

CHAPTER 2021-161

Committee Substitute for Senate Bill No. 100

An act relating to highway projects; repealing s. 163.3168(4), F.S., relating to applications for funding for technical assistance relating to areas in and around a proposed multiuse corridor interchange; amending s. 334.044, F.S.; revising the powers and duties of the Department of Transportation relating to the workforce development program; repealing s. 338.2278, F.S., relating to the Multi-use Corridors of Regional Economic Significance Program; amending s. 338.236, F.S.; deleting a requirement for the department to give priority consideration to placement of staging areas in certain counties; amending s. 339.0801, F.S.; requiring that \$35 million transferred to Florida's Turnpike Enterprise be used for a specified purpose beginning in a specified fiscal year and annually for up to 30 years thereafter; conforming provisions to changes made by the act; amending s. 339.0801, F.S.; deleting a requirement for a specified amount of funds to be transferred to Florida's Turnpike Enterprise for a specified purpose; creating s. 339.0803, F.S.; requiring that certain increased revenues be used to fund specified projects beginning in a specified fiscal year and annually thereafter; authorizing such revenues to be used for certain projects; requiring the department to prioritize the use of certain facilities when upgrading arterial highways; providing construction; providing that such funding is in addition to other statutory funding allocations; repealing s. 339.1373, F.S., relating to funding of the Multi-use Corridors of Regional Economic Significance Program; creating s. 339.66, F.S.; providing legislative findings; requiring the department, in coordination with the Florida Turnpike Enterprise, to evaluate certain roadways for development of specific controlled access facilities and to include such projects in the work program; authorizing the department to upgrade roadways with targeted improvements; prohibiting the department from reducing nontolled general use lanes of an existing facility; requiring the department to maintain existing access points; providing for access points for certain property owners; specifying the location of tolling points and requiring a nontolled alternative for local traffic; requiring any new alignments to be established with a specified goal; providing that any tolled facilities are approved turnpike projects and part of the turnpike system; designating a controlled-access portion of a specified roadway a Strategic Intermodal System facility; providing for applicability of certain requirements; requiring the department and Turnpike Enterprise to take into consideration guidance and recommendations of certain studies and reports; requiring certain decisions to be determined in accordance with applicable department rules, policies, and procedures; requiring, to the greatest extent practicable, that roadway alignments, project alignment, and interchange locations be designed as specified; providing for funding sources; providing that project construction is not eligible for funding until completion of 30 percent of the project design phase, with exceptions; authorizing the Division of Bond Finance to issue specified bonds on behalf

of the department to finance certain projects; creating s. 339.67, F.S.; requiring the department to develop and include construction of controlled access facilities in the work program of a certain facility; requiring the facility to be developed using existing roadway or portions thereof; requiring the facilities to be developed no later than a specified date to the maximum extent feasible; creating s. 339.68, F.S.; requiring the department to identify and include in the work program projects to increase capacity by widening existing two-lane arterial rural roads to four lanes; providing requirements for roads to be included in work program projects; requiring the department to annually fund at least a specified amount for such projects; providing legislative findings; requiring the department to commence the project development and environmental phase of an extension of the Florida Turnpike; requiring the department to prepare a specified report and to submit the report to the Governor and Legislature by a specified date; providing effective dates.

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

Section 1. Subsection (4) of section 163.3168, Florida Statutes, is repealed.

Section 2. Subsection (35) of section 334.044, Florida Statutes, is amended to read:

334.044 Powers and duties of the department.—The department shall have the following general powers and duties:

(35) To provide a road and bridge construction workforce development program, in consultation with affected stakeholders, for construction of projects designated in the department's work program.

~~(a) The workforce development program is intended to provide direct economic benefits to communities in which the department is constructing infrastructure projects and to promote employment opportunities, including within areas of low income and high unemployment.~~

~~(b) The department shall merge any of its own existing workforce services into the program to create a robust workforce development program. The workforce development program must serve as a tool to address the construction labor shortage by recruiting and developing a group of skilled workers for infrastructure projects to increase the likelihood of department projects remaining on time and within budget.~~

~~(c) To accomplish these activities, the department may administer workforce development contracts with consultants and nonprofit entities, such as local community partners, Florida College System institutions, and technical institutions or centers. These entities, as specified in a contract with the department, shall have the primary purposes of providing all of the following:~~

~~1.— Workforce recruitment.~~

~~2.— A training curriculum for the department’s road and bridge construction projects which includes both traditional and emerging construction methods and skills needed to construct multiuse infrastructure and facilities accommodating emerging technologies.~~

~~3.— Support services to remove barriers to work.~~

~~(d)—The department shall develop performance and outcome metrics to ensure accountability and to measure the benefits and cost-effectiveness of the program. By June 30, 2020, and annually thereafter, the department shall prepare and provide a report to the Governor, President of Senate, and Speaker of the House of Representatives detailing the results of its findings and containing any recommendations relating to future program refinements.~~

Section 3. Section 338.2278, Florida Statutes, is repealed.

