

HB 819

2009

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

29 | Legislature; providing for an annual appropriation;
 30 | authorizing the department to allocate unused funds to
 31 | other priorities; exempting programs from specified use
 32 | requirements; repealing s. 339.2818, F.S., relating to the
 33 | Small County Outreach Program; amending s. 468.617, F.S.;
 34 | conforming a cross-reference to changes made by the act;
 35 | providing an effective date.

36 |

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

38 |

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

50 | Section 2. Paragraph (c) of subsection (1) of section
 51 | 201.15, Florida Statutes, is amended to read:

52 | 201.15 Distribution of taxes collected.--All taxes
 53 | collected under this chapter are subject to the service charge
 54 | imposed in s. 215.20(1). Prior to distribution under this
 55 | section, the Department of Revenue shall deduct amounts
 56 | necessary to pay the costs of the collection and enforcement of

57 | the tax levied by this chapter. Such costs and the service
 58 | charge may not be levied against any portion of taxes pledged to
 59 | debt service on bonds to the extent that the costs and service
 60 | charge are required to pay any amounts relating to the bonds.
 61 | All taxes remaining after deduction of costs and the service
 62 | charge shall be distributed as follows:

63 | (1) Sixty-three and thirty-one hundredths percent of the
 64 | remaining taxes collected under this chapter shall be used for
 65 | the following purposes:

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

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

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

77 | b. For the purposes of the Rural ~~Small~~ County Road
 78 | Improvement Outreach Program specified in s. 339.2816 ~~339.2818~~,
 79 | 5 percent of these funds;

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

84 County Road Improvement ~~Outreach~~ Program described in sub-
 85 subparagraph b.; and

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

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

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

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

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

HB 819

2009

111 6. General Inspection Trust Fund in the amount of the
 112 lesser of .02 percent of the remainder or \$300,000 in each
 113 fiscal year to be used to fund oyster management and restoration
 114 programs as provided in s. 379.362(3).

115
 116 Moneys distributed pursuant to this paragraph may not be pledged
 117 for debt service unless such pledge is approved by referendum of
 118 the voters.

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

121 215.211 Service charge; elimination or reduction for
 122 specified proceeds.--

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

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

135 339.08 Use of moneys in State Transportation Trust Fund.--

136 (1) The department shall expend moneys in the State
 137 Transportation Trust Fund accruing to the department, in

HB 819

2009

138 accordance with its annual budget. The use of such moneys shall
 139 be restricted to the following purposes:

140 (i) To pay the cost of county road projects selected in
 141 accordance with the Rural ~~Small~~ County Road Improvement
 142 Assistance Program created in s. 339.2816.

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

148 Section 5. Section 339.2816, Florida Statutes, is amended
 149 to read:

150 339.2816 Rural ~~Small~~ County Road Improvement Assistance
 151 Program.--

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

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

163 (a) "Resurfacing" includes the paving of an existing dirt
 164 road.

HB 819

2009

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

169 (3) (a) There is created the Rural County Road Improvement
170 Program Advisory Council, which shall be composed of two members
171 appointed by the Governor, two representatives of the
172 department, two members of the small county coalition of the
173 Florida Association of Counties, one member appointed by the
174 President of the Senate, and one member appointed by the Speaker
175 of the House of Representatives.

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

179 (4) ~~(3)~~ Beginning with fiscal year 1999-2000 until fiscal
180 year 2009-2010, up to \$25 million annually from the State
181 Transportation Trust Fund may be used for the purposes of
182 funding the Rural ~~Small~~ County Road Improvement Assistance
183 Program as described in this section.

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

187 (6) ~~(4)~~ (a) Small counties shall be eligible to compete for
188 funds that have been designated for the Rural ~~Small~~ County Road
189 Improvement Assistance Program for projects on county roads. The
190 department shall fund 75 percent of the cost of projects on
191 county roads funded ~~for resurfacing or reconstruction projects~~
192 ~~on county roads that were part of the county road system on June~~

193 ~~10, 1995. Capacity improvements on county roads shall not be~~
 194 ~~eligible for funding~~ under the program.

195 (b) In determining a county's eligibility for assistance
 196 under this program, the department may consider whether the
 197 county has attempted to keep county roads in satisfactory
 198 condition, ~~including the amount of local option fuel tax and ad~~
 199 ~~valorem millage rate imposed by the county. The department may~~
 200 ~~also consider the extent to which the county has offered to~~
 201 ~~provide a match of local funds with state funds provided under~~
 202 ~~the program.~~ At a minimum, small counties shall be eligible only
 203 if:

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

207 2. The county has imposed an ad valorem millage rate of 10
 208 mills;

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

214 4. In counties with fewer than 80,000 residents, the
 215 project accommodates the traffic demand and provides access to
 216 property that would promote or expand the creation of jobs in
 217 the county.

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

220 1. The primary criterion is the physical condition of the
 221 road as measured by the department.

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

- 223 a. Whether a road is used as an evacuation route.
- 224 b. Whether a road has high levels of agricultural travel.
- 225 c. Whether a road is considered a major arterial route.
- 226 d. Whether a road is considered a feeder road.
- 227 e. Other criteria related to the impact of a project on
 228 the public road system or on the state or local economy as
 229 determined by the department.

230 ~~(7)-(5)~~ The department is authorized to administer
 231 contracts on behalf of a county selected to receive funding for
 232 a project under this section. All projects funded under this
 233 section shall be included in the department's work program
 234 developed pursuant to s. 339.135.

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

246 (9) Funds paid into the State Transportation Trust Fund
 247 pursuant to s. 201.15 for the purposes of the Rural County Road

HB 819

2009

248 Improvement Program are hereby annually appropriated for
 249 expenditure to support the Rural County Road Improvement
 250 Program.

251 (10) In any year the Rural County Road Improvement Program
 252 does not use all of the available funds, the department may
 253 allocate the unused portion of those funds to other department
 254 priorities.

255 (11) Notwithstanding any other law to the contrary, the
 256 requirements of ss. 206.46(3) and 206.606(2) shall not apply to
 257 any funding, programs, or other provisions contained in this
 258 section.

259 Section 6. Section 339.2818, Florida Statutes, is
 260 repealed:

261 ~~339.2818 Small County Outreach Program.~~

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

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

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

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

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

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

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

288 ~~2. As secondary criteria the department may consider:~~

289 ~~a. Whether a road is used as an evacuation route.~~

290 ~~b. Whether a road has high levels of agricultural travel.~~

291 ~~c. Whether a road is considered a major arterial route.~~

292 ~~d. Whether a road is considered a feeder road.~~

293 ~~e. Other criteria related to the impact of a project on~~
 294 ~~the public road system or on the state or local economy as~~
 295 ~~determined by the department.~~

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

301 ~~(6) Funds paid into the State Transportation Trust Fund~~
 302 ~~pursuant to s. 201.15 for the purposes of the Small County~~

HB 819

2009

303 ~~Outreach Program are hereby annually appropriated for~~
 304 ~~expenditure to support the Small County Outreach Program.~~

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

307 468.617 Joint building code inspection department; other
 308 arrangements.--

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

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