

1 A bill to be entitled

2 An act relating to regional transportation facilities;  
3 creating part V of chapter 343, F.S.; creating s. 343.90,  
4 F.S.; providing a short title; creating s. 343.91, F.S.;  
5 providing definitions; creating s. 343.92, F.S.; creating  
6 the Bay Area Regional Transportation Authority, comprising  
7 Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas,  
8 and Sarasota Counties; providing for organization and  
9 membership; providing for reimbursement of travel expenses  
10 and per diem; requiring members to comply with specified  
11 financial disclosure provisions; providing for employees  
12 and advisory committees; creating s. 343.922, F.S.;  
13 specifying purposes of the authority; providing for  
14 rights, powers, and duties of the authority; authorizing  
15 the authority to construct, operate, and maintain certain  
16 multimodal transportation systems; authorizing the  
17 authority to collect fares and tolls on its transportation  
18 facilities; requiring the authority to develop and adopt a  
19 regional multimodal transportation master plan by a date  
20 certain; providing for content, updates, and use of the  
21 plan; authorizing the authority to request funding and  
22 technical assistance; authorizing the authority to borrow  
23 money, enter into partnerships and other agreements, enter  
24 into and make lease-purchase agreements, and make  
25 contracts for certain purposes; specifying that the  
26 authority does not have power to pledge the credit or  
27 taxing power of the state; creating s. 343.94, F.S.;  
28 providing legislative approval of bond financing by the

29 authority for its projects; providing for issuance of the  
30 bonds by the authority or the Division of Bond Finance;  
31 providing for contract with bondholders; authorizing the  
32 authority to employ fiscal agents; authorizing the State  
33 Board of Administration to act as fiscal agent; creating  
34 s. 343.941, F.S.; providing that the authority's bonds are  
35 not debts or pledges of faith and credit of the state;  
36 creating s. 343.943, F.S.; providing a state covenant with  
37 bondholders; creating s. 343.944, F.S.; providing certain  
38 rights and remedies for bondholders; creating s. 343.945,  
39 F.S.; providing for enforcement by bondholders of pledges  
40 to the authority from the department; creating s. 343.946,  
41 F.S.; providing for lease-purchase agreements between the  
42 authority and the department; creating s. 343.947, F.S.;  
43 providing for the department to act as an agent for the  
44 authority for the purposes of constructing and completing  
45 the authority's projects; creating s. 343.95, F.S.;  
46 providing for the authority to purchase property and  
47 property rights; creating s. 343.96, F.S.; providing for  
48 the authority to enter into cooperative agreements with  
49 other entities and persons; creating s. 343.962, F.S.;  
50 providing for the authority to enter into certain public-  
51 private agreements under certain conditions; providing  
52 procedures for proposals for public-private multimodal  
53 transportation projects; authorizing the public-private  
54 entity to impose certain tolls or fares for use of the  
55 systems; providing criteria for the constructed systems;  
56 authorizing the authority to use certain powers to

57 facilitate project development, construction, and  
 58 operation; providing intent relating to governmental  
 59 entities; authorizing the authority to adopt certain rules  
 60 and establish an application fee; creating s. 343.97,  
 61 F.S.; exempting the authority from certain taxation;  
 62 creating s. 343.973, F.S.; specifying that bonds or other  
 63 obligations issued by the authority are legal investments  
 64 constituting securities for certain purposes; creating s.  
 65 343.975, F.S.; providing for application and effect of  
 66 specified provisions; providing an effective date.

67  
 68 Be It Enacted by the Legislature of the State of Florida:

69  
 70 Section 1. Part V of chapter 343, Florida Statutes,  
 71 consisting of sections 343.90, 343.91, 343.92, 343.922, 343.94,  
 72 343.941, 343.943, 343.944, 343.945, 343.946, 343.947, 343.95,  
 73 343.96, 343.962, 343.97, 343.973, and 343.975, is created to  
 74 read:

75 343.90 Short title.--This part may be cited as the "Bay  
 76 Area Regional Transportation Authority Act."

77 343.91 Definitions.--

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

81 (a) "Authority" means the Bay Area Regional Transportation  
 82 Authority, the body politic and corporate and agency of the  
 83 state created by this part, covering the seven-county area  
 84 comprised of Citrus, Hernando, Hillsborough, Pasco, Pinellas,

85 Manatee, and Sarasota Counties.

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

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

91 (d)1. "Bus rapid transit" means a type of limited-stop bus  
 92 service that relies on technology to help expedite service  
 93 through priority for transit, rapid and convenient fare  
 94 collection, and integration with land use to substantially  
 95 upgrade performance of buses operating on exclusive, high-  
 96 occupancy-vehicle lanes, expressways, or ordinary streets.

97 2. "Express bus" means a type of bus service designed to  
 98 expedite longer trips, especially in major metropolitan areas  
 99 during heavily patronized peak commuting hours, by operating  
 100 over long distances without stopping on freeways or partially  
 101 controlled access roadway facilities.

102 (e)1. "Commuter rail" means a complete system of tracks,  
 103 guideways, stations, and rolling stock necessary to effectuate  
 104 medium-distance to long-distance passenger rail service to,  
 105 from, or within the municipalities within the authority's  
 106 designated seven-county region.

107 2. "Heavy rail transit" means a complete rail system  
 108 operating on an electric railway with the capacity for a heavy  
 109 volume of traffic, characterized by high-speed and rapid-  
 110 acceleration passenger rail cars operating singly or in multicar  
 111 trains on fixed rails in separate rights-of-way from which all  
 112 other vehicular and pedestrian traffic are excluded. "Heavy rail

HB 251

2007

113 transit" includes metro, subway, elevated, rapid transit, and  
114 rapid rail systems.

115 3. "Light rail transit" means a complete system of tracks,  
116 overhead catenaries, stations, and platforms with lightweight  
117 passenger rail cars operating singly or in short, multicar  
118 trains on fixed rails in rights-of-way that are not separated  
119 from other traffic for much of the way.

120 (f) "Consultation" means that one party confers with  
121 another identified party in accordance with an established  
122 process and, prior to taking action, considers that party's  
123 views and periodically informs that party about actions taken.

124 (g) "Coordination" means the comparison of the  
125 transportation plans, programs, and schedules of one agency with  
126 related plans, programs, and schedules of other agencies or  
127 entities with legal standing and adjustment of plans, programs,  
128 and schedules to achieve general consistency to the extent  
129 practicable.

