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# **Transportation & Ports Subcommittee**

## **MEETING PACKET**

**Wednesday, December 2, 2015  
4:00 PM – 6:00 PM  
Sumner Hall (404 HOB)**

**Steve Crisafulli  
Speaker**

**Patrick Rooney, Jr.  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Transportation & Ports Subcommittee

**Start Date and Time:** Wednesday, December 02, 2015 04:00 pm  
**End Date and Time:** Wednesday, December 02, 2015 06:00 pm  
**Location:** Sumner Hall (404 HOB)  
**Duration:** 2.00 hrs

**Consideration of the following bill(s):**

HB 299 Expressway Authorities by Nuñez

**Consideration of the following proposed committee bill(s):**

PCB TPS 16-01 -- Department of Transportation

Presentation on Long-Term Transportation Funding Trends - Florida Department of Transportation

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Tuesday, December 1, 2015.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, December 1, 2015.

**NOTICE FINALIZED on 11/24/2015 4:51PM by Manning.Karen**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 299 Expressway Authorities  
**SPONSOR(S):** Nuñez  
**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 574

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee		Willson MW	Vickers <i>[Signature]</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

### SUMMARY ANALYSIS

The Miami-Dade County Expressway Authority (MDX) is an agency of the state created pursuant to the Florida Expressway Authority Act. Its board currently consists of 13 members, seven of whom are appointed by the Miami-Dade County Commission, five of whom are appointed by the Governor, and a Department of Transportation (DOT) district secretary, who is an ex officio voting member.

Current law prohibits lobbyists from being appointed to and serving on MDX's board.

The bill changes the makeup of MDX's board to the following nine members: five Miami-Dade County Commission appointees, three gubernatorial appointees, and the DOT district secretary.

The bill prohibits a person from serving on MDX's board if that person has, in the previous four years, represented a client for compensation before any state or municipal governmental body, including any agency, quasi-governmental entity, body staffed by public employees, or entity that has its operations paid for by public dollars.

The bill prohibits a person from serving on MDX's board if that person has, in the previous four years, done business with or represented another person or entity doing business with, a state or municipal governmental agency or body.

The bill provides for termination of board members upon a finding of violation of ethical or financial disclosure requirements.

The bill does not appear to have a fiscal impact on state or local governments.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

##### **Miami-Dade County**

Section 125.011(1), F.S. defines a county as:

[A]ny county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word "county" within the above provisions shall include "board of county commissioners" of such county.

The local governments authorized to operate under a home rule charter by the State Constitutions of 1885 and 1968 are the City of Key West and Monroe County,<sup>1</sup> Dade County,<sup>2</sup> and Hillsborough County.<sup>3</sup> Of these, only Miami-Dade County operates under a home-rule charter, which was adopted on May 21, 1957, under this constitutional provision.<sup>4</sup> Therefore, Miami-Dade County is the only county that meets the definition in s. 125.011(1), F.S.

##### **Miami-Dade County Expressway Authority**

The Florida Expressway Authority Act (Act), codified in part I of chapter 348, F.S.,<sup>5</sup> authorizes any county or two or more contiguous counties within a single Department of Transportation (DOT) district to, by resolution adopted by the board of county commissioners, form an expressway authority, which shall be an agency of the state.<sup>6</sup> MDX was created in 1994, when the Miami-Dade County Commission adopted ordinance 94-215.<sup>7</sup> The Miami-Dade County Expressway Authority (MDX) is the only expressway authority created under the Act.<sup>8</sup>

MDX's system consists of the following roadways in Miami-Dade County:

- Airport Expressway (SR 112);
- Dolphin Expressway (SR 836);
- Don Shula Expressway (SR 874);
- Snapper Creek Expressway (SR 878); and
- Gratigny Parkway (SR 924).

MDX's board consists of 13 members, seven of whom are appointed by the Miami-Dade County Commission and five of whom are appointed by the Governor. The 13<sup>th</sup> member is DOT's district six secretary, who is an ex-officio voting member.<sup>9</sup>

<sup>1</sup> FLA. CONST. art. VIII, s. 6, n. 2.

<sup>2</sup> FLA. CONST. art. VIII, s. 6, n. 3.

<sup>3</sup> FLA. CONST. art. VIII, s. 6, n. 4.

<sup>4</sup> Florida Association of Counties, *Charter County Information*, <http://www.fl-counties.com/about-floridas-counties/charter-county-information> (last visited May 2, 2014).

<sup>5</sup> Part I of ch. 348, F.S. is comprised of ss. 348.0001 through 348.0012, F.S.

<sup>6</sup> S. 348.0003(1), F.S.

<sup>7</sup> A copy of the ordinance is available at [http://miamidade.fl.elaws.us/code/coor/coor\\_ptiii\\_ch2\\_artxviii/](http://miamidade.fl.elaws.us/code/coor/coor_ptiii_ch2_artxviii/) (Last visited November 09, 2015).

<sup>8</sup> While MDX is the only authority created pursuant to the Act, part V of ch. 348, F.S., creating the Osceola County Expressway Authority, contains numerous references to the Act.

<sup>9</sup> S. 348.0003(2)(d), F.S.

In 2014, CS/CS/CS/SB 846<sup>10</sup> applied several ethics provisions to MDX in addition to those currently required by the Code of Ethics. Specifically the bill:

- Required MDX's general counsel to serve as its ethics officer;
- Required the code of ethics policy to be reviewed and updated by the ethics officer and presented for board approval at least once every two years;
- Required that employees be adequately informed and trained on the code of ethics and continually participate in ongoing ethics education;
- Prohibited a lobbyist<sup>11</sup> from being appointed to or serving as a member of the authority;
- Prohibited a member or the executive director of the authority from personally representing another person or entity for compensation before the authority for a period of two years after vacation of his or her position;
- Prohibited a member or the executive director, after retirement or termination, from having an employment or contractual relationship with a business entity other than an agency, in connection with a contract in which the member or executive director personally and substantially participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while he or she was a member or employee of the authority;
- Prohibited board members, employees, and consultants who hold positions that may influence authority decisions from engaging in any relationship that may adversely affect their judgment in carrying out authority business;
- Required the general counsel to review an annual conflict of interest disclosure that includes any relationship that a board member, employee, or consultant has which affords a current or future financial benefit to such board member, employee, or consultant or to a relative, or business associate of such board member, employee, or consultant, and which a reasonable person would conclude has the potential to create a prohibited conflict of interest, and whether a relative is a registered lobbyist, and, if so, the names of such lobbyist's clients; interests in real property the board member, employee, or consultant has, or that an immediate family member has, if such real property is located in, or within ½-mile radius of, any actual or prospective authority roadway project; and
- Required the conflict of interest process to be outlined in the authority's code of ethics.<sup>12</sup>

### **Proposed Changes**

The bill amends s. 348.0003(2)(d), F.S., revising the membership of MDX. The number of board members is reduced from thirteen to nine. Five members are appointed by the governing body of the county. Three members are appointed by the Governor. The ninth member is DOT's district six secretary.

The bill creates s. 348.0003(5)(a)2., F.S., providing that a person may not serve as a member of MDX's governing body if that person has, in the previous four years, represented a client for compensation before a municipal or state governmental body. This includes any agency, quasi-governmental entity, or body staffed by public employees, or entity that has its operations paid for by public dollars.

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<sup>10</sup> Ch. 2014-183, L.O.F.

<sup>11</sup> Section 112.3215, F.S., defines "lobbyist" as "a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. "Lobbyist" does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.
2. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.
3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.
4. A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017."

<sup>12</sup> Similar provisions were passed for the Central Florida Expressway Authority in CS/CS/SB 230 (Ch. 2014-195, L.O.F.)

The bill amends s. 348.0003(5)(a)3., F.S., providing that a person may not serve as a member of the governing body of MDX if that person has, in the previous four years, done business with or represented any person or entity doing business with, a state or municipal governmental agency.

The bill creates s. 348.0003(5)(l), F.S., providing that a finding of violation of s. 348.0003(5), F.S. or Ch. 112, F.S.,<sup>13</sup> or failure to comply within 90 days after receiving a notice of failure to comply with financial disclosure requirements,<sup>14</sup> results in immediate termination from MDX's governing body.

The bill is effective upon becoming a law.

**B. SECTION DIRECTORY:**

Section 1 Amends s. 348.0003, F.S., relating to expressway authority; formation; membership.

Section 2 Provides an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

<sup>13</sup> Chapter 112, F.S., relates to public officers and employees.

<sup>14</sup> Section 348.0003(4)(c), F.S., requires members of expressway authorities to file the detailed Form 6 financial disclosure form with the Commission on Ethics.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

Lines 41 through 48 of the bill contains language in s. 348.0003(2)(d), F.S., which appears to be an obsolete provision transitioning some nonvoting members of MDX to members being appointed by the Governor. This language may no longer be needed and could possibly be repealed.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**



1                                   A bill to be entitled  
 2           An act relating to expressway authorities; amending s.  
 3           348.0003, F.S.; revising qualifications for membership  
 4           on the governing body of certain expressway  
 5           authorities; providing for termination from an  
 6           authority's governing body upon a finding of a  
 7           violation of specified ethical conduct provisions or  
 8           failure to comply with a notice of failure to comply  
 9           with financial disclosure requirements; providing an  
 10          effective date.

11  
 12   Be It Enacted by the Legislature of the State of Florida:

13  
 14           Section 1. Paragraph (d) of subsection (2) and paragraph  
 15           (a) of subsection (5) of section 348.0003, Florida Statutes, are  
 16           amended, and paragraph (1) is added to subsection (5) of that  
 17           section, to read:

18           348.0003 Expressway authority; formation; membership.—  
 19           (2) The governing body of an authority shall consist of  
 20           not fewer than five nor more than nine voting members. The  
 21           district secretary of the affected department district shall  
 22           serve as a nonvoting member of the governing body of each  
 23           authority located within the district. Each member of the  
 24           governing body must at all times during his or her term of  
 25           office be a permanent resident of the county which he or she is  
 26           appointed to represent.

27 (d) Notwithstanding any provision to the contrary in this  
28 subsection, in any county as defined in s. 125.011(1), the  
29 governing body of an authority shall consist of up to nine ~~13~~  
30 members, and the following provisions of this paragraph shall  
31 apply specifically to such authority. Except for the district  
32 secretary of the department, the members must be residents of  
33 the county. Five ~~Seven~~ voting members shall be appointed by the  
34 governing body of the county. At the discretion of the governing  
35 body of the county, up to two of the members appointed by the  
36 governing body of the county may be elected officials residing  
37 in the county. Three ~~Five~~ voting members of the authority shall  
38 be appointed by the Governor. One member shall be the district  
39 secretary of the department serving in the district that  
40 contains such county. This member shall be an ex officio voting  
41 member of the authority. If the governing body ~~board~~ of an  
42 authority includes any member originally appointed by the  
43 governing body of the county as a nonvoting member, when the  
44 term of such member expires, that member shall be replaced by a  
45 member appointed by the Governor until the governing body of the  
46 authority is composed of five ~~seven~~ members appointed by the  
47 governing body of the county and three ~~five~~ members appointed by  
48 the Governor. Except as provided in subsection (5), the  
49 qualifications, terms of office, and obligations and rights of  
50 members of the authority shall be determined by resolution or  
51 ordinance of the governing body of the county in a manner that  
52 is consistent with subsections (3) and (4).

