

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative A. Gibson offered the following:

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

4 Remove lines 489-876 and insert:

5 349.041 Provision of funds and services by city to
6 authority; ~~employment of legal counsel.~~--

7 (1) The authority shall prepare and submit annually its
8 requests for such funds as it may require from the city for the
9 ensuing year to the council of the city on or before June 1,
10 setting forth its estimated gross revenues and estimated
11 requirements for operations, maintenance expenses, and debt
12 service. A copy of such requests shall be furnished to the
13 Department of Transportation. The council and the mayor of the
14 City of Jacksonville may appropriate such funds as they deem
15 appropriate for the use of the authority and records related

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16 thereto may be audited by the Council Auditor of the City of
17 Jacksonville at anytime.

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

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 Section 349.042, Florida Statutes, is repealed.

25 Section 6. Section 349.043, Florida Statutes, is created
26 to read:

27 349.043 Public hearings for transportation
28 facilities.--Transportation facilities may not be designated or
29 relocated by the authority, nor may substantive changes be made
30 thereto, until after a public hearing is conducted by the
31 authority. Any interested party shall have the opportunity to be
32 heard either in person or by counsel and to introduce testimony
33 in such person's behalf at the hearing. Reasonable notice of
34 each such public hearing shall be published in a newspaper of
35 general circulation in each county directly affected by the
36 proposed transportation facility not less than 14 days prior to
37 the hearing. In addition, the authority shall comply with all
38 applicable federal requirements related to new or altered
39 transportation facilities or services.

40 Section 7. Section 349.05, Florida Statutes, is amended to
41 read:

42 349.05 Bonds of the authority; bonds not debt or pledges
43 of credit of state.--

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

47 (b)1. The bonds of the authority issued pursuant to the
48 provisions of this chapter, whether an original issuance or on
49 refunding, shall be authorized by resolution of the members
50 thereof and may be issued in one or more series, may be either
51 term or serial bonds, and shall bear such date or dates, be
52 payable on demand or mature at such time or times, not exceeding
53 40 years from their respective dates, bear interest, fixed or
54 variable, at such rate or rates, not exceeding the maximum
55 lawful interest rate ~~payable semiannually,~~ be in such
56 denominations, be in such form, either coupon or fully
57 registered, carry such registration, exchangeability, and
58 interchangeability privileges, be payable in such medium of
59 payment and at such place or places, be subject to such terms of
60 redemption, with or without premium, and other terms, have such
61 rank, and be entitled to such remedies and priorities on the
62 revenues, rates, fees, rentals, or other charges or receipts of
63 the authority including all or any portion of local option sales
64 tax or the Duval county gasoline tax funds received by the
65 authority pursuant to the terms of any lease purchase agreement
66 between the authority and the department, as the authority may
67 determine such resolution or any resolution subsequent thereto
68 ~~may provide.~~ The bonds shall be executed either by manual or
69 facsimile signature by such officers as the authority shall
70 determine, provided that such bonds shall bear at least one
71 signature that ~~which~~ is manually executed thereon, and the

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72 coupons attached to such bonds shall bear the facsimile
73 signature or signatures of such officer or officers as shall be
74 designated by the authority and shall have the seal of the
75 authority affixed, imprinted, reproduced, or lithographed
76 thereon, all as may be prescribed in such resolution or
77 resolutions.

78 2.(b) Such bonds shall be sold at public or private sale
79 at such price or prices as the authority determines to be in its
80 best interest, except that the interest costs to the authority
81 on such bonds may not exceed the maximum lawful interest rate.
82 The authority shall provide a specific finding by resolution as
83 to the reason requiring any negotiated sale ~~must be sold at~~
84 ~~public sale in the manner provided by the State Bond Act.~~
85 ~~However, if the authority, by official action at a public~~
86 ~~meeting, determines that a negotiated sale of the bonds is in~~
87 ~~the best interest of the authority, the authority may negotiate~~
88 ~~for sale of the bonds with the underwriter or underwriters~~
89 ~~designated by the authority and the Division of Bond Finance of~~
90 ~~the State Board of Administration. Pending the preparation of~~
91 ~~definitive bonds, interim certificates may be issued to the~~
92 ~~purchaser or purchasers of such bonds and may contain such terms~~
93 ~~and conditions as the authority may determine.~~

94 3. The authority may issue bonds pursuant to this
95 paragraph to refund any bonds previously issued regardless of
96 whether the bonds being refunded were issued by the authority
97 pursuant to this chapter or on behalf of the authority pursuant
98 to the State Bond Act.

