

CHAMBER ACTION

1 The Committee on Transportation recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to transportation facilities; amending s.  
7 206.608, F.S.; removing certain restrictions on use of  
8 specified proceeds in the State Transportation Trust Fund;  
9 amending s. 215.211, F.S.; revising use of certain  
10 proceeds of the local option fuel tax; providing for  
11 distribution of such funds to the Transportation Rural  
12 Initiative Program and to counties; amending s. 339.08,  
13 F.S.; revising provisions for use of moneys in the State  
14 Transportation Trust Fund; providing for use of such funds  
15 for projects on the Strategic Intermodal System, the  
16 Regional Transportation Incentive Program, and the  
17 Transportation Rural Initiative Program; amending s.  
18 339.135, F.S.; revising provisions for use of new  
19 discretionary highway capacity funds; providing for  
20 allocation of such funds to the Strategic Intermodal  
21 System and the Regional Transportation Incentive Program;  
22 repealing s. 339.137, F.S., relating to the Transportation  
23 Outreach Program; amending s. 339.1371, F.S.; removing

HB 1477

2004  
CS

24 provisions to fund the Transportation Outreach Program;  
25 amending s. 339.175, F.S.; revising planning procedures of  
26 metropolitan planning organizations; requiring development  
27 of plans and programs that identify transportation  
28 facilities that should function as an integrated  
29 metropolitan planning system; requiring that the approved  
30 list of project priorities include projects on the  
31 Strategic Intermodal System and projects funded through  
32 the Regional Transportation Incentive Program; repealing  
33 s. 339.2816, F.S., relating to the Small County Road  
34 Assistance Program; amending s. 339.2817, F.S.; renaming  
35 the County Incentive Grant Program as the Regional  
36 Transportation Incentive Program; revising purpose of the  
37 program; providing funds to regional transportation areas;  
38 providing that such funds shall pay for regional projects;  
39 providing criteria for projects to be funded; providing  
40 for the Department of Transportation to determine  
41 boundaries of regional transportation areas by rule;  
42 providing procedures, timeframes, and criteria; providing  
43 criteria for development of regional transportation  
44 programs; providing for interlocal agreements in  
45 development of regional transportation improvement  
46 programs; providing criteria for such agreements;  
47 providing for the allocation of certain funds to the  
48 Regional Transportation Incentive Program; amending s.  
49 339.2818, F.S.; renaming the Small County Outreach Program  
50 as the Transportation Rural Initiative Program; revising  
51 purposes of the program; defining "economically distressed

HB 1477

2004  
CS

52 rural county"; providing for funds in the State  
 53 Transportation Trust Fund to be used for the program;  
 54 providing that economically distressed rural counties  
 55 shall be eligible to compete for funds for projects on  
 56 county roads; providing for basis of matching funds;  
 57 providing for review by the Rural Economic Development  
 58 Initiative of projects proposed for funding; amending s.  
 59 339.55, F.S.; providing that the state-funded  
 60 infrastructure bank may lend capital costs or provide  
 61 credit enhancements for Regional Transportation Incentive  
 62 Program projects; revising criteria to be eligible for  
 63 consideration by the bank; requiring that Regional  
 64 Transportation Incentive Program projects match a certain  
 65 amount of the loan from the bank; providing an effective  
 66 date.

67

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

69

70 Section 1. Subsection (2) of section 206.608, Florida  
 71 Statutes, is amended to read:

72 206.608 State Comprehensive Enhanced Transportation System  
 73 Tax; deposit of proceeds; distribution.--Moneys received  
 74 pursuant to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited  
 75 in the Fuel Tax Collection Trust Fund, and, after deducting the  
 76 service charge imposed in chapter 215 and administrative costs  
 77 incurred by the department in collecting, administering,  
 78 enforcing, and distributing the tax, which administrative costs

HB 1477

2004  
CS

79 | may not exceed 2 percent of collections, shall be distributed as  
80 | follows:

81 |       (2) The remaining proceeds of the tax levied pursuant to  
82 | s. 206.41(1)(f) and all of the proceeds from the tax imposed by  
83 | s. 206.87(1)(d) shall be transferred into the State  
84 | Transportation Trust Fund, and may be used only for projects in  
85 | the adopted work program in the district in which the tax  
86 | proceeds are collected ~~and, to the maximum extent feasible, such~~  
87 | ~~moneys shall be programmed for use in the county where~~  
88 | ~~collected. However, no revenue from the taxes imposed pursuant~~  
89 | ~~to ss. 206.41(1)(f) and 206.87(1)(d) in a county shall be~~  
90 | ~~expended unless the projects funded with such revenues have been~~  
91 | ~~included in the work program adopted pursuant to s. 339.135.~~

92 |       Section 2. Subsection (3) of section 215.211, Florida  
93 | Statutes, is amended to read:

94 |       215.211 Service charge; elimination or reduction for  
95 | specified proceeds.--

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

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

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

105 |

HB 1477

2004  
CS

106 Twenty percent of the increased revenues derived from this  
 107 subsection shall be deposited in the State Transportation Trust  
 108 Fund and used to fund the Transportation Rural Initiative  
 109 Program as outlined in s. 339.2818. The remaining 80 percent of  
 110 the increased revenues shall be distributed to the county of  
 111 collection ~~County Incentive Grant Program and the Small County~~  
 112 ~~Outreach Program. Up to 20 percent of such funds shall be used~~  
 113 ~~for the purpose of implementing the Small County Outreach~~  
 114 ~~Program as provided in this act. Notwithstanding any other laws~~  
 115 ~~to the contrary, the requirements of ss. 339.135, 339.155, and~~  
 116 ~~339.175 shall not apply to these funds and programs.~~

117 Section 3. Section 339.08, Florida Statutes, is amended to  
 118 read:

119 339.08 Use of moneys in State Transportation Trust Fund.--

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

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

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

130 (b) To pay the cost of construction of the State Highway  
 131 System.

132 (c) To pay the cost of maintaining the State Highway  
 133 System.

HB 1477

2004  
CS

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

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

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

141 (g) To lend or pay a portion of the operating,  
142 maintenance, and capital costs of a revenue-producing  
143 transportation project that is located on the State Highway  
144 System or that is demonstrated to relieve traffic congestion on  
145 the State Highway System.

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

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

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

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

HB 1477

2004  
CS

162       ~~(1) To fund the Transportation Outreach Program created in~~  
163       ~~s. 339.137.~~

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

165       (2)~~(3)~~ Unless specifically provided in the General  
166       Appropriations Act or the substantive bill implementing the  
167       General Appropriations Act, no moneys in the State  
168       Transportation Trust Fund may be used to fund the operational or  
169       capital outlay cost for any correctional facility of the  
170       Department of Corrections. The department shall, however, enter  
171       into contractual arrangements with the Department of Corrections  
172       for those specific maintenance functions that can be performed  
173       effectively by prison inmates under the supervision of  
174       Department of Corrections personnel with technical assistance  
175       being provided by the department. The cost of such contracts  
176       must not exceed the cost that would be incurred by the  
177       department if these functions were to be performed by its  
178       personnel or by contract with another entity unless,  
179       notwithstanding cost, the department can clearly demonstrate  
180       that for reasons of expediency or efficiency it is in the best  
181       interests of the department to contract with the Department of  
182       Corrections.

