

By Senator Flores

37-01411-16

20161372\_\_

1                   A bill to be entitled  
2           An act relating to transportation; amending s. 201.15,  
3           F.S.; requiring a specified percent of an allocation  
4           to the Florida Rail Enterprise to be directed to an  
5           expressway authority for a commuter rail  
6           infrastructure project under certain circumstances;  
7           amending s. 320.20, F.S.; requiring the remainder of  
8           revenues derived from the registration of motor  
9           vehicles to be returned to each county in an amount  
10          proportional to revenues collected from each county  
11          and deposited into each county's transportation trust  
12          fund; amending s. 338.166, F.S.; providing that a  
13          specified percent of certain toll revenue from the  
14          high-occupancy toll lanes or express lanes may be  
15          provided to an authority established pursuant to the  
16          Florida Expressway Authority Act to support express  
17          bus service provided through private sector  
18          concessions on any expressway facility within the  
19          county or counties in which the toll revenues are  
20          collected; amending s. 348.0002, F.S.; defining terms;  
21          amending s. 348.0003, F.S.; deleting a requirement  
22          that certain nonvoting members of the governing board  
23          of an expressway authority be replaced by members  
24          appointed by the Governor under certain circumstances;  
25          providing a nominating council process for screening  
26          candidates for the governing body of the expressway  
27          authority; providing notification and publishing  
28          requirements for authorities related to certain board  
29          vacancies; providing for membership of certain  
30          nominating councils; revising qualifications for  
31          membership on the governing body of certain expressway  
32          authorities; providing for immediate termination from

37-01411-16

20161372\_\_

33 an authority's governing body upon a finding of a  
34 violation of specified ethical conduct provisions or  
35 failure to comply with a notice of failure to comply  
36 with financial disclosure requirements; amending s.  
37 348.0004, F.S.; requiring certain authorities to seek  
38 a statement of support from the county or the local  
39 municipality before continuing with a project that  
40 requires associated new tolling points or toll rate  
41 adjustments; providing that certain expressway  
42 authorities may establish a Transportation  
43 Reinvestment Zone (TRZ) through an interlocal  
44 agreement with the county or a municipality; requiring  
45 the authority to reinvest any additional revenue  
46 generated by anticipated increases in property taxes  
47 in construction, maintenance, or operation of  
48 transportation infrastructure; requiring the authority  
49 to establish a separate TRZ account in which the tax  
50 increment revenues for the municipality or county will  
51 be deposited; specifying requirements for interlocal  
52 agreements; requiring the TRZ account to be funded by  
53 the proceeds from the tax increment revenue collected  
54 within each TRZ area; requiring such tax increment  
55 revenue to be determined annually; providing a  
56 mechanism for determining the tax increment; providing  
57 exemptions; providing that a taxing authority is not  
58 prohibited from contributing tax increments under  
59 certain circumstances; requiring the county to  
60 establish urban center districts within the TRZ;  
61 requiring the designation of highest density mixed use

37-01411-16

20161372\_\_

62 to be established along transit station nodes for  
63 certain purposes; requiring the county to provide  
64 certain financial incentives to property owners within  
65 the TRZ to promote urban infill and redevelopment;  
66 encouraging the county to amend its comprehensive land  
67 use plan under an expedited specified process to  
68 delineate certain boundaries; requiring the state land  
69 planning agency to review such boundary delineation;  
70 providing that an urban infill and redevelopment plan  
71 adopted by a local government within a TRZ is not  
72 subject to review under certain circumstances;  
73 providing that the local government is not required to  
74 adopt such plan as a comprehensive plan amendment;  
75 amending s. 348.0005, F.S.; expanding the required  
76 bonding authorizations of certain authorities;  
77 amending s. 348.0008, F.S.; authorizing an expressway  
78 authority to acquire rights, title, or interest in  
79 property by gift, devise, purchase, or condemnation by  
80 eminent domain proceedings for certain local commuter  
81 transit or rail transportation facilities or in a  
82 local commuter transit or rail transportation corridor  
83 designated by the authority; providing an effective  
84 date.

85

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

87

88 Section 1. Paragraph (a) of subsection (4) of section  
89 201.15, Florida Statutes, is amended to read:

90 201.15 Distribution of taxes collected.—All taxes collected

37-01411-16

20161372\_\_

91 under this chapter are hereby pledged and shall be first made  
92 available to make payments when due on bonds issued pursuant to  
93 s. 215.618 or s. 215.619, or any other bonds authorized to be  
94 issued on a parity basis with such bonds. Such pledge and  
95 availability for the payment of these bonds shall have priority  
96 over any requirement for the payment of service charges or costs  
97 of collection and enforcement under this section. All taxes  
98 collected under this chapter, except taxes distributed to the  
99 Land Acquisition Trust Fund pursuant to subsections (1) and (2),  
100 are subject to the service charge imposed in s. 215.20(1).

