



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Appropriations Subcommittee on  
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Judiciary  
Rules  
Joint Legislative Budget Commission

## SENATOR ANITERE FLORES

*President Pro Tempore*  
39th District

February 24, 2017

Mr. William Spivey  
Executive Director  
Florida Development Finance Corporation  
800 North Magnolia Avenue, Suite 1100  
Orlando, FL 32803

Dear Mr. Spivey:

As the Chair of the Senate Banking and Insurance Committee, it is my responsibility to ensure that there is due diligence around financial matters that impact the people of the State of Florida.

It has come to my attention that the Florida Development Finance Corporation (FDFC) acted as a bond issuer in the approval of a new \$600 million Private Activity Bond (PAB) application for the All Aboard Florida (AAF) passenger rail project.

As you are aware, AAF submitted this new \$600 million application to the United States Department of Transportation (DOT) on September 30, 2016, 45 days after U.S. District Court Judge Christopher Cooper issued a ruling adverse to AAF and the DOT in a federal lawsuit challenging AAF's original \$1.75 billion PAB application.

Of note, on November 28, 2016, almost two months after the new application was submitted, and in advance of a final ruling by Judge Cooper, the AAF and the DOT filed motions announcing the withdrawal of the \$1.75 billion allocation that was intended to fund both phases of the AAF project.

I have a few questions that will help me better understand the role of the FDFC in reviewing this new \$600 million application:

1. As the bond issuer to this new \$600 million application, did the FDFC take the position that AAF can simply rely upon previous FDFC actions taken with respect to the AAF bonding process?
2. Is it the position of the FDFC that the August 5, 2015 Resolution pertaining the \$1.75 billion allocation can be transferred to the new \$600 million PAB application without any additional consideration by the FDFC board?

As noted above, I am seeking to better understand what the FDFC believes its role is in AAF's new PAB application. Based on DOT's recent approval of this \$600 million allocation, I am concerned that the FDFC has informally agreed that it can simply transfer its previous actions and approvals to the new application, without any further consideration of the economic and social impacts of the project it would help fund.

I greatly appreciate you taking the time to address my questions, as I strive to better understand these important issues that affect the people of the State of Florida.

Thank you in advance for your response.

Sincerely,



Senator Anitere Flores

REPLY TO:

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**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore