

1 A bill to be entitled
2 An act relating to Southwest Florida
3 transportation; creating pt. X of ch. 348,
4 F.S., consisting of ss. 348.993, 348.9931,
5 348.9932, 348.9933, 348.9934, 348.9935,
6 348.9936, 348.9938, 348.9939, 348.994,
7 348.9941, 348.9942, 348.9943, 348.9944,
8 348.9945, and 348.9946, F.S., titled "Southwest
9 Florida Expressway Authority"; providing a
10 popular name; providing definitions; creating
11 the Southwest Florida Expressway Authority
12 encompassing Collier and Lee Counties;
13 providing for a governing body of the
14 authority; providing for membership;
15 establishing a process for Charlotte County to
16 participate in the authority; providing
17 purposes and powers; providing for the
18 Southwest Florida Transportation System;
19 requiring the approval of specified county
20 commissions before approval of a project within
21 the geographical boundaries of those counties;
22 prohibiting authority involvement with a
23 certain road development; providing for
24 procurement; providing bond financing authority
25 for improvements; providing for bonds of the
26 authority; providing for fiscal agents;
27 providing the State Board of Administration may
28 act as fiscal agent; providing for certain
29 financial agreements; providing for
30 lease-purchase agreement with the Department of
31 Transportation; providing the department may be

1 appointed agent of authority for construction;
 2 providing for acquisition of lands and
 3 property; providing for cooperation with other
 4 units, boards, agencies, and individuals;
 5 providing covenant of the state; providing for
 6 exemption from taxation; providing for
 7 eligibility for investments and security;
 8 providing pledges shall be enforceable by
 9 bondholders; providing for construction and
 10 application; providing for future expiration of
 11 the act; providing a contingent effective date.
 12

13 Be It Enacted by the Legislature of the State of Florida:
 14

15 Section 1. Part X of chapter 348, Florida Statutes,
 16 consisting of sections 348.993, 348.9931, 348.9932, 348.9933,
 17 348.9934, 348.9935, 348.9936, 348.9937, 348.9938, 348.9939,
 18 348.994, 348.9941, 348.9942, 348.9943, 348.9944, 348.9945, and
 19 348.9946, is created to read:

20 Part X

21 Southwest Florida Expressway Authority

22 348.993 Popular name.--This part may be referred to by
 23 the popular name the "Southwest Florida Expressway Authority
 24 Law."

25 348.9931 Definitions.--The following terms, whenever
 26 used or referred to in this part, shall have the following
 27 meanings, except in those instances where the context clearly
 28 indicates otherwise:

29 (1) "Agency of the state" means and includes the state
 30 and any department of, or corporation, agency, or
 31

1 instrumentality heretofore or hereafter created, designated,
2 or established by, the state.

3 (2) "Authority" means the body politic and corporate,
4 and agency of the state, created by this part.

5 (3) "Bonds" means and includes the notes, bonds,
6 refunding bonds, or other evidences of indebtedness or
7 obligations, in either temporary or definitive form, which the
8 authority is authorized to issue pursuant to this part.

9 (4) "County" means the Counties of Collier and Lee.

10 (5) "DBOM contract" means the document and all
11 concomitant rights approved by the authority providing the
12 selected person or entity the exclusive right to design,
13 build, operate, and maintain the Southwest Florida
14 Transportation System.

15 (6) "DBOMF contract" means the document and all
16 concomitant rights approved by the authority providing the
17 selected person or entity the exclusive right to design,
18 build, operate, maintain, and finance all or a portion of the
19 Southwest Florida Transportation System.

20 (7) "Department" means the Department of
21 Transportation existing under chapters 334-339.

22 (8) "Expressway" is the same as limited access
23 expressway.

24 (9) "Federal agency" means and includes the United
25 States, the President of the United States, or any department
26 of, or corporation, agency, or instrumentality heretofore or
27 hereafter created, designated, or established by, the United
28 States.

29 (10) "Lease-purchase agreement" means the
30 lease-purchase agreements which the authority is authorized
31

1 pursuant to this part to enter into with the Department of
2 Transportation.

3 (11) "Limited access expressway" means a street or
4 highway especially designed for through traffic and over,
5 from, or to which no person shall have the right of easement,
6 use, or access except in accordance with the rules and
7 regulations promulgated and established by the authority for
8 the use of such facility. Such highways or streets may be
9 parkways, from which trucks, buses, and other commercial
10 vehicles shall be excluded, or they may be freeways open to
11 use by all customary forms of street and highway traffic.

