

By Senator King

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1 A bill to be entitled
2 An act relating to the Jacksonville Transportation
3 Authority; amending s. 349.02, F.S.; revising definitions;
4 defining the term "transportation facilities"; amending s.
5 349.03, F.S.; specifying that the authority is an agency
6 of the state and not a unit of any other political
7 subdivision; revising a requirement for membership on the
8 governing body of the authority to provide that an
9 appointed member must be a resident and elector of Duval
10 County; amending s. 349.04, F.S.; revising scope of the
11 authority to include certain services throughout Duval
12 County; revising authority, powers, rights, and
13 responsibilities of the authority to provide for planning,
14 coordinating, developing, financing, refinancing,
15 constructing, owning, leasing, purchasing, operating,
16 maintaining, relocating, equipping, repairing, and
17 managing described transportation projects intended to
18 address needs or concerns in the Jacksonville, Duval
19 County, metropolitan area; revising bonding provisions;
20 providing for the authority to fix, alter, charge,
21 establish, and collect rates, fees, rentals, and other
22 charges for any transportation facilities of the
23 authority; authorizing purchases under government
24 contract; revising eminent domain provisions to include
25 specified procedural powers; authorizing use of local
26 option taxes or county gasoline tax funds to secure the
27 payment of bonds; authorizing the authority to establish
28 and fund reserve accounts, adopt an annual budget, use
29 purchasing schedules and master purchasing contracts,

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30 retain legal counsel and other consultants, construct and
31 own and maintain transportation facilities outside the
32 jurisdictional boundaries of Duval County, form public
33 benefit corporations, require bid bonds and protest bonds,
34 prequalify bidders or proposers, suspend or debar
35 consultants and contractors, and create and operate an
36 employees' benefit fund; providing for the authority to
37 expand its service area and enter into a partnership with
38 a contiguous county; providing that the powers and
39 obligations of the authority shall not be subject to
40 supervision, approval, or consent of any municipality or
41 county except as agreed upon in an interlocal agreement;
42 providing for certain contractual obligations and recovery
43 of damages; providing for relocation of utility facilities
44 interfering with transportation projects; authorizing the
45 authority to enter lands, waters, and premises of another
46 in the performance of its duties; amending s. 349.041,
47 F.S.; revising provisions for funds appropriated by the
48 City of Jacksonville to the authority; repealing s.
49 349.042, F.S., relating to the Jacksonville area planning
50 board review of construction and operation of the
51 expressway and transit functions of the authority;
52 creating s. 349.043, F.S.; requiring a public hearing
53 prior to designation or relocation of transportation
54 facilities or substantive changes thereto; providing
55 procedures; requiring compliance with federal requirements
56 related to new or altered transportation facilities or
57 services; amending s. 349.05, F.S.; authorizing bonds to
58 be issued on behalf of the authority; revising provisions

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59 | for issuance and sale of bonds; authorizing certain
60 | refunding bonds; revising provisions for resolutions
61 | authorizing bonds; revising provisions for fiscal agents;
62 | providing that bonds are not obligations of the state;
63 | repealing s. 349.06, F.S., relating to remedies of the
64 | bondholders; creating s. 349.061, F.S.; providing approval
65 | for bond financing by the authority; amending s. 349.07,
66 | F.S.; revising provisions authorizing the Department of
67 | Transportation to expend certain funds and use its
68 | resources for certain items related to the Jacksonville
69 | Expressway System; amending s. 349.10, F.S.; revising
70 | provisions for the authority to acquire lands and rights
71 | therein; limiting liability of the authority with respect
72 | to certain contamination of lands acquired; authorizing
73 | the authority and the Department of Environmental
74 | Protection to enter into agreements for the performance
75 | and funding of investigative and remedial acts; amending
76 | s. 349.12, F.S.; revising covenant of the state related to
77 | bonds of the authority; amending s. 349.13, F.S.;
78 | specifying conditions under which property leased by the
79 | authority is exempt from ad valorem taxes; amending s.
80 | 349.15, F.S.; revising provisions for enforcement of
81 | rights by bondholders; amending s. 349.17, F.S.; revising
82 | provisions for application of and exemption from other
83 | laws relating to issuance of bonds; amending s. 349.21,
84 | F.S.; revising provisions for use of charter county
85 | transit system surtax funds; creating s. 349.22, F.S.;
86 | providing conditions for the authority to receive or
87 | solicit proposals and enter into agreements with private

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88 entities for the building, operation, ownership, or
89 financing of highways, bridges, multimodal transportation
90 systems, transit-oriented development nodes, transit
91 stations, or related transportation facilities; requiring
92 certain costs to be paid by the private entity;
93 authorizing the department to use state funds for projects
94 on or that increase mobility on the State Highway System;
95 requiring notice of proposals and providing procedures;
96 providing for agreements to authorize the public-private
97 entity to impose tolls; requiring public-private
98 transportation facilities to comply with laws,
99 comprehensive plans, and the authority's rules, policies,
100 procedures, standards, and conditions; authorizing the
101 authority to exercise its powers to facilitate public-
102 private projects; providing for application; providing an
103 effective date.

104
105 Be It Enacted by the Legislature of the State of Florida:

106
107 Section 1. Section 349.02, Florida Statutes, is amended to
108 read:

109 349.02 Definitions.--

110 (1) Except in those instances where the context clearly
111 indicates otherwise, whenever used or referred to in this
112 chapter, the following terms ~~whenever used or referred to in this~~
113 ~~law~~ shall have the following meanings, ~~except in those instances~~
114 ~~where the context clearly indicates otherwise:~~

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115 (a) ~~(1)~~ ~~The term "Authority" means shall mean~~ the body
116 politic and corporate, an agency of the state created by this
117 chapter.

118 (b) ~~(2)~~ ~~The term "Members" means shall mean~~ the governing
119 body of the authority, and the term "member" means shall mean one
120 of the individuals constituting such governing body.