130 (h) "Department" means the Florida Department of  
131 Transportation.

132 (i) "Lease-purchase agreement" means a lease-purchase  
133 agreement that the authority is authorized under this part to  
134 enter into with the department.

135 (j) "Limited access expressway" or "expressway" means a  
136 street or highway especially designed for through traffic and  
137 over, from, or to which a person does not have the right of  
138 easement, use, or access except in accordance with the rules  
139 adopted and established by the authority for the use of such  
140 facility.

141 (k) "Members" means the individuals constituting the  
142 governing body of the authority.

143 (l) "Multimodal transportation system" means a well-  
144 connected network of transportation modes reflecting a high  
145 level of accessibility between modes and proximity to supportive  
146 land use patterns.

147 (m) "Park-and-ride lot" means a transit station stop or a  
148 carpool or vanpool waiting area to which patrons may drive  
149 private vehicles for parking before gaining access to transit,  
150 commuter rail, or heavy rail systems or taking carpool or  
151 vanpool vehicles to their destinations.

152 (n) "State Board of Administration" means the body  
153 corporate existing under the provisions of s. 9, Art. XII of the  
154 State Constitution, or any successor thereto.

155 (o) "Transit-oriented development" means a mixed-use  
156 residential or commercial area designed to maximize access to  
157 public transportation and often incorporates features to  
158 encourage transit ridership. A transit-oriented development  
159 neighborhood typically has a center with a train station, tram  
160 stop, or bus station surrounded by relatively high-density  
161 development with progressively lower-density development  
162 spreading outward from the center, typically within 1/2 mile of  
163 the stop or station.

164 (p) "Transit station" means a public transportation  
165 passenger facility that is accessible either at street level or  
166 on above-grade platforms and often surrounded by pedestrian-  
167 friendly, higher-density development or park-and-ride lots.

168 (2) Terms importing singular number include the plural

169 number in each case and vice versa, and terms importing persons  
 170 include firms and corporations.

171 343.92 Bay Area Regional Transportation Authority.--

172 (1) There is created and established a body politic and  
 173 corporate, an agency of the state, to be known as the Bay Area  
 174 Regional Transportation Authority, hereinafter referred to as  
 175 the authority.

176 (2) The governing board of the authority shall consist of  
 177 17 members.

178 (a) There shall be two nonvoting, ex officio members of  
 179 the board who shall be appointed by the secretary of the  
 180 department but must be the district secretary, or his or her  
 181 designee, for each department district within the seven-county  
 182 area of the authority.

183 (b) There shall be 15 voting members of the board as  
 184 follows:

185 1. The county commissions of Citrus, Hernando,  
 186 Hillsborough, Pasco, Pinellas, Manatee, and Sarasota Counties  
 187 shall each appoint one elected official to the board. Members  
 188 appointed under this subparagraph shall serve 2-year terms with  
 189 not more than three consecutive terms being served by any  
 190 person. If a member under this subparagraph leaves elected  
 191 office, a vacancy exists on the board to be filled as provided  
 192 in this subparagraph.

193 2. The West Central Florida M.P.O. Chairs Coordinating  
 194 Committee shall appoint one member to the board who must be a  
 195 chair of one of the six metropolitan planning organizations in  
 196 the region. The member appointed under this subparagraph shall

197 serve a 2-year term with not more than three consecutive terms  
 198 being served by any person.

199 3.a. Two members of the board shall be the mayor, or the  
 200 mayor's designee, of the largest municipality within the service  
 201 area of each of the following independent transit agencies or  
 202 their legislatively created successor agencies: Pinellas  
 203 Suncoast Transit Authority and Hillsborough Area Regional  
 204 Transit Authority. The largest municipality is that municipality  
 205 with the largest population as determined by the most recent  
 206 United States Decennial Census.

207 b. Should a mayor choose not to serve, his or her designee  
 208 must be an elected official selected by the mayor from that  
 209 largest municipality's city council or city commission. A mayor  
 210 or his or her designee shall serve a 2-year term with not more  
 211 than three consecutive terms being served by any person.

212 c. A designee's term ends if the mayor leaves office for  
 213 any reason. If a designee leaves elected office on the city  
 214 council or commission, a vacancy exists on the board to be  
 215 filled by the mayor of that municipality as provided in sub-  
 216 subparagraph a.

217 d. A mayor who has served three consecutive terms on the  
 218 board must designate an elected official from that largest  
 219 municipality's city council or city commission to serve on the  
 220 board for at least one term.

221 4.a. One membership on the board shall rotate every 2  
 222 years between the mayor, or his or her designee, of the largest  
 223 municipality within Manatee County and the mayor, or his or her  
 224 designee, of the largest municipality within Sarasota County.



225 The mayor, or his or her designee, from the largest municipality  
 226 within Manatee County shall serve the first 2-year term. The  
 227 largest municipality is that municipality with the largest  
 228 population as determined by the most recent United States  
 229 Decennial Census.

230 b. Should a mayor choose not to serve, his or her designee  
 231 must be an elected official selected by the mayor from that  
 232 municipality's city council or city commission.

233 5. The Governor shall appoint to the board four business  
 234 representatives who are not elected officials, two of whom shall  
 235 represent counties within the federally designated Tampa Bay  
 236 Transportation Management Area. Members appointed by the  
 237 Governor shall serve 3-year terms with not more than two  
 238 consecutive terms being served by any person.

239 (c) Appointments may be staggered to avoid mass turnover  
 240 at the end of any 2-year or 4-year period. A vacancy during a  
 241 term shall be filled by the respective appointing authority  
 242 within 90 days in the same manner as the original appointment  
 243 and only for the remainder of the unexpired term.

244 (3) The members of the board shall serve without  
 245 compensation but shall be entitled to receive from the authority  
 246 reimbursement for travel expenses and per diem actually incurred  
 247 in connection with the business of the authority as provided in  
 248 s. 112.061.

249 (4) Members of the board shall comply with the applicable  
 250 financial disclosure requirements of ss. 112.3145, 112.3148, and  
 251 112.3149.

252 (5) The board shall appoint from among its members a

HB 251

2007

253 chair, a vice chair, and a secretary-treasurer, who shall each  
254 serve a term of 1 year and who may be reappointed by the board.

