

By the Committee on Transportation; and Senator Baker

596-2129-07

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 215.615, F.S.; revising the Department of
4 Transportation's requirement to share certain
5 costs of fixed-guideway system projects;
6 revising criteria for an interlocal agreement
7 to establish bond financing for fixed-guideway
8 system projects; revising provisions for
9 sources of funds for the payment of bonds;
10 amending s. 332.007, F.S.; authorizing the
11 Department of Transportation to provide funds
12 for certain general aviation projects under
13 certain circumstances; extending the timeframe
14 during which the department is authorized to
15 provide operational and maintenance assistance
16 to certain airports and may redirect the use of
17 certain funds to security-related or
18 economic-impact projects related to the events
19 of September 11, 2001; amending s. 332.14,
20 F.S., relating to the Secure Airports for
21 Florida's Economy Council; providing for
22 certain members of the council to be nonvoting
23 members; amending s. 337.11, F.S.; providing
24 that certain construction projects be
25 advertised for bids in local newspapers;
26 amending s. 337.14, F.S.; authorizing the
27 department to waive specified prequalification
28 requirements for certain transportation
29 projects under certain conditions; amending s.
30 337.18, F.S.; revising surety bond requirements
31 for construction or maintenance contracts;

1 providing for incremental annual surety bonds
2 for multiyear maintenance contracts under
3 certain conditions; revising the threshold for
4 transportation projects eligible for a waiver
5 of surety bond requirements; authorizing the
6 department to provide for phased surety bond
7 coverage or an alternate means of security for
8 a portion of the contract amount in lieu of the
9 surety bond; amending s. 338.221, F.S.;
10 redefining the term "economically feasible" for
11 purposes of certain turnpike projects; amending
12 s. 338.2275, F.S.; deleting obsolete provisions
13 relating to approved turnpike projects;
14 revising the maximum amount of bonds that are
15 available for turnpike projects; creating s.
16 339.282, F.S.; creating the Enhanced Bridge
17 Program for Sustainable Transportation within
18 the Department of Transportation; providing for
19 the use of funds in the program; providing
20 project guidelines for program funding;
21 amending s. 339.08, F.S.; allowing moneys in
22 the State Transportation Trust Fund to pay the
23 cost of the Enhanced Bridge System; amending s.
24 339.55, F.S.; providing for the use of State
25 Infrastructure Bank loans for certain damaged
26 transportation facilities in areas officially
27 declared to be in a state of emergency;
28 providing criteria; amending s. 341.071, F.S.;
29 requiring certain public transit providers to
30 annually report potential productivity and
31 performance enhancements; defining the terms

1 "agency" and "construction aggregate
2 materials"; providing legislative intent;
3 establishing the Strategic Aggregates Review
4 Task Force; providing for membership, staffing,
5 reporting, and expiration; prohibiting an
6 agency from approving or denying a land use
7 zoning change, comprehensive plan amendment,
8 land use permit, ordinance, or order without
9 consulting with the Department of
10 Transportation and considering the effect of
11 such decision; prohibiting an agency from
12 imposing a moratorium on the mining or
13 extraction of construction aggregate materials
14 of longer than a specified period; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (1) of section 215.615, Florida
20 Statutes, is amended to read:

21 215.615 Fixed-guideway transportation systems
22 funding.--

23 (1) The issuance of revenue bonds by the Division of
24 Bond Finance, on behalf of the Department of Transportation,
25 pursuant to s. 11, Art. VII of the State Constitution, is
26 authorized, pursuant to the State Bond Act, to finance or
27 refinance fixed capital expenditures for fixed-guideway
28 transportation systems, as defined in s. 341.031, including
29 facilities appurtenant thereto, costs of issuance, and other
30 amounts relating to such financing or refinancing. ~~Such~~
31 ~~revenue bonds shall be matched on a 50-50 basis with funds~~

