

By Senator King

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1 A bill to be entitled
2 An act relating to the Jacksonville Transportation
3 Authority; amending s. 349.02, F.S.; revising
4 definitions; defining the term "transportation
5 facilities"; amending s. 349.03, F.S.; revising a
6 requirement for membership on the governing body of
7 the authority to provide that an appointed member must
8 be a resident and elector of Duval County; amending s.
9 349.04, F.S.; revising scope of the authority to
10 include certain services throughout Duval County;
11 revising authority, powers, rights, and
12 responsibilities of the authority to provide for
13 planning, coordinating, developing, financing,
14 refinancing, constructing, owning, leasing,
15 purchasing, operating, maintaining, relocating,
16 equipping, repairing, and managing described
17 transportation projects intended to address needs or
18 concerns in the Jacksonville, Duval County,
19 metropolitan area; revising bonding provisions;
20 providing for the authority to fix, alter, charge,
21 establish, and collect rates, fees, rentals, and other
22 charges for any transportation facilities of the
23 authority; revising eminent domain provisions to
24 include specified procedural powers; authorizing use
25 of local option taxes or county gasoline tax funds to
26 secure the payment of bonds; authorizing the authority
27 to establish and fund reserve accounts, adopt an
28 annual budget, use purchasing schedules and master
29 purchasing contracts, retain legal counsel and other

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

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59 facilities or services; amending s. 349.05, F.S.;

60 authorizing bonds to be issued on behalf of the

61 authority; revising provisions for issuance and sale

62 of bonds; authorizing certain refunding bonds;

63 revising provisions for resolutions authorizing bonds;

64 revising provisions for fiscal agents; providing that

65 bonds are not obligations of the state; repealing s.

66 349.06, F.S., relating to remedies of the bondholders;

67 creating s. 349.061, F.S.; providing approval for bond

68 financing by the authority; amending s. 349.07, F.S.;

69 revising provisions authorizing the Department of

70 Transportation to expend certain funds and use its

71 resources for certain items related to the

72 Jacksonville Expressway System; amending s. 349.10,

73 F.S.; revising provisions for the authority to acquire

74 lands and rights therein; limiting liability of the

75 authority with respect to certain contamination of

76 lands acquired; authorizing the authority and the

77 Department of Environmental Protection to enter into

78 agreements for the performance and funding of

79 investigative and remedial acts; amending s. 349.12,

80 F.S.; revising covenant of the state related to bonds

81 of the authority; amending s. 349.13, F.S.; specifying

82 conditions under which property leased by the

83 authority is exempt from ad valorem taxes; amending s.

84 349.15, F.S.; revising provisions for enforcement of

85 rights by bondholders; amending s. 349.17, F.S.;

86 revising provisions for application of and exemption

87 from other laws relating to issuance of bonds;

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88 amending s. 349.21, F.S.; revising provisions for use
89 of charter county transit system surtax funds to
90 secure payment of bonds of the authority; restricting
91 use of surtax moneys collected within Duval County;
92 creating s. 349.22, F.S.; providing conditions for the
93 authority to receive or solicit proposals and enter
94 into agreements with private entities for the
95 building, operation, ownership, or financing of
96 highways, bridges, multimodal transportation systems,
97 transit-oriented development nodes, transit stations,
98 or related transportation facilities; requiring
99 certain costs to be paid by the private entity;
100 authorizing the department to use state funds for
101 projects on or that increase mobility on the State
102 Highway System; requiring notice of proposals and
103 providing procedures; providing for agreements to
104 authorize the imposition of tolls; requiring public-
105 private transportation facilities to comply with laws,
106 comprehensive plans, and the authority's rules,
107 policies, procedures, standards, and conditions;
108 authorizing the authority to exercise its powers to
109 facilitate public-private projects; providing for
110 application; amending s. 20.23, F.S.; revising the
111 functions of the Florida Transportation Commission;
112 adding the authority to the transportation agencies
113 monitored by the commission; providing an effective
114 date.

115
116 Be It Enacted by the Legislature of the State of Florida:

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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.

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

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146 former chapter 420, or the successor thereto, chapter 29788,
147 Acts of 1955, now chapter 288.

