

By Senator Aronberg

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1 A bill to be entitled

2 An act relating to transportation facilities; amending
3 s. 334.30, F.S.; deleting a provision authorizing the
4 Department of Transportation to lease existing toll
5 facilities through public-private partnerships;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (2) of section 334.30, Florida
11 Statutes, is amended to read:

12 334.30 Public-private transportation facilities.—The
13 Legislature finds and declares that there is a public need for
14 the rapid construction of safe and efficient transportation
15 facilities for the purpose of traveling within the state, and
16 that it is in the public's interest to provide for the
17 construction of additional safe, convenient, and economical
18 transportation facilities.

19 (2) Agreements entered into pursuant to this section may
20 authorize the private entity to impose tolls or fares for the
21 use of the facility. The following provisions shall apply to
22 such agreements:

23 ~~(a) With the exception of the Florida Turnpike System, the~~
24 ~~department may lease existing toll facilities through public-~~
25 ~~private partnerships. The public-private partnership agreement~~
26 ~~must ensure that the transportation facility is properly~~
27 ~~operated, maintained, and renewed in accordance with department~~
28 ~~standards.~~

29 (a) ~~(b)~~ The department may develop new toll facilities or

27-00131-10

2010106__

30 increase capacity on existing toll facilities through public-
31 private partnerships. The public-private partnership agreement
32 must ensure that the toll facility is properly operated,
33 maintained, and renewed in accordance with department standards.

34 (b)~~(e)~~ Any toll revenues shall be regulated by the
35 department pursuant to s. 338.165(3). The regulations governing
36 the future increase of toll or fare revenues shall be included
37 in the public-private partnership agreement.

38 (c)~~(d)~~ The department shall provide the analysis required
39 in subparagraph (6)(e)2. to the Legislative Budget Commission
40 created pursuant to s. 11.90 for review and approval prior to
41 awarding a contract on a lease of an existing toll facility.

42 (d)~~(e)~~ The department shall include provisions in the
43 public-private partnership agreement that ensure a negotiated
44 portion of revenues from tolled or fare generating projects are
45 returned to the department over the life of the public-private
46 partnership agreement. In the case of a lease of an existing
47 toll facility, the department shall receive a portion of funds
48 upon closing on the agreements and shall also include provisions
49 in the agreement to receive payment of a portion of excess
50 revenues over the life of the public-private partnership.

51 (e)~~(f)~~ The private entity shall provide an investment grade
52 traffic and revenue study prepared by an internationally
53 recognized traffic and revenue expert that is accepted by the
54 national bond rating agencies. The private entity shall also
55 provide a finance plan that identifies the project cost,
56 revenues by source, financing, major assumptions, internal rate
57 of return on private investments, and whether any government
58 funds are assumed to deliver a cost-feasible project, and a

27-00131-10

2010106__

59 total cash flow analysis beginning with implementation of the
60 project and extending for the term of the agreement.

61 Section 2. This act shall take effect July 1, 2010.