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# **Transportation & Highway Safety Subcommittee**

## **MEETING PACKET**

**Wednesday, November 6, 2013  
3:30 PM – 5:30 PM  
Sumner Hall (404 HOB)**

**Will Weatherford  
Speaker**

**Daniel Davis  
Chair**



# **The Florida House of Representatives**

## **Transportation & Highway Safety Subcommittee**

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**Meeting Agenda**  
**Wednesday, November 6, 2013**  
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**3:30 PM – 5:30 PM**

- I. Call to Order
- II. Roll Call
- III. Welcome and Opening Remarks
- IV. Presentations:
  - Florida Department of Transportation – Legislative Proposals for 2014 Session
  - Florida Department of Highway Safety and Motor Vehicles – Specialty License Plates Program
- V. Adjournment



Florida Department of Transportation  
2014 Legislative Proposals

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact
<p>Mid-Bay Bridge Authority / FTC s. 20.23, F.S.</p>	<p>The Florida Transportation Commission is responsible for monitoring the efficiency, productivity, and management of authorities created under Chapters 348 and 349, Florida Statutes, as well as any authority formed under Chapter 343 that is not otherwise monitored.</p> <p>Florida law reflects no state entity currently charged with monitoring the Mid-Bay Bridge Authority. The Mid-Bay Bridge Authority was created by special law (2000-411, L.O.F.).</p>	<p>This proposal extends the Commission's existing oversight to the Mid-Bay Bridge Authority.</p>	<p>Provides greater accountability and oversight.</p>	<p>None</p>
<p>Florida Passenger Rail Commission s. 20.23, F.S.</p>	<p>Administrative support and service to the Florida Statewide Passenger Rail Commission is provided by the Florida Department of Transportation</p>	<p>The proposed bill eliminates the Florida Statewide Passenger Rail Commission</p>	<p>The Florida Statewide Passenger Rail Commission (FSPRC) was created under an act of the Florida Legislature in 2009 to "advise the Department of Transportation concerning a statewide system of passenger rail service". Since no publicly-funded statewide passenger rail service has been built since its creation nor is any type service planned, there is no purpose for the FSPRC. Eliminating this duplicitous government entity and streamlines the department's management of passenger rail by using existing staff and resources already tasked with similar duties as the rail commission will eliminate waste and providing a more efficient use of taxpayer's dollars.</p>	<p>In 2009/10, the Department implemented the FSPRC without additional resources or appropriations. Eliminating the Commission enables these resources to be directed back to their original purpose.</p>

