

CHAMBER ACTION

1 The State Infrastructure Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to transportation; creating s. 311.115,
7 F.S.; requiring the Florida Seaport Transportation and
8 Economic Development Council to establish a matching funds
9 program for certain dredging projects; requiring the
10 adoption of rules and criteria for project evaluation;
11 requiring approved projects to be reviewed by the
12 Department of Community Affairs, the Department of
13 Transportation, and the Office of Tourism, Trade, and
14 Economic Development; amending s. 332.007, F.S.;
15 authorizing the department to fund certain eligible
16 aviation planning projects to be performed by not-for-
17 profit organizations representing a majority of public
18 airports; amending s. 337.11, F.S.; providing for
19 department contracts to use written work orders pursuant
20 to certain contingency items or supplemental agreements;
21 removing requirement for surety approval of supplemental
22 agreements; limiting liability of the surety when
23 unapproved contract changes exceed a certain amount;

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24 providing purposes for the use of written work orders;
25 revising criteria for use of supplemental agreements in
26 department contracts; creating s. 337.195, F.S.;
27 specifying presumptions of proximate cause for
28 determination of liability in certain civil actions
29 against the department or its agents or its consultants or
30 contractors on certain transportation facilities when
31 death, personal injury, or property damage resulted from a
32 motor vehicle crash within a construction zone; limiting
33 liability under certain circumstances of a person or
34 entity who contracts with the department to prepare or
35 provide engineering plans for certain transportation
36 facility projects; amending s. 337.251, F.S.; authorizing
37 the department to adopt rules governing the leasing of
38 property for joint public-private development; amending s.
39 337.406, F.S.; providing that exceptions to prohibited
40 uses of transportation facilities shall not apply to
41 limited access highways; amending s. 338.155, F.S.;
42 providing that persons participating in the funeral
43 procession of a law enforcement officer or firefighter
44 killed in the line of duty are exempt from paying tolls;
45 amending s. 339.175, F.S.; requiring a metropolitan
46 planning organization to approve certain plans and
47 programs on a recorded roll call vote; providing that
48 modifications of certain plans and programs require a
49 recorded roll call vote for approval by a specified super
50 majority; amending s. 339.55, F.S.; establishing a limit
51 on state-funded infrastructure bank loans to the State

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 Transportation Trust Fund; amending s. 339.61, F.S.;
 53 revising legislative intent for transportation facilities
 54 comprising the Strategic Intermodal System; adding
 55 economic development and job growth as criteria for
 56 projects; amending s. 339.62, F.S.; adding planned
 57 facilities meeting certain criteria and thresholds to
 58 components of the Strategic Intermodal System; amending s.
 59 339.64, F.S.; directing the Florida Transportation
 60 Commission to include as part of its annual work program
 61 review an assessment of the department's progress on the
 62 Strategic Intermodal System; requiring an annual report;
 63 directing the department to coordinate with federal,
 64 regional, and local entities for transportation planning
 65 impacting military installations; requiring the Strategic
 66 Intermodal System Plan to include an assessment of the
 67 impacts of proposed projects on military installations;
 68 adding a military representative to the Governor's
 69 appointees to the Statewide Intermodal Transportation
 70 Advisory Council; creating part IV of chapter 343, F.S.,
 71 titled the "Northwest Florida Transportation Corridor
 72 Authority"; providing a popular name; providing
 73 definitions; creating the Northwest Florida Transportation
 74 Corridor Authority encompassing Escambia, Santa Rosa,
 75 Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla
 76 Counties; providing for a governing body of the authority;
 77 providing for membership, organization, purposes, and
 78 powers of the authority; requiring a master plan;
 79 providing for the U.S. 98 Corridor System; prohibiting

80 | tolls on certain existing highways and other
 81 | transportation facilities within the corridor; providing
 82 | for procurement; providing bond financing authority for
 83 | improvements; providing for bonds of the authority;
 84 | providing for fiscal agents; providing that the State
 85 | Board of Administration may act as fiscal agent; providing
 86 | for certain financial agreements; providing for the rights
 87 | and remedies of bondholders; providing for a lease-
 88 | purchase agreement with the Department of Transportation;
 89 | providing the department may be appointed agent of the
 90 | authority for construction; providing for acquisition of
 91 | lands and property; providing for cooperation with other
 92 | units, boards, agencies, and individuals; providing for
 93 | public-private partnerships; providing covenant of the
 94 | state; providing for exemption from taxation; providing
 95 | for eligibility for investments and security; providing
 96 | that pledges shall be enforceable by bondholders;
 97 | providing for complete and additional statutory authority
 98 | for the department and other state agencies; amending s.
 99 | 348.0003, F.S.; changing the membership of expressway
 100 | authority governing boards in certain counties; amending
 101 | s. 348.0004, F.S.; requiring notification to certain local
 102 | governmental entities and metropolitan planning
 103 | organizations by certain expressway authorities proposing
 104 | a toll increase or a new point of toll collection;
 105 | providing procedures for public notice and hearing prior
 106 | to implementation; creating part X of chapter 348, F.S.,
 107 | titled the "Osceola County Expressway Authority";

108 providing a popular name; providing definitions; creating
 109 the authority as an agency of the state; providing for
 110 membership, terms, organization, personnel, and
 111 administration; providing purposes and powers for
 112 construction, expansion, maintenance, improvement, and
 113 operation of the Osceola County Expressway System;
 114 providing for use of certain funds to pay obligations;
 115 requiring consent of local jurisdiction for agreements
 116 that would restrict construction of roads; providing for
 117 bond financing of improvements to certain facilities;
 118 providing for issuance of bonds; providing for rights and
 119 remedies granted to bondholders; providing for appointment
 120 of trustee to represent the bondholders; providing for
 121 appointment of receiver to take possession of and operate
 122 and maintain the system; providing for lease of the system
 123 to the Department of Transportation under a lease-purchase
 124 agreement; authorizing the department to act in place of
 125 the authority under terms of the lease-purchase agreement;
 126 requiring approval by the county for certain provisions of
 127 the lease-purchase agreement; providing that the system is
 128 part of the state road system; authorizing the department
 129 to expend a limited amount of funds; providing for the
 130 authority to appoint the department as its agent for
 131 certain construction purposes; authorizing the authority
 132 to acquire property; limiting liability of the authority
 133 for contamination existing on an acquired property;
 134 providing for remedial acts necessary due to such
 135 contamination; authorizing agreements between the

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136 authority and other entities; providing pledge of the
137 state to bondholders; exempting the authority from
138 taxation; providing for application and construction of
139 the part; amending s. 373.4137, F.S.; revising
140 requirements for projects intended to mitigate the adverse
141 effects of transportation projects; removing the
142 Department of Environmental Protection from the mitigation
143 process; revising requirements for the Department of
144 Transportation and transportation authorities with respect
145 to submitting plans and inventories; authorizing the use
146 of current-year funds for future projects; revising the
147 requirements for reconciling escrow accounts used to fund
148 mitigation projects; authorizing payments to a water
149 management district to fund the costs of future
150 maintenance and monitoring; requiring specified lump-sum
151 payments to be used for the mitigation costs of certain
152 projects; authorizing a governing board of a water
153 management district to approve the use of mitigation funds
154 for certain future projects; requiring that mitigation
155 plans be approved by the water management district rather
156 than the Department of Environmental Protection; directing
157 the Department of Transportation to select and fund a
158 consultant to perform a study of bicycle facilities on or
159 connected to the State Highway System; requiring the
160 results of the study to be presented to the Governor and
161 the Legislature; providing for management of the study by
162 the state Pedestrian and Bicycle Coordinator; providing
163 for inclusion of certain elements in the study; requiring

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164 the study to include an implementation plan; providing an
165 effective date.

166

167 Be It Enacted by the Legislature of the State of Florida:

168

169 Section 1. Section 311.115, Florida Statutes, is created
170 to read:

171 311.115 Dredging projects matching funds program.--

172 (1) The Florida Seaport Transportation and Economic
173 Development Council shall establish a program to fund dredging
174 projects in counties having a population of less than 300,000
175 according to the last official census. Funds made available
176 under this program shall be used to fund approved projects for
177 dredging or deepening of channels, turning basins, or harbors.
178 Funding shall be on a 50-50 matching basis with any port
179 authority, as defined in s. 315.02(2), that complies with the
180 permitting requirements in part IV of chapter 373 and the local
181 financial management and reporting provisions of part III of
182 chapter 218.

183 (2) The council shall adopt rules for evaluating projects
184 submitted for funding pursuant to this section and establish
185 criteria for evaluating the economic benefit of such projects.
186 The rules shall also establish and require an administrative
187 review process similar to the process contained in s. 311.09(5)-
188 (9) for projects approved for funding pursuant to this section
189 to be reviewed by the Department of Community Affairs, the
190 Department of Transportation, and the Office of Tourism, Trade,
191 and Economic Development.

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192 Section 2. Subsection (10) is added to section 332.007,
193 Florida Statutes, to read:

194 332.007 Administration and financing of aviation and
195 airport programs and projects; state plan.--

196 (10) The department may also fund eligible projects
197 performed by not-for-profit organizations that represent a
198 majority of public airports in the state. Eligible projects may
199 include activities associated with aviation master planning,
200 professional education, safety and security planning, enhancing
201 economic development and efficiency at the state's airports, or
202 other planning efforts to improve the viability of the state's
203 airports.

204 Section 3. Paragraphs (a) and (b) of subsection (8) of
205 section 337.11, Florida Statutes, are amended to read:

206 337.11 Contracting authority of department; bids;
207 emergency repairs, supplemental agreements, written work orders,
208 and change orders; combined design and construction contracts;
209 progress payments; records; requirements of vehicle
210 registration.--

211 (8)(a) The department shall permit the use of written
212 supplemental agreements, written work orders pursuant to a
213 contingency pay item or contingency supplemental agreement, and
214 written change orders to any contract entered into by the
215 department. Any supplemental agreement shall be reduced to
216 written contract form, ~~approved by the contractor's surety,~~ and
217 executed by the contractor and the department. Any supplemental
218 agreement modifying any item in the original contract must be
219 approved by the head of the department, or his or her designee,

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220 and executed by the appropriate person designated by him or her.
 221 Any surety issuing a bond pursuant to s. 337.18 shall be fully
 222 liable under such surety bond to the full extent of any modified
 223 contract amount up to and including 25 percent over the original
 224 contract amount, and without regard to the fact that the surety
 225 was not aware of or approved such modifications. However, if
 226 modifications of the original contract amount cumulatively
 227 result in modifications of the contract amount in excess of 25
 228 percent of the original contract amount, the surety's approval
 229 shall be required to bind the surety under the bond on that
 230 portion in excess of 25 percent of the original contract amount.

231 (b) Supplemental agreements and written work orders
 232 pursuant to a contingency pay item or contingency supplemental
 233 agreement shall be used to clarify the plans and specifications
 234 of a contract; to provide for major quantity differences which
 235 result in the contractor's work effort exceeding the original
 236 contract amount by more than 5 percent; to provide for
 237 unforeseen work, grade changes, or alterations in plans which
 238 could not reasonably have been contemplated or foreseen in the
 239 original plans and specifications; to change the limits of
 240 construction to meet field conditions; to provide a safe and
 241 functional connection to an existing pavement; to settle
 242 contract claims; and to make the project functionally
 243 operational in accordance with the intent of the original
 244 contract. Supplemental agreements may be used to expand the
 245 physical limits of a project only to the extent necessary to
 246 make the project functionally operational in accordance with the
 247 intent of the original contract. The cost of any such agreement

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248 extending the physical limits of a project shall not exceed
249 \$100,000 or 10 percent of the original contract price, whichever
250 is greater.

251 Section 4. Section 337.195, Florida Statutes, is created
252 to read:

253 337.195 Claims; presumptions; limitation of liability.--

254 (1) In a civil action for the death of or injury to a
255 person, or for damage to property, against the Department of
256 Transportation or its agents, consultants, or contractors for
257 work performed on a highway, road, street, bridge, or other
258 transportation facility when the death, injury, or damage
259 resulted from a motor vehicle crash within a construction zone
260 in which the driver of one of the vehicles was under the
261 influence of alcoholic beverages as set forth in s. 316.193,
262 under the influence of any chemical substance as set forth in s.
263 877.111, or illegally under the influence of any substance
264 controlled under chapter 893 to the extent that her or his
265 normal faculties were impaired or operated a vehicle at an
266 unlawful speed as prohibited in s. 316.183, it is presumed that
267 the driver's operation of the vehicle was the sole proximate
268 cause of the death, injury, or damage. This presumption can be
269 overcome if the gross negligence or intentional misconduct of
270 the Department of Transportation or its agents, consultants, or
271 contractors was a proximate cause of the death, injury, or
272 damage.

273 (2) A contractor who constructs or repairs a highway,
274 road, street, bridge, or other transportation facility for the
275 Department of Transportation is not liable to a claimant for

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276 personal injury, property damage, or death arising from the
 277 performance of the construction or repair if, at the time of the
 278 personal injury, property damage, or death, the contractor is in
 279 compliance with contract documents material to the condition or
 280 defect that was the proximate cause of the personal injury,
 281 property damage, or death. Nothing in this subsection shall be
 282 interpreted or construed to alter or affect any claim of the
 283 Department of Transportation against such contractor.

284 (3) In all cases involving personal injury, property
 285 damage, or death, a person or entity that contracts to prepare
 286 or provide engineering plans for the construction or repair of a
 287 highway, road, street, bridge, or other transportation facility
 288 for the Department of Transportation shall be presumed to have
 289 prepared such engineering plans using the degree of care and
 290 skill ordinarily exercised by other engineers in the field under
 291 similar conditions and in similar localities and with due regard
 292 for acceptable engineering standards and principles if the
 293 engineering plans conformed to the Department of
 294 Transportation's design standards material to the condition or
 295 defect that was the proximate cause of the personal injury,
 296 property damage, or death. This presumption can be overcome only
 297 upon a showing of the person's or entity's gross negligence in
 298 the preparation of the engineering plans and shall not be
 299 interpreted or construed to alter or affect any claim of the
 300 Department of Transportation against such person or entity.

301 Section 5. Subsection (10) is added to section 337.251,
 302 Florida Statutes, to read:

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303 337.251 Lease of property for joint public-private
304 development and areas above or below department property.--
305 (10) The department may adopt rules to administer the
306 provisions of this section.

307 Section 6. Subsection (1) of section 337.406, Florida
308 Statutes, is amended to read:

309 337.406 Unlawful use of state transportation facility
310 right-of-way; penalties.--

311 (1) Except when leased as provided in s. 337.25(5) or
312 otherwise authorized by the rules of the department, it is
313 unlawful to make any use of the right-of-way of any state
314 transportation facility, including appendages thereto, outside
315 of an incorporated municipality in any manner that interferes
316 with the safe and efficient movement of people and property from
317 place to place on the transportation facility. Failure to
318 prohibit the use of right-of-way in this manner will endanger
319 the health, safety, and general welfare of the public by causing
320 distractions to motorists, unsafe pedestrian movement within
321 travel lanes, sudden stoppage or slowdown of traffic, rapid lane
322 changing and other dangerous traffic movement, increased
323 vehicular accidents, and motorist injuries and fatalities. Such
324 prohibited uses include, but are not limited to, the free
325 distribution or sale, or display or solicitation for free
326 distribution or sale, of any merchandise, goods, property or
327 services; the solicitation for charitable purposes; the
328 servicing or repairing of any vehicle, except the rendering of
329 emergency service; the storage of vehicles being serviced or
330 repaired on abutting property or elsewhere; and the display of

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331 advertising of any sort, except that any portion of a state
 332 transportation facility may be used for an art festival, parade,
 333 fair, or other special event if permitted by the appropriate
 334 local governmental entity. Within incorporated municipalities,
 335 the local governmental entity may issue permits of limited
 336 duration for the temporary use of the right-of-way of a state
 337 transportation facility for any of these prohibited uses if it
 338 is determined that the use will not interfere with the safe and
 339 efficient movement of traffic and the use will cause no danger
 340 to the public. Before a road on the State Highway System may be
 341 temporarily closed for a special event, the local governmental
 342 entity which permits the special event to take place must
 343 determine that the temporary closure of the road is necessary
 344 and must obtain the prior written approval for the temporary
 345 road closure from the department. Nothing in this subsection
 346 shall be construed to authorize such activities on any limited
 347 access highway ~~the Interstate Highway System~~. Local governmental
 348 entities may, within their respective jurisdictions, initiate
 349 enforcement action by the appropriate code enforcement authority
 350 or law enforcement authority for a violation of this section.

