

By Senator Constantine

22-944A-03

1                                   A bill to be entitled  
 2           An act relating to brownfield loan guarantees;  
 3           amending s. 376.86, F.S.; revising certain  
 4           restrictions on investing funds maintained in  
 5           the Nonmandatory Land Reclamation Trust Fund;  
 6           providing for a schedule for legislative review  
 7           of the Brownfield Areas Loan Guarantee Program;  
 8           providing an effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

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 12           Section 1. Subsections (3) and (8) of section 376.86,  
 13 Florida Statutes, are amended to read:

14           376.86 Brownfield Areas Loan Guarantee Program.--

15           (3) The council may enter into an investment agreement  
 16 with the Department of Environmental Protection and the State  
 17 Board of Administration concerning the ~~investment of the~~  
 18 ~~earnings accrued and collected upon the~~ investment of the  
 19 balance of funds maintained in the Nonmandatory Land  
 20 Reclamation Trust Fund. The investment must be limited as  
 21 follows:

22           (a) Not more than \$5 million of the ~~investment~~  
 23 ~~earnings earned on the investment of the minimum~~ balance of  
 24 the Nonmandatory Land Reclamation Trust Fund in a fiscal year  
 25 may be at risk at any time on loan guarantees or as loan loss  
 26 reserves. Of that amount, 15 percent shall be reserved for  
 27 investment agreements involving predominantly minority-owned  
 28 businesses which meet the requirements of subsection (4).

29           (b) Such funds at risk at any time ~~The investment~~  
 30 ~~earnings~~ may not be used to guarantee any loan guaranty or  
 31 loan loss reserve agreement for a period longer than 5 years.

1 (8) The council shall provide an annual report to the  
 2 Legislature by February 1 of each year describing its  
 3 activities and agreements approved relating to redevelopment  
 4 of brownfield areas. The provisions of this section pledging  
 5 portions of the Nonmandatory Land Reclamation Trust Fund as a  
 6 contingency on loan guarantees made pursuant to this section  
 7 shall be reviewed by the Legislature by January 1, 2006, to  
 8 determine the ability of that trust fund to continue serving  
 9 as a contingency fund on loan guarantees. New loan guarantees  
 10 may not be approved in 2006 until the review by the  
 11 Legislature has been completed and a determination made as to  
 12 an appropriate trust fund to serve as a contingency fund on  
 13 loan guarantees. This section shall be reviewed by the  
 14 Legislature by January 1, 2006 ~~October 1, 2003~~, and a  
 15 determination made related to the need to continue or modify  
 16 this section. New loan guarantees may not be approved in 2006  
 17 ~~2003~~ until the review by the Legislature has been completed  
 18 and a determination has been made as to the feasibility of  
 19 continuing the use of the Nonmandatory Land Reclamation Trust  
 20 Fund to guarantee portions of loans under this section.

21 Section 2. This act shall take effect upon becoming a  
 22 law.  
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25 SENATE SUMMARY

26 Provides that a portion of the balance of funds rather  
 27 than accrued earnings in the Nonmandatory Land  
 28 Reclamation Trust Fund may be used as loan guarantees for  
 29 certain investment agreements. Requires that the  
 30 Legislature review the Brownfield Areas Loan Guarantee  
 31 Program by January 1, 2006.