Florida Department of Transportation  
2014 Legislative Proposals

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<p>Disposal of Surplus Property s. 337.25, F.S.</p>	<p>The Department is authorized to sell property acquired as right of way which is no longer needed for the construction, operation and maintenance of a transportation facility. Sale of properties valued at \$10,000 or less may be sold by negotiated sale. Properties valued at more than \$10,000 are to be sold by sealed bid or public auction, unless such sale would create an inequity. A public auction is required to be held at the site of the improvement being sold.</p> <p>The Department is also authorized to convey a leasehold interest in any property acquired as right of way. All leases are required to be by competitive bid except when the lease is with 1) the owner from whom the property was acquired, 2) a holder of a leasehold estate existing at the time of the acquisition, or 3) the owner holding title to privately owned abutting property where public bidding would create an inequity. Leases are restricted to a 5 year term with one 5 year renewal term.</p> <p>In order to conduct the sale or lease of a property, the department is required to publish the availability in a newspaper of general circulation in the area of the property not less than 14 days prior to the date of the sale or lease.</p>	<p>The Department would be authorized to sell, in the name of the state, property acquired as right of way that is no longer needed for the construction, operation and maintenance of a transportation facility, in a manner that is in the best interest of the Department. The proposed changes would benefit the Department by:</p> <ol style="list-style-type: none"> <li>1) Allowing the sale to occur at the Department's current estimate of value;</li> <li>2) Disposing of property through negotiated sealed competitive bids, auctions, or other means in the best interest of the Department;</li> <li>3) Allowing the sale at no less than the Department's current estimate of value unless the property requires significant costs to be incurred as there are significant liability risks.</li> </ol>	<p>Streamlines the department's process in disposing of excess property on its inventory. This will reduce the size of government by returning property back to private citizens in addition to reducing wasteful use of taxpayer dollars.</p>	<p>State revenue would be enhanced through the sale of excess properties; The proposed changes would reduce the costs associated with sales and, thereby, reduce state expenditures; There will likely be a net positive impact to local revenue as properties are returned to the tax roll. Because of the widely varying factors which could impact the amount, it is not possible to estimate a dollar amount.</p>
<p>Unsolicited Lease Proposals s. 337.251, FS.</p>	<p>FDOT is authorized to request proposals for the lease of FDOT property for joint public-private development or commercial development. FDOT may also receive and consider unsolicited proposals for such uses. The statute provides little guidance to FDOT concerning the process to be followed for consideration of unsolicited proposals, providing only that FDOT shall publish notice of receipt of the proposal and inform affected local governments.</p>	<p>The proposed bill clarifies the FDOT's responsibilities and authority upon receipt of an unsolicited proposal to enter into a lease of FDOT property for joint public-private development or commercial development. The proposed bill brings the process for unsolicited proposals for such uses into alignment with the process for unsolicited proposals for public-private transportation projects and provides virtually identical guidance.</p> <p>Included in the changes are:</p> <ol style="list-style-type: none"> <li>(i) extension of the date for considering alternate proposals from 60 to 120 days;</li> <li>(ii) authorization of an application fee to cover the costs of evaluating unsolicited proposals; and</li> <li>(iii) provisions limiting FDOT's authority to approve unsolicited proposals to those that are in the best interest of the public and do not require the use of public funds.</li> </ol>	<p>The proposal advances FDOT's ability to properly evaluate unsolicited lease proposals. The proposal also provides protections to ensure that proposals do not move forward if the public will be exposed to costs in the future as a result of private commercial activity on FDOT property. Creates flexibility for the department to receive proposals to enhance and expand infrastructure through the use of private-public partnership without incurring additional state debt.</p>	<p>None</p>

Florida Department of Transportation  
2014 Legislative Proposals

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<p>Toll Collection/ Interoperability Agreements s. 338.161, F.S.</p>	<p>HB 599 and SB 1998 both passed during the 2012 Legislative Session and both contained language relating to FDOT authority to enter into agreements with public or private transportation facility owners (whose systems become interoperable with FDOT's systems) for the use of FDOT systems to collect and enforce for the owner tolls, fares, administrative fees, and other applicable charges due in connection with use of the owner's facility. The language, however, is not identical. Part of the last-passed version of the language contained in HB 599 is potentially ambiguous, leading to more than one possible interpretation, and part of needed language that passed in HB 599 was not included in SB 1998.</p>	<p>This proposal simply replaces the potentially ambiguous language that passed in HB 599 with the unambiguous language that passed in SB 1998 and includes the needed language that passed in HB 599, thereby avoiding any confusion that might result from ambiguous language or from statutory construction rules.</p>	<p>Clarifies/Avoids any potential confusion as to statutory language and FDOT's authority.</p>	<p>None</p>

