

By Senator Wise

5-01799-09

20092660__

1 A bill to be entitled
2 An act relating to small county transportation
3 development; terminating the Department of
4 Transportation Small County Outreach Program;
5 transferring funds to the Rural County Road
6 Improvement Program; providing for continuation of
7 projects; amending ss. 201.15, 215.211, and 339.08,
8 F.S.; directing certain funds in the State
9 Transportation Trust Fund to be used for the Rural
10 County Road Improvement Program in lieu of the Small
11 County Outreach Program; amending s. 339.2816, F.S.;
12 renaming the Small County Road Assistance Program as
13 the Rural County Road Improvement Program; revising
14 the purpose of the program; revising criteria for
15 projects under the program; defining the term
16 "resurfacing"; revising the definition of "small
17 county"; creating the Rural County Road Improvement
18 Program Advisory Council to review and recommend
19 proposed projects for funding; providing for
20 membership of the council; providing a limit on the
21 portion of federal grants and special funding
22 designated for road improvements which may be directed
23 to eligible projects in counties with populations of
24 less than 80,000; providing that the department shall
25 fund 75 percent of the cost of projects on county
26 roads funded under the program; revising requirements
27 for eligibility; providing for contract provisions
28 prohibiting employment of illegal immigrants and
29 requiring reporting of violations to the department;

5-01799-09

20092660__

30 requiring the department to keep a record of reported
31 violations and report the violations to the
32 Legislature; providing for an annual appropriation;
33 authorizing the department to allocate unused funds to
34 other priorities; exempting programs from specified
35 use requirements; repealing s. 339.2818, F.S.,
36 relating to the Small County Outreach Program;
37 amending s. 468.617, F.S.; conforming a cross-
38 reference to changes made by the act; providing an
39 effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Department of Transportation Small County
44 Outreach Program; termination; continuation of projects.—The
45 Small County Outreach Program created under s. 339.2818, Florida
46 Statutes, is terminated. All funds of the Department of
47 Transportation relating to the Small County Outreach Program are
48 transferred to the Rural County Road Improvement Program created
49 under s. 339.2816, Florida Statutes, as amended by this act.
50 Projects in the Department of Transportation's work program that
51 are approved for funding under the Small County Outreach Program
52 before the effective date of this act shall continue unless
53 otherwise modified or terminated as provided by law.

54 Section 2. Paragraph (c) of subsection (1) of section
55 201.15, Florida Statutes, is amended to read:

56 201.15 Distribution of taxes collected.—All taxes collected
57 under this chapter are subject to the service charge imposed in
58 s. 215.20(1). Prior to distribution under this section, the

5-01799-09

20092660__

59 Department of Revenue shall deduct amounts necessary to pay the
60 costs of the collection and enforcement of the tax levied by
61 this chapter. Such costs and the service charge may not be
62 levied against any portion of taxes pledged to debt service on
63 bonds to the extent that the costs and service charge are
64 required to pay any amounts relating to the bonds. All taxes
65 remaining after deduction of costs and the service charge shall
66 be distributed as follows:

67 (1) Sixty-three and thirty-one hundredths percent of the
68 remaining taxes collected under this chapter shall be used for
69 the following purposes:

70 (c) The remainder of the moneys distributed under this
71 subsection, after the required payments under paragraphs (a) and
72 (b), shall be paid into the State Treasury to the credit of:

73 1. The State Transportation Trust Fund in the Department of
74 Transportation in the amount of the lesser of 38.2 percent of
75 the remainder or \$541.75 million in each fiscal year, to be used
76 for the following specified purposes, notwithstanding any other
77 law to the contrary:

78 a. For the purposes of capital funding for the New Starts
79 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
80 specified in s. 341.051, 10 percent of these funds;

81 b. For the purposes of the Rural ~~Small~~ County Road
82 Improvement Outreach Program specified in s. 339.2816 ~~339.2818~~,
83 5 percent of these funds;

84 c. For the purposes of the Strategic Intermodal System
85 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
86 of these funds after allocating for the New Starts Transit
87 Program described in sub-subparagraph a. and the Rural ~~Small~~

5-01799-09

20092660__

88 County Road Improvement ~~Outreach~~ Program described in sub-
89 subparagraph b.; and

90 d. For the purposes of the Transportation Regional
91 Incentive Program specified in s. 339.2819, 25 percent of these
92 funds after allocating for the New Starts Transit Program
93 described in sub-subparagraph a. and the Rural ~~Small~~ County Road
94 Improvement ~~Outreach~~ Program described in sub-subparagraph b.