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

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

57 2. A person may not be appointed to or serve as a member  
 58 of the governing body of an authority if that person currently  
 59 represents or has in the previous 4 years represented any client  
 60 for compensation before any state or municipal governmental  
 61 body, including any agency, quasi-governmental entity, or body  
 62 staffed by public employees, or entity that has its operations  
 63 paid for by public dollars.

64 3. A person may not be appointed to or serve as a member  
 65 of the governing body of an authority if that person currently  
 66 represents or has in the previous 4 years represented any person  
 67 or entity that is doing business, or in the previous 4 years has  
 68 done business, with any state or municipal governmental agency  
 69 or body.

70 (1) A finding of a violation of this subsection or chapter  
 71 112, or failure to comply within 90 days after receiving a  
 72 notice of failure to comply with financial disclosure  
 73 requirements, results in immediate termination from the  
 74 governing body of the authority.

75 Section 2. This act shall take effect upon becoming a law.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB TPS 16-01 Department of Transportation  
**SPONSOR(S):** Transportation & Ports Subcommittee  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 756

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Ports Subcommittee		Willson MW	Vickers <i>RV</i>

### SUMMARY ANALYSIS

This is a comprehensive bill relating to the Department of Transportation (DOT). In summary the bill:

- Reallocates \$10 million within the Work Program to the Florida Seaport and Economic Development (FSTED) Program, which increases the program's annual funding minimum from \$15 to \$25 million.
- Authorizes DOT to designate certain locations and routes as ports of entry, and limits the penalty that may be assessed for specified operators which obtain temporary permits at a port of entry.
- Authorizes the DOT to assume specified environmental review responsibilities under the National Environmental Policy Act (NEPA) with respect to highway projects.
- Modifies the process for the development and review of public-private partnership project proposals.
- Authorizes DOT to establish a Business Development Program that would assist small businesses and increase competition in the procurement of highway project contractors.
- Removes the Beeline-East Expressway and the Navarre Bridge from the list of facilities whose toll revenues may be used to secure bonds.
- Authorizes the creation of the DOT Financing Corporation to serve as a conduit issuer of debt to finance transportation projects.
- Increases the length of time that a toll account must remain dormant before it is presumed unclaimed property.
- Revises requirements for when a DOT Work Program amendment must be approved by the Legislative Budget Commission.

The overall fiscal impact of this bill is indeterminate but likely insignificant. Additionally, there also may be cost savings associated with DOT assuming responsibilities under NEPA. See fiscal section for specific details.

The bill has an effective date of July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

This is a comprehensive bill relating to the Department of Transportation (DOT). For ease of understanding, this analysis is arranged by topic.

#### **FSTED Funding (Sections 1 and 2)**

##### Current Situation

In 1990, the Legislature created Ch. 311, F.S., authorizing the Florida Seaport and Economic Development (FSTED) Program.<sup>1</sup> This program established a collaborative relationship between DOT and the seaports and currently codifies an annual minimum of \$15 million for a seaport grant program.<sup>2</sup> FSTED funds are to be used on approved projects on a 50-50 matching basis.<sup>3</sup> Funding grants under the FSTED program are limited to the following port facilities or port transportation projects:

- Transportation facilities within the jurisdiction of the port.
- The dredging or deepening of channels, turning basins, or harbors.
- The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with the foregoing.
- The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.
- The acquisition of land to be used for port purposes.
- The acquisition, improvement, enlargement, or extension of existing port facilities.
- Environmental protection projects: which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites; or which result from the funding of eligible projects.
- Transportation facilities which are not otherwise part of DOT's adopted Work Program.<sup>4</sup>
- Intermodal access projects.
- Construction or rehabilitation of port facilities, excluding any park or recreational facility, in ports listed in s. 311.09(1), F.S.,<sup>5</sup> with operating revenues of \$5 million or less, provided that such project creates economic development opportunities, capital improvements, and positive financial returns to such ports.
- Seaport master plan or strategic plan development updates, including the purchase of data to support such plans or other provisions of the Community Planning Act.<sup>6</sup>

In order for a project to be eligible for consideration by the FSTED Council, a project must be consistent with the port's comprehensive master plan, which is incorporated as part of the approved local government comprehensive plan.

The FSTED program is managed by the FSTED Council, which consists of the port director, or director's designee of the 15 deepwater ports, the Secretary of DOT or his or her designee, and the Executive Director of the Department of Economic Opportunity or his or her designee.<sup>7</sup>

<sup>1</sup> Ch. 90-136, L.O.F.

<sup>2</sup> SS. 311.07 and 311.09, F.S.

<sup>3</sup> S. 311.07(3)(a), F.S.

<sup>4</sup> DOT's Work Program is adopted pursuant to s. 339.135, F.S.

<sup>5</sup> The ports listed in s. 311.09(1), F.S., are the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

<sup>6</sup> Part II of Ch. 163, F.S.

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DATE: 11/24/2015

### Proposed Changes

The bill amends ss. 311.07(2) and 311.09(9), F.S., providing that DOT include a minimum of \$25 million per year in its annual legislative budget request for the FSTED program.

### Port of Entry (Sections 3 and 4)

#### Current Situation

The Federal Motor Carrier Safety Administration and the state have enacted certain laws and regulations intended to promote the safe operation of commercial vehicles and to protect the state's roads and bridges from damage associated with overweight vehicles. DOT's Office of Maintenance's Motor Carrier Size and Weight Office as well as the Florida Highway Patrol's Commercial Vehicle Enforcement Unit enforce laws relating to commercial vehicle size, weight, and safety.<sup>8</sup>

Interstate operators of commercial motor vehicles are required to obtain a number of credentials. The basic credential requirements include a valid and current apportioned registration (International Registration Plan [IRP]),<sup>9</sup> international fuel tax agreement (IFTA) license and decals, display of a valid United States Department of Transportation number, and, in some situations, overweight/over dimensional permits.

A "port of entry" or "POE" state allows carriers to purchase all or portions of these credentials at select weigh station facilities or other locations within the state. Currently, Florida is not a port of entry state, meaning that all applicable permits and credentials must be obtained prior to entering the state.

Section 320.0715(1), F.S., requires all apportionable vehicles<sup>10</sup> domiciled in this state to register under the International Registration Plan and to display the apportioned license plate. A CVM that is not registered with Florida or for Florida with any other IRP jurisdiction, or the registration is found to be expired, or the vehicle is improperly registered, Florida law requires a penalty assessment of five cents per pound for all weight over 10,000 pounds, except loaded truck tractor-semitrailer and tandem trailer combinations, which will be assessed for all weight over 35,000 pounds.

An IRP trip permit registration may be obtained for a commercial motor vehicle that was eligible for, but failed to obtain, IRP credentials prior to entering Florida.<sup>11</sup> The trip permit allows the vehicle to be operated in interstate or intrastate commerce for a ten-day period and may be obtained at a weigh station for \$30.<sup>12</sup> Under current law, a weight penalty is assessed for an improperly registered commercial motor vehicle without regard to location or whether the operator of the commercial motor vehicle obtains a temporary IRP trip permit registration.<sup>13</sup>

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<sup>7</sup> S. 311.09(1), F.S.

<sup>8</sup> Florida Department of Transportation, *Florida Port of Entry Feasibility Study*, September 2014, at 27, available at [http://www.dot.state.fl.us/trafficoperations/Traf\\_Incident/Projects\\_CVO/Presentation/FL%20POE%20Technical%20Study%20Final.pdf](http://www.dot.state.fl.us/trafficoperations/Traf_Incident/Projects_CVO/Presentation/FL%20POE%20Technical%20Study%20Final.pdf) (last accessed Nov. 18, 2015).

<sup>9</sup> The IRP is a registration reciprocity agreement among states of the United States, the District of Columbia and provinces of Canada providing for payment of apportionable fees on the basis of total distance operated in all jurisdictions. <http://www.irponline.org/> (Last visited February 12, 2015).

<sup>10</sup> Section 320.01(24), F.S., defines "apportionable vehicle" to mean "any vehicle [with certain exceptions] which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and: (a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds; (b) Is a power unit having three or more axles, regardless of weight; or (c) Is sued in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight."

<sup>11</sup> S. 320.0715(2)(a), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> S. 316.545(2)(b), F.S.

When the registered declared gross vehicle weight of a properly credentialed commercial motor vehicle is exceeded, a penalty of five cents per pound will be assessed for all weight over the registered gross vehicle weight.<sup>14</sup>

#### Proposed Changes

The bill creates s. 316.003(94), F.S., defining "port-of-entry" as a designated location that allows drivers of commercial motor vehicles to purchase temporary registration permits necessary to operate legally within the state. The locations and the designated routes to such locations shall be determined by DOT.

The bill amends s. 316.545(2)(b), F.S., providing that commercial motor vehicles entering the state at designated ports-of-entry, or operating on designated routes to a port of entry location, which obtain temporary registration permits associated with the IRP, shall be assessed a penalty limited to the difference between its gross weight and the declared gross vehicle weight<sup>15</sup> at five cents per pound. Existing penalties for failure to obtain other required credentials remain unchanged, including, but not limited to, IFTA violations and overweight and over-dimensional permit violations.

The FDOT advises three potential POE locations are under consideration:

- I-10 at the first eastbound weigh station entering the state;
- I-75 at the first southbound weigh station entering the state; and
- I-95 at the first southbound weigh station entering the state.

The designated route for each location would be the portion of the interstate from the state line to the weigh station.<sup>16</sup>

#### **NEPA Delegation (Section 5)**

##### Current Situation

The DOT funds, develops and constructs highway transportation projects through several funding sources including federal, state, local, toll or combination thereof. When DOT advances a highway project as "federally eligible," the project is developed consistent with the National Environmental Policy Act (NEPA) and other laws and regulations in consultation with and subject to the oversight of the Federal Highway Administration (FHWA) of the United States Department of Transportation (USDOT). DOT meets NEPA requirements through its Efficient Transportation Decision Making (ETDM) and Project Development and Environment (PD&E) processes.

DOT uses the ETDM process to initiate contact with agencies and other stakeholders during the planning phase of a project to provide the opportunity for input by multiple parties and garner information that can be used to inform the PD&E process. The PD&E process is DOT's procedure for analyzing, performing outreach, guiding agency coordination and meeting regulatory requirements before a project can be advanced. The two processes have been working in concert since 2005 and PD&E has been in place for over 20 years. Under this process DOT prepares documents, analyzes alternatives, consults with agencies, makes recommendations and provides this information to the FHWA as the lead federal agency for review, comment, approval and ultimate decision making.

Under this federally assisted, state administered process DOT is responsible for providing all supporting work and effort to advance DOT projects but has limited autonomy and authority to make ultimate project decisions. The result is that DOT must perform its analysis, coordinate and consult with agencies and ultimately satisfy FHWA. The additional layer of coordination, review and satisfaction of FHWA can add considerable time and cost to project development and delivery.

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<sup>14</sup> *Id.*

<sup>15</sup> S. 322.01(13), F.S., defines "Declared weight" as the maximum loaded weight declared for purposes of registration, pursuant to chapter 320.

<sup>16</sup> Copy on file with the House Transportation & Ports Subcommittee.



