

By Senator Fasano

11-192A-07

1 A bill to be entitled
2 An act relating to regional transportation
3 authorities; creating part V of ch. 343, F.S.;
4 creating s. 343.90, F.S.; designating part V
5 the Tampa Bay Regional Transportation Authority
6 Act; creating s. 343.91, F.S.; providing
7 definitions; creating s. 343.92, F.S.; creating
8 the Tampa Bay Regional Transportation
9 Authority; merging the Hillsborough County
10 Expressway Authority into the Tampa Bay
11 Regional Transportation Authority and providing
12 for assumption of powers, duties, functions,
13 assets, and liabilities; providing for
14 organization and membership; providing for
15 reimbursement of travel expenses and per diem;
16 requiring members to comply with specified
17 financial disclosure provisions; providing for
18 employees and advisory committees; creating s.
19 343.922, F.S.; specifying purposes of the
20 authority; providing for rights, powers, and
21 duties of the authority; authorizing the
22 authority to construct, operate, and maintain
23 certain transportation facilities; authorizing
24 the authority to collect tolls on its
25 transportation facilities; requiring the
26 authority to develop and adopt a regional
27 transportation master plan by a date certain;
28 providing for content, updates, and use of the
29 plan; authorizing the authority to request
30 funding and technical assistance; authorizing
31 the authority to borrow money, enter into

1 partnerships and other agreements, enter into
2 and make lease-purchase agreements, and make
3 contracts for certain purposes; specifying that
4 the authority does not have power to pledge the
5 credit or taxing power of the state; creating
6 s. 343.94, F.S.; providing legislative approval
7 of bond financing by the authority for its
8 projects; providing for issuance of the bonds
9 by the authority or the Division of Bond
10 Finance; providing for a contract with
11 bondholders; authorizing the authority to
12 employ fiscal agents; authorizing the State
13 Board of Administration to act as the fiscal
14 agent; creating s. 343.941, F.S.; providing
15 that the authority's bonds are not debts of the
16 state; creating s. 343.943, F.S.; providing a
17 state covenant with bondholders; creating s.
18 343.944, F.S.; providing certain rights and
19 remedies for bondholders; creating s. 343.945,
20 F.S.; providing for enforcement by bondholders
21 of pledges to the authority from the
22 department; creating s. 343.946, F.S.;
23 providing for lease-purchase agreements between
24 the authority and the department; creating s.
25 343.947, F.S.; providing for the department to
26 act as an agent for the authority for the
27 purposes of constructing and completing the
28 authority's projects; creating s. 343.95, F.S.;
29 providing for the authority to purchase
30 property and property rights; creating s.
31 343.96, F.S.; providing for the authority to

1 enter into cooperative agreements with other
2 entities and persons; creating s. 343.962,
3 F.S.; providing for the authority to enter into
4 certain public-private agreements under certain
5 conditions; providing procedures for proposals
6 for public-private transportation projects;
7 providing criteria for the constructed
8 facilities; authorizing the authority to use
9 certain powers to facilitate project
10 development and construction; providing intent
11 relating to governmental entities; authorizing
12 the authority to adopt certain rules and
13 establish an application fee; creating s.
14 343.97, F.S.; exempting the authority from
15 certain taxation; creating s. 348.973, F.S.;
16 specifying that bonds or other obligations
17 issued by the authority are legal investments
18 constituting securities for certain purposes;
19 creating s. 343.975, F.S.; providing for
20 application and effect of specified provisions;
21 amending s. 343.74, F.S.; providing that the
22 Tampa Bay Commuter Transit Authority
23 development plan must be developed in
24 consultation with certain regional entities;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Part V of chapter 343, Florida Statutes,
30 consisting of sections 343.90, 343.91, 343.92, 343.922,
31 343.94, 343.941, 343.943, 343.944, 343.945, 343.946, 343.947,

1 343.95, 343.96, 343.962, 343.97, 343.973, and 343.975, is
2 created to read:

3 343.90 Short title.--This part may be cited as the
4 "Tampa Bay Regional Transportation Authority Act."

5 343.91 Definitions.--

6 (1) As used in this part, the term:

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

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

11 (c) "Bonds" means the notes, bonds, refunding bonds,
12 or other evidences of indebtedness or obligations, in
13 temporary or definitive form, which the authority is
14 authorized to issue under this part.

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

19 (e) "Coordination" means the comparison of the
20 transportation plans, programs, and schedules of one agency
21 with related plans, programs, and schedules of other agencies
22 or entities with legal standing, and adjustment of plans,
23 programs, and schedules to achieve general consistency to the
24 extent practicable.

25 (f) "Department" means the Department of
26 Transportation.

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

30 (h) "Limited access expressway" or "expressway" means
31 a street or highway especially designed for through traffic

1 and over, from, or to which a person does not have the right
2 of easement, use, or access except in accordance with the
3 rules adopted and established by the authority for the use of
4 such facility. Such a highway or street may be a parkway from
5 which trucks, buses, and other commercial vehicles are
6 excluded, or it may be a freeway open to use by all customary
7 forms of street and highway traffic.

8 (i) "Members" means the individuals constituting the
9 authority.

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

13 (k) "Tampa Bay region" includes the counties of
14 Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee, and
15 Sarasota.