121 (c) ~~(3)~~ ~~The term "Bonds" means and includes shall mean and~~
122 ~~include~~ the notes, bonds, refunding bonds, or other evidences of
123 indebtedness or obligations, in either temporary or definitive
124 form, that ~~which~~ the authority is authorized to issue pursuant to
125 this chapter.

126 (d) ~~(4)~~ ~~The term "Lease-purchase agreement" means shall mean~~
127 the lease-purchase agreements that ~~which~~ the authority is
128 authorized pursuant to this chapter to enter into with the
129 department ~~of Transportation~~.

130 (e) ~~(5)~~ ~~The term "Department" means shall mean~~ the
131 Department of Transportation existing under chapters 334-339.

132 (f) ~~(6)~~ ~~The terms "Florida State Improvement Commission" or~~
133 ~~"commission" means shall mean~~ the state agency created,
134 organized, and existing under and by virtue of the provisions of
135 former chapter 420, or the successor thereto, chapter 29788, Acts
136 of 1955, now chapter 288.

137 (g) ~~(7)~~ ~~The term "County" means shall mean~~ the County of
138 Duval.

139 (h) ~~(8)~~ ~~The term "City" means shall mean~~ the City of
140 Jacksonville.

141 (i) ~~(9)~~ ~~The term "State Board of Administration" means shall~~
142 ~~mean~~ the body corporate existing under the provisions of s. 9,
143 Art. XII of the State Constitution, or any successor thereto.

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144 (j)(10) ~~The term~~ "Agency of the state" means and includes
145 ~~shall mean and include~~ the state and any department of the state,
146 or any corporation, agency, or instrumentality heretofore or
147 hereafter created, designated, or established by ~~the~~ state.

148 (k)(11) ~~The term~~ "Federal agency" means and includes ~~shall~~
149 ~~mean and include~~ the United States, the President of the United
150 States, and any department of the United States, or any
151 corporation, agency, or instrumentality heretofore or hereafter
152 created, designated, or established by ~~the~~ United States.

153 (l)(12) ~~The term~~ "Duval County gasoline tax funds" means
154 ~~shall mean~~ all the 80-percent surplus gasoline tax funds accruing
155 in each year to the Department of Transportation for use in Duval
156 County under the provisions of s. 9, Art. XII of the State
157 Constitution, after deduction only of any amounts of said
158 gasoline tax funds heretofore pledged by the department or the
159 county for outstanding obligations.

160 (m) "Transportation facilities" means and includes all
161 mobile and fixed assets (real or personal property or rights
162 therein) used in the transportation of persons or property by any
163 means of conveyance whatsoever, and all appurtenances thereto,
164 such as, but not limited to, highways; limited or controlled
165 access lanes and facilities; docks, vessels, vehicles, fixed
166 guideway facilities, and any means of conveyance of persons or
167 property of all types; park-and-ride facilities; transit-related
168 improvements adjacent to transit facilities or stations; bus,
169 train, vessel, or other vehicle storage, cleaning, fueling,
170 control, and maintenance facilities; and administrative and other
171 office space for the exercise by the authority of the powers and
172 obligations herein granted.

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173 ~~(2)~~~~(13)~~ Words importing singular number shall include the
174 plural number in each case and vice versa, and words importing
175 persons shall include firms and corporations.

176 Section 2. Subsections (1) and (2) of section 349.03,
177 Florida Statutes, are amended to read:

178 349.03 Jacksonville Transportation Authority.--

179 (1) There is hereby created and established a body politic
180 and corporate and an agency of the state to be known as the
181 Jacksonville Expressway Authority, redesignated as the
182 Jacksonville Transportation Authority, and hereinafter referred
183 to as the "authority." Notwithstanding any other general or
184 special law, the authority created under this section is an
185 agency of the state and not a component unit of any other
186 political subdivision.

187 (2) The governing body of the authority shall consist of
188 seven members. Three members shall be appointed by the Governor
189 and confirmed by the Senate. Three members shall be appointed by
190 the mayor of the City of Jacksonville subject to confirmation by
191 the council of the City of Jacksonville. The seventh member shall
192 be the district secretary of the Department of Transportation
193 serving in the district that contains the City of Jacksonville.
194 Except for the seventh member, members shall be residents and
195 qualified electors of Duval County ~~the City of Jacksonville~~.

196 Section 3. Section 349.04, Florida Statutes, is amended to
197 read:

198 349.04 Purposes and powers.--

199 (1) (a) The authority created and established by the
200 provisions of this chapter is hereby granted and shall have the
201 right to acquire, hold, construct, improve, maintain, operate,

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202 own, and lease in the capacity of lessor the Jacksonville
203 Expressway System (hereinafter referred to as "system"),
204 heretofore partially constructed or acquired by the Florida State
205 Improvement Commission in the Jacksonville, Duval County,
206 metropolitan area, as more specifically described in the
207 proceedings of the commission which authorized the issuance of
208 \$28 million in bonds of the commission for such purpose, and as
209 hereafter completed or improved or extended as authorized by this
210 chapter, and all appurtenant facilities, including all
211 approaches, streets, roads, bicycle paths, bridges, and avenues
212 of access for the Jacksonville Expressway System, and to
213 construct or acquire extensions, additions, and improvements to
214 the system and to complete the construction and acquisition of
215 the system.

216 (b) The authority may, in addition, acquire, hold,
217 construct, improve, operate, maintain, and lease in the capacity
218 of lessor a mass transit system employing motor cars or buses;
219 street railway systems beneath the surface, on the surface, or
220 above the surface; or any other means determined useful to the
221 rapid transfer of large numbers of people among the locations of
222 residence, commerce, industry, and education in Duval County ~~the~~
223 ~~City of Jacksonville~~.

224 (c) The authority may further plan, coordinate, and
225 recommend to appropriate officers and agencies of federal, state,
226 and local governments methods and facilities for the parking of
227 vehicles, the movement of pedestrians, and vehicular traffic
228 (including bicycles), public and private, in Duval County ~~the~~
229 ~~City of Jacksonville~~, to accomplish a coordinated transportation
230 system for the greater Jacksonville area. The authority may

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231 | construct and operate passenger terminals for the parking of
232 | automobiles and movement by public conveyance of persons and
233 | construct and operate all other facilities necessary to a
234 | complete and coordinated transportation system in the
235 | Jacksonville area.