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

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

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

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

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

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

172 (m) "Transportation facilities" means and includes all
173 mobile and fixed assets (real or personal property or rights
174 therein) used in the transportation of persons or property by

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

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

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

190 349.03 Jacksonville Transportation Authority.—

191 (2) The governing body of the authority shall consist of
192 seven members. Three members shall be appointed by the Governor
193 and confirmed by the Senate. Three members shall be appointed by
194 the mayor of the City of Jacksonville subject to confirmation by
195 the council of the City of Jacksonville. The seventh member
196 shall be the district secretary of the Department of
197 Transportation serving in the district that contains the City of
198 Jacksonville. Except for the seventh member, members shall be
199 residents and qualified electors of Duval County ~~the City of~~
200 ~~Jacksonville~~.

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

203 349.04 Purposes and powers.—

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

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

229 (c) The authority may further plan, coordinate, and
230 recommend to appropriate officers and agencies of federal,
231 state, and local governments methods and facilities for the
232 parking of vehicles, the movement of pedestrians, and vehicular

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233 traffic (including bicycles), public and private, in Duval
234 County ~~the City of Jacksonville,~~ to accomplish a coordinated
235 transportation system for the greater Jacksonville area. The
236 authority may construct and operate passenger terminals for the
237 parking of automobiles and movement by public conveyance of
238 persons and construct and operate all other facilities necessary
239 to a complete and coordinated transportation system in the
240 Jacksonville area.

241 (d) It is the express intention of this chapter that the
242 authority, in completing the construction of the Jacksonville
243 Expressway System, is not limited to the description thereof
244 contained in the proceedings of the commission which authorized
245 the issuance of \$28 million in bonds to finance part of the cost
246 thereof, but it is authorized to finance and construct any
247 additional extensions, additions, or improvements to the system,
248 or appurtenant facilities, including all necessary approaches,
249 roads, bicycle ways, bridges, and avenues of access, with such
250 changes, modifications, or revisions of the project as are
251 deemed desirable and proper. It is the intent of this chapter,
252 and to effect its purposes the Legislature determines, that
253 bonds issued under this chapter be deemed to be state capital
254 improvement bonds to finance or refinance the cost of state
255 capital projects pursuant to s. 11(d), Art. VII of the State
256 Constitution. However, the provisions of s. 316.091(2), relating
257 to bicycles, do not apply to this system.

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

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262 such as express bus services; bus rapid transit services; light
263 rail, commuter rail, heavy rail, or other transit services;
264 ferry services; transit stations; park-and-ride lots; transit-
265 oriented development nodes; or feeder roads, reliever roads,
266 connector roads, bypasses, or appurtenant facilities, that are
267 intended to address critical transportation needs or concerns in
268 the Jacksonville, Duval County, metropolitan area. These
269 projects may also include all necessary approaches, roads,
270 bridges, and avenues of access that are desirable and proper
271 with the concurrence of the department, as applicable, if the
272 project is to be part of the State Highway System.

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

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

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

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

285 (c) To acquire, purchase, construct, hold, lease as lessee
286 or lessor, and use any franchise or any property, real,
287 personal, or mixed, tangible or intangible, or any interest
288 therein, necessary or desirable for carrying out the purposes of
289 the authority and to sell, lease as lessor, transfer, and
290 dispose of any property or interest therein at any time acquired

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291 by it, including, without limitation, land, buildings, and other
292 facilities located within or comprising transit-oriented
293 developments which enhance the use or utility of transportation
294 facilities owned or constructed by the authority and
295 administrative and other buildings for the use of the authority
296 in carrying out its powers and obligations granted in this
297 chapter.

