

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 for future review and repeal;
3 providing an effective date.

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

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

9 212.0606 Rental car surcharge.--

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

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

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

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

1 ~~the General Revenue Fund.~~The remainder of the proceeds, after
2 deducting the service charge imposed by s. 215.20, shall be
3 deposited into the State Transportation Trust Fund.

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

11 Section 4. In fiscal year 2000-2001 and in fiscal year
12 2001-2002, \$300 million annually shall be transferred from the
13 General Revenue Fund to the State Transportation Trust Fund
14 for the purpose of implementing the County Incentive Grant
15 Program and the State-Funded Infrastructure Bank Program. In
16 fiscal year 2000-2001 and in fiscal year 2001-2002, the sum of
17 \$225 million annually is appropriated from the State
18 Transportation Trust Fund to the Department of Transportation
19 for the purpose of implementing the County Incentive Grant
20 Program created in section 339.2817, Florida Statutes. In
21 fiscal year 2000-2001 and in fiscal year 2001-2002, \$75
22 million is appropriated annually from the State Transportation
23 Trust Fund to the Department of Transportation for the purpose
24 of implementing the State-Funded Infrastructure Bank Program
25 created in section 339.55, Florida Statutes. This section is
26 exempt from the provisions of section 206.46(3), Florida
27 Statutes.

28 Section 5. Notwithstanding any other provision of law,
29 in fiscal year 2000-2001 and each year thereafter, the
30 increase in revenue to the State Transportation Trust Fund
31 derived from sections 1, 2, and 3 of this act shall be

1 appropriated from the State Transportation Trust Fund to the
2 Department of Transportation for advancing projects on the
3 Florida Intrastate Highway System in order to support
4 emergency evacuation, improved access to urban areas, or the
5 enhancement of trade and economic growth corridors of
6 statewide and regional significance which promote Florida's
7 economic growth. This section is exempt from the provisions of
8 section 206.46(3), Florida Statutes.

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

11 215.616 State bonds for federal aid highway
12 construction.--

13 (7) Up to \$650 million in bonds must be issued by June
14 30, 2006.

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

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

24 338.001 Florida Intrastate Highway System Plan.--

25 (9) The Economic Growth Advisory Council, as created
26 in s. 341.054, will review the Florida Intrastate Highway
27 System plan for consistency with other modal plans. The
28 council must review the plans and advise the department to
29 ensure that the modal plans are coordinated and to ensure that
30 the plans:

31

1 (a) Enhance trade and economic growth corridors of
2 statewide and regional significance which promote Florida's
3 economic growth;

4 (b) Positively affect the competitiveness of Florida's
5 airports and seaports; and

6 (c) Improve landside highway and rail access for both
7 freight and passengers, including intermodal freight transfer
8 centers if feasible.

9 (10) The increase in revenue to the State
10 Transportation Trust Fund provided in section 5 of this act
11 shall be used for advancing projects on the Florida Intrastate
12 Highway System in order to support emergency evacuation,
13 improved access to urban areas, or the enhancement of trade
14 and economic growth corridors of statewide and regional
15 significance.

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

18 338.251 Toll Facilities Revolving Trust Fund.--The
19 Toll Facilities Revolving Trust Fund is hereby created for the
20 purpose of encouraging the development and enhancing the
21 financial feasibility of revenue-producing road projects
22 undertaken by local governmental entities in a county or
23 combination of contiguous counties.

24 (5) No amount in excess of ~~\$1.5 million~~^{\$500,000}
25 annually shall be advanced to any one governmental entity
26 pursuant to this section without specific appropriation by the
27 Legislature.

28 Section 9. Subsection (2) of section 339.08, Florida
29 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 (a) To pay administrative expenses of the department,
4 including administrative expenses incurred by the several
5 state transportation districts, but excluding administrative
6 expenses of commuter rail authorities that do not operate rail
7 service.

8 (b) To pay the cost of construction of the State
9 Highway System.

10 (c) To pay the cost of maintaining the State Highway
11 System.

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

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

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

19 (g) To lend or pay a portion of the operating,
20 maintenance, and capital costs of a revenue-producing
21 transportation project that is located on the State Highway
22 System or that is demonstrated to relieve traffic congestion
23 on the State Highway System.

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

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

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

4 (k) To provide loans and credit enhancements to
5 governmental units for use in constructing and improving
6 highway transportation facilities selected in accordance with
7 the State-funded Infrastructure Bank created in s. 339.55.

8 ~~(l)(j)~~ To pay other lawful expenditures of the
9 department.

