

## ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

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.; revising a requirement for membership on the  
6           governing body of the authority to provide that an  
7           appointed member must be a resident and elector of Duval  
8           County; amending s. 349.04, F.S.; revising scope of the  
9           authority to include certain services throughout Duval  
10          County; revising authority, powers, rights, and  
11          responsibilities of the authority to provide for planning,  
12          coordinating, developing, financing, refinancing,  
13          constructing, owning, leasing, purchasing, operating,  
14          maintaining, relocating, equipping, repairing, and  
15          managing described transportation projects intended to  
16          address needs or concerns in the Jacksonville, Duval  
17          County, metropolitan area; revising bonding provisions;  
18          providing for the authority to fix, alter, charge,  
19          establish, and collect rates, fees, rentals, and other  
20          charges for any transportation facilities of the  
21          authority; revising eminent domain provisions to include  
22          specified procedural powers; authorizing use of local  
23          option taxes or county gasoline tax funds to secure the  
24          payment of bonds; authorizing the authority to establish  
25          and fund reserve accounts, adopt an annual budget, use  
26          purchasing schedules and master purchasing contracts,  
27          retain legal counsel and other consultants, construct and  
28          own and maintain transportation facilities outside the

## ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

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

## ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

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

## ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

85 providing conditions for the authority to receive or  
86 solicit proposals and enter into agreements with private  
87 entities for the building, operation, ownership, or  
88 financing of highways, bridges, multimodal transportation  
89 systems, transit-oriented development nodes, transit  
90 stations, or related transportation facilities; requiring  
91 certain costs to be paid by the private entity;  
92 authorizing the department to use state funds for projects  
93 on or that increase mobility on the State Highway System;  
94 requiring notice of proposals and providing procedures;  
95 providing for agreements to authorize the imposition of  
96 tolls; requiring public-private transportation facilities  
97 to comply with laws, comprehensive plans, and the  
98 authority's rules, policies, procedures, standards, and  
99 conditions; authorizing the authority to exercise its  
100 powers to facilitate public-private projects; providing  
101 for application; amending s. 20.23, F.S.; revising the  
102 functions of the Florida Transportation Commission; adding  
103 the authority to the transportation agencies monitored by  
104 the commission; amending s. 334.30, F.S.; exempting  
105 certain public-private transportation facilities from  
106 certain specified taxes and special assessments; excluding  
107 certain taxes from such exemption; requiring that the  
108 Department of Transportation direct a study for certain  
109 purposes; requiring that such study include and address  
110 certain elements; requiring that recommendations be  
111 delivered to the Legislature by a specified date;  
112 providing an effective date.

ENROLLED  
 CS/HB 1213, Engrossed 1

2009 Legislature

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

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

349.02 Definitions.--

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

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

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

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

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

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

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

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

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

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

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

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

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

164 ~~(l) (12) The term~~ "Duval County gasoline tax funds" means  
 165 ~~shall mean~~ all the 80-percent surplus gasoline tax funds  
 166 accruing in each year to the Department of Transportation for  
 167 use in Duval County under the provisions of s. 9, Art. XII of  
 168 the State Constitution, after deduction only of any amounts of

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

169 | said gasoline tax funds heretofore pledged by the department or  
 170 | the county for outstanding obligations.

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

184 |       ~~(2)-(13)~~ Words importing singular number shall include the  
 185 | plural number in each case and vice versa, and words importing  
 186 | persons shall include firms and corporations.

187 |       Section 2. Subsection (2) of section 349.03, Florida  
 188 | Statutes, is amended to read:

189 |       349.03 Jacksonville Transportation Authority.--

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

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

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



ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

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

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

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 that  
 275 ~~which~~ will serve Duval County and the greater consolidated City  
 276 ~~of Jacksonville~~ area.

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:

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

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,

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

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.

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

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.

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

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

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

363 the authority and the department, as security for all or any of  
 364 the obligations of the authority.

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

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

386 (n) To adopt rules to carry out the powers and obligations  
 387 herein granted, which set forth a purpose, necessary  
 388 definitions, forms, general conditions and procedures, and fines  
 389 and penalties, including, without limitation, suspension or  
 390 debarment, and charges for nonperformance, with respect to any

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

391 aspect of the work or function of the authority for the  
 392 permitting, planning, funding, design, acquisition,  
 393 construction, equipping, operation, and maintenance of  
 394 transportation facilities, transit and highway, within the  
 395 state, provided or operated by the authority or others in  
 396 cooperation with or at the direction of the authority, and for  
 397 carrying out all other purposes of the authority set forth or  
 398 authorized in this chapter.