From a legal standpoint, the FHWA provides legal sufficiency reviews of project documents developed by DOT and is tasked with addressing court challenges of projects. These challenges are based on the federal Administrative Procedures Act and therefore focus on the administrative record and the prepared documentation and related analysis. DOT is typically a party to these challenges to support FHWA and ensure its project advancement.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was signed into law in August of 2005. Under SAFETEA-LU a five-state pilot program was established authorizing the pilot states to assume the USDOT Secretary's environmental responsibilities, NEPA and other environmental laws.<sup>17</sup> In 2012, Congress enacted the Moving Ahead for Progress in the 21st Century Act (MAP-21), which made the program permanent, provided the opportunity for its use to all states and expanded the responsibilities that could be assigned and assumed. Application requirements and criteria for participation were recently defined.<sup>18</sup>

### Proposed Changes

The bill creates s. 334.044(34), F.S., authorizing DOT to assume responsibilities of the USDOT with respect to highway projects within the state under NEPA<sup>19</sup> or other actions required under any federal environmental law pertaining to review or approval of any highway project within the state. DOT may assume responsibilities under 23 U.S.C. s. 327;<sup>20</sup> and enter into one or more agreements, including memoranda of understanding with the United States Secretary of Transportation related to the federal surface transportation project delivery program for transportation projects as provided by 23 U.S.C. s. 327. DOT may adopt rules to implement this section and may adopt relevant federal environmental standards as the standards for the state for a program described above.

The bill would allow Florida to assume greater responsibility for the fate of its own projects by giving the DOT direct NEPA decision making authority. By assuming FHWA's role in the review and approval of transportation projects, DOT anticipates achieving both time and cost savings in project delivery. These benefits are due in part to eliminating one layer of governmental review, allowing direct consultation between DOT and federal regulatory agencies and maximizing efficiency by consolidating all NEPA reviews under DOT. According to DOT, NEPA assignment will result in more timely delivery of transportation projects to Florida's citizens and enhancement of the infrastructure needed to support Florida's economic competitiveness.<sup>21</sup>

A limited waiver of sovereign immunity to civil suit in federal court is required before a state may assume the FHWA's NEPA responsibilities. The waiver of sovereign immunity is limited to only those actions delegated to the DOT and related to carrying out its NEPA duties on state highway projects. NEPA review is governed by the federal Administrative Procedures Act. The standard for review is whether the DOT's action is arbitrary and capricious. The remedy for a successful challenge is to require additional review, analysis, and documentation to support the project. Monetary damages are not permitted. Further, a state assuming the NEPA responsibilities may use federally apportioned surface transportation funds for attorneys' fees directly attributable to eligible activities associated with a project.<sup>22</sup>

### **Public-Private Partnerships (Section 6)**

#### Current Situation

Section 334.30, F.S., authorizes DOT to advance projects which are programmed in the adopted 5 year Work Program that increase transportation capacity and projects greater than \$500 million in the 10-

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<sup>17</sup> 23 U.S.C. s. 327

<sup>18</sup> These requirements were defined in the updated 23 C.F.R. s. 773.

<sup>19</sup> 42 U.S.C. s. 4321 et. seq.

<sup>20</sup> 23 U.S.C. s. 327 relates to the surface transportation project delivery program.

<sup>21</sup> See Florida Department of Transportation, *NEPA Analysis*, July 2015. Copy on file with Transportation & Ports Subcommittee Staff.

<sup>22</sup> 23 USC s. 327(a)(2)(G)

year Strategic Intermodal Plan using funds provided by public-private partnerships (P3) or private entities. These partnerships allow DOT to advance a project utilizing private financing and to reimburse those funds in the fiscal year in which the project is programmed in the Work Program. No more than 15 percent of total federal and state funding in any given year for the State Transportation Trust Fund may be obligated for public private partnership projects.

Inclusion of a project on DOT's 5-year Work Program indicates Legislative approval for the DOT to receive and solicit proposals to enter into agreements with private entities for the building, operation, ownership or financing of transportation facilities.

The Division of Bond Finance of the State Board of Administration is responsible for issuing bonds and advising on debt management policies for the state. The Division also provides technical assistance on new financing programs and legislative proposals, administers the volume cap allocation for private activity bonds, and provides an arbitrage compliance program for State bond issues.

### Proposed Changes

The bill amends s. 334.30, F.S., providing that DOT must provide information to, and consult with, the Division of Bond Finance of the State Board of Administration in connection with public-private partnership project proposals to finance or refinance a transportation facility. The bill authorizes the Division of Bond Finance to make an independent recommendation to the Office of the Governor.

### **Business Development Program (Section 7)**

#### Current Situation

Section 337.025, F.S., authorizes DOT to establish a program for innovative highway projects. The program fosters innovative strategies in highway construction, maintenance, and finance and bidding in order to limit time and cost increases on construction projects. Innovative techniques are exempt from provisions of law that would otherwise prevent their use, and DOT may not enter into more than \$120 million in contracts under this program each year.<sup>23</sup>

In response to the rising cost of bids and limited competition between majority prime contractors and consultants between 2004 and 2006, DOT implemented a Business Development Initiative pilot project (Initiative). The Initiative is designed to cultivate small businesses to have the ability to bid as prime firms. The Initiative was designed to support the DOT's efforts to increase competition, lower prices, and increase support to meet its contracting needs over the next 10 years. Another goal of the Initiative was to provide more opportunities and support for small businesses wishing to move from subcontracting and sub-consulting to prime contracting and consulting roles.

The initial phase of the Initiative was implemented in fiscal years 2006-07 and 2007-08, with the first six months using DOT District Two as the pilot, followed by the remaining districts in January 2007. DOT conducted a series of focus group sessions in each district to discuss the initiative and various contracting barriers small businesses have when competing on DOT contracts. DOT also sent a survey to small businesses throughout the state, and more than half of the respondents found DOT's goal to be consistent their vision of becoming a prime firm. As a result, DOT implemented a number of strategies to increase competition for highway projects, including:

- Reserve construction, maintenance, and professional services contracts under \$1,000,000 for small businesses and offer assistance to firms with little or no experience of working with DOT as a prime.
- Waive bonding requirements for non-critical projects and/or reduce bid bond amount.
- Provide additional/preference points on professional services contracts and design build contracts for primes who contract with small businesses.
- Revise liability insurance requirements.

<sup>23</sup> S. 337.025, F.S.

- Reduce cost of Construction Training Qualification Program courses for small businesses.

In March 2009, DOT received approval from Federal Highway Administration (FHWA) to apply the Business Development Initiative strategies to federally funded projects. The program was the first of its kind to be approved by the US DOT.

The total value of innovative contracts for Fiscal Year 2016 is \$113,777,507, according to DOT, of which the Initiative accounts for \$24,320,195.

#### Proposed Changes

The bill creates s. 337.027, F.S., providing DOT with authorization to establish a program that would assist small businesses and increase competition for highway projects in the DOT Work Program. The bill would allow DOT to create a Business Development Program separate from of the current authorization for the Initiative pursuant to s. 337.025, F.S. The bill allows DOT to set aside contracts, provide preferential points and special assistance, waive certain bond requirements, and implement other strategies.

The bill defines a qualifying small business as a business with average gross receipts under \$15 million for road and bridge contracts and under \$6.5 million for professional and non-professional services contracts.

The bill authorizes DOT to adopt rules for the implementation of a business development program.

#### **Obsolete Facilities for Toll Revenue (Section 8)**

##### Current Situation

Current law authorizes DOT to request the Division of Bond Finance to issue bonds secured by toll revenues collected on Alligator Alley, the Sunshine Skyway Bridge, the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway to fund transportation projects within the county or counties in which the project is located and contained in DOT's adopted Work Program.<sup>24</sup>

The Navarre Bridge is county owned and is no longer used for toll revenue. The Beeline-East Expressway (re-named the Beachline East Expressway) is now part of the Turnpike Enterprise<sup>25</sup> and toll revenues can be used to secure turnpike debt.

##### Proposed Changes

The bill amends s. 338.165(4), F.S., removing the Beeline-East Expressway and the Navarre Bridge from the list of facilities from which DOT may use toll revenues for certain purposes.

#### **Dormant Toll Accounts (Section 9)**

##### Current Situation

SunPass is the Florida's electronic, prepaid tolls program. It is accepted on all Florida toll roads and nearly all toll bridges. SunPass customers always pay the lowest toll rates available and pay 25 cents less than TOLL-BY-PLATE customers at every exit and location where Turnpike all-electronic, no-cash tolling is in place.

SunPass uses electronic transponders attached to the inside of a car's windshield. When a car equipped with SunPass goes through a tolling location, the transponder sends a signal and the toll is deducted from the customer's account.<sup>26</sup>

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<sup>24</sup> S. 338.165(4), F.S.

<sup>25</sup> Ch. 2012-128, F.S.

<sup>26</sup> <http://www.floridasturnpike.com/all-electronic/tolling/SunPass.cfm> (Last visited January 22, 2015).

Current law provides that any prepaid toll account that has remained inactive for three years shall be presumed unclaimed and handled by the Department of Financial Services in accordance laws relating to the disposition of unclaimed property<sup>27</sup> and that DOT shall close the prepaid toll account.<sup>28</sup>

According to DOT, there are approximately 250,000 SunPass accounts and 35,000 Toll-by-Plate accounts that have not had any activity since January 1, 2012.<sup>29</sup>

#### Proposed Changes

The bill amends s. 338.231(3)(c), F.S., increasing the length of time, from 3 years to 10 years, that a toll account must remain dormant before it is presumed unclaimed.

### **DOT Financing Corporation (Section 10)**

#### Current Situation

The Florida Constitution and current law authorize DOT to issue debt for the purpose of financing the cost of specific types of transportation projects, including:

- Right of Way Acquisition and Bridge Construction Bonds to fund the acquisition of right of way for roads and the costs of bridge construction projects, authorized by Section 17, Article VII of the Florida Constitution and s. 215.605, F.S.;
- Revenue bonds payable from toll revenues of Florida's Turnpike System, and from the revenues of other Department owned toll facilities, authorized by Section 11, Article VII of the Florida Constitution and s. 338.227 and s. 338.165, F.S.;
- Federal highway apportionment grant anticipation revenue vehicle (GAARVEE) bonds, authorized by s. 215.616, F.S.; and
- Revenue bonds to finance fixed guideway projects, authorized by s. 215.615, F.S.

Article VII, Section 11 of the Florida Constitution otherwise requires approval by vote of the electors for state bonds that would pledge the full faith and credit of the state to finance or refinance the cost of state fixed capital outlay projects authorized by law. Other than the limited authority for right of way acquisition and bridge construction bonds, DOT has no broad authority to pledge future State Transportation Trust Fund monies, a full faith and credit pledge, to support the issuance of debt to finance the acquisition or construction of transportation facilities.

Section 339, F.S., authorizes DOT to contractually commit future State Transportation Trust Fund revenues over its 5 year Work Program.

Section 334.30, F.S., authorizes DOT to enter into public-private partnership agreements, which are long term contractual obligations to finance the costs of acquisition and construction of transportation facilities by private entities.

#### Proposed Changes

The bill creates the Florida Department of Transportation Financing Corporation (Corporation), a conduit issuer of indebtedness that would be secured by amounts payable to the Corporation by the DOT under one or more contracts.

The Corporation would be a state governmental entity, governed by a board made up of the Director of the Office of Policy and Budget in the Executive Office of the Governor, the Director of the Division of Bond Finance, and the DOT Secretary. The Corporation would have the power to enter into agreements with DOT under which the DOT would remit payments to the Corporation in exchange for financing services from the Corporation. DOT's commitments would be subject to appropriation and

<sup>27</sup> Ch. 717, F.S.

<sup>28</sup> S. 338.231(3)(c), F.S.

<sup>29</sup> DOT e-mail response to staff questions, February 3, 2015. Copy on file with Transportation & Ports Subcommittee Staff.

would not constitute a general obligation of the State or a pledge of the full faith and credit of the State. The payments from the DOT would effectively constitute revenues in the hands of the Corporation.