183       (3)~~(4)~~ The department may authorize the investment of the  
184       earnings accrued and collected upon the investment of the  
185       minimum balance of funds required to be maintained in the State  
186       Transportation Trust Fund pursuant to s. 339.135(6)(b). Such  
187       investment shall be limited as provided in s. 288.9607(7).

188       (4)~~(5)~~ For the 2003-2004 fiscal year only and  
189       notwithstanding the provisions of this section and s. 339.09(1),

HB 1477

2004  
CS

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

199 Section 4. Paragraph (a) of subsection (4) of section  
 200 339.135, Florida Statutes, is amended to read:

201 339.135 Work program; legislative budget request;  
 202 definitions; preparation, adoption, execution, and amendment.--

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

204 (a)1. To assure that no district or county is penalized  
 205 for local efforts to improve the State Highway System, the  
 206 department shall, for the purpose of developing a tentative work  
 207 program, allocate funds for new construction to the districts,  
 208 except for the turnpike enterprise, based on equal parts of  
 209 population and motor fuel tax collections. Funds for  
 210 resurfacing, bridge repair and rehabilitation, bridge fender  
 211 system construction or repair, public transit projects except  
 212 public transit block grants as provided in s. 341.052, and other  
 213 programs with quantitative needs assessments shall be allocated  
 214 based on the results of these assessments. The department may  
 215 not transfer any funds allocated to a district under this  
 216 paragraph to any other district except as provided in subsection  
 217 (7). Funds for public transit block grants shall be allocated to

HB 1477

2004  
CS

218 | the districts pursuant to s. 341.052. Funds for the intercity  
 219 | bus program provided for under s. 5311(f) of the federal  
 220 | nonurbanized area formula program shall be administered and  
 221 | allocated directly to eligible bus carriers as defined in s.  
 222 | 341.031(12) at the state level rather than the district. In  
 223 | order to provide state funding to support the intercity bus  
 224 | program provided for under provisions of the federal 5311(f)  
 225 | program, the department shall allocate an amount equal to the  
 226 | federal share of the 5311(f) program from amounts calculated  
 227 | pursuant to s. 206.46(3).

228 |         2. Notwithstanding the provisions of subparagraph 1., the  
 229 | department shall allocate at least 50 percent of any new  
 230 | discretionary highway capacity funds to the Strategic Intermodal  
 231 | System designated pursuant to s. 339.61 ~~Florida Intrastate~~  
 232 | ~~Highway System established pursuant to s. 338.001.~~ The  
 233 | department shall allocate 25 percent of any new discretionary  
 234 | highway capacity funds to the Regional Transportation Incentive  
 235 | Program pursuant to s. 339.2817. Any remaining new discretionary  
 236 | highway capacity funds shall be allocated to the districts for  
 237 | new construction as provided in subparagraph 1. For the purposes  
 238 | of this subparagraph, the term "new discretionary highway  
 239 | capacity funds" means any funds available to the department  
 240 | above the prior year funding level for capacity improvements,  
 241 | which the department has the discretion to allocate to highway  
 242 | projects.

243 |         Section 5. Section 339.137, Florida Statutes, is repealed.

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

HB 1477

2004  
CS

246 339.1371 Mobility 2000; ~~Transportation Outreach Program;~~  
247 funding.--

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

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

HB 1477

2004  
CS

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

276 339.175 Metropolitan planning organization.--It is the  
277 intent of the Legislature to encourage and promote the safe and  
278 efficient management, operation, and development of surface  
279 transportation systems that will serve the mobility needs of  
280 people and freight within and through urbanized areas of this  
281 state while minimizing transportation-related fuel consumption  
282 and air pollution. To accomplish these objectives, metropolitan  
283 planning organizations, referred to in this section as M.P.O.'s,  
284 shall develop, in cooperation with the state and public transit  
285 operators, transportation plans and programs for metropolitan  
286 areas. The plans and programs for each metropolitan area must  
287 provide for the development and integrated management and  
288 operation of transportation systems and facilities, including  
289 pedestrian walkways and bicycle transportation facilities that  
290 will function as an intermodal transportation system for the  
291 metropolitan area, based upon the prevailing principles provided  
292 in s. 334.046(1). The process for developing such plans and  
293 programs shall provide for consideration of all modes of  
294 transportation and shall be continuing, cooperative, and  
295 comprehensive, to the degree appropriate, based on the  
296 complexity of the transportation problems to be addressed. To  
297 ensure that the M.P.O. process is integrated with the statewide  
298 planning process, M.P.O.'s shall develop plans and programs that  
299 identify transportation facilities that should function as an  
300 integrated metropolitan transportation system, giving emphasis  
301 to facilities that serve important national, state, and regional

302 transportation functions. For the purposes of this section,  
 303 those facilities include the facilities on the Strategic  
 304 Intermodal System designated pursuant to s. 339.63 and  
 305 facilities for which projects have been identified pursuant to  
 306 s. 339.2817(4).

307 (1) DESIGNATION.--

308 (a)1. An M.P.O. shall be designated for each urbanized  
 309 area of the state; however, this does not require that an  
 310 individual M.P.O. be designated for each such area. Such  
 311 designation shall be accomplished by agreement between the  
 312 Governor and units of general-purpose local government  
 313 representing at least 75 percent of the population of the  
 314 urbanized area; however, the unit of general-purpose local  
 315 government that represents the central city or cities within the  
 316 M.P.O. jurisdiction, as defined by the United States Bureau of  
 317 the Census, must be a party to such agreement.

318 2. More than one M.P.O. may be designated within an  
 319 existing metropolitan planning area only if the Governor and the  
 320 existing M.P.O. determine that the size and complexity of the  
 321 existing metropolitan planning area makes the designation of  
 322 more than one M.P.O. for the area appropriate.

323 (b) Each M.P.O. shall be created and operated under the  
 324 provisions of this section pursuant to an interlocal agreement  
 325 entered into pursuant to s. 163.01. The signatories to the  
 326 interlocal agreement shall be the department and the  
 327 governmental entities designated by the Governor for membership  
 328 on the M.P.O. If there is a conflict between this section and s.  
 329 163.01, this section prevails.

HB 1477

2004  
CS

330 (c) The jurisdictional boundaries of an M.P.O. shall be  
 331 determined by agreement between the Governor and the applicable  
 332 M.P.O. The boundaries must include at least the metropolitan  
 333 planning area, which is the existing urbanized area and the  
 334 contiguous area expected to become urbanized within a 20-year  
 335 forecast period, and may encompass the entire metropolitan  
 336 statistical area or the consolidated metropolitan statistical  
 337 area.

338 (d) In the case of an urbanized area designated as a  
 339 nonattainment area for ozone or carbon monoxide under the Clean  
 340 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the  
 341 metropolitan planning area in existence as of the date of  
 342 enactment of this paragraph shall be retained, except that the  
 343 boundaries may be adjusted by agreement of the Governor and  
 344 affected metropolitan planning organizations in the manner  
 345 described in this section. If more than one M.P.O. has authority  
 346 within a metropolitan area or an area that is designated as a  
 347 nonattainment area, each M.P.O. shall consult with other  
 348 M.P.O.'s designated for such area and with the state in the  
 349 coordination of plans and programs required by this section.

