

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Transportation & Economic Development
Appropriations offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Paragraph (c) of subsection (4) of section
339.12, Florida Statutes, is amended to read:

339.12 Aid and contributions by governmental entities
for department projects; federal aid.--

(4)

(c) The department ~~may is authorized to~~ enter into
agreements under this subsection for a project or project
phase not included in the adopted work program. As used in
this paragraph, the term "project phase" means acquisition of
rights-of-way, construction, construction inspection, and
related support phases. The project or project phase must be
a high priority of the governmental entity. Reimbursement for
a project of project phase must be made from funds
appropriated by the Legislature pursuant to s.

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1 339.135(5). All other provisions of this subsection apply to
2 agreements entered into under this paragraph. ~~At no time~~
3 ~~shall~~ The total amount of project agreements for projects or
4 project phases not include in the adopted work program may not
5 at any time exceed \$100\$50 million.

6 Section 2. Section 339.55, Florida Statutes, is
7 created to read:

8 339.55 State-funded infrastructure bank.--

9 (1) There is created within the Department of
10 Transportation a state-funded infrastructure bank for the
11 purpose of providing loans and credit enhancements to
12 government units and private entities for use in constructing
13 and improving transportation facilities.

14 (2) The bank may lend capital costs or provide credit
15 enhancements for a transportation facility project that is on
16 the State Highway System or that provides for increased
17 mobility on the state's transportation system. Loans from the
18 bank may be subordinated to senior project debt that has an
19 investment grade rating of "BBB" or higher.

20 (3) Loans from the bank may bear interest at or below
21 market interest rates, as determined by the department.
22 Repayment of any loan from the bank shall commence not later
23 than 5 years after the project has been completed or, in the
24 case of a highway project, the facility has opened to traffic,
25 whichever is later, and shall be repaid in no more than 30
26 years.

27 (4) Except as provided in s. 339.137, to be eligible
28 for consideration, projects must be consistent, to the maximum
29 extent feasible, with local metropolitan planning organization
30 plans and local government comprehensive plans and must
31 provide a dedicated repayment source to ensure the loan is

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1 repaid to the bank.

2 (5) The department may consider, but is not limited
3 to, the following criteria for evaluation of projects for
4 assistance from the bank:

5 (a) The credit worthiness of the project.

6 (b) A demonstration that the project will encourage,
7 enhance, or create economic benefits.

8 (c) The likelihood that assistance would enable the
9 project to proceed at an earlier date than would otherwise be
10 possible.

11 (d) The extent to which assistance would foster
12 innovative public-private partnerships and attract private
13 debt or equity investment.

14 (e) The extent to which the project would use new
15 technologies, including intelligent transportation systems,
16 that would enhance the efficient operation of the project.

17 (f) The extent to which the project would maintain or
18 protect the environment.

19 (g) A demonstration that the project includes
20 transportation benefits for improving intermodalism and
21 safety.

22 (h) The amount of the proposed assistance as a
23 percentage of the overall project costs with emphasis on local
24 and private participation.

25 (6) Loan assistance provided by the bank shall be
26 included in the department's work program developed in
27 accordance with s. 339.135.

28 (7) The department is authorized to adopt rules to
29 implement the state-funded infrastructure bank.

30 Section 3. There is hereby appropriated \$50 million in
31 fiscal year 2000-2001 from non-recurring General Revenue to

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1 the State Transportation Trust Fund to carry out the
2 provisions of s. 339.55, Florida Statutes, related to the
3 state-funded infrastructure bank. In fiscal years 2001-2002
4 and 2002-2003, \$50 million shall be transferred annually from
5 non-recurring General Revenue to the State Transportation
6 Trust Fund to capitalize the state-funded infrastructure bank
7 created in s. 339.55, Florida Statutes.

