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1 A bill to be entitled
2 An act relating to transportation; amending s. 334.044,
3 F.S.; revising the powers and duties of the Department of
4 Transportation to provide for certain environmental
5 conditions; amending s. 337.025, F.S.; exempting
6 transportation projects funded by the American Recovery
7 and Reinvestment Act of 2009 from specified caps on annual
8 contract amounts; amending s. 337.0261, F.S.; recognizing
9 that construction aggregate materials mining is an
10 industry of critical importance and that the mining of
11 construction aggregate materials is in the public
12 interest; amending s. 339.2818, F.S., relating to the
13 Small County Outreach Program; revising the purpose of the
14 program to include certain program purposes; revising
15 eligibility and prioritization criteria; amending s.
16 479.261, F.S.; revising requirements for the logo sign
17 program of the interstate highway system; revising the
18 definition of the term "attraction"; removing provisions
19 for permits to be awarded to the highest bidders;
20 authorizing the department to implement a rotation-based
21 logo program; revising contract provisions for related
22 services; requiring the department to adopt rules that set
23 reasonable rates based on certain factors for annual
24 permit fees; requiring that such fees not exceed a certain
25 amount for certain sign locations; providing for
26 distribution and use of proceeds from such fees; amending
27 s. 348.54, F.S.; authorizing the Tampa-Hillsborough County
28 Expressway Authority to make and issue certain bonds and

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29 other evidences of indebtedness and obligations;
30 specifying liability for the payment of the principal of
31 or interest on such obligations; requiring the Department
32 of Community Affairs, in consultation with the Department
33 of Transportation, to implement the Energy Economic Zone
34 Pilot Program for specified purposes; requiring that the
35 Office of Tourism, Trade, and Economic Development and the
36 Florida Energy and Climate Commission provide technical
37 assistance; specifying intended goals of the program;
38 providing an application process for a pilot project;
39 requiring that the Department of Community Affairs and the
40 Office of Tourism, Trade, and Economic Development provide
41 the pilot community with certain assistance; requiring the
42 Department of Community Affairs to submit reports to the
43 Governor and the Legislature; authorizing the Northwest
44 Florida Regional Transportation Planning Organization to
45 conduct a study on advancing funds for certain
46 construction projects; authorizing the Department of
47 Transportation to assist with the study; requiring results
48 of the study to be provided to the Governor, the
49 Legislature, and certain entities; providing principles
50 for the study; providing for content of the study;
51 providing for legislative authorization prior to
52 implementation of the study; providing an effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Subsection (26) of section 334.044, Florida

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57 Statutes, is amended to read:
 58 334.044 Department; powers and duties.--The department
 59 shall have the following general powers and duties:
 60 (26) To provide for the enhancement of environmental
 61 benefits, including air and water quality; to prevent roadside
 62 erosion; to conserve the ~~conservation~~ of natural roadside growth
 63 and scenery; and to provide for the implementation and
 64 maintenance of roadside conservation, enhancement,
 65 stabilization, and beautification programs. ~~and~~ No less than
 66 1.5 percent of the amount contracted for construction projects
 67 shall be allocated by the department for the purchase of plant
 68 materials, with, ~~to beautification programs. Except where~~
 69 ~~prohibited by federal law or federal regulation and to the~~
 70 greatest extent practical, a minimum of 50 percent of these
 71 funds for ~~shall be used to purchase~~ large plant materials and
 72 ~~with~~ the remaining funds for other plant materials. All such
 73 plant materials shall be purchased from Florida commercial
 74 nursery ~~Florida-based nurseryman~~ stock in this state on a
 75 uniform competitive bid basis. The department will develop
 76 grades and standards for landscaping materials purchased through
 77 this process. To accomplish these activities, the department may
 78 contract with nonprofit organizations having the primary purpose
 79 of developing youth employment opportunities.
 80 Section 2. In order to implement Specific Appropriations
 81 1986 through 2095 of the 2009-2010 General Appropriations Act,
 82 section 337.025, Florida Statutes, is amended to read:
 83 337.025 Innovative highway projects; department to
 84 establish program.--