Section 4. Subsection (1) of section 338.236, Florida Statutes, is amended to read:

338.236 Staging areas for emergencies.—The Department of Transportation may plan, design, and construct staging areas to be activated during a declared state of emergency at key geographic locations on the turnpike system. Such staging areas must be used for the staging of emergency supplies, such as water, fuel, generators, vehicles, equipment, and other related materials, to facilitate the prompt provision of emergency assistance to the public, and to otherwise facilitate emergency response and assistance, including evacuations, deployment of emergency-related supplies and personnel, and restoration of essential services.

(1) In selecting a proposed site for a designated staging area under this section, the department, in consultation with the Division of Emergency Management, must consider the extent to which such site:

(a) Is located in a geographic area that best facilitates the wide dissemination of emergency-related supplies and equipment;

(b) Provides ease of access to major highways and other transportation facilities;

(c) Is sufficiently large to accommodate the staging of a significant amount of emergency-related supplies and equipment;

(d) Provides space in support of emergency preparedness and evacuation activities, such as fuel reserve capacity;

(e) Could be used during nonemergency periods for commercial motor vehicle parking and for other uses; and

(f) Is consistent with other state and local emergency management considerations.

~~The department must give priority consideration to placement of such staging areas in counties with a population of 200,000 or fewer, as determined by the most recent official estimate pursuant to s. 186.901, in which a multiuse corridor of regional economic significance, as provided in s. 338.2278, is located.~~

Section 5. Subsection (2) of section 339.0801, Florida Statutes, is amended to read:

339.0801 Allocation of increased revenues derived from amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 319.32(5)(a) made by this act must be used annually, first as set forth in subsection (1) and then as set forth in subsections (2)-(5), notwithstanding any other provision of law:

(2)(a) Beginning in the 2013-2014 fiscal year and annually for up to 30 years thereafter ~~For each of the 2019-2020, 2020-2021, and 2021-2022 fiscal years, \$35 million shall be transferred to Florida's Turnpike Enterprise, to be used in accordance with Florida Turnpike Enterprise Law, to the maximum extent feasible for feeder roads, structures, interchanges, appurtenances, and other rights to create or facilitate access to the existing turnpike system.~~

~~(b) Beginning with the 2022-2023 fiscal year and annually thereafter, \$35 million shall be transferred to Florida's Turnpike Enterprise, to be used in accordance with s. 338.2278, with preference to feeder roads, interchanges, and appurtenances that create or facilitate multiuse corridor access and connectivity. Of those funds, and to the maximum extent feasible, up to \$5 million annually may be used for projects that assist in the development of broadband infrastructure within or adjacent to a multiuse corridor. The department shall give priority consideration to broadband infrastructure projects located in any area designated as a rural area of opportunity under s. 288.0656 and adjacent to a multiuse corridor.~~

Section 6. Effective July 1, 2023, section 339.0801, Florida Statutes, as amended by this act, is amended to read:

339.0801 Allocation of increased revenues derived from amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 319.32(5)(a) made by this act must be used annually, first as set forth in subsection (1) and then as set forth in subsections (2)-(4) ~~(2)-(5)~~, notwithstanding any other provision of law:

(1)(a) Beginning in the 2013-2014 fiscal year and annually for 30 years thereafter, \$10 million shall be for the purpose of funding any seaport project

identified in the adopted work program of the Department of Transportation, to be known as the Seaport Investment Program.

(b) The revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on revenue bonds, or other forms of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. Alternatively, revenue bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation under the State Bond Act and shall be secured by such revenues as are provided in this subsection.

(c) Revenue bonds or other indebtedness issued hereunder are not a general obligation of the state and are secured solely by a first lien on the revenues distributed under this subsection.

