

1 A bill to be entitled

2 An act relating to transportation; creating s. 311.115,
3 F.S.; requiring the Florida Seaport Transportation and
4 Economic Development Council to establish a matching funds
5 program for certain dredging projects; requiring the
6 adoption of rules and criteria for project evaluation;
7 requiring approved projects to be reviewed by the
8 Department of Community Affairs, the Department of
9 Transportation, and the Office of Tourism, Trade, and
10 Economic Development; amending s. 332.007, F.S.;
11 authorizing the department to fund certain eligible
12 aviation planning projects to be performed by not-for-
13 profit organizations representing a majority of public
14 airports; amending s. 337.11, F.S.; providing for
15 department contracts to use written work orders pursuant
16 to certain contingency items or supplemental agreements;
17 removing requirement for surety approval of supplemental
18 agreements; limiting liability of the surety when
19 unapproved contract changes exceed a certain amount;
20 providing purposes for the use of written work orders;
21 revising criteria for use of supplemental agreements in
22 department contracts; creating s. 337.195, F.S.;
23 specifying presumptions of proximate cause for
24 determination of liability in certain civil actions
25 against the department or its agents or its consultants or
26 contractors on certain transportation facilities when
27 death, personal injury, or property damage resulted from a
28 motor vehicle crash within a construction zone; limiting

29 liability under certain circumstances of a contractor who
30 constructed or repaired a highway, road, street, or bridge
31 for the department; limiting liability under certain
32 circumstances of a person or entity who contracts with the
33 department to prepare or provide engineering plans for
34 certain transportation facility projects; amending s.
35 337.251, F.S.; authorizing the department to adopt rules
36 governing the leasing of property for joint public-private
37 development; amending s. 337.406, F.S.; providing that
38 exceptions to prohibited uses of transportation facilities
39 shall not apply to limited access highways; amending s.
40 338.155, F.S.; providing that persons participating in the
41 funeral procession of a law enforcement officer or
42 firefighter killed in the line of duty are exempt from
43 paying tolls; amending s. 339.175, F.S.; requiring a
44 metropolitan planning organization to approve certain
45 plans and programs on a recorded roll call vote; providing
46 that modifications of certain plans and programs require a
47 recorded roll call vote for approval by a specified super
48 majority; amending s. 339.55, F.S.; establishing a limit
49 on state-funded infrastructure bank loans to the State
50 Transportation Trust Fund; amending s. 339.61, F.S.;
51 revising legislative intent for transportation facilities
52 comprising the Strategic Intermodal System; adding
53 economic development and job growth as criteria for
54 projects; amending s. 339.62, F.S.; adding planned
55 facilities meeting certain criteria and thresholds to
56 components of the Strategic Intermodal System; amending s.

57 | 339.64, F.S.; directing the Florida Transportation
58 | Commission to include as part of its annual work program
59 | review an assessment of the department's progress on the
60 | Strategic Intermodal System; requiring an annual report;
61 | directing the department to coordinate with federal,
62 | regional, and local entities for transportation planning
63 | impacting military installations; requiring the Strategic
64 | Intermodal System Plan to include an assessment of the
65 | impacts of proposed projects on military installations;
66 | adding a military representative to the Governor's
67 | appointees to the Statewide Intermodal Transportation
68 | Advisory Council; creating part IV of chapter 343, F.S.,
69 | titled the "Northwest Florida Transportation Corridor
70 | Authority"; providing a popular name; providing
71 | definitions; creating the Northwest Florida Transportation
72 | Corridor Authority encompassing Escambia, Santa Rosa,
73 | Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla
74 | Counties; providing for a governing body of the authority;
75 | providing for membership, organization, purposes, and
76 | powers of the authority; requiring a master plan;
77 | providing for the U.S. 98 Corridor System; prohibiting
78 | tolls on certain existing highways and other
79 | transportation facilities within the corridor; providing
80 | for procurement; providing bond financing authority for
81 | improvements; providing for bonds of the authority;
82 | providing for fiscal agents; providing that the State
83 | Board of Administration may act as fiscal agent; providing
84 | for certain financial agreements; providing for the rights

85 | and remedies of bondholders; providing for a lease-
86 | purchase agreement with the Department of Transportation;
87 | providing the department may be appointed agent of the
88 | authority for construction; providing for acquisition of
89 | lands and property; providing for cooperation with other
90 | units, boards, agencies, and individuals; providing for
91 | public-private partnerships; providing covenant of the
92 | state; providing for exemption from taxation; providing
93 | for eligibility for investments and security; providing
94 | that pledges shall be enforceable by bondholders;
95 | providing for complete and additional statutory authority
96 | for the department and other state agencies; amending s.
97 | 348.0003, F.S.; changing the membership of expressway
98 | authority governing boards in certain counties; amending
99 | s. 348.0004, F.S.; requiring notification to certain local
100 | governmental entities and metropolitan planning
101 | organizations by certain expressway authorities proposing
102 | a toll increase or a new point of toll collection;
103 | providing procedures for public notice and hearing prior
104 | to implementation; creating part X of chapter 348, F.S.,
105 | titled the "Osceola County Expressway Authority";
106 | providing a popular name; providing definitions; creating
107 | the authority as an agency of the state; providing for
108 | membership, terms, organization, personnel, and
109 | administration; providing purposes and powers for
110 | construction, expansion, maintenance, improvement, and
111 | operation of the Osceola County Expressway System;
112 | providing for use of certain funds to pay obligations;

113 requiring consent of local jurisdiction for agreements
114 that would restrict construction of roads; providing for
115 bond financing of improvements to certain facilities;
116 providing for issuance of bonds; providing for rights and
117 remedies granted to bondholders; providing for appointment
118 of trustee to represent the bondholders; providing for
119 appointment of receiver to take possession of and operate
120 and maintain the system; providing for lease of the system
121 to the Department of Transportation under a lease-purchase
122 agreement; authorizing the department to act in place of
123 the authority under terms of the lease-purchase agreement;
124 requiring approval by the county for certain provisions of
125 the lease-purchase agreement; providing that the system is
126 part of the state road system; authorizing the department
127 to expend a limited amount of funds; providing for the
128 authority to appoint the department as its agent for
129 certain construction purposes; authorizing the authority
130 to acquire property; limiting liability of the authority
131 for contamination existing on an acquired property;
132 providing for remedial acts necessary due to such
133 contamination; authorizing agreements between the
134 authority and other entities; providing pledge of the
135 state to bondholders; exempting the authority from
136 taxation; providing for application and construction of
137 the part; amending s. 373.4137, F.S.; revising
138 requirements for projects intended to mitigate the adverse
139 effects of transportation projects; removing the
140 Department of Environmental Protection from the mitigation

141 process; revising requirements for the Department of
142 Transportation and transportation authorities with respect
143 to submitting plans and inventories; authorizing the use
144 of current-year funds for future projects; revising the
145 requirements for reconciling escrow accounts used to fund
146 mitigation projects; authorizing payments to a water
147 management district to fund the costs of future
148 maintenance and monitoring; requiring specified lump-sum
149 payments to be used for the mitigation costs of certain
150 projects; authorizing a governing board of a water
151 management district to approve the use of mitigation funds
152 for certain future projects; requiring that mitigation
153 plans be approved by the water management district rather
154 than the Department of Environmental Protection; directing
155 the Department of Transportation to select and fund a
156 consultant to perform a study of bicycle facilities on or
157 connected to the State Highway System; requiring the
158 results of the study to be presented to the Governor and
159 the Legislature; providing for management of the study by
160 the state Pedestrian and Bicycle Coordinator; providing
161 for inclusion of certain elements in the study; requiring
162 the study to include an implementation plan; providing an
163 effective date.

164
165 Be It Enacted by the Legislature of the State of Florida:

166
167 Section 1. Section 311.115, Florida Statutes, is created
168 to read:

169 311.115 Dredging projects matching funds program.--

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

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

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

192 332.007 Administration and financing of aviation and
193 airport programs and projects; state plan.--

194 (10) The department may also fund eligible projects
195 performed by not-for-profit organizations that represent a
196 majority of public airports in the state. Eligible projects may

197 include activities associated with aviation master planning,
 198 professional education, safety and security planning, enhancing
 199 economic development and efficiency at the state's airports, or
 200 other planning efforts to improve the viability of the state's
 201 airports.

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

204 337.11 Contracting authority of department; bids;
 205 emergency repairs, supplemental agreements, written work orders,
 206 and change orders; combined design and construction contracts;
 207 progress payments; records; requirements of vehicle
 208 registration.--

209 (8) (a) The department shall permit the use of written
 210 supplemental agreements, written work orders pursuant to a
 211 contingency pay item or contingency supplemental agreement, and
 212 written change orders to any contract entered into by the
 213 department. Any supplemental agreement shall be reduced to
 214 written contract form, ~~approved by the contractor's surety,~~ and
 215 executed by the contractor and the department. Any supplemental
 216 agreement modifying any item in the original contract must be
 217 approved by the head of the department, or his or her designee,
 218 and executed by the appropriate person designated by him or her.
 219 Any surety issuing a bond pursuant to s. 337.18 shall be fully
 220 liable under such surety bond to the full extent of any modified
 221 contract amount up to and including 25 percent over the original
 222 contract amount, and without regard to the fact that the surety
 223 was not aware of or approved such modifications. However, if
 224 modifications of the original contract amount cumulatively

225 result in modifications of the contract amount in excess of 25
 226 percent of the original contract amount, the surety's approval
 227 shall be required to bind the surety under the bond on that
 228 portion in excess of 25 percent of the original contract amount.

229 (b) Supplemental agreements and written work orders
 230 pursuant to a contingency pay item or contingency supplemental
 231 agreement shall be used to clarify the plans and specifications
 232 ~~of a contract; to provide for major quantity differences which~~
 233 ~~result in the contractor's work effort exceeding the original~~
 234 ~~contract amount by more than 5 percent;~~ to provide for
 235 unforeseen work, grade changes, or alterations in plans which
 236 could not reasonably have been contemplated or foreseen in the
 237 original plans and specifications; to change the limits of
 238 construction to meet field conditions; to provide a safe and
 239 functional connection to an existing pavement; to settle
 240 contract claims; and to make the project functionally
 241 operational in accordance with the intent of the original
 242 contract. Supplemental agreements may be used to expand the
 243 physical limits of a project only to the extent necessary to
 244 make the project functionally operational in accordance with the
 245 intent of the original contract. The cost of any such agreement
 246 extending the physical limits of a project shall not exceed
 247 \$100,000 or 10 percent of the original contract price, whichever
 248 is greater.

249 Section 4. Section 337.195, Florida Statutes, is created
 250 to read:

251 337.195 Contractor liability; presumptions; limitation of
 252 liability.--

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

270 (2) Once the Department of Transportation has rendered a
271 final acceptance of a completed roadway project, the contractor
272 who constructed or repaired the highway, road, street, or bridge
273 for the department is not liable to a claimant for personal
274 injury, property damage, or death arising from the performance
275 of the construction or repair if, at the time of final
276 acceptance by the department, the contractor was in compliance
277 with all contract documents, Department of Transportation
278 standards, and federal standards material to the condition or
279 defect that was a proximate cause of the personal injury,
280 property damage, or death. This section does not apply to a

281 | hidden or undiscoverable condition created by the contractor.

282 | (3) In all cases involving personal injury, property
 283 | damage, or death, a person or entity that contracts to prepare
 284 | or provide engineering plans for the construction or repair of a
 285 | highway, road, street, bridge, or other transportation facility
 286 | for the Department of Transportation shall be presumed to have
 287 | prepared such engineering plans using the degree of care and
 288 | skill ordinarily exercised by other engineers in the field under
 289 | similar conditions and in similar localities and with due regard
 290 | for acceptable engineering standards and principles if the
 291 | engineering plans conformed to the Department of
 292 | Transportation's design standards material to the condition or
 293 | defect that was the proximate cause of the personal injury,
 294 | property damage, or death. Nothing in this subsection shall be
 295 | interpreted or construed to alter or affect any claim of the
 296 | Department of Transportation against such person or entity.

297 | Section 5. Subsection (10) is added to section 337.251,
 298 | Florida Statutes, to read:

299 | 337.251 Lease of property for joint public-private
 300 | development and areas above or below department property.--

301 | (10) The department may adopt rules to administer the
 302 | provisions of this section.

303 | Section 6. Subsection (1) of section 337.406, Florida
 304 | Statutes, is amended to read:

305 | 337.406 Unlawful use of state transportation facility
 306 | right-of-way; penalties.--

307 | (1) Except when leased as provided in s. 337.25(5) or
 308 | otherwise authorized by the rules of the department, it is

309 | unlawful to make any use of the right-of-way of any state
310 | transportation facility, including appendages thereto, outside
311 | of an incorporated municipality in any manner that interferes
312 | with the safe and efficient movement of people and property from
313 | place to place on the transportation facility. Failure to
314 | prohibit the use of right-of-way in this manner will endanger
315 | the health, safety, and general welfare of the public by causing
316 | distractions to motorists, unsafe pedestrian movement within
317 | travel lanes, sudden stoppage or slowdown of traffic, rapid lane
318 | changing and other dangerous traffic movement, increased
319 | vehicular accidents, and motorist injuries and fatalities. Such
320 | prohibited uses include, but are not limited to, the free
321 | distribution or sale, or display or solicitation for free
322 | distribution or sale, of any merchandise, goods, property or
323 | services; the solicitation for charitable purposes; the
324 | servicing or repairing of any vehicle, except the rendering of
325 | emergency service; the storage of vehicles being serviced or
326 | repaired on abutting property or elsewhere; and the display of
327 | advertising of any sort, except that any portion of a state
328 | transportation facility may be used for an art festival, parade,
329 | fair, or other special event if permitted by the appropriate
330 | local governmental entity. Within incorporated municipalities,
331 | the local governmental entity may issue permits of limited
332 | duration for the temporary use of the right-of-way of a state
333 | transportation facility for any of these prohibited uses if it
334 | is determined that the use will not interfere with the safe and
335 | efficient movement of traffic and the use will cause no danger
336 | to the public. Before a road on the State Highway System may be

337 temporarily closed for a special event, the local governmental
 338 entity which permits the special event to take place must
 339 determine that the temporary closure of the road is necessary
 340 and must obtain the prior written approval for the temporary
 341 road closure from the department. Nothing in this subsection
 342 shall be construed to authorize such activities on any limited
 343 access highway ~~the Interstate Highway System~~. Local governmental
 344 entities may, within their respective jurisdictions, initiate
 345 enforcement action by the appropriate code enforcement authority
 346 or law enforcement authority for a violation of this section.

