

By Senator Harrell

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1 A bill to be entitled
2 An act relating to highway projects; repealing s.
3 163.3168(4), F.S., relating to applications for
4 funding for technical assistance relating to areas in
5 and around a proposed multiuse corridor interchange;
6 amending s. 334.044, F.S.; revising the powers and
7 duties of the Department of Transportation relating to
8 the workforce development program; repealing s.
9 338.2278, F.S., relating to the Multi-use Corridors of
10 Regional Economic Significance Program; amending s.
11 338.236, F.S.; deleting a requirement for the
12 department to give priority consideration to placement
13 of staging areas in certain counties; amending s.
14 339.0801, F.S.; requiring that \$35 million transferred
15 to Florida's Turnpike Enterprise be used for a
16 specified purpose beginning in a specified fiscal year
17 and annually for up to 30 years thereafter; conforming
18 provisions to changes made by the act; amending s.
19 339.0801, F.S.; deleting a requirement for a specified
20 amount of funds to be transferred to Florida's
21 Turnpike Enterprise for a specified purpose; creating
22 s. 339.0803, F.S.; requiring that certain increased
23 revenues be used to fund specified projects beginning
24 in a specified fiscal year and annually thereafter;
25 authorizing such revenues to be used for certain
26 projects; requiring the department to prioritize the
27 use of certain facilities when upgrading arterial
28 highways; providing construction; providing that such
29 funding is in addition to other statutory funding

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30 allocations; repealing s. 339.1373, F.S., relating to
31 funding of the Multi-use Corridors of Regional
32 Economic Significance Program; creating s. 339.66,
33 F.S.; providing legislative findings; requiring the
34 department, in coordination with the Florida Turnpike
35 Enterprise, to evaluate certain roadways for
36 development of specific controlled access facilities
37 and to include such projects in the work program;
38 authorizing the department to upgrade roadways with
39 targeted improvements; prohibiting the department from
40 reducing nontolled general use lanes of an existing
41 facility; requiring the department to maintain
42 existing access points; providing for access points
43 for certain property owners; specifying the location
44 of tolling points and requiring a nontolled
45 alternative for local traffic; requiring any new
46 alignments to be establish with a specified goal;
47 providing that any tolled facilities are approved
48 turnpike projects and part of the turnpike system;
49 designating a controlled-access portion of a specified
50 roadway a Strategic Intermodal System facility;
51 providing for applicability of a specified economic
52 feasibility requirement and a specified statement of
53 environmental feasibility; requiring environmental
54 review of projects as specified; requiring certain
55 decisions to be determined in accordance with
56 applicable department rules, policies, and procedures;
57 requiring, to the greatest extent practicable, that
58 roadway alignments, project alignment, and interchange

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59 locations be designed as specified; providing for
60 funding sources; providing that project construction
61 is not eligible for funding until completion of 30
62 percent of the project design phase, with exceptions;
63 authorizing the Division of Bond Finance to issue
64 specified bonds on behalf of the department to finance
65 certain projects; creating s. 339.67, F.S.; requiring
66 the department to develop and include construction of
67 controlled access facilities in the work program of a
68 certain facility; requiring the facility to be
69 developed using existing roadway or portions thereof;
70 requiring the facilities to be developed no later than
71 a specified date to the maximum extent feasible;
72 creating s. 339.68, F.S.; requiring the department to
73 identify and include in the work program projects to
74 increase capacity by widening existing two-lane
75 arterial rural roads to four lanes; providing
76 requirements for roads to be included in work program
77 projects; requiring the department to annually fund at
78 least a specified amount for such projects; providing
79 legislative findings; requiring the department to
80 commence project development and environmental phase
81 of an extension of the Florida Turnpike; requiring the
82 department to prepare a specified report and to submit
83 the report to the Governor and Legislature by a
84 specified date; providing effective dates.

85

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

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88 Section 1. Subsection (4) of section 163.3168, Florida
89 Statutes, is repealed.

90 Section 2. Subsection (35) of section 334.044, Florida
91 Statutes, is amended to read:

92 334.044 Powers and duties of the department.—The department
93 shall have the following general powers and duties:

94 (35) To provide a road and bridge construction workforce
95 development program, in consultation with affected stakeholders,
96 for construction of projects designated in the department's work
97 program.

