

By Senator Ring

32-01125-11

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1                   A bill to be entitled  
2       An act relating to transportation project funding;  
3       redirecting funds in the State Transportation Trust  
4       Fund and portions of amounts contracted for  
5       construction projects of the Department of  
6       Transportation to be used for prioritized projects;  
7       amending s. 212.0606, F.S., relating to a rental car  
8       surcharge; revising the use of allocated proceeds;  
9       amending s. 334.044, F.S., relating to powers and  
10      duties of the department; revising the allocation of a  
11      certain percentage amount of contracted funds;  
12      directing unused portions of such funds be  
13      reallocated; amending s. 339.135, F.S., relating to  
14      the department's adopted work program; providing for  
15      certain unencumbered and available funds remaining in  
16      the adopted work program due to certain cost savings  
17      to be reallocated; amending s. 339.55, F.S., relating  
18      to the state-funded infrastructure bank; directing the  
19      department to deposit certain funds into the bank;  
20      providing a contingent effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24       Section 1. Subsection (2) of section 212.0606, Florida  
25 Statutes, is amended to read:

26       212.0606 Rental car surcharge.—

27       (2) (a) Notwithstanding the provisions of section 212.20,  
28 and less costs of administration, 80 percent of the proceeds of  
29 this surcharge shall be deposited in the State Transportation

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30 Trust Fund, 15.75 percent of the proceeds of this surcharge  
31 shall be deposited in the Tourism Promotional Trust Fund created  
32 in s. 288.122, and 4.25 percent of the proceeds of this  
33 surcharge shall be deposited in the Florida International Trade  
34 and Promotion Trust Fund. For the purposes of this subsection,  
35 "proceeds" of the surcharge means all funds collected and  
36 received by the department under this section, including  
37 interest and penalties on delinquent surcharges. The department  
38 shall provide the Department of Transportation rental car  
39 surcharge revenue information for the previous state fiscal year  
40 by September 1 of each year.

41 (b) Notwithstanding any other provision of law, ~~in fiscal~~  
42 ~~year 2007-2008 and each year thereafter,~~ the proceeds deposited  
43 in the State Transportation Trust Fund shall be allocated on an  
44 annual basis in the Department of Transportation's work program  
45 to each department district, except the Turnpike District. The  
46 amount allocated for each district shall be based upon the  
47 amount of proceeds attributed to the counties within each  
48 respective district.

49 (c) Notwithstanding any other provision of law, in fiscal  
50 year 2016-2017 and each year thereafter, the funds allocated to  
51 the districts under paragraph (b) shall be cumulatively applied  
52 by the district secretary to fund the prioritized list of  
53 projects within the district as identified by the Trade  
54 Infrastructure Investment Steering Committee.

55 Section 2. Subsection (26) of section 334.044, Florida  
56 Statutes, is amended to read:

57 334.044 Department; powers and duties.—The department shall  
58 have the following general powers and duties:

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59           (26) To fund projects pursuant to this subsection. No less  
60 than 1.5 percent of the amount contracted for construction  
61 projects shall be allocated by the department as follows:

62           (a) One percent shall be allocated to help fund priority  
63 projects identified by the Trade Infrastructure Investment  
64 Steering Committee pursuant to s. 340.101.

65           (b) One-half of one percent shall be allocated to provide  
66 for the enhancement of environmental benefits, including air and  
67 water quality; to prevent roadside erosion; to conserve the  
68 natural roadside growth and scenery; and to provide for the  
69 implementation and maintenance of roadside conservation,  
70 enhancement, and stabilization programs. The department shall  
71 allocate this amount ~~No less than 1.5 percent of the amount~~  
72 ~~contracted for construction projects shall be allocated by the~~  
73 ~~department~~ for the purchase of plant materials, with, to the  
74 greatest extent practical, a minimum of 50 percent of these  
75 funds for large plant materials and the remaining funds for  
76 other plant materials. All such plant materials shall be  
77 purchased from Florida commercial nursery stock in this state on  
78 a uniform competitive bid basis. The department will develop  
79 grades and standards for landscaping materials purchased through  
80 this process. To accomplish these activities, the department may  
81 contract with nonprofit organizations having the primary purpose  
82 of developing youth employment opportunities. Any unencumbered  
83 funds allocated pursuant to this paragraph on January 1 or June  
84 30 of each fiscal year shall be reallocated for the purposes  
85 described in paragraph (a).

86           Section 3. Paragraph (j) is added to subsection (7) of  
87 section 339.135, Florida Statutes, to read:

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88 339.135 Work program; legislative budget request;  
89 definitions; preparation, adoption, execution, and amendment.—

90 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

91 (j) Notwithstanding any other provision of law, the portion  
92 of unencumbered and available funds remaining in the adopted  
93 work program due to cost savings on project procurement when the  
94 bid or negotiated amount is lower than the department's estimate  
95 for the project shall be made available for priority projects  
96 identified by the Trade Infrastructure Investment Steering  
97 Committee pursuant to s. 340.101; however, this shall not  
98 reallocate funds for uses outside the public transportation  
99 program that were previously allocated for a public  
100 transportation program in accordance with s. 206.46(3). The  
101 department shall review the cost savings from project  
102 procurements at the end of each quarter of the fiscal year to  
103 determine the availability of any funds generated by these cost  
104 savings. The department shall amend the work program to transfer  
105 at least 60 percent of such funds each year for priority  
106 projects identified pursuant to s. 340.101, provided the use of  
107 the funds under s. 340.101 must be in accordance with any  
108 limitations on the source of the funds as required by existing  
109 law.

110 Section 4. Subsection (11) is added to section 339.55,  
111 Florida Statutes, to read:

112 339.55 State-funded infrastructure bank.—

113 (11) The department shall deposit no less than \$20 million  
114 annually, in addition to scheduled project repayments from the  
115 State Transportation Trust Fund, into the State Infrastructure  
116 Bank beginning in fiscal year 2013-2014. The department shall

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117 make this deposit in fiscal years 2011-2012 and 2012-2013 if the  
118 revenue estimates from the Consensus Revenue Estimating  
119 Conference increase the revenue estimate for the State  
120 Transportation Trust Fund when compared to the prior revenue  
121 estimate.

122       Section 5. This act shall take effect July 1, 2011, if  
123 Senate Bill \_\_ or substantially similar legislation is adopted  
124 in the same legislative session or an extension thereof and  
125 becomes law.