12 (12) "Members" means the governing body of the
13 authority, and the term "member" means one of the individuals
14 constituting such governing body.

15 (13) "Proposed project" means a facility which, if
16 constructed, will become part of the Southwest Florida
17 Transportation System, and it shall identify the general
18 corridor and alignment of the facility and its limits.
19 Further, it shall mean a project or projects which are in the
20 long-range transportation plan of Lee County or Collier
21 County, or both plans if the proposed project is to be located
22 in both counties.

23 (14) "Southwest Florida Transportation System" means
24 all new expressways and additional lanes on Interstate Highway
25 75 in Lee and Collier Counties which are tolled as express
26 lanes and appurtenant facilities, including, but not limited
27 to, all approaches, roads, bridges, and avenues of access for
28 said expressway or expressways, whether tolled or nontolled,
29 or such other facility as the authority determines or
30 designates.

31

1 (15) "State Board of Administration" means the body
2 corporate existing under the provisions of s. 9, Art. XII of
3 the State Constitution, or any successor thereto.

4 (16) "System" means the Southwest Florida
5 Transportation System.

6
7 Words importing singular number include the plural number in
8 each case and vice versa, and words importing persons include
9 firms and corporations.

10 348.9932 Southwest Florida Expressway Authority.--

11 (1) There is hereby created and established a body
12 politic and corporate, an agency of the state, encompassing
13 Collier and Lee Counties, to be known as the Southwest Florida
14 Expressway Authority, hereinafter referred to as the
15 "authority."

16 (2) The governing body of the authority shall consist
17 of seven voting members and one nonvoting member, as set forth
18 in this subsection.

19 (a)1.a. One member who is a permanent resident of
20 Collier County and one member who is a permanent resident of
21 Lee County shall be appointed by the Governor to serve a term
22 of 4 years each. The Governor shall select his appointees from
23 a list submitted by the board of county commissioners of each
24 county, with each list recommending five candidates from their
25 respective county.

26 b. One member who is a permanent resident of Collier
27 County shall be appointed by the Board of County Commissioners
28 of Collier County and one member who is a permanent resident
29 of Lee County shall be appointed by the Board of County
30 Commissioners of Lee County, to serve a term of 4 years each.

31

1 2. Each member appointed under this paragraph shall be
2 a person of outstanding reputation for integrity,
3 responsibility, and business ability and shall have an
4 interest in ground transportation. No elected official and no
5 person who is an employee, in any capacity, of Collier County
6 or Lee County or of any city within Collier County or Lee
7 County shall be an appointed member of the authority except as
8 set forth in this section.

9 3. Each appointed member shall be a resident of his or
10 her respective county during his or her entire term.

11 4. Each appointed member shall be a voting member and
12 shall hold office until his or her successor has been
13 appointed and has qualified. A vacancy occurring during a term
14 shall be filled only for the remainder of the unexpired term.

15 (b) One member from Collier County and one member from
16 Lee County shall be selected by the members of the respective
17 county commission from among its members to serve as a voting
18 member for a term of 2 years each. Each commissioner must be a
19 member of the county commission when selected and for the full
20 extent of the term of this selection.

21 (c) The executive director of the Southwest Florida
22 Regional Planning Council shall serve as the seventh voting
23 member.

24 (d) The district secretary of the Department of
25 Transportation serving in the district that contains Collier
26 County and Lee County shall serve as a nonvoting member.

27 (e) Any member of the authority shall be eligible for
28 reappointment.

29 (3)(a) The authority shall elect one of its members as
30 chair of the authority. The authority shall also elect a
31 secretary and a treasurer who may or may not be members of the

1 authority. The chair, secretary, and treasurer shall hold such
2 offices at the will of the authority. Four members of the
3 authority shall constitute a quorum, and a vote of the
4 majority of those present shall be necessary for any action
5 taken by the authority. No vacancy in the authority shall
6 impair the right of a quorum of the authority to exercise all
7 of the rights and perform all of the duties of the authority.

8 (b) Upon the effective date of his or her appointment,
9 or as soon thereafter as practicable, each appointed member of
10 the authority shall enter upon his or her duties.

11 (4) If an expansion of the project into Charlotte
12 County is warranted and desirable as indicated by the adoption
13 of resolutions in support of the expansion by the authority
14 and by each Board of County Commissioners of Charlotte,
15 Collier, and Lee Counties, the membership of the authority
16 shall be expanded as set forth in this subsection. The
17 authority shall have nine voting members and two nonvoting
18 members. The executive director of the Southwest Florida
19 Regional Planning Council will shift from a voting member to a
20 nonvoting member. Three members from Charlotte County shall be
21 added to the authority and each shall be a voting member. The
22 Charlotte County members shall be selected in the same manner
23 as provided for the appointment of the members from Collier
24 and Lee Counties.

