

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Kravitz offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 1916 and 1917, insert:

5 Section 41. Section 349.02, Florida Statutes, is amended
6 to read:

7 349.02 Definitions.--

8 (1) Except in those instances where the context clearly
9 indicates otherwise, whenever used or referred to in this
10 chapter, the following terms ~~whenever used or referred to in~~
11 this law shall have the following meanings, ~~except in those~~
12 instances where the context clearly indicates otherwise:

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

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

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

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

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

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

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

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

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

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

47 ~~(k) (11)~~ The term "Federal agency" means and includes ~~shall~~
48 ~~mean and include~~ the United States, the President of the United
49 States, and any department of the United States, or any
50 corporation, agency, or instrumentality heretofore or hereafter
51 created, designated, or established by, the United States.

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

59 (m) "Transportation facilities" means and includes all
60 mobile and fixed assets (real or personal property or rights
61 therein) used in the transportation of persons or property by
62 any means of conveyance whatsoever, and all appurtenances
63 thereto, such as, but not limited to, highways; limited or
64 controlled access lanes and facilities; docks, vessels,
65 vehicles, fixed guideway facilities, and any means of conveyance
66 of persons or property of all types; park-and-ride facilities;
67 transit-related improvements adjacent to transit facilities or
68 stations; bus, train, vessel, or other vehicle storage,
69 cleaning, fueling, control, and maintenance facilities; and

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70 administrative and other office space for the exercise by the
71 authority of the powers and obligations herein granted.

72 (2)-(13) Words importing singular number shall include the
73 plural number in each case and vice versa, and words importing
74 persons shall include firms and corporations.

75 Section 42. Subsections (1) and (2) of section 349.03,
76 Florida Statutes, are amended to read:

77 349.03 Jacksonville Transportation Authority.--

78 (1) There is hereby created and established a body politic
79 and corporate and an agency of the state to be known as the
80 Jacksonville Expressway Authority, redesignated as the
81 Jacksonville Transportation Authority, and hereinafter referred
82 to as the "authority."

83 (2) The governing body of the authority shall consist of
84 seven members. Three members shall be appointed by the Governor
85 and confirmed by the Senate. Three members shall be appointed by
86 the mayor of the City of Jacksonville subject to confirmation by
87 the council of the City of Jacksonville. The seventh member
88 shall be the district secretary of the Department of
89 Transportation serving in the district that contains the City of
90 Jacksonville. Except for the seventh member, members shall be
91 residents and qualified electors of Duval County ~~the City of~~
92 ~~Jacksonville~~.

93 Section 43. Section 349.04, Florida Statutes, is amended
94 to read:

95 349.04 Purposes and powers.--

96 (1) (a) The authority created and established by the
97 provisions of this chapter is hereby granted and shall have the
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98 right to acquire, hold, construct, improve, maintain, operate,
99 own, and lease in the capacity of lessor the Jacksonville
100 Expressway System (hereinafter referred to as "system"),
101 heretofore partially constructed or acquired by the Florida
102 State Improvement Commission in the Jacksonville, Duval County,
103 metropolitan area, as more specifically described in the
104 proceedings of the commission which authorized the issuance of
105 \$28 million in bonds of the commission for such purpose, and as
106 hereafter completed or improved or extended as authorized by
107 this chapter, and all appurtenant facilities, including all
108 approaches, streets, roads, bicycle paths, bridges, and avenues
109 of access for the Jacksonville Expressway System, and to
110 construct or acquire extensions, additions, and improvements to
111 the system and to complete the construction and acquisition of
112 the system.

113 (b) The authority may, in addition, acquire, hold,
114 construct, improve, operate, maintain, and lease in the capacity
115 of lessor a mass transit system employing motor cars or buses;
116 street railway systems beneath the surface, on the surface, or
117 above the surface; or any other means determined useful to the
118 rapid transfer of large numbers of people among the locations of
119 residence, commerce, industry, and education in Duval County ~~the~~
120 ~~City of Jacksonville~~.

121 (c) The authority may further plan, coordinate, and
122 recommend to appropriate officers and agencies of federal,
123 state, and local governments methods and facilities for the
124 parking of vehicles, the movement of pedestrians, and vehicular
125 traffic (including bicycles), public and private, in Duval

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126 ~~County the City of Jacksonville,~~ to accomplish a coordinated
127 transportation system for the greater Jacksonville area. The
128 authority may construct and operate passenger terminals for the
129 parking of automobiles and movement by public conveyance of
130 persons and construct and operate all other facilities necessary
131 to a complete and coordinated transportation system in the
132 Jacksonville area.

133 (d) It is the express intention of this chapter that the
134 authority, in completing the construction of the Jacksonville
135 Expressway System, is not limited to the description thereof
136 contained in the proceedings of the commission which authorized
137 the issuance of \$28 million in bonds to finance part of the cost
138 thereof, but it is authorized to finance and construct any
139 additional extensions, additions, or improvements to the system,
140 or appurtenant facilities, including all necessary approaches,
141 roads, bicycle ways, bridges, and avenues of access, with such
142 changes, modifications, or revisions of the project as are
143 deemed desirable and proper. It is the intent of this chapter,
144 and to effect its purposes the Legislature determines, that
145 bonds issued under this chapter be deemed to be state capital
146 improvement bonds to finance or refinance the cost of state
147 capital projects pursuant to s. 11(d), Art. VII of the State
148 Constitution. However, the provisions of s. 316.091(2), relating
149 to bicycles, do not apply to this system.

