

By the Committee on Transportation; and Senator Ring

596-02884-11

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1                   A bill to be entitled  
2           An act relating to transportation project funding;  
3           redirecting funds in the State Transportation Trust  
4           Fund and portions of amounts contracted for  
5           construction projects of the Department of  
6           Transportation to be used for prioritized projects;  
7           amending s. 212.0606, F.S., relating to a rental car  
8           surcharge; revising the use of allocated proceeds;  
9           amending s. 334.044, F.S., relating to powers and  
10          duties of the department; revising the allocation of a  
11          certain percentage amount of contracted funds;  
12          directing unused portions of such funds be  
13          reallocated; amending s. 339.135, F.S., relating to  
14          the department's adopted work program; providing for  
15          certain unencumbered and available funds remaining in  
16          the adopted work program due to certain cost savings  
17          to be reallocated; amending s. 339.55, F.S., relating  
18          to the state-funded infrastructure bank; directing the  
19          department to deposit certain funds into the bank;  
20          providing a contingent effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Subsection (2) of section 212.0606, Florida  
25   Statutes, is amended to read:

26           212.0606 Rental car surcharge.—

27           (2) (a) Notwithstanding the provisions of section 212.20,  
28   and less costs of administration, 80 percent of the proceeds of  
29   this surcharge shall be deposited in the State Transportation

596-02884-11

20111716c1

30 Trust Fund, 15.75 percent of the proceeds of this surcharge  
31 shall be deposited in the Tourism Promotional Trust Fund created  
32 in s. 288.122, and 4.25 percent of the proceeds of this  
33 surcharge shall be deposited in the Florida International Trade  
34 and Promotion Trust Fund. For the purposes of this subsection,  
35 "proceeds" of the surcharge means all funds collected and  
36 received by the department under this section, including  
37 interest and penalties on delinquent surcharges. The department  
38 shall provide the Department of Transportation rental car  
39 surcharge revenue information for the previous state fiscal year  
40 by September 1 of each year.

41 (b) Notwithstanding any other provision of law, ~~in fiscal~~  
42 ~~year 2007-2008 and each year thereafter,~~ the proceeds deposited  
43 in the State Transportation Trust Fund shall be allocated on an  
44 annual basis in the Department of Transportation's work program  
45 to each department district, except the Turnpike District. The  
46 amount allocated for each district shall be based upon the  
47 amount of proceeds attributed to the counties within each  
48 respective district.

49 (c) Notwithstanding any other provision of law, in the  
50 2016-2017 fiscal year and each year thereafter, the funds  
51 allocated to the districts under paragraph (b) shall be  
52 cumulatively applied by the district secretary to fund the  
53 prioritized list of projects within the district as identified  
54 by the Trade Infrastructure Investment Steering Committee.

55 Section 2. Subsection (26) of section 334.044, Florida  
56 Statutes, is amended to read:

57 334.044 Department; powers and duties.—The department shall  
58 have the following general powers and duties:

596-02884-11

20111716c1

59           (26) To fund projects pursuant to this subsection. No less  
60 than 1.5 percent of the amount contracted for construction  
61 projects shall be allocated by the department as follows:

62           (a) One percent shall be allocated to help fund priority  
63 projects identified by the Trade Infrastructure Investment  
64 Steering Committee pursuant to s. 340.101.

65           (b) To provide for the enhancement of environmental  
66 benefits, including air and water quality; to prevent roadside  
67 erosion; to conserve the natural roadside growth and scenery;  
68 and to provide for the implementation and maintenance of  
69 roadside conservation, enhancement, and stabilization programs.  
70 No less than 1.5 percent of the amount contracted for  
71 construction projects shall be allocated by the department for  
72 the purchase of plant materials, with, to the greatest extent  
73 practical, a minimum of 50 percent of these funds for large  
74 plant materials and the remaining funds for other plant  
75 materials. All such plant materials shall be purchased from  
76 Florida commercial nursery stock in this state on a uniform  
77 competitive bid basis. The department will develop grades and  
78 standards for landscaping materials purchased through this  
79 process. To accomplish these activities, the department may  
80 contract with nonprofit organizations having the primary purpose  
81 of developing youth employment opportunities. Any unencumbered  
82 funds allocated pursuant to this paragraph on January 1 or June  
83 30 of each fiscal year shall be reallocated for the purposes  
84 described in paragraph (a).

85           Section 3. Paragraph (j) is added to subsection (7) of  
86 section 339.135, Florida Statutes, to read:

87           339.135 Work program; legislative budget request;

596-02884-11

20111716c1

88 definitions; preparation, adoption, execution, and amendment.—

89 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

90 (j) Notwithstanding any other provision of law, the portion  
91 of unencumbered and available funds remaining in the adopted  
92 work program due to cost savings on project procurement when the  
93 bid or negotiated amount is lower than the department's estimate  
94 for the project shall be made available for priority projects  
95 identified by the Trade Infrastructure Investment Steering  
96 Committee pursuant to s. 340.101; however, this shall not  
97 reallocate funds for uses outside the public transportation  
98 program which were previously allocated for a public  
99 transportation program in accordance with s. 206.46(3). The  
100 department shall review the cost savings from project  
101 procurements at the end of each quarter of the fiscal year to  
102 determine the availability of any funds generated by these cost  
103 savings. The department shall amend the work program to transfer  
104 at least 60 percent of such funds each year for priority  
105 projects identified pursuant to s. 340.101, provided the use of  
106 the funds under s. 340.101 must be in accordance with any  
107 limitations on the source of the funds as required by existing  
108 law.

109 Section 4. Subsection (11) is added to section 339.55,  
110 Florida Statutes, to read:

111 339.55 State-funded infrastructure bank.—

112 (11) The department shall deposit no less than \$20 million  
113 annually, in addition to scheduled project repayments from the  
114 State Transportation Trust Fund, into the State Infrastructure  
115 Bank beginning in the 2013-2014 fiscal year. The department  
116 shall make this deposit in the 2011-2012 and 2012-2013 fiscal

596-02884-11

20111716c1

117 years if the revenue estimates from the Consensus Revenue  
118 Estimating Conference increase the revenue estimate for the  
119 State Transportation Trust Fund when compared to the prior  
120 revenue estimate.

121       Section 5. This act shall take effect July 1, 2011, if  
122 Senate Bill \_\_\_ or substantially similar legislation is adopted  
123 in the same legislative session or an extension thereof and  
124 becomes law.