1 ~~from sources other than revenues of the Department of~~
2 ~~Transportation, in a manner acceptable to the Department of~~
3 ~~Transportation.~~ The Division of Bond Finance is authorized to
4 consider innovative financing techniques, ~~technologies~~ which
5 may include, but are not limited to, innovative bidding and
6 structures of potential financings ~~findings~~ that may result in
7 negotiated transactions. The following conditions apply to the
8 issuance of revenue bonds for fixed-guideway transportation
9 systems:

10 (a) The department and any participating commuter rail
11 authority or regional transportation authority established
12 under chapter 343, local governments, or local governments
13 collectively by interlocal agreement having jurisdiction of a
14 fixed-guideway transportation system may enter into an
15 interlocal agreement to promote the efficient and
16 cost-effective financing or refinancing of fixed-guideway
17 transportation system projects by revenue bonds issued
18 pursuant to this subsection. The terms of such interlocal
19 agreements shall include provisions for the Department of
20 Transportation to request the issuance of the bonds on behalf
21 of the parties; shall provide that after reimbursement
22 pursuant to interlocal agreement, the department's share may
23 be up to 50 percent of the eligible project cost, which may
24 include a share of annual ~~each party to the agreement is~~
25 ~~contractually liable for an equal share of funding an amount~~
26 ~~equal to the~~ debt service requirements of such bonds; and
27 shall include any other terms, provisions, or covenants
28 necessary to the making of and full performance under such
29 interlocal agreement. Repayments made to the department under
30 any interlocal agreement are not pledged to the repayment of
31 bonds issued hereunder, and failure of the local governmental

1 authority to make such payment shall not affect the obligation
2 of the department to pay debt service on the bonds.

3 (b) Revenue bonds issued pursuant to this subsection
4 shall not constitute a general obligation of, or a pledge of
5 the full faith and credit of, the State of Florida. Bonds
6 issued pursuant to this section shall be payable from funds
7 available pursuant to s. 206.46(3), or other funds available
8 to the project, subject to annual appropriation. The amount of
9 revenues available for debt service shall never exceed a
10 maximum of 2 percent of all state revenues deposited into the
11 State Transportation Trust Fund.

12 (c) The projects to be financed or refinanced with the
13 proceeds of the revenue bonds issued hereunder are designated
14 as state fixed capital outlay projects for purposes of s.
15 11(d), Art. VII of the State Constitution, and the specific
16 projects to be financed or refinanced shall be determined by
17 the Department of Transportation in accordance with state law
18 and appropriations from the State Transportation Trust Fund.
19 Each project to be financed with the proceeds of the bonds
20 issued pursuant to this subsection must first be approved by
21 the Legislature by an act of general law.

22 (d) Any complaint for validation of bonds issued
23 pursuant to this section shall be filed in the circuit court
24 of the county where the seat of state government is situated,
25 the notice required to be published by s. 75.06 shall be
26 published only in the county where the complaint is filed, and
27 the complaint and order of the circuit court shall be served
28 only on the state attorney of the circuit in which the action
29 is pending.

30 (e) The state does hereby covenant with holders of
31 such revenue bonds or other instruments of indebtedness issued

1 hereunder, that it will not repeal or impair or amend these
2 provisions in any manner that will materially and adversely
3 affect the rights of such holders as long as bonds authorized
4 by this subsection are outstanding.

5 (f) This subsection supersedes any inconsistent
6 provisions in existing law.

7
8 Notwithstanding this subsection, the lien of revenue bonds
9 issued pursuant to this subsection on moneys deposited into
10 the State Transportation Trust Fund shall be subordinate to
11 the lien on such moneys of bonds issued under ss. 215.605,
12 320.20, and 215.616, and any pledge of such moneys to pay
13 operating and maintenance expenses under s. 206.46(5) and
14 chapter 348, as may be amended.

