

Amendment No. e17 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Representative(s) Russell offered the following:

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13 **Amendment to Amendment (742687)**

14 On page 66, line 29 through page 76, line 19,
15 remove from the amendment: all of said lines

16

17 and insert in lieu thereof:

18 Section 1. Section 339.137, Florida Statutes, is
19 amended to read:

20 339.137 Transportation Outreach Program (TOP)
21 supporting economic development; administration; definitions;
22 eligible projects; Transportation Outreach Program (TOP)
23 advisory council created; limitations; funding.--

24 (1) There is created within the Department of
25 Transportation, a Transportation Outreach Program (TOP)
26 dedicated to funding transportation projects of a high
27 priority based on the ~~prevailing~~ principles of ~~preserving the~~
28 ~~existing transportation infrastructure~~; enhancing Florida's
29 economic growth and competitiveness in national and
30 international markets; promoting intermodal transportation
31 linkages for passengers and freight; and improving travel

1 choices to ensure efficient and cost-competitive mobility for
2 Florida citizens, visitors, services, and goods.

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

5 (a) ~~Preservation.--Protecting the state's~~
6 ~~transportation infrastructure investment. Preservation~~
7 ~~includes:~~

8 1. ~~Ensuring that 80 percent of the pavement on the~~
9 ~~State Highway System meets department standards;~~

10 2. ~~Ensuring that 90 percent of department-maintained~~
11 ~~bridges meet department standards; and~~

12 3. ~~Ensuring that the department achieves 100 percent~~
13 ~~of acceptable maintenance standards on the State Highway~~
14 ~~System.~~

15 ~~(b)~~ Economic growth and competitiveness.--Ensuring
16 that state transportation investments promote economic
17 activities which result in development or retention of income
18 generative industries which increase per capita earned income
19 in the state, and that such investments improve the state's
20 economic competitiveness.

21 ~~(b)~~~~(c)~~ Mobility.--Ensuring a cost-effective,
22 statewide, interconnected transportation system.

23 ~~(c)~~~~(d)~~ The term "regionally significant transportation
24 project of critical concern" means a transportation facility
25 improvement project located in one or more counties ~~county~~
26 which provides significant enhancement of economic development
27 opportunities in that region ~~an adjoining county or counties~~
28 ~~and which provides improvements to a hurricane evacuation~~
29 ~~route.~~

30 (3) Transportation Outreach Program projects may be
31 proposed by any local government, regional organization,

1 economic development board, public or private partnership,
2 metropolitan planning organization, state agency, or other
3 entity engaged in economic development activities.

4 (4)(3) Proposed Eligible projects that meet the
5 minimum eligibility threshold include those for planning,
6 designing, acquiring rights-of-way for, or constructing the
7 following:

8 (a) Major highway improvements to:-

9 1. The Florida Intrastate Highway System.
10 2. Major roads and feeder roads which provide linkages
11 to the Florida Intrastate Highway System ~~major highways.~~

12 3. Bridges of statewide or regional significance.

13 4. Trade and economic development corridors.

14 5. Access projects for freight and passengers.

15 6. Hurricane evacuation routes.

16 (b) Major public transportation projects:-

17 1. Seaport projects which improve cargo and passenger
18 movements or connect the seaports to other modes of
19 transportation.

20 2. Aviation projects which increase passenger
21 enplanements and cargo activity or connect airports to other
22 modes of transportation.

23 3. Transit projects which improve mobility on
24 interstate highways, ~~or which~~ improve regional or localized
25 travel, or connect to other modes of transportation.

26 4. Rail projects that facilitate the movement of
27 passengers and cargo, including ancillary pedestrian
28 facilities, or connect rail facilities to other modes of
29 transportation.

30 5. Spaceport Florida Authority projects which improve
31 space transportation capacity and facilities consistent with

1 the provisions of s. 331.360.

2 ~~6. Bicycle and pedestrian facilities that add to or~~
3 ~~enhance a statewide system of public trails.~~

4 (c) Highway and bridge projects that facilitate
5 retention and expansion of military installations, or that
6 facilitate reuse and development of any military base
7 designated for closure by the Federal Government.

8
9 Each proposed project must be able to document that it
10 promotes economic growth and competitiveness, as defined in
11 paragraph (2)(a).

12 (5) In addition to the above minimum eligibility
13 requirements, each proposed project must comply with the
14 following eligibility criteria:

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

18 (b) The project is consistent with a current
19 transportation system plan such as the Florida Intrastate
20 Highway System, aviation, intermodal/rail, seaport, spaceport,
21 or transit system plans.

