

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

1 entities and persons; creating s. 343.962,
2 F.S.; providing for the authority to enter into
3 certain public-private agreements under certain
4 conditions; providing procedures for proposals
5 for public-private multimodal transportation
6 projects; authorizing the public-private entity
7 to impose certain tolls or fares for use of the
8 systems; providing criteria for the constructed
9 systems; authorizing the authority to use
10 certain powers to facilitate project
11 development, construction, and operation;
12 providing intent relating to governmental
13 entities; authorizing the authority to adopt
14 certain rules and establish an application fee;
15 creating s. 343.97, F.S.; exempting the
16 authority from certain taxation; creating s.
17 343.973, F.S.; specifying that bonds or other
18 obligations issued by the authority are legal
19 investments constituting securities for certain
20 purposes; creating s. 343.975, F.S.; providing
21 for application, effect, or supersession of
22 specified provisions; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Part V of chapter 343, Florida Statutes,
28 consisting of sections 343.90, 343.91, 343.92, 343.922,
29 343.94, 343.941, 343.943, 343.944, 343.945, 343.946, 343.947,
30 343.95, 343.96, 343.962, 343.97, 343.973, and 343.975, is
31 created to read:

1 343.90 Short title.--This part may be cited as the
2 "Tampa Bay Regional Transportation Authority Act."
3 343.91 Definitions.--
4 (1) As used in this part, the term:
5 (a) "Authority" means the Tampa Bay Regional
6 Transportation Authority, the body politic and corporate and
7 agency of the state created by this part, covering the
8 seven-county area comprised of Citrus, Hernando, Hillsborough,
9 Pasco, Pinellas, Manatee, and Sarasota Counties.
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 either
13 temporary or definitive form, which the authority is
14 authorized to issue under this part.
15 (d)1. "Bus rapid transit" means a type of limited-stop
16 bus service that relies on technology to help expedite service
17 through priority for transit, rapid and convenient fare
18 collection, and integration with land use to substantially
19 upgrade performance of buses operating on exclusive,
20 high-occupancy-vehicle lanes, expressways, or ordinary
21 streets.
22 2. "Express bus" means a type of bus service designed
23 to expedite longer trips, especially in major metropolitan
24 areas during heavily patronized peak commuting hours, by
25 operating over long distances without stopping on freeways or
26 partially controlled access roadway facilities.
27 (e)1. "Commuter rail" means a complete system of
28 tracks, guideways, stations, and rolling stock necessary to
29 effectuate medium-distance to long-distance passenger rail
30 service to, from, or within the municipalities within the
31 authority's designated seven-county region.

1 2. "Heavy rail transit" means a complete rail system
2 operating on an electric railway with the capacity for a heavy
3 volume of traffic, characterized by high-speed and
4 rapid-acceleration passenger rail cars operating singly or in
5 multicar trains on fixed rails in separate rights-of-way from
6 which all other vehicular and pedestrian traffic are excluded.
7 "Heavy rail transit" includes metro, subway, elevated, rapid
8 transit, and rapid rail systems.

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

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

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

24 (h) "Department" means the Florida Department of
25 Transportation.

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

29 (j) "Limited access expressway" or "expressway" means
30 a street or highway especially designed for through traffic
31 and over, from, or to which a person does not have the right

1 of easement, use, or access except in accordance with the
2 rules adopted and established by the authority for the use of
3 such facility.

4 (k) "Members" means the individuals constituting the
5 governing body of the authority.

6 (l) "Multimodal transportation system" means a
7 well-connected network of transportation modes reflecting a
8 high level of accessibility between modes and proximity to
9 supportive land use patterns.

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

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

18 (o) "Transit-oriented development" means a mixed-use
19 residential or commercial area designed to maximize access to
20 public transportation and often incorporates features to
21 encourage transit ridership. A transit-oriented development
22 neighborhood typically has a center with a train station, tram
23 stop, or bus station surrounded by relatively high-density
24 development with progressively lower-density development
25 spreading outward from the center, typically within 1/2 mile
26 of the stop or station.

