

By Senator Latvala

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1                                   A bill to be entitled  
2       An act relating to transportation; amending s.  
3       212.055, F.S.; revising the term "infrastructure" to  
4       include any expenditure for compliance with permit  
5       conditions of existing and planned infrastructure and  
6       planning studies in certain situations; amending s.  
7       215.82, F.S.; removing a cross-reference; amending s.  
8       311.07, F.S.; increasing the minimum amount of money  
9       per year which must be available from the State  
10      Transportation Trust Fund to fund the Florida Seaport  
11      Transportation and Economic Development Program;  
12      amending s. 311.09, F.S.; increasing the minimum  
13      amount of money per year the Department of  
14      Transportation must include in its annual legislative  
15      budget request for the Florida Seaport Transportation  
16      and Economic Development Program; amending s. 338.227,  
17      F.S.; providing that certain turnpike revenue bonds  
18      are not required to be validated pursuant to ch. 75,  
19      F.S., but may be validated at the option of the  
20      Division of Bond Finance; requiring that complaints  
21      related to validation, if filed, be filed in the  
22      circuit court of the county in which the seat of state  
23      government is situated; providing that the notice must  
24      be published in the county in which the complaint is  
25      filed; requiring the complaint and order of the  
26      circuit court to be served on the state attorney of  
27      the circuit in which the action is pending; amending  
28      s. 338.231, F.S.; increasing the time a prepaid toll  
29      account is inactive for it to be presumed to be

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30 unclaimed; providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Paragraph (d) of subsection (2) of section  
35 212.055, Florida Statutes, is amended to read:

36 212.055 Discretionary sales surtaxes; legislative intent;  
37 authorization and use of proceeds.—It is the legislative intent  
38 that any authorization for imposition of a discretionary sales  
39 surtax shall be published in the Florida Statutes as a  
40 subsection of this section, irrespective of the duration of the  
41 levy. Each enactment shall specify the types of counties  
42 authorized to levy; the rate or rates which may be imposed; the  
43 maximum length of time the surtax may be imposed, if any; the  
44 procedure which must be followed to secure voter approval, if  
45 required; the purpose for which the proceeds may be expended;  
46 and such other requirements as the Legislature may provide.  
47 Taxable transactions and administrative procedures shall be as  
48 provided in s. 212.054.

49 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

50 (d) The proceeds of the surtax authorized by this  
51 subsection and any accrued interest shall be expended by the  
52 school district, within the county and municipalities within the  
53 county, or, in the case of a negotiated joint county agreement,  
54 within another county, to finance, plan, and construct  
55 infrastructure; to acquire land for public recreation,  
56 conservation, or protection of natural resources; to provide  
57 loans, grants, or rebates to residential or commercial property  
58 owners who make energy efficiency improvements to their

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59 residential or commercial property, if a local government  
60 ordinance authorizing such use is approved by referendum; or to  
61 finance the closure of county-owned or municipally owned solid  
62 waste landfills that have been closed or are required to be  
63 closed by order of the Department of Environmental Protection.  
64 Any use of the proceeds or interest for purposes of landfill  
65 closure before July 1, 1993, is ratified. The proceeds and any  
66 interest may not be used for the operational expenses of  
67 infrastructure, except that a county that has a population of  
68 fewer than 75,000 and that is required to close a landfill may  
69 use the proceeds or interest for long-term maintenance costs  
70 associated with landfill closure. Counties, as defined in s.  
71 125.011, and charter counties may, in addition, use the proceeds  
72 or interest to retire or service indebtedness incurred for bonds  
73 issued before July 1, 1987, for infrastructure purposes, and for  
74 bonds subsequently issued to refund such bonds. Any use of the  
75 proceeds or interest for purposes of retiring or servicing  
76 indebtedness incurred for refunding bonds before July 1, 1999,  
77 is ratified.

78 1. For the purposes of this paragraph, the term  
79 "infrastructure" means:

80 a. Any fixed capital expenditure or fixed capital outlay  
81 associated with the construction, reconstruction, or improvement  
82 of public facilities that have a life expectancy of 5 or more  
83 years and any related land acquisition, land improvement,  
84 design, and engineering costs.

85 b. A fire department vehicle, an emergency medical service  
86 vehicle, a sheriff's office vehicle, a police department  
87 vehicle, or any other vehicle, and the equipment necessary to

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88 outfit the vehicle for its official use or equipment that has a  
89 life expectancy of at least 5 years.

