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# **Transportation & Ports Subcommittee**

## **MEETING PACKET**

**Tuesday, February 2, 2016  
10:30 AM – 12:30 PM  
12 HOB**

**Steve Crisafulli  
Speaker**

**Patrick Rooney, Jr.  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Transportation & Ports Subcommittee

**Start Date and Time:** Tuesday, February 02, 2016 10:30 am  
**End Date and Time:** Tuesday, February 02, 2016 12:30 pm  
**Location:** 12 HOB  
**Duration:** 2.00 hrs

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

HB 357 Traffic Safety on State Roads by Plasencia  
HB 1119 Tolls by Jacobs, Rouson  
HB 1371 St. Augustine-St. Johns County Airport Authority by Stevenson  
HB 1377 Expressway Authorities by Nuñez, Diaz, J.

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., Monday, February 1, 2016.

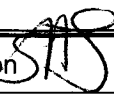

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Monday, February 1, 2016.

**NOTICE FINALIZED on 01/29/2016 4:15PM by Manning.Karen**



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 357 Traffic Safety on State Roads  
**SPONSOR(S):** Plasencia and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** CS/SB 522

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee		Johnson 	Vickers 
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

**SUMMARY ANALYSIS**

The bill, cited as "Chloe's Law," requires the Department of Transportation (DOT) to erect guardrails along all water bodies contiguous with state roads where motor vehicle accidents resulting in death due to drowning occurred between July 1, 2006, and July 1, 2016.

The bill also requires the DOT to undertake a study of, and submit a report on, such accidents between the same dates. The report must include recommendations regarding any necessary changes to state laws and to the DOT's rules to enhance traffic safety.

The DOT expects a negative fiscal impact of approximately \$2.4 million for installation of additional guardrail.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

Florida reportedly leads the nation in drowning deaths associated with motor vehicle accidents. This result may be partly explained by the larger number of miles of road with water frontage in Florida relative to other states. Nonetheless, according to one review of federal crash data during the five-year period from 2008-2012, 49 people drowned inside vehicles in Florida. Texas followed with 18 deaths, 14 in Indiana, and 10 each in Louisiana and Arizona. And that number is underestimated, according to a study by the National Highway Traffic Safety Administration (NHTSA). The NHTSA study found that during 2004-2007, an average of 57 deaths occurred in each of those years in Florida.<sup>1</sup> This difference is attributed to researchers' having included in the study, in addition to crash records, death certificate records that revealed vehicle drownings not recorded as such by law enforcement.

While current law does not appear to specifically address the installation of guardrail in any fashion, the DOT does adhere to published engineering principles with respect to "canal hazards." Whether these standards apply to water bodies that do not fit the definition of a canal hazard is unclear.

##### **Existing DOT Requirements**

Research reveals no current statutory provision relating to guardrail installation along water bodies that are contiguous with state roads. However, the DOT's 2016 Plans Preparation Manual (PPM)<sup>2</sup> does define "canal hazard" as follows:

A canal hazard is defined as an open ditch parallel to the roadway for a minimum distance of 1000 feet and with a seasonal water depth in excess of 3 feet for extended periods of time (24 hours or more).<sup>3</sup>

The PPM also addresses "clear zones," which are defined as the amount of recoverable area provided beyond the traveled way, and which include shoulders and bike lanes. A clear zone is intended to provide "an opportunity for an errant vehicle to safely recover." The PPM generally prohibits aboveground fixed objects, water bodies, and non-traversable slopes<sup>4</sup> in the clear zone.<sup>5</sup> The required clear zone is dependent upon the type of roadway facility and the design speed.<sup>6</sup>

DOT advises that water bodies greater than three feet are treated as roadside hazards and must be outside the clear zone, if possible.<sup>7</sup>

The PPM contains special lateral offset<sup>8</sup> requirements that apply to canal hazards that exceed standard clear zone distances. Generally, the minimum required distances are:

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<sup>1</sup> See the Orlando Sentinel article: <http://www.orlandosentinel.com/news/os-cars-crash-into-lakes-20141108-story.html>. Last visited January 16, 2016.

<sup>2</sup> The PPM recites that it "sets forth geometric and other design criteria, as well as procedures, for Florida Department of Transportation (FDOT) projects. The information contained herein applies to the preparation of contract plans for roadways and structures." See the FDOT's website, heading "Introduction": <http://www.dot.state.fl.us/rddesign/PPMManual/2016PPM.shtm>. Last visited January 13, 2016.

<sup>3</sup> See the FDOT's website, heading "Chapter 4," subheading "4.3.2:" <http://www.dot.state.fl.us/rddesign/PPMManual/2016PPM.shtm>. Last visited January 13, 2016.

<sup>4</sup> A non-traversable slope is classified as a slope that is rough, obstructed, or slopes steeper than a 1:3 ratio. *Supra* note 4, subheading "4.2.2" and "4.2.3."

<sup>5</sup> *Supra* note 4, subheading "4.2.2" and "4.2.3."

<sup>6</sup> See the FDOT's SB 522 bill analysis, July 1, 2016, at p. 2. (On file in the Senate Transportation Committee.)

<sup>7</sup> *Supra* note 6.

<sup>8</sup> A canal hazard lateral offset is the distance from the edge of the travel lane, auxiliary lane, or ramp to the top of the canal side slope nearest the road. *Supra* note 2.

- Not less than 60 feet for flush shoulder roadways with design speeds of 50 mph or greater.
- Not less than 50 feet for flush shoulder roadways with design speeds less than 50 mph.
- Not less than 50 feet for curb or curb and gutter roadways.<sup>9</sup>

If a canal hazard cannot be located outside the required clear zone, the canal hazard must be shielded.<sup>10</sup> The PPM provides the following instruction in such cases:

Shield the canal hazard with an approved roadside barrier when the required minimum lateral offset cannot be met. Locate barrier as far from the travel way as practical. When shielding canal hazards locate the barrier outside of the clear zone where possible. Locate guardrail no closer than 6 feet from the canal front slope and place high tension cable barrier no closer than 15 feet from the canal front slope.<sup>11</sup>

### **DOT's Previous Study and Conclusions**

The Department advises<sup>12</sup> the canal hazard criteria contained in the PPM were incorporated following a study conducted between February 2013 and July 2014, based on crash data from 2003 through 2011.<sup>13</sup> The study included cost-benefit analyses of shielding parallel water bodies of various lengths and offset distances from the roadway for selected roadway types and traffic volumes, the findings of which "show that shielding water bodies based on DOT's current offset clearance requirements in most cases is cost beneficial and/or results in a reduction in societal crash costs."<sup>14</sup>

The DOT concluded that its criteria for shielding canal hazards are reasonable.<sup>15</sup> Further, the DOT concluded:

A benefit cost analysis shows that increasing the clearance requirement from 60 feet to 80 feet on limited access roadways may be cost beneficial. However, such an increase may not be warranted given the following:

- Actual crash experience does not indicate increasing the clearance requirement will result in significant benefit.
- Increasing the clearance requirement in certain cases may result in higher crash costs due to the presence of additional barriers.
- None of the four states interviewed in this study (Texas, Louisiana, Minnesota, and Michigan) have clearance requirements as stringent as Florida's current requirements.

The 1000' length definition should be retained.

- A cost benefit analysis indicates shielding parallel lengths shorter than 1000 feet is generally not cost beneficial. The exception is on high speed volume limited access roadways. Yet these type roadways had no fatal crashes into parallel water bodies less than 1000' in length from 2007 through 2011.
- Applying the criteria to water bodies less than 1000' may result in higher crash costs due to the presence of additional barriers.<sup>16</sup>

### **Barrier Type Selection**

<sup>9</sup>Supra note 3.

<sup>10</sup>Supra note 6.

<sup>11</sup>Supra note 3.

<sup>12</sup>Supra note 6

<sup>13</sup>See the FDOT documentation, "A Re-examination of FDOT Criteria for Shielding Canal Hazards." (On file in the Senate Transportation Committee.) The document reflects an extensive review of the history of the FDOT's design criteria since it was first established in 1965.

<sup>14</sup>Id., at "Task 5 – Benefit Cost Analysis."

<sup>15</sup>Id., at "Task 6 – Conclusions and Recommendations."

<sup>16</sup>Id.

The Department indicates that guardrails are not the only potential way to shield water hazards.<sup>17</sup> A number of different types of barriers are reflected in the DOT's PPM. The PPM instructs as follows:

The evaluation of numerous factors is required to ensure that the appropriate barrier type is selected for a given application. Provide consideration for the following factors when evaluating each particular site:

1. Barrier Placement requirements (see Section 4.4.6)
2. Traffic characteristics (e.g. vehicles types/percentages, volume, and growth)
3. Site characteristics (e.g. terrain, alignment, geometry, access facility type, access locations, design speed, etc.)
4. Expected frequency of impacts
5. Initial and replacement/repair costs
6. Ease of maintenance
7. Exposure of workers when conducting repairs/maintenance
8. Aesthetics<sup>18</sup>

Further, the PPM provides the following guidance:

The evaluation of Roadside Safety is highly dependent on site specific conditions and constraints which are unique to a given situation. Therefore the determination as to when shielding is warranted for [a] given roadside feature must be made on a case-by-case basis, and generally requires engineering judgment. It should be noted that the installation of roadside barriers presents a hazard in and of itself, and as such, the designer must analyze whether or not the installation of a barrier presents a greater risk than the feature it is intended to shield.<sup>19</sup>

### **Application to Water Bodies Other Than Canal Hazards**

As previously noted, whether the provisions of the PPM applicable to canal hazards, and shielding of such hazards, are also applicable to other water bodies, such as ponds, is unclear. To illustrate, in the evaluation of roadside hazards, the PPM recommends barriers "when hazards exist within the clear zone, hazards cannot be cost effectively eliminated or corrected, and collisions with the hazards are more serious than collisions with the barriers."<sup>20</sup>

When listing conditions within the clear zone that are normally considered more hazardous than a roadside barrier, "canals, ponds, and other bodies of water (*other than parallel ditches*)"<sup>21</sup> are included. Thus, it appears that water bodies may exist that do not meet the definition of a canal hazard, defined in part as an "open ditch parallel to the roadway."

### **Proposed Changes**

The bill creates s. 335.085, F.S., to be cited as Chloe's Law,<sup>22</sup> requiring the DOT to erect guardrails along all water bodies contiguous with state roads where motor vehicle accidents that result in death due to drowning occurred between July 1, 2006, and July 1, 2016. This provision appears to require guardrail installation, as specified, along water bodies that do not necessarily meet the DOT's definition of a "canal hazard." However, because crash reports do not always reflect that a death was due to drowning, the DOT is unable to definitively identify all locations where such deaths occurred in the period of time identified in the bill.

<sup>17</sup> *Supra* note 6, at p. 4. (On file in the Senate Transportation Committee.)

<sup>18</sup> *Supra* note 3, subheading "4.4.5."

<sup>19</sup> *Supra* note 4, subheading "4.4.7."

<sup>20</sup> *Supra* note 4, subheading "4.4.7.1."

<sup>21</sup> Emphasis added.

<sup>22</sup> Chloe Arenas was a 21-year old UCF student who died on June 28, 2015, when her car left the road and went into a bordering pond. See the Central Florida Future article: <http://www.centralfloridafuture.com/story/news/2015/07/09/friends-family-petition-chloes-law-to-protect-drivers/29930455/>. Last visited January 13, 2016.

In addition, the bill requires the DOT to review all motor vehicle accidents that resulted in death due to drowning in a water body contiguous with a state road which occurred during the same period. The DOT must submit a report to the Senate President and House Speaker by January 3, 2017, providing recommendations for any necessary changes to state laws and the DOT's rules to enhance traffic safety.

**B. SECTION DIRECTORY:**

- Section 1      Creates s. 335.085, F.S., relating to the erection of guardrails along certain water bodies contiguous with state roads.
- Section 2      Requires DOT to review certain motor vehicle accidents and submit a report.
- Section 3      Provides an effective date.

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

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

1. Revenues:

None.

2. Expenditures:

DOT provided a spreadsheet attachment to its bill analysis which appears to identify deaths between an unspecified date in 2006 and an unspecified date in 2015 reported on specified crash report form numbers, as well as costs associated with additional guardrail installation at the identified locations. The spreadsheet reflects that whether drowning was the cause of each death is in some cases undetermined. These locations, with limited exception, do not appear to be anticipated as candidates for additional guardrail installation. However, the spreadsheet does indicate, "for cases where nearly identical water hazard scenarios were present in the vicinity, the proposals [add] guardrail for shielding all water hazards seen nearby (with the exception of interchange approaches, as explained in the comments)."

Aside from this information, the DOT provided the following estimate:

Assuming the addition of varying feet of guardrail at each location, the bill would result in the addition of 132,845 linear feet of guardrail at a cost of approximately \$17 per foot for a total estimated cost of \$2,381,613.90. New installation locations will be added to existing inventory and maintained at an additional [unspecified] cost.<sup>23</sup>

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

1. Revenues:

None.

2. Expenditures:

None.

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

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<sup>23</sup>*Supra* note 6, at p. 3. See also the spreadsheet attached to the FDOT's bill analysis for information on specific identified locations for additional shielding.



Any direct economic impact on the private sector is indeterminate.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

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

Not applicable. The bill does not appear to affect county or municipal governments.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

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

The Department notes the following issues and suggestions:

"Guardrail" should be changed to "barrier" because guardrails are not the only potential way to shield water hazards.

An engineering analysis at certain locations may conclude that a guardrail/barrier would not increase safety and may result in a decrease in overall safety. DOT recommends that the bill include a process to review instances where DOT's engineering analysis concludes that a guardrail/barrier is not appropriate.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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A bill to be entitled  
 An act relating to traffic safety on state roads;  
 creating s. 335.085, F.S.; providing a short title;  
 requiring the Department of Transportation to erect  
 guardrails along certain water bodies that are  
 contiguous with state roads; requiring the department  
 to conduct a study related to certain motor vehicle  
 accidents on state roads contiguous with water bodies  
 which occurred during a specified timeframe; requiring  
 the department to submit a report to the Legislature  
 by a specified date, subject to certain requirements;  
 providing an effective date.

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

Section 1. Section 335.085, Florida Statutes, is created  
 to read:

335.085 Erection of guardrails along certain water bodies  
 contiguous with state roads.-

(1) This section shall be cited as "Chloe's Law."

(2) The department shall erect guardrails along all water  
 bodies contiguous with state roads where motor vehicle accidents  
 that resulted in death due to drowning occurred during the  
 period between July 1, 2006, and July 1, 2016.

Section 2. The Department of Transportation shall review  
 all motor vehicle accidents that resulted in death due to

27 drowning in a water body contiguous with a state road which  
28 occurred during the period between July 1, 2006, and July 1,  
29 2016. The department shall submit a report to the President of  
30 the Senate and the Speaker of the House of Representatives by  
31 January 3, 2017, providing recommendations regarding any  
32 necessary changes to state laws and department rules to enhance  
33 traffic safety.

34 Section 3. This act shall take effect July 1, 2016.



Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Transportation & Ports  
2 Subcommittee  
3 Representative Plasencia offered the following:

**Amendment (with title amendment)**

Remove lines 18-33 and insert:

7 335.085 Installation of roadside barriers along certain  
8 water bodies contiguous with state roads.-

9 (1) This section shall be cited as "Chloe's Law."

10 (2) By June 30, 2018, the department shall install  
11 roadside barriers to shield water bodies contiguous with state  
12 roads at locations where a death due to drowning resulted from a  
13 motor vehicle accident in which a vehicle departed the adjacent  
14 state road during the period between July 1, 2006, and July 1,  
15 2016. This requirement does not apply to any location at which  
16 the department's chief engineer determines, based on engineering  
17 principles, that installation of a barrier would increase the



Amendment No. 1.

18 risk of injury to motorists traveling on the adjacent state  
19 road.

20 Section 2. The Department of Transportation shall review  
21 all motor vehicle accidents that resulted in death due to  
22 drowning in a water body contiguous with a state road and that  
23 occurred during the period between July 1, 2006, and July 1,  
24 2016. The department shall use the reconciled crash data  
25 received from the Department of Highway Safety and Motor  
26 Vehicles and shall submit a report to the President of the  
27 Senate and the Speaker of the House of Representatives by  
28 January 3, 2017, providing recommendations regarding any  
29 necessary changes to state laws and department rules to enhance  
30 traffic safety.

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33 **T I T L E A M E N D M E N T**

34 Remove lines 4-9 and insert:

35 requiring the Department of Transportation to install  
36 roadside barriers to shield water bodies contiguous  
37 with state roads at certain locations by a specified  
38 date under certain circumstances; providing  
39 applicability; requiring the department to conduct a  
40 study related to certain motor vehicle accidents on  
41 state roads contiguous with water bodies which  
42 occurred during a specified timeframe, subject to  
43 certain requirements; requiring



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1119 Tolls  
**SPONSOR(S):** Jacobs and others  
**TIED BILLS:** IDEN./SIM. BILLS: SB 1552

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

### SUMMARY ANALYSIS

Toll facilities are operated by a variety of agencies located throughout the state of Florida. Many toll facilities no longer offer the option for payment in cash.

A number of national and local companies offer rental cars in Florida. The companies vary in their policies regarding the use of toll facilities.

In sum, the bill:

- Requires toll facilities to ensure the presence of signage notifying drivers if cash payment is not an option.
- Authorizes rental car companies to charge a renter up to \$10 per day, in addition to the toll charge incurred by the renter under certain circumstances.
- The bill prohibits more than one additional charge per day.
- The bill prohibits an additional charge on days when a toll is not incurred.

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

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### *Toll Facilities*

Drivers in Florida will encounter a variety of toll facilities located throughout the state. Many of these facilities are operated at the state level by the Department of Transportation (DOT) or its subsidiary agency, Florida's Turnpike Enterprise (FTE). At the local level, toll facilities are operated by entities such as the expressway and bridge authorities,<sup>1</sup> county governments, and independent special districts.

