

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; authorizing audits of  
52 related records; removing a requirement that the authority  
53 utilize certain city services; removing a provision  
54 authorizing the authority to employ legal counsel;  
55 repealing s. 349.042, F.S., relating to the Jacksonville  
56 area planning board review of construction and operation

57 | of the expressway and transit functions of the authority;  
58 | creating s. 349.043, F.S.; requiring a public hearing  
59 | prior to designation or relocation of transportation  
60 | facilities or substantive changes thereto; providing  
61 | procedures; requiring compliance with federal requirements  
62 | related to new or altered transportation facilities or  
63 | services; amending s. 349.05, F.S.; authorizing bonds to  
64 | be issued on behalf of the authority; revising provisions  
65 | for issuance and sale of bonds; authorizing certain  
66 | refunding bonds; revising provisions for resolutions  
67 | authorizing bonds; revising provisions for fiscal agents;  
68 | providing that bonds are not obligations of the state;  
69 | repealing s. 349.06, F.S., relating to remedies of the  
70 | bondholders; creating s. 349.061, F.S.; providing approval  
71 | for bond financing by the authority; amending s. 349.07,  
72 | F.S.; revising provisions authorizing the Department of  
73 | Transportation to expend certain funds and use its  
74 | resources for certain items related to the Jacksonville  
75 | Expressway System; amending s. 349.10, F.S.; revising  
76 | provisions for the authority to acquire lands and rights  
77 | therein; limiting liability of the authority with respect  
78 | to certain contamination of lands acquired; authorizing  
79 | the authority and the Department of Environmental  
80 | Protection to enter into agreements for the performance  
81 | and funding of investigative and remedial acts; amending  
82 | s. 349.12, F.S.; revising covenant of the state related to  
83 | bonds of the authority; amending s. 349.13, F.S.;  
84 | specifying conditions under which property leased by the

85 authority is exempt from ad valorem taxes; amending s.  
 86 349.15, F.S.; revising provisions for enforcement of  
 87 rights by bondholders; amending s. 349.17, F.S.; revising  
 88 provisions for application of and exemption from other  
 89 laws relating to issuance of bonds; amending s. 349.21,  
 90 F.S.; revising provisions for use of charter county  
 91 transit system surtax funds; creating s. 349.22, F.S.;  
 92 providing conditions for the authority to receive or  
 93 solicit proposals and enter into agreements with private  
 94 entities for the building, operation, ownership, or  
 95 financing of highways, bridges, multimodal transportation  
 96 systems, transit-oriented development nodes, transit  
 97 stations, or related transportation facilities; requiring  
 98 certain costs to be paid by the private entity;  
 99 authorizing the department to use state funds for projects  
 100 on or that increase mobility on the State Highway System;  
 101 requiring notice of proposals and providing procedures;  
 102 providing for agreements to authorize the public-private  
 103 entity to impose tolls; requiring public-private  
 104 transportation facilities to comply with laws,  
 105 comprehensive plans, and the authority's rules, policies,  
 106 procedures, standards, and conditions; authorizing the  
 107 authority to exercise its powers to facilitate public-  
 108 private projects; providing for application; providing an  
 109 effective date.

111 Be It Enacted by the Legislature of the State of Florida:

112

113 Section 1. Section 349.02, Florida Statutes, is amended to  
 114 read:

115 349.02 Definitions.--

116 (1) Except in those instances where the context clearly  
 117 indicates otherwise, whenever used or referred to in this  
 118 chapter, the following terms ~~whenever used or referred to in~~  
 119 ~~this law shall have the following meanings, except in those~~  
 120 ~~instances where the context clearly indicates otherwise:~~

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

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

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

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

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

138 (f) (6) The terms "Florida State Improvement Commission" or  
 139 "commission" means ~~shall mean~~ the state agency created,  
 140 organized, and existing under and by virtue of the provisions of

141 former chapter 420, or the successor thereto, chapter 29788,  
 142 Acts of 1955, now chapter 288.

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

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

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

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

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

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

167 (m) "Transportation facilities" means and includes all  
 168 mobile and fixed assets (real or personal property or rights

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

180 (2)~~(13)~~ Words importing singular number shall include the  
 181 plural number in each case and vice versa, and words importing  
 182 persons shall include firms and corporations.

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

185 349.03 Jacksonville Transportation Authority.--

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

194 (2) The governing body of the authority shall consist of  
 195 seven members. Three members shall be appointed by the Governor  
 196 and confirmed by the Senate. Three members shall be appointed by

197 the mayor of the City of Jacksonville subject to confirmation by  
198 the council of the City of Jacksonville. The seventh member  
199 shall be the district secretary of the Department of  
200 Transportation serving in the district that contains the City of  
201 Jacksonville. Except for the seventh member, members shall be  
202 residents and qualified electors of Duval County ~~the City of~~  
203 ~~Jacksonville~~.

