
5 provided that the provisions of section 5 relating to s.
6 206.605, Florida Statutes, transferring the eighth cent gas
7 tax to the State Transportation Trust Fund, shall take effect
8 only upon passage of legislation replacing the 1 cent gas tax
9 equivalent in the Municipal Revenue Sharing Trust Fund.

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This public document was
per page for 900 copies and
for the information of members of the Legislature and the public.

By Committees on Appropriations and Transportation

A bill to be entitled

1 An act relating to transportation; amending ss.
2 129.01(1) and 129.011(1), Florida Statutes,
3 providing for a county transportation trust
4 fund to be accounted for separate from the
5 county general fund; amending s. 199.292(4),
6 Florida Statutes, providing for deposit of
7 certain moneys in the Revenue Sharing Trust
8 Fund for municipalities; amending s. 206.60(2),
9 Florida Statutes, deleting certain provisions
10 relating to maintenance of secondary roads by
11 the Department of Transportation and
12 distribution of certain secondary federal
13 funds; amending s. 206.605(1), Florida
14 Statutes, providing for transfer of the
15 additional eighth cent tax on motor fuel to the
16 State Transportation Trust Fund; amending s.
17 215.22(1), Florida Statutes, providing for
18 deposit of certain moneys in the County Revenue
19 Sharing Trust Fund; amending s. 320.20, Florida
20 Statutes, relating to disposition of motor
21 vehicle licensing moneys; amending s.
22 210.20(2) (a), Florida Statutes, increasing the
23 amount of cigarette tax funds credited to the
24 Revenue Sharing Trust Fund for municipalities;
25 adding subsections (18)-(29) to s. 334.03,
26 Florida Statutes, defining certain terms for
27 purposes of the Transportation Code; amending
28 s. 335.01, Florida Statutes, providing for
29 designation and systemization of public roads;
30 adding subsection (3) to s. 335.02, Florida
31

C O P Y

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 FLORIDA STATE ARCHIVES
 DEPARTMENT OF STATE
 R. A. GRAY BUILDING
 Tallahassee, FL 32399-0250
 Series 18 Carton 509

COMPARISON OF LEGISLATION ON SECOND GAS TAX TRANSFER AND FUNCTIONAL RECLASSIFICATION OF ROADS

Provisions

CS/SB 317

HB 803

County Transportation Trust Fund Establishes a separate County Transportation Trust Fund for all transportation related revenues and expenditures, utilizing a uniform accounts classification system approved by State Comptroller. Provides for audit by Auditor General. Provides counties with administrative remedies in responding to A.G. findings.

Provision is almost identical. Slight difference in administrative remedies to be used by county in responding to A.G.

Maintenance Responsibility Counties assume full responsibility for maintenance of roads on the county road system and any roads on the federal aid system under county jurisdiction. Any maintenance, utility or railroad crossing or other such agreements associated with a specific road shall be transferred and assumed along with responsibility for the road.

Counties assume full responsibility for maintenance of roads on the secondary road system, the county road system, and any roads on the federal aid system under county jurisdiction. Maintenance, utility, railroad crossing and other agreements associated with a specific road are to be transferred and assumed along with responsibility for the road.

Functional Reclassification

(a) Definitions:
 (1) Divides public roads into four systems: state highway system; state park road system; county road system, and city street system.
 (2) Provides definition of state, county, and city road systems and defines the types of roads (arterial, collector, local road) on each system. State system will include the urban minor arterial routes on the existing primary road system as of July 1, 1977, and additional urban minor arterial mileage based on at least 2% of the public road mileage of each urbanized area.

(b) Classification Plan:
 Requires DOT to adopt by October 1, 1977, pursuant to Chapter 120, a reclassification plan; begin implementing an orderly phase in of the plan by January 1, 1978, and complete required transfers by July 1, 1982, with certain exceptions.

(c) Physical Condition of Roads to be Transferred:
 Requires the transferring jurisdiction to bring roads up to a proper condition prior to transfer; requires the DOT to resurface roads not meeting age or condition standards. Transfers between city and county are subject to a 5 year extension based on mutual agreement. Authorizes DOT to match federal aid for such improvements with an end limitation on matching for roads to be transferred to county road and city street systems.
 (Continued on Page 2)

(1) Same provision.
 (2) Similar provisions except that urban minor arterials on the state system are limited to those on the existing primary road system as of July 1, 1977.

Requires DOT, by October 1, 1977, to adopt and publish a reclassification plan and shall complete required transfers by July 1, 1982.

Similar but restricted to state to local governments transfers with DOT required to make any necessary improvements. No end limitation for DOT matching federal funds associated with county road and city street systems.

Provisions

CS/SB 317

FB 803

	<p>This requirement regarding physical conditions of roads may be waived upon mutual consent.</p> <p><u>(d) Continuing evaluation of functional classification:</u> Beginning 7/1/82, the DOT will conduct a program to provide reevaluation of every road at least once every five years using criteria adopted pursuant to Chapter 120 and requiring public hearings, notice requirement for changes, and an annual summary report to legislative officers. After 7/1/82 local governments can request specific changes upon which the DOT must act within 1 year. Any transfers resulting from any reevaluation shall take place within three years after notice is given of changes.</p>	<p>Similar, but has no Chapter 120 criteria nor annual summary requirement. Specific requests by local governments prior to 7/1/82 are not barred.</p>
<p>Certification of Standards</p>	<p>Requires each county to have a Florida-registered professional engineer certify that statutory standards have been met.</p>	<p>Similar provision.</p>
<p>Transfer of Second Gas Tax Administration</p>	<p><u>(a) Transfer</u> Requires the DOT to develop and implement a phased transfer of responsibility to be completed by 7/1/80. In counties of 100,000 population or more, the transfer shall be at a rate of at least 20% per year; in other counties, an orderly transfer is required. Provides for DOT responsibility for projects or project stages to end by July 1, 1980, but the DOT may lend advice and counsel to counties if requested.</p> <p><u>(b) Voucher procedure</u> Requires the DOT to maintain all proceeds of 80% surplus of second gas tax on deposit with the State Board of Administration and to provide by regulation for transfer of proceeds to county accounts. County vouchers, for past expenditures or anticipated expenditures for the next 60 days, are to be processed within three working days.</p> <p><u>(c) Advances to Working Capital Trust Fund</u> Authorizes the DOT to advance from second gas tax trust funds to the Working Capital Trust Fund an amount not to exceed \$22.5 million without impairing county bonds or other obligations. The DOT is required to provide for the replacement of these funds by 7/1/83.</p>	<p>Requires the DOT to develop a plan for a careful and judicious transfer to be completed no later than 7/1/80.</p> <p>Similar except that vouchers are required to be for past expenditures and those anticipated within the next 30 days; DOT has 5 working days to process vouchers.</p> <p>Authorizes up to \$30 million to be advanced to the Working Capital Trust Fund from second gas tax trust funds but interest shall be paid to the second gas tax trust fund on any amount over \$22.5 million. These advances should not impair bond or other county obligations. The replacement should be completed by 7/1/84 according to a plan to be developed by the DOT.</p>

Provisions

CS/SB 317

HB 803

(d) Competitive Bids

Requires competitive bidding for all construction and reconstruction of roads and bridges except for emergency work and significant construction and reconstruction projects with a total cumulative value not exceeding 5% of its 80% portion of the second gas tax, or \$50,000, whichever is greater. If no bids are received on a specific project, a county may use its own forces. County is not prohibited from using its own labor for routine maintenance.

Similar except that no exception is made for projects on which no bids are received nor are counties specifically authorized to use their own labor force for routine maintenance.

(e) Use of Second Gas Tax Surplus by Counties

Requires counties to honor agreements made prior to 7/1/77 to provide connecting roads to the interstate; requires counties to provide a connected system of county roads to serve intracounty and intercounty traffic.

No similar provision.

SUMMARY OF CS/HB 803

1. Provides the equivalent of 2 pennies of gas tax (\$97.6 million) for transportation purposes on a recurring basis. This fully funds the expanded program levels contained in the Appropriations Bill.
 - A. Transfers the 8th cent from municipal revenue sharing to the Department of Transportation. One cent of cigarette tax (\$11.3 million) and 45% of the intangibles tax (\$41 million) currently in General Revenue are transferred as replacement revenues.
 - B. 27.7% of gross license tag fees, (the equivalent of one penny - \$48.8 million) excluding mobile homes, is transferred from General Revenue and divided between the counties and department as follows:
 - (1) 8.6% (\$15.1 million) is transferred to county revenue sharing and distributed to the counties for maintenance of roads and other transportation purposes. Effective July 1, 1980, the county percentage increases to 11.6% or the equivalent of \$20 million.
 - (2) 19.1% (\$33.7 million) is transferred to the department until 1980 when the percentage decreases to 16.1%. The additional revenues will fund expanded programs for periodic maintenance, construction, and primary rights-of-way.
2. Provides for county control over all phases of construction from the proceeds of the second gas tax.
3. Provides for the Department of Transportation to acquire all Primary rights of way with state funds thereby relieving the counties of this burden(\$20 million).
4. Removes approximately 1,000 positions from the Department of Transportation over a three year period.
5. Functional classification of all roads will reduce jurisdictional confusion, eliminate present inequities, and permit improved administration of transportation facilities.
6. The recommended plan is designed to allow local governments to exercise maximum control over transportation facilities.
7. Functional classification provides municipal relief because the state and counties assume responsibility for all facilities of higher importance.
8. It provides for periodic functional reclassification, with necessary transfers, to prevent recurrence of present inequities.
9. An annual, comprehensive transportation report will provide the necessary information for the legislature to address the problems of allocating resources to meet transportation needs.

SUMMARY OF CS/HB 803

1. Provides the equivalent of 2 pennies of gas tax (\$97.6 million) for transportation purposes on a recurring basis. This fully funds the expanded program levels contained in the Appropriations

Bill.

Sect 5 pg 7-8 Transfers the 8th cent from municipal revenue sharing to the Department of Transportation. *Sect 8 pg 9-10* One cent of cigarette tax (\$11.3 million) and *Sect 3 pg 4-5* 45% of the intangibles tax (\$41 million) currently in General Revenue are transferred as replacement revenues.

Sect 7 pg 8-9 B. 27.7% of gross license tag fees, (the equivalent of one penny - \$49.8 million) excluding mobile homes, is transferred from General Revenue and divided between the counties and department as follows:

pg 9 line 3 (1) 8.6% (\$15.1 million) is transferred to county revenue sharing and distributed to the counties for maintenance of roads and other transportation purposes. Effective July 1, 1980, the county percentage increases to 11.6% or the equivalent of \$20 million.

pg 9 line 14 (2) 19.1% (\$33.7 million) is transferred to the department until 1980 when the percentage decreases to 16.1%. The additional revenues will fund expanded programs for periodic maintenance, construction, and primary rights-of-way.

Sect 15 pg 19 2. Provides for county control over all phases of construction from the proceeds of the second gas tax.

Sect 12 pg 17 3. Provides for the Department of Transportation to acquire all Primary rights of way with state funds thereby relieving the counties of this burden (\$20 million).

Sect 11 pg 13 Protects Primary R/W

Sect 15 pg 19 4. Removes approximately 1,000 positions from the Department of Transportation over a three year period.

Sect 9, 10, 12 5. Functional classification of all roads will reduce jurisdictional confusion, eliminate present inequities, and permit improved administration of transportation facilities.

Sect 9 Page 12 6. The recommended plan is designed to allow local governments to exercise maximum control over transportation facilities.

Sect 9 Page 12 7. Functional classification provides municipal relief because the state and counties assume responsibility for all facilities of higher importance.

Sect 12 pg 13 8. It provides for periodic functional reclassification, with necessary transfers, to prevent recurrence of present inequities.

Sect 17 pg 22 9. An annual, comprehensive transportation report will provide the necessary information for the legislature to address the problems of allocating resources to meet transportation needs.

COPY

PCB #1

ECONOMIC IMPACT STATEMENT

House
Transportation
Committee

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FLORIDA STATE ARCHIVES
DEPARTMENT OF STATE
R. A. GRAY B III
Tallahassee, FL 32399-050
Series 17 Carton 492

February 7, 1977

PURPOSE - This bill would require the Department of Transportation to return administration of the 80% portion of the second gas tax to the counties and to functionally classify all public roads. It defines all highway systems by function and clearly relates them to jurisdictional responsibility.

The D.O.T. currently administers and expends the 80% portion of the second gas tax earmarked by the Constitution for acquisition and construction of roads in the various counties. The D.O.T. may only expend these funds upon resolution of the various boards of county commissioners and for such purposes as authorized by the resolution. Transfer of administrative responsibility would be over a maximum of three years.

The D.O.T. has not functionally classified Florida's public roads and transferred between systems in many years. There is approximately 2,500 miles on the state (primary) system that do not qualify. Approximately 600 miles are on other systems (secondary, county, city) that qualify for the state (primary) system. The bill requires functional classification with transfers to be accomplished over five years.

The D.O.T. currently maintains secondary roads for 20 of the 67 counties. The D.O.T. would be required to terminate these maintenance agreements.

The counties currently have statutory authority to use county forces for construction and maintenance of county roads or may let them to competitive bid. However, it is understood that the great majority of counties let construction, reconstruction and periodic maintenance contracts to competitive bid. The bill provides that all construction, reconstruction and periodic maintenance expenditures from the proceeds of the 80% portion of the second gas tax shall be let to competitive bids except in emergency situations. In addition, a county may utilize existing forces to do work not to exceed \$50,000 or 5% of its portion of the second gas tax, whichever is greater.

IMPACT -

A. Cost of Implementation: Second gas tax proceeds are currently being expended for various approved purposes. There are no additional direct or indirect costs that can be positively identified as a cost of implementation of this bill. However, there are several areas identified where the possibility of additional costs exists.

1. Department administrative costs (overhead) currently charged to county secondary funds (\$7.1 million - 1975-76). The department will be required to either reduce excess administrative personnel and related costs, or absorb these costs from primary funds.

2. Department direct labor positions currently working on secondary projects (approximately \$7-8 million - 1975-76). The D.O.T. will be required to either reduce excess direct labor positions and related costs, or absorb these costs from primary funds.

3. Can the counties perform the work currently done by D.O.T. for the same or less money? The possibility exists for either county savings or additional costs, depending on the current work load and staffing patterns of the various counties.

4. Possible additional costs to private consultants/contractors due to the dispersal of bidding locations and requirements on secondary projects.

5. The effect of functional classification on D.O.T.'s total routine maintenance costs and personnel will be virtually neutral. However, there will be a trend of increasing urban responsibility for D.O.T. in the future if Florida continues to grow.

6. The effect of functional classification on local governments as a group will also be neutral. However, the impact on individual counties will vary.

7. D.O.T. will utilize federal aid to the maximum extent feasible to perform upgrading of roads being transferred. This will not be an additional fiscal impact because D.O.T. presently matches all available federal aid.

B. Source of Funds/Ultimate Burden of Costs:

1. If additional costs materialize on points 1. and 2. above, the Primary Fund would incur the liability and it would not be passed on to the public, but would result in less "product".

2. Point 3. - If the counties cannot do the work for less or the same as current D.O.T. charges, the additional costs would be paid by the individual county secondary funds and would result in less "product".

3. Point 4. - Additional costs incurred by consultants/contractors would be paid by them and passed on in the form of higher bids, resulting in less "product".

4. If there are additional costs to the D.O.T. in the future as a result of functional classification, they will impact the Primary Fund and will result in less "product". If there are additional costs to local governments they will impact funds available to the local governments for transportation and will result in less "product".

5. If "product" does indeed decrease, this will result in pressure to increase taxes.

- C. Effect on Competition and the Employment Market: The bill should have little negative impact on competition in larger counties. In small, rural counties, the possibility exists that it could have a negative impact because many contractors might decide not to bid on minor jobs in those counties.

The D.O.T. will have 770 excess direct labor positions and an undisclosed number of administrative positions over the three year transition period. The county survey disclosed that the great majority of counties planned to utilize private industry (consultants/contractors) as opposed to hiring all county forces to do the secondary work. Due to the variations in staffing and work load requirements of each county, the statewide net effect on employment cannot be determined.

D. Benefits of Implementation:

1. Maximizes control by local governments over all phases of construction from the proceeds of the second gas tax.
2. The time span between the initial decision and project completion will be shortened, with the likelihood of savings in total costs, if the county assumption is accurate.
3. Eliminates any excess costs charged by the D.O.T. to the counties.
4. Requires construction, reconstruction, and periodic maintenance to be let to competitive bid (with exceptions).
5. Functional classification of all roads will reduce jurisdictional confusion, eliminate present inequities, and permit improved administration of transportation facilities.
6. The recommended plan is designed to allow local governments to exercise maximum control over transportation facilities.
7. It provides for periodic functional reclassification, with necessary transfers, to prevent recurrence of present inequities.
8. An annual, comprehensive transportation report will provide the necessary information for the legislature to address the problem of allocating resources to meet transportation needs.

E.I.S. RESEARCH DOCUMENTATION

GOALS:

1. Ascertain current practices with regards to utilization of second gas tax funds.
2. Determine effect of bill on current procedures.
3. Ascertain financial and employment impact of implementation.

METHODOLOGY/APPROACH:

All pertinent data on functional classification and the impact of returning administrative control over the second gas tax was utilized. All 67 counties were surveyed (60 responses) concerning impact of the proposed bill and county attitudes on a variety of related subjects. All available data was analyzed in an attempt to determine the impact of the bill. Insufficient data was available to determine net impact statewide on employment.

DATA SOURCES:

1. Florida Statutes, Chapters 129, 206, 334, 335, 336 and 339.
2. Survey of all 67 counties (60 responses).
3. Meeting with State Association of County Engineers - October 1976.
4. Meeting with State Association of County Commissioners - January 1977.
5. Governor's Task Force on Transportation Report.
6. Discussions with various county and Department of Transportation personnel.
7. Discussions with various other state agency personnel (D.O.A., S.B.A., Dept. of Banking and Finance).
8. Discussions with representatives of the road construction industries.
9. D.O.T. Functional Classification Study, Florida Primary Roads-1974: An Arterial System, and various other reports and correspondence.

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Tallahassee, Florida 32301

Journal
of the
SENATE
State of Florida

**NINTH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 5 THROUGH JUNE 3, 1977**



Statutes, relating to distribution and use of proceeds of the additional eighth cent tax on motor fuel, defining the terms "arterial highway," "primary road system," "secondary road system," and "state highway system" for purposes of the Transportation Code and providing for expenditure of secondary road funds, respectively; providing an effective date.

—was read the first time by title.

On motions by Senator Myers, the rules were waived and the bill was placed on the calendar and by unanimous consent taken up out of order.

On motion by Senator Myers by two-thirds vote CS for HB 803 was read the second time by title.

Senator Myers moved the following amendment:

Amendment 1—On page 2, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 129.01, Florida Statutes, is amended to read:

129.01 Budget system established.—There is hereby established a budget system for the control of the finances of the boards of county commissioners of the several counties of the state, as follows:

(1) There shall be prepared, approved, adopted, and executed, as prescribed in this chapter, for the fiscal year ending September 30, 1952, and for each fiscal year thereafter, an annual budget for the following funds:

- (a) General fund
- (b) ~~County transportation trust fund~~ Road and bridge fund
- (c) Fine and forfeiture fund
- (d) Capital outlay reserve fund
- (e) Bond interest and sinking fund, and
- (f) Special district operating fund

which shall control the levy of taxes and the expenditure of money for all county purposes during the ensuing fiscal year.

Section 2. Subsection (1) of section 129.011, Florida Statutes, is amended to read:

129.011 Consolidation of funds.—

(1) In order to simplify and otherwise improve the accounting system provided by law and to facilitate a better understanding of the fiscal operation of the county by the general public, the board of county commissioners may, by resolution duly adopted, consolidate any of its separate budgetary funds into a single general fund, except that the road and bridge tax shall be levied under s. 336.59, and all revenue and expenditures of the county transportation trust fund established pursuant to s. 339.033 (created by this act) shall be shown as a separate budgetary fund.