95 2. The Water Protection and Sustainability Program Trust
96 Fund in the Department of Environmental Protection in the amount
97 of the lesser of 5.64 percent of the remainder or \$80 million in
98 each fiscal year, to be used as required by s. 403.890.

99 3. The Grants and Donations Trust Fund in the Department of
100 Community Affairs in the amount of the lesser of .23 percent of
101 the remainder or \$3.25 million in each fiscal year, with 92
102 percent to be used to fund technical assistance to local
103 governments and school boards on the requirements and
104 implementation of this act and the remaining amount to be used
105 to fund the Century Commission established in s. 163.3247.

106 4. The Ecosystem Management and Restoration Trust Fund in
107 the amount of the lesser of 2.12 percent of the remainder or \$30
108 million in each fiscal year, to be used for the preservation and
109 repair of the state's beaches as provided in ss. 161.091-
110 161.212.

111 5. The Marine Resources Conservation Trust Fund in the
112 amount of the lesser of .14 percent of the remainder or \$2
113 million in each fiscal year, to be used for marine mammal care
114 as provided in s. 379.208(3).

115 6. General Inspection Trust Fund in the amount of the
116 lesser of .02 percent of the remainder or \$300,000 in each

5-01799-09

20092660__

117 fiscal year to be used to fund oyster management and restoration
118 programs as provided in s. 379.362(3).

119

120 Moneys distributed pursuant to this paragraph may not be pledged
121 for debt service unless such pledge is approved by referendum of
122 the voters.

123 Section 3. Subsection (4) of section 215.211, Florida
124 Statutes, is amended to read:

125 215.211 Service charge; elimination or reduction for
126 specified proceeds.—

127 (4) From the revenues derived from s. 336.025(1)(a), an
128 amount equal to 7 percent of those revenues shall be deposited
129 in the State Transportation Trust Fund and used to fund the
130 County Incentive Grant Program and the Rural ~~Small~~ County Road
131 Improvement Outreach Program. Up to 20 percent of such funds
132 shall be used for the purpose of implementing the Rural ~~Small~~
133 County Road Improvement Outreach Program as provided in this
134 act. Notwithstanding any other laws to the contrary, the
135 requirements of ss. 339.135, 339.155, and 339.175 shall not
136 apply to these funds and programs.

137 Section 4. Paragraphs (i) and (j) of subsection (1) of
138 section 339.08, Florida Statutes, are amended to read:

139 339.08 Use of moneys in State Transportation Trust Fund.—

140 (1) The department shall expend moneys in the State
141 Transportation Trust Fund accruing to the department, in
142 accordance with its annual budget. The use of such moneys shall
143 be restricted to the following purposes:

144 (i) To pay the cost of county road projects selected in
145 accordance with the Rural ~~Small~~ County Road Improvement

5-01799-09

20092660__

146 Assistance Program created in s. 339.2816.

147 (j) To pay the cost of county or municipal road projects
148 selected in accordance with the County Incentive Grant Program
149 created in s. 339.2817, ~~the Small County Outreach Program~~
150 ~~created in s. 339.2818~~, and the Enhanced Bridge Program for
151 Sustainable Transportation created in s. 339.285.

152 Section 5. Section 339.2816, Florida Statutes, is amended
153 to read:

154 339.2816 Rural Small County Road Improvement Assistance
155 Program.—

156 (1) There is created within the Department of
157 Transportation the Rural Small County Road Improvement
158 ~~Assistance~~ Program. The purpose of this program is to assist
159 small county governments in resurfacing or reconstructing county
160 roads or in constructing capacity or safety improvements to
161 county roads. Projects eligible for funding under this program
162 shall include resurfacing of existing roads, one-time paving of
163 existing dirt roads, and construction of drainage plans and
164 development of drainage resources to help improve care and
165 maintenance of roads served under the program.