16 (2) Terms importing singular number include the plural
17 number in each case and vice versa, and terms importing
18 persons include firms and corporations.

19 343.92 Tampa Bay Regional Transportation Authority.--

20 (1) There is created and established a body politic
21 and corporate, an agency of the state, to be known as the
22 Tampa Bay Regional Transportation Authority. The Hillsborough
23 County Expressway Authority is merged into the Tampa Bay
24 Regional Transportation Authority, and the Tampa Bay Regional
25 Transportation Authority shall assume all powers, duties,
26 functions, assets, and liabilities of the Hillsborough County
27 Expressway Authority.

28 (2) The board is constituted as follows:

29 (a)1.a. The Board of County Commissioners of Citrus
30 County;

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1 b. The Board of County Commissioners of Hernando
2 County;
3 c. The Board of County Commissioners of Hillsborough
4 County;
5 d. The Board of County Commissioners of Manatee
6 County;
7 e. The Board of County Commissioners of Pasco County;
8 f. The Board of County Commissioners of Pinellas
9 County; and
10 g. The Board of County Commissioners of Sarasota
11 County,
12
13 shall each appoint a member, who must be an elected officer in
14 the county from which he or she is appointed and who may, but
15 is not required to, serve on the metropolitan planning
16 organization that serves the county.
17 2. The West Central Florida Metropolitan Planning
18 Organization Chairs Coordinating Committee shall appoint one
19 person who serves as the chair of one of the five metropolitan
20 planning organizations representing the geographical areas of
21 the seven counties listed in subparagraph 1.
22 3. The board of the Pinellas Suncoast Transit
23 Authority and the board of the Hillsborough Area Regional
24 Transit shall each appoint a person who is an elected officer
25 from a municipality within the respective authority's service
26 area and who serves on the authority's board.
27 4. Three persons appointed by the Governor who
28 represent business and who are not elected officers. Two of
29 these persons must represent counties within the Tampa Bay
30 Transportation Management Area, as defined by federal air
31 quality rules.

1 (b) The district secretaries from Department of
2 Transportation District 1 and District 7 shall serve as ex
3 officio, nonvoting members of the board.

4 (3) The board shall annually appoint a chair, a vice
5 chair, and a secretary/treasurer from among its voting
6 membership. These officers may be reappointed.

7 (4) Except for the initial appointees under this
8 section, members shall be appointed for 2-year terms. A member
9 may not be appointed to more than three consecutive 2-year
10 terms. In order to provide staggered terms, the initial
11 appointees under sub-subparagraphs (2)(a)1.a.-d., the
12 appointee of the Pinellas Suncoast Transit Authority under
13 subparagraph (2)(a)3., and one of the Governor's appointees
14 under subparagraph (2)(a)4. shall be appointed to 1-year
15 terms.

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

20 (6) The members of the authority shall serve without
21 compensation but are entitled to receive from the authority
22 reimbursement for travel expenses and per diem actually
23 incurred in connection with the business of the authority as
24 provided in s. 112.061.

25 (7) Members of the authority must comply with the
26 applicable financial disclosure requirements of ss. 112.3145,
27 112.3148, and 112.3149.

28 (8) The authority may employ an executive director, an
29 executive secretary, its own counsel and legal staff,
30 technical experts, engineers, and such employees, permanent or
31 temporary, as it requires. The authority shall determine the

1 qualifications and fix the compensation of such persons,
2 firms, or corporations and may employ a fiscal agent or
3 agents; however, the authority must solicit sealed proposals
4 from at least three persons, firms, or corporations for the
5 performance of any services as fiscal agents. The authority
6 may delegate, as it deems necessary, its power to one or more
7 of its agents or employees to carry out the purposes of this
8 part, subject always to the supervision and control of the
9 authority.

10 (9) The authority may establish technical advisory
11 committees to provide guidance and advice on regional
12 transportation issues. The authority shall establish the size,
13 composition, and focus of any technical advisory committee
14 created. Persons appointed to a technical advisory committee
15 shall serve without compensation but are entitled to per diem
16 and travel expenses as provided in s. 112.061.

17 343.922 Powers and duties.--

18 (1) The express purposes of the authority are to
19 improve mobility and expand transportation options in the
20 Tampa Bay region.

21 (2)(a) The authority has the right to construct, own,
22 operate, maintain, and manage any feeder roads, reliever
23 roads, connector roads, bypasses, or appurtenant facilities,
24 including public transportation projects, that are intended to
25 address a critical transportation need or concern in the Tampa
26 Bay region as identified by the authority by July 1, 2009.
27 These projects may also include all necessary approaches,
28 roads, bridges, and avenues of access which are desirable and
29 proper with the concurrence of the department, as applicable,
30 if the project is to be part of the State Highway System.

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1 (b) Any transportation facilities constructed by the
2 authority may be tolled. Tolling technologies must be
3 consistent with the systems used by the Turnpike Enterprise
4 for the purpose of allowing the use of a single transponder or
5 a similar electronic tolling device for all facilities of the
6 authority and the Turnpike Enterprise.

