

By the Committee on Budget

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1 A bill to be entitled
2 An act relating to transportation; amending s.
3 310.002, F.S.; redefining the term "port" to include
4 Port Citrus; amending s. 311.07, F.S.; providing
5 additional funds for 5 years to fund certain projects
6 through the Florida Deepwater Seaport Program;
7 amending s. 311.09, F.S.; including a representative
8 of Port Citrus as a member of the Florida Seaport
9 Transportation and Economic Development Council;
10 amending s. 338.165, F.S.; specifying that certain
11 statutory provisions related to special matters to be
12 considered in rule adoption do not apply to the
13 adjustment of toll rates; transferring control of the
14 Tampa-Hillsborough County Expressway Authority, the
15 Orlando-Orange County Expressway Authority, and the
16 Mid-Bay Bridge Authority systems to the Florida
17 Turnpike Enterprise; transferring all assets, rights,
18 powers, duties, and bond liabilities of the
19 authorities to the turnpike enterprise; transferring
20 all provisions that protect the rights of certain
21 bondholders from the authorities to the turnpike
22 enterprise; providing for the turnpike enterprise to
23 annually transfer funds from the activities of each of
24 the transferred authorities to the State
25 Transportation Trust Fund to repay certain long-term
26 debt; amending s. 338.2215, F.S.; adding certain
27 expressway and bridge systems to the Florida Turnpike
28 Enterprise; amending s. 338.231, F.S.; requiring that
29 the toll rates collected electronically equal the

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30 rates for cash collection; amending s. 338.2275, F.S.;

31 increasing the maximum amount of bonds that may be

32 outstanding for approved turnpike projects; repealing

33 s. 338.251, F.S., relating to the Toll Facilities

34 Revolving Trust Fund; transferring all funds in the

35 trust fund and future payments of obligated funds to

36 the Turnpike General Reserve Trust Fund; creating s.

37 339.2821, F.S.; providing requirements for contracts

38 for transportation projects; providing duties of the

39 Department of Transportation; providing for the

40 transfer of funds; requiring that funds be allocated

41 to each district equitably; authorizing Space Florida

42 to serve as a local government or a contracting agency

43 within spaceport territory; repealing s. 343.805(6),

44 F.S., relating to the definition of the term "lease-

45 purchase agreement" as it relates to the Northwest

46 Florida Transportation Corridor Authority and the

47 Department of Transportation; amending s. 343.835,

48 F.S.; deleting references to lease-purchase

49 agreements; amending s. 343.836, F.S.; deleting

50 references to lease-purchase agreements in remedies to

51 bondholders as they relate to the U.S. 98 Corridor

52 System; repealing s. 343.837, F.S., relating to lease-

53 purchase agreements that provide for the leasing of

54 the U.S. 98 Corridor System to the Department of

55 Transportation; repealing s. 343.885, F.S., relating

56 to the enforceability of pledges by bondholders;

57 repealing s. 343.91(1)(h), F.S., relating to the

58 definition of the term "lease-purchase agreement" as

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59 it relates to the Tampa Bay Area Regional
60 Transportation Authority and the Department of
61 Transportation; amending s. 343.94, F.S.; deleting
62 references to lease-purchase agreements; amending s.
63 343.944, F.S.; deleting references to lease-purchase
64 agreements in remedies to bondholders as they relate
65 to the Tampa Bay Area Regional Transportation
66 Authority; repealing s. 343.945, F.S., relating to the
67 enforceability of pledges to the Tampa Bay Area
68 Regional Transportation Authority; repealing s.
69 343.946, F.S., relating to lease-purchase agreements
70 that provide for the leasing of projects of the Tampa
71 Bay Area Regional Transportation Authority to the
72 Department of Transportation; repealing s.
73 348.0002(11), F.S., relating to the definition of the
74 term "lease-purchase agreement" as it relates to
75 expressway authorities and the Department of
76 Transportation; amending s. 348.0004, F.S.;
77 authorizing authorities created pursuant to the
78 Florida Expressway Authority Act to own expressway
79 systems; deleting the power of such authorities to
80 lease such systems; deleting obsolete provisions;
81 amending s. 348.0005, F.S.; deleting a reference to
82 the Department of Transportation to conform to changes
83 made by the act; repealing s. 348.0006, F.S., which
84 provides for lease-purchase agreements in the Florida
85 Expressway Act; repealing part II of ch. 348, F.S.,
86 which provides for the creation and operation of the
87 Brevard County Expressway Authority; repealing part

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88 III of ch. 348, F.S., which provides for the creation
89 and operation of the Broward County Expressway
90 Authority; repealing part IV of ch. 348, F.S., which
91 provides for the creation and operation of the Tampa-
92 Hillsborough County Expressway Authority; repealing
93 part V of ch. 348, F.S., which provides for the
94 creation and operation of the Orlando-Orange County
95 Expressway Authority; repealing part VI of ch. 348,
96 F.S., which provides for the creation and operation of
97 the Pasco County Expressway Authority; repealing part
98 VII of ch. 348, F.S., which provides for the creation
99 and operation of the St. Lucie County Expressway and
100 Bridge Authority; repealing part VIII of ch. 348,
101 F.S., which provides for the creation and operation of
102 the Seminole County Expressway Authority; repealing
103 part X of ch. 348, F.S., which provides for the
104 creation and operation of the Southwest Florida
105 Expressway Authority; repealing s. 348.9955, F.S.,
106 relating to the power of the Osceola Expressway
107 Authority to enter into lease-purchase agreements with
108 the Department of Transportation; repealing s.
109 349.02(1)(d), F.S., relating to the definition of the
110 term "lease-purchase agreement" as it relates to the
111 Jacksonville Transportation Authority and the
112 Department of Transportation; amending s. 349.04,
113 F.S.; deleting the authority of the Jacksonville
114 Transportation Authority to enter lease-purchase
115 agreements; amending s. 349.05, F.S.; deleting
116 authorization for lease-purchase agreements in bond

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117 agreements of the Jacksonville Transportation
118 Authority; repealing s. 349.07, F.S., relating to
119 lease-purchase agreements that provide for the leasing
120 of the Jacksonville Expressway System to the
121 Department of Transportation; amending s. 349.15,
122 F.S.; deleting certain bond authority of the
123 department; amending s. 374.976, F.S.; including Port
124 Citrus in provisions relating to the authority of
125 inland navigation districts; amending s. 403.021,
126 F.S.; conforming provisions to include Port Citrus in
127 legislative declarations relating to environmental
128 control; amending s. 403.061, F.S.; conforming
129 provisions to include Port Citrus in provisions
130 relating to powers of the Department of Environmental
131 Protection; amending s. 403.813, F.S.; including Port
132 Citrus in provisions relating to permits issued at
133 Department of Environmental Protection district
134 centers; amending s. 403.816, F.S.; including Port
135 Citrus in provisions relating to certain maintenance
136 projects at deepwater ports and beach restoration
137 projects; repealing chapter 2000-411, Laws of Florida,
138 relating to the Mid-Bay Bridge Authority; amending s.
139 212.08, F.S.; conforming cross-references; providing
140 an effective date.

141

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

143

144 Section 1. Subsection (4) of section 310.002, Florida
145 Statutes, is amended to read:

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146 310.002 Definitions.—As used in this chapter, except where
147 the context clearly indicates otherwise:

148 (4) "Port" means any place in the state into which vessels
149 enter or depart and includes, without limitation, Fernandina,
150 Nassau Inlet, Jacksonville, St. Augustine, Canaveral, Port
151 Citrus, Ft. Pierce, Palm Beach, Port Everglades, Miami, Key
152 West, Boca Grande, Charlotte Harbor, Punta Gorda, Tampa, Port
153 Tampa, Port Manatee, St. Petersburg, Clearwater, Apalachicola,
154 Carrabelle, Panama City, Port St. Joe, and Pensacola.

155 Section 2. Subsection (2) of section 311.07, Florida
156 Statutes, is amended to read:

157 311.07 Florida seaport transportation and economic
158 development funding.—

159 (2) A minimum of \$8 million per year shall be made
160 available from the State Transportation Trust Fund to fund the
161 Florida Seaport Transportation and Economic Development Program.
162 However, for the 5 fiscal years beginning with the 2011-2012
163 fiscal year through the 2015-2016 fiscal year, a minimum of \$100
164 million each year shall be made available from the State
165 Transportation Trust Fund, and all funds except for \$8 million
166 shall be used to fund the Florida Deepwater Seaport Program,
167 which shall be for port infrastructure projects that expand this
168 state's role as a global hub for trade and investment, and that
169 enhance the supply chain system in the state to process,
170 assemble, and ship goods to markets.