166 (2) For the purposes of this section, the term:

167 (a) "Resurfacing" includes the paving of an existing dirt
168 road.

169 (b) "Small county" means any county that has a population
170 of 150,000 ~~75,000~~ or fewer as determined by the most recent
171 official estimate pursuant to s. 186.901 ~~less according to 1990~~
172 federal census data.

173 (3) (a) There is created the Rural County Road Improvement
174 Program Advisory Council, which shall be composed of two members

5-01799-09

20092660__

175 appointed by the Governor, two representatives of the
176 department, two members of the small county coalition of the
177 Florida Association of Counties, one member appointed by the
178 President of the Senate, and one member appointed by the Speaker
179 of the House of Representatives.

180 (b) The council shall review proposed projects for funding
181 and offer comments and recommendations to the department to be
182 considered in ranking and establishing project priorities.

183 (4)~~(3)~~ Beginning with fiscal year 1999-2000 until fiscal
184 year 2009-2010, up to \$25 million annually from the State
185 Transportation Trust Fund may be used for the purposes of
186 funding the Rural Small County Road Improvement Assistance
187 Program as described in this section.

188 (5) Up to 20 percent of federal grants and special funding
189 designated for road improvements shall be directed to eligible
190 projects in counties with populations of less than 80,000.

191 (6)~~(4)~~(a) Small counties shall be eligible to compete for
192 funds that have been designated for the Rural Small County Road
193 Improvement Assistance Program for projects on county roads. The
194 department shall fund 75 percent of the cost of projects on
195 county roads funded for resurfacing or reconstruction projects
196 on county roads that were part of the county road system on June
197 10, 1995. Capacity improvements on county roads shall not be
198 eligible for funding under the program.

199 (b) In determining a county's eligibility for assistance
200 under this program, the department may consider whether the
201 county has attempted to keep county roads in satisfactory
202 condition, ~~including the amount of local option fuel tax and ad~~
203 ~~valorem millage rate imposed by the county. The department may~~

5-01799-09

20092660__

204 ~~also consider the extent to which the county has offered to~~
205 ~~provide a match of local funds with state funds provided under~~
206 ~~the program.~~ At a minimum, small counties shall be eligible only
207 if:

208 1. The county has enacted the maximum rate of the local
209 option fuel tax authorized by s. 336.025(1)(a), ~~r~~ and has imposed
210 an ad valorem millage rate of at least 8 mills; ~~or~~

211 2. The county has imposed an ad valorem millage rate of 10
212 mills;

213 3. The county provides matching funds or develops property
214 that will create jobs or the presence of traffic demand on a
215 road or roads that connect or feed residential living areas,
216 including subdivisions, trailer parks, and other residential
217 housing; or

218 4. In counties that have fewer than 80,000 residents, the
219 project accommodates the traffic demand and provides access to
220 property that would promote or expand the creation of jobs in
221 the county.

222 (c) The following criteria shall be used to prioritize road
223 projects for funding under the program:

224 1. The primary criterion is the physical condition of the
225 road as measured by the department.

226 2. As secondary criteria, the department may consider:

227 a. Whether a road is used as an evacuation route.

228 b. Whether a road has high levels of agricultural travel.

229 c. Whether a road is considered a major arterial route.

230 d. Whether a road is considered a feeder road.

231 e. Other criteria related to the impact of a project on the
232 public road system or on the state or local economy as

5-01799-09

20092660__

233 determined by the department.

234 ~~(7)-(5)~~ The department is authorized to administer contracts
235 on behalf of a county selected to receive funding for a project
236 under this section. All projects funded under this section shall
237 be included in the department's work program developed pursuant
238 to s. 339.135.

239 (8) In each contract with a road contractor or with a
240 county or municipality, the department shall include language
241 requiring that the contractor, county, or municipality that is
242 receiving funds under this program, as a provision of the
243 contract, ensure due care is taken to ensure all employment
244 associated with the contract is completed by legal American
245 workers. If a contractor discovers that work has been completed
246 by illegal aliens or immigrants, the contractor shall report
247 such finding to the department. The department shall maintain a
248 record of such violations and report the violations to the
249 Legislature.

