

Committee on Transportation

HB 7175 — Department of Transportation

by Economic Affairs Committee and Rep. Goodson (CS/SB 696 by Appropriations Committee and Transportation Committee)

The bill makes a number of revisions to statutes addressing the functions and responsibilities of the Florida Department of Transportation (FDOT).

Accountability and Efficiency

The bill:

- Extends the Florida Transportation Commission's (FTC) oversight of expressway and bridge authorities to the Mid-Bay Bridge Authority, which is not currently monitored by any entity.
- Repeals the Florida Statewide Passenger Rail Commission, leaving oversight of all publicly-funded passenger rail systems to the FTC, thereby eliminating duplicate monitoring.
- Prohibits the FDOT from entering into any lease-purchase agreement with any expressway authority, regional transportation authority or other entity effective July 1, 2014. Lease-purchase agreements existing as of July 1, 2013, will remain in effect. The bill will not limit FDOT's authority to enter into public-private partnership agreements with private entities to build, operate, own and finance a transportation facility.
- Authorizes the FDOT to enter into a concession agreement with a not-for-profit or private entity for commercial sponsorship displays on multiuse trails and related facilities and to use the agreement revenues for the maintenance of the trails and facilities, subject to the Highway Beautification Act and all federal laws and agreements, when applicable, to avoid any potential federal funds penalty.
- Removes a provision requiring a contractor of the FDOT to submit an affidavit relating to registration of the contractor's vehicles in favor of simply requiring the contractor's vehicles be registered in accordance with ch. 320, F.S.
- Provides an exception to the general rule that a contractor qualified by the FDOT may not also qualify to perform testing services, or construction, engineering, and inspection services to the FDOT. The exception allows a contractor to perform such services if the FDOT determines by written order that the limitation is not in the best interests of the public. However, a contractor may not perform such services on a construction contract under which that contractor is performing any work.
- Streamlines the FDOT's authority to dispose of surplus property in an attempt to return property not needed for transportation purposes to local tax rolls.
- Provides additional guidance to the FDOT when considering a lease of property for joint public-private development by generally aligning the process with the more detailed statutory provisions relating to proposals for public-private partnerships.
- Establishes a date no later than June of 2018 by which time the FDOT will no longer use toll revenues of the Alligator Alley to pay the costs of operation of a local fire station.

- Improves the process for mitigation of environmental impacts of transportation projects, allowing the FDOT to program funds based on the estimated actual cost of necessary mitigation (rather than an arbitrary dollar amount per mitigation credit), while also resulting in a savings to the state.
- Makes a number of revisions to the control of outdoor advertising. The bill provides Water Management District (WMD) public information systems are subject to the provisions of certain federal laws and agreements and effectively rewrites ch. 479, F.S., to relocate, revise, and repeal various definitions, and to revise various duties of the FDOT to modernize and streamline the administration and enforcement of state and federal outdoor advertising provisions. The substantive revisions:
 - Provide criteria to be used in the permitting of signs in commercial or industrial zones, as determined by the local government, and require the FDOT to notify a sign applicant in writing if the FDOT disagrees with a local government determination that a proposed sign location is on a parcel that is in a commercial or industrial zone;
 - Require removal of a sign within 30 days if the FDOT determines the parcel does not meet sign permit requirements, and provide for a reduction in transportation funding to a local government if a local government fails to comply;
 - Revise provisions relating to signs visible from more than one highway, make permanent a pilot program under which the distance between certain permitted signs may be reduced to 1,000 feet, revise provisions relating to vegetation management, and revise provisions relating to relocation or reconstruction of signs situated upon right-of-way acquired by the FDOT;
 - Provide for additional signs that can be erected without a permit, revises provisions relating to increasing the height of a sign at its location if a noise-attenuation barrier is erected, and expand the logo sign program to the right-of-way of the limited-access system; and
 - Repeal a pilot program authorized in 2012 for signs related to tourist-oriented commerce, which is replaced by authority to erect such signs without a permit.
 - Extend a pilot program for the Palm Beach County School District to recognize its business partners by displaying the partner names on school district property in the unincorporated areas of the county.
 - Authorize the FDOT to pay maintenance costs of the Pinellas Bayway from Bayway toll revenues, thereby avoiding increased accumulation of long-term debt owed to the State Transportation Trust Fund.

Economic Development

The bill:

- Authorizes the FDOT to fund up to 100% of certain airport investment projects that are strategic from a statewide perspective.
- Authorizes, but does not require, the FDOT to improve and maintain a city or county road that is part of the city or county road system and which provides access to a state park.
- Authorizes, but does not require, the FDOT to enter into agreements under which investors purchase the revenue stream from wireless communication leases on property

owned or controlled by the FDOT, the revenues of which are to be used to increase capital funding for the statewide transportation system.

- Authorizes Enterprise Florida, Inc., to act as a consultant to the FDOT in approving economic development transportation project contracts; provides authority for the FDOT to terminate a grant award if construction of the transportation project does not begin within four years after the date of the initial grant award; and expands the type of authorized transportation facility projects to include spaceports.

Compliance with Federal Law

The bill:

- Increases the allowable weight of idle-reduction technology (auxiliary power units) on commercial motor vehicles from 400 to 550 pounds, in accordance with federal law, thereby reducing a potential fine by \$7.50.
- Authorizes the FDOT to purchase all plant materials from Florida commercial nursery stock in this state on a uniform competitive bid basis, *except as prohibited by applicable federal law or regulation*, thereby avoiding a potential penalty which may result in a 10 percent loss of federal highway funds.
- Revises provisions relating to designation and apportionment of metropolitan planning organization (MPO) to conform to federal law and facilitates a more regional approach to transportation planning by increasing the number of voting members allowed on an MPO that is expanded to include a new urbanized area or when two or more MPOs are consolidated.

Statutory Cleanup

The bill:

- Repeals the never-used Florida Transportation Corporation Act, which authorized the formation of corporations to act on behalf of the FDOT for promotion and development of transportation facilities and systems. Related authority of the Auditor General to audit such corporations is also repealed.
- Repeals obsolete and superseded language relating to towing disabled vehicles.
- Clarifies a document revealing the identify of potential bidders on contracts of the FDOT remains a public record *before* the period in current law during which such a document is confidential and exempt from the provisions of s. 119.07(1), F.S.
- Repeals two separate references to the previously-repealed Toll Facilities Revolving Trust Fund.

Miscellaneous

The bill:

- Requires the FTC to conduct a study of the potential for the state to obtain revenue from any parking meters located within or along the right-of-way limits of a state road; requires each municipality and county that receives revenue from any such parking

meters to provide the FTC a written inventory of the location of such meters, the total revenue collected from them for the last three fiscal years, and any pledge of revenues to the payment of any debt service; requires the FTC to develop specific recommendations relating to the allocation of revenue generated by such meters installed before July 1, 2014, and thereafter; authorizes the FDOT to remove any such meters if a municipality or county fails to provide the required information; and prohibits installation of any new meters on state right-of-way from July 1, 2014, through July 1, 2015.

If approved by the Governor, these provisions take effect July 1, 2014, except where otherwise provided.

Vote: Senate 40-0; House 118-0