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

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

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

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

417 (s) To form, alone or with one or more other agencies of  
 418 the state or local governments, public benefit corporations to

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

419 carry out the powers and obligations granted in this chapter or  
 420 the powers and obligations of such other agencies or local  
 421 governments.

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

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

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

444 (4) By a resolution of its governing body, the authority  
 445 may expand its service area and enter into a partnership with  
 446 any county that is contiguous to the then-current service area



ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

447 of the authority. The governing body shall determine the  
 448 conditions and terms of the partnership, except as provided in  
 449 this section. However, the authority may not expand its service  
 450 area without the consent of the governing body representing the  
 451 proposed expansion area.

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

458 (6) No oral modification of a contract, whether for  
 459 construction of highway facilities or other transportation  
 460 facilities, shall be binding upon the authority or form the  
 461 basis for a claim against the authority. Only the chair of the  
 462 governing body or executive director of the authority, or the  
 463 designee of either, may bind the authority. The authority may  
 464 provide for liquidated damages for delays by contractors in  
 465 construction of transportation facilities for the authority, or  
 466 the authority may provide for other contractually agreed-upon  
 467 damages measures for delays.

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

473 Section 4. Section 349.041, Florida Statutes, is amended  
 474 to read:

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

475 349.041 Provision of funds and services by city to  
 476 authority; ~~employment of legal counsel.~~--

477 (1) The authority shall prepare and submit annually its  
 478 requests for such funds as it may require from the city for the  
 479 ensuing year to the council of the city on or before June 1,  
 480 setting forth its estimation for related ~~estimated~~ gross  
 481 revenues and estimated requirements for operations, maintenance  
 482 expenses, and debt service. A copy of such requests shall be  
 483 furnished to the Department of Transportation. The council and  
 484 the mayor of the City of Jacksonville may appropriate such funds  
 485 as they deem appropriate for the use of the authority, and the  
 486 use of such funds shall be subject to audit by the Council  
 487 Auditor of the City of Jacksonville.

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

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

495 Section 6. Section 349.043, Florida Statutes, is created  
 496 to read:

497 349.043 Public hearings for transportation  
 498 facilities.--Transportation facilities may not be designated or  
 499 relocated by the authority, nor may substantive changes be made  
 500 thereto, until after a public hearing is conducted by the  
 501 authority. Any interested party shall have the opportunity to be  
 502 heard either in person or by counsel and to introduce testimony

CODING: Words **stricken** are deletions; words **underlined** are additions.

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CS/HB 1213, Engrossed 1

2009 Legislature

503 in such person's behalf at the hearing. Reasonable notice of  
 504 each such public hearing shall be published in a newspaper of  
 505 general circulation in each county directly affected by the  
 506 proposed transportation facility not less than 14 days prior to  
 507 the hearing. In addition, the authority shall comply with all  
 508 applicable federal and state requirements related to new or  
 509 altered transportation facilities or services.

510 Section 7. Section 349.05, Florida Statutes, is amended to  
 511 read:

512 349.05 Bonds of the authority; bonds not debt or pledges  
 513 of credit of state.--

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

517 (b)1. The bonds of the authority issued pursuant to the  
 518 provisions of this chapter, whether an original issuance or on  
 519 refunding, shall be authorized by resolution of the members  
 520 thereof and may be issued in one or more series, may be either  
 521 term or serial bonds, and shall bear such date or dates, be  
 522 payable on demand or mature at such time or times, not exceeding  
 523 40 years from their respective dates, bear interest, fixed or  
 524 variable, at such rate or rates, not exceeding the maximum  
 525 lawful interest rate ~~payable semiannually,~~ be in such  
 526 denominations, be in such form, either coupon or fully  
 527 registered, carry such registration, exchangeability, and  
 528 interchangeability privileges, be payable in such medium of  
 529 payment and at such place or places, be subject to such terms of  
 530 redemption, with or without premium, and other terms, have such

## ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

531 rank, and be entitled to such remedies and priorities on the  
532 revenues, rates, fees, rentals, or other charges or receipts of  
533 the authority including all or any portion of local option sales  
534 tax or the Duval county gasoline tax funds received by the  
535 authority ~~pursuant to the terms of any lease-purchase agreement~~  
536 ~~between the authority and the department,~~ as the authority may  
537 determine ~~such resolution or any resolution subsequent thereto~~  
538 ~~may provide.~~ The bonds shall be executed either by manual or  
539 facsimile signature by such officers as the authority shall  
540 determine, provided that such bonds shall bear at least one  
541 signature that ~~which~~ is manually executed thereon, and the  
542 coupons attached to such bonds shall bear the facsimile  
543 signature or signatures of such officer or officers as shall be  
544 designated by the authority and shall have the seal of the  
545 authority affixed, imprinted, reproduced, or lithographed  
546 thereon, all as may be prescribed in such resolution or  
547 resolutions.