236 | (d) It is the express intention of this chapter that the
237 | authority, in completing the construction of the Jacksonville
238 | Expressway System, is not limited to the description thereof
239 | contained in the proceedings of the commission which authorized
240 | the issuance of \$28 million in bonds to finance part of the cost
241 | thereof, but it is authorized to finance and construct any
242 | additional extensions, additions, or improvements to the system,
243 | or appurtenant facilities, including all necessary approaches,
244 | roads, bicycle ways, bridges, and avenues of access, with such
245 | changes, modifications, or revisions of the project as are deemed
246 | desirable and proper. It is the intent of this chapter, and to
247 | effect its purposes the Legislature determines, that bonds issued
248 | under this chapter be deemed to be state capital improvement
249 | bonds to finance or refinance the cost of state capital projects
250 | pursuant to s. 11(d), Art. VII of the State Constitution.
251 | However, the provisions of s. 316.091(2), relating to bicycles,
252 | do not apply to this system.

253 | (e) In addition to the other powers set forth in this
254 | chapter, the authority has the right to plan, develop, finance,
255 | construct, own, lease, purchase, operate, maintain, relocate,
256 | equip, repair, and manage those public transportation projects,
257 | such as express bus services; bus rapid transit services; light
258 | rail, commuter rail, heavy rail, or other transit services; ferry
259 | services; transit stations; park-and-ride lots; transit-oriented

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260 development nodes; or feeder roads, reliever roads, connector
261 roads, bypasses, or appurtenant facilities, that are intended to
262 address critical transportation needs or concerns in the
263 Jacksonville, Duval County, metropolitan area. These projects may
264 also include all necessary approaches, roads, bridges, and
265 avenues of access that are desirable and proper with the
266 concurrence of the department, as applicable, if the project is
267 to be part of the State Highway System.

268 (f)~~(e)~~ The authority, in addition to the other powers and
269 duties provided, shall have the power and responsibility to
270 formulate and implement a plan for a mass transit system which
271 will serve Duval County and the consolidated City of
272 Jacksonville.

273 (2) The authority is hereby granted, and shall have and may
274 exercise all powers necessary, appurtenant, convenient, or
275 incidental to the carrying out of the aforesaid purposes,
276 including, but without being limited to, the right and power:

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

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

280 (c) To acquire, purchase, construct, hold, lease as lessee
281 or lessor, and use any franchise or any property, real, personal,
282 or mixed, tangible or intangible, or any interest therein,
283 necessary or desirable for carrying out the purposes of the
284 authority and to sell, lease as lessor, transfer, and dispose of
285 any property or interest therein at any time acquired by it,
286 including, without limitation, land, buildings, and other
287 facilities located within or comprising transit-oriented
288 developments which enhance the use or utility of transportation

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289 facilities owned or constructed by the authority and
290 administrative and other buildings for the use of the authority
291 in carrying out its powers and obligations granted in this
292 chapter.

293 (d) To enter into and make leases for terms not exceeding
294 40 years, as either lessee or lessor, in order to carry out the
295 right to lease as set forth in this chapter.

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

301 (f) To fix, alter, charge, establish, and collect rates,
302 fees, rentals, and other charges for the services and facilities
303 of the Jacksonville Expressway System and any other
304 transportation facilities of the authority, which rates, fees,
305 rentals, and other charges shall always be sufficient to comply
306 with any covenants made with the holders of any bonds issued
307 pursuant to this chapter; this right and power may be assigned or
308 delegated by the authority to the department.

309 (g)1. To borrow money and make and issue negotiable notes,
310 bonds, refunding bonds, and other evidences of indebtedness or
311 obligations, either in temporary or definitive form, (hereinafter
312 in this chapter sometimes called "bonds"), of the authority, for
313 the purpose of funding or refunding, at or prior to maturity, any
314 bonds theretofore issued by the authority, or by the Florida
315 State Improvement Commission to finance part of the cost of the
316 Jacksonville Expressway System, and purposes related thereto, and
317 for the purpose of financing or refinancing all or part of the

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318 costs of completion, ~~or~~ improvement, or extension of the
319 Jacksonville Expressway System, and appurtenant facilities,
320 including all approaches, streets, roads, bridges, and avenues of
321 access for the Jacksonville Expressway System and for any other
322 purpose authorized by this chapter, such bonds to mature in not
323 exceeding 40 years from the date of the issuance thereof; and to
324 secure the payment of such bonds or any part thereof by a pledge
325 of any or all of its revenues, rates, fees, rentals, or other
326 charges, including all or any portion of the Duval County
327 gasoline tax funds received by the authority pursuant to the
328 terms of any lease-purchase agreement between the authority and
329 the department; and in general to provide for the security of
330 such bonds and the rights and remedies of the holders thereof.

331 2. In the event that the authority determines to fund or
332 refund any bonds theretofore issued by the authority, or by the
333 commission as aforesaid, prior to the maturity thereof, the
334 proceeds of such funding or refunding bonds shall, pending the
335 prior redemption of the bonds to be funded or refunded, be
336 invested in direct obligations of the United States; and it is
337 the express intention of this chapter that such outstanding bonds
338 may be funded or refunded by the issuance of bonds pursuant to
339 this chapter notwithstanding that part of such outstanding bonds
340 will not mature or become redeemable until 6 years after the date
341 of issuance of bonds pursuant to this chapter to fund or refund
342 such outstanding bonds.

343 (h) To make contracts of every name and nature and to
344 execute all instruments necessary or convenient for the carrying
345 on of its business.

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346 (i) Without limitation of the foregoing, to borrow money
347 and accept grants from, and to enter into contracts, leases, or
348 other transactions with, any federal agency, the state, any
349 agency of the state, the County of Duval, the City of
350 Jacksonville, or any other public body of the state and to make
351 purchases under government contracts, whether with a federal,
352 state, or local governmental entity.