171 Section 3. Subsection (1) of section 311.09, Florida
172 Statutes, is amended to read:

173 311.09 Florida Seaport Transportation and Economic
174 Development Council.—

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175 (1) The Florida Seaport Transportation and Economic
176 Development Council is created within the Department of
177 Transportation. The council consists of the following 18 ~~17~~
178 members: the port director, or the port director's designee, of
179 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
180 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
181 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
182 West, and Fernandina; the secretary of the Department of
183 Transportation or his or her designee; the director of the
184 Office of Tourism, Trade, and Economic Development or his or her
185 designee; and the secretary of the Department of Community
186 Affairs or his or her designee.

187 Section 4. Subsection (3) of section 338.165, Florida
188 Statutes, is amended to read:

189 338.165 Continuation of tolls.—

190 (3) Notwithstanding any other provision of law, the
191 department, including the turnpike enterprise, shall index toll
192 rates on existing toll facilities to the annual Consumer Price
193 Index or similar inflation indicators. Toll rate adjustments for
194 inflation under this subsection may be made no more frequently
195 than once a year and must be made no less frequently than once
196 every 5 years as necessary to accommodate cash toll rate
197 schedules. Toll rates may be increased beyond these limits as
198 directed by bond documents, covenants, or governing body
199 authorization or pursuant to department administrative rule. The
200 department shall adjust toll rates pursuant to this subsection
201 by rule, in accordance with s. 120.54, and shall provide for
202 public notice and the opportunity for a public hearing before
203 adoption of the proposed rate change. Notwithstanding any other

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204 provision of law, the provisions of ss. 120.54(3)(b) and 120.541
205 do not apply to the adjustment of tolls pursuant to this
206 subsection.

207 Section 5. Transfers to the Florida Turnpike Enterprise.-
208 The following are transferred to the Florida Turnpike
209 Enterprise:

210 (1) The governance and control of the Tampa-Hillsborough
211 County Expressway Authority.

212 (a) The assets, facilities, tangible and intangible
213 property and any rights in such property, and any other legal
214 rights of the authority, including the expressway system
215 operated by the authority, are transferred to the turnpike
216 enterprise. The turnpike enterprise succeeds to all powers of
217 the authority, and the operations and maintenance of the
218 expressway system shall be under the control of the turnpike
219 enterprise, pursuant to this subsection. Revenues collected on
220 the expressway system shall be considered turnpike revenues. The
221 turnpike enterprise also assumes all liability for bonds of the
222 expressway authority pursuant to the provisions of paragraph
223 (b). The turnpike enterprise may review other contracts,
224 financial obligations, and contractual obligations and
225 liabilities of the authority, and may assume legal liability for
226 the obligations that are determined to be necessary or desirable
227 for the continued operation of the expressway system.

228 (b) The transfer pursuant to this subsection is subject to
229 all terms and covenants provided for the protection of the
230 holders of the Tampa-Hillsborough County Expressway Authority
231 bonds in the lease-purchase agreement and the resolutions
232 adopted in connection with the issuance of the bonds. Further,

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233 the transfer does not impair the terms of the contract between
234 the authority and the bondholders, does not act to the detriment
235 of the bondholders, and does not diminish the security for the
236 bonds. After the transfer, the turnpike enterprise shall operate
237 and maintain the expressway system and any other facilities of
238 the authority in accordance with the terms, conditions, and
239 covenants contained in the bond resolutions and lease-purchase
240 agreement securing the bonds of the authority. The turnpike
241 enterprise shall collect toll revenues and apply them to the
242 payment of debt service as provided in the bond resolution
243 securing the bonds, and expressly assumes all obligations
244 relating to the bonds to ensure that the transfer will have no
245 adverse impact on the security for the bonds of the authority.
246 The transfer does not modify or eliminate any prior obligation
247 of the department to pay certain costs of the expressway system
248 from sources other than revenues of the expressway system. With
249 regard to the authority's current long-term debt due to the
250 department of \$120 million as of June 30, 2010, and to the
251 extent permitted by the bond resolutions and lease-purchase
252 agreement securing the bonds, the turnpike enterprise shall make
253 payment annually to the State Transportation Trust Fund for the
254 purpose of repaying the authority's long-term debt due to the
255 department from any system expressway revenues obtained under
256 this subsection remaining after paying the costs of operations,
257 maintenance, renewal, and replacement of the expressway system,
258 and the payment of current debt service or other payments
259 required in relation to the bonds. The turnpike enterprise shall
260 make such annual payments to the State Transportation Trust Fund
261 until all remaining authority long-term debt due to the

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262 department has been repaid, not to exceed \$8 million per year.

263 (2) The governance and control of the Orlando-Orange County
264 Expressway Authority system.

265 (a) The assets, facilities, tangible and intangible
266 property and any rights in such property, and any other legal
267 rights of the authority, including the expressway system
268 operated by the authority, are transferred to the turnpike
269 enterprise. The turnpike enterprise succeeds to all powers of
270 the authority, and the operations and maintenance of the
271 expressway system shall be under the control of the turnpike
272 enterprise, pursuant to this subsection. Revenues collected on
273 the expressway system shall be considered turnpike revenues. The
274 turnpike enterprise also assumes all liability for bonds of the
275 expressway authority pursuant to the provisions of paragraph
276 (b). The turnpike enterprise may review other contracts,
277 financial obligations, and contractual obligations and
278 liabilities of the authority, and may assume legal liability for
279 obligations that are determined to be necessary or desirable for
280 the continued operation of the expressway system.

281 (b) The transfer pursuant to this subsection is subject to
282 all terms and covenants provided for the protection of the
283 holders of the Orlando-Orange County Expressway Authority bonds
284 in the lease-purchase agreement and the resolutions adopted in
285 connection with the issuance of the bonds. Further, the transfer
286 does not impair the terms of the contract between the authority
287 and the bondholders, does not act to the detriment of the
288 bondholders, and does not diminish the security for the bonds.
289 After the transfer, the turnpike enterprise shall operate and
290 maintain the expressway system and any other facilities of the

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291 authority in accordance with the terms, conditions, and
292 covenants contained in the bond resolutions and lease-purchase
293 agreement securing the bonds of the authority. The turnpike
294 enterprise shall collect toll revenues and apply them to the
295 payment of debt service as provided in the bond resolution
296 securing the bonds, and expressly assumes all obligations
297 relating to the bonds to ensure that the transfer will have no
298 adverse impact on the security for the bonds of the authority.
299 The transfer does not modify or eliminate any prior obligation
300 of the department to pay certain costs of the expressway system
301 from sources other than revenues of the expressway system. With
302 regard to the authority's current long-term debt due to the
303 department of \$228 million as of June 30, 2010, and to the
304 extent permitted by the bond resolutions and lease-purchase
305 agreement securing the bonds, the turnpike enterprise shall make
306 payment annually to the State Transportation Trust Fund for the
307 purpose of repaying the authority's long-term debt due to the
308 department from any expressway system revenues obtained under
309 this subsection remaining after paying the costs of operations,
310 maintenance, renewal, and replacement of the expressway system,
311 and the payment of current debt service or other payments
312 required in relation to the bonds. The turnpike enterprise shall
313 make such annual payments to the State Transportation Trust Fund
314 until all remaining authority long-term debt due to the
315 department has been repaid, not to exceed \$16 million per year.

316 (3) The governance and control of the Mid-Bay Bridge
317 Authority system.

318 (a) The assets, facilities, tangible and intangible
319 property and any rights in such property, and any other legal

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320 rights of the authority, including the bridge system operated by
321 the authority, are transferred to the turnpike enterprise. The
322 turnpike enterprise succeeds to all powers of the authority, and
323 the operations and maintenance of the bridge system shall be
324 under the control of the turnpike enterprise, pursuant to this
325 subsection. Revenues collected on the bridge system shall be
326 considered turnpike revenues. The turnpike enterprise also
327 assumes all liability for bonds of the bridge authority pursuant
328 to the provisions of paragraph (b). The turnpike enterprise may
329 review other contracts, financial obligations, and contractual
330 obligations and liabilities of the authority, and may assume
331 legal liability for such obligations that are determined to be
332 necessary or desirable for the continued operation of the bridge
333 system.