(d) The state covenants with holders of the revenue bonds or other instruments of indebtedness issued pursuant to this subsection that it will not repeal this subsection; nor take any other action, including but not limited to amending this subsection, that will materially and adversely affect the rights of such holders so long as revenue bonds or other indebtedness authorized by this subsection are outstanding.

(e) The proceeds of any revenue bonds or other indebtedness, after payment of costs of issuance and establishment of any required reserves, shall be invested in projects approved by the Department of Transportation and included in the department's adopted work program, by amendment if necessary. As required under s. 11(f), Art. VII of the State Constitution, the Legislature approves projects included in the department's adopted work program, including any projects added to the work program by amendment under s. 339.135(7).

(f) Any revenues that are not used for the payment of bonds as authorized by this subsection may be used for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with ss. 311.07 and 320.20(3) and (4).

~~(2) Beginning in the 2013-2014 fiscal year and annually for up to 30 years thereafter, \$35 million shall be transferred to Florida's Turnpike Enterprise, to be used in accordance with Florida Turnpike Enterprise Law, to the maximum extent feasible for feeder roads, structures, interchanges, appurtenances, and other rights to create or facilitate access to the existing turnpike system.~~

~~(2)~~⁽³⁾ Beginning in the 2013-2014 fiscal year and annually thereafter, \$10 million shall be transferred to the Transportation Disadvantaged Trust Fund, to be used as specified in s. 427.0159.

~~(3)~~(4) Beginning in the 2013-2014 fiscal year and annually thereafter, \$10 million shall be allocated to the Small County Outreach Program to be used as specified in s. 339.2818. These funds are in addition to the funds provided for the program pursuant to s. 201.15(4)(a)2.

~~(4)~~(5) After the distributions required pursuant to subsections ~~(1)-(3)~~ ~~(1)-(4)~~, the remaining funds shall be used annually for transportation projects within this state for existing or planned strategic transportation projects which connect major markets within this state or between this state and other states, which focus on job creation, and which increase this state's viability in the national and global markets.

~~(5)~~(6) Pursuant to s. 339.135(7), the department shall amend the work program to add the projects provided for in this section.

Section 7. Section 339.0803, Florida Statutes, is created to read:

339.0803 Allocation of increased revenues derived from amendments to s. 320.08 by chapter 2019-43, Laws of Florida.—Beginning in the 2021-2022 fiscal year and each fiscal year thereafter, funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 320.08 made by chapter 2019-43, Laws of Florida, and deposited into the fund pursuant to s. 320.20(5)(a) must be used to fund arterial highway projects identified by the department in accordance with s. 339.65 and may be used for projects as specified in ss. 339.66 and 339.67. For purposes of the funding provided in this section, the department shall prioritize use of existing facilities or portions thereof when upgrading arterial highways to limited or controlled access facilities. However, this section does not preclude use of the funding for projects that enhance the capacity of an arterial highway. The funds allocated as provided in this section shall be in addition to any other statutory funding allocations provided by law.

Section 8. Section 339.1373, Florida Statutes, is repealed.

Section 9. Section 339.66, Florida Statutes, is created to read:

339.66 Upgrade of arterial highways with controlled access facilities.—

(1) The Legislature finds that the provision and maintenance of safe, reliable, and predictably free-flowing facilities to support the movement of people and freight and to enhance hurricane evacuation efficiency is important. It is in the best interest of the state to plan now for population growth and technology changes while prudently making timely improvements to address demand.

(2) The department, in coordination with the Florida Turnpike Enterprise, shall evaluate existing roadways or portions thereof for development of specific controlled access facilities and include such projects as identified in the work program.

(3) The department may upgrade roadways with targeted improvements, such as adding new tolled or nontolled limited access alignments to manage congestion points and retrofitting existing roadway with a series of electronically tolled or nontolled grade separations that provide an alternative to a signalized intersection for through traffic. Such improvements must be made with the goal of enhancing the economic prosperity and preserving the character of the communities impacted by such improvements.

(a) The department may not reduce any nontolled general use lanes of an existing facility.

(b) The department shall maintain existing access points to the roadway provided by designated streets, graded roads, or driveways.

(c) Upon application or as otherwise agreed to by the department, after construction is completed, property owners with parcels of land having no existing access shall have the right to one access point, and property owners having more than 1 mile of roadway frontage shall be allowed one access point for each mile owned.

(d) Any tolling points must be located such that a nontolled alternative exists for local traffic.