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

355 (k) To pledge, hypothecate, or otherwise encumber all or
356 any part of the revenues, rates, fees, rentals, or other charges
357 or receipts of the authority, including all or any portion of the
358 Duval County gasoline tax funds received by the authority
359 pursuant to the terms of any lease-purchase agreement between the
360 authority and the department, as security for all or any of the
361 obligations of the authority.

362 (l) To do all acts and things necessary or convenient for
363 the conduct of its business and the general welfare of the
364 authority, in order to carry out the powers granted to it by this
365 chapter or any other law.

366 (m) To invest and to borrow money and make and issue
367 negotiable notes, bonds, refunding bonds, and other evidences of
368 indebtedness or obligations, either in temporary or definitive
369 form, of the authority for the purpose of financing or
370 refinancing all or a part of ~~funding or refunding~~ the cost of the
371 acquisition or improvement of transportation facilities ~~meter or~~
372 ~~street railway vehicles, passenger terminals, automobile parking~~
373 ~~facilities, or administrative offices~~ and for any other purposes
374 authorized by this chapter, such bonds to mature in not exceeding

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375 40 years from the date of the issuance thereof; to secure the
376 payment of such bonds or any part thereof by a pledge of any or
377 all of its revenues, rates, fees, rentals, or other charges,
378 including, without limitation, all or any portion of local option
379 taxes or county gasoline tax funds received by the authority; and
380 in general to provide for the security of such bonds and the
381 rights and remedies of the holders thereof.

382 (n) To adopt rules to carry out the powers and obligations
383 herein granted, which set forth a purpose, necessary definitions,
384 forms, general conditions and procedures, and fines and
385 penalties, including, without limitation, suspension or
386 debarment, and charges for nonperformance, with respect to any
387 aspect of the work or function of the authority for the
388 permitting, planning, funding, design, acquisition, construction,
389 equipping, operation, and maintenance of transportation
390 facilities, transit and highway, within the state, provided or
391 operated by the authority or others in cooperation with or at the
392 direction of the authority, and for carrying out all other
393 purposes of the authority set forth or authorized in this
394 chapter.

395 (o) To establish and fund reserve accounts with respect to
396 its operations and functions, make withdrawals therefrom, and
397 replenish such accounts, as the governing body may reasonably
398 determine.

399 (p) To adopt and approve an annual budget, and to utilize
400 purchasing schedules and master purchasing contracts of the state
401 or any federal agency, to the extent permitted by law.

402 (q) To retain legal counsel and financial, engineering,
403 real estate, accounting, design, planning, and other consultants

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404 from time to time as the authority may determine to assist in the
405 carrying out of the powers and obligations granted in this
406 chapter.

407 (r) With the consent of the county within whose
408 jurisdiction the following activities occur, to construct, own,
409 operate, and maintain transportation facilities outside the
410 jurisdictional boundaries of Duval County, with all necessary and
411 incidental powers to accomplish the foregoing.

412 (s) To form, alone or with one or more other agencies of
413 the state or local governments, public benefit corporations to
414 carry out the powers and obligations granted in this chapter or
415 the powers and obligations of such other agencies or local
416 governments.

417 (t) To require or elect not to require bid bonds and
418 protest bonds, to prequalify bidders or proposers in various
419 categories of work or services, and to suspend or debar
420 consultants and contractors in accordance with the rules of the
421 authority.

422 (u) To create and operate an employees' benefit fund for
423 employees of the authority or public benefit corporations
424 controlled by it. The proceeds of vending machines located on the
425 premises of the authority or such corporations shall be paid into
426 the fund and used for such benefits and purposes as the authority
427 may determine.

428 (3) The authority shall have no power at any time or in any
429 manner to pledge the credit or taxing power of the state or any
430 political subdivision or agency thereof; nor shall any of the
431 obligations of the authority be deemed to be obligations of the
432 state or of any political subdivision or agency thereof; nor

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433 shall the state or any political subdivision or agency thereof,
434 except the authority, be liable for the payment of the principal
435 of, or interest on, such obligations. However, this provision is
436 not applicable to the type or manner of financing authorized by
437 s. 9(c)(5), Art. XII of the State Constitution, as amended, and
438 laws enacted pursuant thereto.

439 (4) By a resolution of its governing body, the authority
440 may expand its service area and enter into a partnership with any
441 county that is contiguous to the then-current service area of the
442 authority. The governing body shall determine the conditions and
443 terms of the partnership, except as provided in this section.
444 However, the authority may not expand its service area without
445 the consent of the governing body representing the proposed
446 expansion area.

447 (5) Except as otherwise expressly provided in this chapter,
448 none of the powers and obligations herein granted to the
449 authority shall be subject to the supervision or require the
450 approval or consent of any municipality or county, except as may
451 be agreed upon by the authority in an interlocal agreement with a
452 municipality or county.

453 (6) No oral modification of a contract, whether for
454 construction of highway facilities or other transportation
455 facilities, shall be binding upon the authority or form the basis
456 for a claim against the authority. Only the chair of the
457 governing body or executive director of the authority, or the
458 designee of either, may bind the authority. In addition to any
459 provisions for liquidated damages for delay by contractors in
460 construction of transportation facilities for the authority, the
461 authority may also recover from the contractor amounts owing or

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462 paid by the authority for damages suffered by third parties as a
463 result of the contractor's failure to complete the project within
464 the time stipulated in the contract, as amended by the authority.
465 In all cases in which damages to the authority for delay are not
466 specified by contract as a liquidated amount, the measure of such
467 damages shall be based upon an analysis of the cost savings, in
468 travel time and travel costs, to the traveling public for
469 transportation facilities that are not revenue-producing.

470 (7) The authority shall be deemed to be an "authority" for
471 purposes of s. 337.403, shall have all of the powers granted to
472 authorities under s. 337.403, and shall have the powers granted
473 to the Department of Transportation under s. 337.274 with respect
474 to its powers and obligations granted in this chapter.