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

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

4 343.92 Tampa Bay Regional Transportation Authority.--

5 (1) There is created and established a body politic
6 and corporate, an agency of the state, to be known as the
7 Tampa Bay Regional Transportation Authority.

8 (2) The governing board of the authority shall consist
9 of 17 members.

10 (a) There shall be two nonvoting, ex officio members
11 of the board who shall be appointed by the secretary of the
12 department but must be the district secretary, or his or her
13 designee, for each department district within the seven-county
14 area of the authority.

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

17 1. The county commissions of Citrus, Hernando,
18 Hillsborough, Pasco, Pinellas, Manatee, and Sarasota Counties
19 shall each appoint one elected official to the board. Members
20 appointed under this subparagraph shall serve 2-year terms
21 with not more than three consecutive terms being served by any
22 person. If a member under this subparagraph leaves elected
23 office, a vacancy exists on the board to be filled as provided
24 in this subparagraph.

25 2. The West Central Florida M.P.O. Chairs Coordinating
26 Committee shall appoint one member to the board who must be a
27 chair of one of the six metropolitan planning organizations in
28 the region. The member appointed under this subparagraph shall
29 serve a 2-year term with not more than three consecutive terms
30 being served by any person.

31

1 3.a. Two members of the board shall be the mayor, or
2 the mayor's designee, of the largest municipality within the
3 service area of each of the following independent transit
4 agencies or their legislatively created successor agencies:
5 Pinellas Suncoast Transit Authority and Hillsborough Area
6 Regional Transit Authority. The largest municipality is that
7 municipality with the largest population as determined by the
8 most recent United States Decennial Census.

9 b. Should a mayor choose not to serve, his or her
10 designee must be an elected official selected by the mayor
11 from that largest municipality's city council or city
12 commission. A mayor or his or her designee shall serve a
13 2-year term with not more than three consecutive terms being
14 served by any person.

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

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

24 4.a. One membership on the board shall rotate every 2
25 years between the mayor, or his or her designee, of the
26 largest municipality within Manatee County and the mayor, or
27 his or her designee, of the largest municipality within
28 Sarasota County. The mayor, or his or her designee, from the
29 largest municipality within Manatee County shall serve the
30 first 2-year term. The largest municipality is that
31

1 municipality with the largest population as determined by the
2 most recent United States Decennial Census.

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

6 5. The Governor shall appoint to the board four
7 business representatives who are not elected officials, two of
8 whom shall represent counties within the federally designated
9 Tampa Bay Transportation Management Area. Members appointed by
10 the Governor shall serve 3-year terms with not more than two
11 consecutive terms being served by any person.

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

17 (3) The members of the board shall serve without
18 compensation but shall be entitled to receive from the
19 authority reimbursement for travel expenses and per diem
20 actually incurred in connection with the business of the
21 authority as provided in s. 112.061.

22 (4) Members of the board shall comply with the
23 applicable financial disclosure requirements of ss. 112.3145,
24 112.3148, and 112.3149.

25 (5) The board shall appoint from among its members a
26 chair, a vice chair, and a secretary-treasurer, who shall each
27 serve a term of 1 year and who may be reappointed by the
28 board.

29 (6) The board may establish committees for the
30 following areas:

31 (a) Planning.

1 (b) Policy.

2 (c) Finance.

3 (7) The authority may employ an executive director, an
4 executive secretary, its own legal counsel and legal staff,
5 technical experts, engineers, and such employees, permanent or
6 temporary, as it may require. The authority shall determine
7 the qualifications and fix the compensation of such persons,
8 firms, or corporations and may employ a fiscal agent or
9 agents; however, the authority shall solicit sealed proposals
10 from at least three persons, firms, or corporations for the
11 performance of any services as fiscal agents. The authority
12 may, except for duties specified in chapter 120, delegate its
13 power to one or more of its agents or employees to carry out
14 the purposes of this part, subject always to the supervision
15 and control of the authority.

16 (8)(a) The authority shall establish a Transit
17 Management Committee comprised of the executive directors or
18 general managers, or their designees, of each of the existing
19 transit providers and Tampa Bay area commuter services.