334 (b) The transfer pursuant to this subsection is subject to
335 all terms and covenants provided for the protection of the
336 holders of the Mid-Bay Bridge Authority bonds in the lease-
337 purchase agreement and the resolutions adopted in connection
338 with the issuance of the bonds. Further, the transfer does not
339 impair the terms of the contract between the authority and the
340 bondholders, does not act to the detriment of the bondholders,
341 and does not diminish the security for the bonds. After the
342 transfer, the turnpike enterprise shall operate and maintain the
343 bridge system and any other facilities of the authority in
344 accordance with the terms, conditions, and covenants contained
345 in the bond resolutions and lease-purchase agreement securing
346 the bonds of the authority. The turnpike enterprise shall
347 collect toll revenues and apply them to the payment of debt
348 service as provided in the bond resolution securing the bonds,

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349 and expressly assumes all obligations relating to the bonds to
350 ensure that the transfer will have no adverse impact on the
351 security for the bonds of the authority. The transfer does not
352 modify or eliminate any prior obligation of the Department of
353 Transportation to pay certain costs of the bridge system from
354 sources other than revenues of the bridge system. With regard to
355 the authority's current long-term debt due to the department of
356 \$16 million as of June 30, 2010, and to the extent permitted by
357 the bond resolutions and lease-purchase agreement securing the
358 bonds, the turnpike enterprise shall make payment annually to
359 the State Transportation Trust Fund for the purpose of repaying
360 the authority's long-term debt due to the department from any
361 bridge system revenues obtained under this subsection remaining
362 after paying the costs of operations, maintenance, renewal, and
363 replacement of the bridge system, and the payment of current
364 debt service or other payments required in relation to the
365 bonds. The turnpike enterprise shall make such annual payments
366 to the State Transportation Trust Fund until all remaining
367 authority long-term debt due to the department has been repaid,
368 not to exceed \$1 million per year.

369
370 Any remaining toll revenue from the facilities of the Orlando
371 Orange County Expressway Authority, the Tampa Hillsborough
372 County Expressway Authority, and the Mid-Bay Bridge Authority
373 collected by the Florida Turnpike Enterprise after meeting the
374 requirements of subsections (1)-(3) shall be used for the
375 construction, maintenance, or improvement of any toll facility
376 of the Florida Turnpike Enterprise within the county or counties
377 in which the revenue was collected.

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378 Section 6. Section 338.2215, Florida Statutes, is amended
379 to read:

380 338.2215 Florida Turnpike Enterprise; legislative findings,
381 policy, purpose, and intent.—The Florida Turnpike Enterprise
382 consists of the following toll facilities: the Florida Turnpike
383 System, the Beachline Expressway (SR 528), the Mid-Bay Bridge
384 (SR 293), the Selmon Expressway (SR 618), the East-West
385 Expressway (SR 408), the Central Florida GreeneWay (SR 417), the
386 John Land Apopka Expressway (SR 414), and the Daniel Webster
387 Western Beltway (SR 429). It is the intent of the Legislature
388 that the turnpike enterprise be provided additional powers and
389 authority in order to maximize the advantages obtainable through
390 fully leveraging the Florida Turnpike System assets ~~asset~~. The
391 additional powers and authority will provide the Florida
392 Turnpike Enterprise with the autonomy and flexibility to enable
393 it to more easily pursue innovations as well as best practices
394 found in the private sector in management, finance,
395 organization, and operations. The additional powers and
396 authority are intended to improve the cost-effectiveness and
397 timeliness of project delivery, increase revenues, expand the
398 turnpike enterprise's ~~system's~~ capital program capability, and
399 improve the quality of service to its patrons, while continuing
400 to protect the ~~turnpike system's~~ bondholders of the Florida
401 Turnpike Enterprise and further preserve, expand, and improve
402 the Florida Turnpike Enterprise System.

403 Section 7. Section 338.231, Florida Statutes, is amended to
404 read:

405 338.231 Turnpike tolls, fixing; pledge of tolls and other
406 revenues.—The department shall at all times fix, adjust, charge,

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407 and collect such tolls and amounts for the use of the turnpike
408 system as are required in order to provide a fund sufficient
409 with other revenues of the Florida Turnpike Enterprise and the
410 turnpike system to pay the cost of maintaining, improving,
411 repairing, and operating such turnpike system; to pay the
412 principal of and interest on all bonds issued to finance or
413 refinance any portion of the turnpike system as the same become
414 due and payable; and to create reserves for all such purposes.

415 (1) Notwithstanding any other law, the department may defer
416 the scheduled July 1, 1993, toll rate increase on the Homestead
417 Extension of the Florida Turnpike until July 1, 1995. The
418 department may also advance funds to the Turnpike General
419 Reserve Trust Fund to replace estimated lost revenues resulting
420 from this deferral. The amount advanced must be repaid within 12
421 years from the date of advance; however, the repayment is
422 subordinate to all other debt financing of the turnpike system
423 outstanding at the time repayment is due.

424 (2) The department shall publish a proposed change in the
425 toll rate for the use of an existing toll facility, in the
426 manner provided for in s. 120.54, which will provide for public
427 notice and the opportunity for a public hearing before the
428 adoption of the proposed rate change. When the department is
429 evaluating a proposed turnpike toll project under s. 338.223 and
430 has determined that there is a high probability that the project
431 will pass the test of economic feasibility predicated on
432 proposed toll rates, the toll rate that is proposed to be
433 charged after the project is constructed must be adopted during
434 the planning and project development phase of the project, in
435 the manner provided for in s. 120.54, including public notice

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436 and the opportunity for a public hearing. For such a new
437 project, the toll rate becomes effective upon the opening of the
438 project to traffic.

439 (3) (a) For the period July 1, 1998, through June 30, 2017,
440 the department shall, to the maximum extent feasible, program
441 sufficient funds in the tentative work program such that the
442 percentage of turnpike toll and bond financed commitments in
443 Miami-Dade County, Broward County, and Palm Beach County as
444 compared to total turnpike toll and bond financed commitments
445 shall be at least 90 percent of the share of net toll
446 collections attributable to users of the turnpike system in
447 Miami-Dade County, Broward County, and Palm Beach County as
448 compared to total net toll collections attributable to users of
449 the turnpike system. This subsection does not apply when the
450 application of such requirements would violate any covenant
451 established in a resolution or trust indenture relating to the
452 issuance of turnpike bonds. The department may at any time for
453 economic considerations establish lower temporary toll rates for
454 a new or existing toll facility for a period not to exceed 1
455 year, after which the toll rates adopted pursuant to s. 120.54
456 shall become effective.

457 (b) The department shall also fix, adjust, charge, and
458 collect such amounts needed to cover the costs of administering
459 the different toll collection and payment methods, and types of
460 accounts being offered and used, in the manner provided for in
461 s. 120.54 which will provide for public notice and the
462 opportunity for a public hearing before adoption. Such amounts
463 may stand alone, be incorporated in a toll rate structure, or be
464 a combination of the two.

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465 (4) When bonds are outstanding which have been issued to
466 finance or refinance any turnpike project, the tolls and all
467 other revenues derived from the turnpike system and pledged to
468 such bonds shall be set aside as may be provided in the
469 resolution authorizing the issuance of such bonds or the trust
470 agreement securing the same. The tolls or other revenues or
471 other moneys so pledged and thereafter received by the
472 department are immediately subject to the lien of such pledge
473 without any physical delivery thereof or further act. The lien
474 of any such pledge is valid and binding as against all parties
475 having claims of any kind in tort or contract or otherwise
476 against the department irrespective of whether such parties have
477 notice thereof. Neither the resolution nor any trust agreement
478 by which a pledge is created need be filed or recorded except in
479 the records of the department.

480 (5) In each fiscal year while any of the bonds of the
481 Broward County Expressway Authority series 1984 and series 1986-
482 A remain outstanding, the department is authorized to pledge
483 revenues from the turnpike system to the payment of principal
484 and interest of such series of bonds and the operation and
485 maintenance expenses of the Sawgrass Expressway, to the extent
486 gross toll revenues of the Sawgrass Expressway are insufficient
487 to make such payments. The terms of an agreement relative to the
488 pledge of turnpike system revenue will be negotiated with the
489 parties of the 1984 and 1986 Broward County Expressway Authority
490 lease-purchase agreements, and subject to the covenants of those
491 agreements. The agreement must establish that the Sawgrass
492 Expressway is subject to the planning, management, and operating
493 control of the department limited only by the terms of the

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494 lease-purchase agreements. The department shall provide for the
495 payment of operation and maintenance expenses of the Sawgrass
496 Expressway until such agreement is in effect. This pledge of
497 turnpike system revenues is subordinate to the debt service
498 requirements of any future issue of turnpike bonds, the payment
499 of turnpike system operation and maintenance expenses, and
500 subject to any subsequent resolution or trust indenture relating
501 to the issuance of such turnpike bonds.

502 (6) The use and disposition of revenues pledged to bonds
503 are subject to ss. 338.22-338.241 and such regulations as the
504 resolution authorizing the issuance of the bonds or such trust
505 agreement may provide.

506 (7) Notwithstanding s. 338.161 or any other law to the
507 contrary, toll rates for the electronic collection method shall
508 be equal to the rates for the cash collection method effective
509 July 1, 2011.