475 Section 4. Section 349.041, Florida Statutes, is amended to
476 read:

477 349.041 Provision of funds ~~and services~~ by city to
478 authority; ~~employment of legal counsel.~~--

479 ~~(1)~~ The authority shall prepare and submit annually its
480 requests for such funds as it may require from the city for the
481 ensuing year to the council of the city on or before June 1,
482 setting forth its estimated ~~gross~~ revenues and requirements with
483 respect to the activities or transportation facilities for which
484 funds of the city are sought ~~estimated requirements for~~
485 ~~operations, maintenance expenses, and debt service.~~ A copy of
486 such requests shall be furnished to the Department of
487 Transportation. The council and the mayor of the City of
488 Jacksonville may appropriate such funds as they deem appropriate
489 for the use of the authority.

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490 ~~(2) Except as the council may provide, and except as~~
491 ~~otherwise required by any trust indenture outstanding on~~
492 ~~September 1, 1971, the authority shall utilize, on a cost-~~
493 ~~accounted basis, the central services of the city, and shall pay~~
494 ~~therefor. The authority may, however, employ legal counsel it~~
495 ~~deems necessary, upon resolution of the authority.~~

496 Section 5. Section 349.042, Florida Statutes, is repealed.

497 Section 6. Section 349.043, Florida Statutes, is created to
498 read:

499 349.043 Public hearings for transportation
500 facilities.--Transportation facilities may not be designated or
501 relocated by the authority, nor may substantive changes be made
502 thereto, until after a public hearing is conducted by the
503 authority. Any interested party shall have the opportunity to be
504 heard either in person or by counsel and to introduce testimony
505 in such person's behalf at the hearing. Reasonable notice of each
506 such public hearing shall be published in a newspaper of general
507 circulation in each county directly affected by the proposed
508 transportation facility not less than 14 days prior to the
509 hearing. In addition, the authority shall comply with all
510 applicable federal requirements related to new or altered
511 transportation facilities or services.

512 Section 7. Section 349.05, Florida Statutes, is amended to
513 read:

514 349.05 Bonds of the authority; bonds not debt or pledges of
515 credit of state.--

516 (1) (a) Bonds may be issued on behalf of the authority
517 pursuant to the State Bond Act or, alternatively, the authority
518 may issue bonds pursuant to paragraph (b).

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519 (b)1. The bonds of the authority issued pursuant to the
520 provisions of this chapter, whether an original issuance or on
521 refunding, shall be authorized by resolution of the members
522 thereof and may be issued in one or more series, may be either
523 term or serial bonds, and shall bear such date or dates, be
524 payable on demand or mature at such time or times, not exceeding
525 40 years from their respective dates, bear interest, fixed or
526 variable, at such rate or rates, not exceeding the maximum lawful
527 interest rate ~~payable semiannually,~~ be in such denominations, be
528 in such form, either coupon or fully registered, carry such
529 registration, exchangeability, and interchangeability privileges,
530 be payable in such medium of payment and at such place or places,
531 be subject to such terms of redemption, with or without premium,
532 and other terms, have such rank, and be entitled to such remedies
533 and priorities on the revenues, rates, fees, rentals, or other
534 charges or receipts of the authority including all or any portion
535 of local option sales tax or the Duval county gasoline tax funds
536 received by the authority pursuant to the terms of any lease-
537 purchase agreement between the authority and the department, as
538 the authority may determine such resolution or any resolution
539 subsequent thereto may provide. The bonds shall be executed
540 either by manual or facsimile signature by such officers as the
541 authority shall determine, provided that such bonds shall bear at
542 least one signature that ~~which~~ is manually executed thereon, and
543 the coupons attached to such bonds shall bear the facsimile
544 signature or signatures of such officer or officers as shall be
545 designated by the authority and shall have the seal of the
546 authority affixed, imprinted, reproduced, or lithographed

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547 thereon, all as may be prescribed in such resolution or
548 resolutions.

549 2.~~(b)~~ Such bonds shall be sold at public or private sale at
550 such price or prices as the authority determines to be in its
551 best interest, except that the interest costs to the authority on
552 such bonds may not exceed the maximum lawful interest rate. The
553 authority shall provide a specific finding by resolution as to
554 the reason requiring any negotiated sale ~~must be sold at public~~
555 ~~sale in the manner provided by the State Bond Act. However, if~~
556 ~~the authority, by official action at a public meeting, determines~~
557 ~~that a negotiated sale of the bonds is in the best interest of~~
558 ~~the authority, the authority may negotiate for sale of the bonds~~
559 ~~with the underwriter or underwriters designated by the authority~~
560 ~~and the Division of Bond Finance of the State Board of~~
561 ~~Administration.~~ Pending the preparation of definitive bonds,
562 interim certificates may be issued to the purchaser or purchasers
563 of such bonds and may contain such terms and conditions as the
564 authority may determine.

565 3. The authority may issue bonds pursuant to this paragraph
566 to refund any bonds previously issued regardless of whether the
567 bonds being refunded were issued by the authority pursuant to
568 this chapter or on behalf of the authority pursuant to the State
569 Bond Act.

570 (2) Any such resolution or resolutions authorizing any
571 bonds hereunder may contain provisions, and valid and legally
572 binding covenants of the authority, which shall be part of the
573 contract with the holders of such bonds, as to:

574 (a) The pledging of all or any part of the revenues, rates,
575 fees, rentals, including the sales surtax adopted pursuant to s.