Chapter 338, F.S., sets forth several provisions related to tolling. Section 338.155, F.S., requires the payment of tolls on toll facilities with some exceptions (e.g., any person operating a fire or rescue vehicle when on official business). Section 338.165, F.S., authorizes the collection of tolls on a revenue-producing project after the discharge of any bond indebtedness, and allows tolls to be increased. Except for high occupancy toll lanes or express lanes, no tolls may be charged for the use of an interstate highway where tolls were not charged as of July 1, 1997.<sup>2</sup> DOT's toll rate schedule is published by rule.<sup>3</sup>

Section 338.151, F.S., prohibits DOT from establishing a new toll on an untolled lane that existed prior to July 1, 2012. However, high-occupancy vehicle lanes, express lanes, and the turnpike system are exempted from this prohibition.

##### *Electronic Toll Collection Systems*

Electronic Toll Collection (ETC) systems use vehicle-to-roadside communication technologies to perform an electronic monetary transaction between a vehicle passing through a toll station and the toll agency. ETC systems require onboard units (such as a transponder), vehicle detection and classification, as well as enforcement technologies. ETC equipment removes the need for manual collection of tolls at toll booths. ETC also allows transactions to be performed while vehicles travel at almost highway cruising speed. SunPass is an ETC system used by DOT. Florida motorists may purchase a SunPass transponder which can be used electronically to pay tolls on Florida's toll roads and most toll bridges.

Drivers passing through a SunPass toll station may encounter one or more of the following types of toll collection lane:<sup>4</sup>

- SunPass Only Lanes
- SunPass Express Lanes

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<sup>11</sup> Chapter 348, F.S. authorizes the expressway and bridge authorities, which include the: Miami-Dade Expressway Authority, Tampa-Hillsborough Expressway Authority, Central Florida Expressway Authority, Santa Rosa Bay Bridge Authority, and the Osceola County Expressway Authority

<sup>2</sup> s. 338.165(5), F.S.

<sup>3</sup> See Rule 14-15.0081, F.A.C. "Toll Facilities Description and Toll Rate Schedule" Facilities included in the schedule are as follows: Alligator Alley (Everglades Parkway), Sunshine Skyway Bridge, Pinellas Bayway, Florida Department of Transportation segment of Wekiva Parkway, Florida's Turnpike Mainline (Southern Coin, Ticket, and Northern Coin Systems, the Homestead Extension of Florida's Turnpike, and Beachline West Expressway), Polk Parkway, Sawgrass Expressway, Southern Connector Extension, Seminole Expressway, Suncoast Parkway, Veterans Expressway, Florida's Turnpike System segment of the Western Beltway Part C, I-4 Connector, Beachline East Expressway and First Coast Expressway.

<sup>4</sup> SUNPASS, <https://www.sunpass.com/howLanesWork>, (last visited January 14, 2016)



- Exact Change/SunPass Lanes
- Change Provided/SunPass Lanes
- Change Provided Lanes
- Exact Change Lanes

“All-electronic tolling” refers to a toll station that uses open-road toll collection exclusively, without an option for cash payment. All-electronic tolling is expanding within the tolling industry in Florida, and many all-electronic locations already exist, including:

- Florida’s Turnpike between Ft. Lauderdale and Miami/Homestead
- Sawgrass Expressway, west of Ft. Lauderdale
- Veteran’s Expressway
- I-4 Connector
- Lee-Roy Selmon Expressway
- The Rickenbacker, Venetian and Broad causeways in Miami.
- Mid-Bay Connector in Niceville
- the five MDX expressways<sup>5</sup>

SunPass transactions account for 81 percent of all toll transactions on the Turnpike System.<sup>6</sup> The FTE holds that, since the introduction of SunPass in 1999, their goal has been to completely eliminate cash toll collection on its roads because electronic tolling is the safest, most convenient and most efficient way to pay tolls.<sup>7</sup>

When a motor vehicle passes through a toll collection facility and the toll payment is not made by either using cash or an electronic transponder, a photographic image of the vehicle’s license plate will be captured at the toll lane.<sup>8</sup> An invoice is mailed to the vehicle’s registered owner for the monthly accumulated toll amounts and a \$2.50 administrative charge.

Section 338.161, F.S. authorizes DOT to advertise, operate and promote toll facilities and electronic toll collection products and services.

### **Express Lanes<sup>9</sup>**

According to FTE, Turnpike express lanes are managed lanes that utilize a combination of driver choice and pricing to offer a transportation benefit to the traveling public while simultaneously improving traffic management efficiency in the corridor. Toll rates are based on traffic volume, operating speeds and level of service, and rates will be adjusted up or down based on the supply of free-flow traffic as well as driver demand.<sup>10</sup>

Section 338.166, F.S., authorizes DOT to request the issuance of bonds secured by revenues collected on high occupancy toll lanes or express lanes. DOT is authorized to implement variable rate tolls on these lanes, which run parallel to the general purpose lanes. Prior to reaching the entrance to the

<sup>5</sup> The last remaining MDX cash plazas closed on November 14, 2014. MDX operates and maintains the: SR 924/Gratigny Parkway, SR 112/Airport Expressway, SR 836/Dolphin Expressway, SR 924/Don Shula Expressway and SR 878/Snapper Creek Expressway.

<sup>6</sup> Florida’s Turnpike, *All-Electronic, No-Cash Tolling Frequently Asked Questions*, September 2015

<http://www.floridasturnpike.com/all-electronic-tolling/faqs.html> (Last accessed January 27, 2015)

<sup>7</sup> *Id.*

<sup>8</sup> TOLL-BY-PLATE, <https://www.tollbyplate.com/faq/> (last visited January 14, 2016)

<sup>9</sup> Section 316.0741(6) provides that “Vehicles having decals by virtue of compliance with the minimum fuel economy standards under 23 U.S.C. s. 166(f)(3)(B), and which are registered for use in high-occupancy-vehicle toll lanes or express lanes in accordance with Department of Transportation rule, shall be allowed to use any HOV lanes redesignated as high-occupancy-vehicle toll lanes or express lanes without requiring payment of a toll.”

<sup>10</sup> Florida’s Turnpike System, *Comprehensive Annual Financial Report for fiscal years 2015 and 2014*, at 10

express lane, dynamic message signs alert drivers to the current toll price from the point of entry to one or more exit locations.<sup>11</sup>

FTE operates variable rate express lanes on I-595 in Broward County and Interstate 95 in Broward and Miami-Dade Counties (95 Express). Express lane tolls must be paid electronically using a SunPass (or interoperable<sup>12</sup> transponder) linked to a prepaid account.<sup>13</sup> If a driver uses an express lane in a vehicle that does not have prepaid SunPass account, the driver is charged \$25 per trip plus the applicable toll amount.<sup>14</sup> Certain vehicle types may qualify for a toll exemption on the 95 Express system.<sup>15</sup>

### *Rental Car Companies*

Many state and national car rental companies offer car rental services in Florida. The companies have developed different policies for dealing with toll facilities. Some offer their customers a daily or weekly fee plus the cost of tolls incurred, others charge a flat fee for unlimited tolls over a set period of time, and a few simply charge a flat rate per toll incurred.<sup>16</sup> The rental car company receives a bill from the toll agency and matches the toll charges with the person renting the car. According to FTE, the rental car company pays the toll bill on behalf of the customer, often charging extra fees for their time and service, based on the car rental agreement. These fees vary from as low as \$3.95 for each day a toll is incurred, up to \$15 per toll. Some, but not all, car rental companies provide vehicles equipped with a SunPass transponder.

FTE has agreements with third-party companies to process toll charges incurred by rental vehicles. These companies provide FTE with constantly updated lists of rental car fleet license plates so that FTE can bill the companies. Rental car customers are advised to review rental agreement carefully, as each company has a different payment arrangement.<sup>17</sup>

### Proposed Changes

The bill creates s. 338.155(7), F.S., requiring a toll facility to post signage when cash payment is not an option.

The bill creates s. 338.163, F.S., authorizing a rental car company, which provides rental vehicles equipped with a transponder or similar device, to charge a renter up to \$10 per day for the use of the device in conjunction with an electronic toll collection system. The bill prohibits the assessment of more than one charge per day or the assessment of a charge on a day when no toll is incurred.

## B. SECTION DIRECTORY:

- |           |   |
|-----------|---|
| Section 1 | Amends s. 338.155, F.S., relating to payment of toll on toll facilities required; exemptions. |
| Section 2 | Creates s. 338.163, F.S., relating to rental car companies; charges for tolls.                |

<sup>11</sup> Rule 14-100.003(6), F.A.C. establishes criteria for the display of toll amounts for express lane tolling by DOT.

<sup>12</sup> Interoperable transponders include E-PASS and LeeWay transponders (Florida-based), as well as Peach Pass (GA) and NC Quick Pass transponders (NC).

<sup>13</sup> Rule 14-100.003, F.A.C.

<sup>14</sup> Rule 14-100.003(7), F.A.C. If a violator does not pay the invoice within 30 days, a second invoice will be sent. If the toll violations amounts are not paid within 30 days from the date of the second invoice, a Uniform Traffic Citation will be issued or the amounts owed by the violator will be pursued to collection.

<sup>15</sup> Rule 14-100.004, F.A.C. Upon proper registration, exempt vehicles include carpools, vanpools, Inherently Low Emission Vehicles or Hybrid vehicles, certain transit and school buses, Over-the-Road buses, and motorcycles.

<sup>16</sup> See <http://www.floridasturnpike.com/all-electronic tolling/FAQs.cfm?RentalCars>

<sup>17</sup> *Id.*

Section 3 Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill appears to have a negative, but likely insignificant, impact on state expenditures, due to the requirement for installation of additional signage at certain toll facilities.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill may have a negative, but likely insignificant, impact on state expenditures, due to the requirement for installation of additional signage at certain toll facilities.

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

The bill will likely have a negative fiscal impact rental car companies that currently:

- provide rental vehicles equipped with an electronic transponder or similar tolling device, and
- assess an administrative fee for use of the device
  - in excess of \$10 per day,
  - each time a toll is incurred, or
  - on days that tolls are not incurred.

The bill will likely have a positive fiscal impact on car rental customers that rent vehicles from the companies that meet the criteria listed above.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

1                                   A bill to be entitled  
 2           An act relating to tolls; amending s. 338.155, F.S.;  
 3           requiring a toll facility to ensure the presence of  
 4           signage notifying drivers if cash payment is not an  
 5           option; creating s. 338.163, F.S.; authorizing a  
 6           rental car company to charge a renter an amount in  
 7           addition to the toll charge incurred by the renter  
 8           under certain circumstances; providing limitations to  
 9           the additional charge; providing an effective date.

10  
 11   Be It Enacted by the Legislature of the State of Florida:

12  
 13           Section 1.   Section 338.155, Florida Statutes, is amended  
 14   to read:

15           338.155   Payment of toll on toll facilities required;  
 16   exemptions; signage required.-

17           (1)   A person may not use any toll facility without payment  
 18   of tolls, except employees of the agency operating the toll  
 19   project when using the toll facility on official state business,  
 20   state military personnel while on official military business,  
 21   handicapped persons as provided in this section, persons exempt  
 22   from toll payment by the authorizing resolution for bonds issued  
 23   to finance the facility, and persons exempt on a temporary basis  
 24   where use of such toll facility is required as a detour route.  
 25   Any law enforcement officer operating a marked official vehicle  
 26   is exempt from toll payment when on official law enforcement

27 business. Any person operating a fire vehicle when on official  
 28 business or a rescue vehicle when on official business is exempt  
 29 from toll payment. Any person participating in the funeral  
 30 procession of a law enforcement officer or firefighter killed in  
 31 the line of duty is exempt from toll payment. The secretary or  
 32 the secretary's designee may suspend the payment of tolls on a  
 33 toll facility when necessary to assist in emergency evacuation.  
 34 The failure to pay a prescribed toll constitutes a noncriminal  
 35 traffic infraction, punishable as a moving violation as provided  
 36 in s. 318.18. The department may adopt rules relating to the  
 37 payment, collection, and enforcement of tolls, as authorized in  
 38 this chapter and chapters 316, 318, 320, and 322, including, but  
 39 not limited to, rules for the implementation of video or other  
 40 image billing and variable pricing. With respect to toll  
 41 facilities managed by the department, the revenues of which are  
 42 not pledged to repayment of bonds, the department may by rule  
 43 allow the use of such facilities by public transit vehicles or  
 44 by vehicles participating in a funeral procession for an active-  
 45 duty military service member without the payment of tolls.

46 (2) Any person driving an automobile or other vehicle  
 47 belonging to the Department of Military Affairs used for  
 48 transporting military personnel, stores, and property, when  
 49 properly identified, shall, together with any such conveyance  
 50 and military personnel and property of the state in his or her  
 51 charge, be allowed to pass free through all tollgates and over  
 52 all toll bridges and ferries in this state.

53 (3) Any handicapped person who has a valid driver license,  
 54 who operates a vehicle specially equipped for use by the  
 55 handicapped, and who is certified by a physician licensed under  
 56 chapter 458 or chapter 459 or by comparable licensing in another  
 57 state or by the Adjudication Office of the United States  
 58 Department of Veterans Affairs or its predecessor as being  
 59 severely physically disabled and having permanent upper limb  
 60 mobility or dexterity impairments which substantially impair the  
 61 person's ability to deposit coins in toll baskets, shall be  
 62 allowed to pass free through all tollgates and over all toll  
 63 bridges and ferries in this state. A person who meets the  
 64 requirements of this subsection shall, upon application, be  
 65 issued a vehicle window sticker by the Department of  
 66 Transportation.

67 (4) A copy of this section shall be posted at each toll  
 68 bridge and on each ferry.

69 (5) The Department of Transportation shall provide  
 70 envelopes for voluntary payments of tolls by those persons  
 71 exempted from the payment of tolls pursuant to this section. The  
 72 department shall accept any voluntary payments made by exempt  
 73 persons.

74 (6) Personal identifying information held by the  
 75 Department of Transportation, a county, a municipality, or an  
 76 expressway authority for the purpose of paying, prepaying, or  
 77 collecting tolls and associated administrative charges due for  
 78 the use of toll facilities is exempt from s. 119.07(1) and s.

79 24(a), Art. I of the State Constitution. This exemption applies  
 80 to such information held by the Department of Transportation, a  
 81 county, a municipality, or an expressway authority before, on,  
 82 or after the effective date of the exemption. This subsection is  
 83 subject to the Open Government Sunset Review Act in accordance  
 84 with s. 119.15 and shall stand repealed on October 2, 2019,  
 85 unless reviewed and saved from repeal through reenactment by the  
 86 Legislature.

87 (7) A toll facility must ensure the presence of signage  
 88 notifying drivers if cash payment of the applicable toll at such  
 89 facility is not an available option.

90 Section 2. Section 338.163, Florida Statutes, is created  
 91 to read:

92 338.163 Rental car companies; charges for tolls.—A rental  
 93 car company may charge a renter up to \$10 in addition to the  
 94 toll charge incurred by the renter while using an electronic  
 95 toll collection system and driving a rental car equipped with a  
 96 transponder or similar electronic tolling device that is  
 97 provided by the rental car company. The rental car company may  
 98 not assess the additional charge more than once per day and may  
 99 only assess the charge on a day that a toll is incurred.

100 Section 3. This act shall take effect July 1, 2016.





Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

1 Committee/Subcommittee hearing bill: Transportation & Ports  
2 Subcommittee  
3 Representative Jacobs offered the following:

**Amendment (with title amendment)**

Remove lines 90-99 and insert:

Section 2. Section 338.163, Florida Statutes, is created to read:

9 338.163 Rental car companies; required disclosure.-A  
10 rental car company which imposes a fee in addition to the toll  
11 charge incurred by the renter while using an electronic toll  
12 collection system or driving a rental car equipped with a  
13 transponder or similar electronic tolling device that is  
14 provided by the rental car company must post the applicable  
15 terms and conditions in a conspicuous location on the business  
16 premises and include the applicable terms and conditions in the  
17 rental agreement issued to the renter.



Amendment No. 1

18  
19  
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**T I T L E   A M E N D M E N T**

Remove lines 5-9 and insert:

option; creating s. 338.163, F.S.; requiring a rental car  
company which charges a renter an amount in addition to the toll  
charge incurred under certain circumstances to post certain  
information in a specified location; providing an effective  
date.



HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1371 St. Augustine-St. Johns County Airport Authority  
SPONSOR(S): Stevenson  
TIED BILLS: None IDEN./SIM. BILLS: None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N	Walker	Miller
2) Transportation & Ports Subcommittee		Hancock <i>GH</i>	Vickers <i>PW</i>
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

The bill amends sections ch. 2002-347, Laws of Fla., to rename the St. Augustine-St. Johns County Airport Authority the St. John’s County Airport Authority (Authority). The bill also specifies that the Authority may conduct airport operations under the name “Northeast Florida Regional Airport.”

The bill provides that the Authority shall compensate the members of its Board for their services up to, but not exceeding, \$7,500 per year only if the Authority levies ad valorem taxes of 0.00 mills. If the Authority imposes ad valorem taxes at a rate greater than 0.00 mills, the Board members may not receive compensation. Board members currently receive only reimbursements for verified travel and other expenses. The bill was unanimously approved by the St. Johns Legislative County Delegation.

The fiscal impact of this bill at the local level is indeterminate. The maximum increase in annual financial obligations of the district for the compensation of Board members is \$37,500. However, this compensation is tied to an ad valorem assessment of 0.00 mills and, therefore, may incentivize the Board members to decrease costs to receive compensation.