510 Section 8. Subsection (1) of section 338.2275, Florida
511 Statutes, is amended to read:

512 338.2275 Approved turnpike projects.—

513 (1) Legislative approval of the department's tentative work
514 program that contains the turnpike project constitutes approval
515 to issue bonds as required by s. 11(f), Art. VII of the State
516 Constitution. No more than \$13.5 ~~\$10~~ billion of bonds may be
517 outstanding to fund approved turnpike projects.

518 Section 9. Section 338.251, Florida Statutes, is repealed.

519 Section 10. All funds in the Toll Facilities Revolving
520 Trust Fund and all future payments of obligated funds shall be
521 deposited into the Turnpike General Reserve Trust Fund to be
522 expended for purposes set forth in the Florida Turnpike Law.

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523 Section 11. Section 339.2821, Florida Statutes, is created
524 to read:

525 339.2821 Contracts for transportation projects.-

526 (1) The department, in consultation with Jobs Florida, is
527 authorized to make and approve expenditures and enter into
528 contracts for the direct costs of transportation projects with
529 the appropriate governmental body. The department shall provide
530 Jobs Florida, the Department of Environmental Protection, and
531 the Department of Community Affairs with an opportunity to
532 formally review and comment on recommended transportation
533 projects, although the department has final approval authority
534 for any project under this section.

535 (2) Any contract with a governmental body for construction
536 of a transportation project executed by the department shall:

537 (a) Specify and identify the transportation project to be
538 constructed for a new or expanding business and the number of
539 full-time permanent jobs that will result from the project.

540 (b) Require that the appropriate governmental body award
541 the construction of the particular transportation project to the
542 lowest and best bidder in accordance with applicable state and
543 federal laws, rules, or regulations unless the project can be
544 constructed using existing local government employees within the
545 contract period specified by the department.

546 (c) Require that the appropriate governmental body provide
547 the department with quarterly progress reports. Each quarterly
548 progress report shall contain a narrative description of the
549 work completed according to the project schedule, a description
550 of any change orders executed by the appropriate governmental
551 body, a budget summary detailing planned expenditures versus

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552 actual expenditures, and identification of minority business
553 enterprises used as contractors and subcontractors. Records of
554 all progress payments made for work in connection with such
555 transportation projects, and any change orders executed by the
556 appropriate governmental body and payments made pursuant to such
557 orders, shall be maintained by that governmental body in
558 accordance with accepted governmental accounting principles and
559 practices and shall be subject to financial audit as required by
560 law. In addition, the appropriate governmental body, upon
561 completion and acceptance of the transportation project, shall
562 certify to the department that the project has been completed in
563 compliance with the terms and conditions of the contractual
564 agreements between the department and the appropriate
565 governmental body and meets minimum construction standards
566 established in accordance with s. 336.045.

567 (d) Specify that the department shall transfer funds upon
568 receipt of a request for funds from the local government, on no
569 more than a quarterly basis, consistent with project needs. A
570 contract totaling less than \$200,000 is exempt from this
571 transfer requirement. The department may not transfer any funds
572 unless construction has begun on the facility of the business on
573 whose behalf the award was made. Local governments shall expend
574 funds in a timely manner.

575 (e) Require that program funds be used only on those
576 transportation projects that have been properly reviewed and
577 approved in accordance with the criteria set forth in this
578 section.

579 (f) Require that the governing board of the appropriate
580 local governmental body agree by resolution to accept future

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581 maintenance and other attendant costs occurring after completion
582 of the transportation project if the project is construction on
583 a county or municipal system.

584 (3) With respect to any contract executed pursuant to this
585 section, the term "transportation project" means a
586 transportation facility as defined in s. 334.03(31) which is
587 necessary in the judgment of the department, in consultation
588 with Jobs Florida, to facilitate the economic development and
589 growth of the state. Except for applications received prior to
590 July 1, 1996, such transportation projects shall be approved
591 only as a consideration to attract new employment opportunities
592 to the state or expand or retain employment in existing
593 companies operating within the state, or to allow for the
594 construction or expansion of a state or federal correctional
595 facility in a county that has a population of 75,000 or fewer
596 and that creates new employment opportunities or expands or
597 retains employment in the county. The department shall institute
598 procedures to ensure that small and minority businesses have
599 equal access to funding provided under this section. Funding for
600 approved transportation projects may include any expenses, other
601 than administrative costs and equipment purchases specified in
602 the contract, necessary for new transportation facilities or
603 improvements to existing transportation facilities. Funds made
604 available pursuant to this section may not be expended in
605 connection with the relocation of a business from one community
606 to another community in this state unless the department
607 determines that without such relocation the business will move
608 outside this state or determines that the business has a
609 compelling economic rationale for the relocation which creates

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610 additional jobs. Subject to appropriation for projects under
611 this section, any appropriation greater than \$10 million shall
612 be allocated to each of the districts of the department to
613 ensure equitable geographical distribution. Such allocated funds
614 that remain uncommitted by the third quarter of the fiscal year
615 shall be reallocated among the districts based on pending
616 project requests.

617 (4) The department may adopt criteria by which
618 transportation projects are to be reviewed and certified in
619 accordance with s. 288.061. In approving transportation projects
620 for funding, the department, in consultation with Jobs Florida,
621 shall consider factors, including, but not limited to, the cost
622 per job created or retained considering the amount of
623 transportation funds requested; the average hourly rate of wages
624 for jobs created; the reliance on the program as an inducement
625 for the project's location decision; the amount of capital
626 investment to be made by the business; the demonstrated local
627 commitment; the location of the project in an enterprise zone
628 designated pursuant to s. 290.0055; the location of the project
629 in a spaceport territory as defined in s. 331.304; the
630 unemployment rate of the surrounding area; the poverty rate of
631 the community; and the adoption of an economic element as part
632 of its local comprehensive plan in accordance with s.
633 163.3177(7)(j). The department may contact any agency it deems
634 appropriate for additional input regarding the approval of
635 projects.

636 (5) A project that has not been specified and identified by
637 the department in accordance with subsection (4) prior to the
638 initiation of construction shall be ineligible for funding.

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639 (6) For the purpose of this section, Space Florida, or its
640 successor corporation, may serve as the local government or as
641 the contracting agency for transportation projects within
642 spaceport territory as defined by s. 331.304.

643 (7) Each local government receiving funds under this
644 section shall submit to the department a financial audit of the
645 local entity conducted by an independent certified public
646 accountant. The department, in consultation with Jobs Florida,
647 shall develop procedures to ensure that audits are received and
648 reviewed in a timely manner and that deficiencies or questioned
649 costs noted in the audit are resolved.

650 (8) The department shall monitor on site each grant
651 recipient, including, but not limited to, the construction of
652 the business facility, to ensure compliance with contractual
653 requirements.

654 (9) In addition to the other provisions of this section,
655 projects that the Legislature deems necessary to facilitate the
656 economic development and growth of the state may be designated
657 and funded in the General Appropriations Act. Such
658 transportation projects create new employment opportunities,
659 expand transportation infrastructure, improve mobility, or
660 increase transportation innovation. The department shall enter
661 into contracts with, and make expenditures to, the appropriate
662 entities for the costs of transportation projects designated in
663 the General Appropriations Act.

664 Section 12. Subsection (6) of section 343.805, Florida
665 Statutes, is repealed.

666 Section 13. Paragraph (b) of subsection (2) and paragraph
667 (a) of subsection (3) of section 343.835, Florida Statutes, are

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668 amended to read:

669 343.835 Bonds of the authority.-

670 (2) Any such resolution or resolutions authorizing any
671 bonds hereunder may contain provisions that are part of the
672 contract with the holders of such bonds, as to:

673 (b) The completion, improvement, operation, extension,
674 maintenance, repair, or lease, ~~or lease purchase agreement~~ of
675 the system, and the duties of the authority and others, ~~7~~
676 ~~including the department,~~ with reference thereto.

677 (3) The authority may employ fiscal agents as provided by
678 this part or the State Board of Administration may, upon request
679 of the authority, act as fiscal agent for the authority in the
680 issuance of any bonds that are issued pursuant to this part, and
681 the State Board of Administration may, upon request of the
682 authority, take over the management, control, administration,
683 custody, and payment of any or all debt services or funds or
684 assets now or hereafter available for any bonds issued pursuant
685 to this part. The authority may enter into any deeds of trust,
686 indentures, or other agreements with its fiscal agent, or with
687 any bank or trust company within or without the state, as
688 security for such bonds and may, under such agreements, sign and
689 pledge all or any of the revenues, rates, fees, rentals, or
690 other charges or receipts of the authority. Such deed of trust,
691 indenture, or other agreement may contain such provisions as are
692 customary in such instruments or, as the authority authorizes,
693 including, but without limitation, provisions as to:

694 (a) The completion, improvement, operation, extension,
695 maintenance, repair, and lease of ~~or lease purchase agreement~~
696 ~~relating to~~ U.S. 98 corridor improvements and the duties of the

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697 authority and others, ~~including the department,~~ with reference
698 thereto.