350  
 351 Each M.P.O. required under this section must be fully operative  
 352 no later than 6 months following its designation.

353 (2) VOTING MEMBERSHIP.--

354 (a) The voting membership of an M.P.O. shall consist of  
 355 not fewer than 5 or more than 19 apportioned members, the exact  
 356 number to be determined on an equitable geographic-population  
 357 ratio basis by the Governor, based on an agreement among the

358 affected units of general-purpose local government as required  
 359 by federal rules and regulations. The Governor, in accordance  
 360 with 23 U.S.C. s. 134, may also provide for M.P.O. members who  
 361 represent municipalities to alternate with representatives from  
 362 other municipalities within the metropolitan planning area that  
 363 do not have members on the M.P.O. County commission members  
 364 shall compose not less than one-third of the M.P.O. membership,  
 365 except for an M.P.O. with more than 15 members located in a  
 366 county with a five-member county commission or an M.P.O. with 19  
 367 members located in a county with no more than 6 county  
 368 commissioners, in which case county commission members may  
 369 compose less than one-third percent of the M.P.O. membership,  
 370 but all county commissioners must be members. All voting members  
 371 shall be elected officials of general-purpose governments,  
 372 except that an M.P.O. may include, as part of its apportioned  
 373 voting members, a member of a statutorily authorized planning  
 374 board, an official of an agency that operates or administers a  
 375 major mode of transportation, or an official of the Florida  
 376 Space Authority. The county commission shall compose not less  
 377 than 20 percent of the M.P.O. membership if an official of an  
 378 agency that operates or administers a major mode of  
 379 transportation has been appointed to an M.P.O.

380 (b) In metropolitan areas in which authorities or other  
 381 agencies have been or may be created by law to perform  
 382 transportation functions and are performing transportation  
 383 functions that are not under the jurisdiction of a general  
 384 purpose local government represented on the M.P.O., they shall  
 385 be provided voting membership on the M.P.O. In all other

HB 1477

2004  
CS

386 M.P.O.'s where transportation authorities or agencies are to be  
 387 represented by elected officials from general purpose local  
 388 governments, the M.P.O. shall establish a process by which the  
 389 collective interests of such authorities or other agencies are  
 390 expressed and conveyed.

391 (c) Any other provision of this section to the contrary  
 392 notwithstanding, a chartered county with over 1 million  
 393 population may elect to reapportion the membership of an M.P.O.  
 394 whose jurisdiction is wholly within the county. The charter  
 395 county may exercise the provisions of this paragraph if:

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

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

401 3. The charter county determines the reapportionment plan  
 402 otherwise complies with all federal requirements pertaining to  
 403 M.P.O. membership.

404  
 405 Any charter county that elects to exercise the provisions of  
 406 this paragraph shall notify the Governor in writing.

407 (d) Any other provision of this section to the contrary  
 408 notwithstanding, any county chartered under s. 6(e), Art. VIII  
 409 of the State Constitution may elect to have its county  
 410 commission serve as the M.P.O., if the M.P.O. jurisdiction is  
 411 wholly contained within the county. Any charter county that  
 412 elects to exercise the provisions of this paragraph shall so  
 413 notify the Governor in writing. Upon receipt of such

HB 1477

2004  
CS

414 notification, the Governor must designate the county commission  
 415 as the M.P.O. The Governor must appoint four additional voting  
 416 members to the M.P.O., one of whom must be an elected official  
 417 representing a municipality within the county, one of whom must  
 418 be an expressway authority member, one of whom must be a person  
 419 who does not hold elected public office and who resides in the  
 420 unincorporated portion of the county, and one of whom must be a  
 421 school board member.

422 (3) APPORTIONMENT.--

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

HB 1477

2004  
CS

442 (b) Except for members who represent municipalities on the  
 443 basis of alternating with representatives from other  
 444 municipalities that do not have members on the M.P.O. as  
 445 provided in paragraph (2)(a), the members of an M.P.O. shall  
 446 serve 4-year terms. Members who represent municipalities on the  
 447 basis of alternating with representatives from other  
 448 municipalities that do not have members on the M.P.O. as  
 449 provided in paragraph (2)(a) may serve terms of up to 4 years as  
 450 further provided in the interlocal agreement described in  
 451 paragraph (1)(b). The membership of a member who is a public  
 452 official automatically terminates upon the member's leaving his  
 453 or her elective or appointive office for any reason, or may be  
 454 terminated by a majority vote of the total membership of a  
 455 county or city governing entity represented by the member. A  
 456 vacancy shall be filled by the original appointing entity. A  
 457 member may be reappointed for one or more additional 4-year  
 458 terms.

459 (c) If a governmental entity fails to fill an assigned  
 460 appointment to an M.P.O. within 60 days after notification by  
 461 the Governor of its duty to appoint, that appointment shall be  
 462 made by the Governor from the eligible representatives of that  
 463 governmental entity.

464 (4) AUTHORITY AND RESPONSIBILITY.--The authority and  
 465 responsibility of an M.P.O. is to manage a continuing,  
 466 cooperative, and comprehensive transportation planning process  
 467 that, based upon the prevailing principles provided in s.  
 468 334.046(1), results in the development of plans and programs  
 469 which are consistent, to the maximum extent feasible, with the

HB 1477

2004  
CS

470 approved local government comprehensive plans of the units of  
 471 local government the boundaries of which are within the  
 472 metropolitan area of the M.P.O. An M.P.O. shall be the forum for  
 473 cooperative decisionmaking by officials of the affected  
 474 governmental entities in the development of the plans and  
 475 programs required by subsections (5), (6), (7), and (8).

476 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
 477 privileges, and authority of an M.P.O. are those specified in  
 478 this section or incorporated in an interlocal agreement  
 479 authorized under s. 163.01. Each M.P.O. shall perform all acts  
 480 required by federal or state laws or rules, now and subsequently  
 481 applicable, which are necessary to qualify for federal aid. It  
 482 is the intent of this section that each M.P.O. shall be involved  
 483 in the planning and programming of transportation facilities,  
 484 including, but not limited to, airports, intercity and high-  
 485 speed rail lines, seaports, and intermodal facilities, to the  
 486 extent permitted by state or federal law.

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

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

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

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

495 (b) In developing the long-range transportation plan and  
 496 the transportation improvement program required under paragraph

HB 1477

2004  
CS

497 (a), each M.P.O. shall provide for consideration of projects and  
498 strategies that will:

499 1. Support the economic vitality of the metropolitan area,  
500 especially by enabling global competitiveness, productivity, and  
501 efficiency;

502 2. Increase the safety and security of the transportation  
503 system for motorized and nonmotorized users;

504 3. Increase the accessibility and mobility options  
505 available to people and for freight;

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

508 5. Enhance the integration and connectivity of the  
509 transportation system, across and between modes, for people and  
510 freight;

511 6. Promote efficient system management and operation; and

512 7. Emphasize the preservation of the existing  
513 transportation system.

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

517 1. Prepare a congestion management system for the  
518 metropolitan area and cooperate with the department in the  
519 development of all other transportation management systems  
520 required by state or federal law;

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

HB 1477

2004  
CS

523           3. Assist the department in performing its duties relating  
524 to access management, functional classification of roads, and  
525 data collection;

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

528           5. Represent all the jurisdictional areas within the  
529 metropolitan area in the formulation of transportation plans and  
530 programs required by this section; and

531           6. Perform all other duties required by state or federal  
532 law.

