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1 A bill to be entitled

2 An act relating to the Florida Public Transit Act;
3 amending s. 341.031, F.S.; defining "intercity bus
4 service," "eligible bus carrier" or "carrier," "eligible
5 intercity bus costs," and "intercity bus capital project";
6 amending s. 341.041, F.S.; revising responsibilities of
7 the Department of Transportation; requiring the department
8 to develop a statewide plan which provides for public
9 transit and intercity bus service, formulate a specific
10 program of projects and project financing, develop and
11 administer certain state measures concerning system
12 performance, provide technical and financial assistance to
13 intercity bus carriers, coordinate activities between
14 certain entities on matters relating to intercity bus
15 service, assist in the development and implementation of
16 marketing and passenger information programs for said
17 services, provide said service to support described
18 projects, and utilize certain federal funds to support a
19 statewide intercity bus network; amending s. 341.051,
20 F.S.; authorizing the department to receive federal grants
21 or apportionments for intercity bus service projects;
22 revising certain project eligibility requirements for the
23 expenditure of state funds to include described intercity
24 bus service projects; authorizing the department to fund
25 such projects; authorizing the department to fund up to
26 100 percent of the federal aid apportionment for intercity
27 bus service; amending s. 341.052, F.S.; providing for
28 public transit block grant program funds to be expended
29 for costs of intercity bus service development; requiring
30 the distribution of specified funds to intercity bus



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31 service; reducing the distribution of such funds to
 32 specified providers; amending s. 341.053, F.S.;
 33 authorizing expenditure of Intermodal Development Program
 34 funds for intercity bus service; providing an effective
 35 date.

37 Be It Enacted by the Legislature of the State of Florida:

39 Section 1. Subsections (11) through (14) are added to
 40 section 341.031, Florida Statutes, to read:

41 341.031 Definitions relating to Florida Public Transit
 42 Act.--As used in ss. 341.011-341.061, the term:

43 (11) "Intercity bus service" means regularly scheduled bus
 44 service for the general public that:

45 (a) Operates with limited stops over fixed routes
 46 connecting two or more urban areas not in close proximity.

47 (b) Has the capacity for transporting baggage carried by
 48 passengers.

49 (c) Makes meaningful connections with scheduled intercity
 50 bus service to more distant points, if such service is
 51 available.

52 (d) Maintains scheduled information in the National
 53 Official Bus Guide.

54 (e) Provides package express service incidental to
 55 passenger transportation.

56 (12) "Eligible bus carrier" or "carrier" means a private
 57 company that has operated defined intercity bus service in the
 58 state, with formal authority in accordance with the rules and
 59 regulations of the Federal Motor Carrier Safety Administration



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60 and the Surface Transportation Board of the United States
61 Department of Transportation, for a minimum of 2 years.

62 (13) "Eligible intercity bus costs" means the total costs
63 directly incident to the provision of intercity bus service,
64 including any depreciation or amortization of capital assets
65 purchased without public financial assistance.

66 (14) "Intercity bus capital project" means a capital
67 project undertaken by an intercity bus carrier to provide
68 intercity bus service and is limited to acquisition, design,
69 construction, reconstruction, or improvement of a privately
70 operated intercity bus service. Such projects may include that
71 portion of a government-owned or government-operated transit
72 system designed to support privately operated intercity bus
73 service.

74 Section 2. Section 341.041, Florida Statutes, is amended
75 to read:

76 341.041 Transit responsibilities of the department.--The
77 department shall, within the resources provided pursuant to
78 chapter 216:

79 (1) Develop a statewide plan which provides for public
80 transit and intercity bus service needs at least 5 years in
81 advance. The plan shall be developed in a manner that will
82 assure maximum use of existing facilities, and optimum
83 integration and coordination of the various modes of
84 transportation, including both governmentally owned and
85 privately owned resources, in the most cost-effective manner
86 possible. The plan shall also incorporate plans adopted by local
87 and regional planning agencies which are consistent, to the
88 maximum extent feasible, with adopted strategic policy plans and
89 approved local government comprehensive plans for the region and



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90 units of local government covered by the plan and shall, insofar
91 as practical, conform to federal planning requirements. The plan
92 shall be consistent with the goals of the Florida Transportation
93 Plan developed pursuant to s. 339.155.

94 (2) Formulate a specific program of projects and project
95 financing to respond to identified transit and intercity bus
96 service needs as part of the work program.

97 (3) Develop, publish, and administer state measures
98 concerning system management, performance, productivity, cost
99 distribution, and safety of governmentally owned public transit
100 systems and privately owned or operated systems financed wholly
101 or in part by state funding. Such measures shall be developed
102 jointly with representatives of affected publicly owned transit
103 systems and in coordination with affected privately owned
104 systems, with full consideration given to nationwide industry
105 norms.