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

349 338.155 Payment of toll on toll facilities required;
 350 exemptions.--

351 (1) No persons are permitted to use any toll facility
 352 without payment of tolls, except employees of the agency
 353 operating the toll project when using the toll facility on
 354 official state business, state military personnel while on
 355 official military business, handicapped persons as provided in
 356 this section, persons exempt from toll payment by the
 357 authorizing resolution for bonds issued to finance the facility,
 358 and persons exempt on a temporary basis where use of such toll
 359 facility is required as a detour route. Any law enforcement
 360 officer operating a marked official vehicle is exempt from toll
 361 payment when on official law enforcement business. Any person
 362 operating a fire vehicle when on official business or a rescue
 363 vehicle when on official business is exempt from toll payment.
 364 Any person participating in the funeral procession of a law

365 enforcement officer or firefighter killed in the line of duty is
 366 exempt from toll payment. The secretary, or the secretary's
 367 designee, may suspend the payment of tolls on a toll facility
 368 when necessary to assist in emergency evacuation. The failure to
 369 pay a prescribed toll constitutes a noncriminal traffic
 370 infraction, punishable as a moving violation pursuant to s.
 371 318.18. The department is authorized to adopt rules relating to
 372 guaranteed toll accounts.

373 Section 8. Subsection (12) is added to section 339.175,
 374 Florida Statutes, to read:

375 339.175 Metropolitan planning organization.--It is the
 376 intent of the Legislature to encourage and promote the safe and
 377 efficient management, operation, and development of surface
 378 transportation systems that will serve the mobility needs of
 379 people and freight within and through urbanized areas of this
 380 state while minimizing transportation-related fuel consumption
 381 and air pollution. To accomplish these objectives, metropolitan
 382 planning organizations, referred to in this section as M.P.O.'s,
 383 shall develop, in cooperation with the state and public transit
 384 operators, transportation plans and programs for metropolitan
 385 areas. The plans and programs for each metropolitan area must
 386 provide for the development and integrated management and
 387 operation of transportation systems and facilities, including
 388 pedestrian walkways and bicycle transportation facilities that
 389 will function as an intermodal transportation system for the
 390 metropolitan area, based upon the prevailing principles provided
 391 in s. 334.046(1). The process for developing such plans and
 392 programs shall provide for consideration of all modes of

393 transportation and shall be continuing, cooperative, and
 394 comprehensive, to the degree appropriate, based on the
 395 complexity of the transportation problems to be addressed. To
 396 ensure that the process is integrated with the statewide
 397 planning process, M.P.O.'s shall develop plans and programs that
 398 identify transportation facilities that should function as an
 399 integrated metropolitan transportation system, giving emphasis
 400 to facilities that serve important national, state, and regional
 401 transportation functions. For the purposes of this section,
 402 those facilities include the facilities on the Strategic
 403 Intermodal System designated under s. 339.63.

404 (12) VOTING REQUIREMENTS.--Each long-range transportation
 405 plan required under subsection (6), each annually updated
 406 transportation improvement program required under subsection
 407 (7), and each annual unified planning work program required
 408 under subsection (8) must be approved by each M.P.O. on a
 409 recorded roll call vote of the membership present. Any proposed
 410 modification of a transportation improvement program and the
 411 annual unified planning work program that affects projects in
 412 the first 3 years of such plan or program requires a recorded
 413 super majority roll call vote of two-thirds of the M.P.O.
 414 membership present and voting.

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

417 339.55 State-funded infrastructure bank.--

418 (2) The bank may lend capital costs or provide credit
 419 enhancements for a transportation facility project that is on
 420 the State Highway System or that provides for increased mobility

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

434 Section 10. Section 339.61, Florida Statutes, is amended
435 to read:

436 339.61 Florida Strategic Intermodal System; legislative
437 findings, declaration, and intent.--

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

445 (2) The Legislature finds that increasing demands are
446 continuing to be placed on the state's transportation system by
447 a fast-growing economy, continued population growth, and
448 projected increases in freight movement, international trade,

449 and tourism. The Legislature also finds that the state's growing
450 regional and intercity economic centers will increase the demand
451 for interregional and intercity travel and that the evolving
452 service-based and information-based industries will change the
453 type of transportation system that business and industry demand,
454 increasing the importance of speed and reliability. The
455 Legislature further finds that our transportation system must be
456 designed and operated in such a way that it preserves the
457 abundance of natural and manmade amenities that have been so
458 successful in attracting new residents, businesses, and tourists
459 to this state. Therefore, the Legislature declares that the
460 designation of a strategic intermodal system, composed of
461 facilities and services of statewide and interregional
462 significance, will efficiently serve the mobility needs of
463 Florida's citizens, businesses, and visitors and will help
464 Florida become a worldwide economic leader, enhance economic
465 prosperity and competitiveness, enrich quality of life, and
466 reflect responsible environmental stewardship. To that end, it
467 is the intent of the Legislature that the Strategic Intermodal
468 System consist of transportation facilities that meet a
469 strategic and essential state interest and help generate
470 economic development and job growth and that limited resources
471 available for the implementation of statewide and interregional
472 transportation priorities be focused on that system.

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

475 339.62 System components.--The Strategic Intermodal System
476 shall consist of appropriate components of:

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

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

487 339.64 Strategic Intermodal System Plan.--

488 (2) In association with the continued development of the
 489 ~~initial~~ Strategic Intermodal System Plan ~~and other~~
 490 ~~transportation plans~~, the Florida Transportation Commission as
 491 part of its work program review process shall conduct an annual
 492 assessment of the progress the department and its transportation
 493 partners have made in realizing the goals of economic
 494 development, improved mobility, and increased intermodal
 495 connectivity ~~need for an improved philosophical approach to~~
 496 ~~regional and intermodal input in the planning for and governing~~
 497 ~~of the Strategic Intermodal System and other transportation~~
 498 ~~systems~~. The Florida Transportation Commission shall coordinate
 499 with the department, the Statewide Intermodal Transportation
 500 Advisory Council, and other appropriate entities when developing
 501 this assessment. The Florida Transportation Commission shall
 502 deliver a report to the Governor and Legislature no later than
 503 14 days after the regular session of the Legislature begins ~~by~~

504 ~~December 15, 2003,~~ with recommendations as necessary to fully
 505 implement the Strategic Intermodal System.

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

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

526 (4) The Strategic Intermodal System Plan shall include the
 527 following:

528 (a) A needs assessment.

529 (b) A project prioritization process.

530 (c) A map of facilities designated as Strategic Intermodal
 531 System facilities, ~~and~~ facilities that are emerging in

532 importance that are likely to become part of the system in the
 533 future, and planned facilities that will meet the established
 534 criteria.

535 (d) A finance plan based on reasonable projections of
 536 anticipated revenues, including both 10-year and 20-year cost-
 537 feasible components.

538 (e) An assessment of the impacts of proposed improvements
 539 to Strategic Intermodal System corridors on military
 540 installations that are either located directly on the Strategic
 541 Intermodal System or located on the Strategic Highway Network or
 542 Strategic Rail Corridor Network.

543 (5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY
 544 COUNCIL.--

545 (b) MEMBERSHIP.--Members of the Statewide Intermodal
 546 Transportation Advisory Council shall consist of the following:

547 1. Six ~~Five~~ intermodal industry representatives selected
 548 by the Governor as follows:

549 a. One representative from an airport involved in the
 550 movement of freight and people from their airport facility to
 551 another transportation mode.

552 b. One individual representing a fixed-route, local-
 553 government transit system.

554 c. One representative from an intercity bus company
 555 providing regularly scheduled bus travel as determined by
 556 federal regulations.

557 d. One representative from a spaceport.

558 e. One representative from intermodal trucking companies.

559 | f. One representative with command responsibilities of a
 560 | major military installation.

561 | 2. Three intermodal industry representatives selected by
 562 | the President of the Senate as follows:

563 | a. One representative from major-line railroads.

564 | b. One representative from seaports listed in s. 311.09(1)
 565 | from the Atlantic Coast.

566 | c. One representative from an airport involved in the
 567 | movement of freight and people from their airport facility to
 568 | another transportation mode.

569 | 3. Three intermodal industry representatives selected by
 570 | the Speaker of the House of Representatives as follows:

571 | a. One representative from short-line railroads.

572 | b. One representative from seaports listed in s. 311.09(1)
 573 | from the Gulf Coast.

574 | c. One representative from intermodal trucking companies.

575 | In no event may this representative be employed by the same
 576 | company that employs the intermodal trucking company
 577 | representative selected by the Governor.

578 | Section 13. Part IV of chapter 343, Florida Statutes,
 579 | consisting of sections 343.80, 343.805, 343.81, 343.82, 343.83,
 580 | 343.835, 343.836, 343.837, 343.84, 343.85, 343.87, 343.875,
 581 | 343.88, 343.881, 343.884, 343.885, and 343.89, is created to
 582 | read:

583 | PART IV
 584 | NORTHWEST FLORIDA TRANSPORTATION CORRIDOR AUTHORITY

585 343.80 Short title.--This part shall be known and may be
 586 cited as the "Northwest Florida Transportation Corridor
 587 Authority Law."

588 343.805 Definitions.--The following terms, whenever used
 589 or referred to in this law, shall have the following meanings,
 590 except in those instances where the context clearly indicates
 591 otherwise:

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

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

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

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

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

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

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

613 over, from, or to which no person shall have the right of
 614 easement, use, or access except in accordance with the rules and
 615 regulations adopted and established by the authority for the use
 616 of such facility. Such highways or streets may be parkways, from
 617 which trucks, buses, and other commercial vehicles shall be
 618 excluded, or they may be freeways open to use by all customary
 619 forms of street and highway traffic.

620 (8) "Members" means the governing body of the authority,
 621 and the term "member" means one of the individuals constituting
 622 such governing body.

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

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

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

638

639 Terms importing singular number include the plural number in
640 each case and vice versa, and terms importing persons include
641 firms and corporations.

642 343.81 Northwest Florida Transportation Corridor
643 Authority.--

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

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

662 (b) The district secretary of the Department of
663 Transportation serving Northwest Florida shall serve as an ex
664 officio, nonvoting member.

665 (3) (a) The authority shall elect one of its members as
666 chair and shall also elect a secretary and a treasurer who may

667 or may not be members of the authority. The chair, secretary,
668 and treasurer shall hold such offices at the will of the
669 authority.

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

676 (c) The authority shall meet at least quarterly but may
677 meet more frequently upon the call of the chair. The authority
678 should alternate the locations of its meetings among the seven
679 counties.

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

684 (5) The authority may employ an executive director, an
685 executive secretary, its own counsel and legal staff, technical
686 experts, engineers, and such employees, permanent or temporary,
687 as it may require. The authority shall determine the
688 qualifications and fix the compensation of such persons, firms,
689 or corporations and may employ a fiscal agent or agents;
690 however, the authority shall solicit sealed proposals from at
691 least three persons, firms, or corporations for the performance
692 of any services as fiscal agents. The authority may delegate to
693 one or more of its agents or employees such of its power as it

694 shall deem necessary to carry out the purposes of this part,
695 subject always to the supervision and control of the authority.

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

703 343.82 Purposes and powers.--

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

710 (2) The authority is authorized to construct any feeder
711 roads, reliever roads, connector roads, bypasses, or appurtenant
712 facilities that are intended to improve mobility along the U.S.
713 98 corridor. The transportation improvement projects may also
714 include all necessary approaches, roads, bridges, and avenues of
715 access that shall be deemed desirable and proper with the
716 concurrence, where applicable, of the department if the project
717 is to be part of the State Highway System or the respective
718 county or municipal governing boards. Any transportation
719 facilities constructed by the authority may be tolled.

720 (3) (a) The authority shall develop and adopt a corridor
721 master plan no later than July 1, 2007. The goals and objectives

722 of the master plan are to identify areas of the corridor where
723 mobility, traffic safety, and efficient hurricane evacuation
724 needs to be improved; evaluate the economic development
725 potential of the corridor and consider strategies to develop
726 that potential; develop methods of building partnerships with
727 local governments, other state and federal entities, the
728 private-sector business community, and the public in support of
729 corridor improvements; and to identify projects that will
730 accomplish these goals and objectives.

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

733 (c) The authority shall present the original master plan
734 and updates to the governing bodies of the counties within the
735 corridor and to the legislative delegation members representing
736 those counties within 90 days after adoption.

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

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

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

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

765 (c) To fix, alter, charge, establish, and collect tolls,
766 rates, fees, rentals, and other charges for the services and
767 facilities of the Northwest Florida Transportation Corridor
768 System, which rates, fees, rentals, and other charges shall
769 always be sufficient to comply with any covenants made with the
770 holders of any bonds issued pursuant to this part; however, such
771 right and power may be assigned or delegated by the authority to
772 the department. The authority shall not impose tolls or other
773 charges on existing highways and other transportation facilities
774 within the corridor.

775 (d) To acquire by donation or otherwise, purchase, hold,
776 lease as lessee, and use any franchise, property, real,
777 personal, or mixed, tangible or intangible, or any options

778 thereof in its own name or in conjunction with others, or
779 interest therein, necessary or desirable for carrying out the
780 purposes of the authority and to sell, lease as lessor,
781 transfer, and dispose of any property or interest therein at any
782 time acquired by it.

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

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

786 (g) To enter into and make leases.

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

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

796 (j) Without limitation of the foregoing, to borrow money
797 and accept grants from and to enter into contracts, leases, or
798 other transactions with any federal agency, the state, any
799 agency of the state, or any other public body of the state.

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

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

805 (m) To enter into partnership and other agreements
 806 respecting ownership and revenue participation in order to
 807 facilitate financing and constructing any project or portions
 808 thereof.

809 (n) To participate in agreements with private entities and
 810 to receive private contributions.