533           (d) Each M.P.O. shall appoint a technical advisory  
534 committee that includes planners; engineers; representatives of  
535 local aviation authorities, port authorities, and public transit  
536 authorities or representatives of aviation departments, seaport  
537 departments, and public transit departments of municipal or  
538 county governments, as applicable; the school superintendent of  
539 each county within the jurisdiction of the M.P.O. or the  
540 superintendent's designee; and other appropriate representatives  
541 of affected local governments. In addition to any other duties  
542 assigned to it by the M.P.O. or by state or federal law, the  
543 technical advisory committee is responsible for considering safe  
544 access to schools in its review of transportation project  
545 priorities, long-range transportation plans, and transportation  
546 improvement programs, and shall advise the M.P.O. on such  
547 matters. In addition, the technical advisory committee shall  
548 coordinate its actions with local school boards and other local  
549 programs and organizations within the metropolitan area which  
550 participate in school safety activities, such as locally

HB 1477

2004  
CS

551 established community traffic safety teams. Local school boards  
552 must provide the appropriate M.P.O. with information concerning  
553 future school sites and in the coordination of transportation  
554 service.

555 (e)1. Each M.P.O. shall appoint a citizens' advisory  
556 committee, the members of which serve at the pleasure of the  
557 M.P.O. The membership on the citizens' advisory committee must  
558 reflect a broad cross section of local residents with an  
559 interest in the development of an efficient, safe, and cost-  
560 effective transportation system. Minorities, the elderly, and  
561 the handicapped must be adequately represented.

562 2. Notwithstanding the provisions of subparagraph 1., an  
563 M.P.O. may, with the approval of the department and the  
564 applicable federal governmental agency, adopt an alternative  
565 program or mechanism to ensure citizen involvement in the  
566 transportation planning process.

567 (f) The department shall allocate to each M.P.O., for the  
568 purpose of accomplishing its transportation planning and  
569 programming duties, an appropriate amount of federal  
570 transportation planning funds.

571 (g) Each M.P.O. may employ personnel or may enter into  
572 contracts with local or state agencies, private planning firms,  
573 or private engineering firms to accomplish its transportation  
574 planning and programming duties required by state or federal  
575 law.

576 (h) A chair's coordinating committee is created, composed  
577 of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco,

HB 1477

2004  
CS

578 | Pinellas, Polk, and Sarasota Counties. The committee must, at a  
579 | minimum:

580 |       1. Coordinate transportation projects deemed to be  
581 | regionally significant by the committee.

582 |       2. Review the impact of regionally significant land use  
583 | decisions on the region.

584 |       3. Review all proposed regionally significant  
585 | transportation projects in the respective transportation  
586 | improvement programs which affect more than one of the M.P.O.'s  
587 | represented on the committee.

588 |       4. Institute a conflict resolution process to address any  
589 | conflict that may arise in the planning and programming of such  
590 | regionally significant projects.

591 |       (i)1. The Legislature finds that the state's rapid growth  
592 | in recent decades has caused many urbanized areas subject to  
593 | M.P.O. jurisdiction to become contiguous to each other. As a  
594 | result, various transportation projects may cross from the  
595 | jurisdiction of one M.P.O. into the jurisdiction of another  
596 | M.P.O. To more fully accomplish the purposes for which M.P.O.'s  
597 | have been mandated, M.P.O.'s shall develop coordination  
598 | mechanisms with one another to expand and improve transportation  
599 | within the state. The appropriate method of coordination between  
600 | M.P.O.'s shall vary depending upon the project involved and  
601 | given local and regional needs. Consequently, it is appropriate  
602 | to set forth a flexible methodology that can be used by M.P.O.'s  
603 | to coordinate with other M.P.O.'s and appropriate political  
604 | subdivisions as circumstances demand.

HB 1477

2004  
CS

605           2. Any M.P.O. may join with any other M.P.O. or any  
 606 individual political subdivision to coordinate activities or to  
 607 achieve any federal or state transportation planning or  
 608 development goals or purposes consistent with federal or state  
 609 law. When an M.P.O. determines that it is appropriate to join  
 610 with another M.P.O. or any political subdivision to coordinate  
 611 activities, the M.P.O. or political subdivision shall enter into  
 612 an interlocal agreement pursuant to s. 163.01, which, at a  
 613 minimum, creates a separate legal or administrative entity to  
 614 coordinate the transportation planning or development activities  
 615 required to achieve the goal or purpose; provide the purpose for  
 616 which the entity is created; provide the duration of the  
 617 agreement and the entity, and specify how the agreement may be  
 618 terminated, modified, or rescinded; describe the precise  
 619 organization of the entity, including who has voting rights on  
 620 the governing board, whether alternative voting members are  
 621 provided for, how voting members are appointed, and what the  
 622 relative voting strength is for each constituent M.P.O. or  
 623 political subdivision; provide the manner in which the parties  
 624 to the agreement will provide for the financial support of the  
 625 entity and payment of costs and expenses of the entity; provide  
 626 the manner in which funds may be paid to and disbursed from the  
 627 entity; and provide how members of the entity will resolve  
 628 disagreements regarding interpretation of the interlocal  
 629 agreement or disputes relating to the operation of the entity.  
 630 Such interlocal agreement shall become effective upon its  
 631 recordation in the official public records of each county in  
 632 which a member of the entity created by the interlocal agreement

633 | has a voting member. This paragraph does not require any  
 634 | M.P.O.'s to merge, combine, or otherwise join together as a  
 635 | single M.P.O.

636 |         (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must  
 637 | develop a long-range transportation plan that addresses at least  
 638 | a 20-year planning horizon. The plan must include both long-  
 639 | range and short-range strategies and must comply with all other  
 640 | state and federal requirements. The prevailing principles to be  
 641 | considered in the long-range transportation plan are: preserving  
 642 | the existing transportation infrastructure; enhancing Florida's  
 643 | economic competitiveness; and improving travel choices to ensure  
 644 | mobility. The long-range transportation plan must be consistent,  
 645 | to the maximum extent feasible, with future land use elements  
 646 | and the goals, objectives, and policies of the approved local  
 647 | government comprehensive plans of the units of local government  
 648 | located within the jurisdiction of the M.P.O. The approved long-  
 649 | range transportation plan must be considered by local  
 650 | governments in the development of the transportation elements in  
 651 | local government comprehensive plans and any amendments thereto.  
 652 | The long-range transportation plan must, at a minimum:

653 |         (a) Identify transportation facilities, including, but not  
 654 | limited to, major roadways, airports, seaports, spaceports,  
 655 | commuter rail systems, transit systems, and intermodal or  
 656 | multimodal terminals that will function as an integrated  
 657 | metropolitan transportation system. The long-range  
 658 | transportation plan must give emphasis to those transportation  
 659 | facilities that serve national, statewide, or regional  
 660 | functions, and must consider the goals and objectives identified

HB 1477

2004  
CS

661 in the Florida Transportation Plan as provided in s. 339.155. If  
 662 a project is located within the boundaries of more than one  
 663 M.P.O., the M.P.O.'s must coordinate plans regarding the project  
 664 in the long-range transportation plan.