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

24 (c) The authority may establish technical advisory
25 committees to provide guidance and advice on regional
26 transportation issues. The authority shall establish the size,
27 composition, and focus of any technical advisory committee
28 created.

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

1 343.922 Powers and duties.--

2 (1) The express purposes of the authority are to
3 improve mobility and expand multimodal transportation options
4 for passengers and freight throughout the seven-county Tampa
5 Bay region.

6 (2)(a) The authority has the right to plan, develop,
7 finance, construct, own, purchase, operate, maintain,
8 relocate, equip, repair, and manage those public
9 transportation projects, such as express bus services; bus
10 rapid transit services; light rail, commuter rail, heavy rail,
11 or other transit services; ferry services; transit stations;
12 park-and-ride lots; transit-oriented development nodes; or
13 feeder roads, reliever roads, connector roads, bypasses, or
14 appurtenant facilities, that are intended to address critical
15 transportation needs or concerns in the Tampa Bay region as
16 identified by the authority by July 1, 2009. These projects
17 may also include all necessary approaches, roads, bridges, and
18 avenues of access that are desirable and proper with the
19 concurrence of the department, as applicable, if the project
20 is to be part of the State Highway System.

21 (b) Any transportation facilities constructed by the
22 authority may be tolled. Fare payment methods for public
23 transportation projects shall promote seamless integration
24 between regional and local transit systems. Tolling
25 technologies shall be consistent with the systems used by the
26 Florida Turnpike Enterprise for the purpose of allowing the
27 use of a single transponder or a similar electronic tolling
28 device for all facilities of the authority and the Florida
29 Turnpike Enterprise.

30 (c) The authority shall coordinate and consult with
31 local governments on transit or commuter rail station area

1 plans that provide for compact, mixed-use, transit-oriented
2 development that will support transit investments and provide
3 a variety of workforce housing choices, recognizing the need
4 for housing alternatives for a variety of income ranges.

5 (3)(a) No later than July 1, 2009, the authority shall
6 develop and adopt a regional transportation master plan that
7 provides a vision for a regionally integrated multimodal
8 transportation system. The goals and objectives of the master
9 plan are to identify areas of the Tampa Bay region where
10 multimodal mobility, traffic safety, freight mobility, and
11 efficient emergency evacuation alternatives need to be
12 improved; identify areas of the region where multimodal
13 transportation systems would be most beneficial to enhance
14 mobility and economic development; develop methods of building
15 partnerships with local governments, existing transit
16 providers, expressway authorities, seaports, airports, and
17 other local, state, and federal entities; develop methods of
18 building partnerships with CSX Corporation and CSX
19 Transportation, Inc., to craft mutually beneficial solutions
20 to achieve the authority's objectives, and with other
21 private-sector business community entities that may further
22 the authority's mission, and engage the public in support of
23 regional multimodal transportation improvements; identify
24 projects that will accomplish these goals and objectives,
25 including, without limitation, the creation of express bus and
26 bus rapid transit services, light rail, commuter rail, and
27 heavy rail transit services, ferry services, freight services,
28 and any other multimodal transportation system projects that
29 address critical transportation needs or concerns, pursuant to
30 subsection (2); and identify the costs of the proposed
31 projects and revenue sources that could be used to pay those

1 costs. The adoption of the master plan by the authority is not
2 a rule subject to the rulemaking procedures of chapter 120.

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

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

8 (d) The authority shall present the original master
9 plan and updates to the governing bodies of the counties
10 within the seven-county region, to the West Central Florida
11 M.P.O. Chairs Coordinating Committee, and to the legislative
12 delegation members representing those counties within 90 days
13 after adoption.

14 (e) The authority shall coordinate plans and projects
15 with the West Central Florida M.P.O. Chairs Coordinating
16 Committee, to the extent practicable, and participate in the
17 regional M.P.O. planning process to ensure regional
18 comprehension of the authority's mission, goals, and
19 objectives.