Florida Department of Transportation  
2014 Legislative Proposals

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<p>Economic Development Transportation Projects s. 339.2821, F.S.</p>	<p>Enterprise Florida, Inc. (EFI) is charged with the marketing of economic incentives used by the state to encourage businesses to locate, expand or remain in Florida. The Economic Development Transportation Fund (EDTF) is one of these incentives. Despite EFI's role in the marketing of the EDTF, EFI is not referenced in section 339.2821 Florida Statutes (F.S.). Section 339.2821, F.S., does however include references to quarterly reports and payment requests that are more appropriately addressed in contracts for the release of grant funds.</p> <p>The EDTF is designed to alleviate transportation problems that adversely affect the decision of a specific business to locate, expand or remain in Florida. Section 339.2821, F.S., conditions the release EDTF funds on the start of construction of the business facility. Since the mid 1990s, the EDTF program has also conditioned the release of program funds on the achievement of vertical construction of the main business facility. This practice ensures that taxpayer funds will not be used to build a "road or rail spur to nowhere."</p> <p>The EDTF statute relies on a definition of "transportation project" that does not anticipate the type of infrastructure needed for a spaceport. Maintenance, repair and overhaul (MRO) facilities are an important part of a spaceport's transportation infrastructure. However, MRO facilities do not clearly meet the definition of a "transportation project" used by the EDTF program.</p>	<ul style="list-style-type: none"> <li>• Adds a statutory responsibility to consult with Enterprise Florida, Inc. prior to the making expenditures for transportation projects under the economic development statutes, which is currently the departments practice.</li> <li>• Removes reference to quarterly reports and the quarterly transfer of funds which provides FDOT with the flexibility to negotiate invoice and payment terms with grant recipients.</li> <li>• Clarifies that grant funds will not be transferred to the governmental body until the business on whose behalf the grant was awarded achieves vertical construction of its business facility; and limits the duration of the grant award commitment to 4 years from the date of the initial award. Requires business and the governmental body to begin construction within 4 years of the grant award or risk the loss of funding. Funds from the withdrawn commitments will be reallocated to other eligible projects.</li> <li>• Provides department with flexibility to support projects in spaceport territories that may not meet the definition of a transportation facility.</li> </ul>	<p>It allows for better management of taxpayer dollars by the agency that may allow for increase leveraging of funds available which may result in more projects. It also supports spaceport projects.</p>	<p>None</p>

Florida Department of Transportation  
2014 Legislative Proposals

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<p>Environmental Mitigation s. 373.4137, F.S.</p>	<p>Under existing law, FDOT and participating transportation authorities offset adverse environmental impacts of transportation projects through the use of mitigation banks or other mitigation options, including the payment of funds to WMDs to develop and implement mitigation plans. The mitigation plan is developed by the WMDs and is ultimately approved by the Florida Department of Environmental Protection (FDEP). The ability to exclude a project from the mitigation plan is provided to FDOT, a participating transportation authority, or a WMD.</p> <p>More specifically, s. 373.4137, F.S., enacted in 1996, created a mitigation alternative for specified transportation projects. Historically, the statute directed FDOT and transportation authorities to fund, and the WMD to develop and implement, mitigation plans to offset environmental impacts associated with transportation projects. During the 2012 legislative session, the statute was modified by HB 599 to expand the options available to offset environmental impacts to include the use of mitigation banks and any other option that satisfies state and federal requirements. "Other" mitigation options include the FDOT's payment of funds to the WMDs to develop and implement mitigation plans. The mitigation plan is based on an environmental impact inventory created by FDOT reflecting habitats that would be impacted by transportation projects listed in the next three years of the FDOT's tentative work program.</p>	<p>This proposal allows FDOT and qualifying transportation authorities to exercise good business judgment when mitigating their impacts and to act in the best interest of Florida's taxpayers by authorizing FDOT and participating agencies to mitigate their environmental impacts like any other entity seeking a permit; i.e., mitigation is based upon a UMAM score, rather than acres of impact alone, thus establishing mitigation credits as the standard, consistent unit of measure for mitigation.</p> <p>The proposal clarifies that the mitigation option selected should promote efficiency, timeliness in project delivery and cost-effectiveness; requires that FDOT expand the information provided in the environmental impact inventory; requires FDOT to consider permitted mitigation banks which have suitable and sufficient mitigation bank credits; and clarifies that FDOT may purchase mitigation bank credits for current and future use.</p> <p>The proposed legislation further provides that when FDEP or WMDs implement mitigation for FDOT or authority projects that costs will be based on actual costs and invoiced as mitigation services.</p> <p>Additionally, the proposed amendments authorize the release of identified mitigation funds held for the benefit of the WMDs or FDEP, if a project is removed from the mitigation plan, and clarify that responsibility for the completed mitigation project rests with the WMD upon final payment for mitigation of a transportation project as permitted.</p>	<p>This proposal is consistent with the Governor's vision of state agencies being accountable to the taxpayers. This proposal allows FDOT and qualifying transportation authorities to exercise good business judgment when mitigating environmental impacts and to act in the best interest of Florida's taxpayers by authorizing them to mitigate their environmental impacts like any other entity seeking a permit; i.e., mitigation is based upon a UMAM score, rather than acres of impact alone.</p> <p>This proposal further increases accountability to taxpayers by enabling FDOT or transportation authorities to consider all available mitigation options; to base the amount of money spent for mitigation on <u>actual</u> environmental impacts (UMAM score), and on <u>actual</u> costs to mitigate the impacts (actual per credit costs, rather than statutorily set \$75,000, adjusted by the CPI, per impact acre).</p>	<p>Anticipated reduction in costs.</p>