The bill allows DOT to leverage the favorable terms available to governmental borrowers in the tax exempt municipal bond market when DOT enters into long term financing agreements and commits future transportation funding for the acquisition and construction of transportation facilities.

The bill would permit the issuance of debt to finance transportation projects for which the DOT currently lacks legal authority to issue bonds. The Corporation would be authorized to issue debt payable from and secured by the contractual commitments of the DOT and provide the proceeds of the debt to the DOT for the purpose of financing identified transportation projects. The Corporation would be acting as a "conduit issuer" and would not be generally liable for repayment of the debt. Because the debt would only be secured by the DOT contractual commitment to pay under its contract with the Corporation, which obligation remains subject to annual appropriation, the debt would not be secured by the full faith and credit of the State. This provides a constitutionally permissible mechanism by which the DOT could leverage future State Transportation Trust Fund revenues to provide funding for currently needed projects.

### **Work Program (Section 11)**

#### **Current Situation**

Each year, DOT develops and submits to the Legislature a Work Program, which consists of transportation projects it intends to undertake in the next five years. As part of the annual General Appropriations Act, the Legislature approves DOT's Work Program. DOT has the statutory authority to amend its Work Program.<sup>30</sup>

Current law permits amending the adopted Work Program, but Work Program amendments are only required to come before the Legislative Budget Commission (LBC) if budget authority is moved between appropriations categories.<sup>31</sup> However, historically, there has been sufficient budget authority within each appropriations category to negate the need for a LBC amendment. Therefore, most amendments to the Work Program must only be placed on consultation for 14 days, and become effective automatically unless the House of Representatives or the Senate objects to an amendment

Current law provides that any Work Program amendment requiring the transfer of fixed capital outlay appropriations between categories within DOT or the increase of an appropriation category is subject to the approval of the LBC. However, if a meeting of the LBC cannot be held within 30 days, then the chair and vice chair of the LBC may authorize the amendment to be approved pursuant to s. 216.177, F.S.<sup>32, 33</sup>

#### **Proposed Changes**

The bill amends s. 339.135(7)(g), F.S., removing the authorization for the chair and vice chair of the LBC to approve an amendment to the Work Program if a LBC meeting cannot be held within 30 days.

The bill creates s. 339.135(7)(h), F.S., providing that any Work Program amendment which also adds a new project, or project phase, to the adopted Work Program in excess of \$3 million is subject to LBC approval. Any Work Program amendment submitted under s. 339.135(7)(h), F.S. must include, as supplemental information, a list of projects, or project phases, in the current five-year adopted Work Program that are eligible for the funds within the appropriation category being utilized for the proposed amendment. DOT is required to provide a narrative with the rationale for not advancing an existing project or project phase in lieu of the proposed amendment.

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<sup>30</sup> S. 339.135, F.S.

<sup>31</sup> S. 339.135(7), F.S.

<sup>32</sup> Section 216.177, F.S., relates to Appropriations acts, statement of intent, violation, notice, review and objection procedures.

<sup>33</sup> S. 339.135(7)(g), F.S.

**Effective Date (Section 12)**

The bill has an effective date of July 1, 2016.

**B. SECTION DIRECTORY:**

- Section 1 Amends s. 311.07, F.S., relating to Florida seaport transportation and economic development funding.
- Section 2 Amends s. 311.09, F.S., relating to Florida Seaport Transportation and Economic Development Council.
- Section 3 Amends s. 316.003, F.S., relating to definitions.
- Section 4 Amends s. 316.545, F.S., relating to weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.
- Section 5 Amends s. 334.044, F.S., providing DOT powers and duties.
- Section 6 Amends s. 334.30, F.S., relating to public-private transportation facilities.
- Section 7 Creates s. 337.027, F.S., providing authority to implement a business development program.
- Section 8 Amends s. 338.165, F.S., relating to the continuation of tolls.
- Section 9 Amends s. 338.231, F.S., relating to turnpike tolls, fixing; pledge of tolls and other revenues.
- Section 10 Creates s. 339.0805, F.S., creating the DOT Financing Corporation.
- Section 11 Amends s. 339.135, F.S., relating to Work Program; legislative budget request; definitions; preparation, adoption, execution, and amendment.
- Section 12 Provides an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

**Port of Entry**

Currently, if a commercial vehicle operator does not have the necessary permits and credentials upon entering Florida and attempts to purchase them at the first weigh station, they will be cited for not having the necessary credentials. Creating ports of entry and the ability to purchase temporary credentials will limit the penalties and reduce revenues associated with these citations. DOT estimates there will be a \$1.6 million recurring negative fiscal impact to the STTF from allowing commercial motor vehicles to purchase IRP permits at ports of entry.<sup>34</sup>

2. Expenditures:

<sup>34</sup> Florida Department of Transportation response to Transportation & Ports Subcommittee Staff Questions. February 3, 2014.  
STORAGE NAME: pcb01.TPS.DOCX  
DATE: 11/24/2015

### **FSTED Funding**

The bill provides an additional \$10 million per year for FSTED funding. This funding will come from the State Transportation Trust Fund and is a reallocation of funding from within the confines of the Work Program.

### **Port of Entry**

As a port of entry state, Florida will require infrastructure to accommodate the acceptance and processing of applications for the credentials necessary to satisfy compliance with Florida's laws. However, existing initiatives utilize the same equipment and will require only minor modification to make them compatible with Florida's port of entry policies. It is estimated that equipment costs for all port of entry sites combined will not exceed \$58,000.<sup>35</sup>

### **NEPA Delegation**

DOT examined NEPA projects that were under review in 2014 and 2015, and calculated that elimination of FHWA coordination during the PD&E phase and the Design phase would have yielded an estimated cost savings of approximately \$74 million over a two year period.<sup>36</sup>

## **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

### **1. Revenues:**

None.

### **2. Expenditures:**

None.

## **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

### **FSTED Funding**

The additional \$10 million in FSTED funding will assist seaports with various projects. Projects planned for various ports include dredging, berth rehabilitation, and the expansion of facilities. These projects will help increase the competitiveness of Florida's seaports.

### **Port of Entry**

Commercial motor vehicle operators may see a reduction in their costs due to the ability to obtain permits at the state's ports-of-entry and avoiding fines by not having the proper permits when entering the state. Commercial motor vehicle operations may also save time with the ability to purchase permits at ports-of-entry.

### **Dormant Toll Accounts**

Individuals are less likely to have their prepaid tolls revert to unclaimed property with increasing the length of time the account is dormant from three years to 10 years.

### **Business Development Program**

This program should have a positive impact on small businesses by reducing barriers to entry for smaller firms competing for DOT contracts.

## **D. FISCAL COMMENTS:**

<sup>35</sup> Florida Department of Transportation, *Florida Port of Entry Feasibility Study*, September 2014, at 27, available at [http://www.dot.state.fl.us/trafficoperations/Traf\\_Incident/Projects\\_CVO/Presentation/FL%20POE%20Technical%20Study%20Final.pdf](http://www.dot.state.fl.us/trafficoperations/Traf_Incident/Projects_CVO/Presentation/FL%20POE%20Technical%20Study%20Final.pdf) (last accessed Nov. 18, 2015).

<sup>36</sup> Florida Department of Transportation, *NEPA Time Costs brief*, October 2015. Copy on file with Transportation & Ports Subcommittee Staff.

Giving DOT direct NEPA decision making authority may result in more efficient project delivery and reduced project costs. While cost reductions will be project specific, DOT estimates that FHWA coordination adds on average a cost increase of 25%, or approximately \$44 million, over a two-year period (2014 and 2015) in the PD&E phase alone.<sup>37</sup> An estimate of additional project costs in the Design phase, based on an average 2.5% cost increase due to FHWA coordination, yields an estimated savings of approximately \$30 million over a two-year period (2014 and 2015).<sup>38</sup> DOT also indicates that it will not require any additional positions as a result of NEPA delegation.<sup>39</sup>

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

DOT's rules regarding commercial motor vehicle permits may need to be amended if Florida becomes a port of entry state as proposed in the bill.

The bill authorizes DOT to adopt rules implementing its responsibilities under NEPA.

The bill authorizes DOT to adopt rules to implement the Business Development Program.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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<sup>37</sup> Florida Department of Transportation, *NEPA Time Costs brief*, October 2015. Copy on file with Transportation & Ports Subcommittee Staff.

<sup>38</sup> *Id.*

<sup>39</sup> Conversation between Transportation & Ports Subcommittee Staff and DOT staff.



1                                   A bill to be entitled  
 2           An act relating to the Department of Transportation;  
 3           amending ss. 311.07 and 311.09, F.S.; revising the  
 4           minimum amount of funds that the department must  
 5           request for the Florida Seaport Transportation and  
 6           Economic Development Program; amending s. 316.003,  
 7           F.S.; defining the term "port-of-entry" for purposes  
 8           of the Florida Uniform Traffic Control Law; amending  
 9           s. 316.545, F.S.; providing fines for certain  
 10          commercial motor vehicles that obtain a specified  
 11          temporary registration permit; amending s. 334.044,  
 12          F.S.; authorizing the department to assume certain  
 13          responsibilities of the United States Department of  
 14          Transportation with respect to highway projects within  
 15          the state; authorizing the department to enter into  
 16          certain agreements related to the federal surface  
 17          transportation project delivery program under  
 18          specified federal law; authorizing the department to  
 19          adopt rules and relevant federal environmental  
 20          standards; providing a limited waiver of sovereign  
 21          immunity to civil suit in federal court; amending s.  
 22          334.30, F.S.; revising requirements for the  
 23          development and approval of a proposal to finance or  
 24          refinance a transportation project; authorizing the  
 25          Division of Bond Finance of the State Board of  
 26          Administration to make certain recommendations to the

27 Governor; creating s. 337.027, F.S., relating to  
 28 highway project contracts; authorizing the department  
 29 to establish a program that would assist small  
 30 businesses; defining the term "small business";  
 31 authorizing the department to adopt rules; amending s.  
 32 338.165, F.S.; removing certain facilities from a list  
 33 of facilities whose toll revenues may be used to  
 34 secure bonds; amending s. 338.231, F.S., relating to  
 35 the turnpike system; revising the length of time that  
 36 a prepaid toll account must be inactive before  
 37 reverting to unclaimed property; creating s. 339.0809,  
 38 F.S.; establishing the Florida Department of  
 39 Transportation Financing Corporation; providing for a  
 40 board of directors; providing for membership and  
 41 organization; providing powers and duties of the  
 42 corporation; authorizing the corporation to borrow  
 43 money; providing for effect of dissolution with  
 44 respect to property owned by the corporation; amending  
 45 s. 339.135, F.S.; revising requirements for amendments  
 46 to the department's adopted work program to be  
 47 submitted to the Legislative Budget Commission;  
 48 providing an effective date.

49  
 50 Be It Enacted by the Legislature of the State of Florida:  
 51

52 Section 1. Subsection (2) of section 311.07, Florida

53 Statutes, is amended to read:

54 311.07 Florida seaport transportation and economic  
55 development funding.—

56 (2) A minimum of \$25 ~~\$15~~ million per year shall be made  
57 available from the State Transportation Trust Fund to fund the  
58 Florida Seaport Transportation and Economic Development Program.  
59 The Florida Seaport Transportation and Economic Development  
60 Council created in s. 311.09 shall develop guidelines for  
61 project funding. Council staff, the Department of  
62 Transportation, and the Department of Economic Opportunity shall  
63 work in cooperation to review projects and allocate funds in  
64 accordance with the schedule required for the Department of  
65 Transportation to include these projects in the tentative work  
66 program developed pursuant to s. 339.135(4).