20 (4) The authority may undertake projects or other
21 improvements in the master plan in phases as particular
22 projects or segments become feasible, as determined by the
23 authority. The authority shall coordinate project planning,
24 development, and implementation with the applicable adopted
25 comprehensive plans of local governments within whose
26 jurisdictions the projects or improvements will be located to
27 define and resolve potential inconsistencies between plans. In
28 carrying out its purposes and powers, the authority may
29 request funding and technical assistance from the department
30 and appropriate federal and local agencies, including, but not
31 limited to, state infrastructure bank loans, advances from the

1 Toll Facilities Revolving Trust Fund, and funding and
2 technical assistance from any other source.

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

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

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

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

12 (d) To acquire by donation or otherwise, purchase,
13 hold, construct, maintain, improve, operate, own, lease as a
14 lessee, and use any franchise or property, real, personal, or
15 mixed, tangible or intangible, or any option thereof in its
16 own name or in conjunction with others, or any interest
17 therein, necessary or desirable for carrying out the purposes
18 of the authority.

19 (e) To sell, convey, exchange, lease as a lessor,
20 transfer, or otherwise dispose of any real or personal
21 property, or interest therein, acquired by the authority,
22 including air rights.

23 (f) To fix, alter, establish, and collect rates,
24 fares, fees, rentals, tolls, and other charges for the
25 services and use of any light rail, commuter rail, heavy rail,
26 bus rapid transit, or express bus services, ferry services,
27 highways, feeder roads, bridges, or other transportation
28 facilities owned or operated by the authority. These rates,
29 fares, fees, rentals, tolls, and other charges shall always be
30 sufficient to comply with any covenants made with the holders
31 of any bonds issued pursuant to this part; however, such right

1 and power may be assigned or delegated by the authority to the
2 department.

3 (g) To borrow money and to make and issue negotiable
4 notes, bonds, refunding bonds, and other evidences of
5 indebtedness or obligations, either in temporary or definitive
6 form, hereinafter in this chapter sometimes called "revenue
7 bonds" of the authority, for the purpose of financing all or
8 part of the mobility improvements within the Tampa Bay region,
9 as well as the appurtenant facilities, including all
10 approaches, streets, roads, bridges, and avenues of access
11 authorized by this part, the bonds to mature not exceeding 40
12 years after the date of the issuance thereof, and to secure
13 the payment of such bonds or any part thereof by a pledge of
14 any or all of its revenues, rates, fees, rentals, or other
15 charges.

16 (h) To adopt bylaws for the regulation of the affairs
17 and the conduct of the business of the authority. The bylaws
18 shall provide for quorum and voting requirements, maintenance
19 of minutes and other official records, and preparation and
20 adoption of an annual budget.

21 (i) To lease, rent, or contract for the operation or
22 management of any part of a transportation system facility
23 built by the authority. In awarding any contract, the
24 authority shall consider, but is not limited to, the
25 following:

- 26 1. The qualifications of each applicant.
- 27 2. The level or quality of service.
- 28 3. The efficiency, cost, and anticipated revenue.
- 29 4. The construction, operation, and management plan.
- 30 5. The financial ability to provide reliable service.

31

1 6. The impact on other transportation modes, including
2 the ability to interface with other transportation modes and
3 facilities.

4 (j) To enforce collection of rates, fees, tolls, and
5 charges and to establish and enforce fines and penalties for
6 violations of any rules.

7 (k) To advertise, market, and promote regional transit
8 services and facilities, freight mobility plans and projects,
9 and the general activities of the authority.

10 (l) To cooperate with other governmental entities and
11 to contract with other governmental agencies, including the
12 Federal Government, the department, counties, transit
13 authorities or agencies, municipalities, and expressway and
14 bridge authorities.

15 (m) To enter into joint development agreements,
16 partnerships, and other agreements with public and private
17 entities respecting ownership and revenue participation in
18 order to facilitate financing and constructing any project or
19 portions thereof.

20 (n) To accept grants and other funds from other
21 governmental sources and to accept private donations. However,
22 the authority shall not be directly eligible for
23 Transportation Regional Incentive Program funds allocated
24 pursuant to s. 339.2819, except through interlocal agreement
25 with an eligible recipient.

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

30 (p) To enter into and make lease-purchase agreements
31 with the department for terms not exceeding 40 years or until

1 any bonds secured by a pledge of rentals thereunder, and any
2 refundings thereof, are fully paid as to both principal and
3 interest, whichever is longer.