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

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

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

823 (5) The authority shall have no power at any time or in
 824 any manner to pledge the credit or taxing power of the state or
 825 any political subdivision or agency thereof, nor shall any of
 826 the authority's obligations be deemed to be obligations of the
 827 state or of any political subdivision or agency thereof, nor
 828 shall the state or any political subdivision or agency thereof,
 829 except the authority, be liable for the payment of the principal
 830 of or interest on such obligations.

831 343.83 Improvements, bond financing authority
 832 for.--Pursuant to s. 11(f), Art. VII of the State Constitution,

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

843 343.835 Bonds of the authority.--

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

846 (b) Alternatively, the authority may issue its own bonds
847 pursuant to this part at such times and in such principal amount
848 as, in the opinion of the authority, is necessary to provide
849 sufficient moneys for achieving its purposes; however, such
850 bonds may not pledge the full faith and credit of the state.
851 Bonds issued by the authority pursuant to this paragraph or
852 paragraph (a), whether on original issuance or on refunding,
853 shall be authorized by resolution of the members thereof, may be
854 either term or serial bonds, and shall bear such date or dates,
855 mature at such time or times, not exceeding 40 years after their
856 respective dates, bear interest at such rate or rates, be
857 payable semiannually, be in such denominations, be in such form,
858 either coupon or fully registered, carry such registration,
859 exchangeability, and interchangeability privileges, be payable
860 in such medium of payment and at such place or places, be

861 subject to such terms of redemption, and be entitled to such
862 priorities on the revenues, rates, fees, rentals, or other
863 charges or receipts of the authority, including revenues from
864 lease-purchase agreements. The bonds shall be executed either by
865 manual or facsimile signature by such officers as the authority
866 shall determine, provided that such bonds shall bear at least
867 one signature which is manually executed thereon, and the
868 coupons attached to such bonds shall bear the facsimile
869 signature or signatures of such officer or officers as shall be
870 designated by the authority and shall have the seal of the
871 authority affixed, imprinted, reproduced, or lithographed
872 thereon, all as may be prescribed in such resolution or
873 resolutions.

874 (c) Bonds issued pursuant to paragraph (a) or paragraph
875 (b) shall be sold at public sale in the manner provided by the
876 State Bond Act. However, if the authority, by official action at
877 a public meeting, determines that a negotiated sale of such
878 bonds is in the best interest of the authority, the authority
879 may negotiate the sale of such bonds with the underwriter
880 designated by the authority and the Division of Bond Finance of
881 the State Board of Administration with respect to bonds issued
882 pursuant to paragraph (a) or solely the authority with respect
883 to bonds issued pursuant to paragraph (b). The authority's
884 determination to negotiate the sale of such bonds may be based,
885 in part, upon the written advice of the authority's financial
886 adviser. Pending the preparation of definitive bonds, interim
887 certificates may be issued to the purchaser or purchasers of

888 such bonds and may contain such terms and conditions as the
 889 authority may determine.

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

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

898 (a) The pledging of all or any part of the revenues,
 899 rates, fees, rentals, or other charges or receipts of the
 900 authority, derived by the authority for the U.S. 98 corridor
 901 improvements.

902 (b) The completion, improvement, operation, extension,
 903 maintenance, repair, lease, or lease-purchase agreement of the
 904 system, and the duties of the authority and others, including
 905 the department, with reference thereto.

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

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

912 (e) The setting aside of reserves or sinking funds or
 913 repair and replacement funds and the regulation and disposition
 914 thereof.

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

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

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

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

938 (a) The completion, improvement, operation, extension,
 939 maintenance, repair, and lease of or lease-purchase agreement
 940 relating to U.S. 98 corridor improvements and the duties of the
 941 authority and others, including the department, with reference
 942 thereto.

943 (b) The application of funds and the safeguarding of funds
944 on hand or on deposit.

945 (c) The rights and remedies of the trustee and the holders
946 of the bonds.

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

949 (4) Any of the bonds issued pursuant to this part are, and
950 are hereby declared to be, negotiable instruments and shall have
951 all the qualities and incidents of negotiable instruments under
952 the law merchant and the negotiable instruments law of the
953 state.

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

959 343.836 Remedies of the bondholders.--

960 (1) The rights and the remedies herein conferred upon or
961 granted to the bondholders shall be in addition to and not in
962 limitation of any rights and remedies lawfully granted to such
963 bondholders by the resolution or resolutions providing for the
964 issuance of bonds or by a lease-purchase agreement, deed of
965 trust, indenture, or other agreement under which the bonds may
966 be issued or secured. In the event the authority defaults in the
967 payment of the principal of or interest on any of the bonds
968 issued pursuant to the provisions of this part after such
969 principal of or interest on the bonds becomes due, whether at
970 maturity or upon call for redemption, or the department defaults

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

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

996 (a) By mandamus or other suit, action, or proceeding at
997 law or in equity, enforce all rights of the bondholders,
998 including the right to require the authority to fix, establish,

999 maintain, collect, and charge rates, fees, rentals, and other
 1000 charges adequate to carry out any agreement as to or pledge of
 1001 the revenues or receipts of the authority to carry out any other
 1002 covenants and agreements with or for the benefit of the
 1003 bondholders, and to perform its and their duties under this
 1004 part.

1005 (b) By mandamus or other suit, action, or proceeding at
 1006 law or in equity, enforce all rights of the bondholders under or
 1007 pursuant to any lease-purchase agreement between the authority
 1008 and the department, including the right to require the
 1009 department to make all rental payments required to be made by it
 1010 under the provisions of any such lease-purchase agreement, to
 1011 require the department to carry out any other covenants and
 1012 agreements with or for the benefit of the bondholders, and to
 1013 perform its and their duties under this part.

1014 (c) Bring suit upon the bonds.

1015 (d) By action or suit in equity, require the authority or
 1016 the department to account as if it were the trustee of an
 1017 express trust for the bondholders.

1018 (e) By action or suit in equity, enjoin any acts or things
 1019 which may be unlawful or in violation of the rights of the
 1020 bondholders.

1021 (3) Any trustee, when appointed as aforesaid or acting
 1022 under a deed of trust, indenture, or other agreement, and
 1023 whether or not all bonds have been declared due and payable,
 1024 shall be entitled as of right to the appointment of a receiver
 1025 who may enter upon and take possession of the system or the
 1026 facilities or any part or parts thereof, the rates, fees,

1027 rentals, or other revenues, charges, or receipts from which are
 1028 or may be applicable to the payment of the bonds so in default,
 1029 and, subject to and in compliance with the provisions of any
 1030 lease-purchase agreement between the authority and the
 1031 department, operate and maintain the same for and on behalf of
 1032 and in the name of the authority, the department, and the
 1033 bondholders, and collect and receive all rates, fees, rentals,
 1034 and other charges or receipts or revenues arising therefrom in
 1035 the same manner as the authority or the department might do, and
 1036 shall deposit all such moneys in a separate account and apply
 1037 the same in such manner as the court shall direct. In any suit,
 1038 action, or proceeding by the trustee, the fees, counsel fees,
 1039 and expenses of the trustee and said receiver, if any, and all
 1040 costs and disbursements allowed by the court shall be a first
 1041 charge on any rates, fees, rentals, or other charges, revenues,
 1042 or receipts derived from the system or the facilities or
 1043 services or any part or parts thereof, including payments under
 1044 any such lease-purchase agreement as aforesaid, which said
 1045 rates, fees, rentals, or other charges, revenues, or receipts
 1046 shall or may be applicable to the payment of the bonds so in
 1047 default. Such trustee shall, in addition to the foregoing, have
 1048 and possess all of the powers necessary or appropriate for the
 1049 exercise of any functions specifically set forth herein or
 1050 incident to the representation of the bondholders in the
 1051 enforcement and protection of their rights.

1052 (4) Nothing in this section or any other section of this
 1053 part shall authorize any receiver appointed pursuant hereto for
 1054 the purpose, subject to and in compliance with the provisions of

1055 any lease-purchase agreement between the authority and the
 1056 department, of operating and maintaining the system or any
 1057 facilities or part or parts thereof to sell, assign, mortgage,
 1058 or otherwise dispose of any of the assets of whatever kind and
 1059 character belonging to the authority. It is the intention of
 1060 this part to limit the powers of such receiver, subject to and
 1061 in compliance with the provisions of any lease-purchase
 1062 agreement between the authority and the department, to the
 1063 operation and maintenance of the system or any facility or part
 1064 or parts thereof, as the court may direct, in the name and for
 1065 and on behalf of the authority, the department, and the
 1066 bondholders, and no holder of bonds on the authority nor any
 1067 trustee shall ever have the right in any suit, action, or
 1068 proceeding at law or in equity to compel a receiver, nor shall
 1069 any receiver be authorized or any court be empowered to direct
 1070 the receiver to sell, assign, mortgage, or otherwise dispose of
 1071 any assets of whatever kind or character belonging to the
 1072 authority.

1073 343.837 Lease-purchase agreement.--

1074 (1) In order to effectuate the purposes of this part and
 1075 as authorized by this part, the authority may enter into a
 1076 lease-purchase agreement with the department relating to and
 1077 covering the U.S. 98 Corridor System.

1078 (2) Such lease-purchase agreement shall provide for the
 1079 leasing of the system by the authority, as lessor, to the
 1080 department, as lessee, shall prescribe the term of such lease
 1081 and the rentals to be paid thereunder, and shall provide that,
 1082 upon the completion of the faithful performance thereunder and

1083 the termination of such lease-purchase agreement, title in fee
 1084 simple absolute to the system as then constituted shall be
 1085 transferred in accordance with law by the authority to the state
 1086 and the authority shall deliver to the department such deeds and
 1087 conveyances as shall be necessary or convenient to vest title in
 1088 fee simple absolute in the state.

1089 (3) Such lease-purchase agreement may include such other
 1090 provisions, agreements, and covenants as the authority and the
 1091 department deem advisable or required, including, but not
 1092 limited to, provisions as to the bonds to be issued under and
 1093 for the purposes of this part, the completion, extension,
 1094 improvement, operation, and maintenance of the system and the
 1095 expenses and the cost of operation of said authority, the
 1096 charging and collection of tolls, rates, fees, and other charges
 1097 for the use of the services and facilities thereof, and the
 1098 application of federal or state grants or aid which may be made
 1099 or given to assist the authority in the completion, extension,
 1100 improvement, operation, and maintenance of the system.

1101 (4) The department as lessee under such lease-purchase
 1102 agreement is hereby authorized to pay as rentals thereunder any
 1103 rates, fees, charges, funds, moneys, receipts, or income
 1104 accruing to the department from the operation of the system and
 1105 may also pay as rentals any appropriations received by the
 1106 department pursuant to any act of the Legislature heretofore or
 1107 hereafter enacted; however, nothing herein or in such lease-
 1108 purchase agreement is intended to require, nor shall this part
 1109 or such lease-purchase agreement require, the making or
 1110 continuance of such appropriations, nor shall any holder of

1111 bonds issued pursuant to this part ever have any right to compel
 1112 the making or continuance of such appropriations.

1113 (5) The department shall have power to covenant in any
 1114 lease-purchase agreement that it will pay all or any part of the
 1115 cost of the operation, maintenance, repair, renewal, and
 1116 replacement of said system, and any part of the cost of
 1117 completing said system to the extent that the proceeds of bonds
 1118 issued therefore are insufficient, from sources other than the
 1119 revenues derived from the operation of the system.

1120 (6) The U.S. 98 Corridor System shall be a part of the
 1121 State Highway System as defined in s. 334.03, and the department
 1122 may, upon the request of the authority, expend out of any funds
 1123 available for that purpose, and use such of its engineering and
 1124 other forces, as may be necessary and desirable in the judgment
 1125 of the department, for the operation of the authority and for
 1126 traffic surveys, borings, surveys, preparation of plans and
 1127 specifications, estimates of cost, and other preliminary
 1128 engineering and other studies.

1129 343.84 Department may be appointed agent of authority for
 1130 construction.--The department may be appointed by the authority
 1131 as its agent for the purpose of constructing improvements and
 1132 extensions to the system and for the completion thereof. In such
 1133 event, the authority shall provide the department with complete
 1134 copies of all documents, agreements, resolutions, contracts, and
 1135 instruments relating thereto, shall request the department to do
 1136 such construction work, including the planning, surveying, and
 1137 actual construction of the completion, extensions, and
 1138 improvements to the system, and shall transfer to the credit of

1139 an account of the department in the treasury of the state the
 1140 necessary funds therefor, and the department shall thereupon be
 1141 authorized, empowered, and directed to proceed with such
 1142 construction and to use said funds for such purpose in the same
 1143 manner that it is now authorized to use the funds otherwise
 1144 provided by law for its use in construction of roads and
 1145 bridges.

1146 343.85 Acquisition of lands and property.--

1147 (1) For the purposes of this part, the Northwest Florida
 1148 Transportation Corridor Authority may acquire private or public
 1149 property and property rights, including rights of access, air,
 1150 view, and light, by gift, devise, purchase, or condemnation by
 1151 eminent domain proceedings, as the authority may deem necessary
 1152 for any of the purposes of this part, including, but not limited
 1153 to, any lands reasonably necessary for securing applicable
 1154 permits, areas necessary for management of access, borrow pits,
 1155 drainage ditches, water retention areas, rest areas, replacement
 1156 access for landowners whose access is impaired due to the
 1157 construction of a facility, and replacement rights-of-way for
 1158 relocated rail and utility facilities; for existing, proposed,
 1159 or anticipated transportation facilities within the U.S. 98
 1160 transportation corridor designated by the authority; or for the
 1161 purposes of screening, relocation, removal, or disposal of
 1162 junkyards and scrap metal processing facilities. The authority
 1163 shall also have the power to condemn any material and property
 1164 necessary for such purposes.

1165 (2) The right of eminent domain herein conferred shall be
 1166 exercised by the authority in the manner provided by law.

1167 (3) When the authority acquires property for a
 1168 transportation facility or in a transportation corridor, it is
 1169 not subject to any liability imposed by chapter 376 or chapter
 1170 403 for preexisting soil or groundwater contamination due solely
 1171 to its ownership. This section does not affect the rights or
 1172 liabilities of any past or future owners of the acquired
 1173 property, nor does it affect the liability of any governmental
 1174 entity for the results of its actions which create or exacerbate
 1175 a pollution source. The authority and the Department of
 1176 Environmental Protection may enter into interagency agreements
 1177 for the performance, funding, and reimbursement of the
 1178 investigative and remedial acts necessary for property acquired
 1179 by the authority.