15 Section 2. Paragraph (c) of subsection (6) and
16 subsection (8) of section 332.007, Florida Statutes, are
17 amended to read:

18 332.007 Administration and financing of aviation and
19 airport programs and projects; state plan.--

20 (6) Subject to the availability of appropriated funds,
21 the department may participate in the capital cost of eligible
22 public airport and aviation development projects in accordance
23 with the following rates, unless otherwise provided in the
24 General Appropriations Act or the substantive bill
25 implementing the General Appropriations Act:

26 (c) When federal funds are not available, the
27 department may fund up to 80 percent of master planning and
28 eligible aviation development projects at publicly owned,
29 publicly operated airports. If federal funds are available but
30 insufficient to meet the maximum authorized federal share, the
31 department may fund up to 80 percent of the nonfederal share

1 of such projects. Such funding is limited to airports that
2 have no scheduled commercial service.

3 (8) Notwithstanding any other provision of law to the
4 contrary, the department is authorized to fund security
5 projects at ~~provide operational and maintenance assistance to~~
6 publicly owned public-use airports. ~~Such assistance shall be~~
7 ~~to comply with enhanced federal security requirements or to~~
8 ~~address related economic impacts from the events of September~~
9 ~~11, 2001.~~ For projects in the current adopted work program, or
10 projects added using the available budget of the department,
11 airports may request that the department change the project
12 purpose in accordance with this provision notwithstanding the
13 provisions of s. 339.135(7). For purposes of this subsection,
14 the department may fund up to 100 percent of eligible project
15 costs that are not funded by the Federal Government. ~~Prior to~~
16 ~~releasing any funds under this section, the department shall~~
17 ~~review and approve the expenditure plans submitted by the~~
18 ~~airport. The department shall inform the Legislature of any~~
19 ~~change that it approves under this subsection.~~ This subsection
20 shall expire on June 30, 2012 ~~2007~~.

21 Section 3. Subsections (2) and (4) of section 332.14,
22 Florida Statutes, are amended to read:

23 332.14 Secure Airports for Florida's Economy
24 Council.--

25 (2) The Secure Airports for Florida's Economy (SAFE)
26 Council is created within the Department of Transportation.
27 The council shall consist of the following 27 members:

28 (a) The airport director, or his or her designee, of
29 each of the following airports:

- 30 1. Daytona Beach International Airport.
- 31 2. Ft. Lauderdale-Hollywood International Airport.

- 1 3. Gainesville Regional Airport.
- 2 4. Jacksonville International Airport.
- 3 5. Key West International Airport.
- 4 6. Melbourne International Airport.
- 5 7. Miami International Airport.
- 6 8. Naples Municipal Airport.
- 7 9. Okaloosa County Regional Airport.
- 8 10. Orlando International Airport.
- 9 11. Orlando-Sanford International Airport.
- 10 12. Palm Beach County International Airport.
- 11 13. Panama City-Bay County International Airport.
- 12 14. Pensacola Regional Airport.
- 13 15. Sarasota-Bradenton International Airport.
- 14 16. Southwest Florida International Airport.
- 15 17. St. Petersburg-Clearwater International Airport.
- 16 18. Tallahassee Regional Airport.
- 17 19. Tampa International Airport.
- 18 (b) The executive directors of two general aviation
- 19 airports appointed by the Florida Airports Council.
- 20 (c) The Secretary ~~of the Department~~ of Transportation
- 21 or his or her designee.
- 22 (d) The director of the Office of Tourism, Trade, and
- 23 Economic Development or his or her designee.
- 24 (e) The Secretary ~~of the Department~~ of Community
- 25 Affairs or his or her designee.
- 26 (f) The executive director of the Department of Law
- 27 Enforcement or his or her designee.
- 28 (g) A representative of the airline industry appointed
- 29 by the Air Transport Association.
- 30 (h) A representative of the general aviation industry
- 31 appointed by the Florida Aviation Trades Association.

