

By the Committee on Transportation

306-901-00

1 A bill to be entitled
2 An act relating to economic development
3 transportation programs; amending ss. 212.0606,
4 320.072, F.S.; redistributing specified
5 proceeds into the State Transportation Trust
6 Fund; providing a General Revenue service
7 charge reduction; providing a transfer of funds
8 from General Revenue to the State
9 Transportation Trust Fund; providing funding
10 for the State-Funded Infrastructure Bank;
11 providing an appropriation to fund projects on
12 the Florida Intrastate Highway System; amending
13 s. 215.616, F.S.; providing for the expenditure
14 of bond proceeds; amending s. 338.001, F.S.;
15 providing for advisory council review; amending
16 s. 338.251, F.S.; increasing the amount of
17 funds which may be advanced to expressway
18 authorities; amending s. 339.08, F.S.;
19 authorizing the expenditures of State
20 Transportation Funds; amending s. 339.155,
21 F.S.; providing an additional planning factor;
22 amending s. 339.175, F.S.; establishing freight
23 mobility committees within certain metropolitan
24 planning organizations; providing an additional
25 planning factor; creating s. 339.2817, F.S.;
26 providing for the County Incentive Grant
27 Program; creating s. 339.55, F.S.; providing
28 for a State Infrastructure Bank; amending s.
29 341.051, F.S.; providing for advisory council
30 review; creating s. 341.054, F.S.; providing
31 for the Economic Growth Transportation Program

1 within the Department of Transportation;
2 providing an effective date.

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

5
6 Section 1. Subsection (2) of section 212.0606, Florida
7 Statutes, is amended to read:

8 212.0606 Rental car surcharge.--

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

22 Section 2. Subsection (4) of section 320.072, Florida
23 Statutes, is amended to read:

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

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

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

3 Section 3. Notwithstanding the provisions of section
4 215.20(1), Florida Statutes, the service charge provided in
5 section 215.20(1), Florida Statutes, which is deducted from
6 the proceeds of the taxes distributed under sections 206.606,
7 206.608, 206.9845, 207.026, 212.0501, 212.0606, 319.32(5), and
8 320.072(4), Florida Statutes, shall be reduced to 4 percent
9 beginning July 1, 2000.

10 Section 4. In fiscal year 2000-2001 and in fiscal year
11 2001-2002, \$300 million annually shall be transferred from the
12 General Revenue Fund to the State Transportation Trust Fund
13 for the purpose of implementing the County Incentive Grant
14 Program and the State-Funded Infrastructure Bank Program. In
15 fiscal year 2000-2001 and in fiscal year 2001-2002, the sum of
16 \$225 million annually is appropriated from the State
17 Transportation Trust Fund to the Department of Transportation
18 for the purpose of implementing the County Incentive Grant
19 Program created in section 339.2817, Florida Statutes. In
20 fiscal year 2000-2001 and in fiscal year 2001-2002, \$75
21 million is appropriated annually from the State Transportation
22 Trust Fund to the Department of Transportation for the purpose
23 of implementing the State-Funded Infrastructure Bank Program
24 created in section 339.55, Florida Statutes.

25 Section 5. In fiscal year 2000-2001 and each year
26 thereafter, the sum of \$100 million is appropriated from the
27 State Transportation Trust Fund to the Department of
28 Transportation for advancing projects on the Florida
29 Intrastate Highway System in order to support emergency
30 evacuation, improved access to urban areas, or the enhancement
31

1 of trade and economic growth corridors of statewide and
2 regional significance which promote Florida's economic growth.

3 Section 6. Subsections (7) and (8) are added to
4 section 215.616, Florida Statutes, to read:

5 215.616 State bonds for federal aid highway
6 construction.--

7 (7) Up to \$650 million in bonds must be issued by June
8 30, 2003.