7 (3)(a) The authority shall develop and adopt a
8 regional transportation master plan no later than July 1,
9 2009. The goals and objectives of the master plan are to
10 identify areas of the Tampa Bay region where mobility, traffic
11 safety, and efficient hurricane evacuation need to be
12 improved; identify areas of the region where highway and
13 appurtenant facilities would be most beneficial to enhance
14 mobility and economic development; develop methods of building
15 partnerships with local governments, expressway authorities,
16 other local, state, and federal entities, the private-sector
17 business community, and the public in support of regional
18 transportation improvements; identify projects that will
19 accomplish these goals and objectives, including, without
20 limitation, the road projects that address a critical
21 transportation need or concern, pursuant to subsection (2);
22 and identify the costs of the proposed projects and revenue
23 sources that could be used to pay those costs. The adoption of
24 the master plan by the authority is not a rule subject to the
25 rulemaking procedures of chapter 120.

26 (b) After its adoption, the master plan must be
27 updated annually before July 1.

28 (c) The authority shall present the original master
29 plan and updates to the governing bodies of the counties
30 within the Tampa Bay region and to the legislative delegation
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1 members representing those counties within 90 days after
2 adoption.

3 (4) The authority may undertake projects or other
4 improvements in the master plan in phases as particular
5 projects or segments become feasible, as determined by the
6 authority. All projects or other transportation improvements
7 must be consistent with the applicable adopted comprehensive
8 plans of local governments within whose jurisdictions the
9 projects or improvements will be located. In carrying out its
10 purposes and powers, the authority may request funding and
11 technical assistance from the department and appropriate
12 federal and local agencies, including, but not limited to,
13 state infrastructure bank loans and advances from the Toll
14 Facilities Revolving Trust Fund and funding and technical
15 assistance from any other source.

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

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

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

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

25 (d) To acquire by donation or otherwise, purchase,
26 hold, construct, maintain, improve, operate, own, lease as a
27 lessee, and use any franchise or property, real, personal, or
28 mixed, tangible or intangible, or any option thereof in its
29 own name or in conjunction with others, or any interest
30 therein, necessary or desirable for carrying out the purposes
31 of the authority.

1 (e) To sell, convey, exchange, lease as a lessor,
2 transfer, or otherwise dispose of any real or personal
3 property, or interest therein, acquired by the authority,
4 including air rights.

5 (f) To fix, alter, establish, and collect rates,
6 fares, fees, rentals, tolls, and other charges for the
7 services and use of any highways, feeder roads, bridges, or
8 other transportation facilities owned or operated by the
9 authority. These rates, fares, fees, rentals, tolls, and other
10 charges must always be sufficient to comply with any covenants
11 made with the holders of any bonds issued under this part;
12 however, such right and power may be assigned or delegated by
13 the authority to the department. The authority may not impose
14 tolls or other charges on existing highways and other
15 transportation facilities within the Tampa Bay region.

16 (g) To borrow money and to make and issue negotiable
17 notes, bonds, refunding bonds, and other evidences of
18 indebtedness or obligations, either in temporary or definitive
19 form, hereinafter in this part sometimes called "revenue
20 bonds" of the authority, for the purpose of financing all or
21 part of the mobility improvements within the Tampa Bay region,
22 as well as the appurtenant facilities, including all
23 approaches, streets, roads, bridges, and avenues of access
24 authorized by this part, the bonds to mature not later than 40
25 years after the date of the issuance thereof, and to secure
26 the payment of such bonds or any part thereof by a pledge of
27 any or all of its revenues, rates, fees, rentals, or other
28 charges.

29 (h) To adopt bylaws for the regulation of the affairs
30 and the conduct of the business of the authority. The bylaws
31 shall provide for quorum and voting requirements, maintenance

1 of minutes and other official records, and preparation and
2 adoption of an annual budget.

3 (i) To lease, rent, or contract for the operation or
4 management of any part of a highway facility built by the
5 authority. In awarding any contract, the authority shall
6 consider, but is not limited to, the following:

7 1. The qualifications of each applicant.

8 2. The level of service.

9 3. The efficiency, cost, and anticipated revenue.

10 4. The construction, operation, and management plan.

11 5. The financial ability to provide reliable service.

12 6. The impact on other transportation modes, including
13 the ability to interface with other transportation modes and
14 facilities.

15 (j) To enforce collection of rates, fees, tolls, and
16 charges and to establish and enforce fines and penalties for
17 violations of any rule.

18 (k) To advertise and promote highway facilities and
19 the general activities of the authority.

20 (l) To cooperate with other governmental entities and
21 to contract with other governmental agencies, including the
22 Federal Government, the department, counties, municipalities,
23 and expressway and bridge authorities.

24 (m) To enter into joint development agreements,
25 partnerships, and other agreements with public and private
26 entities respecting ownership and revenue participation in
27 order to facilitate financing and constructing any project or
28 portions thereof.

29 (n) To accept grants and other funds from other
30 governmental sources and to accept private donations. However,
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1 the authority is not eligible for Transportation Regional
2 Incentive Program funds allocated under s. 339.2819.

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

7 (p) To enter into and make lease-purchase agreements
8 with the department for terms of not more than 40 years or
9 until any bonds secured by a pledge of rentals thereunder, and
10 any refundings thereof, are fully paid as to both principal
11 and interest, whichever is longer.

