

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Transportation and Economic Development Appropriations Committee

BILL: CS/CS/CS/CS/SB 2804

INTRODUCER: Transportation and Economic Development Appropriations Committee, Environmental Preservation and Conservation Committee; Community Affairs Committee; Transportation Committee and Senator Baker

SUBJECT: Transportation

DATE: April 24, 2007                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Herrin</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
3.	<u>Kiger</u>	<u>Kiger</u>	<u>EP</u>	<u>Fav/CS</u>
4.	<u>Weaver</u>	<u>Noble</u>	<u>TA</u>	<u>Fav/CS</u>
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill addresses a number of transportation-related issues. Specifically the bill:

- Imposes a \$3 surcharge on the penalties for moving violations to be used for the state agency law enforcement radio system;
- Reduces the local matching fund requirement in the small county dredging program from 50% to 25%;
- Allows the Florida Department of Transportation (FDOT) to fund up to 80 percent of the non-federal share of certain airport and aviation development projects;
- Extends the authorization for FDOT to support public airports and provide grants for security-related projects;
- Revises the matching fund formula for fixed-guideway revenue bonds to allow for various matching scenarios up to a limit of 50 percent on the State's share of the eligible project cost;
- Establishes a number of criteria for youth work experience programs contracting with FDOT;
- Extends the requirement to program 90% of turnpike revenues originating in Miami-Dade, Broward, and Palm Beach Counties in those counties through 2017;
- Requires FDOT to expand the advertising of bids;
- Changes the membership status of three members of the Secure Airports for Florida's Economy Council from voting to non-voting;

- Allows FDOT to waive the requirement for contractors to be pre-qualified to bid on jobs when the project is under \$500,000 and noncompliance will not endanger the public health, safety, or property;
- Allows maintenance contractors to bond the amount of work on long-term maintenance contracts incrementally;
- Increases, from \$150,000 to \$250,000, the maximum contract price threshold at which FDOT may waive surety bond requirements;
- Allows FDOT to waive surety bond requirements for contracts greater than \$250 million provided the contractor can provide alternate means of security for the balance of the contract amount;
- Revises the definition of “economic feasibility” for Turnpike projects;
- Raises the current maximum allowable dollar amount of bonds that may be issued for Turnpike projects from \$4.5 billion of bonds issued to \$9 billion of bonds outstanding.
- Clarifies that the Turnpike Enterprise and its vendors are exempt from the “commercial rental tax” on capital improvements made in the turnpike service plazas;
- Creates the Enhanced Bridge Program, allowing FDOT to fund local bridges not on the State Highway System (SHS) to relieve congested corridors;
- Allows for emergency loans from the State Infrastructure Bank (SIB) to public transportation providers in officially-declared disaster areas;
- Requires public transit providers to identify specific enhancements for increasing their profitability;
- Establishes additional criteria for public-private partnerships and clarifies the ability of all expressway authorities to engage in public-private partnerships;
- Provides for expedited permitting for limerock environmental resource permitting and reclamation applications filed after March 1, 2007;
- Creates the Strategic Aggregates Review Task Force and requires all local governments to consider the effect any land-use zoning change, comprehensive plan amendment, permit, ordinance, or order would have on the availability, transportation, or potential extraction of construction aggregate materials;
- Provides authority for the FDOT to enter into agreements to obtain interests in known mineral reserves;
- Defines the term “wall mural” for purposes of ch. 479, F.S., which governs outdoor advertising;
- Provides for local government regulation of wall murals, except for wall murals within 660 feet of the right-of-way for the interstate highway system or the federal-aid primary highway system which would also require the approval of the Department of Transportation and the Federal Highway Administration; and
- Authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to develop and issue a “Support Our Troops” specialty license plate. The license plate annual use fees shall be distributed to Support Our Troops, Inc., to be used for the benefit of Florida troops and their families in accordance with its articles of incorporation.

This bill substantially amends the following sections of the Florida Statutes: 215.615, 311.22, 318.18, 318.21, 320.08056, 320.08058, 332.007, 332.14, 334.30, 334.351, 337.11, 337.14, 337.18, 338.221, 338.2275, 338.231, 338.234, 339.08, 339.55, 341.071, 348.0004 and 479.01.

