

By the Committee on Transportation and Representatives K. Smith, Murman, Bense, Chestnut, Harrington, Healey, Posey and Trovillion

1 A bill to be entitled
2 An act relating to innovative transportation
3 financing; creating s. 339.55, F.S.; providing
4 for the creation of a state-funded
5 infrastructure bank within the Department of
6 Transportation; providing for project
7 eligibility; providing project evaluation
8 criteria; requiring loans to be included in the
9 department's work program; creating s. 339.137,
10 F.S.; providing for the creation of an enhanced
11 transportation program dedicated to funding
12 transportation projects that improve the
13 state's economic growth and competitiveness;
14 providing definitions; providing for eligible
15 projects; creating the Transportation and
16 Economic Development Advisory Council;
17 providing limitations and funding; providing
18 appropriations; directing the Department of
19 Transportation to allocate certain funds to
20 implement the Mobility 2000 initiative;
21 eliminating certain service charges; reducing
22 certain service charges; amending s. 320.072,
23 F.S.; revising language with respect to an
24 additional fee imposed on motor vehicles;
25 repealing s. 288.063, F.S., relating to certain
26 contracts for transportation projects; amending
27 ss. 14.2015, 288.0656, and 339.08, F.S.;
28 correcting a cross reference, to conform;
29 directing the Department of Transportation to
30 prepare a tentative work program for the period
31 of 2000-2001 through 2004-2005 that implements

1 the provisions of the act; providing an
2 effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. 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 highway and transportation facilities necessary
14 for public purposes.

15 (2) The bank may lend capital costs or provide credit
16 enhancements for a transportation project that is in the State
17 Highway System or that is demonstrated to relieve traffic
18 congestion on the State Highway System. Loans from the bank
19 may be subordinated to senior project debt that has an
20 investment grade rating of "BBB" or higher.

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

28 (4) To be eligible for consideration, projects must be
29 consistent, to the maximum extent feasible, with local
30 metropolitan planning organization plans and local government
31

1 comprehensive plans and must provide a dedicated repayment
2 source to ensure the loan is repaid to the bank.

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

6 (a) The credit worthiness of the project.

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

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

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

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

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

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

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

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

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

31

1 Section 2. Section 339.137, Florida Statutes, is
2 created to read:

3 339.137 Enhanced transportation program supporting
4 economic development; administration; definitions; eligible
5 projects; Transportation and Economic Development Advisory
6 Council created; limitations; funding.--

7 (1) There is created within the Department of
8 Transportation an enhanced transportation program dedicated to
9 funding transportation projects that improve the state's
10 economic growth and competitiveness. The department shall
11 administer the program.

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

14 (a) The term "economic development" means economic
15 activities which result in development or retention of income
16 generative industries which raise the per capita earned income
17 of the state.

18 (b) The term "regionally significant transportation
19 project of critical concern" means a roadway improvement
20 located in one county which provides significant enhancement
21 of economic development opportunities in an adjoining county
22 or counties and which provides improvements to a hurricane
23 evacuation route.

24 (3) Eligible projects include those for planning,
25 designing, acquiring rights-of-way for, or constructing the
26 following:

27 (a) Major highway improvements:

28 1. Florida Intrastate Highway System.

29 2. Feeder roads which provide linkages to major
30 highways.

31 3. Bridges of regional significance.

- 1 4. Trade and economic development corridors.
2 5. Access projects for freight and passengers.
3 6. Hurricane evacuation routes.
4 (b) Major public transportation projects:
5 1. Seaport projects which improve international cargo
6 and passenger movements.
7 2. Aviation projects for airports with the largest
8 number of passenger enplanements and the most cargo activity.
9 3. Transit projects which improve mobility on
10 interstate highways and regional travel.
11 4. Rail projects that facilitate the movement of
12 passengers and cargo.
13 (4) Economic growth projects may be proposed by any
14 local government, regional organization, economic development
15 board, public or private partnership, metropolitan planning
16 organization, state agency, or other statewide group engaged
17 in economic development activities.
18 (5) Transportation funding under this section shall
19 target proposed projects using the following mechanisms:
20 (a) Economic development-related transportation
21 projects can compete for funding under the program. Projects
22 funded under this program should have a significant congestion
23 relief benefit. Projects which have local or private financial
24 partners or which enhance hurricane evacuation may be given
25 relative priority over other projects.
26 (b) Establishment of a funding allocation under this
27 program reserved to quickly respond to transportation needs of
28 emergent economic development projects that may be outside of
29 the routine project selection process. This funding may be
30 used to match local or private contributions for
31

1 transportation projects which meet the definition of economic
2 development contained in this section.

