

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; requiring the Florida
 20 Transportation Commission to monitor and conduct periodic
 21 reviews of the authority; providing for financial
 22 disclosure; revising bonding provisions; providing for the
 23 authority to fix, alter, charge, establish, and collect
 24 rates, fees, rentals, and other charges for any
 25 transportation facilities of the authority; authorizing
 26 purchases under government contract; revising eminent
 27 domain provisions to include specified procedural powers;
 28 authorizing use of local option taxes or county gasoline

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

57 | changes thereto; providing procedures; requiring
58 | compliance with federal requirements related to new or
59 | altered transportation facilities or services; amending s.
60 | 349.05, F.S.; authorizing bonds to be issued on behalf of
61 | the authority; revising provisions for issuance and sale
62 | of bonds; authorizing certain refunding bonds; revising
63 | provisions for resolutions authorizing bonds; revising
64 | provisions for fiscal agents; providing that bonds are not
65 | obligations of the state; repealing s. 349.06, F.S.,
66 | relating to remedies of the bondholders; creating s.
67 | 349.061, F.S.; providing approval for bond financing by
68 | the authority; amending s. 349.07, F.S.; revising
69 | provisions authorizing the Department of Transportation to
70 | expend certain funds and use its resources for certain
71 | items related to the Jacksonville Expressway System;
72 | amending s. 349.10, F.S.; revising provisions for the
73 | authority to acquire lands and rights therein; limiting
74 | liability of the authority with respect to certain
75 | contamination of lands acquired; authorizing the authority
76 | and the Department of Environmental Protection to enter
77 | into agreements for the performance and funding of
78 | investigative and remedial acts; amending s. 349.12, F.S.;
79 | revising covenant of the state related to bonds of the
80 | authority; amending s. 349.13, F.S.; specifying conditions
81 | under which property leased by the authority is exempt
82 | from ad valorem taxes; amending s. 349.15, F.S.; revising
83 | provisions for enforcement of rights by bondholders;
84 | amending s. 349.17, F.S.; revising provisions for

85 application of and exemption from other laws relating to
 86 issuance of bonds; amending s. 349.21, F.S.; revising
 87 provisions for use of charter county transit system surtax
 88 funds; creating s. 349.22, F.S.; providing conditions for
 89 the authority to receive or solicit proposals and enter
 90 into agreements with private entities for the building,
 91 operation, ownership, or financing of highways, bridges,
 92 multimodal transportation systems, transit-oriented
 93 development nodes, transit stations, or related
 94 transportation facilities; requiring certain costs to be
 95 paid by the private entity; authorizing the department to
 96 use state funds for projects on or that increase mobility
 97 on the State Highway System; requiring notice of proposals
 98 and providing procedures; providing for agreements to
 99 authorize the public-private entity to impose tolls;
 100 requiring public-private transportation facilities to
 101 comply with laws, comprehensive plans, and the authority's
 102 rules, policies, procedures, standards, and conditions;
 103 authorizing the authority to exercise its powers to
 104 facilitate public-private projects; providing for
 105 application; providing an effective date.

106
 107 Be It Enacted by the Legislature of the State of Florida:

108
 109 Section 1. Section 349.02, Florida Statutes, is amended to
 110 read:
 111 349.02 Definitions.--

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

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

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

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

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

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

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

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

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

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

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

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

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

163 (m) "Transportation facilities" means and includes all
 164 mobile and fixed assets (real or personal property or rights
 165 therein) used in the transportation of persons or property by
 166 any means of conveyance whatsoever, and all appurtenances

167 thereto, such as, but not limited to, highways; limited or
 168 controlled access lanes and facilities; docks, vessels,
 169 vehicles, fixed guideway facilities, and any means of conveyance
 170 of persons or property of all types; park-and-ride facilities;
 171 transit-related improvements adjacent to transit facilities or
 172 stations; bus, train, vessel, or other vehicle storage,
 173 cleaning, fueling, control, and maintenance facilities; and
 174 administrative and other office space for the exercise by the
 175 authority of the powers and obligations herein granted.

176 (2)~~(13)~~ Words importing singular number shall include the
 177 plural number in each case and vice versa, and words importing
 178 persons shall include firms and corporations.

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

181 349.03 Jacksonville Transportation Authority.--

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

190 (2) The governing body of the authority shall consist of
 191 seven members. Three members shall be appointed by the Governor
 192 and confirmed by the Senate. Three members shall be appointed by
 193 the mayor of the City of Jacksonville subject to confirmation by
 194 the council of the City of Jacksonville. The seventh member

195 shall be the district secretary of the Department of
 196 Transportation serving in the district that contains the City of
 197 Jacksonville. Except for the seventh member, members shall be
 198 residents and qualified electors of Duval County ~~the City of~~
 199 Jacksonville.