Section 3. Subsection (7) of section 206.47, Florida Statutes, is amended to read:

206.47 Distribution of second gas tax pursuant to s. 9, Art. XII, State Constitution.—

(7) The gas tax funds credited to each county will be first distributed to meet the debt service requirements, if any, of the s. 16, Art. IX debt assumed or refunded by the State Board of Administration payable from the second gas tax. The remaining gas tax funds credited to each county are surplus gas tax funds and shall be divided 80 percent to the Department of Transportation and 20 percent to the board of county commissioners of the county for the acquisition and construction of roads. As provided in s. 339.08(4), the department is authorized to maintain on deposit with the State Board of Administration all proceeds of the 80 percent surplus of the second gas tax.

Section 4. Paragraphs (b) and (c) of subsection (2) of section 206.60, Florida Statutes, are amended to read:

206.60 Additional tax upon motor fuel.—

(2) The proceeds of said tax are hereby appropriated for public transportation purposes in the manner following:

(b)1. The Department of Revenue shall, from month to month, distribute the amount allocated to each of the several counties under paragraph (a) to the board of county commissioners of the county, who shall use said funds solely for the acquisition of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of transportation facilities, roads, and bridges therein; or for the reduction of bonded indebtedness of such county or of special road and bridge districts within such county, incurred for road and bridge or other transportation purposes. In the event the powers and duties relating to transportation facilities, roads, and bridges usually exercised and performed by boards of county commissioners are exercised and performed by some other or separate county board, such board shall receive the proceeds, exercise the powers, and perform the duties designated in this section to be done by the boards of county commissioners.

2.1 On and after October 1, 1971, the board of county commissioners of each county, or any separate board or local agency exercising the powers and performing the duties relating to transportation facilities, roads, and bridges usually exercised and performed by the boards of county commissioners, shall be assigned the full responsibility for the maintenance of transportation facilities in the county and of roads on the county road system in the state secondary road system within the county.

2. The Department of Transportation shall, if requested by the board of county commissioners of any county, continue to maintain such secondary roads as are being maintained under contract as of October 1, 1971, under such terms and conditions as may be mutually agreed upon between said department and the board of county commissioners of the respective county.

3. In calculating the distribution of funds under paragraph (a), the Department of Revenue shall obtain from the auditor general the certification of the level of assessment in each district, as provided in s. 236.07(5), and shall pay only the amount of money which is derived by multiplying said ratio and the amount which would be due a district under paragraph (a). The funds which are raised under this section but are not distributed under this section shall be deposited in the additional gas tax pour-over fund. All funds placed in the additional gas tax pour-over funds shall be distributed in the same manner as provided in paragraphs (a) and (b) of this subsection.

4. Nothing in this paragraph as amended by Chapter 71-212, Laws of Florida, shall be construed to permit the expenditure of public funds in such manner or for such projects as would violate the state constitution or the trust indenture of any bond issue or which would cause the state to lose any federal aid funds for highway or transportation purposes; and the provisions of this paragraph shall be applied in a manner to avoid such result.

(c) Any secondary federal funds received in addition to said seventh cent tax proceeds, distributed to the several counties as above provided, shall be first allocated to the credit of each county in the ratio that the total taxes collected hereunder in each county during the previous state fiscal year bears to the total of said taxes collected in all counties, and then distributed to the Department of Transportation for expenditure in said county for the purposes and as above provided.

Section 5. Subsections (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), and (30) are added to section 334.03, Florida Statutes, to read:

334.03 Definitions of words and phrases.—The following words and phrases when used in this code shall, unless the context clearly indicates otherwise, have the following meanings:

(18) "Functional classification".—The assignment of roads into systems according to the character of service they provide in relation to the total road network. Basic functional categories include arterial, collector, and local roads which may be subdivided into principal, major, or minor levels. Those levels may be additionally divided into rural and urban categories.

(19) "Arterial road".—A route providing service which is relatively: continuous, of high traffic volume, of long average trip length, of high operating speed, and of high mobility importance. In addition, all United States numbered highways shall be arterial roads.

(20) "Collector road".—A route providing service which is relatively: of moderate average traffic volume, moderately average trip length, and moderately average operating speed. These routes also collect and distribute traffic between local roads or arterial roads and serve as a linkage between land access and mobility needs.

(21) "Local road".—A route providing service which is relatively: of low average traffic volume, or short average trip length, or minimal through-traffic movements, and of high land access for abutting property.

(22) "Urban area".—A geographical region comprising as a minimum the United States Census defined boundary of an urban place of 5,000 population, expanded to include adjacent areas as provided for by federal highway administration regulations.

(23) "Urbanized area".—An urban area having a central city or twin cities of more than 50,000 population.

(24) "Urban principal arterial roads".—Routes which generally serve the major centers of activity of an urban area, the highest traffic volume corridors, the longest trip purpose, and carry a high proportion of the total urban area travel on a minimum of mileage. The routes are integrated, both internally and between major rural connections.

(25) "Urban minor arterial roads".—Routes which generally interconnect with and augment urban principal arterial routes and provide service to trips of shorter length and a lower level of travel mobility. Minor arterial routes include all arterials not classified as principal and contain facilities that place more emphasis on land access than the higher system.

(26) The state highway system shall consist of the following: (a) the interstate system; (b) all rural arterial routes and their extensions into and through urban areas; (c) all urban principal arterial routes; (d) those urban minor arterial routes on the existing primary road system as of July 1, 1977; provided, however, that not less than 2 percent of the public road mileage of each urbanized area shall be included as minor arterials on the state highway system. Urbanized areas not meeting the above minimum requirement shall have transferred to the state highway system additional minor arterials of the highest significance, in which case the total minor arterials on the state highway system from any urbanized area shall not exceed 2.5 percent of said area's total public urban road mileage. Excluding the interstate system, the state highway system shall be limited to 11,900 miles.

(27) "County road system".—The county road system of each county shall consist of all collector roads in the unincorporated areas and all extensions of such collector roads into and through any incorporated areas, all local roads in the unincorporated areas, and all urban minor arterials not on the state highway system.

(28) "City street system".—The city street system of each municipality shall consist of all local roads within that municipality, and all collector roads inside that municipality which are not on the county road system.

(29) "Routine maintenance".—Pavement patching, shoulder repair, cleaning and repair of drainage ditches and structures, mowing, bridge inspection and maintenance, pavement striping, litter cleanup, and such other similar activities of a minor scope as are necessary to maintain a safe and efficient transportation system.

(30) "Periodic maintenance".—Activities which are large in scope and require a major work effort to restore deteriorated components of the transportation system to a safe and serviceable condition and shall include, but not be limited to, the repair of large bridge structures, major repairs to bridges and bridge systems, and the mineral sealing or resurfacing of lengthy sections of roadway.

Section 6. Section 335.01, Florida Statutes, is amended to read:

335.01 Designation and systemization ~~classification~~ of public state roads.—

(1) All ~~public~~ roads open to travel by the public generally and dedicated to the public use, according to law or by prescription, and roads which are constructed out of public funds and dedicated for general public usage and all extensions thereof, and connections thereto are hereby designated and declared to be and are established as ~~public state~~ roads.

(2) ~~Public State~~ roads shall be divided into four ~~systems~~ ~~classes~~:

- (a) The state highway system;
- (b) The state park road system;
- (c) The county road systems; and
- (d) The city street systems.

Section 7. Section 335.04, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 335.04, F.S., for present text.)

335.04 Functional classification plan for roads; responsibilities of department.—

(1) No later than October 1, 1977, the department shall adopt, pursuant to chapter 120, a plan based upon functional classification of roads and shall begin to implement an orderly phase-in of such plan by no later than January 1, 1978. All transfers of responsibility between the state and local governments required by said plan shall be completed no later than July 1, 1982 except as herein provided. Any road for which responsibility is being transferred from the department to counties and municipalities shall be brought to a physical condition commensurate with contemporary roads of like age and existing functional classification within the county or city; provided, however, if said road has not been resurfaced within 12 years prior to the date of the proposed transfer or if the condition of said road when analyzed in accordance with the standards of measurement of pavement conditions, utilized by the department as of January 1, 1977, indicates the need for resurfacing, and if the county requests a resurfacing, the road shall be resurfaced prior to transfer. If the county and department are unable to agree on the need for resurfacing, the county shall have the right to administrative and judicial review as provided in chapter 120. Notwithstanding the time limitations otherwise provided in this chapter for the transfer of roads, no road which has been finally determined to need resurfacing shall be transferred to the county until it has been resurfaced. In cases of transfers between the state and local governments, federal assistance shall be utilized, when feasible, for this purpose. This requirement relating to physical conditions of roads at the time of transfer may be waived upon mutual consent. In transfers between counties and municipalities if the required physical improvements are not made by July 1, 1982, the affected county and municipality shall agree to terms and conditions of improvements and transfer, which agreement shall require transfer by no later than July 1, 1987.

(2) The department is authorized to match all federal aid highway funds and shall have the administrative responsibility for planning, programming, and contracting for all such federal aid projects in cooperation with local officials in accordance with federal regulations and state law. Upon completion of the transfers of responsibility required by the plan to be adopted by October 1, 1977, pursuant to subsection (1), federal aid funds available for county road and city street systems shall only be matched by funds provided by the counties or cities, but the department shall continue to have administrative responsibility for all federal aid highway funds.

(3) The department shall have the responsibility for continuing data collection and functional evaluation of public roads as is deemed necessary for planning and reclassification purposes. Beginning July 1, 1982, the department shall conduct a program that will insure that the classification of every public road shall be considered and evaluated at least once every 5 years. Such evaluation shall utilize quantitative criteria which shall have been adopted pursuant to chapter 120. The department shall hold a full public hearing in the county affected as an integral part of its evaluation procedures in order to receive public input prior to making any determination of classification. When the department makes a determination that a public road has changed function, the department shall within 30 days notify in writing the governmental entities concerned. Each year the department shall publish a report summarizing all such classification changes in that year and shall deliver such report to the President of the Senate and Speaker of the House by February 1. Transfer of responsibility shall be accomplished on a schedule mutually agreed upon by said governmental entities, provided, that said transfer shall occur no later than 3 years after the date the governmental entities are notified. After

July 1, 1982, the department, if requested by cities or counties, shall, within a reasonable period not to exceed 1 year, perform functional evaluations of specific roads utilizing the quantitative criteria referred to in this subsection, and the transfers resulting from such evaluations shall be accomplished as provided in this subsection. All obligations of the department, a county, or a city, under any maintenance, utility, or railroad crossing agreement or other such agreements, relating to any specific road to be transferred, shall be transferred at the same time and in the same manner as jurisdictional responsibility.

(4) The department, counties, cities, and other political subdivisions shall have the responsibility for the operation and maintenance of the roads under their respective jurisdiction except as otherwise provided by law. The department, counties, cities, and other political subdivisions may enter into such agreements as are deemed necessary and convenient for the proper exercise of their responsibilities provided herein; provided, however, the department shall discontinue maintaining, through contractual agreements, those facilities off the state highway system by July 1, 1980.

(5) The counties and cities shall sign an agreement with the Department of Transportation which requires the counties and cities to maintain in accordance with federal standards any road or portion thereof under their jurisdiction which was constructed with federal assistance and is on a federal aid system.

Section 8. Subsection (4) is added to section 335.075, Florida Statutes, to read:

335.075 Uniform minimum standards for design, construction, etc.; advisory committees.—

(4) *Each county shall have a professional engineer registered in Florida certify that all design, construction, and maintenance for each project complies with the standards established pursuant to subsection (1) and that are then in effect.*

Section 9. Use by counties of the surplus from the second gas tax.—

(1) Any county which has agreed prior to July 1, 1977, by resolution, to use the surplus of the second gas tax to provide a connecting road to a planned interchange on the interstate system, shall provide such connecting road.

(2) Any surplus which is not otherwise used to provide connecting roads pursuant to subsection (1) shall be used for a connected system of county roads within the county, which connected system of county roads shall be designated by the board of county commissioners after a hearing during which municipalities, other governmental units, and interested citizens shall be given an opportunity to be heard. Such connected system of county roads shall consist of those roads within the county which provide for significant intercounty and intracounty traffic and serve to supplement and move traffic to and from the state highway system.

Section 10. Section 336.01, Florida Statutes, is amended to read:

336.01 Designation of county road system.—~~The county road system shall be as defined in s. 334.03(27). The county road system shall consist of all public roads outside of municipalities not included in the state highway system or state park road system, and such municipal connecting links and extensions as may be agreed upon by the boards of county commissioners and municipal authorities.~~

Section 11. Section 336.41, Florida Statutes, is amended to read:

336.41 Counties; employing labor and providing road equipment; definitions.—

(1) The commissioners may employ labor and provide equipment as may be necessary *except as provided in subsection (3) for constructing and opening of new roads or bridges and repair and maintenance of any existing roads and bridges.*

(2) It shall be the duty of all persons to whom the commissioners deliver equipment and supplies for road and bridge purposes to make a strict accounting of the same to the commissioners.

(3) *All construction and reconstruction of roads and bridges, including resurfacing, full scale mineral seal coating, and major bridge and bridge system repairs, to be performed utiliz-*

ing the proceeds of the 80 percent portion of the surplus of the second gas tax shall be let to contract to the lowest responsible bidder by competitive bid except as follows: construction and maintenance in emergency situations, and in addition to emergency work, the county may utilize its own forces for construction and reconstruction, including resurfacing, mineral seal coating, and bridge repairs, having a total cumulative annual value not to exceed 5 percent of its 80 percent portion of the second gas tax or, \$50,000 whichever is greater. However, if, after proper advertising, no bids are received by a county for a specific project, the county may use its own forces to construct the project, notwithstanding the limitation of this subsection. Nothing in this section shall prevent the county from performing routine maintenance as authorized by law. The commissioners may contract with the Department of Transportation to perform maintenance upon the secondary system roads in said county and said Department of Transportation shall monthly pay to the commissioners the agreed cost thereof.

Section 12. Subsection (1) of section 336.44, Florida Statutes, is amended to read:

336.44 Counties; contracts for construction of roads; procedure; contractor's bond.—

(1) *The commissioners shall may let the work on roads out on contract, in accordance with s. 336.41(3) when, in their judgment, such would be to the advantage of the county.*

Section 13. Paragraphs (b) and (c) of subsection (2), and subsections (3) and (4) of section 339.08, Florida Statutes, are amended and subsection (5) is added to said section to read:

339.08 Use of gas tax revenue by department.—

(2) Such regulations shall provide that the use of the first gas tax be restricted to the following purposes:

(b) *To pay the cost of construction of the state highway system primary road and state park road system, including amounts necessary to match federal aid funds for such purposes. However, the department is authorized to match federal aid highway funds allocated to the county road and city street systems, until completion of the transfers of responsibility required by the plan adopted by October 1, 1977, pursuant to s. 335.04(1);*

(c) *To pay the cost of maintaining the state primary highway system and state park road system;*

(3) *Beginning July 1, 1977, the department shall develop and implement a phased transfer of the administrative responsibility for construction programs financed by the 80 percent portion of the second gas tax to the respective counties. In counties of over 100,000 population, this transfer of responsibility shall be made at the rate of not less than 20 percent per year and shall be completed by July 1, 1980. In counties having less than 100,000 population, there shall be an orderly transfer of responsibility, but in no case shall the transfer extend beyond July 1, 1980. All projects let to construction contract on or before June 30, 1977, shall be completed by the department. If requested by a county, the department may undertake or complete all stages of a project if it can be completed through the construction stage by July 1, 1980. Adequate arrangements shall be agreed to between the counties and the department to ensure that the department has sufficient funds to complete its projects as previously indicated. The Department of Transportation shall until July 1, 1980, lend its assistance, advice, and counsel to the counties, when requested, in order to assist in the development of a program for the management of the county road program. This assistance may include such areas as consultant procurement, right-of-way acquisition, specifications and construction inspection. by regulation provide for the expenditure of the proceeds of the 80 percent of the seventh cent gas tax accruing to the division for use of the counties in accordance with its annual budget; such moneys to be used by the division in the construction and maintenance of roads, including the purchase of right of way, in the county to which such gas tax applies. Such roads shall be those selected by the commissioners and approved by the Division of Road Operations to be a part of the secondary system of roads, as herein defined.*

(4) *The department is required to maintain on deposit with the State Board of Administration all proceeds of the 80 percent surplus of the second gas tax. The department shall*

by regulation provide for the transfer of the proceeds of the 80 percent surplus of the second gas tax in each county's account necessary to meet the current expenditures of the several counties. No county shall submit a voucher for transfer of funds unless such funds are to reimburse a prior expenditure or to maintain sufficient funds to meet anticipated expenditures for the next 60 days. Such transfers shall be processed by the department within 3 working days of receipt of the county's voucher. Such regulations shall not provide for department approval or control over county expenditures, but are to provide for routine processing of transfer vouchers from the State Board of Administration to the counties and for the investment of said second gas tax funds so as to maximize investment earnings to the counties. The department shall not charge any fees or allocate department overhead to the counties for these services. ~~shall by regulation prescribe for the expenditure of the proceeds of the 80 percent surplus of the second gas tax remitted to the Division of Road Operations for use in the counties in accordance with its annual budget; provided, however, the division shall not expend any funds derived from the 80 percent surplus of the second gas tax for the construction or reconstruction of any road or bridge except where requested to do so by resolution from the county commissioners; such moneys shall then be used by the division for the construction or reconstruction of roads and bridges or for the lease or purchase of bridges on the state highway system within the county to which such surplus applies or to acquire right of way for such roads and bridges; provided, however, that nothing herein contained shall in any way impair the present county road and bridge district bonds, revenue certificates, or other valid obligations of the respective counties.~~

(5) *The department is authorized to advance second gas tax trust funds to the Working Capital Trust Fund in an amount not to exceed \$22,500,000. However, nothing herein contained shall in any way impair the present county road and bridge district bonds, revenue certificates, or other valid obligations of the respective counties. The department shall replace the second gas tax funds in the Working Capital Trust Fund by July 1, 1983.*

Section 14. Section 339.083, Florida Statutes, is created to read:

339.083 County transportation trust fund; controls and administrative remedies.—Each county shall establish and maintain a transportation trust fund for all transportation related revenues and expenditures. All funds received by a county for transportation shall be deposited into this fund. No expenditures other than transportation expenditures authorized by law shall be made from said fund. Each county shall use a uniform accounts classification system approved by the State Comptroller. The Auditor General shall conduct an audit of each such special trust fund at such intervals of time as practicable and in accordance with s. 11.45, to assure that the surplus of the second gas tax distributed to each county is being expended in accordance with law. If, as a result of an audit, the Auditor General determines that a county has violated the constitutional or statutory requirements for expenditure of transportation funds, he shall immediately notify the county. The county shall have an opportunity to respond to the auditor's report within 30 days after the date of written notification to the county. If the Auditor General refuses to modify or repeal his findings the county may have such findings reviewed pursuant to the provisions of the Administrative Procedure Act, chapter 120. If the findings of the Auditor General are upheld after exhaustion of all administrative and legal remedies of the county, no further surplus second gas tax funds in excess of funds for committed projects shall be distributed to the violating county until the county corrects the matters cited by the Auditor General and such corrections have been certified by the Auditor General as having been completed.

Section 15. The department shall recommend to the Department of Banking and Finance no later than April 1, 1978, uniform program data to be furnished by each local government as a part of its annual financial report submitted pursuant to s. 218.32. Such data shall include, but not be limited to, miles of new construction, miles resurfaced or reconstructed, miles maintained, work performed by county or municipal forces and by contract, contracts let and such other pertinent information as determined by the department. The department shall compile an annual comprehensive transportation report for presentation to the Legislature no later than March 15 of each year.

Section 16. Subsection (2) of section 337.29, Florida Statutes, is amended, and subsection (3) is added to said section to read:

337.29 Title to roads in State Highway, County Road, City Street and State Park Road Systems; recording deeds and maps.—

(2) Upon the vesting of title to any lands for highway purposes in the state, the commissioners or public municipal authorities, as the case may be, shall forthwith issue a deed or right-of-way map to the state covering said lands which shall be duly recorded. Recordation of deeds or right-of-way maps shall also be effected upon acquisition of any lands by the Division of Administration.

(3) *Title to all roads transferred in accordance with the provisions of s. 335.04 shall be in the governmental entity to which said roads have been transferred upon the recording of a right-of-way map by the appropriate governmental entity in the public land records of the county or counties in which such rights-of-way are located. Liability for torts shall be in the governmental entity having title as provided herein.*

Section 17. Sections 335.041 and 339.031, and subsections (1), (8), (12), and (13) of section 334.03, Florida Statutes, are hereby repealed.