90 c. Any expenditure for the construction, lease, or  
91 maintenance of, or provision of utilities or security for,  
92 facilities, as defined in s. 29.008.

93 d. Any fixed capital expenditure or fixed capital outlay  
94 associated with the improvement of private facilities that have  
95 a life expectancy of 5 or more years and that the owner agrees  
96 to make available for use on a temporary basis as needed by a  
97 local government as a public emergency shelter or a staging area  
98 for emergency response equipment during an emergency officially  
99 declared by the state or by the local government under s.  
100 252.38. Such improvements are limited to those necessary to  
101 comply with current standards for public emergency evacuation  
102 shelters. The owner must enter into a written contract with the  
103 local government providing the improvement funding to make the  
104 private facility available to the public for purposes of  
105 emergency shelter at no cost to the local government for a  
106 minimum of 10 years after completion of the improvement, with  
107 the provision that the obligation will transfer to any  
108 subsequent owner until the end of the minimum period.

109 e. Any land acquisition expenditure for a residential  
110 housing project in which at least 30 percent of the units are  
111 affordable to individuals or families whose total annual  
112 household income does not exceed 120 percent of the area median  
113 income adjusted for household size, if the land is owned by a  
114 local government or by a special district that enters into a  
115 written agreement with the local government to provide such  
116 housing. The local government or special district may enter into

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117 a ground lease with a public or private person or entity for  
118 nominal or other consideration for the construction of the  
119 residential housing project on land acquired pursuant to this  
120 sub-subparagraph.

121 f. Any expenditure for compliance with permit conditions of  
122 existing and planned infrastructure and planning studies to  
123 improve and maintain the efficiency of infrastructure. This only  
124 applies in a county where the local planning agency has  
125 documented in its existing land use files that less than 10  
126 percent of the buildable land countywide is vacant land.

127 2. For the purposes of this paragraph, the term "energy  
128 efficiency improvement" means any energy conservation and  
129 efficiency improvement that reduces consumption through  
130 conservation or a more efficient use of electricity, natural  
131 gas, propane, or other forms of energy on the property,  
132 including, but not limited to, air sealing; installation of  
133 insulation; installation of energy-efficient heating, cooling,  
134 or ventilation systems; installation of solar panels; building  
135 modifications to increase the use of daylight or shade;  
136 replacement of windows; installation of energy controls or  
137 energy recovery systems; installation of electric vehicle  
138 charging equipment; installation of systems for natural gas fuel  
139 as defined in s. 206.9951; and installation of efficient  
140 lighting equipment.

141 3. Notwithstanding any other provision of this subsection,  
142 a local government infrastructure surtax imposed or extended  
143 after July 1, 1998, may allocate up to 15 percent of the surtax  
144 proceeds for deposit into a trust fund within the county's  
145 accounts created for the purpose of funding economic development

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146 projects having a general public purpose of improving local  
147 economies, including the funding of operational costs and  
148 incentives related to economic development. The ballot statement  
149 must indicate the intention to make an allocation under the  
150 authority of this subparagraph.

151 Section 2. Subsection (2) of section 215.82, Florida  
152 Statutes, is amended to read:

153 215.82 Validation; when required.—

154 (2) Any bonds issued pursuant to this act which are  
155 validated shall be validated in the manner provided by chapter  
156 75. In actions to validate bonds to be issued in the name of the  
157 State Board of Education under s. 9(a) and (d), Art. XII of the  
158 State Constitution and bonds to be issued pursuant to chapter  
159 259, the Land Conservation Act of 1972, the complaint shall be  
160 filed in the circuit court of the county where the seat of state  
161 government is situated, the notice required to be published by  
162 s. 75.06 shall be published only in the county where the  
163 complaint is filed, and the complaint and order of the circuit  
164 court shall be served only on the state attorney of the circuit  
165 in which the action is pending. In any action to validate bonds  
166 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),  
167 Art. XII of the State Constitution or issued pursuant to s.  
168 215.605 ~~or s. 338.227~~, the complaint shall be filed in the  
169 circuit court of the county where the seat of state government  
170 is situated, the notice required to be published by s. 75.06  
171 shall be published in a newspaper of general circulation in the  
172 county where the complaint is filed and in two other newspapers  
173 of general circulation in the state, and the complaint and order  
174 of the circuit court shall be served only on the state attorney

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175 of the circuit in which the action is pending; provided,  
176 however, that if publication of notice pursuant to this section  
177 would require publication in more newspapers than would  
178 publication pursuant to s. 75.06, such publication shall be made  
179 pursuant to s. 75.06.