699 Section 14. Section 343.836, Florida Statutes, is amended
700 to read:

701 343.836 Remedies of the bondholders.—

702 (1) The rights and the remedies in this section conferred
703 upon or granted to the bondholders are in addition to and not in
704 limitation of any rights and remedies lawfully granted to such
705 bondholders by the resolution or resolutions providing for the
706 issuance of bonds or by a ~~lease-purchase agreement,~~ deed of
707 trust, indenture, or other agreement under which the bonds may
708 be issued or secured. If the authority defaults in the payment
709 of the principal of or interest on any of the bonds issued
710 pursuant to the provisions of this part after such principal of
711 or interest on the bonds becomes due, whether at maturity or
712 upon call for redemption, ~~or the department defaults in any~~
713 ~~payments under, or covenants made in, any lease-purchase~~
714 ~~agreement between the authority and the department,~~ and such
715 default continues for a period of 30 days, or if the authority
716 ~~or the department~~ fails or refuses to comply with the provisions
717 of this part or any agreement made with, or for the benefit of,
718 the holders of the bonds, the holders of 25 percent in aggregate
719 principal amount of the bonds then outstanding may appoint a
720 trustee to represent such bondholders for the purposes hereof,
721 if such holders of 25 percent in aggregate principal amount of
722 the bonds then outstanding shall first give notice of their
723 intention to appoint a trustee to the authority ~~and to the~~
724 ~~department.~~ Such notice shall be deemed to have been given if
725 given in writing, deposited in a securely sealed postpaid

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726 wrapper, mailed at a regularly maintained United States post
727 office box or station, and addressed, ~~respectively,~~ to the chair
728 of the authority ~~and to the secretary of the department at the~~
729 ~~principal office of the department.~~

730 (2) Such trustee and any trustee under any deed of trust,
731 indenture, or other agreement may, and upon written request of
732 the holders of 25 percent or such other percentages as are
733 specified in any deed of trust, indenture, or other agreement
734 aforesaid in principal amount of the bonds then outstanding
735 shall, in any court of competent jurisdiction, in his, her, or
736 its own name:

737 (a) By mandamus or other suit, action, or proceeding at law
738 or in equity, enforce all rights of the bondholders, including
739 the right to require the authority to fix, establish, maintain,
740 collect, and charge rates, fees, rentals, and other charges
741 adequate to carry out any agreement as to or pledge of the
742 revenues or receipts of the authority to carry out any other
743 covenants and agreements with or for the benefit of the
744 bondholders, and to perform its and their duties under this
745 part.

746 ~~(b) By mandamus or other suit, action, or proceeding at law~~
747 ~~or in equity, enforce all rights of the bondholders under or~~
748 ~~pursuant to any lease purchase agreement between the authority~~
749 ~~and the department, including the right to require the~~
750 ~~department to make all rental payments required to be made by it~~
751 ~~under the provisions of any such lease purchase agreement, to~~
752 ~~require the department to carry out any other covenants and~~
753 ~~agreements with or for the benefit of the bondholders, and to~~
754 ~~perform its and their duties under this part.~~

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755 (b)~~(e)~~ Bring suit upon the bonds.

756 (c)~~(d)~~ By action or suit in equity, require the authority
757 ~~or the department~~ to account as if it were the trustee of an
758 express trust for the bondholders.

759 (d)~~(e)~~ By action or suit in equity, enjoin any acts or
760 things that may be unlawful or in violation of the rights of the
761 bondholders.

762 (3) Any trustee, when appointed as aforesaid or acting
763 under a deed of trust, indenture, or other agreement, and
764 whether or not all bonds have been declared due and payable, may
765 appoint a receiver who may enter upon and take possession of the
766 system or the facilities or any part or parts thereof, the
767 rates, fees, rentals, or other revenues, charges, or receipts
768 from which are or may be applicable to the payment of the bonds
769 so in default, and, ~~subject to and in compliance with the~~
770 ~~provisions of any lease-purchase agreement between the authority~~
771 ~~and the department,~~ operate and maintain the same for and on
772 behalf of and in the name of the authority, ~~the department,~~ and
773 the bondholders, and collect and receive all rates, fees,
774 rentals, and other charges or receipts or revenues arising
775 therefrom in the same manner as the authority ~~or the department~~
776 might do, and shall deposit all such moneys in a separate
777 account and apply such moneys in such manner as the court shall
778 direct. In any suit, action, or proceeding by the trustee, the
779 fees, counsel fees, and expenses of the trustee and the
780 receiver, if any, and all costs and disbursements allowed by the
781 court shall be a first charge on any rates, fees, rentals, or
782 other charges, revenues, or receipts derived from the system or
783 the facilities or services or any part or parts thereof,

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784 ~~including payments under any such lease purchase agreement as~~
785 ~~aforsaid,~~ which rates, fees, rentals, or other charges,
786 revenues, or receipts may be applicable to the payment of the
787 bonds so in default. Such trustee, in addition to the foregoing,
788 possesses all of the powers necessary for the exercise of any
789 functions specifically set forth herein or incident to the
790 representation of the bondholders in the enforcement and
791 protection of their rights.

792 (4) This section or any other section of this part does not
793 authorize any receiver appointed pursuant hereto for the
794 purpose, ~~subject to and in compliance with the provisions of any~~
795 ~~lease purchase agreement between the authority and the~~
796 ~~department,~~ of operating and maintaining the system or any
797 facilities or part or parts thereof, to sell, assign, mortgage,
798 or otherwise dispose of any of the assets of whatever kind and
799 character belonging to the authority. It is the intention of
800 this part to limit the powers of such receiver, ~~subject to and~~
801 ~~in compliance with the provisions of any lease purchase~~
802 ~~agreement between the authority and the department,~~ to the
803 operation and maintenance of the system or any facility or part
804 or parts thereof, as the court may direct, in the name and for
805 and on behalf of the authority, ~~the department,~~ and the
806 bondholders. In any suit, action, or proceeding at law or in
807 equity, a holder of bonds on the authority, a trustee, or any
808 court may not compel or direct a receiver to sell, assign,
809 mortgage, or otherwise dispose of any assets of whatever kind or
810 character belonging to the authority. A receiver also may not be
811 authorized to sell, assign, mortgage, or otherwise dispose of
812 any assets of whatever kind or character belonging to the

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813 authority in any suit, action, or proceeding at law or in
814 equity.

815 Section 15. Section 343.837, Florida Statutes, is repealed.

816 Section 16. Section 343.885, Florida Statutes, is repealed.

817 Section 17. Section 343.91(1)(h), Florida Statutes, is
818 repealed.

819 Section 18. Paragraph (b) of subsection (3) and paragraph
820 (a) of subsection (4) of section 343.94, Florida Statutes, are
821 amended to read:

822 343.94 Bond financing authority.—

823 (3) Any such resolution or resolutions authorizing any
824 bonds hereunder may contain provisions that are part of the
825 contract with the holders of such bonds, as to:

826 (b) The completion, improvement, operation, extension,
827 maintenance, repair, or lease of, ~~or lease-purchase agreement~~
828 ~~relating to,~~ the system and the duties of the authority and
829 others, including the department, with reference thereto.

830 (4) The authority may employ fiscal agents as provided by
831 this part or the State Board of Administration may, upon request
832 of the authority, act as fiscal agent for the authority in the
833 issuance of any bonds that are issued pursuant to this part, and
834 the State Board of Administration may, upon request of the
835 authority, take over the management, control, administration,
836 custody, and payment of any or all debt services or funds or
837 assets now or hereafter available for any bonds issued pursuant
838 to this part. The authority may enter into any deeds of trust,
839 indentures, or other agreements with its fiscal agent, or with
840 any bank or trust company within or without the state, as
841 security for such bonds and may, under such agreements, sign and

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842 pledge all or any of the revenues, rates, fees, rentals, or
843 other charges or receipts of the authority. Such deed of trust,
844 indenture, or other agreement may contain such provisions as are
845 customary in such instruments or as the authority authorizes,
846 including, but without limitation, provisions as to:

847 (a) The completion, improvement, operation, extension,
848 maintenance, repair, and lease of, ~~or lease-purchase agreement~~
849 ~~relating to,~~ highway, bridge, and related transportation
850 facilities and appurtenances and the duties of the authority and
851 others, ~~including the department,~~ with reference thereto.