665 (b) Include a financial plan that demonstrates how the  
 666 plan can be implemented, indicating resources from public and  
 667 private sources which are reasonably expected to be available to  
 668 carry out the plan, and recommends any additional financing  
 669 strategies for needed projects and programs. The financial plan  
 670 may include, for illustrative purposes, additional projects that  
 671 would be included in the adopted long-range transportation plan  
 672 if reasonable additional resources beyond those identified in  
 673 the financial plan were available. For the purpose of developing  
 674 the long-range transportation plan, the M.P.O. and the  
 675 department shall cooperatively develop estimates of funds that  
 676 will be available to support the plan implementation. Innovative  
 677 financing techniques may be used to fund needed projects and  
 678 programs. Such techniques may include the assessment of tolls,  
 679 the use of value capture financing, or the use of value pricing.

680 (c) Assess capital investment and other measures necessary  
 681 to:

682 1. Ensure the preservation of the existing metropolitan  
 683 transportation system including requirements for the operation,  
 684 resurfacing, restoration, and rehabilitation of major roadways  
 685 and requirements for the operation, maintenance, modernization,  
 686 and rehabilitation of public transportation facilities; and

HB 1477

2004  
CS

687           2. Make the most efficient use of existing transportation  
688 facilities to relieve vehicular congestion and maximize the  
689 mobility of people and goods.

690           (d) Indicate, as appropriate, proposed transportation  
691 enhancement activities, including, but not limited to,  
692 pedestrian and bicycle facilities, scenic easements,  
693 landscaping, historic preservation, mitigation of water  
694 pollution due to highway runoff, and control of outdoor  
695 advertising.

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

702  
703 In the development of its long-range transportation plan, each  
704 M.P.O. must provide the public, affected public agencies,  
705 representatives of transportation agency employees, freight  
706 shippers, providers of freight transportation services, private  
707 providers of transportation, representatives of users of public  
708 transit, and other interested parties with a reasonable  
709 opportunity to comment on the long-range transportation plan.  
710 The long-range transportation plan must be approved by the  
711 M.P.O.

712           (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.  
713 shall, in cooperation with the state and affected public  
714 transportation operators, develop a transportation improvement

HB 1477

2004  
CS

715 | program for the area within the jurisdiction of the M.P.O. In  
716 | the development of the transportation improvement program, each  
717 | M.P.O. must provide the public, affected public agencies,  
718 | representatives of transportation agency employees, freight  
719 | shippers, providers of freight transportation services, private  
720 | providers of transportation, representatives of users of public  
721 | transit, and other interested parties with a reasonable  
722 | opportunity to comment on the proposed transportation  
723 | improvement program.

724 |       (a) Each M.P.O. is responsible for developing, annually, a  
725 | list of project priorities and a transportation improvement  
726 | program. The prevailing principles to be considered by each  
727 | M.P.O. when developing a list of project priorities and a  
728 | transportation improvement program are: preserving the existing  
729 | transportation infrastructure; enhancing Florida's economic  
730 | competitiveness; and improving travel choices to ensure  
731 | mobility. The transportation improvement program will be used to  
732 | initiate federally aided transportation facilities and  
733 | improvements as well as other transportation facilities and  
734 | improvements including transit, rail, aviation, spaceport, and  
735 | port facilities to be funded from the State Transportation Trust  
736 | Fund within its metropolitan area in accordance with existing  
737 | and subsequent federal and state laws and rules and regulations  
738 | related thereto. The transportation improvement program shall be  
739 | consistent, to the maximum extent feasible, with the approved  
740 | local government comprehensive plans of the units of local  
741 | government whose boundaries are within the metropolitan area of

HB 1477

2004  
CS

742 the M.P.O. and include those projects programmed pursuant to s.  
743 339.2817(4).

744 (b) Each M.P.O. annually shall prepare a list of project  
745 priorities and shall submit the list to the appropriate district  
746 of the department by October 1 of each year; however, the  
747 department and a metropolitan planning organization may, in  
748 writing, agree to vary this submittal date. The list of project  
749 priorities must be formally reviewed by the technical and  
750 citizens' advisory committees, and approved by the M.P.O.,  
751 before it is transmitted to the district. The approved list of  
752 project priorities must be used by the district in developing  
753 the district work program and must be used by the M.P.O. in  
754 developing its transportation improvement program. In developing  
755 the list of project priorities, the M.P.O. should fully consider  
756 facilities on the Strategic Intermodal System, including  
757 intermodal connectors and other regionally significant  
758 facilities. The annual list of project priorities must be based  
759 upon project selection criteria that, at a minimum, consider the  
760 following:

- 761 1. The approved M.P.O. long-range transportation plan.~~;~~
- 762 2. The Strategic Intermodal System Plan developed pursuant  
763 to s. 339.64.
- 764 3. The priorities developed pursuant to s. 339.2817(4).
- 765 4.~~2.~~ The results of the transportation management  
766 systems.~~;~~ ~~and~~
- 767 5.~~3.~~ The M.P.O.'s public-involvement procedures.

768 (c) The transportation improvement program must, at a  
769 minimum:

770           1. Include projects and project phases to be funded with  
 771 state or federal funds within the time period of the  
 772 transportation improvement program and which are recommended for  
 773 advancement during the next fiscal year and 4 subsequent fiscal  
 774 years. Such projects and project phases must be consistent, to  
 775 the maximum extent feasible, with the approved local government  
 776 comprehensive plans of the units of local government located  
 777 within the jurisdiction of the M.P.O. For informational  
 778 purposes, the transportation improvement program shall also  
 779 include a list of projects to be funded from local or private  
 780 revenues.

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

785           3. Provide a financial plan that demonstrates how the  
 786 transportation improvement program can be implemented; indicates  
 787 the resources, both public and private, that are reasonably  
 788 expected to be available to accomplish the program; identifies  
 789 any innovative financing techniques that may be used to fund  
 790 needed projects and programs; and may include, for illustrative  
 791 purposes, additional projects that would be included in the  
 792 approved transportation improvement program if reasonable  
 793 additional resources beyond those identified in the financial  
 794 plan were available. Innovative financing techniques may include  
 795 the assessment of tolls, the use of value capture financing, or  
 796 the use of value pricing. The transportation improvement program  
 797 may include a project or project phase only if full funding can

798 reasonably be anticipated to be available for the project or  
799 project phase within the time period contemplated for completion  
800 of the project or project phase.

801 4. Group projects and project phases of similar urgency  
802 and anticipated staging into appropriate staging periods.

803 5. Indicate how the transportation improvement program  
804 relates to the long-range transportation plan developed under  
805 subsection (6), including providing examples of specific  
806 projects or project phases that further the goals and policies  
807 of the long-range transportation plan.

808 6. Indicate whether any project or project phase is  
809 inconsistent with an approved comprehensive plan of a unit of  
810 local government located within the jurisdiction of the M.P.O.  
811 If a project is inconsistent with an affected comprehensive  
812 plan, the M.P.O. must provide justification for including the  
813 project in the transportation improvement program.

814 7. Indicate how the improvements are consistent, to the  
815 maximum extent feasible, with affected seaport, airport, and  
816 spaceport master plans and with public transit development plans  
817 of the units of local government located within the jurisdiction  
818 of the M.P.O. If a project is located within the boundaries of  
819 more than one M.P.O., the M.P.O.'s must coordinate plans  
820 regarding the project in the transportation improvement program.