67 Section 2. Subsection (9) of section 311.09, Florida  
68 Statutes, is amended to read:

69 311.09 Florida Seaport Transportation and Economic  
70 Development Council.—

71 (9) The Department of Transportation shall include at  
72 least \$25 ~~no less than \$15~~ million per year in its annual  
73 legislative budget request for the Florida Seaport  
74 Transportation and Economic Development Program funded under s.  
75 311.07. Such budget shall include funding for projects approved  
76 by the council which have been determined by each agency to be  
77 consistent. The department shall include the specific approved  
78 Florida Seaport Transportation and Economic Development Program

79 projects to be funded under s. 311.07 during the ensuing fiscal  
 80 year in the tentative work program developed pursuant to s.  
 81 339.135(4). The total amount of funding to be allocated to  
 82 Florida Seaport Transportation and Economic Development Program  
 83 projects under s. 311.07 during the successive 4 fiscal years  
 84 shall also be included in the tentative work program developed  
 85 pursuant to s. 339.135(4). The council may submit to the  
 86 department a list of approved projects that could be made  
 87 production-ready within the next 2 years. The list shall be  
 88 submitted by the department as part of the needs and project  
 89 list prepared pursuant to s. 339.135(2)(b). However, the  
 90 department shall, upon written request of the Florida Seaport  
 91 Transportation and Economic Development Council, submit work  
 92 program amendments pursuant to s. 339.135(7) to the Governor  
 93 within 10 days after the later of the date the request is  
 94 received by the department or the effective date of the  
 95 amendment, termination, or closure of the applicable funding  
 96 agreement between the department and the affected seaport, as  
 97 required to release the funds from the existing commitment.  
 98 Notwithstanding s. 339.135(7)(c), any work program amendment to  
 99 transfer prior year funds from one approved seaport project to  
 100 another seaport project is subject to the procedures in s.  
 101 339.135(7)(d). Notwithstanding any provision of law to the  
 102 contrary, the department may transfer unexpended budget between  
 103 the seaport projects as identified in the approved work program  
 104 amendments.

105 Section 3. Subsection (94) is added to section 316.003,  
 106 Florida Statutes, to read:

107 316.003 Definitions.—The following words and phrases, when  
 108 used in this chapter, shall have the meanings respectively  
 109 ascribed to them in this section, except where the context  
 110 otherwise requires:

111 (94) PORT-OF-ENTRY.—A designated location at which drivers  
 112 of commercial motor vehicles are allowed to purchase temporary  
 113 registration permits necessary to operate lawfully within the  
 114 state. The locations and the designated routes to such locations  
 115 shall be determined by the Department of Transportation.

116 Section 4. Paragraph (b) of subsection (2) of section  
 117 316.545, Florida Statutes, is amended to read:

118 316.545 Weight and load unlawful; special fuel and motor  
 119 fuel tax enforcement; inspection; penalty; review.—

120 (2)

121 (b) The officer or inspector shall inspect the license  
 122 plate or registration certificate of the commercial vehicle, as  
 123 defined in s. 316.003(66), to determine if its gross weight is  
 124 in compliance with the declared gross vehicle weight. If its  
 125 gross weight exceeds the declared weight, the penalty shall be 5  
 126 cents per pound on the difference between such weights. In those  
 127 cases when the commercial vehicle, as defined in s. 316.003(66),  
 128 is being operated over the highways of the state with an expired  
 129 registration or with no registration from this or any other  
 130 jurisdiction or is not registered under the applicable

PCB TPS 16-01

ORIGINAL

2016

131 provisions of chapter 320, the penalty herein shall apply on the  
132 basis of 5 cents per pound on that scaled weight which exceeds  
133 35,000 pounds on laden truck tractor-semitrailer combinations or  
134 tandem trailer truck combinations, 10,000 pounds on laden  
135 straight trucks or straight truck-trailer combinations, or  
136 10,000 pounds on any unladen commercial motor vehicle. A driver  
137 of a commercial motor vehicle entering the state at a designated  
138 port-of-entry location, as defined in s. 316.003, or operating  
139 on designated routes to a port-of-entry location, who obtains a  
140 temporary registration permit shall be assessed a penalty  
141 limited to the difference between its gross weight and the  
142 declared gross vehicle weight at 5 cents per pound. If the  
143 license plate or registration has not been expired for more than  
144 90 days, the penalty imposed under this paragraph may not exceed  
145 \$1,000. In the case of special mobile equipment as defined in s.  
146 316.003(48), which qualifies for the license tax provided for in  
147 s. 320.08(5)(b), being operated on the highways of the state  
148 with an expired registration or otherwise not properly  
149 registered under the applicable provisions of chapter 320, a  
150 penalty of \$75 shall apply in addition to any other penalty  
151 which may apply in accordance with this chapter. A vehicle found  
152 in violation of this section may be detained until the owner or  
153 operator produces evidence that the vehicle has been properly  
154 registered. Any costs incurred by the retention of the vehicle  
155 shall be the sole responsibility of the owner. A person who has  
156 been assessed a penalty pursuant to this paragraph for failure

157 to have a valid vehicle registration certificate pursuant to the  
 158 provisions of chapter 320 is not subject to the delinquent fee  
 159 authorized in s. 320.07 if such person obtains a valid  
 160 registration certificate within 10 working days after such  
 161 penalty was assessed.

162 Section 5. Subsection (34) is added to section 334.044,  
 163 Florida Statutes, to read:

164 334.044 Powers and duties of the department; ~~powers and~~  
 165 ~~duties.~~—The department shall have the following general powers  
 166 and duties:

167 (34) To assume the responsibilities of the United States  
 168 Department of Transportation with respect to highway projects  
 169 within the state under the National Environmental Policy Act of  
 170 1969, 42 U.S.C. ss. 4321 et seq., and with respect to related  
 171 responsibilities for environmental review, consultation, or  
 172 other action required under any federal environmental law  
 173 pertaining to review or approval of a highway project within the  
 174 state. The department may assume responsibilities under 23  
 175 U.S.C. s. 327 and enter into one or more agreements, including  
 176 memoranda of understanding, with the United States Secretary of  
 177 Transportation related to the federal surface transportation  
 178 project delivery program for the delivery of highway projects,  
 179 as provided by 23 U.S.C. s. 327. The department may adopt rules  
 180 to implement this subsection and may adopt relevant federal  
 181 environmental standards as the standards for this state for a  
 182 program described in this subsection. Sovereign immunity from

183 civil suit in federal court is waived consistent with 23 U.S.C.  
 184 s. 327 and limited to the compliance, discharge, or enforcement  
 185 of a responsibility assumed by the department under this  
 186 subsection.

187 Section 6. Subsection (13) is added to section 334.30,  
 188 Florida Statutes, to read:

189 334.30 Public-private transportation facilities.—The  
 190 Legislature finds and declares that there is a public need for  
 191 the rapid construction of safe and efficient transportation  
 192 facilities for the purpose of traveling within the state, and  
 193 that it is in the public's interest to provide for the  
 194 construction of additional safe, convenient, and economical  
 195 transportation facilities.

196 (13) In connection with a proposal to finance or refinance  
 197 a transportation facility pursuant to this section, the  
 198 department shall consult with the Division of Bond Finance of  
 199 the State Board of Administration. The department shall provide  
 200 the division with the information necessary to provide timely  
 201 consultation and recommendations. The Division of Bond Finance  
 202 may make an independent recommendation to the Executive Office  
 203 of the Governor.

204 Section 7. Section 337.027, Florida Statutes, is created  
 205 to read:

206 337.027 Authority to implement a business development  
 207 program.—

208 (1) The department may establish a program for highway



209 projects which would assist small businesses. The purpose of  
 210 this program is to increase competition, lower prices, and  
 211 provide increased support to meet the department's future work  
 212 program. The program may include, but is not limited to, setting  
 213 aside contracts, providing preference points for the use of  
 214 small businesses, providing special assistance in bidding and  
 215 contract completion, waiving bond requirements, and implementing  
 216 other strategies that would increase competition.

217 (2) For purposes of this section, the term "small  
 218 business" means a business with yearly average gross receipts of  
 219 less than \$15 million for road and bridge contracts and less  
 220 than \$6.5 million for professional and nonprofessional services  
 221 contracts. A business' average gross receipts is determined by  
 222 averaging its annual gross receipts over the last 3 years,  
 223 including the receipts of any affiliate as defined in s.  
 224 337.165.

225 (3) The department may adopt rules to implement this  
 226 section.

227 Section 8. Subsection (4) of section 338.165, Florida  
 228 Statutes, is amended to read:

229 338.165 Continuation of tolls.-

230 (4) Notwithstanding any other law to the contrary,  
 231 pursuant to s. 11, Art. VII of the State Constitution, and  
 232 subject to the requirements of subsection (2), the Department of  
 233 Transportation may request the Division of Bond Finance to issue  
 234 bonds secured by toll revenues collected on the Alligator Alley,

PCB TPS 16-01

ORIGINAL

2016

235 the Sunshine Skyway Bridge, ~~the Beeline East Expressway, the~~  
 236 ~~Navarre Bridge,~~ and the Pinellas Bayway to fund transportation  
 237 projects located within the county or counties in which the  
 238 project is located and contained in the adopted work program of  
 239 the department.

240 Section 9. Paragraph (c) of subsection (3) of section  
 241 338.231, Florida Statutes, is amended to read:

242 338.231 Turnpike tolls, fixing; pledge of tolls and other  
 243 revenues.—The department shall at all times fix, adjust, charge,  
 244 and collect such tolls and amounts for the use of the turnpike  
 245 system as are required in order to provide a fund sufficient  
 246 with other revenues of the turnpike system to pay the cost of  
 247 maintaining, improving, repairing, and operating such turnpike  
 248 system; to pay the principal of and interest on all bonds issued  
 249 to finance or refinance any portion of the turnpike system as  
 250 the same become due and payable; and to create reserves for all  
 251 such purposes.

252 (3)

253 (c) Notwithstanding any other provision of law to the  
 254 contrary, any prepaid toll account of any kind which has  
 255 remained inactive for 10 3 years shall be presumed unclaimed and  
 256 its disposition shall be handled by the Department of Financial  
 257 Services in accordance with all applicable provisions of chapter  
 258 717 relating to the disposition of unclaimed property, and the  
 259 prepaid toll account shall be closed by the department.

260 Section 10. Section 339.0809, Florida Statutes, is created

261 to read:

262 339.0809 Florida Department of Transportation Financing  
 263 Corporation.—

264 (1) The Florida Department of Transportation Financing  
 265 Corporation is created as a nonprofit corporation for the  
 266 purpose of financing or refinancing projects for the department  
 267 as provided in subsection (4).

268 (2) The Florida Department of Transportation Financing  
 269 Corporation shall be governed by a board of directors consisting  
 270 of the director of the Office of Policy and Budget within the  
 271 Executive Office of the Governor, the director of the Division  
 272 of Bond Finance, and the Secretary of Transportation. The  
 273 director of the Division of Bond Finance shall be the chief  
 274 executive officer of the corporation and shall direct and  
 275 supervise the administrative affairs of the corporation and  
 276 shall control, direct, and supervise the operation of the  
 277 corporation. The corporation shall have such other officers as  
 278 may be determined by the board of directors.

279 (3) The Florida Department of Transportation Financing  
 280 Corporation shall have all the powers of a corporate body under  
 281 the laws of the state to the extent not inconsistent with or  
 282 restricted by this section, including, but not limited to, the  
 283 power to:

- 284 (a) Adopt, amend, and repeal bylaws.
- 285 (b) Sue and be sued.
- 286 (c) Adopt and use a common seal.