852 Section 19. Section 343.944, Florida Statutes, is amended
853 to read:

854 343.944 Remedies of the bondholders.—

855 (1) The rights and the remedies in this section conferred
856 upon or granted to the bondholders are in addition to and not in
857 limitation of any rights and remedies lawfully granted to such
858 bondholders by the resolution or resolutions providing for the
859 issuance of bonds or by a ~~lease-purchase agreement,~~ deed of
860 trust, indenture, or other agreement under which the bonds may
861 be issued or secured. If the authority defaults in the payment
862 of the principal of or interest on any of the bonds issued
863 pursuant to the provisions of this part after such principal of
864 or interest on the bonds becomes due, whether at maturity or
865 upon call for redemption, ~~or the department defaults in any~~
866 ~~payments under, or covenants made in, any lease-purchase~~
867 ~~agreement between the authority and the department,~~ and such
868 default continues for a period of 30 days, or if the authority
869 or the department fails or refuses to comply with the provisions
870 of this part or any agreement made with, or for the benefit of,

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871 the holders of the bonds, the holders of 25 percent in aggregate
872 principal amount of the bonds then outstanding may appoint a
873 trustee to represent such bondholders for the purposes hereof,
874 if such holders of 25 percent in aggregate principal amount of
875 the bonds then outstanding shall first give notice of their
876 intention to appoint a trustee to the authority ~~and to the~~
877 ~~department~~. Such notice shall be deemed to have been given if
878 given in writing, deposited in a securely sealed postpaid
879 wrapper, mailed at a regularly maintained United States post
880 office box or station, and addressed, respectively, to the chair
881 of the authority ~~and to the secretary of the department at the~~
882 ~~principal office of the department~~.

883 (2) Such trustee and any trustee under any deed of trust,
884 indenture, or other agreement may and, upon written request of
885 the holders of 25 percent or such other percentages as are
886 specified in any deed of trust, indenture, or other agreement
887 aforesaid in principal amount of the bonds then outstanding,
888 shall, in any court of competent jurisdiction, in his, her, or
889 its own name:

890 (a) By mandamus or other suit, action, or proceeding at law
891 or in equity, enforce all rights of the bondholders, including
892 the right to require the authority to fix, establish, maintain,
893 collect, and charge rates, fees, rentals, and other charges
894 adequate to carry out any agreement as to or pledge of the
895 revenues or receipts of the authority, to carry out any other
896 covenants and agreements with or for the benefit of the
897 bondholders, and to perform its and their duties under this
898 part.

899 ~~(b) By mandamus or other suit, action, or proceeding at law~~

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900 ~~or in equity, enforce all rights of the bondholders under or~~
901 ~~pursuant to any lease purchase agreement between the authority~~
902 ~~and the department, including the right to require the~~
903 ~~department to make all rental payments required to be made by it~~
904 ~~under the provisions of any such lease purchase agreement and to~~
905 ~~require the department to carry out any other covenants and~~
906 ~~agreements with or for the benefit of the bondholders and to~~
907 ~~perform its and their duties under this part.~~

908 (b) ~~(e)~~ Bring suit upon the bonds.

909 (c) ~~(d)~~ By action or suit in equity, require the authority
910 or the department to account as if it were the trustee of an
911 express trust for the bondholders.

912 (d) ~~(e)~~ By action or suit in equity, enjoin any acts or
913 things that may be unlawful or in violation of the rights of the
914 bondholders.

915 (3) Any trustee, when appointed as aforesaid or acting
916 under a deed of trust, indenture, or other agreement, and
917 regardless of whether all bonds have been declared due and
918 payable, may appoint a receiver who may enter upon and take
919 possession of the system or the facilities or any part or parts
920 thereof, the rates, fees, rentals, or other revenues, charges,
921 or receipts from which are or may be applicable to the payment
922 of the bonds so in default and, ~~and,~~ ~~subject to and in~~
923 ~~compliance with the provisions of any lease purchase agreement~~
924 ~~between the authority and the department,~~ operate and maintain
925 the same for and on behalf of and in the name of the authority, ~~7~~
926 ~~the department,~~ and the bondholders, and collect and receive all
927 rates, fees, rentals, and other charges or receipts or revenues
928 arising therefrom in the same manner as the authority ~~or the~~

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929 ~~department~~ might do, and shall deposit all such moneys in a
930 separate account and apply such moneys in such manner as the
931 court shall direct. In any suit, action, or proceeding by the
932 trustee, the fees, counsel fees, and expenses of the trustee and
933 the receiver, if any, and all costs and disbursements allowed by
934 the court shall be a first charge on any rates, fees, rentals,
935 or other charges, revenues, or receipts derived from the system
936 or the facilities or services or any part or parts thereof,
937 ~~including payments under any such lease purchase agreement as~~
938 ~~aforsaid,~~ which rates, fees, rentals, or other charges,
939 revenues, or receipts may be applicable to the payment of the
940 bonds so in default. Such trustee, in addition to the foregoing,
941 possesses all of the powers necessary for the exercise of any
942 functions specifically set forth herein or incident to the
943 representation of the bondholders in the enforcement and
944 protection of their rights.

945 (4) This section or any other section of this part does not
946 authorize any receiver appointed pursuant hereto for the
947 ~~purpose, subject to and in compliance with the provisions of any~~
948 ~~lease purchase agreement between the authority and the~~
949 ~~department,~~ of operating and maintaining the system or any
950 facilities or part or parts thereof to sell, assign, mortgage,
951 or otherwise dispose of any of the assets of whatever kind and
952 character belonging to the authority. It is the intention of
953 this part to limit the powers of such receiver, ~~subject to and~~
954 ~~in compliance with the provisions of any lease purchase~~
955 ~~agreement between the authority and the department,~~ to the
956 operation and maintenance of the system or any facility or part
957 or parts thereof, as the court may direct, in the name of and

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958 for and on behalf of the authority,~~the department,~~ and the
959 bondholders. In any suit, action, or proceeding at law or in
960 equity, a holder of bonds on the authority, a trustee, or any
961 court may not compel or direct a receiver to sell, assign,
962 mortgage, or otherwise dispose of any assets of whatever kind or
963 character belonging to the authority. A receiver also may not be
964 authorized to sell, assign, mortgage, or otherwise dispose of
965 any assets of whatever kind or character belonging to the
966 authority in any suit, action, or proceeding at law or in
967 equity.

968 Section 20. Section 343.945, Florida Statutes, is repealed.

969 Section 21. Section 343.946, Florida Statutes, is repealed.

970 Section 22. Subsection (11) of section 348.0002, Florida
971 Statutes, is repealed.

972 Section 23. Paragraph (a) of subsection (1), paragraph (e)
973 of subsection (2), and paragraph (d) of subsection (9) of
974 section 348.0004, Florida Statutes, are amended, present
975 paragraphs (f) through (l) of subsection (2) of that section are
976 redesignated as paragraphs (e) through (k), respectively, and
977 present paragraphs (e) through (h) of subsection (9) of that
978 section are redesignated as paragraphs (d) through (g),
979 respectively, to read:

980 348.0004 Purposes and powers.—

981 (1) (a) An authority created and established pursuant to the
982 Florida Expressway Authority Act may acquire, hold, construct,
983 improve, maintain, operate, and own,~~and lease~~ an expressway
984 system.

985 (2) Each authority may exercise all powers necessary,
986 appurtenant, convenient, or incidental to the carrying out of

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987 its purposes, including, but not limited to, the following
988 rights and powers:

989 ~~(c) To enter into and make lease-purchase agreements with~~
990 ~~the department until any bonds secured by a pledge of rentals~~
991 ~~thereunder, and any refundings thereof, are fully paid as to~~
992 ~~both principal and interest.~~

993 (9) The Legislature declares that there is a public need
994 for the rapid construction of safe and efficient transportation
995 facilities for traveling within the state and that it is in the
996 public's interest to provide for public-private partnership
997 agreements to effectuate the construction of additional safe,
998 convenient, and economical transportation facilities.

999 ~~(d) The department may lend funds from the Toll Facilities~~
1000 ~~Revolving Trust Fund, as outlined in s. 338.251, to public-~~
1001 ~~private partnerships. To be eligible a private entity must~~
1002 ~~comply with s. 338.251 and must provide an indication from a~~
1003 ~~nationally recognized rating agency that the senior bonds for~~
1004 ~~the project will be investment grade or must provide credit~~
1005 ~~support, such as a letter of credit or other means acceptable to~~
1006 ~~the department, to ensure that the loans will be fully repaid.~~

1007 Section 24. Paragraph (b) of subsection (2) of section
1008 348.0005, Florida Statutes, is amended to read:

1009 348.0005 Bonds.—

1010 (2)

1011 (b) The bonds of an authority in any county as defined in
1012 s. 125.011(1), issued pursuant to the provisions of this part,
1013 whether on original issuance or refunding, must be authorized by
1014 resolution of the authority, after approval of the issuance of
1015 the bonds at a public hearing, and may be either term or serial

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1016 bonds, shall bear such date or dates, mature at such time or
1017 times, bear interest at such rate or rates, be payable
1018 semiannually, be in such denominations, be in such form, either
1019 coupon or fully registered, shall carry such registration,
1020 exchangeability and interchangeability privileges, be payable in
1021 such medium of payment and at such place or places, be subject
1022 to such terms of redemption and be entitled to such priorities
1023 on the revenues, rates, fees, rentals, or other charges or
1024 receipts of the authority including any county gasoline tax
1025 funds received by an authority pursuant to the terms of any
1026 interlocal or lease-purchase agreement between an authority,~~the~~
1027 ~~department,~~ or a county, as such resolution or any resolution
1028 subsequent thereto may provide. The bonds must be executed by
1029 such officers as the authority determines under the requirements
1030 of s. 279.06.