821 (d) Projects included in the transportation improvement  
822 program and that have advanced to the design stage of  
823 preliminary engineering may be removed from or rescheduled in a  
824 subsequent transportation improvement program only by the joint  
825 action of the M.P.O. and the department. Except when recommended

HB 1477

2004  
CS

826 | in writing by the district secretary for good cause, any project  
 827 | removed from or rescheduled in a subsequent transportation  
 828 | improvement program shall not be rescheduled by the M.P.O. in  
 829 | that subsequent program earlier than the 5th year of such  
 830 | program.

831 |       (e) During the development of the transportation  
 832 | improvement program, the M.P.O. shall, in cooperation with the  
 833 | department and any affected public transit operation, provide  
 834 | citizens, affected public agencies, representatives of  
 835 | transportation agency employees, freight shippers, providers of  
 836 | freight transportation services, private providers of  
 837 | transportation, representatives of users of public transit, and  
 838 | other interested parties with reasonable notice of and an  
 839 | opportunity to comment on the proposed program.

840 |       (f) The adopted annual transportation improvement program  
 841 | for M.P.O.'s in nonattainment or maintenance areas must be  
 842 | submitted to the district secretary and the Department of  
 843 | Community Affairs at least 90 days before the submission of the  
 844 | state transportation improvement program by the department to  
 845 | the appropriate federal agencies. The annual transportation  
 846 | improvement program for M.P.O.'s in attainment areas must be  
 847 | submitted to the district secretary and the Department of  
 848 | Community Affairs at least 45 days before the department submits  
 849 | the state transportation improvement program to the appropriate  
 850 | federal agencies; however, the department, the Department of  
 851 | Community Affairs, and a metropolitan planning organization may,  
 852 | in writing, agree to vary this submittal date. The Governor or

HB 1477

2004  
CS

853 | the Governor's designee shall review and approve each  
854 | transportation improvement program and any amendments thereto.

855 |       (g) The Department of Community Affairs shall review the  
856 | annual transportation improvement program of each M.P.O. for  
857 | consistency with the approved local government comprehensive  
858 | plans of the units of local government whose boundaries are  
859 | within the metropolitan area of each M.P.O. and shall identify  
860 | those projects that are inconsistent with such comprehensive  
861 | plans. The Department of Community Affairs shall notify an  
862 | M.P.O. of any transportation projects contained in its  
863 | transportation improvement program which are inconsistent with  
864 | the approved local government comprehensive plans of the units  
865 | of local government whose boundaries are within the metropolitan  
866 | area of the M.P.O.

867 |       (h) The M.P.O. shall annually publish or otherwise make  
868 | available for public review the annual listing of projects for  
869 | which federal funds have been obligated in the preceding year.  
870 | Project monitoring systems must be maintained by those agencies  
871 | responsible for obligating federal funds and made accessible to  
872 | the M.P.O.'s.

873 |       (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall  
874 | develop, in cooperation with the department and public  
875 | transportation providers, a unified planning work program that  
876 | lists all planning tasks to be undertaken during the program  
877 | year. The unified planning work program must provide a complete  
878 | description of each planning task and an estimated budget  
879 | therefor and must comply with applicable state and federal law.

880 |       (9) AGREEMENTS.--

HB 1477

2004  
CS

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

884 1. An agreement with the department clearly establishing  
885 the cooperative relationship essential to accomplish the  
886 transportation planning requirements of state and federal law.

887 2. An agreement with the metropolitan and regional  
888 intergovernmental coordination and review agencies serving the  
889 metropolitan areas, specifying the means by which activities  
890 will be coordinated and how transportation planning and  
891 programming will be part of the comprehensive planned  
892 development of the area.

893 3. An agreement with operators of public transportation  
894 systems, including transit systems, commuter rail systems,  
895 airports, seaports, and spaceports, describing the means by  
896 which activities will be coordinated and specifying how public  
897 transit, commuter rail, aviation, seaport, and aerospace  
898 planning and programming will be part of the comprehensive  
899 planned development of the metropolitan area.

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

903 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY  
904 COUNCIL.--

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

HB 1477

2004  
CS

909 (b) The council shall consist of one representative from  
 910 each M.P.O. and shall elect a chairperson annually from its  
 911 number. Each M.P.O. shall also elect an alternate representative  
 912 from each M.P.O. to vote in the absence of the representative.  
 913 Members of the council do not receive any compensation for their  
 914 services, but may be reimbursed from funds made available to  
 915 council members for travel and per diem expenses incurred in the  
 916 performance of their council duties as provided in s. 112.061.

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

- 919 1. Enter into contracts with individuals, private  
 920 corporations, and public agencies.
- 921 2. Acquire, own, operate, maintain, sell, or lease  
 922 personal property essential for the conduct of business.
- 923 3. Accept funds, grants, assistance, gifts, or bequests  
 924 from private, local, state, or federal sources.
- 925 4. Establish bylaws and adopt rules pursuant to ss.  
 926 120.536(1) and 120.54 to implement provisions of law conferring  
 927 powers or duties upon it.
- 928 5. Assist M.P.O.'s in carrying out the urbanized area  
 929 transportation planning process by serving as the principal  
 930 forum for collective policy discussion pursuant to law.
- 931 6. Serve as a clearinghouse for review and comment by  
 932 M.P.O.'s on the Florida Transportation Plan and on other issues  
 933 required to comply with federal or state law in carrying out the  
 934 urbanized area transportation and systematic planning processes  
 935 instituted pursuant to s. 339.155.

HB 1477

2004  
CS

936           7. Employ an executive director and such other staff as  
937 necessary to perform adequately the functions of the council,  
938 within budgetary limitations. The executive director and staff  
939 are exempt from part II of chapter 110 and serve at the  
940 direction and control of the council. The council is assigned to  
941 the Office of the Secretary of the Department of Transportation  
942 for fiscal and accountability purposes, but it shall otherwise  
943 function independently of the control and direction of the  
944 department.

945           8. Adopt an agency strategic plan that provides the  
946 priority directions the agency will take to carry out its  
947 mission within the context of the state comprehensive plan and  
948 any other statutory mandates and directions given to the agency.

949           (11) APPLICATION OF FEDERAL LAW.--Upon notification by an  
950 agency of the Federal Government that any provision of this  
951 section conflicts with federal laws or regulations, such federal  
952 laws or regulations will take precedence to the extent of the  
953 conflict until such conflict is resolved. The department or an  
954 M.P.O. may take any necessary action to comply with such federal  
955 laws and regulations or to continue to remain eligible to  
956 receive federal funds.