The bill also creates sections 337.026, 339.282, 479.156 and an unnumbered section of the Florida Statutes.

## **II. Present Situation:**

### **Fixed-Guideway Revenue Bonds**

A "fixed-guideway transportation system" is a public transit system for transporting people by a conveyance, or a series of interconnected conveyances, specifically designed for travel on a stationary rail or other guideway. Section 215.615, F.S. authorizes FDOT or commuter rail authorities and regional transportation authorities to issue revenue bonds to fund fixed guideway projects. Each party is contractually liable for an equal, 50/50 share of the bond debt service. Projects must comply with FDOT's major capital investment policy guidelines, and must be included in the work program. The FDOT's share of debt service is payable from, and is limited to, a maximum of two percent of all state revenues deposited into the State Transportation Trust Fund (STTF). These debt service payments are part of the 15 percent of transportation revenues committed to public transportation projects pursuant to s. 206.46, F.S. The local share is payable from any available revenues other than revenues of FDOT. To date, the fixed-guideway revenue bond financing option has not been employed. FDOT is currently negotiating with local governmental entities and a private railroad company in Central Florida to develop a fixed-guideway commuter or light rail system. Bond counsel assisting FDOT with the financing component of the project has suggested changes to the existing s. 215.615, F.S.

### **Airport Funding**

Most airport infrastructure funding is provided by the federal government or the applicable local government. FDOT provides matching grants to airports using proceeds of the 6.7-cents-per-gallon state aviation fuel tax. After the September 11, 2001, terrorist attacks, the Legislature amended s. 332.007(8), F.S., allowing FDOT to fund up to 100 percent of the non-federal share of security improvements required by the federal government or to address economic impacts of the attacks. Expenditure plans for these grants require the approval of FDOT. This subsection expires June 30, 2007.

In addition to commercial airports, Florida's airport system has 108 public-use general aviation airports providing a number of aviation-related services to their communities. General aviation airports do not offer scheduled commercial flights. General aviation airports are major employment sites and centers of business and economic activity. According to the FDOT Aviation Office, general aviation airports in Florida provide 23,125 jobs, \$680 million in payroll, and \$2.3 billion in total economic activity. Section 332.007(6), F.S., allows FDOT to provide half of the non-federal share of certain general aviation airport project costs when federal funding is available as a 50 percent federal/50 percent local match. However, many small airports and their local governments are unable to provide even the required 25 percent local match, according to FDOT staff, so the federal grant is rescinded. If the airport project is a priority, FDOT ends up paying the majority of the cost from state aviation funds, since the federal funds have been freed to be spent in another state.

### **Secure Airports for Florida's Economy (SAFE) Council**

The SAFE Council is a 27-member group representing aviation-related businesses and state agencies created in 2003 by the Legislature to prepare a five-year SAFE Master Plan

recommending the acquisition and construction of specific transportation facilities linking airports to other transportation modes, protecting the safety and security of passengers and cargo, or enhancing international trade and other economic benefits. The council consists of the directors, or their designees, of 19 commercial service airports; the Secretaries or their designees, of the Department of Community Affairs, the Florida Department of Law Enforcement, and FDOT; the director of the Office of Tourism, Trade, and Economic Development or his or her designee; the executive directors of two general aviation airports, appointed by the Florida Airports Council; a representative of the general aviation industry appointed by the Florida Aviation Trades Association; and a representative of the airline industry appointed by the Air Transport Association.

### **FDOT Contracts**

Section 337.11, F.S., requires FDOT to advertise in a local newspaper of general circulation, the request for bids on all construction projects with a contract price of \$250,000 or less. Contracts in excess of \$250,000 are advertised by invitations to bid and may only be bid upon by contractors meeting certain prequalification requirements in s. 337.14, F.S.

### **Surety Bonds**

Upon winning a bid for an FDOT contract, a contractor must post a surety or performance bond equal to 100 percent of the contract price. The surety enables FDOT to complete the project should the contractor fail to carry out the terms of the contract. The requirement for a surety bond may be waived by FDOT on projects less than \$150,000 if the project is of a noncritical nature and nonperformance by the contractor will not endanger the public health, safety, or property.

