



292490

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/24/2009	.	
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The Committee on Community Affairs (Wise) recommended the following:

Senate Amendment (with title amendment)

Between lines 821 and 822
insert:

Section 15. Subsection (4) of section 339.12, Florida Statutes, is amended to read:

339.12 Aid and contributions by governmental entities for department projects; federal aid.—

(4) (a) Prior to accepting the contribution of road bond proceeds, time warrants, or cash for which reimbursement is sought, the department shall enter into agreements with the



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12 governing body of the governmental entity for the project or
13 project phases in accordance with specifications agreed upon
14 between the department and the governing body of the
15 governmental entity. The department in no instance is to receive
16 from such governmental entity an amount in excess of the actual
17 cost of the project or project phase. By specific provision in
18 the written agreement between the department and the governing
19 body of the governmental entity, the department may agree to
20 reimburse the governmental entity for the actual amount of the
21 bond proceeds, time warrants, or cash used on a highway project
22 or project phases that are not revenue producing and are
23 contained in the department's adopted work program, or any
24 public transportation project contained in the adopted work
25 program. Subject to appropriation of funds by the Legislature,
26 the department may commit state funds for reimbursement of such
27 projects or project phases. Reimbursement to the governmental
28 entity for such a project or project phase must be made from
29 funds appropriated by the Legislature, and reimbursement for the
30 cost of the project or project phase is to begin in the year the
31 project or project phase is scheduled in the work program as of
32 the date of the agreement. Funds advanced pursuant to this
33 section, which were originally designated for transportation
34 purposes and so reimbursed to a county or municipality, shall be
35 used by the county or municipality for any transportation
36 expenditure authorized under s. 336.025(7). Also, cities and
37 counties may receive funds from persons, and reimburse those
38 persons, for the purposes of this section. Such persons may
39 include, but are not limited to, those persons defined in s.
40 607.01401(19).



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

52 (c) The department may enter into agreements under this
53 subsection for a project or project phase not included in the
54 adopted work program. As used in this paragraph, the term
55 "project phase" means acquisition of rights-of-way,
56 construction, construction inspection, and related support
57 phases. The project or project phase must be a high priority of
58 the governmental entity. Reimbursement for a project or project
59 phase must be made from funds appropriated by the Legislature
60 pursuant to s. 339.135(5). All other provisions of this
61 subsection apply to agreements entered into under this
62 paragraph. The total amount of project agreements for projects
63 or project phases not included in the adopted work program
64 authorized by this paragraph may not at any time exceed \$250
65 ~~\$100~~ million. However, notwithstanding such \$250 ~~\$100~~ million
66 limit and any similar limit in s. 334.30, project advances for
67 any inland county with a population greater than 500,000
68 dedicating amounts equal to \$500 million or more of its Local
69 Government Infrastructure Surtax pursuant to s. 212.055(2) for



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70 improvements to the State Highway System which are included in
71 the local metropolitan planning organization's or the
72 department's long-range transportation plans shall be excluded
73 from the calculation of the statewide limit of project advances.

74 (d) The department may enter into agreements under this
75 subsection with any county that has a population of 150,000 or
76 fewer as determined by the most recent official estimate under
77 s. 186.901 for a project or project phase not included in the
78 adopted work program. As used in this paragraph, the term
79 "project phase" means acquisition of rights-of-way,
80 construction, construction inspection, and related support
81 phases. The project or project phase must be a high priority of
82 the governmental entity. Reimbursement for a project or project
83 phase must be made from funds appropriated by the Legislature
84 under s. 339.135(5). All other provisions of this subsection
85 apply to agreements entered into under this paragraph. The total
86 amount of project agreements for projects or project phases not
87 included in the adopted work program authorized by this
88 paragraph may not at any time exceed \$200 million. The project
89 must be included in the local government's adopted comprehensive
90 plan. The department may enter into long-term repayment
91 agreements of up to 30 years.

92
93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 Delete line 66

96 and insert:

97 public notice and hearing; amending s. 339.12, F.S.;

98 revising requirements for aid and contributions by governmental



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99 entities for transportation projects; revising limits under
100 which the department may enter into an agreement with a county
101 for a project or project phase not in the adopted work program;
102 authorizing the department to enter into certain long-term
103 repayment agreements; amending s. 339.2816, F.S.