3 (c) Establish innovative financing methods to enable
4 the state to respond in a timely manner to major or emergent
5 economic development-related transportation needs that require
6 timely commitments. These innovative financing methods
7 include, but are not limited to, the state infrastructure
8 bank, state bonds for right-of-way acquisition and bridge
9 construction, state bonds for fixed guideway transportation
10 systems, state bonds for federal aid highway construction,
11 funds previously programmed by the department for high-speed
12 rail development, and any other local, state, or federal funds
13 made available to the department.

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

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

19 (b) The project is listed in an outer year of the
20 5-year work program and can be made production-ready and
21 advanced to an earlier year of the 5-year work program.

22 (c) The project is consistent with a current
23 transportation system plan including, but not limited to, the
24 Florida Intrastate Highway System, aviation, intermodal/rail,
25 seaport, or transit system plans.

26 (d) The project is not inconsistent with an approved
27 local comprehensive plan of any local government within whose
28 boundaries the project is located in whole or in part or, if
29 inconsistent, is accompanied by an explanation of why the
30 project should be undertaken.

31

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

4 (7) The Transportation and Economic Development
5 Advisory Council is created to annually make recommendations
6 to the Legislature on prioritization and selection of economic
7 growth projects as provided in this section.

8 (a) The council shall consist of:

9 1. Two representatives chosen by the Speaker of the
10 House of Representatives.

11 2. Two representatives chosen by the President of the
12 Senate.

13 3. Two representatives chosen by the Governor.

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

16 (c) Initial appointments must be made no later than 60
17 days after this act takes effect. Vacancies in the council
18 shall be filled in the same manner as the original
19 appointment.

20 (d) The council shall hold its initial meeting no
21 later than 30 days after the members have been appointed in
22 order to organize and select a chair and vice chair from the
23 council membership. Meetings shall be held upon the call of
24 the chair, but not less frequently than quarterly.

25 (e) The members of the council shall serve without
26 compensation but shall be reimbursed for per diem and travel
27 expenses as provided in s. 112.061. The department shall
28 provide administrative staff support and travel and per diem
29 expenses for the council.

30 (8) Because transportation investment plays a key role
31 in economic development, the council and the department shall

1 actively participate in state and local economic development
2 programs, including:

3 (a) Working in partnership with other state and local
4 agencies in business recruitment, expansion, and retention
5 activities to ensure early transportation input into the
6 process.

7 (b) Providing expertise and rapid response in
8 analyzing the transportation needs of emergent economic
9 development projects.

10 (c) Investing in state transportation projects that
11 truly support economic development as measured through
12 increasing state personal earned income.

13 (9) The council shall review and prioritize projects
14 submitted for funding under the program and shall recommend to
15 the Legislature an enhanced transportation program. The
16 department shall provide technical expertise and support as
17 requested by the council, and shall develop financial plans,
18 cash forecast plans, and program and resource plans necessary
19 to implement the enhanced program. These supporting documents
20 shall be submitted with the enhanced transportation program.

21 (10) Projects recommended for funding under the
22 enhanced transportation program shall be submitted to the
23 Governor and the Legislature with the department's tentative
24 work program. Final approval of the enhanced transportation
25 program shall be made by the Legislature through the General
26 Appropriations Act. Program projects approved by the
27 Legislature must be included in the department's adopted work
28 program.

29 (11) For purposes of funding projects under the
30 program, the department shall allocate in its program and
31 resource plan a minimum of \$150 million each year for an

1 enhanced transportation program. This funding is to be
2 reserved for projects to be funded under the enhanced
3 transportation program and may not be used to fund projects
4 identified in the tentative work program.

5 (12) The department is authorized to adopt rules to
6 implement the enhanced transportation program supporting
7 economic development.

8 Section 3. In fiscal year 2000-2001 and fiscal year
9 2001-2002, \$150 million shall be transferred each year from
10 nonrecurring General Revenue to the State Transportation Trust
11 Fund for the enhanced transportation program created in s.
12 339.137, Florida Statutes. This amount is in addition to the
13 \$150 million minimum funding required to be allocated annually
14 to the enhanced transportation program pursuant to s.
15 339.137(11), Florida Statutes.

