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1 A bill to be entitled

2 An act relating to transportation facilities; amending s.
3 206.608, F.S.; removing restrictions on use of specified
4 proceeds in the State Transportation Trust Fund; amending
5 s. 215.211, F.S.; revising use of certain proceeds of the
6 local option fuel tax; providing for distribution of such
7 funds to the Transportation Rural Initiative Program and
8 to counties; amending s. 339.08, F.S.; revising provisions
9 for use of moneys in the State Transportation Trust Fund;
10 providing for use of such funds for projects on the
11 Strategic Intermodal System, the Regional Incentive Grant
12 Program, and the Transportation Rural Initiative Program;
13 amending s. 339.135, F.S.; revising provisions for use of
14 new discretionary highway capacity funds; providing for
15 allocation of such funds to the Strategic Intermodal
16 System and the Regional Incentive Grant Program; repealing
17 s. 339.137, F.S., relating to the Transportation Outreach
18 Program; amending s. 339.1371, F.S.; removing provisions
19 to fund the Transportation Outreach Program; amending s.
20 339.175, F.S.; revising planning procedures of
21 metropolitan planning organizations; requiring
22 coordination with the statewide planning process for
23 certain purposes; requiring development of plans and
24 programs that identify transportation facilities that
25 should function as an integrated metropolitan
26 transportation system; requiring that certain metropolitan
27 planning organizations adopt a unified regional long-range
28 transportation plan that serves as the basis of
29 transportation improvement programs and identifies

30 regional priorities; requiring that transportation
 31 improvement programs be consistent with regional
 32 transportation improvement programs; requiring that the
 33 approved list of project priorities include projects on
 34 the Strategic Intermodal System and be coordinated with
 35 the development of regional transportation improvement
 36 programs; repealing s. 339.2816, F.S., relating to the
 37 Small County Road Assistance Program; amending s.
 38 339.2817, F.S.; renaming the County Incentive Grant
 39 Program as the Regional Incentive Grant Program; revising
 40 purpose of the grant program; providing for grants to
 41 regional transportation areas; providing that such grants
 42 shall fund projects from regional transportation
 43 improvement programs; providing criteria for grants;
 44 providing for the Department of Transportation to
 45 determine the boundaries of regional transportation areas
 46 by rule; providing procedures, timeframes, and criteria
 47 for submission of programs for grants; providing criteria
 48 for development of regional transportation programs;
 49 providing for interlocal agreements in development of
 50 regional transportation improvement programs; providing
 51 criteria for such agreements; providing for the allocation
 52 of certain funds to the Regional Incentive Grant Program;
 53 amending s. 339.2818, F.S.; renaming the Small County
 54 Outreach Program as the Transportation Rural Initiative
 55 Program; revising purposes of the program; defining
 56 "economically distressed rural county"; providing for
 57 funds in the State Transportation Trust Fund to be used
 58 for the program; providing that economically distressed

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59 rural counties shall be eligible to compete for funds for
 60 projects on county roads; providing for basis of matching
 61 funds; providing for review by the Rural Economic
 62 Development Initiative of projects proposed for funding;
 63 amending s. 339.55, F.S.; providing that the state-funded
 64 infrastructure bank may lend capital costs or provide
 65 credit enhancements for Regional Incentive Grant Program
 66 projects; revising criteria to be eligible for
 67 consideration by the bank; requiring that Regional
 68 Incentive Grant Program projects match a certain amount of
 69 the loan from the bank; providing an effective date.

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

72
 73 Section 1. Subsection (2) of section 206.608, Florida
 74 Statutes, is amended to read:

75 206.608 State Comprehensive Enhanced Transportation System
 76 Tax; deposit of proceeds; distribution.--Moneys received
 77 pursuant to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited
 78 in the Fuel Tax Collection Trust Fund, and, after deducting the
 79 service charge imposed in chapter 215 and administrative costs
 80 incurred by the department in collecting, administering,
 81 enforcing, and distributing the tax, which administrative costs
 82 may not exceed 2 percent of collections, shall be distributed as
 83 follows:

84 (2) The remaining proceeds of the tax levied pursuant to
 85 s. 206.41(1)(f) and all of the proceeds from the tax imposed by
 86 s. 206.87(1)(d) shall be transferred into the State
 87 Transportation Trust Fund, ~~and may be used only for projects in~~

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88 ~~the adopted work program in the district in which the tax~~
 89 ~~proceeds are collected and, to the maximum extent feasible, such~~
 90 ~~moneys shall be programmed for use in the county where~~
 91 ~~collected. However, no revenue from the taxes imposed pursuant~~
 92 ~~to ss. 206.41(1)(f) and 206.87(1)(d) in a county shall be~~
 93 ~~expended unless the projects funded with such revenues have been~~
 94 ~~included in the work program adopted pursuant to s. 339.135.~~

95 Section 2. Subsection (3) of section 215.211, Florida
 96 Statutes, is amended to read:

97 215.211 Service charge; elimination or reduction for
 98 specified proceeds.--

99 (3) Notwithstanding the provisions of s. 215.20(1), the
 100 service charge provided in s. 215.20(1), which is deducted from
 101 the proceeds of the local option fuel tax distributed under s.
 102 336.025, shall be reduced as follows:

103 (a) For the period July 1, 2005, through June 30, 2006,
 104 the rate of the service charge shall be 3.5 percent.

105 (b) Beginning July 1, 2006, and thereafter, no service
 106 charge shall be deducted from the proceeds of the local option
 107 fuel tax distributed under s. 336.025.

108
 109 Twenty percent of the increased revenues derived from this
 110 subsection shall be deposited in the State Transportation Trust
 111 Fund and used to fund the Transportation Rural Initiative
 112 Program as outlined in s. 339.2818. The remaining 80 percent of
 113 the increased revenues shall be distributed to the county of
 114 collection ~~County Incentive Grant Program and the Small County~~
 115 Outreach Program. ~~Up to 20 percent of such funds shall be used~~
 116 for the purpose of implementing the ~~Small County Outreach~~

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117 ~~Program as provided in this act. Notwithstanding any other laws~~
 118 ~~to the contrary, the requirements of ss. 339.135, 339.155, and~~
 119 ~~339.175 shall not apply to these funds and programs.~~

120 Section 3. Section 339.08, Florida Statutes, is amended to
 121 read:

122 339.08 Use of moneys in State Transportation Trust Fund.--

123 (1) The department shall expend ~~by rule provide for the~~
 124 ~~expenditure of the~~ moneys in the State Transportation Trust Fund
 125 accruing to the department, in accordance with its annual
 126 budget.

127 ~~(2) These rules must restrict~~ The use of such moneys shall
 128 be restricted to the following purposes:

129 (a) To pay administrative expenses of the department,
 130 including administrative expenses incurred by the several state
 131 transportation districts, but excluding administrative expenses
 132 of commuter rail authorities that do not operate rail service.

133 (b) To pay the cost of construction of the State Highway
 134 System.

135 (c) To pay the cost of maintaining the State Highway
 136 System.

137 (d) To pay the cost of public transportation projects in
 138 accordance with chapter 341 and ss. 332.003-332.007.

139 (e) To reimburse counties or municipalities for
 140 expenditures made on projects in the State Highway System as
 141 authorized by s. 339.12(4) upon legislative approval.

142 (f) To pay the cost of economic development transportation
 143 projects in accordance with s. 288.063.

144 (g) To lend or pay a portion of the operating,
 145 maintenance, and capital costs of a revenue-producing

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146 transportation project that is located on the State Highway
 147 System or that is demonstrated to relieve traffic congestion on
 148 the State Highway System.

149 (h) To match any federal-aid funds allocated for any other
 150 transportation purpose, including funds allocated to projects
 151 not located in the State Highway System.

152 (i) To pay the cost of ~~county road~~ projects on the
 153 Strategic Intermodal System designated pursuant to s. 339.61
 154 ~~selected in accordance with the Small County Road Assistance~~
 155 ~~Program created in s. 339.2816.~~

156 (j) To pay the cost of ~~county or municipal~~ road projects
 157 selected in accordance with the Regional County Incentive Grant
 158 Program created in s. 339.2817 and the Transportation Rural
 159 Initiative Small County Outreach Program created in s. 339.2818.