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

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

21 (6) The authority shall institute procedures to ensure
22 that jobs created as a result of state funding under this
23 section are subject to equal opportunity hiring practices as
24 provided for in s. 110.112.

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

29 (8) The authority does not have power at any time or
30 in any manner to pledge the credit or taxing power of the
31 state or any political subdivision or agency thereof, nor may

1 any of the authority's obligations be deemed to be obligations
2 of the state or of any political subdivision or agency
3 thereof, nor is the state or any political subdivision or
4 agency thereof, except the authority, liable for the payment
5 of the principal of or interest on such obligations.

6 343.94 Bond financing authority.--

7 (1) Pursuant to s. 11(f), Art. VII of the State
8 Constitution, the Legislature approves bond financing by the
9 Tampa Bay Regional Transportation Authority for construction
10 of or improvements to highways, bridges, toll collection
11 facilities, interchanges to the system, and any other
12 transportation facility that is appurtenant, necessary, or
13 incidental to the system. Subject to terms and conditions of
14 applicable revenue bond resolutions and covenants, such costs
15 may be financed in whole or in part by revenue bonds issued
16 under paragraph (2)(a) or paragraph (2)(b), whether currently
17 issued or issued in the future or by a combination of such
18 bonds.

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

21 (b) Alternatively, the authority may issue its own
22 bonds under this part at such times and in such principal
23 amount as the authority considers necessary to provide
24 sufficient moneys for achieving its purposes; however, such
25 bonds may not pledge the full faith and credit of the state.
26 Bonds issued by the authority under this paragraph or
27 paragraph (a), whether on original issuance or on refunding,
28 must be authorized by resolution of the members thereof, may
29 be either term or serial bonds, and shall bear such date or
30 dates, mature at such time or times, not more than 40 years
31 after their respective dates, bear interest at such rate or

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

19 (c) Bonds issued under paragraph (a) or paragraph (b)
20 shall be sold at public sale in the manner provided by the
21 State Bond Act. However, if the authority, by official action
22 at a public meeting, determines that a negotiated sale of such
23 bonds is in the best interest of the authority, the authority
24 may negotiate the sale of such bonds with the underwriter
25 designated by the authority and the Division of Bond Finance
26 within the State Board of Administration with respect to bonds
27 issued under paragraph (a) or solely by the authority with
28 respect to bonds issued under paragraph (b). The authority's
29 determination to negotiate the sale of such bonds may be
30 based, in part, upon the written advice of the authority's
31 financial adviser. Pending the preparation of definitive

1 bonds, interim certificates may be issued to the purchaser or
2 purchasers of such bonds which contain such terms and
3 conditions as the authority determines.

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

9 (3) Any such resolution or resolutions authorizing any
10 bonds under this section may contain provisions that are part
11 of the contract with the holders of such bonds as to:

12 (a) The pledging of all or any part of the revenues,
13 rates, fees, rentals, or other charges or receipts of the
14 authority, derived by the authority.

15 (b) The completion, improvement, operation, extension,
16 maintenance, repair, or lease of, or lease-purchase agreement
17 relating to, the system and the duties of the authority and
18 others, including the department, with reference thereto.

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

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

25 (e) The setting aside of reserves or sinking funds or
26 repair and replacement funds and the regulation and
27 disposition thereof.

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

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

1 (h) Any other or additional agreements with the
2 holders of the bonds which the authority deems desirable and
3 proper.

4 (4) The authority may employ fiscal agents as provided
5 by this part or the State Board of Administration may, upon
6 request of the authority, act as fiscal agent for the
7 authority in the issuance of any bonds that are issued under
8 this part, and the State Board of Administration may, upon
9 request of the authority, take over the management, control,
10 administration, custody, and payment of any or all debt
11 services or funds or assets now or hereafter available for any
12 bonds issued under this part. The authority may enter into any
13 deeds of trust, indentures, or other agreements with its
14 fiscal agent, or with any bank or trust company within or
15 without the state, as security for such bonds and may, under
16 such agreements, sign and pledge all or any of the revenues,
17 rates, fees, rentals, or other charges or receipts of the
18 authority. Such deed of trust, indenture, or other agreement
19 may contain such provisions as are customary in such
20 instruments or as the authority authorizes, including, but not
21 limited to, provisions as to:

22 (a) The completion, improvement, operation, extension,
23 maintenance, repair, and lease of, or lease-purchase agreement
24 relating to, highway, bridge, and related transportation
25 facilities and appurtenances and the duties of the authority
26 and others, including the department, with reference thereto.

27 (b) The application of funds and the safeguarding of
28 funds on hand or on deposit.

29 (c) The rights and remedies of the trustee and the
30 holders of the bonds.

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1 (d) The terms and provisions of the bonds or the
2 resolutions authorizing the issuance of the bonds.

3 (5) Any of the bonds issued pursuant to this part are,
4 and are declared to be, negotiable instruments and have all
5 the qualities and incidents of negotiable instruments under
6 the law merchant and the negotiable instruments law of the
7 state.

8 (6) Notwithstanding any of the provisions of this
9 part, each project, building, or facility that has been
10 financed by the issuance of bonds or other evidence of
11 indebtedness under this part and any refinancing thereof is
12 approved as provided for in s. 11(f), Art. VII of the State
13 Constitution.