150 (e) In addition to the other powers set forth in this
151 chapter, the authority has the right to plan, develop, finance,
152 construct, own, lease, purchase, operate, maintain, relocate,
153 equip, repair, and manage those public transportation projects,

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154 such as express bus services; bus rapid transit services; light
155 rail, commuter rail, heavy rail, or other transit services;
156 ferry services; transit stations; park-and-ride lots; transit-
157 oriented development nodes; or feeder roads, reliever roads,
158 connector roads, bypasses, or appurtenant facilities, that are
159 intended to address critical transportation needs or concerns in
160 the Jacksonville, Duval County, metropolitan area. These
161 projects may also include all necessary approaches, roads,
162 bridges, and avenues of access that are desirable and proper
163 with the concurrence of the department, as applicable, if the
164 project is to be part of the State Highway System.

165 (f)~~(e)~~ The authority, in addition to the other powers and
166 duties provided, shall have the power and responsibility to
167 formulate and implement a plan for a mass transit system which
168 will serve Duval County and the consolidated City of
169 Jacksonville.

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

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

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

177 (c) To acquire, purchase, construct, hold, lease as lessee
178 or lessor, and use any franchise or any property, real,
179 personal, or mixed, tangible or intangible, or any interest
180 therein, necessary or desirable for carrying out the purposes of
181 the authority and to sell, lease as lessor, transfer, and

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182 dispose of any property or interest therein at any time acquired
183 by it, including, without limitation, land, buildings, and other
184 facilities located within or comprising transit-oriented
185 developments which enhance the use or utility of transportation
186 facilities owned or constructed by the authority and
187 administrative and other buildings for the use of the authority
188 in carrying out its powers and obligations granted in this
189 chapter.

190 (d) To enter into and make leases for terms not exceeding
191 40 years, as either lessee or lessor, in order to carry out the
192 right to lease as set forth in this chapter.

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

198 (f) To fix, alter, charge, establish, and collect rates,
199 fees, rentals, and other charges for the services and facilities
200 of the Jacksonville Expressway System and any other
201 transportation facilities of the authority, which rates, fees,
202 rentals, and other charges shall always be sufficient to comply
203 with any covenants made with the holders of any bonds issued
204 pursuant to this chapter; this right and power may be assigned
205 or delegated by the authority to the department.

206 (g)1. To borrow money and make and issue negotiable notes,
207 bonds, refunding bonds, and other evidences of indebtedness or
208 obligations, either in temporary or definitive form,
209 (hereinafter in this chapter sometimes called "bonds"), of the

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210 authority, for the purpose of funding or refunding, at or prior
211 to maturity, any bonds theretofore issued by the authority, or
212 by the Florida State Improvement Commission to finance part of
213 the cost of the Jacksonville Expressway System, and purposes
214 related thereto, and for the purpose of financing or refinancing
215 all or part of the costs of completion, ~~or~~ improvement, or
216 extension of the Jacksonville Expressway System, and appurtenant
217 facilities, including all approaches, streets, roads, bridges,
218 and avenues of access for the Jacksonville Expressway System and
219 for any other purpose authorized by this chapter, such bonds to
220 mature in not exceeding 40 years from the date of the issuance
221 thereof; and to secure the payment of such bonds or any part
222 thereof by a pledge of any or all of its revenues, rates, fees,
223 rentals, or other charges, including all or any portion of the
224 Duval County gasoline tax funds received by the authority
225 pursuant to the terms of any lease-purchase agreement between
226 the authority and the department; and in general to provide for
227 the security of such bonds and the rights and remedies of the
228 holders thereof.

229 2. In the event that the authority determines to fund or
230 refund any bonds theretofore issued by the authority, or by the
231 commission as aforesaid, prior to the maturity thereof, the
232 proceeds of such funding or refunding bonds shall, pending the
233 prior redemption of the bonds to be funded or refunded, be
234 invested in direct obligations of the United States; and it is
235 the express intention of this chapter that such outstanding
236 bonds may be funded or refunded by the issuance of bonds
237 pursuant to this chapter notwithstanding that part of such

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238 outstanding bonds will not mature or become redeemable until 6
239 years after the date of issuance of bonds pursuant to this
240 chapter to fund or refund such outstanding bonds.

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

244 (i) Without limitation of the foregoing, to borrow money
245 and accept grants from, and to enter into contracts, leases, or
246 other transactions with, any federal agency, the state, any
247 agency of the state, the County of Duval, the City of
248 Jacksonville, or any other public body of the state.

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

251 (k) To pledge, hypothecate, or otherwise encumber all or
252 any part of the revenues, rates, fees, rentals, or other charges
253 or receipts of the authority, including all or any portion of
254 the Duval County gasoline tax funds received by the authority
255 pursuant to the terms of any lease-purchase agreement between
256 the authority and the department, as security for all or any of
257 the obligations of the authority.

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

262 (m) To invest and to borrow money and make and issue
263 negotiable notes, bonds, refunding bonds, and other evidences of
264 indebtedness or obligations, either in temporary or definitive
265 form, of the authority for the purpose of financing or

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266 refinancing all or a part of ~~funding or refunding~~ the cost of
267 the acquisition or improvement of transportation facilities
268 ~~motor or street railway vehicles, passenger terminals,~~
269 ~~automobile parking facilities, or administrative offices~~ and for
270 any other purposes authorized by this chapter, such bonds to
271 mature in not exceeding 40 years from the date of the issuance
272 thereof; to secure the payment of such bonds or any part thereof
273 by a pledge of any or all of its revenues, rates, fees, rentals,
274 or other charges, including, without limitation, all or any
275 portion of local option taxes or county gasoline tax funds
276 received by the authority; and in general to provide for the
277 security of such bonds and the rights and remedies of the
278 holders thereof.