548 2.(b) Such bonds shall be sold at public or private sale  
549 at such price or prices as the authority determines to be in its  
550 best interest, except that the interest costs to the authority  
551 on such bonds may not exceed the maximum lawful interest rate.  
552 The authority shall provide a specific finding by resolution as  
553 to the reason requiring any negotiated sale ~~must be sold at~~  
554 ~~public sale in the manner provided by the State Bond Act.~~  
555 ~~However, if the authority, by official action at a public~~  
556 ~~meeting, determines that a negotiated sale of the bonds is in~~  
557 ~~the best interest of the authority, the authority may negotiate~~  
558 ~~for sale of the bonds with the underwriter or underwriters~~

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

559 ~~designated by the authority and the Division of Bond Finance of~~  
 560 ~~the State Board of Administration.~~ Pending the preparation of  
 561 definitive bonds, interim certificates may be issued to the  
 562 purchaser or purchasers of such bonds and may contain such terms  
 563 and conditions as the authority may determine.

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

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

573 (a) The pledging of all or any part of the revenues,  
 574 rates, fees, rentals, including the sales surtax adopted  
 575 pursuant to s. 212.055(1) (including all or any portion of the  
 576 ~~Duval~~ county gasoline tax funds received by the authority  
 577 ~~pursuant to the terms of any lease-purchase agreement between~~  
 578 ~~the authority and the department, or any part thereof),~~ or other  
 579 charges or receipts of any nature of the authority, whether or  
 580 not derived by the authority from the Jacksonville Expressway  
 581 System or its other transportation facilities;

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

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

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

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

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

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

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

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

604 (3) ~~The authority may employ fiscal agents as provided by~~  
 605 ~~this chapter or the~~ State Board of Administration may, upon  
 606 request by the authority, act as fiscal agent for the authority  
 607 in the issuance of any bonds that may be issued pursuant to this  
 608 chapter, and the State Board of Administration may, upon request  
 609 by the authority, take over the management, control,  
 610 administration, custody, and payment of any or all debt services  
 611 or funds or assets now or hereafter available for any bonds  
 612 issued pursuant to this chapter. The authority may enter into  
 613 deeds of trust, indentures, or other agreements with a corporate  
 614 trustee or trustees, which shall act as its fiscal agent for the

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CS/HB 1213, Engrossed 1

2009 Legislature

615 authority and may be, ~~or with~~ any bank or trust company within  
 616 or without the state, as security for such bonds~~7~~ and may, under  
 617 such agreements, assign and pledge all or any of the revenues,  
 618 rates, fees, rentals, or other charges or receipts of the  
 619 authority, including all or any portion of local option taxes or  
 620 ~~the Duval~~ county gasoline tax funds received by the authority  
 621 ~~pursuant to the terms of any lease purchase agreement between~~  
 622 ~~the authority and the department,~~ thereunder. Such deed of  
 623 trust, indenture, or other agreement~~7~~ may contain such  
 624 provisions as are ~~is~~ customary in such instruments or~~7~~ as the  
 625 authority may authorize, including, ~~but~~ without limitation,  
 626 provisions as to:

627 (a) The completion, improvement, operation, extension,  
 628 maintenance, repair, and lease of, or lease-purchase agreement  
 629 relating to, all or any part of transportation facilities  
 630 authorized in this chapter to be constructed, acquired,  
 631 developed, or operated by the authority ~~the Jacksonville~~  
 632 ~~Expressway System,~~ and the duties of the authority and others,  
 633 including the department, with reference thereto;

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

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

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

640 (4) Any of the bonds issued pursuant to this chapter are,  
 641 and are hereby declared to be, negotiable instruments~~7~~ and shall  
 642 have all the qualities and incidents of negotiable instruments

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CS/HB 1213, Engrossed 1

2009 Legislature

643 | under the law merchant and the negotiable instruments law of the  
 644 | state.

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

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

663 |       Section 8. Section 349.06, Florida Statutes, is repealed.

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

666 |       349.061 Bond financing authority.--Pursuant to s. 11(f),  
 667 | Art. VII of the State Constitution, the Legislature hereby  
 668 | approves for bond financing by the authority any extensions,  
 669 | additions, and improvements to the Jacksonville Expressway  
 670 | System and any other facilities appurtenant, necessary, or



ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

671 incidental to the system or any transportation facilities herein  
 672 authorized to be constructed, acquired, or operated by the  
 673 authority. Subject to terms and conditions of applicable revenue  
 674 bond resolutions and covenants, such costs may be financed in  
 675 whole or in part by revenue bonds issued pursuant to s.  
 676 349.05(1)(a) or (b), whether currently issued or issued in the  
 677 future, or by a combination of such bonds.

