

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representatives Galvano, Ambler, Glorioso, and Sansom offered
2 the following:

3
4 **Amendment (with title amendment)**

5 On page 69, between lines 7 and 8, insert:

6 Section 31. Part V of chapter 343, Florida Statutes,
7 consisting of sections 343.90, 343.91, 343.92, 343.922, 343.94,
8 343.941, 343.943, 343.944, 343.945, 343.946, 343.947, 343.95,
9 343.96, 343.962, 343.97, 343.973, and 343.975, is created to
10 read:

11 343.90 Short title.--This part may be cited as the "Tampa
12 Bay Regional Transportation Authority Act."

13 343.91 Definitions.--

14 (1) The following terms, whenever used or referred to in
15 this part, shall have the following meanings, except in those
16 instances where the context clearly indicates otherwise:

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17 (a) "Authority" means the Tampa Bay Regional
18 Transportation Authority, the body politic and corporate and
19 agency of the state created by this part.

20 (b) "Board" means the governing body of the authority.

21 (c) "Bonds" means the notes, bonds, refunding bonds, or
22 other evidences of indebtedness or obligations, in either
23 temporary or definitive form, which the authority is authorized
24 to issue under this part.

25 (d) "Consultation" means that one party confers with
26 another identified party in accordance with an established
27 process and, prior to taking action, considers that party's
28 views and periodically informs that party about actions taken.

29 (e) "Coordination" means the comparison of the
30 transportation plans, programs, and schedules of one agency with
31 related plans, programs, and schedules of other agencies or
32 entities with legal standing, and adjustment of plans, programs,
33 and schedules to achieve general consistency to the extent
34 practicable.

35 (f) "Department" means the Department of Transportation.

36 (g) "Lease-purchase agreement" means the lease-purchase
37 agreements that the authority is authorized under this part to
38 enter into with the department.

39 (h) "Limited access expressway" or "expressway" means a
40 street or highway especially designed for through traffic and
41 over, from, or to which a person does not have the right of
42 easement, use, or access except in accordance with the rules
43 adopted and established by the authority for the use of such
44 facility. Such a highway or street may be a parkway from which
45 trucks, buses, and other commercial vehicles are excluded or it

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46 may be a freeway open to use by all customary forms of street
47 and highway traffic.

48 (i) "Members" means the individuals constituting the
49 authority.

50 (j) "State Board of Administration" means the body
51 corporate existing under the provisions of s. 9, Art. XII of the
52 State Constitution, or any successor thereto.

53 (2) Terms importing singular number include the plural
54 number in each case and vice versa, and terms importing persons
55 include firms and corporations.

56 343.92 Tampa Bay Regional Transportation Authority.--

57 (1) There is created and established a body politic and
58 corporate, an agency of the state, to be known as the Tampa Bay
59 Regional Transportation Authority, hereinafter referred to as
60 the authority.

61 (2) Voting membership on the governing board of the
62 authority shall be appointed as follows:

63 (a) The county commissions of Citrus, Hernando,
64 Hillsborough, Pasco, Pinellas, Manatee, Sarasota, and Polk
65 Counties shall each appoint a nonelected citizen member to the
66 authority governing board who is a resident and a qualified
67 elector of that county. As far as is practicable, the citizen
68 member shall represent the business and civic interests of the
69 community.

70 (b) The Bay Area Regional Transportation Planning
71 Organization shall appoint one of its members to the governing
72 board.

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73 (3) (a) The local transit authority in each of the eight
74 counties shall elect one member who shall serve as an ex
75 officio, nonvoting member of the board.

76 (b) The Secretary of Transportation shall appoint as an ex
77 officio, nonvoting member of the board the district secretary,
78 or his or her designee, for each district within the eight
79 counties served by the authority.

80 (4) The terms of the appointees on the governing board of
81 the authority shall be 2 years. Each member shall hold office
82 until his or her successor has been appointed.

83 (5) A vacancy during a term shall be filled by the
84 respective appointing authority within 90 days in the same
85 manner as the original appointment and only for the balance of
86 the unexpired term.

87 (6) The members of the authority shall serve without
88 compensation but shall be entitled to receive from the authority
89 reimbursement for travel expenses and per diem actually incurred
90 in connection with the business of the authority as provided in
91 s. 112.061.

92 (7) Members of the authority shall be required to comply
93 with the applicable financial disclosure requirements of ss.
94 112.3145, 112.3148, and 112.3149.

95 (8) The authority may employ an executive director, an
96 executive secretary, its own counsel and legal staff, technical
97 experts, engineers, and such employees, permanent or temporary,
98 as it may require. The authority shall determine the
99 qualifications and fix the compensation of such persons, firms,
100 or corporations and may employ a fiscal agent or agents;
101 however, the authority shall solicit sealed proposals from at
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102 least three persons, firms, or corporations for the performance
103 of any services as fiscal agents. The authority may delegate, as
104 it shall deem necessary, its power to one or more of its agents
105 or employees to carry out the purposes of this part, subject
106 always to the supervision and control of the authority.

107 (9) The authority may establish technical advisory
108 committees to provide guidance and advice on regional
109 transportation issues. The authority shall establish the size,
110 composition, and focus of any technical advisory committee
111 created. Persons appointed to a technical advisory committee
112 shall serve without compensation but shall be entitled to per
113 diem or travel expenses as provided in s. 112.061.

114 343.922 Powers and duties.--

115 (1) The express purposes of the authority are to improve
116 mobility and expand transportation options in the Tampa Bay
117 region.