106 (4) Provide technical and financial assistance to units of
107 local government and intercity bus carriers, based on an
108 analysis of public transit and intercity bus service problems
109 and needs, to assist in establishing and implementing effective
110 transit systems and related support programs. In providing such
111 assistance, the department may assist public agencies that
112 provide public transit and intercity bus carriers that provide
113 intercity bus services by making department-owned transit
114 vehicles and appurtenances available for lease to such agencies
115 for special needs of limited duration.

116 (5) Coordinate activities between the public entities and
117 private entities on matters relating to public transit and
118 intercity bus service.



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119 (6) Assist in the development and implementation of
120 marketing and passenger information programs for public transit
121 and intercity bus services.

122 (7) Provide transit service through contracts with
123 existing publicly or privately owned transit systems, where such
124 service represents the transit element of a corridor project
125 designed to relieve urban traffic congestion.

126 (8) Provide intercity bus service to support projects that
127 serve to maintain and enhance statewide intercity bus service.
128 The department shall utilize and dedicate federal funds
129 apportioned to intercity bus service according to federal
130 requirements to support a statewide intercity bus network.

131 (9)~~(8)~~ Provide new transit service and equipment where a
132 public need has been determined to exist pursuant to the
133 transportation planning process and where all of the following
134 conditions occur:

135 (a) No other governmental entity of appropriate
136 jurisdiction exists.

137 (b) The service cannot be reasonably provided by a
138 governmentally owned or privately owned public transit provider.

139 (c) The cost of providing the service does not exceed the
140 sum of revenues resulting from user fares, special transit
141 services such as charter operations, local fund participation,
142 and specific legislative appropriation for this purpose.

143
144 The department may buy, sell, own, lease, and otherwise encumber
145 facilities, transit vehicles, and appurtenances thereto, as
146 necessary to provide such service; or the department may provide
147 service by contracts with governmentally owned or privately
148 owned service providers.



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149 (10)~~(9)~~ Provide public transportation service where
150 emergency service is required, provided that no other private or
151 public transportation operation is available to provide needed
152 service and that such service is clearly in the best interests
153 of the people or communities being served. Such service shall be
154 provided by contractual services, actual operation of state-
155 owned transit equipment and facilities, or any other means
156 deemed appropriate by the department and shall be limited to a
157 period not to exceed 2 years.

158 (11)~~(10)~~ Administer federal and state commuter assistance
159 programs and related federal-aid funds apportioned to the
160 department, which promote the use of ridesharing arrangements
161 and transportation demand management strategies, and the
162 creation of transportation management associations. Public
163 agencies, and private organizations established pursuant to
164 chapter 617 and approved by the local government and the
165 department as being consistent with local, regional, and state
166 transportation plans, are eligible to receive funds under this
167 program. The department shall establish adequate insurance
168 requirements based on passenger capacity for each vehicle used
169 in ridesharing.

170 (12)~~(11)~~ Assist local governmental entities and other
171 transit operators in the planning and development of transit
172 programs and procedures and in the identification of
173 alternatives for achieving the most effective use of available
174 transportation resources and increasing revenue sources as
175 needed so that Florida's transit systems can move toward
176 becoming fiscally self-sufficient. The department may also
177 advance, on a matching basis, state funds for capital



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178 improvements to transit properties in accordance with the
179 following:

180 (a) Candidate programs may include, but are not limited
181 to, the development of terminal facilities for lease by
182 interfacing modes, the acquisition and development of adjacent
183 land for lease or sale to public and private entities, and the
184 acquisition and development of air rights.

185 (b) The criteria to be utilized in determining whether or
186 not to advance such funds shall be adopted by rule and shall
187 include the demonstrated need of the transit system,
188 administrative capability, and a system financial plan as
189 approved by the department.

190 (13)~~(12)~~ Assist local governmental entities in achieving a
191 condition wherein transit systems are operated at a service
192 level that is responsive to identified transit needs and in such
193 a manner as to promote maximum transit usage and achieve the
194 highest possible operating recovery ratio commensurate with the
195 local government's transit role and requirements.

196 (14)~~(13)~~ Assist local governmental entities and other
197 transit operators in the planning, development, and coordination
198 of transit services for WAGES program participants as defined in
199 s. 414.0252.

200 (15)~~(14)~~ Create and maintain a common self-retention
201 insurance fund to support fixed-guideway projects throughout the
202 state when there is a contractual obligation to have the fund in
203 existence in order to provide fixed-guideway services. The
204 maximum limit of the fund is as required by any contractual
205 obligation.