25 (5)(a) The authority may employ an executive director,
26 its own counsel and legal staff, technical experts, engineers,
27 and such employees, permanent or temporary, as it may require;
28 may determine the qualifications and fix the compensation of
29 such persons, firms, or corporations; and may employ a fiscal
30 agent or agents. The authority may delegate to one or more of
31 its agents or employees such of its power as it shall deem

1 necessary to carry out the purposes of this part, subject
2 always to the supervision and control of the authority.
3 Members of the authority may be removed from office by the
4 Governor for misconduct, malfeasance, misfeasance, or
5 nonfeasance in office.

6 (b) Members of the authority shall be entitled to
7 receive from the authority their travel and other necessary
8 expenses incurred in connection with the business of the
9 authority as provided in s. 112.061, but they shall draw no
10 salaries or other compensation.

11 348.9933 Purposes and powers.--

12 (1)(a) The authority created and established by the
13 provisions of this part is hereby granted and shall have the
14 right to acquire, hold, construct, improve, maintain, operate,
15 own, and lease, in the capacity of lessor, the Southwest
16 Florida Transportation System, hereinafter referred to as the
17 "system," unless precluded by state or federal law. This part
18 does not preclude the department from acquiring, holding,
19 constructing, improving, maintaining, operating, or owning the
20 tolled lanes on Interstate 75 or nontolled facilities that may
21 be part of the Southwest Florida Transportation System and
22 that are part of the State Highway System.

23 (b) It is the express intention of this part that said
24 authority, in the construction of said Southwest Florida
25 Transportation System, within the geographic boundaries of
26 Collier and Lee Counties, is limited to the pursuit of
27 additional lanes on Interstate Highway 75 within these
28 counties which are tolled as express lanes. Further, the
29 authority shall be authorized to construct any extensions,
30 additions, or improvements to said system or appurtenant
31 facilities, including all necessary approaches, roads,

1 bridges, and avenues of access, with such changes,
2 modifications, or revisions of said project as shall be deemed
3 desirable and proper with the concurrence of the respective
4 county commissions, and the department if the project is to be
5 part of the State Highway System. The responsibilities of the
6 authority will not be expanded to cover any other projects
7 beyond Interstate 75 toll lanes and appurtenant facilities
8 unless resolutions in support of such expansion or other
9 project are adopted by the Boards of County Commissioners of
10 Lee and Collier Counties and, if applicable, by the governing
11 body having jurisdiction of a road system if the project is to
12 become a part of that system.

13 (2) The authority is hereby granted and shall have and
14 may exercise all powers necessary, appurtenant, convenient, or
15 incidental to the carrying out of the aforesaid purposes,
16 including, but not limited to, the following rights and
17 powers:

18 (a) To sue and be sued, implead and be impleaded,
19 complain, and defend in all courts.

20 (b) To adopt, use, and alter at will a corporate seal.

21 (c) To acquire by donation or otherwise, purchase,
22 hold, lease as lessee, and use any franchise or property,
23 real, personal, or mixed, tangible or intangible, or any
24 options thereof in its own name or in conjunction with others,
25 or interest therein, necessary or desirable for carrying out
26 the purposes of the authority, and to sell, lease as lessor,
27 transfer, and dispose of any property or interest therein at
28 any time acquired by it.

29 (d) To enter into and make leases for terms it deems
30 necessary, as either lessee or lessor, in order to carry out
31 the right to lease as set forth in this part.

1 (e) To enter into and make lease-purchase agreements
2 with the department for terms it deems necessary or until any
3 bonds secured by a pledge of rentals thereunder, and any
4 refundings thereof, are fully paid as to both principal and
5 interest, whichever is longer.

6 (f) To fix, alter, charge, establish, and collect
7 rates, fees, rentals, and other charges for the services and
8 facilities of the Southwest Florida Transportation System,
9 which rates, fees, rentals, and other charges shall always be
10 sufficient to comply with any covenants made with the holders
11 of any bonds issued pursuant to this part; provided, however,
12 that such right and power may be assigned or delegated, by the
13 authority, to the department.