160 (k) To provide loans and credit enhancements for use in
 161 constructing and improving highway transportation facilities
 162 selected in accordance with the state-funded infrastructure bank
 163 created in s. 339.55.

164 ~~(l) To fund the Transportation Outreach Program created in~~
 165 ~~s. 339.137.~~

166 (1)~~(m)~~ To pay other lawful expenditures of the department.

167 (2)~~(3)~~ Unless specifically provided in the General
 168 Appropriations Act or the substantive bill implementing the
 169 General Appropriations Act, no moneys in the State
 170 Transportation Trust Fund may be used to fund the operational or
 171 capital outlay cost for any correctional facility of the
 172 Department of Corrections. The department shall, however, enter
 173 into contractual arrangements with the Department of Corrections
 174 for those specific maintenance functions that can be performed

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175 effectively by prison inmates under the supervision of
 176 Department of Corrections personnel with technical assistance
 177 being provided by the department. The cost of such contracts
 178 must not exceed the cost that would be incurred by the
 179 department if these functions were to be performed by its
 180 personnel or by contract with another entity unless,
 181 notwithstanding cost, the department can clearly demonstrate
 182 that for reasons of expediency or efficiency it is in the best
 183 interests of the department to contract with the Department of
 184 Corrections.

185 (3)~~(4)~~ The department may authorize the investment of the
 186 earnings accrued and collected upon the investment of the
 187 minimum balance of funds required to be maintained in the State
 188 Transportation Trust Fund pursuant to s. 339.135(6)(b). Such
 189 investment shall be limited as provided in s. 288.9607(7).

190 (4)~~(5)~~ For the 2003-2004 fiscal year only and
 191 notwithstanding the provisions of this section and s. 339.09(1),
 192 \$200 million may be transferred from the State Transportation
 193 Trust Fund to the General Revenue Fund in the 2003-2004 General
 194 Appropriations Act. Such transfer may be comprised of several
 195 smaller transfers made during the 2003-2004 fiscal year.
 196 Notwithstanding ss. 206.46(3) and 206.606(2), the total amount
 197 transferred shall be reduced from total state revenues deposited
 198 into the State Transportation Trust Fund for the calculation
 199 requirements of ss. 206.46(3) and 206.606(2). This subsection
 200 expires July 1, 2004.

201 Section 4. Paragraph (a) of subsection (4) of section
 202 339.135, Florida Statutes, is amended to read:

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203 339.135 Work program; legislative budget request;
 204 definitions; preparation, adoption, execution, and amendment.--

205 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

206 (a)1. To assure that no district or county is penalized
 207 for local efforts to improve the State Highway System, the
 208 department shall, for the purpose of developing a tentative work
 209 program, allocate funds for new construction to the districts,
 210 except for the turnpike enterprise, based on equal parts of
 211 population and motor fuel tax collections. Funds for
 212 resurfacing, bridge repair and rehabilitation, bridge fender
 213 system construction or repair, public transit projects except
 214 public transit block grants as provided in s. 341.052, and other
 215 programs with quantitative needs assessments shall be allocated
 216 based on the results of these assessments. The department may
 217 not transfer any funds allocated to a district under this
 218 paragraph to any other district except as provided in subsection
 219 (7). Funds for public transit block grants shall be allocated to
 220 the districts pursuant to s. 341.052. Funds for the intercity
 221 bus program provided for under s. 5311(f) of the federal
 222 nonurbanized area formula program shall be administered and
 223 allocated directly to eligible bus carriers as defined in s.
 224 341.031(12) at the state level rather than the district. In
 225 order to provide state funding to support the intercity bus
 226 program provided for under provisions of the federal 5311(f)
 227 program, the department shall allocate an amount equal to the
 228 federal share of the 5311(f) program from amounts calculated
 229 pursuant to s. 206.46(3).

230 2. Notwithstanding the provisions of subparagraph 1., the
 231 department shall allocate at least 50 percent of any new

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232 discretionary highway capacity funds to the Strategic Intermodal
 233 System designated pursuant to s. 339.61 Florida Intrastate
 234 Highway System established pursuant to s. 338.001. The
 235 department shall allocate 25 percent of any new discretionary
 236 highway capacity funds to the Regional Incentive Grant Program
 237 pursuant to s. 339.2817. Any remaining new discretionary highway
 238 capacity funds shall be allocated to the districts for new
 239 construction as provided in subparagraph 1. For the purposes of
 240 this subparagraph, the term "new discretionary highway capacity
 241 funds" means any funds available to the department above the
 242 prior year funding level for capacity improvements, which the
 243 department has the discretion to allocate to highway projects.

244 Section 5. Section 339.137, Florida Statutes, is repealed.

245 Section 6. Section 339.1371, Florida Statutes, is amended
 246 to read:

247 339.1371 Mobility 2000; ~~Transportation Outreach Program;~~
 248 funding.--

249 (1) Beginning in fiscal year 2000-2001 the Department of
 250 Transportation shall allocate sufficient funds to implement the
 251 Mobility 2000 (Building Roads for the 21st Century) initiative.
 252 The department shall develop a plan to expend these revenues and
 253 amend the current tentative work program for the time period
 254 2000-2001 through 2004-2005 prior to adoption to include
 255 Mobility 2000 projects. In addition, prior to work program
 256 adoption, the department shall submit a budget amendment
 257 pursuant to s. 339.135(7), requesting budget authority needed to
 258 implement the Mobility 2000 initiative. Funds will be used for
 259 corridors that link Florida's economic regions to seaports,
 260 international airports, and markets to provide connections

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261 through major gateways, improved mobility in major urbanized
 262 areas, and access routes for emergency evacuation to coastal
 263 communities based on analysis of current and projected traffic
 264 conditions.

265 (2) Notwithstanding any other provision of law, in fiscal
 266 year 2001-2002 and each year thereafter, the increase in revenue
 267 to the State Transportation Trust Fund derived from ss. 1, 2, 3,
 268 7, 9, and 10, ch. 2000-257, Laws of Florida, shall be first used
 269 by the Department of Transportation to fund the Mobility 2000
 270 initiative ~~and any remaining funds shall be used to fund the~~
 271 ~~Transportation Outreach Program created pursuant to s. 339.137.~~
 272 Notwithstanding any other law to the contrary, the requirements
 273 of ss. 206.46(3) and 206.606(2) shall not apply to the Mobility
 274 2000 initiative.

275 Section 7. Section 339.175, Florida Statutes, is amended
 276 to read:

277 339.175 Metropolitan planning organization.--It is the
 278 intent of the Legislature to encourage and promote the safe and
 279 efficient management, operation, and development of surface
 280 transportation systems that will serve the mobility needs of
 281 people and freight within and through urbanized areas of this
 282 state while minimizing transportation-related fuel consumption
 283 and air pollution. To accomplish these objectives, metropolitan
 284 planning organizations, referred to in this section as M.P.O.'s,
 285 shall develop, in cooperation with the state and public transit
 286 operators, transportation plans and programs for metropolitan
 287 areas. The plans and programs for each metropolitan area must
 288 provide for the development and integrated management and
 289 operation of transportation systems and facilities, including

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290 pedestrian walkways and bicycle transportation facilities that
291 will function as an intermodal transportation system for the
292 metropolitan area, based upon the prevailing principles provided
293 in s. 334.046(1). The process for developing such plans and
294 programs shall provide for consideration of all modes of
295 transportation and shall be continuing, cooperative, and
296 comprehensive, to the degree appropriate, based on the
297 complexity of the transportation problems to be addressed. The
298 planning process in metropolitan areas shall be closely
299 coordinated with the statewide planning process so that
300 urbanized area priorities are consistent with those of national,
301 statewide, and regional significance. To ensure that the M.P.O.
302 process is integrated with the statewide planning process,
303 M.P.O.'s shall develop plans and programs that identify
304 transportation facilities that should function as an integrated
305 metropolitan transportation system, giving emphasis to
306 facilities that serve important national, state, and regional
307 transportation functions. For the purposes of this section,
308 those facilities shall include those on the Strategic Intermodal
309 System designated pursuant to s. 339.63 and facilities for which
310 projects have been identified in a regional transportation
311 improvement program pursuant to s. 339.2817(4). M.P.O.'s in
312 areas in which urbanized area boundaries extend into adjacent
313 metropolitan planning area boundaries shall prepare and adopt a
314 unified regional long-range transportation plan that shall serve
315 as the basis of the M.P.O.'s individual transportation
316 improvement programs and that identifies regional priorities
317 that have been coordinated with the development of regional
318 transportation improvement programs pursuant to s. 339.2817(4).