14 343.941 Bonds not debts or pledges of credit of
15 state.--Revenue bonds issued under this part are not debts of
16 the state or pledges of the faith and credit of the state.
17 Such bonds are payable exclusively from revenues pledged for
18 their payment. All such bonds must contain a statement on
19 their face that the state is not obligated to pay the same or
20 the interest thereon except from the revenues pledged for
21 their payment and that the faith and credit of the state is
22 not pledged to the payment of the principal or interest of
23 such bonds. The issuance of revenue bonds under this part does
24 not directly, indirectly, or contingently obligate the state
25 to levy or to pledge any form of taxation whatsoever, or to
26 make any appropriation for their payment. State funds may not
27 be used to pay the principal or interest of any bonds issued
28 to finance or refinance any portion of the authority's
29 transportation projects, and all such bonds must contain a
30 statement on their face to this effect.

1 343.943 Covenant of the state.--The state does hereby
2 pledge to, and agrees with, any person, firm, or corporation
3 or federal or state agency subscribing to or acquiring the
4 bonds to be issued by the authority for the purposes of this
5 part that the state will not limit or alter the rights vested
6 in the authority and the department until all bonds at any
7 time issued, together with the interest thereon, are fully
8 paid and discharged insofar as the same affects the rights of
9 the holders of bonds issued under this part. The state does
10 further pledge to, and agree with, the United States that, if
11 any federal agency constructs or contributes any funds for the
12 completion, extension, or improvement of the system or any
13 part or portion thereof, the state will not alter or limit the
14 rights and powers of the authority and the department in any
15 manner that would be inconsistent with the continued
16 maintenance and operation of the system or the completion,
17 extension, or improvement thereof or that would be
18 inconsistent with the due performance of any agreements
19 between the authority and any such federal agency. The
20 authority and the department shall continue to have and may
21 exercise all powers granted in this part so long as necessary
22 or desirable for the carrying out of the purposes of this part
23 and the purposes of the United States in the completion,
24 extension, or improvement of the system or any part or portion
25 thereof.

26 343.944 Remedies of the bondholders.--

27 (1) The rights and the remedies conferred upon or
28 granted to the bondholders in this section are in addition to
29 and not in limitation of any rights and remedies lawfully
30 granted to such bondholders by the resolution or resolutions
31 providing for the issuance of bonds or by a lease-purchase

1 agreement, deed of trust, indenture, or other agreement under
2 which the bonds may be issued or secured. If the authority
3 defaults in the payment of the principal of or interest on any
4 of the bonds issued under this part after such principal of or
5 interest on the bonds becomes due, whether at maturity or upon
6 call for redemption, or the department defaults in any
7 payments under, or covenants made in, any lease-purchase
8 agreement between the authority and the department and such
9 default continues for a period of 30 days, or if the authority
10 or the department fails or refuses to comply with this part or
11 any agreement made with, or for the benefit of, the holders of
12 the bonds, the holders of 25 percent in aggregate principal
13 amount of the bonds then outstanding may appoint a trustee to
14 represent such bondholders for the purposes hereof, if such
15 holders of 25 percent in aggregate principal amount of the
16 bonds then outstanding shall give advance notice of their
17 intention to appoint a trustee to the authority and to the
18 department. Such notice shall be deemed to have been given if
19 given in writing, deposited in a securely sealed postpaid
20 wrapper, mailed at a regularly maintained United States post
21 office box or station, and addressed, respectively, to the
22 chair of the authority and to the secretary of the department
23 at the principal office of the department.

24 (2) Such trustee and any trustee under any deed of
25 trust, indenture, or other agreement may, and upon written
26 request of the holders of 25 percent or such other percentages
27 as are specified in any deed of trust, indenture, or other
28 agreement aforesaid in principal amount of the bonds then
29 outstanding shall, in any court of competent jurisdiction, in
30 his, her, or its own name:
31

1 (a) By mandamus or other suit, action, or proceeding
2 at law or in equity, enforce all rights of the bondholders,
3 including the right to require the authority to fix,
4 establish, maintain, collect, and charge rates, fees, rentals,
5 and other charges adequate to carry out any agreement as to or
6 pledge of the revenues or receipts of the authority, to carry
7 out any other covenants and agreements with or for the benefit
8 of the bondholders, and to perform its and their duties under
9 this part.

10 (b) By mandamus or other suit, action, or proceeding
11 at law or in equity, enforce all rights of the bondholders
12 under or pursuant to any lease-purchase agreement between the
13 authority and the department, including the right to require
14 the department to make all rental payments required to be made
15 by it under the provisions of any such lease-purchase
16 agreement and to require the department to carry out any other
17 covenants and agreements with or for the benefit of the
18 bondholders and to perform its and their duties under this
19 part.

20 (c) Bring suit upon the bonds.