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

680 349.07 Lease-purchase agreement.--

681 (7) Regardless of whether the authority enters into a  
 682 lease-purchase agreement with the department relating to the  
 683 system or any part thereof, the ~~said~~ system shall be a part of  
 684 the State Highway ~~road~~ System and the ~~said~~ department is hereby  
 685 authorized, upon the request of the authority, to expend out of  
 686 any funds available for the purpose such moneys, and to use such  
 687 of its engineering and other forces, as may be necessary and  
 688 desirable in the judgment of the ~~said~~ department, for the  
 689 operation of the ~~said~~ authority and for traffic surveys,  
 690 borings, surveys, preparation of plans and specifications,  
 691 estimates of cost, and other preliminary engineering and other  
 692 studies; ~~provided, however, that the aggregate amount of moneys~~  
 693 ~~expended for said purposes by said department shall not exceed~~  
 694 ~~the sum of \$375,000.~~

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

697 349.10 Acquisition of lands and property.--

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CS/HB 1213, Engrossed 1

2009 Legislature

698 (1) For the purposes of this chapter, ~~law~~ the Jacksonville  
699 Transportation Authority may acquire private or public property  
700 and property rights, including rights of access, air, view, and  
701 light, by gift, devise, purchase, or condemnation by eminent  
702 domain proceedings, as the authority may deem necessary,  
703 including, but not limited to, any lands reasonably necessary  
704 for securing applicable permits, areas necessary for management  
705 of access, borrow pits, drainage ditches, water retention areas,  
706 rest areas, replacement access for landowners whose access is  
707 impaired due to the construction of transportation facilities,  
708 and replacement rights-of-way for relocated rail and utility  
709 facilities, and areas necessary for existing, proposed, or  
710 anticipated transportation facilities or in a transportation  
711 corridor designated by the authority. The authority shall also  
712 have the power to condemn any material and property necessary  
713 for such any of the purposes of this chapter. Property already  
714 devoted to a public use may be acquired in like manner, provided  
715 that no real property belonging to the state or any political  
716 subdivision thereof may be acquired without the state's or  
717 affected political subdivision's consent. The right of eminent  
718 domain ~~herein~~ conferred in this section shall be exercised by  
719 the authority in the manner provided by law. Notwithstanding  
720 that the authority is an agency of the state, the authority  
721 shall not exercise its powers of condemnation granted in this  
722 section with respect to any property or property rights of any  
723 county or municipality, including, without limitation, the City  
724 of Jacksonville.

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CS/HB 1213, Engrossed 1

2009 Legislature

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

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

734 (4) When the authority acquires property for a  
 735 transportation facility or in a transportation corridor, it is  
 736 not subject to any liability imposed by chapter 376 or chapter  
 737 403 for preexisting soil or groundwater contamination due solely  
 738 to its ownership. This section does not affect the rights or  
 739 liabilities of any past or future owners of the acquired  
 740 property nor does it affect the liability of any governmental  
 741 entity for the results of its actions that create or exacerbate  
 742 a pollution source. The authority and the Department of  
 743 Environmental Protection may enter into interagency agreements  
 744 for the performance, funding, and reimbursement for the costs of  
 745 the investigative and remedial acts necessary for property  
 746 acquired by the authority.

747 Section 12. Section 349.12, Florida Statutes, is amended  
 748 to read:

749 349.12 Covenant of the state.--The state does hereby  
 750 pledge to~~7~~ and agree ~~agrees~~ with any person, firm, ~~or~~  
 751 corporation, or federal or state agency subscribing to~~7~~ or  
 752 acquiring the bonds to be issued by the authority for the