279 (n) To adopt rules to carry out the powers and obligations
280 herein granted, which set forth a purpose, necessary
281 definitions, forms, general conditions and procedures, and fines
282 and penalties, including, without limitation, suspension or
283 debarment, and charges for nonperformance, with respect to any
284 aspect of the work or function of the authority for the
285 permitting, planning, funding, design, acquisition,
286 construction, equipping, operation, and maintenance of
287 transportation facilities, transit and highway, within the
288 state, provided or operated by the authority or others in
289 cooperation with or at the direction of the authority, and for
290 carrying out all other purposes of the authority set forth or
291 authorized in this chapter.

292 (o) To establish and fund reserve accounts with respect to
293 its operations and functions, make withdrawals therefrom, and

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294 replenish such accounts, as the governing body may reasonably
295 determine.

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

299 (q) To retain legal counsel and financial, engineering,
300 real estate, accounting, design, planning, and other consultants
301 from time to time as the authority may determine to assist in
302 the carrying out of the powers and obligations granted in this
303 chapter.

304 (r) With the consent of the county within whose
305 jurisdiction the following activities occur, to construct, own,
306 operate, and maintain transportation facilities outside the
307 jurisdictional boundaries of Duval County, with all necessary
308 and incidental powers to accomplish the foregoing.

309 (s) To form, alone or with one or more other agencies of
310 the state or local governments, public benefit corporations to
311 carry out the powers and obligations granted in this chapter or
312 the powers and obligations of such other agencies or local
313 governments.

314 (t) To require or elect not to require bid bonds and
315 protest bonds, to prequalify bidders or proposers in various
316 categories of work or services, and to suspend or debar
317 consultants and contractors in accordance with the rules of the
318 authority.

319 (u) To create and operate an employees' benefit fund for
320 employees of the authority or public benefit corporations
321 controlled by it. The proceeds of vending machines located on

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322 the premises of the authority or such corporations shall be paid
323 into the fund and used for such benefits and purposes as the
324 authority may determine.

325 (3) The authority shall have no power at any time or in
326 any manner to pledge the credit or taxing power of the state or
327 any political subdivision or agency thereof; nor shall any of
328 the obligations of the authority be deemed to be obligations of
329 the state or of any political subdivision or agency thereof; nor
330 shall the state or any political subdivision or agency thereof,
331 except the authority, be liable for the payment of the principal
332 of, or interest on, such obligations. However, this provision is
333 not applicable to the type or manner of financing authorized by
334 s. 9(c)(5), Art. XII of the State Constitution, as amended, and
335 laws enacted pursuant thereto.

336 (4) By a resolution of its governing body, the authority
337 may expand its service area and enter into a partnership with
338 any county that is contiguous to the then-current service area
339 of the authority. The governing body shall determine the
340 conditions and terms of the partnership, except as provided in
341 this section. However, the authority may not expand its service
342 area without the consent of the governing body representing the
343 proposed expansion area.

344 (5) Except as otherwise expressly provided in this
345 chapter, none of the powers and obligations herein granted to
346 the authority shall be subject to the supervision or require the
347 approval or consent of any municipality or county, except as may
348 be agreed upon by the authority in an interlocal agreement with
349 a municipality or county.

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350 (6) No oral modification of a contract, whether for
351 construction of highway facilities or other transportation
352 facilities, shall be binding upon the authority or form the
353 basis for a claim against the authority. Only the chair of the
354 governing body or executive director of the authority, or the
355 designee of either, may bind the authority. The authority may
356 provide for liquidated damages for delay by contractors in
357 construction of transportation facilities for the authority, or
358 other contractually agreed-upon damage measures for delay.

359 (7) The authority shall be deemed to be an "authority" for
360 purposes of s. 337.403, shall have all of the powers granted to
361 authorities under s. 337.403, and shall have the powers granted
362 to the Department of Transportation under s. 337.274 with
363 respect to its powers and obligations granted in this chapter.

364 Section 44. Section 349.041, Florida Statutes, is amended
365 to read:

366 349.041 Provision of funds ~~and services~~ by city to
367 authority; ~~employment of legal counsel.~~--

368 (1) The authority shall prepare and submit annually its
369 requests for such funds as it may require from the city for the
370 ensuing year to the council of the city on or before June 1,
371 setting forth its estimated gross revenues and estimated
372 requirements for operations, maintenance expenses, and debt
373 service. A copy of such requests shall be furnished to the
374 Department of Transportation. The council and the mayor of the
375 City of Jacksonville may appropriate such funds as they deem
376 appropriate for the use of the authority, and the use of such

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377 funds shall be subject to audit by the Council Auditor of the
378 City of Jacksonville.