### **Turnpike Projects**

The Florida Turnpike Enterprise funds a significant portion of its work program with revenue bond proceeds. The debt service payments for these bonds are spread out over the life of the project. Revenue bonds do not affect the state debt affordability plan or the state debt cap because the Turnpike revenue bonds are supported by toll revenues. Section 338.2275, F.S., restricts the Florida Turnpike Enterprise from having more than \$4.5 billion in bonds issued, effectively capping the number of projects that can be included in the work program. In order for proposed turnpike projects to be constructed, they must meet certain economic feasibility requirements established in s. 338.221, F.S. The economic feasibility test requires the estimated toll revenues for a proposed turnpike project must be able to pay at least 50 percent of the debt service on bonds issued for the project by the end of the 12th year of operation and at least 100 percent of the debt service by the end of the 22nd year of operation.

### **Bridge Replacement and Rehabilitation**

Section 144(g), 23 United States Code, requires states expend not less than fifteen percent nor more than thirty-five percent of federal bridge replacement and rehabilitation funds on bridges located on local minor collector roads. Section 339.08, F.S., generally limits the expenditure of state funds off the State Highway System (SHS), except to match federal funds. This program notwithstanding, numerous local bridges throughout the state require improvements which are often beyond the financing capabilities of the responsible local governments. As a result, congestion increases on the local corridor due to restrictions or limitations caused by structural

deficiencies or capacity constraints of the bridge. This congestion can place stress on adjacent SHS corridors as drivers seek alternative corridors for travel.

### **State Infrastructure Bank**

The State Infrastructure Bank (SIB) is a revolving loan and credit enhancement program providing loans and other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under state and federal law. Highway and transit projects are eligible for SIB participation. SIB participation from the state-funded SIB account is limited to a transportation facility project on the SHS or that provides for increased mobility on the state's transportation system in accordance with s. 339.55, F.S., or provides for intermodal connectivity with airports, seaports, rail facilities, transportation terminals, and other intermodal options for increased accessibility and movement of people, cargo, and freight.

### **Transit Productivity and Performance Measures Reports**

Public transit providers receiving public transit block grants must establish productivity and performance measures, which must be approved by FDOT. Each provider annually reports to the FDOT the transit system's attainment relative to these measures.

### **Construction Aggregate Materials**

Construction aggregates provide one of the basic materials needed for concrete, asphalt, and road base. In Florida, approximately 143 millions tons of crushed stone, limestone, dolomite, limerock, shell rock, and high-quality sand will be used as construction aggregate in 2007. Most, about 120 million tons, will be mined in Florida; however, about 13 million tons will be imported and 10 million tons of recycled aggregates will be used. Housing and commercial construction account for approximately 86 million tons and roads and other infrastructure will use about 42 million tons. FDOT is the largest single user of construction aggregates, accounting for about 10 percent of the supply.

Aggregate materials are located in various natural deposits around the state with the most economically advantageous deposits located in 79 square miles in Northwest Miami-Dade County known as the Lake Belt. The Lake Belt is distinct in that it has been identified as the highest concentration of the highest quality aggregate indigenous to Florida. Approximately 55 million tons of aggregate will be mined in the Lake Belt this year. Due to a pending lawsuit challenging the legality of the permits used by the mining companies, there is a high probability the Lake Belt will be subject to at least temporary mine closures. According to FDOT, a 30-day stockpile is available; however, a long-term shutdown of the mines could result in the loss of 288,000 jobs statewide, and a \$28.6 billion decrease in the state's economic output. FDOT further estimates the long-term availability of indigenous aggregate, even without closure of the Lake Belt mines, is insufficient to maintain current consumption rates beyond a 5 to 10 year period.

### **Expedited Permitting**

Part IX of ch. 403, F.S., provides an expedited permitting process to encourage and facilitate the location and expansion of economic development projects that offer job creation, high wages, and diversify the state's economy. Projects meeting certain criteria are eligible for expedited review of permit applications and local comprehensive plan amendments.