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

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

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

314 (g)1. To borrow money and make and issue negotiable notes,
315 bonds, refunding bonds, and other evidences of indebtedness or
316 obligations, either in temporary or definitive form⁷
317 (hereinafter in this chapter sometimes called "bonds"), of the
318 authority, for the purpose of funding or refunding, at or prior
319 to maturity, any bonds theretofore issued by the authority, or

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320 by the Florida State Improvement Commission to finance part of
321 the cost of the Jacksonville Expressway System, and purposes
322 related thereto, and for the purpose of financing or refinancing
323 all or part of the costs of completion, ~~or~~ improvement, or
324 extension of the Jacksonville Expressway System, and appurtenant
325 facilities, including all approaches, streets, roads, bridges,
326 and avenues of access for the Jacksonville Expressway System and
327 for any other purpose authorized by this chapter, such bonds to
328 mature in not exceeding 40 years from the date of the issuance
329 thereof; and to secure the payment of such bonds or any part
330 thereof by a pledge of any or all of its revenues, rates, fees,
331 rentals, or other charges, including all or any portion of the
332 Duval County gasoline tax funds received by the authority
333 pursuant to the terms of any lease-purchase agreement between
334 the authority and the department; and in general to provide for
335 the security of such bonds and the rights and remedies of the
336 holders thereof.

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

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

352 (i) Without limitation of the foregoing, to borrow money
353 and accept grants from, and to enter into contracts, leases, or
354 other transactions with, any federal agency, the state, any
355 agency of the state, the County of Duval, the City of
356 Jacksonville, or any other public body of the state.

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

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

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

370 (m) To invest and to borrow money and make and issue
371 negotiable notes, bonds, refunding bonds, and other evidences of
372 indebtedness or obligations, either in temporary or definitive
373 form, of the authority for the purpose of financing or
374 refinancing all or a part of ~~funding or refunding~~ the cost of
375 the acquisition or improvement of transportation facilities
376 ~~motor or street railway vehicles, passenger terminals,~~
377 ~~automobile parking facilities, or administrative offices~~ and for

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378 any other purposes authorized by this chapter, such bonds to
379 mature in not exceeding 40 years from the date of the issuance
380 thereof; to secure the payment of such bonds or any part thereof
381 by a pledge of any or all of its revenues, rates, fees, rentals,
382 or other charges, including, without limitation, all or any
383 portion of local option taxes or county gasoline tax funds
384 received by the authority; and in general to provide for the
385 security of such bonds and the rights and remedies of the
386 holders thereof.

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

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

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

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407 permitted by law.

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

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

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

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

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

434 (3) The authority shall have no power at any time or in any
435 manner to pledge the credit or taxing power of the state or any

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436 political subdivision or agency thereof; nor shall any of the
437 obligations of the authority be deemed to be obligations of the
438 state or of any political subdivision or agency thereof; nor
439 shall the state or any political subdivision or agency thereof,
440 except the authority, be liable for the payment of the principal
441 of, or interest on, such obligations. However, this provision is
442 not applicable to the type or manner of financing authorized by
443 s. 9(c)(5), Art. XII of the State Constitution, as amended, and
444 laws enacted pursuant thereto.

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

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

459 (6) No oral modification of a contract, whether for
460 construction of highway facilities or other transportation
461 facilities, shall be binding upon the authority or form the
462 basis for a claim against the authority. Only the chair of the
463 governing body or executive director of the authority, or the
464 designee of either, may bind the authority. The authority may

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465 provide for liquidated damages for delays by contractors in
466 construction of transportation facilities for the authority, or
467 the authority may provide for other contractually agreed-upon
468 damages measures for delays.

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

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

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

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

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

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494 ~~counsel it deems necessary, upon resolution of the authority.~~

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

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

498 349.043 Public hearings for transportation facilities.—
499 Transportation facilities may not be designated or relocated by
500 the authority, nor may substantive changes be made thereto,
501 until after a public hearing is conducted by the authority. Any
502 interested party shall have the opportunity to be heard either
503 in person or by counsel and to introduce testimony in such
504 person's behalf at the hearing. Reasonable notice of each such
505 public hearing shall be published in a newspaper of general
506 circulation in each county directly affected by the proposed
507 transportation facility not less than 14 days prior to the
508 hearing. In addition, the authority shall comply with all
509 applicable federal and state requirements related to new or
510 altered transportation facilities or services.

