

1 A bill to be entitled
 2 An act relating to Nassau County transportation
 3 facilities; amending s. 339.12, F.S.; authorizing the
 4 Department of Transportation to enter into agreements with
 5 the county for a project or project phase not in the
 6 department's adopted work program; providing requirements;
 7 authorizing certain long-term repayment agreements;
 8 providing an effective date.

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

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 12 Section 1. Section 339.12, Florida Statutes, is amended to
 13 read:

14 339.12 Aid and contributions by governmental entities for
 15 department projects; federal aid.--

16 (1) Any governmental entity may aid in any project or
 17 project phase included in the adopted work program by
 18 contributions to the department of cash, bond proceeds, time
 19 warrants, or other goods or services of value.

20 (2) The department may accept and receive any such aid and
 21 contributions and dispose of and use the same for any project or
 22 project phase included in the adopted work program. The
 23 Executive Office of the Governor is authorized to amend the
 24 department's budget and adopted work program in the appropriate
 25 categories to utilize contributions received.

26 (3) In case any such aid or contribution is given or made
 27 by any governmental entity, such aid or contribution shall be
 28 used by the department only for the project or project phase

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29 | included in the adopted work program as are designated and
30 | agreed upon by the department and the governing body of the
31 | governmental entity.

32 | (4) (a) Prior to accepting the contribution of road bond
33 | proceeds, time warrants, or cash for which reimbursement is
34 | sought, the department shall enter into agreements with the
35 | governing body of the governmental entity for the project or
36 | project phases in accordance with specifications agreed upon
37 | between the department and the governing body of the
38 | governmental entity. The department in no instance is to receive
39 | from such governmental entity an amount in excess of the actual
40 | cost of the project or project phase. By specific provision in
41 | the written agreement between the department and the governing
42 | body of the governmental entity, the department may agree to
43 | reimburse the governmental entity for the actual amount of the
44 | bond proceeds, time warrants, or cash used on a highway project
45 | or project phases that are not revenue producing and are
46 | contained in the department's adopted work program, or any
47 | public transportation project contained in the adopted work
48 | program. Subject to appropriation of funds by the Legislature,
49 | the department may commit state funds for reimbursement of such
50 | projects or project phases. Reimbursement to the governmental
51 | entity for such a project or project phase must be made from
52 | funds appropriated by the Legislature, and reimbursement for the
53 | cost of the project or project phase is to begin in the year the
54 | project or project phase is scheduled in the work program as of
55 | the date of the agreement. Funds advanced pursuant to this
56 | section, which were originally designated for transportation

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57 | purposes and so reimbursed to a county or municipality, shall be
58 | used by the county or municipality for any transportation
59 | expenditure authorized under s. 336.025(7). Also, cities and
60 | counties may receive funds from persons, and reimburse those
61 | persons, for the purposes of this section. Such persons may
62 | include, but are not limited to, those persons defined in s.
63 | 607.01401(19).

64 | (b) Prior to entering an agreement to advance a project or
65 | project phase pursuant to this subsection and subsection (5),
66 | the department shall first update the estimated cost of the
67 | project or project phase and certify that the estimate is
68 | accurate and consistent with the amount estimated in the adopted
69 | work program. If the original estimate and the updated estimate
70 | vary, the department shall amend the adopted work program
71 | according to the amendatory procedures for the work program set
72 | forth in s. 339.135(7). The amendment shall reflect all
73 | corresponding increases and decreases to the affected projects
74 | within the adopted work program.

75 | (c) The department may enter into agreements under this
76 | subsection for a project or project phase not included in the
77 | adopted work program. As used in this paragraph, the term
78 | "project phase" means acquisition of rights-of-way,
79 | construction, construction inspection, and related support
80 | phases. The project or project phase must be a high priority of
81 | the governmental entity. Reimbursement for a project or project
82 | phase must be made from funds appropriated by the Legislature
83 | pursuant to s. 339.135(5). All other provisions of this
84 | subsection apply to agreements entered into under this

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85 paragraph. The total amount of project agreements for projects
86 or project phases not included in the adopted work program may
87 not at any time exceed \$100 million. However, notwithstanding
88 such \$100 million limit and any similar limit in s. 334.30,
89 project advances for any inland county with a population greater
90 than 500,000 dedicating amounts equal to \$500 million or more of
91 its Local Government Infrastructure Surtax pursuant to s.
92 212.055(2) for improvements to the State Highway System which
93 are included in the local metropolitan planning organization's
94 or the department's long-range transportation plans shall be
95 excluded from the calculation of the statewide limit of project
96 advances.

97 (d) The department may enter into agreements under this
98 subsection with Nassau County for a project or project phase not
99 included in the adopted work program. As used in this paragraph,
100 the term "project phase" means acquisition of rights-of-way,
101 construction, construction inspection, and related support
102 phases. The project or project phase must be a high priority of
103 Nassau County. Reimbursement for a project or project phase must
104 be made from funds appropriated by the Legislature pursuant to
105 s. 339.135(5). All other provisions of this subsection apply to
106 agreements entered into under this paragraph. The total amount
107 of project agreements for projects or project phases not
108 included in the adopted work program authorized by this
109 paragraph may not at any time exceed \$200 million. The project
110 must be included in Nassau County's adopted comprehensive plan.
111 The department is authorized to enter into long-term repayment
112 agreements of up to 30 years.

113 (5) The department and the governing body of a
114 governmental entity may enter into an agreement by which the
115 governmental entity agrees to perform a highway project or
116 project phase in the department's adopted work program that is
117 not revenue producing or any public transportation project in
118 the adopted work program. By specific provision in the written
119 agreement between the department and the governing body of the
120 governmental entity, the department may agree to reimburse the
121 governmental entity the actual cost for the project or project
122 phase contained in the adopted work program. Reimbursement to
123 the governmental entity for such project or project phases must
124 be made from funds appropriated by the Legislature, and
125 reimbursement for the cost of the project or project phase is to
126 begin in the year the project or project phase is scheduled in
127 the work program as of the date of the agreement.

128 (6) The department may propose and obtain the designation
129 of any project or project phase to be constructed as a federal-
130 aid project and obtain reimbursement from the United States in
131 accordance with existing regulations. If federal-aid funds are
132 used, governmental entities other than the department are
133 prohibited from performing projects or project phases authorized
134 in subsection (5), unless the entity is qualified and authorized
135 by the Federal Highway Administration to perform the appropriate
136 project phase.

137 (7) The federal-aid money obtained under subsection (6)
138 shall first be applied to the completion of the project or
139 project phase for which the bonds have been voted, if the money
140 from the bonds is not sufficient therefor; and any residue shall

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141 | be expended in the acquisition of rights-of-way or the
142 | construction of any project or project phase that the department
143 | and the governing body of the governmental entity may agree
144 | upon.

145 | (8) The financial provisions of any agreement that are
146 | made in accordance with the provisions of this section shall be
147 | approved by the department comptroller.

148 | (9) Notwithstanding any other provision of law, prior to
149 | commencement of the project or project phase, governmental
150 | entities are authorized to release control of such contributions
151 | to the department, pursuant to a written agreement between the
152 | governmental entity and the department.

153 | Section 2. This act shall take effect July 1, 2009.