**Wall Murals**

Chapter 479, F.S., governs billboards and other outdoor advertising signs. Advertising companies and other owners of outdoor signs must obtain and renew a license from FDOT. This chapter also specifies FDOT's duties and authority as they relate to permitting, removing, and otherwise regulating outdoor advertising signs along the interstate highway system and the federal-aid primary highway system, which includes state roads.

Section 131 of Title 23, United States Code, governs the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate system and the primary system. These provisions of federal law are commonly known as Title I of the Highway Beautification Act of 1965 (as amended). In 1972, the State of Florida and the United States Department of Transportation, acting through the Federal Highway Administrator, entered into an agreement regarding enforcement of regulations regarding outdoor advertising in areas adjacent to the interstate highway system and the federal-aid primary system. The FDOT is responsible for administering and enforcing the provisions of chapter 479 and the agreement between the state and the United States Department of Transportation relating to the size, lighting, and spacing of signs in accordance with the Highway Beautification Act of 1965. Since federal dollars are used to build and maintain these federal and state roads in Florida, FDOT must adhere to federal laws and regulations concerning outdoor advertising signs.

**Small Port Funding**

In 2005, the Legislature created in s. 311.22, F.S., an additional ports funding program to help finance certain dredging improvements at small ports in counties with a population of less than 300,000 persons based on the last official United States Census and which met environmental permitting and other criteria, but which are not eligible for the existing FSTED funding. There are at least seven legislatively created port authorities in counties with less than 300,000 population: the Calhoun County Port Authority, the Carrabelle Port District, the Hernando County Port Authority, the Levy County Port Authority, the Manatee Port Authority, the Putnam County Port Authority, and the St. Lucie Port and Airport Authority. The FSTED Council was directed to develop, by rule, procedures and criteria for evaluating project applications submitted for funding under the new program; the process is similar to that currently in place for the 14 deepwater ports. The grants may be used only to fund projects for dredging or deepening channels, turning basins, or harbors. Funding to provide a 50-percent state match has been made available the past two years in the General Appropriations Act proviso language, \$5.0 million in fiscal year 2005-06 and \$9.2 million in fiscal year 2006-07. However, FSTED indicates that the eligible small ports have had difficulty raising their share of the match due to unexpected increases in project costs, so the funds have reverted back to the State Transportation Trust Fund. The Senate 2007-08 Proposed Budget has earmarked \$5.0 million in seaport funding for small ports.

**Youth Work Experience Program**

Section 334.351, F.S., authorizes the FDOT to contract with public agencies and nonprofit organizations to perform work related to construction and maintenance of transportation-related facilities by youth enrolled in youth work experience programs. Contracts entered into under this section, are exempt from competitive bidding requirements and other contract provisions of chapters 287 and 337, F.S. The total dollar amount of contracts let by FDOT can not exceed the

amount specially appropriated by the legislature each fiscal year for the youth work experience program.

The legislature created the youth work experience program with the intent of conserving state resources and providing an opportunity for disadvantaged youth to obtain training and work experience. FDOT provides contract management and oversight to ensure that the work performed by the nonprofit organizations is in compliance with the contract. Over the last year, a series of newspapers articles focused attention on the lack of accountability, and the level of training and personal development offered by nonprofit organizations to at-risk disadvantaged youth enrolled in the youth work experience program.

### **Public Private Partnerships (P<sup>3</sup>)**

Section 334.30, F.S., provides FDOT the ability to engage in public-private partnerships. The section provides:

- FDOT may receive or solicit proposals and contract with private parties for the building, operation, ownership, or financing of transportation facilities if:
  - the project is in the public's best interest;
  - no state funds are required unless the project is on the State Highway System (SHS); and
  - no additional costs or service disruptions would be borne by the public.
- The cost of reviewing public-private project submissions is borne by the private entity.
- Any tolls or fares imposed by the private entity are subject to regulation by FDOT.
- P<sup>3</sup> projects must comply with all applicable federal, state, and local laws, comprehensive plans, rules, policies, procedures, and standards, as well as any other conditions which FDOT determines to be in the public's interest;
- FDOT may provide development and construction services, including eminent domain.
- If FDOT receives an unsolicited proposal, the department must publish weekly for two weeks, an invitation for competing proposals, which will be received for up to 60 days from the initial publication. Proposals will be ranked and FDOT may negotiate with multiple proposers.
- Loans from the Toll Facilities Revolving Trust Fund may be made for P<sup>3</sup> toll facilities.