1031 Section 25. Section 348.0006, Florida Statutes, is
1032 repealed.

1033 Section 26. Part II of chapter 348, Florida Statutes,
1034 consisting of ss. 348.216, 348.217, 348.218, 348.219, 348.22,
1035 348.221, 348.222, 348.223, 348.224, 348.225, 348.226, 348.227,
1036 348.228, 348.229, and 348.23, is repealed.

1037 Section 27. Part III of chapter 348, Florida Statutes,
1038 consisting of ss. 348.24, 348.241, 348.242, 348.243, 348.244,
1039 348.245, 348.246, 348.247, 348.248, 348.249, and 348.25, is
1040 repealed.

1041 Section 28. Part IV of chapter 348, Florida Statutes,
1042 consisting of ss. 348.50, 348.51, 348.52, 348.53, 348.54,
1043 348.545, 348.56, 348.565, 348.57, 348.58, 348.59, 348.60,
1044 348.61, 348.62, 348.63, 348.64, 348.65, 348.66, 348.67, 348.68,

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1045 348.681, and 348.70, is repealed.

1046 Section 29. Part V of chapter 348, Florida Statutes,
1047 consisting of ss. 348.751, 348.752, 348.753, 348.754, 348.7543,
1048 348.7544, 348.7545, 348.7546, 348.7547, 348.755, 348.756,
1049 348.757, 348.758, 348.759, 348.760, 348.761, 348.762, 348.763,
1050 348.764, and 348.765, is repealed.

1051 Section 30. Part VI of chapter 348, Florida Statutes,
1052 consisting of ss. 348.80, 348.81, 348.82, 348.83, 348.84,
1053 348.86, 348.87, 348.88, 348.89, 348.90, 348.91, 348.92, 348.93,
1054 and 348.94, is repealed.

1055 Section 31. Part VII of chapter 348, Florida Statutes,
1056 consisting of ss. 348.9401, 348.941, 348.942, 348.943, 348.944,
1057 348.945, 348.946, 348.947, 348.948, 348.949, and 348.9495, is
1058 repealed.

1059 Section 32. Part VIII of chapter 348, Florida Statutes,
1060 consisting of ss. 348.95, 348.951, 348.952, 348.953, 348.954,
1061 348.955, 348.956, 348.957, 348.958, 348.959, 348.96, 348.961,
1062 348.962, and 348.963, is repealed.

1063 Section 33. Part X of chapter 348, Florida Statutes,
1064 consisting of ss. 348.993, 348.9931, 348.9932, 348.9933,
1065 348.9934, 348.9935, 348.9936, 348.9938, 348.9939, 348.994,
1066 348.9941, 348.9942, 348.9943, 348.9944, 348.9945, 348.9946,
1067 348.9947, 348.9948, is repealed.

1068 Section 34. Section 348.9955, Florida Statutes, is
1069 repealed.

1070 Section 35. Paragraph (d) of subsection (1) of s. 349.02,
1071 Florida Statutes, is repealed.

1072 Section 36. Paragraphs (e) and (g) of subsection (2) of
1073 section 349.04, Florida Statutes, are amended, and present

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1074 paragraphs (f) through (u) of that subsection are redesignated
1075 as paragraphs (e) through (t), respectively, to read:

1076 349.04 Purposes and powers.—

1077 (2) The authority is hereby granted, and shall have and may
1078 exercise all powers necessary, appurtenant, convenient, or
1079 incidental to the carrying out of the aforesaid purposes,
1080 including, but without being limited to, the right and power:

1081 ~~(e) To enter into and make lease-purchase agreements with~~
1082 ~~the department for terms not exceeding 40 years, or until any~~
1083 ~~bonds secured by a pledge of rentals thereunder, and any~~
1084 ~~refundings thereof, are fully paid as to both principal and~~
1085 ~~interest, whichever is longer.~~

1086 (g)1. To borrow money and make and issue negotiable notes,
1087 bonds, refunding bonds, and other evidences of indebtedness or
1088 obligations, either in temporary or definitive form (hereinafter
1089 in this chapter sometimes called "bonds"), of the authority, for
1090 the purpose of funding or refunding, at or prior to maturity,
1091 any bonds theretofore issued by the authority, or by the Florida
1092 State Improvement Commission to finance part of the cost of the
1093 Jacksonville Expressway System, and purposes related thereto,
1094 and for the purpose of financing or refinancing all or part of
1095 the costs of completion, improvement, or extension of the
1096 Jacksonville Expressway System, and appurtenant facilities,
1097 including all approaches, streets, roads, bridges, and avenues
1098 of access for the Jacksonville Expressway System and for any
1099 other purpose authorized by this chapter, such bonds to mature
1100 in not exceeding 40 years from the date of the issuance thereof;
1101 ~~and~~ to secure the payment of such bonds or any part thereof by a
1102 pledge of any or all of its revenues, rates, fees, rentals, or

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1103 other charges, including all or any portion of the Duval County
1104 gasoline tax funds received by the authority ~~pursuant to the~~
1105 ~~terms of any lease-purchase agreement between the authority and~~
1106 ~~the department~~; and in general to provide for the security of
1107 such bonds and the rights and remedies of the holders thereof.

1108 2. In the event that the authority determines to fund or
1109 refund any bonds theretofore issued by the authority, or by the
1110 commission as aforesaid, prior to the maturity thereof, the
1111 proceeds of such funding or refunding bonds shall, pending the
1112 prior redemption of the bonds to be funded or refunded, be
1113 invested in direct obligations of the United States; and it is
1114 the express intention of this chapter that such outstanding
1115 bonds may be funded or refunded by the issuance of bonds
1116 pursuant to this chapter notwithstanding that part of such
1117 outstanding bonds will not mature or become redeemable until 6
1118 years after the date of issuance of bonds pursuant to this
1119 chapter to fund or refund such outstanding bonds.

1120 Section 37. Subsections (2) and (3) of section 349.05,
1121 Florida Statutes, are amended to read:

1122 349.05 Bonds of the authority; bonds not debt or pledges of
1123 credit of state.-

1124 (2) Any such resolution or resolutions authorizing any
1125 bonds hereunder may contain provisions, and valid and legally
1126 binding covenants of the authority, which shall be part of the
1127 contract with the holders of such bonds, as to:

1128 (a) The pledging of all or any part of the revenues, rates,
1129 fees, rentals, including the sales surtax adopted pursuant to s.
1130 212.055(1) (including all or any portion of the county gasoline
1131 tax funds received by the authority), or other charges or

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1132 receipts of any nature of the authority, whether or not derived
1133 by the authority from the Jacksonville Expressway System or its
1134 other transportation facilities;

1135 (b) The completion, improvement, operation, extension,
1136 maintenance, repair, or lease, ~~or lease-purchase agreement~~ of
1137 said system or transportation facilities, and the duties of the
1138 authority and others, including the department, with reference
1139 thereto;

1140 (c) Limitations on the purposes to which the proceeds of
1141 the bonds, then or thereafter to be issued, or of any loan or
1142 grant, may be applied;

1143 (d) The fixing, charging, establishing, and collecting of
1144 rates, fees, rentals, or other charges for use of the services
1145 and facilities of the Jacksonville Expressway System or any part
1146 thereof or its other transportation facilities;

1147 (e) The setting aside of reserves or sinking funds or
1148 repair and replacement funds and the regulation and disposition
1149 thereof;

1150 (f) Limitations on the issuance of additional bonds;

1151 (g) The terms and provisions of any lease-purchase
1152 agreement, deed of trust, or indenture securing the bonds or
1153 under which the same may be issued; and

1154 (h) Any other or additional provisions, covenants, and
1155 agreements with the holders of the bonds which the authority may
1156 deem desirable and proper.