118 (2)(a) The authority has the right to construct, own,
119 operate, maintain, and manage any feeder roads, reliever roads,
120 connector roads, bypasses, or appurtenant facilities, including
121 public transportation projects, that are intended to address a
122 critical transportation need or concern in the Tampa Bay region
123 as identified by the authority by July 1, 2008. These projects
124 may also include all necessary approaches, roads, bridges, and
125 avenues of access that are desirable and proper with the
126 concurrence of the department, as applicable, if the project is
127 to be part of the State Highway System.

128 (b) Any transportation facilities constructed by the
129 authority may be tolled. Tolling technologies shall be
130 consistent with the systems used by the Turnpike Enterprise for
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131 the purpose of allowing the use of a single transponder or a
132 similar electronic tolling device for all facilities of the
133 authority and the Turnpike Enterprise.

134 (c) Any projects constructed by the authority must be
135 constructed in consultation with the Bay Area Regional
136 Transportation Planning Organization.

137 (d) Any public transportation projects constructed by the
138 authority must be constructed in coordination with the Tampa Bay
139 Commuter Transit Authority.

140 (3) (a) The authority shall develop and adopt a regional
141 transportation master plan no later than July 1, 2008. The goals
142 and objectives of the master plan are to identify areas of the
143 Tampa Bay region where mobility, traffic safety, and efficient
144 hurricane evacuation need to be improved; identify areas of the
145 region where highway and appurtenant facilities would be most
146 beneficial to enhance mobility and economic development; develop
147 methods of building partnerships with local governments,
148 expressway authorities, other local, state, and federal
149 entities, the private-sector business community, and the public
150 in support of regional transportation improvements; identify
151 projects that will accomplish these goals and objectives,
152 including, without limitation, the road projects that address a
153 critical transportation need or concern, pursuant to subsection
154 (2); and identify the costs of the proposed projects and revenue
155 sources that could be used to pay those costs. The adoption of
156 the master plan by the authority is not a rule subject to the
157 rulemaking procedures of chapter 120.

158 (b) After its adoption, the master plan shall be updated
159 annually before July 1.

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160 (c) The authority shall present the original master plan
161 and updates to the governing bodies of the counties within the
162 eight-county region and to the legislative delegation members
163 representing those counties within 90 days after adoption.

164 (4) The authority may undertake projects or other
165 improvements in the master plan in phases as particular projects
166 or segments become feasible, as determined by the authority. All
167 projects or other transportation improvements must be consistent
168 with the applicable adopted comprehensive plans of local
169 governments within whose jurisdictions the projects or
170 improvements will be located. In carrying out its purposes and
171 powers, the authority may request funding and technical
172 assistance from the department and appropriate federal and local
173 agencies, including, but not limited to, state infrastructure
174 bank loans, advances from the Toll Facilities Revolving Trust
175 Fund, and funding and technical assistance from any other
176 source.

177 (5) The authority is granted and may exercise all powers
178 necessary, appurtenant, convenient, or incidental to the
179 carrying out of the aforesaid purposes, including, but not
180 limited to, the following rights and powers:

181 (a) To sue and be sued, implead and be impleaded, and
182 complain and defend in all courts in its own name.

183 (b) To adopt and use a corporate seal.

184 (c) To have the power of eminent domain, including the
185 procedural powers granted under chapters 73 and 74.

186 (d) To acquire by donation or otherwise, purchase, hold,
187 construct, maintain, improve, operate, own, lease as a lessee,
188 and use any franchise or property, real, personal, or mixed,

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189 tangible or intangible, or any option thereof in its own name or
190 in conjunction with others, or any interest therein, necessary
191 or desirable for carrying out the purposes of the authority.

192 (e) To sell, convey, exchange, lease as a lessor,
193 transfer, or otherwise dispose of any real or personal property,
194 or interest therein, acquired by the authority, including air
195 rights.

196 (f) To fix, alter, establish, and collect rates, fares,
197 fees, rentals, tolls, and other charges for the services and use
198 of any highways, feeder roads, bridges, or other transportation
199 facilities owned or operated by the authority. These rates,
200 fares, fees, rentals, tolls, and other charges shall always be
201 sufficient to comply with any covenants made with the holders of
202 any bonds issued pursuant to this part; however, such right and
203 power may be assigned or delegated by the authority to the
204 department. The authority may not impose tolls or other charges
205 on existing highways and other transportation facilities within
206 the eight-county Tampa Bay region.

207 (g) To borrow money and to make and issue negotiable
208 notes, bonds, refunding bonds, and other evidences of
209 indebtedness or obligations, either in temporary or definitive
210 form, hereinafter in this chapter sometimes called "revenue
211 bonds" of the authority, for the purpose of financing all or
212 part of the mobility improvements within the Tampa Bay region,
213 as well as the appurtenant facilities, including all approaches,
214 streets, roads, bridges, and avenues of access authorized by
215 this part, the bonds to mature not exceeding 40 years after the
216 date of the issuance thereof, and to secure the payment of such

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217 | bonds or any part thereof by a pledge of any or all of its
218 | revenues, rates, fees, rentals, or other charges.

219 | (h) To adopt bylaws for the regulation of the affairs and
220 | the conduct of the business of the authority. The bylaws shall
221 | provide for quorum and voting requirements, maintenance of
222 | minutes and other official records, and preparation and adoption
223 | of an annual budget.