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

103 (a) The pledging of all or any part of the revenues,
104 rates, fees, rentals, including the sales surtax adopted
105 pursuant to s. 212.055(1) (including all or any portion of the
106 ~~Duval~~ county gasoline tax funds received by the authority
107 ~~pursuant to the terms of any lease purchase agreement between~~
108 ~~the authority and the department, or any part thereof~~), or other
109 charges or receipts of any nature of the authority, whether or
110 not derived by the authority from the Jacksonville Expressway
111 System or its other transportation facilities;

112 (b) The completion, improvement, operation, extension,
113 maintenance, repair, lease, or lease-purchase agreement of said
114 system or transportation facilities, and the duties of the
115 authority and others, including the department, with reference
116 thereto;

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

120 (d) The fixing, charging, establishing, and collecting of
121 rates, fees, rentals, or other charges for use of the services
122 and facilities of the Jacksonville Expressway System or any part
123 thereof or its other transportation facilities;

124 (e) The setting aside of reserves or sinking funds or
125 repair and replacement funds and the regulation and disposition
126 thereof;

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

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

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

134 (3) ~~The authority may employ fiscal agents as provided by~~
135 ~~this chapter or the~~ State Board of Administration may, upon
136 request by the authority, act as fiscal agent for the authority
137 in the issuance of any bonds that may be issued pursuant to this
138 chapter, and the State Board of Administration may, upon request
139 by the authority, take over the management, control,
140 administration, custody, and payment of any or all debt services
141 or funds or assets now or hereafter available for any bonds
142 issued pursuant to this chapter. The authority may enter into
143 deeds of trust, indentures, or other agreements with a corporate
144 trustee or trustees, which shall act as its fiscal agent for the
145 authority and may be, ~~or with~~ any bank or trust company within
146 or without the state, as security for such bonds, and may, under
147 such agreements, assign and pledge all or any of the revenues,
148 rates, fees, rentals, or other charges or receipts of the
149 authority, including all or any portion of local option taxes or
150 ~~the Duval county gasoline tax funds received by the authority~~
151 ~~pursuant to the terms of any lease purchase agreement between~~
152 ~~the authority and the department,~~ thereunder. Such deed of
153 trust, indenture, or other agreement, may contain such
154 provisions as are ~~is~~ customary in such instruments or, as the

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155 authority may authorize, including, ~~but~~ without limitation,
156 provisions as to:

157 (a) The completion, improvement, operation, extension,
158 maintenance, repair, and lease of, or lease-purchase agreement
159 relating to, all or any part of transportation facilities
160 authorized in this chapter to be constructed, acquired,
161 developed, or operated by the authority the Jacksonville
162 Expressway System, and the duties of the authority and others,
163 including the department, with reference thereto;

164 (b) The application of funds and the safeguarding of funds
165 on hand or on deposit;

166 (c) The rights and remedies of the trustee and the holders
167 of the bonds; and

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

170 (4) Any of the bonds issued pursuant to this chapter are,
171 and are hereby declared to be, negotiable instruments, and shall
172 have all the qualities and incidents of negotiable instruments
173 under the law merchant and the negotiable instruments law of the
174 state.

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

181 (6) Revenue bonds issued under the provisions of this
182 chapter are not debts of the state or pledges of the faith and

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183 credit of the state. Such bonds are payable exclusively from
184 revenues pledged for their payment. Each such bond shall contain
185 a statement on its face that the state is not obligated to pay
186 the same or the interest thereon, except from the revenues
187 pledged for their payment, and that the faith and credit of the
188 state is not pledged to the payment of the principle or interest
189 of such bond. The issuance of revenue bonds under the provisions
190 of this chapter does not directly, indirectly, or contingently
191 obligate the state to levy or to pledge any form of taxation
192 whatsoever or to make any appropriation for their payment.

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

194 Section 9. Section 349.061, Florida Statutes, is created
195 to read:

196 349.061 Bond financing authority.--Pursuant to s. 11(f),
197 Art. VII of the State Constitution, the Legislature hereby
198 approves for bond financing by the authority any extensions,
199 additions, and improvements to the Jacksonville Expressway
200 System and any other facilities appurtenant, necessary, or
201 incidental to the system or any transportation facilities herein
202 authorized to be constructed, acquired, or operated by the
203 authority. Subject to terms and conditions of applicable revenue
204 bond resolutions and covenants, such costs may be financed in
205 whole or in part by revenue bonds issued pursuant to s.
206 349.05(1)(a) or (b), whether currently issued or issued in the
207 future, or by a combination of such bonds.