255 (6) The board may establish committees for the following  
256 areas:

257 (a) Planning.

258 (b) Policy.

259 (c) Finance.

260 (7) The authority may employ an executive director, an  
261 executive secretary, its own legal counsel and legal staff,  
262 technical experts, engineers, and such employees, permanent or  
263 temporary, as it may require. The authority shall determine the  
264 qualifications and fix the compensation of such persons, firms,  
265 or corporations and may employ a fiscal agent or agents;  
266 however, the authority shall solicit sealed proposals from at  
267 least three persons, firms, or corporations for the performance  
268 of any services as fiscal agents. The authority may delegate, as  
269 it shall deem necessary, its power to one or more of its agents  
270 or employees to carry out the purposes of this part, subject  
271 always to the supervision and control of the authority.

272 (8) (a) The authority shall establish a Transit Management  
273 Committee comprised of the executive directors or general  
274 managers, or their designees, of each of the existing transit  
275 providers and Bay Area commuter services.

276 (b) The authority shall establish a Citizens Advisory  
277 Committee comprised of appointed citizen committee members from  
278 each county and transit provider in the region, not to exceed 16  
279 members.

280 (c) The authority may establish technical advisory

HB 251

2007

281 committees to provide guidance and advice on regional  
282 transportation issues. The authority shall establish the size,  
283 composition, and focus of any technical advisory committee  
284 created.

285 (d) Persons appointed to a committee shall serve without  
286 compensation but may be entitled to per diem or travel expenses  
287 as provided in s. 112.061.

288 343.922 Powers and duties.--

289 (1) The express purposes of the authority are to improve  
290 mobility and expand multimodal transportation options for  
291 passengers and freight throughout the seven-county Bay Area  
292 region.

293 (2) (a) The authority has the right to plan, develop,  
294 finance, construct, own, purchase, operate, maintain, relocate,  
295 equip, repair, and manage those public transportation projects,  
296 such as express bus services; bus rapid transit services; light  
297 rail, commuter rail, heavy rail, or other transit services;  
298 ferry services; transit stations; park-and-ride lots; transit-  
299 oriented development nodes; or feeder roads, reliever roads,  
300 connector roads, bypasses, or appurtenant facilities, that are  
301 intended to address critical transportation needs or concerns in  
302 the Bay Area region as identified by the authority by July 1,  
303 2009. These projects may also include all necessary approaches,  
304 roads, bridges, and avenues of access that are desirable and  
305 proper with the concurrence of the department, as applicable, if  
306 the project is to be part of the State Highway System.

307 (b) Any transportation facilities constructed by the  
308 authority may be tolled. Fare payment methods for public

309 transportation projects shall promote seamless integration  
310 between regional and local transit systems. Tolling technologies  
311 shall be consistent with the systems used by the Florida  
312 Turnpike Enterprise for the purpose of allowing the use of a  
313 single transponder or a similar electronic tolling device for  
314 all facilities of the authority and the Florida Turnpike  
315 Enterprise.

316 (c) The authority shall coordinate and consult with local  
317 governments on transit or commuter rail station area plans that  
318 provide for compact, mixed-use, transit-oriented development  
319 that will support transit investments and provide a variety of  
320 workforce housing choices, recognizing the need for housing  
321 alternatives for a variety of income ranges.

322 (3) (a) No later than July 1, 2009, the authority shall  
323 develop and adopt a regional transportation master plan that  
324 provides a vision for a regionally integrated multimodal  
325 transportation system. The goals and objectives of the master  
326 plan are to identify areas of the Bay Area region where  
327 multimodal mobility, traffic safety, freight mobility, and  
328 efficient emergency evacuation alternatives need to be improved;  
329 identify areas of the region where multimodal transportation  
330 systems would be most beneficial to enhance mobility and  
331 economic development; develop methods of building partnerships  
332 with local governments, existing transit providers, expressway  
333 authorities, seaports, airports, and other local, state, and  
334 federal entities; develop methods of building partnerships with  
335 CSX Corporation and CSX Transportation, Inc., to craft mutually  
336 beneficial solutions to achieve the authority's objectives, and

337 with other private-sector business community entities that may  
338 further the authority's mission, and engage the public in  
339 support of regional multimodal transportation improvements;  
340 identify projects that will accomplish these goals and  
341 objectives, including, without limitation, the creation of  
342 express bus and bus rapid transit services, light rail, commuter  
343 rail, and heavy rail transit services, ferry services, freight  
344 services, and any other multimodal transportation system  
345 projects that address critical transportation needs or concerns,  
346 pursuant to subsection (2); and identify the costs of the  
347 proposed projects and revenue sources that could be used to pay  
348 those costs. The adoption of the master plan by the authority is  
349 not a rule subject to the rulemaking procedures of chapter 120.

350 (b) The authority shall consult with the department to  
351 further the goals and objectives of the Strategic Regional  
352 Transit Needs Assessment completed by the department.

353 (c) After its adoption, the master plan shall be updated  
354 every 2 years before July 1.

355 (d) The authority shall present the original master plan  
356 and updates to the governing bodies of the counties within the  
357 seven-county region, to the West Central Florida M.P.O. Chairs  
358 Coordinating Committee, and to the legislative delegation  
359 members representing those counties within 90 days after  
360 adoption.

361 (e) The authority shall coordinate plans and projects with  
362 the West Central Florida M.P.O. Chairs Coordinating Committee,  
363 to the extent practicable, and participate in the regional  
364 M.P.O. planning process to ensure regional comprehension of the

365 authority's mission, goals, and objectives.

366 (4) The authority may undertake projects or other  
367 improvements in the master plan in phases as particular projects  
368 or segments become feasible, as determined by the authority.  
369 The authority shall coordinate project planning, development,  
370 and implementation with the applicable adopted comprehensive  
371 plans of local governments within whose jurisdictions the  
372 projects or improvements will be located to define and resolve  
373 potential inconsistencies between plans. In carrying out its  
374 purposes and powers, the authority may request funding and  
375 technical assistance from the department and appropriate federal  
376 and local agencies, including, but not limited to, state  
377 infrastructure bank loans, advances from the Toll Facilities  
378 Revolving Trust Fund, and funding and technical assistance from  
379 any other source.