1180 343.87 Cooperation with other units, boards, agencies, and
 1181 individuals.--Express authority and power is hereby given and
 1182 granted to any county, municipality, drainage district, road and
 1183 bridge district, school district, or any other political
 1184 subdivision, board, commission, or individual in or of the state
 1185 to make and enter into with the authority contracts, leases,
 1186 conveyances, partnerships, or other agreements within the
 1187 provisions and purposes of this part. The authority is hereby
 1188 expressly authorized to make and enter into contracts, leases,
 1189 conveyances, partnerships, and other agreements with any
 1190 political subdivision, agency, or instrumentality of the state
 1191 and any and all federal agencies, corporations, and individuals
 1192 for the purpose of carrying out the provisions of this part.

1193 343.875 Public-private partnerships.--

1194 (1) The authority may receive or solicit proposals and
 1195 enter into agreements with private entities, or consortia
 1196 thereof, for the building, operation, ownership, or financing of
 1197 transportation facilities within the jurisdiction of the
 1198 authority. Before approval, the authority must determine that a
 1199 proposed project:

1200 (a) Is in the public's best interest.

1201 (b) Would not require state funds to be used unless the
 1202 project is on or provides increased mobility on the State
 1203 Highway System.

1204 (c) Would have adequate safeguards to ensure that no
 1205 additional costs or service disruptions would be realized by the
 1206 traveling public and citizens of the state in the event of
 1207 default or the cancellation of the agreement by the authority.

1208 (2) The authority shall ensure that all reasonable costs
 1209 to the state related to transportation facilities that are not
 1210 part of the State Highway System are borne by the private
 1211 entity. The authority also shall ensure that all reasonable
 1212 costs to the state and substantially affected local governments
 1213 and utilities related to the private transportation facility are
 1214 borne by the private entity for transportation facilities that
 1215 are owned by private entities. For projects on the State Highway
 1216 System, the department may use state resources to participate in
 1217 funding and financing the project as provided for under the
 1218 department's enabling legislation.

1219 (3) The authority may request proposals for public-private
 1220 transportation projects or, if it receives an unsolicited
 1221 proposal, it must publish a notice in the Florida Administrative

1222 Weekly and a newspaper of general circulation in the county in
1223 which it is located at least once a week for 2 weeks stating
1224 that it has received the proposal and will accept, for 60 days
1225 after the initial date of publication, other proposals for the
1226 same project purpose. A copy of the notice must be mailed to
1227 each local government in the affected areas. After the public
1228 notification period has expired, the authority shall rank the
1229 proposals in order of preference. In ranking the proposals, the
1230 authority shall consider professional qualifications, general
1231 business terms, innovative engineering or cost-reduction terms,
1232 finance plans, and the need for state funds to deliver the
1233 proposal. If the authority is not satisfied with the results of
1234 the negotiations, it may at its sole discretion terminate
1235 negotiations with the proposer. If these negotiations are
1236 unsuccessful, the authority may go to the second and lower-
1237 ranked firms, in order, using the same procedure. If only one
1238 proposal is received, the authority may negotiate in good faith
1239 and, if it is not satisfied with the results, it may at its sole
1240 discretion terminate negotiations with the proposer.

1241 Notwithstanding this subsection, the authority may at its
1242 discretion reject all proposals at any point in the process up
1243 to completion of a contract with the proposer.

1244 (4) Agreements entered into pursuant to this section may
1245 authorize the public-private entity to impose tolls or fares for
1246 the use of the facility. However, the amount and use of toll or
1247 fare revenues shall be regulated by the authority to avoid
1248 unreasonable costs to users of the facility.

1249 (5) Each public-private transportation facility
 1250 constructed pursuant to this section shall comply with all
 1251 requirements of federal, state, and local laws; state, regional,
 1252 and local comprehensive plans; the authority's rules, policies,
 1253 procedures, and standards for transportation facilities; and any
 1254 other conditions that the authority determines to be in the
 1255 public's best interest.

1256 (6) The authority may exercise any of its powers,
 1257 including eminent domain, to facilitate the development and
 1258 construction of transportation projects pursuant to this
 1259 section. The authority may pay all or part of the cost of
 1260 operating and maintaining the facility or may provide services
 1261 to the private entity for which it receives full or partial
 1262 reimbursement for services rendered.

1263 (7) Except as herein provided, this section is not
 1264 intended to amend existing law by granting additional powers to
 1265 or imposing further restrictions on the governmental entities
 1266 with regard to regulating and entering into cooperative
 1267 arrangements with the private sector for the planning,
 1268 construction, and operation of transportation facilities.

1269 (8) The authority is authorized to adopt rules to
 1270 implement this section and shall, by rule, establish an
 1271 application fee for the submission of unsolicited proposals
 1272 under this section. The fee must be sufficient to pay the costs
 1273 of evaluating the proposals.

1274 343.88 Covenant of the state.--The state does hereby
 1275 pledge to, and agrees with, any person, firm or corporation, or
 1276 federal or state agency subscribing to or acquiring the bonds to

1277 be issued by the authority for the purposes of this part that
 1278 the state will not limit or alter the rights hereby vested in
 1279 the authority and the department until all bonds at any time
 1280 issued, together with the interest thereon, are fully paid and
 1281 discharged insofar as the same affects the rights of the holders
 1282 of bonds issued hereunder. The state does further pledge to, and
 1283 agree with, the United States that, in the event any federal
 1284 agency constructs or contributes any funds for the completion,
 1285 extension, or improvement of the system or any part or portion
 1286 thereof, the state will not alter or limit the rights and powers
 1287 of the authority and the department in any manner which would be
 1288 inconsistent with the continued maintenance and operation of the
 1289 system or the completion, extension, or improvement thereof or
 1290 which would be inconsistent with the due performance of any
 1291 agreements between the authority and any such federal agency,
 1292 and the authority and the department shall continue to have and
 1293 may exercise all powers herein granted so long as the same shall
 1294 be necessary or desirable for the carrying out of the purposes
 1295 of this part and the purposes of the United States in the
 1296 completion, extension, or improvement of the system or any part
 1297 or portion thereof.

1298 343.881 Exemption from taxation.--The effectuation of the
 1299 authorized purposes of the authority created under this part is,
 1300 shall, and will be in all respects for the benefit of the people
 1301 of the state, for the increase of their commerce and prosperity,
 1302 and for the improvement of their health and living conditions
 1303 and, since such authority will be performing essential
 1304 governmental functions in effectuating such purposes, such

1305 authority shall not be required to pay any taxes or assessments
 1306 of any kind or nature whatsoever upon any property acquired or
 1307 used by it for such purposes, or upon any rates, fees, rentals,
 1308 receipts, income, or charges at any time received by it, and the
 1309 bonds issued by the authority, their transfer, and the income
 1310 therefrom, including any profits made on the sale thereof, shall
 1311 at all times be free from taxation of any kind by the state or
 1312 by any political subdivision, taxing agency, or instrumentality
 1313 thereof. The exemption granted by this section shall not be
 1314 applicable to any tax imposed by chapter 220 on interest,
 1315 income, or profits on debt obligations owned by corporations.

1316 343.884 Eligibility for investments and security.--Any
 1317 bonds or other obligations issued pursuant to this part shall be
 1318 and constitute legal investments for banks, savings banks,
 1319 trustees, executors, administrators, and all other fiduciaries
 1320 and for all state, municipal, and other public funds and shall
 1321 also be and constitute securities eligible for deposit as
 1322 security for all state, municipal, or other public funds,
 1323 notwithstanding the provisions of any other law or laws to the
 1324 contrary.

1325 343.885 Pledges enforceable by bondholders.--It is the
 1326 express intention of this part that any pledge to the authority
 1327 by the department of rates, fees, revenues, or other funds as
 1328 rentals, or any covenants or agreements relative thereto, may be
 1329 enforceable in any court of competent jurisdiction against the
 1330 authority or directly against the department by any holder of
 1331 bonds issued by the authority.

1332 343.89 This part complete and additional authority.--

1333 (1) The powers conferred by this part shall be in addition
1334 and supplemental to the existing powers of said board and the
1335 department, and this part shall not be construed as repealing
1336 any of the provisions of any other law, general, special, or
1337 local, but to supersede such other laws in the exercise of the
1338 powers provided in this part and to provide a complete method
1339 for the exercise of the powers granted in this part. The
1340 extension and improvement of the system, and the issuance of
1341 bonds hereunder to finance all or part of the cost thereof, may
1342 be accomplished upon compliance with the provisions of this part
1343 without regard to or necessity for compliance with the
1344 provisions, limitations, or restrictions contained in any other
1345 general, special, or local law, including, but not limited to,
1346 s. 215.821, and no approval of any bonds issued under this part
1347 by the qualified electors or qualified electors who are
1348 freeholders in the state or in any other political subdivision
1349 of the state shall be required for the issuance of such bonds
1350 pursuant to this part.

1351 (2) This part shall not be deemed to repeal, rescind, or
1352 modify any other law relating to the State Board of
1353 Administration, the Department of Transportation, or the
1354 Division of Bond Finance of the State Board of Administration
1355 but shall be deemed to and shall supersede such other laws as
1356 are inconsistent with the provisions of this part, including,
1357 but not limited to, s. 215.821.

1358 Section 14. Paragraph (d) of subsection (2) of section
1359 348.0003, Florida Statutes, is amended to read:

1360 348.0003 Expressway authority; formation; membership.--

1361 (2) The governing body of an authority shall consist of
 1362 not fewer than five nor more than nine voting members. The
 1363 district secretary of the affected department district shall
 1364 serve as a nonvoting member of the governing body of each
 1365 authority located within the district. Each member of the
 1366 governing body must at all times during his or her term of
 1367 office be a permanent resident of the county which he or she is
 1368 appointed to represent.

1369 (d) Notwithstanding any provision to the contrary in this
 1370 subsection, in any county as defined in s. 125.011(1), the
 1371 governing body of an authority shall consist of up to 7 ~~13~~
 1372 members, and the following provisions of this paragraph shall
 1373 apply specifically to such authority. Except for the district
 1374 secretary of the department, the members must be residents of
 1375 the county. Four ~~Seven~~ voting members shall be county
 1376 commissioners appointed by the chair of the governing body of
 1377 the county. One voting member shall be a mayor of a municipality
 1378 within the county and shall be appointed by the Miami-Dade
 1379 County League of Cities. ~~At the discretion of the governing body~~
 1380 ~~of the county, up to two of the members appointed by the~~
 1381 ~~governing body of the county may be elected officials residing~~
 1382 ~~in the county. Five voting members of the authority shall be~~
 1383 ~~appointed by the Governor.~~ One member shall be the district
 1384 secretary of the department serving in the district that
 1385 contains such county and shall be an ex officio, voting member
 1386 of the authority. One member shall be the chair of the Miami-
 1387 Dade legislative delegation, or another member of the delegation
 1388 appointed by the chair, and shall be an ex officio, nonvoting

1389 ~~member of the authority. This member shall be an ex officio~~
 1390 ~~voting member of the authority. If the governing board of an~~
 1391 ~~authority includes any member originally appointed by the~~
 1392 ~~governing body of the county as a nonvoting member, when the~~
 1393 ~~term of such member expires, that member shall be replaced by a~~
 1394 ~~member appointed by the Governor until the governing body of the~~
 1395 ~~authority is composed of seven members appointed by the~~
 1396 ~~governing body of the county and five members appointed by the~~
 1397 ~~Governor.~~ The qualifications, terms of office, and obligations
 1398 and rights of members of the authority shall be determined by
 1399 resolution or ordinance of the governing body of the county in a
 1400 manner that is consistent with subsections (3) and (4).

1401 Section 15. Paragraph (f) of subsection (2) of section
 1402 348.0004, Florida Statutes, is amended to read:

1403 348.0004 Purposes and powers.--

1404 (2) Each authority may exercise all powers necessary,
 1405 appurtenant, convenient, or incidental to the carrying out of
 1406 its purposes, including, but not limited to, the following
 1407 rights and powers:

1408 (f)1. To fix, alter, charge, establish, and collect tolls,
 1409 rates, fees, rentals, and other charges for the services and
 1410 facilities system, which tolls, rates, fees, rentals, and other
 1411 charges must always be sufficient to comply with any covenants
 1412 made with the holders of any bonds issued pursuant to the
 1413 Florida Expressway Authority Act. However, such right and power
 1414 may be assigned or delegated by the authority to the department.
 1415 Notwithstanding s. 338.165 or any other provision of law to the
 1416 contrary, in any county as defined in s. 125.011(1), to the

1417 extent surplus revenues exist, they may be used for purposes
1418 enumerated in subsection (7), provided the expenditures are
1419 consistent with the metropolitan planning organization's adopted
1420 long-range plan. Notwithstanding any other provision of law to
1421 the contrary, but subject to any contractual requirements
1422 contained in documents securing any outstanding indebtedness
1423 payable from tolls, in any county as defined in s. 125.011(1),
1424 the board of county commissioners may, by ordinance adopted on
1425 or before September 30, 1999, alter or abolish existing tolls
1426 and currently approved increases thereto if the board provides a
1427 local source of funding to the county expressway system for
1428 transportation in an amount sufficient to replace revenues
1429 necessary to meet bond obligations secured by such tolls and
1430 increases.