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CS/HB 1213, Engrossed 1

2009 Legislature

753 | purposes of this chapter that the state will not limit or alter  
 754 | the rights hereby vested in the authority and the department  
 755 | until all bonds at any time issued, together with the interest  
 756 | thereon, are fully paid and discharged insofar as the same  
 757 | affects the rights of the holders of bonds issued hereunder. The  
 758 | state does further pledge to~~r~~ and agree~~r~~ with the United States  
 759 | and any federal agency that, in the event that any federal  
 760 | agency shall construct or contribute any funds for the  
 761 | completion, extension,l or improvement of the Jacksonville  
 762 | Expressway System or other transportation facilities of the  
 763 | authority, or any part or portion thereof, the state will not  
 764 | alter or limit the rights and powers of the authority and the  
 765 | department in any manner that ~~which~~ would be inconsistent with  
 766 | the continued maintenance and operation of the Jacksonville  
 767 | Expressway System or other transportation facilities of the  
 768 | authority or the completion, extension,l or improvement thereof,  
 769 | or that ~~which~~ would be inconsistent with the due performance of  
 770 | any agreements between the authority and any such federal  
 771 | agency, and the authority and the department shall continue to  
 772 | have and may exercise all powers herein granted, so long as the  
 773 | same shall be necessary or desirable for the carrying out of the  
 774 | purposes of this chapter and the purposes of the United States  
 775 | in the completion, extension,l or improvement of the Jacksonville  
 776 | Expressway System or other transportation facilities of the  
 777 | authority, or any part or portion thereof.

778 |         Section 13. Section 349.13, Florida Statutes, is amended  
 779 | to read:

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CS/HB 1213, Engrossed 1

2009 Legislature

780           349.13 Exemption from taxation.--The effectuation of the  
 781 authorized purposes of the authority created under this chapter  
 782 is, shall and will be, in all respects for the benefit of the  
 783 people of the state, for the increase of their commerce and  
 784 prosperity, and for the improvement of their health and living  
 785 conditions, and since such authority will be performing  
 786 essential governmental functions in effectuating such purposes,  
 787 such authority shall not be required to pay any taxes or  
 788 assessments of any kind or nature whatsoever upon any property  
 789 acquired or used by it for such purposes, or upon any rates,  
 790 fees, rentals, receipts, income, or charges at any time received  
 791 by it, and the bonds and other obligations issued under this  
 792 chapter ~~by the authority~~, their transfer and the income  
 793 therefrom (including any profits made on the sale thereof),  
 794 shall at all times be free from taxation of any kind by the  
 795 state, or by any political subdivision, or taxing agency or  
 796 instrumentality thereof. The exemption granted by this section  
 797 shall not be applicable to any tax imposed by chapter 220 on  
 798 interest, income, or profits on debt obligations owned by  
 799 corporations. When property of the authority is leased, it shall  
 800 be exempt from ad valorem taxes only if the use by the lessee  
 801 qualifies the property for exemption under s. 196.199.

802           Section 14. Section 349.15, Florida Statutes, is amended  
 803 to read:

804           349.15 Remedies; pledges enforceable by bondholders.--Any  
 805 holder of bonds issued under this chapter, except to the extent  
 806 such rights may be restricted by the resolution, deed of trust,  
 807 indenture, or other proceeding relating to the issuance of such

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CS/HB 1213, Engrossed 1

2009 Legislature

808 bonds, may by civil action, mandamus, or other appropriate  
 809 action, suit, or proceeding in law or in equity, in any court of  
 810 competent jurisdiction, protect and enforce any and all rights  
 811 of such bondholder granted under the proceedings authorizing the  
 812 issuance of such bonds and enforce any pledge made for payment  
 813 of the principal and interest on bonds, or any covenant or  
 814 agreement relative thereto, against the authority or directly  
 815 against the department, as may be appropriate. It is the express  
 816 intention of this chapter that any pledge by the department of  
 817 rates, fees, revenues, ~~Duval~~ county gasoline tax funds, or other  
 818 funds, as rentals, to the authority or any covenants or  
 819 agreements relative thereto may be enforceable in any court of  
 820 competent jurisdiction against the authority or directly against  
 821 the department by any holder of bonds issued by the authority.

822 Section 15. Section 349.17, Florida Statutes, is amended  
 823 to read:

824 349.17 Chapter complete and additional authority.--

825 (1) The powers conferred by this chapter shall be in  
 826 addition and supplemental to the existing powers of said board  
 827 and the Department of Transportation, and this chapter shall not  
 828 be construed as repealing any of the provisions of any other  
 829 law, general, special, or local, but to supersede such other  
 830 laws in the exercise of the powers provided in this chapter, and  
 831 to provide a complete method for the exercise of the powers  
 832 granted in this chapter. The refunding of any of the bonds of  
 833 Florida State Improvement Commission heretofore issued to  
 834 finance part of the cost of said Jacksonville Expressway System,  
 835 and the completion, extension, and improvement of said system,

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

836 and the issuance of bonds hereunder to finance all or part of  
 837 the cost thereof, may be accomplished upon compliance with the  
 838 provisions of this chapter without regard to or necessity for  
 839 compliance with the provisions, limitations, or restrictions  
 840 contained in any other general, special, or local law,  
 841 including, without limitation, s. 215.821, and no approval of  
 842 any bonds issued under this chapter by the qualified electors or  
 843 qualified electors who are freeholders in the state or in said  
 844 County of Duval, or in said City of Jacksonville, or in any  
 845 other political subdivision of the state, shall be required for  
 846 the issuance of such bonds pursuant to this chapter.