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85 (1) The department is authorized to establish a program
86 for highway projects demonstrating innovative techniques of
87 highway construction, maintenance, and finance which have the
88 intended effect of controlling time and cost increases on
89 construction projects. Such techniques may include, but are not
90 limited to, state-of-the-art technology for pavement, safety,
91 and other aspects of highway construction and maintenance;
92 innovative bidding and financing techniques; accelerated
93 construction procedures; and those techniques that have the
94 potential to reduce project life cycle costs. To the maximum
95 extent practical, the department must use the existing process
96 to award and administer construction and maintenance contracts.
97 When specific innovative techniques are to be used, the
98 department is not required to adhere to those provisions of law
99 that would prevent, preclude, or in any way prohibit the
100 department from using the innovative technique. However, prior
101 to using an innovative technique that is inconsistent with
102 another provision of law, the department must document in
103 writing the need for the exception and identify what benefits
104 the traveling public and the affected community are anticipated
105 to receive. The department may enter into no more than \$120
106 million in contracts annually for the purposes authorized by
107 this section.

108 (2) ~~However,~~ The annual cap on contracts provided in
109 subsection (1) ~~this section~~ shall not apply to:

110 (a) Turnpike enterprise projects, and ~~nor shall~~ turnpike
111 enterprise projects shall not be counted toward the department's
112 annual cap.

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113 (b) Transportation projects funded by the American
 114 Recovery and Reinvestment Act of 2009.

115 Section 3. Subsection (2) of section 337.0261, Florida
 116 Statutes, is amended to read:

117 337.0261 Construction aggregate materials.--

118 (2) LEGISLATIVE INTENT.--The Legislature finds that there
 119 is a strategic and critical need for an available supply of
 120 construction aggregate materials within the state and that a
 121 disruption of the supply would cause a significant detriment to
 122 the state's construction industry, transportation system, and
 123 overall health, safety, and welfare. In addition, the
 124 Legislature recognizes that construction aggregate materials
 125 mining is an industry of critical importance to the state and
 126 that the mining of construction aggregate materials is in the
 127 public interest.

128 Section 4. Subsections (1) and (4) of section 339.2818,
 129 Florida Statutes, are amended to read:

130 339.2818 Small County Outreach Program.--

131 (1) There is created within the Department of
 132 Transportation the Small County Outreach Program. The purpose of
 133 this program is to assist small county governments in repairing
 134 or rehabilitating county bridges, paving unpaved roads,
 135 addressing road-related drainage improvements, resurfacing or
 136 reconstructing county roads, or ~~in~~ constructing capacity or
 137 safety improvements to county roads.

138 (4) (a) Small counties shall be eligible to compete for
 139 funds that have been designated for the Small County Outreach
 140 Program for projects on county roads. The department shall fund

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141 75 percent of the cost of projects on county roads funded under
 142 the program.

143 (b) In determining a county's eligibility for assistance
 144 under this program, the department may consider whether the
 145 county has attempted to keep county roads in satisfactory
 146 condition, which may be evidenced through an established
 147 pavement management plan.

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

150 1. The primary criterion is the physical condition of the
 151 road as measured by the department.

152 2. As secondary criteria the department may consider:

- 153 a. Whether a road is used as an evacuation route.
- 154 b. Whether a road has high levels of agricultural travel.
- 155 c. Whether a road is considered a major arterial route.
- 156 d. Whether a road is considered a feeder road.
- 157 e. Information as evidenced to the department through an

158 established pavement management plan.

159 ~~f.e.~~ Other criteria related to the impact of a project on
 160 the public road system or on the state or local economy as
 161 determined by the department.

162 Section 5. Subsections (1), (3), (4), and (5) of section
 163 479.261, Florida Statutes, are amended to read:

164 479.261 Logo sign program.--

165 (1) The department shall establish a logo sign program for
 166 the rights-of-way of the interstate highway system to provide
 167 information to motorists about available gas, food, lodging, ~~and~~
 168 camping, attractions, and other services, as approved by the

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169 Federal Highway Administration, at interchanges, through the use
 170 of business logos, and may include additional interchanges under
 171 the program. ~~A logo sign for nearby attractions may be added to~~
 172 ~~this program if allowed by federal rules.~~

173 (a) As used in this chapter, the term An "attraction"
 174 means as used in this chapter is defined as an establishment,
 175 site, facility, or landmark that which is open a minimum of 5
 176 days a week for 52 weeks a year; ~~that which charges an admission~~
 177 ~~for entry; which~~ has as its principal focus family-oriented
 178 entertainment, cultural, educational, recreational, scientific,
 179 or historical activities; and that which is publicly recognized
 180 as a bona fide tourist attraction. ~~However, the permits for~~
 181 ~~businesses seeking to participate in the attractions logo sign~~
 182 ~~program shall be awarded by the department annually to the~~
 183 ~~highest bidders, notwithstanding the limitation on fees in~~
 184 ~~subsection (5), which are qualified for available space at each~~
 185 ~~qualified location, but the fees therefor may not be less than~~
 186 ~~the fees established for logo participants in other logo~~
 187 ~~categories.~~