14 (g) To borrow money and make and issue negotiable
15 notes, bonds, refunding bonds, and other evidences of
16 indebtedness or obligations, either in temporary or definitive
17 form, hereinafter in this part sometimes called "bonds" of the
18 authority, for the purpose of financing all or part of the
19 improvement or extension of the Southwest Florida
20 Transportation System and appurtenant facilities, including
21 all approaches, streets, roads, bridges, and avenues of access
22 for said Southwest Florida Transportation System, and for any
23 other purpose authorized by this part; to secure the payment
24 of such bonds or any part thereof by a pledge of any or all of
25 its revenues, rates, fees, rentals, or other charges; and in
26 general to provide for the security of said bonds and the
27 rights and remedies of the holders thereof. The authority may
28 enter into an agreement between the authority and one or more
29 counties for the pledge of county gasoline tax funds, county
30 sales tax, or other county revenues to secure any bonds issued
31 for an authority project as authorized hereunder. In the event

1 the authority shall determine to fund or refund any bonds
2 theretofore issued by said authority, prior to the maturity
3 thereof, the proceeds of such funding or refunding bonds
4 shall, pending the prior redemption of the bonds to be funded
5 or refunded, be invested in direct obligations of the United
6 States, and it is the express intention of this part that such
7 outstanding bonds may be funded or refunded by the issuance of
8 bonds pursuant to this part.

9 (h) To make contracts of every name and nature,
10 including, but not limited to, partnerships providing for
11 participation in ownership and revenues, and to execute all
12 instruments necessary or convenient for the carrying on of its
13 business.

14 (i) Without limitation of the foregoing, to borrow
15 money and accept grants from, and to enter into contracts,
16 leases, or other transactions with, any federal agency, the
17 state, any agency of the state, Collier County, Lee County,
18 and any city within these two counties or with any other
19 public body of the state.

20 (j) To have the power of eminent domain, including the
21 procedural powers granted under chapters 73 and 74.

22 (k) To pledge, hypothecate, or otherwise encumber all
23 or any part of the revenues, rates, fees, rentals, or other
24 charges or receipts of the authority as security for all or
25 any of the obligations of the authority.

26 (l) To do all acts and things necessary or convenient
27 for the conduct of its business and the general welfare of the
28 authority in order to carry out the powers granted to it by
29 this part or any other law.

30 (m) With the consent of the county within whose
31 jurisdiction the following activities occur, to construct,

1 operate, and maintain roads, bridges, avenues of access,
2 thoroughfares, and boulevards outside the jurisdictional
3 boundaries of Collier and Lee Counties, together with the
4 right to construct, repair, replace, operate, install, and
5 maintain toll payment systems thereon, with all necessary and
6 incidental powers to accomplish the foregoing.

7 (3) The authority shall have no power at any time or
8 in any manner to pledge the credit or taxing power of the
9 state or any political subdivision or agency thereof,
10 including Collier and Lee Counties or any city within these
11 counties, nor shall any of the authority's obligations be
12 deemed to be obligations of the state or of any political
13 subdivision or agency thereof, nor shall the state or any
14 political subdivision or agency thereof, except the authority,
15 be liable for the payment of the principal of or interest on
16 such obligations unless agreed to by such entity.

17 (4) Notwithstanding the powers conferred herein,
18 before the authority proceeds with a proposed project either
19 the Lee County Commission or the Collier County Commission
20 must approve any proposed project for the system that may be
21 located within the geographical boundaries of that
22 commission's jurisdiction. A quorum must be present for a vote
23 of approval to take place. Such approval, by a majority vote
24 of those members present, must be obtained before the
25 authority can proceed with the preliminary design and
26 environmental study.

27 (5) The authority is precluded from involvement with
28 any future development of County Road 951.

29 348.9934 Procurement.--The authority is authorized to
30 procure commodities and the services of a qualified person or
31 entity to design, build, finance, operate, maintain, and

1 implement the Southwest Florida Transportation System,
2 including the use of a DBOM or DBOMF method using a request
3 for proposal, a request for qualifications, or an invitation
4 to negotiate.

5 348.9935 Bond financing authority for
6 improvements.--Pursuant to s. 11(f), Art. VII of the State
7 Constitution, the Legislature hereby approves for bond
8 financing by the Southwest Florida Expressway Authority
9 improvements to toll collection facilities, interchanges to
10 the legislatively approved regional transportation system, and
11 any other facility appurtenant, necessary, or incidental to
12 the approved system. Subject to terms and conditions of
13 applicable revenue bond resolutions and covenants, such costs
14 may be financed in whole or in part by revenue bonds issued
15 pursuant to s. 348.9936(1)(a) or (b) whether currently issued
16 or issued in the future, or by a combination of such bonds.