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319 (1) DESIGNATION.--

320 (a)1. An M.P.O. shall be designated for each urbanized
 321 area of the state; however, this does not require that an
 322 individual M.P.O. be designated for each such area. Such
 323 designation shall be accomplished by agreement between the
 324 Governor and units of general-purpose local government
 325 representing at least 75 percent of the population of the
 326 urbanized area; however, the unit of general-purpose local
 327 government that represents the central city or cities within the
 328 M.P.O. jurisdiction, as defined by the United States Bureau of
 329 the Census, must be a party to such agreement.

330 2. More than one M.P.O. may be designated within an
 331 existing metropolitan planning area only if the Governor and the
 332 existing M.P.O. determine that the size and complexity of the
 333 existing metropolitan planning area makes the designation of
 334 more than one M.P.O. for the area appropriate.

335 (b) Each M.P.O. shall be created and operated under the
 336 provisions of this section pursuant to an interlocal agreement
 337 entered into pursuant to s. 163.01. The signatories to the
 338 interlocal agreement shall be the department and the
 339 governmental entities designated by the Governor for membership
 340 on the M.P.O. If there is a conflict between this section and s.
 341 163.01, this section prevails.

342 (c) The jurisdictional boundaries of an M.P.O. shall be
 343 determined by agreement between the Governor and the applicable
 344 M.P.O. The boundaries must include at least the metropolitan
 345 planning area, which is the existing urbanized area and the
 346 contiguous area expected to become urbanized within a 20-year
 347 forecast period, and may encompass the entire metropolitan

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348 statistical area or the consolidated metropolitan statistical
 349 area.

350 (d) In the case of an urbanized area designated as a
 351 nonattainment area for ozone or carbon monoxide under the Clean
 352 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
 353 metropolitan planning area in existence as of the date of
 354 enactment of this paragraph shall be retained, except that the
 355 boundaries may be adjusted by agreement of the Governor and
 356 affected metropolitan planning organizations in the manner
 357 described in this section. If more than one M.P.O. has authority
 358 within a metropolitan area or an area that is designated as a
 359 nonattainment area, each M.P.O. shall consult with other
 360 M.P.O.'s designated for such area and with the state in the
 361 coordination of plans and programs required by this section.

362
 363 Each M.P.O. required under this section must be fully operative
 364 no later than 6 months following its designation.

365 (2) VOTING MEMBERSHIP.--

366 (a) The voting membership of an M.P.O. shall consist of
 367 not fewer than 5 or more than 19 apportioned members, the exact
 368 number to be determined on an equitable geographic-population
 369 ratio basis by the Governor, based on an agreement among the
 370 affected units of general-purpose local government as required
 371 by federal rules and regulations. The Governor, in accordance
 372 with 23 U.S.C. s. 134, may also provide for M.P.O. members who
 373 represent municipalities to alternate with representatives from
 374 other municipalities within the metropolitan planning area that
 375 do not have members on the M.P.O. County commission members
 376 shall compose not less than one-third of the M.P.O. membership,

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377 except for an M.P.O. with more than 15 members located in a
 378 county with a five-member county commission or an M.P.O. with 19
 379 members located in a county with no more than 6 county
 380 commissioners, in which case county commission members may
 381 compose less than one-third percent of the M.P.O. membership,
 382 but all county commissioners must be members. All voting members
 383 shall be elected officials of general-purpose governments,
 384 except that an M.P.O. may include, as part of its apportioned
 385 voting members, a member of a statutorily authorized planning
 386 board, an official of an agency that operates or administers a
 387 major mode of transportation, or an official of the Florida
 388 Space Authority. The county commission shall compose not less
 389 than 20 percent of the M.P.O. membership if an official of an
 390 agency that operates or administers a major mode of
 391 transportation has been appointed to an M.P.O.

392 (b) In metropolitan areas in which authorities or other
 393 agencies have been or may be created by law to perform
 394 transportation functions and are performing transportation
 395 functions that are not under the jurisdiction of a general
 396 purpose local government represented on the M.P.O., they shall
 397 be provided voting membership on the M.P.O. In all other
 398 M.P.O.'s where transportation authorities or agencies are to be
 399 represented by elected officials from general purpose local
 400 governments, the M.P.O. shall establish a process by which the
 401 collective interests of such authorities or other agencies are
 402 expressed and conveyed.

403 (c) Any other provision of this section to the contrary
 404 notwithstanding, a chartered county with over 1 million
 405 population may elect to reapportion the membership of an M.P.O.

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406 whose jurisdiction is wholly within the county. The charter
 407 county may exercise the provisions of this paragraph if:

408 1. The M.P.O. approves the reapportionment plan by a
 409 three-fourths vote of its membership;

410 2. The M.P.O. and the charter county determine that the
 411 reapportionment plan is needed to fulfill specific goals and
 412 policies applicable to that metropolitan planning area; and

413 3. The charter county determines the reapportionment plan
 414 otherwise complies with all federal requirements pertaining to
 415 M.P.O. membership.

416
 417 Any charter county that elects to exercise the provisions of
 418 this paragraph shall notify the Governor in writing.

419 (d) Any other provision of this section to the contrary
 420 notwithstanding, any county chartered under s. 6(e), Art. VIII
 421 of the State Constitution may elect to have its county
 422 commission serve as the M.P.O., if the M.P.O. jurisdiction is
 423 wholly contained within the county. Any charter county that
 424 elects to exercise the provisions of this paragraph shall so
 425 notify the Governor in writing. Upon receipt of such
 426 notification, the Governor must designate the county commission
 427 as the M.P.O. The Governor must appoint four additional voting
 428 members to the M.P.O., one of whom must be an elected official
 429 representing a municipality within the county, one of whom must
 430 be an expressway authority member, one of whom must be a person
 431 who does not hold elected public office and who resides in the
 432 unincorporated portion of the county, and one of whom must be a
 433 school board member.

434 (3) APPORTIONMENT.--

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435 (a) The Governor shall, with the agreement of the affected
 436 units of general-purpose local government as required by federal
 437 rules and regulations, apportion the membership on the
 438 applicable M.P.O. among the various governmental entities within
 439 the area and shall prescribe a method for appointing alternate
 440 members who may vote at any M.P.O. meeting that an alternate
 441 member attends in place of a regular member. An appointed
 442 alternate member must be an elected official serving the same
 443 governmental entity or a general-purpose local government with
 444 jurisdiction within all or part of the area that the regular
 445 member serves. The governmental entity so designated shall
 446 appoint the appropriate number of members to the M.P.O. from
 447 eligible officials. Representatives of the department shall
 448 serve as nonvoting members of the M.P.O. Nonvoting advisers may
 449 be appointed by the M.P.O. as deemed necessary. The Governor
 450 shall review the composition of the M.P.O. membership in
 451 conjunction with the decennial census as prepared by the United
 452 States Department of Commerce, Bureau of the Census, and
 453 reapportion it as necessary to comply with subsection (2).