287        (d) Acquire, purchase, hold, lease, and convey such real  
 288 and personal property as may be proper or expedient to carry out  
 289 the purposes of the corporation and this section and to sell,  
 290 lease, or otherwise dispose of such property.

291        (e) Elect or appoint and employ such other officers,  
 292 agents, and employees as the corporation deems advisable to  
 293 operate and manage the affairs of the corporation, which  
 294 officers, agents, and employees may be officers or employees of  
 295 the department and the state agencies represented on the board  
 296 of directors of the corporation.

297        (f) Borrow money and issue notes, bonds, certificates of  
 298 indebtedness, or other obligations or evidences of indebtedness  
 299 necessary to finance or refinance projects as provided in  
 300 subsection (4).

301        (g) Make and execute any and all contracts, trust  
 302 agreements, and other instruments and agreements necessary or  
 303 convenient to accomplish the purposes of the corporation and  
 304 this section.

305        (h) Select, retain, and employ professionals, contractors,  
 306 or agents, which may include the Division of Bond Finance, as  
 307 necessary or convenient to enable or assist the corporation in  
 308 carrying out the purposes of the corporation and this section.

309        (i) Take any action necessary or convenient to carry out  
 310 the purposes of the corporation and this section and the powers  
 311 provided in this section.

312        (4) The Florida Department of Transportation Financing

313 Corporation may enter into one or more service contracts with  
 314 the department to provide services to the department in  
 315 connection with projects approved in the department's work  
 316 program, which approval specifically provides that the  
 317 department may enter into a service contract for the project  
 318 pursuant to this section. The department may enter into one or  
 319 more such service contracts with the corporation and provide for  
 320 payments under such contracts, subject to annual appropriation  
 321 by the Legislature. The proceeds from such service contracts may  
 322 be used for the corporation's administrative costs and expenses  
 323 after payments under subsection (5). Each service contract may  
 324 have a term of up to 35 years. In compliance with s. 287.0641  
 325 and other applicable law, the obligations of the department  
 326 under such service contracts do not constitute a general  
 327 obligation of the state or a pledge of the full faith and credit  
 328 or taxing power of the state, and such obligations are not an  
 329 obligation of the State Board of Administration or entities for  
 330 which it invests funds, other than the department as provided in  
 331 this section, but are payable solely from amounts available in  
 332 the State Transportation Trust Fund, subject to annual  
 333 appropriation. In compliance with this subsection and s.  
 334 287.0582, the service contract must expressly include the  
 335 following statement: "The State of Florida's performance and  
 336 obligation to pay under this contract is contingent upon an  
 337 annual appropriation by the Legislature."

338 (5) The Florida Department of Transportation Financing

339 Corporation may issue and incur notes, bonds, certificates of  
 340 indebtedness, and other obligations or evidences of indebtedness  
 341 payable from and secured by amounts payable to the corporation  
 342 by the department under a service contract entered into under  
 343 subsection (4) for the purpose of financing or refinancing  
 344 projects approved as provided in subsection (4). The duration of  
 345 any such note, bond, certificate of indebtedness, or other  
 346 obligation or evidence of indebtedness may not exceed 30 annual  
 347 maturities. The corporation may select its financing team and  
 348 issue its obligations through competitive bidding or negotiated  
 349 contracts, whichever is most cost-effective. Indebtedness of the  
 350 corporation does not constitute a debt or obligation of the  
 351 state or a pledge of the full faith and credit or taxing power  
 352 of the state but is payable from and secured by payments made by  
 353 the department under the service contract.

354 (6) The fulfillment of the purposes of the Florida  
 355 Department of Transportation Financing Corporation promotes the  
 356 health, safety, and general welfare of the people of the state  
 357 and serves as essential governmental functions and a paramount  
 358 public purpose.

359 (7) The Florida Department of Transportation Financing  
 360 Corporation is exempt from taxation and assessments on its  
 361 income, property, and assets or revenues acquired, received, or  
 362 used in the furtherance of the purposes provided in this  
 363 chapter. The obligations of the corporation incurred under  
 364 subsection (5) and the interest and income on such obligations

365 and all security agreements, letters of credit, liquidity  
 366 facilities, or other obligations or instruments arising out of,  
 367 entered into in connection with, or given to secure payment of  
 368 such obligations are exempt from taxation; however, such  
 369 exemption does not apply to any tax imposed under chapter 220 on  
 370 the interest, income, or profits on debt obligations owned by  
 371 corporations.

372 (8) The Florida Department of Transportation Financing  
 373 Corporation may validate obligations to be incurred under  
 374 subsection (5) and the validity and enforceability of any  
 375 service contracts providing for payments pledged to the payment  
 376 of such obligations by proceedings under chapter 75. The  
 377 validation complaint may be filed only in the circuit court of  
 378 the Second Judicial Circuit in and for Leon County. The notice  
 379 required to be published by s. 75.06 must be published in Leon  
 380 County, and the complaint and order of the circuit court may be  
 381 served only on the State Attorney for the Second Judicial  
 382 Circuit. Sections 75.04(2) and 75.06(2) do not apply to a  
 383 complaint for validation filed under this subsection.

384 (9) The Florida Department of Transportation Financing  
 385 Corporation is not a special district for purposes of chapter  
 386 189 or a unit of local government for purposes of part III of  
 387 chapter 218. Chapters 120 and 215, except the limitation on the  
 388 interest rates provided by s. 215.84, which applies to  
 389 obligations of the corporation issued pursuant to this section,  
 390 and part I of chapter 287, except ss. 287.0582 and 287.0641, do

391 not apply to this section, the corporation, the service  
 392 contracts entered into pursuant to this section, or debt  
 393 obligations issued by the corporation as contemplated in this  
 394 section.

395 (10) The benefits and earnings of the Florida Department  
 396 of Transportation Financing Corporation may not inure to the  
 397 benefit of any private person.

398 (11) Upon dissolution of the Florida Department of  
 399 Transportation Financing Corporation, title to all property  
 400 owned by the corporation shall revert to the state.

401 (12) The Florida Department of Transportation Financing  
 402 Corporation may contract with the State Board of Administration  
 403 to serve as a trustee with respect to debt obligations issued by  
 404 the corporation as contemplated by this section; to hold,  
 405 administer, and invest proceeds of such debt obligations and  
 406 other funds of the corporation; and to perform other services  
 407 required by the corporation. The State Board of Administration  
 408 may perform such services and may contract with others to  
 409 provide all or a part of such services and to recover its and  
 410 such other costs and expenses thereof.

411 (13) The department may enter into a service contract in  
 412 conjunction with the issuance of debt obligations as provided in  
 413 this section which provides for periodic payments for debt  
 414 service or other amounts payable with respect to debt  
 415 obligations, plus any administrative expenses of the Florida  
 416 Department of Transportation Financing Corporation.



417 Section 11. Paragraph (g) of subsection (7) of section  
 418 339.135, Florida Statutes, is amended, and paragraph (h) is  
 419 added to that subsection, to read:

420 339.135 Work program; legislative budget request;  
 421 definitions; preparation, adoption, execution, and amendment.—

422 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

423 (g) Any work program amendment which also requires the  
 424 transfer of fixed capital outlay appropriations between  
 425 categories within the department or the increase of an  
 426 appropriation category is subject to the approval of the  
 427 Legislative Budget Commission. ~~If a meeting of the Legislative~~  
 428 ~~Budget Commission cannot be held within 30 days of the~~  
 429 ~~department submitting an amendment to the Legislative Budget~~  
 430 ~~Commission, then the chair and vice chair of the Legislative~~  
 431 ~~Budget Commission may authorize such amendment to be approved~~  
 432 ~~pursuant to the provisions of s. 216.177.~~

433 (h) Any work program amendment that also adds a new  
 434 project, or phase thereof, to the adopted work program in excess  
 435 of \$3 million is subject to approval by the Legislative Budget  
 436 Commission. Any work program amendment submitted under this  
 437 paragraph must include, as supplemental information, a list of  
 438 projects, or phases thereof, in the current 5-year adopted work  
 439 program which are eligible for the funds within the  
 440 appropriation category being used for the proposed amendment.  
 441 The department shall provide a narrative with the rationale for  
 442 not advancing an existing project, or phase thereof, in lieu of

PCB TPS 16-01

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443 the proposed amendment.

444 Section 12. This act shall take effect July 1, 2016.

**Presentation : Long-  
Term Transportation  
Funding Trends - FDOT**



Florida Department of  
**TRANSPORTATION**

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# **LONG-TERM TRANSPORTATION FUNDING TRENDS**

**Transportation & Ports Subcommittee  
November 3, 2015**

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# AGENDA

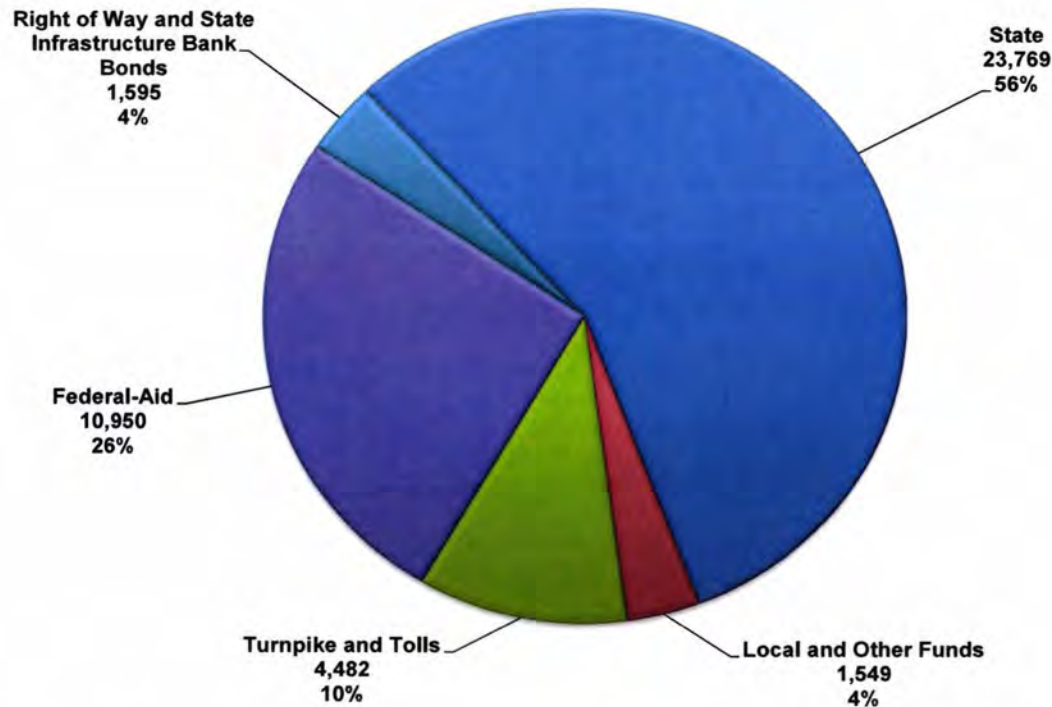
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- Project Funding over Next Decade
- Financing Tools
- Proposed Transportation Finance Corporation
- Debt Limitations
- Federal Transportation Re-Authorization

# PROJECT FUNDING OVER NEXT DECADE

## Five Year Work Program FY 2016-2020

Funding Sources for Commitments (in millions)