200 Section 3. Section 349.04, Florida Statutes, is amended to
 201 read:

202 349.04 Purposes and powers.--

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

220 (b) The authority may, in addition, acquire, hold,
 221 construct, improve, operate, maintain, and lease in the capacity
 222 of lessor a mass transit system employing motor cars or buses;

223 street railway systems beneath the surface, on the surface, or
 224 above the surface; or any other means determined useful to the
 225 rapid transfer of large numbers of people among the locations of
 226 residence, commerce, industry, and education in Duval County ~~the~~
 227 ~~City of Jacksonville~~.

228 (c) The authority may further plan, coordinate, and
 229 recommend to appropriate officers and agencies of federal,
 230 state, and local governments methods and facilities for the
 231 parking of vehicles, the movement of pedestrians, and vehicular
 232 traffic (including bicycles), public and private, in Duval
 233 County ~~the City of Jacksonville~~, to accomplish a coordinated
 234 transportation system for the greater Jacksonville area. The
 235 authority may construct and operate passenger terminals for the
 236 parking of automobiles and movement by public conveyance of
 237 persons and construct and operate all other facilities necessary
 238 to a complete and coordinated transportation system in the
 239 Jacksonville area.

240 (d) It is the express intention of this chapter that the
 241 authority, in completing the construction of the Jacksonville
 242 Expressway System, is not limited to the description thereof
 243 contained in the proceedings of the commission which authorized
 244 the issuance of \$28 million in bonds to finance part of the cost
 245 thereof, but it is authorized to finance and construct any
 246 additional extensions, additions, or improvements to the system,
 247 or appurtenant facilities, including all necessary approaches,
 248 roads, bicycle ways, bridges, and avenues of access, with such
 249 changes, modifications, or revisions of the project as are
 250 deemed desirable and proper. It is the intent of this chapter,

251 and to effect its purposes the Legislature determines, that
 252 bonds issued under this chapter be deemed to be state capital
 253 improvement bonds to finance or refinance the cost of state
 254 capital projects pursuant to s. 11(d), Art. VII of the State
 255 Constitution. However, the provisions of s. 316.091(2), relating
 256 to bicycles, do not apply to this system.

257 (e) In addition to the other powers set forth in this
 258 chapter, the authority has the right to plan, develop, finance,
 259 construct, own, lease, purchase, operate, maintain, relocate,
 260 equip, repair, and manage those public transportation projects,
 261 such as express bus services; bus rapid transit services; light
 262 rail, commuter rail, heavy rail, or other transit services;
 263 ferry services; transit stations; park-and-ride lots; transit-
 264 oriented development nodes; or feeder roads, reliever roads,
 265 connector roads, bypasses, or appurtenant facilities, that are
 266 intended to address critical transportation needs or concerns in
 267 the Jacksonville, Duval County, metropolitan area. These
 268 projects may also include all necessary approaches, roads,
 269 bridges, and avenues of access that are desirable and proper
 270 with the concurrence of the department, as applicable, if the
 271 project is to be part of the State Highway System.

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

277 (2) The authority is hereby granted, and shall have and
 278 may exercise all powers necessary, appurtenant, convenient, or

279 incidental to the carrying out of the aforesaid purposes,
 280 including, but without being limited to, the right and power:

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

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

284 (c) To acquire, purchase, construct, hold, lease as lessee
 285 or lessor, and use any franchise or any property, real,
 286 personal, or mixed, tangible or intangible, or any interest
 287 therein, necessary or desirable for carrying out the purposes of
 288 the authority and to sell, lease as lessor, transfer, and
 289 dispose of any property or interest therein at any time acquired
 290 by it, including, without limitation, land, buildings, and other
 291 facilities located within or comprising transit-oriented
 292 developments which enhance the use or utility of transportation
 293 facilities owned or constructed by the authority and
 294 administrative and other buildings for the use of the authority
 295 in carrying out its powers and obligations granted in this
 296 chapter.

297 (d) To enter into and make leases for terms not exceeding
 298 40 years, as either lessee or lessor, in order to carry out the
 299 right to lease as set forth in this chapter.

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

305 (f) To fix, alter, charge, establish, and collect rates,
 306 fees, rentals, and other charges for the services and facilities

307 of the Jacksonville Expressway System and any other
308 transportation facilities of the authority, which rates, fees,
309 rentals, and other charges shall always be sufficient to comply
310 with any covenants made with the holders of any bonds issued
311 pursuant to this chapter; this right and power may be assigned
312 or delegated by the authority to the department.