454 (b) Except for members who represent municipalities on the
 455 basis of alternating with representatives from other
 456 municipalities that do not have members on the M.P.O. as
 457 provided in paragraph (2)(a), the members of an M.P.O. shall
 458 serve 4-year terms. Members who represent municipalities on the
 459 basis of alternating with representatives from other
 460 municipalities that do not have members on the M.P.O. as
 461 provided in paragraph (2)(a) may serve terms of up to 4 years as
 462 further provided in the interlocal agreement described in
 463 paragraph (1)(b). The membership of a member who is a public

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464 official automatically terminates upon the member's leaving his
 465 or her elective or appointive office for any reason, or may be
 466 terminated by a majority vote of the total membership of a
 467 county or city governing entity represented by the member. A
 468 vacancy shall be filled by the original appointing entity. A
 469 member may be reappointed for one or more additional 4-year
 470 terms.

471 (c) If a governmental entity fails to fill an assigned
 472 appointment to an M.P.O. within 60 days after notification by
 473 the Governor of its duty to appoint, that appointment shall be
 474 made by the Governor from the eligible representatives of that
 475 governmental entity.

476 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
 477 responsibility of an M.P.O. is to manage a continuing,
 478 cooperative, and comprehensive transportation planning process
 479 that, based upon the prevailing principles provided in s.
 480 334.046(1), results in the development of plans and programs
 481 which are consistent, to the maximum extent feasible, with the
 482 approved local government comprehensive plans of the units of
 483 local government the boundaries of which are within the
 484 metropolitan area of the M.P.O. An M.P.O. shall be the forum for
 485 cooperative decisionmaking by officials of the affected
 486 governmental entities in the development of the plans and
 487 programs required by subsections (5), (6), (7), and (8).

488 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
 489 privileges, and authority of an M.P.O. are those specified in
 490 this section or incorporated in an interlocal agreement
 491 authorized under s. 163.01. Each M.P.O. shall perform all acts
 492 required by federal or state laws or rules, now and subsequently

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493 applicable, which are necessary to qualify for federal aid. It
 494 is the intent of this section that each M.P.O. shall be involved
 495 in the planning and programming of transportation facilities,
 496 including, but not limited to, airports, intercity and high-
 497 speed rail lines, seaports, and intermodal facilities, to the
 498 extent permitted by state or federal law.

499 (a) Each M.P.O. shall, in cooperation with the department,
 500 develop:

501 1. A long-range transportation plan pursuant to the
 502 requirements of subsection (6);

503 2. An annually updated transportation improvement program
 504 pursuant to the requirements of subsection (7); and

505 3. An annual unified planning work program pursuant to the
 506 requirements of subsection (8).

507 (b) In developing the long-range transportation plan and
 508 the transportation improvement program required under paragraph
 509 (a), each M.P.O. shall provide for consideration of projects and
 510 strategies that will:

511 1. Support the economic vitality of the metropolitan area,
 512 especially by enabling global competitiveness, productivity, and
 513 efficiency;

514 2. Increase the safety and security of the transportation
 515 system for motorized and nonmotorized users;

516 3. Increase the accessibility and mobility options
 517 available to people and for freight;

518 4. Protect and enhance the environment, promote energy
 519 conservation, and improve quality of life;

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520 5. Enhance the integration and connectivity of the
521 transportation system, across and between modes, for people and
522 freight;

523 6. Promote efficient system management and operation; and

524 7. Emphasize the preservation of the existing
525 transportation system.

526 (c) In order to provide recommendations to the department
527 and local governmental entities regarding transportation plans
528 and programs, each M.P.O. shall:

529 1. Prepare a congestion management system for the
530 metropolitan area and cooperate with the department in the
531 development of all other transportation management systems
532 required by state or federal law;

533 2. Assist the department in mapping transportation
534 planning boundaries required by state or federal law;

535 3. Assist the department in performing its duties relating
536 to access management, functional classification of roads, and
537 data collection;

538 4. Execute all agreements or certifications necessary to
539 comply with applicable state or federal law;

540 5. Represent all the jurisdictional areas within the
541 metropolitan area in the formulation of transportation plans and
542 programs required by this section; and

543 6. Perform all other duties required by state or federal
544 law.

545 (d) Each M.P.O. shall appoint a technical advisory
546 committee that includes planners; engineers; representatives of
547 local aviation authorities, port authorities, and public transit
548 authorities or representatives of aviation departments, seaport

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549 departments, and public transit departments of municipal or
 550 county governments, as applicable; the school superintendent of
 551 each county within the jurisdiction of the M.P.O. or the
 552 superintendent's designee; and other appropriate representatives
 553 of affected local governments. In addition to any other duties
 554 assigned to it by the M.P.O. or by state or federal law, the
 555 technical advisory committee is responsible for considering safe
 556 access to schools in its review of transportation project
 557 priorities, long-range transportation plans, and transportation
 558 improvement programs, and shall advise the M.P.O. on such
 559 matters. In addition, the technical advisory committee shall
 560 coordinate its actions with local school boards and other local
 561 programs and organizations within the metropolitan area which
 562 participate in school safety activities, such as locally
 563 established community traffic safety teams. Local school boards
 564 must provide the appropriate M.P.O. with information concerning
 565 future school sites and in the coordination of transportation
 566 service.

567 (e)1. Each M.P.O. shall appoint a citizens' advisory
 568 committee, the members of which serve at the pleasure of the
 569 M.P.O. The membership on the citizens' advisory committee must
 570 reflect a broad cross section of local residents with an
 571 interest in the development of an efficient, safe, and cost-
 572 effective transportation system. Minorities, the elderly, and
 573 the handicapped must be adequately represented.

574 2. Notwithstanding the provisions of subparagraph 1., an
 575 M.P.O. may, with the approval of the department and the
 576 applicable federal governmental agency, adopt an alternative

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577 program or mechanism to ensure citizen involvement in the
 578 transportation planning process.

579 (f) The department shall allocate to each M.P.O., for the
 580 purpose of accomplishing its transportation planning and
 581 programming duties, an appropriate amount of federal
 582 transportation planning funds.

583 (g) Each M.P.O. may employ personnel or may enter into
 584 contracts with local or state agencies, private planning firms,
 585 or private engineering firms to accomplish its transportation
 586 planning and programming duties required by state or federal
 587 law.

588 (h) A chair's coordinating committee is created, composed
 589 of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco,
 590 Pinellas, Polk, and Sarasota Counties. The committee must, at a
 591 minimum:

592 1. Coordinate transportation projects deemed to be
 593 regionally significant by the committee.

594 2. Review the impact of regionally significant land use
 595 decisions on the region.

596 3. Review all proposed regionally significant
 597 transportation projects in the respective transportation
 598 improvement programs which affect more than one of the M.P.O.'s
 599 represented on the committee.

600 4. Institute a conflict resolution process to address any
 601 conflict that may arise in the planning and programming of such
 602 regionally significant projects.

603 (i)1. The Legislature finds that the state's rapid growth
 604 in recent decades has caused many urbanized areas subject to
 605 M.P.O. jurisdiction to become contiguous to each other. As a

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606 result, various transportation projects may cross from the
 607 jurisdiction of one M.P.O. into the jurisdiction of another
 608 M.P.O. To more fully accomplish the purposes for which M.P.O.'s
 609 have been mandated, M.P.O.'s shall develop coordination
 610 mechanisms with one another to expand and improve transportation
 611 within the state. The appropriate method of coordination between
 612 M.P.O.'s shall vary depending upon the project involved and
 613 given local and regional needs. Consequently, it is appropriate
 614 to set forth a flexible methodology that can be used by M.P.O.'s
 615 to coordinate with other M.P.O.'s and appropriate political
 616 subdivisions as circumstances demand.