Section 18. This act shall take effect July 1, 1977.

Senator Ware moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 11, line 26, insert:

(6) Any toll facility administered by the department shall remain under department administration pursuant to the terms of the trust indenture. Toll facilities administered by cities or counties shall be transferred to another jurisdiction only upon mutual agreement of the concerned parties.

(Renumber subsequent sections)

Amendment 1 as amended was adopted.

Senator Myers moved the following amendment which was adopted:

Amendment 2—On page 1, line 1, strike the title and insert:

A bill to be entitled An act relating to transportation; amending s. 129.01(1), Florida Statutes; renaming county road and bridge fund; amending s. 129.011(1), Florida Statutes; providing for a separate county transportation trust fund in the county budget; amending s. 206.47(7), Florida Statutes; authorizing the Department of Transportation to maintain all proceeds of the 80 percent surplus of the second gas tax on deposit with the State Board of Administration; amending s. 206.60(2)(b), (c), Florida Statutes; deleting certain provisions relating to maintenance of secondary roads by the Department of Transportation and distribution of certain secondary federal funds; adding s. 334.03(18)-(30), Florida Statutes; defining certain terms for purposes of the Transportation Code; amending s. 335.01, Florida Statutes, providing for designations and systemization of public roads; amending s. 335.04, Florida Statutes; providing for a functional classification plan for roads; requiring transfer of responsibility for maintenance of certain public roads; authorizing the matching of certain federal aid highway funds; providing certain responsibilities for the Department of Transportation relating to reevaluation of the functional classification of public roads; providing for operation and maintenance of public roads; adding s. 335.075(4), Florida Statutes; providing for the certification of the compliance with design, construction, and maintenance standards; prescribing uses of the surplus from the second gas tax distributed to the counties; amending s. 336.01, Florida Statutes; defining county road system; amending s. 336.41, Florida Statutes; limiting the use of existing county forces in the construction of public roads; amending s. 336.44(1), Florida Statutes; requiring boards of county commissioners to let contracts for certain work on public roads; amending s. 339.08(2)(b), (c), (3), (4), Florida Statutes, and adding subsection (5) to said section; providing for the use of certain gas tax revenues by the Department of Transportation; providing for transfer of administrative responsibility; providing for advance of certain gas tax revenues; creating s. 339.083, Florida Statutes;

providing for county transportation trust funds; providing for controls and administrative remedies; providing for annual reports by local governments to the department; requiring department to report to Legislature; amending s. 337.29(2), Florida Statutes, and adding a subsection (3) thereto, relating to transfer of title to certain roads; repealing s. 334.03(1), (8), (12), and (13), Florida Statutes, the definitions of the terms "arterial highways," "primary road system," "secondary road system," and "state highway system"; repealing s. 335.041, Florida Statutes, relating to designation of roads for the expenditure of secondary road funds; repealing s. 339.031, Florida Statutes, relating to highway secondary trust funds; providing an effective date.

On motion by Senator Myers, by two-thirds vote CS for HB 803 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gorman	Myers	Thomas, Jon
Castor	Graham	Peterson	Thomas, Pat
Chamberlin	Hair	Poston	Tobiassen
Childers, Don	Henderson	Renick	Trask
Childers, W. D.	Holloway	Sayler	Vogt
Dunn	Johnston	Scarborough	Ware
Firestone	Lewis	Scott	Williamson
Gallen	MacKay	Skinner	Wilson
Glisson	McClain	Spicola	Winn

Nay—1

Zinkil

Vote after roll call:

Nay to Yea—Zinkil

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By the Committee on Commerce and Senator Peterson—

SB 1231—A bill to be entitled An act relating to unemployment compensation; amending s. 443.03(5)(a), (b), (d), (i), (l), (n), (o), (7), (11), (13)(b), Florida Statutes; redefining the terms "employment", "employer", "state", and "wages" for the purposes of the Unemployment Compensation Law; adding s. 443.03(17), Florida Statutes; defining "educational institution" for the purposes of such law; amending s. 443.04(5)(a), Florida Statutes; redefining "national and state 'on' and 'off' indicators" and "exhaustee" for the purposes of payment of extended benefits; amending s. 443.05(3), Florida Statutes; providing eligibility conditions for benefits based on services performed for educational institutions or institutions of higher education; adding s. 443.05(5), (6), (7), Florida Statutes; establishing benefit eligibility conditions for individuals participating in sports or athletic events or training therefor; providing that wages for insured work include wages paid for previously uncovered services; providing that certain benefits paid to individuals whose base period wages include wages for previously uncovered services not be charged to the employer or the employer's experience rating account; amending s. 443.06(1), (7), Florida Statutes; deleting pregnancy as an exception to good cause for separation from employment; providing for the denial of benefits based on alien status; amending s. 443.08(5), Florida Statutes; providing optional methods of financing benefits paid to employees of governmental entities; amending s. 443.09(2)(c), Florida Statutes; providing for termination of coverage by governmental entities; repealing s. 443.08(6), Florida Statutes, relating to financing of benefits paid to employers of political subdivisions of the state; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 36, line 19, insert after the word "act": , and that portion of section 3 of this act amending s. 443.05(3),

On motion by Senator MacKay, the Senate refused to concur in the House amendment, and the House was requested to

recede. The action, with the bill and amendment, was certified to the House.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Judiciary-Criminal and Senator Dunn and others—

CS for SB 1431—A bill to be entitled An act relating to theft and stolen property; prescribing acts that constitute the offense of theft; providing for grades of theft; providing penalties; making it a crime for any dealer to possess property knowing that the identifying features have been altered; providing a penalty; making it a crime to traffic in property known to have been stolen; making it a higher degree crime to initiate, organize, plan, finance, direct, manage or supervise a theft and traffic in stolen property; providing penalties; providing for the treatment of evidence of dealing in stolen property; providing for precluded defenses; providing a supplemental fine; providing for the rights of innocent persons; providing civil remedies of divestiture, reasonable restrictions on future activities, dissolution or reorganization of any enterprise, revocation or suspension of licenses or permits, and forfeiture of corporation charter or revocation of certificate authorizing a foreign corporation to conduct business within this state; providing for seizure and disposition of seized and forfeited property; providing that any aggrieved person may institute civil proceedings; amending s. 905.34, Florida Statutes, to extend the subject matter jurisdiction of the statewide grand jury to include violations of this act; amending s. 934.07, Florida Statutes, to permit authorization for the interception of wire or oral communications to provide evidence of any violation of the provisions of this act; repealing s. 812.011, Florida Statutes, relating to definitions; repealing s. 812.021, Florida Statutes, relating to larceny; repealing s. 812.031, Florida Statutes, relating to stolen property; repealing s. 812.071, Florida Statutes, relating to larceny of horses and cows; providing severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 2, line 16, before "Section 1." insert: Section 1. Subsection (7) is added to section 812.031, Florida Statutes, 1976 Supplement, to read:

812.031 Receiving stolen property.—

(7) *Stolen property shall retain its character as stolen property and it shall not be a defense to a prosecution under this section that the property has lost its stolen character until the property is intercepted by law enforcement officers or an agent of the owner and either returned to the owner or held for a period of 30 days from the date the property was intercepted.*

(Renumber subsequent sections.)

House Amendment 2—On page 1 in title, on the last line following "act;" insert: adding subsection (7) to s. 812.031, Florida Statutes, 1976 Supplement, providing that stolen property retains its character as stolen property for purposes of the unlawful receipt of stolen property until certain conditions are met;

On motions by Senator Dunn, the Senate concurred in the House Amendments.

CS for SB 1431 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gorman	Peterson	Thomas, Pat
Chamberlin	Hair	Poston	Tobiassen
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Sayler	Wilson
Dunn	Johnston	Scarborough	Winn
Firestone	Lewis	Scott	Zinkil
Gallen	MacKay	Skinner	
Glisson	McClain	Thomas, Jon	

Nays—None

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Explanation of
Substantial Changes in CS/HB 803

1. Section 3 (page 4) - Section 199.292 (4) is amended to require 45% of the total net intangible personal property taxes collected to be transferred to the Revenue Sharing Trust fund for municipalities. Now this money goes to General Revenue. This is part of the reimbursement to the cities for the 8th cent.
2. Section 5 (page 7) - Section 206.605 (1) is amended. This is the provision which transfers the 8th cent gas tax to the State Transportation Trust Fund. (STTF)
3. Section 6 (page 8) - Amends Section 215.22 (1). Provides that 50 percent of the proceeds of the 4 percent service charge deducted for the cost of collecting the first gas tax shall be deposited monthly in the County Revenue Sharing Trust Fund to be used by counties for maintaining roads transferred to them, and for "other transportation purposes." This provision will be void and inoperable if the equivalent of one penny of gas tax is transferred from the tag revenues to the STTF and the county revenue sharing trust fund for transportation purposes.
4. Section 7 (page 8) - Substantial rewording of s. 320.20. This provision allocates the license tag revenues;
(1) A portion to satisfy constitutional and statutory requirements. This amounts to approximately \$65 million.
(2) 19.1 % (about \$34.4 million) to be deposited in the STTF until 7/1/80 at which time the percentage is reduced to 16.1% (about \$28.98 million). (3) 8.6% (about \$15.5 million) to be deposited in the County Revenue Sharing Trust Fund until 7/1/80 at which time the percentage will increase to 11.6% (about \$20.88 million. The revenue transferred to the County Revenue Sharing Trust Fund is to be used to maintain roads being transferred to the counties under s. 335.04, and other transportation needs. (4) The remainder of the license tag revenue is to be deposited in the General Revenue Fund. (The dollar amounts associated with the percentages in (2) and (3) are based on gross license tag revenues of \$180 million.)
5. Section 8 (page 9) - Paragraph (a) of subsection (2) of section 210.20, F.S. is amended to increase the proportion of cigarette tax collections credited to the municipal Revenue Sharing Trust Fund from eleven seventeenths to twelve seventeenths. This is part of the reimbursement to the cities to replace the 8th cent gas tax money, and amounts to approximately \$11 million.

Explanation of Substantial Changes in CS/HB 803
Page 2.

6. Section 9 (pages 10-12) - This section contains definitions. Subsections (25) and (26) defining the "State highway system" and "County road system", respectively, are amended to reflect the exclusion of urban minor arterials (UMA) from the state system and the inclusion of all UMA's on the county road system. The definition of the county road system also reflects the change to include roads through any incorporated areas.
7. Section 11 (page 13) - Subsection (3) is added to s.335.02. This provision authorizes (but does not require) the DOT to prepare maps delineating the proposed R/W for the widening or initial construction of state roads. Local governments shall hold hearings, after notice and advertising same, before approving or disapproving such maps. Approved maps shall be recorded with the clerk of the circuit court in the county, and shall establish (a) building set-back lines, (b) an area of proposed highway construction for which permits for new construction shall not issue for five years after the date of recording and (c) the basis for a petition by an affected property owner alleging an unreasonable regulation - essentially an inverse condemnation claim. Chapter 120 is available for the resolution of such petitions.
8. Section 12 (pages 15-18) - Section 335.04 is amended. This is the heart of functional reclassification. The five year phase-in of the plan is retained except for UMA, which must be transferred to the counties by 7/1/80. Another change added a requirement for resurfacing, similar to CS/SB 317 but which is tied only to pavement conditions based on DOT standards of measurement. Chapter 120 is provided as a means of settling disputes over the need for resurfacing. Time limits are waived for roads which need resurfacing.

Subsection (3) of section 335.04 contains a statement of legislative intent that the department will continue to fully utilize federal aid "according to priority of need and in accordance with federal requirements regardless of the system upon which the need occurs. A second statement of legislative intent appears in subsection (5) of the section and relates to the department assuming responsibility for the purchase of all rights-of-way on the state highway system. (page 17, lines 27-29).

9. Section 18 (page 23) - Repeals subsections (2), (3) and (4) of section 206.605. Since all of the eighth cent gas tax will go to the department, the remaining sections of

Explanation of Substantial Changes in CS/HB 803
Page 3.

s. 206.605 are useless.

10. Section 19 (page 23) - Section 337.29 is amended. This is the amendment requested by the League of Cities to vest title to the right of way in the governmental entity which has responsibility for the roadway. The vesting occurs upon filing or recording of a deed or right-of-way map. Liability for torts lies with the title-holder.
11. Section 20 (page 24) - The effective date is 7/1/77 providing that legislation is passed to reimburse the cities for the transfer of the eighth cent gas tax to the STTF.

DATE: April 13, 1977

COMMITTEE ACTION: 1. Fav.w/CS.

-FINAL-

2. Fav.w/2 Amdts.

STAFF ANALYSIS AND ECONOMIC STATEMENT
Appropriations Committee (Sloyer)

XXXXXXXXXXXX

HEB

Amend. or CS Attached

Bill No. and Sponsor: CS/SB 317
by Committee on Transportation

Subject: Transfer of administration
of surplus of 2nd gas tax & designation of
roads by function.

REFERENCES: 1. Transportation; 2. Appropriations

I. SUMMARY adopted as a committee substitute

This bill provides for: (1) a phased transfer of the administrative responsibility of the 80 percent surplus of the second gas tax to the counties, and (2) defines the public road system in terms of jurisdictional responsibility and the roads comprising those systems according to functional classification.

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II. PURPOSE

A. Present Situation:

(1) The Constitution stipulates that the surplus, of the second gas tax accruing to a county, be distributed 80% to the Department of Transportation for use in that county and 20% directly to the board of county commissioners. It further stipulates that the 80% figure may be changed by general law. A county, by resolution, authorizes the DOT to expend the 80% portion on specific projects in that county. The counties are authorized to let to contract road and bridge work if such is deemed advantageous.

(2) The state highway system, which is one of four classes of state roads, consists of the primary road system and the secondary system. The Department is required by statute /335.04(1)/ to formulate a classification plan for all roads on the state highway system based upon standards relating to financing, design, and service. The primary road system, limited to 11,300 miles excluding interstate, consists of interstate and other arterial highways connecting urban areas, federally-numbered highways, roads connecting county seats, and other roads which the Department, at its discretion, has designated after holding a public hearing. Roads for the secondary road system are selected by resolution of county commissioners and approved by the Department. The Division of Road Operations has responsibility for the state highway system while the counties are responsible for the county road system defined in s. 336.01, Florida Statutes. A loose interpretation of these broad definitions, and changes in the functions served by some roads, has resulted in systems overlapping in road content.

B. Effect on Present Situation:

1. The bill would transfer the administrative responsibility for construction programs financed by the 80% portion of the surplus gas tax to the counties by no later than July 1, 1980. During the period 7/1/77-7/1/80, the DOT would complete all phases of projects for which it had responsibility and would be reimbursed for such work. The counties would then have total responsibility for the design, right-of-way acquisition, and construction supervision of projects built in accordance with specified standards. The 80% surplus would be maintained

on deposit with the State Board of Administration which would invest it and the DOT would routinely process county vouchers for reimbursement. \$22.5 million of surplus gas tax funds will be advanced to the Department's Working Capital Trust Fund to be replaced by July 1, 1983. The counties must report annually on their expenditures utilizing the surplus proceeds. Except for routine maintenance and emergency work, counties must contract all road and bridge construction projects whose total cumulative annual value exceeds 5% of the county's 80% portion of the tax, or \$50,000, whichever is greater.

2. The bill redefines the state highway system and county road system by roads according to their functional classification. It also provides a definition of the city street system.

By redefining the systems, the responsibility for some roads will be transferred between the state and local governments.

The department is required to adopt, under Chapter 120, a functional classification plan and complete transfers of responsibility between jurisdictions required by the plan by July 1, 1982. After the initial implementation of the plan, the department shall reevaluate the road classifications at least once every five years, and procedures for reevaluation are provided. Pursuant to a specific request by a local government, the department's reevaluation shall be conducted within one year, but in any case the department is to complete any required transfers, after the initial implementation period, within 3 years.

The transferring jurisdictions shall be responsible for upgrading roads to be transferred, unless waived, for normal maintenance operations for roads on or transferred to their system, and for utility and railroad crossing or similar maintenance agreements associated with roads transferred to their system. The department shall discontinue maintenance contracts for roads off the state system by July 1, 1980. The DOT is also authorized to match federal aid highway funds allocated to the county road and city street system.

III. ECONOMIC CONSIDERATIONS

Economic Impact: Yes X No

A. Economic Impact on Local Government:

1. The bill will not increase the amount of the allocation that each county receives from the second gas tax. It will, however, give the counties more direct control over the manner in which the revenue is utilized. This has been the criticism of the present system in that many counties feel that they can administer the program in a more efficient and economical manner than the DOT.

By placing the administration at the local level, the counties will be in a position to initiate the cost reductions desired (They will be responsible for their own design and construction supervision.). The net economic effect of returning the second gas tax surplus to the counties will depend upon the relative ability of counties to manage their funds more efficiently than is presently done by DOT.

The \$22.5 million advanced to the Working Capital Trust Fund will not earn interest for the counties.

2. The economic impact of functional reclassification on a particular county will depend on the net mileage transferred in that county. If the county receives additional net mileage for its system, then the associated maintenance costs should increase. If the net transfer means the county gives up mileage to the state system, then its maintenance costs should decrease.

