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LEGISLATIVE ACTION

Senate

.

House

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Floor: WD/3R

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04/27/2009 02:48 PM

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Senator Aronberg moved the following:

Senate Amendment (with title amendment)

Between lines 653 and 654

insert:

Section 16. Paragraph (a) of subsection (9) of section
348.0004, Florida Statutes, is amended to read:

348.0004 Purposes and powers.—

(9) The Legislature declares that there is a public need
for the rapid construction of safe and efficient transportation
facilities for traveling within the state and that it is in the
public's interest to provide for public-private partnership
agreements to effectuate the construction of additional safe,



681540

13 convenient, and economical transportation facilities.

14 (a) Notwithstanding any other provision of the Florida
15 Expressway Authority Act, any expressway authority,
16 transportation authority, bridge authority, or toll authority
17 may receive or solicit proposals and enter into agreements with
18 private entities, or consortia thereof, for the building,
19 operation, ownership, or financing of authority transportation
20 facilities, subject to the approval of the Legislature, for any
21 newly constructed facility or new transportation facilities
22 within the jurisdiction of the authority which increase
23 transportation capacity. An authority may not sell or lease any
24 transportation facility owned by the authority, without
25 providing the analysis required in s. 334.30(6)(e)2. to the
26 Legislative Budget Commission created pursuant to s. 11.90 for
27 review and approval prior to awarding a contract on a lease of
28 an existing toll facility. An authority is authorized to adopt
29 rules to implement this subsection and shall, by rule, establish
30 an application fee for the submission of unsolicited proposals
31 under this subsection. The fee must be sufficient to pay the
32 costs of evaluating the proposals. An authority may engage
33 private consultants to assist in the evaluation. Before
34 approval, an authority must determine that a proposed project:

35 1. Is in the public's best interest.

36 2. Would not require state funds to be used unless the
37 project is on or provides increased mobility on the State
38 Highway System.

39 3. Would have adequate safeguards to ensure that no
40 additional costs or service disruptions would be realized by the
41 traveling public and residents of the state in the event of



681540

42 default or the cancellation of the agreement by the authority.

43 4. Would have adequate safeguards in place to ensure that
44 the department, the authority, or the private entity has the
45 opportunity to add capacity to the proposed project and other
46 transportation facilities serving similar origins and
47 destinations.

48 5. Would be owned by the authority upon completion or
49 termination of the agreement.

50
51 ===== T I T L E A M E N D M E N T =====

52 And the title is amended as follows:

53 Delete line 71

54 and insert:

55 F.S.; providing a definition for "backlog"; amending
56 s. 348.0004, F.S.; authorizing any expressway
57 authority, transportation authority, bridge authority,
58 or toll authority, subject to the approval of the
59 Legislature, for any newly constructed facility, to
60 receive or solicit proposals and enter into agreements
61 with private entities, or consortia thereof, for the
62 building, operation, ownership, or financing of
63 authority transportation facilities; providing