1 (4) The council shall adopt bylaws governing the
2 manner in which the business of the council will be conducted.
3 The bylaws shall specify the procedure by which the chair of
4 the council is elected. The council shall meet at the call of
5 its chair, at the request of a majority of its membership, or
6 at such times as may be prescribed in its bylaws. However, the
7 council must meet at least twice a year. Except for the
8 members appointed pursuant to paragraphs (2)(d), (e), and (f),
9 all members of the council are voting members. A majority of
10 voting members of the council constitutes a quorum for the
11 purpose of transacting the business of the council. A vote of
12 the majority of the members present is sufficient for any
13 action of the council, except that a member representing the
14 Department of Transportation, the Department of Community
15 Affairs, the Department of Law Enforcement, or the Office of
16 Tourism, Trade, and Economic Development may vote to overrule
17 any action of the council approving a project pursuant to
18 paragraph (7)(a). The bylaws of the council may require a
19 greater vote for a particular action.

20 Section 4. Paragraph (a) of subsection (3) of section
21 337.11, Florida Statutes, is amended to read:

22 337.11 Contracting authority of department; bids;
23 emergency repairs, supplemental agreements, and change orders;
24 combined design and construction contracts; progress payments;
25 records; requirements of vehicle registration.--

26 (3)(a) On all construction contracts of \$250,000 or
27 less, and any construction contract of less than \$500,000 for
28 which the department has waived prequalification under s.
29 337.14, the department shall advertise for bids in a newspaper
30 having general circulation in the county where the proposed
31 work is to be located. Publication shall be at least once a

1 week for no less than 2 consecutive weeks, and the first
2 publication shall be no less than 14 days prior to the date on
3 which bids are to be received.

4 Section 5. Subsection (1) of section 337.14, Florida
5 Statutes, is amended to read:

6 337.14 Application for qualification; certificate of
7 qualification; restrictions; request for hearing.--

8 (1) Any person desiring to bid for the performance of
9 any construction contract in excess of \$250,000 which the
10 department proposes to let must first be certified by the
11 department as qualified pursuant to this section and rules of
12 the department. The rules of the department shall address the
13 qualification of persons to bid on construction contracts in
14 excess of \$250,000 and shall include requirements with respect
15 to the equipment, past record, experience, financial
16 resources, and organizational personnel of the applicant
17 necessary to perform the specific class of work for which the
18 person seeks certification. The department is authorized to
19 limit the dollar amount of any contract upon which a person is
20 qualified to bid or the aggregate total dollar volume of
21 contracts such person is allowed to have under contract at any
22 one time. Each applicant seeking certification ~~qualification~~
23 to bid on construction contracts in excess of \$250,000 shall
24 furnish the department a statement under oath, on such forms
25 as the department may prescribe, setting forth detailed
26 information as required on the application. Each application
27 for certification shall be accompanied by the latest annual
28 financial statement of the applicant completed within the last
29 12 months. If the annual financial statement shows the
30 financial condition of the applicant more than 4 months prior
31 to the date on which the application is received by the

1 department, then an interim financial statement must also be
2 submitted. The interim financial statement must cover the
3 period from the end date of the annual statement and must show
4 the financial condition of the applicant no more than 4 months
5 prior to the date on which the application is received by the
6 department. Each required annual or interim financial
7 statement must be audited and accompanied by the opinion of a
8 certified public accountant or a public accountant approved by
9 the department. The information required by this subsection is
10 confidential and exempt from the provisions of s. 119.07(1).
11 The department shall act upon the application ~~for~~
12 ~~qualification~~ within 30 days after the department determines
13 that the application is complete. The department may waive the
14 requirements of this subsection for projects having a contract
15 price of \$500,000 or less if the department determines that
16 the project is of a noncritical nature and the waiver will not
17 endanger public health, safety, or property.