98 ~~(a) The workforce development program is intended to~~
99 ~~provide direct economic benefits to communities in which the~~
100 ~~department is constructing infrastructure projects and to~~
101 ~~promote employment opportunities, including within areas of low~~
102 ~~income and high unemployment.~~

103 ~~(b) The department shall merge any of its own existing~~
104 ~~workforce services into the program to create a robust workforce~~
105 ~~development program. The workforce development program must~~
106 ~~serve as a tool to address the construction labor shortage by~~
107 ~~recruiting and developing a group of skilled workers for~~
108 ~~infrastructure projects to increase the likelihood of department~~
109 ~~projects remaining on time and within budget.~~

110 ~~(c) To accomplish these activities, the department may~~
111 ~~administer workforce development contracts with consultants and~~
112 ~~nonprofit entities, such as local community partners, Florida~~
113 ~~College System institutions, and technical institutions or~~
114 ~~centers. These entities, as specified in a contract with the~~
115 ~~department, shall have the primary purposes of providing all of~~
116 ~~the following:~~

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117 ~~1. Workforce recruitment.~~

118 ~~2. A training curriculum for the department's road and~~
119 ~~bridge construction projects which includes both traditional and~~
120 ~~emerging construction methods and skills needed to construct~~
121 ~~multiuse infrastructure and facilities accommodating emerging~~
122 ~~technologies.~~

123 ~~3. Support services to remove barriers to work.~~

124 ~~(d) The department shall develop performance and outcome~~
125 ~~metrics to ensure accountability and to measure the benefits and~~
126 ~~cost-effectiveness of the program. By June 30, 2020, and~~
127 ~~annually thereafter, the department shall prepare and provide a~~
128 ~~report to the Governor, President of Senate, and Speaker of the~~
129 ~~House of Representatives detailing the results of its findings~~
130 ~~and containing any recommendations relating to future program~~
131 ~~refinements.~~

132 Section 3. Section 338.2278, Florida Statutes, is repealed.

133 Section 4. Subsection (1) of section 338.236, Florida
134 Statutes, is amended to read:

135 338.236 Staging areas for emergencies.—The Department of
136 Transportation may plan, design, and construct staging areas to
137 be activated during a declared state of emergency at key
138 geographic locations on the turnpike system. Such staging areas
139 must be used for the staging of emergency supplies, such as
140 water, fuel, generators, vehicles, equipment, and other related
141 materials, to facilitate the prompt provision of emergency
142 assistance to the public, and to otherwise facilitate emergency
143 response and assistance, including evacuations, deployment of
144 emergency-related supplies and personnel, and restoration of
145 essential services.

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146 (1) In selecting a proposed site for a designated staging
147 area under this section, the department, in consultation with
148 the Division of Emergency Management, must consider the extent
149 to which such site:

150 (a) Is located in a geographic area that best facilitates
151 the wide dissemination of emergency-related supplies and
152 equipment;

153 (b) Provides ease of access to major highways and other
154 transportation facilities;

155 (c) Is sufficiently large to accommodate the staging of a
156 significant amount of emergency-related supplies and equipment;

157 (d) Provides space in support of emergency preparedness and
158 evacuation activities, such as fuel reserve capacity;

159 (e) Could be used during nonemergency periods for
160 commercial motor vehicle parking and for other uses; and

161 (f) Is consistent with other state and local emergency
162 management considerations.

163
164 ~~The department must give priority consideration to placement of~~
165 ~~such staging areas in counties with a population of 200,000 or~~
166 ~~fewer, as determined by the most recent official estimate~~
167 ~~pursuant to s. 186.901, in which a multiuse corridor of regional~~
168 ~~economic significance, as provided in s. 338.2278, is located.~~

169 Section 5. Subsection (2) of section 339.0801, Florida
170 Statutes, is amended to read:

171 339.0801 Allocation of increased revenues derived from
172 amendments to s. 319.32(5) (a) by ch. 2012-128.—Funds that result
173 from increased revenues to the State Transportation Trust Fund
174 derived from the amendments to s. 319.32(5) (a) made by this act

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175 must be used annually, first as set forth in subsection (1) and
176 then as set forth in subsections (2)-(5), notwithstanding any
177 other provision of law:

178 (2)(a) Beginning in the 2013-2014 fiscal year and annually
179 for up to 30 years thereafter ~~For each of the 2019-2020, 2020-~~
180 ~~2021, and 2021-2022 fiscal years,~~ \$35 million shall be
181 transferred to Florida's Turnpike Enterprise, to be used in
182 accordance with Florida Turnpike Enterprise Law, to the maximum
183 extent feasible for feeder roads, structures, interchanges,
184 appurtenances, and other rights to create or facilitate access
185 to the existing turnpike system.