188 (b) The department shall incorporate the use of RV-
 189 friendly markers on specific information logo signs for
 190 establishments that cater to the needs of persons driving
 191 recreational vehicles. Establishments that qualify for
 192 participation in the specific information logo program and that
 193 also qualify as "RV-friendly" may request the RV-friendly marker
 194 on their specific information logo sign. An RV-friendly marker
 195 must consist of a design approved by the Federal Highway
 196 Administration. The department shall adopt rules in accordance

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197 with chapter 120 to administer this paragraph, including rules
 198 setting forth the minimum requirements that establishments must
 199 meet in order to qualify as RV-friendly. These requirements
 200 shall include large parking spaces, entrances, and exits that
 201 can easily accommodate recreational vehicles and facilities
 202 having appropriate overhead clearances, if applicable.

203 (c) The department may implement a 3-year, rotation-based
 204 logo program providing for the removal and addition of
 205 participating businesses in the program.

206 (3) Logo signs may be installed upon the issuance of an
 207 annual permit by the department or its agent and payment of a ~~an~~
 208 ~~application and~~ permit fee to the department or its agent.

209 (4) The department may contract pursuant to s. 287.057 for
 210 the provision of services related to the logo sign program,
 211 including recruitment and qualification of businesses, review of
 212 applications, permit issuance, and fabrication, installation,
 213 and maintenance of logo signs. The department may reject all
 214 proposals and seek another request for proposals or otherwise
 215 perform the work. ~~If the department contracts for the provision~~
 216 ~~of services for the logo sign program, the contract must~~
 217 ~~require, unless the business owner declines, that businesses~~
 218 ~~that previously entered into agreements with the department to~~
 219 ~~privately fund logo sign construction and installation be~~
 220 ~~reimbursed by the contractor for the cost of the signs which has~~
 221 ~~not been recovered through a previously agreed upon waiver of~~
 222 ~~fees.~~ The contract also may allow the contractor to retain a
 223 portion of the annual fees as compensation for its services.

224 (5) At a minimum, permit fees for businesses that

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225 participate in the program must be established in an amount
 226 sufficient to offset the total cost to the department for the
 227 program, including contract costs. The department shall provide
 228 the services in the most efficient and cost-effective manner
 229 through department staff or by contracting for some or all of
 230 the services. The department shall adopt rules that set
 231 reasonable rates based upon factors such as population, traffic
 232 volume, market demand, and costs for annual permit fees.
 233 However, annual permit fees for sign locations inside an urban
 234 area, as defined in s. 334.03(32), may not exceed \$5,000 and
 235 annual permit fees for sign locations outside an urban area, as
 236 defined in s. 334.03(32), may not exceed \$2,500. After
 237 recovering program costs, the proceeds from the annual permit
 238 fees shall be deposited into the State Transportation Trust Fund
 239 and used for transportation purposes. ~~Such annual permit fee~~
 240 shall not exceed \$1,250.

241 Section 6. Subsections (7) and (8) of section 348.54,
 242 Florida Statutes, are amended to read:

243 348.54 Powers of the authority.--Except as otherwise
 244 limited herein, the authority shall have the power:

245 (7) To borrow money and to make and issue negotiable
 246 bonds, notes, refunding bonds, and other evidences of
 247 indebtedness or obligations, either in temporary or definitive
 248 form, hereinafter in this chapter referred to as "bonds of the
 249 authority," for the purpose of financing all or part of the
 250 improvement or extension of the expressway system and
 251 appurtenant facilities, including all approaches, streets,
 252 roads, bridges, and avenues of access for the expressway system,

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253 and for any other purpose authorized by this part, and to
 254 provide for the rights of the holders thereof.

