

By the Committees on Finance and Tax; and Transportation; and  
Senators Hill and Lynn

593-05679-09

20092248c2

1                   A bill to be entitled  
2           An act relating to the taxation of public-private  
3           transportation facilities; amending s. 334.30, F.S.;  
4           exempting certain public-private transportation  
5           facilities from certain specified taxes and special  
6           assessments; excluding certain taxes from such  
7           exemption; providing an effective date.  
8

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

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

13           334.30 Public-private transportation facilities.—The  
14           Legislature finds and declares that there is a public need for  
15           the rapid construction of safe and efficient transportation  
16           facilities for the purpose of traveling within the state, and  
17           that it is in the public's interest to provide for the  
18           construction of additional safe, convenient, and economical  
19           transportation facilities.

20           (1) The department may receive or solicit proposals and,  
21           with legislative approval as evidenced by approval of the  
22           project in the department's work program, enter into agreements  
23           with private entities, or consortia thereof, for the building,  
24           operation, ownership, or financing of transportation facilities.  
25           The department may advance projects programmed in the adopted 5-  
26           year work program or projects increasing transportation capacity  
27           and greater than \$500 million in the 10-year Strategic  
28           Intermodal Plan using funds provided by public-private  
29           partnerships or private entities to be reimbursed from

593-05679-09

20092248c2

30 department funds for the project as programmed in the adopted  
31 work program. The department shall by rule establish an  
32 application fee for the submission of unsolicited proposals  
33 under this section. The fee must be sufficient to pay the costs  
34 of evaluating the proposals. The department may engage the  
35 services of private consultants to assist in the evaluation.  
36 Before approval, the department must determine that the proposed  
37 project:

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

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

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

45 (d) Would have adequate safeguards in place to ensure that  
46 the department or the private entity has the opportunity to add  
47 capacity to the proposed project and other transportation  
48 facilities serving similar origins and destinations; and

49 (e) Would be owned by the department upon completion or  
50 termination of the agreement.

51  
52 The department shall ensure that all reasonable costs to the  
53 state, related to transportation facilities that are not part of  
54 the State Highway System, are borne by the private entity. The  
55 department shall also ensure that all reasonable costs to the  
56 state and substantially affected local governments and  
57 utilities, related to the private transportation facility, are  
58 borne by the private entity for transportation facilities that

593-05679-09

20092248c2

59 are owned by private entities. For projects on the State Highway  
60 System, the department may use state resources to participate in  
61 funding and financing the project as provided for under the  
62 department's enabling legislation. Because the Legislature  
63 recognizes that private entities or consortia thereof would  
64 perform a governmental or public purpose or function when they  
65 enter into agreements with the department to design, build,  
66 operate, own, or finance transportation facilities, the  
67 transportation facilities, including leasehold interests  
68 thereof, are exempt from ad valorem taxes as provided in chapter  
69 196 to the extent property is owned by the state or other  
70 government entity, and from intangible taxes as provided in  
71 chapter 199 and special assessments of the state, any city,  
72 town, county, special district, political subdivision of the  
73 state, or any other governmental entity. The private entities or  
74 consortia thereof are exempt from tax imposed by chapter 201 on  
75 all documents or obligations to pay money which arise out of the  
76 agreements to design, build, operate, own, lease, or finance  
77 transportation facilities. Any private entities or consortia  
78 thereof must pay any applicable corporate taxes as provided in  
79 chapters 220 and 221, and unemployment compensation taxes as  
80 provided in chapter 443, and sales and use tax as provided in  
81 chapter 212 shall be applicable. The private entities or  
82 consortia thereof must also register and collect the tax imposed  
83 by chapter 212 on all their direct sales and leases that are  
84 subject to tax under chapter 212. The agreement between the  
85 private entity or consortia thereof and the department  
86 establishing a transportation facility under this chapter  
87 constitute documentation sufficient to claim any exemption under

593-05679-09

20092248c2

88 this section.

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