1431 2. Prior to raising tolls or establishing any new point of
1432 toll collection by either cash payment or electronic toll
1433 collection, an expressway authority in any county as defined in
1434 s. 125.011(1) shall provide, where applicable, the county
1435 commission, city commission, and metropolitan planning
1436 organization in the affected area with written justification for
1437 the proposed toll increase or new toll collection point. The
1438 local governmental entities and the metropolitan planning
1439 organization shall agenda the justification issue at its next
1440 available public meeting and shall have 30 days after the date
1441 of that meeting to request a public hearing on the proposed toll
1442 increase or new toll collection point. Copies of the written
1443 justification must also be provided to each member of the
1444 Legislature who represents a district affected by the proposed

1445 toll increase or new collection point, and the copies must be
 1446 provided at the same time as the information is submitted to the
 1447 local governmental entity. Within 60 days after receiving a
 1448 public hearing request from a local government or metropolitan
 1449 planning organization, the expressway authority shall hold at
 1450 least two public hearings in the area to be affected by its
 1451 proposal. The public hearings shall be advertised in a newspaper
 1452 of general circulation, as defined in s. 97.021(16), in the
 1453 affected county. Notice of the public hearing must be provided
 1454 to each member of the Legislature who represents a district
 1455 affected by the proposed toll increase or new collection point.
 1456 During the public hearings, the expressway authority shall, at a
 1457 minimum, present an in-depth cost-benefit analysis of the
 1458 proposed toll increase, present an in-depth description of the
 1459 transportation projects to be funded, and document all
 1460 questions, suggestions, or other comments offered by the public.
 1461 No toll increase shall become effective and no new point of toll
 1462 collections shall become operational until 90 days after the
 1463 last public hearing as required by this paragraph is held.

1464 Section 16. Part X of chapter 348, Florida Statutes,
 1465 consisting of sections 348.9801, 348.9802, 348.9803, 348.9804,
 1466 348.9805, 348.9806, 348.9807, 348.9808, 348.9809, 348.9811,
 1467 348.9812, 348.9813, 348.9814, 348.9815, 348.9816, and 348.9817,
 1468 is created to read:

1469 PART X

1470 OSCEOLA COUNTY EXPRESSWAY AUTHORITY

1471 348.9801 Popular name.--This part shall be cited as the
 1472 "Osceola County Expressway Authority Law."

1473 348.9802 Definitions.--The following terms, whenever used
 1474 or referred to in this part, shall have the following meanings,
 1475 except in those instances where the context clearly indicates
 1476 otherwise:

1477 (1) "Agency of the state" means and includes the state and
 1478 any department of, or corporation, agency, or instrumentality
 1479 heretofore or hereafter created, designated, or established by,
 1480 the state.

1481 (2) "Authority" means the body politic and corporate and
 1482 agency of the state created by this part.

1483 (3) "Bonds" means and includes the notes, bonds, refunding
 1484 bonds, or other evidences of indebtedness or obligations, in
 1485 either temporary or definitive form, which the authority is
 1486 authorized to issue pursuant to this part.

1487 (4) "County" means Osceola County.

1488 (5) "Department" means the Department of Transportation.

1489 (6) "Federal agency" means and includes the United States,
 1490 the President of the United States, and any department of or
 1491 corporation, agency, or instrumentality heretofore or hereafter
 1492 created, designated, or established by the United States.

1493 (7) "Lease-purchase agreement" means the lease-purchase
 1494 agreements which the authority is authorized pursuant to this
 1495 part to enter into with the department.

1496 (8) "Limited access expressway" or "expressway" means a
 1497 street or highway especially designed for through traffic and
 1498 over, from, or to which no person shall have the right of
 1499 easement, use, or access except in accordance with the rules and
 1500 regulations promulgated and established by the authority for the

1501 use of such facility. Such highways or streets may be parkways
 1502 from which trucks, buses, and other commercial vehicles shall be
 1503 excluded, or they may be freeways open to use by all customary
 1504 forms of street and highway traffic.

1505 (9) "Members" means the governing body of the authority,
 1506 and the term "member" means one of the individuals constituting
 1507 such governing body.

1508 (10) "Osceola County gasoline tax funds" means all the 80-
 1509 percent surplus gasoline tax funds accruing in each year to the
 1510 department for use in Osceola County under the provisions of s.
 1511 9, Art. XII of the State Constitution after deduction only of
 1512 any amounts of said gasoline tax funds heretofore pledged by the
 1513 department or the county for outstanding obligations.

1514 (11) "Osceola County Expressway System" means any and all
 1515 expressways and appurtenant facilities thereto, including, but
 1516 not limited to, all approaches, roads, bridges, and avenues of
 1517 access for said expressway or expressways.

1518 (12) "State Board of Administration" means the body
 1519 corporate existing under the provisions of s. 9, Art. XII of the
 1520 State Constitution, or any successor thereto.

1521
 1522 Terms importing singular number include the plural number in
 1523 each case and vice versa, and terms importing persons include
 1524 firms and corporations.

1525 348.9803 Osceola County Expressway Authority.--

1526 (1) There is hereby created and established a body politic
 1527 and corporate, an agency of the state, to be known as the

1528 Osceola County Expressway Authority, hereinafter referred to as
1529 "authority."

1530 (2) The governing body of the authority shall consist of
1531 five members. Three members shall be citizens of Osceola County,
1532 who shall be appointed by the governing body of the county. The
1533 fourth member shall be appointed by the Governor, and the fifth
1534 member shall be, ex officio, the district secretary of the
1535 Department of Transportation serving in the district that
1536 contains Osceola County. The term of each appointed member shall
1537 be for 4 years. However, the members appointed by the Governor
1538 for the first time shall serve a term of 2 years. Each appointed
1539 member shall hold office until his or her successor has been
1540 appointed and has qualified. A vacancy occurring during a term
1541 shall be filled only for the balance of the unexpired term. Each
1542 appointed member of the authority shall be a person of
1543 outstanding reputation for integrity, responsibility, and
1544 business ability, but no person who is an officer or employee of
1545 any city or of Osceola County in any other capacity shall be an
1546 appointed member of the authority. Any member of the authority
1547 shall be eligible for reappointment.

1548 (3) (a) The authority shall elect one of its members as
1549 chair of the authority. The authority shall also elect a
1550 secretary and a treasurer who may or may not be members of the
1551 authority. The chair, secretary, and treasurer shall hold such
1552 offices at the will of the authority. Three members of the
1553 authority shall constitute a quorum, and the vote of three
1554 members shall be necessary for any action taken by the
1555 authority. No vacancy in the authority shall impair the right of

1556 a quorum of the authority to exercise all of the rights and
 1557 perform all of the duties of the authority.

1558 (b) Upon the effective date of his or her appointment or
 1559 as soon thereafter as practicable, each appointed member of the
 1560 authority shall enter upon his or her duties.

1561 (4) (a) The authority may employ an executive secretary, an
 1562 executive director, its own counsel and legal staff, technical
 1563 experts, such engineers, and such employees, permanent or
 1564 temporary, as it may require; may determine the qualifications
 1565 and fix the compensation of such persons, firms, or
 1566 corporations; and may employ a fiscal agent or agents. However,
 1567 the authority shall solicit sealed proposals from at least three
 1568 persons, firms, or corporations for the performance of any
 1569 services as fiscal agents. The authority may delegate to one or
 1570 more of its agents or employees such of its power as it shall
 1571 deem necessary to carry out the purposes of this part, subject
 1572 always to the supervision and control of the authority.

1573 (b) Members of the authority may be removed from office by
 1574 the Governor for misconduct, malfeasance, misfeasance, or
 1575 nonfeasance in office. Members of the authority shall be
 1576 entitled to receive from the authority their travel and other
 1577 necessary expenses incurred in connection with the business of
 1578 the authority as provided in s. 112.061, but they shall draw no
 1579 salaries or other compensation.

1580 348.9804 Purposes and powers.--

1581 (1) (a) The authority created and established by the
 1582 provisions of this part is hereby granted and shall have the
 1583 right to acquire, hold, construct, improve, maintain, operate,

1584 own, and lease in the capacity of lessor the Osceola County
 1585 Expressway System, hereinafter referred to as "system."

1586 (b) It is the express intention of this part that said
 1587 authority, in the construction of said Osceola County Expressway
 1588 System, shall be authorized to construct any extensions,
 1589 additions, or improvements to said system or appurtenant
 1590 facilities, including all necessary approaches, roads, bridges,
 1591 and avenues of access with such changes, modifications, or
 1592 revisions of said project as shall be deemed desirable and
 1593 proper.

1594 (2) The authority is hereby granted and shall have and may
 1595 exercise all powers necessary, appurtenant, convenient, or
 1596 incidental to the carrying out of its purposes, including, but
 1597 not limited to, the following rights and powers:

1598 (a) To sue and be sued, implead and be impleaded, and
 1599 complain and defend in all courts.

1600 (b) To adopt, use, and alter at will a corporate seal.

1601 (c) To acquire by donation or otherwise, purchase, hold,
 1602 lease as lessee, and use any franchise, property, real,
 1603 personal, or mixed, tangible or intangible, or any options
 1604 thereof, in its own name or in conjunction with others, or
 1605 interest therein, necessary or desirable for carrying out the
 1606 purposes of the authority, and to sell, lease as lessor,
 1607 transfer, and dispose of any property or interest therein at any
 1608 time acquired by it.

1609 (d) To enter into and make leases for terms not exceeding
 1610 40 years as either lessee or lessor in order to carry out the
 1611 right to lease as set forth in this part.

1612 (e) To enter into and make lease-purchase agreements with
1613 the department for terms not exceeding 40 years, or until any
1614 bonds secured by a pledge of rentals thereunder and any
1615 refundings thereof are fully paid as to both principal and
1616 interest, whichever is longer.

1617 (f) To fix, alter, charge, establish, and collect rates,
1618 fees, rentals, and other charges for the services and facilities
1619 of the Osceola County Expressway System, which rates, fees,
1620 rentals, and other charges shall always be sufficient to comply
1621 with any covenants made with the holders of any bonds issued
1622 pursuant to this part; however, such right and power may be
1623 assigned or delegated by the authority to the department.

1624 (g) To borrow money and make and issue negotiable notes,
1625 bonds, refunding bonds, and other evidences of indebtedness or
1626 obligations, either in temporary or definitive form, hereinafter
1627 in this part sometimes called "bonds" of the authority, for the
1628 purpose of financing all or part of the improvement or extension
1629 of the Osceola County Expressway System and appurtenant
1630 facilities, including all approaches, streets, roads, bridges,
1631 and avenues of access for said Osceola County Expressway System
1632 and for any other purpose authorized by this part, said bonds to
1633 mature in not exceeding 40 years from the date of the issuance
1634 thereof, and to secure the payment of such bonds or any part
1635 thereof by a pledge of any or all of its revenues, rates, fees,
1636 rentals, or other charges, including all or any portion of the
1637 Osceola County gasoline tax funds received by the authority
1638 pursuant to the terms of any lease-purchase agreement between
1639 the authority and the department; and, in general, to provide

1640 for the security of said bonds and the rights and remedies of
1641 the holders thereof. However, no portion of the Osceola County
1642 gasoline tax funds shall be pledged for the construction of any
1643 project for which a toll is to be charged unless the anticipated
1644 tolls are reasonably estimated by the board of county
1645 commissioners, at the date of its resolution pledging said
1646 funds, to be sufficient to cover the principal and interest of
1647 such obligations during the period when said pledge of funds
1648 shall be in effect.

1649 1. The authority shall reimburse Osceola County for any
1650 sums expended from said gasoline tax funds used for the payment
1651 of such obligations. Any gasoline tax funds so disbursed shall
1652 be repaid when the authority deems it practicable, together with
1653 interest at the highest rate applicable to any obligations of
1654 the authority.

1655 2. In the event the authority shall determine to fund or
1656 refund any bonds theretofore issued by said authority or by said
1657 commission as aforesaid prior to the maturity thereof, the
1658 proceeds of such funding or refunding bonds shall, pending the
1659 prior redemption of the bonds to be funded or refunded, be
1660 invested in direct obligations of the United States. It is the
1661 express intention of this part that such outstanding bonds may
1662 be funded or refunded by the issuance of bonds pursuant to this
1663 part.

1664 (h) To make contracts of every name and nature, including,
1665 but not limited to, partnerships providing for participation in
1666 ownership and revenues, and to execute all instruments necessary
1667 or convenient for the carrying on of its business.

1668 (i) Without limitation of the foregoing, to borrow money
 1669 and accept grants from and to enter into contracts, leases, or
 1670 other transactions with any federal agency, the state, any
 1671 agency of the state, Osceola County, or with any other public
 1672 body of the state.

1673 (j) To have the power of eminent domain, including the
 1674 procedural powers granted under chapters 73 and 74.

1675 (k) To pledge, hypothecate, or otherwise encumber all or
 1676 any part of the revenues, rates, fees, rentals, or other charges
 1677 or receipts of the authority, including all or any portion of
 1678 the Osceola County gasoline tax funds received by the authority
 1679 pursuant to the terms of any lease-purchase agreement between
 1680 the authority and the department, as security for all or any of
 1681 the obligations of the authority.

1682 (l) To enter into partnership and other agreements
 1683 respecting ownership and revenue participation in order to
 1684 facilitate financing and constructing any project or portions
 1685 thereof.

1686 (m) To participate in developer agreements or to receive
 1687 developer contributions.

1688 (n) To contract with Osceola County for the operation of a
 1689 toll facility within the county.

1690 (o) To do all acts and things necessary or convenient for
 1691 the conduct of its business and the general welfare of the
 1692 authority in order to carry out the powers granted to it by this
 1693 part or any other law.

1694 (p) With the consent of the county within whose
 1695 jurisdiction the following activities occur, to construct,

1696 operate, and maintain roads, bridges, avenues of access,
 1697 thoroughfares, and boulevards outside the jurisdictional
 1698 boundaries of Osceola County and to construct, repair, replace,
 1699 operate, install, and maintain electronic toll payment systems
 1700 thereon with all necessary and incidental powers to accomplish
 1701 the foregoing.

1702 (3) The authority shall have no power at any time or in
 1703 any manner to pledge the credit or taxing power of the state or
 1704 any political subdivision or agency thereof, including Osceola
 1705 County, nor shall any of the authority's obligations be deemed
 1706 to be obligations of the state or of any political subdivision
 1707 or agency thereof, nor shall the state or any political
 1708 subdivision or agency thereof, except the authority, be liable
 1709 for the payment of the principal of or interest on such
 1710 obligations.

1711 (4) Anything in this part to the contrary notwithstanding,
 1712 acquisition of right-of-way for a project of the authority which
 1713 is within the boundaries of any municipality in Osceola County
 1714 shall not be started unless and until the route of said project
 1715 within said municipality has been given prior approval by the
 1716 governing body of said municipality.

1717 (5) The authority shall have no power other than by
 1718 consent of Osceola County or any affected city to enter into any
 1719 agreement which would legally prohibit the construction of any
 1720 road by Osceola County or by any municipality within Osceola
 1721 County.

