

By Senator Constantine

22-154-04

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:

11
12 Section 1. Subsections (3) and (8) of section 376.86,
13 Florida Statutes, as amended by section 56 of chapter
14 2003-399, Laws of Florida, are amended to read:

15 376.86 Brownfield Areas Loan Guarantee Program.--

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

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

30
31

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

4 (8) The council shall provide an annual report to the
5 Legislature by February 1 of each year describing its
6 activities and agreements approved relating to redevelopment
7 of brownfield areas. By January 1, 2007, the Legislature shall
8 review the provisions of this section which pledge portions of
9 the Nonmandatory Land Reclamation Trust Fund as a contingency
10 on loan guarantees made pursuant to this section in order to
11 determine the ability of that trust fund to continue serving
12 as a contingency fund on loan guarantees. New loan guarantees
13 may not be approved in 2007 until the review by the
14 Legislature has been completed and a determination made as to
15 an appropriate trust fund to serve as a contingency fund on
16 loan guarantees. This section shall be reviewed by the
17 Legislature by January 1, 2007 ~~October 1, 2003~~, and a
18 determination made related to the need to continue or modify
19 this section. New loan guarantees may not be approved in 2007
20 ~~2003~~ until the review by the Legislature has been completed
21 and a determination has been made as to the feasibility of
22 continuing the use of the Nonmandatory Land Reclamation Trust
23 Fund to guarantee portions of loans under this section.

24 Section 2. This act shall take effect July 1, 2004.

25
26 *****

27 SENATE SUMMARY

28 Provides that a portion of the balance of funds rather
29 than accrued earnings in the Nonmandatory Land
30 Reclamation Trust Fund may be used as loan guarantees for
31 certain investment agreements. Requires that the
Legislature review the Brownfield Areas Loan Guarantee
Program by January 1, 2007.