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

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

27 (3) Any trustee, when appointed as aforesaid or acting
28 under a deed of trust, indenture, or other agreement, and
29 whether or not all bonds have been declared due and payable,
30 may appoint a receiver who may enter upon and take possession
31 of the system or the facilities or any part or parts thereof,

1 the rates, fees, rentals, or other revenues, charges, or
2 receipts from which are or may be applicable to the payment of
3 the bonds so in default, and, subject to and in compliance
4 with any lease-purchase agreement between the authority and
5 the department, operate and maintain the same for and on
6 behalf of and in the name of the authority, the department,
7 and the bondholders, and collect and receive all rates, fees,
8 rentals, and other charges or receipts or revenues arising
9 therefrom in the same manner as the authority or the
10 department might do, and shall deposit all such moneys in a
11 separate account and apply such moneys in such manner as the
12 court directs. In any suit, action, or proceeding by the
13 trustee, the fees, counsel fees, and expenses of the trustee
14 and the receiver, if any, and all costs and disbursements
15 allowed by the court shall be a first charge on any rates,
16 fees, rentals, or other charges, revenues, or receipts derived
17 from the system or the facilities or services or any part or
18 parts thereof, including payments under any such
19 lease-purchase agreement as aforesaid, which rates, fees,
20 rentals, or other charges, revenues, or receipts may be
21 applicable to the payment of the bonds so in default. Such
22 trustee, in addition to the foregoing, possesses all of the
23 powers necessary for the exercise of any functions
24 specifically set forth herein or incident to the
25 representation of the bondholders in the enforcement and
26 protection of their rights.

27 (4) This section or any other section of this part
28 does not authorize any receiver appointed pursuant to this
29 section for the purpose, subject to and in compliance with the
30 provisions of any lease-purchase agreement between the
31 authority and the department, of operating and maintaining the

1 system or any facilities or part or parts thereof to sell,
2 assign, mortgage, or otherwise dispose of any of the assets of
3 whatever kind and character belonging to the authority. It is
4 the intention of this part to limit the powers of such
5 receiver, subject to and in compliance with any lease-purchase
6 agreement between the authority and the department, to the
7 operation and maintenance of the system or any facility or
8 part or parts thereof, as the court directs, in the name and
9 for and on behalf of the authority, the department, and the
10 bondholders. In any suit, action, or proceeding at law or in
11 equity, a holder of bonds on the authority, a trustee, or any
12 court may not compel or direct a receiver to sell, assign,
13 mortgage, or otherwise dispose of any assets of whatever kind
14 or character belonging to the authority. A receiver also may
15 not sell, assign, mortgage, or otherwise dispose of any assets
16 of whatever kind or character belonging to the authority in
17 any suit, action, or proceeding at law or in equity.

18 343.945 Pledges enforceable by bondholders.--It is the
19 express intention of this part that any pledge to the
20 authority by the department of rates, fees, revenues, or other
21 funds as rentals, or any covenants or agreements relative
22 thereto, is enforceable in any court of competent jurisdiction
23 against the authority or directly against the department by
24 any holder of bonds issued by the authority.

25 343.946 Lease-purchase agreement.--

26 (1) In order to effectuate the purposes of this part
27 and as authorized by this part, the authority may enter into a
28 lease-purchase agreement with the department relating to and
29 covering authority projects within the Tampa Bay region.

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

1 department, as lessee, shall prescribe the term of such lease
2 and the rentals to be paid thereunder, and shall provide that,
3 upon the completion of the faithful performance thereunder and
4 the termination of such lease-purchase agreement, title in fee
5 simple absolute to the system as then constituted shall be
6 transferred in accordance with law by the authority to the
7 state and the authority shall deliver to the department such
8 deeds and conveyances as are necessary or convenient to vest
9 title in fee simple absolute in the state.

10 (3) Such lease-purchase agreement may include such
11 other provisions, agreements, and covenants as the authority
12 and the department deem advisable or required, including, but
13 not limited to, provisions as to the bonds to be issued for
14 the purposes of this part; the completion, extension,
15 improvement, operation, and maintenance of the system and the
16 expenses and the cost of operation of the authority; the
17 charging and collection of tolls, rates, fees, and other
18 charges for the use of the services and facilities thereof;
19 and the application of federal or state grants or aid which
20 may be made or given to assist the authority in the
21 completion, extension, improvement, operation, and maintenance
22 of the system.

23 (4) The department as lessee under such lease-purchase
24 agreement may pay as rentals thereunder any rates, fees,
25 charges, funds, moneys, receipts, or income accruing to the
26 department from the operation of the system and may also pay
27 as rentals any appropriations received by the department
28 pursuant to any act of the Legislature heretofore or hereafter
29 enacted; however, this section and such lease-purchase
30 agreement are not intended to require, nor shall this part or
31 such lease-purchase agreement require, the making or

1 continuance of such appropriations, nor shall any holder of
2 bonds issued pursuant to this part ever have any right to
3 compel the making or continuance of such appropriations.

4 (5) The department shall have power to covenant in any
5 lease-purchase agreement that it will pay all or any part of
6 the cost of the operation, maintenance, repair, renewal, and
7 replacement of facilities, and any part of the cost of
8 completing facilities to the extent that the proceeds of bonds
9 issued are insufficient, from sources other than the revenues
10 derived from the operation of the system.