224 | (i) To lease, rent, or contract for the operation or
225 | management of any part of a highway facility built by the
226 | authority. In awarding any contract, the authority shall
227 | consider, but is not limited to, the following:

- 228 | 1. The qualifications of each applicant.
229 | 2. The level of service.
230 | 3. The efficiency, cost, and anticipated revenue.
231 | 4. The construction, operation, and management plan.
232 | 5. The financial ability to provide reliable service.
233 | 6. The impact on other transportation modes, including the
234 | ability to interface with other transportation modes and
235 | facilities.

236 | (j) To enforce collection of rates, fees, tolls, and
237 | charges and to establish and enforce fines and penalties for
238 | violations of any rules.

239 | (k) To advertise and promote highway facilities and the
240 | general activities of the authority.

241 | (l) To cooperate with other governmental entities and to
242 | contract with other governmental agencies, including the Federal
243 | Government, the department, counties, municipalities, and
244 | expressway and bridge authorities.

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245 (m) To enter into joint development agreements,
246 partnerships, and other agreements with public and private
247 entities respecting ownership and revenue participation in order
248 to facilitate financing and constructing any project or portions
249 thereof.

250 (n) To accept grants and other funds from other
251 governmental sources and to accept private donations. However,
252 the authority shall not be eligible for Transportation Regional
253 Incentive Program funds allocated pursuant to s. 339.2819.

254 (o) To purchase directly from local, national, or
255 international insurance companies liability insurance that the
256 authority is contractually and legally obligated to provide,
257 notwithstanding the requirements of s. 287.022(1).

258 (p) To enter into and make lease-purchase agreements with
259 the department for terms not exceeding 40 years or until any
260 bonds secured by a pledge of rentals thereunder, and any
261 refundings thereof, are fully paid as to both principal and
262 interest, whichever is longer.

263 (q) To make contracts of every name and nature, including,
264 but not limited to, partnerships providing for participation in
265 ownership and revenues, and to execute all instruments necessary
266 or convenient for the carrying on of its business.

267 (r) To do all acts and things necessary or convenient for
268 the conduct of its business and the general welfare of the
269 authority in order to carry out the powers granted to it by this
270 part or any other law.

271 (6) The authority shall institute procedures to ensure
272 that jobs created as a result of state funding pursuant to this

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273 section shall be subject to equal opportunity hiring practices
274 as provided for in s. 110.112.

275 (7) The authority shall comply with all statutory
276 requirements of general application which relate to the filing
277 of any report or documentation required by law, including the
278 requirements of ss. 189.4085, 189.415, 189.417, and 189.418.

279 (8) The authority does not have power at any time or in
280 any manner to pledge the credit or taxing power of the state or
281 any political subdivision or agency thereof, nor shall any of
282 the authority's obligations be deemed to be obligations of the
283 state or of any political subdivision or agency thereof, nor
284 shall the state or any political subdivision or agency thereof,
285 except the authority, be liable for the payment of the principal
286 of or interest on such obligations.

287 343.94 Bond financing authority.--

288 (1) Pursuant to s. 11(f), Art. VII of the State
289 Constitution, the Legislature approves bond financing by the
290 Tampa Bay Regional Transportation Authority for construction of
291 or improvements to highways, bridges, toll collection
292 facilities, interchanges to the system, and any other
293 transportation facility appurtenant, necessary, or incidental to
294 the system. Subject to terms and conditions of applicable
295 revenue bond resolutions and covenants, such costs may be
296 financed in whole or in part by revenue bonds issued pursuant to
297 paragraph (2) (a) or paragraph (2) (b), whether currently issued
298 or issued in the future or by a combination of such bonds.

299 (2) (a) Bonds may be issued on behalf of the authority
300 pursuant to the State Bond Act.

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301 (b) Alternatively, the authority may issue its own bonds
302 pursuant to this part at such times and in such principal amount
303 as, in the opinion of the authority, is necessary to provide
304 sufficient moneys for achieving its purposes; however, such
305 bonds may not pledge the full faith and credit of the state.
306 Bonds issued by the authority pursuant to this paragraph or
307 paragraph (a), whether on original issuance or on refunding,
308 shall be authorized by resolution of the members thereof, may be
309 either term or serial bonds, and shall bear such date or dates,
310 mature at such time or times, not exceeding 40 years after their
311 respective dates, bear interest at such rate or rates, be
312 payable semiannually, be in such denominations, be in such form,
313 either coupon or fully registered, carry such registration,
314 exchangeability, and interchangeability privileges, be payable
315 in such medium of payment and at such place or places, be
316 subject to such terms of redemption, and be entitled to such
317 priorities on the revenues, rates, fees, rentals, or other
318 charges or receipts of the authority, including revenues from
319 lease-purchase agreements, as such resolution or any resolution
320 subsequent thereto may provide. The bonds shall be executed
321 either by manual or facsimile signature by such officers as the
322 authority shall determine; however, such bonds shall bear at
323 least one signature that is manually executed thereon, and the
324 coupons attached to such bonds shall bear the facsimile
325 signature or signatures of such officer or officers as shall be
326 designated by the authority and have the seal of the authority
327 affixed, imprinted, reproduced, or lithographed thereon, all as
328 may be prescribed in such resolution or resolutions.

