

By Senator Flores

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1 A bill to be entitled
2 An act relating to transportation; amending s. 201.15,
3 F.S.; requiring a specified percent of an allocation
4 to the Florida Rail Enterprise to be directed to an
5 expressway authority for a commuter rail
6 infrastructure project under certain circumstances;
7 amending s. 320.20, F.S.; requiring the remainder of
8 revenues derived from the registration of motor
9 vehicles to be returned to each county in an amount
10 proportional to revenues collected from each county
11 and deposited into each county's transportation trust
12 fund; amending s. 338.166, F.S.; providing that a
13 specified percent of certain toll revenue from the
14 high-occupancy toll lanes or express lanes may be
15 provided to an authority established pursuant to the
16 Florida Expressway Authority Act to support express
17 bus service provided through private sector
18 concessions on any expressway facility within the
19 county or counties in which the toll revenues are
20 collected; amending s. 348.0002, F.S.; defining terms;
21 amending s. 348.0003, F.S.; deleting a requirement
22 that certain nonvoting members of the governing board
23 of an expressway authority be replaced by members
24 appointed by the Governor under certain circumstances;
25 providing a nominating council process for screening
26 candidates for the governing body of the expressway
27 authority; providing notification and publishing
28 requirements for authorities related to certain board
29 vacancies; providing for membership of certain
30 nominating councils; revising qualifications for
31 membership on the governing body of certain expressway
32 authorities; providing for immediate termination from

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33 an authority's governing body upon a finding of a
34 violation of specified ethical conduct provisions or
35 failure to comply with a notice of failure to comply
36 with financial disclosure requirements; amending s.
37 348.0004, F.S.; requiring certain authorities to seek
38 a statement of support from the county or the local
39 municipality before continuing with a project that
40 requires associated new tolling points or toll rate
41 adjustments; providing that certain expressway
42 authorities may establish a Transportation
43 Reinvestment Zone (TRZ) through an interlocal
44 agreement with the county or a municipality; requiring
45 the authority to reinvest any additional revenue
46 generated by anticipated increases in property taxes
47 in construction, maintenance, or operation of
48 transportation infrastructure; requiring the authority
49 to establish a separate TRZ account in which the tax
50 increment revenues for the municipality or county will
51 be deposited; specifying requirements for interlocal
52 agreements; requiring the TRZ account to be funded by
53 the proceeds from the tax increment revenue collected
54 within each TRZ area; requiring such tax increment
55 revenue to be determined annually; providing a
56 mechanism for determining the tax increment; providing
57 exemptions; providing that a taxing authority is not
58 prohibited from contributing tax increments under
59 certain circumstances; requiring the county to
60 establish urban center districts within the TRZ;
61 requiring the designation of highest density mixed use

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62 to be established along transit station nodes for
63 certain purposes; requiring the county to provide
64 certain financial incentives to property owners within
65 the TRZ to promote urban infill and redevelopment;
66 encouraging the county to amend its comprehensive land
67 use plan under an expedited specified process to
68 delineate certain boundaries; requiring the state land
69 planning agency to review such boundary delineation;
70 providing that an urban infill and redevelopment plan
71 adopted by a local government within a TRZ is not
72 subject to review under certain circumstances;
73 providing that the local government is not required to
74 adopt such plan as a comprehensive plan amendment;
75 amending s. 348.0005, F.S.; expanding the required
76 bonding authorizations of certain authorities;
77 amending s. 348.0008, F.S.; authorizing an expressway
78 authority to acquire rights, title, or interest in
79 property by gift, devise, purchase, or condemnation by
80 eminent domain proceedings for certain local commuter
81 transit or rail transportation facilities or in a
82 local commuter transit or rail transportation corridor
83 designated by the authority; providing an effective
84 date.

85
86 Be It Enacted by the Legislature of the State of Florida:

87
88 Section 1. Paragraph (a) of subsection (4) of section
89 201.15, Florida Statutes, is amended to read:

90 201.15 Distribution of taxes collected.—All taxes collected

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91 under this chapter are hereby pledged and shall be first made
92 available to make payments when due on bonds issued pursuant to
93 s. 215.618 or s. 215.619, or any other bonds authorized to be
94 issued on a parity basis with such bonds. Such pledge and
95 availability for the payment of these bonds shall have priority
96 over any requirement for the payment of service charges or costs
97 of collection and enforcement under this section. All taxes
98 collected under this chapter, except taxes distributed to the
99 Land Acquisition Trust Fund pursuant to subsections (1) and (2),
100 are subject to the service charge imposed in s. 215.20(1).