Florida Department of Transportation  
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Environmental Mitigation, con't.	<p>FDOT includes funding in its work program for FDEP or WMD implementation of its mitigation obligations. To fund these mitigation activities, the statute directs FDOT and the authorities to pay \$75,000 per impacted acre, as adjusted by a calculation using the CPI.</p> <p>The statute provides that the mitigation plan developed by the WMDs should use sound ecosystem management to address significant water resource needs and focus on activities of FDEP and WMDs in wetlands and surface waters, including preservation, restoration and B9enhancement, as well as control of invasive and exotic vegetation. WMDs are also directed to consider the purchase of credits from public and private mitigation banks when such purchase provides equal benefit to water resources and is the most cost effective option. Before each transportation project is added to the WMD mitigation plan, the FDOT must investigate the use of mitigation bank credits based on consideration of cost-effectiveness, time saved, transfer of liability and long-term maintenance. Final approval of the mitigation plan rests with the FDEP.</p> <p>FDOT and the participating expressway authorities are required to transfer funds to pay for mitigation of that year's projected impact acreage resulting from projects identified in the inventory. Quarterly, the projected impact acreage and costs are reconciled with the actual impact acreage, and costs and the balances are adjusted.</p> <p>Under existing law, the statute provides for exclusion of specific projects from the mitigation plan at the discretion of the FDOT, participating transportation authorities and the WMDs.</p>	<p>Finally, this legislative proposal creates a one-year transition provision, as well as a grandfather provision for existing WMD or FDEP mitigation sites initiated with FDOT mitigation funds.</p>		
Parking Meter Revenue	Placeholder			

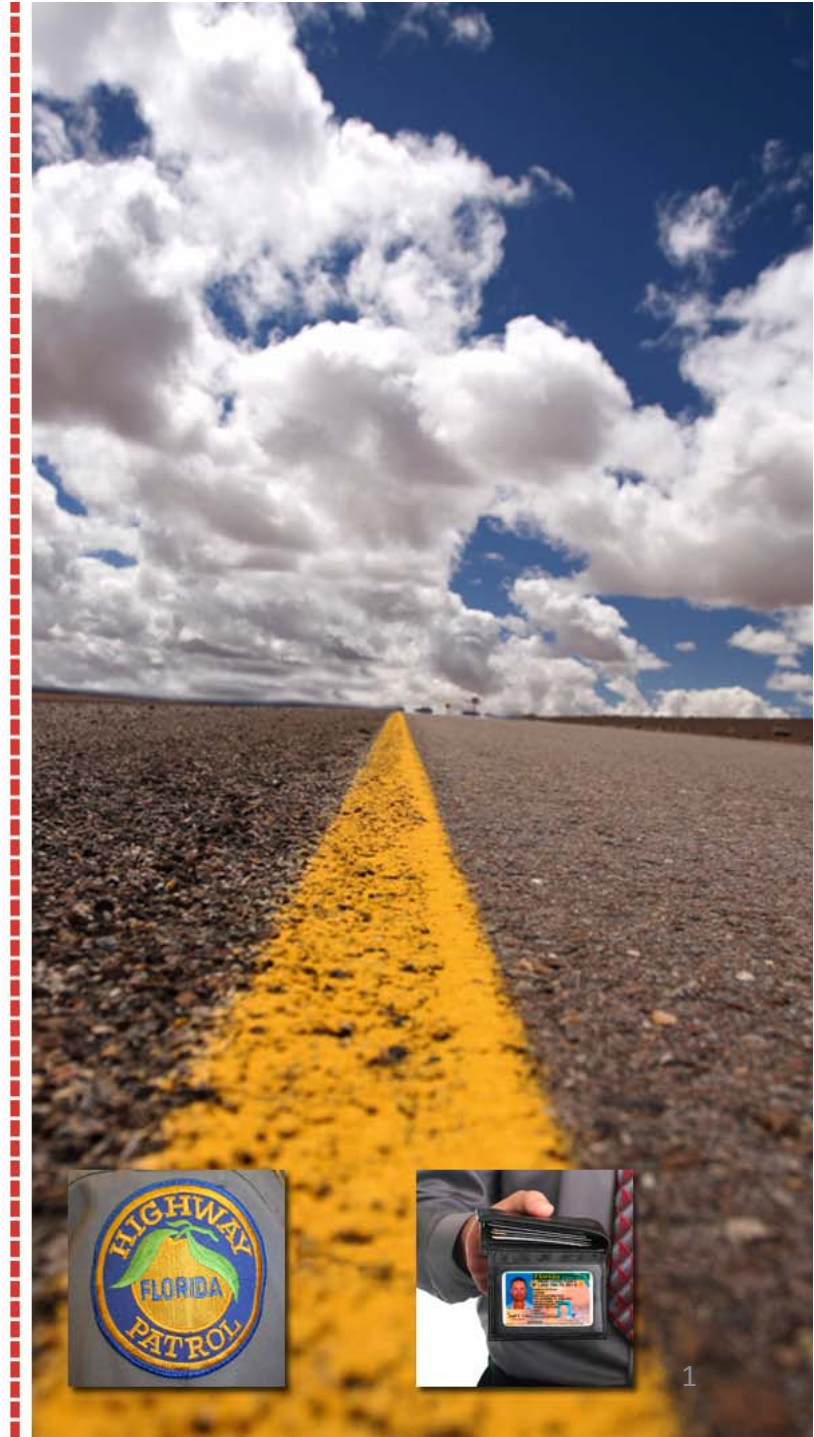
Florida Department of Transportation  
2014 Legislative Proposals