The bill shall take effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

The St. Augustine-St. Johns County Airport Authority (Authority), originally known as the St. Augustine Airport Authority, is an independent special district created in 1963<sup>1</sup> and its enabling law has been amended several times.<sup>2</sup> In 2002, the Legislature enacted ch. 2002-347, Laws of Fla., codifying all prior special acts relating to the Authority into a single charter.<sup>3</sup>

The Authority is governed by the St. Augustine-St. Johns County Airport Authority Board (Board), which is comprised of five elected members residing within St. Johns County. Board members serve staggered four year terms with vacancies appointed by the Governor and confirmed by the Senate.<sup>4</sup>

The Board has the power to hire employees, acquire property, maintain and operate airport facilities, enter into contracts, own aviation vehicles and equipment, conduct aviation related research and development, and to issue revenue and general obligation bonds.<sup>5</sup> The Board may levy ad valorem taxes in order to pay for interest and principle of issued bonds, and for general purposes, at a rate not to exceed 0.5 mills.<sup>6</sup>

The Board members currently are uncompensated but are authorized to be reimbursed for verified travel and other expenses, which are to be paid from the Authority funds.<sup>7</sup> This provision in the charter prevents the Authority from providing the Board members with benefits otherwise authorized in general law, such as insurance<sup>8</sup> or retirement benefits.<sup>9</sup>

The financial statements filed with the Department of Financial Services show the Authority currently derives most of its revenue from federal grants, service charges, and rents and royalties, with a small amount of revenue coming from ad valorem taxes (in 2014, this amounted to \$2,497.00 out of \$6,279,472 total revenues). In 2010 the Authority collected \$ 3,150,143 in ad valorem taxes but since then reduced such collections to less than \$10,000 annually.<sup>10</sup>

##### **Effect of Proposed Changes**

The bill amends ch. 2002-347, ss. 1 – 3 of s. 3, Laws of Fla., to rename the St. Augustine-St. Johns County Airport Authority the St. John's County Airport Authority (Authority). The bill also specifies that the Authority is authorized to conduct airport operations under the name "Northeast Florida Regional Airport."

The bill also requires that Board members receive compensation for their services as set by the Authority up to, but not exceeding, \$7,500 per year so long as the Authority levies ad valorem taxes of

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<sup>1</sup> Ch. 63-1853, Laws of Fla.

<sup>2</sup> See generally, chs. 65-2169, 65-2172, 65-2175, 67-1983, 69-1535, 69-1541, 82-374, 83-507, 83-508, and 89-496, Laws of Fla.

<sup>3</sup> Ch. 2002-347, Laws of Fla.

<sup>4</sup> Ch. 2002-347, s. 3(3) of s. 3, Laws of Fla.

<sup>5</sup> Ch. 2002-347, s. 3(4)-(10) of s. 3, Laws of Fla.

<sup>6</sup> Ch. 2002-347, s. 3(11) of s. 3, Laws of Fla.

<sup>7</sup> Ch. 2002-347, s. 3(3) of s. 3, Laws of Fla.

<sup>8</sup> Section 112.08, F.S.

<sup>9</sup> Section 112.048, F.S.

<sup>10</sup> Department of Financial Services, LOCAL GOVERNMENT GENERAL AD HOC REPORT 2010-2015, *available at*

<http://www.myfloridacfo.com/Division/AA/LocalGovernments/default.htm> (last accessed Jan. 19, 2016). Ad valorem tax receipts reported since 2010 include \$6,399 (2011), \$7,528 (2012), \$602 (2013), and \$2,497 (2014).

0.00 mills. This compensation is in addition to the currently authorized reimbursements for verified travel and other expenses.

The fiscal impact of this bill at the local level is indeterminate. The maximum increase in financial obligations of the district for the compensation of Board members is \$37,500.<sup>11</sup> However, the compensation provided is tied to an ad valorem assessment of 0.00 mills and therefore, may incentivize the Board members to decrease costs to receive compensation.

**B. SECTION DIRECTORY:**

Section 1 Amends ch. 2002-347, ss. 1 – 3 of s. 3,, Laws of Fla., to rename the St. Augustine-St. Johns County Airport Authority the St. Johns County Airport Authority and to provide for compensation of board members.

Section 2 Provides that the bill shall take effect upon becoming law.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 10, 2015

WHERE? *St. Augustine Record*, a daily newspaper published in St. Johns County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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<sup>11</sup> Based on five Board members receiving the maximum compensation level provided by the bill, \$7,500/per year.  
STORAGE NAME: h1371b.TPS.DOCX  
DATE: 1/28/2016

1                                   A bill to be entitled  
 2           An act relating to the St. Augustine-St. Johns County  
 3           Airport Authority; amending chapter 2002-347, Laws of  
 4           Florida; renaming the St. Augustine-St. Johns County  
 5           Airport Authority; providing for compensation of board  
 6           members; providing an effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

9  
 10           Section 1. Sections 1 through 3 of section 3 of chapter  
 11           2002-347, Laws of Florida, are amended to read:

12           Section 1. Status of the St. Johns ~~St. Augustine-St. Johns~~  
 13           County Airport Authority.—The St. Johns ~~St. Augustine-St. Johns~~  
 14           County Airport Authority is declared to be an independent  
 15           special district pursuant to chapter 189, Florida Statutes, as  
 16           it may be amended from time to time. The St. Johns County  
 17           Airport Authority may conduct airport operations under the name,  
 18           "Northeast Florida Regional Airport."

19           Section 2. Boundaries of the St. Johns ~~St. Augustine-St.~~  
 20           ~~Johns~~ taxing district.—All lands lying within St. Johns County,  
 21           Florida, shall constitute the boundaries of the St. Johns ~~St.~~  
 22           ~~Augustine-St. Johns~~ County special taxing district.

23           Section 3. Minimum charter requirements.—In accordance  
 24           with section 189.404(3), Florida Statutes, the following  
 25           subsections constitute the charter of the St. Johns ~~St.~~  
 26           ~~Augustine-St. Johns~~ County Airport Authority:

27 (1) There is hereby created an authority to be known as  
 28 the St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport Authority  
 29 with the power to sue and be sued and with the additional powers  
 30 specified herein.

31 (2) There is also created a special taxing district in St.  
 32 Johns County, which district shall be a body politic and  
 33 corporate and political subdivision of the state under the name  
 34 of "St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport Authority  
 35 District." The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport  
 36 Authority shall be the governing body and shall exercise its  
 37 powers and jurisdiction within the territory of said district,  
 38 which shall comprise all of St. Johns County.

39 (3) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport  
 40 Authority shall be governed by a board of five members known as  
 41 the St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport Authority  
 42 board. The expiration of each 4-year term for each seat is  
 43 staggered, such that two or three of the five seats are elected  
 44 every 2 years. At the general election held prior to the  
 45 expiration of each of said terms, successors shall be elected by  
 46 the qualified electors residing within the boundaries of the St.  
 47 Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport Authority District  
 48 for a term of 4 years, to expire the first Tuesday after the  
 49 first Monday in January following the election. Vacancies in  
 50 office shall be filled by appointment of the Governor and  
 51 confirmed by the Senate for the remainder of the unexpired  
 52 terms. No member of the St. Johns ~~St. Augustine~~ ~~St. Johns~~ County



53 Airport Authority board shall be an officer or employee of the  
 54 City of St. Augustine, St. Johns County, or the State of  
 55 Florida, except members of the militia or notaries public. Not  
 56 more than two of the members shall be persons who are primarily  
 57 engaged in the aviation business, and no person shall be  
 58 eligible for appointment or election as a board member except  
 59 persons residing within the boundaries of the St. Johns St.  
 60 ~~Augustine-St. Johns~~ County Airport Authority District. The  
 61 members constituting the St. Johns St. ~~Augustine-St. Johns~~  
 62 County Airport Authority board shall select one of their number  
 63 as chair, and the term of office of the chair shall be 1 year.  
 64 The members shall receive no compensation for their services so  
 65 long as the St. Johns County Airport Authority levies ad valorem  
 66 taxes greater than 0.00 mills, but they are authorized to be  
 67 reimbursed for verified travel and other expenses, which shall  
 68 be paid from the funds of the Authority. The members shall  
 69 receive compensation for their services as set by the Authority  
 70 up to but not exceeding \$7,500 per year so long as the St. Johns  
 71 County Airport Authority levies ad valorem taxes of 0.00 mills,  
 72 and they are authorized to be reimbursed for verified travel and  
 73 other expenses, which shall be paid from the funds of the  
 74 Authority. Three members shall constitute a quorum for the  
 75 purpose of conducting business, exercising powers, and all other  
 76 purposes. Notices of election shall be given through the Office  
 77 of the Secretary of State, as provided by the general laws of  
 78 the state. Members of the St. Johns St. ~~Augustine-St. Johns~~

79 County Airport Authority board shall be identified on such board  
 80 by numbered groups, and candidates for election to such board  
 81 shall qualify in particular groups, and otherwise as provided by  
 82 the laws of the state.

83 (4) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport  
 84 Authority is empowered to employ an executive director, a legal  
 85 counsel, and other such permanent or temporary employees,  
 86 including, but not limited to, technical experts, secretaries,  
 87 and clerical help, as may be needed to operate the Authority.  
 88 The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport Authority  
 89 board is empowered to determine the qualifications, duties, and  
 90 compensation of said employees, the compensation to be fixed by  
 91 resolution of the members of the board and to be paid from the  
 92 income of the Authority.

93 (5) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport  
 94 Authority as hereby created is authorized and empowered to own  
 95 and acquire property by purchase, lease, lease-purchase, eminent  
 96 domain, gift, or transfer from the City of St. Augustine, the  
 97 United States of America, the State of Florida, or any agencies  
 98 thereof, and other entities or individuals, and to acquire,  
 99 construct, maintain, and operate airport facilities, warehouses,  
 100 hangars, repair facilities, seaplane bases, and all other  
 101 facilities incident to the operation of airport facilities for  
 102 both foreign and domestic air transportation, either by land  
 103 planes or seaplanes, including multimodal transportation  
 104 facilities which interconnect with the airport facility. The

105 Authority is authorized and empowered to own, acquire, and  
 106 operate airplanes, seaplanes, and lighter-than-air craft, and to  
 107 engage in instruction in aviation, research in aeronautical  
 108 fields, and promotion of aeronautical development. Property of  
 109 the St. Johns ~~St. Augustine-St. Johns~~ County Airport Authority  
 110 may be utilized for purposes which are not related to aviation.

111 (6) The St. Johns ~~St. Augustine-St. Johns~~ County Airport  
 112 Authority is authorized and empowered to conduct activities  
 113 necessary to create and support a multimodal transportation  
 114 system to interconnect with and support the airport activities  
 115 and to serve the district and the region.

116 (7) The St. Johns ~~St. Augustine-St. Johns~~ County Airport  
 117 Authority shall have the right and power of eminent domain over  
 118 real and personal property and to maintain eminent domain  
 119 proceedings in the form and in the manner as prescribed by the  
 120 general laws of the state, provided that the power of eminent  
 121 domain shall be exercised to carry out the purposes of this act.

122 (8) The St. Johns ~~St. Augustine-St. Johns~~ County Airport  
 123 Authority is authorized and empowered to enter into contracts  
 124 with any individual, corporation, or political subdivision or  
 125 agency of the state, and the United States of America, and to  
 126 enter into operating contracts or leases for facilities owned by  
 127 the Authority and any and all other contracts for furthering the  
 128 business, operation, and maintenance of the facilities as herein  
 129 provided, including the right to lease any or all airport  
 130 facilities and appurtenances to individuals, corporations, or

131 government entities. The Authority is further authorized to fix  
 132 and revise from time to time rates, fees, and other charges for  
 133 the use of and for the services furnished or to be furnished by  
 134 any airport facility owned or operated by the Authority. Such  
 135 rates, fees, and charges shall be fixed and revised so that the  
 136 revenues of the Authority, together with any other available  
 137 funds, will be sufficient at all times:

138 (a) To pay the costs, including salaries, for maintaining,  
 139 operating, and repairing the airport facilities owned or  
 140 operated by the Authority, including reserves for such purposes.

141 (b) To pay the principal of and interest on all bonds or  
 142 revenue certificates issued by the Authority under the  
 143 provisions of this act as the same become due and payable and to  
 144 provide reserves therefor.

145  
 146 Notwithstanding any of the foregoing provisions of this section,  
 147 the Authority may enter into contracts relating to the use of or  
 148 for the services furnished or to be furnished by any airport  
 149 facility, which contracts shall not be subject to revision  
 150 except in accordance with the terms of such contracts.

151 (9) Within the limits of its budget, the St. Johns ~~St.~~  
 152 ~~Augustine-St. Johns~~ Airport Authority is authorized to borrow  
 153 money and give its notes as evidence of indebtedness therefor in  
 154 order to carry out the purposes and authorizations of this act.

155 (10) To carry out the purposes of this act, the authority  
 156 is authorized, for the purpose of construction, acquiring,

157 | paying for, and improving its properties and facilities, to  
 158 | raise moneys by the issuance and sale of revenue bonds or  
 159 | certificates or general obligation bonds or combined revenue and  
 160 | general obligation bonds.

161 |         (a) Revenue bonds or certificates issued pursuant to this  
 162 | act shall be payable from and secured by a pledge of all or any  
 163 | part of the income, rents, and revenues derived by the Authority  
 164 | from any of its properties or facilities now or hereafter owned  
 165 | or operated by the Authority. The Authority may further pledge  
 166 | its full faith and credit and taxing power for the payment of  
 167 | such revenue bonds or certificates to the full extent that the  
 168 | revenues derived from the operation of the properties and  
 169 | facilities of the Authority are insufficient for the payment of  
 170 | the principal of and interest on and reserves for such revenue  
 171 | bonds or certificates, provided that the issuance of such  
 172 | revenue bonds or certificates, if the full faith and credit of  
 173 | the Authority are pledged therefor, have been first approved by  
 174 | the qualified electors residing in the district in the manner  
 175 | provided in Section 12 of Article VII of the State Constitution.

176 |         (b) The Authority may also issue its general obligation  
 177 | bonds for the purposes aforesaid and may pledge its full faith  
 178 | and credit and taxing power for the payment of the principal of  
 179 | and interest on said bonds and reserves therefor as the same  
 180 | become due, provided that the issuance of such general  
 181 | obligation bonds has been first approved by the qualified

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182 electors residing in the district in the manner provided in  
183 Section 12 of Article VII of the State Constitution.

184 (c) Any bond election of the qualified electors residing  
185 in the district shall be called and held in the manner provided  
186 in the applicable Florida Statutes for the holding of bond  
187 elections.

188 (d) After the issuance of any revenue bonds, which are  
189 additionally secured by the full faith and credit of the  
190 Authority as provided above, or of any general obligation bonds,  
191 the Authority shall have the power and shall be irrevocably  
192 obligated to levy ad valorem taxes on all taxable property  
193 within the district to the full extent necessary to pay the  
194 principal of and interest on and reserves for any general  
195 obligation bonds issued, as the same mature and become due, and  
196 to pay the principal of and interest on and reserves therefor  
197 due on any revenue bonds or certificates to the full extent that  
198 the revenues derived from the operation of the Authority's  
199 properties and facilities are insufficient for the payment  
200 thereof.

201 (e) Any of said revenue bonds or certificates or general  
202 obligation bonds may be authorized by resolution or resolutions  
203 adopted by the Authority, which may be adopted at the same  
204 meeting at which they are introduced, by a majority of all the  
205 members of the Authority then in office and need not be  
206 published or posted. The bonds shall bear interests at the rate  
207 or rates allowable by general law, may be in one or more series,

208 | may bear such date or dates, may mature at such time or times  
 209 | not exceeding 40 years from their respective dates, may be  
 210 | payable in such medium of payment, at such place or places  
 211 | within or without the state, may carry such registration  
 212 | privileges, may be subject to such terms or prior redemption,  
 213 | with or without premium, may be executed in such manner, may  
 214 | contain such terms, covenants, and conditions, and may be in  
 215 | such form, all as such resolution or subsequent resolutions  
 216 | shall provide. The bonds may be sold or exchanged for refunding  
 217 | bonds or delivered to contractors in payment for any part of the  
 218 | works or improvements financed by such bonds, or delivered in  
 219 | exchange for any properties, either real, personal, or mixed,  
 220 | including franchises, to be acquired for such works or  
 221 | improvements, all at one time or in blocks from time to time, in  
 222 | such manner and at such price or prices, as the board of the  
 223 | Authority in its discretion shall determine and in accordance  
 224 | with Florida Statutes.

225 |         (f) Pending the preparation of the definitive bonds,  
 226 | interim certificates or receipts or temporary bonds in such form  
 227 | and with such provisions as the Authority board may determine  
 228 | may be issued to the purchaser or purchasers of the bonds issued  
 229 | hereunder. The bonds and such interim certificates or receipts  
 230 | or temporary bonds shall be fully negotiable and shall be and  
 231 | constitute negotiable instruments within the meaning of and for  
 232 | all purposes of the law merchant and the negotiable-instruments  
 233 | law of the state.

234 (g) Said bonds may be issued to refund any obligations  
 235 therefor issued pursuant to this act or any other law to finance  
 236 the construction or acquisition of properties or facilities of  
 237 the Authority at or before the maturity of such outstanding  
 238 obligations, or for the combined purposes of refunding such  
 239 outstanding obligations and the construction or acquisition of  
 240 properties or facilities of the Authority.

241 (h) In the event the Authority issues revenue bonds or  
 242 certificates, whether payable from the revenues of the  
 243 properties and facilities of the Authority or secured by a  
 244 pledge of the full faith and credit of the Authority as provided  
 245 above, the Authority may make valid and legally binding  
 246 covenants with the holders of said revenue bonds or certificates  
 247 as to the purposes for which the proceeds of the revenue bonds  
 248 or certificates may be applied and the securing, use, and  
 249 disposition thereof; the creation and maintenance of reserve  
 250 funds, the fixing, establishing, collection, and maintenance of  
 251 fees, rentals, or other charges for the use of the services and  
 252 facilities of the Authority; limitations or restrictions on the  
 253 issuance of additional revenue bonds or other certificates  
 254 payable from the revenues derived from the properties and  
 255 facilities of the Authority; the appointment of a trustee to  
 256 hold and apply any funds of the Authority; the appointment of a  
 257 receiver upon default of the Authority in the payment of the  
 258 principal of or interest on any such revenue bonds or  
 259 certificates or in the performance of any covenants relating



260 thereto; and such other and additional covenants as is deemed  
 261 necessary and desirable for the security of the holders of such  
 262 revenue bonds or certificates issued pursuant to this act.

263 (i) All revenue bonds or certificates and general  
 264 obligation bonds issued hereunder shall be and constitute legal  
 265 investments for saving banks, banks, trust companies, executors,  
 266 administrators, trustees, guardians, and other fiduciaries and  
 267 for any board, body, agency, or instrumentality of the state, or  
 268 of any county, municipality, or other political subdivision of  
 269 the state, and shall be and constitute securities which may be  
 270 deposited by any bank or trust company as security for the  
 271 deposit of state, county, municipal, and other public funds.