11 343.947 Department may be appointed agent of authority
12 for construction.--The department may be appointed by the
13 authority as its agent for the purpose of constructing and
14 completing transportation projects, and improvements and
15 extensions thereto, in the authority's master plan. In such
16 event, the authority shall provide the department with
17 complete copies of all documents, agreements, resolutions,
18 contracts, and instruments relating thereto; shall request the
19 department to do such construction work, including the
20 planning, surveying, and actual construction of the
21 completion, extensions, and improvements to the system; and
22 shall transfer to the credit of an account of the department
23 in the treasury of the state the necessary funds therefor. The
24 department shall proceed with such construction and use the
25 funds for such purpose in the same manner that it is now
26 authorized to use the funds otherwise provided by law for its
27 use in construction of roads, bridges, and related
28 transportation facilities.

29 343.95 Acquisition of lands and property.--

30 (1) For the purposes of this part, the authority may
31 acquire private or public property and property rights,

1 including rights of access, air, view, and light, by gift,
2 devise, purchase, or condemnation by eminent domain
3 proceedings, as the authority deems necessary for any purpose
4 of this part, including, but not limited to, any lands
5 reasonably necessary for securing applicable permits, areas
6 necessary for management of access, borrow pits, drainage
7 ditches, water retention areas, rest areas, replacement access
8 for landowners whose access is impaired due to the
9 construction of a facility, and replacement rights-of-way for
10 relocated rail and utility facilities; for existing, proposed,
11 or anticipated transportation facilities within the Tampa Bay
12 region identified by the authority; or for the purposes of
13 screening, relocation, removal, or disposal of junkyards and
14 scrap metal processing facilities. The authority may condemn
15 any material and property necessary for such purposes.

16 (2) The right of eminent domain conferred in this
17 section shall be exercised by the authority in the manner
18 provided by law.

19 (3) When the authority acquires property for a
20 transportation facility within the Tampa Bay region, the
21 authority is not subject to any liability imposed by chapter
22 376 or chapter 403 for preexisting soil or groundwater
23 contamination due solely to its ownership. This section does
24 not affect the rights or liabilities of any past or future
25 owners of the acquired property, nor does it affect the
26 liability of any governmental entity for the results of its
27 actions which create or exacerbate a pollution source. The
28 authority and the Department of Environmental Protection may
29 enter into interagency agreements for the performance,
30 funding, and reimbursement of the investigative and remedial
31 acts necessary for property acquired by the authority.

1 343.96 Cooperation with other units, boards, agencies,
2 and individuals.--Express authority and power is given and
3 granted to any county, municipality, drainage district, road
4 and bridge district, school district, or other political
5 subdivision, board, commission, or individual in or of the
6 state to make and enter into contracts, leases, conveyances,
7 partnerships, or other agreements with the authority within
8 the purposes of this part. The authority may make and enter
9 into contracts, leases, conveyances, partnerships, and other
10 agreements with any political subdivision, agency, or
11 instrumentality of the state and any and all federal agencies,
12 corporations, and individuals for the purpose of carrying out
13 this part.

14 343.962 Public-private partnerships.--

15 (1) The authority may receive or solicit proposals and
16 enter into agreements with private entities or consortia
17 thereof for the building, operation, ownership, or financing
18 of transportation facilities within the jurisdiction of the
19 authority. Before approval, the authority must determine that
20 a proposed project:

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

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

25 (c) Would have adequate safeguards to ensure that
26 additional costs or service disruptions would not be realized
27 by the traveling public and citizens of the state in the event
28 of default or the cancellation of the agreement by the
29 authority.

30 (2) The authority shall ensure that all reasonable
31 costs to the state related to transportation facilities that

1 are not part of the State Highway System are borne by the
2 private entity. The authority shall also ensure that all
3 reasonable costs to the state and substantially affected local
4 governments and utilities related to the private
5 transportation facility are borne by the private entity for
6 transportation facilities that are owned by private entities.
7 For projects on the State Highway System, the department may
8 use state resources to participate in funding and financing
9 the project as provided for under the department's enabling
10 legislation.

11 (3) The authority may request proposals for
12 public-private transportation projects or, if it receives an
13 unsolicited proposal, the authority must publish a notice in
14 the Florida Administrative Weekly and a newspaper of general
15 circulation in the county in which the proposed project is
16 located at least once a week for 2 weeks stating that it has
17 received the proposal and will accept, for 60 days after the
18 initial date of publication, other proposals for the same
19 project purpose. A copy of the notice must be mailed to each
20 local government in the affected areas. After the public
21 notification period has expired, the authority shall rank the
22 proposals in order of preference. In ranking the proposals,
23 the authority shall consider professional qualifications,
24 general business terms, innovative engineering or
25 cost-reduction terms, finance plans, and the need for state
26 funds to deliver the proposal. If the authority is not
27 satisfied with the results of the negotiations, it may, at its
28 sole discretion, terminate negotiations with the proposer. If
29 these negotiations are unsuccessful, the authority may go to
30 the second and lower-ranked firms, in order, using the same
31 procedure. If only one proposal is received, the authority may

1 negotiate in good faith and, if it is not satisfied with the
2 results, may, at its sole discretion, terminate negotiations
3 with the proposer. Notwithstanding this subsection, the
4 authority may, at its discretion, reject all proposals at any
5 point in the process up to completion of a contract with the
6 proposer.

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

12 (5) Each public-private transportation facility
13 constructed pursuant to this section shall comply with all
14 requirements of federal, state, and local laws; state,
15 regional, and local comprehensive plans; the authority's
16 rules, policies, procedures, and standards for transportation
17 facilities; and any other conditions that the authority
18 determines to be in the public's best interest.