Issue	Current Situation	Proposed Change	Justification	Fiscal Impact
Pinellas Bayway	All tolls collected on the Pinellas Bayway shall first be used for the payment of annual operating costs and second to discharge the current bond indebtedness. Thereafter, tolls collected shall be used to establish a reserve construction account to be used, together with interest earned thereon, by the department for the construction of Blind Pass Road, State Road 699 improvements, and for Phase II of the Pinellas Bayway improvements.	Payment of maintenance costs will become an eligible use of Pinellas Bayway toll revenue before it is deposited into the toll construction account. In addition, removes references to Blind Pass Road and State Road 699 improvements which have been completed	This proposal supports the agency's mission by prioritizing maintenance of the Pinellas Bayway and ensuring safety and competitiveness is sustained.	No impact





## *Specialty License Plates: Past, Present, and Future*



# Topics for Discussion

- Developing History
- Concerns
- Solutions



# Specialty Plate History

The first specialty plates were enacted in 1986. This act included the creation of the Challenger license plate and 10 university plates.



# 1990s

- In 1990 the Legislature created an audit requirement for recipient organizations. Audits were to be submitted to the Speaker and the President.
- In 1995 the Legislature created the first application process and discontinuance process.
- In 1998 the process was modified to reduce the number of applications received.



# 2002-2008

- In 2002, the deadline for making application for a collegiate plate was extended for three months. During this time 21 independent colleges requested plates and were created without an application fee.
- Of the 21 collegiate plates created in 2002, 14 are currently under the 1000 plate minimum and are exempt from discontinuance.
- In 2008, A moratorium on specialty plates was enacted in 2008 and originally set to expire in 2011. The moratorium was later extended to 2014.



# 2010

- The Senate completed an interim project on specialty plates in October 2009 and made several recommendations.
- In 2010 the Legislature created the pre-sale method for specialty plates as replacement for the application process. Six of the 18 plates created during the moratorium have been required to use the pre-sale process.
- The discontinuance process was also modified.



# 2011-Today

- In 2011, the U. S. Middle District Court in Orlando declared the specialty plate application process as it existed in 2009 to be unconstitutional. The pre-sale methodology was created in 2010 and is the method currently used by the department. All other portions of s. 320.08053, F.S. are no longer enforced.
- Today there are 120 specialty license plates available for purchase (4 currently in the Pre-Sale Process).