272 (j) All property of and all revenues derived from the  
 273 properties and facilities of the Authority shall be exempt from  
 274 all taxation by the state or by any county, municipality, or  
 275 other political subdivision thereof. Revenue bonds or  
 276 certificates and general obligation bonds issued pursuant to  
 277 this act, shall, together with the income therefrom, be exempt  
 278 from all taxation by the state, or by any county, municipality,  
 279 or other political subdivision thereof.

280 (k) Whenever any debt has been incurred or bonds have been  
 281 issued by the St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport  
 282 Authority, the board shall determine annually by resolution the  
 283 amount necessary to be raised by taxation for the payment of  
 284 principal of and interest on any indebtedness or bonds maturing  
 285 in such year for such purposes. A certified copy of the

286 resolution shall be filed annually with the Board of County  
 287 Commissioners of St. Johns County and the board of county  
 288 commissioners shall order annually the property appraiser to  
 289 assess property in the district sufficient to pay the principal  
 290 of and interest on any indebtedness in said year, together with  
 291 any delinquency for prior years. The board of county  
 292 commissioners shall order annually the property appraiser to  
 293 assess and the tax collector to collect such other taxes as may  
 294 be certified to the board of county commissioners by the board  
 295 of the Authority, as authorized by provisions of this act for  
 296 other purposes.

297 (11) In addition to the powers enumerated above, the  
 298 Authority shall for general purposes have the authority to levy  
 299 an ad valorem tax on all taxable property situated within the  
 300 district, said ad valorem tax not to exceed .5 mill.

301 (12) The St. Johns ~~St. Augustine-St. Johns~~ County Airport  
 302 Authority shall have no power or authority to bind or commit the  
 303 City of St. Augustine, a municipal corporation, in any manner  
 304 directly or indirectly and the City of St. Augustine shall not  
 305 be liable or responsible in any manner for any of the debts,  
 306 liabilities, obligations, acts, or omissions of the St. Johns  
 307 ~~St. Augustine-St. Johns~~ County Airport Authority, or any of its  
 308 officers or employees. All persons dealing with the Authority  
 309 are hereby charged with full notice of this limitation of its  
 310 powers.

311 (13) The fiscal year of the St. Johns ~~St. Augustine St.~~  
 312 ~~Johns~~ County Airport Authority shall be the same as that of St.  
 313 Johns County, being October 1 to September 30 of each year. The  
 314 St. Johns ~~St. Augustine St. Johns~~ County Airport Authority shall  
 315 maintain acceptable books of account reflecting all income and  
 316 expenditures and said books shall be open to reasonable public  
 317 inspection.

318 (a) In addition, the St. Johns ~~St. Augustine St. Johns~~  
 319 County Airport Authority shall prepare a budget on or before the  
 320 first day of each fiscal year, and no money shall be spent or  
 321 obligations incurred by the board or Authority except in  
 322 accordance with the terms of the budget.

323 (b) An audit of the affairs of the Authority shall be  
 324 conducted annually by a certified public accountant and shall be  
 325 submitted to the state auditor for review in accordance with the  
 326 general laws of Florida.

327 (14) St. Johns County and the City of St. Augustine are  
 328 empowered to appropriate and contribute to the St. Johns ~~St.~~  
 329 ~~Augustine St. Johns~~ County Airport Authority such sums of money  
 330 for the operating expenses of the Authority as the commission of  
 331 the city or the county may from year to year determine  
 332 necessary. Such sums of money so appropriated and contributed by  
 333 the city or the county shall be paid to the St. Johns ~~St.~~  
 334 ~~Augustine St. Johns~~ County Airport Authority upon its  
 335 requisition. The City of St. Augustine and St. Johns County are  
 336 further authorized to convey by sale, lease, or gift any city-

337 | owned or county-owned properties that the city or county deems  
 338 | appropriate to convey to the Authority.

339 |       (15) The St. Johns ~~St. Augustine-St. Johns~~ County Airport  
 340 | Authority shall, with the consent of the City Commission of St.  
 341 | Augustine, evidenced by resolution of the commission, exercise  
 342 | any powers relating to aviation conferred upon municipalities by  
 343 | general law, including the provisions of chapter 332, Florida  
 344 | Statutes, known as the Airport Act of 1945.

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





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1377 Expressway Authorities

**SPONSOR(S):** Nuñez and others

**TIED BILLS:** IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee		Johnson 	Vickers 
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. The bill makes the following changes to the Florida Expressway Authority Act, which apply to MDX:

- Defines the terms “local commuter rail service,” tax increment revenues,” and “transportation reinvestment zone.”
- Requires candidates for MDX’s board to be vetted through a nominating council process and provides for membership on the nominating councils.
- Contains ethics provisions that persons may not serve on MDX’s board who have had certain interactions with MDX in the previous four years.
- Requires MDX to seek an expression of support from the municipality or county where a project is located before moving forward with a project that requires new tolling points or toll rate adjustments.
- Authorizes MDX to be recreated as a transportation authority.
- Authorizes the transportation authority, through interlocal agreement, to establish transportation reinvestment zones and provides minimum requirements for the agreement.
- Requires the transportation authority to establish a separate trust fund for tax increment revenues from transportation reinvestment zones.
- Provides a formula for the ad valorem tax increment.
- Exempts certain public bodies, including school districts, from the ad valorem tax increment.
- Requires Miami-Dade County to establish urban center districts with transportation reinvestment zones and provides requirements for the districts.
- Provides that the Department of Transportation (DOT) may allocate to MDX:
  - From Fiscal Year 2016-2017 through Fiscal Year 2046-2047, \$30 million from the Rail Enterprise for commuter rail service.
  - An amount not to exceed \$10 million annually for the net operating cost of commuter rail for up to seven years from the open-to-service date.

The bill authorizes DOT to allocate \$30 million annually, through the Florida Rail Enterprise, for 30 fiscal years for the development of passenger rail service in Miami-Dade County. The bill also authorizes DOT to allocate an amount not to exceed \$10 million annually for the net operating costs of commuter rail service in Miami-Dade County for up to seven years, beginning on the open to service date. The bill creates a tax increment financing mechanism, which takes the additional taxes due to an increase in property values and sets 95 percent of the additional revenues aside to finance certain transportation projects.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

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

Section 125.011(1), F.S., defines “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 Ch. 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>

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<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 MDX's code of ethics.<sup>12</sup>

### **Tolling**

Section 348.0004(2)(e), F.S., authorizes MDX to fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities system, which tolls, rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to the Florida Expressway Authority Act. However, such right and power may be assigned or delegated by the authority to DOT. Notwithstanding s. 338.165, F.S.,<sup>13</sup> or any other provision of law to the contrary, in Miami-Dade County, to the extent surplus revenues exist, surplus revenues may be used for purposes enumerated in s. 348.0004(7), F.S., provided the expenditures are consistent with the metropolitan planning organization's adopted long-range plan.<sup>14</sup>

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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.)

<sup>13</sup> Section 338.165, F.S., relates to the continuation of tolls.

<sup>14</sup> The requirements for a metropolitan planning organization's long-range plan are contained in s. 339.175(7), F.S.



MDX's toll policy provides that MDX does not receive any revenue from the state, or from the Miami-Dade County half cent sales tax, or from state or federal gas taxes. All toll revenue collected is used to operate, maintain and improve the MDX Expressway System in order to improve mobility and offer transportation alternatives within Miami-Dade County. The policy continues that starting on July 1, 2019, a Consumer Price Index (CPI) adjustment will be applied to system-wide toll rates. CPI may be deferred up to three years, with a two-thirds MDX Board votes not to implement CPI on annual basis but no later than July 1, 2022.<sup>15</sup>

### **Tax Increment Financing**

Tax increment financing, (TIF) is a method to use future gains in taxes to subsidize current improvements, which are projected to create the conditions for said gains. The completion of a public or private project often results in an increase in the value of surrounding real estate, which generates additional tax revenue. Sales-tax revenue may also increase, and jobs may be added, although these factors and their multipliers usually do not influence the structure of TIF.

When an increase in site value and private investment generates an increase in tax revenues, it is the "tax increment." Tax Increment Financing dedicates tax increments within a certain defined district to finance the debt that is issued to pay for the project. TIF was designed to channel funding toward improvements in distressed, underdeveloped, or underutilized parts of a jurisdiction where development might otherwise not occur. TIF creates funding for public or private projects by borrowing against the future increase in these property-tax revenues.<sup>16</sup>

In Florida, tax increment financing is currently authorized for community redevelopment<sup>17</sup> and conservation lands.<sup>18</sup>

### **Proposed Changes**

#### **Definitions (Section 1)**

The bill amends s. 348.0002, F.S., creating the following definitions:

Local commuter rail service-passenger rail operated through public or private sector concessions or existing commuter rail service providers which transports county residents from middle or outer suburbs to the county's main employment centers or employers directly or by connecting to an existing fixed-rail passenger system.

Tax increment revenues- the amount calculated pursuant to s. 348.0004(7)(c)3., F.S.

Transportation reinvestment zone-a special district or region associated with an expressway or rail corridor. Property tax revenues in such zones increase due to the expressway or rail project's positive effect on economic development along the corridor and higher density zoning along the corridor resulting in increased property values along the corridor. The additional revenue generated by the increase in property tax revenues is reinvested by the authority in construction, maintenance, or operation of transportation infrastructure.

#### **Expressway Authority Formation and Membership (Section 2)**

The bill amends s. 348.0003(2)(d), F.S., providing that candidates for service on MDX's governing board are required to be screened and vetted through a nominating council process. MDX is required to notify the chairperson of the Miami-Dade County Legislative Delegation of any impending Governor-appointed board vacancies 90 days before the expiration of the board member's term or the Miami-

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<sup>15</sup> Miami-Dade County Expressway Authority Toll Policy. Available at: <http://mdxway.com/about/policies> (Last visited January 25, 2016).

<sup>16</sup> <http://encyclopedia.thefreedictionary.com/tax+increment+financing> (Last visited January 25, 2016).

<sup>17</sup> Part III of Ch. 163, F.S.

<sup>18</sup> Section 259.042, F.S.

Dade County Mayor of any impending county-appointed board vacancy 90 days before the expiration of the board member's term. MDX is also required to publish, on the home page of its website, a notice of any future state or county board member vacancies 90 days before the expiration of the board member's term and. On three consecutive Sundays, advertise in the newspaper with the greatest general circulation in the county. The newspaper advertisement must be a minimum of one-quarter page.

The nominating council for Governor-appointed board members is comprised of the following voting members:

- The chairperson on the Miami-Dade County Legislative Delegation.
- A member of the Senate who represents the state legislative delegation for the county.
- A member of the House of Representatives who represents the state legislative delegation for the county.

MDX's executive director serves as a nonvoting member of the nominating council. The nominating council is required to examine the qualifications of the top candidates, screen and interview each candidate, and recommend no fewer than three and no more than five candidates for each vacancy to the Governor for appointment.

The nominating council for county-appointed board members shall be comprised of the following three voting members:

- The county mayor or his or her designee.
- The chairperson of the county commission.
- The county commissioner who chairs the committee with jurisdiction over transportation policy issues.

MDX's executive director serves as a nonvoting member of the nominating council. The nominating council is required to examine the qualifications of the top candidates, screen and interview each candidate, and recommends no fewer than three and no more than five such candidates for each vacancy to the full board of county commissioners for appointment.

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 MDX.

The bill amends s. 348.0003(5)(a)3., 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, done business with or represented any person or entity doing business with, MDX

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>19</sup> or failure to comply within 90 days after receiving a notice of failure to comply with financial disclosure requirements,<sup>20</sup> results in immediate termination from MDX's governing body.

The bill also removes some obsolete language regarding terms of board members.

### **Expressway Authority Purpose and Powers (Section 3)**

#### Tolling

Currently, s. 348.0004(6), F.S., prohibits MDX from undertaking any construction that is not consistent with both the metropolitan planning organization's transportation improvement program and Miami-Dade County's comprehensive plan.

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<sup>19</sup> Chapter 112, F.S., relates to public officers and employees.

<sup>20</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.

The bill creates s. 348.0004(6)(b), F.S., F.S., requiring MDX to seek an expression of support from the governing body of the county or municipality where the project is located before moving forward with a project that requires associated new tolling points or toll rates adjustments on the existing system. If the expression of support for new tolling points or toll rate adjustments are not provided, further efforts may not be made to move the project forward to construction.

#### Project Finance

Currently, s. 348.0004(7), F.S., authorizes MDX to finance or refinance the planning, design, acquisition, construction, extension, rehabilitation, equipping, preservation, maintenance, or improvement of a public transportation facility or transportation facilities owned or operated by such county, an intermodal facility or facilities, multimodal corridor or corridors, including, but not limited to, bicycle facilities or greenways that will improve transportation services within the county, or any programs or projects that will improve the levels of service on an expressway system, subject to approval.

The bill provides that in recognition of the broad powers MDX is provided with respect to multimodal transportation infrastructure for Miami-Dade, MDX may be redesignated as a transportation authority.

The expressway or transportation authority may establish, through an interlocal agreement with a county or municipality, a transportation reinvestment zone. The transportation authority is required to establish a separate transportation reinvestment zone trust fund into which the tax increment revenues for the county or municipality are required to be deposited.

The interlocal agreement, at a minimum, must:

- Identify the geographic boundaries of the tax increment area.
- Establish a base year for the county or municipal property taxes levied and collected on the property within the transportation reinvestment zone.
- Determine the base value of the property and the county and municipal property taxes levied and collected on the property within the transportation reinvestment zone.
- Identify the new mass transit infrastructure projects whose construction, maintenance, or operation is to be funded through the transportation reinvestment zone.
- Provide for an annual audit of the separate transportation reinvestment zone trust fund.

Beginning in the first fiscal year after creation of the transportation reinvestment zone, the transportation reinvestment zone trust fund is required to be funded by the proceeds from the ad valorem tax increment collected within each transportation reinvestment zone.

The ad valorem tax increment is required to be determined annually as that amount equal to 95 percent of the difference between the amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the transportation reinvestment zone and the amount of ad valorem taxes which would have been produced by the rate the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the transportation reinvestment zone as shown on the most recent assessment roll used for the taxation of such property by each taxing authority before the effective date of the interlocal agreement that provides for funding the trust fund.

The public bodies and taxing authorities listed in s. 163.387(2)(c), F.S.,<sup>21</sup> school districts, and special districts that levy ad valorem taxes within a tax increment area are exempt from the tax increment.

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<sup>21</sup> Section 163.387(2)(c), F.S., lists the following public bodies and taxing authorities:

- A special district that levies ad valorem taxes on taxable real property in more than one county.
- A special district for which the sole available source of revenue the district has the authority to levy is ad valorem taxes at the time an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district shall not be deemed available.

A taxing authority is not prohibited from voluntarily contributing a tax increment or from contributing a tax increment at a higher rate for a period of time as specified by interlocal agreement between the taxing authority and the community redevelopment agency.

Pursuant to s. 163.2511, F.S.,<sup>22</sup> the bill requires Miami-Dade County to establish urban center districts within the transportation reinvestment zone. Highest density mixed use designations are required to be established along transit station nodes to encourage development and redevelopment of housing and employment density nodes along the transit corridor. Miami-Dade County is required to provide financial incentives to property owners within the transportation reinvestment zone to promote urban infill and redevelopment. These incentives may include expedited permitting, prioritization of infrastructure spending within the transportation reinvestment zone, waiver of license and permit fees, waiver of delinquent local taxes or fees to promote the return of property to productive use, and local government absorption of developers' concurrency costs. Miami-Dade County is encouraged to amend its comprehensive land use plan under an expedited s. 163.3187, F.S.,<sup>23</sup> process to delineate the boundaries of urban center infill nodes and redevelopment areas within the future land use element of its comprehensive plan pursuant to its adopted urban infill and redevelopment plan. The state land planning agency<sup>24</sup> is required review the boundary delineation of the urban infill and redevelopment area in the future land use element under s. 163.3184, F.S.<sup>25</sup> An urban infill and redevelopment plan adopted by a local government within a transportation reinvestment zone is not subject to review for compliance as defined by s. 163.3184(1)(b), F.S.,<sup>26</sup> and the local government is not required to adopt the plan as a comprehensive plan amendment.

#### DOT Allocation of Funds

In Miami-Dade County, the Department of Transportation may allocate the following to the transportation authority as authorized in s. 341.303(5), F.S.,<sup>27</sup> and pursuant to s. 201.15(4)(a)4., F.S.<sup>28</sup>:

- For fiscal year 2016-2017 through fiscal year 2046-2047 the sum of \$30 million through the Florida Rail Enterprise<sup>29</sup> annually for acquisition of rights-of-way for future local commuter rail service; the planning and development costs related to the provision of a passenger rail system, including, but not limited to, preliminary engineering, revenue studies, environmental impact studies, financial advisory services, engineering design, and other appropriate professional services; and any other eligible local commuter rail service capital improvement project costs.
- An amount not to exceed \$10 million annually of the net operating costs of the local commuter rail service through a public or private sector concession or existing commuter rail service

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- A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.
  - A neighborhood improvement district created under the Safe Neighborhoods Act.
  - A metropolitan transportation authority.
  - A water management district created under s. 373.069.

<sup>22</sup> Section 163.2511, F.S., relates to urban infill and redevelopment.

<sup>23</sup> Section 163.3187, F.S., provides the process for adopting small scale comprehensive plan amendments.

<sup>24</sup> The state land planning agency is the Department of Economic Opportunity.

<sup>25</sup> Section 163.3184, F.S., provides the process for the adoption of the comprehensive plan or plan amendment.

<sup>26</sup> Section 163.3184(1)(b), F.S., defines "in compliance" as consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245, and 163.3248, with the appropriate strategic regional policy plan, and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

<sup>27</sup> Section 341.303(5), F.S., relates to fund participation for the Florida Rail Enterprise.

<sup>28</sup> Section 201.15(4)(a)4., F.S., provides that certain allocations of Documentary Stamp Tax revenues are allocated to the Transportation Regional Incentive Program and the first \$60 million in funds allocated pursuant to that subparagraph is allocated to the Florida Rail Enterprise.