Existing County System (As of Dec. 31, 1976)			
County and Code No.	County System (Miles)	Maintenance Cost (\$Millars)	Dist. Total
01 Charlotte	3 039 1	1 346 321	
04 DeSoto	330 1	423 090	
05 Glades	153 2	237 568	
06 Hardee	570 2	715 007	
07 Hendry	272 5	519 594	
08 Hernando	471 7	590 116	
09 Highlands	692 2	831 109	
10 Hillsborough	1 250 6	3 510 252	
12 Lee	2 009 6	1 526 536	
13 Manatee	719 3	2 401 023	
14 Pasco	726 4	2 234 426	
15 Pinellas	851 6	2 216 215	
16 Polk	2 443 2	5 166 512	
17 Sarasota	950 4	1 072 997	
Dist. Total	15 240 6	23 390 807	
26 Alachua	1 253 7	1 229 330	
27 Baker	225 5	396 157	
28 Bradford	461 1	287 265	
71 Clay	921 0	226 205	
29 Columbia	1 121 0	583 864	
30 Dixie	1 072 0	327 214	
72 Duval	0	0	
31 Gilchrist	610 4	173 370	
32 Hamilton	710 7	365 502	
33 Lafayette	931 6	126 568	
34 Levy	1 411 7	580 209	
35 Madison	1 066 4	326 318	
74 Nassau	244 8	911 427	
37 Suwannee	1 311 2	732 485	
38 Taylor	1 348 0	462 364	
39 Union	355 0	189 225	
Dist. Total	13 707 0	8 244 808	
46 Bay	289 5	1 390 310	
47 Calhoun	317 6	352 299	
48 Escambia	1 024 7	2 701 109	
49 Franklin	315 7	266 199	
50 Gadsden	693 4	856 349	
51 Gulf	240 6	463 872	
52 Holmes	597 6	429 254	
53 Jackson	1 123 4	660 552	
54 Jefferson	375 0	356 250	
55 Leon	723 6	1 565 147	
56 Liberty	463 2	244 311	
57 Okaloosa	963 0	1 707 701	
58 Santa Rosa	1 094 2	1 336 918	
59 Wakulla	641 5	323 391	
60 Walton	908 0	847 164	
61 Washington	911 3	364 312	
Dist. Total	11 293 1	16 157 440	
86 Broward	611 1	2 309 939	
03 Collier	871 9	1 500 540	
87 Dade	2 993 0	3 684 224	
88 Indian River	505 0	1 170 230	
89 Martin	502 3	1 236 162	
90 Monroe	302 5	809 025	
91 Okeechobee	152 0	342 017	
92 Palm Beach	2 391 7	4 427 122	
94 St. Lucie	622 7	761 907	
Dist. Total	9 009 5	17 447 170	
70 Brevard	590 1	3 089 055	
02 Citrus	1 162 0	1 013 133	
73 Flagler	132 6	911 029	
11 Lake	819 2	1 350 408	
36 Marion	1 296 2	1 508 752	
75 Orange	2 323 5	7 515 221	
92 Osceola	414 8	1 149 151	
76 Putnam	791 2	1 350 209	
78 St. Johns	349 6	1 050 300	
77 Seminole	544 5	1 077 321	
18 Sumter	328 0	328 152	
79 Volusia	1 222 1	4 110 772	
Dist. Total	10 676 0	24 851 106	
State Total	61 426 6	87 451 281	

Plan "C" County System			
County and Code No.			
01 Charlotte	3 032 9	1 352 435	
04 DeSoto	334 2	425 018	
05 Glades	157 7	277 277	
06 Hardee	585 6	733 757	
07 Hendry	271 7	616 437	
08 Hernando	503 3	635 275	
09 Highlands	715 5	845 325	
10 Hillsborough	1 257 5	3 524 788	
12 Lee	2 014 5	1 526 540	
13 Manatee	723 6	2 428 201	
14 Pasco	728 2	2 342 365	
15 Pinellas	852 2	2 332 915	
16 Polk	2 515 2	5 217 855	
17 Sarasota	956 7	1 095 490	
Dist. Total	15 521 8	23 910 462	
26 Alachua	1 305 0	1 327 595	
27 Baker	260 0	410 880	
28 Bradford	510 9	318 291	
71 Clay	1 028 7	1 011 212	
29 Columbia	1 103 6	695 892	
30 Dixie	1 085 8	402 832	
72 Duval	0	0	
31 Gilchrist	650 6	182 919	
32 Hamilton	723 9	474 155	
33 Lafayette	940 7	198 498	
34 Levy	1 422 1	595 091	
35 Madison	1 038 0	332 928	
74 Nassau	255 8	955 331	
37 Suwannee	1 334 3	739 202	
38 Taylor	1 368 4	469 361	
39 Union	370 6	198 271	
Dist. Total	14 761 4	6 263 252	
46 Bay	815 5	1 436 096	
47 Calhoun	445 9	377 231	
48 Escambia	1 032 8	2 722 461	
49 Franklin	352 0	298 848	
50 Gadsden	725 1	896 734	
51 Gulf	281 2	542 154	
52 Holmes	725 6	473 092	
53 Jackson	1 197 7	704 248	
54 Jefferson	435 0	412 309	
55 Leon	749 9	1 622 034	
56 Liberty	549 3	282 929	
57 Okaloosa	991 6	1 964 360	
58 Santa Rosa	1 144 7	1 397 579	
59 Wakulla	682 5	419 055	
60 Walton	925 3	864 234	
61 Washington	924 5	370 201	
Dist. Total	11 490 6	14 787 549	
86 Broward	667 2	3 067 786	
03 Collier	887 3	1 527 215	
87 Dade	3 223 3	3 736 799	
88 Indian River	611 6	1 152 254	
89 Martin	630 5	1 608 406	
90 Monroe	328 2	811 339	
91 Okeechobee	169 8	490 552	
92 Palm Beach	2 539 5	4 840 001	
94 St. Lucie	646 3	760 425	
Dist. Total	10 411 8	18 021 725	
70 Brevard	620 1	4 077 111	
02 Citrus	1 215 7	1 055 322	
73 Flagler	154 1	343 335	
11 Lake	825 4	1 300 336	
36 Marion	2 107 2	1 673 673	
75 Orange	2 399 8	7 763 353	
92 Osceola	445 1	1 424 843	
76 Putnam	795 1	1 383 472	
78 St. Johns	352 7	1 072 186	
77 Seminole	550 3	1 098 493	
18 Sumter	375 0	444 000	
79 Volusia	1 292 2	4 321 117	
Dist. Total	11 326 4	26 027 370	
State Total	63 497 0	90 313 546	

NOTE: The figures above do not include the Interstate or Turnpike which are state responsibilities under all plans

County and Code No.	Labels to be Submitted 2/1/77	Prepaid Labels to MA. 2/1/77	POSTS to be Submitted
01 Charlotte	0	0	0
03 DeSoto	0	0	0
05 Glades	0	0	0
06 Hardee	0	0	0
07 Hendry	0	0	0
08 Hernando	0	0	0
09 Highlands	0	0	0
10 Hillsborough	43 0	6 2	44 000
12 Lee	13 3	0	0
13 Manatee	35 3	0	0
14 Pasco	0	0	0
15 Pinellas	87 3	0	0
16 Polk	9 5	0 3	10 000
17 Sarasota	22 8	0	0
Dist. Total	232	6 5	45 000
26 Alachua	5 7	0	0
27 Baker	0	0	0
28 Bradford	0	0	0
71 Clay	0	0	0
29 Columbia	3 7	0	0
30 Dixie	0	0	0
72 Duval	39 4	38 3	222 000
31 Gilchrist	0	0	0
32 Hamilton	0	0	0
33 Lafayette	0	0	0
34 Levy	0	0	0
35 Madison	0	0	0
74 Nassau	0	0	0
37 Suwannee	0	0	0
38 Taylor	0	0	0
39 Union	0	0	0
Dist. Total	51 8	38 3	222 000
46 Bay	32 0	0	0
47 Calhoun	0	0	0
48 Escambia	47 7	0	0
49 Franklin	0	0	0
50 Gadsden	0	0	0
51 Gulf	0	0	0
52 Holmes	0	0	0
53 Jackson	0	0	0
54 Jefferson	0	0	0
55 Leon	10 4	0	0
56 Liberty	0	0	0
57 Okaloosa	8 0	0	0
58 Santa Rosa	0	0	0
59 Wakulla	0	0	0
60 Walton	0	0	0
61 Washington	0	0	0
Dist. Total	78 1	0	0
86 Broward	96 6	0	0
03 Collier	0	0	0
87 Dade	8 4	7 7	707 000
88 Indian River	0	0	0
89 Martin	0	0	0
90 Monroe	0	0	0
91 Okeechobee	0	0	0
93 Palm Beach	45 6	13 2	74 000
94 St. Lucie	0	0	0
Dist. Total	140 6	10 9	124 000
70 Brevard	17 4	14 7	92 000
02 Citrus	0	0	0
73 Flagler	0	0	0
11 Lake	0	0	0
36 Marion	0	0	0
75 Orange	42 7	15 4	61 000
92 Osceola	0	0	0
76 Putnam	0	0	0
78 St. Johns	0	0	0
77 Seminole	0	5 9	27 000
18 Sumter	0	0	0
79 Volusia	4 8	11 8	33 000
Dist. Total	64 4	47 8	241 000
State Total	523 6	193 5	1 354 000

2/17/77

ANALYSIS OF ESTIMATED CURRENT ANNUAL MAINTENANCE COST BY JURISDICTION FOR EXISTING (DECEMBER 31, 1976) ROAD SYSTEMS WHERE RESPONSIBILITIES ARE AS FOLLOWS:

STATE RESPONSIBLE FOR PRIMARY SYSTEM
 COUNTY RESPONSIBLE FOR SECONDARY AND COUNTY ROAD SYSTEM
 CITY RESPONSIBLE FOR CITY STREET SYSTEM

County and Code No.	Existing State System (As of Dec. 31, 1976)		Existing County System (As of Dec. 31, 1976)		Existing City System (As of Dec. 31, 1976)	
	Primary System (Miles)	Maintenance Cost (Dollars)	County System (Miles)	Maintenance Cost (Dollars)	City System (Miles)	Maintenance Cost (Dollars)
01 Charlotte	87.4	1,473,000	1,039.1	1,345,322	127.5	165,232
04 DeSoto	10.0	291,000	128.2	422,890	71.1	125,322
05 Glades	95.2	302,000	153.9	237,568	11.5	10,605
05 Hardee	102.1	273,000	370.7	215,287	65.2	71,002
07 Hendry	69.2	431,900	229.6	512,484	52.5	57,714
08 Hernando	121.9	774,000	371.7	520,116	54.1	81,413
09 Highlands	142.1	499,000	672.9	571,103	108.6	225,120
10 Hillsborough	299.8	2,130,000	1,050.5	1,710,353	1,409.8	1,207,771
12 Lee	119.8	895,000	2,708.4	1,525,435	1,751.4	523,612
13 Manatee	177.1	955,000	219.3	2,401,221	217.9	255,994
14 Pasco	151.2	842,000	726.1	2,221,505	170.2	455,621
15 Pinellas	193.5	1,215,000	851.6	2,216,725	2,022.4	3,631,861
16 Polk	405.1	1,777,000	2,591.9	5,166,512	754.0	1,315,228
17 Sarasota	132.3	1,010,000	298.4	1,072,987	677.7	315,590
Dist. Total	2,125.0	11,543,000	15,560.0	21,399,507	7,435.4	12,154,599
25 Alachua	272.0	1,272,000	1,265.7	1,223,320	471.7	1,110,467
27 Baker	29.6	250,000	225.6	296,157	23.7	15,002
28 Duval	102.5	319,000	461.1	287,265	55.9	161,000
31 Clay	136.1	530,000	921.8	976,202	85.5	172,615
29 Columbia	153.8	577,000	1,171.0	623,568	77.8	161,005
30 Dixie	59.0	239,000	1,023.0	397,232	27.2	25,608
32 Duval	395.9	2,249,000	0	0	5,238.8	6,631,845
31 Gilchrist	73.9	200,000	615.3	172,220	38.4	61,531
32 Hamilton	64.2	207,000	719.7	555,979	41.4	55,221
33 Lafayette	71.1	145,000	511.6	195,368	17.4	50.1
34 Levy	208.1	791,000	1,411.2	580,209	87.1	64,247
35 Madison	118.1	391,000	1,256.2	325,323	38.1	161,717
34 Nassau	102.4	503,000	744.8	941,327	82.4	111,744
37 Suwannee	59.1	261,000	1,311.2	727,495	80.7	160,139
38 Taylor	115.5	196,000	1,148.0	452,344	76.6	219,120
39 Union	61.1	196,000	155.0	153,925	18.9	52,441
Dist. Total	2,911.0	8,545,000	14,392.0	8,611,594	5,919.2	9,362,481
45 Bay	207.8	1,032,000	299.5	1,100,110	433.4	851,602
47 Calhoun	99.1	335,000	317.6	351,230	22.0	54,302
48 Escambia	190.6	1,230,000	1,021.7	2,701,320	292.4	642,412
49 Franklin	97.2	495,000	315.9	268,199	44.6	115,626
50 Gadsden	126.6	571,000	693.4	856,143	110.8	225,126
51 Gulf	93.2	571,000	230.6	461,377	22.2	95,331
52 Holmes	130.2	459,000	597.6	443,254	39.9	122,524
53 Jackson	279.4	850,000	1,123.1	640,559	117.6	391,545
54 Jefferson	124.1	394,000	325.0	155,250	34.6	69,422
55 Leon	185.1	1,151,000	723.5	1,565,327	331.0	816,781
56 Liberty	115.5	157,000	463.9	244,211	15.0	27,000
57 Oklawaha	179.4	975,000	963.0	1,002,323	253.5	603,555
58 Santa Rosa	215.7	834,000	1,071.2	1,316,212	76.2	159,222
59 Wakulla	127.1	298,000	641.5	393,321	11.7	6,262
60 Walton	201.5	704,000	308.0	347,664	55.3	160,111
61 Washington	106.3	285,000	311.4	354,312	47.8	77,145
Dist. Total	2,469.0	10,352,000	11,003.2	14,147,420	1,911.7	4,915,697
86 Broward	245.7	1,847,000	611.1	2,309,333	2,264.1	5,031,425
03 Collier	209.0	497,000	371.9	1,500,520	115.4	303,411
87 Dale	224.3	2,172,000	2,485.0	3,654,324	2,242.0	3,085,204
88 Indian River	104.2	552,000	505.0	1,122,535	223.1	321,721
89 Martin	141.1	387,000	602.1	1,200,157	81.9	151,650
90 Monroe	116.2	1,201,000	177.5	303,975	62.0	225,109
91 Okeechobee	101.3	111,000	151.2	142,012	92.9	70,000
93 Palm Beach	176.1	2,010,000	2,991.7	4,827,372	1,157.3	3,111,000
94 St. Lucie	129.1	450,000	522.9	781,327	628.1	892,415
Dist. Total	1,679.0	10,567,000	9,820.4	17,407,120	7,261.6	14,027,113
70 Brevard	258.1	1,545,000	636.1	1,422,355	1,956.1	1,793,656
02 Citrus	136.6	121,000	1,150.9	1,013,231	108.7	251,700
71 Flagler	81.7	329,000	119.6	311,259	36.7	97,422
11 Lake	102.7	802,500	419.2	1,220,520	329.5	612,512
36 Marion	159.0	957,000	1,409.2	1,623,820	392.6	440,026
75 Orange	105.4	1,267,000	2,323.5	7,816,221	715.1	2,735,625
92 Osceola	137.5	415,000	425.8	1,104,751	122.5	260,005
76 Putnam	151.0	222,000	721.2	1,354,322	97.5	203,023
78 St. Johns	148.7	1,141,000	158.6	1,000,000	84.1	200,662
77 Seminole	86.8	414,000	511.5	1,077,321	497.2	566,111
18 Sumter	129.0	241,000	129.0	384,152	70.2	162,750
79 Volusia	242.1	1,126,000	1,220.3	3,100,129	798.1	1,750,248
Dist. Total	2,116.6	9,811,000	10,777.7	24,651,100	4,242.9	6,691,113
State Total	10,793.5	59,193,000	61,426.6	87,181,221	26,926.8	50,222,100

NOTE: The figures above do not include the Interstate or Turnpike, which are state responsibilities under all plans.

STAFF ANALYSIS AND ECONOMIC STATEMENT
Appropriations Committee (Sloyer)

XXXXXXXXXXXXXX

Revised June 3, 1977

~~Amend.~~ or ~~CS~~ Attached

Bill No. and Sponsor: CS/SB 317
by Committee on Transportation

Subject: Transfer of administration
of surplus of 2nd gas tax & designation of
roads by function.

REFERENCES: 1. Transportation; 2. Appropriations

18/509
EF

I. SUMMARY

adopted as a committee substitute

This bill/provides for: (1) a phased transfer of the administrative responsibility of the 80 percent surplus of the second gas tax to the counties, and (2) defines the public road system in terms of jurisdictional responsibility and the roads comprising those systems according to functional classification.

II. PURPOSE

A. Present Situation:

(1) The Constitution stipulates that the surplus, of the second gas tax accruing to a county, be distributed 80% to the Department of Transportation for use in that county and 20% directly to the board of county commissioners. It further stipulates that the 80% figure may be changed by general law. A county, by resolution, authorizes the DOT to expend the 80% portion on specific projects in that county. The counties are authorized to let to contract road and bridge work if such is deemed advantageous.

(2) The state highway system, which is one of four classes of state roads, consists of the primary road system and the secondary system. The Department is required by statute /335.04(1)/ to formulate a classification plan for all roads on the state highway system based upon standards relating to financing, design, and service. The primary road system, limited to 11,300 miles excluding interstate, consists of interstate and other arterial highways connecting urban areas, federally-numbered highways, roads connecting county seats, and other roads which the Department, at its discretion, has designated after holding a public hearing. Roads for the secondary road system are selected by resolution of county commissioners and approved by the Department. The Division of Road Operations has responsibility for the state highway system while the counties are responsible for the county road system defined in s. 336.01, Florida Statutes. A loose interpretation of these broad definitions, and changes in the functions served by some roads, has resulted in systems overlapping in road content.

B. Effect on Present Situation:

1. The bill would transfer the administrative responsibility for construction programs financed by the 80% portion of the surplus gas tax to the counties by no later than July 1, 1980. During the period 7/1/77-7/1/80, the DOT would complete all phases of projects for which it had responsibility and would be reimbursed for such work. The counties would then have total responsibility for the design, right-of-way acquisition, and construction supervision of projects built in accordance with specified standards. The 80% surplus would be maintained

on deposit with the State Board of Administration which would invest it and the DOT would routinely process county vouchers for reimbursement. \$22.5 million of surplus gas tax funds will be advanced to the Department's Working Capital Trust Fund to be replaced by July 1, 1983. The counties must report annually on their expenditures utilizing the surplus proceeds. Except for routine maintenance and emergency work, counties must contract all road and bridge construction projects whose total cumulative annual value exceeds 5% of the county's 80% portion of the tax, or \$50,000, whichever is greater.

2. The bill redefines the state highway system and county road system by roads according to their functional classification. It also provides a definition of the city street system.

By redefining the systems, the responsibility for some roads will be transferred between the state and local governments.

The department is required to adopt, under Chapter 120, a functional classification plan and complete transfers of responsibility between jurisdictions required by the plan by July 1, 1982. After the initial implementation of the plan, the department shall reevaluate the road classifications at least once every five years, and procedures for reevaluation are provided. Pursuant to a specific request by a local government, the department's reevaluation shall be conducted within one year, but in any case the department is to complete any required transfers, after the initial implementation period, within 3 years.

The ^{state} DOT shall be responsible for upgrading roads to be transferred, unless waived, for normal maintenance operations for roads on or transferred to their system, and for utility and railroad crossing or similar maintenance agreements associated with roads transferred to their system. The department shall discontinue maintenance contracts for roads off the state system by July 1, 1980. The DOT is also authorized to match federal aid highway funds allocated to the county road and city street system.

III. ECONOMIC CONSIDERATIONS

Economic Impact: Yes No

A. Economic Impact on Local Government:

1. The bill will not increase the amount of the allocation that each county receives from the second gas tax. It will, however, give the counties more direct control over the manner in which the revenue is utilized. This has been the criticism of the present system in that many counties feel that they can administer the program in a more efficient and economical manner than the DOT.

By placing the administration at the local level, the counties will be in a position to initiate the cost reductions desired (They will be responsible for their own design and construction supervision.). The net economic effect of returning the second gas tax surplus to the counties will depend upon the relative ability of counties to manage their funds more efficiently than is presently done by DOT.

The \$22.5 million advanced to the Working Capital Trust Fund will not earn interest for the counties.

2. The economic impact of functional reclassification on a particular county will depend on the net mileage transferred in that county. If the county receives additional net mileage for its system, then the associated maintenance costs should increase. If the net transfer means the county gives up mileage to the state system, then its maintenance costs should decrease.

The department is authorized to match federal aid highway funds available to the county road and city street systems during the implementation period. Primary road funds will be required for matching purposes.

IV. COMMENTS:

It is felt that the \$7 million to be charged to the primary fund for the indirect overhead represents an exaggerated figure. The department, in taking this position, implies that there is no need for a reduction in positions at levels above direct labor. It seems reasonable to assume that when the indirect labor associated with the secondary program is eliminated, there should be a corresponding reduction in the department's total FTE needs at levels above those engaged in direct labor.