Section 348.0004(9), F.S., provides expressway authorities the ability to engage in public-private partnerships. The section provides:

- Expressway authorities may receive or solicit proposals and contract with private parties for the building, operation, ownership, or financing of transportation facilities if:
  - the project is in the public's best interest;
  - no state funds are required unless the project provides increased mobility on the State Highway System (SHS); and
  - no additional costs or service disruptions would be borne by the public.

- The cost of reviewing public-private project submissions is borne by the private entity.
- Any tolls or fares imposed by the private entity are subject to regulation by the expressway authority.
- P<sup>3</sup> projects must comply with all applicable federal, state, and local laws, comprehensive plans, rules, policies, procedures, and standards, as well as any other conditions which the expressway authority determines to be in the public's interest;
- The expressway authorities may provide development and construction services, including eminent domain. Expressway authorities may pay all or part of the operating and maintenance costs or provide services for which it receives full or partial reimbursement.
- If an expressway authority receives an unsolicited proposal, the authority must publish weekly for two weeks, an invitation for competing proposals, which will be received for up to 60 days from the initial publication. Proposals will be ranked and the authority may negotiate with multiple proposers.
- Loans from the Toll Facilities Revolving Trust Fund may be made for P<sup>3</sup> toll facilities.

Since the changes made in 2004 were placed in part I of ch. 348, F.S., some concern has been raised relative to the provisions' applicability to expressway authorities formed in parts II through X.

### **Specialty License Plates**

Currently, specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute. The Legislature may create a specialty license plate under its own initiative, or it can do so at the request of an organization. Under s. 320.08053, F.S., an organization may seek Legislative authorization for a new specialty license plate by meeting a number of requirements. An organization is first required to submit to the DHSMV the following:

- A request for the plate describing it in general terms.
- The results of a professional, independent, and scientific sample survey of Florida residents indicating 30,000 vehicle owners intend to purchase the plate at the increased cost.
- An application fee of \$60,000 defraying the DHSMV's cost for reviewing the application, developing the new plate, and providing for the manufacture and distribution of the first run of plates.
- A marketing strategy for the plate and a financial analysis of anticipated revenues and planned expenditures.

These requirements must be satisfied at least 90 days prior to the convening of the regular session of the Legislature. Once the requirements are met, DHSMV notifies the committees of the House of Representatives and Senate with jurisdiction over the issue, and the organization is free to find sponsors and pursue Legislative action. Support Our Troops, Inc. has met all of the application and statutory requirements to pursue legislation for the specialty license plates. In



addition, the Auditor General has reported in Report No. 2007-109, that this organization has met the survey requirements as required in the Florida Statutes.

### III. **Effect of Proposed Changes:**

#### **Fixed Guideway Revenue Bonds**

Section 215.615, F.S., is amended to delete the 50/50 state/local matching requirement for fixed-guideway revenue bonds. The proposed changes allow for various matching scenarios with an upward limit on FDOT's share being established at up to 50 percent of the eligible project costs. This would allow local authorities to contribute more local dollars when the State's available match is insufficient to finance 50 percent of the project.

#### **State Agency Law Enforcement Radio System**

Section 318.18, F.S., is amended to establish a surcharge of \$3 on any penalty imposed for:

- noncriminal offenses listed in s. 318.14, F.S.,
- criminal offenses found in s. 318.17, F.S., and
- noncriminal moving traffic violations found in ch. 316, F.S.,

The surcharge is authorized through 2012. The revenues from the surcharge are to be used for the state agency law enforcement radio system.

#### **Aviation Funding**

Section 332.007, F.S., is amended to allow FDOT to provide up to 80 percent of the non-federal cost of eligible general aviation airport projects. The remaining percentage would be provided by the local government. This would enable the state to use federal aviation grant funding first before state funds are used, allowing additional federal funds to be drawn down and freeing up state aviation funding for other projects. The bill also extends the June 30, 2007 expiration date in subsection (8), which would allow FDOT to fund security projects at publicly owned public-use airports until June 30, 2012.