1722 348.9805 Improvements, bond financing authority
 1723 for.--Pursuant to s. 11(f), Art. VII of the State Constitution,

1724 the Legislature hereby approves for bond financing by the
 1725 Osceola County Expressway Authority improvements to toll
 1726 collection facilities, interchanges to the legislatively
 1727 approved expressway system, and any other facility appurtenant,
 1728 necessary, or incidental to the approved system. Subject to
 1729 terms and conditions of applicable revenue bond resolutions and
 1730 covenants, such costs may be financed in whole or in part by
 1731 revenue bonds issued pursuant to s. 348.9806(1)(a) or (b)
 1732 whether currently issued or issued in the future, or by a
 1733 combination of such bonds.

1734 348.9806 Bonds of the authority.--

1735 (1)(a) Bonds may be issued on behalf of the authority
 1736 pursuant to the State Bond Act.

1737 (b) Alternatively, the authority may issue its own bonds
 1738 pursuant to this part at such times and in such principal amount
 1739 as, in the opinion of the authority, is necessary to provide
 1740 sufficient moneys for achieving its purposes; however, such
 1741 bonds may not pledge the full faith and credit of the state.
 1742 Bonds issued by the authority pursuant to this paragraph or
 1743 paragraph (a), whether on original issuance or on refunding,
 1744 shall be authorized by resolution of the members thereof and may
 1745 be either term or serial bonds, shall bear such date or dates,
 1746 mature at such time or times, not exceeding 40 years from their
 1747 respective dates, bear interest at such rate or rates, payable
 1748 semiannually, be in such denominations, be in such form, either
 1749 coupon or fully registered, shall carry such registration,
 1750 exchangeability, and interchangeability privileges, be payable
 1751 in such medium of payment and at such place or places, be

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

1768 (c) Bonds issued pursuant to paragraph (a) or paragraph
1769 (b) shall be sold at public sale in the same manner provided by
1770 the State Bond Act. However, if the authority, by official
1771 action at a public meeting, determines that a negotiated sale of
1772 such bonds is in the best interest of the authority, the
1773 authority may negotiate the sale of such bonds with the
1774 underwriter designated by the authority and the Division of Bond
1775 Finance of the State Board of Administration with respect to
1776 bonds issued pursuant to paragraph (a) or solely the authority
1777 with respect to bonds issued pursuant to paragraph (b). The
1778 authority's determination to negotiate the sale of such bonds
1779 may be based, in part, upon the written advice of the

1780 authority's financial adviser. Pending the preparation of
1781 definitive bonds, interim certificates may be issued to the
1782 purchaser or purchasers of such bonds and may contain such terms
1783 and conditions as the authority may determine.

1784 (d) The authority may issue bonds pursuant to paragraph
1785 (b) to refund any bonds previously issued regardless of whether
1786 the bonds being refunded were issued by the authority pursuant
1787 to this chapter or on behalf of the authority pursuant to the
1788 State Bond Act.

1789 (2) Any such resolution or resolutions authorizing any
1790 bonds hereunder may contain provisions which shall be part of
1791 the contract with the holders of such bonds, as to:

1792 (a) The pledging of all or any part of the revenues,
1793 rates, fees, rentals (including all or any portion of the
1794 Osceola County gasoline tax funds received by the authority
1795 pursuant to the terms of any lease-purchase agreement between
1796 the authority and the department, or any part thereof), or other
1797 charges or receipts of the authority, derived by the authority,
1798 from the Osceola County Expressway System.

1799 (b) The completion, improvement, operation, extension,
1800 maintenance, repair, lease, or lease-purchase agreement of said
1801 system and the duties of the authority and others, including the
1802 department, with reference thereto.

1803 (c) Limitations on the purposes to which the proceeds of
1804 the bonds, then or thereafter to be issued, or of any loan or
1805 grant by the United States or the state may be applied.

1806 (d) The fixing, charging, establishing, and collecting of
1807 rates, fees, rentals, or other charges for use of the services

1808 and facilities of the Osceola County Expressway System or any
1809 part thereof.

1810 (e) The setting aside of reserves or sinking funds or
1811 repair and replacement funds and the regulation and disposition
1812 thereof.

1813 (f) Limitations on the issuance of additional bonds.

1814 (g) The terms and provisions of any lease-purchase
1815 agreement, deed of trust, or indenture securing the bonds or
1816 under which the same may be issued.

1817 (h) Any other or additional agreements with the holders of
1818 the bonds which the authority may deem desirable and proper.

1819 (3) The authority may employ fiscal agents as provided by
1820 this part or the State Board of Administration may, upon request
1821 of the authority, act as fiscal agent for the authority in the
1822 issuance of any bonds which may be issued pursuant to this part.
1823 The State Board of Administration may, upon request of the
1824 authority, take over the management, control, administration,
1825 custody, and payment of any or all debt services, funds, or
1826 assets now or hereafter available for any bonds issued pursuant
1827 to this part. The authority may enter into any deeds of trust,
1828 indentures, or other agreements with its fiscal agent or with
1829 any bank or trust company within or without the state as
1830 security for such bonds and may, under such agreements, sign and
1831 pledge all or any of the revenues, rates, fees, rentals, or
1832 other charges or receipts of the authority, including all or any
1833 portion of the Osceola County gasoline tax funds received by the
1834 authority pursuant to the terms of any lease-purchase agreement
1835 between the authority and the department, thereunder. Such deed

1836 of trust, indenture, or other agreement may contain such
 1837 provisions as are customary in such instruments or, as the
 1838 authority may authorize, including but without limitation,
 1839 provisions as to:

1840 (a) The completion, improvement, operation, extension,
 1841 maintenance, repair, and lease of or lease-purchase agreement
 1842 relating to the Osceola County Expressway System and the duties
 1843 of the authority and others including the department with
 1844 reference thereto.

1845 (b) The application of funds and the safeguarding of funds
 1846 on hand or on deposit.

1847 (c) The rights and remedies of the trustee and the holders
 1848 of the bonds.

1849 (d) The terms and provisions of the bonds or the
 1850 resolutions authorizing the issuance of same.

1851 (4) Any of the bonds issued pursuant to this part are, and
 1852 are hereby declared to be, negotiable instruments and shall have
 1853 all the qualities and incidents of negotiable instruments under
 1854 the law merchant and the negotiable instruments law of the
 1855 state.

1856 (5) Notwithstanding any of the provisions of this part,
 1857 each project, building, or facility which has been financed by
 1858 the issuance of bonds or other evidence of indebtedness under
 1859 this part and any refinancing thereof is hereby approved as
 1860 provided for in s. 11(f), Art. VII of the State Constitution.

1861 348.9807 Remedies of the bondholders.--

1862 (1) The rights and the remedies herein conferred upon or
 1863 granted to the bondholders shall be in addition to and not in

1864 limitation of any rights and remedies lawfully granted to such
1865 bondholders by the resolution or resolutions providing for the
1866 issuance of bonds or by a lease-purchase agreement, deed of
1867 trust, indenture, or other agreement under which the bonds may
1868 be issued or secured. In the event that the authority defaults
1869 in the payment of the principal of or interest on any of the
1870 bonds issued pursuant to the provisions of this part after such
1871 principal of or interest on said bonds becomes due, whether at
1872 maturity or upon call for redemption, or in the event that the
1873 department defaults in any payments under or covenants made in
1874 any lease-purchase agreement between the authority and the
1875 department and such default continues for a period of 30 days,
1876 or in the event that the authority or the department fails or
1877 refuses to comply with the provisions of this part or any
1878 agreement made with or for the benefit of the holders of the
1879 bonds, the holders of 25 percent in aggregate principal amount
1880 of the bonds then outstanding shall be entitled as of right to
1881 the appointment of a trustee to represent such bondholders for
1882 the purposes hereof, provided that such holders of 25 percent in
1883 aggregate principal amount of the bonds then outstanding first
1884 give notice to the authority and to the department of their
1885 intention to appoint a trustee. Such notice shall be deemed to
1886 have been given if given in writing, deposited in a securely
1887 sealed postpaid wrapper, mailed at a regularly maintained United
1888 States post office box or station, and addressed, respectively,
1889 to the chair of the authority and to the Secretary of
1890 Transportation at the principal office of the department.

1891 (2) Such trustee and any trustee under any deed of trust,
 1892 indenture, or other agreement may and, upon written request of
 1893 the holders of 25 percent or such other percentages as may be
 1894 specified in any deed of trust, indenture, or other agreement
 1895 aforesaid in principal amount of the bonds then outstanding,
 1896 shall, in any court of competent jurisdiction in his, her, or
 1897 its own name:

1898 (a) By mandamus or other suit, action, or proceeding at
 1899 law or in equity, enforce all rights of the bondholders,
 1900 including the right to require the authority to fix, establish,
 1901 maintain, collect, and charge rates, fees, rentals, and other
 1902 charges adequate to carry out any agreement as to or pledge of
 1903 the revenues or receipts of the authority to carry out any other
 1904 covenants and agreements with or for the benefit of the
 1905 bondholders, and to perform its and their duties under this
 1906 part.

1907 (b) By mandamus or other suit, action, or proceeding at
 1908 law or in equity, enforce all rights of the bondholders under or
 1909 pursuant to any lease-purchase agreement between the authority
 1910 and the department, including the right to require the
 1911 department to make all rental payments required to be made by it
 1912 under the provisions of any such lease-purchase agreement,
 1913 whether from the Osceola County gasoline tax funds or other
 1914 funds of the department so agreed to be paid, and to require the
 1915 department to carry out any other covenants and agreements with
 1916 or for the benefit of the bondholders and to perform its and
 1917 their duties under this part.

1918 (c) Bring suit upon the bonds.

1919 (d) By action or suit in equity, require the authority or
 1920 the department to account as if it were the trustee of an
 1921 express trust for the bondholders.

1922 (e) By action or suit in equity, enjoin any acts or things
 1923 which may be unlawful or in violation of the rights of the
 1924 bondholders.

1925 (3) Whether or not all bonds have been declared due and
 1926 payable, any trustee, when appointed under this section or
 1927 acting under a deed of trust, indenture, or other agreement,
 1928 shall be entitled as of right to the appointment of a receiver
 1929 who may enter upon and take possession of the Osceola County
 1930 Expressway System or the facilities or any part or parts
 1931 thereof, the rates, fees, rentals, or other revenues, charges,
 1932 or receipts from which are or may be applicable to the payment
 1933 of the bonds so in default, and, subject to and in compliance
 1934 with the provisions of any lease-purchase agreement between the
 1935 authority and the department, operate and maintain the same for
 1936 and on behalf and in the name of the authority, the department,
 1937 and the bondholders and collect and receive all rates, fees,
 1938 rentals, and other charges or receipts or revenues arising
 1939 therefrom in the same manner as the authority or the department
 1940 might do, and shall deposit all such moneys in a separate
 1941 account and apply the same in such manner as the court shall
 1942 direct. In any suit, action, or proceeding by the trustee, the
 1943 fees, counsel fees, and expenses of the trustee and said
 1944 receiver, if any, and all costs and disbursements allowed by the
 1945 court shall be a first charge on any rates, fees, rentals, or
 1946 other charges, revenues, or receipts derived from the Osceola

1947 County Expressway System or the facilities or services or any
 1948 part or parts thereof, including payments under any such lease-
 1949 purchase agreement as aforesaid, which said rates, fees,
 1950 rentals, or other charges, revenues, or receipts shall or may be
 1951 applicable to the payment of the bonds so in default. Such
 1952 trustee shall also have and possess all of the powers necessary
 1953 or appropriate for the exercise of any functions specifically
 1954 set forth in this part or incident to the representation of the
 1955 bondholders in the enforcement and protection of their rights.

1956 (4) Nothing in this section or any other section of this
 1957 part shall authorize any receiver appointed pursuant to this
 1958 part for the purpose, subject to and in compliance with the
 1959 provisions of any lease-purchase agreement between the authority
 1960 and the department, of operating and maintaining the Osceola
 1961 County Expressway System or any facilities or part or parts
 1962 thereof to sell, assign, mortgage, or otherwise dispose of any
 1963 of the assets of whatever kind and character belonging to the
 1964 authority. It is the intention of this part to limit the powers
 1965 of such receiver, subject to and in compliance with the
 1966 provisions of any lease-purchase agreement between the authority
 1967 and the department, to the operation and maintenance of the
 1968 Osceola County Expressway System or any facility or part or
 1969 parts thereof, as the court may direct, in the name and for and
 1970 on behalf of the authority, the department, and the bondholders.
 1971 No holder of bonds on the authority nor any trustee shall ever
 1972 have the right in any suit, action, or proceeding at law or in
 1973 equity to compel a receiver, nor shall any receiver be
 1974 authorized or any court be empowered to direct the receiver, to

1975 sell, assign, mortgage, or otherwise dispose of any assets of
 1976 whatever kind or character belonging to the authority.

1977 348.9808 Lease-purchase agreement.--

1978 (1) In order to effectuate the purposes of this part and
 1979 as authorized by this part, the authority may enter into a
 1980 lease-purchase agreement with the department relating to and
 1981 covering the Osceola County Expressway System.

1982 (2) Such lease-purchase agreement shall provide for the
 1983 leasing of the Osceola County Expressway System by the authority
 1984 as lessor to the department as lessee, shall prescribe the term
 1985 of such lease and the rentals to be paid thereunder, and shall
 1986 provide that, upon the completion of the faithful performance
 1987 thereunder and the termination of such lease-purchase agreement,
 1988 title in fee simple absolute to the Osceola County Expressway
 1989 System as then constituted shall be transferred in accordance
 1990 with law by the authority to the state and the authority shall
 1991 deliver to the department such deeds and conveyances as shall be
 1992 necessary or convenient to vest title in fee simple absolute in
 1993 the state.