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576 212.055(1) (including all or any portion of the ~~Duval~~ county
577 gasoline tax funds received by the authority ~~pursuant to the~~
578 ~~terms of any lease-purchase agreement between the authority and~~
579 ~~the department, or any part thereof~~), or other charges or
580 receipts of any nature of the authority, whether or not derived
581 by the authority from the Jacksonville Expressway System or its
582 other transportation facilities;

583 (b) The completion, improvement, operation, extension,
584 maintenance, repair, lease, or lease-purchase agreement of said
585 system or transportation facilities, and the duties of the
586 authority and others, including the department, with reference
587 thereto;

588 (c) Limitations on the purposes to which the proceeds of
589 the bonds, then or thereafter to be issued, or of any loan or
590 grant, ~~by the United States or the state~~ may be applied;

591 (d) The fixing, charging, establishing, and collecting of
592 rates, fees, rentals, or other charges for use of the services
593 and facilities of the Jacksonville Expressway System or any part
594 thereof or its other transportation facilities;

595 (e) The setting aside of reserves or sinking funds or
596 repair and replacement funds and the regulation and disposition
597 thereof;

598 (f) Limitations on the issuance of additional bonds;

599 (g) The terms and provisions of any lease-purchase
600 agreement, deed of trust, or indenture securing the bonds, ~~or~~
601 under which the same may be issued; and

602 (h) Any other or additional provisions, covenants, and
603 agreements with the holders of the bonds which the authority may
604 deem desirable and proper.

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605 (3) The ~~authority may employ fiscal agents as provided by~~
606 ~~this chapter or the~~ State Board of Administration may, upon
607 request by the authority, act as fiscal agent for the authority
608 in the issuance of any bonds that may be issued pursuant to this
609 chapter, and the State Board of Administration may, upon request
610 by the authority, take over the management, control,
611 administration, custody, and payment of any or all debt services
612 or funds or assets now or hereafter available for any bonds
613 issued pursuant to this chapter. The authority may enter into
614 deeds of trust, indentures, or other agreements with a corporate
615 trustee or trustees, which shall act as its fiscal agent for the
616 authority and may be, ~~or with~~ any bank or trust company within or
617 without the state, as security for such bonds, and may, under
618 such agreements, assign and pledge all or any of the revenues,
619 rates, fees, rentals, or other charges or receipts of the
620 authority, including all or any portion of local option taxes or
621 ~~the Duval~~ county gasoline tax funds received by the authority
622 ~~pursuant to the terms of any lease purchase agreement between the~~
623 ~~authority and the department,~~ thereunder. Such deed of trust,
624 indenture, or other agreement, may contain such provisions as are
625 ~~is~~ customary in such instruments or, as the authority may
626 authorize, including, ~~but~~ without limitation, provisions as to:
627 (a) The completion, improvement, operation, extension,
628 maintenance, repair, and lease of, or lease-purchase agreement
629 relating to, all or any part of transportation facilities
630 authorized in this chapter to be constructed, acquired,
631 developed, or operated by the authority ~~the Jacksonville~~
632 ~~Expressway System,~~ and the duties of the authority and others,
633 including the department, with reference thereto;

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634 (b) The application of funds and the safeguarding of funds
635 on hand or on deposit;

636 (c) The rights and remedies of the trustee and the holders
637 of the bonds; and

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

640 (4) Any of the bonds issued pursuant to this chapter are,
641 and are hereby declared to be, negotiable instruments, and shall
642 have all the qualities and incidents of negotiable instruments
643 under the law merchant and the negotiable instruments law of the
644 state.

645 (5) Notwithstanding any of the provisions of this chapter,
646 each project, building, or facility that ~~which~~ has been financed
647 by the issuance of bonds or other evidences of indebtedness under
648 this chapter and any refinancing thereof is hereby approved as
649 provided for in s. 11(f), Art. VII of the State Constitution.

650 (6) Revenue bonds issued under the provisions of this
651 chapter are not debts of the state or pledges of the faith and
652 credit of the state. Such bonds are payable exclusively from
653 revenues pledged for their payment. Each such bond shall contain
654 a statement on its face that the state is not obligated to pay
655 the same or the interest thereon, except from the revenues
656 pledged for their payment, and that the faith and credit of the
657 state is not pledged to the payment of the principle or interest
658 of such bond. The issuance of revenue bonds under the provisions
659 of this chapter does not directly, indirectly, or contingently
660 obligate the state to levy or to pledge any form of taxation
661 whatsoever or to make any appropriation for their payment.

662 Section 8. Section 349.06, Florida Statutes, is repealed.

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663 Section 9. Section 349.061, Florida Statutes, is created to
664 read:

665 349.061 Bond financing authority.--Pursuant to s. 11(f),
666 Art. VII of the State Constitution, the Legislature hereby
667 approves for bond financing by the authority any extensions,
668 additions, and improvements to the Jacksonville Expressway System
669 and any other facilities appurtenant, necessary, or incidental to
670 the system or any transportation facilities herein authorized to
671 be constructed, acquired, or operated by the authority. Subject
672 to terms and conditions of applicable revenue bond resolutions
673 and covenants, such costs may be financed in whole or in part by
674 revenue bonds issued pursuant to s. 349.05(1)(a) or (b), whether
675 currently issued or issued in the future, or by a combination of
676 such bonds.

677 Section 10. Subsection (7) of section 349.07, Florida
678 Statutes, is amended to read:

679 349.07 Lease-purchase agreement.--

680 (7) Regardless of whether the authority enters into a
681 lease-purchase agreement with the department relating to the
682 system or any part thereof, the ~~said~~ system shall be a part of
683 the State Highway ~~road~~ System and the ~~said~~ department is hereby
684 authorized, upon the request of the authority, to expend out of
685 any funds available for the purpose such moneys, and to use such
686 of its engineering and other forces, as may be necessary and
687 desirable in the judgment of the ~~said~~ department, for the
688 operation of the ~~said~~ authority and for traffic surveys, borings,
689 surveys, preparation of plans and specifications, estimates of
690 cost, and other preliminary engineering and other studies;
691 ~~provided, however, that the aggregate amount of moneys expended~~

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692 ~~for said purposes by said department shall not exceed the sum of~~
693 ~~\$375,000.~~

694 Section 11. Section 349.10, Florida Statutes, is amended to
695 read:

696 349.10 Acquisition of lands and property.--

697 (1) For the purposes of this chapter, ~~law~~ the Jacksonville
698 Transportation Authority may acquire private or public property
699 and property rights, including rights of access, air, view, and
700 light, by gift, devise, purchase, or condemnation by eminent
701 domain proceedings, as the authority may deem necessary,
702 including, but not limited to, any lands reasonably necessary for
703 securing applicable permits, areas necessary for management of
704 access, borrow pits, drainage ditches, water retention areas,
705 rest areas, replacement access for landowners whose access is
706 impaired due to the construction of transportation facilities,
707 and replacement rights-of-way for relocated rail and utility
708 facilities, and areas necessary for existing, proposed, or
709 anticipated transportation facilities or in a transportation
710 corridor designated by the authority. The authority shall also
711 have the power to condemn any material and property necessary for
712 such ~~for any of the purposes of this chapter.~~ The right of
713 eminent domain herein conferred shall be exercised by the
714 authority in the manner provided by law.