313 (g)1. To borrow money and make and issue negotiable notes,
314 bonds, refunding bonds, and other evidences of indebtedness or
315 obligations, either in temporary or definitive form,
316 (hereinafter in this chapter sometimes called "bonds"), of the
317 authority, for the purpose of funding or refunding, at or prior
318 to maturity, any bonds theretofore issued by the authority, or
319 by the Florida State Improvement Commission to finance part of
320 the cost of the Jacksonville Expressway System, and purposes
321 related thereto, and for the purpose of financing or refinancing
322 all or part of the costs of completion, ~~or~~ improvement, or
323 extension of the Jacksonville Expressway System, and appurtenant
324 facilities, including all approaches, streets, roads, bridges,
325 and avenues of access for the Jacksonville Expressway System and
326 for any other purpose authorized by this chapter, such bonds to
327 mature in not exceeding 40 years from the date of the issuance
328 thereof; and to secure the payment of such bonds or any part
329 thereof by a pledge of any or all of its revenues, rates, fees,
330 rentals, or other charges, including all or any portion of the
331 Duval County gasoline tax funds received by the authority
332 pursuant to the terms of any lease-purchase agreement between
333 the authority and the department; and in general to provide for

334 the security of such bonds and the rights and remedies of the
 335 holders thereof.

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

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

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

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

360 (k) To pledge, hypothecate, or otherwise encumber all or
 361 any part of the revenues, rates, fees, rentals, or other charges

362 or receipts of the authority, including all or any portion of
 363 the Duval County gasoline tax funds received by the authority
 364 pursuant to the terms of any lease-purchase agreement between
 365 the authority and the department, as security for all or any of
 366 the obligations of the authority.

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

371 (m) To invest and to borrow money and make and issue
 372 negotiable notes, bonds, refunding bonds, and other evidences of
 373 indebtedness or obligations, either in temporary or definitive
 374 form, of the authority for the purpose of financing or
 375 refinancing all or a part of ~~funding or refunding~~ the cost of
 376 the acquisition or improvement of transportation facilities
 377 ~~motor or street railway vehicles, passenger terminals,~~
 378 ~~automobile parking facilities, or administrative offices~~ and for
 379 any other purposes authorized by this chapter, such bonds to
 380 mature in not exceeding 40 years from the date of the issuance
 381 thereof; to secure the payment of such bonds or any part thereof
 382 by a pledge of any or all of its revenues, rates, fees, rentals,
 383 or other charges, including, without limitation, all or any
 384 portion of local option taxes or county gasoline tax funds
 385 received by the authority; and in general to provide for the
 386 security of such bonds and the rights and remedies of the
 387 holders thereof.

388 (n) To adopt rules to carry out the powers and obligations
 389 herein granted, which set forth a purpose, necessary

390 definitions, forms, general conditions and procedures, and fines
 391 and penalties, including, without limitation, suspension or
 392 debarment, and charges for nonperformance, with respect to any
 393 aspect of the work or function of the authority for the
 394 permitting, planning, funding, design, acquisition,
 395 construction, equipping, operation, and maintenance of
 396 transportation facilities, transit and highway, within the
 397 state, provided or operated by the authority or others in
 398 cooperation with or at the direction of the authority, and for
 399 carrying out all other purposes of the authority set forth or
 400 authorized in this chapter.

401 (o) To establish and fund reserve accounts with respect to
 402 its operations and functions, make withdrawals therefrom, and
 403 replenish such accounts, as the governing body may reasonably
 404 determine.

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

408 (q) To retain legal counsel and financial, engineering,
 409 real estate, accounting, design, planning, and other consultants
 410 from time to time as the authority may determine to assist in
 411 the carrying out of the powers and obligations granted in this
 412 chapter.

413 (r) With the consent of the county within whose
 414 jurisdiction the following activities occur, to construct, own,
 415 operate, and maintain transportation facilities outside the
 416 jurisdictional boundaries of Duval County, with all necessary
 417 and incidental powers to accomplish the foregoing.

418 (s) To form, alone or with one or more other agencies of
419 the state or local governments, public benefit corporations to
420 carry out the powers and obligations granted in this chapter or
421 the powers and obligations of such other agencies or local
422 governments.

423 (t) To require or elect not to require bid bonds and
424 protest bonds, to prequalify bidders or proposers in various
425 categories of work or services, and to suspend or debar
426 consultants and contractors in accordance with the rules of the
427 authority.

428 (u) To create and operate an employees' benefit fund for
429 employees of the authority or public benefit corporations
430 controlled by it. The proceeds of vending machines located on
431 the premises of the authority or such corporations shall be paid
432 into the fund and used for such benefits and purposes as the
433 authority may determine.