204 Section 3. Section 349.04, Florida Statutes, is amended to  
205 read:

206 349.04 Purposes and powers.--

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



224 (b) The authority may, in addition, acquire, hold,  
 225 construct, improve, operate, maintain, and lease in the capacity  
 226 of lessor a mass transit system employing motor cars or buses;  
 227 street railway systems beneath the surface, on the surface, or  
 228 above the surface; or any other means determined useful to the  
 229 rapid transfer of large numbers of people among the locations of  
 230 residence, commerce, industry, and education in Duval County ~~the~~  
 231 ~~City of Jacksonville~~.

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

244 (d) It is the express intention of this chapter that the  
 245 authority, in completing the construction of the Jacksonville  
 246 Expressway System, is not limited to the description thereof  
 247 contained in the proceedings of the commission which authorized  
 248 the issuance of \$28 million in bonds to finance part of the cost  
 249 thereof, but it is authorized to finance and construct any  
 250 additional extensions, additions, or improvements to the system,  
 251 or appurtenant facilities, including all necessary approaches,

252 roads, bicycle ways, bridges, and avenues of access, with such  
 253 changes, modifications, or revisions of the project as are  
 254 deemed desirable and proper. It is the intent of this chapter,  
 255 and to effect its purposes the Legislature determines, that  
 256 bonds issued under this chapter be deemed to be state capital  
 257 improvement bonds to finance or refinance the cost of state  
 258 capital projects pursuant to s. 11(d), Art. VII of the State  
 259 Constitution. However, the provisions of s. 316.091(2), relating  
 260 to bicycles, do not apply to this system.

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

276 (f)~~(e)~~ The authority, in addition to the other powers and  
 277 duties provided, shall have the power and responsibility to  
 278 formulate and implement a plan for a mass transit system which

279 will serve Duval County and the consolidated City of  
 280 Jacksonville.

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

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

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

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

301 (d) To enter into and make leases for terms not exceeding  
 302 40 years, as either lessee or lessor, in order to carry out the  
 303 right to lease as set forth in this chapter.

304 (e) To enter into and make lease-purchase agreements with  
 305 the department for terms not exceeding 40 years, or until any  
 306 bonds secured by a pledge of rentals thereunder, and any

307 refundings thereof, are fully paid as to both principal and  
 308 interest, whichever is longer.

309 (f) To fix, alter, charge, establish, and collect rates,  
 310 fees, rentals, and other charges for the services and facilities  
 311 of the Jacksonville Expressway System and any other  
 312 transportation facilities of the authority, which rates, fees,  
 313 rentals, and other charges shall always be sufficient to comply  
 314 with any covenants made with the holders of any bonds issued  
 315 pursuant to this chapter; this right and power may be assigned  
 316 or delegated by the authority to the department.

317 (g)1. To borrow money and make and issue negotiable notes,  
 318 bonds, refunding bonds, and other evidences of indebtedness or  
 319 obligations, either in temporary or definitive form~~7~~  
 320 (hereinafter in this chapter sometimes called "bonds"), of the  
 321 authority, for the purpose of funding or refunding, at or prior  
 322 to maturity, any bonds theretofore issued by the authority, or  
 323 by the Florida State Improvement Commission to finance part of  
 324 the cost of the Jacksonville Expressway System, and purposes  
 325 related thereto, and for the purpose of financing or refinancing  
 326 all or part of the costs of completion, ~~or~~ improvement, or  
 327 extension of the Jacksonville Expressway System, and appurtenant  
 328 facilities, including all approaches, streets, roads, bridges,  
 329 and avenues of access for the Jacksonville Expressway System and  
 330 for any other purpose authorized by this chapter, such bonds to  
 331 mature in not exceeding 40 years from the date of the issuance  
 332 thereof; and to secure the payment of such bonds or any part  
 333 thereof by a pledge of any or all of its revenues, rates, fees,  
 334 rentals, or other charges, including all or any portion of the

335 Duval County gasoline tax funds received by the authority  
336 pursuant to the terms of any lease-purchase agreement between  
337 the authority and the department; and in general to provide for  
338 the security of such bonds and the rights and remedies of the  
339 holders thereof.

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

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

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

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

364 (k) To pledge, hypothecate, or otherwise encumber all or  
 365 any part of the revenues, rates, fees, rentals, or other charges  
 366 or receipts of the authority, including all or any portion of  
 367 the Duval County gasoline tax funds received by the authority  
 368 pursuant to the terms of any lease-purchase agreement between  
 369 the authority and the department, as security for all or any of  
 370 the obligations of the authority.