8 Section 4. Section 339.137, Florida Statutes, is
9 created to read:

10 339.137 Transportation Outreach Program (TOP)
11 supporting economic development; administration; definitions;
12 eligible projects; Transportation Outreach Program (TOP)
13 Advisory Council created; limitations; funding.--

14 (1) There is created within the Department of
15 Transportation a Transportation Outreach Program (TOP)
16 dedicated to funding transportation projects of a high
17 priority that improve the state's economic growth and
18 competitiveness. The department shall provide administrative
19 support for the program as provided in subsection (9).

20 (2) For purposes of this section, words and phrases
21 shall have the following meanings:

22 (a) The term "economic development" means economic
23 activities which result in development or retention of income
24 generative industries which increase per capita earned income
25 in the state.

26 (b) The term "regionally significant transportation
27 project of critical concern" means a transportation facility
28 improvement project located in one county which provides
29 significant enhancement of economic development opportunities
30 in an adjoining county or counties and which provides
31 improvements to a hurricane evacuation route.

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- 1 (3) Eligible projects include those for planning,
2 designing, acquiring rights-of-way for, or constructing the
3 following:
- 4 (a) Major highway improvements:
- 5 1. Florida Intrastate Highway System.
6 2. Feeder roads which provide linkages to major
7 highways.
- 8 3. Bridges of regional significance.
9 4. Trade and economic development corridors.
10 5. Access projects for freight and passengers.
11 6. Hurricane evacuation routes.
- 12 (b) Major public transportation projects:
- 13 1. Seaport projects which improve cargo and passenger
14 movements.
- 15 2. Aviation projects which increase passenger
16 enplanements and cargo activity.
- 17 3. Transit projects which improve mobility on
18 interstate highways, or which improve regional or localized
19 travel.
- 20 4. Rail projects that facilitate the movement of
21 passengers and cargo including ancillary pedestrian
22 facilities.
- 23 5. Spaceport Florida Authority projects which improve
24 space transportation capacity and facilities consistent with
25 the provisions of s. 331.360.
- 26 6. Bicycle and pedestrian facilities that add to or
27 enhance a statewide system of public trails.
- 28 (c) Highway and bridge projects that facilitate
29 retention and expansion of military installations, or that
30 facilitate reuse and development of any military base
31 designated for closure by the federal government.

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1 (4) Economic growth projects may be proposed by any
2 local government, regional organization, economic development
3 board, public or private partnership, metropolitan planning
4 organization, state agency, or other entity engaged in
5 economic development activities.

6 (5) Transportation funding under this section shall
7 target proposed projects using the following mechanisms:

8 (a) Economic development-related transportation
9 projects can compete for funding under the program. Projects
10 funded under this program should provide for increased
11 mobility on the state's transportation system. Projects which
12 have local or private financial partners or which enhance
13 hurricane evacuation may be given priority over other
14 projects.

15 (b) Establishment of a funding allocation under this
16 program reserved to quickly respond to transportation needs of
17 emergent economic development projects that may be outside of
18 the routine project selection process. This funding may be
19 used to match local or private contributions for
20 transportation projects which meet the definition of economic
21 development contained in this section.

22 (c) Establish innovative financing methods to enable
23 the state to respond in a timely manner to major or emergent
24 economic development-related transportation needs that require
25 timely commitments. These innovative financing methods
26 include, but are not limited to, the state infrastructure
27 bank, state bonds for right-of-way acquisition and bridge
28 construction, state bonds for fixed guideway transportation
29 systems, state bonds for federal aid highway construction,
30 funds previously programmed by the department for high-speed
31 rail development, and any other local, state, or federal funds

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1 made available to the department.

2 (6) To be eligible for funding under the program,
3 projects must meet the following minimum criteria:

4 (a) The project or project phase selected can be made
5 production-ready within a 5-year period following the end of
6 the current fiscal year.

7 (b) The project is listed in an outer year of the
8 5-year work program and can be made production-ready and
9 advanced to an earlier year of the 5-year work program.