957           Section 8. Section 339.2816, Florida Statutes, is  
958 repealed.

959           Section 9. Section 339.2817, Florida Statutes, is amended  
960 to read:

961           339.2817 Regional Transportation County Incentive Grant  
962 Program.--

963 (1) There is created within the Department of  
 964 Transportation a Regional Transportation County Incentive Grant  
 965 Program for the purpose of providing funds ~~grants~~ to counties,  
 966 ~~to~~ improve a regionally significant transportation facility  
 967 ~~which is located on the State Highway System or which relieves~~  
 968 ~~traffic congestion on the State Highway System.~~

969 ~~(2) To be eligible for consideration, projects must be~~  
 970 ~~consistent, to the maximum extent feasible, with local~~  
 971 ~~metropolitan planning organization plans and local government~~  
 972 ~~comprehensive plans.~~

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

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

978 ~~(b) The likelihood that assistance would enable the~~  
 979 ~~project to proceed at an earlier date than the project could~~  
 980 ~~otherwise proceed;~~

981 ~~(c) The extent to which assistance would foster innovative~~  
 982 ~~public-private partnerships and attract private debt or equity~~  
 983 ~~investment;~~

984 ~~(d) The extent to which the project uses new technologies,~~  
 985 ~~including intelligent transportation systems, which enhance the~~  
 986 ~~efficiency of the project;~~

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

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

HB 1477

2004  
CS

991 (2)(4) The percentage of matching funds provided from the  
 992 Regional Transportation County Incentive Grant Program shall to  
 993 the eligible county will be based on the following:

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

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

998 (b)(e) For regionally significant local projects  
 999 identified in a regional transportation improvement program  
 1000 which are not demonstrated to relieve traffic congestion on the  
 1001 State Highway System, the department shall provide 40 ~~35~~ percent  
 1002 of project costs.

1003 (3) The department shall allocate funding available for  
 1004 the Regional Transportation Incentive Program to each eligible  
 1005 regional transportation area based on a factor derived from  
 1006 equal parts of population and motor fuel collections.

1007 (4)(a) Projects to be funded with Regional Transportation  
 1008 Incentive Program funds shall be selected from a regional  
 1009 transportation improvement program developed in accordance with  
 1010 paragraph (e) which shall:

1011 1. Identify regionally significant transportation  
 1012 facilities located within a regional transportation area.

1013 2. Contain a prioritized list of regionally significant  
 1014 projects.

1015 (b) For purposes of the Regional Transportation Incentive  
 1016 Program, the boundaries of the regional transportation area  
 1017 shall be determined by the department by rule using criteria

HB 1477

2004  
CS

1018 based upon factors such as commuting, goods movement, and land  
 1019 development patterns.

1020 (c) The initial regional transportation improvement  
 1021 program shall be submitted to the appropriate department  
 1022 district beginning October 1, 2004. To enable the phased  
 1023 implementation of the Regional Transportation Incentive Program,  
 1024 the department may extend the timeframe for the development and  
 1025 submittal of the initial regional transportation improvement  
 1026 program. Beginning in the year 2005, and annually thereafter,  
 1027 the regional transportation improvement program shall be  
 1028 submitted by September 1. The program shall be used to assist in  
 1029 developing the district work program and include projects  
 1030 acceptable to the department that shall, at a minimum, meet the  
 1031 following criteria:

1032 1. Enhance the state's economic competitiveness and  
 1033 improve travel choices to ensure mobility within the region.

1034 2. Support those transportation facilities that serve  
 1035 national, statewide, or regional functions and function as an  
 1036 integrated regional transportation system.

1037 3. Be consistent with the goals and objectives identified  
 1038 in the Florida Transportation Plan developed pursuant to s.  
 1039 339.155.

1040 4. Be consistent with the Strategic Plan for Economic  
 1041 Development developed pursuant to s. 288.905.

1042 5. Be consistent with the plans and programs of the  
 1043 metropolitan planning organizations in the regional  
 1044 transportation area.

HB 1477

2004  
CS

1045        6. Be consistent with the approved local government  
 1046 comprehensive plans of the units of local government located  
 1047 within the regional transportation area. Further, the project  
 1048 shall be in compliance with local government comprehensive plan  
 1049 policies relative to corridor management.

1050        7. Be consistent with strategic regional policy plans  
 1051 developed pursuant to s. 186.507.

1052        8. Provide for intraregional mobility.

1053        9. Be consistent with the Strategic Intermodal System Plan  
 1054 developed pursuant to s. 339.64.

1055        10. Be financially feasible and able to be made  
 1056 production-ready within a reasonable timeframe.

1057        11. Have a commitment for local or regional financial  
 1058 matching funds as a percentage of the overall project cost.

1059        (d) In developing the regional transportation program,  
 1060 priority shall be given to projects that:

1061            1. Provide connectivity to the Strategic Intermodal System  
 1062 designated pursuant to s. 339.64.

1063            2. Support economic development and the movement of goods  
 1064 in areas of critical economic concern designated pursuant to s.  
 1065 288.0656(7).

1066            3. Are subject to an ordinance that establishes corridor  
 1067 management techniques, including access management strategies,  
 1068 right-of-way acquisition and protection measures, appropriate  
 1069 land use strategies, zoning, and setback requirements for  
 1070 adjacent land uses.

1071        (e) In developing the regional transportation improvement  
 1072 program, metropolitan planning organizations in regional

HB 1477

2004  
CS

1073 transportation areas comprised in whole or in part by M.P.O.'s,  
 1074 or counties in regional transportation areas that are not  
 1075 represented by an M.P.O., shall enter into an interlocal  
 1076 agreement pursuant to s. 163.01. The agreement shall, at a  
 1077 minimum, identify the entity that will coordinate the  
 1078 development of the regional transportation improvement program,  
 1079 provide the duration of the agreement, and specify how the  
 1080 agreement may be terminated, modified, or rescinded; describe  
 1081 the process by which the regional transportation improvement  
 1082 program will be developed; and provide how members of the entity  
 1083 will resolve disagreements regarding interpretation of the  
 1084 interlocal agreement or disputes relating to the development or  
 1085 content of the regional transportation improvement program. Such  
 1086 interlocal agreement shall become effective upon its recordation  
 1087 in the official public records of each county in the regional  
 1088 transportation area.

1089 (5) Beginning in fiscal year 2004-2005, the department  
 1090 shall allocate 25 percent of any new discretionary highway  
 1091 capacity funds as defined by s. 339.135(4)(a)2. to the Regional  
 1092 Transportation Incentive Program. Additionally, for fiscal year  
 1093 2005-2006 and each year thereafter, \$20 million from the State  
 1094 Transportation Trust Fund shall be used for the purposes of  
 1095 funding the Regional Transportation Incentive Program as  
 1096 described in this section.

1097 ~~(5) The department is authorized to adopt rules to~~  
 1098 ~~administer the County Incentive Grant Program.~~

1099 ~~(6) A municipality may apply to the county in which the~~  
 1100 ~~municipality is located for consideration by the county for~~

HB 1477

2004  
CS

1101 ~~funding under this section of any project or project phase of a~~  
 1102 ~~transportation facility which is located on the State Highway~~  
 1103 ~~System or which is demonstrated to relieve congestion on the~~  
 1104 ~~State Highway System. The county must evaluate all municipal~~  
 1105 ~~applications as provided in subsection (3). If a municipality's~~  
 1106 ~~proposed project is rejected by the county for funding under~~  
 1107 ~~this section, or if the county's proposed project adversely~~  
 1108 ~~affects a municipality within the county, the municipality may~~  
 1109 ~~request mediation to resolve any concerns of the municipality~~  
 1110 ~~and the county.~~

1111 Section 10. Section 339.2818, Florida Statutes, is amended  
 1112 to read:

1113 339.2818 Transportation Rural Initiative Small County  
 1114 ~~Outreach~~ Program.--

1115 (1) There is created within the Department of  
 1116 Transportation the Transportation Rural Initiative Small County  
 1117 ~~Outreach~~ Program. The purpose of this program is to assist  
 1118 economically distressed rural small county governments in  
 1119 resurfacing or reconstructing county roads or in constructing  
 1120 capacity or safety improvements to county roads.