250 (9) Funds paid into the State Transportation Trust Fund
251 pursuant to s. 201.15 for the purposes of the Rural County Road
252 Improvement Program are hereby annually appropriated for
253 expenditure to support the Rural County Road Improvement
254 Program.

255 (10) In any year the Rural County Road Improvement Program
256 does not use all of the available funds, the department may
257 allocate the unused portion of those funds to other department
258 priorities.

259 (11) Notwithstanding any other law to the contrary, the
260 requirements of ss. 206.46(3) and 206.606(2) shall not apply to
261 any funding, programs, or other provisions contained in this

5-01799-09

20092660__

262 section.

263 Section 6. Section 339.2818, Florida Statutes, is repealed:
264 ~~339.2818 Small County Outreach Program.—~~

265 ~~(1) There is created within the Department of~~
266 ~~Transportation the Small County Outreach Program. The purpose of~~
267 ~~this program is to assist small county governments in~~
268 ~~resurfacing or reconstructing county roads or in constructing~~
269 ~~capacity or safety improvements to county roads.~~

270 ~~(2) For the purposes of this section, the term "small~~
271 ~~county" means any county that has a population of 150,000 or~~
272 ~~less as determined by the most recent official estimate pursuant~~
273 ~~to s. 186.901.~~

274 ~~(3) Funds allocated under this program, pursuant to s. 4,~~
275 ~~ch. 2000-257, Laws of Florida, are in addition to any funds~~
276 ~~provided pursuant to s. 339.2816, for the Small County Road~~
277 ~~Assistance Program.~~

278 ~~(4)(a) Small counties shall be eligible to compete for~~
279 ~~funds that have been designated for the Small County Outreach~~
280 ~~Program for projects on county roads. The department shall fund~~
281 ~~75 percent of the cost of projects on county roads funded under~~
282 ~~the program.~~

283 ~~(b) In determining a county's eligibility for assistance~~
284 ~~under this program, the department may consider whether the~~
285 ~~county has attempted to keep county roads in satisfactory~~
286 ~~condition.~~

287 ~~(c) The following criteria shall be used to prioritize road~~
288 ~~projects for funding under the program:~~

289 ~~1. The primary criterion is the physical condition of the~~
290 ~~road as measured by the department.~~

5-01799-09

20092660__

291 ~~2. As secondary criteria the department may consider:~~
 292 ~~a. Whether a road is used as an evacuation route.~~
 293 ~~b. Whether a road has high levels of agricultural travel.~~
 294 ~~c. Whether a road is considered a major arterial route.~~
 295 ~~d. Whether a road is considered a feeder road.~~
 296 ~~e. Other criteria related to the impact of a project on the~~
 297 ~~public road system or on the state or local economy as~~
 298 ~~determined by the department.~~

299 ~~(5) The department is authorized to administer contracts on~~
 300 ~~behalf of a county selected to receive funding for a project~~
 301 ~~under this section. All projects funded under this section shall~~
 302 ~~be included in the department's work program developed pursuant~~
 303 ~~to s. 339.135.~~

304 ~~(6) Funds paid into the State Transportation Trust Fund~~
 305 ~~pursuant to s. 201.15 for the purposes of the Small County~~
 306 ~~Outreach Program are hereby annually appropriated for~~
 307 ~~expenditure to support the Small County Outreach Program.~~

308 Section 7. Subsection (4) of section 468.617, Florida
 309 Statutes, is amended to read:

310 468.617 Joint building code inspection department; other
 311 arrangements.—

312 (4) Nothing in this part prohibits any building code
 313 inspector, plans examiner, or building code administrator
 314 holding a limited certificate who is employed by a jurisdiction
 315 within a small county as defined in s. 339.2816 ~~339.2818~~ from
 316 providing building code inspection, plans review, or building
 317 code administration services to another jurisdiction within a
 318 small county.

319 Section 8. This act shall take effect upon becoming a law.