10 (c) The project is consistent with a current
11 transportation system plan including, but not limited to, the
12 Florida Intrastate Highway System, aviation, intermodal/rail,
13 seaport, spaceport, or transit system plans.

14 (d) The project is not inconsistent with an approved
15 local comprehensive plan of any local government within whose
16 boundaries the project is located in whole or in part or, if
17 inconsistent, is accompanied by an explanation of why the
18 project should be undertaken.

19 (e) One or more of the minimum criteria listed in
20 paragraphs (a) through (d) may be waived for a regionally
21 significant transportation project of critical concern.

22 (7) The Transportation Outreach Program (TOP) Advisory
23 Council is created to annually make recommendations to the
24 Legislature on prioritization and selection of economic growth
25 projects as provided in this section.

26 (a) The council shall consist of:

27 1. Two representatives chosen by the Speaker of the
28 House of Representatives.

29 2. Two representatives chosen by the President of the
30 Senate.

31 3. Two representatives chosen by the Governor.

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1 (b) Terms for council members shall be 2 years, and
2 each member shall be allowed one vote.

3 (c) Initial appointments must be made no later than 60
4 days after this act takes effect. Vacancies in the council
5 shall be filled in the same manner as the original
6 appointment.

7 (d) The council shall hold its initial meeting no
8 later than 30 days after the members have been appointed in
9 order to organize and select a chair and vice chair from the
10 council membership. Meetings shall be held at the call of the
11 chair, but not less frequently than quarterly.

12 (e) The members of the council shall serve without
13 compensation but shall be reimbursed for per diem and travel
14 expenses as provided in s. 112.061. The department shall
15 provide administrative staff support, travel and per diem
16 expenses for the council.

17 (8) Because transportation investment plays a key role
18 in economic development, the council and the department shall
19 actively participate in state and local economic development
20 programs, including:

21 (a) Working in partnership with other state and local
22 agencies in business recruitment, expansion, and retention
23 activities to ensure early transportation input into the
24 process.

25 (b) Providing expertise and rapid response in
26 analyzing the transportation needs of emergent economic
27 development projects.

28 (c) Investing in state transportation projects that
29 truly support economic development as measured through
30 increased per capita earned income in the state.

31 (9) The council shall review and prioritize projects

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1 submitted for funding under the program and shall recommend to
2 the Legislature a transportation outreach program. The
3 department shall provide technical expertise and support as
4 requested by the council, and shall develop financial plans,
5 cash forecast plans, and program and resource plans necessary
6 to implement this program. These supporting documents shall be
7 submitted with the transportation outreach program.

8 (10) Projects recommended for funding under the
9 transportation outreach program shall be submitted to the
10 Governor and the Legislature as a separate section of the
11 department's tentative work program. Final approval of the
12 transportation outreach program shall be made by the
13 Legislature through the General Appropriations Act. Program
14 projects approved by the Legislature must be included in the
15 department's adopted work program.

16 (11) For purposes of funding projects under the
17 program, the department shall allocate from the State
18 Transportation Trust Fund in its program and resource plan a
19 minimum of \$60 million each year beginning in fiscal 2001-2002
20 for a transportation outreach program. This funding is to be
21 reserved for projects to be funded under the transportation
22 outreach program.

23 (12) Notwithstanding any other law to the contrary the
24 requirements of ss. 206.46(3), 206.606(2), 339.135, 339.155,
25 and 339.175 shall not apply to the transportation outreach
26 program.

27 (13) The department is authorized to adopt rules to
28 implement the transportation outreach program supporting
29 economic development.