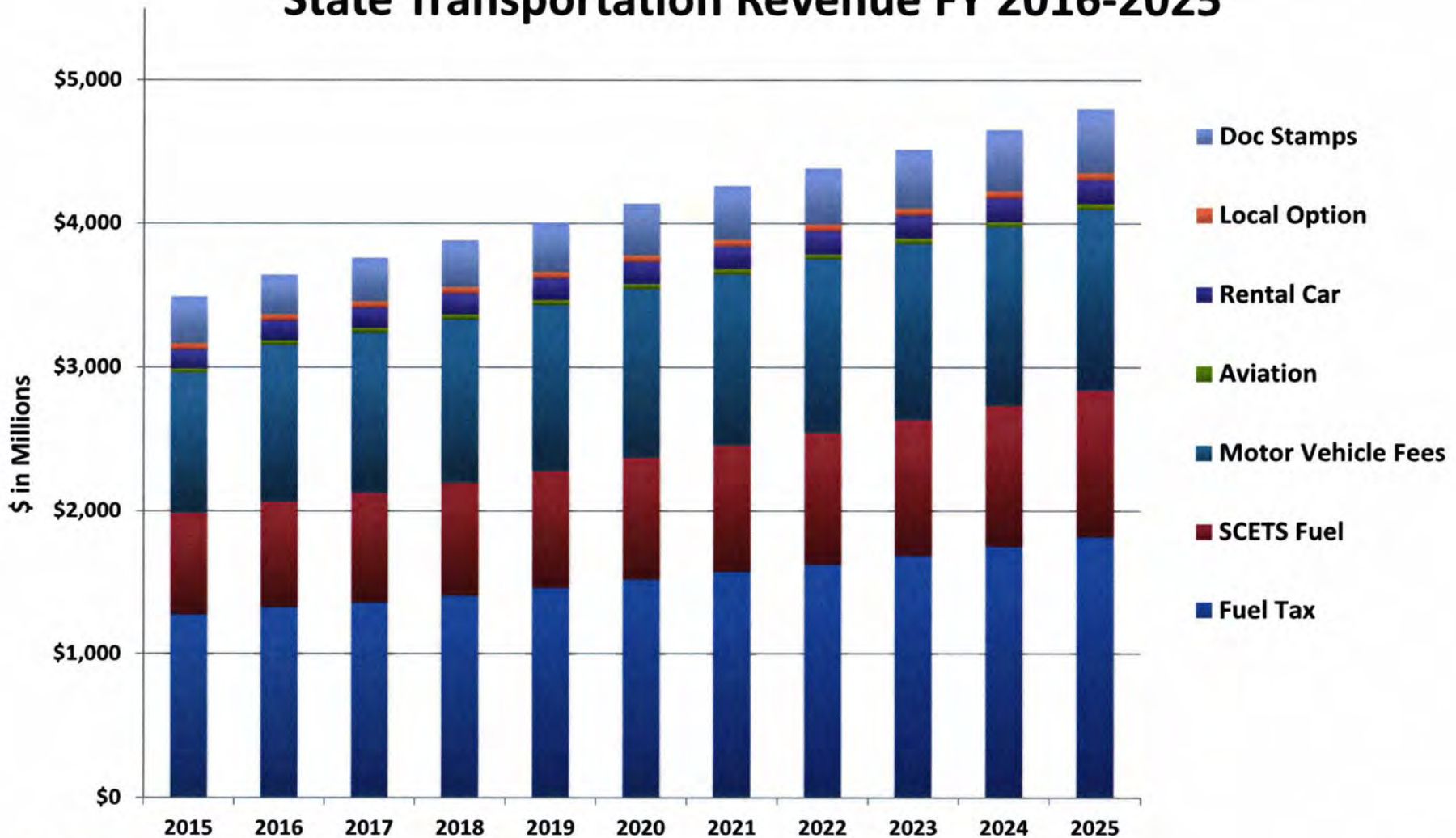
**Total Adopted 5 Year Work Program \$42,346M**

July 2015  
Adopted Work Program



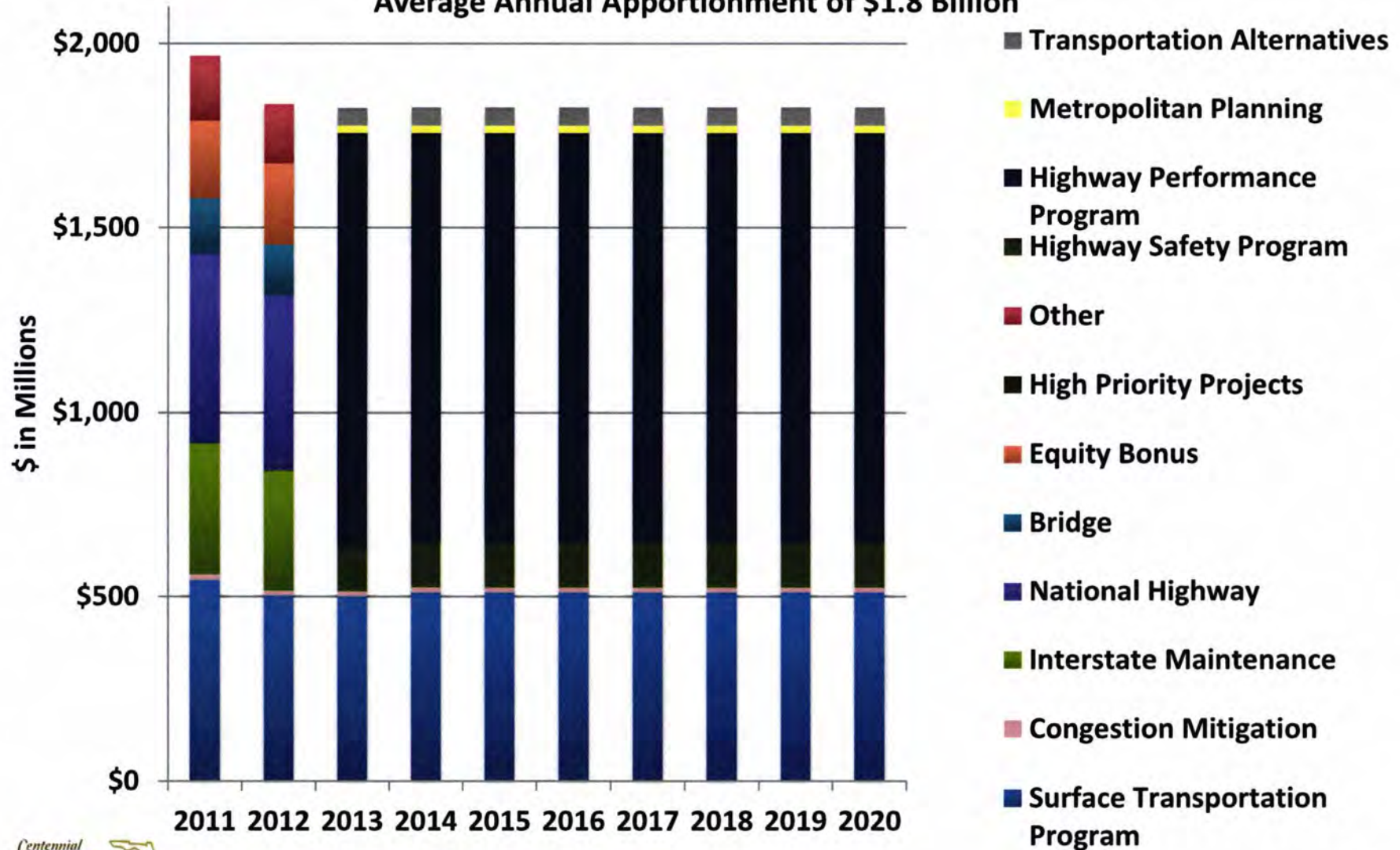
# PROJECT FUNDING OVER NEXT DECADE

## State Transportation Revenue FY 2016-2025



# PROJECT FUNDING OVER NEXT DECADE

Federal Aid Highway Apportionments  
Average Annual Apportionment of \$1.8 Billion

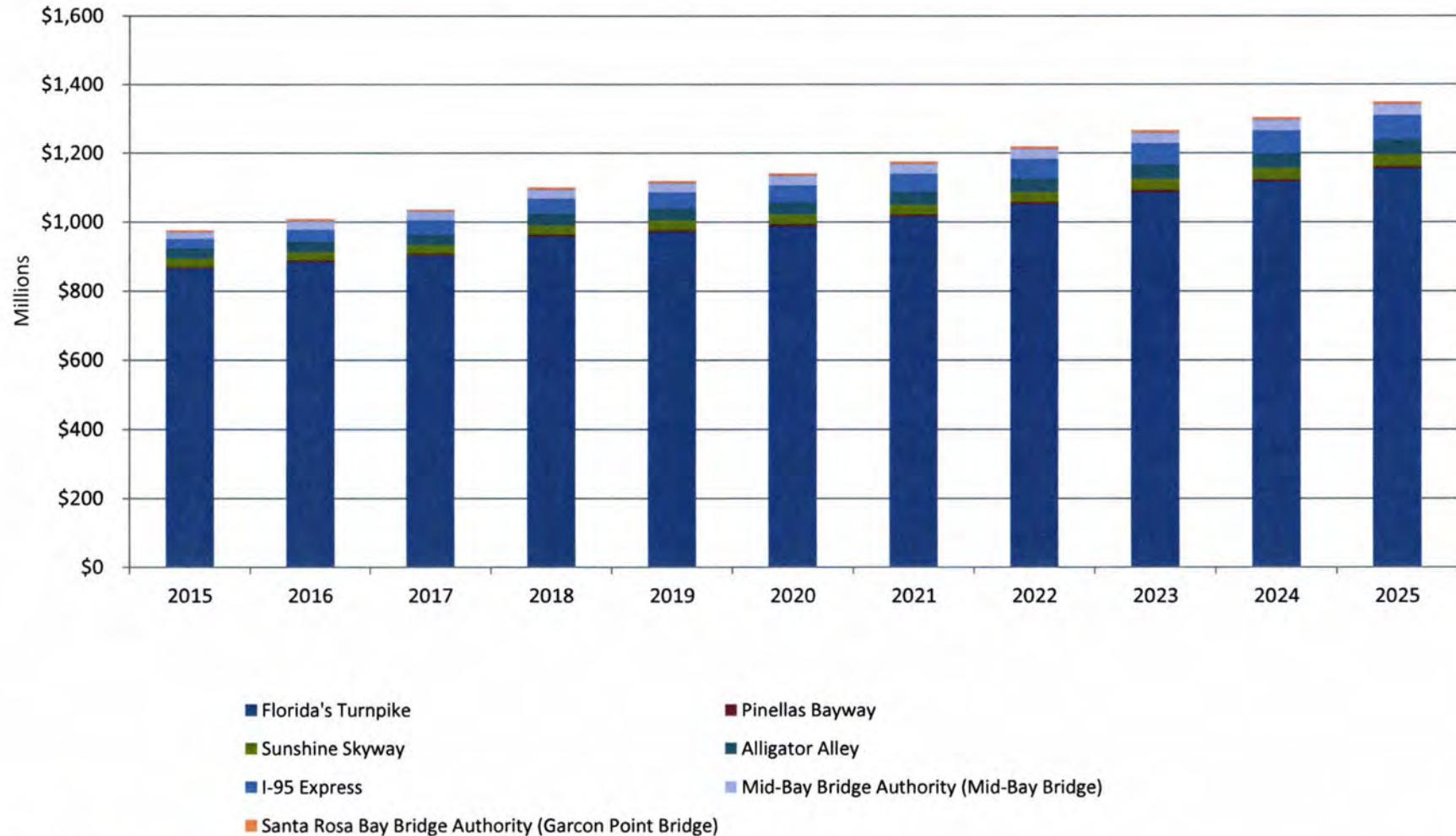


Florida Department of Transportation



# PROJECT FUNDING OVER NEXT DECADE

## Gross Toll Revenues by Facility



# FINANCING TOOLS

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- Advance Construction (AC)
- Bonds
  - Right of Way and Bridge Construction (ROW)
  - Grant Anticipation Revenue Vehicle (GARVEE)
- State Infrastructure Bank (SIB)
- Transportation Infrastructure Finance and Innovation Act (TIFIA) Loan Program
- Public-Private Partnerships (P3s)