351 Section 7. Subsection (1) of section 338.155, Florida
 352 Statutes, is amended to read:

353 338.155 Payment of toll on toll facilities required;
 354 exemptions.--

355 (1) No persons are permitted to use any toll facility
 356 without payment of tolls, except employees of the agency
 357 operating the toll project when using the toll facility on
 358 official state business, state military personnel while on

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359 | official military business, handicapped persons as provided in
 360 | this section, persons exempt from toll payment by the
 361 | authorizing resolution for bonds issued to finance the facility,
 362 | and persons exempt on a temporary basis where use of such toll
 363 | facility is required as a detour route. Any law enforcement
 364 | officer operating a marked official vehicle is exempt from toll
 365 | payment when on official law enforcement business. Any person
 366 | operating a fire vehicle when on official business or a rescue
 367 | vehicle when on official business is exempt from toll payment.
 368 | Any person participating in the funeral procession of a law
 369 | enforcement officer or firefighter killed in the line of duty is
 370 | exempt from toll payment. The secretary, or the secretary's
 371 | designee, may suspend the payment of tolls on a toll facility
 372 | when necessary to assist in emergency evacuation. The failure to
 373 | pay a prescribed toll constitutes a noncriminal traffic
 374 | infraction, punishable as a moving violation pursuant to s.
 375 | 318.18. The department is authorized to adopt rules relating to
 376 | guaranteed toll accounts.

377 | Section 8. Subsection (12) is added to section 339.175,
 378 | Florida Statutes, to read:

379 | 339.175 Metropolitan planning organization.--It is the
 380 | intent of the Legislature to encourage and promote the safe and
 381 | efficient management, operation, and development of surface
 382 | transportation systems that will serve the mobility needs of
 383 | people and freight within and through urbanized areas of this
 384 | state while minimizing transportation-related fuel consumption
 385 | and air pollution. To accomplish these objectives, metropolitan
 386 | planning organizations, referred to in this section as M.P.O.'s,

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387 shall develop, in cooperation with the state and public transit
 388 operators, transportation plans and programs for metropolitan
 389 areas. The plans and programs for each metropolitan area must
 390 provide for the development and integrated management and
 391 operation of transportation systems and facilities, including
 392 pedestrian walkways and bicycle transportation facilities that
 393 will function as an intermodal transportation system for the
 394 metropolitan area, based upon the prevailing principles provided
 395 in s. 334.046(1). The process for developing such plans and
 396 programs shall provide for consideration of all modes of
 397 transportation and shall be continuing, cooperative, and
 398 comprehensive, to the degree appropriate, based on the
 399 complexity of the transportation problems to be addressed. To
 400 ensure that the process is integrated with the statewide
 401 planning process, M.P.O.'s shall develop plans and programs that
 402 identify transportation facilities that should function as an
 403 integrated metropolitan transportation system, giving emphasis
 404 to facilities that serve important national, state, and regional
 405 transportation functions. For the purposes of this section,
 406 those facilities include the facilities on the Strategic
 407 Intermodal System designated under s. 339.63.

408 (12) VOTING REQUIREMENTS.--Each long-range transportation
 409 plan required under subsection (6), each annually updated
 410 transportation improvement program required under subsection
 411 (7), and each annual unified planning work program required
 412 under subsection (8) must be approved by each M.P.O. on a
 413 recorded roll call vote of the membership present. Any proposed
 414 modification of a transportation improvement program and the

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415 annual unified planning work program that affects projects in
 416 the first 3 years of such plan or program requires a recorded
 417 super majority roll call vote of two-thirds of the M.P.O.
 418 membership present and voting.

419 Section 9. Subsection (2) of section 339.55, Florida
 420 Statutes, is amended to read:

421 339.55 State-funded infrastructure bank.--

422 (2) The bank may lend capital costs or provide credit
 423 enhancements for a transportation facility project that is on
 424 the State Highway System or that provides for increased mobility
 425 on the state's transportation system or provides intermodal
 426 connectivity with airports, seaports, rail facilities, and other
 427 transportation terminals, pursuant to s. 341.053, for the
 428 movement of people and goods. Loans from the bank may be
 429 subordinated to senior project debt that has an investment grade
 430 rating of "BBB" or higher. Notwithstanding any other provision
 431 of law, the total outstanding state-funded infrastructure bank
 432 loan repayments over the average term of the loan repayment
 433 period, as needed to meet the requirements of the documents
 434 authorizing the bonds issued or proposed to be issued under s.
 435 215.617 to be paid from the State Transportation Trust Fund, may
 436 not exceed 0.75 percent of the revenues deposited into the State
 437 Transportation Trust Fund.

438 Section 10. Section 339.61, Florida Statutes, is amended
 439 to read:

440 339.61 Florida Strategic Intermodal System; legislative
 441 findings, declaration, and intent.--

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442 (1) There is hereby created the Florida Strategic
443 Intermodal System. For purposes of funding projects under the
444 system, the department shall allocate from the State
445 Transportation Trust Fund in its program and resource plan a
446 minimum of \$60 million each year, ~~beginning in the 2004-2005~~
447 ~~fiscal year~~. This allocation of funds is in addition to any
448 funding provided to this system by any other provision of law.

449 (2) The Legislature finds that increasing demands are
450 continuing to be placed on the state's transportation system by
451 a fast-growing economy, continued population growth, and
452 projected increases in freight movement, international trade,
453 and tourism. The Legislature also finds that the state's growing
454 regional and intercity economic centers will increase the demand
455 for interregional and intercity travel and that the evolving
456 service-based and information-based industries will change the
457 type of transportation system that business and industry demand,
458 increasing the importance of speed and reliability. The
459 Legislature further finds that our transportation system must be
460 designed and operated in such a way that it preserves the
461 abundance of natural and manmade amenities that have been so
462 successful in attracting new residents, businesses, and tourists
463 to this state. Therefore, the Legislature declares that the
464 designation of a strategic intermodal system, composed of
465 facilities and services of statewide and interregional
466 significance, will efficiently serve the mobility needs of
467 Florida's citizens, businesses, and visitors and will help
468 Florida become a worldwide economic leader, enhance economic
469 prosperity and competitiveness, enrich quality of life, and

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470 reflect responsible environmental stewardship. To that end, it
 471 is the intent of the Legislature that the Strategic Intermodal
 472 System consist of transportation facilities that meet a
 473 strategic and essential state interest and help generate
 474 economic development and job growth and that limited resources
 475 available for the implementation of statewide and interregional
 476 transportation priorities be focused on that system.

477 Section 11. Subsection (7) is added to section 339.62,
 478 Florida Statutes, to read:

479 339.62 System components.--The Strategic Intermodal System
 480 shall consist of appropriate components of:

481 (7) Planned facilities, defined as transportation
 482 infrastructure that is projected to meet all applicable criteria
 483 and thresholds within the first 3 years of operation, has the
 484 consensus support of transportation partners to implement the
 485 project, and is financially feasible as demonstrated by
 486 inclusion in the department's work program or some other
 487 appropriate plan.

488 Section 12. Subsections (2), (3), and (4) and paragraph
 489 (b) of subsection (5) of section 339.64, Florida Statutes, are
 490 amended to read:

491 339.64 Strategic Intermodal System Plan.--

492 (2) In association with the continued development of the
 493 ~~initial~~ Strategic Intermodal System Plan ~~and other~~
 494 ~~transportation plans~~, the Florida Transportation Commission as
 495 part of its work program review process shall conduct an annual
 496 assessment of the progress the department and its transportation
 497 partners have made in realizing the goals of economic

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498 development, improved mobility, and increased intermodal
 499 connectivity ~~need for an improved philosophical approach to~~
 500 ~~regional and intermodal input in the planning for and governing~~
 501 of the Strategic Intermodal System ~~and other transportation~~
 502 ~~systems~~. The Florida Transportation Commission shall coordinate
 503 with the department, the Statewide Intermodal Transportation
 504 Advisory Council, and other appropriate entities when developing
 505 this assessment. The Florida Transportation Commission shall
 506 deliver a report to the Governor and Legislature no later than
 507 14 days after the regular session of the Legislature begins ~~by~~
 508 ~~December 15, 2003,~~ with recommendations as necessary to fully
 509 implement the Strategic Intermodal System.

510 (3)(a) During the development of updates to the Strategic
 511 Intermodal System Plan ~~and the development of all subsequent~~
 512 ~~updates~~, the department shall provide metropolitan planning
 513 organizations, regional planning councils, local governments,
 514 transportation providers, affected public agencies, and citizens
 515 with an opportunity to participate in and comment on the
 516 development of the ~~proposed plan or~~ update.

517 (b) The department also shall coordinate with federal,
 518 regional, and local partners the planning for the Strategic
 519 Highway Network and the Strategic Rail Corridor Network
 520 transportation facilities that either are included in the
 521 Strategic Intermodal System or provide a direct connection
 522 between military installations and the Strategic Intermodal
 523 System. In addition, the department shall coordinate with
 524 regional and local partners to determine whether the road and
 525 other transportation infrastructure that connect military

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526 | installations to the Strategic Intermodal System, the Strategic
 527 | Highway Network, or the Strategic Rail Corridor are regionally
 528 | significant and should be included in the Strategic Intermodal
 529 | System Plan.

530 | (4) The Strategic Intermodal System Plan shall include the
 531 | following:

532 | (a) A needs assessment.

533 | (b) A project prioritization process.

534 | (c) A map of facilities designated as Strategic Intermodal
 535 | System facilities, ~~and~~ facilities that are emerging in
 536 | importance that are likely to become part of the system in the
 537 | future, and planned facilities that will meet the established
 538 | criteria.

539 | (d) A finance plan based on reasonable projections of
 540 | anticipated revenues, including both 10-year and 20-year cost-
 541 | feasible components.

542 | (e) An assessment of the impacts of proposed improvements
 543 | to Strategic Intermodal System corridors on military
 544 | installations that are either located directly on the Strategic
 545 | Intermodal System or located on the Strategic Highway Network or
 546 | Strategic Rail Corridor Network.

547 | (5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY
 548 | COUNCIL.--

549 | (b) MEMBERSHIP.--Members of the Statewide Intermodal
 550 | Transportation Advisory Council shall consist of the following:

551 | 1. ~~Six~~ Five intermodal industry representatives selected
 552 | by the Governor as follows:

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553 a. One representative from an airport involved in the
554 movement of freight and people from their airport facility to
555 another transportation mode.

556 b. One individual representing a fixed-route, local-
557 government transit system.

558 c. One representative from an intercity bus company
559 providing regularly scheduled bus travel as determined by
560 federal regulations.

561 d. One representative from a spaceport.

562 e. One representative from intermodal trucking companies.

563 f. One representative with command responsibilities of a
564 major military installation.

565 2. Three intermodal industry representatives selected by
566 the President of the Senate as follows:

567 a. One representative from major-line railroads.

568 b. One representative from seaports listed in s. 311.09(1)
569 from the Atlantic Coast.

570 c. One representative from an airport involved in the
571 movement of freight and people from their airport facility to
572 another transportation mode.

573 3. Three intermodal industry representatives selected by
574 the Speaker of the House of Representatives as follows:

575 a. One representative from short-line railroads.

576 b. One representative from seaports listed in s. 311.09(1)
577 from the Gulf Coast.

578 c. One representative from intermodal trucking companies.

579 In no event may this representative be employed by the same

580 company that employs the intermodal trucking company
581 representative selected by the Governor.

582 Section 13. Part IV of chapter 343, Florida Statutes,
583 consisting of sections 343.80, 343.805, 343.81, 343.82, 343.83,
584 343.835, 343.836, 343.837, 343.84, 343.85, 343.87, 343.875,
585 343.88, 343.881, 343.884, 343.885, and 343.89, is created to
586 read:

587 PART IV

588 NORTHWEST FLORIDA TRANSPORTATION CORRIDOR AUTHORITY

589 343.80 Short title.--This part shall be known and may be
590 cited as the "Northwest Florida Transportation Corridor
591 Authority Law."

592 343.805 Definitions.--The following terms, whenever used
593 or referred to in this law, shall have the following meanings,
594 except in those instances where the context clearly indicates
595 otherwise:

596 (1) "Agency of the state" means and includes the state and
597 any department of, or corporation, agency, or instrumentality
598 heretofore or hereafter created, designated, or established by,
599 the state.

600 (2) "Authority" means the body politic and corporate and
601 agency of the state created by this part.

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

606 (4) "Department" means the Department of Transportation
607 existing under chapters 334-339.

608 (5) "Federal agency" means and includes the United States,
 609 the President of the United States, and any department of, or
 610 corporation, agency, or instrumentality heretofore or hereafter
 611 created, designated, or established by, the United States.

612 (6) "Lease-purchase agreement" means the lease-purchase
 613 agreements which the authority is authorized pursuant to this
 614 part to enter into with the Department of Transportation.

615 (7) "Limited access expressway" or "expressway" means a
 616 street or highway especially designed for through traffic and
 617 over, from, or to which no person shall have the right of
 618 easement, use, or access except in accordance with the rules and
 619 regulations adopted and established by the authority for the use
 620 of such facility. Such highways or streets may be parkways, from
 621 which trucks, buses, and other commercial vehicles shall be
 622 excluded, or they may be freeways open to use by all customary
 623 forms of street and highway traffic.

624 (8) "Members" means the governing body of the authority,
 625 and the term "member" means one of the individuals constituting
 626 such governing body.

627 (9) "State Board of Administration" means the body
 628 corporate existing under the provisions of s. 9, Art. XII of the
 629 State Constitution, or any successor thereto.

630 (10) "U.S. 98 corridor" means U.S. Highway 98 and any
 631 feeder roads, reliever roads, connector roads, bridges, and
 632 other transportation appurtenances, existing or constructed in
 633 the future, that support U.S. Highway 98 in Escambia, Santa
 634 Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla
 635 Counties.

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636 (11) "U.S. 98 Corridor System" means any and all
 637 expressways and appurtenant facilities, including, but not
 638 limited to, all approaches, roads, bridges, and avenues of
 639 access for the expressways that are either built by the
 640 authority or whose ownership is transferred to the authority by
 641 other governmental or private entities.

642
 643 Terms importing singular number include the plural number in
 644 each case and vice versa, and terms importing persons include
 645 firms and corporations.

646 343.81 Northwest Florida Transportation Corridor
 647 Authority.--

648 (1) There is hereby created and established a body politic
 649 and corporate, an agency of the state, to be known as the
 650 Northwest Florida Transportation Corridor Authority, hereinafter
 651 referred to as "the authority."

652 (2)(a) The governing body of the authority shall consist
 653 of eight voting members, one each from Escambia, Santa Rosa,
 654 Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla Counties,
 655 appointed by the Governor to 4-year terms. The appointees shall
 656 be residents of their respective counties. Upon the effective
 657 date of his or her appointment, or as soon thereafter as
 658 practicable, each appointed member of the authority shall enter
 659 upon his or her duties. Each appointed member shall hold office
 660 until his or her successor has been appointed and has qualified.
 661 A vacancy occurring during a term shall be filled only for the
 662 balance of the unexpired term. Any member of the authority shall
 663 be eligible for reappointment. Members of the authority may be

664 removed from office by the Governor for misconduct, malfeasance,
 665 misfeasance, or nonfeasance in office.

666 (b) The district secretary of the Department of
 667 Transportation serving Northwest Florida shall serve as an ex
 668 officio, nonvoting member.

669 (3)(a) The authority shall elect one of its members as
 670 chair and shall also elect a secretary and a treasurer who may
 671 or may not be members of the authority. The chair, secretary,
 672 and treasurer shall hold such offices at the will of the
 673 authority.