101 Before distribution pursuant to this section, the Department of  
102 Revenue shall deduct amounts necessary to pay the costs of the  
103 collection and enforcement of the tax levied by this chapter.  
104 The costs and service charge may not be levied against any  
105 portion of taxes pledged to debt service on bonds to the extent  
106 that the costs and service charge are required to pay any  
107 amounts relating to the bonds. All of the costs of the  
108 collection and enforcement of the tax levied by this chapter and  
109 the service charge shall be available and transferred to the  
110 extent necessary to pay debt service and any other amounts  
111 payable with respect to bonds authorized before January 1, 2015,  
112 secured by revenues distributed pursuant to this section. All  
113 taxes remaining after deduction of costs shall be distributed as  
114 follows:

115 (4) After the required distributions to the Land  
116 Acquisition Trust Fund pursuant to subsections (1) and (2) and  
117 deduction of the service charge imposed pursuant to s.  
118 215.20(1), the remainder shall be distributed as follows:

119 (a) The lesser of 24.18442 percent of the remainder or

37-01411-16

20161372\_\_

120 \$541.75 million in each fiscal year shall be paid into the State  
121 Treasury to the credit of the State Transportation Trust Fund.  
122 Of such funds, \$75 million for each fiscal year shall be  
123 transferred to the State Economic Enhancement and Development  
124 Trust Fund within the Department of Economic Opportunity.  
125 Notwithstanding any other law, the remaining amount credited to  
126 the State Transportation Trust Fund shall be used for:

127 1. Capital funding for the New Starts Transit Program,  
128 authorized by Title 49, U.S.C. s. 5309 and specified in s.  
129 341.051, in the amount of 10 percent of the funds;

130 2. The Small County Outreach Program specified in s.  
131 339.2818, in the amount of 10 percent of the funds;

132 3. The Strategic Intermodal System specified in ss. 339.61,  
133 339.62, 339.63, and 339.64, in the amount of 75 percent of the  
134 funds after deduction of the payments required pursuant to  
135 subparagraphs 1. and 2.; and

136 4. The Transportation Regional Incentive Program specified  
137 in s. 339.2819, in the amount of 25 percent of the funds after  
138 deduction of the payments required pursuant to subparagraphs 1.  
139 and 2. The first \$60 million of the funds allocated pursuant to  
140 this subparagraph shall be allocated annually to the Florida  
141 Rail Enterprise for the purposes established in s. 341.303(5),  
142 and 50 percent of this allocation shall be distributed to an  
143 authority as defined in s. 348.0002 for a commuter rail  
144 infrastructure project in a county as defined in s. 125.011.

145  
146 Moneys distributed pursuant to paragraphs (a) and (b) may not be  
147 pledged for debt service unless such pledge is approved by  
148 referendum of the voters.

37-01411-16

20161372\_\_

149 Section 2. Paragraph (a) of subsection (5) of section  
150 320.20, Florida Statutes, is amended to read:

151 320.20 Disposition of license tax moneys.—The revenue  
152 derived from the registration of motor vehicles, including any  
153 delinquent fees and excluding those revenues collected and  
154 distributed under the provisions of s. 320.081, must be  
155 distributed monthly, as collected, as follows:

156 (5) (a) Except as provided in paragraph (c), the remainder  
157 of such revenues must be returned to each county in an amount  
158 proportional to revenues collected from each county and  
159 deposited into each county's transportation trust fund ~~deposited~~  
160 ~~in the State Transportation Trust Fund.~~

161 Section 3. Subsection (3) of section 338.166, Florida  
162 Statutes, is amended to read:

163 338.166 High-occupancy toll lanes or express lanes.—

164 (3) Any remaining toll revenue from the high-occupancy toll  
165 lanes or express lanes shall be used by the department for the  
166 construction, maintenance, or improvement of any road on the  
167 State Highway System within the county or counties in which the  
168 toll revenues were collected, except that 15 percent of the  
169 remaining toll revenue may be provided to an authority  
170 established pursuant to the Florida Expressway Authority Act ~~or~~  
171 to support express bus service provided through private sector  
172 concessions on any expressway facility within the county or  
173 counties in which the toll revenues are collected ~~the facility~~  
174 ~~where the toll revenues were collected.~~

175 Section 4. Subsections (13) and (14) are added to section  
176 348.0002, Florida Statutes, to read:

177 348.0002 Definitions.—As used in the Florida Expressway

37-01411-16

20161372\_\_

178 Authority Act, the term:

179 (13) "Tax increment revenue" means the amount calculated  
180 pursuant to s. 348.0004(7)(b)3.