617 2. Any M.P.O. may join with any other M.P.O. or any
 618 individual political subdivision to coordinate activities or to
 619 achieve any federal or state transportation planning or
 620 development goals or purposes consistent with federal or state
 621 law. When an M.P.O. determines that it is appropriate to join
 622 with another M.P.O. or any political subdivision to coordinate
 623 activities, the M.P.O. or political subdivision shall enter into
 624 an interlocal agreement pursuant to s. 163.01, which, at a
 625 minimum, creates a separate legal or administrative entity to
 626 coordinate the transportation planning or development activities
 627 required to achieve the goal or purpose; provide the purpose for
 628 which the entity is created; provide the duration of the
 629 agreement and the entity, and specify how the agreement may be
 630 terminated, modified, or rescinded; describe the precise
 631 organization of the entity, including who has voting rights on
 632 the governing board, whether alternative voting members are
 633 provided for, how voting members are appointed, and what the
 634 relative voting strength is for each constituent M.P.O. or

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635 political subdivision; provide the manner in which the parties
 636 to the agreement will provide for the financial support of the
 637 entity and payment of costs and expenses of the entity; provide
 638 the manner in which funds may be paid to and disbursed from the
 639 entity; and provide how members of the entity will resolve
 640 disagreements regarding interpretation of the interlocal
 641 agreement or disputes relating to the operation of the entity.
 642 Such interlocal agreement shall become effective upon its
 643 recordation in the official public records of each county in
 644 which a member of the entity created by the interlocal agreement
 645 has a voting member. This paragraph does not require any
 646 M.P.O.'s to merge, combine, or otherwise join together as a
 647 single M.P.O.

648 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
 649 develop a long-range transportation plan that addresses at least
 650 a 20-year planning horizon. The plan must include both long-
 651 range and short-range strategies and must comply with all other
 652 state and federal requirements. The prevailing principles to be
 653 considered in the long-range transportation plan are: preserving
 654 the existing transportation infrastructure; enhancing Florida's
 655 economic competitiveness; and improving travel choices to ensure
 656 mobility. The long-range transportation plan must be consistent,
 657 to the maximum extent feasible, with future land use elements
 658 and the goals, objectives, and policies of the approved local
 659 government comprehensive plans of the units of local government
 660 located within the jurisdiction of the M.P.O. The approved long-
 661 range transportation plan must be considered by local
 662 governments in the development of the transportation elements in

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663 local government comprehensive plans and any amendments thereto.

664 The long-range transportation plan must, at a minimum:

665 (a) Identify transportation facilities, including, but not
 666 limited to, major roadways, airports, seaports, spaceports,
 667 commuter rail systems, transit systems, and intermodal or
 668 multimodal terminals that will function as an integrated
 669 metropolitan transportation system. The long-range
 670 transportation plan must give emphasis to those transportation
 671 facilities that serve national, statewide, or regional
 672 functions, and must consider the goals and objectives identified
 673 in the Florida Transportation Plan as provided in s. 339.155. If
 674 a project is located within the boundaries of more than one
 675 M.P.O., the M.P.O.'s must coordinate plans regarding the project
 676 in the long-range transportation plan.

677 (b) Include a financial plan that demonstrates how the
 678 plan can be implemented, indicating resources from public and
 679 private sources which are reasonably expected to be available to
 680 carry out the plan, and recommends any additional financing
 681 strategies for needed projects and programs. The financial plan
 682 may include, for illustrative purposes, additional projects that
 683 would be included in the adopted long-range transportation plan
 684 if reasonable additional resources beyond those identified in
 685 the financial plan were available. For the purpose of developing
 686 the long-range transportation plan, the M.P.O. and the
 687 department shall cooperatively develop estimates of funds that
 688 will be available to support the plan implementation. Innovative
 689 financing techniques may be used to fund needed projects and
 690 programs. Such techniques may include the assessment of tolls,
 691 the use of value capture financing, or the use of value pricing.

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692 (c) Assess capital investment and other measures necessary
 693 to:

694 1. Ensure the preservation of the existing metropolitan
 695 transportation system including requirements for the operation,
 696 resurfacing, restoration, and rehabilitation of major roadways
 697 and requirements for the operation, maintenance, modernization,
 698 and rehabilitation of public transportation facilities; and

699 2. Make the most efficient use of existing transportation
 700 facilities to relieve vehicular congestion and maximize the
 701 mobility of people and goods.

702 (d) Indicate, as appropriate, proposed transportation
 703 enhancement activities, including, but not limited to,
 704 pedestrian and bicycle facilities, scenic easements,
 705 landscaping, historic preservation, mitigation of water
 706 pollution due to highway runoff, and control of outdoor
 707 advertising.

708 (e) In addition to the requirements of paragraphs (a)-(d),
 709 in metropolitan areas that are classified as nonattainment areas
 710 for ozone or carbon monoxide, the M.P.O. must coordinate the
 711 development of the long-range transportation plan with the State
 712 Implementation Plan developed pursuant to the requirements of
 713 the federal Clean Air Act.

714
 715 In the development of its long-range transportation plan, each
 716 M.P.O. must provide the public, affected public agencies,
 717 representatives of transportation agency employees, freight
 718 shippers, providers of freight transportation services, private
 719 providers of transportation, representatives of users of public
 720 transit, and other interested parties with a reasonable

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721 opportunity to comment on the long-range transportation plan.
 722 The long-range transportation plan must be approved by the
 723 M.P.O.

724 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
 725 shall, in cooperation with the state and affected public
 726 transportation operators, develop a transportation improvement
 727 program for the area within the jurisdiction of the M.P.O. In
 728 the development of the transportation improvement program, each
 729 M.P.O. must provide the public, affected public agencies,
 730 representatives of transportation agency employees, freight
 731 shippers, providers of freight transportation services, private
 732 providers of transportation, representatives of users of public
 733 transit, and other interested parties with a reasonable
 734 opportunity to comment on the proposed transportation
 735 improvement program.

736 (a) Each M.P.O. is responsible for developing, annually, a
 737 list of project priorities and a transportation improvement
 738 program. The prevailing principles to be considered by each
 739 M.P.O. when developing a list of project priorities and a
 740 transportation improvement program are: preserving the existing
 741 transportation infrastructure; enhancing Florida's economic
 742 competitiveness; and improving travel choices to ensure
 743 mobility. The transportation improvement program will be used to
 744 initiate federally aided transportation facilities and
 745 improvements as well as other transportation facilities and
 746 improvements including transit, rail, aviation, spaceport, and
 747 port facilities to be funded from the State Transportation Trust
 748 Fund within its metropolitan area in accordance with existing
 749 and subsequent federal and state laws and rules and regulations

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750 related thereto. The transportation improvement program shall be
 751 consistent, to the maximum extent feasible, with the approved
 752 local government comprehensive plans of the units of local
 753 government whose boundaries are within the metropolitan area of
 754 the M.P.O. and regional transportation improvement programs
 755 developed pursuant to s. 339.2817(4).

756 (b) Each M.P.O. annually shall prepare a list of project
 757 priorities and shall submit the list to the appropriate district
 758 of the department by October 1 of each year; however, the
 759 department and a metropolitan planning organization may, in
 760 writing, agree to vary this submittal date. The list of project
 761 priorities must be formally reviewed by the technical and
 762 citizens' advisory committees, and approved by the M.P.O.,
 763 before it is transmitted to the district. The approved list of
 764 project priorities must be used by the district in developing
 765 the district work program, must include projects on the
 766 Strategic Intermodal System designated pursuant to s. 339.63,
 767 must be coordinated with the development of regional
 768 transportation improvement programs developed pursuant to s.
 769 339.2817(4), and must be used by the M.P.O. in developing its
 770 transportation improvement program. The annual list of project
 771 priorities must be based upon project selection criteria that,
 772 at a minimum, consider the following:

- 773 1. The approved M.P.O. long-range transportation plan.†
- 774 2. The Strategic Intermodal System Plan developed pursuant
 775 to s. 339.64.
- 776 3. The regional transportation improvement programs
 777 developed pursuant to s. 339.2817(4).

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778 ~~4.2.~~ The results of the transportation management
 779 systems ~~;~~ ~~and~~

780 ~~5.3.~~ The M.P.O.'s public-involvement procedures.