674 (b) Five members of the authority shall constitute a
 675 quorum, and the vote of at least five members shall be necessary
 676 for any action taken by the authority. No vacancy in the
 677 authority shall impair the right of a quorum of the authority to
 678 exercise all of the rights and perform all of the duties of the
 679 authority.

680 (c) The authority shall meet at least quarterly but may
 681 meet more frequently upon the call of the chair. The authority
 682 should alternate the locations of its meetings among the seven
 683 counties.

684 (4) Members of the authority shall serve without
 685 compensation but shall be entitled to receive from the authority
 686 their travel expenses and per diem incurred in connection with
 687 the business of the authority, as provided in s. 112.061.

688 (5) The authority may employ an executive director, an
 689 executive secretary, its own counsel and legal staff, technical
 690 experts, engineers, and such employees, permanent or temporary,
 691 as it may require. The authority shall determine the

692 qualifications and fix the compensation of such persons, firms,
 693 or corporations and may employ a fiscal agent or agents;
 694 however, the authority shall solicit sealed proposals from at
 695 least three persons, firms, or corporations for the performance
 696 of any services as fiscal agents. The authority may delegate to
 697 one or more of its agents or employees such of its power as it
 698 shall deem necessary to carry out the purposes of this part,
 699 subject always to the supervision and control of the authority.

700 (6) The authority may establish technical advisory
 701 committees to provide guidance and advice on corridor-related
 702 issues. The authority shall establish the size, composition, and
 703 focus of any technical advisory committee created. A member
 704 appointed to a technical advisory committee shall serve without
 705 compensation but shall be entitled to per diem or travel
 706 expenses, as provided in s. 112.061.

707 343.82 Purposes and powers.--

708 (1) The primary purpose of the authority shall be to
 709 improve mobility on the U.S. 98 corridor in Northwest Florida to
 710 enhance traveler safety, identify and develop hurricane
 711 evacuation routes, promote economic development along the
 712 corridor, and implement transportation projects to alleviate
 713 current or anticipated traffic congestion.

714 (2) The authority is authorized to construct any feeder
 715 roads, reliever roads, connector roads, bypasses, or appurtenant
 716 facilities that are intended to improve mobility along the U.S.
 717 98 corridor. The transportation improvement projects may also
 718 include all necessary approaches, roads, bridges, and avenues of
 719 access that shall be deemed desirable and proper with the

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720 concurrence, where applicable, of the department if the project
721 is to be part of the State Highway System or the respective
722 county or municipal governing boards. Any transportation
723 facilities constructed by the authority may be tolled.

724 (3)(a) The authority shall develop and adopt a corridor
725 master plan no later than July 1, 2007. The goals and objectives
726 of the master plan are to identify areas of the corridor where
727 mobility, traffic safety, and efficient hurricane evacuation
728 needs to be improved; evaluate the economic development
729 potential of the corridor and consider strategies to develop
730 that potential; develop methods of building partnerships with
731 local governments, other state and federal entities, the
732 private-sector business community, and the public in support of
733 corridor improvements; and to identify projects that will
734 accomplish these goals and objectives.

735 (b) After its adoption, the master plan shall be updated
736 annually before July 1 of each year.

737 (c) The authority shall present the original master plan
738 and updates to the governing bodies of the counties within the
739 corridor and to the legislative delegation members representing
740 those counties within 90 days after adoption.

741 (d) The authority may undertake projects or other
742 improvements in the master plan in phases as particular projects
743 or segments thereof become feasible, as determined by the
744 authority. In carrying out its purposes and powers, the
745 authority may request funding and technical assistance from the
746 department and appropriate federal and local agencies,
747 including, but not limited to, state infrastructure bank loans,

748 advances from the Toll Facilities Revolving Trust Fund, and from
 749 any other sources.

750 (4) The authority is granted and shall have and may
 751 exercise all powers necessary, appurtenant, convenient, or
 752 incidental to the carrying out of the aforesaid purposes,
 753 including, but not limited to, the following rights and powers:

754 (a) To acquire, hold, construct, improve, maintain,
 755 operate, own, and lease in the capacity of lessor transportation
 756 facilities within the U.S. 98 corridor.

757 (b) To borrow money and to make and issue negotiable
 758 notes, bonds, refunding bonds, and other evidences of
 759 indebtedness or obligations, either in temporary or definitive
 760 form, hereinafter in this chapter sometimes called "revenue
 761 bonds" of the authority, for the purpose of financing all or
 762 part of the mobility improvements within the U.S. 98 corridor,
 763 as well as the appurtenant facilities, including all approaches,
 764 streets, roads, bridges, and avenues of access authorized by
 765 this part, the bonds to mature not exceeding 40 years after the
 766 date of the issuance thereof, and to secure the payment of such
 767 bonds or any part thereof by a pledge of any or all of its
 768 revenues, rates, fees, rentals, or other charges.

769 (c) To fix, alter, charge, establish, and collect tolls,
 770 rates, fees, rentals, and other charges for the services and
 771 facilities of the Northwest Florida Transportation Corridor
 772 System, which rates, fees, rentals, and other charges shall
 773 always be sufficient to comply with any covenants made with the
 774 holders of any bonds issued pursuant to this part; however, such
 775 right and power may be assigned or delegated by the authority to

776 the department. The authority shall not impose tolls or other
 777 charges on existing highways and other transportation facilities
 778 within the corridor.

779 (d) To acquire by donation or otherwise, purchase, hold,
 780 lease as lessee, and use any franchise, property, real,
 781 personal, or mixed, tangible or intangible, or any options
 782 thereof in its own name or in conjunction with others, or
 783 interest therein, necessary or desirable for carrying out the
 784 purposes of the authority and to sell, lease as lessor,
 785 transfer, and dispose of any property or interest therein at any
 786 time acquired by it.

787 (e) To sue and be sued, implead and be impleaded,
 788 complain, and defend in all courts.

789 (f) To adopt, use, and alter at will a corporate seal.

790 (g) To enter into and make leases.

791 (h) To enter into and make lease-purchase agreements with
 792 the department for terms not exceeding 40 years or until any
 793 bonds secured by a pledge of rentals thereunder, and any
 794 refundings thereof, are fully paid as to both principal and
 795 interest, whichever is longer.

796 (i) To make contracts of every name and nature, including,
 797 but not limited to, partnerships providing for participation in
 798 ownership and revenues, and to execute all instruments necessary
 799 or convenient for the carrying on of its business.

800 (j) Without limitation of the foregoing, to borrow money
 801 and accept grants from and to enter into contracts, leases, or
 802 other transactions with any federal agency, the state, any
 803 agency of the state, or any other public body of the state.

804 (k) To have the power of eminent domain, including the
 805 procedural powers granted under chapters 73 and 74.

806 (l) To pledge, hypothecate, or otherwise encumber all or
 807 any part of the revenues, rates, fees, rentals, or other charges
 808 or receipts of the authority.

809 (m) To enter into partnership and other agreements
 810 respecting ownership and revenue participation in order to
 811 facilitate financing and constructing any project or portions
 812 thereof.

813 (n) To participate in agreements with private entities and
 814 to receive private contributions.

815 (o) To contract with the department or with a private
 816 entity for the operation of traditional and electronic toll
 817 collection facilities along the U.S. 98 corridor.

818 (p) To do all acts and things necessary or convenient for
 819 the conduct of its business and the general welfare of the
 820 authority in order to carry out the powers granted to it by this
 821 part or any other law.

822 (q) To construct, operate, and maintain roads, bridges,
 823 avenues of access, thoroughfares, and boulevards and to
 824 construct, repair, replace, operate, install, and maintain
 825 electronic toll payment systems thereon, with all necessary and
 826 incidental powers to accomplish the foregoing.

827 (5) The authority shall have no power at any time or in
 828 any manner to pledge the credit or taxing power of the state or
 829 any political subdivision or agency thereof, nor shall any of
 830 the authority's obligations be deemed to be obligations of the
 831 state or of any political subdivision or agency thereof, nor

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832 shall the state or any political subdivision or agency thereof,
 833 except the authority, be liable for the payment of the principal
 834 of or interest on such obligations.

835 343.83 Improvements, bond financing authority
 836 for.--Pursuant to s. 11(f), Art. VII of the State Constitution,
 837 the Legislature hereby approves for bond financing by the
 838 Northwest Florida Transportation Corridor Authority improvements
 839 to toll collection facilities, interchanges to the legislatively
 840 approved system, and any other facility appurtenant, necessary,
 841 or incidental to the approved system. Subject to terms and
 842 conditions of applicable revenue bond resolutions and covenants,
 843 such costs may be financed in whole or in part by revenue bonds
 844 issued pursuant to s. 343.835(1)(a) or (b) whether currently
 845 issued or issued in the future or by a combination of such
 846 bonds.

847 343.835 Bonds of the authority.--

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

850 (b) Alternatively, the authority may issue its own bonds
 851 pursuant to this part at such times and in such principal amount
 852 as, in the opinion of the authority, is necessary to provide
 853 sufficient moneys for achieving its purposes; however, such
 854 bonds may not pledge the full faith and credit of the state.
 855 Bonds issued by the authority pursuant to this paragraph or
 856 paragraph (a), whether on original issuance or on refunding,
 857 shall be authorized by resolution of the members thereof, may be
 858 either term or serial bonds, and shall bear such date or dates,
 859 mature at such time or times, not exceeding 40 years after their

860 respective dates, bear interest at such rate or rates, be
 861 payable semiannually, be in such denominations, be in such form,
 862 either coupon or fully registered, carry such registration,
 863 exchangeability, and interchangeability privileges, be payable
 864 in such medium of payment and at such place or places, be
 865 subject to such terms of redemption, and be entitled to such
 866 priorities on the revenues, rates, fees, rentals, or other
 867 charges or receipts of the authority, including revenues from
 868 lease-purchase agreements. The bonds shall be executed either by
 869 manual or facsimile signature by such officers as the authority
 870 shall determine, provided that such bonds shall bear at least
 871 one signature which is manually executed thereon, and the
 872 coupons attached to such bonds shall bear the facsimile
 873 signature or signatures of such officer or officers as shall be
 874 designated by the authority and shall have the seal of the
 875 authority affixed, imprinted, reproduced, or lithographed
 876 thereon, all as may be prescribed in such resolution or
 877 resolutions.

878 (c) Bonds issued pursuant to paragraph (a) or paragraph
 879 (b) shall be sold at public sale in the manner provided by the
 880 State Bond Act. However, if the authority, by official action at
 881 a public meeting, determines that a negotiated sale of such
 882 bonds is in the best interest of the authority, the authority
 883 may negotiate the sale of such bonds with the underwriter
 884 designated by the authority and the Division of Bond Finance of
 885 the State Board of Administration with respect to bonds issued
 886 pursuant to paragraph (a) or solely the authority with respect
 887 to bonds issued pursuant to paragraph (b). The authority's

888 determination to negotiate the sale of such bonds may be based,
 889 in part, upon the written advice of the authority's financial
 890 adviser. Pending the preparation of definitive bonds, interim
 891 certificates may be issued to the purchaser or purchasers of
 892 such bonds and may contain such terms and conditions as the
 893 authority may determine.

894 (d) The authority may issue bonds pursuant to paragraph
 895 (b) to refund any bonds previously issued regardless of whether
 896 the bonds being refunded were issued by the authority pursuant
 897 to this chapter or on behalf of the authority pursuant to the
 898 State Bond Act.

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

902 (a) The pledging of all or any part of the revenues,
 903 rates, fees, rentals, or other charges or receipts of the
 904 authority, derived by the authority for the U.S. 98 corridor
 905 improvements.

906 (b) The completion, improvement, operation, extension,
 907 maintenance, repair, lease, or lease-purchase agreement of the
 908 system, and the duties of the authority and others, including
 909 the department, with reference thereto.

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

913 (d) The fixing, charging, establishing, and collecting of
 914 rates, fees, rentals, or other charges for use of the services
 915 and facilities constructed by the authority.

916 (e) The setting aside of reserves or sinking funds or
 917 repair and replacement funds and the regulation and disposition
 918 thereof.

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

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

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

925 (3) The authority may employ fiscal agents as provided by
 926 this part or the State Board of Administration may, upon request
 927 of the authority, act as fiscal agent for the authority in the
 928 issuance of any bonds which may be issued pursuant to this part,
 929 and the State Board of Administration may, upon request of the
 930 authority, take over the management, control, administration,
 931 custody, and payment of any or all debt services or funds or
 932 assets now or hereafter available for any bonds issued pursuant
 933 to this part. The authority may enter into any deeds of trust,
 934 indentures, or other agreements with its fiscal agent, or with
 935 any bank or trust company within or without the state, as
 936 security for such bonds and may, under such agreements, sign and
 937 pledge all or any of the revenues, rates, fees, rentals, or
 938 other charges or receipts of the authority. Such deed of trust,
 939 indenture, or other agreement may contain such provisions as are
 940 customary in such instruments or, as the authority may
 941 authorize, including, but without limitation, provisions as to:

942 (a) The completion, improvement, operation, extension,
 943 maintenance, repair, and lease of or lease-purchase agreement

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944 relating to U.S. 98 corridor improvements and the duties of the
 945 authority and others, including the department, with reference
 946 thereto.

947 (b) The application of funds and the safeguarding of funds
 948 on hand or on deposit.

949 (c) The rights and remedies of the trustee and the holders
 950 of the bonds.

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

953 (4) Any of the bonds issued pursuant to this part are, and
 954 are hereby declared to be, negotiable instruments and shall have
 955 all the qualities and incidents of negotiable instruments under
 956 the law merchant and the negotiable instruments law of the
 957 state.

958 (5) Notwithstanding any of the provisions of this part,
 959 each project, building, or facility which has been financed by
 960 the issuance of bonds or other evidence of indebtedness under
 961 this part and any refinancing thereof are hereby approved as
 962 provided for in s. 11(f), Art. VII of the State Constitution.

963 343.836 Remedies of the bondholders.--

964 (1) The rights and the remedies herein conferred upon or
 965 granted to the bondholders shall be in addition to and not in
 966 limitation of any rights and remedies lawfully granted to such
 967 bondholders by the resolution or resolutions providing for the
 968 issuance of bonds or by a lease-purchase agreement, deed of
 969 trust, indenture, or other agreement under which the bonds may
 970 be issued or secured. In the event the authority defaults in the
 971 payment of the principal of or interest on any of the bonds

972 issued pursuant to the provisions of this part after such
 973 principal of or interest on the bonds becomes due, whether at
 974 maturity or upon call for redemption, or the department defaults
 975 in any payments under, or covenants made in, any lease-purchase
 976 agreement between the authority and the department, and such
 977 default continues for a period of 30 days, or in the event that
 978 the authority or the department fails or refuses to comply with
 979 the provisions of this part or any agreement made with, or for
 980 the benefit of, the holders of the bonds, the holders of 25
 981 percent in aggregate principal amount of the bonds then
 982 outstanding shall be entitled as of right to the appointment of
 983 a trustee to represent such bondholders for the purposes hereof,
 984 provided that such holders of 25 percent in aggregate principal
 985 amount of the bonds then outstanding shall first give notice of
 986 their intention to appoint a trustee to the authority and to the
 987 department. Such notice shall be deemed to have been given if
 988 given in writing, deposited in a securely sealed postpaid
 989 wrapper, mailed at a regularly maintained United States post
 990 office box or station, and addressed, respectively, to the chair
 991 of the authority and to the secretary of the department at the
 992 principal office of the department.

993 (2) Such trustee and any trustee under any deed of trust,
 994 indenture, or other agreement may and, upon written request of
 995 the holders of 25 percent or such other percentages as may be
 996 specified in any deed of trust, indenture, or other agreement
 997 aforsaid in principal amount of the bonds then outstanding,
 998 shall, in any court of competent jurisdiction, in his, her, or
 999 its own name:

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1000 (a) By mandamus or other suit, action, or proceeding at
 1001 law or in equity, enforce all rights of the bondholders,
 1002 including the right to require the authority to fix, establish,
 1003 maintain, collect, and charge rates, fees, rentals, and other
 1004 charges adequate to carry out any agreement as to or pledge of
 1005 the revenues or receipts of the authority to carry out any other
 1006 covenants and agreements with or for the benefit of the
 1007 bondholders, and to perform its and their duties under this
 1008 part.