379 (2) Except as the council may provide, and except as
380 otherwise required by any trust indenture outstanding on
381 September 1, 1971, the authority may use ~~shall utilize~~, on a
382 cost-accounted basis, the central services of the city, and
383 shall pay therefor. ~~The authority may, however, employ legal~~
384 ~~counsel it deems necessary, upon resolution of the authority.~~

385 Section 45. Section 349.042, Florida Statutes, is
386 repealed.

387 Section 46. Section 349.043, Florida Statutes, is created
388 to read:

389 349.043 Public hearings for transportation
390 facilities.--Transportation facilities may not be designated or
391 relocated by the authority, nor may substantive changes be made
392 thereto, until after a public hearing is conducted by the
393 authority. Any interested party shall have the opportunity to be
394 heard either in person or by counsel and to introduce testimony
395 in such person's behalf at the hearing. Reasonable notice of
396 each such public hearing shall be published in a newspaper of
397 general circulation in each county directly affected by the
398 proposed transportation facility not less than 14 days prior to
399 the hearing. In addition, the authority shall comply with all
400 applicable federal and state requirements related to new or
401 altered transportation facilities or services.

402 Section 47. Section 349.05, Florida Statutes, is amended
403 to read:

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404 349.05 Bonds of the authority; bonds not debt or pledges
405 of credit of state.--

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

409 (b)1. The bonds of the authority issued pursuant to the
410 provisions of this chapter, whether an original issuance or on
411 refunding, shall be authorized by resolution of the members
412 thereof and may be issued in one or more series, may be either
413 term or serial bonds, and shall bear such date or dates, be
414 payable on demand or mature at such time or times, not exceeding
415 40 years from their respective dates, bear interest, fixed or
416 variable, at such rate or rates, not exceeding the maximum
417 lawful interest rate ~~payable semiannually,~~ be in such
418 denominations, be in such form, either coupon or fully
419 registered, carry such registration, exchangeability, and
420 interchangeability privileges, be payable in such medium of
421 payment and at such place or places, be subject to such terms of
422 redemption, with or without premium, and other terms, have such
423 rank, and be entitled to such remedies and priorities on the
424 revenues, rates, fees, rentals, or other charges or receipts of
425 the authority including all or any portion of local option sales
426 tax or the Duval county gasoline tax funds received by the
427 authority ~~pursuant to the terms of any lease purchase agreement~~
428 ~~between the authority and the department,~~ as the authority may
429 determine such resolution or any resolution subsequent thereto
430 may provide. The bonds shall be executed either by manual or
431 facsimile signature by such officers as the authority shall

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432 determine, provided that such bonds shall bear at least one
433 signature that ~~which~~ is manually executed thereon, and the
434 coupons attached to such bonds shall bear the facsimile
435 signature or signatures of such officer or officers as shall be
436 designated by the authority and shall have the seal of the
437 authority affixed, imprinted, reproduced, or lithographed
438 thereon, all as may be prescribed in such resolution or
439 resolutions.

440 2.(b) Such bonds shall be sold at public or private sale
441 at such price or prices as the authority determines to be in its
442 best interest, except that the interest costs to the authority
443 on such bonds may not exceed the maximum lawful interest rate.
444 The authority shall provide a specific finding by resolution as
445 to the reason requiring any negotiated sale ~~must be sold at~~
446 ~~public sale in the manner provided by the State Bond Act.~~
447 ~~However, if the authority, by official action at a public~~
448 ~~meeting, determines that a negotiated sale of the bonds is in~~
449 ~~the best interest of the authority, the authority may negotiate~~
450 ~~for sale of the bonds with the underwriter or underwriters~~
451 ~~designated by the authority and the Division of Bond Finance of~~
452 ~~the State Board of Administration.~~ Pending the preparation of
453 definitive bonds, interim certificates may be issued to the
454 purchaser or purchasers of such bonds and may contain such terms
455 and conditions as the authority may determine.

456 3. The authority may issue bonds pursuant to this
457 paragraph to refund any bonds previously issued regardless of
458 whether the bonds being refunded were issued by the authority

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459 pursuant to this chapter or on behalf of the authority pursuant
460 to the State Bond Act.

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

465 (a) The pledging of all or any part of the revenues,
466 rates, fees, rentals, including the sales surtax adopted
467 pursuant to s. 212.055(1) (including all or any portion of the
468 ~~Duval~~ county gasoline tax funds received by the authority
469 ~~pursuant to the terms of any lease purchase agreement between~~
470 ~~the authority and the department, or any part thereof),~~ or other
471 charges or receipts of any nature of the authority, whether or
472 not derived by the authority from the Jacksonville Expressway
473 System or its other transportation facilities;

474 (b) The completion, improvement, operation, extension,
475 maintenance, repair, lease, or lease-purchase agreement of said
476 system or transportation facilities, and the duties of the
477 authority and others, including the department, with reference
478 thereto;

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

482 (d) The fixing, charging, establishing, and collecting of
483 rates, fees, rentals, or other charges for use of the services
484 and facilities of the Jacksonville Expressway System or any part
485 thereof or its other transportation facilities;

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486 (e) The setting aside of reserves or sinking funds or
487 repair and replacement funds and the regulation and disposition
488 thereof;

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

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

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

496 (3) ~~The authority may employ fiscal agents as provided by~~
497 ~~this chapter or the~~ State Board of Administration may, upon
498 request by the authority, act as fiscal agent for the authority
499 in the issuance of any bonds that may be issued pursuant to this
500 chapter, and the State Board of Administration may, upon request
501 by the authority, take over the management, control,
502 administration, custody, and payment of any or all debt services
503 or funds or assets now or hereafter available for any bonds
504 issued pursuant to this chapter. The authority may enter into
505 deeds of trust, indentures, or other agreements with a corporate
506 trustee or trustees, which shall act as its fiscal agent for the
507 authority and may be, ~~or with~~ any bank or trust company within
508 or without the state, as security for such bonds, and may, under
509 such agreements, assign and pledge all or any of the revenues,
510 rates, fees, rentals, or other charges or receipts of the
511 authority, including all or any portion of local option taxes or
512 ~~the Duval county gasoline tax funds received by the authority~~
513 ~~pursuant to the terms of any lease purchase agreement between~~

