

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 2332

INTRODUCER: Senator Gardiner

SUBJECT: Transportation Corporations

DATE: March 15, 2010

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Meyer	TR	Favorable
2.			GO	
3.			TA	
4.				
5.				
6.				

I. Summary:

This bill repeals sections ss. 339.401 through 339.421, F.S., which create the “Florida Transportation Corporation Act.” This act was created in 1988 to allow certain corporations authorized by the Florida Department of Transportation (FDOT) to secure and obtain right-of-way for transportation systems and to assist in the planning and design of such systems. The act contains statutory provisions related to those corporations. According to FDOT, this act has never been used.

The bill also repeals s. 11.45(3)(m), F.S., authorizing the Auditor General to audit these corporations.

This bill substantially repeals the following sections of the Florida Statutes: 339.401, 339.402, 339.403, 339.404, 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411, 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419, 339.420, 339.421, and 11.45(3)(m).

II. Present Situation:

Sections 339.401 through 339.421, F.S., creates the “Florida Transportation Corporation Act.” This act was created in 1988 to allow certain nonprofit corporations authorized by FDOT to act in the department’s behalf in assisting with project planning and design, assembling right of way and financial support, and generally promoting projects included in the adopted five-year work program of the department.

Among the specific activities of transportation corporations authorized under Florida statute are:

- acquiring, holding, investing and administering property and transferring title to the FDOT for project development;
- performing preliminary and final alignment studies;
- receiving contributions of land for right-of-way, and cash donations to be applied to the purchase of right-of-way or design and construction projects; and,
- making official presentations to groups concerning the project an issuing press releases and promotional materials.

Florida transportation corporations cannot issue bonds and are not empowered to enter into construction contracts or to undertake construction. They are enabled to otherwise borrow money or accept donations to help defray expenses or needs associated with the corporation of the transportation project.

According to FDOT, this act has never been used. Section 11.45(3)(m), F.S., authorizes the Auditor General to audit corporations acting on behalf of FDOT pursuant to the Florida Transportation Corporation Act.

III. Effect of Proposed Changes:

The bill repeals the Florida Transportation Corporation Act in ss. 339.401 through 339.421, F.S. The bill also repeals s. 11.45(3)(m), F.S., authorizing the Auditor General to audit these corporations.

The bill has an effective date of July 1, 2010.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.