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

210 349.07 Lease-purchase agreement.--

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211 (7) Regardless of whether the authority enters into a
212 lease-purchase agreement with the department relating to the
213 system or any part thereof, the ~~said~~ system shall be a part of
214 the State Highway ~~road~~ System and the ~~said~~ department is hereby
215 authorized, upon the request of the authority, to expend out of
216 any funds available for the purpose such moneys, and to use such
217 of its engineering and other forces, as may be necessary and
218 desirable in the judgment of the ~~said~~ department, for the
219 operation of the ~~said~~ authority and for traffic surveys,
220 borings, surveys, preparation of plans and specifications,
221 estimates of cost, and other preliminary engineering and other
222 studies; ~~provided, however, that the aggregate amount of moneys~~
223 ~~expended for said purposes by said department shall not exceed~~
224 the sum of \$375,000.

225 Section 11. Section 349.10, Florida Statutes, is amended
226 to read:

227 349.10 Acquisition of lands and property.--

228 (1) For the purposes of this chapter, ~~law~~ the Jacksonville
229 Transportation Authority may acquire private or public property
230 and property rights, including rights of access, air, view, and
231 light, by gift, devise, purchase, or condemnation by eminent
232 domain proceedings, as the authority may deem necessary,
233 including, but not limited to, any lands reasonably necessary
234 for securing applicable permits, areas necessary for management
235 of access, borrow pits, drainage ditches, water retention areas,
236 rest areas, replacement access for landowners whose access is
237 impaired due to the construction of transportation facilities,
238 and replacement rights-of-way for relocated rail and utility

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239 facilities, and areas necessary for existing, proposed, or
240 anticipated transportation facilities or in a transportation
241 corridor designated by the authority. The authority shall also
242 have the power to condemn any material and property necessary
243 for such ~~for any of the purposes of this chapter.~~ Property
244 already devoted to a public use may be acquired in like manner,
245 provided that no real property belonging to the city, the
246 county, the state, or any political subdivision thereof may be
247 acquired without its consent. The right of eminent domain herein
248 conferred shall be exercised by the authority in the manner
249 provided by law.

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

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

259 (4) When the authority acquires property for a
260 transportation facility or in a transportation corridor, it is
261 not subject to any liability imposed by chapter 376 or chapter
262 403 for preexisting soil or groundwater contamination due solely
263 to its ownership. This section does not affect the rights or
264 liabilities of any past or future owners of the acquired
265 property nor does it affect the liability of any governmental
266 entity for the results of its actions that create or exacerbate

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267 a pollution source. The authority and the Department of
268 Environmental Protection may enter into interagency agreements
269 for the performance, funding, and reimbursement for the costs of
270 the investigative and remedial acts necessary for property
271 acquired by the authority.

272 Section 12. Section 349.12, Florida Statutes, is amended
273 to read:

274 349.12 Covenant of the state.--The state does hereby
275 pledge to~~7~~ and agree ~~agrees~~~~7~~ with any person, firm or
276 corporation, or federal or state agency subscribing to~~7~~ or
277 acquiring the bonds to be issued by the authority for the
278 purposes of this chapter that the state will not limit or alter
279 the rights hereby vested in the authority and the department
280 until all bonds at any time issued, together with the interest
281 thereon, are fully paid and discharged insofar as the same
282 affects the rights of the holders of bonds issued hereunder. The
283 state does further pledge to~~7~~ and agree~~7~~ with the United States
284 and any federal agency that, in the event that any federal
285 agency shall construct or contribute any funds for the
286 completion, extension, or improvement of the Jacksonville
287 Expressway System or other transportation facilities of the
288 authority, or any part or portion thereof, the state will not
289 alter or limit the rights and powers of the authority and the
290 department in any manner that ~~which~~ would be inconsistent with
291 the continued maintenance and operation of the Jacksonville
292 Expressway System or other transportation facilities of the
293 authority or the completion, extension, or improvement thereof,
294 or that ~~which~~ would be inconsistent with the due performance of
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295 any agreements between the authority and any such federal
296 agency, and the authority and the department shall continue to
297 have and may exercise all powers herein granted, so long as the
298 same shall be necessary or desirable for the carrying out of the
299 purposes of this chapter and the purposes of the United States
300 in the completion, extension, or improvement of the Jacksonville
301 Expressway System or other transportation facilities of the
302 authority, or any part or portion thereof.