434 (3) The authority shall have no power at any time or in
435 any manner to pledge the credit or taxing power of the state or
436 any political subdivision or agency thereof; nor shall any of
437 the obligations of the authority be deemed to be obligations of
438 the state or of any political subdivision or agency thereof; nor
439 shall the state or any political subdivision or agency thereof,
440 except the authority, be liable for the payment of the principal
441 of, or interest on, such obligations. However, this provision is
442 not applicable to the type or manner of financing authorized by
443 s. 9(c)(5), Art. XII of the State Constitution, as amended, and
444 laws enacted pursuant thereto.

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

453 (5) Except as otherwise expressly provided in this
454 chapter, none of the powers and obligations herein granted to
455 the authority shall be subject to the supervision or require the
456 approval or consent of any municipality or county, except as may
457 be agreed upon by the authority in an interlocal agreement with
458 a municipality or county.

459 (6) No oral modification of a contract, whether for
460 construction of highway facilities or other transportation
461 facilities, shall be binding upon the authority or form the
462 basis for a claim against the authority. Only the chair of the
463 governing body or executive director of the authority, or the
464 designee of either, may bind the authority. In addition to any
465 provisions for liquidated damages for delay by contractors in
466 construction of transportation facilities for the authority, the
467 authority may also recover from the contractor amounts owing or
468 paid by the authority for damages suffered by third parties as a
469 result of the contractor's failure to complete the project
470 within the time stipulated in the contract, as amended by the
471 authority. In all cases in which damages to the authority for
472 delay are not specified by contract as a liquidated amount, the

473 measure of such damages shall be based upon an analysis of the
 474 cost savings, in travel time and travel costs, to the traveling
 475 public for transportation facilities that are not revenue-
 476 producing.

477 (7) The authority shall be deemed to be an "authority" for
 478 purposes of s. 337.403, shall have all of the powers granted to
 479 authorities under s. 337.403, and shall have the powers granted
 480 to the Department of Transportation under s. 337.274 with
 481 respect to its powers and obligations granted in this chapter.

482 (8) The authority shall be deemed to be an "authority" for
 483 purposes of s. 20.23(2)(b)8., relating to monitoring and review
 484 by the Florida Transportation Commission, and for purposes of s.
 485 348.0003(4)(c), relating to financial disclosure requirements
 486 for authority members.

487 Section 4. Section 349.041, Florida Statutes, is amended
 488 to read:

489 349.041 Provision of funds ~~and services~~ by city to
 490 authority; ~~employment of legal counsel.~~--

491 ~~(1)~~ The authority shall prepare and submit annually its
 492 requests for such funds as it may require from the city for the
 493 ensuing year to the council of the city on or before June 1,
 494 setting forth its estimated ~~gross~~ revenues and requirements with
 495 respect to the activities or transportation facilities for which
 496 funds of the city are sought ~~estimated requirements for~~
 497 ~~operations, maintenance expenses, and debt service.~~ A copy of
 498 such requests shall be furnished to the Department of
 499 Transportation. The council and the mayor of the City of

500 Jacksonville may appropriate such funds as they deem appropriate
 501 for the use of the authority.

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

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

509 Section 6. Section 349.043, Florida Statutes, is created
 510 to read:

511 349.043 Public hearings for transportation
 512 facilities.--Transportation facilities may not be designated or
 513 relocated by the authority, nor may substantive changes be made
 514 thereto, until after a public hearing is conducted by the
 515 authority. Any interested party shall have the opportunity to be
 516 heard either in person or by counsel and to introduce testimony
 517 in such person's behalf at the hearing. Reasonable notice of
 518 each such public hearing shall be published in a newspaper of
 519 general circulation in each county directly affected by the
 520 proposed transportation facility not less than 14 days prior to
 521 the hearing. In addition, the authority shall comply with all
 522 applicable federal requirements related to new or altered
 523 transportation facilities or services.

524 Section 7. Section 349.05, Florida Statutes, is amended to
 525 read:

526 349.05 Bonds of the authority; bonds not debt or pledges
 527 of credit of state.--

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

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

556 coupons attached to such bonds shall bear the facsimile
557 signature or signatures of such officer or officers as shall be
558 designated by the authority and shall have the seal of the
559 authority affixed, imprinted, reproduced, or lithographed
560 thereon, all as may be prescribed in such resolution or
561 resolutions.