715 (2) The authority may acquire such rights, title, interest,
716 or easements in such lands as it may deem necessary for any of
717 the purposes of this chapter.

718 (3) In connection with the acquisition of property or
719 property rights as herein provided, the authority may in its
720 discretion acquire an entire lot, block, or tract of land, if by

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721 | so doing the interests of the public will be best served, even
722 | though said entire lot, block, or tract is not immediately needed
723 | for the right-of-way proper.

724 | (4) When the authority acquires property for a
725 | transportation facility or in a transportation corridor, it is
726 | not subject to any liability imposed by chapter 376 or chapter
727 | 403 for preexisting soil or groundwater contamination due solely
728 | to its ownership. This section does not affect the rights or
729 | liabilities of any past or future owners of the acquired property
730 | nor does it affect the liability of any governmental entity for
731 | the results of its actions that create or exacerbate a pollution
732 | source. The authority and the Department of Environmental
733 | Protection may enter into interagency agreements for the
734 | performance, funding, and reimbursement for the costs of the
735 | investigative and remedial acts necessary for property acquired
736 | by the authority.

737 | Section 12. Section 349.12, Florida Statutes, is amended to
738 | read:

739 | 349.12 Covenant of the state.--The state does hereby pledge
740 | to~~7~~ and agree ~~agrees~~, with any person, firm or corporation, or
741 | federal or state agency subscribing to~~7~~ or acquiring the bonds to
742 | be issued by the authority for the purposes of this chapter that
743 | the state will not limit or alter the rights hereby vested in the
744 | authority and the department until all bonds at any time issued,
745 | together with the interest thereon, are fully paid and discharged
746 | insofar as the same affects the rights of the holders of bonds
747 | issued hereunder. The state does further pledge to~~7~~ and agree~~7~~
748 | with the United States and any federal agency that, in the event
749 | that any federal agency shall construct or contribute any funds

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750 for the completion, extension, or improvement of the Jacksonville
751 Expressway System or other transportation facilities of the
752 authority, or any part or portion thereof, the state will not
753 alter or limit the rights and powers of the authority and the
754 department in any manner that ~~which~~ would be inconsistent with
755 the continued maintenance and operation of the Jacksonville
756 Expressway System or other transportation facilities of the
757 authority or the completion, extension, or improvement thereof,
758 or that ~~which~~ would be inconsistent with the due performance of
759 any agreements between the authority and any such federal agency,
760 and the authority and the department shall continue to have and
761 may exercise all powers herein granted, so long as the same shall
762 be necessary or desirable for the carrying out of the purposes of
763 this chapter and the purposes of the United States in the
764 completion, extension, or improvement of the Jacksonville
765 Expressway System or other transportation facilities of the
766 authority, or any part or portion thereof.

767 Section 13. Section 349.13, Florida Statutes, is amended to
768 read:

769 349.13 Exemption from taxation.--The effectuation of the
770 authorized purposes of the authority created under this chapter
771 is, shall and will be, in all respects for the benefit of the
772 people of the state, for the increase of their commerce and
773 prosperity, and for the improvement of their health and living
774 conditions, and since such authority will be performing essential
775 governmental functions in effectuating such purposes, such
776 authority shall not be required to pay any taxes or assessments
777 of any kind or nature whatsoever upon any property acquired or
778 used by it for such purposes, ~~r~~ or upon any rates, fees, rentals,

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779 receipts, income, or charges at any time received by it, and the
780 bonds and other obligations issued under this chapter ~~by the~~
781 ~~authority~~, their transfer and the income therefrom, (including
782 any profits made on the sale thereof), shall at all times be free
783 from taxation of any kind by the state, or by any political
784 subdivision, or taxing agency or instrumentality thereof. The
785 exemption granted by this section shall not be applicable to any
786 tax imposed by chapter 220 on interest, income, or profits on
787 debt obligations owned by corporations. When property of the
788 authority is leased, it shall be exempt from ad valorem taxes
789 only if the use by the lessee qualifies the property for
790 exemption under s. 196.199.

791 Section 14. Section 349.15, Florida Statutes, is amended to
792 read:

793 349.15 Remedies; pledges enforceable by bondholders.--Any
794 holder of bonds issued under this chapter, except to the extent
795 such rights may be restricted by the resolution, deed of trust,
796 indenture, or other proceeding relating to the issuance of such
797 bonds, may by civil action, mandamus, or other appropriate
798 action, suit, or proceeding in law or in equity, in any court of
799 competent jurisdiction, protect and enforce any and all rights of
800 such bondholder granted under the proceedings authorizing the
801 issuance of such bonds and enforce any pledge made for payment of
802 the principal and interest on bonds, or any covenant or agreement
803 relative thereto, against the authority or directly against the
804 department, as may be appropriate. It is the express intention of
805 this chapter that any pledge by the department of rates, fees,
806 revenues, ~~Duval~~ county gasoline tax funds, or other funds, as
807 rentals, to the authority or any covenants or agreements relative

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808 thereto may be enforceable in any court of competent jurisdiction
809 against the authority or directly against the department by any
810 holder of bonds issued by the authority.