18 Section 6. Paragraph (a) of subsection (1) of section
19 337.18, Florida Statutes, is amended to read:

20 337.18 Surety bonds for construction or maintenance
21 contracts; requirement with respect to contract award; bond
22 requirements; defaults; damage assessments.--

23 (1)(a) A surety bond shall be required of the
24 successful bidder in an amount equal to the awarded contract
25 price. However, the department may choose, in its discretion
26 and applicable only to multiyear maintenance contracts, to
27 allow for incremental annual contract bonds that cumulatively
28 total the full, awarded, multiyear contract price. For a
29 project for which the contract price is ~~\$250,000~~ ~~\$150,000~~ or
30 less, the department may waive the requirement for all or a
31 portion of a surety bond if it determines the project is of a

1 noncritical nature and nonperformance will not endanger public
2 health, safety, or property. If the secretary or his designee
3 determines that it is in the best interests of the state to
4 reduce the bonding requirement for a project and that to do so
5 will not endanger public health, safety, or property, the
6 department may waive the requirement of a surety bond in an
7 amount equal to the awarded contract price for a project
8 having a contract price of \$250 million or more and, in its
9 place, may set a surety bond amount that is a portion of the
10 total contract price and provide an alternate means of
11 security for the balance of the contract amount that is not
12 covered by the surety bond or provide for incremental surety
13 bonding and provide an alternate means of security for the
14 balance of the contract amount that is not covered by the
15 surety bond. Such alternative means of security may include
16 letters of credit, United States bonds and notes, parent
17 company guaranties, and cash collateral. The department may
18 require alternate means of security if a surety bond is
19 waived. The surety on such bond shall be a surety company
20 authorized to do business in the state. All bonds shall be
21 payable to the department and conditioned for the prompt,
22 faithful, and efficient performance of the contract according
23 to plans and specifications and within the time period
24 specified, and for the prompt payment of all persons
25 furnishing, as, defined in s. 713.01, ~~furnishing~~ labor,
26 material, equipment, and supplies for work provided in the
27 contract; however, whenever an improvement, demolition, or
28 removal contract price is \$25,000 or less, the security may,
29 in the discretion of the bidder, be in the form of a cashier's
30 check, bank money order of any state or national bank,
31 certified check, or postal money order. The department shall

1 adopt rules to implement this subsection. Such rules shall
2 include provisions under which the department shall refuse to
3 accept bonds on contracts when a surety wrongfully fails or
4 refuses to settle or provide a defense for claims or actions
5 arising under a contract for which the surety previously
6 furnished a bond.

7 Section 7. Subsection (8) of section 338.221, Florida
8 Statutes, is amended to read:

9 338.221 Definitions of terms used in ss.

10 338.22-338.241.--As used in ss. 338.22-338.241, the following
11 words and terms have the following meanings, unless the
12 context indicates another or different meaning or intent:

13 (8) "Economically feasible" means:

14 (a) For a proposed turnpike project~~7~~ that, as
15 determined by the department before the issuance of revenue
16 bonds for the project, the estimated net revenues of the
17 proposed turnpike project, excluding feeder roads and turnpike
18 improvements, will be sufficient to pay at least ~~50 percent of~~
19 ~~the debt service on the bonds by the end of the 12th year of~~
20 ~~operation and to pay at least~~ 100 percent of the annual debt
21 service on the bonds associated with the project by the end of
22 the 30th ~~22nd~~ year of operation. In implementing this
23 paragraph, up to 50 percent of the adopted work program costs
24 of the project may be funded from turnpike revenues.

25 (b) For turnpike projects, except for feeder roads and
26 turnpike improvements, financed from revenues of the turnpike
27 system, such project~~7~~ or ~~such~~ group of projects, originally
28 financed from revenues of the turnpike system, that the
29 project is expected to generate sufficient revenues to
30 amortize project costs within 15 years of opening to traffic.

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1 This subsection does not prohibit the pledging of revenues
2 from the entire turnpike system to bonds issued to finance or
3 refinance a turnpike project or group of turnpike projects.