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

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

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

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

389 (d) To acquire by donation or otherwise, purchase, hold,  
390 construct, maintain, improve, operate, own, lease as a lessee,  
391 and use any franchise or property, real, personal, or mixed,  
392 tangible or intangible, or any option thereof in its own name or

393 in conjunction with others, or any interest therein, necessary  
 394 or desirable for carrying out the purposes of the authority.

395 (e) To sell, convey, exchange, lease as a lessor,  
 396 transfer, or otherwise dispose of any real or personal property,  
 397 or interest therein, acquired by the authority, including air  
 398 rights.

399 (f) To fix, alter, establish, and collect rates, fares,  
 400 fees, rentals, tolls, and other charges for the services and use  
 401 of any light rail, commuter rail, heavy rail, bus rapid transit,  
 402 or express bus services, ferry services, highways, feeder roads,  
 403 bridges, or other transportation facilities owned or operated by  
 404 the authority. These rates, fares, fees, rentals, tolls, and  
 405 other charges shall always be sufficient to comply with any  
 406 covenants made with the holders of any bonds issued pursuant to  
 407 this part; however, such right and power may be assigned or  
 408 delegated by the authority to the department.

409 (g) To borrow money and to make and issue negotiable  
 410 notes, bonds, refunding bonds, and other evidences of  
 411 indebtedness or obligations, either in temporary or definitive  
 412 form, hereinafter in this chapter sometimes called "revenue  
 413 bonds" of the authority, for the purpose of financing all or  
 414 part of the mobility improvements within the Bay Area region, as  
 415 well as the appurtenant facilities, including all approaches,  
 416 streets, roads, bridges, and avenues of access authorized by  
 417 this part, the bonds to mature not exceeding 40 years after the  
 418 date of the issuance thereof, and to secure the payment of such  
 419 bonds or any part thereof by a pledge of any or all of its  
 420 revenues, rates, fees, rentals, or other charges.

421 (h) To adopt bylaws for the regulation of the affairs and  
422 the conduct of the business of the authority. The bylaws shall  
423 provide for quorum and voting requirements, maintenance of  
424 minutes and other official records, and preparation and adoption  
425 of an annual budget.

426 (i) To lease, rent, or contract for the operation or  
427 management of any part of a transportation system facility built  
428 by the authority. In awarding any contract, the authority shall  
429 consider, but is not limited to, the following:

- 430 1. The qualifications of each applicant.
- 431 2. The level or quality of service.
- 432 3. The efficiency, cost, and anticipated revenue.
- 433 4. The construction, operation, and management plan.
- 434 5. The financial ability to provide reliable service.
- 435 6. The impact on other transportation modes, including the  
436 ability to interface with other transportation modes and  
437 facilities.

438 (j) To enforce collection of rates, fees, tolls, and  
439 charges and to establish and enforce fines and penalties for  
440 violations of any rules.

441 (k) To advertise, market, and promote regional transit  
442 services and facilities, freight mobility plans and projects,  
443 and the general activities of the authority.

444 (l) To cooperate with other governmental entities and to  
445 contract with other governmental agencies, including the Federal  
446 Government, the department, counties, transit authorities or  
447 agencies, municipalities, and expressway and bridge authorities.

448 (m) To enter into joint development agreements,



449 partnerships, and other agreements with public and private  
 450 entities respecting ownership and revenue participation in order  
 451 to facilitate financing and constructing any project or portions  
 452 thereof.

453 (n) To accept grants and other funds from other  
 454 governmental sources and to accept private donations. However,  
 455 the authority shall not be directly eligible for Transportation  
 456 Regional Incentive Program funds allocated pursuant to s.  
 457 339.2819, except through interlocal agreement with an eligible  
 458 recipient.

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

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

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

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

476 (6) The authority shall institute procedures to ensure

477 that jobs created as a result of state funding pursuant to this  
 478 section shall be subject to equal opportunity hiring practices  
 479 as provided for in s. 110.112.

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

484 (8) The authority does not have power at any time or in  
 485 any manner to pledge the credit or taxing power of the state or  
 486 any political subdivision or agency thereof, nor shall any of  
 487 the authority's obligations be deemed to be obligations of the  
 488 state or of any political subdivision or agency thereof, nor  
 489 shall the state or any political subdivision or agency thereof,  
 490 except the authority, be liable for the payment of the principal  
 491 of or interest on such obligations.

492 343.94 Bond financing authority.--

493 (1) Pursuant to s. 11(f), Art. VII of the State  
 494 Constitution, the Legislature approves bond financing by the Bay  
 495 Area Regional Transportation Authority for construction of or  
 496 improvements to commuter rail systems, transit systems, ferry  
 497 systems, highways, bridges, toll collection facilities,  
 498 interchanges to the system, and any other transportation  
 499 facility appurtenant, necessary, or incidental to the system.  
 500 Subject to terms and conditions of applicable revenue bond  
 501 resolutions and covenants, such costs may be financed in whole  
 502 or in part by revenue bonds issued pursuant to paragraph (2) (a)  
 503 or paragraph (2) (b), whether currently issued or issued in the  
 504 future or by a combination of such bonds.

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

507 (b) Alternatively, the authority may issue its own bonds  
508 pursuant to this part at such times and in such principal amount  
509 as, in the opinion of the authority, is necessary to provide  
510 sufficient moneys for achieving its purposes; however, such  
511 bonds may not pledge the full faith and credit of the state.  
512 Bonds issued by the authority pursuant to this paragraph or  
513 paragraph (a), whether on original issuance or on refunding,  
514 shall be authorized by resolution of the members thereof, may be  
515 either term or serial bonds, and shall bear such date or dates,  
516 mature at such time or times, not exceeding 40 years after their  
517 respective dates, bear interest at such rate or rates, be  
518 payable semiannually, be in such denominations, be in such form,  
519 either coupon or fully registered, carry such registration,  
520 exchangeability, and interchangeability privileges, be payable  
521 in such medium of payment and at such place or places, be  
522 subject to such terms of redemption, and be entitled to such  
523 priorities on the revenues, rates, fees, rentals, or other  
524 charges or receipts of the authority, including revenues from  
525 lease-purchase agreements, as such resolution or any resolution  
526 subsequent thereto may provide. The bonds shall be executed  
527 either by manual or facsimile signature by such officers as the  
528 authority shall determine; however, such bonds shall bear at  
529 least one signature that is manually executed thereon, and the  
530 coupons attached to such bonds shall bear the facsimile  
531 signature or signatures of such officer or officers as shall be  
532 designated by the authority and have the seal of the authority

533 affixed, imprinted, reproduced, or lithographed thereon, all as  
534 may be prescribed in such resolution or resolutions.