17 348.9936 Bonds of the authority.--

18 (1)(a) Bonds may be issued on behalf of the authority
19 pursuant to the State Bond Act.

20 (b) Alternatively, the authority may issue its own
21 bonds pursuant to this part at such times and in such
22 principal amount as, in the opinion of the authority, is
23 necessary to provide sufficient moneys for achieving its
24 purposes; however, such bonds may not pledge the full faith
25 and credit of the state. Bonds issued by the authority
26 pursuant to this paragraph or paragraph (a), whether on
27 original issuance or on refunding, shall be authorized by
28 resolution of the members thereof and may be either term or
29 serial bonds and shall bear such date or dates, mature at such
30 time or times, bear interest at such rate or rates, payable
31 semiannually, be in such denominations, be in such form,

1 either coupon or fully registered, carry such registration,
2 exchangeability, and interchangeability privileges, be payable
3 in such medium of payment and at such place or places, be
4 subject to such terms of redemption, and be entitled to such
5 priorities on the revenues, rates, fees, rentals, or other
6 charges or receipts of the authority, including any other
7 funds received by the authority pursuant to the terms of any
8 lease-purchase agreement between the authority and the
9 department, as such resolution or any resolution subsequent
10 thereto may provide. The bonds shall be executed either by
11 manual or facsimile signature by such officers as the
12 authority shall determine, provided that such bonds shall bear
13 at least one signature which is manually executed thereon, and
14 the coupons attached to such bonds shall bear the facsimile
15 signature or signatures of such officer or officers as shall
16 be designated by the authority and shall have the seal of the
17 authority affixed, imprinted, reproduced, or lithographed
18 thereon, all as may be prescribed in such resolution or
19 resolutions.

20 (c) Bonds issued pursuant to paragraph (a) or
21 paragraph (b) shall be sold at public sale in the same manner
22 provided by the State Bond Act. However, if the authority
23 shall, by official action at a public meeting, determine that
24 a negotiated sale of such bonds is in the best interest of the
25 authority, the authority may negotiate the sale of such bonds
26 with the underwriter or underwriters designated by the
27 authority and the Division of Bond Finance of the State Board
28 of Administration with respect to bonds issued pursuant to
29 paragraph (a) or solely the authority with respect to bonds
30 issued pursuant to paragraph (b). The authority's
31 determination to negotiate the sale of such bonds may be

1 based, in part, upon the written advice of the authority's
2 financial adviser. Pending the preparation of definitive
3 bonds, interim certificates may be issued to the purchaser or
4 purchasers of such bonds and may contain such terms and
5 conditions as the authority may determine.

6 (d) The authority may issue bonds pursuant to
7 paragraph (b) to refund any bonds previously issued regardless
8 of whether the bonds being refunded were issued by the
9 authority pursuant to this part or on behalf of the authority
10 pursuant to the State Bond Act.

11 (2) Any such resolution or resolutions authorizing any
12 bonds hereunder may contain provisions which shall be part of
13 the contract with the holders of such bonds, as to:

14 (a) The pledging of all or any part of the revenues,
15 rates, fees, rentals, or other charges or receipts of the
16 authority, derived by the authority, from the Southwest
17 Florida Transportation System.

18 (b) The completion, improvement, operation, extension,
19 maintenance, repair, lease, or lease-purchase agreement of
20 said system and the duties of the authority and others,
21 including the department, with reference thereto.

22 (c) Limitations on the purposes to which the proceeds
23 of the bonds, then or thereafter to be issued, or of any loan
24 or grant by the United States or the state may be applied.

25 (d) The fixing, charging, establishing, and collecting
26 of rates, fees, rentals, or other charges for use of the
27 services and facilities of the Southwest Florida
28 Transportation System or any part thereof.

29 (e) The setting aside of reserves or sinking funds or
30 repair and replacement funds and the regulation and
31 disposition thereof.

1 (f) Limitations on the issuance of additional bonds.

2 (g) The terms and provisions of any lease-purchase
3 agreement, deed of trust, or indenture securing the bonds or
4 under which the same may be issued.

5 (h) Any other or additional agreements with the
6 holders of the bonds which the authority may deem desirable
7 and proper.

