

HB 0697

2004

A bill to be entitled

An act relating to public roads; amending s. 335.0415, F.S.; providing specified exceptions to the public road jurisdiction and transfer process; creating s. 335.04155, F.S.; providing for county road relief under described conditions; authorizing a county to assign to the Department of Transportation responsibility for operation and maintenance of county roads within the boundaries of the county; providing for transfer of funds to the department; authorizing the department to acquire and administer funds; authorizing the department to perform such operation and maintenance; providing for a county to transfer roads or portions of roads to the State Highway System; providing for a county to enter into an agreement with the department for the establishment, operation, and maintenance of any part of its transportation system and related facilities and the acquisition, construction, reconstruction, and maintenance of any roads and streets on the county road system; providing for the department to perform and administer the engineering services and construction of designated transportation projects for a county; amending s. 335.06, F.S.; requiring the department to maintain access roads to the state park system; providing an effective date.

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

Section 1. Subsections (2), (3), and (5) of section 335.0415, Florida Statutes, are amended to read:

HB 0697

2004

30 335.0415 Public road jurisdiction and transfer process.--

31 (2) Notwithstanding any provision of law to the contrary,
 32 any change of the jurisdiction of a public road subsequent to
 33 July 1, 1995, shall be governed by the provisions set out in
 34 this section and s. 335.04155 herein.

35 (3) Except as provided in s. 335.04155, public roads may
 36 be transferred between jurisdictions only by mutual agreement of
 37 the affected governmental entities.

38 (5) In order to take effect, all transfers of public roads
 39 to or from the State Highway System must be by mutual agreement
 40 of the affected governmental entities and approved by the
 41 secretary of the Department of Transportation, except as
 42 provided in s. 335.04155.

43 Section 2. Section 335.04155, Florida Statutes, is created
 44 to read:

45 335.04155 County road relief.--

46 (1)(a) Any county imposing the ninth-cent fuel tax and
 47 local option fuel tax at the maximum rates allowed by law may by
 48 a majority vote of the commissioners assign responsibility for
 49 operation and maintenance of all county roads within the
 50 boundaries of the county to the department pursuant to the
 51 provisions of this subsection.

52 1.a. The county shall transfer, assign, or pay to the
 53 department all unencumbered revenues received or to be received
 54 by that county from the constitutional fuel tax which would
 55 otherwise be used by the county for operating or maintaining
 56 roads.

57 b. The county shall transfer, assign, or pay to the
 58 department all unencumbered revenues received or to be received

HB 0697

2004

59 by that county from the ninth-cent fuel tax and local option
 60 fuel tax which would otherwise be used by the county for
 61 operating or maintaining roads.

62 c. The county shall transfer or assign to the department
 63 all unencumbered funds received or to be received by the county
 64 from any grant, donation, or aid for the purpose of operating or
 65 maintaining roads.

66 2. The department is authorized to request and receive any
 67 grant, aid, gift, or donation; acquire, receive, hold, invest,
 68 and administer securities, funds, objects of value, or other
 69 property, real or personal; and make expenditures on behalf of
 70 the county to or for the direct or indirect costs of maintaining
 71 and operating its roads.

72 (b) The department is authorized to perform the operation
 73 and maintenance of all roads on the county road system within
 74 the boundaries of the county upon passage of the resolution
 75 under paragraph (a).

76 (2) Notwithstanding s. 335.0415, any county with
 77 insufficient funds to operate and maintain the county roads
 78 within its boundaries that is imposing the ninth-cent fuel tax
 79 and local option fuel tax at the maximum rates allowed by law
 80 may transfer roads or portions of roads to the State Highway
 81 System pursuant to the provisions of this subsection.

82 (a) Each year and until the county has sufficient funds
 83 for the operation and maintenance of its roads, the
 84 commissioners may by majority vote transfer up to 5 percent of
 85 the county roads to the State Highway System.

86 (b) Notice of the transfer must be provided to the
 87 department prior to September 1.

HB 0697

2004

88 (c) The transfer shall take effect at the beginning of the
 89 state fiscal year immediately following notice to the
 90 department.

91 (d) The department shall have jurisdiction of any roads
 92 transferred to the State Highway System under this subsection
 93 and responsibility for operation and maintenance of such roads.

94 (e) Any funds allocated by the county, and any funds
 95 allocated pursuant to s. 206.625 by the governing body of the
 96 school district, for road projects on a road that is transferred
 97 pursuant to this subsection may be reallocated by the county or
 98 governing body of the school district to other projects as
 99 allowed by law.

100 (3) Subject to the availability of funds provided by
 101 specific appropriation by the Legislature, any county with
 102 insufficient funds to operate and maintain the county roads
 103 within its boundaries that is imposing the ninth-cent fuel tax
 104 and local option fuel tax at the maximum rates allowed by law
 105 may enter into an agreement with the department for the
 106 establishment, operation, and maintenance of any part of its
 107 transportation system and related facilities and the
 108 acquisition, construction, reconstruction, and maintenance of
 109 any roads and streets on the county road system within the
 110 boundaries of the county.

111 (a) The agreement shall:

112 1. Be of such duration and scope as agreed to by the
 113 commissioners and the Secretary of Transportation but shall not
 114 exceed total available funds.

HB 0697

2004

115 2. Specify funds to be provided by the county and funds to
 116 be provided by the department which shall constitute the total
 117 available funds for the project.

118 3. Specify any reimbursement to the department, as agreed
 119 to by the commissioners, and that such reimbursement shall not
 120 be considered available funds for the project.

121 (b) The department shall perform the establishment,
 122 operation, and maintenance of the transportation facilities in
 123 the county pursuant to and within the scope of the agreement
 124 entered into under this subsection.

125 (c) In the event the county desires to enter into such an
 126 agreement with the department, it must so indicate at the time
 127 the county presents its annual budget.

128 (d) Priority for contracts under this subsection shall be
 129 as provided in the specific appropriation and based on financial
 130 need of the county and the condition of its roads.

131 (4)(a) Any county with insufficient funds to operate and
 132 maintain the county roads within its boundaries that is imposing
 133 the ninth-cent fuel tax and local option fuel tax at the maximum
 134 rates allowed by law may designate by resolution the projects to
 135 be undertaken, and the department may perform and administer the
 136 engineering services and construction.

137 (b) In the event the county desires the department either
 138 to perform or administer the engineering services or to
 139 administer the construction, or both, it must so indicate at the
 140 time the county presents its annual budget.

141 (5) Nothing in this section shall be construed to permit
 142 the expenditure of public funds in such manner or for such
 143 projects as would violate the State Constitution, state law, or

HB 0697

2004

144 the trust indenture of any bond issue or which would cause the
145 state to lose any federal aid funds for highway or
146 transportation purposes, and the provisions of this section
147 shall be applied in a manner to avoid such result.

148 Section 3. Section 335.06, Florida Statutes, is amended to
149 read:

150 335.06 Access roads to the state park system.--Any road
151 which provides access to property within the state park system
152 shall be maintained by the department ~~if the road is a part of~~
153 ~~the State Highway System or shall be maintained by the~~
154 ~~appropriate county or municipality if the road is a part of the~~
155 ~~county road system or the city street system.~~

156 Section 4. This act shall take effect July 1, 2004.