181 (14) "Transportation Reinvestment Zone" or "TRZ" means a  
182 locally designated district associated with an expressway or a  
183 rail corridor.

184 Section 5. Paragraph (d) of subsection (2) and paragraph  
185 (a) of subsection (5) of section 348.0003, Florida Statutes, are  
186 amended, and paragraph (1) is added to subsection (5) of that  
187 section, to read:

188 348.0003 Expressway authority; formation; membership.—

189 (2) The governing body of an authority shall consist of not  
190 fewer than five nor more than nine voting members. The district  
191 secretary of the affected department district shall serve as a  
192 nonvoting member of the governing body of each authority located  
193 within the district. Each member of the governing body must at  
194 all times during his or her term of office be a permanent  
195 resident of the county which he or she is appointed to  
196 represent.

197 (d)1. Notwithstanding any provision to the contrary in this  
198 subsection, in any county as defined in s. 125.011(1), the  
199 governing body of an authority shall consist of up to 13  
200 members, and the following provisions of this paragraph shall  
201 apply specifically to such authority. Except for the district  
202 secretary of the department, the members must be residents of  
203 the county. Seven voting members shall be appointed by the  
204 governing body of the county. At the discretion of the governing  
205 body of the county, up to two of the members appointed by the  
206 governing body of the county may be elected officials residing

37-01411-16

20161372\_\_

207 in the county. Five voting members of the authority shall be  
208 appointed by the Governor. One member shall be the district  
209 secretary of the department serving in the district that  
210 contains such county. This member shall be an ex officio voting  
211 member of the authority. ~~If the governing board of an authority~~  
212 ~~includes any member originally appointed by the governing body~~  
213 ~~of the county as a nonvoting member, when the term of such~~  
214 ~~member expires, that member shall be replaced by a member~~  
215 ~~appointed by the Governor until the governing body of the~~  
216 ~~authority is composed of seven members appointed by the~~  
217 ~~governing body of the county and five members appointed by the~~  
218 ~~Governor.~~

219 2. A candidate for service on the governing board of the  
220 authority must be screened through a nominating council process.  
221 The authority must notify the chair of the county legislative  
222 delegation of any future state-appointed board vacancy 90 days  
223 before the expiration of the state-appointed board member's term  
224 or must notify the mayor of the county of any future county-  
225 appointed board vacancy 90 days before the expiration of the  
226 county-appointed board member's term. The authority must also  
227 publish any future state or county board vacancy 90 days before  
228 the expiration of the board member's term on the home page of  
229 its website and advertise the vacancy in at least one quarter-  
230 page size advertisement in the newspaper of largest circulation  
231 in the county for three consecutive Sundays.

232 3. The nominating council for state-appointed board members  
233 shall consist of the following three voting members:

- 234 a. The chair of the county legislative delegation;  
235 b. A state senator representing the county legislative



37-01411-16

20161372\_\_

236 delegation; and

237 c. A state representative representing the county  
238 legislative delegation.

239  
240 The executive director of the authority shall serve as a  
241 nonvoting member of the nominating council for state-appointed  
242 board members. The nominating council shall examine the  
243 qualifications, screen and interview the top candidates, and  
244 recommend at least three and no more than five candidates for  
245 each vacancy to the Governor for appointment.

246 4. The nominating council for county-appointed board  
247 members shall consist of the following three voting members:

248 a. The mayor of the county or the mayor's designee;

249 b. The chair of the county commission; and

250 c. The county commissioner who chairs the committee with  
251 authority over transportation policy issues.

252  
253 The executive director of the authority shall serve as a  
254 nonvoting member of the nominating council for county-appointed  
255 board members. The nominating council shall examine the  
256 qualifications, screen and interview the top candidates, and  
257 recommend at least three and no more than five candidates for  
258 each vacancy to the full board of county commissioners for  
259 appointment.

260 5. Except as provided in subsection (5), the  
261 qualifications, terms of office, and obligations and rights of  
262 members of the authority shall be determined by resolution or  
263 ordinance of the governing body of the county in a manner that  
264 is consistent with subsections (3) and (4).