1009 (b) By mandamus or other suit, action, or proceeding at
 1010 law or in equity, enforce all rights of the bondholders under or
 1011 pursuant to any lease-purchase agreement between the authority
 1012 and the department, including the right to require the
 1013 department to make all rental payments required to be made by it
 1014 under the provisions of any such lease-purchase agreement, to
 1015 require the department to carry out any other covenants and
 1016 agreements with or for the benefit of the bondholders, and to
 1017 perform its and their duties under this part.

1018 (c) Bring suit upon the bonds.

1019 (d) By action or suit in equity, require the authority or
 1020 the department to account as if it were the trustee of an
 1021 express trust for the bondholders.

1022 (e) By action or suit in equity, enjoin any acts or things
 1023 which may be unlawful or in violation of the rights of the
 1024 bondholders.

1025 (3) Any trustee, when appointed as aforesaid or acting
 1026 under a deed of trust, indenture, or other agreement, and
 1027 whether or not all bonds have been declared due and payable,

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1028 shall be entitled as of right to the appointment of a receiver
 1029 who may enter upon and take possession of the system or the
 1030 facilities or any part or parts thereof, the rates, fees,
 1031 rentals, or other revenues, charges, or receipts from which are
 1032 or may be applicable to the payment of the bonds so in default,
 1033 and, subject to and in compliance with the provisions of any
 1034 lease-purchase agreement between the authority and the
 1035 department, operate and maintain the same for and on behalf of
 1036 and in the name of the authority, the department, and the
 1037 bondholders, and collect and receive all rates, fees, rentals,
 1038 and other charges or receipts or revenues arising therefrom in
 1039 the same manner as the authority or the department might do, and
 1040 shall deposit all such moneys in a separate account and apply
 1041 the same in such manner as the court shall direct. In any suit,
 1042 action, or proceeding by the trustee, the fees, counsel fees,
 1043 and expenses of the trustee and said receiver, if any, and all
 1044 costs and disbursements allowed by the court shall be a first
 1045 charge on any rates, fees, rentals, or other charges, revenues,
 1046 or receipts derived from the system or the facilities or
 1047 services or any part or parts thereof, including payments under
 1048 any such lease-purchase agreement as aforesaid, which said
 1049 rates, fees, rentals, or other charges, revenues, or receipts
 1050 shall or may be applicable to the payment of the bonds so in
 1051 default. Such trustee shall, in addition to the foregoing, have
 1052 and possess all of the powers necessary or appropriate for the
 1053 exercise of any functions specifically set forth herein or
 1054 incident to the representation of the bondholders in the
 1055 enforcement and protection of their rights.

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1056 (4) Nothing in this section or any other section of this
 1057 part shall authorize any receiver appointed pursuant hereto for
 1058 the purpose, subject to and in compliance with the provisions of
 1059 any lease-purchase agreement between the authority and the
 1060 department, of operating and maintaining the system or any
 1061 facilities or part or parts thereof to sell, assign, mortgage,
 1062 or otherwise dispose of any of the assets of whatever kind and
 1063 character belonging to the authority. It is the intention of
 1064 this part to limit the powers of such receiver, subject to and
 1065 in compliance with the provisions of any lease-purchase
 1066 agreement between the authority and the department, to the
 1067 operation and maintenance of the system or any facility or part
 1068 or parts thereof, as the court may direct, in the name and for
 1069 and on behalf of the authority, the department, and the
 1070 bondholders, and no holder of bonds on the authority nor any
 1071 trustee shall ever have the right in any suit, action, or
 1072 proceeding at law or in equity to compel a receiver, nor shall
 1073 any receiver be authorized or any court be empowered to direct
 1074 the receiver to sell, assign, mortgage, or otherwise dispose of
 1075 any assets of whatever kind or character belonging to the
 1076 authority.

1077 343.837 Lease-purchase agreement.--

1078 (1) In order to effectuate the purposes of this part and
 1079 as authorized by this part, the authority may enter into a
 1080 lease-purchase agreement with the department relating to and
 1081 covering the U.S. 98 Corridor System.

1082 (2) Such lease-purchase agreement shall provide for the
 1083 leasing of the system by the authority, as lessor, to the

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1084 department, as lessee, shall prescribe the term of such lease
 1085 and the rentals to be paid thereunder, and shall provide that,
 1086 upon the completion of the faithful performance thereunder and
 1087 the termination of such lease-purchase agreement, title in fee
 1088 simple absolute to the system as then constituted shall be
 1089 transferred in accordance with law by the authority to the state
 1090 and the authority shall deliver to the department such deeds and
 1091 conveyances as shall be necessary or convenient to vest title in
 1092 fee simple absolute in the state.

1093 (3) Such lease-purchase agreement may include such other
 1094 provisions, agreements, and covenants as the authority and the
 1095 department deem advisable or required, including, but not
 1096 limited to, provisions as to the bonds to be issued under and
 1097 for the purposes of this part, the completion, extension,
 1098 improvement, operation, and maintenance of the system and the
 1099 expenses and the cost of operation of said authority, the
 1100 charging and collection of tolls, rates, fees, and other charges
 1101 for the use of the services and facilities thereof, and the
 1102 application of federal or state grants or aid which may be made
 1103 or given to assist the authority in the completion, extension,
 1104 improvement, operation, and maintenance of the system.

1105 (4) The department as lessee under such lease-purchase
 1106 agreement is hereby authorized to pay as rentals thereunder any
 1107 rates, fees, charges, funds, moneys, receipts, or income
 1108 accruing to the department from the operation of the system and
 1109 may also pay as rentals any appropriations received by the
 1110 department pursuant to any act of the Legislature heretofore or
 1111 hereafter enacted; however, nothing herein or in such lease-

1112 purchase agreement is intended to require, nor shall this part
 1113 or such lease-purchase agreement require, the making or
 1114 continuance of such appropriations, nor shall any holder of
 1115 bonds issued pursuant to this part ever have any right to compel
 1116 the making or continuance of such appropriations.

1117 (5) The department shall have power to covenant in any
 1118 lease-purchase agreement that it will pay all or any part of the
 1119 cost of the operation, maintenance, repair, renewal, and
 1120 replacement of said system, and any part of the cost of
 1121 completing said system to the extent that the proceeds of bonds
 1122 issued therefore are insufficient, from sources other than the
 1123 revenues derived from the operation of the system.

1124 (6) The U.S. 98 Corridor System shall be a part of the
 1125 State Highway System as defined in s. 334.03, and the department
 1126 may, upon the request of the authority, expend out of any funds
 1127 available for that purpose, and use such of its engineering and
 1128 other forces, as may be necessary and desirable in the judgment
 1129 of the department, for the operation of the authority and for
 1130 traffic surveys, borings, surveys, preparation of plans and
 1131 specifications, estimates of cost, and other preliminary
 1132 engineering and other studies.

1133 343.84 Department may be appointed agent of authority for
 1134 construction.--The department may be appointed by the authority
 1135 as its agent for the purpose of constructing improvements and
 1136 extensions to the system and for the completion thereof. In such
 1137 event, the authority shall provide the department with complete
 1138 copies of all documents, agreements, resolutions, contracts, and
 1139 instruments relating thereto, shall request the department to do

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1140 such construction work, including the planning, surveying, and
 1141 actual construction of the completion, extensions, and
 1142 improvements to the system, and shall transfer to the credit of
 1143 an account of the department in the treasury of the state the
 1144 necessary funds therefor, and the department shall thereupon be
 1145 authorized, empowered, and directed to proceed with such
 1146 construction and to use said funds for such purpose in the same
 1147 manner that it is now authorized to use the funds otherwise
 1148 provided by law for its use in construction of roads and
 1149 bridges.

1150 343.85 Acquisition of lands and property.--

1151 (1) For the purposes of this part, the Northwest Florida
 1152 Transportation Corridor Authority may acquire private or public
 1153 property and property rights, including rights of access, air,
 1154 view, and light, by gift, devise, purchase, or condemnation by
 1155 eminent domain proceedings, as the authority may deem necessary
 1156 for any of the purposes of this part, including, but not limited
 1157 to, any lands reasonably necessary for securing applicable
 1158 permits, areas necessary for management of access, borrow pits,
 1159 drainage ditches, water retention areas, rest areas, replacement
 1160 access for landowners whose access is impaired due to the
 1161 construction of a facility, and replacement rights-of-way for
 1162 relocated rail and utility facilities; for existing, proposed,
 1163 or anticipated transportation facilities within the U.S. 98
 1164 transportation corridor designated by the authority; or for the
 1165 purposes of screening, relocation, removal, or disposal of
 1166 junkyards and scrap metal processing facilities. The authority

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1167 shall also have the power to condemn any material and property
 1168 necessary for such purposes.

1169 (2) The right of eminent domain herein conferred shall be
 1170 exercised by the authority in the manner provided by law.

1171 (3) When the authority acquires property for a
 1172 transportation facility or in a transportation corridor, it is
 1173 not subject to any liability imposed by chapter 376 or chapter
 1174 403 for preexisting soil or groundwater contamination due solely
 1175 to its ownership. This section does not affect the rights or
 1176 liabilities of any past or future owners of the acquired
 1177 property, nor does it affect the liability of any governmental
 1178 entity for the results of its actions which create or exacerbate
 1179 a pollution source. The authority and the Department of
 1180 Environmental Protection may enter into interagency agreements
 1181 for the performance, funding, and reimbursement of the
 1182 investigative and remedial acts necessary for property acquired
 1183 by the authority.

1184 343.87 Cooperation with other units, boards, agencies, and
 1185 individuals.--Express authority and power is hereby given and
 1186 granted to any county, municipality, drainage district, road and
 1187 bridge district, school district, or any other political
 1188 subdivision, board, commission, or individual in or of the state
 1189 to make and enter into with the authority contracts, leases,
 1190 conveyances, partnerships, or other agreements within the
 1191 provisions and purposes of this part. The authority is hereby
 1192 expressly authorized to make and enter into contracts, leases,
 1193 conveyances, partnerships, and other agreements with any
 1194 political subdivision, agency, or instrumentality of the state

1195 and any and all federal agencies, corporations, and individuals
 1196 for the purpose of carrying out the provisions of this part.
 1197 343.875 Public-private partnerships.--
 1198 (1) The authority may receive or solicit proposals and
 1199 enter into agreements with private entities, or consortia
 1200 thereof, for the building, operation, ownership, or financing of
 1201 transportation facilities within the jurisdiction of the
 1202 authority. Before approval, the authority must determine that a
 1203 proposed project:
 1204 (a) Is in the public's best interest.
 1205 (b) Would not require state funds to be used unless the
 1206 project is on or provides increased mobility on the State
 1207 Highway System.
 1208 (c) Would have adequate safeguards to ensure that no
 1209 additional costs or service disruptions would be realized by the
 1210 traveling public and citizens of the state in the event of
 1211 default or the cancellation of the agreement by the authority.
 1212 (2) The authority shall ensure that all reasonable costs
 1213 to the state related to transportation facilities that are not
 1214 part of the State Highway System are borne by the private
 1215 entity. The authority also shall ensure that all reasonable
 1216 costs to the state and substantially affected local governments
 1217 and utilities related to the private transportation facility are
 1218 borne by the private entity for transportation facilities that
 1219 are owned by private entities. For projects on the State Highway
 1220 System, the department may use state resources to participate in
 1221 funding and financing the project as provided for under the
 1222 department's enabling legislation.

1223 (3) The authority may request proposals for public-private
 1224 transportation projects or, if it receives an unsolicited
 1225 proposal, it must publish a notice in the Florida Administrative
 1226 Weekly and a newspaper of general circulation in the county in
 1227 which it is located at least once a week for 2 weeks stating
 1228 that it has received the proposal and will accept, for 60 days
 1229 after the initial date of publication, other proposals for the
 1230 same project purpose. A copy of the notice must be mailed to
 1231 each local government in the affected areas. After the public
 1232 notification period has expired, the authority shall rank the
 1233 proposals in order of preference. In ranking the proposals, the
 1234 authority shall consider professional qualifications, general
 1235 business terms, innovative engineering or cost-reduction terms,
 1236 finance plans, and the need for state funds to deliver the
 1237 proposal. If the authority is not satisfied with the results of
 1238 the negotiations, it may at its sole discretion terminate
 1239 negotiations with the proposer. If these negotiations are
 1240 unsuccessful, the authority may go to the second and lower-
 1241 ranked firms, in order, using the same procedure. If only one
 1242 proposal is received, the authority may negotiate in good faith
 1243 and, if it is not satisfied with the results, it may at its sole
 1244 discretion terminate negotiations with the proposer.
 1245 Notwithstanding this subsection, the authority may at its
 1246 discretion reject all proposals at any point in the process up
 1247 to completion of a contract with the proposer.

1248 (4) Agreements entered into pursuant to this section may
 1249 authorize the public-private entity to impose tolls or fares for
 1250 the use of the facility. However, the amount and use of toll or

1251 fare revenues shall be regulated by the authority to avoid
 1252 unreasonable costs to users of the facility.

1253 (5) Each public-private transportation facility
 1254 constructed pursuant to this section shall comply with all
 1255 requirements of federal, state, and local laws; state, regional,
 1256 and local comprehensive plans; the authority's rules, policies,
 1257 procedures, and standards for transportation facilities; and any
 1258 other conditions that the authority determines to be in the
 1259 public's best interest.

1260 (6) The authority may exercise any of its powers,
 1261 including eminent domain, to facilitate the development and
 1262 construction of transportation projects pursuant to this
 1263 section. The authority may pay all or part of the cost of
 1264 operating and maintaining the facility or may provide services
 1265 to the private entity for which it receives full or partial
 1266 reimbursement for services rendered.

1267 (7) Except as herein provided, this section is not
 1268 intended to amend existing law by granting additional powers to
 1269 or imposing further restrictions on the governmental entities
 1270 with regard to regulating and entering into cooperative
 1271 arrangements with the private sector for the planning,
 1272 construction, and operation of transportation facilities.

1273 (8) The authority is authorized to adopt rules to
 1274 implement this section and shall, by rule, establish an
 1275 application fee for the submission of unsolicited proposals
 1276 under this section. The fee must be sufficient to pay the costs
 1277 of evaluating the proposals.

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1278 343.88 Covenant of the state.--The state does hereby
 1279 pledge to, and agrees with, any person, firm or corporation, or
 1280 federal or state agency subscribing to or acquiring the bonds to
 1281 be issued by the authority for the purposes of this part that
 1282 the state will not limit or alter the rights hereby vested in
 1283 the authority and the department until all bonds at any time
 1284 issued, together with the interest thereon, are fully paid and
 1285 discharged insofar as the same affects the rights of the holders
 1286 of bonds issued hereunder. The state does further pledge to, and
 1287 agree with, the United States that, in the event any federal
 1288 agency constructs or contributes any funds for the completion,
 1289 extension, or improvement of the system or any part or portion
 1290 thereof, the state will not alter or limit the rights and powers
 1291 of the authority and the department in any manner which would be
 1292 inconsistent with the continued maintenance and operation of the
 1293 system or the completion, extension, or improvement thereof or
 1294 which would be inconsistent with the due performance of any
 1295 agreements between the authority and any such federal agency,
 1296 and the authority and the department shall continue to have and
 1297 may exercise all powers herein granted so long as the same shall
 1298 be necessary or desirable for the carrying out of the purposes
 1299 of this part and the purposes of the United States in the
 1300 completion, extension, or improvement of the system or any part
 1301 or portion thereof.