101 Before distribution pursuant to this section, the Department of
102 Revenue shall deduct amounts necessary to pay the costs of the
103 collection and enforcement of the tax levied by this chapter.
104 The costs and service charge may not be levied against any
105 portion of taxes pledged to debt service on bonds to the extent
106 that the costs and service charge are required to pay any
107 amounts relating to the bonds. All of the costs of the
108 collection and enforcement of the tax levied by this chapter and
109 the service charge shall be available and transferred to the
110 extent necessary to pay debt service and any other amounts
111 payable with respect to bonds authorized before January 1, 2015,
112 secured by revenues distributed pursuant to this section. All
113 taxes remaining after deduction of costs shall be distributed as
114 follows:

115 (4) After the required distributions to the Land
116 Acquisition Trust Fund pursuant to subsections (1) and (2) and
117 deduction of the service charge imposed pursuant to s.
118 215.20(1), the remainder shall be distributed as follows:

119 (a) The lesser of 24.18442 percent of the remainder or

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120 \$541.75 million in each fiscal year shall be paid into the State
121 Treasury to the credit of the State Transportation Trust Fund.
122 Of such funds, \$75 million for each fiscal year shall be
123 transferred to the State Economic Enhancement and Development
124 Trust Fund within the Department of Economic Opportunity.
125 Notwithstanding any other law, the remaining amount credited to
126 the State Transportation Trust Fund shall be used for:

127 1. Capital funding for the New Starts Transit Program,
128 authorized by Title 49, U.S.C. s. 5309 and specified in s.
129 341.051, in the amount of 10 percent of the funds;

130 2. The Small County Outreach Program specified in s.
131 339.2818, in the amount of 10 percent of the funds;

132 3. The Strategic Intermodal System specified in ss. 339.61,
133 339.62, 339.63, and 339.64, in the amount of 75 percent of the
134 funds after deduction of the payments required pursuant to
135 subparagraphs 1. and 2.; and

136 4. The Transportation Regional Incentive Program specified
137 in s. 339.2819, in the amount of 25 percent of the funds after
138 deduction of the payments required pursuant to subparagraphs 1.
139 and 2. The first \$60 million of the funds allocated pursuant to
140 this subparagraph shall be allocated annually to the Florida
141 Rail Enterprise for the purposes established in s. 341.303(5),
142 and 50 percent of this allocation shall be distributed to an
143 authority as defined in s. 348.0002 for a commuter rail
144 infrastructure project in a county as defined in s. 125.011.

145
146 Moneys distributed pursuant to paragraphs (a) and (b) may not be
147 pledged for debt service unless such pledge is approved by
148 referendum of the voters.

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149 Section 2. Paragraph (a) of subsection (5) of section
150 320.20, Florida Statutes, is amended to read:

151 320.20 Disposition of license tax moneys.—The revenue
152 derived from the registration of motor vehicles, including any
153 delinquent fees and excluding those revenues collected and
154 distributed under the provisions of s. 320.081, must be
155 distributed monthly, as collected, as follows:

156 (5) (a) Except as provided in paragraph (c), the remainder
157 of such revenues must be returned to each county in an amount
158 proportional to revenues collected from each county and
159 deposited into each county's transportation trust fund ~~deposited~~
160 ~~in the State Transportation Trust Fund.~~

161 Section 3. Subsection (3) of section 338.166, Florida
162 Statutes, is amended to read:

163 338.166 High-occupancy toll lanes or express lanes.—

164 (3) Any remaining toll revenue from the high-occupancy toll
165 lanes or express lanes shall be used by the department for the
166 construction, maintenance, or improvement of any road on the
167 State Highway System within the county or counties in which the
168 toll revenues were collected, except that 15 percent of the
169 remaining toll revenue may be provided to an authority
170 established pursuant to the Florida Expressway Authority Act ~~or~~
171 to support express bus service provided through private sector
172 concessions on any expressway facility within the county or
173 counties in which the toll revenues are collected ~~the facility~~
174 ~~where the toll revenues were collected.~~

175 Section 4. Subsections (13) and (14) are added to section
176 348.0002, Florida Statutes, to read:

177 348.0002 Definitions.—As used in the Florida Expressway

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178 Authority Act, the term:

179 (13) "Tax increment revenue" means the amount calculated
180 pursuant to s. 348.0004(7)(b)3.