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

513 349.05 Bonds of the authority; bonds not debt or pledges of
514 credit of state.—

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

518 (b)1. The bonds of the authority issued pursuant to the
519 provisions of this chapter, whether an original issuance or on
520 refunding, shall be authorized by resolution of the members
521 thereof and may be issued in one or more series, may be either
522 term or serial bonds, and shall bear such date or dates, be

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523 payable on demand or mature at such time or times, not exceeding
524 40 years from their respective dates, bear interest, fixed or
525 variable, at such rate or rates, not exceeding the maximum
526 lawful interest rate ~~payable semiannually,~~ be in such
527 denominations, be in such form, either coupon or fully
528 registered, carry such registration, exchangeability, and
529 interchangeability privileges, be payable in such medium of
530 payment and at such place or places, be subject to such terms of
531 redemption, with or without premium, and other terms, have such
532 rank, and be entitled to such remedies and priorities on the
533 revenues, rates, fees, rentals, or other charges or receipts of
534 the authority including all or any portion of local option sales
535 tax or the Duval county gasoline tax funds received by the
536 authority ~~pursuant to the terms of any lease purchase agreement~~
537 ~~between the authority and the department,~~ as the authority may
538 determine ~~such resolution or any resolution subsequent thereto~~
539 ~~may provide.~~ The bonds shall be executed either by manual or
540 facsimile signature by such officers as the authority shall
541 determine, provided that such bonds shall bear at least one
542 signature that ~~which~~ is manually executed thereon, and the
543 coupons attached to such bonds shall bear the facsimile
544 signature or signatures of such officer or officers as shall be
545 designated by the authority and shall have the seal of the
546 authority affixed, imprinted, reproduced, or lithographed
547 thereon, all as may be prescribed in such resolution or
548 resolutions.

549 2.(b) Such bonds shall be sold at public or private sale at
550 such price or prices as the authority determines to be in its
551 best interest, except that the interest costs to the authority

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552 on such bonds may not exceed the maximum lawful interest rate.
553 The authority shall provide a specific finding by resolution as
554 to the reason requiring any negotiated sale ~~must be sold at~~
555 public sale in the manner provided by the State Bond Act.
556 ~~However, if the authority, by official action at a public~~
557 ~~meeting, determines that a negotiated sale of the bonds is in~~
558 ~~the best interest of the authority, the authority may negotiate~~
559 ~~for sale of the bonds with the underwriter or underwriters~~
560 ~~designated by the authority and the Division of Bond Finance of~~
561 ~~the State Board of Administration. Pending the preparation of~~
562 definitive bonds, interim certificates may be issued to the
563 purchaser or purchasers of such bonds and may contain such terms
564 and conditions as the authority may determine.

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

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

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

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581 by the authority from the Jacksonville Expressway System or its
582 other transportation facilities;

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

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

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

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

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

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

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

605 (3) ~~The authority may employ fiscal agents as provided by~~
606 ~~this chapter or the~~ State Board of Administration may, upon
607 request by the authority, act as fiscal agent for the authority
608 in the issuance of any bonds that may be issued pursuant to this
609 chapter, and the State Board of Administration may, upon request

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610 by the authority, take over the management, control,
611 administration, custody, and payment of any or all debt services
612 or funds or assets now or hereafter available for any bonds
613 issued pursuant to this chapter. The authority may enter into
614 deeds of trust, indentures, or other agreements with a corporate
615 trustee or trustees, which shall act as its fiscal agent for the
616 authority and may be, ~~or with~~ any bank or trust company within
617 or without the state, as security for such bonds, and may, under
618 such agreements, assign and pledge all or any of the revenues,
619 rates, fees, rentals, or other charges or receipts of the
620 authority, including all or any portion of local option taxes or
621 ~~the Duval county gasoline tax funds received by the authority~~
622 ~~pursuant to the terms of any lease-purchase agreement between~~
623 ~~the authority and the department,~~ thereunder. Such deed of
624 trust, indenture, or other agreement, may contain such
625 provisions as are ~~is~~ customary in such instruments or, as the
626 authority may authorize, including, ~~but~~ without limitation,
627 provisions as to:

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

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

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

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

641 (4) Any of the bonds issued pursuant to this chapter are,
642 and are hereby declared to be, negotiable instruments, and shall
643 have all the qualities and incidents of negotiable instruments
644 under the law merchant and the negotiable instruments law of the
645 state.