19 (6) The authority may exercise any of its powers,
20 including eminent domain, to facilitate the development and
21 construction of transportation projects pursuant to this
22 section. The authority may pay all or part of the cost of
23 operating and maintaining the facility or may provide services
24 to the private entity, for which services it shall receive
25 full or partial reimbursement.

26 (7) Except as provided in this section, this section
27 is not intended to amend existing law by granting additional
28 powers to or imposing further restrictions on the governmental
29 entities with regard to regulating and entering into
30 cooperative arrangements with the private sector for the
31

1 planning, construction, and operation of transportation
2 facilities.

3 (8) The authority may adopt rules pursuant to ss.
4 120.536(1) and 120.54 to administer this section and shall, by
5 rule, establish an application fee for the submission of
6 unsolicited proposals under this section. The fee must be
7 sufficient to pay the costs of evaluating the proposals.

8 343.97 Exemption from taxation.--The effectuation of
9 the authorized purposes of the authority created under this
10 part is for the benefit of the people of this state, for the
11 increase of their commerce and prosperity, and for the
12 improvement of their health and living conditions. Because the
13 authority performs essential governmental functions in
14 effectuating such purposes, it is not required to pay any tax
15 or assessment of any kind or nature whatsoever upon any
16 property acquired or used by it for such purposes, or upon any
17 rates, fees, rentals, receipts, income, or charges at any time
18 received by it. The bonds issued by the authority, their
19 transfer, and the income therefrom, including any profits made
20 on the sale thereof, shall at all times be free from taxation
21 of any kind by the state or by any political subdivision,
22 taxing agency, or instrumentality thereof. The exemption
23 granted by this section does not apply to any tax imposed by
24 chapter 220 on interest, income, or profits on debt
25 obligations owned by corporations.

26 343.973 Eligibility for investments and security.--Any
27 bonds or other obligations issued pursuant to this part shall
28 be and constitute legal investments for banks, savings banks,
29 trustees, executors, administrators, and all other fiduciaries
30 and for all state, municipal, and other public funds and shall
31 also be and constitute securities eligible for deposit as

1 security for all state, municipal, or other public funds,
2 notwithstanding any other law to the contrary.

3 343.975 Complete and additional statutory authority.--

4 (1) The powers conferred by this part are supplemental
5 to the existing powers of the board and the department. This
6 part does not repeal any provision of any other law, general,
7 special, or local, but supplements such other laws in the
8 exercise of the powers provided in this part and provides a
9 complete method for the exercise of the powers granted in this
10 part. The projects planned and constructed by the Tampa Bay
11 Regional Transportation Authority must comply with all
12 applicable federal, state, and local laws and be consistent
13 with the applicable state, regional, and local comprehensive
14 plans. The extension and improvement of the system, and the
15 issuance of bonds under this part to finance all or part of
16 the cost thereof, may be accomplished upon compliance with
17 this part without regard to or necessity for compliance with
18 the provisions, limitations, or restrictions contained in any
19 other general, special, or local law, including, but not
20 limited to, s. 215.821. An approval of any bonds issued under
21 this part by the qualified electors or qualified electors who
22 are freeholders in the state or in any other political
23 subdivision of the state is not required for the issuance of
24 such bonds pursuant to this part.

25 (2) This part does not repeal, rescind, or modify any
26 other law relating to the State Board of Administration, the
27 Department of Transportation, the Tampa-Hillsborough County
28 Expressway Authority, the Tampa Bay Commuter Transit
29 Authority, the Bay Area Regional Transportation Planning
30 Organization, or the Division of Bond Finance within the State
31 Board of Administration; however, this part supersedes such

1 other laws as are inconsistent with its provisions, including,
2 but not limited to, s. 215.821.

3 (3) This part does not preclude the department from
4 acquiring, holding, constructing, improving, maintaining,
5 operating, or owning tolled or nontolled facilities funded and
6 constructed from nonauthority sources which are part of the
7 State Highway System within the geographical boundaries of the
8 Tampa Bay Regional Transportation Authority.

9 Section 2. Subsection (3) of section 343.74, Florida
10 Statutes, is amended to read:

11 343.74 Powers and duties.--

12 (3)(a) The authority shall develop and adopt a plan
13 for the development of the Tampa Bay Commuter Rail or Commuter
14 Ferry Service. Such plan shall address the authority's plan
15 for the development of public and private revenue sources,
16 funding of operating and capital costs, the service to be
17 provided and the extent to which counties within the authority
18 are to be served. The plan shall be reviewed and updated
19 annually. Such plan shall be consistent, to the maximum extent
20 feasible, with the approved local government comprehensive
21 plan of the units of local government served by the authority.

22 (b) The authority's plan must be developed in
23 consultation with the Bay Area Regional Transportation
24 Planning Organization and the Tampa Bay Regional
25 Transportation Authority.

26 Section 3. This act shall take effect July 1, 2007.
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SENATE SUMMARY

Creates the Tampa Bay Regional Transportation Authority and provides its powers and duties. Provides for bonding projects of the authority and provides for imposition of tolls. Establishes powers of other governmental entities in relation to the authority.