10 Section 10. Paragraph (a) of subsection (2) of section
11 339.155, Florida Statutes, is amended to read:

12 339.155 Transportation planning.--

13 (2) SCOPE OF PLANNING PROCESS.--

14 (a) The department shall carry out a transportation
15 planning process that provides for consideration of projects
16 and strategies that will:

17 1. Support the economic vitality of the United States,
18 Florida, and the metropolitan areas, especially by enabling
19 global competitiveness, productivity, and efficiency;

20 2. Enhance trade and economic growth corridors of
21 statewide and regional significance which promote economic
22 growth and enhance the competitiveness of Florida's ports;

23 ~~3.2.~~ Increase the safety and security of the
24 transportation system for motorized and nonmotorized users;

25 ~~4.3.~~ Increase the accessibility and mobility options
26 available to people and for freight;

27 ~~5.4.~~ Protect and enhance the environment, promote
28 energy conservation, and improve quality of life;

29 ~~6.5.~~ Enhance the integration and connectivity of the
30 transportation system, across and between modes throughout
31 Florida, for people and freight;

1 ~~7.6.~~ Promote efficient system management and
2 operation; and

3 ~~8.7.~~ Emphasize the preservation of the existing
4 transportation system.

5 Section 11. Paragraph (b) of subsection (5) of section
6 339.175, Florida Statutes, is amended and paragraph (i) is
7 added to that subsection to read:

8 339.175 Metropolitan planning organization.--It is the
9 intent of the Legislature to encourage and promote the safe
10 and efficient management, operation, and development of
11 surface transportation systems that will serve the mobility
12 needs of people and freight within and through urbanized areas
13 of this state while minimizing transportation-related fuel
14 consumption and air pollution. To accomplish these objectives,
15 metropolitan planning organizations, referred to in this
16 section as M.P.O.'s, shall develop, in cooperation with the
17 state and public transit operators, transportation plans and
18 programs for metropolitan areas. The plans and programs for
19 each metropolitan area must provide for the development and
20 integrated management and operation of transportation systems
21 and facilities, including pedestrian walkways and bicycle
22 transportation facilities that will function as an intermodal
23 transportation system for the metropolitan area. The process
24 for developing such plans and programs shall provide for
25 consideration of all modes of transportation and shall be
26 continuing, cooperative, and comprehensive, to the degree
27 appropriate, based on the complexity of the transportation
28 problems to be addressed.

29 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
30 privileges, and authority of an M.P.O. are those specified in
31 this section or incorporated in an interlocal agreement

1 authorized under s. 163.01. Each M.P.O. shall perform all
2 acts required by federal or state laws or rules, now and
3 subsequently applicable, which are necessary to qualify for
4 federal aid. It is the intent of this section that each M.P.O.
5 shall be involved in the planning and programming of
6 transportation facilities, including, but not limited to,
7 airports, intercity and high-speed rail lines, seaports, and
8 intermodal facilities, to the extent permitted by state or
9 federal law.

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

14 1. Support the economic vitality of the metropolitan
15 area, especially by enabling global competitiveness,
16 productivity, and efficiency;

17 2. Enhance trade and economic growth corridors of
18 statewide and regional significance which promote economic
19 growth and enhance the competitiveness of Florida's ports;

20 ~~3.2.~~ Increase the safety and security of the
21 transportation system for motorized and nonmotorized users;

22 ~~4.3.~~ Increase the accessibility and mobility options
23 available to people and for freight;

24 ~~5.4.~~ Protect and enhance the environment, promote
25 energy conservation, and improve quality of life;

26 ~~6.5.~~ Enhance the integration and connectivity of the
27 transportation system, across and between modes, for people
28 and freight;

29 ~~7.6.~~ Promote efficient system management and
30 operation; and
31

1 8.7. Emphasize the preservation of the existing
2 transportation system.

3 (i) Each M.P.O. located within a transportation
4 management area which is designated pursuant to Title 23
5 U.S.C. s. 134 must establish a freight mobility committee. The
6 committee must, at a minimum, advise the M.P.O. concerning the
7 movement of freight and tourism within the M.P.O. and the
8 relationship of freight traffic with adjoining M.P.O.'s. The
9 M.P.O. shall appoint the chairperson or the chairperson's
10 designee from the freight mobility committee to the M.P.O.'s
11 technical advisory committee. Members of the freight mobility
12 committee will serve at the pleasure of the M.P.O. Nothing in
13 this paragraph requires an M.P.O. to reestablish an existing
14 freight mobility committee which had been established by such
15 M.P.O. on or before March 1, 2000.

16 Section 12. Section 339.2817, Florida Statutes, is
17 created to read:

18 339.2817 County Incentive Grant Program.--

19 (1) There is created within the Department of
20 Transportation a County Incentive Grant Program for the
21 purpose of providing grants to counties for use in any project
22 or project phase of transportation facilities which is located
23 on the State Highway System or which is demonstrated to
24 relieve traffic congestion on the State Highway System.

25 (2) To be eligible for consideration, projects must be
26 consistent, to the maximum extent feasible, with local
27 metropolitan planning organization plans and local government
28 comprehensive plans.

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

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

3 (b) The likelihood that assistance would enable the
4 project to proceed at an earlier date than the project could
5 otherwise proceed;

6 (c) The extent to which assistance would foster
7 innovative public-private partnerships and attract private
8 debt or equity investment;

9 (d) The extent to which the project uses new
10 technologies, including intelligent transportation systems,
11 which enhance the efficiency of the project;

12 (e) The extent to which the project helps to maintain
13 or protect the environment;

14 (f) The extent to which the project includes
15 transportation benefits for improving intermodalism and
16 safety; and

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

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

23 (a) Counties that have adopted, or adopt both the
24 ninth-cent fuel tax levied under s. 336.021(1)(a) and the
25 5-cent local option fuel tax levied under s. 336.025(1)(b)
26 shall receive one point.