1994 (3) Such lease-purchase agreement may include such other
 1995 provisions, agreements, and covenants as the authority and the
 1996 department deem advisable or required, including, but not
 1997 limited to, provisions as to the bonds to be issued under and
 1998 for the purposes of this part; the completion, extension,
 1999 improvement, operation, and maintenance of the Osceola County
 2000 Expressway System; the expenses and the cost of operation of
 2001 said authority; the charging and collection of tolls, rates,
 2002 fees, and other charges for the use of the services and

2003 facilities thereof; the application of federal or state grants
 2004 or aid which may be made or given to assist the authority in the
 2005 completion, extension, improvement, operation, and maintenance
 2006 of the Orlando Expressway System, which the authority is hereby
 2007 authorized to accept and apply to such purposes; the enforcement
 2008 of payment and collection of rentals; and any other terms,
 2009 provisions, or covenants necessary, incidental, or appurtenant
 2010 to the making of and full performance under such lease-purchase
 2011 agreement.

2012 (4) The department as lessee under such lease-purchase
 2013 agreement is hereby authorized to pay as rentals thereunder any
 2014 rates, fees, charges, funds, moneys, receipts, or income
 2015 accruing to the department from the operation of the Osceola
 2016 County Expressway System and the Osceola County gasoline tax
 2017 funds and may also pay as rentals any appropriations received by
 2018 the department pursuant to any act of the Legislature heretofore
 2019 or hereafter enacted. However, nothing herein or in such lease-
 2020 purchase agreement is intended to require, nor shall this part
 2021 or such lease-purchase agreement require, the making or
 2022 continuance of such appropriations, nor shall any holder of
 2023 bonds issued pursuant to this part ever have any right to compel
 2024 the making or continuance of such appropriations.

2025 (5) No pledge of said Osceola County gasoline tax funds as
 2026 rentals under such lease-purchase agreement shall be made
 2027 without the consent of Osceola County evidenced by a resolution
 2028 duly adopted by the board of county commissioners of said county
 2029 at a public hearing held pursuant to due notice thereof
 2030 published at least once a week for 3 consecutive weeks before

2031 the hearing in a newspaper of general circulation in Osceola
 2032 County. In addition to other provisions, the resolution shall
 2033 provide that any excess of said pledged gasoline tax funds which
 2034 is not required for debt service or reserves for such debt
 2035 service for any bonds issued by said authority shall be returned
 2036 annually to the department for distribution to Osceola County as
 2037 provided by law. Before making any application for such pledge
 2038 of gasoline tax funds, the authority shall present the plan of
 2039 its proposed project to the Osceola County Planning and Zoning
 2040 Commission for its comments and recommendations.

2041 (6) The department shall have power to covenant in any
 2042 lease-purchase agreement that it will pay all or any part of the
 2043 cost of the operation, maintenance, repair, renewal, and
 2044 replacement of the system and any part of the cost of completing
 2045 the system to the extent that the proceeds of bonds issued
 2046 therefor are insufficient from sources other than the revenues
 2047 derived from the operation of the system and Osceola County
 2048 gasoline tax funds. The department may also agree to make such
 2049 other payments from any moneys available to the commission or
 2050 the county in connection with the construction or completion of
 2051 the system as shall be deemed by the department to be fair and
 2052 proper under any such covenants heretofore or hereafter entered
 2053 into.

2054 (7) The system shall be a part of the state road system
 2055 and the department is hereby authorized, upon the request of the
 2056 authority, to expend out of any funds available for the purpose
 2057 such moneys and to use such of its engineering and other forces
 2058 as may be necessary and desirable in the judgment of the

2059 department for the operation of the authority and for traffic
 2060 surveys, borings, surveys, preparation of plans and
 2061 specifications, estimates of cost, and other preliminary
 2062 engineering and other studies; however, the aggregate amount of
 2063 moneys expended for said purposes by the department shall not
 2064 exceed the sum of \$375,000.

2065 348.9809 Department may be appointed agent of authority
 2066 for construction.--The authority may appoint the department as
 2067 its agent for the purpose of constructing improvements and
 2068 extensions to the Osceola County Expressway System and for the
 2069 completion thereof. In such event, the authority shall provide
 2070 the department with complete copies of all documents,
 2071 agreements, resolutions, contracts, and instruments relating
 2072 thereto and shall request the department to do such construction
 2073 work, including the planning, surveying, and actual construction
 2074 of the completion, extensions, and improvements to the Osceola
 2075 County Expressway System, and shall transfer to the credit of an
 2076 account of the department in the treasury of the state the
 2077 necessary funds therefor, and the department shall thereupon be
 2078 authorized, empowered, and directed to proceed with such
 2079 construction and to use the funds for such purpose in the same
 2080 manner that it is now authorized to use the funds otherwise
 2081 provided by law for its use in construction of roads and
 2082 bridges.

2083 348.9811 Acquisition of lands and property.--

2084 (1) For the purposes of this part, the Osceola County
 2085 Expressway Authority may acquire private or public property and
 2086 property rights, including rights of access, air, view, and

2087 light by gift, devise, purchase, or condemnation by eminent
2088 domain proceedings, as the authority may deem necessary for any
2089 of the purposes of this part, including, but not limited to, any
2090 lands reasonably necessary for securing applicable permits,
2091 areas necessary for management of access, borrow pits, drainage
2092 ditches, water retention areas, rest areas, replacement access
2093 for landowners whose access is impaired due to the construction
2094 of a facility, and replacement rights-of-way for relocated rail
2095 and utility facilities; for existing, proposed, or anticipated
2096 transportation facilities on the Osceola County Expressway
2097 System or in a transportation corridor designated by the
2098 authority; or for the purposes of screening, relocation,
2099 removal, or disposal of junkyards and scrap metal processing
2100 facilities. The authority shall also have the power to condemn
2101 any material and property necessary for such purposes.

2102 (2) The right of eminent domain conferred in this part
2103 shall be exercised by the authority in the manner provided by
2104 law.

2105 (3) When the authority acquires property for a
2106 transportation facility or in a transportation corridor, it is
2107 not subject to any liability imposed by chapter 376 or chapter
2108 403 for preexisting soil or groundwater contamination due solely
2109 to its ownership. This section does not affect the rights or
2110 liabilities of any past or future owners of the acquired
2111 property, nor does it affect the liability of any governmental
2112 entity for the results of its actions which create or exacerbate
2113 a pollution source. The authority and the Department of
2114 Environmental Protection may enter into interagency agreements

2115 for the performance, funding, and reimbursement of the
 2116 investigative and remedial acts necessary for property acquired
 2117 by the authority.

2118 348.9812 Cooperation with other units, boards, agencies,
 2119 and individuals.--Express authority and power is hereby given
 2120 and granted any county, municipality, drainage district, road
 2121 and bridge district, school district, or any other political
 2122 subdivision, board, commission, or individual in or of the state
 2123 to make and enter into with the authority contracts, leases,
 2124 conveyances, partnerships, or other agreements within the
 2125 provisions and purposes of this part. The authority is hereby
 2126 expressly authorized to make and enter into contracts, leases,
 2127 conveyances, partnerships, and other agreements with any
 2128 political subdivision, agency, or instrumentality of the state
 2129 and any and all federal agencies, corporations, and individuals
 2130 for the purpose of carrying out the provisions of this part.

2131 348.9813 Covenant of the state.--The state does hereby
 2132 pledge to and agrees with any person, firm, or corporation or
 2133 federal or state agency subscribing to or acquiring the bonds to
 2134 be issued by the authority for the purposes of this part that
 2135 the state will not limit or alter the rights hereby vested in
 2136 the authority and the department until all bonds at any time
 2137 issued together with the interest thereon are fully paid and
 2138 discharged insofar as the same affects the rights of the holders
 2139 of bonds issued hereunder. The state does further pledge to and
 2140 agree with the United States that in the event any federal
 2141 agency shall construct or contribute any funds for the
 2142 completion, extension, or improvement of the Osceola County

2143 Expressway System, or any part or portion thereof, the state
 2144 will not alter or limit the rights and powers of the authority
 2145 and the department in any manner which would be inconsistent
 2146 with the continued maintenance and operation of the Osceola
 2147 County Expressway System or the completion, extension, or
 2148 improvement thereof or which would be inconsistent with the due
 2149 performance of any agreements between the authority and any such
 2150 federal agency. The authority and the department shall continue
 2151 to have and may exercise all powers herein granted so long as
 2152 the same shall be necessary or desirable for the carrying out of
 2153 the purposes of this part and the purposes of the United States
 2154 in the completion, extension, or improvement of the Osceola
 2155 County Expressway System or any part or portion thereof.

2156 348.9814 Exemption from taxation.--The effectuation of the
 2157 authorized purposes of the authority created under this part is,
 2158 shall, and will be in all respects for the benefit of the people
 2159 of the state, for the increase of their commerce and prosperity,
 2160 and for the improvement of their health and living conditions,
 2161 and, since such authority will be performing essential
 2162 governmental functions in effectuating such purposes, such
 2163 authority shall not be required to pay any taxes or assessments
 2164 of any kind or nature whatsoever upon any property acquired or
 2165 used by it for such purposes, or upon any rates, fees, rentals,
 2166 receipts, income, or charges at any time received by it, and the
 2167 bonds issued by the authority, their transfer, and the income
 2168 therefrom, including any profits made on the sale thereof, shall
 2169 at all times be free from taxation of any kind by the state or
 2170 by any political subdivision, taxing agency, or instrumentality

2171 thereof. The exemption granted by this section shall not be
 2172 applicable to any tax imposed by chapter 220 on interest,
 2173 income, or profits on debt obligations owned by corporations.

2174 348.9815 Eligibility for investments and security.--Any
 2175 bonds or other obligations issued pursuant to this part shall be
 2176 and constitute legal investments for banks, savings banks,
 2177 trustees, executors, administrators, and all other fiduciaries
 2178 and for all state, municipal, and other public funds and shall
 2179 also be and constitute securities eligible for deposit as
 2180 security for all state, municipal, or other public funds,
 2181 notwithstanding the provisions of any other law or laws to the
 2182 contrary.

2183 348.9816 Pledges enforceable by bondholders.--It is the
 2184 express intention of this part that any pledge by the department
 2185 of rates, fees, revenues, Osceola County gasoline tax funds, or
 2186 other funds as rentals to the authority, or any covenants or
 2187 agreements relative thereto, may be enforceable in any court of
 2188 competent jurisdiction against the authority or directly against
 2189 the department by any holder of bonds issued by the authority.

2190 348.9817 This part complete and additional authority.--

2191 (1) The powers conferred by this part shall be in addition
 2192 and supplemental to the existing powers of the board and the
 2193 department, and this part shall not be construed as repealing
 2194 any of the provisions of any other law, general, special, or
 2195 local, but to supersede such other laws in the exercise of the
 2196 powers provided in this part and to provide a complete method
 2197 for the exercise of the powers granted in this part. The
 2198 extension and improvement of the Osceola County Expressway

2199 System and the issuance of bonds hereunder to finance all or
 2200 part of the cost thereof may be accomplished upon compliance
 2201 with the provisions of this part without regard to or necessity
 2202 for compliance with the provisions, limitations, or restrictions
 2203 contained in any other general, special, or local law,
 2204 including, but not limited to, s. 215.821. No approval of any
 2205 bonds issued under this part by the qualified electors or
 2206 qualified electors who are freeholders in the state or in
 2207 Osceola County or in any other political subdivision of the
 2208 state shall be required for the issuance of such bonds pursuant
 2209 to this part.

2210 (2) This part shall not be deemed to repeal, rescind, or
 2211 modify the Osceola County Charter. This part shall not be deemed
 2212 to repeal, rescind, or modify any other law relating to the
 2213 State Board of Administration, the Department of Transportation,
 2214 or the Division of Bond Finance of the State Board of
 2215 Administration but shall be deemed to and shall supersede such
 2216 other laws as are inconsistent with the provisions of this part,
 2217 including, but not limited to, s. 215.821.

2218 Section 17. Section 373.4137, Florida Statutes, is amended
 2219 to read:

2220 373.4137 Mitigation requirements for specified
 2221 transportation projects.--

2222 (1) The Legislature finds that environmental mitigation
 2223 for the impact of transportation projects proposed by the
 2224 Department of Transportation or a transportation authority
 2225 established pursuant to chapter 348 or chapter 349 can be more
 2226 effectively achieved by regional, long-range mitigation planning

2227 rather than on a project-by-project basis. It is the intent of
 2228 the Legislature that mitigation to offset the adverse effects of
 2229 these transportation projects be funded by the Department of
 2230 Transportation and be carried out by ~~the Department of~~
 2231 ~~Environmental Protection~~ and the water management districts,
 2232 including the use of mitigation banks established pursuant to
 2233 this part.

2234 (2) Environmental impact inventories for transportation
 2235 projects proposed by the Department of Transportation or a
 2236 transportation authority established pursuant to chapter 348 or
 2237 chapter 349 shall be developed as follows:

2238 (a) By July ~~May~~ 1 of each year, the Department of
 2239 Transportation or a transportation authority established
 2240 pursuant to chapter 348 or chapter 349 shall submit to ~~the~~
 2241 ~~Department of Environmental Protection~~ and the water management
 2242 districts a copy of its adopted work program and an
 2243 environmental impact inventory of habitats addressed in the
 2244 rules adopted ~~tentatively~~, pursuant to this part and s. 404 of
 2245 the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted by
 2246 its plan of construction for transportation projects in the next
 2247 3 years of the tentative work program. The Department of
 2248 Transportation or a transportation authority established
 2249 pursuant to chapter 348 or chapter 349 may also include in its
 2250 environmental impact inventory the habitat impacts of any future
 2251 transportation project ~~identified in the tentative work program.~~
 2252 The Department of Transportation and each transportation
 2253 authority established pursuant to chapter 348 or chapter 349 may

2254 fund any mitigation activities for future projects using
 2255 current-year funds.

2256 (b) The environmental impact inventory shall include a
 2257 description of these habitat impacts, including their location,
 2258 acreage, and type; state water quality classification of
 2259 impacted wetlands and other surface waters; any other state or
 2260 regional designations for these habitats; and a survey of
 2261 threatened species, endangered species, and species of special
 2262 concern affected by the proposed project.

2263 (3) (a) To fund development and implementation of the
 2264 mitigation plan for the projected impacts identified in the
 2265 environmental impact inventory described in subsection (2), the
 2266 Department of Transportation shall identify funds quarterly in
 2267 an escrow account within the State Transportation Trust Fund for
 2268 the environmental mitigation phase of projects budgeted by the
 2269 Department of Transportation for the current fiscal year. The
 2270 escrow account shall be maintained by the Department of
 2271 Transportation for the benefit of ~~the Department of~~
 2272 ~~Environmental Protection and~~ the water management districts. Any
 2273 interest earnings from the escrow account shall remain with the
 2274 Department of Transportation.