535 (c) Bonds issued pursuant to paragraph (a) or paragraph  
536 (b) shall be sold at public sale in the manner provided by the  
537 State Bond Act. However, if the authority, by official action at  
538 a public meeting, determines that a negotiated sale of such  
539 bonds is in the best interest of the authority, the authority  
540 may negotiate the sale of such bonds with the underwriter  
541 designated by the authority and the Division of Bond Finance  
542 within the State Board of Administration with respect to bonds  
543 issued pursuant to paragraph (a) or solely by the authority with  
544 respect to bonds issued pursuant to paragraph (b). The  
545 authority's determination to negotiate the sale of such bonds  
546 may be based, in part, upon the written advice of the  
547 authority's financial adviser. Pending the preparation of  
548 definitive bonds, interim certificates may be issued to the  
549 purchaser or purchasers of such bonds and may contain such terms  
550 and conditions as the authority may determine.

551 (d) The authority may issue bonds pursuant to paragraph  
552 (b) to refund any bonds previously issued regardless of whether  
553 the bonds being refunded were issued by the authority pursuant  
554 to this chapter or on behalf of the authority pursuant to the  
555 State Bond Act.

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

559 (a) The pledging of all or any part of the revenues,  
560 fares, rates, fees, rentals, or other charges or receipts of the

561 authority, derived by the authority.

562 (b) The completion, improvement, operation, extension,  
563 maintenance, repair, or lease of, or lease-purchase agreement  
564 relating to, the system and the duties of the authority and  
565 others, including the department, with reference thereto.

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

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

572 (e) The setting aside of reserves or sinking funds or  
573 repair and replacement funds and the regulation and disposition  
574 thereof.

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

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

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

581 (4) The authority may employ fiscal agents as provided by  
582 this part or the State Board of Administration may, upon request  
583 of the authority, act as fiscal agent for the authority in the  
584 issuance of any bonds that are issued pursuant to this part, and  
585 the State Board of Administration may, upon request of the  
586 authority, take over the management, control, administration,  
587 custody, and payment of any or all debt services or funds or  
588 assets now or hereafter available for any bonds issued pursuant

589 to this part. The authority may enter into any deeds of trust,  
590 indentures, or other agreements with its fiscal agent, or with  
591 any bank or trust company within or without the state, as  
592 security for such bonds and may, under such agreements, sign and  
593 pledge all or any of the revenues, rates, fees, rentals, or  
594 other charges or receipts of the authority. Such deed of trust,  
595 indenture, or other agreement may contain such provisions as are  
596 customary in such instruments or as the authority authorizes,  
597 including, but without limitation, provisions as to:

598 (a) The completion, improvement, operation, extension,  
599 maintenance, repair, and lease of, or lease-purchase agreement  
600 relating to, highway, bridge, and related transportation  
601 facilities and appurtenances and the duties of the authority and  
602 others, including the department, with reference thereto.

603 (b) The application of funds and the safeguarding of funds  
604 on hand or on deposit.

605 (c) The rights and remedies of the trustee and the holders  
606 of the bonds.

607 (d) The terms and provisions of the bonds or the  
608 resolutions authorizing the issuance of the bonds.

609 (5) Any of the bonds issued pursuant to this part are, and  
610 are hereby declared to be, negotiable instruments and have all  
611 the qualities and incidents of negotiable instruments under the  
612 law merchant and the negotiable instruments law of the state.

613 (6) Notwithstanding any of the provisions of this part,  
614 each project, building, or facility that has been financed by  
615 the issuance of bonds or other evidence of indebtedness under  
616 this part and any refinancing thereof are hereby approved as

617 provided for in s. 11(f), Art. VII of the State Constitution.  
618 343.941 Bonds not debts or pledges of faith and credit of  
619 state.--Revenue bonds issued under the provisions of this part  
620 are not debts of the state or pledges of the faith and credit of  
621 the state. Such bonds are payable exclusively from revenues  
622 pledged for their payment. Each such bond shall contain a  
623 statement on its face that the state is not obligated to pay the  
624 same or the interest thereon, except from the revenues pledged  
625 for its payment, and that the faith and credit of the state is  
626 not pledged to the payment of the principal or interest of such  
627 bond. The issuance of revenue bonds under the provisions of this  
628 part does not directly, indirectly, or contingently obligate the  
629 state to levy or to pledge any form of taxation whatsoever, or  
630 to make any appropriation for their payment. No state funds  
631 shall be used to pay the principal or interest of any bonds  
632 issued to finance or refinance any portion of the authority's  
633 transportation projects, and each such bond shall contain a  
634 statement on its face to this effect.  
635 343.943 Covenant of the state.--The state does hereby  
636 pledge to, and agrees with, any person, firm, or corporation or  
637 federal or state agency subscribing to or acquiring the bonds to  
638 be issued by the authority for the purposes of this part that  
639 the state will not limit or alter the rights hereby vested in  
640 the authority and the department until all bonds at any time  
641 issued, together with the interest thereon, are fully paid and  
642 discharged insofar as the same affects the rights of the holders  
643 of bonds issued hereunder. The state does further pledge to, and  
644 agree with, the United States that, if any federal agency

645 constructs or contributes any funds for the completion,  
 646 extension, or improvement of the system or any part or portion  
 647 thereof, the state will not alter or limit the rights and powers  
 648 of the authority and the department in any manner which would be  
 649 inconsistent with the continued maintenance and operation of the  
 650 system or the completion, extension, or improvement thereof or  
 651 which would be inconsistent with the due performance of any  
 652 agreements between the authority and any such federal agency.  
 653 The authority and the department shall continue to have and may  
 654 exercise all powers herein granted so long as necessary or  
 655 desirable for the carrying out of the purposes of this part and  
 656 the purposes of the United States in the completion, extension,  
 657 or improvement of the system or any part or portion thereof.