186 ~~(b) Beginning with the 2022-2023 fiscal year and annually~~
187 ~~thereafter, \$35 million shall be transferred to Florida's~~
188 ~~Turnpike Enterprise, to be used in accordance with s. 338.2278,~~
189 ~~with preference to feeder roads, interchanges, and appurtenances~~
190 ~~that create or facilitate multiuse corridor access and~~
191 ~~connectivity. Of those funds, and to the maximum extent~~
192 ~~feasible, up to \$5 million annually may be used for projects~~
193 ~~that assist in the development of broadband infrastructure~~
194 ~~within or adjacent to a multiuse corridor. The department shall~~
195 ~~give priority consideration to broadband infrastructure projects~~
196 ~~located in any area designated as a rural area of opportunity~~
197 ~~under s. 288.0656 and adjacent to a multiuse corridor.~~

198 Section 6. Effective July 1, 2023, section 339.0801,
199 Florida Statutes, is amended to read:

200 339.0801 Allocation of increased revenues derived from
201 amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result
202 from increased revenues to the State Transportation Trust Fund
203 derived from the amendments to s. 319.32(5)(a) made by this act

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204 must be used annually, first as set forth in subsection (1) and
205 then as set forth in subsections (2)-(4) ~~(2)-(5)~~,
206 notwithstanding any other provision of law:

207 (1) (a) Beginning in the 2013-2014 fiscal year and annually
208 for 30 years thereafter, \$10 million shall be for the purpose of
209 funding any seaport project identified in the adopted work
210 program of the Department of Transportation, to be known as the
211 Seaport Investment Program.

212 (b) The revenues may be assigned, pledged, or set aside as
213 a trust for the payment of principal or interest on revenue
214 bonds, or other forms of indebtedness issued by an individual
215 port or appropriate local government having jurisdiction
216 thereof, or collectively by interlocal agreement among any of
217 the ports, or used to purchase credit support to permit such
218 borrowings. Alternatively, revenue bonds shall be issued by the
219 Division of Bond Finance at the request of the Department of
220 Transportation under the State Bond Act and shall be secured by
221 such revenues as are provided in this subsection.

222 (c) Revenue bonds or other indebtedness issued hereunder
223 are not a general obligation of the state and are secured solely
224 by a first lien on the revenues distributed under this
225 subsection.

226 (d) The state covenants with holders of the revenue bonds
227 or other instruments of indebtedness issued pursuant to this
228 subsection that it will not repeal this subsection; nor take any
229 other action, including but not limited to amending this
230 subsection, that will materially and adversely affect the rights
231 of such holders so long as revenue bonds or other indebtedness
232 authorized by this subsection are outstanding.

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233 (e) The proceeds of any revenue bonds or other
234 indebtedness, after payment of costs of issuance and
235 establishment of any required reserves, shall be invested in
236 projects approved by the Department of Transportation and
237 included in the department's adopted work program, by amendment
238 if necessary. As required under s. 11(f), Art. VII of the State
239 Constitution, the Legislature approves projects included in the
240 department's adopted work program, including any projects added
241 to the work program by amendment under s. 339.135(7).

242 (f) Any revenues that are not used for the payment of bonds
243 as authorized by this subsection may be used for purposes
244 authorized under the Florida Seaport Transportation and Economic
245 Development Program. This revenue source is in addition to any
246 amounts provided for and appropriated in accordance with ss.
247 311.07 and 320.20(3) and (4).

248 ~~(2) Beginning in the 2013-2014 fiscal year and annually for~~
249 ~~up to 30 years thereafter, \$35 million shall be transferred to~~
250 ~~Florida's Turnpike Enterprise, to be used in accordance with~~
251 ~~Florida Turnpike Enterprise Law, to the maximum extent feasible~~
252 ~~for feeder roads, structures, interchanges, appurtenances, and~~
253 ~~other rights to create or facilitate access to the existing~~
254 ~~turnpike system.~~

255 (2)~~(3)~~ Beginning in the 2013-2014 fiscal year and annually
256 thereafter, \$10 million shall be transferred to the
257 Transportation Disadvantaged Trust Fund, to be used as specified
258 in s. 427.0159.