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329 (c) Bonds issued pursuant to paragraph (a) or paragraph
330 (b) shall be sold at public sale in the manner provided by the
331 State Bond Act. However, if the authority, by official action at
332 a public meeting, determines that a negotiated sale of such
333 bonds is in the best interest of the authority, the authority
334 may negotiate the sale of such bonds with the underwriter
335 designated by the authority and the Division of Bond Finance
336 within the State Board of Administration with respect to bonds
337 issued pursuant to paragraph (a) or solely by the authority with
338 respect to bonds issued pursuant to paragraph (b). The
339 authority's determination to negotiate the sale of such bonds
340 may be based, in part, upon the written advice of the
341 authority's financial adviser. Pending the preparation of
342 definitive bonds, interim certificates may be issued to the
343 purchaser or purchasers of such bonds and may contain such terms
344 and conditions as the authority may determine.

345 (d) The authority may issue bonds pursuant to paragraph
346 (b) to refund any bonds previously issued regardless of whether
347 the bonds being refunded were issued by the authority pursuant
348 to this chapter or on behalf of the authority pursuant to the
349 State Bond Act.

350 (3) Any such resolution or resolutions authorizing any
351 bonds hereunder may contain provisions that are part of the
352 contract with the holders of such bonds, as to:

353 (a) The pledging of all or any part of the revenues,
354 rates, fees, rentals, or other charges or receipts of the
355 authority, derived by the authority.

356 (b) The completion, improvement, operation, extension,
357 maintenance, repair, or lease of, or lease-purchase agreement

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358 relating to, the system and the duties of the authority and
359 others, including the department, with reference thereto.

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

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

366 (e) The setting aside of reserves or sinking funds or
367 repair and replacement funds and the regulation and disposition
368 thereof.

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

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

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

375 (4) The authority may employ fiscal agents as provided by
376 this part or the State Board of Administration may, upon request
377 of the authority, act as fiscal agent for the authority in the
378 issuance of any bonds that are issued pursuant to this part, and
379 the State Board of Administration may, upon request of the
380 authority, take over the management, control, administration,
381 custody, and payment of any or all debt services or funds or
382 assets now or hereafter available for any bonds issued pursuant
383 to this part. The authority may enter into any deeds of trust,
384 indentures, or other agreements with its fiscal agent, or with
385 any bank or trust company within or without the state, as
386 security for such bonds and may, under such agreements, sign and

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387 pledge all or any of the revenues, rates, fees, rentals, or
388 other charges or receipts of the authority. Such deed of trust,
389 indenture, or other agreement may contain such provisions as are
390 customary in such instruments or as the authority authorizes,
391 including, but without limitation, provisions as to:

392 (a) The completion, improvement, operation, extension,
393 maintenance, repair, and lease of, or lease-purchase agreement
394 relating to, highway, bridge, and related transportation
395 facilities and appurtenances and the duties of the authority and
396 others, including the department, with reference thereto.

397 (b) The application of funds and the safeguarding of funds
398 on hand or on deposit.

399 (c) The rights and remedies of the trustee and the holders
400 of the bonds.

401 (d) The terms and provisions of the bonds or the
402 resolutions authorizing the issuance of the bonds.

403 (5) Any of the bonds issued pursuant to this part are, and
404 are hereby declared to be, negotiable instruments and have all
405 the qualities and incidents of negotiable instruments under the
406 law merchant and the negotiable instruments law of the state.

407 (6) Notwithstanding any of the provisions of this part,
408 each project, building, or facility that has been financed by
409 the issuance of bonds or other evidence of indebtedness under
410 this part and any refinancing thereof are hereby approved as
411 provided for in s. 11(f), Art. VII of the State Constitution.

412 343.941 Bonds not debts or pledges of credit of
413 state.--Revenue bonds issued under the provisions of this part
414 are not debts of the state or pledges of the faith and credit of
415 the state. Such bonds are payable exclusively from revenues

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416 pledged for their payment. All such bonds shall contain a
417 statement on their face that the state is not obligated to pay
418 the same or the interest thereon, except from the revenues
419 pledged for their payment, and that the faith and credit of the
420 state is not pledged to the payment of the principal or interest
421 of such bonds. The issuance of revenue bonds under the
422 provisions of this part does not directly, indirectly, or
423 contingently obligate the state to levy or to pledge any form of
424 taxation whatsoever, or to make any appropriation for their
425 payment. No state funds shall be used to pay the principal or
426 interest of any bonds issued to finance or refinance any portion
427 of the authority's transportation projects, and all such bonds
428 shall contain a statement on their face to this effect.

429 343.943 Covenant of the state.--The state does hereby
430 pledge to, and agrees with, any person, firm, or corporation or
431 federal or state agency subscribing to or acquiring the bonds to
432 be issued by the authority for the purposes of this part that
433 the state will not limit or alter the rights hereby vested in
434 the authority and the department until all bonds at any time
435 issued, together with the interest thereon, are fully paid and
436 discharged insofar as the same affects the rights of the holders
437 of bonds issued hereunder. The state does further pledge to, and
438 agree with, the United States that, if any federal agency
439 constructs or contributes any funds for the completion,
440 extension, or improvement of the system or any part or portion
441 thereof, the state will not alter or limit the rights and powers
442 of the authority and the department in any manner which would be
443 inconsistent with the continued maintenance and operation of the
444 system or the completion, extension, or improvement thereof or

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445 which would be inconsistent with the due performance of any
446 agreements between the authority and any such federal agency.
447 The authority and the department shall continue to have and may
448 exercise all powers herein granted so long as necessary or
449 desirable for the carrying out of the purposes of this part and
450 the purposes of the United States in the completion, extension,
451 or improvement of the system or any part or portion thereof.