37-01411-16

20161372\_\_

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

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

269 2. A person may not be appointed or serve as a member of  
270 the governing body of an authority if that person currently  
271 represents or has in the previous 4 years represented, for  
272 compensation, any client before the authority.

273 3. A person may not be appointed or serve as a member of  
274 the governing body of an authority if that person currently  
275 represents or has in the previous 4 years represented any person  
276 or entity that is doing business, or in the previous 4 years has  
277 done business, with the authority.

278 (1) A finding of a violation of this subsection or chapter  
279 112, or failure to comply within 90 days after receiving a  
280 notice of failure to comply with financial disclosure  
281 requirements, results in the immediate termination from the  
282 governing body of the authority.

283 Section 6. Subsections (6) and (7) of section 348.0004,  
284 Florida Statutes, are amended to read:

285 348.0004 Purposes and powers.—

286 (6) Notwithstanding subsection (3) or any other provision  
287 of law to the contrary, in any county as defined in s.  
288 125.011(1) :~~7~~

289 (a) An ~~No~~ expressway authority may not ~~shall~~ undertake any  
290 construction that is not consistent with both the metropolitan  
291 planning organization's transportation improvement program and  
292 the county's comprehensive plan.

293 (b) The authority must seek a statement of support from the

37-01411-16

20161372\_\_

294 county or municipality where the project is located before  
295 continuing with a project that requires associated new tolling  
296 points or toll rate adjustments on the existing system. If this  
297 statement of support for new tolling points or toll rate  
298 adjustments is not provided, further efforts may not be made to  
299 continue the project to construction.

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

301 (a) An expressway authority may finance or refinance the  
302 planning, design, acquisition, construction, extension,  
303 rehabilitation, equipping, preservation, maintenance, or  
304 improvement of a public transportation facility or  
305 transportation facilities owned or operated by such county, an  
306 intermodal facility or facilities, multimodal corridor or  
307 corridors, including, but not limited to, bicycle facilities or  
308 greenways that will improve transportation services within the  
309 county, or any programs or projects that will improve the levels  
310 of service on an expressway system, subject to approval of the  
311 governing body of such county after public hearing.

312 (b) An expressway authority may establish, through an  
313 interlocal agreement with a municipality or county, a  
314 Transportation Reinvestment Zone (TRZ). The authority must  
315 reinvest any additional revenue generated by anticipated  
316 increases in property taxes, due to the expressway's or rail  
317 project's positive effect on economic development and higher  
318 density zoning resulting in increased property values along the  
319 corridor in the TRZ, in construction, maintenance, or operation  
320 of transportation infrastructure. The authority shall establish  
321 a separate TRZ account in which the tax increment revenues for  
322 the municipality or county will be deposited.

37-01411-16

20161372\_\_

- 323       1. The interlocal agreement, at a minimum, must:
- 324       a. Identify the geographic boundaries of the TRZ area;
- 325       b. Establish a base year for the municipal or countywide
- 326 property taxes levied and collected on the property within the
- 327 TRZ;
- 328       c. Determine the base value of the property and the
- 329 municipal or countywide property taxes levied and collected on
- 330 the property within the TRZ;
- 331       d. Identify the new mass transit infrastructure project or
- 332 projects whose construction, maintenance, or operation is to be
- 333 funded through the TRZ account; and
- 334       e. Provide for an independent annual audit of the separate
- 335 TRZ.
- 336       2. Beginning in the first fiscal year after the creation of
- 337 a TRZ, the TRZ account of each TRZ shall be funded by the
- 338 proceeds from the tax increment revenue collected within that
- 339 TRZ.
- 340       3. Such tax increment revenue shall be determined annually
- 341 and shall be the amount equal to 95 percent of the difference
- 342 between:
- 343       a. The amount of ad valorem taxes levied each year by each
- 344 taxing authority, exclusive of any amount from any debt service
- 345 millage, on taxable real property contained within the
- 346 geographic boundaries of the TRZ; and
- 347       b. The amount of ad valorem taxes which would have been
- 348 produced by the rate upon which the tax is levied each year by
- 349 or for each taxing authority, exclusive of any debt service
- 350 millage, upon the total of the assessed value of the taxable
- 351 real property in the TRZ as shown in the most recent assessment

37-01411-16

20161372\_\_

352 roll used in connection with the taxation of such property by  
353 each taxing authority before the effective date of the  
354 interlocal agreement providing for the funding of the TRZ  
355 account.

356 4. The public bodies and taxing authorities listed in s.  
357 163.387(2)(c), school districts, and special districts that levy  
358 ad valorem taxes within a tax increment revenue area are exempt  
359 from this subsection.

