

1 A bill to be entitled
2 An act relating to expressway authorities; amending s.
3 348.0002, F.S.; defining the terms "local commuter
4 rail service," "transportation reinvestment zone," and
5 "tax increment revenues" for purposes of the Florida
6 Expressway Authority Act; amending s. 348.0003, F.S.;
7 revising provisions for membership on certain
8 expressway authorities; providing for nominating
9 councils to facilitate the filling of vacancies;
10 revising qualifications for membership; providing for
11 termination of membership upon violation or failure to
12 comply with specified provisions; amending s.
13 348.0004, F.S.; requiring an expression of support
14 from the local governing body before certain
15 authorities may begin certain projects; authorizing
16 certain expressway authorities to be redesignated as
17 transportation authorities; authorizing such
18 authorities to establish transportation reinvestment
19 zones; providing for such authorities to receive ad
20 valorem tax increment revenues; requiring the county
21 to establish urban center infill nodes and
22 redevelopment areas; exempting certain amendments to
23 the county comprehensive plan from review under
24 specified provisions; authorizing the Department of
25 Transportation to allocate specified funds to certain
26 authorities; providing an effective date.

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

Section 1. Subsections (11) and (12) of section 348.0002, Florida Statutes, are renumbered as subsections (12) and (13), respectively, and new subsections (11), (14), and (15) are added to that section, to read:

348.0002 Definitions.—As used in the Florida Expressway Authority Act, the term:

(11) "Local commuter rail service" means passenger rail operated through public or private sector concessions or existing commuter rail service providers which transports county residents from middle or outer suburbs to the county's main employment centers or employers directly or by connecting to an existing fixed-rail passenger system.

(14) "Tax increment revenues" means the amount calculated pursuant to s. 348.0004(7)(c)3.

(15) "Transportation reinvestment zone" means a special district or region associated with an expressway or rail corridor. Property tax revenues in such zones increase due to the expressway or rail project's positive effect on economic development along the corridor and higher density zoning along the corridor resulting in increased property values along the corridor. The additional revenue generated by the increase in property tax revenues is reinvested by the authority in construction, maintenance, or operation of transportation

53 | infrastructure.

54 | Section 2. Paragraph (d) of subsection (2) and paragraph
55 | (a) of subsection (5) of section 348.0003, Florida Statutes, are
56 | amended, and paragraph (1) is added to subsection (5) of that
57 | section, to read:

58 | 348.0003 Expressway authority; formation; membership.—

59 | (2) The governing body of an authority shall consist of
60 | not fewer than five nor more than nine voting members. The
61 | district secretary of the affected department district shall
62 | serve as a nonvoting member of the governing body of each
63 | authority located within the district. Each member of the
64 | governing body must at all times during his or her term of
65 | office be a permanent resident of the county which he or she is
66 | appointed to represent.

67 | (d) Notwithstanding any provision to the contrary in this
68 | subsection, in any county as defined in s. 125.011(1), the
69 | governing body of an authority shall consist of up to 13
70 | members, and the following provisions of this paragraph shall
71 | apply specifically to such authority. Except for the district
72 | secretary of the department, the members must be residents of
73 | the county. Seven voting members shall be appointed by the
74 | governing body of the county. At the discretion of the governing
75 | body of the county, up to two of the members appointed by the
76 | governing body of the county may be elected officials residing
77 | in the county. Five voting members of the authority shall be
78 | appointed by the Governor. One member shall be the district

79 secretary of the department serving in the district that
80 contains such county. This member shall be an ex officio voting
81 member of the authority.

82 1. Candidates for service on the governing board of the
83 authority shall be screened and vetted through a nominating
84 council process. The authority is responsible for notifying the
85 chairperson of the state legislative delegation for the county
86 of any impending Governor-appointed board vacancies 90 days
87 before expiration of the board member's term or the mayor of the
88 county of any impending county-appointed board vacancy 90 days
89 before expiration of the board member's term. The authority
90 shall also publish, on the home page of its website, a notice of
91 any future state or county board member vacancy 90 days before
92 expiration of the board member's term and, on 3 consecutive
93 Sundays, advertise the vacancy in the newspaper with the
94 greatest general circulation in the county. The newspaper
95 advertisement must be a minimum of one-quarter page.

96 2. The nominating council for Governor-appointed board
97 members shall be comprised of the following three voting
98 members:

99 a. The chairperson of the state legislative delegation for
100 the county.