Status: As of June 2, CS/SB 317 was in House Transportation Committee, *however the provisions of CS/SB 317 passed in CS/HB 803.*

Enclosure: Chart, System Mileage and Maintenance Costs for Existing Systems, and Plan C Systems

County and Col. No.									
01 Charlotte	71.9	433.000	3,052.9	1,352.635	124.3	160,959			
02 DeSoto	80.0	294.000	329.2	625.023	70.4	123,763			
03 Glades	71.1	232.000	179.7	277.277	9.8	15,630			
06 Hardee	91.4	742.000	585.6	733.757	61.0	67,222			
07 Hendry	64.8	387.000	291.7	666.507	49.8	84,610			
08 Hernando	95.2	595.000	501.4	635.775	41.6	75,336			
09 Highlands	132.5	651.000	710.6	815.325	105.5	219,615			
10 Hillsborough	302.9	2,211.000	1,957.5	3,926.783	1,399.2	4,255,500			
12 Lee	143.1	1,029.000	2,608.5	1,526.450	1,728.2	518,450			
13 Manatee	176.9	874.000	721.6	2,609.701	216.1	217,297			
14 Pasco	112.1	725.000	768.0	2,352.359	170.7	455,793			
15 Pinellas	183.3	1,236.000	898.2	2,334.015	1,986.0	3,566,356			
16 Polk	345.3	1,297.000	2,518.2	5,217.355	739.6	1,319,522			
17 Sarasota	114.6	942.000	938.7	1,095.636	675.1	353,857			
Dist. Total	2,024.8	11,111.000	15,521.8	23,310.652	7,377.8	11,445,237			
26 Alachua	267.5	1,121.000	1,105.0	1,277.593	619.1	1,263,157			
27 Baker	43.9	219.000	930.0	419.690	25.0	50,250			
28 Bradford	51.8	269.000	510.9	315.291	55.7	165,373			
71 Clay	101.5	517.000	1,028.7	1,011.212	84.2	171,936			
29 Columbia	131.7	552.000	1,131.5	695.894	79.3	165,023			
30 Dixie	65.2	208.000	1,035.8	402.932	25.2	24,654			
72 Duval	337.8	2,513.000	0	0	4,595.9	6,535,258			
31 Gilchrist	41.8	170.000	650.5	192.317	38.3	61,357			
32 Hamilton	50.7	182.000	723.9	474.155	43.7	55,536			
33 Lafayette	62.2	129.000	940.7	199.639	17.6	564			
34 Levy	175.6	765.000	1,650.1	595.921	81.2	59,846			
35 Madison	97.5	259.000	1,089.0	332.925	37.3	153,301			
74 Nassau	98.2	576.000	755.8	955.131	82.6	215,908			
37 Suwannee	99.1	256.000	1,334.3	736.292	77.2	154,554			
38 Taylor	100.6	361.000	1,368.4	459.351	72.1	197,915			
39 Union	45.6	156.000	370.6	198.271	18.1	50,228			
Dist. Total	1,772.7	8,365.000	14,764.4	8,253,250	5,854.7	9,361,925			
46 Bay	150.7	934.000	815.5	1,435.025	636.5	955,854			
47 Calhoun	70.8	299.000	445.9	377.231	22.0	64,389			
48 Escambia	184.0	1,501.000	1,032.8	2,722.451	297.9	850,972			
49 Franklin	61.1	449.000	352.0	298.848	44.6	115,676			
50 Gadsden	94.3	531.000	736.1	895.736	110.4	276,236			
51 Gulf	51.5	519.000	281.2	542.154	23.3	105,307			
52 Holmes	91.9	427.000	734.6	473.882	60.3	131,741			
53 Jackson	194.4	756.000	1,197.7	784.244	119.5	394,178			
54 Jefferson	85.1	221.000	434.9	412.308	34.5	68,872			
55 Leon	170.5	1,059.000	749.9	1,622.034	319.5	785,207			
56 Liberty	33.6	56.000	545.3	236.225	15.5	27,600			
57 Okaloosa	153.7	942.000	991.6	1,954.360	250.6	603,442			
58 Santa Rosa	163.4	770.000	1,144.7	1,397.579	78.0	152,942			
59 Wakulla	85.2	244.000	682.5	419.055	11.2	6,048			
60 Walton	183.1	683.000	926.3	854.238	55.3	158,443			
61 Washington	92.3	270.000	824.5	370.291	48.7	78,553			
Dist. Total	1,974.6	9,715.000	11,884.6	14,737,519	1,905.7	4,795,679			
66 Broward	264.2	2,605.000	667.2	3,657.783	2,280.9	5,617,857			
03 Collier	194.8	620.000	887.4	1,527.215	113.1	305,822			
87 Dade	427.5	4,191.000	3,923.3	3,735.799	2,075.3	3,595,295			
88 Indian River	85.6	629.000	611.6	1,152.254	324.1	420,895			
89 Martin	103.9	271.000	630.5	1,608.406	89.9	169,922			
90 Monroe	115.5	1,195.000	383.2	911.333	66.0	205,198			
91 Okeechobee	96.2	273.000	169.3	490.552	72.2	62,525			
93 Palm Beach	217.3	2,591.000	2,939.5	4,840.091	1,265.3	3,107,506			
94 St. Lucie	104.7	612.000	646.3	790.425	628.1	692,415			
Dist. Total	1,611.7	11,478.000	10,013.8	18,924,776	6,913.9	14,182,671			
70 Brevard	260.2	1,810.000	699.1	4,377.111	1,012.2	1,719,720			
02 Citrus	88.8	270.000	1,218.7	1,055.393	107.7	240,325			
73 Flagler	69.2	309.000	154.1	343.335	37.7	100,056			
11 Lake	201.2	705.000	926.6	1,420.335	326.8	612,833			
35 Marion	159.5	707.000	2,107.9	1,573.673	339.6	440,611			
75 Orange	274.2	1,111.000	2,399.8	7,731.353	690.2	2,565,955			
92 Osceola	110.0	395.000	846.1	1,426.843	117.7	261,412			
76 Putnam	111.0	710.000	795.1	1,393.475	93.6	199,975			
78 St. Johns	147.6	1,113.000	349.7	1,073.139	86.1	204,562			
77 Seminole	95.0	175.000	559.3	1,022.691	392.2	543,156			
19 Suwannee	89.9	184.000	175.0	443.088	72.3	157,592			
79 Volusia	254.5	1,271.000	1,292.2	4,322.117	726.0	1,500,642			
Dist. Total	1,999.7	8,942.000	11,295.4	25,027,199	6,051.9	8,659,836			
State Total	9,354.9	51,651.000	63,390.0	90,911,546	25,103.6	48,353,076			

NOTE: The figures above do not include the Interstate or Turnpike, which are state responsibilities under all plan.

1/8/77
2/17/77

Existing County System (As of Dec. 31, 1966)		
County and Code No.	County System (value)	Saltonstall Cost (dollars)
01 Charlotte	1 917 1	1 146 321
03 DeSoto	1 110 2	421 020
05 Glades	1 151 2	237 460
06 Hendee	1 570 2	715 097
07 Hendry	1 272 6	522 594
08 Hernando	1 471 7	599 116
09 Highlands	1 692 2	231 190
10 Hillsborough	1 250 5	1 219 252
12 Lee	2 799 5	1 525 535
13 Manatee	1 719 3	2 501 023
14 Pasco	1 225 3	2 234 306
15 Pinellas	1 851 6	2 216 215
16 Polk	2 543 2	5 156 512
17 Sarasota	1 959 6	1 072 997
Dist. Total	15 565 9	23 129 807
26 Alachua	1 255 7	1 229 230
27 Baker	1 225 5	395 157
28 Bradford	1 461 1	237 265
29 Clay	1 923 9	226 295
29 Columbia	1 121 0	503 455
30 Dixie	1 972 0	322 714
32 Duval	0	0
31 Gilchrist	1 619 5	273 170
32 Hamilton	1 710 7	165 509
33 Lafayette	1 911 6	125 581
34 Levy	1 511 7	580 299
35 Madison	1 855 4	126 114
34 Nassau	1 241 8	241 227
37 Suwannee	1 311 2	737 485
33 Taylor	1 349 0	362 164
39 Union	1 255 0	199 125
Dist. Total	14 990 0	11 041 199
45 Bay	1 299 5	1 390 310
47 Calhoun	1 117 5	351 229
48 Escambia	1 924 7	2 701 104
49 Franklin	1 317 7	263 199
50 Gadsden	1 291 1	366 112
51 Gulf	1 240 5	551 272
52 Holmes	1 597 6	489 254
53 Jackson	1 120 4	560 552
50 Jefferson	1 375 0	156 250
55 Leon	1 723 6	1 565 127
56 Liberty	1 553 2	244 011
57 Okaloosa	1 263 0	1 097 701
58 Santa Rosa	1 099 2	1 335 213
59 Wakulla	1 641 5	1 031 191
60 Walton	1 369 0	347 164
61 Washington	1 911 3	363 112
Dist. Total	11 291 1	15 157 540
66 Broward	1 611 1	2 309 119
61 Collier	1 971 9	1 529 540
67 Dade	2 939 9	1 554 224
68 Indian River	1 455 0	1 129 212
69 Martin	1 562 5	1 225 162
70 Monroe	1 332 3	209 275
71 Okechobee	1 551 9	342 217
72 Palm Beach	2 791 7	4 222 122
74 St. Lucie	1 422 1	761 497
Dist. Total	6 999 5	17 507 570
70 Brevard	1 659 1	1 999 235
62 Citrus	1 162 9	1 913 111
73 Flagler	1 122 5	221 022
61 Lake	1 219 2	1 220 298
66 Marion	1 295 2	1 528 132
75 Orange	2 121 5	2 715 211
92 Osceola	1 414 8	1 121 151
76 Polk	1 231 2	1 159 292
78 St. Johns	1 339 6	1 521 293
67 Seminole	1 342 7	1 127 221
69 Sumter	1 328 0	1 59 152
79 Volusia	1 222 1	4 110 772
Dist. Total	10 676 0	24 451 106
State Total	61 426 6	87 151 281

Plan "C" County System		
County and Code No.		
01 Charlotte	1 052 9	1 352 415
03 DeSoto	1 112 2	425 019
05 Glades	1 173 7	277 277
06 Hendee	1 525 6	733 757
07 Hendry	1 231 7	515 437
08 Hernando	1 521 3	615 725
09 Highlands	1 712 5	255 125
10 Hillsborough	1 152 5	1 324 724
12 Lee	2 075 5	1 526 560
13 Manatee	1 721 6	2 522 731
14 Pasco	1 226 9	2 242 155
15 Pinellas	1 828 2	2 132 025
16 Polk	2 515 2	5 217 254
17 Sarasota	1 976 7	1 075 480
Dist. Total	15 521 9	23 810 462
26 Alachua	1 105 0	1 277 525
27 Baker	1 060 0	310 249
28 Bradford	1 516 9	310 221
29 Clay	1 928 2	1 211 122
29 Columbia	1 101 6	505 925
30 Dixie	1 945 9	402 912
32 Duval	0	0
31 Gilchrist	1 659 6	182 019
32 Hamilton	1 721 9	474 155
33 Lafayette	1 942 7	193 694
34 Levy	1 559 1	595 601
35 Madison	1 918 0	312 923
34 Nassau	1 255 2	255 311
37 Suwannee	1 314 1	719 292
33 Taylor	1 355 6	459 161
39 Union	1 270 5	193 271
Dist. Total	16 754 4	5 261 252
45 Bay	1 215 5	1 435 095
47 Calhoun	1 145 9	377 231
48 Escambia	1 932 8	2 722 451
49 Franklin	1 312 0	299 104
50 Gadsden	1 214 1	292 713
51 Gulf	1 231 2	542 154
52 Holmes	1 714 5	473 022
53 Jackson	1 197 7	703 232
54 Jefferson	1 434 0	412 303
55 Leon	1 749 9	1 622 034
56 Liberty	1 525 1	225 923
57 Okaloosa	1 291 6	1 954 352
58 Santa Rosa	1 144 7	1 397 572
59 Wakulla	1 592 5	419 055
60 Walton	1 225 3	353 233
61 Washington	1 824 5	370 291
Dist. Total	18 594 5	14 797 529
66 Broward	1 567 2	3 067 726
61 Collier	1 827 4	1 527 215
67 Dade	3 221 3	3 734 739
68 Indian River	1 611 5	1 152 254
69 Martin	1 530 5	1 603 405
70 Monroe	1 323 7	911 132
71 Okechobee	1 159 8	490 552
72 Palm Beach	2 539 5	6 249 092
74 St. Lucie	1 645 3	790 425
Dist. Total	20 713 5	26 021 075
70 Brevard	1 590 1	4 077 111
62 Citrus	1 215 7	1 055 125
73 Flagler	1 154 2	341 335
61 Lake	1 225 4	1 100 124
66 Marion	2 132 9	1 673 673
75 Orange	2 104 4	2 763 151
92 Osceola	1 415 1	1 424 843
75 Polk	1 225 1	1 381 475
78 St. Johns	1 342 7	1 021 136
67 Seminole	1 366 1	1 025 492
69 Sumter	1 325 0	645 029
79 Volusia	1 297 1	4 321 117
Dist. Total	21 225 4	26 021 075
State Total	43 022 9	28 313 524

NOTE: The figures above do not include the Interstate or Turnpike which are state responsibilities under all plans

County and Code No.	Total 1917	Proposed 1918	Ratio	Ratio
01 Charlotte	0	0		0
04 DeSoto	0	0		0
05 Glades	0	0		0
06 Hardee	0	0		0
07 Hendey	0	0		0
08 Hernando	0	0		0
09 Highlands	0	0		0
10 Hillsborough	43 0	6 2		44 000
12 Lee	15 3	0		0
13 Manatee	35 3	0		0
14 Pasco	0	0		0
15 Pinellas	87 3	0		0
16 Polk	9 5	0 3		10 00
17 Sarasota	22 2	0		0
Dist. Total	231 2	6 5		45 000
26 Alachua	5 7	0		0
27 Baker	0	0		0
28 Bradford	0	0		0
31 Clay	0	0		0
29 Columbia	3 7	0		0
30 Dixie	0	0		0
32 Duval	39 4	32 3		222 000
31 Gilchrist	0	0		0
32 Hamilton	0	0		0
33 Lafayette	0	0		0
34 Levy	0	0		0 0
35 Madison	0	0		0
36 Nassau	0	0		0
37 Suwannee	0	0		0
38 Taylor	0	0		0
39 Union	0	0		0
Dist. Total	51 8	32 3		222 000
46 Bay	32 0	0		0
47 Calhoun	0	0		0
48 Escambia	47 7	0		0
49 Franklin	0	0		0
50 Gadsden	0	0		0
51 Gulf	0	0		0
52 Holmes	0	0		0
53 Jackson	0	0		0
54 Jefferson	0	0		0
55 Leon	10 7	0		0
56 Liberty	0	0		0
57 Okaloosa	8 0	0		0
58 Santa Rosa	0	0		0
59 Wakulla	0	0		0
60 Walton	0	0		0
61 Washington	0	0		0
Dist. Total	72 1	0		0
86 Broward	96 6	0		0
03 Collier	0	0		0
87 Dale	0	0 7		10 000
88 Indian River	0	0		0
89 Martin	0	0		0
90 Monroe	0	0		0
91 Okechobee	0	0		0
93 Palm Beach	5 6	13 2		74 000
194 St. Lucie	0	0		0
Dist. Total	146 6	13 2		174 000
70 Brevard	17 4	14 7		42 000
02 Citrus	0	0		0
73 Flagler	0	0		0
11 Lake	0	0		0
36 Marion	0	0		0
75 Orange	42 7	15 4		54 000
92 Osceola	0	0		0
76 Putnam	0	0		0
78 St. Johns	0	0		0
77 Seminole	0	5 9		27 000
10 Sumter	0	0		0
79 Volusia	4 2	11 8		53 000
Dist. Total	64 7	37 8		126 000
State Total	523 6	173 5		1034 000

ANALYSIS OF ESTIMATED CURRENT ANNUAL MAINTENANCE COST BY JURISDICTION FOR EXISTING (DECEMBER 31, 1975) ROAD SYSTEMS WHERE RESPONSIBILITIES ARE AS FOLLOWS:

STATE RESPONSIBLE FOR PRIMARY SYSTEM
 COUNTY RESPONSIBLE FOR SECONDARY AND COUNTY ROAD SYSTEM
 CITY RESPONSIBLE FOR CITY STREET SYSTEM

County and Code No.	Existing State System (As of Dec. 31, 1975)		Existing County System (As of Dec. 31, 1975)		Existing City System (As of Dec. 31, 1975)	
	Primary System (Miles)	Maintenance Cost (Dollars)	County System (Miles)	Maintenance Cost (Dollars)	City System (Miles)	Maintenance Cost (Dollars)
01 Charlotte	82.4	171,000	1,039.1	1,369,200	127.5	160,200
04 DeSoto	80.0	291,000	128.5	222,400	72.1	105,200
05 Glades	95.2	102,000	153.2	297,600	11.5	19,600
05 Hardee	102.1	273,000	570.2	215,200	65.2	71,000
07 Hendry	69.2	531,000	229.6	515,600	52.6	97,700
08 Hernando	121.9	273,000	171.7	629,200	54.1	81,500
09 Highlands	142.1	592,000	602.0	231,600	100.6	225,200
10 Hillsborough	359.8	2,130,000	1,950.6	2,506,800	1,400.8	2,002,200
12 Lee	112.8	837,000	2,249.5	1,525,200	1,251.4	521,600
13 Manatee	172.4	955,000	729.1	2,202,000	217.0	255,200
14 Pasco	151.7	842,000	725.5	2,224,800	120.2	357,600
15 Pinellas	191.5	1,215,000	651.6	2,215,200	2,022.4	2,533,600
16 Polk	205.1	1,177,000	2,401.9	5,166,500	251.0	1,115,200
17 Sarasota	132.3	1,010,000	259.4	1,072,800	677.7	255,600
Dist. Total	2,177.3	11,511,000	18,269.0	21,320,500	7,436.3	12,144,000
25 Alachua	179.0	1,271,000	1,285.7	1,220,200	121.7	1,102,200
27 Baker	79.5	250,000	225.6	296,200	21.7	15,200
28 Bradford	102.5	329,000	641.1	237,200	54.9	162,000
28 Clay	135.1	529,000	921.0	974,200	84.5	122,600
29 Columbia	151.8	577,000	1,171.0	621,600	77.8	161,600
30 Dixie	59.0	239,000	1,022.0	277,200	27.2	5,600
32 Duval	105.9	2,249,000	0	0	4,228.8	6,611,600
31 Gilchrist	73.9	200,000	613.4	195,600	38.6	61,200
32 Hamilton	61.2	207,000	726.7	195,600	42.1	55,200
33 Lafayette	71.1	145,000	431.6	195,600	17.4	24,000
34 Levy	208.1	791,000	1,111.7	650,200	87.1	61,200
35 Madison	118.1	201,000	1,056.6	325,200	30.1	161,200
35 Nassau	101.4	563,000	741.8	941,200	67.0	115,200
37 Suwannee	59.1	263,000	1,111.2	737,600	80.3	160,200
38 Taylor	115.5	196,000	1,142.0	448,200	76.6	222,200
39 Union	62.1	146,000	165.0	157,200	18.0	47,200
Dist. Total	2,071.0	8,515,000	24,192.0	8,611,600	5,010.2	6,115,600
46 Bay	207.1	1,022,000	282.5	1,120,200	431.8	651,000
47 Calhoun	99.1	335,000	417.6	351,200	22.0	57,200
48 Escambia	199.6	1,230,000	1,011.7	2,701,200	279.3	615,600
49 Franklin	97.2	495,000	315.9	269,200	54.6	125,200
50 Gadsden	126.5	671,000	593.4	256,200	110.0	225,200
51 Gulf	52.2	171,000	280.6	182,200	22.2	95,200
51 Holmes	110.2	149,000	209.6	149,200	13.0	12,200
51 Jackson	219.4	150,000	1,123.4	640,500	117.6	391,600
51 Jefferson	121.1	294,000	225.0	155,200	36.6	69,200
55 Leon	195.1	1,151,000	721.6	1,665,200	331.0	216,600
56 Liberty	115.5	152,000	551.0	124,200	15.0	27,200
57 Oklawaha	172.1	975,000	751.0	1,527,200	251.5	602,200
59 Santa Rosa	215.7	834,000	1,071.2	1,116,200	26.2	159,200
59 Volusia	127.1	293,000	541.5	102,200	11.7	5,200
60 Walton	201.5	203,000	425.0	327,200	55.1	163,200
61 Washington	105.1	125,000	211.1	154,200	47.8	77,200
Dist. Total	2,640.0	10,232,000	21,000.0	12,157,600	2,911.7	4,915,600
86 Bernard	245.7	1,017,000	811.7	2,502,200	2,164.1	4,032,200
83 Collier	209.0	207,000	471.0	1,500,200	116.6	302,200
87 Duval	294.1	2,172,000	2,435.3	2,422,200	2,270.0	2,685,200
88 Indian River	104.2	552,000	505.9	1,120,200	123.1	223,200
89 Martin	111.1	397,000	202.7	1,110,200	81.9	151,600
90 Monroe	116.2	1,201,200	217.5	127,200	61.9	226,200
91 Okechobee	104.1	101,200	151.0	127,200	50.0	28,200
92 Palm Beach	116.1	2,122,000	2,091.7	3,127,200	1,157.1	1,111,000
94 St. Lucie	128.1	450,000	188.6	241,200	62.1	89,200
Dist. Total	1,670.3	10,567,000	9,800.4	17,437,200	7,261.6	16,022,200
10 Broward	340.1	1,545,200	651.1	1,222,200	1,935.1	1,702,600
02 Citrus	136.6	221,000	1,169.9	1,013,200	109.7	251,200
73 Flarler	81.7	129,000	115.6	111,200	36.7	97,200
11 Lake	109.7	432,200	619.2	1,220,200	129.5	612,500
36 Marion	159.9	957,000	1,400.2	1,023,200	122.6	540,200
75 Orange	305.5	1,247,200	2,121.5	7,116,200	275.1	2,715,600
92 Osceola	117.5	515,000	422.8	1,124,200	121.5	260,000
76 Polk	151.0	222,000	141.2	1,144,200	92.5	204,000
78 St. Johns	152.7	1,141,000	122.4	1,202,200	84.1	260,600
77 Seminole	86.8	111,000	511.5	1,172,200	107.2	222,100
18 Sumter	139.0	211,200	121.0	122,200	70.2	144,200
79 Volusia	249.1	1,116,000	1,227.1	1,110,200	799.1	1,662,200
Dist. Total	2,118.6	9,312,000	10,171.0	24,151,200	4,212.0	6,602,200
State Total	10,703.5	50,120,000	61,126.6	87,151,200	26,928.6	50,276,100

NOTE: The figures above do not include the Interstate or Turnpike, which are state responsibilities under all plans.