9 (8) To the maximum extent feasible, the bond proceeds
10 must be spent on the Florida Intrastate Highway System to
11 advance projects in the most cost-effective manner and to
12 support emergency evacuation, improved access to urban areas,
13 or the enhancement of trade and economic growth corridors of
14 statewide and regional significance which promote Florida's
15 economic growth.

16 Section 7. Subsections (9) and (10) are added to
17 section 338.001, Florida Statutes, to read:

18 338.001 Florida Intrastate Highway System Plan.--

19 (9) The Economic Growth Advisory Council, as created
20 in s. 341.054, will review the Florida Intrastate Highway
21 System plan for consistency with other modal plans. The
22 council must review the plans and advise the department to
23 ensure that the modal plans are coordinated and to ensure that
24 the plans:

25 (a) Enhance trade and economic growth corridors of
26 statewide and regional significance which promote Florida's
27 economic growth;

28 (b) Positively affect the competitiveness of Florida's
29 airports and seaports; and

30
31

1 (c) Improve landside highway and rail access for both
2 freight and passengers, including intermodal freight transfer
3 centers if feasible.

4 (10) Up to \$100 million annually shall be used for
5 advancing projects on the Florida Intrastate Highway System in
6 order to support emergency evacuation, improved access to
7 urban areas, or the enhancement of trade and economic growth
8 corridors of statewide and regional significance.

9 Section 8. Subsection (5) of section 338.251, Florida
10 Statutes, is amended to read:

11 338.251 Toll Facilities Revolving Trust Fund.--The
12 Toll Facilities Revolving Trust Fund is hereby created for the
13 purpose of encouraging the development and enhancing the
14 financial feasibility of revenue-producing road projects
15 undertaken by local governmental entities in a county or
16 combination of contiguous counties.

17 (5) No amount in excess of ~~\$1.5 million~~\$500,000
18 annually shall be advanced to any one governmental entity
19 pursuant to this section without specific appropriation by the
20 Legislature.

21 Section 9. Subsection (2) of section 339.08, Florida
22 Statutes, is amended to read:

23 339.08 Use of moneys in State Transportation Trust
24 Fund.--

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

27 (a) To pay administrative expenses of the department,
28 including administrative expenses incurred by the several
29 state transportation districts, but excluding administrative
30 expenses of commuter rail authorities that do not operate rail
31 service.

1 (b) To pay the cost of construction of the State
2 Highway System.

3 (c) To pay the cost of maintaining the State Highway
4 System.

5 (d) To pay the cost of public transportation projects
6 in accordance with chapter 341 and ss. 332.003-332.007.

7 (e) To reimburse counties or municipalities for
8 expenditures made on projects in the State Highway System as
9 authorized by s. 339.12(4) upon legislative approval.

10 (f) To pay the cost of economic development
11 transportation projects in accordance with s. 288.063.

12 (g) To lend or pay a portion of the operating,
13 maintenance, and capital costs of a revenue-producing
14 transportation project that is located on the State Highway
15 System or that is demonstrated to relieve traffic congestion
16 on the State Highway System.

17 (h) To match any federal-aid funds allocated for any
18 other transportation purpose, including funds allocated to
19 projects not located in the State Highway System.

20 (i) To pay the cost of county road projects selected
21 in accordance with the Small County Road Assistance Program
22 created in s. 339.2816.

23 (j) To pay the cost of county or municipal road
24 projects selected in accordance with the County Incentive
25 Grant Program created in s. 339.2817.

26 (k) To lend all or part of the cost of governmental
27 road projects selected in accordance with the State-funded
28 Infrastructure Bank created in s. 339.55.

29 ~~(l)(j)~~ To pay other lawful expenditures of the
30 department.