30 Section 5. Beginning in fiscal year 2001-2002 the
31 Department of Transportation shall allocate sufficient funds

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1 to implement the Mobility 2000 (Building Roads for the 21st
2 Century) initiative. The department shall develop a plan to
3 expend these revenues and amend the current tentative work
4 program for the time period 2000-2001 through 2004-2005 prior
5 to adoption to include Mobility 2000 projects. In addition,
6 prior to work program adoption, the department shall submit a
7 budget amendment pursuant to s. 339.135(7), Florida Statutes,
8 reflecting the budget authority needed to implement the
9 Mobility 2000 initiative. Funds will be used for corridors
10 that link Florida's economic regions to seaports,
11 international airports, and markets to provide connections
12 through major gateways, improved mobility in major urbanized
13 areas, and access routes for emergency evacuation to coastal
14 communities based on analysis of current and projected traffic
15 conditions.

16 Section 6. There is hereby appropriated \$75 million
17 from non-recurring General Revenue and \$50 million from
18 non-recurring General Revenue in fiscal year 2000-2001 to the
19 State Transportation Trust Fund to carry out the Mobility 2000
20 initiative pursuant to section 5. Any funds remaining in
21 fiscal year 2000-2001 after the Mobility 2000 initiative is
22 funded shall be used to fund projects identified in the
23 Florida Freight Stakeholders Task Force Report dated November
24 23, 1999, or in the Year 2000 "Fast Track" Project
25 Recommendations dated January 10, 2000

26 Section 7. Notwithstanding the provisions of section
27 215.20(1), Florida Statutes, the service charge provided in
28 section 215.20(1), Florida Statutes, which is deducted from
29 the proceeds of the taxes distributed under section 206.606,
30 206.608, 206.9845, 207.026, 212.0606, 319.32(5), and
31 320.072(4), Florida Statutes, shall be eliminated beginning

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1 July 1, 2001.

2 Section 8. In fiscal year 2000-2001, \$100 million is
3 hereby appropriated from non-recurring General Revenue to the
4 Local Option Fuel Tax Trust Fund to be allocated to local
5 governments in the same proportion as local option fuel tax
6 revenues are distributed pursuant to s. 336.025, Florida
7 Statutes. In fiscal years 2001-2002 and 2002-2003, \$100
8 million shall be transferred annually from non-recurring
9 General Revenue to the Local Option Fuel Tax Trust Fund to be
10 allocated to local governments in the same proportion as local
11 option fuel tax revenues are distributed pursuant of s.
12 336.023, Florida Statutes.

13 Section 9. (1) Notwithstanding the provisions of s.
14 215.20(1), Florida Statutes, the service charge provided in
15 said section which is deducted from the proceeds of the local
16 option fuel tax distributed under s. 336.025, Florida
17 Statutes, shall be reduced as follows:

18 (a) For the period of July 1, 2002, through June 30,
19 2003, the rate of the service charge shall be 5.5 percent.

20 (b) For the period of July 1, 2003, through June 30,
21 2004, the rate of the service charge shall be 4 percent.

22 (c) For the period of July 1, 2004, through June 30,
23 2005, the rate of the service charge shall be 2.5 percent.

24 (d) For the period of July 1, 2005, through June 30,
25 2006, the rate of the service charge shall be 1 percent.

26 (2) Beginning July 1, 2006, and thereafter, no service
27 charge shall be deducted from the proceeds of the local option
28 fuel tax distributed under s. 336.025, Florida Statutes.

29 Section 10. Effective July 1, 2001, subsection (2) of
30 section 212.0606, Florida Statutes, is amended to read:

31 212.0606 Rental car surcharge.--

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1 (2) Notwithstanding the provisions of s. 212.20, and
2 less costs of administration, 80 ~~75~~ percent of the proceeds of
3 this surcharge shall be deposited in the State Transportation
4 Trust Fund, ~~5 percent of the proceeds of this surcharge shall~~
5 ~~be deposited in the General Revenue Fund,~~15.75 percent of the
6 proceeds of this surcharge shall be deposited in the Tourism
7 Promotional Trust Fund created in s. 288.122, and 4.25 percent
8 of the proceeds of this surcharge shall be deposited in the
9 Florida International Trade and Promotion Trust Fund. For the
10 purposes of this subsection, "proceeds" of the surcharge means
11 all funds collected and received by the department under this
12 section, including interest and penalties on delinquent
13 surcharges.