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

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

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

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

667 349.061 Bond financing authority.—Pursuant to s. 11(f),

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668 Art. VII of the State Constitution, the Legislature hereby
669 approves for bond financing by the authority any extensions,
670 additions, and improvements to the Jacksonville Expressway
671 System and any other facilities appurtenant, necessary, or
672 incidental to the system or any transportation facilities herein
673 authorized to be constructed, acquired, or operated by the
674 authority. Subject to terms and conditions of applicable revenue
675 bond resolutions and covenants, such costs may be financed in
676 whole or in part by revenue bonds issued pursuant to s.
677 349.05(1) (a) or (b), whether currently issued or issued in the
678 future, or by a combination of such bonds.

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

681 349.07 Lease-purchase agreement.-

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

696 Section 11. Section 349.10, Florida Statutes, is amended to

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697 read:

698 349.10 Acquisition of lands and property.-

699 (1) For the purposes of this chapter, ~~law~~ the Jacksonville
700 Transportation Authority may acquire private or public property
701 and property rights, including rights of access, air, view, and
702 light, by gift, devise, purchase, or condemnation by eminent
703 domain proceedings, as the authority may deem necessary,
704 including, but not limited to, any lands reasonably necessary
705 for securing applicable permits, areas necessary for management
706 of access, borrow pits, drainage ditches, water retention areas,
707 rest areas, replacement access for landowners whose access is
708 impaired due to the construction of transportation facilities,
709 and replacement rights-of-way for relocated rail and utility
710 facilities, and areas necessary for existing, proposed, or
711 anticipated transportation facilities or in a transportation
712 corridor designated by the authority. The authority shall also
713 have the power to condemn any material and property necessary
714 for such ~~for any of the purposes of this chapter~~. The right of
715 eminent domain ~~herein~~ conferred in this section shall be
716 exercised by the authority in the manner provided by law.
717 Notwithstanding that the authority is an agency of the state,
718 the authority shall not exercise its powers of condemnation
719 granted in this section with respect to any property or property
720 rights of any county or municipality, including, without
721 limitation, the City of Jacksonville.

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

725 (3) In connection with the acquisition of property or

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726 property rights as herein provided, the authority may in its
727 discretion acquire an entire lot, block, or tract of land, if by
728 so doing the interests of the public will be best served, even
729 though said entire lot, block, or tract is not immediately
730 needed for the right-of-way proper.

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

744 Section 12. Section 349.12, Florida Statutes, is amended to
745 read:

746 349.12 Covenant of the state.—The state does hereby pledge
747 to~~7~~ and agree agrees, with any person, firm, ~~or~~ corporation, or
748 federal or state agency subscribing to~~7~~ or acquiring the bonds
749 to be issued by the authority for the purposes of this chapter
750 that the state will not limit or alter the rights hereby vested
751 in the authority and the department until all bonds at any time
752 issued, together with the interest thereon, are fully paid and
753 discharged insofar as the same affects the rights of the holders
754 of bonds issued hereunder. The state does further pledge to~~7~~ and

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755 agree, with the United States and any federal agency that, in
756 the event that any federal agency shall construct or contribute
757 any funds for the completion, extension, or improvement of the
758 Jacksonville Expressway System or other transportation
759 facilities of the authority, or any part or portion thereof, the
760 state will not alter or limit the rights and powers of the
761 authority and the department in any manner that ~~which~~ would be
762 inconsistent with the continued maintenance and operation of the
763 Jacksonville Expressway System or other transportation
764 facilities of the authority or the completion, extension, or
765 improvement thereof, or that ~~which~~ would be inconsistent with
766 the due performance of any agreements between the authority and
767 any such federal agency, and the authority and the department
768 shall continue to have and may exercise all powers herein
769 granted, so long as the same shall be necessary or desirable for
770 the carrying out of the purposes of this chapter and the
771 purposes of the United States in the completion, extension, or
772 improvement of the Jacksonville Expressway System or other
773 transportation facilities of the authority, or any part or
774 portion thereof.