1302 343.881 Exemption from taxation.--The effectuation of the
 1303 authorized purposes of the authority created under this part is,
 1304 shall, and will be in all respects for the benefit of the people
 1305 of the state, for the increase of their commerce and prosperity,

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1306 and for the improvement of their health and living conditions
 1307 and, since such authority will be performing essential
 1308 governmental functions in effectuating such purposes, such
 1309 authority shall not be required to pay any taxes or assessments
 1310 of any kind or nature whatsoever upon any property acquired or
 1311 used by it for such purposes, or upon any rates, fees, rentals,
 1312 receipts, income, or charges at any time received by it, and the
 1313 bonds issued by the authority, their transfer, and the income
 1314 therefrom, including any profits made on the sale thereof, shall
 1315 at all times be free from taxation of any kind by the state or
 1316 by any political subdivision, taxing agency, or instrumentality
 1317 thereof. The exemption granted by this section shall not be
 1318 applicable to any tax imposed by chapter 220 on interest,
 1319 income, or profits on debt obligations owned by corporations.

1320 343.884 Eligibility for investments and security.--Any
 1321 bonds or other obligations issued pursuant to this part shall be
 1322 and constitute legal investments for banks, savings banks,
 1323 trustees, executors, administrators, and all other fiduciaries
 1324 and for all state, municipal, and other public funds and shall
 1325 also be and constitute securities eligible for deposit as
 1326 security for all state, municipal, or other public funds,
 1327 notwithstanding the provisions of any other law or laws to the
 1328 contrary.

1329 343.885 Pledges enforceable by bondholders.--It is the
 1330 express intention of this part that any pledge to the authority
 1331 by the department of rates, fees, revenues, or other funds as
 1332 rentals, or any covenants or agreements relative thereto, may be
 1333 enforceable in any court of competent jurisdiction against the

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1334 authority or directly against the department by any holder of
 1335 bonds issued by the authority.

1336 343.89 This part complete and additional authority.--

1337 (1) The powers conferred by this part shall be in addition
 1338 and supplemental to the existing powers of said board and the
 1339 department, and this part shall not be construed as repealing
 1340 any of the provisions of any other law, general, special, or
 1341 local, but to supersede such other laws in the exercise of the
 1342 powers provided in this part and to provide a complete method
 1343 for the exercise of the powers granted in this part. The
 1344 extension and improvement of the system, and the issuance of
 1345 bonds hereunder to finance all or part of the cost thereof, may
 1346 be accomplished upon compliance with the provisions of this part
 1347 without regard to or necessity for compliance with the
 1348 provisions, limitations, or restrictions contained in any other
 1349 general, special, or local law, including, but not limited to,
 1350 s. 215.821, and no approval of any bonds issued under this part
 1351 by the qualified electors or qualified electors who are
 1352 freeholders in the state or in any other political subdivision
 1353 of the state shall be required for the issuance of such bonds
 1354 pursuant to this part.

1355 (2) This part shall not be deemed to repeal, rescind, or
 1356 modify any other law relating to the State Board of
 1357 Administration, the Department of Transportation, or the
 1358 Division of Bond Finance of the State Board of Administration
 1359 but shall be deemed to and shall supersede such other laws as
 1360 are inconsistent with the provisions of this part, including,
 1361 but not limited to, s. 215.821.

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1362 Section 14. Paragraph (d) of subsection (2) of section
1363 348.0003, Florida Statutes, is amended to read:

1364 348.0003 Expressway authority; formation; membership.--

1365 (2) The governing body of an authority shall consist of
1366 not fewer than five nor more than nine voting members. The
1367 district secretary of the affected department district shall
1368 serve as a nonvoting member of the governing body of each
1369 authority located within the district. Each member of the
1370 governing body must at all times during his or her term of
1371 office be a permanent resident of the county which he or she is
1372 appointed to represent.

1373 (d) Notwithstanding any provision to the contrary in this
1374 subsection, in any county as defined in s. 125.011(1), the
1375 governing body of an authority shall consist of up to 7 ~~13~~
1376 members, and the following provisions of this paragraph shall
1377 apply specifically to such authority. Except for the district
1378 secretary of the department, the members must be residents of
1379 the county. Four ~~Seven~~ voting members shall be county
1380 commissioners appointed by the chair of the governing body of
1381 the county. One voting member shall be a mayor of a municipality
1382 within the county and shall be appointed by the Miami-Dade
1383 County League of Cities. ~~At the discretion of the governing body~~
1384 ~~of the county, up to two of the members appointed by the~~
1385 ~~governing body of the county may be elected officials residing~~
1386 ~~in the county. Five voting members of the authority shall be~~
1387 ~~appointed by the Governor.~~ One member shall be the district
1388 secretary of the department serving in the district that
1389 contains such county and shall be an ex officio, voting member

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1390 of the authority. One member shall be the chair of the Miami-
 1391 Dade legislative delegation, or another member of the delegation
 1392 appointed by the chair, and shall be an ex officio, nonvoting
 1393 member of the authority. This member shall be an ex officio
 1394 voting member of the authority. If the governing board of an
 1395 authority includes any member originally appointed by the
 1396 governing body of the county as a nonvoting member, when the
 1397 term of such member expires, that member shall be replaced by a
 1398 member appointed by the Governor until the governing body of the
 1399 authority is composed of seven members appointed by the
 1400 governing body of the county and five members appointed by the
 1401 Governor. The qualifications, terms of office, and obligations
 1402 and rights of members of the authority shall be determined by
 1403 resolution or ordinance of the governing body of the county in a
 1404 manner that is consistent with subsections (3) and (4).

1405 Section 15. Paragraph (f) of subsection (2) of section
 1406 348.0004, Florida Statutes, is amended to read:

1407 348.0004 Purposes and powers.--

1408 (2) Each authority may exercise all powers necessary,
 1409 appurtenant, convenient, or incidental to the carrying out of
 1410 its purposes, including, but not limited to, the following
 1411 rights and powers:

1412 (f)1. To fix, alter, charge, establish, and collect tolls,
 1413 rates, fees, rentals, and other charges for the services and
 1414 facilities system, which tolls, rates, fees, rentals, and other
 1415 charges must always be sufficient to comply with any covenants
 1416 made with the holders of any bonds issued pursuant to the
 1417 Florida Expressway Authority Act. However, such right and power

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1418 | may be assigned or delegated by the authority to the department.
 1419 | Notwithstanding s. 338.165 or any other provision of law to the
 1420 | contrary, in any county as defined in s. 125.011(1), to the
 1421 | extent surplus revenues exist, they may be used for purposes
 1422 | enumerated in subsection (7), provided the expenditures are
 1423 | consistent with the metropolitan planning organization's adopted
 1424 | long-range plan. Notwithstanding any other provision of law to
 1425 | the contrary, but subject to any contractual requirements
 1426 | contained in documents securing any outstanding indebtedness
 1427 | payable from tolls, in any county as defined in s. 125.011(1),
 1428 | the board of county commissioners may, by ordinance adopted on
 1429 | or before September 30, 1999, alter or abolish existing tolls
 1430 | and currently approved increases thereto if the board provides a
 1431 | local source of funding to the county expressway system for
 1432 | transportation in an amount sufficient to replace revenues
 1433 | necessary to meet bond obligations secured by such tolls and
 1434 | increases.

1435 | 2. Prior to raising tolls or establishing any new point of
 1436 | toll collection by either cash payment or electronic toll
 1437 | collection, an expressway authority in any county as defined in
 1438 | s. 125.011(1) shall provide, where applicable, the county
 1439 | commission, city commission, and metropolitan planning
 1440 | organization in the affected area with written justification for
 1441 | the proposed toll increase or new toll collection point. The
 1442 | local governmental entities and the metropolitan planning
 1443 | organization shall agenda the justification issue at its next
 1444 | available public meeting and shall have 30 days after the date
 1445 | of that meeting to request a public hearing on the proposed toll

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OSCEOLA COUNTY EXPRESSWAY AUTHORITY

348.9801 Popular name.--This part shall be cited as the "Osceola County Expressway Authority Law."

348.9802 Definitions.--The following terms, whenever used or referred to in this part, shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(1) "Agency of the state" means and includes the state and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the state.

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

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

(4) "County" means Osceola County.

(5) "Department" means the Department of Transportation.

(6) "Federal agency" means and includes the United States, the President of the United States, and any department of or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by the United States.

(7) "Lease-purchase agreement" means the lease-purchase agreements which the authority is authorized pursuant to this part to enter into with the department.

(8) "Limited access expressway" or "expressway" means a street or highway especially designed for through traffic and

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1502 over, from, or to which no person shall have the right of
 1503 easement, use, or access except in accordance with the rules and
 1504 regulations promulgated and established by the authority for the
 1505 use of such facility. Such highways or streets may be parkways
 1506 from which trucks, buses, and other commercial vehicles shall be
 1507 excluded, or they may be freeways open to use by all customary
 1508 forms of street and highway traffic.

1509 (9) "Members" means the governing body of the authority,
 1510 and the term "member" means one of the individuals constituting
 1511 such governing body.

1512 (10) "Osceola County gasoline tax funds" means all the 80-
 1513 percent surplus gasoline tax funds accruing in each year to the
 1514 department for use in Osceola County under the provisions of s.
 1515 9, Art. XII of the State Constitution after deduction only of
 1516 any amounts of said gasoline tax funds heretofore pledged by the
 1517 department or the county for outstanding obligations.

1518 (11) "Osceola County Expressway System" means any and all
 1519 expressways and appurtenant facilities thereto, including, but
 1520 not limited to, all approaches, roads, bridges, and avenues of
 1521 access for said expressway or expressways.

1522 (12) "State Board of Administration" means the body
 1523 corporate existing under the provisions of s. 9, Art. XII of the
 1524 State Constitution, or any successor thereto.

1525
 1526 Terms importing singular number include the plural number in
 1527 each case and vice versa, and terms importing persons include
 1528 firms and corporations.

1529 348.9803 Osceola County Expressway Authority.--

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1530 (1) There is hereby created and established a body politic
 1531 and corporate, an agency of the state, to be known as the
 1532 Osceola County Expressway Authority, hereinafter referred to as
 1533 "authority."

1534 (2) The governing body of the authority shall consist of
 1535 five members. Three members shall be citizens of Osceola County,
 1536 who shall be appointed by the governing body of the county. The
 1537 fourth member shall be appointed by the Governor, and the fifth
 1538 member shall be, ex officio, the district secretary of the
 1539 Department of Transportation serving in the district that
 1540 contains Osceola County. The term of each appointed member shall
 1541 be for 4 years. However, the members appointed by the Governor
 1542 for the first time shall serve a term of 2 years. Each appointed
 1543 member shall hold office until his or her successor has been
 1544 appointed and has qualified. A vacancy occurring during a term
 1545 shall be filled only for the balance of the unexpired term. Each
 1546 appointed member of the authority shall be a person of
 1547 outstanding reputation for integrity, responsibility, and
 1548 business ability, but no person who is an officer or employee of
 1549 any city or of Osceola County in any other capacity shall be an
 1550 appointed member of the authority. Any member of the authority
 1551 shall be eligible for reappointment.

1552 (3)(a) The authority shall elect one of its members as
 1553 chair of the authority. The authority shall also elect a
 1554 secretary and a treasurer who may or may not be members of the
 1555 authority. The chair, secretary, and treasurer shall hold such
 1556 offices at the will of the authority. Three members of the
 1557 authority shall constitute a quorum, and the vote of three

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1558 members shall be necessary for any action taken by the
 1559 authority. No vacancy in the authority shall impair the right of
 1560 a quorum of the authority to exercise all of the rights and
 1561 perform all of the duties of the authority.

1562 (b) Upon the effective date of his or her appointment or
 1563 as soon thereafter as practicable, each appointed member of the
 1564 authority shall enter upon his or her duties.

1565 (4)(a) The authority may employ an executive secretary, an
 1566 executive director, its own counsel and legal staff, technical
 1567 experts, such engineers, and such employees, permanent or
 1568 temporary, as it may require; may determine the qualifications
 1569 and fix the compensation of such persons, firms, or
 1570 corporations; and may employ a fiscal agent or agents. However,
 1571 the authority shall solicit sealed proposals from at least three
 1572 persons, firms, or corporations for the performance of any
 1573 services as fiscal agents. The authority may delegate to one or
 1574 more of its agents or employees such of its power as it shall
 1575 deem necessary to carry out the purposes of this part, subject
 1576 always to the supervision and control of the authority.

1577 (b) Members of the authority may be removed from office by
 1578 the Governor for misconduct, malfeasance, misfeasance, or
 1579 nonfeasance in office. Members of the authority shall be
 1580 entitled to receive from the authority their travel and other
 1581 necessary expenses incurred in connection with the business of
 1582 the authority as provided in s. 112.061, but they shall draw no
 1583 salaries or other compensation.

1584 348.9804 Purposes and powers.--

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1585 (1)(a) The authority created and established by the
 1586 provisions of this part is hereby granted and shall have the
 1587 right to acquire, hold, construct, improve, maintain, operate,
 1588 own, and lease in the capacity of lessor the Osceola County
 1589 Expressway System, hereinafter referred to as "system."

1590 (b) It is the express intention of this part that said
 1591 authority, in the construction of said Osceola County Expressway
 1592 System, shall be authorized to construct any extensions,
 1593 additions, or improvements to said system or appurtenant
 1594 facilities, including all necessary approaches, roads, bridges,
 1595 and avenues of access with such changes, modifications, or
 1596 revisions of said project as shall be deemed desirable and
 1597 proper.

1598 (2) The authority is hereby granted and shall have and may
 1599 exercise all powers necessary, appurtenant, convenient, or
 1600 incidental to the carrying out of its purposes, including, but
 1601 not limited to, the following rights and powers:

1602 (a) To sue and be sued, implead and be impleaded, and
 1603 complain and defend in all courts.

1604 (b) To adopt, use, and alter at will a corporate seal.

1605 (c) To acquire by donation or otherwise, purchase, hold,
 1606 lease as lessee, and use any franchise, property, real,
 1607 personal, or mixed, tangible or intangible, or any options
 1608 thereof, in its own name or in conjunction with others, or
 1609 interest therein, necessary or desirable for carrying out the
 1610 purposes of the authority, and to sell, lease as lessor,
 1611 transfer, and dispose of any property or interest therein at any
 1612 time acquired by it.

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1613 (d) To enter into and make leases for terms not exceeding
 1614 40 years as either lessee or lessor in order to carry out the
 1615 right to lease as set forth in this part.

1616 (e) To enter into and make lease-purchase agreements with
 1617 the department for terms not exceeding 40 years, or until any
 1618 bonds secured by a pledge of rentals thereunder and any
 1619 refundings thereof are fully paid as to both principal and
 1620 interest, whichever is longer.

1621 (f) To fix, alter, charge, establish, and collect rates,
 1622 fees, rentals, and other charges for the services and facilities
 1623 of the Osceola County Expressway System, which rates, fees,
 1624 rentals, and other charges shall always be sufficient to comply
 1625 with any covenants made with the holders of any bonds issued
 1626 pursuant to this part; however, such right and power may be
 1627 assigned or delegated by the authority to the department.

1628 (g) To borrow money and make and issue negotiable notes,
 1629 bonds, refunding bonds, and other evidences of indebtedness or
 1630 obligations, either in temporary or definitive form, hereinafter
 1631 in this part sometimes called "bonds" of the authority, for the
 1632 purpose of financing all or part of the improvement or extension
 1633 of the Osceola County Expressway System and appurtenant
 1634 facilities, including all approaches, streets, roads, bridges,
 1635 and avenues of access for said Osceola County Expressway System
 1636 and for any other purpose authorized by this part, said bonds to
 1637 mature in not exceeding 40 years from the date of the issuance
 1638 thereof, and to secure the payment of such bonds or any part
 1639 thereof by a pledge of any or all of its revenues, rates, fees,
 1640 rentals, or other charges, including all or any portion of the

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1641 Osceola County gasoline tax funds received by the authority
 1642 pursuant to the terms of any lease-purchase agreement between
 1643 the authority and the department; and, in general, to provide
 1644 for the security of said bonds and the rights and remedies of
 1645 the holders thereof. However, no portion of the Osceola County
 1646 gasoline tax funds shall be pledged for the construction of any
 1647 project for which a toll is to be charged unless the anticipated
 1648 tolls are reasonably estimated by the board of county
 1649 commissioners, at the date of its resolution pledging said
 1650 funds, to be sufficient to cover the principal and interest of
 1651 such obligations during the period when said pledge of funds
 1652 shall be in effect.