781 (c) The transportation improvement program must, at a
 782 minimum:

783 1. Include projects and project phases to be funded with
 784 state or federal funds within the time period of the
 785 transportation improvement program and which are recommended for
 786 advancement during the next fiscal year and 4 subsequent fiscal
 787 years. Such projects and project phases must be consistent, to
 788 the maximum extent feasible, with the approved local government
 789 comprehensive plans of the units of local government located
 790 within the jurisdiction of the M.P.O. For informational
 791 purposes, the transportation improvement program shall also
 792 include a list of projects to be funded from local or private
 793 revenues.

794 2. Include projects within the metropolitan area which are
 795 proposed for funding under 23 U.S.C. s. 134 of the Federal
 796 Transit Act and which are consistent with the long-range
 797 transportation plan developed under subsection (6).

798 3. Provide a financial plan that demonstrates how the
 799 transportation improvement program can be implemented; indicates
 800 the resources, both public and private, that are reasonably
 801 expected to be available to accomplish the program; identifies
 802 any innovative financing techniques that may be used to fund
 803 needed projects and programs; and may include, for illustrative
 804 purposes, additional projects that would be included in the
 805 approved transportation improvement program if reasonable
 806 additional resources beyond those identified in the financial

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807 plan were available. Innovative financing techniques may include
 808 the assessment of tolls, the use of value capture financing, or
 809 the use of value pricing. The transportation improvement program
 810 may include a project or project phase only if full funding can
 811 reasonably be anticipated to be available for the project or
 812 project phase within the time period contemplated for completion
 813 of the project or project phase.

814 4. Group projects and project phases of similar urgency
 815 and anticipated staging into appropriate staging periods.

816 5. Indicate how the transportation improvement program
 817 relates to the long-range transportation plan developed under
 818 subsection (6), including providing examples of specific
 819 projects or project phases that further the goals and policies
 820 of the long-range transportation plan.

821 6. Indicate whether any project or project phase is
 822 inconsistent with an approved comprehensive plan of a unit of
 823 local government located within the jurisdiction of the M.P.O.
 824 If a project is inconsistent with an affected comprehensive
 825 plan, the M.P.O. must provide justification for including the
 826 project in the transportation improvement program.

827 7. Indicate how the improvements are consistent, to the
 828 maximum extent feasible, with affected seaport, airport, and
 829 spaceport master plans and with public transit development plans
 830 of the units of local government located within the jurisdiction
 831 of the M.P.O. If a project is located within the boundaries of
 832 more than one M.P.O., the M.P.O.'s must coordinate plans
 833 regarding the project in the transportation improvement program.

834 (d) Projects included in the transportation improvement
 835 program and that have advanced to the design stage of

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836 preliminary engineering may be removed from or rescheduled in a
 837 subsequent transportation improvement program only by the joint
 838 action of the M.P.O. and the department. Except when recommended
 839 in writing by the district secretary for good cause, any project
 840 removed from or rescheduled in a subsequent transportation
 841 improvement program shall not be rescheduled by the M.P.O. in
 842 that subsequent program earlier than the 5th year of such
 843 program.

844 (e) During the development of the transportation
 845 improvement program, the M.P.O. shall, in cooperation with the
 846 department and any affected public transit operation, provide
 847 citizens, affected public agencies, representatives of
 848 transportation agency employees, freight shippers, providers of
 849 freight transportation services, private providers of
 850 transportation, representatives of users of public transit, and
 851 other interested parties with reasonable notice of and an
 852 opportunity to comment on the proposed program.

853 (f) The adopted annual transportation improvement program
 854 for M.P.O.'s in nonattainment or maintenance areas must be
 855 submitted to the district secretary and the Department of
 856 Community Affairs at least 90 days before the submission of the
 857 state transportation improvement program by the department to
 858 the appropriate federal agencies. The annual transportation
 859 improvement program for M.P.O.'s in attainment areas must be
 860 submitted to the district secretary and the Department of
 861 Community Affairs at least 45 days before the department submits
 862 the state transportation improvement program to the appropriate
 863 federal agencies; however, the department, the Department of
 864 Community Affairs, and a metropolitan planning organization may,

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865 in writing, agree to vary this submittal date. The Governor or
 866 the Governor's designee shall review and approve each
 867 transportation improvement program and any amendments thereto.

868 (g) The Department of Community Affairs shall review the
 869 annual transportation improvement program of each M.P.O. for
 870 consistency with the approved local government comprehensive
 871 plans of the units of local government whose boundaries are
 872 within the metropolitan area of each M.P.O. and shall identify
 873 those projects that are inconsistent with such comprehensive
 874 plans. The Department of Community Affairs shall notify an
 875 M.P.O. of any transportation projects contained in its
 876 transportation improvement program which are inconsistent with
 877 the approved local government comprehensive plans of the units
 878 of local government whose boundaries are within the metropolitan
 879 area of the M.P.O.

880 (h) The M.P.O. shall annually publish or otherwise make
 881 available for public review the annual listing of projects for
 882 which federal funds have been obligated in the preceding year.
 883 Project monitoring systems must be maintained by those agencies
 884 responsible for obligating federal funds and made accessible to
 885 the M.P.O.'s.

886 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
 887 develop, in cooperation with the department and public
 888 transportation providers, a unified planning work program that
 889 lists all planning tasks to be undertaken during the program
 890 year. The unified planning work program must provide a complete
 891 description of each planning task and an estimated budget
 892 therefor and must comply with applicable state and federal law.

893 (9) AGREEMENTS.--

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894 (a) Each M.P.O. shall execute the following written
 895 agreements, which shall be reviewed, and updated as necessary,
 896 every 5 years:

897 1. An agreement with the department clearly establishing
 898 the cooperative relationship essential to accomplish the
 899 transportation planning requirements of state and federal law.

900 2. An agreement with the metropolitan and regional
 901 intergovernmental coordination and review agencies serving the
 902 metropolitan areas, specifying the means by which activities
 903 will be coordinated and how transportation planning and
 904 programming will be part of the comprehensive planned
 905 development of the area.

906 3. An agreement with operators of public transportation
 907 systems, including transit systems, commuter rail systems,
 908 airports, seaports, and spaceports, describing the means by
 909 which activities will be coordinated and specifying how public
 910 transit, commuter rail, aviation, seaport, and aerospace
 911 planning and programming will be part of the comprehensive
 912 planned development of the metropolitan area.

913 (b) An M.P.O. may execute other agreements required by
 914 state or federal law or as necessary to properly accomplish its
 915 functions.

916 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
 917 COUNCIL.--

918 (a) A Metropolitan Planning Organization Advisory Council
 919 is created to augment, and not supplant, the role of the
 920 individual M.P.O.'s in the cooperative transportation planning
 921 process described in this section.

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922 (b) The council shall consist of one representative from
 923 each M.P.O. and shall elect a chairperson annually from its
 924 number. Each M.P.O. shall also elect an alternate representative
 925 from each M.P.O. to vote in the absence of the representative.
 926 Members of the council do not receive any compensation for their
 927 services, but may be reimbursed from funds made available to
 928 council members for travel and per diem expenses incurred in the
 929 performance of their council duties as provided in s. 112.061.

930 (c) The powers and duties of the Metropolitan Planning
 931 Organization Advisory Council are to:

- 932 1. Enter into contracts with individuals, private
 933 corporations, and public agencies.
- 934 2. Acquire, own, operate, maintain, sell, or lease
 935 personal property essential for the conduct of business.
- 936 3. Accept funds, grants, assistance, gifts, or bequests
 937 from private, local, state, or federal sources.
- 938 4. Establish bylaws and adopt rules pursuant to ss.
 939 120.536(1) and 120.54 to implement provisions of law conferring
 940 powers or duties upon it.
- 941 5. Assist M.P.O.'s in carrying out the urbanized area
 942 transportation planning process by serving as the principal
 943 forum for collective policy discussion pursuant to law.
- 944 6. Serve as a clearinghouse for review and comment by
 945 M.P.O.'s on the Florida Transportation Plan and on other issues
 946 required to comply with federal or state law in carrying out the
 947 urbanized area transportation and systematic planning processes
 948 instituted pursuant to s. 339.155.
- 949 7. Employ an executive director and such other staff as
 950 necessary to perform adequately the functions of the council,

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951 within budgetary limitations. The executive director and staff
 952 are exempt from part II of chapter 110 and serve at the
 953 direction and control of the council. The council is assigned to
 954 the Office of the Secretary of the Department of Transportation
 955 for fiscal and accountability purposes, but it shall otherwise
 956 function independently of the control and direction of the
 957 department.