562 2. (b) Such bonds shall be sold at public or private sale
563 at such price or prices as the authority determines to be in its
564 best interest, except that the interest costs to the authority
565 on such bonds may not exceed the maximum lawful interest rate.
566 The authority shall provide a specific finding by resolution as
567 to the reason requiring any negotiated sale ~~must be sold at~~
568 ~~public sale in the manner provided by the State Bond Act.~~
569 ~~However, if the authority, by official action at a public~~
570 ~~meeting, determines that a negotiated sale of the bonds is in~~
571 ~~the best interest of the authority, the authority may negotiate~~
572 ~~for sale of the bonds with the underwriter or underwriters~~
573 ~~designated by the authority and the Division of Bond Finance of~~
574 ~~the State Board of Administration.~~ Pending the preparation of
575 definitive bonds, interim certificates may be issued to the
576 purchaser or purchasers of such bonds and may contain such terms
577 and conditions as the authority may determine.

578 3. The authority may issue bonds pursuant to this
579 paragraph to refund any bonds previously issued regardless of
580 whether the bonds being refunded were issued by the authority
581 pursuant to this chapter or on behalf of the authority pursuant
582 to the State Bond Act.

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

587 (a) The pledging of all or any part of the revenues,
 588 rates, fees, rentals, including the sales surtax adopted
 589 pursuant to s. 212.055(1) (including all or any portion of the
 590 ~~Duval~~ county gasoline tax funds received by the authority
 591 ~~pursuant to the terms of any lease purchase agreement between~~
 592 ~~the authority and the department, or any part thereof~~), or other
 593 charges or receipts of any nature of the authority, whether or
 594 not derived by the authority from the Jacksonville Expressway
 595 System or its other transportation facilities;

596 (b) The completion, improvement, operation, extension,
 597 maintenance, repair, lease, or lease-purchase agreement of said
 598 system or transportation facilities, and the duties of the
 599 authority and others, including the department, with reference
 600 thereto;

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

604 (d) The fixing, charging, establishing, and collecting of
 605 rates, fees, rentals, or other charges for use of the services
 606 and facilities of the Jacksonville Expressway System or any part
 607 thereof or its other transportation facilities;

608 (e) The setting aside of reserves or sinking funds or
 609 repair and replacement funds and the regulation and disposition
 610 thereof;

611 (f) Limitations on the issuance of additional bonds;
 612 (g) The terms and provisions of any lease-purchase
 613 agreement, deed of trust, or indenture securing the bonds, or
 614 under which the same may be issued; and
 615 (h) Any other or additional provisions, covenants, and
 616 agreements with the holders of the bonds which the authority may
 617 deem desirable and proper.

618 (3) ~~The authority may employ fiscal agents as provided by~~
 619 ~~this chapter or the~~ State Board of Administration may, upon
 620 request by the authority, act as fiscal agent for the authority
 621 in the issuance of any bonds that may be issued pursuant to this
 622 chapter, and the State Board of Administration may, upon request
 623 by the authority, take over the management, control,
 624 administration, custody, and payment of any or all debt services
 625 or funds or assets now or hereafter available for any bonds
 626 issued pursuant to this chapter. The authority may enter into
 627 deeds of trust, indentures, or other agreements with a corporate
 628 trustee or trustees, which shall act as its fiscal agent for the
 629 authority and may be, or with any bank or trust company within
 630 or without the state, as security for such bonds, and may, under
 631 such agreements, assign and pledge all or any of the revenues,
 632 rates, fees, rentals, or other charges or receipts of the
 633 authority, including all or any portion of local option taxes or
 634 ~~the Duval~~ county gasoline tax funds received by the authority
 635 ~~pursuant to the terms of any lease purchase agreement between~~
 636 ~~the authority and the department,~~ thereunder. Such deed of
 637 trust, indenture, or other agreement, may contain such
 638 provisions as are ~~is~~ customary in such instruments or, as the

639 authority may authorize, including, ~~but~~ without limitation,
 640 provisions as to:

641 (a) The completion, improvement, operation, extension,
 642 maintenance, repair, and lease of, or lease-purchase agreement
 643 relating to, all or any part of transportation facilities
 644 authorized in this chapter to be constructed, acquired,
 645 developed, or operated by the authority ~~the Jacksonville~~
 646 ~~Expressway System,~~ and the duties of the authority and others,
 647 including the department, with reference thereto;

648 (b) The application of funds and the safeguarding of funds
 649 on hand or on deposit;

650 (c) The rights and remedies of the trustee and the holders
 651 of the bonds; and

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

654 (4) Any of the bonds issued pursuant to this chapter are,
 655 and are hereby declared to be, negotiable instruments, and shall
 656 have all the qualities and incidents of negotiable instruments
 657 under the law merchant and the negotiable instruments law of the
 658 state.