658 343.944 Remedies of the bondholders.--

659 (1) The rights and the remedies in this section conferred  
 660 upon or granted to the bondholders are in addition to and not in  
 661 limitation of any rights and remedies lawfully granted to such  
 662 bondholders by the resolution or resolutions providing for the  
 663 issuance of bonds or by a lease-purchase agreement, deed of  
 664 trust, indenture, or other agreement under which the bonds may  
 665 be issued or secured. If the authority defaults in the payment  
 666 of the principal of or interest on any of the bonds issued  
 667 pursuant to the provisions of this part after such principal of  
 668 or interest on the bonds becomes due, whether at maturity or  
 669 upon call for redemption, or the department defaults in any  
 670 payments under, or covenants made in, any lease-purchase  
 671 agreement between the authority and the department, and such  
 672 default continues for a period of 30 days, or if the authority



673 or the department fails or refuses to comply with the provisions  
674 of this part or any agreement made with, or for the benefit of,  
675 the holders of the bonds, the holders of 25 percent in aggregate  
676 principal amount of the bonds then outstanding may appoint a  
677 trustee to represent such bondholders for the purposes hereof,  
678 if such holders of 25 percent in aggregate principal amount of  
679 the bonds then outstanding shall first give notice of their  
680 intention to appoint a trustee to the authority and to the  
681 department. Such notice shall be deemed to have been given if  
682 given in writing, deposited in a securely sealed postpaid  
683 wrapper, mailed at a regularly maintained United States post  
684 office box or station, and addressed, respectively, to the chair  
685 of the authority and to the secretary of the department at the  
686 principal office of the department.

687 (2) Such trustee and any trustee under any deed of trust,  
688 indenture, or other agreement may and, upon written request of  
689 the holders of 25 percent or such other percentages as are  
690 specified in any deed of trust, indenture, or other agreement  
691 aforsaid in principal amount of the bonds then outstanding,  
692 shall, in any court of competent jurisdiction, in his, her, or  
693 its own name:

694 (a) By mandamus or other suit, action, or proceeding at  
695 law or in equity, enforce all rights of the bondholders,  
696 including the right to require the authority to fix, establish,  
697 maintain, collect, and charge rates, fees, rentals, and other  
698 charges adequate to carry out any agreement as to or pledge of  
699 the revenues or receipts of the authority, to carry out any  
700 other covenants and agreements with or for the benefit of the

701 bondholders, and to perform its and their duties under this  
702 part.

703 (b) By mandamus or other suit, action, or proceeding at  
704 law or in equity, enforce all rights of the bondholders under or  
705 pursuant to any lease-purchase agreement between the authority  
706 and the department, including the right to require the  
707 department to make all rental payments required to be made by it  
708 under the provisions of any such lease-purchase agreement and to  
709 require the department to carry out any other covenants and  
710 agreements with or for the benefit of the bondholders and to  
711 perform its and their duties under this part.

712 (c) Bring suit upon the bonds.

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

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

719 (3) Any trustee, when appointed as aforesaid or acting  
720 under a deed of trust, indenture, or other agreement, and  
721 regardless of whether all bonds have been declared due and  
722 payable, may appoint a receiver who may enter upon and take  
723 possession of the system or the facilities or any part or parts  
724 thereof, the rates, fees, rentals, or other revenues, charges,  
725 or receipts from which are or may be applicable to the payment  
726 of the bonds so in default, and, subject to and in compliance  
727 with the provisions of any lease-purchase agreement between the  
728 authority and the department, operate and maintain the same for

729 and on behalf of and in the name of the authority, the  
730 department, and the bondholders, and collect and receive all  
731 rates, fees, rentals, and other charges or receipts or revenues  
732 arising therefrom in the same manner as the authority or the  
733 department might do, and shall deposit all such moneys in a  
734 separate account and apply such moneys in such manner as the  
735 court shall direct. In any suit, action, or proceeding by the  
736 trustee, the fees, counsel fees, and expenses of the trustee and  
737 the receiver, if any, and all costs and disbursements allowed by  
738 the court shall be a first charge on any rates, fees, rentals,  
739 or other charges, revenues, or receipts derived from the system  
740 or the facilities or services or any part or parts thereof,  
741 including payments under any such lease-purchase agreement as  
742 aforesaid, which rates, fees, rentals, or other charges,  
743 revenues, or receipts may be applicable to the payment of the  
744 bonds so in default. Such trustee, in addition to the foregoing,  
745 possesses all of the powers necessary for the exercise of any  
746 functions specifically set forth herein or incident to the  
747 representation of the bondholders in the enforcement and  
748 protection of their rights.

749 (4) This section or any other section of this part does  
750 not authorize any receiver appointed pursuant hereto for the  
751 purpose, subject to and in compliance with the provisions of any  
752 lease-purchase agreement between the authority and the  
753 department, of operating and maintaining the system or any  
754 facilities or part or parts thereof to sell, assign, mortgage,  
755 or otherwise dispose of any of the assets of whatever kind and  
756 character belonging to the authority. It is the intention of

HB 251

2007

757 this part to limit the powers of such receiver, subject to and  
758 in compliance with the provisions of any lease-purchase  
759 agreement between the authority and the department, to the  
760 operation and maintenance of the system or any facility or part  
761 or parts thereof, as the court may direct, in the name of and  
762 for and on behalf of the authority, the department, and the  
763 bondholders. In any suit, action, or proceeding at law or in  
764 equity, a holder of bonds on the authority, a trustee, or any  
765 court may not compel or direct a receiver to sell, assign,  
766 mortgage, or otherwise dispose of any assets of whatever kind or  
767 character belonging to the authority. A receiver also may not be  
768 authorized to sell, assign, mortgage, or otherwise dispose of  
769 any assets of whatever kind or character belonging to the  
770 authority in any suit, action, or proceeding at law or in  
771 equity.

772 343.945 Pledges enforceable by bondholders.--It is the  
773 express intention of this part that any pledge to the authority  
774 by the department of rates, fees, revenues, or other funds as  
775 rentals, or any covenants or agreements relative thereto, is  
776 enforceable in any court of competent jurisdiction against the  
777 authority or directly against the department by any holder of  
778 bonds issued by the authority.

779 343.946 Lease-purchase agreement.--

780 (1) In order to effectuate the purposes of this part and  
781 as authorized by this part, the authority may enter into a  
782 lease-purchase agreement with the department relating to and  
783 covering authority projects within the seven-county Bay Area  
784 region.