1121 (2) For the purposes of this section, the term  
 1122 "economically distressed rural small county" means any county  
 1123 that is within a designated rural area of critical economic  
 1124 concern pursuant to s. 288.0656(7) ~~has a population of 150,000~~  
 1125 ~~or less as determined by the most recent official estimate~~  
 1126 ~~pursuant to s. 186.901.~~

1127 (3) For fiscal year 2004-2005, \$25 million from the State  
 1128 Transportation Trust Fund shall be used for the purposes of

HB 1477

2004  
CS

1129 funding the Transportation Rural Initiative Program as described  
 1130 in this section. For fiscal year 2005-2006 and each year  
 1131 thereafter, \$35 million from the State Transportation Trust Fund  
 1132 shall be used for the purposes of funding the Transportation  
 1133 Rural Initiative Program as described in this section. Funds  
 1134 ~~allocated under this program, pursuant to s. 4, ch. 2000-257,~~  
 1135 ~~Laws of Florida, are in addition to any funds provided pursuant~~  
 1136 ~~to s. 339.2816, for the Small County Road Assistance Program.~~

1137 (4)(a) Economically distressed rural ~~Small~~ counties shall  
 1138 be eligible to compete for funds that have been designated for  
 1139 the Transportation Rural Initiative ~~Small County Outreach~~  
 1140 Program for projects on county roads. ~~The department shall fund~~  
 1141 ~~75 percent of the cost of projects on county roads funded under~~  
 1142 ~~the program.~~

1143 (b) In determining a county's eligibility for assistance  
 1144 under this program, the department may consider whether the  
 1145 county has attempted to keep county roads in satisfactory  
 1146 condition.

1147 (c) The following criteria shall be used to prioritize  
 1148 road projects for funding under the program:

- 1149 1. The primary criterion is the physical condition of the  
 1150 road as measured by the department.
- 1151 2. As secondary criteria the department may consider:
  - 1152 a. Whether a road is used as an evacuation route.
  - 1153 b. Whether a road has high levels of agricultural travel.
  - 1154 c. Whether a road is considered a major arterial route.
  - 1155 d. Whether a road is considered a feeder road.

HB 1477

2004  
CS

1156 e. Other criteria related to the impact of a project on  
1157 the public road system or on the state or local economy as  
1158 determined by the department.

1159 (d) The percentage of matching funds required for projects  
1160 funded through the Transportation Rural Initiative Program shall  
1161 be based upon revenue-generating capability of the county such  
1162 as ad valorem property valuation.

1163 (e) To ensure that all projects proposed for funding under  
1164 this section are coordinated with state, regional, and local  
1165 plans within areas of critical economic concern designated  
1166 pursuant to s. 288.0656(7), the member agencies and  
1167 organizations of the Rural Economic Development Initiative as  
1168 defined in s. 288.0656(6)(a) shall review all projects proposed  
1169 for funding under this section in each such area of critical  
1170 economic concern.

1171 (5) The department is authorized to administer contracts  
1172 on behalf of a county selected to receive funding for a project  
1173 under this section. All projects funded under this section shall  
1174 be included in the department's work program developed pursuant  
1175 to s. 339.135.

1176 Section 11. Section 339.55, Florida Statutes, is amended  
1177 to read:

1178 339.55 State-funded infrastructure bank.--

1179 (1) There is created within the Department of  
1180 Transportation a state-funded infrastructure bank for the  
1181 purpose of providing loans and credit enhancements to government  
1182 units and private entities for use in constructing and improving  
1183 transportation facilities.

HB 1477

2004  
CS

1184 (2) The bank may lend capital costs or provide credit  
1185 enhancements for:

1186 (a) A transportation facility project that is on the State  
1187 Highway System or that provides for increased mobility on the  
1188 state's transportation system or provides intermodal  
1189 connectivity with airports, seaports, rail facilities, and other  
1190 transportation terminals, pursuant to s. 341.053, for the  
1191 movement of people and goods.

1192 (b) Regional Transportation Incentive Program projects  
1193 identified pursuant to s. 339.2817(4).

1194 (3) Loans from the bank may be subordinated to senior  
1195 project debt that has an investment grade rating of "BBB" or  
1196 higher.

1197 (4)~~(3)~~ Loans from the bank may bear interest at or below  
1198 market interest rates, as determined by the department.  
1199 Repayment of any loan from the bank shall commence not later  
1200 than 5 years after the project has been completed or, in the  
1201 case of a highway project, the facility has opened to traffic,  
1202 whichever is later, and shall be repaid in no more than 30  
1203 years.

1204 (5)~~(4)~~ ~~Except as provided in s. 339.137,~~ To be eligible  
1205 for consideration, projects awarded from the state-funded  
1206 infrastructure bank must be consistent, to the maximum extent  
1207 feasible, with local metropolitan planning organization plans  
1208 and local government comprehensive plans and must provide a  
1209 dedicated repayment source to ensure the loan is repaid to the  
1210 bank.

HB 1477

2004  
CS

1211           (6) Funding awarded for projects under paragraph (2)(b)  
 1212 must be matched by a minimum of 25 percent from funds other than  
 1213 the state-funded infrastructure bank loan.

1214           ~~(7)(5)~~ The department may consider, but is not limited to,  
 1215 the following criteria for evaluation of projects for assistance  
 1216 from the bank:

1217           (a) The credit worthiness of the project.

1218           (b) A demonstration that the project will encourage,  
 1219 enhance, or create economic benefits.

1220           (c) The likelihood that assistance would enable the  
 1221 project to proceed at an earlier date than would otherwise be  
 1222 possible.

1223           (d) The extent to which assistance would foster innovative  
 1224 public-private partnerships and attract private debt or equity  
 1225 investment.

1226           (e) The extent to which the project would use new  
 1227 technologies, including intelligent transportation systems, that  
 1228 would enhance the efficient operation of the project.

1229           (f) The extent to which the project would maintain or  
 1230 protect the environment.

1231           (g) A demonstration that the project includes  
 1232 transportation benefits for improving intermodalism, cargo and  
 1233 freight movement, and safety.

1234           (h) The amount of the proposed assistance as a percentage  
 1235 of the overall project costs with emphasis on local and private  
 1236 participation.

1237           (i) The extent to which the project will provide for  
 1238 connectivity between the State Highway System and airports,

HB 1477

2004  
CS

1239 | seaports, rail facilities, and other transportation terminals  
1240 | and intermodal options pursuant to s. 341.053 for the increased  
1241 | accessibility and movement of people and goods.

1242 |       (8)~~(6)~~ Loan assistance provided by the bank shall be  
1243 | included in the department's work program developed in  
1244 | accordance with s. 339.135.

1245 |       (9)~~(7)~~ The department is authorized to adopt rules to  
1246 | implement the state-funded infrastructure bank.

1247 |       Section 12. This act shall take effect July 1, 2004.