181 (14) "Transportation Reinvestment Zone" or "TRZ" means a
182 locally designated district associated with an expressway or a
183 rail corridor.

184 Section 5. Paragraph (d) of subsection (2) and paragraph
185 (a) of subsection (5) of section 348.0003, Florida Statutes, are
186 amended, and paragraph (1) is added to subsection (5) of that
187 section, to read:

188 348.0003 Expressway authority; formation; membership.—

189 (2) The governing body of an authority shall consist of not
190 fewer than five nor more than nine voting members. The district
191 secretary of the affected department district shall serve as a
192 nonvoting member of the governing body of each authority located
193 within the district. Each member of the governing body must at
194 all times during his or her term of office be a permanent
195 resident of the county which he or she is appointed to
196 represent.

197 (d)1. Notwithstanding any provision to the contrary in this
198 subsection, in any county as defined in s. 125.011(1), the
199 governing body of an authority shall consist of up to 13
200 members, and the following provisions of this paragraph shall
201 apply specifically to such authority. Except for the district
202 secretary of the department, the members must be residents of
203 the county. Seven voting members shall be appointed by the
204 governing body of the county. At the discretion of the governing
205 body of the county, up to two of the members appointed by the
206 governing body of the county may be elected officials residing

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207 in the county. Five voting members of the authority shall be
208 appointed by the Governor. One member shall be the district
209 secretary of the department serving in the district that
210 contains such county. This member shall be an ex officio voting
211 member of the authority. ~~If the governing board of an authority~~
212 ~~includes any member originally appointed by the governing body~~
213 ~~of the county as a nonvoting member, when the term of such~~
214 ~~member expires, that member shall be replaced by a member~~
215 ~~appointed by the Governor until the governing body of the~~
216 ~~authority is composed of seven members appointed by the~~
217 ~~governing body of the county and five members appointed by the~~
218 ~~Governor.~~

219 2. A candidate for service on the governing board of the
220 authority must be screened through a nominating council process.
221 The authority must notify the chair of the county legislative
222 delegation of any future state-appointed board vacancy 90 days
223 before the expiration of the state-appointed board member's term
224 or must notify the mayor of the county of any future county-
225 appointed board vacancy 90 days before the expiration of the
226 county-appointed board member's term. The authority must also
227 publish any future state or county board vacancy 90 days before
228 the expiration of the board member's term on the home page of
229 its website and advertise the vacancy in at least one quarter-
230 page size advertisement in the newspaper of largest circulation
231 in the county for three consecutive Sundays.

232 3. The nominating council for state-appointed board members
233 shall consist of the following three voting members:

- 234 a. The chair of the county legislative delegation;
235 b. A state senator representing the county legislative

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236 delegation; and

237 c. A state representative representing the county
238 legislative delegation.

239
240 The executive director of the authority shall serve as a
241 nonvoting member of the nominating council for state-appointed
242 board members. The nominating council shall examine the
243 qualifications, screen and interview the top candidates, and
244 recommend at least three and no more than five candidates for
245 each vacancy to the Governor for appointment.

246 4. The nominating council for county-appointed board
247 members shall consist of the following three voting members:

248 a. The mayor of the county or the mayor's designee;

249 b. The chair of the county commission; and

250 c. The county commissioner who chairs the committee with
251 authority over transportation policy issues.

252
253 The executive director of the authority shall serve as a
254 nonvoting member of the nominating council for county-appointed
255 board members. The nominating council shall examine the
256 qualifications, screen and interview the top candidates, and
257 recommend at least three and no more than five candidates for
258 each vacancy to the full board of county commissioners for
259 appointment.

260 5. Except as provided in subsection (5), the
261 qualifications, terms of office, and obligations and rights of
262 members of the authority shall be determined by resolution or
263 ordinance of the governing body of the county in a manner that
264 is consistent with subsections (3) and (4).

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265 (5) In a county as defined in s. 125.011(1):

266 (a)1. A lobbyist, as defined in s. 112.3215, may not be
267 appointed or serve as a member of the governing body of an
268 authority.