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206 Section 3. Paragraph (a) of subsection (1), paragraph (a)
207 of subsection (4), and subsection (5) of section 341.051,
208 Florida Statutes, are amended to read:

209 341.051 Administration and financing of public transit
210 programs and projects.--

211 (1) FEDERAL AID.--

212 (a) The department is authorized to receive federal grants
213 or apportionments for public transit and intercity bus service
214 projects in this state.

215 (4) PROJECT ELIGIBILITY.--

216 (a) Any project that is necessary to meet the program
217 objectives enumerated in s. 341.041, that conforms to the
218 provisions of this section, and that is contained in the local
219 transportation improvement program and the adopted work program
220 of the department is eligible for the expenditure of state funds
221 for transit purposes.

222 1. The project shall be a project for service or
223 transportation facilities provided by the department under the
224 provisions of this act, a public transit capital project, a
225 commuter assistance project, a public transit service
226 development project, an intercity bus service capital project,
227 an intercity bus service project, or a transit corridor project.

228 2. The project must be approved by the department as being
229 consistent with the criteria established pursuant to the
230 provisions of this act.

231 (5) FUND PARTICIPATION; CAPITAL ASSISTANCE.--

232 (a) The department may fund up to 50 percent of the
233 nonfederal share of the costs, not to exceed the local share, of
234 any eligible public transit capital project or commuter
235 assistance project that is local in scope; except, however, that



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236 departmental participation in the final design, right-of-way
237 acquisition, and construction phases of an individual fixed-
238 guideway project which is not approved for federal funding shall
239 not exceed an amount equal to 12.5 percent of the total cost of
240 each phase.

241 (b) The department is authorized to fund up to 100 percent
242 of the cost of any eligible transit capital project, intercity
243 bus service project, or commuter assistance project that is
244 statewide in scope or involves more than one county where no
245 other governmental entity or appropriate jurisdiction exists.

246 (c) The department is authorized to advance up to 80
247 percent of the capital cost of any eligible project that will
248 assist Florida's transit systems and intercity bus services in
249 becoming fiscally self-sufficient. Such advances shall be
250 reimbursed to the department on an appropriate schedule not to
251 exceed 5 years after the date of provision of the advances.

252 (d) The department is authorized to fund up to 100 percent
253 of the capital and net operating costs of statewide transit
254 service development projects or transit corridor projects. All
255 transit service development projects shall be specifically
256 identified by way of a departmental appropriation request, and
257 transit corridor projects shall be identified as part of the
258 planned improvements on each transportation corridor designated
259 by the department. The project objectives, the assigned
260 operational and financial responsibilities, the timeframe
261 required to develop the required service, and the criteria by
262 which the success of the project will be judged shall be
263 documented by the department for each such transit service
264 development project or transit corridor project.



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265 (e) The department is authorized to fund up to 50 percent
266 of the capital and net operating costs of transit service
267 development projects that are local in scope and that will
268 improve system efficiencies, ridership, or revenues. All such
269 projects shall be identified in the appropriation request of the
270 department through a specific program of projects, as provided
271 for in s. 341.041, that is selectively applied in the following
272 functional areas and is subject to the specified times of
273 duration:

274 1. Improving system operations, including, but not limited
275 to, realigning route structures, increasing system average
276 speed, decreasing deadhead mileage, expanding area coverage, and
277 improving schedule adherence, for a period of up to 3 years;

278 2. Improving system maintenance procedures, including, but
279 not limited to, effective preventive maintenance programs,
280 improved mechanics training programs, decreasing service repair
281 calls, decreasing parts inventory requirements, and decreasing
282 equipment downtime, for a period of up to 3 years;

283 3. Improving marketing and consumer information programs,
284 including, but not limited to, automated information services,
285 organized advertising and promotion programs, and signing of
286 designated stops, for a period of up to 2 years; and

287 4. Improving technology involved in overall operations,
288 including, but not limited to, transit equipment, fare
289 collection techniques, electronic data processing applications,
290 and bus locators, for a period of up to 2 years.

291 (f) The department is authorized to fund up to 100 percent
292 of the federal aid apportionment for intercity bus service.

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294 For purposes of this section, the term "net operating costs"
 295 means all operating costs of a project less any federal funds,
 296 fares, or other sources of income to the project.

297 Section 4. Paragraph (d) is added to subsection (2) of
 298 section 341.052, Florida Statutes, present subsections (6), (7),
 299 and (8) are renumbered as subsections (7), (8), and (9),
 300 respectively, and amended, and a new subsection (6) is added to
 301 said section, to read:

302 341.052 Public transit block grant program;
 303 administration; eligible projects; limitation.--

304 (2) Costs for which public transit block grant program
 305 funds may be expended include:

306 (d) Costs of intercity bus service development.

307
 308 All projects must be consistent, to the maximum extent feasible,
 309 with the approved local government comprehensive plans of the
 310 units of local government in which the project is located.