303 Section 13. Section 349.13, Florida Statutes, is amended
304 to read:

305 349.13 Exemption from taxation.--The effectuation of the
306 authorized purposes of the authority created under this chapter
307 is, shall and will be, in all respects for the benefit of the
308 people of the state, for the increase of their commerce and
309 prosperity, and for the improvement of their health and living
310 conditions, and since such authority will be performing
311 essential governmental functions in effectuating such purposes,
312 such authority shall not be required to pay any taxes or
313 assessments of any kind or nature whatsoever upon any property
314 acquired or used by it for such purposes, or upon any rates,
315 fees, rentals, receipts, income, or charges at any time received
316 by it, and the bonds and other obligations issued under this
317 chapter ~~by the authority~~, their transfer and the income
318 therefrom, (including any profits made on the sale thereof),
319 shall at all times be free from taxation of any kind by the
320 state, or by any political subdivision, or taxing agency or
321 instrumentality thereof. The exemption granted by this section
322 shall not be applicable to any tax imposed by chapter 220 on

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323 interest, income, or profits on debt obligations owned by
324 corporations. When property of the authority is leased, it shall
325 be exempt from ad valorem taxes only if the use by the lessee
326 qualifies the property for exemption under s. 196.199.

327 Section 14. Section 349.15, Florida Statutes, is amended
328 to read:

329 349.15 Remedies; pledges enforceable by bondholders.--Any
330 holder of bonds issued under this chapter, except to the extent
331 such rights may be restricted by the resolution, deed of trust,
332 indenture, or other proceeding relating to the issuance of such
333 bonds, may by civil action, mandamus, or other appropriate
334 action, suit, or proceeding in law or in equity, in any court of
335 competent jurisdiction, protect and enforce any and all rights
336 of such bondholder granted under the proceedings authorizing the
337 issuance of such bonds and enforce any pledge made for payment
338 of the principal and interest on bonds, or any covenant or
339 agreement relative thereto, against the authority or directly
340 against the department, as may be appropriate. It is the express
341 intention of this chapter that any pledge by the department of
342 rates, fees, revenues, ~~Duval~~ county gasoline tax funds, or other
343 funds, as rentals, to the authority or any covenants or
344 agreements relative thereto may be enforceable in any court of
345 competent jurisdiction against the authority or directly against
346 the department by any holder of bonds issued by the authority.

347 Section 15. Section 349.17, Florida Statutes, is amended
348 to read:

349 349.17 Chapter complete and additional authority.--

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350 (1) The powers conferred by this chapter shall be in
351 addition and supplemental to the existing powers of said board
352 and the Department of Transportation, and this chapter shall not
353 be construed as repealing any of the provisions of any other
354 law, general, special, or local, but to supersede such other
355 laws in the exercise of the powers provided in this chapter, and
356 to provide a complete method for the exercise of the powers
357 granted in this chapter. The refunding of any of the bonds of
358 Florida State Improvement Commission heretofore issued to
359 finance part of the cost of said Jacksonville Expressway System,
360 and the completion, extension, and improvement of said system,
361 and the issuance of bonds hereunder to finance all or part of
362 the cost thereof, may be accomplished upon compliance with the
363 provisions of this chapter without regard to or necessity for
364 compliance with the provisions, limitations, or restrictions
365 contained in any other general, special, or local law,
366 including, without limitation, s. 215.821, and no approval of
367 any bonds issued under this chapter by the qualified electors or
368 qualified electors who are freeholders in the state or in said
369 County of Duval, or in said City of Jacksonville, or in any
370 other political subdivision of the state, shall be required for
371 the issuance of such bonds pursuant to this chapter.

372 (2) This chapter shall not be deemed to repeal, rescind,
373 or modify any other law or laws relating to said State Board of
374 Administration, said Department of Transportation, or said
375 Florida State Improvement Commission, but shall be deemed to and
376 shall supersede such other law or laws in the exercise of the
377 powers provided in this chapter insofar as such other law or

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378 laws are inconsistent with the provisions of this chapter,
379 including, without limitation, s. 215.821.

380 Section 16. Section 349.21, Florida Statutes, is amended
381 to read:

382 349.21 Powers conferred by s. 212.055(1).--Notwithstanding
383 any other provision of law, any transportation authority created
384 by this chapter shall have all the powers conferred by s.

385 212.055(1). The revenues provided by this section may shall be
386 used or pledged as set forth in s. 212.055(1), including to pay
387 principal and interest on bonds issued to refinance existing
388 bonds or new bonds issued for the construction of rapid transit
389 systems, bus systems, roads, or bridges, as provided in s.

390 212.055(1). In no event may local transportation surtax moneys
391 collected in Duval County be expended on transportation
392 facilities outside the boundaries of such county ~~for which tolls~~
393 have been pledged. The powers provided by this section shall
394 expire when all such bonds in existence on the effective date of
395 this act have been retired.

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T I T L E A M E N D M E N T

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Remove line 51 and insert:

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Jacksonville to the authority; authorizing audits of related

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records; removing a requirement that the authority utilize

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certain city services; removing a provision authorizing the

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authority to employ legal counsel; repealing s. 349.042, F.S.,

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