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

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

13 (6) The authority shall institute procedures to ensure
14 that jobs created as a result of state funding pursuant to
15 this section shall be subject to equal opportunity hiring
16 practices as provided for in s. 110.112.

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

21 (8) The authority does not have power at any time or
22 in any manner to pledge the credit or taxing power of the
23 state or any political subdivision or agency thereof, nor
24 shall any of the authority's obligations be deemed to be
25 obligations of the state or of any political subdivision or
26 agency thereof, nor shall the state or any political
27 subdivision or agency thereof, except the authority, be liable
28 for the payment of the principal of or interest on such
29 obligations.

30 343.94 Bond financing authority.--
31

1 (1) Pursuant to s. 11(f), Art. VII of the State
2 Constitution, the Legislature approves bond financing by the
3 Tampa Bay Regional Transportation Authority for construction
4 of or improvements to commuter rail systems, transit systems,
5 ferry systems, highways, bridges, toll collection facilities,
6 interchanges to the system, and any other transportation
7 facility appurtenant, necessary, or incidental to the system.
8 Subject to terms and conditions of applicable revenue bond
9 resolutions and covenants, such costs may be financed in whole
10 or in part by revenue bonds issued pursuant to paragraph
11 (2)(a) or paragraph (2)(b), whether currently issued or issued
12 in the future or by a combination of such bonds.

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

15 (b) Alternatively, the authority may issue its own
16 bonds pursuant to this part at such times and in such
17 principal amount as, in the opinion of the authority, is
18 necessary to provide sufficient moneys for achieving its
19 purposes; however, such bonds may not pledge the full faith
20 and credit of the state. Bonds issued by the authority
21 pursuant to this paragraph or paragraph (a), whether on
22 original issuance or on refunding, shall be authorized by
23 resolution of the members thereof, may be either term or
24 serial bonds, and shall bear such date or dates, mature at
25 such time or times, not exceeding 40 years after their
26 respective dates, bear interest at such rate or rates, be
27 payable semiannually, be in such denominations, be in such
28 form, either coupon or fully registered, carry such
29 registration, exchangeability, and interchangeability
30 privileges, be payable in such medium of payment and at such
31 place or places, be subject to such terms of redemption, and

1 be entitled to such priorities on the revenues, rates, fees,
2 rentals, or other charges or receipts of the authority,
3 including revenues from lease-purchase agreements, as such
4 resolution or any resolution subsequent thereto may provide.
5 The bonds shall be executed either by manual or facsimile
6 signature by such officers as the authority shall determine;
7 however, such bonds shall bear at least one signature that is
8 manually executed thereon, and the coupons attached to such
9 bonds shall bear the facsimile signature or signatures of such
10 officer or officers as shall be designated by the authority
11 and have the seal of the authority affixed, imprinted,
12 reproduced, or lithographed thereon, all as may be prescribed
13 in such resolution or resolutions.

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

31

1 (d) The authority may issue bonds pursuant to
2 paragraph (b) to refund any bonds previously issued regardless
3 of whether the bonds being refunded were issued by the
4 authority pursuant to this chapter or on behalf of the
5 authority pursuant to the State Bond Act.

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

9 (a) The pledging of all or any part of the revenues,
10 fares, rates, fees, rentals, or other charges or receipts of
11 the authority, derived by the authority.

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

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

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

22 (e) The setting aside of reserves or sinking funds or
23 repair and replacement funds and the regulation and
24 disposition thereof.

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

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

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

1 (4) The authority may employ fiscal agents as provided
2 by this part or the State Board of Administration may, upon
3 request of the authority, act as fiscal agent for the
4 authority in the issuance of any bonds that are issued
5 pursuant to this part, and the State Board of Administration
6 may, upon request of the authority, take over the management,
7 control, administration, custody, and payment of any or all
8 debt services or funds or assets now or hereafter available
9 for any bonds issued pursuant to this part. The authority may
10 enter into any deeds of trust, indentures, or other agreements
11 with its fiscal agent, or with any bank or trust company
12 within or without the state, as security for such bonds and
13 may, under such agreements, sign and pledge all or any of the
14 revenues, rates, fees, rentals, or other charges or receipts
15 of the authority. Such deed of trust, indenture, or other
16 agreement may contain such provisions as are customary in such
17 instruments or as the authority authorizes, including, but
18 without limitation, provisions as to:

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

24 (b) The application of funds and the safeguarding of
25 funds on hand or on deposit.