31

1 Section 10. Paragraph (a) of subsection (2) of section
2 339.155, Florida Statutes, is amended to read:

3 339.155 Transportation planning.--

4 (2) SCOPE OF PLANNING PROCESS.--

5 (a) The department shall carry out a transportation
6 planning process that provides for consideration of projects
7 and strategies that will:

8 1. Support the economic vitality of the United States,
9 Florida, and the metropolitan areas, especially by enabling
10 global competitiveness, productivity, and efficiency;

11 2. Enhance trade and economic growth corridors of
12 statewide and regional significance which promote economic
13 growth and enhance the competitiveness of Florida's ports;

14 ~~3.2.~~ Increase the safety and security of the
15 transportation system for motorized and nonmotorized users;

16 ~~4.3.~~ Increase the accessibility and mobility options
17 available to people and for freight;

18 ~~5.4.~~ Protect and enhance the environment, promote
19 energy conservation, and improve quality of life;

20 ~~6.5.~~ Enhance the integration and connectivity of the
21 transportation system, across and between modes throughout
22 Florida, for people and freight;

23 ~~7.6.~~ Promote efficient system management and
24 operation; and

25 ~~8.7.~~ Emphasize the preservation of the existing
26 transportation system.

27 Section 11. Paragraph (b) of subsection (5) of section
28 339.175, Florida Statutes, is amended and paragraph (i) is
29 added to that subsection to read:

30 339.175 Metropolitan planning organization.--It is the
31 intent of the Legislature to encourage and promote the safe

1 and efficient management, operation, and development of
2 surface transportation systems that will serve the mobility
3 needs of people and freight within and through urbanized areas
4 of this state while minimizing transportation-related fuel
5 consumption and air pollution. To accomplish these objectives,
6 metropolitan planning organizations, referred to in this
7 section as M.P.O.'s, shall develop, in cooperation with the
8 state and public transit operators, transportation plans and
9 programs for metropolitan areas. The plans and programs for
10 each metropolitan area must provide for the development and
11 integrated management and operation of transportation systems
12 and facilities, including pedestrian walkways and bicycle
13 transportation facilities that will function as an intermodal
14 transportation system for the metropolitan area. The process
15 for developing such plans and programs shall provide for
16 consideration of all modes of transportation and shall be
17 continuing, cooperative, and comprehensive, to the degree
18 appropriate, based on the complexity of the transportation
19 problems to be addressed.

20 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
21 privileges, and authority of an M.P.O. are those specified in
22 this section or incorporated in an interlocal agreement
23 authorized under s. 163.01. Each M.P.O. shall perform all
24 acts required by federal or state laws or rules, now and
25 subsequently applicable, which are necessary to qualify for
26 federal aid. It is the intent of this section that each M.P.O.
27 shall be involved in the planning and programming of
28 transportation facilities, including, but not limited to,
29 airports, intercity and high-speed rail lines, seaports, and
30 intermodal facilities, to the extent permitted by state or
31 federal law.

1 (b) In developing the long-range transportation plan
2 and the transportation improvement program required under
3 paragraph (a), each M.P.O. shall provide for consideration of
4 projects and strategies that will:

5 1. Support the economic vitality of the metropolitan
6 area, especially by enabling global competitiveness,
7 productivity, and efficiency;

8 2. Enhance trade and economic growth corridors of
9 statewide and regional significance which promote economic
10 growth and enhance the competitiveness of Florida's ports;

11 ~~3.2.~~ Increase the safety and security of the
12 transportation system for motorized and nonmotorized users;

13 ~~4.3.~~ Increase the accessibility and mobility options
14 available to people and for freight;

15 ~~5.4.~~ Protect and enhance the environment, promote
16 energy conservation, and improve quality of life;

17 ~~6.5.~~ Enhance the integration and connectivity of the
18 transportation system, across and between modes, for people
19 and freight;

20 ~~7.6.~~ Promote efficient system management and
21 operation; and

22 ~~8.7.~~ Emphasize the preservation of the existing
23 transportation system.

24 (i) Each M.P.O. located within a transportation
25 management area which is designated pursuant to Title 23
26 U.S.C. s. 134 must establish a freight mobility committee. The
27 committee must, at a minimum, advise the M.P.O. concerning the
28 movement of freight and tourism within the M.P.O. and the
29 relationship of freight traffic with adjoining M.P.O.'s. The
30 M.P.O. shall appoint the chairperson or the chairperson's
31 designee from the freight mobility committee to the M.P.O.'s

1 technical advisory committee. Members of the freight mobility
2 committee will serve at the pleasure of the M.P.O.