269 2. A person may not be appointed or serve as a member of
270 the governing body of an authority if that person currently
271 represents or has in the previous 4 years represented, for
272 compensation, any client before the authority.

273 3. A person may not be appointed or serve as a member of
274 the governing body of an authority if that person currently
275 represents or has in the previous 4 years represented any person
276 or entity that is doing business, or in the previous 4 years has
277 done business, with the authority.

278 (1) A finding of a violation of this subsection or chapter
279 112, or failure to comply within 90 days after receiving a
280 notice of failure to comply with financial disclosure
281 requirements, results in the immediate termination from the
282 governing body of the authority.

283 Section 6. Subsections (6) and (7) of section 348.0004,
284 Florida Statutes, are amended to read:

285 348.0004 Purposes and powers.—

286 (6) Notwithstanding subsection (3) or any other provision
287 of law to the contrary, in any county as defined in s.
288 125.011(1) :~~7~~

289 (a) An ~~No~~ expressway authority may not ~~shall~~ undertake any
290 construction that is not consistent with both the metropolitan
291 planning organization's transportation improvement program and
292 the county's comprehensive plan.

293 (b) The authority must seek a statement of support from the

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294 county or municipality where the project is located before
295 continuing with a project that requires associated new tolling
296 points or toll rate adjustments on the existing system. If this
297 statement of support for new tolling points or toll rate
298 adjustments is not provided, further efforts may not be made to
299 continue the project to construction.

300 (7) In any county as defined in s. 125.011(1):~~7~~

301 (a) An expressway authority may finance or refinance the
302 planning, design, acquisition, construction, extension,
303 rehabilitation, equipping, preservation, maintenance, or
304 improvement of a public transportation facility or
305 transportation facilities owned or operated by such county, an
306 intermodal facility or facilities, multimodal corridor or
307 corridors, including, but not limited to, bicycle facilities or
308 greenways that will improve transportation services within the
309 county, or any programs or projects that will improve the levels
310 of service on an expressway system, subject to approval of the
311 governing body of such county after public hearing.

312 (b) An expressway authority may establish, through an
313 interlocal agreement with a municipality or county, a
314 Transportation Reinvestment Zone (TRZ). The authority must
315 reinvest any additional revenue generated by anticipated
316 increases in property taxes, due to the expressway's or rail
317 project's positive effect on economic development and higher
318 density zoning resulting in increased property values along the
319 corridor in the TRZ, in construction, maintenance, or operation
320 of transportation infrastructure. The authority shall establish
321 a separate TRZ account in which the tax increment revenues for
322 the municipality or county will be deposited.

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- 323 1. The interlocal agreement, at a minimum, must:
324 a. Identify the geographic boundaries of the TRZ area;
325 b. Establish a base year for the municipal or countywide
326 property taxes levied and collected on the property within the
327 TRZ;
328 c. Determine the base value of the property and the
329 municipal or countywide property taxes levied and collected on
330 the property within the TRZ;
331 d. Identify the new mass transit infrastructure project or
332 projects whose construction, maintenance, or operation is to be
333 funded through the TRZ account; and
334 e. Provide for an independent annual audit of the separate
335 TRZ.
- 336 2. Beginning in the first fiscal year after the creation of
337 a TRZ, the TRZ account of each TRZ shall be funded by the
338 proceeds from the tax increment revenue collected within that
339 TRZ.
- 340 3. Such tax increment revenue shall be determined annually
341 and shall be the amount equal to 95 percent of the difference
342 between:
- 343 a. The amount of ad valorem taxes levied each year by each
344 taxing authority, exclusive of any amount from any debt service
345 millage, on taxable real property contained within the
346 geographic boundaries of the TRZ; and
347 b. The amount of ad valorem taxes which would have been
348 produced by the rate upon which the tax is levied each year by
349 or for each taxing authority, exclusive of any debt service
350 millage, upon the total of the assessed value of the taxable
351 real property in the TRZ as shown in the most recent assessment

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352 roll used in connection with the taxation of such property by
353 each taxing authority before the effective date of the
354 interlocal agreement providing for the funding of the TRZ
355 account.

356 4. The public bodies and taxing authorities listed in s.
357 163.387(2)(c), school districts, and special districts that levy
358 ad valorem taxes within a tax increment revenue area are exempt
359 from this subsection.