255 (8) To secure the payment of bonds by a pledge of all or
 256 any portion of the revenues or such other moneys legally
 257 available therefor and of all or any portion of the Hillsborough
 258 County gasoline tax funds in the manner provided by this part;
 259 and in general to provide for the security of the bonds and the
 260 rights and remedies of the holders thereof. Interest upon the
 261 amount of gasoline tax funds to be repaid to the county pursuant
 262 to s. 348.60 shall be payable, at the highest rate applicable to
 263 any outstanding bonds of the authority, out of revenues and
 264 other available moneys not required to meet the authority's
 265 obligations to its bondholders. The authority shall have no
 266 power at any time or in any manner to pledge the credit or
 267 taxing power of the state or any political subdivision or agency
 268 thereof, including the city and the county, nor shall any of the
 269 authority's obligations be deemed to be obligations of the state
 270 or of any political subdivision or agency thereof, nor shall the
 271 state or any political subdivision or agency thereof, except the
 272 authority, be liable for the payment of the principal of or
 273 interest on such obligations.

274 Section 7. (1) The Department of Community Affairs, in
 275 consultation with the Department of Transportation, shall
 276 implement an Energy Economic Zone Pilot Program for the purpose
 277 of developing a model to help communities cultivate green
 278 economic development, encourage renewable electric energy
 279 generation, manufacture products that contribute to energy
 280 conservation and green jobs, and further implement chapter 2008-

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281 191, Laws of Florida, relative to discouraging sprawl and
 282 developing energy-efficient land use patterns and greenhouse gas
 283 reduction strategies. The Office of Tourism, Trade, and Economic
 284 Development and the Florida Energy and Climate Commission shall
 285 provide technical assistance to the departments in developing
 286 and administering the program.

287 (2) (a) The application for a pilot project shall:

288 1. Identify the proposed location of the energy economic
 289 zone, which must be within an adopted urban service area and may
 290 include a county landfill outside the urban service boundary;

291 2. Present a proposed strategic plan for development and
 292 redevelopment in the energy economic zone;

293 3. Demonstrate consistency of the strategic plan with the
 294 local comprehensive plan or include proposed plan amendments
 295 necessary to achieve consistency; and

296 4. Identify comprehensive plan amendments that will be
 297 proposed to implement chapter 2008-191, Laws of Florida.

298 (b) The strategic plan under subparagraph (a)1. must
 299 include mixed-use and form-based standards that integrate
 300 multimodal transportation facilities with land use and
 301 development patterns to reduce reliance on automobiles,
 302 encourage certified green building developments and renewable
 303 energy systems, encourage creation of green jobs, and
 304 demonstrate how local financial and regulatory incentives will
 305 be used in the energy economic zone.

306 (c) The Department of Community Affairs shall grant at
 307 least one application if the application meets the requirements
 308 of this subsection and the community has demonstrated a prior

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309 commitment to energy conservation, carbon reduction, green
310 building, and economic development. The Department of Community
311 Affairs and the Office of Tourism, Trade, and Economic
312 Development shall provide the pilot community, including
313 businesses within the energy economic zone, with technical
314 assistance in identifying and qualifying for eligible grants and
315 credits in job creation, energy, and other areas.

316 (3) The Department of Community Affairs, with the
317 assistance of the Office of Tourism, Trade, and Economic
318 Development, shall submit an interim report by February 15,
319 2010, to the Governor, the President of the Senate, and the
320 Speaker of the House of Representatives regarding the status of
321 the pilot program. The report shall contain any recommendations
322 deemed appropriate by the department for statutory changes to
323 accomplish the goals of the pilot program community, including
324 whether it would be beneficial to provide financial incentives
325 similar to those offered to an enterprise zone.

326 (4) If the pilot project is ongoing, the Department of
327 Community Affairs, with the assistance of the Office of Tourism,
328 Trade, and Economic Development, shall submit a report to the
329 Governor, the President of the Senate, and the Speaker of the
330 House of Representatives by February 15, 2012, evaluating
331 whether the pilot program has demonstrated success. The report
332 shall contain recommendations with regard to whether the program
333 should be expanded for use by other local governments and
334 whether state policies should be revised to encourage the goals
335 of the program.

336 Section 8. (1) The Northwest Florida Regional

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337 Transportation Planning Organization, an interlocal agency under
338 part I of chapter 163, Florida Statutes, is authorized to study
339 the feasibility of advance-funding the costs of capacity
340 projects in its member counties and making recommendations to
341 the Legislature by February 1, 2010. The Department of
342 Transportation may assist the organization in conducting the
343 study.