452 343.944 Remedies of the bondholders.--

453 (1) The rights and the remedies in this section conferred
454 upon or granted to the bondholders are in addition to and not in
455 limitation of any rights and remedies lawfully granted to such
456 bondholders by the resolution or resolutions providing for the
457 issuance of bonds or by a lease-purchase agreement, deed of
458 trust, indenture, or other agreement under which the bonds may
459 be issued or secured. If the authority defaults in the payment
460 of the principal of or interest on any of the bonds issued
461 pursuant to the provisions of this part after such principal of
462 or interest on the bonds becomes due, whether at maturity or
463 upon call for redemption, or the department defaults in any
464 payments under, or covenants made in, any lease-purchase
465 agreement between the authority and the department, and such
466 default continues for a period of 30 days, or if the authority
467 or the department fails or refuses to comply with the provisions
468 of this part or any agreement made with, or for the benefit of,
469 the holders of the bonds, the holders of 25 percent in aggregate
470 principal amount of the bonds then outstanding may appoint a
471 trustee to represent such bondholders for the purposes hereof,
472 if such holders of 25 percent in aggregate principal amount of
473 the bonds then outstanding shall first give notice of their

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474 intention to appoint a trustee to the authority and to the
475 department. Such notice shall be deemed to have been given if
476 given in writing, deposited in a securely sealed postpaid
477 wrapper, mailed at a regularly maintained United States post
478 office box or station, and addressed, respectively, to the chair
479 of the authority and to the secretary of the department at the
480 principal office of the department.

481 (2) Such trustee and any trustee under any deed of trust,
482 indenture, or other agreement may, and upon written request of
483 the holders of 25 percent or such other percentages as are
484 specified in any deed of trust, indenture, or other agreement
485 aforsaid in principal amount of the bonds then outstanding,
486 shall, in any court of competent jurisdiction, in his, her, or
487 its own name:

488 (a) By mandamus or other suit, action, or proceeding at
489 law or in equity, enforce all rights of the bondholders,
490 including the right to require the authority to fix, establish,
491 maintain, collect, and charge rates, fees, rentals, and other
492 charges adequate to carry out any agreement as to or pledge of
493 the revenues or receipts of the authority, to carry out any
494 other covenants and agreements with or for the benefit of the
495 bondholders, and to perform its and their duties under this
496 part.

497 (b) By mandamus or other suit, action, or proceeding at
498 law or in equity, enforce all rights of the bondholders under or
499 pursuant to any lease-purchase agreement between the authority
500 and the department, including the right to require the
501 department to make all rental payments required to be made by it
502 under the provisions of any such lease-purchase agreement and to

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503 require the department to carry out any other covenants and
504 agreements with or for the benefit of the bondholders and to
505 perform its and their duties under this part.

506 (c) Bring suit upon the bonds.

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

510 (e) By action or suit in equity, enjoin any acts or things
511 that may be unlawful or in violation of the rights of the
512 bondholders.

513 (3) Any trustee, when appointed as aforesaid or acting
514 under a deed of trust, indenture, or other agreement, and
515 whether or not all bonds have been declared due and payable, may
516 appoint a receiver who may enter upon and take possession of the
517 system or the facilities or any part or parts thereof, the
518 rates, fees, rentals, or other revenues, charges, or receipts
519 from which are or may be applicable to the payment of the bonds
520 so in default, and, subject to and in compliance with the
521 provisions of any lease-purchase agreement between the authority
522 and the department, operate and maintain the same for and on
523 behalf of and in the name of the authority, the department, and
524 the bondholders, and collect and receive all rates, fees,
525 rentals, and other charges or receipts or revenues arising
526 therefrom in the same manner as the authority or the department
527 might do, and shall deposit all such moneys in a separate
528 account and apply such moneys in such manner as the court shall
529 direct. In any suit, action, or proceeding by the trustee, the
530 fees, counsel fees, and expenses of the trustee and the
531 receiver, if any, and all costs and disbursements allowed by the

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532 court shall be a first charge on any rates, fees, rentals, or
533 other charges, revenues, or receipts derived from the system or
534 the facilities or services or any part or parts thereof,
535 including payments under any such lease-purchase agreement as
536 aforesaid, which rates, fees, rentals, or other charges,
537 revenues, or receipts may be applicable to the payment of the
538 bonds so in default. Such trustee, in addition to the foregoing,
539 possesses all of the powers necessary for the exercise of any
540 functions specifically set forth herein or incident to the
541 representation of the bondholders in the enforcement and
542 protection of their rights.

543 (4) This section or any other section of this part does
544 not authorize any receiver appointed pursuant hereto for the
545 purpose, subject to and in compliance with the provisions of any
546 lease-purchase agreement between the authority and the
547 department, of operating and maintaining the system or any
548 facilities or part or parts thereof to sell, assign, mortgage,
549 or otherwise dispose of any of the assets of whatever kind and
550 character belonging to the authority. It is the intention of
551 this part to limit the powers of such receiver, subject to and
552 in compliance with the provisions of any lease-purchase
553 agreement between the authority and the department, to the
554 operation and maintenance of the system or any facility or part
555 or parts thereof, as the court may direct, in the name and for
556 and on behalf of the authority, the department, and the
557 bondholders. In any suit, action, or proceeding at law or in
558 equity, a holder of bonds on the authority, a trustee, or any
559 court may not compel or direct a receiver to sell, assign,
560 mortgage, or otherwise dispose of any assets of whatever kind or
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561 character belonging to the authority. A receiver also may not be
562 authorized to sell, assign, mortgage, or otherwise dispose of
563 any assets of whatever kind or character belonging to the
564 authority in any suit, action, or proceeding at law or in
565 equity.