847 (2) This chapter shall not be deemed to repeal, rescind,  
 848 or modify any other law or laws relating to said State Board of  
 849 Administration, said Department of Transportation, or said  
 850 Florida State Improvement Commission, but shall be deemed to and  
 851 shall supersede such other law or laws in the exercise of the  
 852 powers provided in this chapter insofar as such other law or  
 853 laws are inconsistent with the provisions of this chapter,  
 854 including, without limitation, s. 215.821.

855 Section 16. Section 349.21, Florida Statutes, is amended  
 856 to read:

857 349.21 Powers conferred by s. 212.055(1).--Notwithstanding  
 858 any other provision of law, any transportation authority created  
 859 by this chapter shall have all the powers conferred by s.  
 860 212.055(1). The revenues provided by this section may ~~shall~~ be  
 861 used or pledged to pay principal and interest on bonds as set  
 862 forth in s. 212.055(1). In no event may local transportation  
 863 surtax moneys collected in Duval County be expended on

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CS/HB 1213, Engrossed 1

2009 Legislature

864 transportation facilities outside the boundaries of Duval County  
 865 ~~for which tolls have been pledged. The powers provided by this~~  
 866 ~~section shall expire when all such bonds in existence on the~~  
 867 ~~effective date of this act have been retired.~~

868 Section 17. Section 349.22, Florida Statutes, is created  
 869 to read:

870 349.22 Public-private transportation facilities.--

871 (1) The authority may receive or solicit proposals and  
 872 enter into agreements with private entities or consortia thereof  
 873 for the building, operation, ownership, or financing of  
 874 highways, bridges, multimodal transportation systems, transit-  
 875 oriented development nodes, transit stations, or related  
 876 transportation facilities. Before approval, the authority must  
 877 determine that a proposed project:

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

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

882 (c) Would have adequate safeguards to ensure that  
 883 additional costs or unreasonable service disruptions would not  
 884 be realized by the traveling public and citizens of the state in  
 885 the event of default or cancellation of the agreement by the  
 886 authority.

887 (2) The authority shall ensure that all reasonable costs  
 888 to the state related to transportation facilities that are not  
 889 part of the State Highway System are borne by the private entity  
 890 that develops or operates the facilities. The authority shall  
 891 also ensure that all reasonable costs to the state and



## ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

892 substantially affected local governments and utilities related  
893 to the private transportation facility are borne by the private  
894 entity for transportation facilities that are owned by private  
895 entities. For projects on the State Highway System or that  
896 provide increased mobility on the State Highway System, the  
897 department may use state resources to participate in funding and  
898 financing the project as provided for under the department's  
899 enabling legislation.

900 (3) The authority may request proposals and receive  
901 unsolicited proposals for public-private transportation projects  
902 and, upon receipt of any unsolicited proposal or determination  
903 to issue a request for proposals, must publish a notice in the  
904 Florida Administrative Weekly and a newspaper of general  
905 circulation in the county in which the proposed project is  
906 located at least once a week for 2 weeks requesting proposals  
907 or, if an unsolicited proposal was received, stating that it has  
908 received the proposal and will accept, for 60 days after the  
909 initial date of publication, other proposals for the same  
910 project purpose. A copy of the notice must be mailed to each  
911 local government in the affected areas. After the public  
912 notification period has expired, the authority shall rank the  
913 proposals in order of preference. In ranking the proposals, the  
914 authority shall consider professional qualifications, general  
915 business terms, innovative engineering or cost-reduction terms,  
916 finance plans, and the need for state funds to deliver the  
917 proposal. If the authority is not satisfied with the results of  
918 the negotiations, it may, at its sole discretion, terminate  
919 negotiations with the proposer. If these negotiations are

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

920 unsuccessful, the authority may go to the second and lower-  
 921 ranked firms, in order, using the same procedure. If only one  
 922 proposal is received, the authority may negotiate in good faith  
 923 and, if it is not satisfied with the results, may, at its sole  
 924 discretion, terminate negotiations with the proposer.  
 925 Notwithstanding this subsection, the authority may, at its  
 926 discretion, reject all proposals at any point in the process up  
 927 to completion of a contract with the proposer. Any person  
 928 submitting an unsolicited proposal shall submit with the  
 929 proposal the sum of \$25,000 to the authority to be applied by  
 930 the authority to its costs of review and analysis of the  
 931 proposal, and such person shall remain liable for any additional  
 932 costs and expenses of the authority incurred for the review and  
 933 analysis.