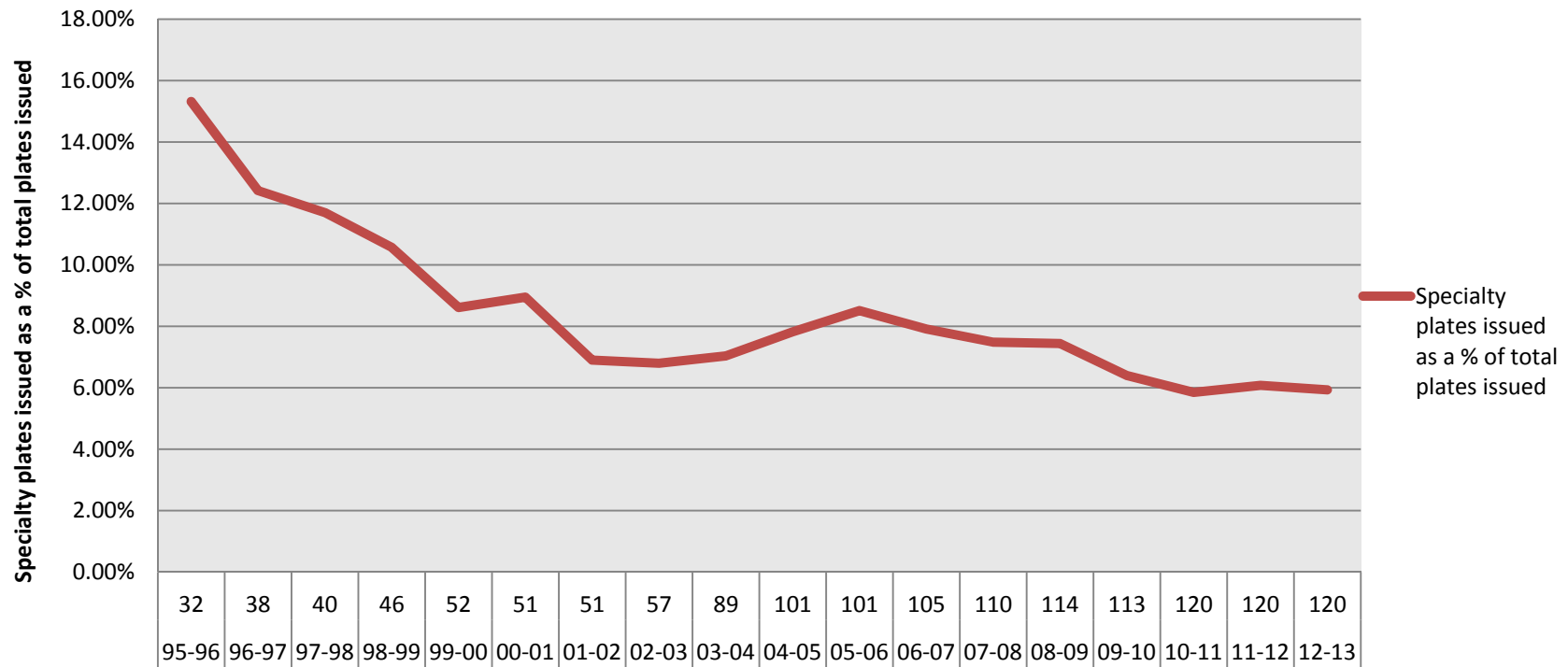
# Concerns-Accountability

- Attestation – An attestation document lists all revenues and expenditures received by the organization. The head of the organization attests and affirms under penalties of perjury that the funds have been spent in accordance with applicable statutes.
- Audit – An audit is conducted by a certified public accountant and would include a detailed review of all revenues and expenditures to ensure compliance with all applicable statutes.