2275 (b) Each transportation authority established pursuant to
 2276 chapter 348 or chapter 349 that chooses to participate in this
 2277 program shall create an escrow account within its financial
 2278 structure and deposit funds in the account to pay for the
 2279 environmental mitigation phase of projects budgeted for the
 2280 current fiscal year. The escrow account shall be maintained by
 2281 the authority for the benefit of ~~the Department of Environmental~~

2282 | ~~Protection and~~ the water management districts. Any interest
 2283 | earnings from the escrow account shall remain with the
 2284 | authority.

2285 | (c) Except for current mitigation projects in the
 2286 | monitoring and maintenance phase and except as allowed by
 2287 | paragraph (d), ~~the Department of Environmental Protection or~~
 2288 | water management districts may request a transfer of funds from
 2289 | an escrow account no sooner than 30 days prior to the date the
 2290 | funds are needed to pay for activities associated with
 2291 | development or implementation of the approved mitigation plan
 2292 | described in subsection (4) for the current fiscal year,
 2293 | including, but not limited to, design, engineering, production,
 2294 | and staff support. Actual conceptual plan preparation costs
 2295 | incurred before plan approval may be submitted to the Department
 2296 | of Transportation or the appropriate transportation authority
 2297 | ~~and the Department of Environmental Protection by November 1 of~~
 2298 | each year with the plan. The conceptual plan preparation costs
 2299 | of each water management district will be paid from mitigation
 2300 | funds associated with the environmental impact inventory for the
 2301 | current year ~~based on the amount approved on the mitigation plan~~
 2302 | ~~and allocated to the current fiscal year projects identified by~~
 2303 | ~~the water management district.~~ The amount transferred to the
 2304 | escrow accounts each year by the Department of Transportation
 2305 | and participating transportation authorities established
 2306 | pursuant to chapter 348 or chapter 349 shall correspond to a
 2307 | cost per acre of \$75,000 multiplied by the projected acres of
 2308 | impact identified in the environmental impact inventory
 2309 | described in subsection (2). However, the \$75,000 cost per acre

2310 | does not constitute an admission against interest by the state
 2311 | or its subdivisions nor is the cost admissible as evidence of
 2312 | full compensation for any property acquired by eminent domain or
 2313 | through inverse condemnation. Each July 1, the cost per acre
 2314 | shall be adjusted by the percentage change in the average of the
 2315 | Consumer Price Index issued by the United States Department of
 2316 | Labor for the most recent 12-month period ending September 30,
 2317 | compared to the base year average, which is the average for the
 2318 | 12-month period ending September 30, 1996. Each quarter ~~At the~~
 2319 | ~~end of each year,~~ the projected acreage of impact shall be
 2320 | reconciled with the acreage of impact of projects as permitted,
 2321 | including permit modifications, pursuant to this part and s. 404
 2322 | of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's
 2323 | transfer of funds shall be adjusted accordingly to reflect the
 2324 | acreage of impacts as permitted ~~overtransfer or undertransfer of~~
 2325 | ~~funds from the preceding year.~~ The Department of Transportation
 2326 | and participating transportation authorities established
 2327 | pursuant to chapter 348 or chapter 349 are authorized to
 2328 | transfer such funds from the escrow accounts to ~~the Department~~
 2329 | ~~of Environmental Protection and~~ the water management districts
 2330 | to carry out the mitigation programs. For a mitigation project
 2331 | that is in the maintenance and monitoring phase, the water
 2332 | management district may request and receive a one-time payment
 2333 | based on the project's expected future maintenance and
 2334 | monitoring costs. Upon disbursement of the final maintenance and
 2335 | monitoring payment, the escrow account for the project
 2336 | established by the Department of Transportation or the
 2337 | participating transportation authority may be closed. Any

2338 interest earned on these disbursed funds shall remain with the
 2339 water management district and must be used as authorized under
 2340 paragraph (4) (c).

2341 (d) Beginning in the 2005-2006 fiscal year, each water
 2342 management district shall be paid a lump-sum amount of \$75,000
 2343 per acre, adjusted as provided under paragraph (c), for
 2344 federally funded transportation projects that are included on
 2345 the environmental impact inventory and that have an approved
 2346 mitigation plan. Beginning in the 2009-2010 fiscal year, each
 2347 water management district shall be paid a lump-sum amount of
 2348 \$75,000 per acre, adjusted as provided under paragraph (c), for
 2349 federally funded and nonfederally funded transportation projects
 2350 that have an approved mitigation plan. All mitigation costs,
 2351 including, but not limited to, the costs of preparing conceptual
 2352 plans and the costs of design, construction, staff support,
 2353 future maintenance, and monitoring the mitigated acres, shall be
 2354 funded through these lump-sum amounts.

2355 (4) Prior to March ~~December~~ 1 of each year, each water
 2356 management district, in consultation with the Department of
 2357 Environmental Protection, the United States Army Corps of
 2358 Engineers, the Department of Transportation, transportation
 2359 authorities established pursuant to chapter 348 or chapter 349,
 2360 and other appropriate federal, state, and local governments, and
 2361 other interested parties, including entities operating
 2362 mitigation banks, shall develop a plan for the primary purpose
 2363 of complying with the mitigation requirements adopted pursuant
 2364 to this part and 33 U.S.C. s. 1344. ~~This plan shall also address~~
 2365 ~~significant invasive plant problems within wetlands and other~~

2366 ~~surface waters.~~ In developing such plans, the districts shall
2367 utilize sound ecosystem management practices to address
2368 significant water resource needs and shall focus on activities
2369 of the Department of Environmental Protection and the water
2370 management districts, such as surface water improvement and
2371 management (SWIM) projects ~~waterbodies~~ and lands identified for
2372 potential acquisition for preservation, restoration or, and
2373 enhancement, and the control of invasive and exotic plants in
2374 wetlands and other surface waters, to the extent that such
2375 activities comply with the mitigation requirements adopted under
2376 this part and 33 U.S.C. s. 1344. In determining the activities
2377 to be included in such plans, the districts shall also consider
2378 the purchase of credits from public or private mitigation banks
2379 permitted under s. 373.4136 and associated federal authorization
2380 and shall include such purchase as a part of the mitigation plan
2381 when such purchase would offset the impact of the transportation
2382 project, provide equal benefits to the water resources than
2383 other mitigation options being considered, and provide the most
2384 cost-effective mitigation option. The mitigation plan shall be
2385 submitted to ~~preliminarily approved by~~ the water management
2386 district governing board or its designee ~~and shall be submitted~~
2387 ~~to the secretary of the Department of Environmental Protection~~
2388 for review and final approval. ~~The preliminary approval by the~~
2389 ~~water management district governing board does not constitute a~~
2390 ~~decision that affects substantial interests as provided by s.~~
2391 ~~120.569.~~ At least 14 ~~30~~ days prior to ~~preliminary~~ approval, the
2392 water management district shall provide a copy of the draft
2393 mitigation plan to any person who has requested a copy.

2394 (a) For each transportation project with a funding request
 2395 for the next fiscal year, the mitigation plan must include a
 2396 brief explanation of why a mitigation bank was or was not chosen
 2397 as a mitigation option, including an estimation of identifiable
 2398 costs of the mitigation bank and nonbank options to the extent
 2399 practicable.

2400 (b) Specific projects may be excluded from the mitigation
 2401 plan, in whole or in part, and shall not be subject to this
 2402 section upon the agreement of the Department of Transportation,
 2403 or a transportation authority if applicable, ~~the Department of~~
 2404 ~~Environmental Protection,~~ and the appropriate water management
 2405 district that the inclusion of such projects would hamper the
 2406 efficiency or timeliness of the mitigation planning and
 2407 permitting process, ~~or the Department of Environmental~~
 2408 ~~Protection and~~ The water management district may choose to
 2409 exclude a project, in whole or in part, if the district is ~~are~~
 2410 unable to identify mitigation that would offset ~~the~~ impacts of
 2411 the project.

2412 (c) Surface water improvement and management or invasive
 2413 plant control projects undertaken using the \$12 million advance
 2414 transferred from the Department of Transportation to the
 2415 Department of Environmental Protection in fiscal year 1996-1997
 2416 which meet the requirements for mitigation under this part and
 2417 33 U.S.C. s. 1344 shall remain available for mitigation until
 2418 the \$12 million is fully credited ~~up to and including fiscal~~
 2419 ~~year 2005-2006.~~ When these projects are used as mitigation, the
 2420 \$12 million advance shall be reduced by \$75,000 per acre of
 2421 impact mitigated. ~~For any fiscal year through and including~~

2422 ~~fiscal year 2005-2006,~~ To the extent the cost of developing and
 2423 implementing the mitigation plans is less than the funds placed
 2424 in the escrow account ~~amount transferred~~ pursuant to subsection
 2425 (3), the difference shall be retained by the Department of
 2426 Transportation and credited towards the \$12 million advance
 2427 until the Department of Transportation is fully refunded for
 2428 this advance funding. After the \$12 million advance funding is
 2429 fully credited ~~Except as provided in this paragraph,~~ any funds
 2430 not directed to implement the mitigation plan should, to the
 2431 greatest extent possible, be directed to fund invasive plant
 2432 control within wetlands and other surface waters, SWIM projects,
 2433 or other water-resource projects approved by the governing board
 2434 of the water management district which may be appropriate to
 2435 offset environmental impacts of future transportation projects.
 2436 The water management districts may request these funds upon
 2437 submittal of the final invoice for each road project.

2438 (5) The water management district shall be responsible for
 2439 ensuring that mitigation requirements pursuant to 33 U.S.C. s.
 2440 1344 are met for the impacts identified in the environmental
 2441 impact inventory described in subsection (2), by implementation
 2442 of the approved plan described in subsection (4) to the extent
 2443 funding is provided by the Department of Transportation, or a
 2444 transportation authority established pursuant to chapter 348 or
 2445 chapter 349, if applicable. During the federal permitting
 2446 process, the water management district may deviate from the
 2447 approved mitigation plan in order to comply with federal
 2448 permitting requirements.

2449 (6) The mitigation plans shall be updated annually to
2450 reflect the most current Department of Transportation work
2451 program and project list of a transportation authority
2452 established pursuant to chapter 348 or chapter 349, if
2453 applicable, and may be amended throughout the year to anticipate
2454 schedule changes or additional projects which may arise. Each
2455 update and amendment of the mitigation plan shall be submitted
2456 to the governing board of the water management district or its
2457 designee ~~secretary of the Department of Environmental Protection~~
2458 for approval. However, such approval shall not be applicable to
2459 a deviation as described in subsection (5).

2460 (7) Upon approval by the governing board of the water
2461 management district or its designee ~~secretary of the Department~~
2462 ~~of Environmental Protection~~, the mitigation plan shall be deemed
2463 to satisfy the mitigation requirements under this part for
2464 impacts specifically identified in the environmental impact
2465 inventory described in subsection (2) and any other mitigation
2466 requirements imposed by local, regional, and state agencies for
2467 these same impacts identified in the inventory described in
2468 ~~subsection (2)~~. The approval of the governing board of the water
2469 management district or its designee ~~secretary~~ shall authorize
2470 the activities proposed in the mitigation plan, and no other
2471 state, regional, or local permit or approval shall be necessary.

2472 (8) This section shall not be construed to eliminate the
2473 need for the Department of Transportation or a transportation
2474 authority established pursuant to chapter 348 or chapter 349 to
2475 comply with the requirement to implement practicable design
2476 modifications, including realignment of transportation projects,

2477 to reduce or eliminate the impacts of its transportation
 2478 projects on wetlands and other surface waters as required by
 2479 rules adopted pursuant to this part, or to diminish the
 2480 authority under this part to regulate other impacts, including
 2481 water quantity or water quality impacts, or impacts regulated
 2482 under this part that are not identified in the environmental
 2483 impact inventory described in subsection (2).

2484 (9) The process for environmental mitigation for the
 2485 impact of transportation projects under this section shall be
 2486 available to an expressway, bridge, or transportation authority
 2487 established under chapter 348 or chapter 349. Use of this
 2488 process may be initiated by an authority depositing the
 2489 requisite funds into an escrow account set up by the authority
 2490 and filing an environmental impact inventory with the
 2491 appropriate water management district. An authority that
 2492 initiates the environmental mitigation process established by
 2493 this section shall comply with subsection (6) by timely
 2494 providing the appropriate water management district ~~and the~~
 2495 ~~Department of Environmental Protection~~ with the requisite work
 2496 program information. A water management district may draw down
 2497 funds from the escrow account as provided in this section.

2498 Section 18. Bicycle system study.--Prior to October 1,
 2499 2005, the Department of Transportation shall perform a bicycle
 2500 system study of bicycle facilities that are on or connected to
 2501 the State Highway System. The results of the bicycle system
 2502 study shall be presented to the Governor, the President of the
 2503 Senate, and the Speaker of the House of Representatives by
 2504 October 1, 2005. The bicycle system study shall include paved

2505 bicycle lanes, bicycle trails, bicycle paths, and any route or
2506 facility designated specifically for bicycle traffic. The study
2507 shall be performed by a consultant selected and funded by the
2508 department and shall be managed by the department's state
2509 Pedestrian and Bicycle Coordinator. The study shall include:
2510 (1) Review of department standards for bicycle lanes to
2511 determine if they meet the needs of the state's bicyclists.
2512 (2) Identification of state highways with existing
2513 designated bicycle lanes.
2514 (3) Identification of state highways with no designated
2515 bicycle lanes and any constraints to incorporating these
2516 facilities.
2517 (4) Providing electronic mapping of those facilities
2518 identified in subsections (2) and (3).
2519 (5) Identification of all bicycle facility needs on the
2520 State Highway System.
2521 (6) Review and identification of possible funding sources
2522 for new or improved facilities.
2523 (7) A proposed implementation plan that will identify the
2524 incorporation of bicycle facilities on those state highways
2525 programmed for rehabilitation or new construction in the
2526 department's 5-year work program. The proposed plan will include
2527 the costs associated within the work program to add these
2528 facilities.
2529 Section 19. This act shall take effect July 1, 2005.