22 (c) The project is not inconsistent with an approved
23 local comprehensive plan of any local government within whose
24 boundaries the project is located in whole or in part, or, if
25 inconsistent, is accompanied by an explanation of why the
26 project should be undertaken.

27
28 One or more of the minimum criteria listed in paragraphs
29 (a)-(c) may be waived for a regionally significant
30 transportation project.

31 ~~(4) Transportation Outreach projects may be proposed~~

1 ~~by any local government, regional organization, economic~~
2 ~~development board, public or private partnership, metropolitan~~
3 ~~planning organization, state agency, or other entity engaged~~
4 ~~in economic development activities.~~

5 (6)(5) The following criteria shall be used
6 ~~Transportation funding under this section shall use the~~
7 ~~following mechanisms to prioritize the eligible proposed~~
8 ~~projects:~~

9 (a) The project must promote economic growth and
10 competitiveness. ~~Economic development-related transportation~~
11 ~~projects may compete for funding under the program. Projects~~
12 ~~funded under this program should provide for increased~~
13 ~~mobility on the state's transportation system. Projects which~~
14 ~~have local or private matching funds may be given priority~~
15 ~~over other projects.~~

16 (b) The project must promote intermodal transportation
17 linkages for passengers and freight. ~~Establishment of a~~
18 ~~funding allocation under this program reserved to quickly~~
19 ~~respond to transportation needs of emergent economic~~
20 ~~competitiveness development projects that may be outside of~~
21 ~~the routine project selection process. This funding may be~~
22 ~~used to match local or private contributions for~~
23 ~~transportation projects which meet the definition of economic~~
24 ~~competitiveness contained in this section.~~

25 (c) The project must broaden transportation choices
26 for Florida residents, visitors, and commercial interests in
27 order to ensure efficient and cost-competitive mobility of
28 people, services, and goods. ~~Establish innovative financing~~
29 ~~methods to enable the state to respond in a timely manner to~~
30 ~~major or emergent economic development-related transportation~~
31 ~~needs that require timely commitments. These innovative~~

1 ~~financing methods include, but are not limited to, the state~~
2 ~~infrastructure bank, state bonds for right-of-way acquisition~~
3 ~~and bridge construction, state bonds for fixed guideway~~
4 ~~transportation systems, state bonds for federal aid highway~~
5 ~~construction, funds previously programmed by the department~~
6 ~~for high-speed rail development, and any other local, state,~~
7 ~~or federal funds made available to the department.~~

8 (d) Projects that have local, federal, or private
9 matching funds shall be given priority over projects that meet
10 all the other criteria.

11 (7) Eligible projects shall also utilize innovative
12 financing methods that enable the state to respond in a timely
13 manner to major or emergent economic development-related
14 transportation needs that require timely commitments. These
15 innovative financing methods include, but are not limited to,
16 private investment strategies, use of the state infrastructure
17 bank, state bonds for right-of-way acquisition and bridge
18 construction, state bonds for fixed guideway transportation
19 systems, state bonds for federal aid highway construction,
20 funds previously programmed by the department for high-speed
21 rail development, and any other local, state, or federal funds
22 made available to the department.

23 ~~(6) In addition to complying with the prevailing~~
24 ~~principles provided in subsection (1), to be eligible for~~
25 ~~funding under the program, projects must also meet the~~
26 ~~following minimum criteria:~~

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

30 ~~(b) The project is listed in an outer year of the~~
31 ~~5-year work program and can be made production-ready and~~

1 ~~advanced to an earlier year of the 5-year work program.~~

2 ~~(c) The project is consistent with a current~~
3 ~~transportation system plan including, but not limited to, the~~
4 ~~Florida Intrastate Highway System, aviation, intermodal/rail,~~
5 ~~seaport, spaceport, or transit system plans.~~

6 ~~(d) The project is not inconsistent with an approved~~
7 ~~local comprehensive plan of any local government within whose~~
8 ~~boundaries the project is located in whole or in part or, if~~
9 ~~inconsistent, is accompanied by an explanation of why the~~
10 ~~project should be undertaken.~~

11 ~~(e) One or more of the minimum criteria listed in~~
12 ~~paragraphs (a)-(d) may be waived for a statewide or regionally~~
13 ~~significant transportation project of critical concern.~~

14 ~~(8)(7)~~ The Transportation Outreach Program (TOP)
15 advisory council is created to annually make recommendations
16 to the Legislature on prioritization and selection of economic
17 growth projects as provided in this section.