4 Section 8. Subsection (3) of section 338.2275, Florida
5 Statutes, is repealed and subsection (1) of that section is
6 amended to read:

7 338.2275 Approved turnpike projects.--

8 (1) Legislative approval of the department's tentative
9 work program that contains the turnpike project constitutes
10 approval to issue bonds as required by s. 11(f), Art. VII of
11 the State Constitution. No more than \$9 billion of bonds may
12 be outstanding to fund approved turnpike projects. Turnpike
13 ~~projects approved to be included in future tentative work~~
14 ~~programs include, but are not limited to, projects contained~~
15 ~~in the 2003-2004 tentative work program. A maximum of \$4.5~~
16 ~~billion of bonds may be issued to fund approved turnpike~~
17 ~~projects.~~

18 Section 9. Section 339.282, Florida Statutes, is
19 created to read:

20 339.282 Enhanced Bridge Program for Sustainable
21 Transportation.--

22 (1) There is created within the Department of
23 Transportation the Enhanced Bridge Program for Sustainable
24 Transportation for the purpose of providing funds to improve
25 the sufficiency rating of local bridges and to improve
26 congested roads on the State Highway System or local corridors
27 on which high-cost bridges are located in order to improve a
28 corridor or provide an alternative corridor.

29 (2) Matching funds provided from the program may fund
30 up to 50 percent of project costs.

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1 (3) The department shall allocate a minimum of 25
2 percent of funding available for the program for local bridge
3 projects to replace, rehabilitate, paint, or install scour
4 countermeasures to highway bridges located on public roads,
5 other than those on the State Highway System. A project to be
6 funded must, at a minimum:

7 (a) Be classified as a structurally deficient bridge
8 having a poor condition rating for the deck, superstructure,
9 substructure component, or culvert;

10 (b) Have a sufficiency rating of 35 or below; and

11 (c) Have average daily traffic of at least 500
12 vehicles.

13 (4) Special consideration shall be given to bridges
14 that are closed to all traffic or that have a load restriction
15 of less than 10 tons.

16 (5) The department shall allocate remaining funding
17 available for the program to improve highly congested roads on
18 the State Highway System or local corridors on which high-cost
19 bridges are located in order to improve the corridor or
20 provide an alternative corridor. A project to be funded must,
21 at a minimum:

22 (a) Be on or provide direct relief to an existing
23 corridor that is backlogged or constrained; and

24 (b) Be a major bridge having an estimated cost greater
25 than \$25 million.

26 (6) Preference shall be given to bridge projects
27 located on corridors that connect to the Strategic Intermodal
28 System created in s. 339.61, and that have been identified as
29 regionally significant in accordance with s.
30 339.155(5)(c), (d), and (e).

31

1 Section 10. Subsection (1) of section 339.08, Florida
2 Statutes, is amended to read:

3 339.08 Use of moneys in State Transportation Trust
4 Fund.--

5 (1) The department shall expend moneys in the State
6 Transportation Trust Fund accruing to the department, in
7 accordance with its annual budget. The use of such moneys
8 shall be restricted to the following purposes:

9 (a) To pay administrative expenses of the department,
10 including administrative expenses incurred by the several
11 state transportation districts, but excluding administrative
12 expenses of commuter rail authorities that do not operate rail
13 service.

14 (b) To pay the cost of construction of the State
15 Highway System.

16 (c) To pay the cost of maintaining the State Highway
17 System.

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

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

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

25 (g) To lend or pay a portion of the operating,
26 maintenance, and capital costs of a revenue-producing
27 transportation project that is located on the State Highway
28 System or that is demonstrated to relieve traffic congestion
29 on the State Highway System.

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

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

7 (j) To pay the cost of county or municipal road
8 projects selected in accordance with the County Incentive
9 Grant Program created in s. 339.2817, ~~and~~ the Small County
10 Outreach Program created in s. 339.2818, and the Enhanced
11 Bridge Program created in s. 339.282.

12 (k) To provide loans and credit enhancements for use
13 in constructing and improving highway transportation
14 facilities selected in accordance with the state-funded
15 infrastructure bank created in s. 339.55.

16 (l) To pay the cost of projects on the Florida
17 Strategic Intermodal System created in s. 339.61.

18 (m) To pay the cost of transportation projects
19 selected in accordance with the Transportation Regional
20 Incentive Program created in s. 339.2819.

21 (n) To pay other lawful expenditures of the
22 department.