3 Section 12. Section 339.2817, Florida Statutes, is
4 created to read:

5 339.2817 County Incentive Grant Program.--

6 (1) There is created within the Department of
7 Transportation a County Incentive Grant Program for the
8 purpose of providing grants to counties for use in any project
9 or project phase of transportation facilities which is located
10 on the State Highway System or which is demonstrated to
11 relieve traffic congestion on the State Highway System.

12 (2) To be eligible for consideration, projects must be
13 consistent, to the maximum extent feasible, with local
14 metropolitan planning organization plans and local government
15 comprehensive plans.

16 (3) The department must consider, but is not limited
17 to, the following criteria for evaluation of projects for
18 County Incentive Grant Program assistance:

19 (a) The extent to which the project will encourage,
20 enhance, or create economic benefits;

21 (b) The likelihood that assistance would enable the
22 project to proceed at an earlier date than the project could
23 otherwise proceed;

24 (c) The extent to which assistance would foster
25 innovative public-private partnerships and attract private
26 debt or equity investment;

27 (d) The extent to which the project uses new
28 technologies, including intelligent transportation systems,
29 which enhance the efficiency of the project;

30 (e) The extent to which the project helps to maintain
31 or protect the environment;

1 (f) The extent to which the project includes
2 transportation benefits for improving intermodalism and
3 safety; and

4 (g) The size of the proposed County Incentive Grant
5 Program assistance as a percent of the overall project costs,
6 with encouragement for local and private participation.

7 (4) The percentage of matching funds provided from the
8 County Incentive Grant Program to the eligible county will be
9 determined based on the following scoring system:

10 (a) Counties that have adopted both the 1-cent and the
11 5-cent local option gas taxes shall receive one point.

12 (b) Counties that have spent, during the 2 years
13 preceding the application, an average of 0.5 mills of
14 ad-valorem tax or other general revenue fund revenues on
15 transportation shall receive one point, plus one-quarter point
16 for each mill over 0.5 mills.

17 (c) Counties that have dedicated 0.25 percent of their
18 local sales tax revenue to transportation shall receive one
19 point, plus one-half point for each 0.25 percent in additional
20 transportation sales tax revenue.

21 (d) Counties that contribute 10 percent or more of the
22 total amount of funds distributed to the State Transportation
23 Trust Fund from the rental car surcharge, as determined by the
24 Department of Revenue and verified by the State Revenue
25 Estimating Conference, shall receive one-half point.

26 (e) Counties that enforce a transportation impact fee
27 shall receive one-half point.

28 (5) The percentage of matching funds provided from the
29 County Incentive Grant Program to the appropriate county will
30 be determined as follows:

31

1 (a) All counties that meet or exceed a cumulative
2 score of 4.0 by using the identified local funding options are
3 eligible for 40-percent matching funds. However, if the
4 proposed project is directly on the State Highway System, the
5 county is eligible for 50-percent matching funds.

6 (b) All counties that achieve a cumulative score of
7 2.5 to 3.9 by using the identified local funding options are
8 eligible for 30-percent matching funds. However, if the
9 proposed project is directly on the State Highway System, the
10 county is eligible for 40-percent matching funds.

11 (c) Counties that achieve a cumulative score of 1.5 to
12 2.49 by using the identified local funding options are
13 eligible for 20-percent matching funds. However, if the
14 proposed project is directly on the State Highway System, the
15 county is eligible for 30-percent matching funds.

16 (6) When more than one county submits an application
17 for a joint project, the combined points of the counties
18 applying will determine the matching amount for the joint
19 project.