1	Florida Statutes, and adding subsection (5) to	1.2/22
2	said section; providing for the use of certain	
3	gas tax revenues; providing for advance of	1.2/23
4	certain second gas tax revenues; creating s.	
5	339.083, Florida Statutes, providing for a	1.2/24
6	county transportation trust fund; providing for	1.2/25
7	controls; creating s. 339.084, Florida	
8	Statutes, requiring the department to recommend	1.2/26
9	program data to the Department of Banking and	
10	Finance; requiring the department to report to	1.2/28
11	the Legislature annually; repealing s.	
12	334.03(1), (8), (12), and (13) and 335.041,	1.2/29
13	Florida Statutes, defining the terms "arterial	1.2/30
14	highway," "primary road system," "secondary	1.2/31
15	road system," and "state highway system" for	
16	purposes of the Transportation Code and	1.2/32
17	providing for expenditure of secondary road	
18	funds, respectively; providing an effective	1.2/33
19	date.	
20		
21	Be It Enacted by the Legislature of the State of Florida:	1:enc
22		
23	Section 1. Subsection (1) of section 129.01, Florida	1.2/34
24	Statutes, is amended to read:	
25	129.01 Budget system established.--There is hereby	1.2/34
26	established a budget system for the control of the finances of	1.2/35
27	the boards of county commissioners of the several counties of	1.2/36
28	the state, as follows:	
29	(1) There shall be prepared, approved, adopted, and	1.2/36
30	executed, as prescribed in this chapter, for the fiscal year	1.2/37
31		

2-8-77

PCB #1

PRELIMINARY DRAFT

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Series 19 Carton 492

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A bill to be entitled
An act relating to transportation; amending ss.
129.01(1) and 129.011(1), Florida Statutes,
providing for a county transportation trust
fund to be accounted for separate from the
county general fund; amending s. 206.60(2),
Florida Statutes, deleting certain provisions
relating to maintenance of secondary roads by
the Department of Transportation and
distribution of certain secondary federal
funds; adding subsections (18)-(29) to s.
334.03, Florida Statutes, defining certain
terms for purposes of the Transportation Code;
amending s. 335.01, Florida Statutes, providing
for designation and systemization of public
roads; amending s. 335.04, Florida Statutes,
providing for a functional classification plan
for roads; authorizing the matching of certain
federal aid highway funds; providing certain
responsibilities for the Department of
Transportation; requiring transfer of
responsibility for maintenance of certain
public roads; providing for operation and
maintenance of public roads; amending s.
336.41(1), Florida Statutes, restricting the
use of existing county forces in the
construction of public roads; amending s.
336.44(1), Florida Statutes, requiring boards
of county commissioners to let contracts for
certain work on public roads; amending s.
339.08(2) (b) and (c), (3), and (4), Florida

1:btc
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1.2/20

1	Statutes, and adding subsection (5) to said	1.2/21
2	section; providing for the use of certain gas	
3	tax revenues; providing for advance of certain	1.2/22
4	second gas tax revenues; creating s. 339.083,	
5	Florida Statutes, providing for a county	1.2/23
6	transportation trust fund; providing for	1.2/24
7	controls; creating s. 339.084, Florida	
8	Statutes, requiring the department to recommend	1.2/25
9	program data to the Department of Banking and	
10	Finance; requiring the department to report to	1.2/27
11	the Legislature annually; repealing s.	
12	334.03(1), (8), (12), and (13) and 335.041,	1.2/28
13	Florida Statutes, defining the terms "arterial	1.2/29
14	highway," "primary road system," "secondary	1.2/30
15	road system," and "state highway system" for	
16	purposes of the Transportation Code and	1.2/31
17	providing for expenditure of secondary road	
18	funds, respectively; providing an effective	1.2/32
19	date.	
20		
21	Be It Enacted by the Legislature of the State of Florida:	1:enc
22		
23	Section 1. Subsection (1) of section 129.01, Florida	1.2/33
24	Statutes, is amended to read:	
25	129.01 Budget system established.--There is hereby	1.2/33
26	established a budget system for the control of the finances of	1.2/34
27	the boards of county commissioners of the several counties of	1.2/35
28	the state, as follows:	
29	(1) There shall be prepared, approved, adopted, and	1.2/35
30	executed, as prescribed in this chapter, for the fiscal year	1.2/36
31		

COMMITTEE INFORMATION RECORD
House of Representatives

File with Clerk

The Committee on TRANSPORTATION met at 10:30 A'clock on

2-8, 1977, in Room 314 HOB, and considered Proposed Committee

Bill 1

COPY

On motion to report the bill FAVORABLE

FAVORABLE WITH _____ AMENDMENTS
(number)

FAVORABLE WITH SUBSTITUTE TP'd

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R. A. GRAY BUILDING
Tallahassee, FL 32399-0350

The vote was:

Series 19 Carton 497 ~~YEA~~

	MEMBER	NAY	YEA	MEMBER	NAY
	CONWAY, W.				
	EASLEY, B.				
	FOSTER, J.				
	HAGLER, C.				
	LEWIS, J.				
	LEWIS, T.				
	LOCKWARD, W.				
	MANN, F., V-Chr.				
	MOORE, R.				
	NEAL, P.				
	NUCKOLLS, P.				
	STEINBERG, P.				
	JONES, F., Chr.				
	TOTAL YEAS			TOTAL NAYS	

COMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the committee during consideration of this bill:

NAME	REPRESENTING	ADDRESS
<u>Wilson W. Wright</u>	<u>State Assoc of Co</u>	<u>Tallah Fla.</u>
<u>William Gartner</u>	<u>DOT</u>	<u>Commissioner Tallah Fla.</u>

CS/SB 317

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Tallahassee, FL 32399-0250
Series LB Carton 504

April 12, 1977

MEMORANDUM

TO: Senator Pat Thomas

FROM: John Christensen

SUBJECT: Amendments for CS/SB 317

Senator, attached are two amendments that Senator Myers and I have discussed and he asked me to send to you to see if you would introduce them. The first amends the definition of the county road and city street systems to include "incorporated" areas instead of just "urban" areas (5000 or more population).

The second, as you discussed with Senator Myers, would strike the phrase "then upon concurrence of the department of the need for resurfacing" which is in the current language dealing with the resurfacing of roads being returned to the counties.

If you need additional information, please let me know.

JFC/mb

Enclosures: 2

Line numbers on amendment blank have no relation to line numbers on bills.

CS/ SB. 317.....

HB.....

The Committee on offered the following amendment which was moved by Senator and adopted: and failed:

Amendment

On page.....9....., line^s 4-12....., strike

Page 9, all of line 4 through and including line 12

- a
- b
- c
- d
- e
- f
- g
- 1
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and insert:

(27) "County road system".--The county road system of each county shall consist of all collector roads in the unincorporated areas and all extensions of such collector roads into and through any incorporated areas, all local roads in the unincorporated areas, and all urban minor arterials not on the state highway system.

(28) "City street system".--The city street system of each municipality shall consist of all local roads within that municipality, and all collector roads inside that municipality which are not on the county road system.

FOR COMMITTEE USE ONLY	PRINTER: Do not pick up
Amendment No, taken up by committee:	Adopted. Failed
Offered by.....	

(ATTACH NECESSARY TITLE AMENDMENTS)

Line numbers on amendment blank have no relation to line numbers on bills.

CS/ SB. 317

HB.

The Committee on offered the following amendment which was moved by Senator and adopted: and failed:

Amendment

On page..11....., lines 4-5....., strike

a Page 11, all of line 4 through and including line 5

b

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and insert:

1 requests a resurfacing, the road shall be

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FOR COMMITTEE USE ONLY	PRINTER: Do not pick up
Amendment No, taken up by committee:	Adopted.... Failed....
Offered by.....	

(ATTACH NECESSARY TITLE AMENDMENTS)

[1976]

19/492

EFC

HB 4077: 5th and 6th Cents and Functional Reclassification

HB 4077 provided for the functional reclassification of all public roads in the state and return of the administrative control over all phases of construction from the 5th and 6th cents (second gas tax) to the counties. It was predicated on accomplishment within existing revenue sources. For this reason, a number of urban minor arterials currently on the state system were not returned to the counties in accordance with functional classification.

5th and 6th Cents (Second Gas Tax)

1. Counties receive full administrative control over all phases of construction at the end of a three year transition period.
2. A separate county Transportation Trust Fund is created for all transportation related revenues.
3. It establishes strict requirements that funds can only be utilized for authorized transportation purposes.
4. The Auditor General audits to ensure compliance with applicable statutes or limitations on use of funds.
5. Counties are authorized to utilize county forces for construction where feasible.
6. Provides for Annual Transportation Report to the Legislature.
7. D.O.T. no longer controls Secondary expenditures. D.O.T. serves as banker for Secondary Funds and transfers funds to county upon request. D.O.T. is prohibited from charging for this service.
8. County (Secondary) share of Working Capital Trust Fund capped at \$30 million with interest. County (Secondary) Funds to be phased out no later than 1987.
9. All Secondary maintenance to be performed by counties. Uses of 5th and 6th cents expanded to include maintenance upon passage of Constitutional amendment.
10. It provides for minimum maintenance and construction standards.

Functional Reclassification

1. All public roads to be divided into three systems based on maintenance responsibility:
 - State Highway System
 - County Road System
 - City Street System
2. All public roads classified by function.
3. The classifications of facilities to be included in each system are clearly specified in law - not just by D.O.T. regulation.
 - State Highway System to consist of:
 - All rural arterials
 - All urban extensions of rural arterials
 - All urban principal arterials
 - All urban minor arterials currently on the state system
 - Interstate System
 - County Road System to consist of:
 - All urban minor arterials excluding those on the state system.
 - All collectors outside municipal limits
 - All local roads outside municipal limits
 - All urban extensions of rural collectors
 - City Street System to consist of:
 - All urban collector and local roads except extensions of rural collectors.
4. A review mechanism is provided to ensure that functional malalignment such as exists now will not occur in the future.
 - It provides for constant data collection and classification evaluation. It requires that all roads be reviewed at least once every five years and that a city or county can request an individual review at any time.
5. All important terms are defined to further clarify legislative intent.
6. All initial transfers to be accomplished over a five year period after improvements.

SUMMARY - CS/HB 803

5th & 6th Cents (Second Gas Tax)

1. Counties receive full administrative control over all uses of the second gas tax by the end of a three year transition period.
2. A separate county transportation trust fund is created for all transportation related revenues and expenditures. Requirements for the utilization of these funds are provided and audits by the Auditor General are required.
3. Provides for an Annual Transportation Report to the Legislature by the Department of Transportation which includes information from counties and municipalities as well as the state.
4. The DOT is authorized to continue to utilize up to \$22.5 million of secondary funds to fund the Working Capital Trust Fund until July 1, 1983, by which time all secondary funds so utilized shall be replaced by DOT funds.
5. DOT no longer controls or approves secondary expenditures. DOT serves as a banker for secondary funds and transfers funds to counties upon request within certain guidelines. The DOT is prohibited from charging for this service or allocating any overhead.
6. Counties are authorized to utilize county forces to construct and reconstruct roads and bridges in emergency situations and up to five percent of their 80 percent portion of the second gas tax or \$50,000, whichever is greater. All other projects financed from

the 80 percent portion of the second gas tax shall be subject to competitive bidding.

7. All secondary maintenance to be performed by the counties.
8. Minimum maintenance and construction standards are provided.
9. Provides for a connected system of county roads.

Functional Classification

10. All public roads grouped into four systems based on maintenance responsibility:
 - State Highway System
 - State Park Road System
 - County Road Systems
 - City Street Systems
11. All public roads classified by function (arterial, collector and local) and assigned to one of the four systems according to that functional classification.
12. A review mechanism is provided to insure that road classifications will continue to be current and that transfers between systems will occur on a continuing basis in order to avoid a future need for massive realignment.
13. The DOT is directed to conduct public hearings and adopt a classification plan by October 1, 1977, and begin its implementation by January 1, 1978, to be completed by July 1, 1982.
14. All roads being transferred from the state to local governments are to be in good condition.
15. DOT to continue to have administrative responsibility for all aspects of federal aid and shall match federal aid on county road and city street systems until July 1, 1982, at which time the cities and counties will have to provide the federal aid matching funds for any projects on their systems.

SIGNIFICANT PROVISIONS OF SB 32-B (HB 10-B)

1. It provides for the state to acquire all Primary Rights-of-Way and includes provision for setback requirements by local governments to protect future purchases (Estimated savings to county annually - \$20 million).
2. It provides additional funding for the Department of Transportation by transferring 36.5% of gross tag revenues (Estimated additional funds - \$63.9 million).
3. No additional funding for the counties is included. The \$10 million in additional funding for the counties was deleted.
4. It amends the provision in CS/HB 803 which would have required city/county matching of federal aid expended on their systems.

CS/HR 803

1	A bill to be entitled	1:btc
2	An act relating to transportation; amending ss.	1.2/3
3	129.01(1) and 129.011(1), Florida Statutes,	1.2/4
4	providing for a county transportation trust	1.2/5
5	fund to be accounted for separate from the	1.2/6
6	county general fund; amending s. 199.292(4),	
7	Florida Statutes, providing for deposit of	1.2/7
8	certain moneys in the Revenue Sharing Trust	
9	Fund for municipalities; amending s. 206.60(2),	1.2/8
10	Florida Statutes, deleting certain provisions	1.2/9
11	relating to maintenance of secondary roads by	
12	the Department of Transportation and	1.2/10
13	distribution of certain secondary federal	
14	funds; amending s. 206.605(1), Florida	1.2/11
15	Statutes, providing for transfer of the	
16	additional eighth cent tax on motor fuel to the	1.2/12
17	State Transportation Trust Fund; amending s.	
18	215.22(1), Florida Statutes, providing for	1.2/13
19	deposit of certain moneys in the County Revenue	
20	Sharing Trust Fund; amending s. 320.20, Florida	1.2/14
21	Statutes, relating to disposition of motor	1.2/15
22	vehicle licensing moneys; amending s.	
23	210.20(2)(a), Florida Statutes, increasing the	1.2/16
24	amount of cigarette tax funds credited to the	
25	Revenue Sharing Trust Fund for municipalities;	1.2/17
26	adding subsections (18)-(29) to s. 334.03,	1.2/18
27	Florida Statutes, defining certain terms for	1.2/19
28	purposes of the Transportation Code; amending	
29	s. 335.01, Florida Statutes, providing for	1.2/20
30	designation and systemization of public roads;	
31	adding subsection (3) to s. 335.02, Florida	1.2/21

1	Statutes, authorizing the Department of	
2	Transportation to prepare maps delineating	1.2/22
3	rights-of-way for certain roads of the state	
4	highway system; providing for hearings thereon	1.2/23
5	and procedures relating thereto; amending s.	1.2/24
6	335.04, Florida Statutes, providing for a	1.2/25
7	functional classification plan for roads;	
8	authorizing the matching of certain federal aid.	1.2/26
9	highway funds; providing certain	
10	responsibilities for the Department of	1.2/27
11	Transportation; requiring transfer of	
12	responsibility for maintenance of certain	1.2/28
13	public roads; providing for operation and	1.2/29
14	maintenance of public roads; amending s.	
15	336.41, Florida Statutes, restricting the use	1.2/30
16	of existing county forces in the construction	
17	of public roads and providing exceptions;	1.2/31
18	amending s. 336.44(1), Florida Statutes,	1.2/32
19	requiring boards of county commissioners to let	1.2/33
20	contracts for certain work on public roads;	
21	amending s. 339.08(2)(b) and (c), (3), and (4),	1.2/34
22	Florida Statutes, and adding subsection (5) to	1.2/35
23	said section; providing for the use of certain	
24	gas tax revenues; providing for advance of	1.2/36
25	certain second gas tax revenues; creating s.	
26	339.083, Florida Statutes, providing for a	1.2/37
27	county transportation trust fund; providing for	1.2/38
28	controls; creating s. 339.084, Florida	
29	Statutes, requiring the department to recommend	1.2/39
30	program data to the Department of Banking and	
31	Finance; requiring the department to report to	1.2/41

1	the Legislature annually; amending s.	
2	337.29(2), Florida Statutes, and adding a	1.2/42
3	subsection thereto, relating to transfer of	
4	title to certain roads; repealing s.	1.2/43
5	206.605(2)-(4), s. 334.03(1), (8), (12), and	
6	(13) and 335.041, Florida Statutes, relating to	1.2/45
7	distribution and use of proceeds of the	
8	additional eighth cent tax on motor fuel,	1.2/46
9	defining the terms "arterial highway," "primary	
10	road system," "secondary road system," and	1.2/48
11	"state highway system" for purposes of the	
12	Transportation Code and providing for	1.2/49
13	expenditure of secondary road funds,	
14	respectively; providing an effective date.	1.2/50
15		
16	Be It Enacted by the Legislature of the State of Florida:	1:enc
17		
18	Section 1. Subsection (1) of section 129.01, Florida	1.2/51
19	Statutes, is amended to read:	
20	129.01 Budget system established.--There is hereby	1.2/51
21	established a budget system for the control of the finances of	1.2/52
22	the boards of county commissioners of the several counties of	1.2/53
23	the state, as follows:	
24	(1) There shall be prepared, approved, adopted, and	1.2/53
25	executed, as prescribed in this chapter, for the fiscal year	1.2/54
26	ending September 30, 1952, and for each fiscal year	1.2/55
27	thereafter, an annual budget for the following funds:	
28	(a) General fund	1.2/55
29	(b) <u>County transportation trust fund</u> Road-and-bridge	1.2/57
30	fund	
31	(c) Fine and forfeiture fund	1.2/57

1	(d) Capital outlay reserve fund	1.2/57
2	(e) Bond interest and sinking fund, and	1.2/57
3	(f) Special district operating fund	1.2/58
4		
5	which shall control the levy of taxes and the expenditure of	1.2/59
6	money for all county purposes during the ensuing fiscal year.	
7	Section 2. Subsection (1) of section 129.011, Florida	1.2/60
8	Statutes, is amended to read:	
9	129.011 Consolidation of funds.--	1.30
10	(1) In order to simplify and otherwise improve the	1.30/1
11	accounting system provided by law and to facilitate a better	1.30/2
12	understanding of the fiscal operation of the county by the	1.30/3
13	general public, the board of county commissioners may, by	
14	resolution duly adopted, consolidate any of its separate	1.30/4
15	budgetary funds into a single general fund, except that the	1.30/6
16	road and bridge tax shall be levied under s. 336.59, and <u>all</u>	1.30/8
17	<u>revenue and expenditures of the county transportation trust</u>	1.30/9
18	<u>fund established pursuant to s. 339.083 (created by this act)</u>	1.30/10
19	<u>shall be</u> shown as a separate budgetary fund.	
20	Section 3. Subsection (4) of section 199.292, Florida	1.30/11
21	Statutes, is amended to read:	
22	199.292 Disposition of intangible personal property	1.30/11
23	taxes; appropriations for expenses of assessment and	1.30/12
24	collection; county sharing.--	
25	(4) An amount equal to 55 percent of the total net	1.30/13
26	intangible taxes collected shall be transferred to the Revenue	1.30/14
27	Sharing Trust Fund for counties in the month following	1.30/15
28	collection. However, net collections from the amounts assessed	
29	as of January 1, 1972, and collected prior to July 1, 1973	1.30/16
30	only, as provided in s. 199.032, shall be deposited in the	1.30/18
31	General Revenue Fund. The remaining balance of net collections	1.30/19

1	from this tax shall be transferred to the <u>Revenue Sharing</u>	1.30/20
2	<u>Trust Fund for municipalities</u> General-Revenue-Fund . For the	1.30/21
3	purposes of this law, "net collections" means the total amount	1:qq
4	collected less a pro rata share of all costs, as provided in	1.30/22
5	subsections (2) and (3).	
6	Section 4. Subsection (2) of section 206.60, Florida	1.30/23
7	Statutes, is amended to read:	
8	206.60 Additional tax upon motor fuel.--	1.40
9	(2) The proceeds of said tax are hereby appropriated	1.40
10	for public transportation purposes in the manner following:	1.41
11	(a) The department, after deducting its expenses of	1.41
12	collection, and provided that no deduction shall be made from	1.43
13	said tax proceeds as presently provided for by ss. 215.20 and	1.44
14	215.22 (2), shall monthly divide the proceeds of said tax into	1.45
15	4 equal parts and allocate said parts to the credit of each	
16	county upon the following formula distribution factors:	1.46
17	1. Three of the 4 parts in the ratio that the total	1.46
18	taxable gallons sold and delivered to each county of the state	1.48
19	for resale at retail or use during the previous state fiscal	1.49
20	year bears to the total taxable gallons sold in the state.	1.50
21	2. One of the 4 equal parts in the ratio that the area	1.50
22	of each county bears to the total area of all the counties.	1.51
23	(b) <u>1.</u> The Department of Revenue shall, from month to	1.51
24	month, distribute the amount allocated to each of the several	1.52
25	counties under paragraph (a) to the board of county	1.53
26	commissioners of the county, who shall use said funds solely	
27	for the acquisition of rights-of-way; the construction,	1.54
28	reconstruction, operation, maintenance, and repair of	1.55
29	transportation facilities, roads, and bridges therein; or for	1.56
30	the reduction of bonded indebtedness of such county or of	1.57
31	special road and bridge districts within such county, incurred	

1 for road and bridge or other transportation purposes. In the 1.58
 2 event the powers and duties relating to transportation 1.59
 3 facilities, roads, and bridges usually exercised and performed 1.60
 4 by boards of county commissioners are exercised and performed
 5 by some other or separate county board, such board shall 1.61
 6 receive the proceeds, exercise the powers, and perform the 1.62
 7 duties designated in this section to be done by the boards of 1.63
 8 county commissioners.