1653 1. The authority shall reimburse Osceola County for any
 1654 sums expended from said gasoline tax funds used for the payment
 1655 of such obligations. Any gasoline tax funds so disbursed shall
 1656 be repaid when the authority deems it practicable, together with
 1657 interest at the highest rate applicable to any obligations of
 1658 the authority.

1659 2. In the event the authority shall determine to fund or
 1660 refund any bonds theretofore issued by said authority or by said
 1661 commission as aforesaid prior to the maturity thereof, the
 1662 proceeds of such funding or refunding bonds shall, pending the
 1663 prior redemption of the bonds to be funded or refunded, be
 1664 invested in direct obligations of the United States. It is the
 1665 express intention of this part that such outstanding bonds may
 1666 be funded or refunded by the issuance of bonds pursuant to this
 1667 part.

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1668 (h) To make contracts of every name and nature, including,
 1669 but not limited to, partnerships providing for participation in
 1670 ownership and revenues, and to execute all instruments necessary
 1671 or convenient for the carrying on of its business.

1672 (i) Without limitation of the foregoing, to borrow money
 1673 and accept grants from and to enter into contracts, leases, or
 1674 other transactions with any federal agency, the state, any
 1675 agency of the state, Osceola County, or with any other public
 1676 body of the state.

1677 (j) To have the power of eminent domain, including the
 1678 procedural powers granted under chapters 73 and 74.

1679 (k) To pledge, hypothecate, or otherwise encumber all or
 1680 any part of the revenues, rates, fees, rentals, or other charges
 1681 or receipts of the authority, including all or any portion of
 1682 the Osceola County gasoline tax funds received by the authority
 1683 pursuant to the terms of any lease-purchase agreement between
 1684 the authority and the department, as security for all or any of
 1685 the obligations of the authority.

1686 (l) To enter into partnership and other agreements
 1687 respecting ownership and revenue participation in order to
 1688 facilitate financing and constructing any project or portions
 1689 thereof.

1690 (m) To participate in developer agreements or to receive
 1691 developer contributions.

1692 (n) To contract with Osceola County for the operation of a
 1693 toll facility within the county.

1694 (o) To do all acts and things necessary or convenient for
 1695 the conduct of its business and the general welfare of the

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1696 | authority in order to carry out the powers granted to it by this
 1697 | part or any other law.

1698 | (p) With the consent of the county within whose
 1699 | jurisdiction the following activities occur, to construct,
 1700 | operate, and maintain roads, bridges, avenues of access,
 1701 | thoroughfares, and boulevards outside the jurisdictional
 1702 | boundaries of Osceola County and to construct, repair, replace,
 1703 | operate, install, and maintain electronic toll payment systems
 1704 | thereon with all necessary and incidental powers to accomplish
 1705 | the foregoing.

1706 | (3) The authority shall have no power at any time or in
 1707 | any manner to pledge the credit or taxing power of the state or
 1708 | any political subdivision or agency thereof, including Osceola
 1709 | County, nor shall any of the authority's obligations be deemed
 1710 | to be obligations of the state or of any political subdivision
 1711 | or agency thereof, nor shall the state or any political
 1712 | subdivision or agency thereof, except the authority, be liable
 1713 | for the payment of the principal of or interest on such
 1714 | obligations.

1715 | (4) Anything in this part to the contrary notwithstanding,
 1716 | acquisition of right-of-way for a project of the authority which
 1717 | is within the boundaries of any municipality in Osceola County
 1718 | shall not be started unless and until the route of said project
 1719 | within said municipality has been given prior approval by the
 1720 | governing body of said municipality.

1721 | (5) The authority shall have no power other than by
 1722 | consent of Osceola County or any affected city to enter into any
 1723 | agreement which would legally prohibit the construction of any

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1724 road by Osceola County or by any municipality within Osceola
 1725 County.

1726 348.9805 Improvements, bond financing authority
 1727 for.--Pursuant to s. 11(f), Art. VII of the State Constitution,
 1728 the Legislature hereby approves for bond financing by the
 1729 Osceola County Expressway Authority improvements to toll
 1730 collection facilities, interchanges to the legislatively
 1731 approved expressway system, and any other facility appurtenant,
 1732 necessary, or incidental to the approved system. Subject to
 1733 terms and conditions of applicable revenue bond resolutions and
 1734 covenants, such costs may be financed in whole or in part by
 1735 revenue bonds issued pursuant to s. 348.9806(1)(a) or (b)
 1736 whether currently issued or issued in the future, or by a
 1737 combination of such bonds.

1738 348.9806 Bonds of the authority.--

1739 (1)(a) Bonds may be issued on behalf of the authority
 1740 pursuant to the State Bond Act.

1741 (b) Alternatively, the authority may issue its own bonds
 1742 pursuant to this part at such times and in such principal amount
 1743 as, in the opinion of the authority, is necessary to provide
 1744 sufficient moneys for achieving its purposes; however, such
 1745 bonds may not pledge the full faith and credit of the state.
 1746 Bonds issued by the authority pursuant to this paragraph or
 1747 paragraph (a), whether on original issuance or on refunding,
 1748 shall be authorized by resolution of the members thereof and may
 1749 be either term or serial bonds, shall bear such date or dates,
 1750 mature at such time or times, not exceeding 40 years from their
 1751 respective dates, bear interest at such rate or rates, payable

1752 semiannually, be in such denominations, be in such form, either
 1753 coupon or fully registered, shall carry such registration,
 1754 exchangeability, and interchangeability privileges, be payable
 1755 in such medium of payment and at such place or places, be
 1756 subject to such terms of redemption, and be entitled to such
 1757 priorities on the revenues, rates, fees, rentals, or other
 1758 charges or receipts of the authority, including the Osceola
 1759 County gasoline tax funds received by the authority pursuant to
 1760 the terms of any lease-purchase agreement between the authority
 1761 and the department, as such resolution or any resolution
 1762 subsequent thereto may provide. The bonds shall be executed
 1763 either by manual or facsimile signature by such officers as the
 1764 authority shall determine, provided that such bonds shall bear
 1765 at least one signature which is manually executed thereon, and
 1766 the coupons attached to such bonds shall bear the facsimile
 1767 signature or signatures of such officer or officers as shall be
 1768 designated by the authority and shall have the seal of the
 1769 authority affixed, imprinted, reproduced, or lithographed
 1770 thereon, all as may be prescribed in such resolution or
 1771 resolutions.

1772 (c) Bonds issued pursuant to paragraph (a) or paragraph
 1773 (b) shall be sold at public sale in the same manner provided by
 1774 the State Bond Act. However, if the authority, by official
 1775 action at a public meeting, determines that a negotiated sale of
 1776 such bonds is in the best interest of the authority, the
 1777 authority may negotiate the sale of such bonds with the
 1778 underwriter designated by the authority and the Division of Bond
 1779 Finance of the State Board of Administration with respect to

1780 bonds issued pursuant to paragraph (a) or solely the authority
 1781 with respect to bonds issued pursuant to paragraph (b). The
 1782 authority's determination to negotiate the sale of such bonds
 1783 may be based, in part, upon the written advice of the
 1784 authority's financial adviser. Pending the preparation of
 1785 definitive bonds, interim certificates may be issued to the
 1786 purchaser or purchasers of such bonds and may contain such terms
 1787 and conditions as the authority may determine.

1788 (d) The authority may issue bonds pursuant to paragraph
 1789 (b) to refund any bonds previously issued regardless of whether
 1790 the bonds being refunded were issued by the authority pursuant
 1791 to this chapter or on behalf of the authority pursuant to the
 1792 State Bond Act.

1793 (2) Any such resolution or resolutions authorizing any
 1794 bonds hereunder may contain provisions which shall be part of
 1795 the contract with the holders of such bonds, as to:

1796 (a) The pledging of all or any part of the revenues,
 1797 rates, fees, rentals (including all or any portion of the
 1798 Osceola County gasoline tax funds received by the authority
 1799 pursuant to the terms of any lease-purchase agreement between
 1800 the authority and the department, or any part thereof), or other
 1801 charges or receipts of the authority, derived by the authority,
 1802 from the Osceola County Expressway System.

1803 (b) The completion, improvement, operation, extension,
 1804 maintenance, repair, lease, or lease-purchase agreement of said
 1805 system and the duties of the authority and others, including the
 1806 department, with reference thereto.

1807 (c) Limitations on the purposes to which the proceeds of
 1808 the bonds, then or thereafter to be issued, or of any loan or
 1809 grant by the United States or the state may be applied.

1810 (d) The fixing, charging, establishing, and collecting of
 1811 rates, fees, rentals, or other charges for use of the services
 1812 and facilities of the Osceola County Expressway System or any
 1813 part thereof.

1814 (e) The setting aside of reserves or sinking funds or
 1815 repair and replacement funds and the regulation and disposition
 1816 thereof.

1817 (f) Limitations on the issuance of additional bonds.

1818 (g) The terms and provisions of any lease-purchase
 1819 agreement, deed of trust, or indenture securing the bonds or
 1820 under which the same may be issued.

1821 (h) Any other or additional agreements with the holders of
 1822 the bonds which the authority may deem desirable and proper.

1823 (3) The authority may employ fiscal agents as provided by
 1824 this part or the State Board of Administration may, upon request
 1825 of the authority, act as fiscal agent for the authority in the
 1826 issuance of any bonds which may be issued pursuant to this part.

1827 The State Board of Administration may, upon request of the
 1828 authority, take over the management, control, administration,
 1829 custody, and payment of any or all debt services, funds, or
 1830 assets now or hereafter available for any bonds issued pursuant
 1831 to this part. The authority may enter into any deeds of trust,
 1832 indentures, or other agreements with its fiscal agent or with
 1833 any bank or trust company within or without the state as
 1834 security for such bonds and may, under such agreements, sign and

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1835 | pledge all or any of the revenues, rates, fees, rentals, or
 1836 | other charges or receipts of the authority, including all or any
 1837 | portion of the Osceola County gasoline tax funds received by the
 1838 | authority pursuant to the terms of any lease-purchase agreement
 1839 | between the authority and the department, thereunder. Such deed
 1840 | of trust, indenture, or other agreement may contain such
 1841 | provisions as are customary in such instruments or, as the
 1842 | authority may authorize, including but without limitation,
 1843 | provisions as to:

1844 | (a) The completion, improvement, operation, extension,
 1845 | maintenance, repair, and lease of or lease-purchase agreement
 1846 | relating to the Osceola County Expressway System and the duties
 1847 | of the authority and others including the department with
 1848 | reference thereto.

1849 | (b) The application of funds and the safeguarding of funds
 1850 | on hand or on deposit.

1851 | (c) The rights and remedies of the trustee and the holders
 1852 | of the bonds.

1853 | (d) The terms and provisions of the bonds or the
 1854 | resolutions authorizing the issuance of same.

1855 | (4) Any of the bonds issued pursuant to this part are, and
 1856 | are hereby declared to be, negotiable instruments and shall have
 1857 | all the qualities and incidents of negotiable instruments under
 1858 | the law merchant and the negotiable instruments law of the
 1859 | state.

1860 | (5) Notwithstanding any of the provisions of this part,
 1861 | each project, building, or facility which has been financed by
 1862 | the issuance of bonds or other evidence of indebtedness under

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1863 | this part and any refinancing thereof is hereby approved as
 1864 | provided for in s. 11(f), Art. VII of the State Constitution.
 1865 | 348.9807 Remedies of the bondholders.--
 1866 | (1) The rights and the remedies herein conferred upon or
 1867 | granted to the bondholders shall be in addition to and not in
 1868 | limitation of any rights and remedies lawfully granted to such
 1869 | bondholders by the resolution or resolutions providing for the
 1870 | issuance of bonds or by a lease-purchase agreement, deed of
 1871 | trust, indenture, or other agreement under which the bonds may
 1872 | be issued or secured. In the event that the authority defaults
 1873 | in the payment of the principal of or interest on any of the
 1874 | bonds issued pursuant to the provisions of this part after such
 1875 | principal of or interest on said bonds becomes due, whether at
 1876 | maturity or upon call for redemption, or in the event that the
 1877 | department defaults in any payments under or covenants made in
 1878 | any lease-purchase agreement between the authority and the
 1879 | department and such default continues for a period of 30 days,
 1880 | or in the event that the authority or the department fails or
 1881 | refuses to comply with the provisions of this part or any
 1882 | agreement made with or for the benefit of the holders of the
 1883 | bonds, the holders of 25 percent in aggregate principal amount
 1884 | of the bonds then outstanding shall be entitled as of right to
 1885 | the appointment of a trustee to represent such bondholders for
 1886 | the purposes hereof, provided that such holders of 25 percent in
 1887 | aggregate principal amount of the bonds then outstanding first
 1888 | give notice to the authority and to the department of their
 1889 | intention to appoint a trustee. Such notice shall be deemed to
 1890 | have been given if given in writing, deposited in a securely

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1891 sealed postpaid wrapper, mailed at a regularly maintained United
 1892 States post office box or station, and addressed, respectively,
 1893 to the chair of the authority and to the Secretary of
 1894 Transportation at the principal office of the department.

1895 (2) Such trustee and any trustee under any deed of trust,
 1896 indenture, or other agreement may and, upon written request of
 1897 the holders of 25 percent or such other percentages as may be
 1898 specified in any deed of trust, indenture, or other agreement
 1899 aforesaid in principal amount of the bonds then outstanding,
 1900 shall, in any court of competent jurisdiction in his, her, or
 1901 its own name:

1902 (a) By mandamus or other suit, action, or proceeding at
 1903 law or in equity, enforce all rights of the bondholders,
 1904 including the right to require the authority to fix, establish,
 1905 maintain, collect, and charge rates, fees, rentals, and other
 1906 charges adequate to carry out any agreement as to or pledge of
 1907 the revenues or receipts of the authority to carry out any other
 1908 covenants and agreements with or for the benefit of the
 1909 bondholders, and to perform its and their duties under this
 1910 part.

1911 (b) By mandamus or other suit, action, or proceeding at
 1912 law or in equity, enforce all rights of the bondholders under or
 1913 pursuant to any lease-purchase agreement between the authority
 1914 and the department, including the right to require the
 1915 department to make all rental payments required to be made by it
 1916 under the provisions of any such lease-purchase agreement,
 1917 whether from the Osceola County gasoline tax funds or other
 1918 funds of the department so agreed to be paid, and to require the

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1919 department to carry out any other covenants and agreements with
 1920 or for the benefit of the bondholders and to perform its and
 1921 their duties under this part.

1922 (c) Bring suit upon the bonds.

1923 (d) By action or suit in equity, require the authority or
 1924 the department to account as if it were the trustee of an
 1925 express trust for the bondholders.

1926 (e) By action or suit in equity, enjoin any acts or things
 1927 which may be unlawful or in violation of the rights of the
 1928 bondholders.

1929 (3) Whether or not all bonds have been declared due and
 1930 payable, any trustee, when appointed under this section or
 1931 acting under a deed of trust, indenture, or other agreement,
 1932 shall be entitled as of right to the appointment of a receiver
 1933 who may enter upon and take possession of the Osceola County
 1934 Expressway System or the facilities or any part or parts
 1935 thereof, the rates, fees, rentals, or other revenues, charges,
 1936 or receipts from which are or may be applicable to the payment
 1937 of the bonds so in default, and, subject to and in compliance
 1938 with the provisions of any lease-purchase agreement between the
 1939 authority and the department, operate and maintain the same for
 1940 and on behalf and in the name of the authority, the department,
 1941 and the bondholders and collect and receive all rates, fees,
 1942 rentals, and other charges or receipts or revenues arising
 1943 therefrom in the same manner as the authority or the department
 1944 might do, and shall deposit all such moneys in a separate
 1945 account and apply the same in such manner as the court shall
 1946 direct. In any suit, action, or proceeding by the trustee, the

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1947 fees, counsel fees, and expenses of the trustee and said
 1948 receiver, if any, and all costs and disbursements allowed by the
 1949 court shall be a first charge on any rates, fees, rentals, or
 1950 other charges, revenues, or receipts derived from the Osceola
 1951 County Expressway System or the facilities or services or any
 1952 part or parts thereof, including payments under any such lease-
 1953 purchase agreement as aforesaid, which said rates, fees,
 1954 rentals, or other charges, revenues, or receipts shall or may be
 1955 applicable to the payment of the bonds so in default. Such
 1956 trustee shall also have and possess all of the powers necessary
 1957 or appropriate for the exercise of any functions specifically
 1958 set forth in this part or incident to the representation of the
 1959 bondholders in the enforcement and protection of their rights.