20 Section 13. Section 339.55, Florida Statutes, is
21 created to read:

22 339.55 State-funded Infrastructure Bank.--

23 (1) There is created within the Department of
24 Transportation a State-funded Infrastructure Bank (SIB) for
25 the purpose of providing loans and credit enhancements to
26 government units for use in constructing and improving highway
27 and transportation facilities necessary for public purposes.

28 (2) The SIB may be used to lend capital costs or
29 provide credit enhancements for a transportation project that
30 is located on the State Highway System or that is demonstrated
31 to relieve traffic congestion on the State Highway System.

1 Loans from the SIB may be subordinated to senior project debt
2 that has an investment grade rating of BBB or higher.

3 (3) Loans from SIB may bear interest at or below
4 market interest rates, as determined by the department.

5 Repayment of any loan from the bank will commence not later
6 than 5 years after the project has been completed or, in the
7 case of a highway project, the facility has opened to traffic,
8 whichever is later, and must be repaid within 30 years.

9 (4) To be eligible for consideration, projects must be
10 consistent, to the maximum extent feasible, with local
11 metropolitan planning organization plans and local government
12 comprehensive plans and provide a dedicated repayment source
13 to ensure the loan is repaid to the SIB.

14 (5) The department may consider, but is not limited
15 to, the following criteria in evaluating projects for SIB
16 assistance:

17 (a) Credit worthiness of the project;

18 (b) Demonstration that the project will encourage,
19 enhance, or create economic benefits;

20 (c) The likelihood that assistance would enable the
21 project to proceed at an earlier date than the project could
22 otherwise proceed;

23 (d) The extent to which assistance would foster
24 innovative public-private partnerships and attract private
25 debt or equity investment;

26 (e) The extent to which the project uses new
27 technologies, including intelligent transportation systems,
28 which enhance the efficiency of the project;

29 (f) The extent to which the project helps maintain or
30 protect the environment;

31

1 (g) Demonstration that the project includes
2 transportation benefits for improving intermodalism and
3 safety; and

4 (h) The size of the proposed SIB assistance as a
5 percent of the overall project costs with encouragement for
6 local and private participation.

7 (6) Loan assistance provided by the SIB shall be
8 included in the department's work program developed in
9 accordance with s. 339.135.

10 Section 14. Paragraph (c) is added to subsection (2)
11 of section 341.051, Florida Statutes, to read:

12 341.051 Administration and financing of public transit
13 programs and projects.--

14 (2) PUBLIC TRANSIT PLAN.--

15 (c) The Economic Growth Advisory Council, as created
16 in s. 341.054, will review the public transit plan for
17 consistency with other modal plans. The council must review
18 the modal plans and advise the department to ensure that the
19 modal plans are coordinated and to ensure that the plans:

20 1. Enhance trade and economic growth corridors of
21 statewide and regional significance which promote Florida's
22 economic growth;

23 2. Positively affect the competitiveness of Florida's
24 airports and seaports; and

25 3. Improve landside highway and rail access for both
26 freight and passengers, including intermodal freight transfer
27 centers if feasible.

28 Section 15. Section 341.054, Florida Statutes, is
29 created to read:

30 341.054 Economic Growth Transportation Program;
31 administration; eligible projects; limitations.--There is

1 created within the Department of Transportation an Economic
2 Growth Transportation Program dedicated to catalyzing or
3 accelerating transportation projects that substantially
4 improve the state's economic competitiveness. The department
5 shall administer the Economic Growth Transportation Program.

6 (1) Eligible projects include those for planning,
7 designing, acquiring rights-of-way for, or constructing
8 freight rail, passenger rail, transit, aviation, seaport,
9 spaceport, and intermodal infrastructure that carries or would
10 carry substantial flows of domestic or international trade and
11 tourism.

12 (2) Economic growth projects may be proposed by any
13 local government, regional organization, economic development
14 board, public or private partnership, metropolitan planning
15 organization, state agency, or other statewide group engaged
16 in economic development activities.