101 b. A member of the Florida Senate who represents the state
102 legislative delegation for the county.

103 c. A member of the Florida House of Representatives who
104 represents the state legislative delegation for the county.

105
106 The executive director of the authority shall serve as a
107 nonvoting member of the nominating council. The nominating
108 council shall examine the qualifications of the top candidates,
109 screen and interview each candidate, and recommend no fewer than
110 three and no more than five candidates for each vacancy to the
111 Governor for appointment.

112 3. The nominating council for county-appointed board
113 members shall be comprised of the following three voting
114 members:

- 115 a. The mayor of the county or the mayor's designee.
116 b. The chairperson of the county commission.
117 c. The county commissioner who chairs the committee with
118 jurisdiction over transportation policy issues.

119
120 The executive director of the authority shall serve as a
121 nonvoting member of the nominating council. The nominating
122 council shall examine the qualifications of the top candidates,
123 screen and interview each candidate, and recommend no fewer than
124 three and no more than five of such candidates for each vacancy
125 to the full board of county commissioners for appointment.

126 4. Except as provided in subsection (5), ~~If the governing~~
127 ~~board of an authority includes any member originally appointed~~
128 ~~by the governing body of the county as a nonvoting member, when~~
129 ~~the term of such member expires, that member shall be replaced~~
130 ~~by a member appointed by the Governor until the governing body~~

131 ~~of the authority is composed of seven members appointed by the~~
132 ~~governing body of the county and five members appointed by the~~
133 ~~Governor.~~ the qualifications, terms of office, and obligations
134 and rights of members of the authority shall be determined by
135 resolution or ordinance of the governing body of the county in a
136 manner that is consistent with subsections (3) and (4).

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

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

141 2. A person may not be appointed to or serve as a member
142 of the governing body of an authority if that person currently
143 represents or has in the previous 4 years represented any client
144 for compensation before the authority.

145 3. A person may not be appointed to or serve as a member
146 of the governing body of an authority if that person currently
147 represents or has in the previous 4 years represented any person
148 or entity that is doing business, or in the previous 4 years has
149 done business, with the authority.

150 (1) A finding of a violation of this subsection or chapter
151 112, or failure to comply within 90 days after receiving a
152 notice of failure to comply with financial disclosure
153 requirements, results in immediate termination from the
154 governing body of the authority.

155 Section 3. Subsections (6) and (7) of section 348.0004,
156 Florida Statutes, are amended to read:

157 348.0004 Purposes and powers.—

158 (6) Notwithstanding subsection (3) or any other provision
 159 of law to the contrary, in any county as defined in s.
 160 125.011(1):

161 (a) An~~no~~ expressway authority may not ~~shall~~ undertake
 162 any construction that is not consistent with both the
 163 metropolitan planning organization's transportation improvement
 164 program and the county's comprehensive plan.

165 (b) The authority must seek an expression of support from
 166 the governing body of the county or the municipality where the
 167 project is located before moving forward with a project that
 168 requires associated new tolling points or toll rate adjustments
 169 on the existing system. If the expression of support for new
 170 tolling points or toll rate adjustments are not provided,
 171 further efforts may not be made to move the project forward to
 172 construction.

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

174 (a) An expressway authority may finance or refinance the
 175 planning, design, acquisition, construction, extension,
 176 rehabilitation, equipping, preservation, maintenance, or
 177 improvement of a public transportation facility or
 178 transportation facilities owned or operated by such county, an
 179 intermodal facility or facilities, multimodal corridor or
 180 corridors, including, but not limited to, bicycle facilities or
 181 greenways that will improve transportation services within the
 182 county, or any programs or projects that will improve the levels

183 of service on an expressway system, subject to approval of the
184 governing body of such county after public hearing.

185 (b) In recognition of the broad powers of an expressway
186 authority provided under paragraph (a) with respect to
187 multimodal transportation infrastructure for the county, such
188 expressway authority may be redesignated as a transportation
189 authority.

190 (c) Such authority may establish, through an interlocal
191 agreement with a county or municipality, a transportation
192 reinvestment zone. The authority shall establish a separate
193 transportation reinvestment zone trust fund into which the tax
194 increment revenues for the county or municipality shall be
195 deposited.