23 Section 11. Subsection (4) of section 339.55, Florida
24 Statutes, is amended, and paragraph (c) is added to subsection
25 (2) and paragraph (j) is added to subsection (7) of that
26 section, to read:

27 339.55 State-funded infrastructure bank.--

28 (2) The bank may lend capital costs or provide credit
29 enhancements for:

30 (c)1. Emergency loans for damages incurred to
31 public-use commercial deepwater seaports, public-use airports,

1 and other public-use transit and intermodal facilities that
2 are within an area that is part of an official state
3 declaration of emergency pursuant to chapter 252 and all other
4 applicable laws. Such loans:

5 a. May not exceed 24 months in duration except in
6 extreme circumstances, for which the Secretary of
7 Transportation may grant up to 36 months upon making written
8 findings specifying the conditions requiring a 36-month term.

9 b. Require application from the recipient to the
10 department that includes documentation of damage claims filed
11 with the Federal Emergency Management Agency or an applicable
12 insurance carrier and documentation of the recipient's overall
13 financial condition.

14 c. Are subject to approval by the Secretary of
15 Transportation and the Legislative Budget Commission.

16 2. Loans provided under this paragraph must be repaid
17 upon receipt by the recipient of eligible program funding for
18 damages in accordance with the claims filed with the Federal
19 Emergency Management Agency or an applicable insurance
20 carrier, but no later than the duration of the loan.

21 (4) Loans from the bank may bear interest at or below
22 market interest rates, as determined by the department.
23 Repayment of any loan ~~from the bank~~ shall commence not later
24 than 5 years after the project has been completed or, in the
25 case of a highway project, the facility has opened to traffic,
26 whichever is later, and shall be repaid within in no more than
27 30 years, except for loans provided under paragraph (2)(c),
28 which shall be repaid within 36 months.

29 (7) The department may consider, but is not limited
30 to, the following criteria for evaluation of projects for
31 assistance from the bank:

1 (j) The extent to which damage from a disaster that
2 results in a declaration of emergency has impacted a public
3 transportation facility's ability to maintain its previous
4 level of service and remain accessible to the public or has
5 had a major impact on the cash flow or revenue-generation
6 ability of the public-use facility.

7 Section 12. Subsection (2) of section 341.071, Florida
8 Statutes, is amended to read:

9 341.071 Transit productivity and performance measures;
10 reports.--

11 (2) Each public transit provider shall establish
12 productivity and performance measures, which must be approved
13 by the department and which must be selected from measures
14 developed pursuant to s. 341.041(3). Each provider shall by
15 January 31 of each year report ~~annually~~ to the department
16 relative to these measures. In approving these measures, the
17 department shall give consideration to the goals and
18 objectives of each system, the needs of the local area, and
19 the role for public transit in the local area. The report
20 shall also specifically address potential enhancements to
21 productivity and performance which would have the effect of
22 increasing farebox recovery ratio.

23 Section 13. Construction aggregate materials.--

24 (1) DEFINITIONS.--

25 (a) "Agency" means:

26 1. The Governor in the exercise of all executive
27 powers other than those derived from the constitution.

28 2. Each:

29 a. State officer and state department, and each
30 departmental unit described in s. 20.04, Florida Statutes.

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1 b. Authority, including a regional water supply
2 authority.

3 c. Board.

4 d. Commission, including the Commission on Ethics and
5 the Fish and Wildlife Conservation Commission when acting
6 pursuant to statutory authority derived from the Legislature.

7 e. Regional planning agency, including, but not
8 limited to, a regional planning council.

9 f. Multicounty special district of which a majority of
10 its governing board is comprised of nonelected persons.

11 g. Educational unit.

12 h. Entity described in chapters 163, 373, 380, and
13 582, Florida Statutes, and s. 186.504, Florida Statutes.

14 3. Each other unit of government in the state,
15 including counties and municipalities.