8 (3) The authority may employ fiscal agents as provided
9 by this part, or the State Board of Administration may, upon
10 request of the authority, act as fiscal agent for the
11 authority in the issuance of any bonds which may be issued
12 pursuant to this part, and the State Board of Administration
13 may, upon request of the authority, take over the management,
14 control, administration, custody, and payment of any or all
15 debt services or funds or assets now or hereafter available
16 for any bonds issued pursuant to this part. The authority may
17 enter into any deeds of trust, indentures, or other agreements
18 with its fiscal agent, or with any bank or trust company
19 within or without the state, as security for such bonds and
20 may, under such agreements, sign and pledge all or any of the
21 revenues, rates, fees, rentals, or other charges or receipts
22 of the authority. Such deed of trust, indenture, or other
23 agreement may contain such provisions as are customary in such
24 instruments or, as the authority may authorize, including, but
25 without limitation, provisions as to:

26 (a) The completion, improvement, operation, extension,
27 maintenance, repair, and lease of, or lease-purchase agreement
28 relating to, the Southwest Florida Transportation System and
29 the duties of the authority and others, including the
30 department, with reference thereto.

31

1 (b) The application of funds and the safeguarding of
2 funds on hand or on deposit.

3 (c) The rights and remedies of the trustee and the
4 holders of the bonds.

5 (d) The terms and provisions of the bonds or the
6 resolutions authorizing the issuance of same.

7 (4) Any of the bonds issued pursuant to this part are,
8 and are hereby declared to be, negotiable instruments and
9 shall have all the qualities and incidents of negotiable
10 instruments under the law merchant and the negotiable
11 instruments law of the state.

12 (5) Notwithstanding any of the provisions of this
13 part, each project, building, or facility which has been
14 financed by the issuance of bonds or other evidence of
15 indebtedness under this part and any refinancing thereof is
16 hereby approved as provided for in s. 11(f), Art. VII of the
17 State Constitution.

18 348.9938 Lease-purchase agreement.--

19 (1) In order to effectuate the purposes of this part
20 and as authorized by this part, the authority may enter into a
21 lease-purchase agreement with the department relating to and
22 covering the Southwest Florida Transportation System.

23 (2) Such lease-purchase agreement shall provide for
24 the leasing of the Southwest Florida Transportation System by
25 the authority, as lessor, to the department, as lessee; shall
26 prescribe the term of such lease and the rentals to be paid
27 thereunder; and shall provide that upon the completion of the
28 faithful performance thereunder and the termination of such
29 lease-purchase agreement, title in fee simple absolute to the
30 Southwest Florida Transportation System as then constituted
31 shall be transferred in accordance with law by the authority

1 to the state and the authority shall deliver to the department
2 such deeds and conveyances as shall be necessary or convenient
3 to vest title in fee simple absolute in the state.

4 (3) Such lease-purchase agreement may include such
5 other provisions, agreements, and covenants as the authority
6 and the department deem advisable or required, including, but
7 not limited to, provisions as to the bonds to be issued under,
8 and for the purposes of, this part; the completion, extension,
9 improvement, operation, and maintenance of the Southwest
10 Florida Transportation System and the expenses and the cost of
11 operation of said authority; the charging and collection of
12 tolls, rates, fees, and other charges for the use of the
13 services and facilities thereof; the application of federal or
14 state grants or aid which may be made or given to assist the
15 authority in the completion, extension, improvement,
16 operation, and maintenance of the Southwest Florida
17 Transportation System, which the authority is hereby
18 authorized to accept and apply to such purposes; the
19 enforcement of payment and collection of rentals; and any
20 other terms, provisions, or covenants necessary, incidental,
21 or appurtenant to the making of and full performance under
22 such lease-purchase agreement.

23 (4) The department, as lessee under such
24 lease-purchase agreement, is hereby authorized to pay as
25 rentals thereunder any rates, fees, charges, funds, moneys,
26 receipts, or income accruing to the department from the
27 operation of the Southwest Florida Transportation System and
28 may also pay as rentals any appropriations received by the
29 department pursuant to any act of the Legislature of the state
30 heretofore or hereafter enacted; provided, however, that
31 nothing herein nor in such lease- purchase agreement is

1 intended to nor shall this part or such lease-purchase
2 agreement require the making or continuance of such
3 appropriations, nor shall any holder of bonds issued pursuant
4 to this part ever have any right to compel the making or
5 continuance of such appropriations.

6 (5) Said department shall have power to covenant in
7 any lease-purchase agreement that it will pay all or any part
8 of the cost of the operation, maintenance, repair, renewal,
9 and replacement of said system, and any part of the cost of
10 completing said system to the extent that the proceeds of
11 bonds issued therefor are insufficient, from sources other
12 than the revenues derived from the operation of said system.
13 Said department may also agree to make such other payments
14 from any moneys available to said commission, said county, or
15 said city in connection with the construction or completion of
16 said system as shall be deemed by said department to be fair
17 and proper under any such covenants heretofore or hereafter
18 entered into.