958 8. Adopt an agency strategic plan that provides the
 959 priority directions the agency will take to carry out its
 960 mission within the context of the state comprehensive plan and
 961 any other statutory mandates and directions given to the agency.

962 (11) APPLICATION OF FEDERAL LAW.--Upon notification by an
 963 agency of the Federal Government that any provision of this
 964 section conflicts with federal laws or regulations, such federal
 965 laws or regulations will take precedence to the extent of the
 966 conflict until such conflict is resolved. The department or an
 967 M.P.O. may take any necessary action to comply with such federal
 968 laws and regulations or to continue to remain eligible to
 969 receive federal funds.

970 Section 8. Section 339.2816, Florida Statutes, is
 971 repealed.

972 Section 9. Section 339.2817, Florida Statutes, is amended
 973 to read:

974 339.2817 Regional County Incentive Grant Program.--

975 (1) There is created within the Department of
 976 Transportation a Regional County Incentive Grant Program for the
 977 purpose of providing grants to ~~counties, to~~ improve a regionally
 978 significant transportation facility ~~which is located on the~~

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979 ~~State Highway System or which relieves traffic congestion on the~~
 980 ~~State Highway System.~~

981 ~~(2) To be eligible for consideration, projects must be~~
 982 ~~consistent, to the maximum extent feasible, with local~~
 983 ~~metropolitan planning organization plans and local government~~
 984 ~~comprehensive plans.~~

985 ~~(3) The department must consider, but is not limited to,~~
 986 ~~the following criteria for evaluation of projects for County~~
 987 ~~Incentive Grant Program assistance:~~

988 ~~(a) The extent to which the project will encourage,~~
 989 ~~enhance, or create economic benefits;~~

990 ~~(b) The likelihood that assistance would enable the~~
 991 ~~project to proceed at an earlier date than the project could~~
 992 ~~otherwise proceed;~~

993 ~~(c) The extent to which assistance would foster innovative~~
 994 ~~public-private partnerships and attract private debt or equity~~
 995 ~~investment;~~

996 ~~(d) The extent to which the project uses new technologies,~~
 997 ~~including intelligent transportation systems, which enhance the~~
 998 ~~efficiency of the project;~~

999 ~~(e) The extent to which the project helps to maintain or~~
 1000 ~~protect the environment; and~~

1001 ~~(f) The extent to which the project includes~~
 1002 ~~transportation benefits for improving intermodalism and safety.~~

1003 ~~(2)(4)~~ The percentage of matching funds provided from the
 1004 Regional County Incentive Grant Program shall to the eligible
 1005 county will be based on the following:

1006 ~~(a) For projects on the Florida Intrastate Highway System~~
 1007 ~~the department shall provide 60 percent of project costs.~~

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1008 (a)~~(b)~~ For projects on the State Highway System, the
 1009 department shall provide 75 ~~50~~ percent of project costs.

1010 (b)~~(e)~~ For regionally significant ~~local~~ projects
 1011 identified in a regional transportation improvement program
 1012 which are not demonstrated to relieve traffic congestion on the
 1013 State Highway System, the department shall provide 40 ~~35~~ percent
 1014 of project costs.

1015 (3) The department shall allocate funding available for
 1016 the Regional Incentive Grant Program to each eligible regional
 1017 transportation area based on a factor derived from equal parts
 1018 of population and motor fuel collections.

1019 (4)(a) Projects to be funded with Regional Incentive Grant
 1020 Program funds shall be selected from a regional transportation
 1021 improvement program developed in accordance with paragraph (e)
 1022 which shall:

1023 1. Identify regionally significant transportation
 1024 facilities located within a regional transportation area.

1025 2. Contain a prioritized list of regionally significant
 1026 projects.

1027 (b) For purposes of the Regional Incentive Grant Program,
 1028 the boundaries of the regional transportation area shall be
 1029 determined by the department by rule using criteria based upon
 1030 factors such as commuting, goods movement, and land development
 1031 patterns.

1032 (c) The initial regional transportation improvement
 1033 program shall be submitted to the appropriate department
 1034 district beginning October 1, 2004. To enable the phased
 1035 implementation of the Regional Incentive Grant Program, the
 1036 department may extend the timeframe for the development and

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1037 submittal of the initial regional transportation improvement
 1038 program. Beginning in the year 2005, and annually thereafter,
 1039 the regional transportation improvement program shall be
 1040 submitted by September 1. The program shall be used to assist in
 1041 developing the district work program and include projects
 1042 acceptable to the department that shall, at a minimum, meet the
 1043 following criteria:

1044 1. Enhance the state's economic competitiveness and
 1045 improve travel choices to ensure mobility within the region.

1046 2. Support those transportation facilities that serve
 1047 national, statewide, or regional functions and function as an
 1048 integrated regional transportation system.

1049 3. Be consistent with the goals and objectives identified
 1050 in the Florida Transportation Plan developed pursuant to s.
 1051 339.155.

1052 4. Be consistent with the Strategic Plan for Economic
 1053 Development developed pursuant to s. 288.905.

1054 5. Be consistent with the plans and programs of the
 1055 metropolitan planning organizations in the regional
 1056 transportation area.

1057 6. Be consistent with the approved local government
 1058 comprehensive plans of the units of local government located
 1059 within the regional transportation area. Further, the project
 1060 shall be in compliance with local government comprehensive plan
 1061 policies relative to corridor management.

1062 7. Be consistent with strategic regional policy plans
 1063 developed pursuant to s. 186.507.

1064 8. Provide for intraregional mobility.

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1065 9. Be consistent with the Strategic Intermodal System Plan
 1066 developed pursuant to s. 339.64.

1067 10. Be financially feasible and able to be made
 1068 production-ready within a reasonable timeframe.

1069 11. Have a commitment for local or regional financial
 1070 matching funds as a percentage of the overall project cost.

1071 (d) In developing the regional transportation program,
 1072 priority shall be given to projects that:

1073 1. Provide connectivity to the Strategic Intermodal System
 1074 designated pursuant to s. 339.64.

1075 2. Support economic development and the movement of goods
 1076 in areas of critical economic concern designated pursuant to s.
 1077 288.0656(7).

1078 3. Are subject to an ordinance that establishes corridor
 1079 management techniques, including access management strategies,
 1080 right-of-way acquisition and protection measures, appropriate
 1081 land use strategies, zoning, and setback requirements for
 1082 adjacent land uses.

1083 (e) In developing the regional transportation improvement
 1084 program, metropolitan planning organizations in regional
 1085 transportation areas comprised in whole or in part by M.P.O.'s,
 1086 or counties in regional transportation areas that are not
 1087 represented by an M.P.O., shall enter into an interlocal
 1088 agreement pursuant to s. 163.01. The agreement shall, at a
 1089 minimum, identify the entity that will coordinate the
 1090 development of the regional transportation improvement program,
 1091 provide the duration of the agreement, and specify how the
 1092 agreement may be terminated, modified, or rescinded; describe
 1093 the process by which the regional transportation improvement

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1094 program will be developed; and provide how members of the entity
 1095 will resolve disagreements regarding interpretation of the
 1096 interlocal agreement or disputes relating to the development or
 1097 content of the regional transportation improvement program. Such
 1098 interlocal agreement shall become effective upon its recordation
 1099 in the official public records of each county in the regional
 1100 transportation area.

1101 (5) Beginning in fiscal year 2004-2005, the department
 1102 shall allocate 25 percent of any new discretionary highway
 1103 capacity funds as defined by s. 339.135(4)(a)2. to the Regional
 1104 Incentive Grant Program. Additionally, for fiscal year 2005-2006
 1105 and each year thereafter, \$20 million from the State
 1106 Transportation Trust Fund shall be used for the purposes of
 1107 funding the Regional Incentive Grant Program as described in
 1108 this section.