259 (3)~~(4)~~ Beginning in the 2013-2014 fiscal year and annually
260 thereafter, \$10 million shall be allocated to the Small County
261 Outreach Program to be used as specified in s. 339.2818. These

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262 funds are in addition to the funds provided for the program
263 pursuant to s. 201.15(4)(a)2.

264 ~~(4)(5)~~ After the distributions required pursuant to
265 subsections (1)-(3) ~~(1)-(4)~~, the remaining funds shall be used
266 annually for transportation projects within this state for
267 existing or planned strategic transportation projects which
268 connect major markets within this state or between this state
269 and other states, which focus on job creation, and which
270 increase this state's viability in the national and global
271 markets.

272 ~~(5)(6)~~ Pursuant to s. 339.135(7), the department shall
273 amend the work program to add the projects provided for in this
274 section.

275 Section 7. Section 339.0803, Florida Statutes, is created
276 to read:

277 339.0803 Allocation of increased revenues derived from
278 amendments to s. 320.08 by chapter 2019-43, Laws of Florida.-
279 Beginning in the 2021-2022 fiscal year and each fiscal year
280 thereafter, funds that result from increased revenues to the
281 State Transportation Trust Fund derived from the amendments to
282 s. 320.08 made by chapter 2019-43, Laws of Florida, and
283 deposited into the fund pursuant to s. 320.20(5)(a) must be used
284 to fund arterial highway projects identified by the department
285 in accordance with s. 339.65 and may be used for projects as
286 specified in ss. 339.66 and 339.67. For purposes of the funding
287 provided in this section, the department shall prioritize use of
288 existing facilities or portions thereof when upgrading arterial
289 highways to limited or controlled access facilities. However,
290 this section does not preclude use of the funding for projects

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291 that enhance the capacity of an arterial highway. The funds
292 allocated as provided in this section shall be in addition to
293 any other statutory funding allocations provided by law.

294 Section 8. Section 339.1373, Florida Statutes, is repealed.

295 Section 9. Section 339.66, Florida Statutes, is created to
296 read:

297 339.66 Upgrade of arterial highways with controlled access
298 facilities.-

299 (1) The Legislature finds that the provision and
300 maintenance of safe, reliable, and predictably free-flowing
301 facilities to support the movement of people and freight and to
302 enhance hurricane evacuation efficiency is important. It is in
303 the best interest of the state to plan now for population growth
304 and technology changes while prudently making timely
305 improvements to address demand.

306 (2) The department, in coordination with the Florida
307 Turnpike Enterprise, shall evaluate existing roadways or
308 portions thereof for development of specific controlled access
309 facilities and include such projects as identified in the work
310 program.

311 (3) The department may upgrade roadways with targeted
312 improvements, such as adding new tolled or nontolled limited
313 access alignments to manage congestion points and retrofitting
314 existing roadway with a series of electronically tolled or
315 nontolled grade separations that provide an alternative to a
316 signalized intersection for through traffic.

317 (a) The department may not reduce any nontolled general use
318 lanes of an existing facility.

319 (b) The department shall maintain existing access points to

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320 the roadway provided by designated streets, graded roads, or
321 driveways.

322 (c) Upon application or as otherwise agreed to by the
323 department, after construction is completed, property owners
324 with parcels of land having no existing access shall have the
325 right to one access point and property owners having more than 1
326 mile of roadway frontage shall be allowed one access point for
327 each mile owned.

328 (d) Any tolling points must be located such that a
329 nontolled alternative exists for local traffic.

330 (e) Any new alignments must be established in accordance
331 with the goal of enhancing the economic prosperity of affected
332 communities.

333 (4) Any tolled facilities are approved turnpike projects
334 that are part of the turnpike system. A controlled-access
335 portion of a roadway constructed pursuant to this section is
336 considered a Strategic Intermodal System facility.

337 (5) The economic feasibility requirement of s. 338.223
338 applies only to projects involving tolled upgrades to a
339 facility. The statement of environmental feasibility required
340 under s. 338.223 applies to all projects.

341 (6) (a) Projects undertaken are subject to the
342 responsibilities assumed by the department as provided under s.
343 334.044(34) for environmental review, consultation, or other
344 action required under any federal environmental law applicable
345 to review or approval of such projects or project phases.