566 343.945 Pledges enforceable by bondholders.--It is the
567 express intention of this part that any pledge to the authority
568 by the department of rates, fees, revenues, or other funds as
569 rentals, or any covenants or agreements relative thereto, is
570 enforceable in any court of competent jurisdiction against the
571 authority or directly against the department by any holder of
572 bonds issued by the authority.

573 343.946 Lease-purchase agreement.--

574 (1) In order to effectuate the purposes of this part and
575 as authorized by this part, the authority may enter into a
576 lease-purchase agreement with the department relating to and
577 covering authority projects within the eight-county Tampa Bay
578 region.

579 (2) Such lease-purchase agreement shall provide for the
580 leasing of the system by the authority, as lessor, to the
581 department, as lessee, shall prescribe the term of such lease
582 and the rentals to be paid thereunder, and shall provide that,
583 upon the completion of the faithful performance thereunder and
584 the termination of such lease-purchase agreement, title in fee
585 simple absolute to the system as then constituted shall be
586 transferred in accordance with law by the authority to the state
587 and the authority shall deliver to the department such deeds and
588 conveyances as shall be necessary or convenient to vest title in
589 fee simple absolute in the state.

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590 (3) Such lease-purchase agreement may include such other
591 provisions, agreements, and covenants as the authority and the
592 department deem advisable or required, including, but not
593 limited to, provisions as to the bonds to be issued for the
594 purposes of this part, the completion, extension, improvement,
595 operation, and maintenance of the system and the expenses and
596 the cost of operation of the authority, the charging and
597 collection of tolls, rates, fees, and other charges for the use
598 of the services and facilities thereof, and the application of
599 federal or state grants or aid which may be made or given to
600 assist the authority in the completion, extension, improvement,
601 operation, and maintenance of the system.

602 (4) The department as lessee under such lease-purchase
603 agreement may pay as rentals thereunder any rates, fees,
604 charges, funds, moneys, receipts, or income accruing to the
605 department from the operation of the system and may also pay as
606 rentals any appropriations received by the department pursuant
607 to any act of the Legislature heretofore or hereafter enacted;
608 however, nothing in this section or in such lease-purchase
609 agreement is intended to require, nor shall this part or such
610 lease-purchase agreement require, the making or continuance of
611 such appropriations, nor shall any holder of bonds issued
612 pursuant to this part ever have any right to compel the making
613 or continuance of such appropriations.

614 (5) The department shall have power to covenant in any
615 lease-purchase agreement that it will pay all or any part of the
616 cost of the operation, maintenance, repair, renewal, and
617 replacement of facilities, and any part of the cost of
618 completing facilities to the extent that the proceeds of bonds

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619 issued are insufficient, from sources other than the revenues
620 derived from the operation of the system.

621 343.947 Department may be appointed agent of authority for
622 construction.--The department may be appointed by the authority
623 as its agent for the purpose of constructing and completing
624 transportation projects, and improvements and extensions
625 thereto, in the authority's master plan. In such event, the
626 authority shall provide the department with complete copies of
627 all documents, agreements, resolutions, contracts, and
628 instruments relating thereto; shall request the department to do
629 such construction work, including the planning, surveying, and
630 actual construction of the completion, extensions, and
631 improvements to the system; and shall transfer to the credit of
632 an account of the department in the treasury of the state the
633 necessary funds therefor. The department shall proceed with such
634 construction and use the funds for such purpose in the same
635 manner that it is now authorized to use the funds otherwise
636 provided by law for its use in construction of roads, bridges,
637 and related transportation facilities.

638 343.95 Acquisition of lands and property.--

639 (1) For the purposes of this part, the authority may
640 acquire private or public property and property rights,
641 including rights of access, air, view, and light, by gift,
642 devise, purchase, or condemnation by eminent domain proceedings,
643 as the authority may deem necessary for any purpose of this
644 part, including, but not limited to, any lands reasonably
645 necessary for securing applicable permits, areas necessary for
646 management of access, borrow pits, drainage ditches, water
647 retention areas, rest areas, replacement access for landowners

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648 whose access is impaired due to the construction of a facility,
649 and replacement rights-of-way for relocated rail and utility
650 facilities; for existing, proposed, or anticipated
651 transportation facilities within the eight-county Tampa Bay
652 region identified by the authority; or for the purposes of
653 screening, relocation, removal, or disposal of junkyards and
654 scrap metal processing facilities. The authority may condemn any
655 material and property necessary for such purposes.

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

658 (3) When the authority acquires property for a
659 transportation facility within the eight-county Tampa Bay
660 region, the authority is not subject to any liability imposed by
661 chapter 376 or chapter 403 for preexisting soil or groundwater
662 contamination due solely to its ownership. This section does not
663 affect the rights or liabilities of any past or future owners of
664 the acquired property, nor does it affect the liability of any
665 governmental entity for the results of its actions which create
666 or exacerbate a pollution source. The authority and the
667 Department of Environmental Protection may enter into
668 interagency agreements for the performance, funding, and
669 reimbursement of the investigative and remedial acts necessary
670 for property acquired by the authority.

671 343.96 Cooperation with other units, boards, agencies, and
672 individuals.--Express authority and power is hereby given and
673 granted to any county, municipality, drainage district, road and
674 bridge district, school district, or any other political
675 subdivision, board, commission, or individual in or of the state
676 to make and enter into contracts, leases, conveyances,

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677 partnerships, or other agreements with the authority within the
678 provisions and purposes of this part. The authority may make and
679 enter into contracts, leases, conveyances, partnerships, and
680 other agreements with any political subdivision, agency, or
681 instrumentality of the state and any and all federal agencies,
682 corporations, and individuals for the purpose of carrying out
683 the provisions of this part.