Section 332.14, F.S., is revised to change the status of three members of SAFE from voting to non-voting members.

#### **FDOT Contracting**

Section 337.11, F.S., is amended to increase from \$250,000 to \$500,000, the maximum contract price for contracts that require FDOT to advertise invitations to bid in only a local newspaper of general circulation. This would result in more contracts being advertised in general circulation newspapers.

Section 337.14, F.S., is amended to allow FDOT to waive the requirements for contractor prequalification for projects having a contract price of \$500,000 or less, if the project is of a noncritical nature and noncompliance will not endanger public health, safety, or property. In conjunction with the changes made to s. 337.11, F.S., this will presumably increase the number of competitive bids from contractors.

Section 337.18, F.S., is amended to authorize FDOT to allow contractors to post surety bonds incrementally for multiyear maintenance contracts. With this change, a contractor's surety bond may cover one year's contract dollar amount, one year at a time rather than the entire contract amount at project startup. The bill increases the maximum contract price for which FDOT may waive the surety requirements altogether from \$150,000 to \$250,000. It also authorizes FDOT to waive the surety requirements for projects with contract prices of \$250 million or more, provided the contractor posts a partial or incremental surety bond and provides an alternative means of securing the balance of the contract price not covered by the surety bond. Examples of the alternative securities include letters of credit, United States bonds and notes, parent company guaranties, and cash collateral.

### **Turnpike Projects**

Section 338.221, F.S., is amended to revise the definition of an "economically feasible" Turnpike project. Under the new definition, a project is economically feasible if it is capable of paying 100 percent of the annual debt service on bonds associated with the project by the end of the 30th year of operation.

Section 338.2275, F.S., is amended to raise the current maximum allowable dollar amount of bonds that may be issued for Turnpike projects from \$4.5 billion of bonds issued to \$9 billion of bonds outstanding. The increased bond cap would allow the Turnpike to continue to expand beyond the current five-year capital plan, and immediately add \$900 million in new projects to the existing five-year plan.

Section 338.234, F.S., is amended to clarify that the Turnpike Enterprise and its vendors are exempt from the "commercial rental tax" on capital improvements made in the turnpike service plazas. (Currently, the State is not collecting this tax.)

Section 338.231, F.S., is amended to extend the requirement to program 90% of turnpike revenues originating in Miami-Dade, Broward, and Palm Beach Counties for projects in those counties through 2017.

### **Enhanced Bridge Program**

The bill creates s. 339.282, F.S., establishing the Enhanced Bridge Program for Sustainable Transportation within FDOT, providing program criteria, and a funding mechanism to improve:

- Local bridges that are not on the SHS, and
- Highly congested roads on the SHS or local roads with high-cost bridges for the purpose of relieving congestion or providing an alternative corridor.

State matching funds may be used to fund up to 50 percent of project costs. The bill stipulates a minimum of 25 percent of funding available for the program shall be allocated for structurally deficient local bridges having a sufficiency rating of 35 or below and average daily traffic of at least 500 vehicles. The remaining percentage of the funding available for the program is to be allocated to reducing congestion on highly congested roads on the SHS or local corridors containing high-cost bridges. Eligible projects on these roads must:

- Improve congestion on constrained or backlogged corridors or provide congestion relief on an alternative corridor, and
- Involve a bridge project having an estimated cost of \$25 million or more.

Bridge projects on corridors connecting to the Strategic Intermodal System (SIS) identified as regionally significant in a regional transportation plan will be given highest preference.

Section 339.08, F.S., is amended to authorize the use of the State Transportation Trust Fund for the Enhanced Bridge Program created in s. 339.282, F.S.

### **Emergency SIB Loans**

Section 339.55, F.S., is amended to provide for emergency loans from the SIB to public ports, airports, and other public transit and intermodal facilities when included in officially-declared disaster areas. The loans are subject to approval of the Legislative Budget Commission and the FDOT Secretary. A loan may not exceed 24 months except in extreme cases when the FDOT Secretary may allow up to 36 months. Applicants must also file claims with the Federal Emergency Management Administration or applicable insurance carrier and must repay the loans upon receipt of funding from these entities for the claims. It revises the criteria considered by the SIB in making an emergency loan to include the impact that an officially declared disaster has on level of service for certain transportation facilities.