<sup>29</sup> The Florida Rail Enterprise Act is ss. 341.8201 through 341.842, F.S.

provider for up to seven years, beginning on the open-to-service date as authorized under s. 341.303(4)(a), F.S.<sup>30</sup>

**Effective Date**

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

**B. SECTION DIRECTORY:**

- Section 1 Amends s. 348.0002, F.S., providing definitions.
- Section 2 Amends s. 348.0003, F.S., relating to expressway authority; formation; membership.
- Section 3 Amends s. 348.0004, F.S., relating to purposes and powers.
- Section 4 Provides an effective date.

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

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

1. Revenues:

None.

2. Expenditures:

The bill authorizes DOT to allocate \$30 million annually, through the Florida Rail Enterprise, for 30 years for the development of passenger rail service in Miami-Dade County.

The bill also authorizes DOT to allocate an amount not to exceed \$10 million annually for the net operating costs of commuter rail service in Miami-Dade County for up to seven years, beginning on the open to service date.

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

1. Revenues:

The bill creates a tax increment financing mechanism, which takes the additional taxes due to an increase in property values and sets them aside to finance certain transportation projects.

2. Expenditures:

None.

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

The private sector may see increased transportation options and an increase in property values due to tax increment financing.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

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<sup>30</sup> Section 341.303(4)(a), F.S., provides for funds for the rail enterprise for certain operating costs of passenger rail.

**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:**

The bill creates nominating council for Governor-appointed member of MDX's governing board consisting of members of the Miami-Dade County Legislative Delegation. This may violate the Separation of Powers doctrine since members of the Legislature are nominating persons for an executive branch appointment.

**B. RULE-MAKING AUTHORITY:**

None.

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

The bill may have a negative impact on MDX's bond covenants due to the requirement that the governing board of the municipality or county being required to approve certain toll increases.

The bill does not specify how an expressway authority may transition to a transportation authority.

The status of special districts relative to tax increments is unclear in the bill.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.

1                                   A bill to be entitled  
2       An act relating to expressway authorities; amending s.  
3       348.0002, F.S.; defining the terms "local commuter  
4       rail service," "transportation reinvestment zone," and  
5       "tax increment revenues" for purposes of the Florida  
6       Expressway Authority Act; amending s. 348.0003, F.S.;  
7       revising provisions for membership on certain  
8       expressway authorities; providing for nominating  
9       councils to facilitate the filling of vacancies;  
10      revising qualifications for membership; providing for  
11      termination of membership upon violation or failure to  
12      comply with specified provisions; amending s.  
13      348.0004, F.S.; requiring an expression of support  
14      from the local governing body before certain  
15      authorities may begin certain projects; authorizing  
16      certain expressway authorities to be redesignated as  
17      transportation authorities; authorizing such  
18      authorities to establish transportation reinvestment  
19      zones; providing for such authorities to receive ad  
20      valorem tax increment revenues; requiring the county  
21      to establish urban center infill nodes and  
22      redevelopment areas; exempting certain amendments to  
23      the county comprehensive plan from review under  
24      specified provisions; authorizing the Department of  
25      Transportation to allocate specified funds to certain  
26      authorities; providing an effective date.

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

Section 1. Subsections (11) and (12) of section 348.0002, Florida Statutes, are renumbered as subsections (12) and (13), respectively, and new subsections (11), (14), and (15) are added to that section, to read:

348.0002 Definitions.—As used in the Florida Expressway Authority Act, the term:

(11) "Local commuter rail service" means passenger rail operated through public or private sector concessions or existing commuter rail service providers which transports county residents from middle or outer suburbs to the county's main employment centers or employers directly or by connecting to an existing fixed-rail passenger system.

(14) "Tax increment revenues" means the amount calculated pursuant to s. 348.0004(7)(c)3.

(15) "Transportation reinvestment zone" means a special district or region associated with an expressway or rail corridor. Property tax revenues in such zones increase due to the expressway or rail project's positive effect on economic development along the corridor and higher density zoning along the corridor resulting in increased property values along the corridor. The additional revenue generated by the increase in property tax revenues is reinvested by the authority in construction, maintenance, or operation of transportation

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



53 infrastructure.

54 Section 2. Paragraph (d) of subsection (2) and paragraph  
 55 (a) of subsection (5) of section 348.0003, Florida Statutes, are  
 56 amended, and paragraph (1) is added to subsection (5) of that  
 57 section, to read:

58 348.0003 Expressway authority; formation; membership.—

59 (2) The governing body of an authority shall consist of  
 60 not fewer than five nor more than nine voting members. The  
 61 district secretary of the affected department district shall  
 62 serve as a nonvoting member of the governing body of each  
 63 authority located within the district. Each member of the  
 64 governing body must at all times during his or her term of  
 65 office be a permanent resident of the county which he or she is  
 66 appointed to represent.

67 (d) Notwithstanding any provision to the contrary in this  
 68 subsection, in any county as defined in s. 125.011(1), the  
 69 governing body of an authority shall consist of up to 13  
 70 members, and the following provisions of this paragraph shall  
 71 apply specifically to such authority. Except for the district  
 72 secretary of the department, the members must be residents of  
 73 the county. Seven voting members shall be appointed by the  
 74 governing body of the county. At the discretion of the governing  
 75 body of the county, up to two of the members appointed by the  
 76 governing body of the county may be elected officials residing  
 77 in the county. Five voting members of the authority shall be  
 78 appointed by the Governor. One member shall be the district

79 secretary of the department serving in the district that  
 80 contains such county. This member shall be an ex officio voting  
 81 member of the authority.

82 1. Candidates for service on the governing board of the  
 83 authority shall be screened and vetted through a nominating  
 84 council process. The authority is responsible for notifying the  
 85 chairperson of the state legislative delegation for the county  
 86 of any impending Governor-appointed board vacancies 90 days  
 87 before expiration of the board member's term or the mayor of the  
 88 county of any impending county-appointed board vacancy 90 days  
 89 before expiration of the board member's term. The authority  
 90 shall also publish, on the home page of its website, a notice of  
 91 any future state or county board member vacancy 90 days before  
 92 expiration of the board member's term and, on 3 consecutive  
 93 Sundays, advertise the vacancy in the newspaper with the  
 94 greatest general circulation in the county. The newspaper  
 95 advertisement must be a minimum of one-quarter page.

96 2. The nominating council for Governor-appointed board  
 97 members shall be comprised of the following three voting  
 98 members:

99 a. The chairperson of the state legislative delegation for  
 100 the county.

101 b. A member of the Florida Senate who represents the state  
 102 legislative delegation for the county.

103 c. A member of the Florida House of Representatives who  
 104 represents the state legislative delegation for the county.

105  
 106 The executive director of the authority shall serve as a  
 107 nonvoting member of the nominating council. The nominating  
 108 council shall examine the qualifications of the top candidates,  
 109 screen and interview each candidate, and recommend no fewer than  
 110 three and no more than five candidates for each vacancy to the  
 111 Governor for appointment.

112 3. The nominating council for county-appointed board  
 113 members shall be comprised of the following three voting  
 114 members:

- 115 a. The mayor of the county or the mayor's designee.
- 116 b. The chairperson of the county commission.
- 117 c. The county commissioner who chairs the committee with  
 118 jurisdiction over transportation policy issues.

119  
 120 The executive director of the authority shall serve as a  
 121 nonvoting member of the nominating council. The nominating  
 122 council shall examine the qualifications of the top candidates,  
 123 screen and interview each candidate, and recommend no fewer than  
 124 three and no more than five of such candidates for each vacancy  
 125 to the full board of county commissioners for appointment.

126 4. Except as provided in subsection (5), If the governing  
 127 board of an authority includes any member originally appointed  
 128 by the governing body of the county as a nonvoting member, when  
 129 the term of such member expires, that member shall be replaced  
 130 by a member appointed by the Governor until the governing body

131 ~~of the authority is composed of seven members appointed by the~~  
 132 ~~governing body of the county and five members appointed by the~~  
 133 ~~Governor.~~ the qualifications, terms of office, and obligations  
 134 and rights of members of the authority shall be determined by  
 135 resolution or ordinance of the governing body of the county in a  
 136 manner that is consistent with subsections (3) and (4).

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

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

141 2. A person may not be appointed to or serve as a member  
 142 of the governing body of an authority if that person currently  
 143 represents or has in the previous 4 years represented any client  
 144 for compensation before the authority.

145 3. A person may not be appointed to or serve as a member  
 146 of the governing body of an authority if that person currently  
 147 represents or has in the previous 4 years represented any person  
 148 or entity that is doing business, or in the previous 4 years has  
 149 done business, with the authority.

150 (1) A finding of a violation of this subsection or chapter  
 151 112, or failure to comply within 90 days after receiving a  
 152 notice of failure to comply with financial disclosure  
 153 requirements, results in immediate termination from the  
 154 governing body of the authority.

155 Section 3. Subsections (6) and (7) of section 348.0004,  
 156 Florida Statutes, are amended to read:

157 348.0004 Purposes and powers.—

158 (6) Notwithstanding subsection (3) or any other provision  
 159 of law to the contrary, in any county as defined in s.  
 160 125.011(1):

161 (a) An~~, no~~ expressway authority may not ~~shall~~ undertake  
 162 any construction that is not consistent with both the  
 163 metropolitan planning organization's transportation improvement  
 164 program and the county's comprehensive plan.

165 (b) The authority must seek an expression of support from  
 166 the governing body of the county or the municipality where the  
 167 project is located before moving forward with a project that  
 168 requires associated new tolling points or toll rate adjustments  
 169 on the existing system. If the expression of support for new  
 170 tolling points or toll rate adjustments are not provided,  
 171 further efforts may not be made to move the project forward to  
 172 construction.

173 (7) In any county as defined in s. 125.011(1):

174 (a) An expressway authority may finance or refinance the  
 175 planning, design, acquisition, construction, extension,  
 176 rehabilitation, equipping, preservation, maintenance, or  
 177 improvement of a public transportation facility or  
 178 transportation facilities owned or operated by such county, an  
 179 intermodal facility or facilities, multimodal corridor or  
 180 corridors, including, but not limited to, bicycle facilities or  
 181 greenways that will improve transportation services within the  
 182 county, or any programs or projects that will improve the levels

183 of service on an expressway system, subject to approval of the  
 184 governing body of such county after public hearing.

185 (b) In recognition of the broad powers of an expressway  
 186 authority provided under paragraph (a) with respect to  
 187 multimodal transportation infrastructure for the county, such  
 188 expressway authority may be redesignated as a transportation  
 189 authority.

190 (c) Such authority may establish, through an interlocal  
 191 agreement with a county or municipality, a transportation  
 192 reinvestment zone. The authority shall establish a separate  
 193 transportation reinvestment zone trust fund into which the tax  
 194 increment revenues for the county or municipality shall be  
 195 deposited.

196 1. The interlocal agreement, at a minimum, must:

197 a. Identify the geographic boundaries of the tax increment  
 198 area.

199 b. Establish a base year for the county or municipal  
 200 property taxes levied and collected on the property within the  
 201 transportation reinvestment zone.

202 c. Determine the base value of the property and the county  
 203 and municipal property taxes levied and collected on the  
 204 property within the transportation reinvestment zone.

205 d. Identify the new mass transit infrastructure projects  
 206 whose construction, maintenance, or operation is to be funded  
 207 through the transportation reinvestment zone.

208 e. Provide for an annual audit of the separate  
 209 transportation reinvestment zone trust fund.

210 2. Beginning in the first fiscal year after creation of  
 211 the transportation reinvestment zone, the transportation  
 212 reinvestment zone trust fund shall be funded by the proceeds  
 213 from the ad valorem tax increment collected within each  
 214 transportation reinvestment zone.

215 3. The ad valorem tax increment shall be determined  
 216 annually as that amount equal to 95 percent of the difference  
 217 between the amount of ad valorem taxes levied each year by each  
 218 taxing authority, exclusive of any amount from any debt service  
 219 millage, on taxable real property contained within the  
 220 geographic boundaries of the transportation reinvestment zone  
 221 and the amount of ad valorem taxes which would have been  
 222 produced by the rate the tax is levied each year by or for each  
 223 taxing authority, exclusive of any debt service millage, upon  
 224 the total of the assessed value of the taxable real property in  
 225 the transportation reinvestment zone as shown on the most recent  
 226 assessment roll used for the taxation of such property by each  
 227 taxing authority before the effective date of the interlocal  
 228 agreement that provides for funding the trust fund.

229 4. The public bodies and taxing authorities listed in s.  
 230 163.387(2)(c), school districts, and special districts that levy  
 231 ad valorem taxes within a tax increment area are exempt from  
 232 this paragraph.

233           5. A taxing authority is not prohibited from voluntarily  
 234 contributing a tax increment or from contributing a tax  
 235 increment at a higher rate for a period of time as specified by  
 236 interlocal agreement between the taxing authority and the  
 237 community redevelopment agency.

238           6. Pursuant to s. 163.2511, the county shall establish  
 239 urban center districts within the transportation reinvestment  
 240 zone. Highest density mixed use designations shall be  
 241 established along transit station nodes to encourage development  
 242 and redevelopment of housing and employment density nodes along  
 243 the transit corridor. The county shall provide financial  
 244 incentives to property owners within the transportation  
 245 reinvestment zone to promote urban infill and redevelopment.  
 246 These incentives may include expedited permitting,  
 247 prioritization of infrastructure spending within the  
 248 transportation reinvestment zone, waiver of license and permit  
 249 fees, waiver of delinquent local taxes or fees to promote the  
 250 return of property to productive use, and local government  
 251 absorption of developers' concurrency costs. The county is  
 252 encouraged to amend its comprehensive land use plan under an  
 253 expedited s. 163.3187 process to delineate the boundaries of  
 254 urban center infill nodes and redevelopment areas within the  
 255 future land use element of its comprehensive plan pursuant to  
 256 its adopted urban infill and redevelopment plan. The state land  
 257 planning agency shall review the boundary delineation of the  
 258 urban infill and redevelopment area in the future land use



259 element under s. 163.3184. An urban infill and redevelopment  
 260 plan adopted by a local government within a transportation  
 261 reinvestment zone is not subject to review for compliance as  
 262 defined by s. 163.3184(1)(b), and the local government is not  
 263 required to adopt the plan as a comprehensive plan amendment.

264 (d) In any county as defined in s. 125.011(1), the  
 265 department may allocate the following to the authority as  
 266 authorized in s. 341.303(5) and pursuant to s. 201.15(4)(a)4.:

267 1. For fiscal year 2016-2017 through fiscal year 2046-2047  
 268 the sum of \$30 million through the Florida Rail Enterprise  
 269 annually for acquisition of rights-of-way for future local  
 270 commuter rail service; the planning and development costs  
 271 related to the provision of a passenger rail system, including,  
 272 but not limited to, preliminary engineering, revenue studies,  
 273 environmental impact studies, financial advisory services,  
 274 engineering design, and other appropriate professional services;  
 275 and any other eligible local commuter rail service capital  
 276 improvement project costs.

277 2. An amount not to exceed \$10 million annually of the net  
 278 operating costs of the local commuter rail service through a  
 279 public or private sector concession or existing commuter rail  
 280 service provider for up to 7 years, beginning on the open-to-  
 281 service date as authorized under s. 341.303(4)(a).

282 Section 4. This act shall take effect July 1, 2016.



Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

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1 Committee/Subcommittee hearing bill: Transportation & Ports  
2 Subcommittee

3 Representative Nuñez offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. The Department of Transportation may allocate  
8 to any county, as defined in s. 125.011(1), the following as  
9 authorized in s. 341.303(5) and pursuant to s. 201.15(4)(a)4.:

10 (1) For fiscal year 2016-2017 through fiscal year 2046-  
11 2047, the sum of \$30 million through the Florida Rail Enterprise  
12 annually for acquisition of rights-of-way for future local  
13 commuter rail service; the planning and development costs  
14 related to the provision of a passenger rail system, including,  
15 but not limited to, preliminary engineering, revenue studies,  
16 environmental impact studies, financial advisory services,  
17 engineering design, and other appropriate professional services;



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18 and any other eligible local commuter rail service capital  
19 improvement project costs.

20 (2) An amount not to exceed \$10 million annually of the  
21 net operating costs of the local commuter rail service through a  
22 service provider for up to 7 years, beginning on the open-to-  
23 service date as authorized under s. 341.303(4)(a).

24 Section 2. Subsection (3) of section 338.166, Florida  
25 Statutes, is amended to read:

26 338.166 High-occupancy toll lanes or express lanes.—

27 (3) Any remaining toll revenue from the high-occupancy  
28 toll lanes or express lanes shall be used by the department for  
29 the construction, maintenance, or improvement of any road on the  
30 State Highway System within the county or counties in which the  
31 toll revenues were collected, except that 15 percent of such  
32 remaining toll revenue shall be provided to the county or  
33 counties in which the toll revenues were collected ~~or to support~~  
34 ~~express bus service in such counties on the facility where the~~  
35 ~~toll revenues were collected.~~

36 Section 3. Section 340.001, Florida Statutes, is created  
37 to read:

38 340.001 Short title.—This chapter shall be known and may  
39 be cited as the "Transportation Investment Act."

40 Section 4. Section 340.002, Florida Statutes, is created  
41 to read:

42 340.002 Legislative findings.—The Legislature finds that:



Amendment No. 1.

43       (1) There is a need in this state to create a tax  
44 increment financing mechanism to assist counties in the creation  
45 and expansion of local and regional transportation systems. Such  
46 a financing mechanism, used by counties, will enable the state  
47 to maintain and grow its economic competitiveness while  
48 maintaining and improving its residents' high quality of life,  
49 and robust multimodal transportation systems are key to the  
50 state's economic vitality for existing and future residents and  
51 visitors.

52       (2) There exist in counties of the state unproductive  
53 areas that suffer from, among other problems, aggravated traffic  
54 problems, traffic hazards, and a lack of efficient or affordable  
55 transportation options, and the provision of new or expanded  
56 transportation facilities or services to these areas would  
57 alleviate traffic problems or hazards.

58       (3) Certain unproductive areas, or portions thereof, may  
59 require the creation or expansion of mass public transportation  
60 services or facilities, including, but not limited to, the  
61 development and construction of transportation stations, rail  
62 lines, intermodal stations; the creation of new or the expanded  
63 use of existing mass public transportation facilities and  
64 services; or the acquisition, clearance, and disposition of  
65 property, real and personal, in order to create new or expanded  
66 mass public transportation facilities or services.