785       (2) Such lease-purchase agreement shall provide for the  
786 leasing of the system by the authority, as lessor, to the  
787 department, as lessee, shall prescribe the term of such lease  
788 and the rentals to be paid thereunder, and shall provide that,  
789 upon the completion of the faithful performance thereunder and  
790 the termination of such lease-purchase agreement, title in fee  
791 simple absolute to the system as then constituted shall be  
792 transferred in accordance with law by the authority to the state  
793 and the authority shall deliver to the department such deeds and  
794 conveyances as shall be necessary or convenient to vest title in  
795 fee simple absolute in the state.

796       (3) Such lease-purchase agreement may include such other  
797 provisions, agreements, and covenants as the authority and the  
798 department deem advisable or required, including, but not  
799 limited to, provisions as to the bonds to be issued for the  
800 purposes of this part, the completion, extension, improvement,  
801 operation, and maintenance of the system and the expenses and  
802 the cost of operation of the authority, the charging and  
803 collection of tolls, rates, fees, and other charges for the use  
804 of the services and facilities thereof, and the application of  
805 federal or state grants or aid which may be made or given to  
806 assist the authority in the completion, extension, improvement,  
807 operation, and maintenance of the system.

808       (4) The department as lessee under such lease-purchase  
809 agreement may pay as rentals thereunder any rates, fees,  
810 charges, funds, moneys, receipts, or income accruing to the  
811 department from the operation of the system and may also pay as  
812 rentals any appropriations received by the department pursuant

HB 251

2007

813 to any act of the Legislature heretofore or hereafter enacted;  
814 however, nothing in this section or in such lease-purchase  
815 agreement is intended to require, nor shall this part or such  
816 lease-purchase agreement require, the making or continuance of  
817 such appropriations, nor shall any holder of bonds issued  
818 pursuant to this part ever have any right to compel the making  
819 or continuance of such appropriations.

820 (5) The department shall have power to covenant in any  
821 lease-purchase agreement that it will pay all or any part of the  
822 cost of the operation, maintenance, repair, renewal, and  
823 replacement of facilities, and any part of the cost of  
824 completing facilities to the extent that the proceeds of bonds  
825 issued are insufficient, from sources other than the revenues  
826 derived from the operation of the system.

827 343.947 Department may be appointed agent of authority for  
828 construction.--The department may be appointed by the authority  
829 as its agent for the purpose of constructing and completing  
830 transportation projects, and improvements and extensions  
831 thereto, in the authority's master plan. In such event, the  
832 authority shall provide the department with complete copies of  
833 all documents, agreements, resolutions, contracts, and  
834 instruments relating thereto; shall request the department to do  
835 such construction work, including the planning, surveying, and  
836 actual construction of the completion, extensions, and  
837 improvements to the system; and shall transfer to the credit of  
838 an account of the department in the treasury of the state the  
839 necessary funds therefor. The department shall proceed with such  
840 construction and use the funds for such purpose in the same

HB 251

2007

841 manner that it is now authorized to use the funds otherwise  
842 provided by law for its use in construction of commuter rail  
843 systems, transit systems, ferry systems, roads, bridges, and  
844 related transportation facilities.

845 343.95 Acquisition of lands and property.--

846 (1) For the purposes of this part, the authority may  
847 acquire private or public property and property rights,  
848 including rights of access, air, view, and light, by gift,  
849 devise, purchase, or condemnation by eminent domain proceedings,  
850 as the authority may deem necessary for any purpose of this  
851 part, including, but not limited to, any lands reasonably  
852 necessary for securing applicable permits, areas necessary for  
853 management of access, borrow pits, drainage ditches, water  
854 retention areas, rest areas, replacement access for landowners  
855 whose access is impaired due to the construction of a facility,  
856 and replacement rights-of-way for relocated rail and utility  
857 facilities; for existing, proposed, or anticipated  
858 transportation facilities within the seven-county Bay Area  
859 region identified by the authority; or for the purposes of  
860 screening, relocation, removal, or disposal of junkyards and  
861 scrap metal processing facilities. The authority may condemn any  
862 material and property necessary for such purposes.

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

865 (3) When the authority acquires property for a  
866 transportation facility within the seven-county Bay Area region,  
867 the authority is not subject to any liability imposed by chapter  
868 376 or chapter 403 for preexisting soil or groundwater

869 contamination due solely to its ownership. This subsection does  
870 not affect the rights or liabilities of any past or future  
871 owners of the acquired property, nor does it affect the  
872 liability of any governmental entity for the results of its  
873 actions which create or exacerbate a pollution source. The  
874 authority and the Department of Environmental Protection may  
875 enter into interagency agreements for the performance, funding,  
876 and reimbursement of the investigative and remedial acts  
877 necessary for property acquired by the authority.

878 343.96 Cooperation with other units, boards, agencies, and  
879 individuals.--Express authority and power is hereby given and  
880 granted to any county, municipality, drainage district, road and  
881 bridge district, school district, or any other political  
882 subdivision, board, commission, or individual in or of the state  
883 to make and enter into contracts, leases, conveyances,  
884 partnerships, or other agreements with the authority within the  
885 provisions and purposes of this part. The authority may make and  
886 enter into contracts, leases, conveyances, partnerships, and  
887 other agreements with any political subdivision, agency, or  
888 instrumentality of the state and any and all federal agencies,  
889 corporations, and individuals for the purpose of carrying out  
890 the provisions of this part.

891 343.962 Public-private partnerships.--

892 (1) The authority may receive or solicit proposals and  
893 enter into agreements with private entities or consortia thereof  
894 for the building, operation, ownership, or financing of  
895 multimodal transportation systems, transit-oriented development  
896 nodes, transit stations, or related facilities within the



897 jurisdiction of the authority. Before approval, the authority  
898 must determine that a proposed project:

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

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

903 (c) Would have adequate safeguards to ensure that  
904 additional costs or unreasonable service disruptions would not  
905 be realized by the traveling public and citizens of the state in  
906 the event of default or the cancellation of the agreement by the  
907 authority.

908 (2) The authority shall ensure that all reasonable costs  
909 to the state related to transportation facilities that are not  
910 part of the State Highway System are borne by the private entity  
911 or any partnership created to develop the facilities. The  
912 authority shall also ensure that all reasonable costs to the  
913 state and substantially affected local governments and utilities  
914 related to the private transportation facility are borne by the  
915 private entity for transportation facilities that are owned by  
916 private entities. For projects on the State Highway System or  
917 that provide increased mobility on the State Highway System, the  
918 department may use state resources to participate in funding and  
919 financing the project as provided for under the department's  
920 enabling legislation.

