

By Representative Kyle

1 A bill to be entitled
 2 An act relating to transportation; amending s.
 3 334.30, F.S.; providing for public-private
 4 transportation facilities; eliminating the
 5 requirement that the Legislature approve such
 6 facilities; providing requirements for the use
 7 of funds from the State Transportation Trust
 8 Fund; providing requirements with respect to
 9 proposals; providing for specific project
 10 approval by the Legislature for certain
 11 projects; authorizing the Department of
 12 Transportation to create certain corporations
 13 to shield the state from possible financial
 14 risks for projects; authorizing the department
 15 to lend certain funds to such corporations;
 16 providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Section 334.30, Florida Statutes, is
 21 amended to read:

22 334.30 Public-private ~~Private~~ transportation
 23 facilities.--The Legislature hereby finds and declares that
 24 there is a public need for rapid construction of safe and
 25 efficient transportation facilities for the purpose of travel
 26 within the state, and that it is in the public's interest to
 27 provide for public-private partnership agreements to
 28 effectuate the construction of additional safe, convenient,
 29 and economical transportation facilities.

30 (1) The department may receive or solicit proposals
 31 and, ~~with legislative approval by a separate bill for each~~

1 ~~facility,~~ enter into agreements with private entities, or
2 consortia thereof, for the building, operation, ownership, or
3 financing of transportation facilities. The department is
4 authorized to adopt rules to implement this section and shall
5 by rule establish an application fee for the submission of
6 proposals under this section. The fee must be sufficient to
7 pay the costs of evaluating the proposals. The department may
8 engage the services of private consultants to assist in the
9 evaluation. Before ~~seeking legislative~~ approval, the
10 department must determine that the proposed project:

11 (a) Is in the public's best interest. ~~†~~

12 (b) Would not require state funds to be used unless
13 there is an overriding state interest; however, the department
14 may use state resources for a transportation facility project
15 that is on the State Highway System or that provides for
16 increased mobility on the state's transportation system. ~~and~~

17 (c) Would have adequate safeguards in place to ensure
18 that no additional costs or service disruptions would be
19 realized by the traveling public and citizens of the state in
20 the event of default or cancellation of the agreement by the
21 department.

22
23 ~~The department shall ensure that all reasonable costs to the~~
24 ~~state and substantially affected local governments and~~
25 ~~utilities, related to the private transportation facility, are~~
26 ~~borne by the private entity.~~

27 (2) The use of funds from the State Transportation
28 Trust Fund is limited to advancing projects already programmed
29 in the adopted 5-year work program or to no more than a
30 statewide total of \$50 million in capital costs for all
31 projects not programmed in the adopted 5-year work program.

1 (3) The department may request proposals for
2 public-private transportation projects or, if the department
3 receives a proposal, shall publish a notice in the Florida
4 Administrative Weekly and a newspaper of general circulation
5 at least once a week for 2 weeks, stating that the department
6 has received the proposal and will accept, for 60 days after
7 the initial date of publication, other proposals for the same
8 project purpose. A copy of the notice must be mailed to each
9 local government in the affected area. Notwithstanding any
10 other provision of law, entities selected by the department in
11 this manner shall be deemed to have complied with all open
12 competition provisions of law.

13 (4) The department shall not commit funds in excess of
14 the limitation in subsection (2) without specific project
15 approval by the Legislature.

16 (5)~~(2)~~ Agreements entered into pursuant to this
17 section may authorize the private entity to impose tolls or
18 fares for the use of the facility. However, the amount and
19 use of toll or fare revenues may be regulated by the
20 department to avoid unreasonable costs to users of the
21 facility.

22 (6)~~(3)~~ Each ~~private~~ transportation facility
23 constructed pursuant to this section shall comply with all
24 requirements of federal, state, and local laws; state,
25 regional, and local comprehensive plans; department rules,
26 policies, procedures, and standards for transportation
27 facilities; and any other conditions which the department
28 determines to be in the public's best interest.

29 (7)~~(4)~~ The department may exercise any power possessed
30 by it, including eminent domain, with respect to the
31 development and construction of state transportation projects

1 to facilitate the development and construction of
2 transportation projects pursuant to this section. For
3 public-private facilities located on the State Highway System,
4 the department may pay all or part of the cost of operating
5 and maintaining the facility. For facilities not located on
6 the State Highway System,the department may provide services
7 to the private entity and agreements for maintenance, law
8 enforcement, and other services ~~entered into pursuant to this~~
9 ~~section~~ shall provide for full reimbursement for services
10 rendered.

11 ~~(8)(5)~~ Except as herein provided, the provisions of
12 this section are not intended to amend existing laws by
13 granting additional powers to, or further restricting, local
14 governmental entities from regulating and entering into
15 cooperative arrangements with the private sector for the
16 planning, construction, and operation of transportation
17 facilities.

18 (9) The department shall have the authority to create
19 or assist in the creation of tax-exempt, public-purpose
20 chapter 63-20 corporations as provided for under the Internal
21 Revenue Code for the purpose of shielding the state from
22 possible financing risks for projects under this section.
23 Chapter 63-20 corporations may receive State Transportation
24 Trust Fund grants from the department. The department shall be
25 empowered to enter into public-private partnership agreements
26 with chapter 63-20 corporations for projects under this
27 section.

28 (10) The department may lend funds from the Toll
29 Facilities Revolving Trust Fund, as outlined in s. 338.251, to
30 chapter 63-20 corporations that propose projects containing
31 toll facilities. To be eligible, the chapter 63-20 corporation

1 must meet the provisions of s. 338.251 and must also provide
2 credit support, such as a letter of credit or other means
3 acceptable to the department, to ensure the loans will be
4 repaid as required by law.

5 (11)~~(6)~~ Notwithstanding s. 341.327, a fixed-guideway
6 transportation system authorized by the department to be
7 wholly or partially within the department's right-of-way
8 pursuant to a lease granted under s. 337.251 may operate at
9 any safe speed.

10 Section 2. This act shall take effect upon becoming a
11 law.

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13 HOUSE SUMMARY

14 Provides for public-private transportation facilities.
15 Deletes the requirement for legislative approval of such
16 facilities, provides requirements for the use of funds
17 from the State Transportation Trust Fund, and provides
18 requirements with respect to proposals. Provides for
19 specific project approval by the Legislature. See bill
20 for details.