360 5. This subsection does not prohibit any taxing authority  
361 from voluntarily contributing a tax increment or from  
362 contributing a tax increment at a higher rate for a period as  
363 specified by the interlocal agreement between the taxing  
364 authority and the TRZ.

365 6. Pursuant to s. 163.2511, the county shall establish  
366 urban center districts within the TRZ. The designation of  
367 highest density mixed use shall be established along transit  
368 station nodes to encourage development and redevelopment of  
369 housing and employment density nodes along the transit corridor.  
370 The county shall provide financial incentives to property owners  
371 within the TRZ to promote urban infill and redevelopment. These  
372 incentives may include expedited permitting, prioritization of  
373 infrastructure spending within the TRZ, waiver of license and  
374 permit fees, waiver of delinquent local taxes or fees to promote  
375 the return of property to productive use, and local government  
376 absorption of developers' concurrency costs. The county is  
377 encouraged to amend its comprehensive land use plan under an  
378 expedited process pursuant to s. 163.3187 to delineate the  
379 boundaries of urban center infill nodes and redevelopment areas  
380 within the future land use element of its comprehensive plan

37-01411-16

20161372\_\_

381 pursuant to its adopted urban infill and redevelopment plan. The  
382 state land planning agency shall review the boundary delineation  
383 of the urban infill and redevelopment area in the future land  
384 use element under s. 163.3184. However, an urban infill and  
385 redevelopment plan adopted by a local government within a TRZ is  
386 not subject to review for being in compliance as defined in s.  
387 163.3184(1)(b), and the local government is not required to  
388 adopt the plan as a comprehensive plan amendment.

389 Section 7. Paragraph (b) of subsection (2) of section  
390 348.0005, Florida Statutes, is amended to read:

391 348.0005 Bonds.—

392 (2)

393 (b) The bonds of an authority in any county as defined in  
394 s. 125.011(1), issued pursuant to the provisions of this part,  
395 whether on original issuance or refunding, must be authorized by  
396 resolution of the authority, after approval of the issuance of  
397 the bonds at a public hearing, and may be either term or serial  
398 bonds, shall bear such date or dates, mature at such time or  
399 times, bear interest at such rate or rates, be payable  
400 semiannually, be in such denominations, be in such form, either  
401 coupon or fully registered, shall carry such registration,  
402 exchangeability and interchangeability privileges, be payable in  
403 such medium of payment and at such place or places, be subject  
404 to such terms of redemption, and be entitled to such priorities  
405 on the revenues, rates, fees, rentals, or other charges or  
406 receipts of the authority, including any county gasoline tax  
407 funds received by an authority pursuant to the terms of any  
408 interlocal or lease-purchase agreement between an authority or a  
409 county, any tax increment revenues received by an authority from

37-01411-16

20161372\_\_

410 a countywide or municipal TRZ, and any discretionary sales  
411 surtax proceeds approved by the voters as authorized in s.  
412 212.055(1)(d)2., as such resolution or any resolution subsequent  
413 thereto may provide. The bonds must be executed by such officers  
414 as the authority determines under the requirements of s. 279.06.

415 Section 8. Subsection (1) of section 348.0008, Florida  
416 Statutes, is amended to read:

417 348.0008 Acquisition of lands and property.—

418 (1) For the purposes of the Florida Expressway Authority  
419 Act, an expressway authority may acquire such rights, title, or  
420 interest in private or public property and such property rights,  
421 including easements, rights of access, air, view, and light, by  
422 gift, devise, purchase, or condemnation by eminent domain  
423 proceedings, as the authority may deem necessary for any of the  
424 purposes of the Florida Expressway Authority Act, including, but  
425 not limited to, any lands reasonably necessary for securing  
426 applicable permits, areas necessary for management of access,  
427 borrow pits, drainage ditches, water retention areas, rest  
428 areas, replacement access for landowners whose access is  
429 impaired due to the construction of an expressway system, and  
430 replacement rights-of-way for relocated rail and utility  
431 facilities; for existing, proposed, or anticipated  
432 transportation facilities on the expressway system or in a  
433 transportation corridor designated by the authority; for  
434 existing, proposed, or anticipated local commuter transit or  
435 rail transportation facilities or in a local commuter transit or  
436 rail transportation corridor designated by the authority; or for  
437 the purposes of screening, relocation, removal, or disposal of  
438 junkyards and scrap metal processing facilities. The authority

37-01411-16

20161372\_\_

439 may also condemn any material and property necessary for such  
440 purposes.

441 Section 9. This act shall take effect July 1, 2016.