19 (6) Said system shall be a part of the State Highway
20 System and said department is hereby authorized, upon the
21 request of the authority, to expend out of any funds available
22 for the purpose such moneys, and to use such of its
23 engineering and other forces, as may be necessary and
24 desirable in the judgment of said department, for the
25 operation of said authority and for traffic surveys, borings,
26 surveys, preparation of plans and specifications, estimates of
27 cost and other preliminary engineering, and other studies.

28 348.9939 Department may be appointed agent of
29 authority for construction.--The department may be appointed
30 by said authority as its agent for the purpose of constructing
31 improvements and extensions to the Southwest Florida

1 Transportation System and for the completion thereof. In such
2 event, the authority shall provide the department with
3 complete copies of all documents, agreements, resolutions,
4 contracts, and instruments relating thereto and shall request
5 the department to do such construction work including the
6 planning, surveying, and actual construction of the
7 completion, extensions, and improvements to the Southwest
8 Florida Transportation System and shall transfer to the credit
9 of an account of the department in the treasury of the state
10 the necessary funds therefor, and the department shall
11 thereupon be authorized, empowered, and directed to proceed
12 with such construction and to use the said funds for such
13 purpose in the same manner that it is now authorized to use
14 the funds otherwise provided by law for its use in
15 construction of roads and bridges.

16 348.994 Acquisition of lands and property.--
17 (1) For the purposes of this part, the Southwest
18 Florida Expressway Authority may acquire private or public
19 property and property rights, including rights of access, air,
20 view, and light, by gift, devise, purchase, or condemnation by
21 eminent domain proceedings, as the authority may deem
22 necessary for any of the purposes of this part, including, but
23 not limited to, any lands reasonably necessary for securing
24 applicable permits, areas necessary for management of access,
25 borrow pits, drainage ditches, water retention areas, rest
26 areas, replacement access for landowners whose access is
27 impaired due to the construction of a facility, and
28 replacement rights-of-way for relocated rail and utility
29 facilities; for existing, proposed, or anticipated
30 transportation facilities on the Southwest Florida
31 Transportation System or in a transportation corridor

1 designated by the authority. The authority shall also have the
2 power to condemn any material and property necessary for such
3 purposes.

4 (2) The right of eminent domain herein conferred shall
5 be exercised by the authority in the manner provided by law.

6 (3) When the authority acquires property for a
7 transportation facility or in a transportation corridor, it is
8 not subject to any liability imposed by chapter 376 or chapter
9 403 for preexisting soil or groundwater contamination due
10 solely to its ownership. This section does not affect the
11 rights or liabilities of any past or future owners of the
12 acquired property, nor does it affect the liability of any
13 governmental entity for the results of its actions which
14 create or exacerbate a pollution source. The authority and the
15 Department of Environmental Protection may enter into
16 interagency agreements for the performance, funding, and
17 reimbursement of the investigative and remedial acts necessary
18 for property acquired by the authority.

19 348.9941 Cooperation with other units, boards,
20 agencies, and individuals.--Express authority and power is
21 hereby given and granted any county, municipality, drainage
22 district, road and bridge district, school district, or any
23 other political subdivision, board, commission, or individual
24 in, or of, the state to make and enter into with the authority
25 contracts, leases, conveyances, partnerships, or other
26 agreements within the provisions and purposes of this part.
27 The authority is hereby expressly authorized to make and enter
28 into contracts, leases, conveyances, partnerships, and other
29 agreements with any political subdivision, agency, or
30 instrumentality of the state and any and all federal agencies,
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1 corporations, and individuals for the purpose of carrying out
2 the provisions of this part.

3 348.9942 Covenant of the state.--The state does hereby
4 pledge to and agrees with any person, firm, corporation, or
5 federal or state agency subscribing to or acquiring the bonds
6 to be issued by the authority for the purposes of this part
7 that the state will not limit or alter the rights hereby
8 vested in the authority and the department until all bonds at
9 any time issued, together with the interest thereon, are fully
10 paid and discharged insofar as the same affects the rights of
11 the holders of bonds issued hereunder. The state does further
12 pledge to and agree with the United States that in the event
13 any federal agency shall construct or contribute any funds for
14 the completion, extension, or improvement of the Southwest
15 Florida Transportation System, or any part or portion thereof,
16 the state will not alter or limit the rights and powers of the
17 authority and the department in any manner which would be
18 inconsistent with the continued maintenance and operation of
19 the Southwest Florida Transportation System or the completion,
20 extension, or improvement thereof or which would be
21 inconsistent with the due performance of any agreements
22 between the authority and any such federal agency, and the
23 authority and the department shall continue to have and may
24 exercise all powers herein granted, so long as the same shall
25 be necessary or desirable for the carrying out of the purposes
26 of this part and the purposes of the United States in the
27 completion, extension, or improvement of the Southwest Florida
28 Transportation System or any part or portion thereof.