1109 ~~(5) The department is authorized to adopt rules to~~
 1110 ~~administer the County Incentive Grant Program.~~

1111 ~~(6) A municipality may apply to the county in which the~~
 1112 ~~municipality is located for consideration by the county for~~
 1113 ~~funding under this section of any project or project phase of a~~
 1114 ~~transportation facility which is located on the State Highway~~
 1115 ~~System or which is demonstrated to relieve congestion on the~~
 1116 ~~State Highway System. The county must evaluate all municipal~~
 1117 ~~applications as provided in subsection (3). If a municipality's~~
 1118 ~~proposed project is rejected by the county for funding under~~
 1119 ~~this section, or if the county's proposed project adversely~~
 1120 ~~affects a municipality within the county, the municipality may~~
 1121 ~~request mediation to resolve any concerns of the municipality~~
 1122 ~~and the county.~~

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1123 Section 10. Section 339.2818, Florida Statutes, is amended
 1124 to read:

1125 339.2818 Transportation Rural Initiative ~~Small County~~
 1126 ~~Outreach~~ Program.--

1127 (1) There is created within the Department of
 1128 Transportation the Transportation Rural Initiative ~~Small County~~
 1129 ~~Outreach~~ Program. The purpose of this program is to assist
 1130 economically distressed rural ~~small~~ county governments in
 1131 resurfacing or reconstructing county roads or in constructing
 1132 capacity or safety improvements to county roads.

1133 (2) For the purposes of this section, the term
 1134 "economically distressed rural ~~small~~ county" means any county
 1135 that is within a designated rural area of critical economic
 1136 concern pursuant to s. 288.0656(7) ~~has a population of 150,000~~
 1137 ~~or less as determined by the most recent official estimate~~
 1138 ~~pursuant to s. 186.901.~~

1139 (3) For fiscal year 2004-2005, \$25 million from the State
 1140 Transportation Trust Fund shall be used for the purposes of
 1141 funding the Transportation Rural Initiative Program as described
 1142 in this section. For fiscal year 2005-2006 and each year
 1143 thereafter, \$35 million from the State Transportation Trust Fund
 1144 shall be used for the purposes of funding the Transportation
 1145 Rural Initiative Program as described in this section. Funds
 1146 ~~allocated under this program, pursuant to s. 4, ch. 2000-257,~~
 1147 ~~Laws of Florida, are in addition to any funds provided pursuant~~
 1148 ~~to s. 339.2816, for the Small County Road Assistance Program.~~

1149 (4)(a) Economically distressed rural ~~Small~~ counties shall
 1150 be eligible to compete for funds that have been designated for
 1151 the Transportation Rural Initiative ~~Small County Outreach~~

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1152 Program for projects on county roads. ~~The department shall fund~~
 1153 ~~75 percent of the cost of projects on county roads funded under~~
 1154 ~~the program.~~

1155 (b) In determining a county's eligibility for assistance
 1156 under this program, the department may consider whether the
 1157 county has attempted to keep county roads in satisfactory
 1158 condition.

1159 (c) The following criteria shall be used to prioritize
 1160 road projects for funding under the program:

1161 1. The primary criterion is the physical condition of the
 1162 road as measured by the department.

1163 2. As secondary criteria the department may consider:

1164 a. Whether a road is used as an evacuation route.

1165 b. Whether a road has high levels of agricultural travel.

1166 c. Whether a road is considered a major arterial route.

1167 d. Whether a road is considered a feeder road.

1168 e. Other criteria related to the impact of a project on
 1169 the public road system or on the state or local economy as
 1170 determined by the department.

1171 (d) The percentage of matching funds required for projects
 1172 funded through the Transportation Rural Initiative Program shall
 1173 be based upon revenue-generating capability of the county such
 1174 as ad valorem property valuation.

1175 (e) To ensure that all projects proposed for funding under
 1176 this section are coordinated with state, regional, and local
 1177 plans within areas of critical economic concern designated
 1178 pursuant to s. 288.0656(7), the member agencies and
 1179 organizations of the Rural Economic Development Initiative as
 1180 defined in s. 288.0656(6)(a) shall review all projects proposed

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1181 for funding under this section in each such area of critical
 1182 economic concern.

1183 (5) The department is authorized to administer contracts
 1184 on behalf of a county selected to receive funding for a project
 1185 under this section. All projects funded under this section shall
 1186 be included in the department's work program developed pursuant
 1187 to s. 339.135.

1188 Section 11. Section 339.55, Florida Statutes, is amended
 1189 to read:

1190 339.55 State-funded infrastructure bank.--

1191 (1) There is created within the Department of
 1192 Transportation a state-funded infrastructure bank for the
 1193 purpose of providing loans and credit enhancements to government
 1194 units and private entities for use in constructing and improving
 1195 transportation facilities.

1196 (2) The bank may lend capital costs or provide credit
 1197 enhancements for:

1198 (a) A transportation facility project that is on the State
 1199 Highway System or that provides for increased mobility on the
 1200 state's transportation system or provides intermodal
 1201 connectivity with airports, seaports, rail facilities, and other
 1202 transportation terminals, pursuant to s. 341.053, for the
 1203 movement of people and goods.

1204 (b) Regional Incentive Grant Program projects identified
 1205 pursuant to s. 339.2817(4).

1206 (3) Loans from the bank may be subordinated to senior
 1207 project debt that has an investment grade rating of "BBB" or
 1208 higher.

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1209 (4)~~(3)~~ Loans from the bank may bear interest at or below
 1210 market interest rates, as determined by the department.
 1211 Repayment of any loan from the bank shall commence not later
 1212 than 5 years after the project has been completed or, in the
 1213 case of a highway project, the facility has opened to traffic,
 1214 whichever is later, and shall be repaid in no more than 30
 1215 years.

1216 (5)~~(4)~~ ~~Except as provided in s. 339.137,~~ To be eligible
 1217 for consideration, projects awarded from the state-funded
 1218 infrastructure bank must be consistent, to the maximum extent
 1219 feasible, with local metropolitan planning organization plans
 1220 and local government comprehensive plans and must provide a
 1221 dedicated repayment source to ensure the loan is repaid to the
 1222 bank.

1223 (6) Funding awarded for projects under paragraph (2)(b)
 1224 must be matched by a minimum of 25 percent from funds other than
 1225 the state-funded infrastructure bank loan.

1226 (7)~~(5)~~ The department may consider, but is not limited to,
 1227 the following criteria for evaluation of projects for assistance
 1228 from the bank:

1229 (a) The credit worthiness of the project.

1230 (b) A demonstration that the project will encourage,
 1231 enhance, or create economic benefits.

1232 (c) The likelihood that assistance would enable the
 1233 project to proceed at an earlier date than would otherwise be
 1234 possible.

1235 (d) The extent to which assistance would foster innovative
 1236 public-private partnerships and attract private debt or equity
 1237 investment.

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1238 (e) The extent to which the project would use new
 1239 technologies, including intelligent transportation systems, that
 1240 would enhance the efficient operation of the project.

1241 (f) The extent to which the project would maintain or
 1242 protect the environment.

1243 (g) A demonstration that the project includes
 1244 transportation benefits for improving intermodalism, cargo and
 1245 freight movement, and safety.

1246 (h) The amount of the proposed assistance as a percentage
 1247 of the overall project costs with emphasis on local and private
 1248 participation.

1249 (i) The extent to which the project will provide for
 1250 connectivity between the State Highway System and airports,
 1251 seaports, rail facilities, and other transportation terminals
 1252 and intermodal options pursuant to s. 341.053 for the increased
 1253 accessibility and movement of people and goods.

1254 (8)~~(6)~~ Loan assistance provided by the bank shall be
 1255 included in the department's work program developed in
 1256 accordance with s. 339.135.

1257 (9)~~(7)~~ The department is authorized to adopt rules to
 1258 implement the state-funded infrastructure bank.

1259 Section 12. This act shall take effect July 1, 2004.