16 (b) "Construction aggregate materials" means crushed
17 stone, limestone, dolomite, limerock, shell rock, cemented
18 coquina, sand for use as a component of mortars, concrete,
19 bituminous mixtures, or underdrain filters, and other mined
20 resources providing the basic material for concrete, asphalt,
21 and road base.

22 (2) LEGISLATIVE INTENT.--The Legislature finds that
23 there is a strategic and critical need for an available supply
24 of construction aggregate materials within the state and that
25 a disruption of the supply would cause significant detriment
26 to the state's construction industry, transportation system,
27 and overall health, safety, and welfare.

28 (3) AGENCY DECISIONMAKING.--No agency shall approve or
29 deny a proposed land use zoning change, comprehensive plan
30 amendment, land use permit, ordinance, or order without
31 considering, in consultation with the Department of

1 Transportation, the effect such change, amendment, permit
2 decision, ordinance, or order would have on the availability,
3 transportation, and potential extraction of construction
4 aggregate materials on the local area, the region, and the
5 state. No agency may impose a moratorium on the mining or
6 extraction of construction aggregate materials of more than 12
7 months' duration.

8 (4) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

9 (a) The Strategic Aggregates Review Task Force is
10 created to evaluate the availability and disposition of
11 construction aggregate materials and related mining and land
12 use practices in this state.

13 (b) The task force shall be appointed by August 1,
14 2007, and shall be composed of the following 19 members:

15 1. The President of the Senate, the Speaker of the
16 House of Representatives, and the Governor shall each appoint
17 one member from each of the following groups:

18 a. The mining industry.

19 b. The construction industry.

20 c. The transportation industries, including seaports,
21 trucking, railroads, or roadbuilders.

22 d. Elected officials representing counties identified
23 by the Department of Transportation as limestone or sand
24 resource areas. At least one elected official must represent a
25 county having a population of 75,000 or fewer, or a county
26 having a population of 100,000 or fewer which is contiguous to
27 a county having a population of 75,000 or fewer.

28 e. Environmental advocacy groups.

29 2. The Secretary of Environmental Protection or
30 designee.

31 3. The Secretary of Community Affairs or designee.

1 4. The Secretary of Transportation or designee.

2 5. One member appointed by the Florida League of
3 Cities, Inc.

4 (c) Members of the commission shall serve without
5 compensation. Travel and per diem expenses for members who are
6 not state employees shall be paid by the Department of
7 Transportation in accordance with s. 112.061, Florida
8 Statutes.

9 (d) The Department of Environmental Protection shall
10 organize and provide administrative support for the task force
11 and coordinate with other state agencies and local governments
12 in obtaining and providing such data and information as may be
13 needed by the task force to complete its evaluation. The
14 department may conduct any supporting studies as are required
15 to obtain needed information or otherwise assist the task
16 force in its review and deliberations.

17 (e) The Department of Transportation shall collect and
18 provide information to the task force relating to construction
19 aggregate materials and the amount of such materials used by
20 the department on state road infrastructure projects, and
21 shall provide any technical and supporting information
22 relating to the use of such materials as is available to the
23 department.

24 (f) The task force shall report its findings to the
25 Governor, the President of the Senate, and the Speaker of the
26 House of Representatives by February 1, 2008. The report must
27 identify locations with significant concentrations of
28 construction aggregate materials and recommend actions
29 intended to ensure the continued extraction and availability
30 of construction aggregate materials.

31 (g) The task force shall be dissolved on July 1, 2008.

1 Section 14. This act shall take effect July 1, 2007.

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate Bill 2804

6

6 The CS added language revising the matching fund formula for
7 fixed-guideway revenue bonds to allow for various matching
8 scenarios up to a limit of 50 percent on the State's share of
9 the eligible project cost. New language is added changing the
10 membership status of FDLE, DCA, and OTTED representatives on
11 the Secure Airports for Florida's Economy (SAFE) Council from
12 voting to non-voting. The Strategic Aggregate Review Task
13 Force's membership is revised and the ability of local
14 governments or other agencies to impose moratoria on the
15 mining of aggregate is restricted.

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