775 Section 13. Section 349.13, Florida Statutes, is amended to
776 read:

777 349.13 Exemption from taxation.—The effectuation of the
778 authorized purposes of the authority created under this chapter
779 is, shall and will be, in all respects for the benefit of the
780 people of the state, for the increase of their commerce and
781 prosperity, and for the improvement of their health and living
782 conditions, and since such authority will be performing
783 essential governmental functions in effectuating such purposes,

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784 such authority shall not be required to pay any taxes or
785 assessments of any kind or nature whatsoever upon any property
786 acquired or used by it for such purposes, or upon any rates,
787 fees, rentals, receipts, income, or charges at any time received
788 by it, and the bonds and other obligations issued under this
789 chapter ~~by the authority~~, their transfer and the income
790 therefrom, (including any profits made on the sale thereof),
791 shall at all times be free from taxation of any kind by the
792 state, or by any political subdivision, or taxing agency or
793 instrumentality thereof. The exemption granted by this section
794 shall not be applicable to any tax imposed by chapter 220 on
795 interest, income, or profits on debt obligations owned by
796 corporations. When property of the authority is leased, it shall
797 be exempt from ad valorem taxes only if the use by the lessee
798 qualifies the property for exemption under s. 196.199.

799 Section 14. Section 349.15, Florida Statutes, is amended to
800 read:

801 349.15 Remedies; pledges enforceable by bondholders. ~~Any~~
802 holder of bonds issued under this chapter, except to the extent
803 such rights may be restricted by the resolution, deed of trust,
804 indenture, or other proceeding relating to the issuance of such
805 bonds, may by civil action, mandamus, or other appropriate
806 action, suit, or proceeding in law or in equity, in any court of
807 competent jurisdiction, protect and enforce any and all rights
808 of such bondholder granted under the proceedings authorizing the
809 issuance of such bonds and enforce any pledge made for payment
810 of the principal and interest on bonds, or any covenant or
811 agreement relative thereto, against the authority or directly
812 against the department, as may be appropriate. It is the express

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813 intention of this chapter that any pledge by the department of
814 rates, fees, revenues, ~~Duval~~ county gasoline tax funds, or other
815 funds, as rentals, to the authority or any covenants or
816 agreements relative thereto may be enforceable in any court of
817 competent jurisdiction against the authority or directly against
818 the department by any holder of bonds issued by the authority.

819 Section 15. Section 349.17, Florida Statutes, is amended to
820 read:

821 349.17 Chapter complete and additional authority.—

822 (1) The powers conferred by this chapter shall be in
823 addition and supplemental to the existing powers of said board
824 and the Department of Transportation, and this chapter shall not
825 be construed as repealing any of the provisions of any other
826 law, general, special, or local, but to supersede such other
827 laws in the exercise of the powers provided in this chapter, and
828 to provide a complete method for the exercise of the powers
829 granted in this chapter. The refunding of any of the bonds of
830 Florida State Improvement Commission heretofore issued to
831 finance part of the cost of said Jacksonville Expressway System,
832 and the completion, extension, and improvement of said system,
833 and the issuance of bonds hereunder to finance all or part of
834 the cost thereof, may be accomplished upon compliance with the
835 provisions of this chapter without regard to or necessity for
836 compliance with the provisions, limitations, or restrictions
837 contained in any other general, special, or local law,
838 including, without limitation, s. 215.821, and no approval of
839 any bonds issued under this chapter by the qualified electors or
840 qualified electors who are freeholders in the state or in said
841 County of Duval, or in said City of Jacksonville, or in any

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842 other political subdivision of the state, shall be required for
843 the issuance of such bonds pursuant to this chapter.

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

852 Section 16. Section 349.21, Florida Statutes, is amended to
853 read:

854 349.21 Powers conferred by s. 212.055(1).—Notwithstanding
855 any other provision of law, any transportation authority created
856 by this chapter shall have all the powers conferred by s.
857 212.055(1). The revenues provided by this section may shall be
858 used or pledged to pay principal and interest on bonds as set
859 forth in s. 212.055(1). In no event may local transportation
860 surtax moneys collected in Duval County be expended on
861 transportation facilities outside the boundaries of Duval County
862 for which tolls have been pledged. The powers provided by this
863 section shall expire when all such bonds in existence on the
864 effective date of this act have been retired.