1960 (4) Nothing in this section or any other section of this
 1961 part shall authorize any receiver appointed pursuant to this
 1962 part for the purpose, subject to and in compliance with the
 1963 provisions of any lease-purchase agreement between the authority
 1964 and the department, of operating and maintaining the Osceola
 1965 County Expressway System or any facilities or part or parts
 1966 thereof to sell, assign, mortgage, or otherwise dispose of any
 1967 of the assets of whatever kind and character belonging to the
 1968 authority. It is the intention of this part to limit the powers
 1969 of such receiver, subject to and in compliance with the
 1970 provisions of any lease-purchase agreement between the authority
 1971 and the department, to the operation and maintenance of the
 1972 Osceola County Expressway System or any facility or part or
 1973 parts thereof, as the court may direct, in the name and for and
 1974 on behalf of the authority, the department, and the bondholders.

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1975 No holder of bonds on the authority nor any trustee shall ever
 1976 have the right in any suit, action, or proceeding at law or in
 1977 equity to compel a receiver, nor shall any receiver be
 1978 authorized or any court be empowered to direct the receiver, to
 1979 sell, assign, mortgage, or otherwise dispose of any assets of
 1980 whatever kind or character belonging to the authority.

1981 348.9808 Lease-purchase agreement.--

1982 (1) In order to effectuate the purposes of this part and
 1983 as authorized by this part, the authority may enter into a
 1984 lease-purchase agreement with the department relating to and
 1985 covering the Osceola County Expressway System.

1986 (2) Such lease-purchase agreement shall provide for the
 1987 leasing of the Osceola County Expressway System by the authority
 1988 as lessor to the department as lessee, shall prescribe the term
 1989 of such lease and the rentals to be paid thereunder, and shall
 1990 provide that, upon the completion of the faithful performance
 1991 thereunder and the termination of such lease-purchase agreement,
 1992 title in fee simple absolute to the Osceola County Expressway
 1993 System as then constituted shall be transferred in accordance
 1994 with law by the authority to the state and the authority shall
 1995 deliver to the department such deeds and conveyances as shall be
 1996 necessary or convenient to vest title in fee simple absolute in
 1997 the state.

1998 (3) Such lease-purchase agreement may include such other
 1999 provisions, agreements, and covenants as the authority and the
 2000 department deem advisable or required, including, but not
 2001 limited to, provisions as to the bonds to be issued under and
 2002 for the purposes of this part; the completion, extension,

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2003 improvement, operation, and maintenance of the Osceola County
 2004 Expressway System; the expenses and the cost of operation of
 2005 said authority; the charging and collection of tolls, rates,
 2006 fees, and other charges for the use of the services and
 2007 facilities thereof; the application of federal or state grants
 2008 or aid which may be made or given to assist the authority in the
 2009 completion, extension, improvement, operation, and maintenance
 2010 of the Orlando Expressway System, which the authority is hereby
 2011 authorized to accept and apply to such purposes; the enforcement
 2012 of payment and collection of rentals; and any other terms,
 2013 provisions, or covenants necessary, incidental, or appurtenant
 2014 to the making of and full performance under such lease-purchase
 2015 agreement.

2016 (4) The department as lessee under such lease-purchase
 2017 agreement is hereby authorized to pay as rentals thereunder any
 2018 rates, fees, charges, funds, moneys, receipts, or income
 2019 accruing to the department from the operation of the Osceola
 2020 County Expressway System and the Osceola County gasoline tax
 2021 funds and may also pay as rentals any appropriations received by
 2022 the department pursuant to any act of the Legislature heretofore
 2023 or hereafter enacted. However, nothing herein or in such lease-
 2024 purchase agreement is intended to require, nor shall this part
 2025 or such lease-purchase agreement require, the making or
 2026 continuance of such appropriations, nor shall any holder of
 2027 bonds issued pursuant to this part ever have any right to compel
 2028 the making or continuance of such appropriations.

2029 (5) No pledge of said Osceola County gasoline tax funds as
 2030 rentals under such lease-purchase agreement shall be made

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2031 without the consent of Osceola County evidenced by a resolution
 2032 duly adopted by the board of county commissioners of said county
 2033 at a public hearing held pursuant to due notice thereof
 2034 published at least once a week for 3 consecutive weeks before
 2035 the hearing in a newspaper of general circulation in Osceola
 2036 County. In addition to other provisions, the resolution shall
 2037 provide that any excess of said pledged gasoline tax funds which
 2038 is not required for debt service or reserves for such debt
 2039 service for any bonds issued by said authority shall be returned
 2040 annually to the department for distribution to Osceola County as
 2041 provided by law. Before making any application for such pledge
 2042 of gasoline tax funds, the authority shall present the plan of
 2043 its proposed project to the Osceola County Planning and Zoning
 2044 Commission for its comments and recommendations.

2045 (6) The department shall have power to covenant in any
 2046 lease-purchase agreement that it will pay all or any part of the
 2047 cost of the operation, maintenance, repair, renewal, and
 2048 replacement of the system and any part of the cost of completing
 2049 the system to the extent that the proceeds of bonds issued
 2050 therefor are insufficient from sources other than the revenues
 2051 derived from the operation of the system and Osceola County
 2052 gasoline tax funds. The department may also agree to make such
 2053 other payments from any moneys available to the commission or
 2054 the county in connection with the construction or completion of
 2055 the system as shall be deemed by the department to be fair and
 2056 proper under any such covenants heretofore or hereafter entered
 2057 into.

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2058 (7) The system shall be a part of the state road system
 2059 and the department is hereby authorized, upon the request of the
 2060 authority, to expend out of any funds available for the purpose
 2061 such moneys and to use such of its engineering and other forces
 2062 as may be necessary and desirable in the judgment of the
 2063 department for the operation of the authority and for traffic
 2064 surveys, borings, surveys, preparation of plans and
 2065 specifications, estimates of cost, and other preliminary
 2066 engineering and other studies; however, the aggregate amount of
 2067 moneys expended for said purposes by the department shall not
 2068 exceed the sum of \$375,000.

2069 348.9809 Department may be appointed agent of authority
 2070 for construction.--The authority may appoint the department as
 2071 its agent for the purpose of constructing improvements and
 2072 extensions to the Osceola County Expressway System and for the
 2073 completion thereof. In such event, the authority shall provide
 2074 the department with complete copies of all documents,
 2075 agreements, resolutions, contracts, and instruments relating
 2076 thereto and shall request the department to do such construction
 2077 work, including the planning, surveying, and actual construction
 2078 of the completion, extensions, and improvements to the Osceola
 2079 County Expressway System, and shall transfer to the credit of an
 2080 account of the department in the treasury of the state the
 2081 necessary funds therefor, and the department shall thereupon be
 2082 authorized, empowered, and directed to proceed with such
 2083 construction and to use the funds for such purpose in the same
 2084 manner that it is now authorized to use the funds otherwise

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2085 provided by law for its use in construction of roads and
 2086 bridges.

2087 348.9811 Acquisition of lands and property.--

2088 (1) For the purposes of this part, the Osceola County
 2089 Expressway Authority may acquire private or public property and
 2090 property rights, including rights of access, air, view, and
 2091 light by gift, devise, purchase, or condemnation by eminent
 2092 domain proceedings, as the authority may deem necessary for any
 2093 of the purposes of this part, including, but not limited to, any
 2094 lands reasonably necessary for securing applicable permits,
 2095 areas necessary for management of access, borrow pits, drainage
 2096 ditches, water retention areas, rest areas, replacement access
 2097 for landowners whose access is impaired due to the construction
 2098 of a facility, and replacement rights-of-way for relocated rail
 2099 and utility facilities; for existing, proposed, or anticipated
 2100 transportation facilities on the Osceola County Expressway
 2101 System or in a transportation corridor designated by the
 2102 authority; or for the purposes of screening, relocation,
 2103 removal, or disposal of junkyards and scrap metal processing
 2104 facilities. The authority shall also have the power to condemn
 2105 any material and property necessary for such purposes.

2106 (2) The right of eminent domain conferred in this part
 2107 shall be exercised by the authority in the manner provided by
 2108 law.

2109 (3) When the authority acquires property for a
 2110 transportation facility or in a transportation corridor, it is
 2111 not subject to any liability imposed by chapter 376 or chapter
 2112 403 for preexisting soil or groundwater contamination due solely

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2113 to its ownership. This section does not affect the rights or
 2114 liabilities of any past or future owners of the acquired
 2115 property, nor does it affect the liability of any governmental
 2116 entity for the results of its actions which create or exacerbate
 2117 a pollution source. The authority and the Department of
 2118 Environmental Protection may enter into interagency agreements
 2119 for the performance, funding, and reimbursement of the
 2120 investigative and remedial acts necessary for property acquired
 2121 by the authority.

2122 348.9812 Cooperation with other units, boards, agencies,
 2123 and individuals.--Express authority and power is hereby given
 2124 and granted any county, municipality, drainage district, road
 2125 and bridge district, school district, or any other political
 2126 subdivision, board, commission, or individual in or of the state
 2127 to make and enter into with the authority contracts, leases,
 2128 conveyances, partnerships, or other agreements within the
 2129 provisions and purposes of this part. The authority is hereby
 2130 expressly authorized to make and enter into contracts, leases,
 2131 conveyances, partnerships, and other agreements with any
 2132 political subdivision, agency, or instrumentality of the state
 2133 and any and all federal agencies, corporations, and individuals
 2134 for the purpose of carrying out the provisions of this part.

2135 348.9813 Covenant of the state.--The state does hereby
 2136 pledge to and agrees with any person, firm, or corporation or
 2137 federal or state agency subscribing to or acquiring the bonds to
 2138 be issued by the authority for the purposes of this part that
 2139 the state will not limit or alter the rights hereby vested in
 2140 the authority and the department until all bonds at any time

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2141 issued together with the interest thereon are fully paid and
 2142 discharged insofar as the same affects the rights of the holders
 2143 of bonds issued hereunder. The state does further pledge to and
 2144 agree with the United States that in the event any federal
 2145 agency shall construct or contribute any funds for the
 2146 completion, extension, or improvement of the Osceola County
 2147 Expressway System, or any part or portion thereof, the state
 2148 will not alter or limit the rights and powers of the authority
 2149 and the department in any manner which would be inconsistent
 2150 with the continued maintenance and operation of the Osceola
 2151 County Expressway System or the completion, extension, or
 2152 improvement thereof or which would be inconsistent with the due
 2153 performance of any agreements between the authority and any such
 2154 federal agency. The authority and the department shall continue
 2155 to have and may exercise all powers herein granted so long as
 2156 the same shall be necessary or desirable for the carrying out of
 2157 the purposes of this part and the purposes of the United States
 2158 in the completion, extension, or improvement of the Osceola
 2159 County Expressway System or any part or portion thereof.

2160 348.9814 Exemption from taxation.--The effectuation of the
 2161 authorized purposes of the authority created under this part is,
 2162 shall, and will be in all respects for the benefit of the people
 2163 of the state, for the increase of their commerce and prosperity,
 2164 and for the improvement of their health and living conditions,
 2165 and, since such authority will be performing essential
 2166 governmental functions in effectuating such purposes, such
 2167 authority shall not be required to pay any taxes or assessments
 2168 of any kind or nature whatsoever upon any property acquired or

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2169 used by it for such purposes, or upon any rates, fees, rentals,
 2170 receipts, income, or charges at any time received by it, and the
 2171 bonds issued by the authority, their transfer, and the income
 2172 therefrom, including any profits made on the sale thereof, shall
 2173 at all times be free from taxation of any kind by the state or
 2174 by any political subdivision, taxing agency, or instrumentality
 2175 thereof. The exemption granted by this section shall not be
 2176 applicable to any tax imposed by chapter 220 on interest,
 2177 income, or profits on debt obligations owned by corporations.

2178 348.9815 Eligibility for investments and security.--Any
 2179 bonds or other obligations issued pursuant to this part shall be
 2180 and constitute legal investments for banks, savings banks,
 2181 trustees, executors, administrators, and all other fiduciaries
 2182 and for all state, municipal, and other public funds and shall
 2183 also be and constitute securities eligible for deposit as
 2184 security for all state, municipal, or other public funds,
 2185 notwithstanding the provisions of any other law or laws to the
 2186 contrary.

2187 348.9816 Pledges enforceable by bondholders.--It is the
 2188 express intention of this part that any pledge by the department
 2189 of rates, fees, revenues, Osceola County gasoline tax funds, or
 2190 other funds as rentals to the authority, or any covenants or
 2191 agreements relative thereto, may be enforceable in any court of
 2192 competent jurisdiction against the authority or directly against
 2193 the department by any holder of bonds issued by the authority.

2194 348.9817 This part complete and additional authority.--
 2195 (1) The powers conferred by this part shall be in addition
 2196 and supplemental to the existing powers of the board and the

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2197 department, and this part shall not be construed as repealing
 2198 any of the provisions of any other law, general, special, or
 2199 local, but to supersede such other laws in the exercise of the
 2200 powers provided in this part and to provide a complete method
 2201 for the exercise of the powers granted in this part. The
 2202 extension and improvement of the Osceola County Expressway
 2203 System and the issuance of bonds hereunder to finance all or
 2204 part of the cost thereof may be accomplished upon compliance
 2205 with the provisions of this part without regard to or necessity
 2206 for compliance with the provisions, limitations, or restrictions
 2207 contained in any other general, special, or local law,
 2208 including, but not limited to, s. 215.821. No approval of any
 2209 bonds issued under this part by the qualified electors or
 2210 qualified electors who are freeholders in the state or in
 2211 Osceola County or in any other political subdivision of the
 2212 state shall be required for the issuance of such bonds pursuant
 2213 to this part.

2214 (2) This part shall not be deemed to repeal, rescind, or
 2215 modify the Osceola County Charter. This part shall not be deemed
 2216 to repeal, rescind, or modify any other law relating to the
 2217 State Board of Administration, the Department of Transportation,
 2218 or the Division of Bond Finance of the State Board of
 2219 Administration but shall be deemed to and shall supersede such
 2220 other laws as are inconsistent with the provisions of this part,
 2221 including, but not limited to, s. 215.821.

2222 Section 17. Section 373.4137, Florida Statutes, is amended
 2223 to read:

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2224 | 373.4137 Mitigation requirements for specified
2225 | transportation projects.--

2226 | (1) The Legislature finds that environmental mitigation
2227 | for the impact of transportation projects proposed by the
2228 | Department of Transportation or a transportation authority
2229 | established pursuant to chapter 348 or chapter 349 can be more
2230 | effectively achieved by regional, long-range mitigation planning
2231 | rather than on a project-by-project basis. It is the intent of
2232 | the Legislature that mitigation to offset the adverse effects of
2233 | these transportation projects be funded by the Department of
2234 | Transportation and be carried out by ~~the Department of~~
2235 | ~~Environmental Protection and~~ the water management districts,
2236 | including the use of mitigation banks established pursuant to
2237 | this part.