934 (4) Agreements entered into pursuant to this section may  
 935 authorize the authority or the private project owner, lessee, or  
 936 operator to impose, collect, and enforce tolls or fares for the  
 937 use of the transportation facility. However, the amount and use  
 938 of toll or fare revenues shall be regulated by the authority to  
 939 avoid unreasonable costs to users of the facility.

940 (5) Each public-private transportation facility  
 941 constructed pursuant to this section shall comply with all  
 942 requirements of federal, state, and local laws; state, regional,  
 943 and local comprehensive plans; the authority's rules, policies,  
 944 procedures, and standards for transportation facilities; and any  
 945 other conditions that the authority determines to be in the  
 946 public's best interest.

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

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

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

960           Section 18. Paragraph (b) of subsection (2) of section  
 961 20.23, Florida Statutes, is amended to read:

962           20.23 Department of Transportation.--There is created a  
 963 Department of Transportation which shall be a decentralized  
 964 agency.

965           (2)

966           (b) The commission shall have the primary functions to:

967           1. Recommend major transportation policies for the  
 968 Governor's approval, and assure that approved policies and any  
 969 revisions thereto are properly executed.

970           2. Periodically review the status of the state  
 971 transportation system including highway, transit, rail, seaport,  
 972 intermodal development, and aviation components of the system  
 973 and recommend improvements therein to the Governor and the  
 974 Legislature.

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

975           3. Perform an in-depth evaluation of the annual department  
 976 budget request, the Florida Transportation Plan, and the  
 977 tentative work program for compliance with all applicable laws  
 978 and established departmental policies. Except as specifically  
 979 provided in s. 339.135(4)(c)2., (d), and (f), the commission may  
 980 not consider individual construction projects, but shall  
 981 consider methods of accomplishing the goals of the department in  
 982 the most effective, efficient, and businesslike manner.

983           4. Monitor the financial status of the department on a  
 984 regular basis to assure that the department is managing revenue  
 985 and bond proceeds responsibly and in accordance with law and  
 986 established policy.

987           5. Monitor on at least a quarterly basis, the efficiency,  
 988 productivity, and management of the department, using  
 989 performance and production standards developed by the commission  
 990 pursuant to s. 334.045.

991           6. Perform an in-depth evaluation of the factors causing  
 992 disruption of project schedules in the adopted work program and  
 993 recommend to the Legislature and the Governor methods to  
 994 eliminate or reduce the disruptive effects of these factors.

995           7. Recommend to the Governor and the Legislature  
 996 improvements to the department's organization in order to  
 997 streamline and optimize the efficiency of the department. In  
 998 reviewing the department's organization, the commission shall  
 999 determine if the current district organizational structure is  
 1000 responsive to Florida's changing economic and demographic  
 1001 development patterns. The initial report by the commission must  
 1002 be delivered to the Governor and Legislature by December 15,

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

1003 2000, and each year thereafter, as appropriate. The commission  
 1004 may retain such experts as are reasonably necessary to  
 1005 effectuate this subparagraph, and the department shall pay the  
 1006 expenses of such experts.

1007 8. Monitor the efficiency, productivity, and management of  
 1008 the authorities created under chapters 343, ~~and 348,~~ and 349,  
 1009 including any authority formed using the provisions of part I of  
 1010 chapter 348. The commission shall also conduct periodic reviews  
 1011 of each authority's operations and budget, acquisition of  
 1012 property, management of revenue and bond proceeds, and  
 1013 compliance with applicable laws and generally accepted  
 1014 accounting principles.

1015 Section 19. Subsection (1) of section 334.30, Florida  
 1016 Statutes, is amended to read:

1017 334.30 Public-private transportation facilities.--The  
 1018 Legislature finds and declares that there is a public need for  
 1019 the rapid construction of safe and efficient transportation  
 1020 facilities for the purpose of traveling within the state, and  
 1021 that it is in the public's interest to provide for the  
 1022 construction of additional safe, convenient, and economical  
 1023 transportation facilities.