67       (4) There exists in counties and municipalities of the  
68 state a shortage of transportation options available to



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69 residents; that such shortages cause traffic congestion and  
70 environmental pollution, decrease the ability of the state to  
71 attract and retain residents and businesses, and negatively  
72 affect the health, safety, and welfare of the residents of  
73 counties in which transportation services are needed; and that  
74 the elimination or improvement of such conditions is a proper  
75 matter of state policy and state concern and is for a valid and  
76 desirable public purpose.

77 (5) The powers conferred by this chapter are for public  
78 uses and purposes for which public money may be expended and  
79 police power exercised, and the necessity in the public interest  
80 for the provisions of this chapter is declared as a matter of  
81 legislative determination.

82 (6) Creation or expansion of transportation services is a  
83 public use or purpose for which private property may be taken by  
84 eminent domain and satisfies the public purpose requirement of  
85 s. 6(a), Art. X of the State Constitution.

86 Section 5. Section 340.003, Florida Statutes, is created  
87 to read:

88 340.003 Definitions.—As used in this chapter, the term:

89 (1) "Area of operation" means, for a county, the area  
90 within the boundaries of the county, and, for a municipality,  
91 the area within the corporate limits of the municipality.

92 (2) "Board" or "commission" means a board, commission,  
93 department, division, office, body, or other unit of a county or  
94 municipality.



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95           (3) "Bond" means a bond, refunding bond, note, interim  
96 certificate, certificate of indebtedness, debenture, or other  
97 obligation.

98           (4) "Debt service millage" means any millage levied  
99 pursuant to s. 12, Art. VII of the State Constitution.

100           (5) "Federal Government" means the government of the  
101 United States and includes any agency or instrumentality,  
102 corporate or otherwise, of the United States.

103           (6) "Governing body" means the council, commission, or  
104 other legislative body charged with governing the county or  
105 municipality or, for joint agencies, each participating county  
106 and municipality.

107           (7) "Increment revenue" means the amount calculated  
108 pursuant to s. 340.019.

109           (8) "Joint agency" means a transportation investment  
110 agency created by a county that receives tax revenue  
111 contributions to the transportation investment trust fund from  
112 one or more municipalities, or a transportation investment  
113 agency created by a municipality that receives tax revenue  
114 contributions to the transportation investment trust fund from  
115 the county or at least one other municipality.

116           (9) "Mass public transportation" means transportation by a  
117 conveyance that provides regular and continuing general or  
118 special transportation to the public. The term does not include  
119 school bus, charter, or sightseeing transportation or



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120 transportation the primary purpose of which is the movement of  
121 private passenger vehicles.

122 (10) "Obligee" means any bondholder, agent, or trustee for  
123 any bondholder, or lessor demising to the county or municipality  
124 property used in connection with transportation investment and  
125 related activities or any assignee or assignees of such lessor's  
126 interest or any part thereof, and the Federal Government when it  
127 is a party to any contract with the county or municipality.

128 (11) "Person" means any individual, firm, partnership,  
129 corporation, company, association, joint stock association, or  
130 body politic and includes any trustee, receiver, assignee, or  
131 other person acting in a similar representative capacity.

132 (12) "Public body" means the state or any county,  
133 municipality, authority, special district as defined in s.  
134 165.031(7), or other public body of the state, except a school  
135 district.

136 (13) "Real property" means all lands, including  
137 improvements and fixtures thereon, and property of any nature  
138 appurtenant thereto or used in connection therewith and every  
139 estate, interest, right, and use, legal or equitable, therein,  
140 including, but not limited to, terms for years and liens by way  
141 of judgment, mortgage, or otherwise.

142 (14) "Related activities" means:

143 (a) Planning work for the preparation of the  
144 transportation investment plan.



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145 (b) The functions related to the acquisition and disposal  
146 of real property pursuant to s. 340.016.

147 (c) The functions related to the predevelopment work for  
148 the transportation services and facilities anticipated to be  
149 created or expanded in the transportation investment area.

150 (15) "Taxing authority" means a public body that levies or  
151 is authorized to levy an ad valorem tax on real property located  
152 in a transportation investment area.

153 (16) "Transportation facilities" means all mobile and  
154 fixed assets, including real or personal property or rights  
155 therein, used in the mass public transportation of persons, and  
156 all mass public transportation-related improvements,  
157 developments, or appurtenances thereto, including, but not  
158 limited to, intermodal facilities; passenger and other  
159 terminals; park-and-ride facilities; bicycle ways and related  
160 facilities; pedestrian ways and pedestrian-related facilities;  
161 bus, train, vessel, or other vehicle storage, cleaning, fueling,  
162 control, and maintenance facilities; and administrative and  
163 other office space necessary for the exercise by the agency of  
164 the powers and obligations granted under this chapter. The term  
165 "transportation facilities" does not include facilities  
166 primarily used for private passenger vehicle transportation,  
167 such as the expansion of roadways or highways. However, the term  
168 "transportation facilities" may include a dedicated busway for  
169 the exclusive use of public buses.





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170       (17) "Transportation investment" means actions or projects  
171 of a county, municipality, or transportation investment agency,  
172 in accordance with a transportation investment plan which create  
173 new or expand existing mass public transportation services or  
174 transportation facilities or which are appurtenant or incidental  
175 to the creation of new or expansion of existing mass public  
176 transportation services or transportation facilities. The term  
177 includes preparation of a transportation investment plan. The  
178 term also includes actions or projects of a county,  
179 municipality, or transportation investment agency that, in  
180 accordance with a transportation investment plan, directly  
181 affect a transportation investment area.

182       (18) "Transportation investment agency" or "agency" means  
183 a public agency designated pursuant to s. 340.008.

184       (19) "Transportation investment area" means an  
185 unproductive area whose boundaries are described with sufficient  
186 detail to identify the area with reasonable certainty. A  
187 transportation investment area:

188       (a) May be contiguous or noncontiguous;

189       (b) May not encompass property that is more than 1 mile  
190 away from the mass public transportation services or facilities  
191 to be made available through the transportation investment,  
192 unless the area is to be used in connection with the operation  
193 of an existing or proposed mass public transportation service or  
194 facility; and



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195 (c) May not consist of more than 80 percent of a county or  
196 municipality.

197 (20) "Transportation investment plan" means a plan for a  
198 transportation investment area.

199 (21) "Transportation services" means the conveyance of  
200 persons by public transit such as rail or light rail service,  
201 fixed-route or flex-route bus service, and fixed-guideway  
202 vehicle service; and the planning and funding of mass public  
203 transportation facilities. The term does not include services  
204 provided primarily for private passenger vehicle transportation.

205 (22) "Unproductive area" means an area that has at least  
206 one of the following conditions:

207 (a) A lack of sufficient transportation facilities or  
208 services.

209 (b) Significant automobile traffic congestion.

210 (c) A defective or inadequate street layout.

211 (d) Deteriorated or inadequate parking or roadways.

212 Section 6. Section 340.004, Florida Statutes, is created  
213 to read:

214 340.004 Notice.—Before a governing body adopts a  
215 resolution or enacts an ordinance pursuant to s. 340.007, s.  
216 340.008, or s. 340.019; creates a transportation investment  
217 area; approves, adopts, or amends a transportation investment  
218 plan; or issues Transportation Investment Revenue Bonds under s.  
219 340.018, the governing body must provide public notice of such  
220 proposed action pursuant to s. 125.66(2) and, at least 15 days



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221 before the proposed action, mail by registered mail a notice of  
222 the proposed action to each taxing authority that levies ad  
223 valorem taxes on real property within the geographic boundaries  
224 of the transportation investment area.

225 Section 7. Section 340.005, Florida Statutes, is created  
226 to read:

227 340.005 Local transportation programs.—The governing body  
228 of a county or municipality may develop a program for using  
229 private and public resources for transportation investment in a  
230 transportation investment area to alleviate automobile traffic  
231 congestion; facilitate the efficient movement of people and  
232 property; increase capacity of parking, roadways, and public  
233 transit capable of handling the volume of traffic and the  
234 movement of people and property in the area; or increase the  
235 capacity of the utility infrastructure to support existing or  
236 increased development in the area.

237 Section 8. Section 340.006, Florida Statutes, is created  
238 to read:

239 340.006 Power of taxing authorities.—Notwithstanding any  
240 general or special law, a taxing authority may levy taxes or  
241 appropriate funds to a transportation investment trust fund for  
242 the purpose of financing transportation facilities and services  
243 and furthering the purposes of the taxing authority as provided  
244 by law.

245 Section 9. Section 340.007, Florida Statutes, is created  
246 to read:



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247 340.007 Finding of necessity by county or municipality.—A  
248 county or municipality may not exercise the transportation  
249 investment powers conferred by this chapter until the governing  
250 body has adopted a resolution, supported by data and analysis,  
251 which makes a legislative finding that:

252 (1) One or more unproductive areas exist in the proposed  
253 transportation investment area; and

254 (2) Transportation investment is necessary in the interest  
255 of the public health, safety, morals, or welfare.

256 Section 10. Section 340.008, Florida Statutes, is created  
257 to read:

258 340.008 Creation of transportation investment agency.—

259 (1) (a) Upon adoption of a resolution pursuant to s.  
260 340.007, the governing body of a county or municipality may  
261 declare itself to be a public body corporate and politic to be  
262 known as a "transportation investment agency." Each such agency  
263 shall be a public instrumentality, and the exercise by that  
264 agency of the powers conferred by this chapter shall be an  
265 essential public function. The agency shall be a legal entity  
266 that is separate, distinct, and independent from the governing  
267 body of the county or municipality. The members of the governing  
268 body of the county or municipality shall be the members of the  
269 board of commissioners of the agency. Such membership on the  
270 board of commissioners of an agency under this chapter is not  
271 dual officeholding.



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272           (b) A transportation investment agency of a county may  
273 function within the corporate limits of one or more  
274 municipalities only if:

275           1. The ordinance creating the transportation investment  
276 trust fund provides that each municipality not consenting to  
277 contribute its tax revenues to the transportation investment  
278 trust fund is expressly exempted from such obligation; or

279           2. The governing body of each municipality has, by  
280 resolution, concurred in the transportation investment plan  
281 proposed by the governing body of the county; by resolution  
282 following a public hearing, approved the transportation  
283 investment plan; and, by interlocal agreement, agreed to  
284 contribute all or a portion of its tax revenues to the  
285 transportation investment trust fund.

286           (c) A transportation investment agency of a municipality  
287 may function only if:

288           1. The ordinance creating the transportation investment  
289 trust fund provides that the county in which the municipality is  
290 located is expressly exempted from the obligation to contribute  
291 its tax revenues to the transportation investment trust fund; or

292           2. The governing body of the county has, by resolution  
293 following a public hearing, approved the transportation  
294 investment plan and, by interlocal agreement, agreed to  
295 contribute all or a portion of its tax revenues to the  
296 transportation investment trust fund.



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297 (d) A transportation investment agency may include more  
298 than one municipality acting together to make transportation  
299 investments. The agency may function only if:

300 1. The ordinance creating the transportation investment  
301 trust fund provides expressly the level of each municipality's  
302 contribution to the transportation investment trust fund;

303 2. The governing body of each municipality has, by  
304 resolution following a public hearing, approved the  
305 transportation investment plan; and

306 3. The municipalities have, by interlocal agreement,  
307 agreed to contribute all or a portion of their tax revenues to  
308 the transportation investment trust fund and approved the  
309 creation of the transportation investment trust fund.

310 (2) The governing body of the county or municipality shall  
311 serve as the board of commissioners of the transportation  
312 investment agency. For joint agencies, the agency board shall  
313 consist of members of each municipality's and county's governing  
314 body, duly appointed by each municipality and county and  
315 expressed in an interlocal agreement between each participating  
316 county and municipality, which is adopted by resolution by each  
317 participating county and municipality.

318 (3) (a) A commissioner shall receive no compensation for  
319 his or her service on a transportation investment agency but is  
320 entitled to the necessary expenses, including travel expenses,  
321 incurred in the discharge of duties.



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322       (b) The powers of a transportation investment agency shall  
323 be exercised by the governing body as the commissioners thereof.  
324 A majority of the members constitutes a quorum for the purpose  
325 of conducting business and exercising the powers of the agency.  
326 Action may be taken by the agency upon a vote of a majority of  
327 the members present, unless in any case the bylaws require a  
328 larger number.

329       (c) The governing body shall designate such staff support  
330 as necessary to manage the administrative work of the agency.  
331 For such legal service as the agency requires, the agency shall  
332 use counsel of the governing body.

333       Section 11. Section 340.009, Florida Statutes, is created  
334 to read:

335       340.009 Exercise of powers.—Each county and municipality  
336 has all powers necessary or convenient to carry out and  
337 effectuate the purposes and provisions of this chapter,  
338 including those powers granted under s. 340.016.

339       Section 12. Section 340.012, Florida Statutes, is created  
340 to read:

341       340.012 Transportation investment plans.—

342       (1) Transportation investment in a transportation  
343 investment area shall not be planned or initiated unless the  
344 governing body has, by resolution, determined such area to be an  
345 unproductive area and designated such area as appropriate for  
346 transportation investment.

347       (2) The transportation investment plan shall:



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348 (a) Conform to the comprehensive plan for the county or  
349 municipality as prepared by the local planning agency under the  
350 Community Planning Act;

351 (b) Be sufficiently complete to indicate such land  
352 acquisition, demolition and removal of structures, improvements,  
353 and rehabilitation as may be proposed to be carried out in the  
354 transportation investment area; zoning and planning changes, if  
355 any; land uses; maximum densities; and building requirements;  
356 and

357 (c) Be consistent with the applicable metropolitan  
358 planning organization transportation plan.

359 (3) The county, municipality, or transportation investment  
360 agency may prepare or cause to be prepared a transportation  
361 investment plan, or any person or agency, public or private, may  
362 submit such a plan to a transportation investment agency. Before  
363 consideration of a transportation investment plan, the  
364 transportation investment agency must submit the plan to the  
365 local planning agency of the county or municipality for review  
366 and recommendations as to its conformity with the comprehensive  
367 plan for the development of the county or municipality as a  
368 whole. The local planning agency shall submit its written  
369 recommendations with respect to the conformity of the proposed  
370 transportation investment plan to the transportation investment  
371 agency within 60 days after receipt of the plan for review. Upon  
372 receipt of the recommendations of the local planning agency, or,  
373 if no recommendations are received within such 60 days, the





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374 transportation investment agency may proceed with its  
375 consideration of the proposed transportation investment plan.

376 (4) The transportation investment agency shall submit any  
377 transportation investment plan it recommends for approval,  
378 together with its written recommendations, to each taxing  
379 authority that levies ad valorem taxes on taxable real property  
380 contained within the geographic boundaries of the investment  
381 area. The governing body shall then proceed with the hearing on  
382 the proposed transportation investment plan pursuant to  
383 subsection (5).

384 (5) The governing body shall hold a public hearing on a  
385 transportation investment plan after public notice thereof by  
386 publication in a newspaper having a general circulation in the  
387 area of operation of the county or municipality. The notice  
388 shall describe the time, date, place, and purpose of the  
389 hearing, identify generally the transportation investment area  
390 covered by the plan, and outline the general scope of the  
391 transportation investment plan under consideration.

392 (6) Upon the approval by the governing body of a  
393 transportation investment plan or of any modification thereof,  
394 such plan or modification shall be deemed to be in full force  
395 and effect for the respective transportation investment area,  
396 and the county or municipality may then cause the transportation  
397 investment agency to carry out such plan or modification in  
398 accordance with its terms.

399 Section 13. Section 340.013, Florida Statutes, is created



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400 to read:

401 340.013 Modification of transportation investment plans.-

402 (1) If at any time after the approval of a transportation  
403 investment plan by the governing body it becomes necessary or  
404 desirable to amend or modify such plan, the governing body may  
405 amend such plan, including, but not limited to, a change in the  
406 boundaries of the investment area to add or exclude land from  
407 the investment area.

408 (2) The governing body shall hold a public hearing on a  
409 proposed modification of a transportation investment plan after  
410 public notice thereof by publication in a newspaper having a  
411 general circulation in the area of operation of the agency.

412 (3) In addition to the requirements of s. 340.004, and  
413 before the adoption of any modification to a transportation  
414 investment plan that expands the boundaries of the  
415 transportation investment area or extends the time certain set  
416 forth in the transportation investment plan as required by s.  
417 340.014(8), the agency shall report such proposed modification  
418 to each taxing authority in writing or by an oral presentation  
419 regarding such proposed modification.

420 (4) A modification to a transportation investment plan  
421 that includes a change in the boundaries of the investment area  
422 to add land must be supported by a resolution as provided in s.  
423 340.007.

424 (5) For joint agencies, all parties to the interlocal  
425 agreement described in s. 340.008(1), must approve any change to



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426 the transportation investment plan.

427 Section 14. Section 340.014, Florida Statutes, is created  
428 to read:

429 340.014 Contents of transportation investment plan.—Each  
430 transportation investment plan shall:

431 (1) Contain a legal description of the boundaries of the  
432 transportation investment area and the reasons for establishing  
433 such boundaries shown in the plan.

434 (2) Describe in detail the undertakings, activities, or  
435 projects that constitute new or expanded transportation services  
436 or transportation facilities or undertakings, activities, or  
437 projects appurtenant or incidental to the creation of new or the  
438 expansion of existing transportation services or transportation  
439 facilities, or any combination or part thereof, in accordance  
440 with a transportation investment plan and may include the  
441 preparation of such a plan.

442 (3) Identify specifically any publicly funded capital  
443 projects to be undertaken within the transportation investment  
444 area.

445 (4) Contain adequate safeguards that the work of  
446 investment will be carried out pursuant to the plan.

447 (5) Provide for the retention of controls and the  
448 establishment of any restrictions or covenants running with land  
449 sold or leased for private use for such periods of time and  
450 under such conditions as the governing body deems necessary to  
451 effectuate the purposes of this chapter.



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452       (6) Provide assurances that there will be replacement  
453 housing for the relocation of persons temporarily or permanently  
454 displaced from housing facilities within the transportation  
455 investment area.