180 Section 3. Subsection (2) of section 311.07, Florida  
181 Statutes, is amended to read:

182 311.07 Florida seaport transportation and economic  
183 development funding.—

184 (2) A minimum of \$25 ~~\$15~~ million per year shall be made  
185 available from the State Transportation Trust Fund to fund the  
186 Florida Seaport Transportation and Economic Development Program.  
187 The Florida Seaport Transportation and Economic Development  
188 Council created in s. 311.09 shall develop guidelines for  
189 project funding. Council staff, the Department of  
190 Transportation, and the Department of Economic Opportunity shall  
191 work in cooperation to review projects and allocate funds in  
192 accordance with the schedule required for the Department of  
193 Transportation to include these projects in the tentative work  
194 program developed pursuant to s. 339.135(4).

195 Section 4. Subsection (9) of section 311.09, Florida  
196 Statutes, is amended to read:

197 311.09 Florida Seaport Transportation and Economic  
198 Development Council.—

199 (9) The Department of Transportation shall include no less  
200 than \$25 ~~\$15~~ million per year in its annual legislative budget  
201 request for the Florida Seaport Transportation and Economic  
202 Development Program funded under s. 311.07. Such budget request  
203 shall include funding for projects approved by the council which

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204 have been determined by each agency to be consistent. The  
205 department shall include the specific approved Florida Seaport  
206 Transportation and Economic Development Program projects to be  
207 funded under s. 311.07 during the ensuing fiscal year in the  
208 tentative work program developed pursuant to s. 339.135(4). The  
209 total amount of funding to be allocated to Florida Seaport  
210 Transportation and Economic Development Program projects under  
211 s. 311.07 during the successive 4 fiscal years must ~~shall~~ also  
212 be included in the tentative work program developed pursuant to  
213 s. 339.135(4). The council may submit to the department a list  
214 of approved projects that could be made production-ready within  
215 the next 2 years. The list shall be submitted by the department  
216 as part of the needs and project list prepared pursuant to s.  
217 339.135(2) (b). However, the department shall, upon written  
218 request of the Florida Seaport Transportation and Economic  
219 Development Council, submit work program amendments pursuant to  
220 s. 339.135(7) to the Governor within 10 days after the later of  
221 the date the request is received by the department or the  
222 effective date of the amendment, termination, or closure of the  
223 applicable funding agreement between the department and the  
224 affected seaport, as required to release the funds from the  
225 existing commitment. Notwithstanding s. 339.135(7) (c), any work  
226 program amendment to transfer prior year funds from one approved  
227 seaport project to another seaport project is subject to the  
228 procedures in s. 339.135(7) (d). Notwithstanding any provision of  
229 law to the contrary, the department may transfer unexpended  
230 budget between the seaport projects as identified in the  
231 approved work program amendments.

232 Section 5. Subsection (5) is added to section 338.227,



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233 Florida Statutes, to read:

234 338.227 Turnpike revenue bonds.—

235 (5) Notwithstanding s. 215.82, bonds issued pursuant to  
236 this section are not required to be validated pursuant to  
237 chapter 75 but may be validated at the option of the Division of  
238 Bond Finance. Any complaint about such validation must be filed  
239 in the circuit court of the county in which the seat of state  
240 government is situated. The notice required to be published by  
241 s. 75.06 must be published only in the county in which the  
242 complaint is filed. The complaint and order of the circuit court  
243 must be served on the state attorney of the circuit in which the  
244 action is pending.

245 Section 6. Paragraph (c) of subsection (3) of section  
246 338.231, Florida Statutes, is amended to read:

247 338.231 Turnpike tolls, fixing; pledge of tolls and other  
248 revenues.—The department shall at all times fix, adjust, charge,  
249 and collect such tolls and amounts for the use of the turnpike  
250 system as are required in order to provide a fund sufficient  
251 with other revenues of the turnpike system to pay the cost of  
252 maintaining, improving, repairing, and operating such turnpike  
253 system; to pay the principal of and interest on all bonds issued  
254 to finance or refinance any portion of the turnpike system as  
255 the same become due and payable; and to create reserves for all  
256 such purposes.

257 (3)

258 (c) Notwithstanding any other provision of law to the  
259 contrary, any prepaid toll account of any kind which has  
260 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and  
261 its disposition shall be handled by the Department of Financial

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262 Services in accordance with all applicable provisions of chapter  
263 717 relating to the disposition of unclaimed property, and the  
264 prepaid toll account shall be closed by the department.

265 Section 7. This act shall take effect July 1, 2015.