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

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

390 security of such bonds and the rights and remedies of the  
391 holders thereof.

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

405 (o) To establish and fund reserve accounts with respect to  
406 its operations and functions, make withdrawals therefrom, and  
407 replenish such accounts, as the governing body may reasonably  
408 determine.

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

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

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

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

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

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

438       (3) The authority shall have no power at any time or in  
439 any manner to pledge the credit or taxing power of the state or  
440 any political subdivision or agency thereof; nor shall any of  
441 the obligations of the authority be deemed to be obligations of  
442 the state or of any political subdivision or agency thereof; nor  
443 shall the state or any political subdivision or agency thereof,  
444 except the authority, be liable for the payment of the principal



445 of, or interest on, such obligations. However, this provision is  
446 not applicable to the type or manner of financing authorized by  
447 s. 9(c)(5), Art. XII of the State Constitution, as amended, and  
448 laws enacted pursuant thereto.

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

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

463 (6) No oral modification of a contract, whether for  
464 construction of highway facilities or other transportation  
465 facilities, shall be binding upon the authority or form the  
466 basis for a claim against the authority. Only the chair of the  
467 governing body or executive director of the authority, or the  
468 designee of either, may bind the authority. In addition to any  
469 provisions for liquidated damages for delay by contractors in  
470 construction of transportation facilities for the authority, the  
471 authority may also recover from the contractor amounts owing or  
472 paid by the authority for damages suffered by third parties as a

473 result of the contractor's failure to complete the project  
 474 within the time stipulated in the contract, as amended by the  
 475 authority. In all cases in which damages to the authority for  
 476 delay are not specified by contract as a liquidated amount, the  
 477 measure of such damages shall be based upon an analysis of the  
 478 cost savings, in travel time and travel costs, to the traveling  
 479 public for transportation facilities that are not revenue-  
 480 producing.

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

486 (8) The authority shall be deemed to be an "authority" for  
 487 purposes of s. 20.23(2)(b)8., relating to monitoring and review  
 488 by the Florida Transportation Commission, and for purposes of s.  
 489 348.0003(4)(c), relating to financial disclosure requirements  
 490 for authority members.

491 Section 4. Section 349.041, Florida Statutes, is amended  
 492 to read:

493 349.041 Provision of funds and services by city to  
 494 authority; ~~employment of legal counsel.--~~

495 (1) The authority shall prepare and submit annually its  
 496 requests for such funds as it may require from the city for the  
 497 ensuing year to the council of the city on or before June 1,  
 498 setting forth its estimated gross revenues and estimated  
 499 requirements for operations, maintenance expenses, and debt  
 500 service. A copy of such requests shall be furnished to the

501 Department of Transportation. The council and the mayor of the  
 502 City of Jacksonville may appropriate such funds as they deem  
 503 appropriate for the use of the authority and records related  
 504 thereto may be audited by the Council Auditor of the City of  
 505 Jacksonville at anytime.

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

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

513 Section 6. Section 349.043, Florida Statutes, is created  
 514 to read:

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

528 Section 7. Section 349.05, Florida Statutes, is amended to

529 read:

530 349.05 Bonds of the authority; bonds not debt or pledges  
 531 of credit of state.--

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

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

557 facsimile signature by such officers as the authority shall  
558 determine, provided that such bonds shall bear at least one  
559 signature that ~~which~~ is manually executed thereon, and the  
560 coupons attached to such bonds shall bear the facsimile  
561 signature or signatures of such officer or officers as shall be  
562 designated by the authority and shall have the seal of the  
563 authority affixed, imprinted, reproduced, or lithographed  
564 thereon, all as may be prescribed in such resolution or  
565 resolutions.

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

582 3. The authority may issue bonds pursuant to this  
583 paragraph to refund any bonds previously issued regardless of  
584 whether the bonds being refunded were issued by the authority

585 pursuant to this chapter or on behalf of the authority pursuant  
 586 to the State Bond Act.