346 (b) For projects that do not receive federal aid or
347 projects that do not require federal action, the department must
348 perform a project evaluation that considers the following:

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349 1. Project purpose and need;

350 2. An alternatives analysis;

351 3. Existing conditions of the project area and potential
352 impacts or enhancements the project may have on social,
353 economic, cultural, natural, and connectivity issues and
354 resources;

355 4. Anticipated permits identified during the project
356 development and environmental study;

357 5. Opportunities for stakeholder and regulatory agency
358 coordination; and

359 6. Public and agency comments and coordination.

360 (7) The department shall consider innovative concepts to
361 combine right-of-way acquisition with the acquisition of lands
362 or easements to facilitate environmental mitigation or
363 ecosystem, wildlife habitat, or water quality protection or
364 restoration.

365 (8) (a) Decisions on matters such as configuration, project
366 alignment, and interchange locations must be determined in
367 accordance with applicable department rules, policies, and
368 procedures.

369 (b) To the greatest extent practicable, roadway alignments,
370 project alignment, and interchange locations shall be designed
371 so that project rights-of-way are not located within
372 conservation lands acquired under the Florida Preservation 2000
373 Act established in s. 259.101 and the Florida Forever Act
374 established in s. 259.105.

375 (9) Subject to applicability as provided in subsection (5),
376 projects may be funded through turnpike revenue bonds or right-
377 of-way acquisition and bridge construction bonds or financing by

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378 the Florida Department of Transportation Financing Corporation;
379 by advances from the State Transportation Trust Fund; with funds
380 obtained through the creation of public-private partnerships; or
381 any combination thereof. The department also may accept
382 donations of land for use as transportation rights-of-way or to
383 secure or use transportation rights-of-way for such projects in
384 accordance with s. 337.2505. To the extent legally available,
385 any toll revenues from the turnpike system not required for
386 payment of principal, interest, reserves, or other required
387 deposits for bonds; costs of operations and maintenance; other
388 contractual obligations; or system improvement project costs
389 must be used to repay advances received from the State
390 Transportation Trust Fund.

391 (10) Project construction is not eligible for funding until
392 completion of 30 percent of the design phase, except for
393 projects that are under construction or for which project
394 alignment has been determined.

395 (11) In accordance with ss. 337.276, 338.227, and 339.0809,
396 the Division of Bond Finance may issue, on behalf of the
397 department, right-of-way acquisition and bridge construction
398 bonds, turnpike revenue bonds, and Florida Department of
399 Transportation Financing Corporation bonds to finance projects
400 as provided in the State Bond Act.

401 Section 10. Section 339.67, Florida Statutes, is created to
402 read:

403 339.67 U.S. 19 controlled access facilities.—The department
404 shall develop and include in the work program the construction
405 of controlled access facilities as necessary to achieve free
406 flow of traffic on U.S. 19, beginning at the terminus of the

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407 Suncoast Parkway 2 Phase 3 north along U.S. 19 to a logical
408 terminus on Interstate 10 in Madison County. This Strategic
409 Intermodal System facility shall be developed using existing
410 roadway, or portions thereof, to ensure the free flow of traffic
411 along the roadway by improvements such as limited access
412 alignments to manage congestion points and retrofitting existing
413 roadway with a series of grade separations that provide an
414 alternative to a signalized intersection for through traffic. To
415 the maximum extent feasible, the facilities shall be developed
416 no later than December 31, 2035.

417 Section 11. Section 339.68, Florida Statutes, is created to
418 read:

419 339.68 Arterial rural highway projects.—The department
420 shall identify and include in the work program projects to
421 increase capacity by widening existing two-lane arterial rural
422 roads to four lanes. To be included in a work program project,
423 the road must be classified as an arterial rural road, and truck
424 traffic using the road must amount to at least 15 percent of all
425 such traffic, as determined by the department. The department
426 shall fund at least \$20 million annually for such projects.

427 Section 12. The Legislature finds that the extension of the
428 Florida Turnpike from its northerly terminus in Wildwood to a
429 logical and appropriate terminus as determined by the department
430 is in the strategic interest of the state. The department shall
431 commence the project development and environmental phase of the
432 extension and shall consider project configuration, alignment,
433 cost, and schedule. The department shall prepare a report
434 summarizing the result of the project development and
435 environmental phase and, by December 31, 2022, submit the report

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436 to the Governor, the President of the Senate, and the Speaker of
437 the House of Representatives.

438 Section 13. Except as otherwise expressly provided in this
439 act, this act shall take effect July 1, 2021.