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514 ~~the authority and the department~~, thereunder. Such deed of
515 trust, indenture, or other agreement~~7~~ may contain such
516 provisions as are ~~is~~ customary in such instruments or~~7~~ as the
517 authority may authorize, including, ~~but~~ without limitation,
518 provisions as to:

519 (a) The completion, improvement, operation, extension,
520 maintenance, repair, and lease of, or lease-purchase agreement
521 relating to, all or any part of transportation facilities
522 authorized in this chapter to be constructed, acquired,
523 developed, or operated by the authority ~~the Jacksonville~~
524 ~~Expressway System~~, and the duties of the authority and others,
525 including the department, with reference thereto;

526 (b) The application of funds and the safeguarding of funds
527 on hand or on deposit;

528 (c) The rights and remedies of the trustee and the holders
529 of the bonds; and

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

532 (4) Any of the bonds issued pursuant to this chapter are,
533 and are hereby declared to be, negotiable instruments~~7~~ and shall
534 have all the qualities and incidents of negotiable instruments
535 under the law merchant and the negotiable instruments law of the
536 state.

537 (5) Notwithstanding any of the provisions of this chapter,
538 each project, building, or facility that ~~which~~ has been financed
539 by the issuance of bonds or other evidences of indebtedness
540 under this chapter and any refinancing thereof is hereby

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541 approved as provided for in s. 11(f), Art. VII of the State
542 Constitution.

543 (6) Revenue bonds issued under the provisions of this
544 chapter are not debts of the state or pledges of the faith and
545 credit of the state. Such bonds are payable exclusively from
546 revenues pledged for their payment. Each such bond shall contain
547 a statement on its face that the state is not obligated to pay
548 the same or the interest thereon, except from the revenues
549 pledged for their payment, and that the faith and credit of the
550 state is not pledged to the payment of the principle or interest
551 of such bond. The issuance of revenue bonds under the provisions
552 of this chapter does not directly, indirectly, or contingently
553 obligate the state to levy or to pledge any form of taxation
554 whatsoever or to make any appropriation for their payment.

555 Section 48. Section 349.06, Florida Statutes, is repealed.

556 Section 49. Section 349.061, Florida Statutes, is created
557 to read:

558 349.061 Bond financing authority.--Pursuant to s. 11(f),
559 Art. VII of the State Constitution, the Legislature hereby
560 approves for bond financing by the authority any extensions,
561 additions, and improvements to the Jacksonville Expressway
562 System and any other facilities appurtenant, necessary, or
563 incidental to the system or any transportation facilities herein
564 authorized to be constructed, acquired, or operated by the
565 authority. Subject to terms and conditions of applicable revenue
566 bond resolutions and covenants, such costs may be financed in
567 whole or in part by revenue bonds issued pursuant to s.

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568 349.05(1)(a) or (b), whether currently issued or issued in the
569 future, or by a combination of such bonds.

570 Section 50. Subsection (7) of section 349.07, Florida
571 Statutes, is amended to read:

572 349.07 Lease-purchase agreement.--

573 (7) Regardless of whether the authority enters into a
574 lease-purchase agreement with the department relating to the
575 system or any part thereof, the ~~said~~ system shall be a part of
576 the State Highway ~~road~~ System and the ~~said~~ department is hereby
577 authorized, upon the request of the authority, to expend out of
578 any funds available for the purpose such moneys, and to use such
579 of its engineering and other forces, as may be necessary and
580 desirable in the judgment of the ~~said~~ department, for the
581 operation of the ~~said~~ authority and for traffic surveys,
582 borings, surveys, preparation of plans and specifications,
583 estimates of cost, and other preliminary engineering and other
584 studies; ~~provided, however, that the aggregate amount of moneys~~
585 ~~expended for said purposes by said department shall not exceed~~
586 the sum of \$375,000.

587 Section 51. Section 349.10, Florida Statutes, is amended
588 to read:

589 349.10 Acquisition of lands and property.--

590 (1) For the purposes of this chapter, ~~law~~ the Jacksonville
591 Transportation Authority may acquire private or public property
592 and property rights, including rights of access, air, view, and
593 light, by gift, devise, purchase, or condemnation by eminent
594 domain proceedings, as the authority may deem necessary,
595 including, but not limited to, any lands reasonably necessary

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596 for securing applicable permits, areas necessary for management
597 of access, borrow pits, drainage ditches, water retention areas,
598 rest areas, replacement access for landowners whose access is
599 impaired due to the construction of transportation facilities,
600 and replacement rights-of-way for relocated rail and utility
601 facilities, and areas necessary for existing, proposed, or
602 anticipated transportation facilities or in a transportation
603 corridor designated by the authority. The authority shall also
604 have the power to condemn any material and property necessary
605 for such ~~for any of the purposes of this chapter.~~ The right of
606 eminent domain herein conferred shall be exercised by the
607 authority in the manner provided by law. Notwithstanding that
608 the authority is an agency of the state, the authority shall not
609 exercise its powers of condemnation granted herein in respect of
610 any property or property rights of any county or municipality,
611 including without limitation the City of Jacksonville.