14 Section 11. Effective July 1, 2001, subsection (4) of
15 section 320.072, Florida Statutes, is amended to read:

16 320.072 Additional fee imposed on certain motor
17 vehicle registration transactions.--

18 (4) A tax collector or other duly authorized agent of
19 the department shall promptly remit all moneys collected
20 pursuant to this section, less any refunds granted pursuant to
21 subsection (3), to the department to. ~~The department shall~~
22 ~~deposit 30 percent of such moneys as they are received into~~
23 ~~the General Revenue Fund. The remainder of the proceeds, after~~
24 ~~deducting the service charge imposed by s. 215.20, shall be~~
25 deposited into the State Transportation Trust Fund.

26 Section 12. Paragraph (f) of subsection (2) of section
27 339.08, Florida Statutes, is amended to read:

28 339.08 Use of moneys in State Transportation Trust
29 Fund.--

30 (2) These rules must restrict the use of such moneys
31 to the following purposes:

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1 (f) To pay the cost of economic development
2 transportation projects in accordance with s. 339.137 and s.
3 288.063, and to provide loans and credit enhancements in
4 accordance with the state-funded infrastructure bank created
5 in s. 339.55.

6 Section 13. Notwithstanding any other provision of
7 law, in fiscal year 2001-2002 and each year thereafter, the
8 increase in revenue to the State Transportation Trust Fund
9 derived from sections 5, 6, 7, 10, and 11 of this act shall be
10 first used by the Department of Transportation to fund the
11 Mobility 2000 initiative and any remaining funds shall be used
12 to fund the Transportation Outreach Program created pursuant
13 to s. 339.137, Florida Statutes.

14 Section 14. Subsection (5) of s. 288.063, Florida
15 Statutes is amended to read:

16 (5) No project that has not been specified and
17 identified by the Office of Tourism, Trade, and Economic
18 Development in accordance with subsection (4) prior to the
19 initiation of construction shall be eligible for
20 funding. However, notwithstanding subsections (4) and (5), up
21 to 25 percent of the funds appropriated to carry out the
22 provisions of this section may be used for projects that meet
23 criteria established in s. 339.137.

24 Section 15. This act shall take effect upon becoming a
25 law

26
27
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page ,
31 remove from the title of the bill:

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1 and insert in lieu thereof:

2 A bill to be entitled
3 An act relating to innovative transportation
4 financing; amending s. 339.12, F.S.; increasing
5 the cap on the local government advance
6 reimbursement program; creating s. 339.55,
7 F.S.; providing for the creation of a
8 state-funded infrastructure bank within the
9 Department of Transportation; providing for
10 project eligibility; providing project
11 evaluation criteria; requiring loans to be
12 included in the department's work program;
13 providing an appropriation funding the
14 state-funded infrastructure bank; creating s.
15 339.137, F.S.; providing for creation of a
16 transportation outreach program dedicated to
17 funding transportation projects that improve
18 the state's economic growth and
19 competitiveness; providing definitions;
20 providing for eligible projects; creating the
21 Transportation Outreach Program Advisory
22 Council; providing limitations and funding;
23 directing the Department of Transportation to
24 allocate certain funds to implement the
25 Mobility 2000 initiative; providing
26 appropriations; reducing certain service
27 charges; providing appropriations; reducing
28 certain service charges on local option fuel
29 taxes; amending s. 212.0606, F.S.;
30 redistributing certain proceeds of the rental
31 car surcharge; amending s. 320.072, F.S.;

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1 revising language with respect to an additional
2 fee imposed on motor vehicles; amending 339.08,
3 F.S.; to authorize certain expenditures;
4 directing the Department of Transportation to
5 use increased revenues to implement the
6 provisions of the act; amending s. 288.063,
7 F.S.; providing for additional uses of funds
8 appropriated for economic development
9 transportation projects; providing an effective
10 date.

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