9 2. ~~1.~~ On and after October 1, 1971, the board of 1.64
 10 county commissioners of each county, or any separate board or
 11 local agency exercising the powers and performing the duties 1.65
 12 relating to transportation facilities, roads, and bridges 1.66
 13 usually exercised and performed by the boards of county 1.67
 14 commissioners, shall be assigned the full responsibility for 1.68
 15 the maintenance of transportation facilities and of roads in
 16 the state secondary road system within the county. 1.69

17 ~~2.--The-Department-of-Transportation-shall,-if 1:10s~~
 18 ~~requested-by-the-board-of-county-commissioners-of-any-county, 1.70~~
 19 ~~continue-to-maintain-such-secondary-roads-as-are-being 1.71~~
 20 ~~maintained-under-contract-as-of-October-1,-1971,-under-such~~
 21 ~~terms-and-conditions-as-may-be-mutually-agreed-upon-between 1.72~~
 22 ~~said-department-and-the-board-of-county-commissioners-of-the 1.73~~
 23 ~~respective-county.~~

24 3. In calculating the distribution of funds under 1.73
 25 paragraph (a), the Department of Revenue shall obtain from the 1.75
 26 auditor general the certification of the level of assessment 1.76
 27 in each district, as provided in s. 236.07(5), and shall pay 2.1
 28 only the amount of money which is derived by multiplying said 2.2
 29 ratio and the amount which would be due a district under
 30 paragraph (a). The funds which are raised under this section 2.3
 31 but are not distributed under this section shall be deposited 2.4

1 in the additional gas tax pour-over fund. All funds placed in 2.5
 2 the additional gas tax pour-over fund shall be distributed in 2.6
 3 the same manner as provided in paragraphs (a) and (b) of this
 4 subsection. 2.7

5 4. Nothing in this paragraph as amended by chapter 71- 2.7
 6 212, Laws of Florida, shall be construed to permit the 2.8
 7 expenditure of public funds in such manner or for such 2.9
 8 projects as would violate the state constitution or the trust 2.10
 9 indenture of any bond issue or which would cause the state to
 10 lose any federal aid funds for highway or transportation 2.11
 11 purposes; and the provisions of this paragraph shall be 2.12
 12 applied in a manner to avoid such result.

13 ~~(c) -- Any secondary federal funds received in addition 1:10s
 14 to said seventh cent tax proceeds, distributed to the several 2.15
 15 counties as above provided, shall be first allocated to the 2.16
 16 credit of each county in the ratio that the total taxes 2.17
 17 collected hereunder in each county during the previous state
 18 fiscal year bears to the total of said taxes collected in all 2.18
 19 counties, and then distributed to the Department of 2.19
 20 Transportation for expenditure in said county for the purposes 2.20
 21 and as above provided.~~

22 Section 5. Subsection (1) of section 206.605, Florida 2.20/1
 23 Statutes, is amended to read:

24 206.605 Additional eighth cent tax on motor fuel.-- 2.20/1
 25 (1) Every distributor of motor fuel, in addition to 2.20/2
 26 all other taxes required by law, shall pay an additional tax 2.20/3
 27 of 1 cent per gallon for every gallon of motor fuel sold or 2.20/4
 28 used by him or brought into this state by him for sale or use 2.20/5
 29 on which the tax herein provided has not been paid or the
 30 payment thereof has not been assumed by a person preceding him 2.20/6
 31 in the handling of said lot products. Delivery shall be deemed 2.20/7

1	to be made at the point of destination. This additional	2.20/8
2	license tax of 1 cent per gallon on motor fuel shall be paid	2.20/9
3	to the department monthly, as provided in s. 206.43, <u>and</u>	2.20/10
4	<u>transferred into the State Transportation Trust Fund.</u>	
5	Section 6. Subsection (1) of section 215.22, Florida	2.20/11
6	Statutes, is amended to read:	
7	215.22 Certain moneys and certain trust funds	2.20/11
8	enumerated.--The following described moneys and trust funds,	
9	by whatever name designated, shall be those from which the	2.20/12
10	deductions authorized by s. 215.20 shall be made:	2.20/13
11	(1) The first gas tax levied pursuant to the	2.20/13
12	provisions of s. <u>206.41, provided, however, that 50 percent of</u>	2.20/14
13	<u>the proceeds of said deduction shall be deposited monthly in</u>	2.20/15
14	<u>the County Revenue Sharing Trust Fund to be used to maintain</u>	2.20/16
15	<u>roads transferred to the counties under s. 335.04, and other</u>	2.20/17
16	<u>transportation purposes. The provisions of this subsection</u>	
17	<u>shall be void and inoperable if the equivalent of 1 cent of</u>	2.20/18
18	<u>gas tax from tag revenues is transferred pursuant to the</u>	2.20/19
19	<u>provisions of s. 320.20 to the State Transportation Trust Fund</u>	2.20/20
20	<u>and the County Revenue Sharing Trust Fund for transportation</u>	
21	<u>purposes.</u>	2.20/21
22		
23	The enumeration of the above moneys or trust funds shall not	2.20/24
24	prohibit the applicability thereto of s. 215.24 should the	2.20/25
25	Governor determine that for the reasons mentioned in said s.	2.20/26
26	215.24 said money or trust fund should be exempt herefrom, as	
27	it is the purpose of this law to exempt all trust funds from	2.20/27
28	its force and effect where, by the operation of this law,	2.20/28
29	federal matching funds or contributions to any trust fund	2.20/29
30	would be lost to the state.	
31		

1	Section 7. Section 320.20, Florida Statutes, is	2.20/30
2	amended to read:	
3	<u>(Substantial rewording of section. See</u>	2.20/31
4	<u>s. 320.20, F.S., for present text.)</u>	1:1us
5	320.20 Disposition of license moneys.--The revenues	2.20/32
6	derived from the licensing of motor vehicles, excluding those	2.20/33
7	collected and distributed under the provisions of s. 320.081,	
8	shall be distributed monthly, as collected, to the following	2.20/34
9	funds:	
10	(1) The first proceeds, to the extent necessary to	2.20/35
11	comply with the provisions of s. 18 of Art. XII of the State	2.20/36
12	Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968	2.20/37
13	Revised Constitution, and the additional provisions of s. 9(d)	
14	and s. 236.602, shall be deposited in the district Capital	2.20/38
15	Outlay and Debt Service School Trust Fund.	2.20/39
16	(2) Nineteen and one-tenth percent of such revenues	2.20/39
17	shall be deposited in the State Transportation Trust Fund	2.20/40
18	until July 1, 1980, at which time the percentage shall be	2.20/41
19	decreased to sixteen and one-tenth percent.	
20	(3) For the purpose of maintaining roads transferred	2.20/42
21	to the counties under s. 335.04, and other transportation	2.20/43
22	needs, eight and six-tenths percent of such revenues shall be	2.20/44
23	deposited in the County Revenue Sharing Trust Fund until July	
24	1, 1980, at which time the percentage shall be increased to	2.20/45
25	eleven and six-tenths percent.	
26	(4) The remainder of such revenues shall be deposited	2.20/46
27	in the General Revenue Fund.	
28	Section 8. Paragraph (a) of subsection (2) of section	2.20/47
29	210.20, Florida Statutes, is amended to read:	2.20/48
30	210.20 Employees and assistants; distribution of	2.20/48
31	funds.--	

1	(2) As collections are received by the Division of	2.20/49
2	Beverage from such cigarette taxes, it shall pay the same into	
3	a trust fund in the state treasury designated "Cigarette Tax	1:gg
4	Collection Trust Fund" which shall be paid and distributed as	2.20/51
5	follows:	
6	(a) The division shall from month to month certify to	2.20/51
7	the Comptroller the amount derived from the cigarette tax	2.20/52
8	imposed by s. 210.02, less the service charge provided for in	2.20/53
9	s. 215.22, specifying the amounts to be transferred from the	2.20/54
10	Cigarette Tax Collection Trust Fund and credited on the basis	2.20/55
11	of two-seventeenths to the Municipal Financial Assistance	2.20/56
12	Trust Fund, twelve-seventeenths <u>eleven-seventeenths</u> of the net	1:los
13	collections to the Revenue Sharing Trust Fund for	2.20/57
14	municipalities, and one-seventeenth of the net collections to	2.20/58
15	the Revenue Sharing Trust Fund for counties.	2.20/59
16	Section 9. Subsections (18), (19), (20), (21), (22),	2.20/59
17	(23), (24), (25), (26), (27), (28), and (29) are added to	2.21
18	section 334.03, Florida Statutes, to read:	2.22
19	334.03 Definitions of words and phrases.--The	2.23
20	following words and phrases when used in this code shall,	
21	unless the context clearly indicates otherwise, have the	2.24
22	following meanings:	
23	<u>(18) "Functional classification."--The assignment of</u>	2.25
24	<u>roads into systems according to the character of service they</u>	2.26
25	<u>provide in relation to the total road network. Basic</u>	
26	<u>functional categories include arterial, collector, and local</u>	2.27
27	<u>roads which may be subdivided into principal, major, or minor</u>	2.28
28	<u>levels. These levels may be additionally divided into rural</u>	2.29
29	<u>and urban categories.</u>	
30	<u>(19) "Arterial road."--A route providing service</u>	2.29/1
31	<u>which, within a region, is relatively: continuous, of high</u>	2.29/2

1	<u>average traffic volume, of long average trip length, of high</u>	2.29/5
2	<u>operating speed, and of high mobility importance. In</u>	2.29/6
3	<u>addition, all United States numbered highways shall be</u>	
4	<u>arterial roads.</u>	2.29/7
5	<u>(20) "Collector road."--A route providing service</u>	2.29/8
6	<u>which, within a county, is relatively: of moderate average</u>	2.29/9
7	<u>traffic volume, moderate average trip length, and moderate</u>	2.29/12
8	<u>average operating speed. These routes also collect and</u>	
9	<u>distribute traffic between local roads or arterial roads and</u>	2.29/13
10	<u>serve as a linkage between land access and mobility needs.</u>	2.29/14
11	<u>(21) "Local road."--A route providing service which,</u>	2.29/15
12	<u>within a county, is relatively: of low average traffic</u>	2.29/16
13	<u>volume, of short average trip length, of minimal through-</u>	2.29/17
14	<u>traffic movement, and of high land access for abutting</u>	2.29/19
15	<u>property.</u>	
16	<u>(22) "Urban area."--A geographical region comprising</u>	1:lus
17	<u>as a minimum the United States Census defined boundary of an</u>	2.44
18	<u>urban place of 5,000 population, expanded to include adjacent</u>	
19	<u>areas as provided for by federal highway administration</u>	2.46
20	<u>regulations.</u>	
21	<u>(23) "Urban principal arterial roads."--Routes which</u>	2.47
22	<u>generally serve the major centers of activity of an urban</u>	2.49
23	<u>area, the highest traffic volume corridors, the longest trip</u>	2.50
24	<u>purposes, and carry a high proportion of the total urban area</u>	2.51
25	<u>travel on a minimum of mileage. The routes are integrated,</u>	2.52
26	<u>both internally and between major rural connections.</u>	2.53
27	<u>(24) "Urban minor arterial roads."--Routes which,</u>	2.53/1
28	<u>within an urban area, generally interconnect with and augment</u>	
29	<u>urban principal arterial routes and provide service to trips</u>	2.53/4
30	<u>of shorter length and a lower level of travel mobility. Minor</u>	2.53/5
31	<u>arterial routes include all arterials not classified as</u>	2.53/6

1	<u>principal and contain facilities that place more emphasis on</u>	2.53/8
2	<u>land access than the higher system.</u>	
3	<u>(25) "State highway system."--The state highway system</u>	2.61
4	<u>shall consist of the interstate system, all rural arterial</u>	2.61/1
5	<u>routes and their extensions into and through urban or</u>	2.61/2
6	<u>incorporated areas, and all urban principal arterial routes.</u>	2.61/5
7	<u>Excluding the interstate system, the state highway system</u>	2.61/6
8	<u>shall be limited to 11,300 miles. The interstate system shall</u>	2.61/8
9	<u>be entitled to all the benefits and privileges of the state</u>	2.61/1
10	<u>highway system.</u>	
11	<u>(26) "County road system."--The county road system of</u>	2.71
12	<u>each county shall consist of all collector roads in the</u>	2.71/2
13	<u>unincorporated areas and all extensions of such collector</u>	
14	<u>roads into and through any incorporated areas, all local roads</u>	2.71/4
15	<u>in the unincorporated areas, and all urban minor arterial</u>	
16	<u>routes.</u>	
17	<u>(27) "City street system."--The city street system</u>	3.2
18	<u>shall consist of all collector and local roads within each</u>	3.2/1
19	<u>municipality which are not on the county road system.</u>	
20	<u>(28) "Routine maintenance."--Pavement patching,</u>	3.5
21	<u>shoulder repair, cleaning and repair of drainage ditches and</u>	
22	<u>structures, mowing, bridge inspection and maintenance,</u>	3.6
23	<u>pavement striping, litter cleanup, and such other similar</u>	3.7
24	<u>activities of a minor scope as are necessary to maintain a</u>	3.9
25	<u>safe and efficient transportation system.</u>	
26	<u>(29) "Periodic maintenance."--Activities which are</u>	3.10
27	<u>large in scope and require a major work effort to restore</u>	3.11
28	<u>deteriorated components of the transportation system to a safe</u>	3.13
29	<u>and serviceable condition and shall include, but not be</u>	
30	<u>limited to, the repair of large bridge structures, major</u>	3.14
31		

1	<u>repairs to bridges and bridge systems, and the mineral sealing</u>	3.15
2	<u>or resurfacing of lengthy sections of roadway.</u>	
3	Section 10. Section 335.01, Florida Statutes, is	3.15/1
4	amended to read:	
5	335.01 Designation and <u>systemization</u> classification of	3.16
6	<u>public state</u> roads.--	3.17
7	(1) All public roads open to travel by the public	3.18
8	generally and dedicated to the public use, according to law or	3.19
9	by prescription, and roads which are constructed out of public	3.20
10	funds and dedicated for general public usage and all	3.21
11	extensions thereof, and connections thereto are hereby	
12	designated and declared to be and are established as <u>public</u>	3.22
13	<u>state</u> roads.	
14	(2) <u>Public State</u> roads shall be divided into four	1:los
15	<u>systems</u> classes :	
16	(a) The state highway system;	3.23
17	(b) The state park road system;	3.23
18	(c) The county road systems; and	3.24
19	(d) The city street systems.	3.24
20	Section 11. Subsection (3) is added to section 335.02,	3.24/1
21	Florida Statutes, to read:	
22	335.02 Authority to designate roads <u>and delineate</u>	3.24/1
23	<u>rights-of-way for proposed roads</u> of the state highway	3.24/2
24	system.--	
25	(3) <u>The Department of Transportation may prepare maps</u>	3.24/3
26	<u>for any roads designated as state roads in the state highway</u>	3.24/4
27	<u>system or the interstate system. Any such maps shall</u>	
28	<u>delineate the limits of proposed rights-of-way for the</u>	3.24/5
29	<u>eventual widening of an existing road or shall delineate the</u>	3.24/6
30	<u>limits of proposed rights-of-way for the initial construction</u>	3.24/7
31	<u>of a road. The appropriate local government shall advertise</u>	3.24/8

1 and hold a public hearing and shall notify all affected
2 property owners of record, as recorded in the property 3.24/9
3 appraiser's office, by mail at least 20 days prior to the date 3.24/11
4 set for the hearing, before approving or disapproving said 3.24/12
5 map. If the map is approved by the appropriate local
6 government authority, the circuit court clerk of a county 3.24/13
7 shall forthwith record the map in the public land records of 3.24/14
8 the county. Upon recording such shall establish:

9 (a) A building set back line from the centerline of 3.24/15
10 any road existing as of the date of such recording and no 3.24/16
11 permits shall be granted by the appropriate governmental 3.24/17
12 authority for new construction of any type, or for renovations 3.24/18
13 of existing commercial structures that exceed 20 percent of 3.24/19
14 the appraised value of the structure. No restriction shall be
15 placed on renovation or improvement of existing residential 3.24/20
16 structures as long as they continue to be used as private 3.24/21
17 residences.

18 (b) An area of proposed highway construction within 3.24/22
19 which permits for new construction shall not issue for a 3.24/23
20 period of 5 years from the date of recording such a map.

21 (c) Upon petition by an affected property owner 3.24/24
22 alleging that such property regulation is unreasonable or 3.24/25
23 arbitrary and its effect is to deny a substantial portion of 3.24/26
24 the beneficial use of such property, the Department of
25 Transportation shall hold an administrative hearing in 3.24/27
26 accordance with the provisions of chapter 120. Where such a 3.24/28
27 hearing results in an order finding in favor of the
28 petitioning property owner, the department shall have 90 days 3.24/29
29 from the date of such order to acquire such property or file 3.24/30
30 appropriate proceedings. Appellate review by either party may 3.24/31
31 be resorted to but shall not affect the 90 day limitation.

