

t prosecute violations of special laws or ordinances of the county or municipality.

Section 2. This act shall take effect October 1, 1977.

Approved by the Governor June 8, 1977.

Filed in Office Secretary of State June 8, 1977.

CHAPTER 77-165

Committee Substitute for House Bill No. 803

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

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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.

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 ~~Read-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 (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

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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 fund 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, of 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 general 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 11,300 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 ~~publie~~ 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.

(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.

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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 utilizing 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, giving 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 describe for the expenditure of the proceeds of the 80 percent plus 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.

Approved by the Governor June 9, 1977.

Filed in Office Secretary of State June 9, 1977.

CHAPTER 77-166

House Bill No. 2234

AN ACT relating to pari-mutuel wagering; adding a new section to chapter 550, Florida Statutes, and adding a new section to chapter 551, Florida Statutes, requiring dogracing, horseracing, and jai alai permittees to withhold an additional commission of 0.6% from the pari-mutuel pools; providing for disposition of said funds; excepting quarter horse racing permittees; amending s. 550.12(2)(c), Florida Statutes; providing that certain reports be certified by a public accountant licensed to practice in this state; repealing chapter 75-42, Laws of Florida, relating to the presently provided additional 0.4% commission authorized to be withheld from the pari-mutuel pools, which authorization expires July 1, 1977; providing effective and expiration dates.

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

Section 1. A new section is added to chapter 550, Florida Statutes, to read:

550. Additional commission required to be withheld by dogracing and horseracing permittees.--In addition to the 17 percent commission authorized to be withheld on every dograce and horserace conducted pursuant to this chapter, each dog and horse track permittee shall withhold an additional six-tenths of 1 percent from the total contributions to the pari-mutuel pool on each and every race there conducted, which additional six-tenths of 1 percent shall be paid to the State Treasurer for deposit in the General Revenue Fund; provided, however, this section shall not apply to any permittee conducting quarter horse racing under the provisions of s. 550.33.

Section 2. A new section is added to chapter 551, Florida Statutes, to read:

551. Additional commission required to be withheld by jai alai permittees; designation of funds.--In addition to the 17 percent commission authorized to be withheld on every jai alai contest conducted pursuant to this chapter, each jai alai permittee shall withhold an additional six-tenths of 1 percent from the total contributions to the pari-mutuel pool on each and every contest there conducted, which additional six-tenths of 1 percent shall be paid to the State Treasurer for deposit in the General Revenue Fund.

Section 3. Paragraph (c) of subsection (2) of section 550.12, Florida Statutes, is amended to read:

550.12 Uniform reporting system.--

(2)