26 (c) The rights and remedies of the trustee and the
27 holders of the bonds.

28 (d) The terms and provisions of the bonds or the
29 resolutions authorizing the issuance of the bonds.

30 (5) Any of the bonds issued pursuant to this part are,
31 and are hereby declared to be, negotiable instruments and have

1 all the qualities and incidents of negotiable instruments
2 under the law merchant and the negotiable instruments law of
3 the state.

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

10 343.941 Bonds not debts or pledges of faith and credit
11 of state.--Revenue bonds issued under the provisions of this
12 part are not debts of the state or pledges of the faith and
13 credit of the state. Such bonds are payable exclusively from
14 revenues pledged for their payment. Each such bond shall
15 contain a statement on its face that the state is not
16 obligated to pay the same or the interest thereon, except from
17 the revenues pledged for its payment, and that the faith and
18 credit of the state is not pledged to the payment of the
19 principal or interest of such bond. The issuance of revenue
20 bonds under the provisions of this part does not directly,
21 indirectly, or contingently obligate the state to levy or to
22 pledge any form of taxation whatsoever, or to make any
23 appropriation for their payment. No state funds shall be used
24 to pay the principal or interest of any bonds issued to
25 finance or refinance any portion of the authority's
26 transportation projects, and each such bond shall contain a
27 statement on its face to this effect.

28 343.943 Covenant of the state.--The state does hereby
29 pledge to, and agrees with, any person, firm, or corporation
30 or federal or state agency subscribing to or acquiring the
31 bonds to be issued by the authority for the purposes of this

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

22 343.944 Remedies of the bondholders.--

23 (1) The rights and the remedies in this section
24 conferred upon or granted to the bondholders are in addition
25 to and not in limitation of any rights and remedies lawfully
26 granted to such bondholders by the resolution or resolutions
27 providing for the issuance of bonds or by a lease-purchase
28 agreement, deed of trust, indenture, or other agreement under
29 which the bonds may be issued or secured. If the authority
30 defaults in the payment of the principal of or interest on any
31 of the bonds issued pursuant to the provisions of this part

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

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

28 (a) By mandamus or other suit, action, or proceeding
29 at law or in equity, enforce all rights of the bondholders,
30 including the right to require the authority to fix,
31 establish, maintain, collect, and charge rates, fees, rentals,

1 and other charges adequate to carry out any agreement as to or
2 pledge of the revenues or receipts of the authority, to carry
3 out any other covenants and agreements with or for the benefit
4 of the bondholders, and to perform its and their duties under
5 this part.

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

16 (c) Bring suit upon the bonds.

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

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

23 (3) Any trustee, when appointed as aforesaid or acting
24 under a deed of trust, indenture, or other agreement, and
25 regardless of whether all bonds have been declared due and
26 payable, may appoint a receiver who may enter upon and take
27 possession of the system or the facilities or any part or
28 parts thereof, the rates, fees, rentals, or other revenues,
29 charges, or receipts from which are or may be applicable to
30 the payment of the bonds so in default, and, subject to and in
31 compliance with the provisions of any lease-purchase agreement

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

23 (4) This section or any other section of this part
24 does not authorize any receiver appointed pursuant hereto for
25 the purpose, subject to and in compliance with the provisions
26 of any lease-purchase agreement between the authority and the
27 department, of operating and maintaining the system or any
28 facilities or part or parts thereof to sell, assign, mortgage,
29 or otherwise dispose of any of the assets of whatever kind and
30 character belonging to the authority. It is the intention of
31 this part to limit the powers of such receiver, subject to and

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

15 343.945 Pledges enforceable by bondholders.--It is the
16 express intention of this part that any pledge to the
17 authority by the department of rates, fees, revenues, or other
18 funds as rentals, or any covenants or agreements relative
19 thereto, is enforceable in any court of competent jurisdiction
20 against the authority or directly against the department by
21 any holder of bonds issued by the authority.