# Concerns-Sales Decline

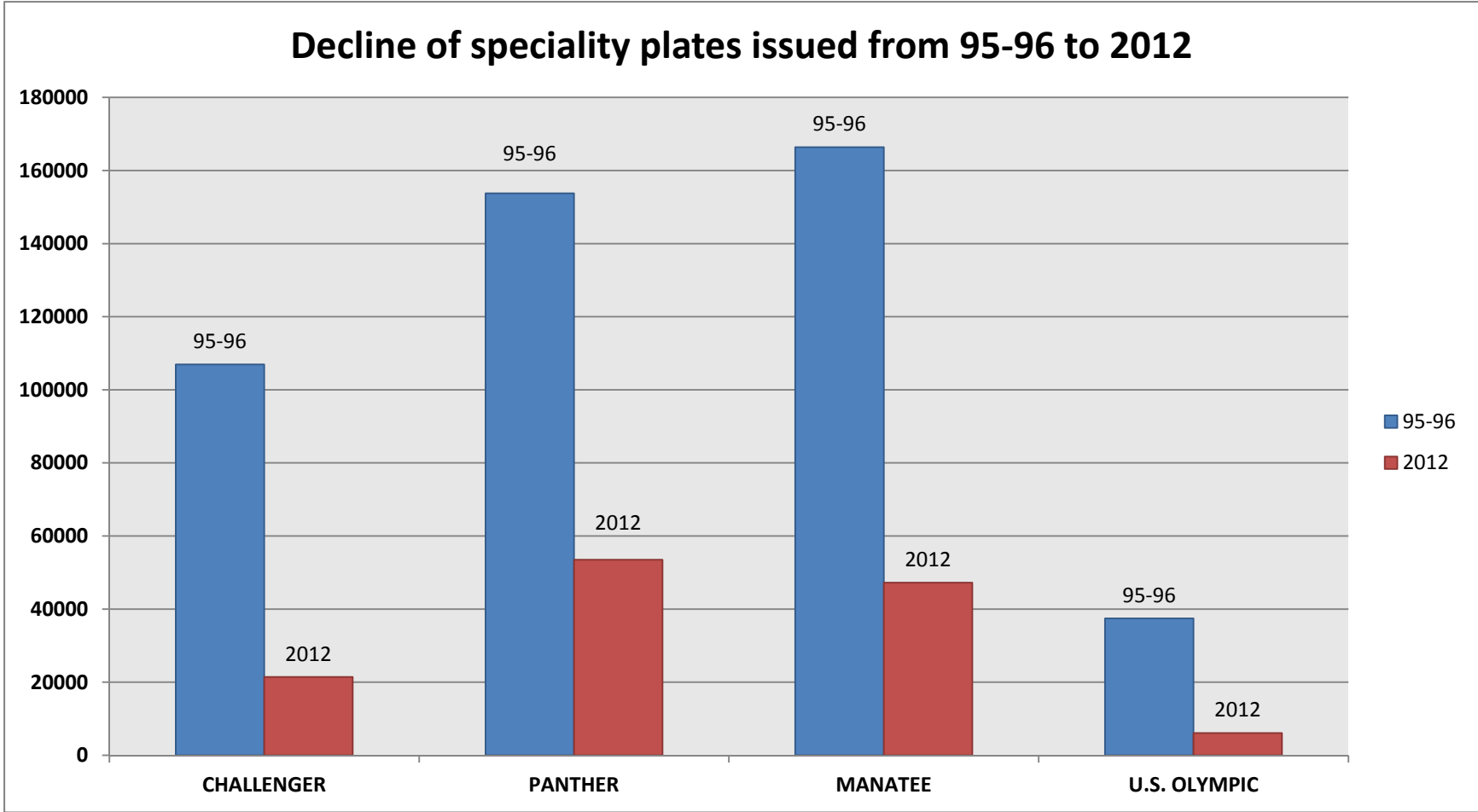
Decline of specialty plates issued with growing number of sp. plates



Number of specialty plates available in fiscal years : 1995-2013



# Concern-Cannibalization



# Solutions

- Remove the exemption from the minimum sales requirement.
- Provide direction to the department regarding what to do when an organization is found to be non-compliant, specifically, discontinuance.
- Standardize the use of funds for administration and marketing across all plates, allowing flexibility and accountability.
- Amend Constitutional Challenge statutory language.
- Cap the number of specialty plates available for sale.

