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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
04/29/2009 03:01 PM	.	05/01/2009 12:45 PM
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Senator King moved the following:

**Senate Amendment (with title amendment)**

Between lines 1006 and 1007  
insert:

Section 19. Subsection (1) of section 334.30, Florida Statutes, is amended to read:

334.30 Public-private transportation facilities.—The Legislature finds and declares that there is a public need for the rapid construction of safe and efficient transportation facilities for the purpose of traveling within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical



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13 transportation facilities.

14 (1) The department may receive or solicit proposals and,  
15 with legislative approval as evidenced by approval of the  
16 project in the department's work program, enter into agreements  
17 with private entities, or consortia thereof, for the building,  
18 operation, ownership, or financing of transportation facilities.  
19 The department may advance projects programmed in the adopted 5-  
20 year work program or projects increasing transportation capacity  
21 and greater than \$500 million in the 10-year Strategic  
22 Intermodal Plan using funds provided by public-private  
23 partnerships or private entities to be reimbursed from  
24 department funds for the project as programmed in the adopted  
25 work program. The department shall by rule establish an  
26 application fee for the submission of unsolicited proposals  
27 under this section. The fee must be sufficient to pay the costs  
28 of evaluating the proposals. The department may engage the  
29 services of private consultants to assist in the evaluation.  
30 Before approval, the department must determine that the proposed  
31 project:

32 (a) Is in the public's best interest;

33 (b) Would not require state funds to be used unless the  
34 project is on the State Highway System;

35 (c) Would have adequate safeguards in place to ensure that  
36 no additional costs or service disruptions would be realized by  
37 the traveling public and residents of the state in the event of  
38 default or cancellation of the agreement by the department;

39 (d) Would have adequate safeguards in place to ensure that  
40 the department or the private entity has the opportunity to add  
41 capacity to the proposed project and other transportation



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42 facilities serving similar origins and destinations; and  
43 (e) Would be owned by the department upon completion or  
44 termination of the agreement.  
45

46 The department shall ensure that all reasonable costs to  
47 the state, related to transportation facilities that are not  
48 part of the State Highway System, are borne by the private  
49 entity. The department shall also ensure that all reasonable  
50 costs to the state and substantially affected local governments  
51 and utilities, related to the private transportation facility,  
52 are borne by the private entity for transportation facilities  
53 that are owned by private entities. For projects on the State  
54 Highway System, the department may use state resources to  
55 participate in funding and financing the project as provided for  
56 under the department's enabling legislation. Because the  
57 Legislature recognizes that private entities or consortia  
58 thereof would perform a governmental or public purpose or  
59 function when they enter into agreements with the department to  
60 design, build, operate, own, or finance transportation  
61 facilities, the transportation facilities, including leasehold  
62 interests thereof, are exempt from ad valorem taxes as provided  
63 in chapter 196 to the extent property is owned by the state or  
64 other government entity, and from intangible taxes as provided  
65 in chapter 199 and special assessments of the state, any city,  
66 town, county, special district, political subdivision of the  
67 state, or any other governmental entity. The private entities or  
68 consortia thereof are exempt from tax imposed by chapter 201 on  
69 all documents or obligations to pay money which arise out of the  
70 agreements to design, build, operate, own, lease, or finance



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71 transportation facilities. Any private entities or consortia  
72 thereof must pay any applicable corporate taxes as provided in  
73 chapters 220 and 221, and unemployment compensation taxes as  
74 provided in chapter 443, and sales and use tax as provided in  
75 chapter 212 shall be applicable. The private entities or  
76 consortia thereof must also register and collect the tax imposed  
77 by chapter 212 on all their direct sales and leases that are  
78 subject to tax under chapter 212. The agreement between the  
79 private entity or consortia thereof and the department  
80 establishing a transportation facility under this chapter  
81 constitute documentation sufficient to claim any exemption under  
82 this section.

83  
84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete line 104

87 and insert:

88 the commission; amending s. 334.30, F.S.; exempting certain  
89 public-private transportation facilities from certain specified  
90 taxes and special assessments; excluding certain taxes from such  
91 exemption; providing an effective date.