344 (2) Results of any study authorized by this section shall
345 be provided to the Governor, the President of the Senate, the
346 Speaker of the House of Representatives, the department, any
347 metropolitan planning organization in any county served by the
348 organization, and the counties served by the organization and
349 shall discuss the financial feasibility of advance-funding the
350 costs of capacity projects in the Northwest Florida Regional
351 Transportation Planning Organization's member counties. The
352 study must be based on the following assumptions:

353 (a) Any advanced projects must be consistent with the
354 Northwest Florida Regional Transportation Planning
355 Organization's 5-year plan and the department's work program.

356 (b) Any bonds shall have a maturity not to exceed 30
357 years.

358 (c) A maximum of 25 percent of the department's capacity
359 funds allocated annually to the counties served by the Northwest
360 Florida Regional Transportation Planning Organization may be
361 used to pay debt service on the bonds.

362 (d) Bond proceeds may only be used for the following
363 components of a construction project on a state road: planning,
364 engineering, design, right-of-way acquisition, and construction.

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365 (e) The cost of the projects must be balanced with the
 366 proceeds available from the bonds.

367 (f) The department shall have final approval of the
 368 projects financed through the sale of bonds.

369 (3) The study shall contain:

370 (a) An analysis of the financial feasibility of advancing
 371 capacity projects in the Northwest Florida Regional
 372 Transportation Planning Organization's member counties.

373 (b) A long-range, cost-feasible finance plan that
 374 identifies the project cost, revenues by source, financing,
 375 major assumptions, and a total cash flow analysis beginning with
 376 implementation of the project and extending through final
 377 completion of the project.

378 (c) A tentative list of capacity projects and the priority
 379 in which they would be advanced. These projects must be
 380 consistent with the criteria in s. 339.135(2)(b), Florida
 381 Statutes.

382 (d) A 5-year work program of the projects to be advanced.
 383 This program must be consistent with chapter 339, Florida
 384 Statutes.

385 (e) A report of any statutory changes, including a draft
 386 bill, needed to give the Northwest Florida Regional
 387 Transportation Planning Organization the ability to advance
 388 construction projects. The draft bill language shall address, at
 389 a minimum:

390 1. Developing a list of road projects to be advanced,
 391 consistent with the organization's 5-year plan.

392 2. Giving the department the authority to review projects

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393 to determine consistency with its current work program.

394 3. Giving the organization the authority to issue bonds
 395 with a maturity of not greater than 30 years.

396 4. Requiring proceeds of the bonds to be delivered to the
 397 department to pay the cost of completing the projects.

398 5. Requiring the road projects to be consistent with the
 399 organization's 5-year plan.

400 6. Permitting any participating county to elect to
 401 undertake responsibility for the payment of a portion of the
 402 cost of any project in the county pursuant to an agreement with
 403 the organization and the department.

404 7. Providing that, in each year that the bonds are
 405 outstanding, no more than 25 percent of the state transportation
 406 funds appropriated for capacity projects advanced pursuant to
 407 the terms of this section and within the area of operation of
 408 the organization shall be paid over to the organization for the
 409 purpose of paying debt service on bonds the organization issued
 410 for such capacity projects. Such payments shall be made in lieu
 411 of programming any new projects in the work program.

412 8. Providing that, in the event that the capacity funds
 413 allocated to the member counties of the organization are less
 414 than the amount needed to satisfy the payment requirements under
 415 the contract, the department shall defer the funded capacity on
 416 any other projects in the member counties of the organization to
 417 the extent necessary to make up such deficiency, so as to enable
 418 the organization to make the required debt service payments on
 419 the bonds or to replenish the reserves established for the bonds
 420 which may have been used to make up such deficiency. Under no

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421 circumstances shall the department provide any funds for these
422 capacity projects in excess of the amount that would be
423 allocated to the member counties pursuant to statutory formula
424 and legislative appropriation.

425 9. Providing that the bonds shall state on their face that
426 they do not constitute a pledge of the full faith or taxing
427 power of the state, and no holder of any bond shall have the
428 right to compel payment of the bonds from any funds of the
429 state, other than amounts required to be paid to the
430 organization under the contract. The bonds shall be limited and
431 special obligations payable solely from the sources described
432 herein.

433 10. Establishing such other terms and provisions as may be
434 deemed reasonable and necessary to enable the organization to
435 market the bonds at the most advantageous rates possible.

436 (4) The Legislature may authorize the implementation of
437 the Northwest Florida Regional Transportation Planning
438 Organization's study after a satisfactory showing that these
439 prerequisites have been met and that any source of funding for
440 any bonds to be issued has been approved by the Department of
441 Transportation.

442 Section 9. This act shall take effect upon becoming a law.
443