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

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

667 credit of the state. Such bonds are payable exclusively from
 668 revenues pledged for their payment. Each such bond shall contain
 669 a statement on its face that the state is not obligated to pay
 670 the same or the interest thereon, except from the revenues
 671 pledged for their payment, and that the faith and credit of the
 672 state is not pledged to the payment of the principle or interest
 673 of such bond. The issuance of revenue bonds under the provisions
 674 of this chapter does not directly, indirectly, or contingently
 675 obligate the state to levy or to pledge any form of taxation
 676 whatsoever or to make any appropriation for their payment.

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

678 Section 9. Section 349.061, Florida Statutes, is created
 679 to read:

680 349.061 Bond financing authority.--Pursuant to s. 11(f),
 681 Art. VII of the State Constitution, the Legislature hereby
 682 approves for bond financing by the authority any extensions,
 683 additions, and improvements to the Jacksonville Expressway
 684 System and any other facilities appurtenant, necessary, or
 685 incidental to the system or any transportation facilities herein
 686 authorized to be constructed, acquired, or operated by the
 687 authority. Subject to terms and conditions of applicable revenue
 688 bond resolutions and covenants, such costs may be financed in
 689 whole or in part by revenue bonds issued pursuant to s.
 690 349.05(1)(a) or (b), whether currently issued or issued in the
 691 future, or by a combination of such bonds.

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

694 349.07 Lease-purchase agreement.--

695 (7) Regardless of whether the authority enters into a
 696 lease-purchase agreement with the department relating to the
 697 system or any part thereof, the ~~said~~ system shall be a part of
 698 the State ~~Highway~~ ~~road~~ System and the ~~said~~ department is hereby
 699 authorized, upon the request of the authority, to expend out of
 700 any funds available for the purpose such moneys, and to use such
 701 of its engineering and other forces, as may be necessary and
 702 desirable in the judgment of the ~~said~~ department, for the
 703 operation of the ~~said~~ authority and for traffic surveys,
 704 borings, surveys, preparation of plans and specifications,
 705 estimates of cost, and other preliminary engineering and other
 706 studies; ~~provided, however, that the aggregate amount of moneys~~
 707 ~~expended for said purposes by said department shall not exceed~~
 708 the sum of \$375,000.

709 Section 11. Section 349.10, Florida Statutes, is amended
 710 to read:

711 349.10 Acquisition of lands and property.--

712 (1) For the purposes of this chapter, ~~law~~ the Jacksonville
 713 Transportation Authority may acquire private or public property
 714 and property rights, including rights of access, air, view, and
 715 light, by gift, devise, purchase, or condemnation by eminent
 716 domain proceedings, as the authority may deem necessary,
 717 including, but not limited to, any lands reasonably necessary
 718 for securing applicable permits, areas necessary for management
 719 of access, borrow pits, drainage ditches, water retention areas,
 720 rest areas, replacement access for landowners whose access is
 721 impaired due to the construction of transportation facilities,
 722 and replacement rights-of-way for relocated rail and utility

723 facilities, and areas necessary for existing, proposed, or
724 anticipated transportation facilities or in a transportation
725 corridor designated by the authority. The authority shall also
726 have the power to condemn any material and property necessary
727 for such ~~for any of the purposes of this chapter.~~ Property
728 already devoted to a public use may be acquired in like manner,
729 provided that no real property belonging to the city, the
730 county, the state, or any political subdivision thereof may be
731 acquired without its consent. The right of eminent domain herein
732 conferred shall be exercised by the authority in the manner
733 provided by law.

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

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

743 (4) When the authority acquires property for a
744 transportation facility or in a transportation corridor, it is
745 not subject to any liability imposed by chapter 376 or chapter
746 403 for preexisting soil or groundwater contamination due solely
747 to its ownership. This section does not affect the rights or
748 liabilities of any past or future owners of the acquired
749 property nor does it affect the liability of any governmental
750 entity for the results of its actions that create or exacerbate

751 a pollution source. The authority and the Department of
 752 Environmental Protection may enter into interagency agreements
 753 for the performance, funding, and reimbursement for the costs of
 754 the investigative and remedial acts necessary for property
 755 acquired by the authority.