22 343.946 Lease-purchase agreement.--

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

28 (2) Such lease-purchase agreement shall provide for
29 the leasing of the system by the authority, as lessor, to the
30 department, as lessee, shall prescribe the term of such lease
31 and the rentals to be paid thereunder, and shall provide that,

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

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

21 (4) The department as lessee under such lease-purchase
22 agreement may pay as rentals thereunder any rates, fees,
23 charges, funds, moneys, receipts, or income accruing to the
24 department from the operation of the system and may also pay
25 as rentals any appropriations received by the department
26 pursuant to any act of the Legislature heretofore or hereafter
27 enacted; however, nothing in this section or in such
28 lease-purchase agreement is intended to require, nor shall
29 this part or such lease-purchase agreement require, the making
30 or continuance of such appropriations, nor shall any holder of
31

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

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

10 343.947 Department may be appointed agent of authority
11 for construction.--The department may be appointed by the
12 authority as its agent for the purpose of constructing and
13 completing transportation projects, and improvements and
14 extensions thereto, in the authority's master plan. In such
15 event, the authority shall provide the department with
16 complete copies of all documents, agreements, resolutions,
17 contracts, and instruments relating thereto; shall request the
18 department to do such construction work, including the
19 planning, surveying, and actual construction of the
20 completion, extensions, and improvements to the system; and
21 shall transfer to the credit of an account of the department
22 in the treasury of the state the necessary funds therefor. The
23 department shall proceed with such construction and use the
24 funds for such purpose in the same manner that it is now
25 authorized to use the funds otherwise provided by law for its
26 use in construction of commuter rail systems, transit systems,
27 ferry systems, roads, bridges, and related transportation
28 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 may deem necessary for any
4 purpose 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
12 seven-county Tampa Bay region identified by the authority; or
13 for the purposes of screening, relocation, removal, or
14 disposal of junkyards and scrap metal processing facilities.
15 The authority may condemn any material and property necessary
16 for such purposes.

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

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

1 and remedial acts necessary for property acquired by the
2 authority.

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

17 343.962 Public-private partnerships.--

18 (1) The authority may receive or solicit proposals and
19 enter into agreements with private entities or consortia
20 thereof for the building, operation, ownership, or financing
21 of multimodal transportation systems, transit-oriented
22 development nodes, transit stations, or related facilities
23 within the jurisdiction of the authority. Before approval, the
24 authority must determine that a proposed project:

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

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

29 (c) Would have adequate safeguards to ensure that
30 additional costs or unreasonable service disruptions would not
31 be realized by the traveling public and citizens of the state

1 in the event of default or the cancellation of the agreement
2 by the authority.

3 (2) The authority shall ensure that all reasonable
4 costs to the state related to transportation facilities that
5 are not part of the State Highway System are borne by the
6 private entity or any partnership created to develop the
7 facilities. The authority shall also ensure that all
8 reasonable costs to the state and substantially affected local
9 governments and utilities related to the private
10 transportation facility are borne by the private entity for
11 transportation facilities that are owned by private entities.
12 For projects on the State Highway System or that provide
13 increased mobility on the State Highway System, the department
14 may use state resources to participate in funding and
15 financing the project as provided for under the department's
16 enabling legislation.

17 (3) The authority may request proposals for
18 public-private multimodal transportation projects or, if it
19 receives an unsolicited proposal, the authority must publish a
20 notice in the Florida Administrative Weekly and a newspaper of
21 general circulation in the county in which the proposed
22 project is located at least once a week for 2 weeks stating
23 that it has received the proposal and will accept, for 60 days
24 after the initial date of publication, other proposals for the
25 same project purpose. A copy of the notice must be mailed to
26 each local government in the affected areas. After the public
27 notification period has expired, the authority shall rank the
28 proposals in order of preference. In ranking the proposals,
29 the authority shall consider professional qualifications,
30 general business terms, innovative engineering or
31 cost-reduction terms, finance plans, and the need for state