18 (a) The council shall consist of:

19 1. Two representatives of private interests, chosen by
20 the Speaker of the House of Representatives, who are directly
21 involved in or affected by any mode of transportation or
22 tourism ~~chosen by the Speaker of the House of Representatives.~~

23 2. Two representatives of private interests, chosen by
24 the President of the Senate, who are directly involved in or
25 affected by any mode of transportation or tourism ~~chosen by~~
26 ~~the President of the Senate.~~

27 3. Three representatives of private or governmental
28 interests, chosen by the Governor, who are directly involved
29 in or affected by any mode of transportation or tourism ~~chosen~~
30 ~~by the Governor.~~

31 (b) Terms for council members shall be 2 years, and

1 each member shall be allowed one vote. Every 2 years, the
2 council shall select from among its membership a chair and
3 vice chair.

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

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

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

16 (f) The department shall provide administrative staff
17 support, ensuring that council meetings are electronically
18 recorded. Such recordings and all documents received, prepared
19 for, or used by the council in conducting its business shall
20 be preserved pursuant to chapters 119 and 257. In addition,
21 the department shall provide in its annual budget for travel
22 and per diem expenses for the council.

23 (g) The council shall develop a methodology for
24 scoring and ranking project proposals, based on the
25 prioritization criteria in subsection (6). The council may
26 change a project's ranking based on other factors as
27 determined by the council. However, such other factors must be
28 fully documented in writing by the council.

29 (h) The council is encouraged to seek input from
30 transportation or economic-development entities and to
31 consider the reports and recommendations of task forces, study

1 commissions, or similar entities charged with reviewing issues
2 relevant to the council's mission.

3 (9)(8) Because transportation investment plays a key
4 role in economic development, the council and the department
5 shall actively participate in state and local economic
6 development programs, including:

7 (a) Working in partnership with other state and local
8 agencies in business recruitment, expansion, and retention
9 activities to ensure early transportation input into these
10 activities.

11 (b) Providing expertise and rapid response in
12 analyzing the transportation needs of emergent economic
13 development projects.

14 (c) Developing ~~The council and department must develop~~
15 a macroeconomic analysis of the linkages between
16 transportation investment and economic performance, as well as
17 a method to quantifiably measure the economic benefits of the
18 investments.

19 (d) Identifying long-term strategic transportation
20 projects that will promote the principles listed in subsection
21 (1).

22 (10)(9) The council shall review and prioritize
23 projects submitted for funding under the program ~~with priority~~
24 ~~given to projects which comply with the prevailing principles~~
25 ~~provided in subsection (1),~~ and shall recommend to the
26 Legislature a transportation outreach program. The department
27 shall provide technical expertise and support as requested by
28 the council, and shall develop financial plans, cash forecast
29 plans, and program and resource plans necessary to implement
30 this program. These supporting documents shall be submitted
31 with the Transportation Outreach Program.

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1 (11)(a)(10) Projects recommended for funding under the
2 Transportation Outreach Program shall be submitted to the
3 Florida Transportation Commission at least 30 days before the
4 start of the regular legislative session. The Florida
5 Transportation Commission shall review the projects to
6 determine whether they are in compliance with this section and
7 prepare a report detailing its findings.

8 (b) The council shall submit its list of recommended
9 projects to the Governor and the Legislature as a separate
10 budget request submitted at the same time as section of the
11 department's tentative work program, which is 14 days before
12 the start of the regular session. The Florida Transportation
13 Commission shall submit its written report at the same time to
14 the Governor and the Legislature. Final approval of the
15 Transportation Outreach Program project list shall be made by
16 the Legislature through the General Appropriations Act.
17 Program projects approved by the Legislature must be included
18 in the department's adopted work program.

19 (12)(11) For purposes of funding projects under the
20 Transportation Outreach Program, the department shall allocate
21 from the State Transportation Trust Fund in its program and
22 resource plan a minimum of \$60 million each year beginning in
23 fiscal year 2001-2002 for a transportation outreach program.
24 This funding is to be reserved for projects to be funded
25 pursuant to this section under the Transportation Outreach
26 Program. This allocation of funds is in addition to any
27 funding provided to this program by any other provision of
28 law.

29 (13)(12) Notwithstanding any other law to the contrary
30 the requirements of ss. 206.46(3), 206.606(2), 339.135,
31 339.155, and 339.175 shall not apply to the Transportation

1 Outreach Program.

2 ~~(14)~~(13) The department is authorized to adopt rules
3 to implement the Transportation Outreach Program supporting
4 economic development.

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