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

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

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

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

608 (d) The fixing, charging, establishing, and collecting of  
 609 rates, fees, rentals, or other charges for use of the services  
 610 and facilities of the Jacksonville Expressway System or any part  
 611 thereof or its other transportation facilities;

612 (e) The setting aside of reserves or sinking funds or

613 repair and replacement funds and the regulation and disposition  
 614 thereof;

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

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

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

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

641 trust, indenture, or other agreement~~7~~ may contain such  
 642 provisions as are ~~is~~ customary in such instruments or~~7~~ as the  
 643 authority may authorize, including, ~~but~~ without limitation,  
 644 provisions as to:

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

652 (b) The application of funds and the safeguarding of funds  
 653 on hand or on deposit;

654 (c) The rights and remedies of the trustee and the holders  
 655 of the bonds; and

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

658 (4) Any of the bonds issued pursuant to this chapter are,  
 659 and are hereby declared to be, negotiable instruments~~7~~ and shall  
 660 have all the qualities and incidents of negotiable instruments  
 661 under the law merchant and the negotiable instruments law of the  
 662 state.

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



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

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

682           Section 9. Section 349.061, Florida Statutes, is created  
 683 to read:

684           349.061 Bond financing authority.--Pursuant to s. 11(f),  
 685 Art. VII of the State Constitution, the Legislature hereby  
 686 approves for bond financing by the authority any extensions,  
 687 additions, and improvements to the Jacksonville Expressway  
 688 System and any other facilities appurtenant, necessary, or  
 689 incidental to the system or any transportation facilities herein  
 690 authorized to be constructed, acquired, or operated by the  
 691 authority. Subject to terms and conditions of applicable revenue  
 692 bond resolutions and covenants, such costs may be financed in  
 693 whole or in part by revenue bonds issued pursuant to s.  
 694 349.05(1)(a) or (b), whether currently issued or issued in the  
 695 future, or by a combination of such bonds.

696           Section 10. Subsection (7) of section 349.07, Florida

697 Statutes, is amended to read:

698 349.07 Lease-purchase agreement.--

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

713 Section 11. Section 349.10, Florida Statutes, is amended  
 714 to read:

715 349.10 Acquisition of lands and property.--

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

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

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

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

747 (4) When the authority acquires property for a  
748 transportation facility or in a transportation corridor, it is  
749 not subject to any liability imposed by chapter 376 or chapter  
750 403 for preexisting soil or groundwater contamination due solely  
751 to its ownership. This section does not affect the rights or  
752 liabilities of any past or future owners of the acquired

753 property nor does it affect the liability of any governmental  
 754 entity for the results of its actions that create or exacerbate  
 755 a pollution source. The authority and the Department of  
 756 Environmental Protection may enter into interagency agreements  
 757 for the performance, funding, and reimbursement for the costs of  
 758 the investigative and remedial acts necessary for property  
 759 acquired by the authority.

760 Section 12. Section 349.12, Florida Statutes, is amended  
 761 to read:

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

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

791 Section 13. Section 349.13, Florida Statutes, is amended  
 792 to read:

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

809 instrumentality thereof. The exemption granted by this section  
 810 shall not be applicable to any tax imposed by chapter 220 on  
 811 interest, income, or profits on debt obligations owned by  
 812 corporations. When property of the authority is leased, it shall  
 813 be exempt from ad valorem taxes only if the use by the lessee  
 814 qualifies the property for exemption under s. 196.199.

815 Section 14. Section 349.15, Florida Statutes, is amended  
 816 to read:

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

835 Section 15. Section 349.17, Florida Statutes, is amended  
 836 to read:

837           349.17 Chapter complete and additional authority.--  
 838           (1) The powers conferred by this chapter shall be in  
 839 addition and supplemental to the existing powers of said board  
 840 and the Department of Transportation, and this chapter shall not  
 841 be construed as repealing any of the provisions of any other  
 842 law, general, special, or local, but to supersede such other  
 843 laws in the exercise of the powers provided in this chapter, and  
 844 to provide a complete method for the exercise of the powers  
 845 granted in this chapter. The refunding of any of the bonds of  
 846 Florida State Improvement Commission heretofore issued to  
 847 finance part of the cost of said Jacksonville Expressway System,  
 848 and the completion, extension, and improvement of said system,  
 849 and the issuance of bonds hereunder to finance all or part of  
 850 the cost thereof, may be accomplished upon compliance with the  
 851 provisions of this chapter without regard to or necessity for  
 852 compliance with the provisions, limitations, or restrictions  
 853 contained in any other general, special, or local law,  
 854 including, without limitation, s. 215.821, and no approval of  
 855 any bonds issued under this chapter by the qualified electors or  
 856 qualified electors who are freeholders in the state or in said  
 857 County of Duval, or in said City of Jacksonville, or in any  
 858 other political subdivision of the state, shall be required for  
 859 the issuance of such bonds pursuant to this chapter.  
 860           (2) This chapter shall not be deemed to repeal, rescind, or  
 861 or modify any other law or laws relating to said State Board of  
 862 Administration, said Department of Transportation, or said  
 863 Florida State Improvement Commission, ~~but~~ shall be deemed to and  
 864 shall supersede such other law or laws in the exercise of the

865 powers provided in this chapter insofar as such other law or  
 866 laws are inconsistent with the provisions of this chapter,  
 867 including, without limitation, s. 215.821.