16 Section 4. During fiscal year 2000-2001 through fiscal
17 year 2009-2010 the Department of Transportation shall allocate
18 sufficient funds to implement the Mobility 2000 (Building
19 Roads for the 21st Century) initiative. The department shall
20 develop a plan to expend these revenues and submit a work
21 program amendment and budget amendment pursuant to s.
22 339.135(7), Florida Statutes, reflecting the budget authority
23 needed to implement the Mobility 2000 initiative. Funds will
24 be used for corridors that link Florida's economic regions to
25 seaports, international airports, and markets to provide
26 connections through major gateways, improved mobility in major
27 urbanized areas, and access routes for emergency evacuation to
28 coastal communities based on analysis of current and projected
29 traffic conditions.

30 Section 5. Notwithstanding the provisions of s.
31 215.20(1), Florida Statutes, the service charge provided in

1 said section which is deducted from the proceeds of the taxes
2 distributed under ss. 206.606, 206.608, 206.9845, 207.026,
3 212.0501, 319.32(5), and 320.072(4), Florida Statutes, shall
4 be eliminated beginning July 1, 2000.

5 Section 6. (1) Notwithstanding the provisions of s.
6 215.20(1), Florida Statutes, the service charge provided in
7 said section which is deducted from the proceeds of the local
8 option fuel tax distributed under s. 336.025, Florida
9 Statutes, shall be reduced as follows:

10 (a) For the period of July 1, 2000, through June 30,
11 2001, the rate of the service charge shall be 5.5 percent.

12 (b) For the period of July 1, 2001, through June 30,
13 2002, the rate of the service charge shall be 4 percent.

14 (c) For the period of July 1, 2002, through June 30,
15 2003, the rate of the service charge shall be 2.5 percent.

16 (d) For the period of July 1, 2003, through June 30,
17 2004, the rate of the service charge shall be 1 percent.

18 (2) Beginning July 1, 2004, and thereafter, no service
19 charge shall be deducted from the proceeds of the local option
20 fuel tax distributed under s. 336.025, Florida Statutes.

21 Section 7. Subsection (4) of section 320.072, Florida
22 Statutes, is amended to read:

23 320.072 Additional fee imposed on certain motor
24 vehicle registration transactions.--

25 (4) A tax collector or other duly authorized agent of
26 the department shall promptly remit all moneys collected
27 pursuant to this section, less any refunds granted pursuant to
28 subsection (3), to the department to. ~~The department shall~~
29 ~~deposit 30 percent of such moneys as they are received into~~
30 ~~the General Revenue Fund. The remainder of the proceeds, after~~
31

1 ~~deducting the service charge imposed by s. 215.20, shall be~~
2 deposited into the State Transportation Trust Fund.

3 Section 8. Section 288.063, Florida Statutes, is
4 repealed.

5 Section 9. Paragraph (f) of subsection (2) of section
6 14.2015, Florida Statutes, is amended to read:

7 14.2015 Office of Tourism, Trade, and Economic
8 Development; creation; powers and duties.--

9 (2) The purpose of the Office of Tourism, Trade, and
10 Economic Development is to assist the Governor in working with
11 the Legislature, state agencies, business leaders, and
12 economic development professionals to formulate and implement
13 coherent and consistent policies and strategies designed to
14 provide economic opportunities for all Floridians. To
15 accomplish such purposes, the Office of Tourism, Trade, and
16 Economic Development shall:

17 (f)1. Administer the Florida Enterprise Zone Act under
18 ss. 290.001-290.016, the community contribution tax credit
19 program under ss. 220.183 and 624.5105, the tax refund program
20 for qualified target industry businesses under s. 288.106, the
21 tax-refund program for qualified defense contractors under s.
22 ~~288.1045, contracts for transportation projects under s.~~
23 ~~288.063,~~the sports franchise facility program under s.
24 288.1162, the professional golf hall of fame facility program
25 under s. 288.1168, the expedited permitting process under s.
26 403.973, the Rural Community Development Revolving Loan Fund
27 under s. 288.065, the Regional Rural Development Grants
28 Program under s. 288.018, the Certified Capital Company Act
29 under s. 288.99, the Florida State Rural Development Council,
30 the Rural Economic Development Initiative, and other programs
31 that are specifically assigned to the office by law, by the

1 appropriations process, or by the Governor. Notwithstanding
2 any other provisions of law, the office may expend interest
3 earned from the investment of program funds deposited in the
4 Economic Development Trust Fund, the Grants and Donations
5 Trust Fund, the Brownfield Property Ownership Clearance
6 Assistance Revolving Loan Trust Fund, and the Economic
7 Development Transportation Trust Fund to contract for the
8 administration of the programs, or portions of the programs,
9 enumerated in this paragraph or assigned to the office by law,
10 by the appropriations process, or by the Governor. Such
11 expenditures shall be subject to review under chapter 216.