756 Section 12. Section 349.12, Florida Statutes, is amended
 757 to read:

758 349.12 Covenant of the state.--The state does hereby
 759 pledge to~~7~~ and agree ~~agrees~~, with any person, firm or
 760 corporation, or federal or state agency subscribing to~~7~~ or
 761 acquiring the bonds to be issued by the authority for the
 762 purposes of this chapter that the state will not limit or alter
 763 the rights hereby vested in the authority and the department
 764 until all bonds at any time issued, together with the interest
 765 thereon, are fully paid and discharged insofar as the same
 766 affects the rights of the holders of bonds issued hereunder. The
 767 state does further pledge to~~7~~ and ~~agree~~, with the United States
 768 and any federal agency that, in the event that any federal
 769 agency shall construct or contribute any funds for the
 770 completion, extension, or improvement of the Jacksonville
 771 Expressway System or other transportation facilities of the
 772 authority, or any part or portion thereof, the state will not
 773 alter or limit the rights and powers of the authority and the
 774 department in any manner that ~~which~~ would be inconsistent with
 775 the continued maintenance and operation of the Jacksonville
 776 Expressway System or other transportation facilities of the
 777 authority or the completion, extension, or improvement thereof,
 778 or that ~~which~~ would be inconsistent with the due performance of

779 any agreements between the authority and any such federal
 780 agency, and the authority and the department shall continue to
 781 have and may exercise all powers herein granted, so long as the
 782 same shall be necessary or desirable for the carrying out of the
 783 purposes of this chapter and the purposes of the United States
 784 in the completion, extension, or improvement of the Jacksonville
 785 Expressway System or other transportation facilities of the
 786 authority, or any part or portion thereof.

787 Section 13. Section 349.13, Florida Statutes, is amended
 788 to read:

789 349.13 Exemption from taxation.--The effectuation of the
 790 authorized purposes of the authority created under this chapter
 791 is, shall and will be, in all respects for the benefit of the
 792 people of the state, for the increase of their commerce and
 793 prosperity, and for the improvement of their health and living
 794 conditions, and since such authority will be performing
 795 essential governmental functions in effectuating such purposes,
 796 such authority shall not be required to pay any taxes or
 797 assessments of any kind or nature whatsoever upon any property
 798 acquired or used by it for such purposes, or upon any rates,
 799 fees, rentals, receipts, income, or charges at any time received
 800 by it, and the bonds and other obligations issued under this
 801 chapter ~~by the authority~~, their transfer and the income
 802 therefrom, (including any profits made on the sale thereof),
 803 shall at all times be free from taxation of any kind by the
 804 state, or by any political subdivision, or taxing agency or
 805 instrumentality thereof. The exemption granted by this section
 806 shall not be applicable to any tax imposed by chapter 220 on

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

811 Section 14. Section 349.15, Florida Statutes, is amended
 812 to read:

813 349.15 Remedies; pledges enforceable by bondholders.--Any
 814 holder of bonds issued under this chapter, except to the extent
 815 such rights may be restricted by the resolution, deed of trust,
 816 indenture, or other proceeding relating to the issuance of such
 817 bonds, may by civil action, mandamus, or other appropriate
 818 action, suit, or proceeding in law or in equity, in any court of
 819 competent jurisdiction, protect and enforce any and all rights
 820 of such bondholder granted under the proceedings authorizing the
 821 issuance of such bonds and enforce any pledge made for payment
 822 of the principal and interest on bonds, or any covenant or
 823 agreement relative thereto, against the authority or directly
 824 against the department, as may be appropriate. It is the express
 825 intention of this chapter that any pledge by the department of
 826 rates, fees, revenues, ~~Duval~~ county gasoline tax funds, or other
 827 funds, as rentals, to the authority or any covenants or
 828 agreements relative thereto may be enforceable in any court of
 829 competent jurisdiction against the authority or directly against
 830 the department by any holder of bonds issued by the authority.

831 Section 15. Section 349.17, Florida Statutes, is amended
 832 to read:

833 349.17 Chapter complete and additional authority.--

834 (1) The powers conferred by this chapter shall be in
835 addition and supplemental to the existing powers of said board
836 and the Department of Transportation, and this chapter shall not
837 be construed as repealing any of the provisions of any other
838 law, general, special, or local, but to supersede such other
839 laws in the exercise of the powers provided in this chapter, and
840 to provide a complete method for the exercise of the powers
841 granted in this chapter. The refunding of any of the bonds of
842 Florida State Improvement Commission heretofore issued to
843 finance part of the cost of said Jacksonville Expressway System,
844 and the completion, extension, and improvement of said system,
845 and the issuance of bonds hereunder to finance all or part of
846 the cost thereof, may be accomplished upon compliance with the
847 provisions of this chapter without regard to or necessity for
848 compliance with the provisions, limitations, or restrictions
849 contained in any other general, special, or local law,
850 including, without limitation, s. 215.821, and no approval of
851 any bonds issued under this chapter by the qualified electors or
852 qualified electors who are freeholders in the state or in said
853 County of Duval, or in said City of Jacksonville, or in any
854 other political subdivision of the state, shall be required for
855 the issuance of such bonds pursuant to this chapter.