### **Transit Providers Productivity and Performance Measures**

Section 341.071, F.S., is amended to require public transit providers to include in their annual productivity and performance measures report, specific potential enhancements that could increase the transit system's fare box recovery ratio. The report is due by January 31 of each year.

### **Construction Aggregate Materials**

The bill creates a new, unnumbered section of Florida Statutes addressing Florida's need for construction aggregate materials which are defined as "crushed stone, limestone, dolomite, limerock, shell rock, sand for use as a component of mortars, concrete, bituminous mixtures, or underdrain filters, and other mined resources providing the basic material for concrete, asphalt, and road base." The bill provides legislative intent. It requires all local governments to consider the effect any land-use zoning change, comprehensive plan amendment, permit, ordinance, or order would have on the availability, transportation, or potential extraction of construction aggregate materials. No moratorium or combination of moratoria on the mining of aggregate may be imposed by any local government or other agency with a duration of more than 12 months. January 1, 2007, shall serve as the beginning date of the 12-month period for moratoria already in place as of July 1, 2007.

Limerock environmental resource permitting and reclamation applications filed after March 1, 2007, are eligible for expedited permitting under s. 403.973, F.S. If a party to a challenge involving expedited permitting for the establishment of a limerock mine files a motion for a summary proceeding under s. 120.574, F.S., the bill requires the summary hearing to be held within 30 days after the motion is filed regardless of whether the parties agree to the proceeding.

The Strategic Aggregates Review Task Force is created to evaluate the availability and disposition of construction aggregate materials and related mining and land use practices. The Task Force is to identify locations with significant concentrations of the materials and recommend actions ensuring the materials' continued extraction and availability. The Task Force is to report this information to the Legislature and the Governor by February 1, 2008. The Task Force will consist of 19 members, of which 15 members are appointed by the President of the Senate, Speaker of the House, and Governor, with each appointing one representative from each of the following groups:

- The mining industry;
- The construction industry;
- The transportation industries, including seaports, trucking, railroads, or roadbuilders;
- Elected county government (including smaller counties); and
- Environmental advocacy groups.

The Secretaries of Community Affairs, Environmental Protection, and Transportation, or their designees, and an appointee of the Florida League of Cities, Inc. shall also be members of the Task Force. The Task Force is dissolved on July 1, 2008.

Section 337.026, F.S., is created to provide authority for the FDOT to enter into agreements for construction aggregate materials. Types of agreements in which the FDOT may enter into include:

Procurement techniques that will provide reliable and economic supplies of aggregate materials.

Agreements or long-term leases with private or public entities to acquire materials or resources which will advance the state's transportation needs.

The FDOT, to the maximum extent practicable, must use existing processes to award and administer the procurement techniques provided for in this section. However, the FDOT is not required to adhere to these provisions when they would prevent such procurement techniques from being used. The agency must in these situations document in writing the need for the exception and specify the benefits to the public.

### **Wall Murals**

Section 479.01, F.S., is amended to define the term "wall mural."

Section 479.156, F.S., is created to provide guidelines for regulating wall murals. Provisions would:

Authorize a municipality or county to permit wall murals within areas designated by such government.

If permitted, any wall mural within 660 feet of the nearest edge of the right-of-way within an area adjacent to the interstate highway system or the federal-aid-primary highway system must be located in an area that is zoned for industrial or commercial use.

Additionally, the local government must establish and enforce regulations for such area that, at a minimum, set criteria for size, lighting, and spacing. These criteria must be consistent with the intent of the Highway Beautification Act of 1965.

Any wall mural subject to local government regulation and the Highway Beautification Act of 1965 must be approved by the FDOT and Federal Highway Administration. These murals must not violate the agreement between the state and United States Department of Transportation under s. 479.02(1), F.S.

### **Small Ports Funding**

Section 311.22, F.S., is amended to reduce the local match requirement from 50 percent to 25 percent of the costs for dredging or deepening new channels, or turning basins for eligible ports.