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

615 (3) In connection with the acquisition of property or
616 property rights as herein provided, the authority may in its
617 discretion acquire an entire lot, block, or tract of land, if by
618 so doing the interests of the public will be best served, even
619 though said entire lot, block, or tract is not immediately
620 needed for the right-of-way proper.

621 (4) When the authority acquires property for a
622 transportation facility or in a transportation corridor, it is
623 not subject to any liability imposed by chapter 376 or chapter

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624 403 for preexisting soil or groundwater contamination due solely
625 to its ownership. This section does not affect the rights or
626 liabilities of any past or future owners of the acquired
627 property nor does it affect the liability of any governmental
628 entity for the results of its actions that create or exacerbate
629 a pollution source. The authority and the Department of
630 Environmental Protection may enter into interagency agreements
631 for the performance, funding, and reimbursement for the costs of
632 the investigative and remedial acts necessary for property
633 acquired by the authority.

634 Section 52. Section 349.12, Florida Statutes, is amended
635 to read:

636 349.12 Covenant of the state.--The state does hereby
637 pledge to~~7~~ and agree ~~agrees~~~~7~~ with any person, firm or
638 corporation, or federal or state agency subscribing to~~7~~ or
639 acquiring the bonds to be issued by the authority for the
640 purposes of this chapter that the state will not limit or alter
641 the rights hereby vested in the authority and the department
642 until all bonds at any time issued, together with the interest
643 thereon, are fully paid and discharged insofar as the same
644 affects the rights of the holders of bonds issued hereunder. The
645 state does further pledge to~~7~~ and agree~~7~~ with the United States
646 and any federal agency that, in the event that any federal
647 agency shall construct or contribute any funds for the
648 completion, extension, or improvement of the Jacksonville
649 Expressway System or other transportation facilities of the
650 authority, or any part or portion thereof, the state will not
651 alter or limit the rights and powers of the authority and the

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652 department in any manner that ~~which~~ would be inconsistent with
653 the continued maintenance and operation of the Jacksonville
654 Expressway System or other transportation facilities of the
655 authority or the completion, extension, or improvement thereof,
656 or that ~~which~~ would be inconsistent with the due performance of
657 any agreements between the authority and any such federal
658 agency, and the authority and the department shall continue to
659 have and may exercise all powers herein granted, so long as the
660 same shall be necessary or desirable for the carrying out of the
661 purposes of this chapter and the purposes of the United States
662 in the completion, extension, or improvement of the Jacksonville
663 Expressway System or other transportation facilities of the
664 authority, or any part or portion thereof.

665 Section 53. Section 349.13, Florida Statutes, is amended
666 to read:

667 349.13 Exemption from taxation.--The effectuation of the
668 authorized purposes of the authority created under this chapter
669 is, shall and will be, in all respects for the benefit of the
670 people of the state, for the increase of their commerce and
671 prosperity, and for the improvement of their health and living
672 conditions, and since such authority will be performing
673 essential governmental functions in effectuating such purposes,
674 such authority shall not be required to pay any taxes or
675 assessments of any kind or nature whatsoever upon any property
676 acquired or used by it for such purposes, or upon any rates,
677 fees, rentals, receipts, income, or charges at any time received
678 by it, and the bonds and other obligations issued under this
679 chapter ~~by the authority~~, their transfer and the income

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680 therefrom, (including any profits made on the sale thereof),
681 shall at all times be free from taxation of any kind by the
682 state, or by any political subdivision, or taxing agency or
683 instrumentality thereof. The exemption granted by this section
684 shall not be applicable to any tax imposed by chapter 220 on
685 interest, income, or profits on debt obligations owned by
686 corporations. When property of the authority is leased, it shall
687 be exempt from ad valorem taxes only if the use by the lessee
688 qualifies the property for exemption under s. 196.199.

689 Section 54. Section 349.15, Florida Statutes, is amended
690 to read:

691 349.15 Remedies; pledges enforceable by bondholders.--Any
692 holder of bonds issued under this chapter, except to the extent
693 such rights may be restricted by the resolution, deed of trust,
694 indenture, or other proceeding relating to the issuance of such
695 bonds, may by civil action, mandamus, or other appropriate
696 action, suit, or proceeding in law or in equity, in any court of
697 competent jurisdiction, protect and enforce any and all rights
698 of such bondholder granted under the proceedings authorizing the
699 issuance of such bonds and enforce any pledge made for payment
700 of the principal and interest on bonds, or any covenant or
701 agreement relative thereto, against the authority or directly
702 against the department, as may be appropriate. It is the express
703 intention of this chapter that any pledge by the department of
704 rates, fees, revenues, ~~Duval~~ county gasoline tax funds, or other
705 funds, as rentals, to the authority or any covenants or
706 agreements relative thereto may be enforceable in any court of

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707 competent jurisdiction against the authority or directly against
708 the department by any holder of bonds issued by the authority.

709 Section 55. Section 349.17, Florida Statutes, is amended
710 to read:

711 349.17 Chapter complete and additional authority.--

712 (1) The powers conferred by this chapter shall be in
713 addition and supplemental to the existing powers of said board
714 and the Department of Transportation, and this chapter shall not
715 be construed as repealing any of the provisions of any other
716 law, general, special, or local, but to supersede such other
717 laws in the exercise of the powers provided in this chapter, and
718 to provide a complete method for the exercise of the powers
719 granted in this chapter. The refunding of any of the bonds of
720 Florida State Improvement Commission heretofore issued to
721 finance part of the cost of said Jacksonville Expressway System,
722 and the completion, extension, and improvement of said system,
723 and the issuance of bonds hereunder to finance all or part of
724 the cost thereof, may be accomplished upon compliance with the
725 provisions of this chapter without regard to or necessity for
726 compliance with the provisions, limitations, or restrictions
727 contained in any other general, special, or local law,
728 including, without limitation, s. 215.821, and no approval of
729 any bonds issued under this chapter by the qualified electors or
730 qualified electors who are freeholders in the state or in said
731 County of Duval, or in said City of Jacksonville, or in any
732 other political subdivision of the state, shall be required for
733 the issuance of such bonds pursuant to this chapter.