196 1. The interlocal agreement, at a minimum, must:

197 a. Identify the geographic boundaries of the tax increment
198 area.

199 b. Establish a base year for the county or municipal
200 property taxes levied and collected on the property within the
201 transportation reinvestment zone.

202 c. Determine the base value of the property and the county
203 and municipal property taxes levied and collected on the
204 property within the transportation reinvestment zone.

205 d. Identify the new mass transit infrastructure projects
206 whose construction, maintenance, or operation is to be funded
207 through the transportation reinvestment zone.

208 e. Provide for an annual audit of the separate
209 transportation reinvestment zone trust fund.

210 2. Beginning in the first fiscal year after creation of
211 the transportation reinvestment zone, the transportation
212 reinvestment zone trust fund shall be funded by the proceeds
213 from the ad valorem tax increment collected within each
214 transportation reinvestment zone.

215 3. The ad valorem tax increment shall be determined
216 annually as that amount equal to 95 percent of the difference
217 between the amount of ad valorem taxes levied each year by each
218 taxing authority, exclusive of any amount from any debt service
219 millage, on taxable real property contained within the
220 geographic boundaries of the transportation reinvestment zone
221 and the amount of ad valorem taxes which would have been
222 produced by the rate the tax is levied each year by or for each
223 taxing authority, exclusive of any debt service millage, upon
224 the total of the assessed value of the taxable real property in
225 the transportation reinvestment zone as shown on the most recent
226 assessment roll used for the taxation of such property by each
227 taxing authority before the effective date of the interlocal
228 agreement that provides for funding the trust fund.

229 4. The public bodies and taxing authorities listed in s.
230 163.387(2)(c), school districts, and special districts that levy
231 ad valorem taxes within a tax increment area are exempt from
232 this paragraph.

233 5. A taxing authority is not prohibited from voluntarily
 234 contributing a tax increment or from contributing a tax
 235 increment at a higher rate for a period of time as specified by
 236 interlocal agreement between the taxing authority and the
 237 community redevelopment agency.

238 6. Pursuant to s. 163.2511, the county shall establish
 239 urban center districts within the transportation reinvestment
 240 zone. Highest density mixed use designations shall be
 241 established along transit station nodes to encourage development
 242 and redevelopment of housing and employment density nodes along
 243 the transit corridor. The county shall provide financial
 244 incentives to property owners within the transportation
 245 reinvestment zone to promote urban infill and redevelopment.
 246 These incentives may include expedited permitting,
 247 prioritization of infrastructure spending within the
 248 transportation reinvestment zone, waiver of license and permit
 249 fees, waiver of delinquent local taxes or fees to promote the
 250 return of property to productive use, and local government
 251 absorption of developers' concurrency costs. The county is
 252 encouraged to amend its comprehensive land use plan under an
 253 expedited s. 163.3187 process to delineate the boundaries of
 254 urban center infill nodes and redevelopment areas within the
 255 future land use element of its comprehensive plan pursuant to
 256 its adopted urban infill and redevelopment plan. The state land
 257 planning agency shall review the boundary delineation of the
 258 urban infill and redevelopment area in the future land use

259 element under s. 163.3184. An urban infill and redevelopment
260 plan adopted by a local government within a transportation
261 reinvestment zone is not subject to review for compliance as
262 defined by s. 163.3184(1)(b), and the local government is not
263 required to adopt the plan as a comprehensive plan amendment.

264 (d) In any county as defined in s. 125.011(1), the
265 department may allocate the following to the authority as
266 authorized in s. 341.303(5) and pursuant to s. 201.15(4)(a)4.:

267 1. For fiscal year 2016-2017 through fiscal year 2046-2047
268 the sum of \$30 million through the Florida Rail Enterprise
269 annually for acquisition of rights-of-way for future local
270 commuter rail service; the planning and development costs
271 related to the provision of a passenger rail system, including,
272 but not limited to, preliminary engineering, revenue studies,
273 environmental impact studies, financial advisory services,
274 engineering design, and other appropriate professional services;
275 and any other eligible local commuter rail service capital
276 improvement project costs.

277 2. An amount not to exceed \$10 million annually of the net
278 operating costs of the local commuter rail service through a
279 public or private sector concession or existing commuter rail
280 service provider for up to 7 years, beginning on the open-to-
281 service date as authorized under s. 341.303(4)(a).

282 Section 4. This act shall take effect July 1, 2016.