684 343.962 Public-private partnerships.--

685 (1) The authority may receive or solicit proposals and
686 enter into agreements with private entities or consortia thereof
687 for the building, operation, ownership, or financing of
688 transportation facilities within the jurisdiction of the
689 authority. Before approval, the authority must determine that a
690 proposed project:

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

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

695 (c) Would have adequate safeguards to ensure that
696 additional costs or service disruptions would not be realized by
697 the traveling public and citizens of the state in the event of
698 default or the cancellation of the agreement by the authority.

699 (2) The authority shall ensure that all reasonable costs
700 to the state related to transportation facilities that are not
701 part of the State Highway System are borne by the private
702 entity. The authority shall also ensure that all reasonable
703 costs to the state and substantially affected local governments
704 and utilities related to the private transportation facility are
705 borne by the private entity for transportation facilities that

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706 are owned by private entities. For projects on the State Highway
707 System, the department may use state resources to participate in
708 funding and financing the project as provided for under the
709 department's enabling legislation.

710 (3) The authority may request proposals for public-private
711 transportation projects or, if it receives an unsolicited
712 proposal, the authority must publish a notice in the Florida
713 Administrative Weekly and a newspaper of general circulation in
714 the county in which the proposed project is located at least
715 once a week for 2 weeks stating that it has received the
716 proposal and will accept, for 60 days after the initial date of
717 publication, other proposals for the same project purpose. A
718 copy of the notice must be mailed to each local government in
719 the affected areas. After the public notification period has
720 expired, the authority shall rank the proposals in order of
721 preference. In ranking the proposals, the authority shall
722 consider professional qualifications, general business terms,
723 innovative engineering or cost-reduction terms, finance plans,
724 and the need for state funds to deliver the proposal. If the
725 authority is not satisfied with the results of the negotiations,
726 it may, at its sole discretion, terminate negotiations with the
727 proposer. If these negotiations are unsuccessful, the authority
728 may go to the second and lower-ranked firms, in order, using the
729 same procedure. If only one proposal is received, the authority
730 may negotiate in good faith and, if it is not satisfied with the
731 results, it may, at its sole discretion, terminate negotiations
732 with the proposer. Notwithstanding this subsection, the
733 authority may, at its discretion, reject all proposals at any

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734 point in the process up to completion of a contract with the
735 proposer.

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

741 (5) Each public-private transportation facility
742 constructed pursuant to this section shall comply with all
743 requirements of federal, state, and local laws; state, regional,
744 and local comprehensive plans; the authority's rules, policies,
745 procedures, and standards for transportation facilities; and any
746 other conditions that the authority determines to be in the
747 public's best interest.

748 (6) The authority may exercise any of its powers,
749 including eminent domain, to facilitate the development and
750 construction of transportation projects pursuant to this
751 section. The authority may pay all or part of the cost of
752 operating and maintaining the facility or may provide services
753 to the private entity, for which services it shall receive full
754 or partial reimbursement.

755 (7) Except as provided in this section, this section is
756 not intended to amend existing law by granting additional powers
757 to or imposing further restrictions on the governmental entities
758 with regard to regulating and entering into cooperative
759 arrangements with the private sector for the planning,
760 construction, and operation of transportation facilities.

761 (8) The authority may adopt rules pursuant to ss.
762 120.536(1) and 120.54 to implement this section and shall, by
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763 rule, establish an application fee for the submission of
764 unsolicited proposals under this section. The fee must be
765 sufficient to pay the costs of evaluating the proposals.

766 343.97 Exemption from taxation.--The effectuation of the
767 authorized purposes of the authority created under this part is
768 for the benefit of the people of this state, for the increase of
769 their commerce and prosperity, and for the improvement of their
770 health and living conditions and, because the authority performs
771 essential governmental functions in effectuating such purposes,
772 the authority is not required to pay any taxes or assessments of
773 any kind or nature whatsoever upon any property acquired or used
774 by it for such purposes, or upon any rates, fees, rentals,
775 receipts, income, or charges at any time received by it. The
776 bonds issued by the authority, their transfer, and the income
777 therefrom, including any profits made on the sale thereof, shall
778 at all times be free from taxation of any kind by the state or
779 by any political subdivision, taxing agency, or instrumentality
780 thereof. The exemption granted by this section does not apply to
781 any tax imposed by chapter 220 on interest, income, or profits
782 on debt obligations owned by corporations.

783 343.973 Eligibility for investments and security.--Any
784 bonds or other obligations issued pursuant to this part shall be
785 and constitute legal investments for banks, savings banks,
786 trustees, executors, administrators, and all other fiduciaries
787 and for all state, municipal, and other public funds and shall
788 also be and constitute securities eligible for deposit as
789 security for all state, municipal, or other public funds,
790 notwithstanding the provisions of any other law to the contrary.

791 343.975 Complete and additional statutory authority.--

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792 (1) The powers conferred by this part are supplemental to
793 the existing powers of the board and the department. This part
794 does not repeal any of the provisions of any other law, general,
795 special, or local, but supplements such other laws in the
796 exercise of the powers provided in this part and provides a
797 complete method for the exercise of the powers granted in this
798 part. The projects planned and constructed by the Tampa Bay
799 Regional Transportation Authority shall comply with all
800 applicable federal, state, and local laws and be consistent with
801 the applicable state, regional, and local comprehensive plans.
802 The extension and improvement of the system, and the issuance of
803 bonds hereunder to finance all or part of the cost thereof, may
804 be accomplished upon compliance with the provisions of this part
805 without regard to or necessity for compliance with the
806 provisions, limitations, or restrictions contained in any other
807 general, special, or local law, including, but not limited to,
808 s. 215.821. An approval of any bonds issued under this part by
809 the qualified electors or qualified electors who are freeholders
810 in the state or in any other political subdivision of the state
811 is not required for the issuance of such bonds pursuant to this
812 part.