(4) Any tolled facilities are approved turnpike projects that are part of the turnpike system. A controlled-access portion of a roadway constructed pursuant to this section is considered a Strategic Intermodal System facility.

(5) Any existing applicable requirements relating to department projects shall apply to projects undertaken by the department pursuant to this section. The department shall take into consideration the guidance and recommendations of any previous studies or reports relevant to the projects authorized by this section and ss. 339.67 and 339.68, including, but not limited to, the task force reports prepared pursuant to chapter 2019-43, Laws of Florida.

(6) Any existing applicable requirements relating to turnpike projects apply to projects undertaken by the Turnpike Enterprise pursuant to this section. The Turnpike Enterprise shall take into consideration the guidance and recommendations of any previous studies or reports relevant to the projects authorized by this section and ss. 339.67 and 339.68, including, but not limited to, the task force reports prepared pursuant to chapter 2019-43, Laws of Florida, and with respect to any extension of the Florida Turnpike from its northerly terminus in Wildwood.

(7) The department shall consider innovative concepts to combine right-of-way acquisition with the acquisition of lands or easements to facilitate environmental mitigation or ecosystem, wildlife habitat, or water quality protection or restoration.

(8)(a) Decisions on matters such as configuration, project alignment, and interchange locations must be determined in accordance with applicable department rules, policies, and procedures.

(b) To the greatest extent practicable, roadway alignments, project alignment, and interchange locations shall be designed so that project rights-of-way are not located within conservation lands acquired under the Florida Preservation 2000 Act established in s. 259.101 and the Florida Forever Act established in s. 259.105.

(9) Subject to applicability of existing requirements as provided in subsections (5) and (6), projects may be funded through turnpike revenue bonds or right-of-way acquisition and bridge construction bonds or financing by the Florida Department of Transportation Financing Corporation; by advances from the State Transportation Trust Fund; with funds obtained through the creation of public-private partnerships; or any combination thereof. The department also may accept donations of land for use as transportation rights-of-way or to secure or use transportation rights-of-way for such projects in accordance with s. 337.2505. To the extent legally available, any toll revenues from the turnpike system not required for payment of principal, interest, reserves, or other required deposits for bonds; costs of operations and maintenance; other contractual obligations; or system improvement project costs must be used to repay advances received from the State Transportation Trust Fund.

(10) Project construction is not eligible for funding until completion of 30 percent of the design phase, except for projects that are under construction or for which project alignment has been determined.

(11) In accordance with ss. 337.276, 338.227, and 339.0809, the Division of Bond Finance may issue, on behalf of the department, right-of-way acquisition and bridge construction bonds, turnpike revenue bonds, and Florida Department of Transportation Financing Corporation bonds to finance projects as provided in the State Bond Act.

Section 10. Section 339.67, Florida Statutes, is created to read:

339.67 U.S. 19 controlled access facilities.—The department shall develop and include in the work program the construction of controlled access facilities as necessary to achieve free flow of traffic on U.S. 19, beginning at the terminus of the Suncoast Parkway 2 Phase 3, north predominantly along U.S. 19 to a logical terminus on Interstate 10 in Madison County. This Strategic Intermodal System facility shall be developed using existing roadway, or portions thereof, to ensure the free flow of traffic along the roadway by improvements such as limited access alignments to manage congestion points and retrofitting existing roadway with a series of grade separations that provide an alternative to a signalized intersection for through traffic. To the maximum extent feasible, the facilities shall be developed no later than December 31, 2035.

Section 11. Section 339.68, Florida Statutes, is created to read:

339.68 Arterial rural highway projects.—The department shall identify and include in the work program projects to increase capacity by widening existing two-lane arterial rural roads to four lanes. To be included in a work program project, the road must be classified as an arterial rural road, and truck traffic using the road must amount to at least 15 percent of all such traffic, as determined by the department. The department shall fund at least \$20 million annually for such projects.

Section 12. The Legislature finds that the extension of the Florida Turnpike from its northerly terminus in Wildwood to a logical and appropriate terminus as determined by the Department of Transportation is in the strategic interest of the state. The department shall commence the project development and environmental phase of the extension and shall consider project configuration, alignment, cost, and schedule. The department shall prepare a report summarizing the status of the project development and environmental phase and, by December 31, 2022, submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 13. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021.

Approved by the Governor June 24, 2021.

Filed in Office Secretary of State June 24, 2021.