360 5. This subsection does not prohibit any taxing authority
361 from voluntarily contributing a tax increment or from
362 contributing a tax increment at a higher rate for a period as
363 specified by the interlocal agreement between the taxing
364 authority and the TRZ.

365 6. Pursuant to s. 163.2511, the county shall establish
366 urban center districts within the TRZ. The designation of
367 highest density mixed use shall be established along transit
368 station nodes to encourage development and redevelopment of
369 housing and employment density nodes along the transit corridor.
370 The county shall provide financial incentives to property owners
371 within the TRZ to promote urban infill and redevelopment. These
372 incentives may include expedited permitting, prioritization of
373 infrastructure spending within the TRZ, waiver of license and
374 permit fees, waiver of delinquent local taxes or fees to promote
375 the return of property to productive use, and local government
376 absorption of developers' concurrency costs. The county is
377 encouraged to amend its comprehensive land use plan under an
378 expedited process pursuant to s. 163.3187 to delineate the
379 boundaries of urban center infill nodes and redevelopment areas
380 within the future land use element of its comprehensive plan

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381 pursuant to its adopted urban infill and redevelopment plan. The
382 state land planning agency shall review the boundary delineation
383 of the urban infill and redevelopment area in the future land
384 use element under s. 163.3184. However, an urban infill and
385 redevelopment plan adopted by a local government within a TRZ is
386 not subject to review for being in compliance as defined in s.
387 163.3184(1)(b), and the local government is not required to
388 adopt the plan as a comprehensive plan amendment.

389 Section 7. Paragraph (b) of subsection (2) of section
390 348.0005, Florida Statutes, is amended to read:

391 348.0005 Bonds.—

392 (2)

393 (b) The bonds of an authority in any county as defined in
394 s. 125.011(1), issued pursuant to the provisions of this part,
395 whether on original issuance or refunding, must be authorized by
396 resolution of the authority, after approval of the issuance of
397 the bonds at a public hearing, and may be either term or serial
398 bonds, shall bear such date or dates, mature at such time or
399 times, bear interest at such rate or rates, be payable
400 semiannually, be in such denominations, be in such form, either
401 coupon or fully registered, shall carry such registration,
402 exchangeability and interchangeability privileges, be payable in
403 such medium of payment and at such place or places, be subject
404 to such terms of redemption, and be entitled to such priorities
405 on the revenues, rates, fees, rentals, or other charges or
406 receipts of the authority, including any county gasoline tax
407 funds received by an authority pursuant to the terms of any
408 interlocal or lease-purchase agreement between an authority or a
409 county, any tax increment revenues received by an authority from

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410 a countywide or municipal TRZ, and any discretionary sales
411 surtax proceeds approved by the voters as authorized in s.
412 212.055(1)(d)2., as such resolution or any resolution subsequent
413 thereto may provide. The bonds must be executed by such officers
414 as the authority determines under the requirements of s. 279.06.

415 Section 8. Subsection (1) of section 348.0008, Florida
416 Statutes, is amended to read:

417 348.0008 Acquisition of lands and property.—

418 (1) For the purposes of the Florida Expressway Authority
419 Act, an expressway authority may acquire such rights, title, or
420 interest in private or public property and such property rights,
421 including easements, rights of access, air, view, and light, by
422 gift, devise, purchase, or condemnation by eminent domain
423 proceedings, as the authority may deem necessary for any of the
424 purposes of the Florida Expressway Authority Act, including, but
425 not limited to, any lands reasonably necessary for securing
426 applicable permits, areas necessary for management of access,
427 borrow pits, drainage ditches, water retention areas, rest
428 areas, replacement access for landowners whose access is
429 impaired due to the construction of an expressway system, and
430 replacement rights-of-way for relocated rail and utility
431 facilities; for existing, proposed, or anticipated
432 transportation facilities on the expressway system or in a
433 transportation corridor designated by the authority; for
434 existing, proposed, or anticipated local commuter transit or
435 rail transportation facilities or in a local commuter transit or
436 rail transportation corridor designated by the authority; or for
437 the purposes of screening, relocation, removal, or disposal of
438 junkyards and scrap metal processing facilities. The authority

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439 may also condemn any material and property necessary for such
440 purposes.

441 Section 9. This act shall take effect July 1, 2016.