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734 (2) This chapter shall not be deemed to repeal, rescind,
735 or modify any other law or laws relating to said State Board of
736 Administration, said Department of Transportation, or said
737 Florida State Improvement Commission, but shall be deemed to and
738 shall supersede such other law or laws in the exercise of the
739 powers provided in this chapter insofar as such other law or
740 laws are inconsistent with the provisions of this chapter,
741 including, without limitation, s. 215.821.

742 Section 56. Section 349.21, Florida Statutes, is amended
743 to read:

744 349.21 Powers conferred by s. 212.055(1).--Notwithstanding
745 any other provision of law, any transportation authority created
746 by this chapter shall have all the powers conferred by s.
747 212.055(1). The revenues provided by this section may ~~shall~~ be
748 used or pledged to pay principal and interest on bonds, as set
749 forth in s. 212.055(1) for which tolls have been pledged. The
750 ~~powers provided by this section shall expire when all such bonds~~
751 ~~in existence on the effective date of this act have been~~
752 ~~retired.~~ In no event may local transportation surtax monies
753 collected in Duval County be expended on transportation
754 facilities outside the boundaries of such County.

755 Section 57. Section 349.22, Florida Statutes, is created
756 to read:

757 349.22 Public-private transportation facilities.--

758 (1) The authority may receive or solicit proposals and
759 enter into agreements with private entities or consortia thereof
760 for the building, operation, ownership, or financing of
761 highways, bridges, multimodal transportation systems, transit-

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762 oriented development nodes, transit stations, or related
763 transportation facilities. Before approval, the authority must
764 determine that a proposed project:

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

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

769 (c) Would have adequate safeguards to ensure that
770 additional costs or unreasonable service disruptions would not
771 be realized by the traveling public and citizens of the state in
772 the event of default or cancellation of the agreement by the
773 authority.

774 (2) The authority shall ensure that all reasonable costs
775 to the state related to transportation facilities that are not
776 part of the State Highway System are borne by the private entity
777 which develops or operates the facilities. The authority shall
778 also ensure that all reasonable costs to the state and
779 substantially affected local governments and utilities related
780 to the private transportation facility are borne by the private
781 entity for transportation facilities that are owned by private
782 entities. For projects on the State Highway System or that
783 provide increased mobility on the State Highway System, the
784 department may use state resources to participate in funding and
785 financing the project as provided for under the department's
786 enabling legislation.

787 (3) The authority may request proposals and receive
788 unsolicited proposals for public-private transportation projects
789 and, upon receipt of any unsolicited proposal or determination

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790 to issue a request for proposals, the authority must publish a
791 notice in the Florida Administrative Weekly and a newspaper of
792 general circulation in the county in which the proposed project
793 is located at least once a week for 2 weeks requesting proposals
794 or, if an unsolicited proposal was received, stating that it has
795 received the proposal and will accept, for 60 days after the
796 initial date of publication, other proposals for the same
797 project purpose. A copy of the notice must be mailed to each
798 local government in the affected areas. After the public
799 notification period has expired, the authority shall rank the
800 proposals in order of preference. In ranking the proposals, the
801 authority shall consider professional qualifications, general
802 business terms, innovative engineering or cost-reduction terms,
803 finance plans, and the need for state funds to deliver the
804 proposal. If the authority is not satisfied with the results of
805 the negotiations, it may, at its sole discretion, terminate
806 negotiations with the proposer. If these negotiations are
807 unsuccessful, the authority may go to the second and lower-
808 ranked firms, in order, using the same procedure. If only one
809 proposal is received, the authority may negotiate in good faith
810 and, if it is not satisfied with the results, it may, at its
811 sole discretion, terminate negotiations with the proposer.
812 Notwithstanding this subsection, the authority may, at its
813 discretion, reject all proposals at any point in the process up
814 to completion of a contract with the proposer.

815 (4) Agreements entered into pursuant to this section may
816 authorize the authority or the private project owner, lessee, or
817 operator to impose, collect, and enforce tolls or fares for the

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818 use of the transportation facility. However, the amount and use
819 of toll or fare revenues shall be regulated by the authority to
820 avoid unreasonable costs to users of the facility.

821 (5) Each public-private transportation facility
822 constructed pursuant to this section shall comply with all
823 requirements of federal, state, and local laws; state, regional,
824 and local comprehensive plans; the authority's rules, policies,
825 procedures, and standards for transportation facilities; and any
826 other conditions that the authority determines to be in the
827 public's best interest.

828 (6) The authority may exercise any of its powers,
829 including eminent domain, to facilitate the development and
830 construction of transportation projects pursuant to this
831 section. The authority may pay all or part of the cost of
832 operating and maintaining the facility or may provide services
833 to the private entity, for which services it shall receive full
834 or partial reimbursement.