811 Section 15. Section 349.17, Florida Statutes, is amended to
812 read:

813 349.17 Chapter complete and additional authority.--

814 (1) The powers conferred by this chapter shall be in
815 addition and supplemental to the existing powers of said board
816 and the Department of Transportation, and this chapter shall not
817 be construed as repealing any of the provisions of any other law,
818 general, special, or local, but to supersede such other laws in
819 the exercise of the powers provided in this chapter, and to
820 provide a complete method for the exercise of the powers granted
821 in this chapter. The refunding of any of the bonds of Florida
822 State Improvement Commission heretofore issued to finance part of
823 the cost of said Jacksonville Expressway System, and the
824 completion, extension, and improvement of said system, and the
825 issuance of bonds hereunder to finance all or part of the cost
826 thereof, may be accomplished upon compliance with the provisions
827 of this chapter without regard to or necessity for compliance
828 with the provisions, limitations, or restrictions contained in
829 any other general, special, or local law, including, without
830 limitation, s. 215.821, and no approval of any bonds issued under
831 this chapter by the qualified electors or qualified electors who
832 are freeholders in the state or in said County of Duval, or in
833 said City of Jacksonville, or in any other political subdivision
834 of the state, shall be required for the issuance of such bonds
835 pursuant to this chapter.

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836 (2) This chapter shall not be deemed to repeal, rescind, or
837 modify any other law or laws relating to said State Board of
838 Administration, said Department of Transportation, or said
839 Florida State Improvement Commission, but shall be deemed to and
840 shall supersede such other law or laws in the exercise of the
841 powers provided in this chapter insofar as such other law or laws
842 are inconsistent with the provisions of this chapter, including,
843 without limitation, s. 215.821.

844 Section 16. Section 349.21, Florida Statutes, is amended to
845 read:

846 349.21 Powers conferred by s. 212.055(1).--Notwithstanding
847 any other provision of law, any transportation authority created
848 by this chapter shall have all the powers conferred by s.
849 212.055(1). The revenues provided by this section may ~~shall~~ be
850 used or pledged as set forth in s. 212.055(1), including to pay
851 principal and interest on bonds issued to refinance existing
852 bonds or new bonds issued for the construction of rapid transit
853 systems, bus systems, roads, or bridges, as provided in s.
854 212.055(1) for which tolls have been pledged. ~~The powers provided~~
855 ~~by this section shall expire when all such bonds in existence on~~
856 ~~the effective date of this act have been retired.~~

857 Section 17. Section 349.22, Florida Statutes, is created to
858 read:

859 349.22 Public-private transportation facilities.--

860 (1) The authority may receive or solicit proposals and
861 enter into agreements with private entities or consortia thereof
862 for the building, operation, ownership, or financing of highways,
863 bridges, multimodal transportation systems, transit-oriented
864 development nodes, transit stations, or related transportation

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865 facilities. Before approval, the authority must determine that a
866 proposed project:

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

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

871 (c) Would have adequate safeguards to ensure that
872 additional costs or unreasonable service disruptions would not be
873 realized by the traveling public and citizens of the state in the
874 event of default or cancellation of the agreement by the
875 authority.

876 (2) The authority shall ensure that all reasonable costs to
877 the state related to transportation facilities that are not part
878 of the State Highway System are borne by the private entity or
879 any partnership created to develop the facilities. The authority
880 shall also ensure that all reasonable costs to the state and
881 substantially affected local governments and utilities related to
882 the private transportation facility are borne by the private
883 entity for transportation facilities that are owned by private
884 entities. For projects on the State Highway System or that
885 provide increased mobility on the State Highway System, the
886 department may use state resources to participate in funding and
887 financing the project as provided for under the department's
888 enabling legislation.

889 (3) The authority may request proposals and receive
890 unsolicited proposals for public-private transportation projects
891 and, upon receipt of any unsolicited proposal or determination to
892 issue a request for proposals, the authority must publish a
893 notice in the Florida Administrative Weekly and a newspaper of

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894 general circulation in the county in which the proposed project
895 is located at least once a week for 2 weeks requesting proposals
896 or, if an unsolicited proposal was received, stating that it has
897 received the proposal and will accept, for 60 days after the
898 initial date of publication, other proposals for the same project
899 purpose. A copy of the notice must be mailed to each local
900 government in the affected areas. After the public notification
901 period has expired, the authority shall rank the proposals in
902 order of preference. In ranking the proposals, the authority
903 shall consider professional qualifications, general business
904 terms, innovative engineering or cost-reduction terms, finance
905 plans, and the need for state funds to deliver the proposal. If
906 the authority is not satisfied with the results of the
907 negotiations, it may, at its sole discretion, terminate
908 negotiations with the proposer. If these negotiations are
909 unsuccessful, the authority may go to the second and lower-ranked
910 firms, in order, using the same procedure. If only one proposal
911 is received, the authority may negotiate in good faith and, if it
912 is not satisfied with the results, it may, at its sole
913 discretion, terminate negotiations with the proposer.
914 Notwithstanding this subsection, the authority may, at its
915 discretion, reject all proposals at any point in the process up
916 to completion of a contract with the proposer.

917 (4) Agreements entered into pursuant to this section may
918 authorize the public-private entity to impose tolls or fares for
919 the use of the transportation facility. However, the amount and
920 use of toll or fare revenues shall be regulated by the authority
921 to avoid unreasonable costs to users of the facility.

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922 (5) Each public-private transportation facility constructed
923 pursuant to this section shall comply with all requirements of
924 federal, state, and local laws; state, regional, and local
925 comprehensive plans; the authority's rules, policies, procedures,
926 and standards for transportation facilities; and any other
927 conditions that the authority determines to be in the public's
928 best interest.

929 (6) The authority may exercise any of its powers, including
930 eminent domain, to facilitate the development and construction of
931 transportation projects pursuant to this section. The authority
932 may pay all or part of the cost of operating and maintaining the
933 facility or may provide services to the private entity, for which
934 services it shall receive full or partial reimbursement.

935 (7) Except as provided in this section, this section is not
936 intended to amend existing law by granting additional powers to
937 or imposing further restrictions on the governmental entities
938 with regard to regulating and entering into cooperative
939 arrangements with the private sector for the planning,
940 construction, and operation of transportation facilities.

941 Section 18. This act shall take effect July 1, 2008.