921 (3) The authority may request proposals for public-private  
922 multimodal transportation projects or, if it receives an  
923 unsolicited proposal, the authority must publish a notice in the  
924 Florida Administrative Weekly and a newspaper of general

HB 251

2007

925 circulation in the county in which the proposed project is  
926 located at least once a week for 2 weeks stating that it has  
927 received the proposal and will accept, for 60 days after the  
928 initial date of publication, other proposals for the same  
929 project purpose. A copy of the notice must be mailed to each  
930 local government in the affected areas. After the public  
931 notification period has expired, the authority shall rank the  
932 proposals in order of preference. In ranking the proposals, the  
933 authority shall consider professional qualifications, general  
934 business terms, innovative engineering or cost-reduction terms,  
935 finance plans, and the need for state funds to deliver the  
936 proposal. If the authority is not satisfied with the results of  
937 the negotiations, it may, at its sole discretion, terminate  
938 negotiations with the proposer. If these negotiations are  
939 unsuccessful, the authority may go to the second and lower-  
940 ranked firms, in order, using the same procedure. If only one  
941 proposal is received, the authority may negotiate in good faith  
942 and, if it is not satisfied with the results, it may, at its  
943 sole discretion, terminate negotiations with the proposer.  
944 Notwithstanding this subsection, the authority may, at its  
945 discretion, reject all proposals at any point in the process up  
946 to completion of a contract with the proposer.

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

952 (5) Each public-private transportation facility

953 constructed pursuant to this section shall comply with all  
954 requirements of federal, state, and local laws; state, regional,  
955 and local comprehensive plans; the authority's rules, policies,  
956 procedures, and standards for transportation facilities; and any  
957 other conditions that the authority determines to be in the  
958 public's best interest.

959 (6) The authority may exercise any of its powers,  
960 including eminent domain, to facilitate the development and  
961 construction of multimodal transportation projects pursuant to  
962 this section. The authority may pay all or part of the cost of  
963 operating and maintaining the facility or may provide services  
964 to the private entity, for which services it shall receive full  
965 or partial reimbursement.

966 (7) Except as provided in this section, this section is  
967 not intended to amend existing law by granting additional powers  
968 to or imposing further restrictions on the governmental entities  
969 with regard to regulating and entering into cooperative  
970 arrangements with the private sector for the planning,  
971 construction, and operation of transportation facilities.

972 (8) The authority may adopt rules pursuant to ss.  
973 120.536(1) and 120.54 to implement this section and shall, by  
974 rule, establish an application fee for the submission of  
975 unsolicited proposals under this section. The fee must be  
976 sufficient to pay the costs of evaluating the proposals.

977 343.97 Exemption from taxation.--The effectuation of the  
978 authorized purposes of the authority created under this part is  
979 for the benefit of the people of this state, for the increase of  
980 their commerce and prosperity, and for the improvement of their

981 health and living conditions and, because the authority performs  
 982 essential governmental functions in effectuating such purposes,  
 983 the authority is not required to pay any taxes or assessments of  
 984 any kind or nature whatsoever upon any property acquired or used  
 985 by it for such purposes, or upon any rates, fees, rentals,  
 986 receipts, income, or charges at any time received by it. The  
 987 bonds issued by the authority, their transfer, and the income  
 988 therefrom, including any profits made on the sale thereof, shall  
 989 at all times be free from taxation of any kind by the state or  
 990 by any political subdivision, taxing agency, or instrumentality  
 991 thereof. The exemption granted by this section does not apply to  
 992 any tax imposed by chapter 220 on interest, income, or profits  
 993 on debt obligations owned by corporations.

994 343.973 Eligibility for investments and security.--Any  
 995 bonds or other obligations issued pursuant to this part shall be  
 996 and constitute legal investments for banks, savings banks,  
 997 trustees, executors, administrators, and all other fiduciaries  
 998 and for all state, municipal, and other public funds and shall  
 999 also be and constitute securities eligible for deposit as  
 1000 security for all state, municipal, or other public funds,  
 1001 notwithstanding the provisions of any other law to the contrary.

1002 343.975 Complete and additional statutory authority.--

1003 (1) The powers conferred by this part are supplemental to  
 1004 the existing powers of the board and the department. This part  
 1005 does not repeal any of the provisions of any other law, general,  
 1006 special, or local, but supplements such other laws in the  
 1007 exercise of the powers provided in this part and provides a  
 1008 complete method for the exercise of the powers granted in this

1009 part. The projects planned and constructed by the Bay Area  
 1010 Regional Transportation Authority shall comply with all  
 1011 applicable federal, state, and local laws. The authority shall  
 1012 coordinate project planning, development, and implementation  
 1013 with the applicable adopted comprehensive plans of local  
 1014 governments within whose jurisdictions the projects or  
 1015 improvements will be located, in order to define and resolve  
 1016 potential inconsistencies between plans. The extension and  
 1017 improvement of the system, and the issuance of bonds hereunder  
 1018 to finance all or part of the cost thereof, may be accomplished  
 1019 upon compliance with the provisions of this part without regard  
 1020 to or necessity for compliance with the provisions, limitations,  
 1021 or restrictions contained in any other general, special, or  
 1022 local law, including, but not limited to, s. 215.821. An  
 1023 approval of any bonds issued under this part by the qualified  
 1024 electors or qualified electors who are freeholders in the state  
 1025 or in any other political subdivision of the state is not  
 1026 required for the issuance of such bonds pursuant to this part.

1027 (2) This part does not repeal, rescind, or modify any  
 1028 other law relating to the State Board of Administration, the  
 1029 Department of Transportation, the Tampa-Hillsborough County  
 1030 Expressway Authority, or the Division of Bond Finance within the  
 1031 State Board of Administration; however, this part supersedes  
 1032 such other laws as are inconsistent with its provisions,  
 1033 including, but not limited to, s. 215.821.

1034 (3) This part does not preclude the department from  
 1035 acquiring, holding, constructing, improving, maintaining,  
 1036 operating, or owning tolled or nontolled facilities funded and

HB 251

2007

1037 constructed from nonauthority sources that are part of the State  
1038 Highway System within the geographical boundaries of the Bay  
1039 Area Regional Transportation Authority.

1040 Section 2. This act shall take effect July 1, 2007.