

By Senator Wise

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1 A bill to be entitled

2 An act relating to transportation projects; amending s.
3 339.12, F.S.; revising provisions authorizing the
4 Department of Transportation to enter into an agreement
5 with another governmental entity to complete a project or
6 project phase that is not in the department's adopted work
7 program; specifying that the agreement may be long term;
8 removing certain limitations and requirements; providing
9 an effective date.

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

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13 Section 1. Subsection (4) of section 339.12, Florida
14 Statutes, is amended to read:

15 339.12 Aid and contributions by governmental entities for
16 department projects; federal aid.--

17 (4) (a) Prior to accepting the contribution of road bond
18 proceeds, time warrants, or cash for which reimbursement is
19 sought, the department shall enter into agreements with the
20 governing body of the governmental entity for the project or
21 project phases in accordance with specifications agreed upon
22 between the department and the governing body of the governmental
23 entity. The department in no instance is to receive from such
24 governmental entity an amount in excess of the actual cost of the
25 project or project phase. By specific provision in the written
26 agreement between the department and the governing body of the
27 governmental entity, the department may agree to reimburse the
28 governmental entity for the actual amount of the bond proceeds,
29 time warrants, or cash used on a highway project or project

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30 | phases that are not revenue producing and are contained in the
31 | department's adopted work program, or any public transportation
32 | project contained in the adopted work program. Subject to
33 | appropriation of funds by the Legislature, the department may
34 | commit state funds for reimbursement of such projects or project
35 | phases. Reimbursement to the governmental entity for such a
36 | project or project phase must be made from funds appropriated by
37 | the Legislature, and reimbursement for the cost of the project or
38 | project phase is to begin in the year the project or project
39 | phase is scheduled in the work program as of the date of the
40 | agreement. Funds advanced pursuant to this section, which were
41 | originally designated for transportation purposes and so
42 | reimbursed to a county or municipality, shall be used by the
43 | county or municipality for any transportation expenditure
44 | authorized under s. 336.025(7). Also, cities and counties may
45 | receive funds from persons, and reimburse those persons, for the
46 | purposes of this section. Such persons may include, but are not
47 | limited to, those persons defined in s. 607.01401(19).

48 | (b) Prior to entering an agreement to advance a project or
49 | project phase pursuant to this subsection and subsection (5), the
50 | department shall first update the estimated cost of the project
51 | or project phase and certify that the estimate is accurate and
52 | consistent with the amount estimated in the adopted work program.
53 | If the original estimate and the updated estimate vary, the
54 | department shall amend the adopted work program according to the
55 | amendatory procedures for the work program set forth in s.
56 | 339.135(7). The amendment shall reflect all corresponding
57 | increases and decreases to the affected projects within the
58 | adopted work program.

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59 (c) The department may enter into agreements under this
60 subsection for a project or project phase not included in the
61 adopted work program. As used in this paragraph, the term
62 "project phase" means acquisition of rights-of-way, construction,
63 construction inspection, and related support phases. The project
64 or project phase must be a high priority of the governmental
65 entity. The authority contained in this paragraph is intended to
66 permit the department to enter into long-term repayment
67 agreements of up to 30 years with no requirement that the project
68 or project phase be contained in the adopted work program
69 ~~Reimbursement for a project or project phase must be made from~~
70 ~~funds appropriated by the Legislature pursuant to s. 339.135(5).~~
71 ~~All other provisions of this subsection apply to agreements~~
72 ~~entered into under this paragraph. The total amount of project~~
73 ~~agreements for projects or project phases not included in the~~
74 ~~adopted work program may not at any time exceed \$100 million.~~
75 ~~However, notwithstanding such \$100 million limit and any similar~~
76 ~~limit in s. 334.30, project advances for any inland county with a~~
77 ~~population greater than 500,000 dedicating amounts equal to \$500~~
78 ~~million or more of its Local Government Infrastructure Surtax~~
79 ~~pursuant to s. 212.055(2) for improvements to the State Highway~~
80 ~~System which are included in the local metropolitan planning~~
81 ~~organization's or the department's long-range transportation~~
82 ~~plans shall be excluded from the calculation of the statewide~~
83 ~~limit of project advances.~~

84 Section 2. This act shall take effect July 1, 2008.