456       (7) Contain a detailed statement of the projected costs of  
457 the transportation investment, including the amount to be  
458 expended on publicly funded capital projects in the  
459 transportation investment area and any indebtedness of the  
460 transportation investment agency or the county or municipality  
461 proposes to be incurred for such investment if such indebtedness  
462 is to be repaid with increment revenues.

463       (8) Provide a time certain for completing all  
464 transportation investment financed by increment revenues. Such  
465 time certain shall occur no later than 30 years after the fiscal  
466 year in which the plan is approved, adopted, or amended pursuant  
467 to s. 340.013(1).

468       Section 15. Section 340.015, Florida Statutes, is created  
469 to read:

470       340.015 Public officials, commissioners, and employees  
471 subject to code of ethics.—The board of commissioners and  
472 employees of the transportation investment agency created  
473 pursuant to this chapter are subject to part III of chapter 112.

474       Section 16. Section 340.016, Florida Statutes, is created  
475 to read:

476       340.016 Powers of counties and municipalities.—



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477 (1) A county or municipality may exercise all of the  
478 following powers to facilitate transportation investment in the  
479 transportation investment area, and a county may exercise all of  
480 the following powers outside of the transportation investment  
481 area when such actions are determined to be necessary by the  
482 agency to accomplish the transportation investment plan:

483 (a) Acquire property by eminent domain, subject to the  
484 limitations set forth in chapter 73 or other general law.

485 (b) Make and execute contracts and other instruments  
486 necessary or convenient to the exercise of its powers under this  
487 chapter.

488 (c) Undertake and carry out transportation investment and  
489 related activities.

490 (d) Acquire real or personal property by purchase, lease,  
491 option, gift, grant, bequest, devise, or other voluntary method  
492 of acquisition.

493 (e) Demolish and remove buildings and improvements.

494 (f) Install, construct, or reconstruct transportation  
495 facilities and make other improvements as necessary.

496 (g) Dispose of any property acquired pursuant to this  
497 chapter at its fair value as provided in s. 340.017 for uses in  
498 accordance with the transportation investment plan.

499 (h) Create or expand transportation facilities or services  
500 in accordance with the transportation investment plan.

501 (i) Mortgage, pledge, hypothecate, or otherwise encumber  
502 or dispose of any real property.



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503       (j) Insure or provide for the insurance of any real or  
504 personal property or operations of the county or municipality  
505 against any risks or hazards and pay premiums on any such  
506 insurance.

507       (k) Solicit requests for proposals for development of real  
508 property contemplated by a transportation investment plan to be  
509 acquired for investment purposes by a transportation investment  
510 agency and, as a result of such requests for proposals,  
511 advertise for the disposition of such real property to private  
512 persons pursuant to s. 340.017 before acquisition of such real  
513 property by the transportation investment agency.

514       (l) Invest any funds in the transportation investment  
515 trust fund held in reserves or sinking funds or any such funds  
516 not required for immediate disbursement in property or  
517 securities in which savings banks may legally invest funds  
518 subject to their control and redeem such bonds as have been  
519 issued pursuant to s. 340.018 at the redemption price  
520 established therein or purchase such bonds at less than  
521 redemption price, all such bonds so redeemed or purchased to be  
522 canceled.

523       (m) Borrow money and apply for and accept advances, loans,  
524 grants, contributions, and any other form of financial  
525 assistance from the Federal Government or the state,  
526 municipality, or other public body or from any sources, public  
527 or private, for the purposes of this chapter and give such  
528 security as may be required and enter into and carry out



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529 contracts or agreements in connection therewith; and include in  
530 any contract for financial assistance with the Federal  
531 Government for or with respect to transportation investment and  
532 related activities such conditions imposed pursuant to federal  
533 law as the county or municipality deems reasonable and  
534 appropriate which are not inconsistent with the purposes of this  
535 chapter.

536 (n) Make or have made all surveys, appraisals, title  
537 searches, plans, and work necessary to carry out of the purposes  
538 of this chapter; contract with any person, public or private, in  
539 making and carrying out such plans; and adopt or approve,  
540 modify, and amend such plans.

541 (o) Prepare plans for and assist in the relocation of  
542 persons, including individuals, families, business concerns,  
543 nonprofit organizations, and others, displaced from a  
544 transportation investment area and make relocation payments to  
545 or with respect to such persons for moving expenses and losses  
546 of property for which reimbursement or compensation is not  
547 otherwise made, including the making of such payments financed  
548 by the Federal Government.

549 (p) Appropriate such funds and make such expenditures as  
550 are necessary to carry out the purposes of this chapter; zone or  
551 rezone any part of the county or municipality or make exceptions  
552 from building regulations.



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553 (q) Close, vacate, plan, or replan streets, roads,  
554 sidewalks, ways, or other places and plan or replan any part of  
555 the county or municipality.

556 (2) The following projects may not be paid for or financed  
557 by increment revenues:

558 (a) Construction or expansion of administrative buildings  
559 for public bodies or police and fire buildings, unless said  
560 buildings are determined necessary by the agency to accomplish  
561 the transportation investment plan.

562 (b) General government operating expenses unrelated to the  
563 planning and carrying out of the transportation investment plan.

564 (3) Funds from the transportation investment trust fund  
565 must be used to supplement and increase the level of state or  
566 local funds expended for transportation facilities,  
567 transportation services, and related activities in the  
568 transportation investment area and in no case to supplant state  
569 or local funds.

570 Section 17. Section 340.017, Florida Statutes, is created  
571 to read:

572 340.017 Disposal of property.-

573 (1) The disposal of property in a transportation  
574 investment area which is acquired by eminent domain is subject  
575 to the limitations in chapter 73.

576 (2) Any county, municipality, or transportation investment  
577 agency may sell, lease, dispose of, or otherwise transfer real  
578 property or any interest therein acquired by it for





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579 transportation investment in a transportation investment area to  
580 any private person or may retain such property for public use  
581 and may enter into contracts with respect thereto for use,  
582 development or disposal, in accordance with the transportation  
583 investment plan, subject to such covenants, conditions, and  
584 restrictions, including covenants running with the land, as it  
585 deems necessary or desirable to assist in the creation or  
586 expansion of transportation facilities or services. However,  
587 such sale, lease, other transfer, or retention, and any  
588 agreement relating thereto, may be made only after the approval  
589 of the transportation investment plan by the governing body.

590 (3) Such real property or interest shall be sold, leased,  
591 otherwise transferred, or retained at a value determined to be  
592 in the public interest for uses in accordance with the  
593 transportation investment plan and in accordance with such  
594 reasonable disposal procedures as any county, municipality, or  
595 transportation investment agency may prescribe. In determining  
596 the value of real property as being in the public interest for  
597 uses in accordance with the transportation investment plan, the  
598 county, municipality, or transportation investment agency shall  
599 take into account and give consideration to the long-term  
600 benefits to be achieved by the county, municipality, or  
601 transportation investment agency resulting from incurring short-  
602 term losses or costs in the disposal of such real property; the  
603 uses provided in such plan; the restrictions upon, and the  
604 covenants, conditions, and obligations assumed by, the purchaser



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605 or lessee or by the county, municipality, or transportation  
606 investment agency retaining the property; and the objectives of  
607 the transportation investment plan. If the value of such real  
608 property being disposed of is for less than the fair value, the  
609 disposition requires the approval of the governing body, which  
610 approval may only be given following a duly noticed public  
611 hearing. The county, municipality, or transportation investment  
612 agency may provide in any instrument of conveyance to a private  
613 purchaser or lessee that such purchaser or lessee is without  
614 power to sell, lease, or otherwise transfer the real property  
615 without the prior written consent of the county, municipality,  
616 or transportation investment agency until the purchaser or  
617 lessee has completed the construction of any or all improvements  
618 that he or she has obligated himself or herself to construct  
619 thereon. Real property acquired by the county, municipality, or  
620 transportation investment agency which, in accordance with the  
621 transportation investment plan is to be transferred, shall be  
622 transferred as rapidly as feasible in the public interest,  
623 consistent with the carrying out of the provisions of the  
624 transportation investment plan. Any contract for such transfer  
625 and the transportation investment plan, or such part or parts of  
626 such contract or plan as the county, municipality, or  
627 transportation investment agency may determine, may be recorded  
628 in the land records of the clerk of the circuit court in such  
629 manner as to afford actual or constructive notice thereof.



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630           (4) Before disposition of any real property or interest  
631 therein in a transportation investment area, the county,  
632 municipality, or transportation investment agency shall give  
633 public notice of such disposition by publication in a newspaper  
634 having a general circulation in the community, at least 30 days  
635 before the execution of any contract to sell, lease, or  
636 otherwise transfer real property and, before the delivery of any  
637 instrument of conveyance with respect thereto under this  
638 section, invite proposals from and make all pertinent  
639 information available to private developers or any persons  
640 interested in undertaking development work pursuant to the  
641 transportation investment plan. The notice shall identify the  
642 area or portion thereof and shall state that proposals must be  
643 made by those interested within 30 days after the date of  
644 publication of the notice and that any available information may  
645 be obtained at the office that is designated in the notice. The  
646 county, municipality, or transportation investment agency shall  
647 consider all such proposals and the financial and legal ability  
648 of the persons making such proposals to carry them out; and the  
649 county, municipality, or transportation investment agency may  
650 negotiate with any person for proposals for the purchase, lease,  
651 or other transfer of any real property acquired by it in the  
652 transportation investment area. The county, municipality, or  
653 transportation investment agency may accept such proposal as it  
654 deems to be in the public interest and in furtherance of the  
655 purposes of this chapter. Thereafter, the county, municipality,



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656 or transportation investment agency may execute such contract in  
657 accordance with the provisions of subsection (1) and deliver  
658 deeds, leases, and other instruments and take all steps  
659 necessary to effectuate such contract.

660 (5) Any county, municipality, or transportation investment  
661 agency may temporarily operate and maintain real property  
662 acquired by it in a transportation investment area for or in  
663 connection with a transportation investment plan pending the  
664 disposition of the property as authorized in this chapter,  
665 without regard to subsection (1), for such uses and purposes as  
666 may be deemed desirable, even though not in conformity with the  
667 transportation investment plan.

668 (6) Notwithstanding any provision of this section, if a  
669 transportation investment area is established by the governing  
670 body for the development of property located on a closed  
671 military base within the governing body's boundaries, the  
672 procedures for disposition of real property within that  
673 transportation investment area shall be prescribed by the  
674 governing body and compliance with the other provisions of this  
675 section are not required before the disposal of real property.

676 Section 18. Section 340.018, Florida Statutes, is created  
677 to read:

678 340.018 Issuance of revenue bonds.—

679 (1) (a) When authorized or approved by resolution or  
680 ordinance of the governing body, a county, municipality, or  
681 transportation investment agency may, in its corporate capacity,



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682 in its discretion, issue revenue bonds from time to time to  
683 finance the undertaking of any transportation investment under  
684 this chapter, including, without limiting the generality  
685 thereof, the payment of principal and interest upon any advances  
686 for surveys and plans or preliminary loans, and may issue  
687 refunding bonds for the payment or retirement of bonds or other  
688 obligations previously issued. Any revenue bonds or other  
689 obligations issued to finance the undertaking of any  
690 transportation investment under this chapter shall mature within  
691 40 years after the end of the fiscal year in which the initial  
692 transportation investment plan is approved or adopted. However,  
693 revenue bonds or other obligations issued to finance the  
694 undertaking of any transportation investment under this chapter  
695 may not mature later than the expiration of the plan in effect  
696 at the time such bonds or obligations were issued. The security  
697 for such bonds may be based upon the anticipated assessed  
698 valuation of the taxable real property located in the  
699 transportation investment area and such other revenues as are  
700 legally available. Any bond, note, or other form of indebtedness  
701 pledging increment revenues to the repayment thereof shall  
702 mature no later than the end of the 30th fiscal year after the  
703 fiscal year in which increment revenues are first deposited into  
704 the transportation investment trust fund or the fiscal year in  
705 which the plan is subsequently amended. Any form of indebtedness  
706 pledging increment revenues to the repayment thereof shall  
707 mature by the 40th year after the fiscal year in which the



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708 initial transportation investment plan is approved or adopted.  
709 However, any refunding bonds issued pursuant to this paragraph  
710 may not mature later than the final maturity date of any bonds  
711 or other obligations issued pursuant to this paragraph being  
712 paid or retired with the proceeds of such refunding bonds.

713 (b) In anticipation of the sale of revenue bonds pursuant  
714 to paragraph (a), the county, municipality, or transportation  
715 investment agency may issue bond anticipation notes and may  
716 renew such notes from time to time, but the maximum maturity of  
717 any such note, including renewals thereof, may not exceed 5  
718 years after the date of issue of the original note. Such notes  
719 shall be paid from any revenues of the county, municipality, or  
720 transportation investment agency available therefor and not  
721 otherwise pledged or from the proceeds of the sale of the  
722 revenue bonds in anticipation of which they were issued.

723 (2) Bonds issued under this section are not an  
724 indebtedness within the meaning of any constitutional or  
725 statutory debt limitation or restriction, and are not subject to  
726 any other law or charter relating to the authorization,  
727 issuance, or sale of bonds. Bonds issued under this chapter are  
728 declared to be issued for an essential public and governmental  
729 purpose and, together with interest thereon and income  
730 therefrom, are exempted from all taxes, except those taxes  
731 imposed by chapter 220 on interest, income, or profits on debt  
732 obligations owned by corporations.



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733           (3) Bonds issued under this section shall be authorized by  
734 resolution or ordinance of the governing body; may be issued in  
735 one or more series; and shall bear such date or dates, be  
736 payable upon demand or mature at such time or times, bear  
737 interest at such rate or rates, be in such denomination or  
738 denominations, be in such form either with or without coupon or  
739 registered, carry such conversion or registration privileges,  
740 have such rank or priority, be executed in such manner, be  
741 payable in such medium of payment at such place or places, be  
742 subject to such terms of redemption with or without premium, be  
743 secured in such manner, and have such other characteristics as  
744 may be provided by such resolution or ordinance or by a trust  
745 indenture or mortgage issued pursuant thereto. Bonds issued  
746 under this section may be sold in such manner, either at public  
747 or private sale, and for such price as the governing body may  
748 determine will effectuate the purpose of this chapter.

749           (4) If any public official of the county, municipality, or  
750 transportation investment agency whose signature appears on any  
751 bonds or coupons issued under this chapter ceases to be such  
752 official before the delivery of such bonds, such signature  
753 remains valid and sufficient for all purposes, the same as if  
754 such official had remained in office until the delivery.

755           (5) In any suit, action, or proceeding involving the  
756 validity or enforceability of any bond issued under this  
757 chapter, or the security therefor, any such bond reciting in  
758 substance that it has been issued by the county, municipality,



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759 or transportation investment agency in connection with  
760 transportation investment, as herein defined, shall be  
761 conclusively deemed to have been issued for such purpose, and  
762 such project shall be conclusively deemed to have been planned,  
763 located, and carried out in accordance with the provisions of  
764 this chapter.

765 Section 19. Section 340.019, Florida Statutes, is created  
766 to read:

767 340.019 Transportation investment trust fund.-

768 (1) (a) After approval of a transportation investment plan,  
769 there may be established for each transportation investment  
770 agency a transportation investment trust fund. Funds allocated  
771 to and deposited into the trust fund shall be used by the agency  
772 to finance or refinance any transportation investment it  
773 undertakes pursuant to the approved transportation investment  
774 plan. A transportation investment agency may not receive or  
775 spend any increment revenues pursuant to this section until the  
776 governing body has, by ordinance, created the trust fund and  
777 provided for the funding of the transportation investment trust  
778 fund until the time certain set forth in the transportation  
779 investment plan as required by s. 340.014(8). Such ordinance may  
780 be adopted only after the governing body has approved a  
781 transportation investment plan.

782 (b) The annual funding of the transportation investment  
783 trust fund shall be at least that increment in the income,  
784 proceeds, revenues, and funds of each taxing authority derived





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785 from or held in connection with the undertaking and carrying out  
786 of transportation investment under this chapter. The increment  
787 shall be determined annually and shall be up to 95 percent of  
788 the difference between:

789 1. The amount of ad valorem taxes levied each year by each  
790 taxing authority, exclusive of any amount from any debt service  
791 millage, on taxable real property contained within the  
792 geographic boundaries of a transportation investment area; and

793 2. The amount of ad valorem taxes that would have been  
794 produced by the rate upon which the tax is levied each year by  
795 or for each taxing authority, exclusive of any debt service  
796 millage, upon the total of the assessed value of the taxable  
797 real property in the transportation investment area as shown  
798 upon the most recent assessment roll used in connection with the  
799 taxation of such property by each taxing authority before the  
800 effective date of the ordinance providing for the funding of the  
801 trust fund.

802 (c) In the ordinance providing for the funding of a trust  
803 fund established with respect to any transportation investment  
804 area, the governing body may specify that the amount to be  
805 funded by each taxing authority annually shall be less than 95  
806 percent of the difference between subparagraphs (a)1. and 2.

807 (2) (a) Except for the purpose of funding the trust fund  
808 pursuant to subsection (3), upon the adoption of an ordinance  
809 providing for funding of the transportation investment trust  
810 fund as provided in this section, each taxing authority shall,



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811 by January 1 of each year, appropriate to the trust fund for so  
812 long as any indebtedness pledging increment revenues to the  
813 payment thereof is outstanding, but not to exceed 30 years, a  
814 sum that is no less than the increment as defined and determined  
815 in subsection (1) or paragraph (3)(b) accruing to such taxing  
816 authority. If the transportation investment plan is amended or  
817 modified pursuant to s. 340.013, each such taxing authority  
818 shall make the annual appropriation for a period not to exceed  
819 30 years after the date the governing body amends the plan but  
820 no later than 60 years after the fiscal year in which the plan  
821 was initially approved or adopted.

822 (b) Any taxing authority that does not pay the increment  
823 revenues to the trust fund by January 1 shall pay to the trust  
824 fund an amount equal to 5 percent of the amount of the increment  
825 revenues and shall pay interest on the amount of the unpaid  
826 increment revenues equal to 1 percent for each month the  
827 increment is outstanding; however, the agency may waive such  
828 penalty payments in whole or in part.