# ADVANCE CONSTRUCTION

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- Projects federally authorized but state funded until converted to federal
- Projected expenditures build inventory for future conversion
- Goals:
  - Conversions based on cash needs and available inventory
  - Use of all federal obligating authority
- Five year average - \$443.2 million/year

# RIGHT OF WAY & BRIDGE CONSTRUCTION BONDS

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- Full faith and credit of State
- Capacity
  - Incurred eligible expenditures up to 36 months old
  - Up to \$275 million annual debt service allowable
  - Currently, plan to lapse ~\$73.5 M of eligible expenditures in FY 2016
- 30-year term
- Used to finance the overall work program

# GRANT ANTICIPATION REVENUE VEHICLE BONDS

---

- Pledge future Federal-aid apportionments for GARVEE bonds to pay debt service
- Capacity
  - Annual debt service up to 10% of annual Federal Highway apportionments
  - Currently, no bonds have been issued
- Bond term limited to 12 years or less
- Used to finance the overall work program

# STATE INFRASTRUCTURE BANK

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- Authorized by S. 339.55 and 215.617, F.S.
- Revolving loan and credit enhancement program for both public and private entities with repayments used to issue additional loans
- External loans bear interest at or below market rates/Internal 0%
- Existing Internal Loans
  - State funded – approximately \$109 M
  - Federal funded – approximately \$140 M
- Internal SIB loans repaid beginning in year programmed

# TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT

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- Federal loan/credit program for eligible infrastructure projects of national or regional significance at generally the Treasury rate on date of execution.
- Miami Intermodal Center (MIC)
  - *FDOT TIFIA Loan* - \$269 million (retired)
  - *Rental Car Facility TIFIA Loans* - \$270 million
- TIFIA Loans to Concessionaires on P3s
  - Port of Miami Tunnel - \$341 million
  - I-595 - \$603 million
  - I-4 Ultimate - \$949 million

# PUBLIC PRIVATE PARTNERSHIPS

Project	Contract Execution Date	Construction Completion Date	Contract Completion Date	Project Cost (in millions)	Paid to Date (in millions)	Remaining (in millions)
<b>I-75 in Lee and Collier Counties (IROX) – Widen 30 miles of I-75 - DBF</b>	May-07	September-10	October-11	\$458	\$458	\$0
<b>Palmetto Section 2 – Palmetto Expressway Interchanges - DBF</b>	September-08	March-12	July-12	\$190	\$190	\$0
<b>I-95 Express – Phase I – HOT lanes from I-395 to Golden Glades Interchange in Miami - DBF</b>	January-08	April-10	April-13	\$139	\$139	\$0
<b>I-95 Pineda – Widen I-95 and improvements to Pineda Causeway Interchange - DBF</b>	March-08	February-12	April-13	\$199	\$199	\$0
<b>US 1 – Widen US 1 Corridor to provide a median traffic barrier wall - DBF</b>	February-08	February-11	April-15	\$114	\$114	\$0
<b>US 19 – Establish a controlled access highway - BF</b>	October-09	Fall-15	Fall-15	\$124	\$116	\$8
<b>I-75 North of SR 80 to South of SR 78 – Reconstruct I-75 from four-lane section to an eight-lane section - DBF</b>	September-12	Fall-15	February-16	\$72	\$55	\$17
<b>I-4 Connector – Connection between I-4 and the Selmon Expressway - BF</b>	January-10	October-14	April-16	\$434	\$359	\$75
<b>SR 79 – Widen 20 miles of SR 79 in Washington County - DBF</b>	January-13	August-17	May-16	\$98	\$35	\$63



# PUBLIC PRIVATE PARTNERSHIPS

Project	Contract Execution Date	Construction Completion Date	Contract Completion Date	Project Cost (in millions)	Paid to Date (in millions)	Remaining (in millions)
<b>Palmetto Section 5 SR826/836</b> – Palmetto and Dolphin Expressway improvements - DBF	November-09	February-16	January-17	\$567	\$486	\$81
<b>SR 9B</b> – New interchange at SR 9B and I-95 - DBF	September-12	January-16	February-17	\$95	\$34	\$61
<b>I-95 North from SR 406 to North of SR 44</b> – Widen 30 miles of existing four lanes to six lanes - DBF	August-12	April-16	June-18	\$129	\$82	\$47
<b>I-595 Improvements</b> – Operational improvements to the I-595 corridor including reversible tolled express lanes - 35-year concession agreement - DBFOM	March-09	September-14	March-44	\$4,269	\$339	\$3,930
<b>PortMiami Tunnel</b> – Construction of tunnel providing direct highway connection to PortMiami – 35-year concession agreement - DBFOM	October-09	November-14	October-44	\$2,389	\$536	\$1,853
<b>I-4 Ultimate</b> – Improvements for 21 miles through Orlando – 40-year concession agreement - DBFOM	September-14	March-21	September-54	\$5,038	\$0	\$5,038
<b>I-395 (Pending – Not under Contract)</b> – Improvements to I-395 and I-95 including collector-distributor ramps	Pending	Pending	Pending	\$619	\$0	\$619
<b>TOTALS</b>				\$14,934	\$3,142	\$11,792

## TRANSPORTATION FINANCE CORPORATION

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- Creates the Transportation Finance Corporation
- Authorizes Corp. to issue bonds on behalf of FDOT
- The Division of Bond Finance oversees structuring and sale
- Debt considered in State and FDOT's debt load calculations
- Tool to fund significant and needed transportation projects at minimum financing costs

# DEBT LIMITATIONS

- Transportation Debt Assessment - s. 339.139, F.S.
  - 20 % of total state and federal revenue

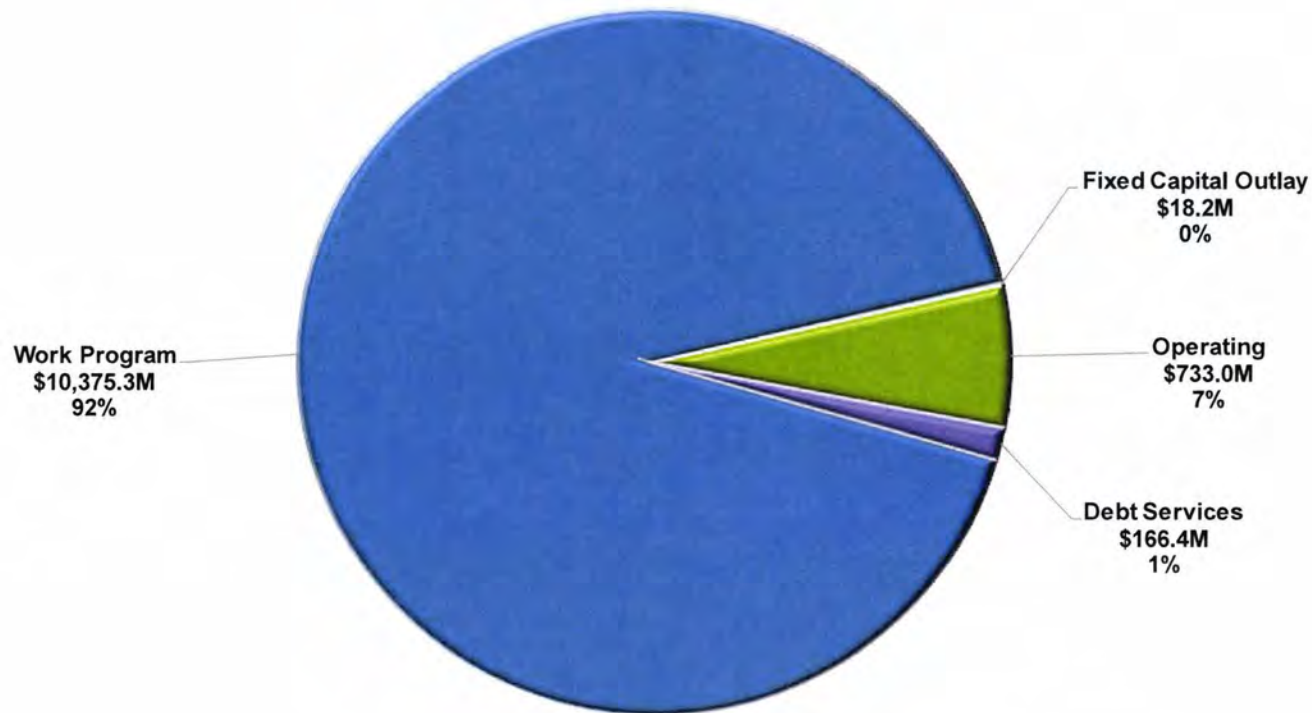
2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Millions	Millions	Millions	Millions	Millions	Millions	Millions	Millions	Millions
10.2%	10.8%	12.7%	11.8%	14.2%	14.0%	15.7%	9.3%	8.3%

- Public Private Partnerships – s. 334.30(12), F.S.
  - 15% of total state and federal revenue

2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
6.80%	7.60%	9.80%	7.70%	9.60%	6.90%	10.10%	3.80%	2.90%

# DEBT SERVICE VS TOTAL BUDGET FY 2016

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**First Year of the Five-Year Work Program**  
**Total Budget \$11,293 Million**  
July 1, 2015 - Adopted Work Program

# FEDERAL TRANSPORTATION RE-AUTHORIZATION

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## Current Status

- Existing federal legislation, MAP-21, is extended through November 20<sup>th</sup>
- Senate has passed the DRIVE (Developing a Reliable and Innovative Vision for the Economy) Act
  - Six-year act, identifies only first three years of funding
  - Florida's funding would be \$12.46 B over six years
- House Transportation Committee approved STRR (Surface Transportation Reauthorization and Reform) Act
  - Six-year act, funding unclear
  - Florida's funding would be \$11.72 B over six years
- House and Senate pushing for final, six-year bill on President's desk by Thanksgiving

# FEDERAL TRANSPORTATION RE-AUTHORIZATION

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## Florida's Transportation Leaders in Washington

- 5 Members of Congress from Florida (a bipartisan mix of Mica-R, Brown-D, Webster-R, Frankel-D and Curbelo-R) serve on the influential House Transportation & Infrastructure (T&I) Committee (Mica is the former Chairman),
- 2 other Florida Members of Congress (Diaz-Balart and Jolly) serve on the powerful Transportation Appropriations Subcommittee (and Diaz-Balart is the new Subcommittee Chairman), and
- Senators Nelson and Rubio both serve on the Senate Commerce Committee

# FEDERAL TRANSPORTATION RE-AUTHORIZATION

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## FDOT Bottom Line

- Florida is positioned better than most states since federal funding accounts for only 25% of our total transportation program
- FDOT's cash balance allows the state to minimize any possible short-term interruption in federal funding for 3-6 months
- FDOT is monitoring the Congressional and Administration actions closely and is prepared to respond appropriately as necessary

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# QUESTIONS?