### **Youth Work Experience Program**

Section 334.351, F.S., is amended to add eligibility criteria for participation in the youth work experience program. Nonprofit organization organizations that perform work related to the construction and maintenance of transportation-related facilities by youths enrolled in youth work experience programs under this section must meet the following criteria:

- All participating youth must be certified by the youth organization as Florida residents and must possess a valid Florida drivers license or identification card.
- In awarding contracts the Department of Transportation shall consider the following criteria in selecting the nonprofit youth organizations to perform work on transportation-related facilities:
  - the number of participants receiving life management skills training;
  - the number of participants receiving high school diplomas or GEDs;
  - the number of participants receiving scholarships;
  - the number of participants receiving bonuses;
  - the number of participants that have secured full-time jobs; and
  - Other programs or services that support the development of disadvantaged youths.
- All nonprofit youth organizations shall provide an annual report to the department by January 1, that includes, but is not limited to, applicable performance as measured by the criteria listed above for the organization's most recently completed fiscal year.
- All nonprofit youth organizations shall submit to the department annually an independent audit of their financial records. Contract provisions must include authorization for the department to inspect the organization's financial and program records.

All nonprofit youth organizations must demonstrate participation in a peer assessment or review process, such as the National Association of Service and Conversation Corps "Excellence in Corps Operations".

### **Public Private Partnerships (P<sup>3</sup>)**

Section 334.30, F.S., is amended, restricting transportation-related public private partnerships to projects which increase transportation capacity. FDOT and expressway authorities are prohibited from selling or leasing any transportation facility owned by department or authority. Any public private partnership project becomes the property of the public partner upon completion of the contract.

Sections 348.0004, and 348.0012, F.S., are amended to clarify that any expressway authority, regardless of whether it was created in Part I of ch. 348, and any transportation, bridge, or toll authority may enter into public-private partnerships. The bill further clarifies the provisions of Part I of ch. 348, F.S., do not apply to expressway authorities created in other parts of the chapter, "except as expressly provided."

#### **Support Our Troops Specialty License Plate**

The bill directs DHSMV to develop a "Support Our Troops" specialty license plate bearing an image approved by Support Our Troops, Inc. The corporation's internet domain name may also appear on the plate. The annual use fee for the Support Our Troops plate will be \$25. Support Our Troops, Inc. will retain the first \$60,000 in revenue from the annual use fees to offset costs for developing and establishing the plate. Thereafter, 25% of the annual use fee revenue may be used for administrative costs, promotion, and marketing of the "Support Our Troops" specialty license plates. Of the remaining 75%, 65% will be used by Support Our Troops, Inc. for use in accordance with its articles of incorporation and 35% will be distributed to the State Homes for Veterans Trust Fund within the Department of Veterans' Affairs.

The bill takes effect July 1, 2007.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The revisions in this bill to ss. 337.11 and 337.14, F.S., will allow additional contractors to bid on certain FDOT projects.

The revisions to s. 318.18, F.S., will result in all penalties for:

- noncriminal offenses listed in s. 318.14, F.S.,
- criminal offenses found in s. 318.17, F.S., and
- noncriminal moving traffic violations found in ch. 316, F.S.,

to increase by \$3.

**C. Government Sector Impact:**

The bill clarifies that the Turnpike Enterprise and its vendors are exempt from the “commercial rental tax” on capital improvements made in the turnpike service plazas. There is no fiscal impact to the state because the tax has not been collected in the past and it is not currently being collected.

The creation of the Strategic Aggregates Review Task Force will result in an indeterminate, but minimal, fiscal impact to the FDOT in funding the travel expenses for members of the task force, and providing administrative and technical support.

The bill authorizes the use of the State Transportation Trust Fund for a new enhanced bridge program.

Implementation of the provisions related to the Support Our Troops specialty license plate will cost the DHSMV approximately \$60,000 in contract programming, development labor, and product purchasing costs. This fiscal impact is offset by the statutory application fee of \$60,000, which has been submitted to the DHSMV by the sponsoring organization seeking creation of this specialty license plate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.





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## **VIII. Summary of Amendments:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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