865 Section 17. Section 349.22, Florida Statutes, is created to
866 read:

867 349.22 Public-private transportation facilities.—

868 (1) The authority may receive or solicit proposals and
869 enter into agreements with private entities or consortia thereof
870 for the building, operation, ownership, or financing of

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871 highways, bridges, multimodal transportation systems, transit-
872 oriented development nodes, transit stations, or related
873 transportation facilities. Before approval, the authority must
874 determine that a proposed project:

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

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

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

884 (2) The authority shall ensure that all reasonable costs to
885 the state related to transportation facilities that are not part
886 of the State Highway System are borne by the private entity that
887 develops or operates the facilities. The authority shall also
888 ensure that all reasonable costs to the state and substantially
889 affected local governments and utilities related to the private
890 transportation facility are borne by the private entity for
891 transportation facilities that are owned by private entities.
892 For projects on the State Highway System or that provide
893 increased mobility on the State Highway System, the department
894 may use state resources to participate in funding and financing
895 the project as provided for under the department's enabling
896 legislation.

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

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900 to issue a request for proposals, must publish a notice in the
901 Florida Administrative Weekly and a newspaper of general
902 circulation in the county in which the proposed project is
903 located at least once a week for 2 weeks requesting proposals
904 or, if an unsolicited proposal was received, stating that it has
905 received the proposal and will accept, for 60 days after the
906 initial date of publication, other proposals for the same
907 project purpose. A copy of the notice must be mailed to each
908 local government in the affected areas. After the public
909 notification period has expired, the authority shall rank the
910 proposals in order of preference. In ranking the proposals, the
911 authority shall consider professional qualifications, general
912 business terms, innovative engineering or cost-reduction terms,
913 finance plans, and the need for state funds to deliver the
914 proposal. If the authority is not satisfied with the results of
915 the negotiations, it may, at its sole discretion, terminate
916 negotiations with the proposer. If these negotiations are
917 unsuccessful, the authority may go to the second and lower-
918 ranked firms, in order, using the same procedure. If only one
919 proposal is received, the authority may negotiate in good faith
920 and, if it is not satisfied with the results, may, at its sole
921 discretion, terminate negotiations with the proposer.
922 Notwithstanding this subsection, the authority may, at its
923 discretion, reject all proposals at any point in the process up
924 to completion of a contract with the proposer. Any person
925 submitting an unsolicited proposal shall submit with the
926 proposal the sum of \$25,000 to the authority to be applied by
927 the authority to its costs of review and analysis of the
928 proposal, and such person shall remain liable for any additional

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929 costs and expenses of the authority incurred for the review and
930 analysis.

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

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

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

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

957 Section 18. Paragraph (b) of subsection (2) of section

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958 20.23, Florida Statutes, is amended to read:

959 20.23 Department of Transportation.—There is created a
960 Department of Transportation which shall be a decentralized
961 agency.

962 (2)

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

964 1. Recommend major transportation policies for the
965 Governor's approval, and assure that approved policies and any
966 revisions thereto are properly executed.

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

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

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

984 5. Monitor on at least a quarterly basis, the efficiency,
985 productivity, and management of the department, using
986 performance and production standards developed by the commission

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987 pursuant to s. 334.045.

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

992 7. Recommend to the Governor and the Legislature
993 improvements to the department's organization in order to
994 streamline and optimize the efficiency of the department. In
995 reviewing the department's organization, the commission shall
996 determine if the current district organizational structure is
997 responsive to Florida's changing economic and demographic
998 development patterns. The initial report by the commission must
999 be delivered to the Governor and Legislature by December 15,
1000 2000, and each year thereafter, as appropriate. The commission
1001 may retain such experts as are reasonably necessary to
1002 effectuate this subparagraph, and the department shall pay the
1003 expenses of such experts.

1004 8. Monitor the efficiency, productivity, and management of
1005 the authorities created under chapters 343, ~~and 348,~~ and 349,
1006 including any authority formed using the provisions of part I of
1007 chapter 348. The commission shall also conduct periodic reviews
1008 of each authority's operations and budget, acquisition of
1009 property, management of revenue and bond proceeds, and
1010 compliance with applicable laws and generally accepted
1011 accounting principles.

1012 Section 19. This act shall take effect July 1, 2009.