1	<u>where such appeal is taken by the department unless such an</u>	3.24/32
2	<u>execution is stayed by the appellate court having</u>	3.24/33
3	<u>jurisdiction. Failure by the department to acquire or</u>	3.24/34
4	<u>initiate acquisition proceedings may allow the appropriate</u>	
5	<u>local government authority to issue any permit in accordance</u>	3.24/35
6	<u>with its established procedures.</u>	
7	Section 12. Section 335.04, Florida Statutes, is	3.24/36
8	amended to read:	
9	<u>(Substantial rewording of section. See</u>	3.26
10	<u>s. 335.04, F.S., for present text.)</u>	1:1us
11	335.04 Functional classification plan for roads;	3.27
12	responsibilities of department.--	3.28
13	(1) By October 1, 1977, the department shall adopt and	3.28/1
14	immediately thereafter publish a functional classification	3.28/2
15	plan for all public roads which shall be based upon standards	3.28/3
16	relating to the character of service each road provides in	
17	relation to the total road network and the requirements	3.28/5
18	contained herein. The department shall conduct public	3.28/6
19	hearings for the purposes of receiving input from local	
20	officials and the general public and possible alteration of	3.28/7
21	the aforesaid classification plan and shall complete all	3.28/8
22	necessary transfers of responsibility between jurisdictions no	3.28/9
23	later than July 1, 1982, on which date all transfers provided	
24	for in the classification plan which have not been effected	3.28/10
25	shall automatically occur; provided, however, that all urban	3.28/11
26	minor arterials on the state highway system shall be	3.28/12
27	transferred to the counties no later than July 1, 1980. Any	
28	road for which responsibility is being transferred from the	3.28/13
29	department to counties and municipalities shall be brought to	3.28/14
30	a physical condition commensurate with contemporary roads of	3.28/15
31	like age and function within the county or municipality. If	

1 said road, when analyzed in accordance with the standards of 3.28/16
 2 measurement of pavement condition utilized by the department 3.28/17
 3 as of January 1, 1977, is in need of resurfacing, it shall be 3.28/18
 4 resurfaced prior to transfer. If a dispute occurs concerning
 5 the need for said resurfacing, it shall be reconciled pursuant 3.28/19
 6 to chapter 120. Notwithstanding the time limitations 3.28/20
 7 otherwise provided in this chapter for the transfer of roads, 3.28/21
 8 no road which has been finally determined to need resurfacing
 9 shall be transferred from the department to a county or 3.28/22
 10 municipality prior to resurfacing. Federal assistance shall 3.28/23
 11 be utilized for this purpose when feasible. The above 3.28/24
 12 requirements relating to physical condition of roads at the
 13 time of transfer may be waived by the transferee. 3.28/25
 14 (2) The functional classification plan shall prescribe 3.28/25
 15 that the four systems of roads contained in s. 335.01 shall be 3.44
 16 those defined in s. 334.03. 3.45
 17 (3) The department is authorized to match all federal 3.45
 18 aid highway funds and shall have the administrative 3.46
 19 responsibility for planning, programming, and contracting for 3.47/1
 20 all such federal aid projects in cooperation with local
 21 officials in accordance with federal regulations and state 3.47/2
 22 law. It is the legislative intent that the department shall 3.47/3
 23 continue its existing federal aid program contained in the 3.47/4
 24 current 5-year construction plan and shall continue to utilize
 25 federal aid according to priority of need and in accordance 3.47/5
 26 with federal requirements regardless of the system upon which 3.47/6
 27 such need occurs.
 28 (4) The department shall have the authority and 3.47/7
 29 responsibility for continuing data collection and functional 3.47/8
 30 evaluation of public roads as is deemed necessary for planning
 31 and reclassification purposes. The department shall hold a 3.47/10

1 full public hearing in the county affected as an integral part 3.47/11
 2 of its evaluation procedures in order to receive public input
 3 prior to making any determination of classification. Upon 3.47/12
 4 determination by the department that a public road has changed 3.47/13
 5 function, such determination shall be published and the 3.47/14
 6 governmental entities concerned officially informed. Transfer 3.47/15
 7 of responsibility shall be accomplished on a schedule mutually 3.47/17
 8 agreed upon by said governmental entities, provided, that said 3.47/19
 9 transfer shall occur no later than 3 years after the date the
 10 determination is published. Beginning July 1, 1982, the 3.47/20
 11 department shall insure that the classification of every 3.47/21
 12 public road shall be considered and evaluated at least once 3.47/22
 13 every 5 years. The department shall, within a reasonable 3.47/23
 14 period not to exceed 1 year, perform functional evaluations of 3.47/25
 15 specific roads if requested by municipalities or counties and 3.47/26
 16 the transfers resulting from such evaluations shall be 3.47/27
 17 accomplished as provided above. All obligations of the 3.47/28
 18 department, a county, or a municipality, under any 3.47/29
 19 maintenance, utility, or railroad crossing agreement, or other
 20 such agreement shall be transferred at the same time and in 3.47/30
 21 the same manner as jurisdictional responsibility. 3.47/31
 22 (5) The department, counties, and municipalities shall 3.47/31
 23 have the responsibility for the operation and maintenance of 3.47/33
 24 the roads under their respective jurisdiction except as 3.47/34
 25 otherwise provided by law. The department, counties, and 3.47/35
 26 municipalities may enter into such agreements as are deemed
 27 necessary and convenient for the proper exercise of their 4.1
 28 responsibilities provided herein. Provided, however, it is 4.2/1
 29 the legislative intent that the department assume
 30 responsibility for the purchase of all rights-of-way on the 4.2/2
 31 state highway system, and discontinue maintaining, through 4.2/3

1	contractual agreements, those facilities off the state highway	4.2/4
2	and state park road systems.	4.2/6
3	(6) The counties and municipalities shall properly	4.2/6
4	maintain any road or portion thereof under their jurisdiction	4.2/8
5	which was constructed with federal assistance and is on a	4.2/9
6	federal aid system.	
7	Section 13. Section 336.41, Florida Statutes, is	4.2/10
8	amended to read:	
9	336.41 Counties; employing labor and providing road	4.2/11
10	equipment; <u>definitions.</u> --	
11	(1) The commissioners may employ labor and provide	4.2/12
12	equipment as may be necessary <u>except as provided in subsection</u>	4.2/13
13	<u>(3)</u> for constructing and opening of new roads or bridges and	4.2/15
14	repair and maintenance of any existing roads and bridges.	4.2/16
15	(2) It shall be the duty of all persons to whom the	4.2/17
16	commissioners deliver equipment and supplies for road and	4.2/18
17	bridge purposes to make a strict accounting of the same to the	4.2/19
18	commissioners.	
19	(3) <u>Except in emergency situations, all construction,</u>	4.2/20
20	<u>reconstruction, and periodic maintenance of roads and bridges,</u>	4.2/21
21	<u>as defined in s. 334.03 funded from the proceeds of the 80</u>	
22	<u>percent portion of the second gas tax, shall be let to</u>	4.2/22
23	<u>contract by competitive bid; however, the county may utilize</u>	4.2/23
24	<u>its existing work force for construction, reconstruction, and</u>	4.2/24
25	<u>periodic maintenance having a total cumulative annual value</u>	
26	<u>not to exceed 5 percent of its 80 percent portion of the</u>	4.2/25
27	<u>second gas tax, or \$50,000, whichever is greater</u> The	4.2/26
28	commissioners may contract with the Department of	4.2/27
29	Transportation to perform maintenance upon the secondary	4.2/28
30	system roads in said county and said Department of	4.2/29
31		

1	Transportation shall monthly pay to the commissioners the	
2	agreed cost thereof.	4.2/30
3	Section 14. Subsection (1) of section 336.44, Florida	4.2/33
4	Statutes, is amended to read:	4.24
5	336.44 Counties; contracts for construction of roads;	4.25
6	procedure; contractor's bond.--	4.26
7	(1) The commissioners <u>shall</u> may let the work on roads	4.28
8	out on contract, when, in their judgment, such would be to the	
9	advantage of the county.	4.29
10	Section 15. Paragraphs (b) and (c) of subsection (2)	4.29
11	and subsections (3) and (4) of section 339.08, Florida	
12	Statutes, are amended, and subsection (5) is added to said	
13	section, to read:	
14	339.08 Use of gas tax revenue by department.--	4.30
15	(2) Such regulations shall provide that the use of the	4.30
16	first gas tax be restricted to the following purposes:	4.32
17	(b) To pay the cost of construction of the <u>state</u>	4.32
18	<u>highway system</u> primary road and state park road system,	4.35
19	including amounts necessary to match federal aid funds for	
20	such purposes. <u>However, the department is authorized to match</u>	4.36
21	<u>federal aid highway funds allocated to the county road and</u>	4.37
22	<u>city street systems;</u>	
23	(c) To pay the cost of maintaining the state <u>primary</u>	4.38
24	highway system and state park road system;	4.39
25	(3) The department shall <u>develop a plan to accomplish</u>	4.39/1
26	<u>a careful and judicious transfer of the administrative</u>	
27	<u>responsibility for all phases of construction from the 80</u>	4.39/3
28	<u>percent portion of the second gas tax currently administered</u>	
29	<u>by the department to the respective counties. Such transfer</u>	4.39/5
30	<u>shall be completed as soon as feasible, but under no</u>	4.39/7
31	<u>circumstances later than July 1, 1980</u> by regulation provide	4.44

1 ~~for the expenditure of the proceeds of the 80 percent of the~~ 4.45
 2 ~~seventh cent gas tax accruing to the division for use of the~~ 4.46
 3 ~~counties in accordance with its annual budget; such moneys to~~ 4.47
 4 ~~be used by the division in the construction and maintenance of~~ 4.48
 5 ~~roads, including the purchase of right of way, in the county~~
 6 ~~to which such gas tax applies. Such roads shall be those~~ 4.50
 7 ~~selected by the commissioners and approved by the Division of~~ 4.51
 8 ~~Road Operations to be a part of the secondary system of roads,~~ 4.52
 9 ~~as herein defined.~~

10 (4) The department is authorized to maintain on 4.52/1
 11 deposit with the State Board of Administration all proceeds of 4.52/2
 12 the 80 percent surplus of the second gas tax. The department 4.52/3
 13 shall by rule provide for the transfer of the proceeds of the
 14 80 percent surplus of the second gas tax necessary to meet the 4.52/4
 15 current expenditures of the several counties. No county shall 4.52/5
 16 submit a voucher for transfer of funds unless such funds are 4.52/6
 17 to reimburse a prior expenditure or to maintain sufficient
 18 funds to meet anticipated expenditures for the next 30 days. 4.52/7
 19 Such transfers shall be processed by the department within 5 4.52/8
 20 working days of receipt of the county's voucher. Such 4.52/10
 21 regulations shall not provide for department approval or
 22 control over county expenditures, but are to provide for 4.52/11
 23 routine processing of transfer vouchers from the State Board 4.52/12
 24 of Administration to the counties, and for the investment of 4.52/13
 25 said second gas tax funds so as to maximize investment
 26 earnings to the counties. The department shall not charge any 4.52/15
 27 fees for these services or allocate department overhead to the 4.52/17
 28 counties for any purpose ~~shall by regulation prescribe for the~~ 4.
 29 ~~expenditure of the proceeds of the 80 percent surplus of the~~ 4.69
 30 ~~second gas tax remitted to the Division of Road Operations for~~ 4.70
 31 ~~use in the counties in accordance with its annual budget;~~ 4.71

1 provided, however, the division shall not expend any funds
 2 derived from the 80 percent surplus of the second gas tax for 4.72
 3 the construction or reconstruction of any road or bridge 4.73
 4 except where requested to do so by resolution from the county 4.74
 5 commissioners; such moneys shall then be used by the division 4.76
 6 for the construction or reconstruction of roads and bridges or
 7 for the lease or purchase of bridges on the state highway 5.2
 8 system within the county to which such surplus applies or to 5.3
 9 acquire right of way for such roads and bridges; provided, 5.4
 10 however, that nothing herein contained shall in any way impair 5.5
 11 the present county road and bridge district bonds; revenue
 12 certificates; or other valid obligations of the respective 5.6
 13 counties.

14 (5) The department is authorized to advance second gas 1:1us
 15 tax trust funds to the Working Capital Trust Fund in an amount
 16 deemed appropriate, not to exceed \$30,000,000. If the advance 5.7
 17 exceeds \$22,500,000, the department shall pay interest to the 5.8
 18 second gas tax trust fund on the excess at the average monthly
 19 interest rate earned on invested second gas tax trust funds. 5.9
 20 However, nothing herein contained shall in any way impair the 5.11
 21 present county road and bridge district bonds, revenue 5.12
 22 certificates, or other valid obligations of the respective
 23 counties. The department shall develop a plan for replacement 5.12/1
 24 of second gas tax funds in the Working Capital Trust Fund so 5.12/3
 25 that all such funds shall be completely replaced not later 5.12/4
 26 than July 1, 1982.

27 Section 16. Section 339.083, Florida Statutes, is 5.17
 28 created to read:

29 339.083 County Transportation Trust Fund; controls.-- 5.17/2

30 (1) Each county shall establish and maintain a 5.19
 31 Transportation Trust Fund for all transportation related

1 revenues and expenditures. All funds available to a county 5.20
 2 for transportation shall be deposited into this fund. No 5.21
 3 expenditures other than authorized transportation expenditures 5.22
 4 shall be made from said fund and the counties shall comply
 5 with all constitutional and statutory requirements in 5.24
 6 connection therewith. Each county shall use a uniform 5.25
 7 accounts classification system approved by the Comptroller. 5.26
 8 (2) If, as a result of a completed audit pursuant to 5.26/1
 9 s. 11.45, the Auditor General determines that a county has 5.26/3
 10 violated the constitutional or statutory requirements for 5.26/4
 11 expenditure of transportation funds including
 12 intergovernmental transfers, he shall thereafter certify his 5.26/6
 13 findings to the department. The county may acknowledge such 5.26/7
 14 findings, or may have such findings reviewed pursuant to the
 15 provisions of chapter 120. If the findings of the Auditor 5.26/8
 16 General are acknowledged, or upheld by actions taken under 5.26/9
 17 chapter 120, the county will have 30 days in which to certify 5.26/10
 18 the department that appropriate steps have been taken to
 19 correct the violation. If such certification is not received, 5.26/11
 20 the department shall suspend all transfers of funds until such 5.26/12
 21 certification is received.
 22 (3) The county engineer in each county shall certify 1:lus
 23 for each project of work commenced that all design, 5.26/13
 24 construction, and maintenance comply with the standards
 25 established pursuant to s. 335.075. 5.26/14
 26 Section 17. Section 339.084, Florida Statutes, is 5.26/15
 27 created to read:
 28 339.084 Annual reports required.-- 5.26/16
 29 (1) The department shall recommend to the Department 5.26/17
 30 of Banking and Finance no later than April 1, 1978, uniform
 31 program data to be furnished by each local government as a. 5.26/18

1	<u>part of its annual financial report submitted pursuant to s.</u>	5.26/19
2	<u>218.32. Such data shall include, but not be limited to, miles</u>	5.26/22
3	<u>of new construction, miles resurfaced or reconstructed, miles</u>	
4	<u>maintained, work performed by county or municipal forces and</u>	5.26/23
5	<u>by contract, contracts let and such other pertinent</u>	5.26/25
6	<u>information as determined by the department.</u>	
7	<u>(2) The department shall compile an annual</u>	5.26/26
8	<u>comprehensive transportation report for presentation to the</u>	5.26/27
9	<u>Legislature no later than March 15 of each year.</u>	5.26/28
10	Section 18. Subsections (2), (3), and (4) of section	5.26/28
11	206.605, Florida Statutes, subsections (1), (8), (12), and	5.26/29
12	(13) of section 334.03, Florida Statutes, and section 335.041,	5.26/30
13	Florida Statutes, are hereby repealed.	5.26/32
14	Section 19. Subsection (2) of section 337.29, Florida	5.26/32
15	Statutes, is amended, and subsection (3) is added to said	5.26/33
16	section to read:	
17	337.29 Title to roads in State <u>Highway, County Road,</u>	5.26/33
18	<u>City Street</u> and State Park Road Systems; recording deeds <u>and</u>	5.26/35
19	<u>maps.--</u>	
20	(2) Upon the vesting of title to any lands for highway	5.26/36
21	purposes in the state, the commissioners or public municipal	
22	authorities, as the case may be, shall forthwith issue a deed	5.26/37
23	<u>or right-of-way map</u> to the state covering said lands which	5.26/39
24	shall be duly recorded. Recordation of deeds <u>or right-of-way</u>	5.26/40
25	<u>maps</u> shall also be effected upon acquisition of any lands by	5.26/41
26	the Division of Administration.	5.26/42
27	<u>(3) Title to all roads transferred in accordance with</u>	5.26/43
28	<u>the provisions of s. 335.04 shall be in the governmental</u>	
29	<u>entity to which said roads have been transferred upon the</u>	5.26/44
30	<u>recording of a right-of-way map by the appropriate</u>	5.26/45
31	<u>governmental entity in the public land records of the county</u>	

1 or counties in which such rights-of-way are located. 5.26/46

2 Liability for torts shall be in the governmental entity having 5.26/47
3 title as provided herein.

4 Section 20. This act shall take effect July 1, 1977; 5.26/50
5 provided that the provisions of section 5 relating to s.

6 206.605, Florida Statutes, transferring the eighth cent gas 5.26/51

7 tax to the State Transportation Trust Fund, shall take effect 5.26/52

8 only upon passage of legislation replacing the 1 cent gas tax 5.26/53
9 equivalent in the Municipal Revenue Sharing Trust Fund.

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Major Points of CS/SB 317

5th & 6th

1. Provides for a 3 year phased transfer of the administrative responsibility for construction programs financed by the 80 per cent portion of the second gas tax to the counties. (For counties with over 100,000 population, at a rate of at least 20% per year; for other counties, an orderly transfer.)
2. Requires use of second gas tax funds by counties for connecting roads to interstate interchanges previously agreed to, and for a connected system of county roads.
3. Establishes a single budget fund, the County transportation trust fund, in the County budget for all transportation-related revenue and expenditures. This replaces the Road & Bridge Fund presently used. Provides for the Auditor General to conduct audits to assure that the funds are being expended in accordance with law. Funds can be withheld if violations are found and not corrected. The county may appeal the Auditor General's findings through the APA.
4. Provides for a registered professional engineer to certify compliance with design, construction and maintenance standards.
5. An annual report by the DOT compiled from data furnished by local government will be presented to the legislature by March 15.
6. The surplus second gas tax is maintained on deposit with the State Board of Administration. The DOT receives county vouchers for the transfer of funds needed for past expenditures and for anticipated expenditures over the next 60 days. These vouchers will be processed within 3 working days.
7. The DOT is authorized to advance up to \$22.5 million second gas tax funds to the Working Capital Trust Fund without impairing bond or other county obligations. The DOT must replace the second gas tax funds in the Working Capital Trust Fund by July 1, 1983.
8. Requires counties to let to contract by competitive bids certain kinds of projects having a total cumulative value which does not exceed 5% of the 80% portion of the second gas tax, or \$50,000 whichever is greater. Counties may use their own labor for routine maintenance and for projects on which no bids are received.
9. Requires the DOT to discontinue maintaining facilities off the state highway system by July 1, 1980.

Functional Reclassification

1. Provides for a phased-in implementation over a five year period of a plan, adopted pursuant to APA, for assigning the jurisdictional responsibility for the maintenance of roads based on their functional classification. The plan is to be adopted by October 1, 1977 and implementation begun by January 1, 1978. After the initial implementation period (ending July 1, 1982) the DOT shall conduct a program, including public hearings, providing that every public road shall be reevaluated at least once every five years.

Major Points of CS/SB 317 (continued)

Specific requests for reevaluations shall be acted on within one year.

2. Requires all roads which are scheduled to be transferred between jurisdictions to be brought up to a proper physical condition by the transferring jurisdiction prior to transfer. The bill, in addition to bringing the roads up to a proper standard, requires the state, upon a request by a county, to resurface roads which are scheduled to be transferred to local government and which either (1) have not been resurfaced in the previous 12 years, (approx. 1583 miles statewide) or (2) have a road surface rating below a satisfactory level based on DOT standards as of January 1, 1977, (approx. 1222 miles statewide). The state is authorized to match federal aid funds for use on roads on the county and city system for the purposes of bringing the roads up to a proper condition or for resurfacing, but such authorization ends after the initial implementation period (July 1, 1982) after which the local government must match available federal funds. Transfers of roads between cities and counties may be extended an additional 5 years according to an agreement between the jurisdictions setting terms and conditions of transfer.

3. The bill provides that the state highway system shall consist of the interstate system, all rural arterials, all urban principal arterials and those urban minor arterials presently on the state system. In addition, the bill provides that each urbanized area (50,000 or more population) have urban minor arterials totaling at least 2% of the public road mileage of that urbanized area on the state highway system. Those urbanized areas not meeting the 2% minimum, may have additional minor arterials placed on the state highway system up to 2.5% of the total public road miles of that urbanized area.