1024 (1) The department may receive or solicit proposals and,  
 1025 with legislative approval as evidenced by approval of the  
 1026 project in the department's work program, enter into agreements  
 1027 with private entities, or consortia thereof, for the building,  
 1028 operation, ownership, or financing of transportation facilities.  
 1029 The department may advance projects programmed in the adopted 5-  
 1030 year work program or projects increasing transportation capacity

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CS/HB 1213, Engrossed 1

2009 Legislature

1031 and greater than \$500 million in the 10-year Strategic  
 1032 Intermodal Plan using funds provided by public-private  
 1033 partnerships or private entities to be reimbursed from  
 1034 department funds for the project as programmed in the adopted  
 1035 work program. The department shall by rule establish an  
 1036 application fee for the submission of unsolicited proposals  
 1037 under this section. The fee must be sufficient to pay the costs  
 1038 of evaluating the proposals. The department may engage the  
 1039 services of private consultants to assist in the evaluation.  
 1040 Before approval, the department must determine that the proposed  
 1041 project:

- 1042 (a) Is in the public's best interest;
- 1043 (b) Would not require state funds to be used unless the  
 1044 project is on the State Highway System;
- 1045 (c) Would have adequate safeguards in place to ensure that  
 1046 no additional costs or service disruptions would be realized by  
 1047 the traveling public and residents of the state in the event of  
 1048 default or cancellation of the agreement by the department;
- 1049 (d) Would have adequate safeguards in place to ensure that  
 1050 the department or the private entity has the opportunity to add  
 1051 capacity to the proposed project and other transportation  
 1052 facilities serving similar origins and destinations; and
- 1053 (e) Would be owned by the department upon completion or  
 1054 termination of the agreement.

1055  
 1056 The department shall ensure that all reasonable costs to  
 1057 the state, related to transportation facilities that are not  
 1058 part of the State Highway System, are borne by the private

ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

1059 entity. The department shall also ensure that all reasonable  
 1060 costs to the state and substantially affected local governments  
 1061 and utilities, related to the private transportation facility,  
 1062 are borne by the private entity for transportation facilities  
 1063 that are owned by private entities. For projects on the State  
 1064 Highway System, the department may use state resources to  
 1065 participate in funding and financing the project as provided for  
 1066 under the department's enabling legislation. Because the  
 1067 Legislature recognizes that private entities or consortia  
 1068 thereof would perform a governmental or public purpose or  
 1069 function when they enter into agreements with the department to  
 1070 design, build, operate, own, or finance transportation  
 1071 facilities, the transportation facilities, including leasehold  
 1072 interests thereof, are exempt from ad valorem taxes as provided  
 1073 in chapter 196 to the extent property is owned by the state or  
 1074 other government entity, and from intangible taxes as provided  
 1075 in chapter 199 and special assessments of the state, any city,  
 1076 town, county, special district, political subdivision of the  
 1077 state, or any other governmental entity. The private entities or  
 1078 consortia thereof are exempt from tax imposed by chapter 201 on  
 1079 all documents or obligations to pay money which arise out of the  
 1080 agreements to design, build, operate, own, lease, or finance  
 1081 transportation facilities. Any private entities or consortia  
 1082 thereof must pay any applicable corporate taxes as provided in  
 1083 chapters 220 and 221, and unemployment compensation taxes as  
 1084 provided in chapter 443, and sales and use tax as provided in  
 1085 chapter 212 shall be applicable. The private entities or  
 1086 consortia thereof must also register and collect the tax imposed

## ENROLLED

CS/HB 1213, Engrossed 1

2009 Legislature

1087 by chapter 212 on all their direct sales and leases that are  
1088 subject to tax under chapter 212. The agreement between the  
1089 private entity or consortia thereof and the department  
1090 establishing a transportation facility under this chapter  
1091 constitute documentation sufficient to claim any exemption under  
1092 this section.

1093       Section 20. The Department of Transportation shall direct  
1094 a study to be conducted and funded by the authority created in  
1095 chapter 349, Florida Statutes, for the purpose of recommending  
1096 to the Legislature the framework for a regional transportation  
1097 authority for the northeast region of Florida, composed of the  
1098 following counties and each of the municipalities located  
1099 therein: Baker, Clay, Duval, Flagler, Nassau, Putnam, and St.  
1100 Johns. The study shall include, at a minimum, the existing  
1101 powers and duties of the authority, as well as the additional  
1102 powers and duties necessary for the agency to plan, design,  
1103 finance, construct, operate, and maintain transportation  
1104 facilities providing a safe, adequate, and efficient surface  
1105 transportation network for the region, consistent with the  
1106 statewide transportation network. In addition, the study shall  
1107 address agency revenue sources, governance, coordination of work  
1108 plans, and coordination with local comprehensive plans for all  
1109 transportation facilities of the agency. Recommendations shall  
1110 be delivered to the President of the Senate and Speaker of the  
1111 House of Representatives no later than February 1, 2010.

1112       Section 21. This act shall take effect July 1, 2009.