856 (2) This chapter shall not be deemed to repeal, rescind,
857 or modify any other law or laws relating to said State Board of
858 Administration, said Department of Transportation, or said
859 Florida State Improvement Commission~~7~~ but shall be deemed to and
860 shall supersede such other law or laws in the exercise of the
861 powers provided in this chapter insofar as such other law or

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

864 Section 16. Section 349.21, Florida Statutes, is amended
865 to read:

866 349.21 Powers conferred by s. 212.055(1).--Notwithstanding
867 any other provision of law, any transportation authority created
868 by this chapter shall have all the powers conferred by s.
869 212.055(1). The revenues provided by this section may ~~shall~~ be
870 used or pledged as set forth in s. 212.055(1), including to pay
871 principal and interest on bonds issued to refinance existing
872 bonds or new bonds issued for the construction of rapid transit
873 systems, bus systems, roads, or bridges, as provided in s.
874 212.055(1) for which tolls have been pledged. ~~The powers~~
875 ~~provided by this section shall expire when all such bonds in~~
876 ~~existence on the effective date of this act have been retired.~~

877 Section 17. Section 349.22, Florida Statutes, is created
878 to read:

879 349.22 Public-private transportation facilities.--

880 (1) The authority may receive or solicit proposals and
881 enter into agreements with private entities or consortia thereof
882 for the building, operation, ownership, or financing of
883 highways, bridges, multimodal transportation systems, transit-
884 oriented development nodes, transit stations, or related
885 transportation facilities. Before approval, the authority must
886 determine that a proposed project:

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

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

891 (c) Would have adequate safeguards to ensure that
892 additional costs or unreasonable service disruptions would not
893 be realized by the traveling public and citizens of the state in
894 the event of default or cancellation of the agreement by the
895 authority.

896 (2) The authority shall ensure that all reasonable costs
897 to the state related to transportation facilities that are not
898 part of the State Highway System are borne by the private entity
899 or any partnership created to develop the facilities. The
900 authority shall also ensure that all reasonable costs to the
901 state and substantially affected local governments and utilities
902 related to the private transportation facility are borne by the
903 private entity for transportation facilities that are owned by
904 private entities. For projects on the State Highway System or
905 that provide increased mobility on the State Highway System, the
906 department may use state resources to participate in funding and
907 financing the project as provided for under the department's
908 enabling legislation.

909 (3) The authority may request proposals and receive
910 unsolicited proposals for public-private transportation projects
911 and, upon receipt of any unsolicited proposal or determination
912 to issue a request for proposals, the authority must publish a
913 notice in the Florida Administrative Weekly and a newspaper of
914 general circulation in the county in which the proposed project
915 is located at least once a week for 2 weeks requesting proposals

916 or, if an unsolicited proposal was received, stating that it has
917 received the proposal and will accept, for 60 days after the
918 initial date of publication, other proposals for the same
919 project purpose. A copy of the notice must be mailed to each
920 local government in the affected areas. After the public
921 notification period has expired, the authority shall rank the
922 proposals in order of preference. In ranking the proposals, the
923 authority shall consider professional qualifications, general
924 business terms, innovative engineering or cost-reduction terms,
925 finance plans, and the need for state funds to deliver the
926 proposal. If the authority is not satisfied with the results of
927 the negotiations, it may, at its sole discretion, terminate
928 negotiations with the proposer. If these negotiations are
929 unsuccessful, the authority may go to the second and lower-
930 ranked firms, in order, using the same procedure. If only one
931 proposal is received, the authority may negotiate in good faith
932 and, if it is not satisfied with the results, it may, at its
933 sole discretion, terminate negotiations with the proposer.
934 Notwithstanding this subsection, the authority may, at its
935 discretion, reject all proposals at any point in the process up
936 to completion of a contract with the proposer.

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

942 (5) Each public-private transportation facility
943 constructed pursuant to this section shall comply with all

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944 requirements of federal, state, and local laws; state, regional,
945 and local comprehensive plans; the authority's rules, policies,
946 procedures, and standards for transportation facilities; and any
947 other conditions that the authority determines to be in the
948 public's best interest.

949 (6) The authority may exercise any of its powers,
950 including eminent domain, to facilitate the development and
951 construction of transportation projects pursuant to this
952 section. The authority may pay all or part of the cost of
953 operating and maintaining the facility or may provide services
954 to the private entity, for which services it shall receive full
955 or partial reimbursement.

956 (7) Except as provided in this section, this section is
957 not intended to amend existing law by granting additional powers
958 to or imposing further restrictions on the governmental entities
959 with regard to regulating and entering into cooperative
960 arrangements with the private sector for the planning,
961 construction, and operation of transportation facilities.

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