829 (c) The following public bodies or taxing authorities are  
830 exempt from paragraph (a):

831 1. A special district that levies ad valorem taxes on  
832 taxable real property in more than one county.

833 2. A special district for which the sole available source  
834 of revenue the district has the authority to levy is ad valorem  
835 taxes at the time an ordinance is adopted under this section.

836 However, revenues or aid that may be dispensed or appropriated



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837 to a district as defined in s. 388.011 at the discretion of an  
838 entity other than such district shall not be deemed available.

839 3. A library district.

840 4. A neighborhood improvement district created under the  
841 Safe Neighborhoods Act.

842 5. A metropolitan transportation authority.

843 6. A water management district created under s. 373.069.

844 7. A community redevelopment agency created pursuant to s.  
845 163.356, if the community redevelopment agency and its plan and  
846 trust fund were created before the creation of the  
847 transportation investment agency.

848 8. Any municipality located within the transportation  
849 investment area, unless the municipality has agreed to  
850 contribute its tax revenues in accordance with s. 340.008(2).

851 (d)1. A governing body that creates a transportation  
852 investment agency under s. 340.008 may exempt from paragraph (a)  
853 a special district that levies ad valorem taxes within that  
854 transportation investment area. The governing body may grant the  
855 exemption either in its sole discretion or in response to the  
856 request of the special district. The governing body must  
857 establish procedures by which a special district may submit a  
858 written request to be exempted from paragraph (a).

859 2. In deciding whether to deny or grant a special  
860 district's request for exemption from paragraph (a), the local  
861 governing body must consider:



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862 a. Any additional revenue sources of the transportation  
863 investment agency which could be used in lieu of the special  
864 district's tax increment.

865 b. The fiscal and operational impact on the transportation  
866 investment agency.

867 c. The fiscal and operational impact on the special  
868 district.

869 d. The benefit to the specific purpose for which the  
870 special district was created. The benefit to the special  
871 district must be based on specific projects contained in the  
872 approved transportation investment plan for the designated  
873 transportation investment area.

874 e. The impact of the exemption on incurred debt and  
875 whether such exemption will impair any outstanding bonds that  
876 have pledged tax increment revenues to the repayment of the  
877 bonds.

878 f. The benefit of the activities of the special district  
879 to the approved transportation investment plan.

880 g. The benefit of the activities of the special district  
881 to the area of operation of the local governing body that  
882 created the transportation investment agency.

883 3. The governing body must hold a public hearing on a  
884 special district's request for exemption after public notice of  
885 the hearing is published in a newspaper having a general  
886 circulation in the county or municipality that designated the  
887 transportation investment agency. The notice must describe the



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888 time, date, place, and purpose of the hearing and must identify  
889 generally the transportation investment area covered by the plan  
890 and the impact of the plan on the special district that  
891 requested the exemption.

892 4. If the governing body grants an exemption to a special  
893 district under this paragraph, the governing body and the  
894 special district must enter into an interlocal agreement that  
895 establishes the conditions of the exemption, including, but not  
896 limited to, the period of time for which the exemption is  
897 granted.

898 5. If the governing body denies a request for exemption by  
899 a special district, the governing body shall provide the special  
900 district with a written analysis specifying the rationale for  
901 such denial. This written analysis must include, but is not  
902 limited to, the following information:

903 a. A separate, detailed examination of each consideration  
904 listed in subparagraph 2.

905 b. Specific examples of how the approved transportation  
906 investment plan will benefit, and has already benefited, the  
907 purpose for which the special district was created.

908 6. The decision to either deny or grant an exemption must  
909 be made by the governing body within 120 days after the date the  
910 written request was submitted to the local governing body  
911 pursuant to the procedures established by such local governing  
912 body; however, failure to make such decision within 120 days



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913 shall not cause the request for exemption to be automatically  
914 granted.

915 (3) (a) Notwithstanding the provisions of subsection (2),  
916 the obligation of the governing body that established the  
917 transportation investment agency to fund the transportation  
918 investment trust fund annually shall continue until all loans,  
919 advances, and indebtedness, if any, and interest thereon, of a  
920 transportation investment agency incurred as a result of  
921 investment in a transportation investment area have been paid.

922 (b) Alternate provisions contained in an interlocal  
923 agreement between a taxing authority and the governing body that  
924 created the transportation investment agency may supersede the  
925 provisions of this section with respect to that taxing  
926 authority. The transportation investment agency, governing body,  
927 and taxing authority shall be parties to any such agreement.

928 (4) The revenue bonds and notes of every issue under this  
929 chapter are payable solely out of revenues pledged to and  
930 received by a transportation investment agency and deposited to  
931 its investment trust fund. The lien created by such bonds or  
932 notes shall not attach until the increment revenues referred to  
933 herein are deposited in the investment trust fund at the times,  
934 and to the extent that, such increment revenues accrue. The  
935 holders of such bonds or notes have no right to require the  
936 imposition of any tax or the establishment of any rate of  
937 taxation in order to obtain the amounts necessary to pay and  
938 retire such bonds or notes.



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939           (5) Revenue bonds issued under the provisions of this  
940 chapter do not constitute a debt, liability, or obligation of  
941 the public body or the state or any political subdivision  
942 thereof, or a pledge of the faith and credit of the public body  
943 or the state or a political subdivision thereof, but shall be  
944 payable solely from the revenues provided therefor. All such  
945 revenue bonds shall contain on the face thereof a statement to  
946 the effect that the agency shall not be obligated to pay the  
947 same or the interest thereon except from the revenues of the  
948 transportation investment agency held for that purpose and that  
949 neither the faith and credit nor the taxing power of the  
950 governing body or of the state or of any political subdivision  
951 thereof is pledged to the payment of the principal of, or the  
952 interest on, such bonds.

953           (6) Moneys in the transportation investment trust fund may  
954 be expended for undertakings of a transportation investment  
955 agency as described in the transportation investment plan and  
956 when the agency exercises the powers under s. 340.016.

957           (7) On the last day of the fiscal year of the  
958 transportation investment agency, any money remaining in the  
959 trust fund after the payment of expenses pursuant to subsection  
960 (6) for such year shall be:

961           (a) Returned to each taxing authority which paid the  
962 increment in the proportion that the amount of the payment of  
963 such taxing authority bears to the total amount paid into the  
964 trust fund by all taxing authorities for that year;



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965 (b) Used to reduce the amount of any indebtedness to which  
966 increment revenues are pledged;

967 (c) Deposited into an escrow account for the purpose of  
968 later reducing any indebtedness to which increment revenues are  
969 pledged; or

970 (d) Appropriated to a specific investment project pursuant  
971 to an approved transportation investment plan.

972 (8) Each transportation investment agency shall provide  
973 for an audit of the trust fund each fiscal year and a report of  
974 such audit to be prepared by an independent certified public  
975 accountant or firm. Such report shall describe the amount and  
976 source of deposits into, and the amount and purpose of  
977 withdrawals from, the trust fund during such fiscal year and the  
978 amount of principal and interest paid during such year on any  
979 indebtedness to which increment revenues are pledged and the  
980 remaining amount of such indebtedness. The agency shall provide  
981 by registered mail a copy of the report to each taxing  
982 authority.

983 Section 20. Section 340.021, Florida Statutes, is created  
984 to read:

985 340.021 Bonds as legal investments.—All banks, trust  
986 companies, bankers, savings banks and institutions, building and  
987 loan associations, savings and loan associations, investment  
988 companies, and other persons carrying on a banking or investment  
989 business; all insurance companies, insurance associations, and  
990 other persons carrying on an insurance business; and all





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991 executors, administrators, curators, trustees, and other  
992 fiduciaries may legally invest any sinking funds, moneys, or  
993 other funds belonging to them or within their control in any  
994 bonds or other obligations issued by a county or municipality  
995 pursuant to this chapter or by any transportation investment  
996 agency vested with transportation investment powers. Such bonds  
997 and other obligations shall be authorized security for all  
998 public deposits. It is the purpose of this section to authorize  
999 all persons, political subdivisions, and officers, public or  
1000 private, to use any funds owned or controlled by them for the  
1001 purchase of any such bonds or other obligations. With regard to  
1002 legal investments, this section does not relieve a person of any  
1003 duty to exercise reasonable care in selecting securities.

1004 Section 21. Section 340.022, Florida Statutes, is created  
1005 to read:

1006 340.022 Property exempt from taxes and from levy and sale  
1007 by virtue of an execution.-

1008 (1) All property of a county, municipality, or  
1009 transportation investment agency, including funds, owned or held  
1010 by it for the purposes of this chapter are exempt from levy and  
1011 sale by virtue of an execution; and no execution or other  
1012 judicial process may issue against the same, nor shall judgment  
1013 against the county, municipality, or transportation investment  
1014 agency be a charge or lien upon such property. However, the  
1015 provisions of this section do not apply to or limit the right of  
1016 obligees to pursue any remedies for the enforcement of any



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1017 pledge or lien given pursuant to this chapter by the county,  
1018 municipality, or transportation investment agency on its rents,  
1019 fees, grants, or revenues from transportation investment.

1020 (2) The property of a county, municipality, or  
1021 transportation investment agency acquired or held for the  
1022 purposes of this chapter is declared to be public property used  
1023 for essential public and governmental purposes, and such  
1024 property is exempt from all taxes of the county, municipality,  
1025 and state and any political subdivision thereof. However, such  
1026 tax exemption will terminate when the county, municipality, or  
1027 transportation investment agency sells, leases, or otherwise  
1028 disposes of such property in a transportation investment area to  
1029 a purchaser or lessee that is not a public body entitled to tax  
1030 exemption with respect to such property.

1031 Section 22. Section 340.023, Florida Statutes, is created  
1032 to read:

1033 340.023 Cooperation by public bodies.-

1034 (1) (a) For the purpose of aiding in the planning,  
1035 undertaking, or carrying out of transportation investment and  
1036 related activities authorized by this chapter, a public body  
1037 may:

1038 1. Dedicate, sell, convey, or lease any of its interest in  
1039 any property or grant easements, licenses, or other rights or  
1040 privileges therein to a county, municipality, or transportation  
1041 investment agency.



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1042           2. Incur the entire expense of any public improvements  
1043 made by such public body in exercising the powers granted in  
1044 this section.

1045           3. Do any and all things necessary to aid or cooperate in  
1046 the planning or carrying out of the transportation investment  
1047 plan and related activities.

1048           4. Lend, grant, or contribute funds to a county,  
1049 municipality, or transportation investment agency; borrow money;  
1050 and apply for and accept advances, loans, grants, contributions,  
1051 or any other form of financial assistance from the Federal  
1052 Government, the state, the county, another public body, or any  
1053 other source.

1054           5. Enter into agreements, which may extend over any  
1055 period, notwithstanding any provision or rule of law to the  
1056 contrary, with the Federal Government, a county, a municipality,  
1057 or another public body respecting action to be taken pursuant to  
1058 any of the powers granted by this chapter, including the  
1059 furnishing of funds or other assistance in connection with  
1060 transportation investment and related activities.

1061           6. Cause public buildings and public facilities, including  
1062 parks or playgrounds, recreational, community, educational,  
1063 water, sewer, or drainage facilities, or any other works that it  
1064 is otherwise empowered to undertake to be furnished; furnish,  
1065 dedicate, close, vacate, pave, install, grade, regrade, plan, or  
1066 replan streets, roads, sidewalks, ways, or other places; plan or  
1067 replan or zone or rezone any part of the public body or make



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1068 exceptions from building regulations; and cause administrative  
1069 and other services to be furnished to the county, municipality,  
1070 or transportation investment agency.

1071 (b) If at any time title to or possession of any property  
1072 in a transportation investment area is held by any public body  
1073 or governmental agency, other than the county or municipality,  
1074 but including any agency or instrumentality of the United  
1075 States, which is authorized by law to engage in the undertaking,  
1076 carrying out, or administration of transportation investment and  
1077 related activities, the provisions of the agreements referred to  
1078 in this section shall inure to the benefit of and may be  
1079 enforced by such public body or governmental agency. As used in  
1080 this subsection, the term "county or municipality" includes a  
1081 transportation investment agency.

1082 (2) Any sale, conveyance, lease, or agreement provided for  
1083 in this section may be made by a public body without appraisal,  
1084 public notice, advertisement, or public bidding.

1085 (3) For the purpose of aiding in the planning,  
1086 undertaking, or carrying out of any transportation investment  
1087 and related activities of a transportation investment agency  
1088 under this chapter, a county or municipality may, in addition to  
1089 its other powers and upon such terms, with or without  
1090 consideration, as it determines, do and perform any or all of  
1091 the actions or things that, under subsection (1), a public body  
1092 is authorized to do or perform, including the furnishing of  
1093 financial and other assistance.



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1094           (4) For the purposes of this section, or for the purpose  
1095 of aiding in the planning, undertaking, or carrying out of  
1096 transportation investment and related activities of a county or  
1097 municipality, such county or municipality may, in addition to  
1098 any authority to issue bonds pursuant to s. 340.018, issue and  
1099 sell its general obligation bonds. Any bonds issued by the  
1100 county or municipality pursuant to this section shall be issued  
1101 in the manner and within the limitations prescribed by the  
1102 applicable laws of this state for the issuance and authorization  
1103 of general obligation bonds by such county or municipality.  
1104 Nothing in this section shall limit or otherwise adversely  
1105 affect any other section of this chapter.

1106           Section 23. Section 340.024, Florida Statutes, is created  
1107 to read:

1108           340.024 Title of purchaser.—An instrument executed by a  
1109 county, municipality, or transportation investment agency and  
1110 purporting to convey any right, title, or interest in any  
1111 property under this chapter shall be conclusively presumed to  
1112 have been executed in compliance with the provisions of this  
1113 chapter insofar as title or other interest of bona fide  
1114 purchasers, lessees, or transferees of such property is  
1115 concerned.

1116           Section 24. Section 340.025, Florida Statutes, is created  
1117 to read:

1118           340.025 Powers supplemental to existing powers.—The powers  
1119 conferred upon counties by this chapter shall be supplemental to



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1120 any transportation investment powers now being exercised by any  
1121 county or municipality.

1122 Section 25. This act shall take effect July 1, 2016.

1123  
1124 -----

**T I T L E A M E N D M E N T**

1126 Remove everything before the enacting clause and insert:

1127 A bill to be entitled

1128 An act relating to transportation; authorizing the  
1129 Department of Transportation to allocate specified  
1130 funds to certain counties; amending s. 338.166, F.S.;  
1131 providing that a specified percent of certain toll  
1132 revenue from high-occupancy toll lanes or express  
1133 lanes be provided to certain counties for express bus  
1134 service; creating s. 340.001, F.S.; providing a short  
1135 title; creating s. 340.002, F.S.; providing  
1136 legislative findings; providing a declaration of  
1137 necessity; creating s. 340.003, F.S.; providing  
1138 definitions; creating s. 340.004, F.S.; requiring a  
1139 governing body to provide notice before taking certain  
1140 actions; creating s. 340.005, F.S.; authorizing the  
1141 governing body of a county or municipality to create a  
1142 program to use resources for certain purposes;  
1143 creating s. 340.006, F.S.; authorizing a taxing  
1144 authority to levy taxes or appropriate funds for the  
1145 purpose of financing transportation facilities and

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1146 services and certain other purposes; creating s.  
1147 340.007, F.S.; requiring the governing body of a  
1148 county or municipality to adopt a resolution stating  
1149 findings of necessity before exercising specified  
1150 transportation investment powers; providing for  
1151 content of such resolution; creating s. 340.008, F.S.;  
1152 providing for creation of transportation investment  
1153 agencies by counties and municipalities; providing for  
1154 membership, organization, and staff; creating s.  
1155 340.009, F.S.; authorizing a county or municipality to  
1156 exercise powers for specified purposes; creating s.  
1157 340.012, F.S.; providing criteria and procedures for  
1158 adoption of a transportation investment plan;  
1159 requiring review; requiring public hearing; requiring  
1160 notice; creating s. 340.013, F.S.; providing  
1161 procedures for modification of the plan; requiring  
1162 public hearing; requiring notice; creating s. 340.014,  
1163 F.S.; providing for content of the plan; creating s.  
1164 340.015, F.S.; providing for application of specified  
1165 provisions relating to ethics; creating s. 340.016,  
1166 F.S.; providing powers of counties and municipalities;  
1167 specifying projects that may not be paid for or  
1168 financed by increment revenues; requiring funds in a  
1169 transportation investment trust fund to be used for  
1170 certain purposes; creating s. 340.017, F.S.; providing  
1171 for disposition of property in a transportation

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1172 investment area; requiring approval of the governing  
1173 body after a noticed hearing on the disposition under  
1174 certain circumstances; providing procedures; requiring  
1175 notice of disposition; providing for exceptions;  
1176 creating s. 340.018, F.S.; authorizing a governing  
1177 body or agency to issue revenue bonds; providing  
1178 criteria; providing a tax exemption; providing for  
1179 validity of signatures on bonds; providing for  
1180 enforceability and validity of bonds; creating s.  
1181 340.019, F.S.; providing for transportation investment  
1182 trust funds to be created and funded by ordinance of  
1183 the governing body; providing for such funding to be  
1184 based on an incremental increase of revenue received  
1185 by affected taxing authorities; exempting certain  
1186 public bodies and districts; providing procedures for  
1187 the governing body to exempt a special district from  
1188 payment into the trust fund; requiring notice and a  
1189 public hearing; providing for disposition of funds  
1190 remaining at the end of the fiscal year; requiring an  
1191 audit of the trust fund; creating s. 340.021, F.S.;  
1192 specifying that bonds are legal investments; creating  
1193 s. 340.022, F.S.; exempting property acquired for  
1194 specified purposes from certain effects of judicial  
1195 process and taxation; creating s. 340.023, F.S.;  
1196 providing for cooperation of public bodies; providing  
1197 governing bodies with certain powers to facilitate

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1198 such cooperation; exempting certain transactions from  
1199 certain procedures; providing for issuance and  
1200 authorization of general obligation bonds by a county  
1201 or municipality; creating s. 340.024, F.S.; providing  
1202 for a presumption of compliance for certain title  
1203 transactions; creating s. 340.025, F.S.; providing for  
1204 application; providing an effective date.