311 (6) The department shall distribute 1 percent of the funds
 312 designated for the public transit block grant program for
 313 intercity bus service.

314 (7)~~(6)~~ The department shall distribute 84 ~~85~~ percent of
 315 the public transit block grant funds to "Section 9" and "Section
 316 18" providers designated by the United States Department of
 317 Transportation. The funds shall be distributed to "Section 9"
 318 providers, and to "Section 18" providers that are not designated
 319 as community transportation coordinators pursuant to chapter
 320 427, according to the following formula, except that at least
 321 \$20,000 shall be distributed to each eligible provider if
 322 application of the formula provides less than that amount for
 323 any such provider:



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324 (a) One-third shall be distributed according to the
325 percentage that an eligible provider's county population in the
326 most recent year for which those population figures are
327 available from the state census repository is of the total
328 population of all counties served by eligible providers.

329 (b) One-third shall be distributed according to the
330 percentage that the total revenue miles provided by an eligible
331 provider, as verified by the most recent "Section 15" report to
332 the Federal Transit Administration or a similar audited report
333 submitted to the department, is of the total revenue miles
334 provided by eligible providers in the state in that year.

335 (c) One-third shall be distributed according to the
336 percentage that the total passengers carried by an eligible
337 provider, as verified by the most recent "Section 15" report
338 submitted to the Federal Transit Administration or a similar
339 audited report submitted to the department, is of the total
340 number of passengers carried by eligible providers in the state
341 in that year.

342 ~~(8)(7)~~(a) Any funds distributed to an eligible provider
343 pursuant to subsection (7) ~~(6)~~ which cannot be expended within
344 the limitations of the block grant program shall be returned to
345 the department for redistribution to other eligible providers
346 pursuant to that subsection.

347 (b) The department may consult with an eligible provider,
348 before distributing funds to that provider pursuant to
349 subsection (7) ~~(6)~~, to determine whether the provider can expend
350 its total block grant within the limitations of the block grant
351 program. If the department and the provider agree that the total
352 block grant cannot be expended, the provider may agree to accept
353 a block grant of less than the total amount, in which case the



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354 funds that exceed such lesser agreed-upon amount shall be
355 redistributed to other eligible providers pursuant to subsection
356 (7) ~~(6)~~.

357 (c) If an audit reveals that an eligible provider expended
358 block grant funds on unauthorized uses, the provider must repay
359 to the department an amount equal to the funds expended for
360 unauthorized uses. The department shall redistribute such
361 repayments to other eligible providers pursuant to subsection
362 (7) ~~(6)~~.

363 (9)~~(8)~~ Notwithstanding the provisions of subsections (5),
364 (7) ~~(6)~~, and (8) ~~(7)~~, the department may supplement an eligible
365 provider's block grant allocation if funds are available; if
366 requested by the M.P.O. or, if there is no M.P.O., by the county
367 with jurisdiction; and if the department concurs in the request.
368 Any supplement of a transit provider's block grant shall be
369 specifically identified in the tentative work program submitted
370 by the department to the Legislature. The provisions of
371 subsections (2) and (3) shall apply to total block grants as
372 supplemented by allocations made under this subsection.

373 Section 5. Paragraph (a) of subsection (2) and subsection
374 (6) of section 341.053, Florida Statutes, are amended to read:

375 341.053 Intermodal Development Program; administration;
376 eligible projects; limitations.--

377 (2) In recognition of the department's role in the
378 economic development of this state, the department shall develop
379 a proposed intermodal development plan to connect Florida's
380 airports, deepwater seaports, rail systems serving both
381 passenger and freight, and major intermodal connectors to the
382 Florida Intrastate Highway System facilities as the primary
383 system for the movement of people and freight in this state in



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384 order to make the intermodal development plan a fully integrated
385 and interconnected system. The intermodal development plan must:

386 (a) Define and assess the state's freight intermodal
387 network, including airports, seaports, rail lines and terminals,
388 intercity bus lines and terminals, and connecting highways.

389 (6) The department is authorized to fund projects within
390 the Intermodal Development Program, which are consistent, to the
391 maximum extent feasible, with approved local government
392 comprehensive plans of the units of local government in which
393 the project is located. Projects that are eligible for funding
394 under this program include major capital investments in public
395 rail and fixed-guideway transportation facilities and systems
396 which provide intermodal access; road, rail, intercity bus
397 service, or fixed-guideway access to, from, or between seaports,
398 airports, and other transportation terminals; construction of
399 intermodal or multimodal terminals; development and construction
400 of dedicated bus lanes; and projects which otherwise facilitate
401 the intermodal or multimodal movement of people and goods.

402 Section 6. This act shall take effect July 1, 2003.