12 2. The office may enter into contracts in connection
13 with the fulfillment of its duties concerning the Florida
14 First Business Bond Pool under chapter 159, tax incentives
15 under chapters 212 and 220, tax incentives under the Certified
16 Capital Company Act in chapter 288, foreign offices under
17 chapter 288, the Enterprise Zone program under chapter 290,
18 the Seaport Employment Training program under chapter 311, the
19 Florida Professional Sports Team License Plates under chapter
20 320, Spaceport Florida under chapter 331, Expedited Permitting
21 under chapter 403, and in carrying out other functions that
22 are specifically assigned to the office by law, by the
23 appropriations process, or by the Governor.

24 Section 10. Subsection (7) of section 288.0656,
25 Florida Statutes, is amended to read:

26 288.0656 Rural Economic Development Initiative.--

27 (7) REDI may recommend to the Governor up to three
28 rural areas of critical economic concern. A rural area of
29 critical economic concern must be a rural community, or a
30 region composed of such, that has been adversely affected by
31 an extraordinary economic event or a natural disaster or that

1 presents a unique economic development opportunity of regional
2 impact that will create more than 1,000 jobs over a 5-year
3 period. The Governor may by executive order designate up to
4 three rural areas of critical economic concern which will
5 establish these areas as priority assignments for REDI as well
6 as to allow the Governor, acting through REDI, to waive
7 criteria, requirements, or similar provisions of any economic
8 development incentive. Such incentives shall include, but not
9 be limited to: the Qualified Target Industry Tax Refund
10 Program under s. 288.106, the Quick Response Training Program
11 under s. 288.047, the WAGES Quick Response Training Program
12 under s. 288.047(10), ~~transportation projects under s.~~
13 ~~288.063~~, the brownfield redevelopment bonus refund under s.
14 288.107, and the rural job tax credit program under ss.
15 212.098 and 220.1895. Designation as a rural area of critical
16 economic concern under this subsection shall be contingent
17 upon the execution of a memorandum of agreement among the
18 Office of Tourism, Trade, and Economic Development; the
19 governing body of the county; and the governing bodies of any
20 municipalities to be included within a rural area of critical
21 economic concern. Such agreement shall specify the terms and
22 conditions of the designation, including, but not limited to,
23 the duties and responsibilities of the county and any
24 participating municipalities to take actions designed to
25 facilitate the retention and expansion of existing businesses
26 in the area, as well as the recruitment of new businesses to
27 the area.

28 Section 11. Paragraph (f) of subsection (2) of section
29 339.08, Florida Statutes, is amended to read:

30 339.08 Use of moneys in State Transportation Trust
31 Fund.--

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

3 (f) To pay the cost of economic development
4 transportation projects in accordance with s. 339.137 ~~s.~~
5 ~~288.063~~.

6 Section 12. (1) Notwithstanding the requirements of
7 ss. 206.46(3), 206.606(2), 339.135, 339.155, and 339.175,
8 Florida Statutes, the Department of Transportation shall
9 prepare a tentative work program for the 5-year period
10 2000-2001 through 2004-2005 that implements the provisions of
11 this act, including the implementation of the enhanced
12 transportation program process created in s. 339.137, Florida
13 Statutes. The tentative work program shall be styled as the
14 Transportation Improvement Program for the 21st Century
15 (TIP-21). To the maximum extent feasible, the TIP-21
16 tentative work program shall be developed with public hearings
17 and review by metropolitan planning organizations, the
18 Department of Community Affairs, and the Florida
19 Transportation Commission. The Secretary of Transportation
20 shall establish timeframes for this expedited work program
21 development process.

22 (2) Upon completion of the TIP-21 work program
23 development process, the Department of Transportation shall
24 proceed to amend the adopted work program pursuant to s.
25 339.135(7), Florida Statutes, to incorporate the projects
26 identified in the TIP-21 work program.

27 Section 13. This act shall take effect upon becoming a
28 law.

29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

HOUSE SUMMARY

Creates a state-funded infrastructure bank within the Department of Transportation to provide loans and credit enhancements to governmental units and private entities for use in constructing and improving highway and transportation facilities necessary for public purposes. Creates, within the department, an enhanced transportation program dedicated to funding transportation projects that improve the state's economic growth and competitiveness. See bill for details.