27 (b) Counties that have spent, during the 2 years
28 preceding the application, an average of 0.5 mills of
29 ad-valorem tax or other general revenue fund revenues,
30 including millage imposed by a local transportation or transit
31 authority within that county, on transportation shall receive

1 one point, plus one-quarter point for each mill over 0.5
2 mills.

3 (c) Counties that have dedicated 0.25 percent of their
4 local sales tax revenue to transportation shall receive one
5 point, plus one-half point for each 0.25 percent in additional
6 transportation sales tax revenue.

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

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

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

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

22 (b) All counties that achieve a cumulative score of
23 2.5 to 3.9 by using the identified local funding options are
24 eligible for 30-percent matching funds. However, if the
25 proposed project is directly on the State Highway System, the
26 county is eligible for 40-percent matching funds.

27 (c) Counties that achieve a cumulative score of 1.5 to
28 2.49 by using the identified local funding options are
29 eligible for 20-percent matching funds. However, if the
30 proposed project is directly on the State Highway System, the
31 county is eligible for 30-percent matching funds.

1 (6) When more than one county submits an application
2 for a joint project, the combined points of the counties
3 applying will determine the matching amount for the joint
4 project.

5 (7) The department is authorized to adopt rules to
6 administer the County Incentive Grant Program.

7 (8) A municipality may apply to the county in which
8 the municipality is located for consideration by the county
9 for funding under this section of any project or project phase
10 of a transportation facility which is located on the state
11 highway system or which is demonstrated to relieve congestion
12 on the state highway system. The county must evaluate all
13 municipal applications as provided in subsection (3). If a
14 municipality's proposed project is rejected by the county for
15 funding under this section, or if the county's proposed
16 project adversely affects a municipality within the county,
17 the municipality may request mediation to resolve any concerns
18 of the municipality and the county.

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

21 339.55 State-funded Infrastructure Bank.--

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

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

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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;

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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 (7) The department is authorized to adopt rules to
11 implement the SIB.

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

14 341.051 Administration and financing of public transit
15 programs and projects.--

16 (2) PUBLIC TRANSIT PLAN.--

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

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

25 2. Positively affect the competitiveness of Florida's
26 airports and seaports; and

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

30 Section 15. Section 341.054, Florida Statutes, is
31 created to read:

1 341.054 Economic Growth Transportation Program;
2 administration; eligible projects; limitations.--There is
3 created within the Department of Transportation an Economic
4 Growth Transportation Program dedicated to catalyzing or
5 accelerating transportation projects that substantially
6 improve the state's economic competitiveness. The department
7 shall administer the Economic Growth Transportation Program.

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

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

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

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

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

28 (c) Prioritized in accordance with the prioritization
29 method adopted by the department.

30 (4) The Economic Growth Advisory Council is created to
31 advise the department on project prioritization and selection

1 of economic growth projects as provided in this section and
2 ss. 338.001 and 341.051. The primary goal for the council is
3 the annual identification and prioritization of
4 freight-related projects and the development of
5 recommendations for improving the movement of freight and
6 tourism traffic in this state. The council will consist of:
7 (a) Two representatives of private interests who are
8 directly involved or affected by freight operations, goods
9 movement, or tourism, chosen by the Speaker of the House of
10 Representatives;
11 (b) Two representatives of private interests who are
12 directly involved in or affected by freight operations, goods
13 movement, or tourism, chosen by the President of the Senate;
14 (c) One representative of the Metropolitan Planning
15 Organization Advisory Council chosen by the Metropolitan
16 Planning Organization Advisory Council; and
17 (d) Two representatives of private interests who are
18 directly involved in or affected by freight operations, goods
19 movement, or tourism, chosen by the Governor.
20 (5) To the maximum extent possible, the appointments
21 to the Economic Growth Advisory Council must be coordinated to
22 represent the various modes of transportation.
23 (6) Terms for council members will be 2 years, and
24 each member will be allowed one vote.
25 (7) Initial appointments must be made no later than 60
26 days after this act takes effect. Vacancies in the council
27 shall be filled in the same manner as the original
28 appointment.
29 (8) The council shall hold its initial meeting no
30 later than 30 days after the members have been appointed to
31 organize and select a chair and vice-chair from the council

1 membership. Meetings shall be held upon the call of the chair,
2 but not less frequently than quarterly.

3 (9) The members of the council shall serve without
4 compensation but shall be reimbursed for per diem and travel
5 expenses as provided in s. 112.061. The department shall
6 provide administrative staff support and travel and per diem
7 expenses for the council.

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

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

18 (12) The department is authorized to adopt rules to
19 implement the Economic Growth Transportation Program.

20 (13) This section is repealed 5 years after the
21 effective date of this act and shall be reviewed by the
22 Legislature prior to that time.

23 Section 16. This act shall take effect upon becoming a
24 law.