17 (3) To be eligible for funding under this section, a
18 proposed project must be:

19 (a) Consistent, to the maximum extent feasible, with
20 approved metropolitan planning organizations' long-range plans
21 and local government comprehensive plans of the units of local
22 government in which the project is located.

23 (b) Identified as part of the Florida Strategic
24 Freight Network as defined by the department.

25 (c) Prioritized in accordance with the prioritization
26 method adopted by the department.

27 (4) The Economic Growth Advisory Council is created to
28 advise the department on project prioritization and selection
29 of economic growth projects as provided in this section and
30 ss. 338.001 and 341.051. The primary goal for the council is
31 the annual identification and prioritization of

1 freight-related projects and the development of
2 recommendations for improving the movement of freight and
3 tourism traffic in this state. The council will consist of:

4 (a) Two representatives of private interests who are
5 directly involved or affected by freight operations, goods
6 movement, or tourism, chosen by the Speaker of the House of
7 Representatives;

8 (b) Two representatives of private interests who are
9 directly involved in or affected by freight operations, goods
10 movement, or tourism, chosen by the President of the Senate;

11 (c) One representative of the Metropolitan Planning
12 Organization Advisory Council chosen by the Metropolitan
13 Planning Organization Advisory Council; and

14 (d) Two representatives of private interests who are
15 directly involved in or affected by freight operations, goods
16 movement, or tourism, chosen by the Governor.

17 (5) Terms for council members will be 2 years, and
18 each member will be allowed one vote.

19 (6) Initial appointments must be made no later than 60
20 days after this act takes effect. Vacancies in the council
21 shall be filled in the same manner as the original
22 appointment.

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

28 (8) The members of the council shall serve without
29 compensation but shall be reimbursed for per diem and travel
30 expenses as provided in s. 112.061. The department shall
31

1 provide administrative staff support and travel and per diem
2 expenses for the council.

3 (9) The prioritized projects shall be included in the
4 department's tentative work program submitted to the Governor
5 and the Legislature.

6 (10) Funding for economic growth projects will come
7 from existing public transportation appropriations, and may
8 not exceed \$70 million annually. However, \$1 million annually
9 shall be appropriated to the Transportation Disadvantaged
10 Trust Fund to assist transportation disadvantaged persons. The
11 transportation disadvantaged appropriation is contingent on
12 Senate Bill 854 becoming a law.

13 Section 16. This act shall take effect upon becoming a
14 law.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 862

4 The CS provides for a State-funded Infrastructure Bank within
5 The Florida Department of Transportation (FDOT.) The
6 State-funded Infrastructure Bank is an investment fund that
7 offers loans, credit enhancements, and other forms of
8 financial assistance to transportation projects on the state
9 highway system or that relieve congestion on the state highway
10 system.

11 The CS distributes certain motor fuel primarily used for the
12 Florida Intrastate Highway System for projects which support
13 economic development, emergency evacuation, or improved access
14 to urban areas. The CS further provides for the transfer of
15 \$600 million from the General Revenue Funded to the State
16 Transportation Trust Fund; \$450 million of those funds will be
17 used for the County Incentive Grant Program, and \$150 million
18 will capitalize the State-Funded Infrastructure Bank.

19 The CS provides that FDOT must issue up to \$650 million in
20 Grant Anticipation Revenue Vehicle (GARVEE) bond proceeds by
21 June 30, 2003. To the maximum extent feasible, the bond
22 proceeds must be spent on the Florida Intrastate Highway
23 System.

24 The CS provides an additional planning factor concerning
25 economic enhancements which must be considered in Metropolitan
26 Planning Organization and FDOT transportation plans.

27 The CS provides that the Economic Growth Advisory Council will
28 review the Florida Intrastate Highway System plan for
29 consistency with other modal plans. The council will review
30 the plans and advise the FDOT to ensure the modal plans are
31 coordinated and to ensure the plans; enhance trade and
economic growth corridors; positively affect the
competitiveness of Florida's airports and seaports; improve
landside highway and rail access.