29 348.9943 Exemption from taxation.--The effectuation of
30 the authorized purposes of the authority created under this
31 part is, shall, and will be in all respects for the benefit of

1 the people of the state, for the increase of their commerce
2 and prosperity, and for the improvement of their health and
3 living conditions, and since such authority will be performing
4 essential governmental functions in effectuating such
5 purposes, such authority shall not be required to pay any
6 taxes or assessments of any kind or nature whatsoever upon any
7 property acquired or used by it for such purposes, or upon any
8 rates, fees, rentals, receipts, income, or charges at any time
9 received by it, and the bonds issued by the authority, their
10 transfer, and the income therefrom, including any profits made
11 on the sale thereof, shall at all times be free from taxation
12 of any kind by the state, or by any political subdivision,
13 taxing agency, or instrumentality thereof. The exemption
14 granted by this section shall not be applicable to any tax
15 imposed by chapter 220 on interest, income, or profits on debt
16 obligations owned by corporations.

17 348.9944 Eligibility for investments and
18 security.--Any bonds or other obligations issued pursuant to
19 this part shall be and constitute legal investments for banks,
20 savings banks, trustees, executors, administrators, and all
21 other fiduciaries and for all state, municipal, and other
22 public funds and shall also be and constitute securities
23 eligible for deposit as security for all state, municipal, or
24 other public funds, notwithstanding the provisions of any
25 other law or laws to the contrary.

26 348.9945 Pledges enforceable by bondholders.--It is
27 the express intention of this part that any pledge by the
28 department of rates, fees, revenues, or other funds, as
29 rentals, to the authority, or any covenants or agreements
30 relative thereto, may be enforceable in any court of competent
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1 jurisdiction against the authority or directly against the
2 department by any holder of bonds issued by the authority.

3 348.9946 This part complete and additional
4 authority.--

5 (1) The powers conferred by this part shall be in
6 addition and supplemental to the existing powers of said
7 authority and the department, and this part shall not be
8 construed as repealing any of the provisions of any other law,
9 general, special, or local, but to supersede such other laws
10 in the exercise of the powers provided in this part and to
11 provide a complete method for the exercise of the powers
12 granted in this part. The extension and improvement of said
13 Southwest Florida Transportation System, and the issuance of
14 bonds hereunder to finance all or part of the cost thereof,
15 may be accomplished upon compliance with the provisions of
16 this part without regard to or necessity for compliance with
17 the provisions, limitations, or restrictions contained in any
18 other general, special, or local law, including, but not
19 limited to, s. 215.821, and no approval of any bonds issued
20 under this part by the qualified electors or qualified
21 electors who are freeholders in the state or in said Collier
22 County or Lee County, or in any city within these two
23 counties, or in any other political subdivision of the state,
24 shall be required for the issuance of such bonds pursuant to
25 this part.

26 (2) This part shall not be deemed to repeal, rescind,
27 or modify any other law or laws relating to said State Board
28 of Administration, said Department of Transportation, or the
29 Division of Bond Finance of the State Board of Administration
30 but shall be deemed to and shall supersede such other law or
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1 laws as are inconsistent with the provisions of this part,
2 including, but not limited to, s. 215.821.

3 Section 2. Sunset of the Southwest Florida Expressway
4 Authority's duties and powers.--The powers conferred to the
5 Southwest Florida Expressway Authority and part X of chapter
6 348, Florida Statutes, the statutory establishment of the
7 Southwest Florida Expressway Authority, shall expire 12 years
8 after this act takes effect if the Southwest Florida
9 Expressway Authority has no outstanding indebtedness, no
10 studies underway, no design underway, and no projects under
11 construction and is not operating or maintaining any part of
12 the system it was established to create.

13 Section 3. This act shall take effect upon resolutions
14 in support of this act being passed by both the Lee County
15 Board of County Commissioners and the Collier County Board of
16 County Commissioners, but no sooner than July 1, 2004, in the
17 event the boards pass such resolutions prior to that date;
18 except that, this section shall take effect upon this act
19 becoming a law.
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