1 funds to deliver the proposal. If the authority is not
2 satisfied with the results of the negotiations, it may, at its
3 sole discretion, terminate negotiations with the proposer. If
4 these negotiations are unsuccessful, the authority may go to
5 the second and lower-ranked firms, in order, using the same
6 procedure. If only one proposal is received, the authority may
7 negotiate in good faith and, if it is not satisfied with the
8 results, it may, at its sole discretion, terminate
9 negotiations with the proposer. Notwithstanding this
10 subsection, the authority may, at its discretion, reject all
11 proposals at any point in the process up to completion of a
12 contract with the proposer.

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

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

25 (6) The authority may exercise any of its powers,
26 including eminent domain, to facilitate the development and
27 construction of multimodal transportation projects pursuant to
28 this section. The authority may pay all or part of the cost of
29 operating and maintaining the facility or may provide services
30 to the private entity, for which services it shall receive
31 full or partial reimbursement.

1 (7) Except as provided in this section, this section
2 is not intended to amend existing law by granting additional
3 powers to or imposing further restrictions on the governmental
4 entities with regard to regulating and entering into
5 cooperative arrangements with the private sector for the
6 planning, construction, and operation of transportation
7 facilities.

8 (8) The authority may adopt rules pursuant to ss.
9 120.536(1) and 120.54 to implement this section and shall, by
10 rule, establish an application fee for the submission of
11 unsolicited proposals under this section. The fee must be
12 sufficient to pay the costs of evaluating the proposals.

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

1 343.973 Eligibility for investments and security.--Any
2 bonds or other obligations issued pursuant to this part shall
3 be and constitute legal investments for banks, savings banks,
4 trustees, executors, administrators, and all other fiduciaries
5 and for all state, municipal, and other public funds and shall
6 also be and constitute securities eligible for deposit as
7 security for all state, municipal, or other public funds,
8 notwithstanding the provisions of any other law to the
9 contrary.

10 343.975 Complete and additional statutory authority.--

11 (1) The powers conferred by this part are supplemental
12 to the existing powers of the board and the department. This
13 part does not repeal any of the provisions of any other law,
14 general, special, or local, but supplements such other laws in
15 the exercise of the powers provided in this part and provides
16 a complete method for the exercise of the powers granted in
17 this part. The projects planned and constructed by the Tampa
18 Bay Regional Transportation Authority shall comply with all
19 applicable federal, state, and local laws. The authority shall
20 coordinate project planning, development, and implementation
21 with the applicable adopted comprehensive plans of local
22 governments within whose jurisdictions the projects or
23 improvements will be located, in order to define and resolve
24 potential inconsistencies between plans. The extension and
25 improvement of the system, and the issuance of bonds hereunder
26 to finance all or part of the cost thereof, may be
27 accomplished upon compliance with the provisions of this part
28 without regard to or necessity for compliance with the
29 provisions, limitations, or restrictions contained in any
30 other general, special, or local law, including, but not
31 limited to, s. 215.821. An approval of any bonds issued under

1 this part by the qualified electors or qualified electors who
2 are freeholders in the state or in any other political
3 subdivision of the state is not required for the issuance of
4 such bonds pursuant to this part.

5 (2) This part does not repeal, rescind, or modify any
6 other law relating to the State Board of Administration, the
7 Department of Transportation, the Tampa-Hillsborough County
8 Expressway Authority, or the Division of Bond Finance within
9 the State Board of Administration; however, this part
10 supersedes such other laws as are inconsistent with its
11 provisions, including, but not limited to, s. 215.821.

12 (3) This part does not preclude the department from
13 acquiring, holding, constructing, improving, maintaining,
14 operating, or owning tolled or nontolled facilities funded and
15 constructed from nonauthority sources that are part of the
16 State Highway System within the geographical boundaries of the
17 Tampa Bay Regional Transportation Authority.

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

19
20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 CS for SB 506

23 Amends a provision in s. 393.92(7), F.S., to clarify that the
24 Authority may not delegate its duties under the Administrative
25 Procedure Act.
26
27
28
29
30
31