868 Section 16. Section 349.21, Florida Statutes, is amended  
 869 to read:

870 349.21 Powers conferred by s. 212.055(1).--Notwithstanding  
 871 any other provision of law, any transportation authority created  
 872 by this chapter shall have all the powers conferred by s.  
 873 212.055(1). The revenues provided by this section may shall be  
 874 used or pledged as set forth in s. 212.055(1), including to pay  
 875 principal and interest on bonds issued to refinance existing  
 876 bonds or new bonds issued for the construction of rapid transit  
 877 systems, bus systems, roads, or bridges, as provided in s.  
 878 212.055(1). In no event may local transportation surtax moneys  
 879 collected in Duval County be expended on transportation  
 880 facilities outside the boundaries of such county for which tolls  
 881 have been pledged. The powers provided by this section shall  
 882 expire when all such bonds in existence on the effective date of  
 883 this act have been retired.

884 Section 17. Section 349.22, Florida Statutes, is created  
 885 to read:

886 349.22 Public-private transportation facilities.--  
 887 (1) The authority may receive or solicit proposals and  
 888 enter into agreements with private entities or consortia thereof  
 889 for the building, operation, ownership, or financing of  
 890 highways, bridges, multimodal transportation systems, transit-  
 891 oriented development nodes, transit stations, or related



892 transportation facilities. Before approval, the authority must  
 893 determine that a proposed project:

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

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

898 (c) Would have adequate safeguards to ensure that  
 899 additional costs or unreasonable service disruptions would not  
 900 be realized by the traveling public and citizens of the state in  
 901 the event of default or cancellation of the agreement by the  
 902 authority.

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

916 (3) The authority may request proposals and receive  
 917 unsolicited proposals for public-private transportation projects  
 918 and, upon receipt of any unsolicited proposal or determination  
 919 to issue a request for proposals, the authority must publish a

920 notice in the Florida Administrative Weekly and a newspaper of  
921 general circulation in the county in which the proposed project  
922 is located at least once a week for 2 weeks requesting proposals  
923 or, if an unsolicited proposal was received, stating that it has  
924 received the proposal and will accept, for 60 days after the  
925 initial date of publication, other proposals for the same  
926 project purpose. A copy of the notice must be mailed to each  
927 local government in the affected areas. After the public  
928 notification period has expired, the authority shall rank the  
929 proposals in order of preference. In ranking the proposals, the  
930 authority shall consider professional qualifications, general  
931 business terms, innovative engineering or cost-reduction terms,  
932 finance plans, and the need for state funds to deliver the  
933 proposal. If the authority is not satisfied with the results of  
934 the negotiations, it may, at its sole discretion, terminate  
935 negotiations with the proposer. If these negotiations are  
936 unsuccessful, the authority may go to the second and lower-  
937 ranked firms, in order, using the same procedure. If only one  
938 proposal is received, the authority may negotiate in good faith  
939 and, if it is not satisfied with the results, it may, at its  
940 sole discretion, terminate negotiations with the proposer.  
941 Notwithstanding this subsection, the authority may, at its  
942 discretion, reject all proposals at any point in the process up  
943 to completion of a contract with the proposer.

944 (4) Agreements entered into pursuant to this section may  
945 authorize the public-private entity to impose tolls or fares for  
946 the use of the transportation facility. However, the amount and

947 use of toll or fare revenues shall be regulated by the authority  
948 to avoid unreasonable costs to users of the facility.

949 (5) Each public-private transportation facility  
950 constructed pursuant to this section shall comply with all  
951 requirements of federal, state, and local laws; state, regional,  
952 and local comprehensive plans; the authority's rules, policies,  
953 procedures, and standards for transportation facilities; and any  
954 other conditions that the authority determines to be in the  
955 public's best interest.

956 (6) The authority may exercise any of its powers,  
957 including eminent domain, to facilitate the development and  
958 construction of transportation projects pursuant to this  
959 section. The authority may pay all or part of the cost of  
960 operating and maintaining the facility or may provide services  
961 to the private entity, for which services it shall receive full  
962 or partial reimbursement.

963 (7) Except as provided in this section, this section is  
964 not intended to amend existing law by granting additional powers  
965 to or imposing further restrictions on the governmental entities  
966 with regard to regulating and entering into cooperative  
967 arrangements with the private sector for the planning,  
968 construction, and operation of transportation facilities.

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