

CARLTON FIELDS

ATTORNEYS AT LAW

Public-Private Partnerships Authorized

In 2007, the Florida Legislature enacted HB 985, Section 334.30 (the "PPP Law"), authorizing public private partnerships (known as PPPs or P3s) to be pursued by the Florida Department of Transportation ("FDOT"). The bill was effective as of July 1, 2007.

One of the most important parts of the PPP Law is that it now authorizes FDOT to enter into PPPs to undertake projects that have not previously been included in FDOT's 5-year work program if the project (i) adds transportation capacity, (ii) costs more than \$500 million, and (iii) is included in FDOT's 10-year Strategic Intermodal Plan. The bill makes payments under PPP contracts first in line for funding within the annual work program and legislative appropriation processes. Up to 15 percent of the total federal and state funds from the State Transportation Trust Fund may be obligated to PPPs.

Additionally, except for the Florida Turnpike System, FDOT and Bridge and Expressway Authorities may lease existing toll facilities to private partners for up to 75 years, or even longer with Legislative approval. Finally, FDOT may develop new toll facilities or increase capacity on existing toll facilities through PPPs.

If you would like to learn more about the use of PPPs in Florida, please contact Josh Markus and Nancy Linnan. A description of the Carlton Fields' PPP team as well as its members is located at www.carltonfields.com/publicprivatepartnerships.



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