835 (7) Except as provided in this section, this section is
836 not intended to amend existing law by granting additional powers
837 to or imposing further restrictions on the governmental entities
838 with regard to regulating and entering into cooperative
839 arrangements with the private sector for the planning,
840 construction, and operation of transportation facilities.

841 -----
842
843 **T I T L E A M E N D M E N T**

844 Remove line 149 and insert:

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HOUSE AMENDMENT

Bill No. CS/CS/HB 1329

Amendment No.

845 appeal; amending s. 349.02, F.S.; revising definitions; defining
846 the term "transportation facilities"; amending s. 349.03, F.S.;
847 revising a requirement for membership on the governing body of
848 the authority to provide that an appointed member must be a
849 resident and elector of Duval County; amending s. 349.04, F.S.;
850 revising scope of the authority to include certain services
851 throughout Duval County; revising authority, powers, rights, and
852 responsibilities of the authority to provide for planning,
853 coordinating, developing, financing, refinancing, constructing,
854 owning, leasing, purchasing, operating, maintaining, relocating,
855 equipping, repairing, and managing described transportation
856 projects intended to address needs or concerns in the
857 Jacksonville, Duval County, metropolitan area; revising bonding
858 provisions; providing for the authority to fix, alter, charge,
859 establish, and collect rates, fees, rentals, and other charges
860 for any transportation facilities of the authority; revising
861 eminent domain provisions to include specified procedural
862 powers; authorizing use of local option taxes or county gasoline
863 tax funds to secure the payment of bonds; authorizing the
864 authority to establish and fund reserve accounts, adopt an
865 annual budget, use purchasing schedules and master purchasing
866 contracts, retain legal counsel and other consultants, construct
867 and own and maintain transportation facilities outside the
868 jurisdictional boundaries of Duval County, form public benefit
869 corporations, require bid bonds and protest bonds, prequalify
870 bidders or proposers, suspend or debar consultants and
871 contractors, and create and operate an employees' benefit fund;
872 providing for the authority to expand its service area and enter

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HOUSE AMENDMENT

Bill No. CS/CS/HB 1329

Amendment No.

873 into a partnership with a contiguous county; providing that the
874 powers and obligations of the authority shall not be subject to
875 supervision, approval, or consent of any municipality or county
876 except as agreed upon in an interlocal agreement; providing for
877 certain contractual limitations and recovery of liquidated
878 damages; providing for relocation of utility facilities
879 interfering with transportation projects; authorizing the
880 authority to enter lands, waters, and premises of another in the
881 performance of its duties; amending s. 349.041, F.S.; revising
882 provisions for funds appropriated by the City of Jacksonville to
883 the authority; repealing s. 349.042, F.S., relating to the
884 Jacksonville area planning board review of construction and
885 operation of the expressway and transit functions of the
886 authority; creating s. 349.043, F.S.; requiring a public hearing
887 prior to designation or relocation of transportation facilities
888 or substantive changes thereto; providing procedures; requiring
889 compliance with federal requirements related to new or altered
890 transportation facilities or services; amending s. 349.05, F.S.;
891 authorizing bonds to be issued on behalf of the authority;
892 revising provisions for issuance and sale of bonds; authorizing
893 certain refunding bonds; revising provisions for resolutions
894 authorizing bonds; revising provisions for fiscal agents;
895 providing that bonds are not obligations of the state; repealing
896 s. 349.06, F.S., relating to remedies of the bondholders;
897 creating s. 349.061, F.S.; providing approval for bond financing
898 by the authority; amending s. 349.07, F.S.; revising provisions
899 authorizing the Department of Transportation to expend certain
900 funds and use its resources for certain items related to the

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HOUSE AMENDMENT

Bill No. CS/CS/HB 1329

Amendment No.

901 Jacksonville Expressway System; amending s. 349.10, F.S.;

902 revising provisions for the authority to acquire lands and

903 rights therein; limiting liability of the authority with respect

904 to certain contamination of lands acquired; authorizing the

905 authority and the Department of Environmental Protection to

906 enter into agreements for the performance and funding of

907 investigative and remedial acts; amending s. 349.12, F.S.;

908 revising covenant of the state related to bonds of the

909 authority; amending s. 349.13, F.S.; specifying conditions under

910 which property leased by the authority is exempt from ad valorem

911 taxes; amending s. 349.15, F.S.; revising provisions for

912 enforcement of rights by bondholders; amending s. 349.17, F.S.;

913 revising provisions for application of and exemption from other

914 laws relating to issuance of bonds; amending s. 349.21, F.S.;

915 revising provisions for use of charter county transit system

916 surtax funds to secure payment of bonds of the authority;

917 creating s. 349.22, F.S.; providing conditions for the authority

918 to receive or solicit proposals and enter into agreements with

919 private entities for the building, operation, ownership, or

920 financing of highways, bridges, multimodal transportation

921 systems, transit-oriented development nodes, transit stations,

922 or related transportation facilities; requiring certain costs to

923 be paid by the private entity; authorizing the department to use

924 state funds for projects on or that increase mobility on the

925 State Highway System; requiring notice of proposals and

926 providing procedures; providing for agreements to authorize the

927 imposition of tolls; requiring public-private transportation

928 facilities to comply with laws, comprehensive plans, and the

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HOUSE AMENDMENT
Bill No. CS/CS/HB 1329

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929 authority's rules, policies, procedures, standards, and
930 conditions; authorizing the authority to exercise its powers to
931 facilitate public-private projects; providing for application;
932 amending s. 501.976, F.S.; conforming a cross-