2238 | (2) Environmental impact inventories for transportation
2239 | projects proposed by the Department of Transportation or a
2240 | transportation authority established pursuant to chapter 348 or
2241 | chapter 349 shall be developed as follows:

2242 | (a) By July ~~May~~ 1 of each year, the Department of
2243 | Transportation or a transportation authority established
2244 | pursuant to chapter 348 or chapter 349 shall submit to ~~the~~
2245 | ~~Department of Environmental Protection and~~ the water management
2246 | districts a copy of its adopted work program and an
2247 | environmental impact inventory of habitats addressed in the
2248 | rules adopted ~~tentatively~~, pursuant to this part and s. 404 of
2249 | the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted by
2250 | its plan of construction for transportation projects in the next
2251 | 3 years of the tentative work program. The Department of

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2252 Transportation or a transportation authority established
 2253 pursuant to chapter 348 or chapter 349 may also include in its
 2254 environmental impact inventory the habitat impacts of any future
 2255 transportation project ~~identified in the tentative work program.~~
 2256 The Department of Transportation and each transportation
 2257 authority established pursuant to chapter 348 or chapter 349 may
 2258 fund any mitigation activities for future projects using
 2259 current-year funds.

2260 (b) The environmental impact inventory shall include a
 2261 description of these habitat impacts, including their location,
 2262 acreage, and type; state water quality classification of
 2263 impacted wetlands and other surface waters; any other state or
 2264 regional designations for these habitats; and a survey of
 2265 threatened species, endangered species, and species of special
 2266 concern affected by the proposed project.

2267 (3)(a) To fund development and implementation of the
 2268 mitigation plan for the projected impacts identified in the
 2269 environmental impact inventory described in subsection (2), the
 2270 Department of Transportation shall identify funds quarterly in
 2271 an escrow account within the State Transportation Trust Fund for
 2272 the environmental mitigation phase of projects budgeted by the
 2273 Department of Transportation for the current fiscal year. The
 2274 escrow account shall be maintained by the Department of
 2275 Transportation for the benefit of ~~the Department of~~
 2276 ~~Environmental Protection and~~ the water management districts. Any
 2277 interest earnings from the escrow account shall remain with the
 2278 Department of Transportation.

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2279 (b) Each transportation authority established pursuant to
 2280 chapter 348 or chapter 349 that chooses to participate in this
 2281 program shall create an escrow account within its financial
 2282 structure and deposit funds in the account to pay for the
 2283 environmental mitigation phase of projects budgeted for the
 2284 current fiscal year. The escrow account shall be maintained by
 2285 the authority for the benefit of ~~the Department of Environmental~~
 2286 ~~Protection and~~ the water management districts. Any interest
 2287 earnings from the escrow account shall remain with the
 2288 authority.

2289 (c) Except for current mitigation projects in the
 2290 monitoring and maintenance phase and except as allowed by
 2291 paragraph (d), ~~the Department of Environmental Protection or~~
 2292 water management districts may request a transfer of funds from
 2293 an escrow account no sooner than 30 days prior to the date the
 2294 funds are needed to pay for activities associated with
 2295 development or implementation of the approved mitigation plan
 2296 described in subsection (4) for the current fiscal year,
 2297 including, but not limited to, design, engineering, production,
 2298 and staff support. Actual conceptual plan preparation costs
 2299 incurred before plan approval may be submitted to the Department
 2300 of Transportation or the appropriate transportation authority
 2301 ~~and the Department of Environmental Protection by November 1 of~~
 2302 each year with the plan. The conceptual plan preparation costs
 2303 of each water management district will be paid from mitigation
 2304 funds associated with the environmental impact inventory for the
 2305 current year ~~based on the amount approved on the mitigation plan~~
 2306 ~~and allocated to the current fiscal year projects identified by~~

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2307 | ~~the water management district.~~ The amount transferred to the
 2308 | escrow accounts each year by the Department of Transportation
 2309 | and participating transportation authorities established
 2310 | pursuant to chapter 348 or chapter 349 shall correspond to a
 2311 | cost per acre of \$75,000 multiplied by the projected acres of
 2312 | impact identified in the environmental impact inventory
 2313 | described in subsection (2). However, the \$75,000 cost per acre
 2314 | does not constitute an admission against interest by the state
 2315 | or its subdivisions nor is the cost admissible as evidence of
 2316 | full compensation for any property acquired by eminent domain or
 2317 | through inverse condemnation. Each July 1, the cost per acre
 2318 | shall be adjusted by the percentage change in the average of the
 2319 | Consumer Price Index issued by the United States Department of
 2320 | Labor for the most recent 12-month period ending September 30,
 2321 | compared to the base year average, which is the average for the
 2322 | 12-month period ending September 30, 1996. Each quarter ~~At the~~
 2323 | ~~end of each year,~~ the projected acreage of impact shall be
 2324 | reconciled with the acreage of impact of projects as permitted,
 2325 | including permit modifications, pursuant to this part and s. 404
 2326 | of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's
 2327 | transfer of funds shall be adjusted accordingly to reflect the
 2328 | acreage of impacts as permitted ~~overtransfer or undertransfer of~~
 2329 | ~~funds from the preceding year.~~ The Department of Transportation
 2330 | and participating transportation authorities established
 2331 | pursuant to chapter 348 or chapter 349 are authorized to
 2332 | transfer such funds from the escrow accounts to ~~the Department~~
 2333 | ~~of Environmental Protection and~~ the water management districts
 2334 | to carry out the mitigation programs. For a mitigation project

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2335 that is in the maintenance and monitoring phase, the water
 2336 management district may request and receive a one-time payment
 2337 based on the project's expected future maintenance and
 2338 monitoring costs. Upon disbursement of the final maintenance and
 2339 monitoring payment, the escrow account for the project
 2340 established by the Department of Transportation or the
 2341 participating transportation authority may be closed. Any
 2342 interest earned on these disbursed funds shall remain with the
 2343 water management district and must be used as authorized under
 2344 paragraph (4)(c).

2345 (d) Beginning in the 2005-2006 fiscal year, each water
 2346 management district shall be paid a lump-sum amount of \$75,000
 2347 per acre, adjusted as provided under paragraph (c), for
 2348 federally funded transportation projects that are included on
 2349 the environmental impact inventory and that have an approved
 2350 mitigation plan. Beginning in the 2009-2010 fiscal year, each
 2351 water management district shall be paid a lump-sum amount of
 2352 \$75,000 per acre, adjusted as provided under paragraph (c), for
 2353 federally funded and nonfederally funded transportation projects
 2354 that have an approved mitigation plan. All mitigation costs,
 2355 including, but not limited to, the costs of preparing conceptual
 2356 plans and the costs of design, construction, staff support,
 2357 future maintenance, and monitoring the mitigated acres, shall be
 2358 funded through these lump-sum amounts.

2359 (4) Prior to ~~March~~ ~~December~~ 1 of each year, each water
 2360 management district, in consultation with the Department of
 2361 Environmental Protection, the United States Army Corps of
 2362 Engineers, the Department of Transportation, transportation

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2363 | authorities established pursuant to chapter 348 or chapter 349,
 2364 | and other appropriate federal, state, and local governments, and
 2365 | other interested parties, including entities operating
 2366 | mitigation banks, shall develop a plan for the primary purpose
 2367 | of complying with the mitigation requirements adopted pursuant
 2368 | to this part and 33 U.S.C. s. 1344. ~~This plan shall also address~~
 2369 | ~~significant invasive plant problems within wetlands and other~~
 2370 | ~~surface waters.~~ In developing such plans, the districts shall
 2371 | utilize sound ecosystem management practices to address
 2372 | significant water resource needs and shall focus on activities
 2373 | of the Department of Environmental Protection and the water
 2374 | management districts, such as surface water improvement and
 2375 | management (SWIM) projects ~~waterbodies~~ and lands identified for
 2376 | potential acquisition for preservation, restoration or, ~~and~~
 2377 | enhancement, and the control of invasive and exotic plants in
 2378 | wetlands and other surface waters, to the extent that such
 2379 | activities comply with the mitigation requirements adopted under
 2380 | this part and 33 U.S.C. s. 1344. In determining the activities
 2381 | to be included in such plans, the districts shall also consider
 2382 | the purchase of credits from public or private mitigation banks
 2383 | permitted under s. 373.4136 and associated federal authorization
 2384 | and shall include such purchase as a part of the mitigation plan
 2385 | when such purchase would offset the impact of the transportation
 2386 | project, provide equal benefits to the water resources than
 2387 | other mitigation options being considered, and provide the most
 2388 | cost-effective mitigation option. The mitigation plan shall be
 2389 | submitted to ~~preliminarily approved by~~ the water management
 2390 | district governing board or its designee ~~and shall be submitted~~

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2391 ~~to the secretary of the Department of Environmental Protection~~
 2392 ~~for review and final approval. The preliminary approval by the~~
 2393 ~~water management district governing board does not constitute a~~
 2394 ~~decision that affects substantial interests as provided by s.~~
 2395 ~~120.569.~~ At least 14 ~~30~~ days prior to preliminary approval, the
 2396 water management district shall provide a copy of the draft
 2397 mitigation plan to any person who has requested a copy.

2398 (a) For each transportation project with a funding request
 2399 for the next fiscal year, the mitigation plan must include a
 2400 brief explanation of why a mitigation bank was or was not chosen
 2401 as a mitigation option, including an estimation of identifiable
 2402 costs of the mitigation bank and nonbank options to the extent
 2403 practicable.

2404 (b) Specific projects may be excluded from the mitigation
 2405 plan, in whole or in part, and shall not be subject to this
 2406 section upon the agreement of the Department of Transportation,
 2407 or a transportation authority if applicable, ~~the Department of~~
 2408 ~~Environmental Protection~~, and the appropriate water management
 2409 district that the inclusion of such projects would hamper the
 2410 efficiency or timeliness of the mitigation planning and
 2411 permitting process, ~~or the Department of Environmental~~
 2412 ~~Protection and~~ The water management district may choose to
 2413 exclude a project, in whole or in part, if the district is ~~are~~
 2414 unable to identify mitigation that would offset ~~the~~ impacts of
 2415 the project.

2416 (c) Surface water improvement and management or invasive
 2417 plant control projects undertaken using the \$12 million advance
 2418 transferred from the Department of Transportation to the

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2419 Department of Environmental Protection in fiscal year 1996-1997
 2420 which meet the requirements for mitigation under this part and
 2421 33 U.S.C. s. 1344 shall remain available for mitigation until
 2422 the \$12 million is fully credited ~~up to and including fiscal~~
 2423 ~~year 2005-2006~~. When these projects are used as mitigation, the
 2424 \$12 million advance shall be reduced by \$75,000 per acre of
 2425 impact mitigated. ~~For any fiscal year through and including~~
 2426 ~~fiscal year 2005-2006~~, To the extent the cost of developing and
 2427 implementing the mitigation plans is less than the funds placed
 2428 in the escrow account ~~amount transferred~~ pursuant to subsection
 2429 (3), the difference shall be retained by the Department of
 2430 Transportation and credited towards the \$12 million advance
 2431 until the Department of Transportation is fully refunded for
 2432 this advance funding. After the \$12 million advance funding is
 2433 fully credited ~~Except as provided in this paragraph~~, any funds
 2434 not directed to implement the mitigation plan should, to the
 2435 greatest extent possible, be directed to fund invasive plant
 2436 control within wetlands and other surface waters, SWIM projects,
 2437 or other water-resource projects approved by the governing board
 2438 of the water management district which may be appropriate to
 2439 offset environmental impacts of future transportation projects.
 2440 The water management districts may request these funds upon
 2441 submittal of the final invoice for each road project.

2442 (5) The water management district shall be responsible for
 2443 ensuring that mitigation requirements pursuant to 33 U.S.C. s.
 2444 1344 are met for the impacts identified in the environmental
 2445 impact inventory described in subsection (2), by implementation
 2446 of the approved plan described in subsection (4) to the extent

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2447 funding is provided by the Department of Transportation, or a
 2448 transportation authority established pursuant to chapter 348 or
 2449 chapter 349, if applicable. During the federal permitting
 2450 process, the water management district may deviate from the
 2451 approved mitigation plan in order to comply with federal
 2452 permitting requirements.

2453 (6) The mitigation plans shall be updated annually to
 2454 reflect the most current Department of Transportation work
 2455 program and project list of a transportation authority
 2456 established pursuant to chapter 348 or chapter 349, if
 2457 applicable, and may be amended throughout the year to anticipate
 2458 schedule changes or additional projects which may arise. Each
 2459 update and amendment of the mitigation plan shall be submitted
 2460 to the governing board of the water management district or its
 2461 designee ~~secretary of the Department of Environmental Protection~~
 2462 for approval. However, such approval shall not be applicable to
 2463 a deviation as described in subsection (5).

2464 (7) Upon approval by the governing board of the water
 2465 management district or its designee ~~secretary of the Department~~
 2466 ~~of Environmental Protection~~, the mitigation plan shall be deemed
 2467 to satisfy the mitigation requirements under this part for
 2468 impacts specifically identified in the environmental impact
 2469 inventory described in subsection (2) and any other mitigation
 2470 requirements imposed by local, regional, and state agencies for
 2471 these same impacts ~~identified in the inventory described in~~
 2472 ~~subsection (2)~~. The approval of the governing board of the water
 2473 management district or its designee ~~secretary~~ shall authorize

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2474 the activities proposed in the mitigation plan, and no other
2475 state, regional, or local permit or approval shall be necessary.

2476 (8) This section shall not be construed to eliminate the
2477 need for the Department of Transportation or a transportation
2478 authority established pursuant to chapter 348 or chapter 349 to
2479 comply with the requirement to implement practicable design
2480 modifications, including realignment of transportation projects,
2481 to reduce or eliminate the impacts of its transportation
2482 projects on wetlands and other surface waters as required by
2483 rules adopted pursuant to this part, or to diminish the
2484 authority under this part to regulate other impacts, including
2485 water quantity or water quality impacts, or impacts regulated
2486 under this part that are not identified in the environmental
2487 impact inventory described in subsection (2).

2488 (9) The process for environmental mitigation for the
2489 impact of transportation projects under this section shall be
2490 available to an expressway, bridge, or transportation authority
2491 established under chapter 348 or chapter 349. Use of this
2492 process may be initiated by an authority depositing the
2493 requisite funds into an escrow account set up by the authority
2494 and filing an environmental impact inventory with the
2495 appropriate water management district. An authority that
2496 initiates the environmental mitigation process established by
2497 this section shall comply with subsection (6) by timely
2498 providing the appropriate water management district ~~and the~~
2499 ~~Department of Environmental Protection~~ with the requisite work
2500 program information. A water management district may draw down
2501 funds from the escrow account as provided in this section.

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2502 Section 18. Bicycle system study.--Prior to October 1,
 2503 2005, the Department of Transportation shall perform a bicycle
 2504 system study of bicycle facilities that are on or connected to
 2505 the State Highway System. The results of the bicycle system
 2506 study shall be presented to the Governor, the President of the
 2507 Senate, and the Speaker of the House of Representatives by
 2508 October 1, 2005. The bicycle system study shall include paved
 2509 bicycle lanes, bicycle trails, bicycle paths, and any route or
 2510 facility designated specifically for bicycle traffic. The study
 2511 shall be performed by a consultant selected and funded by the
 2512 department and shall be managed by the department's state
 2513 Pedestrian and Bicycle Coordinator. The study shall include:
 2514 (1) Review of department standards for bicycle lanes to
 2515 determine if they meet the needs of the state's bicyclists.
 2516 (2) Identification of state highways with existing
 2517 designated bicycle lanes.
 2518 (3) Identification of state highways with no designated
 2519 bicycle lanes and any constraints to incorporating these
 2520 facilities.
 2521 (4) Providing electronic mapping of those facilities
 2522 identified in subsections (2) and (3).
 2523 (5) Identification of all bicycle facility needs on the
 2524 State Highway System.
 2525 (6) Review and identification of possible funding sources
 2526 for new or improved facilities.
 2527 (7) A proposed implementation plan that will identify the
 2528 incorporation of bicycle facilities on those state highways
 2529 programmed for rehabilitation or new construction in the

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2530 | department's 5-year work program. The proposed plan will include
2531 | the costs associated within the work program to add these
2532 | facilities.

2533 | Section 19. This act shall take effect July 1, 2005.