813 (2) This part does not repeal, rescind, or modify any
814 other law relating to the State Board of Administration, the
815 Department of Transportation, the Tampa-Hillsborough County
816 Expressway Authority, the Tampa Bay Commuter Transit Authority,
817 the Bay Area Regional Transportation Planning Organization, or
818 the Division of Bond Finance within the State Board of
819 Administration; however, this part supersedes such other laws as

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820 are inconsistent with its provisions, including, but not limited
821 to, s. 215.821.

822 (3) This part does not preclude the department from
823 acquiring, holding, constructing, improving, maintaining,
824 operating, or owning tolled or nontolled facilities funded and
825 constructed from nonauthority sources that are part of the State
826 Highway System within the geographical boundaries of the Tampa
827 Bay Regional Transportation Authority.

828 Section 32. Subsection (3) of section 343.74, Florida
829 Statutes, is amended to read:

830 343.74 Powers and duties.--

831 (3) (a) The authority shall develop and adopt a plan for
832 the development of the Tampa Bay Commuter Rail or Commuter Ferry
833 Service. Such plan shall address the authority's plan for the
834 development of public and private revenue sources, funding of
835 operating and capital costs, the service to be provided and the
836 extent to which counties within the authority are to be served.
837 The plan shall be reviewed and updated annually. Such plan shall
838 be consistent, to the maximum extent feasible, with the approved
839 local government comprehensive plan of the units of local
840 government served by the authority.

841 (b) The authority's plan must be developed in consultation
842 with the Bay Area Regional Transportation Planning Organization
843 and the Tampa Bay Regional Transportation Authority.

844
845 ===== T I T L E A M E N D M E N T =====

846 On page 9, between lines 3 and 4, insert:
847 creating part V of chapter 343, F.S.; creating s. 343.90,
848 F.S.; providing a short title; creating s. 343.91, F.S.;

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849 providing definitions; creating s. 343.92, F.S.; creating
850 the Tampa Bay Regional Transportation Authority; providing
851 for organization and membership; providing for
852 reimbursement of travel expenses and per diem; requiring
853 members to comply with specified financial disclosure
854 provisions; providing for employees and advisory
855 committees; creating s. 343.922, F.S.; specifying purposes
856 of the authority; providing for rights, powers, and duties
857 of the authority; authorizing the authority to construct,
858 operate, and maintain certain transportation facilities;
859 providing requirements for construction of transportation
860 projects; authorizing the authority to collect tolls on
861 its transportation facilities; requiring the authority to
862 develop and adopt a regional transportation master plan by
863 a date certain; providing for content, updates, and use of
864 the plan; authorizing the authority to request funding and
865 technical assistance; authorizing the authority to borrow
866 money, enter into partnerships and other agreements, enter
867 into and make lease-purchase agreements, and make
868 contracts for certain purposes; specifying that the
869 authority does not have power to pledge the credit or
870 taxing power of the state; creating s. 343.94, F.S.;
871 providing legislative approval of bond financing by the
872 authority for its projects; providing for issuance of the
873 bonds by the authority or the Division of Bond Finance;
874 providing for contract with bondholders; authorizing the
875 authority to employ fiscal agents; authorizing the State
876 Board of Administration to act as fiscal agent; creating
877 s. 343.941, F.S.; providing that the authority's bonds are

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878 | not debts of the state; creating s. 343.943, F.S.;

879 | providing a state covenant with bondholders; creating s.

880 | 343.944, F.S.; providing certain rights and remedies for

881 | bondholders; creating s. 343.945, F.S.; providing for

882 | enforcement by bondholders of pledges to the authority

883 | from the department; creating s. 343.946, F.S.; providing

884 | for lease-purchase agreements between the authority and

885 | the department; creating s. 343.947, F.S.; providing for

886 | the department to act as an agent for the authority for

887 | the purposes of constructing and completing the

888 | authority's projects; creating s. 343.95, F.S.; providing

889 | for the authority to purchase property and property

890 | rights; creating s. 343.96, F.S.; providing for the

891 | authority to enter into cooperative agreements with other

892 | entities and persons; creating s. 343.962, F.S.; providing

893 | for the authority to enter into certain public-private

894 | agreements under certain conditions; providing procedures

895 | for proposals for public-private transportation projects;

896 | providing criteria for the constructed facilities;

897 | authorizing the authority to use certain powers to

898 | facilitate project development and construction; providing

899 | intent relating to governmental entities; authorizing the

900 | authority to adopt certain rules and establish an

901 | application fee; creating s. 343.97, F.S.; exempting the

902 | authority from certain taxation; creating s. 348.973,

903 | F.S.; specifying that bonds or other obligations issued by

904 | the authority are legal investments constituting

905 | securities for certain purposes; creating s. 343.975,

906 | F.S.; providing for application and effect of specified

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907 | provisions; amending s. 343.74, F.S.; providing that the
908 | Tampa Bay Commuter Transit Authority development plan must
909 | be developed in consultation with certain regional
910 | entities;