1157 (3) The State Board of Administration may, upon request by
1158 the authority, act as fiscal agent for the authority in the
1159 issuance of any bonds that may be issued pursuant to this
1160 chapter, and the State Board of Administration may, upon request

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1161 by the authority, take over the management, control,
1162 administration, custody, and payment of any or all debt services
1163 or funds or assets now or hereafter available for any bonds
1164 issued pursuant to this chapter. The authority may enter into
1165 deeds of trust, indentures, or other agreements with a corporate
1166 trustee or trustees, which shall act as fiscal agent for the
1167 authority and may be any bank or trust company within or without
1168 the state, as security for such bonds and may, under such
1169 agreements, assign and pledge all or any of the revenues, rates,
1170 fees, rentals, or other charges or receipts of the authority,
1171 including all or any portion of local option taxes or county
1172 gasoline tax funds received by the authority, thereunder. Such
1173 deed of trust, indenture, or other agreement may contain such
1174 provisions as are customary in such instruments or as the
1175 authority may authorize, including, without limitation,
1176 provisions as to:

1177 (a) The completion, improvement, operation, extension,
1178 maintenance, repair, and lease of, ~~or lease-purchase agreement~~
1179 ~~relating to,~~ all or any part of transportation facilities
1180 authorized in this chapter to be constructed, acquired,
1181 developed, or operated by the authority and the duties of the
1182 authority and others, ~~including the department,~~ with reference
1183 thereto;

1184 (b) The application of funds and the safeguarding of funds
1185 on hand or on deposit;

1186 (c) The rights and remedies of the trustee and the holders
1187 of the bonds; and

1188 (d) The terms and provisions of the bonds or the
1189 resolutions authorizing the issuance of the same.

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1190 Section 38. Section 349.07, Florida Statutes, is repealed.

1191 Section 39. Section 349.15, Florida Statutes, is amended to
1192 read:

1193 349.15 Remedies; pledges enforceable by bondholders.—Any
1194 holder of bonds issued under this chapter, except to the extent
1195 such rights may be restricted by the resolution, deed of trust,
1196 indenture, or other proceeding relating to the issuance of such
1197 bonds, may by civil action, mandamus, or other appropriate
1198 action, suit, or proceeding in law or in equity, in any court of
1199 competent jurisdiction, protect and enforce any and all rights
1200 of such bondholder granted under the proceedings authorizing the
1201 issuance of such bonds and enforce any pledge made for payment
1202 of the principal and interest on bonds, or any covenant or
1203 agreement relative thereto, against the authority ~~or directly~~
1204 ~~against the department, as may be appropriate. It is the express~~
1205 ~~intention of this chapter that any pledge by the department of~~
1206 ~~rates, fees, revenues, county gasoline tax funds, or other~~
1207 ~~funds, as rentals, to the authority or any covenants or~~
1208 ~~agreements relative thereto may be enforceable in any court of~~
1209 ~~competent jurisdiction against the authority or directly against~~
1210 ~~the department by any holder of bonds issued by the authority.~~

1211 Section 40. Paragraph (c) of subsection (1) of section
1212 374.976, Florida Statutes, is amended to read:

1213 374.976 Authority to address impacts of waterway
1214 development projects.—

1215 (1) Each inland navigation district is empowered and
1216 authorized to undertake programs intended to alleviate the
1217 problems associated with its waterway or waterways, including,
1218 but not limited to, the following:

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1219 (c) The district is authorized to aid and cooperate with
1220 the Federal Government; state; member counties; nonmember
1221 counties that contain any part of the intracoastal waterway
1222 within their boundaries; navigation districts; the seaports of
1223 Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm
1224 Beach, Port Everglades, Miami, Port Manatee, St. Petersburg,
1225 Tampa, Port St. Joe, Panama City, Pensacola, Key West, and
1226 Fernandina; and local governments within the district in
1227 planning and carrying out public navigation, local and regional
1228 anchorage management, beach renourishment, public recreation,
1229 inlet management, environmental education, and boating safety
1230 projects, directly related to the waterways. The district is
1231 also authorized to enter into cooperative agreements with the
1232 United States Army Corps of Engineers, state, and member
1233 counties, and to covenant in any such cooperative agreement to
1234 pay part of the costs of acquisition, planning, development,
1235 construction, reconstruction, extension, improvement, operation,
1236 and maintenance of such projects.

1237 Section 41. Subsection (9) of section 403.021, Florida
1238 Statutes, is amended to read:

1239 403.021 Legislative declaration; public policy.-

1240 (9) (a) The Legislature finds and declares that it is
1241 essential to preserve and maintain authorized water depth in the
1242 existing navigation channels, port harbors, turning basins, and
1243 harbor berths of this state in order to provide for the
1244 continued safe navigation of deepwater shipping commerce. The
1245 department shall recognize that maintenance of authorized water
1246 depths consistent with port master plans developed pursuant to
1247 s. 163.3178(2) (k) is an ongoing, continuous, beneficial, and

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1248 necessary activity that is in the public interest; and it shall
1249 develop a regulatory process that shall enable the ports of this
1250 state to conduct such activities in an environmentally sound,
1251 safe, expeditious, and cost-efficient manner. It is the further
1252 intent of the Legislature that the permitting and enforcement of
1253 dredging, dredged-material management, and other related
1254 activities for Florida's deepwater ports pursuant to this
1255 chapter and chapters 161, 253, and 373 shall be consolidated
1256 within the department's Division of Water Resource Management
1257 and, with the concurrence of the affected deepwater port or
1258 ports, may be administered by a district office of the
1259 department or delegated to an approved local environmental
1260 program.

1261 (b) The provisions of paragraph (a) apply only to the port
1262 waters, dredged-material management sites, port harbors,
1263 navigation channels, turning basins, and harbor berths used for
1264 deepwater commercial navigation in the ports of Jacksonville,
1265 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.
1266 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.
1267 Petersburg, Pensacola, Fernandina, and Key West.

1268 Section 42. Subsection (26) of section 403.061, Florida
1269 Statutes, is amended to read:

1270 403.061 Department; powers and duties.—The department shall
1271 have the power and the duty to control and prohibit pollution of
1272 air and water in accordance with the law and rules adopted and
1273 promulgated by it and, for this purpose, to:

1274 (26) (a) Develop standards and criteria for waters used for
1275 deepwater shipping which standards and criteria consider
1276 existing water quality; appropriate mixing zones and other

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1277 requirements for maintenance dredging in previously constructed
1278 deepwater navigation channels, port harbors, turning basins, or
1279 harbor berths; and appropriate mixing zones for disposal of
1280 spoil material from dredging and, where necessary, develop a
1281 separate classification for such waters. Such classification,
1282 standards, and criteria shall recognize that the present
1283 dedicated use of these waters is for deepwater commercial
1284 navigation.

1285 (b) The provisions of paragraph (a) apply only to the port
1286 waters, spoil disposal sites, port harbors, navigation channels,
1287 turning basins, and harbor berths used for deepwater commercial
1288 navigation in the ports of Jacksonville, Tampa, Port Everglades,
1289 Miami, Port Canaveral, Port Citrus, Ft. Pierce, Palm Beach, Port
1290 Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow,
1291 Florida Power Corporation's Crystal River Canal, Boca Grande,
1292 Green Cove Springs, and Pensacola.

1293
1294 The department shall implement such programs in conjunction with
1295 its other powers and duties and shall place special emphasis on
1296 reducing and eliminating contamination that presents a threat to
1297 humans, animals or plants, or to the environment.

1298 Section 43. Subsection (3) of section 403.813, Florida
1299 Statutes, is amended to read:

1300 403.813 Permits issued at district centers; exceptions.—

1301 (3) For maintenance dredging conducted under this section
1302 by the seaports of Jacksonville, Port Canaveral, Port Citrus,
1303 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
1304 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
1305 West, and Fernandina or by inland navigation districts:

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1306 (a) A mixing zone for turbidity is granted within a 150-
1307 meter radius from the point of dredging while dredging is
1308 ongoing, except that the mixing zone may not extend into areas
1309 supporting wetland communities, submerged aquatic vegetation, or
1310 hardbottom communities.

1311 (b) The discharge of the return water from the site used
1312 for the disposal of dredged material shall be allowed only if
1313 such discharge does not result in a violation of water quality
1314 standards in the receiving waters. The return-water discharge
1315 into receiving waters shall be granted a mixing zone for
1316 turbidity within a 150-meter radius from the point of discharge
1317 during and immediately after the dredging, except that the
1318 mixing zone may not extend into areas supporting wetland
1319 communities, submerged aquatic vegetation, or hardbottom
1320 communities.

1321 (c) The state may not exact a charge for material that this
1322 subsection allows a public port or an inland navigation district
1323 to remove.

1324 (d) The use of flocculants at the site used for disposal of
1325 the dredged material is allowed if the use, including supporting
1326 documentation, is coordinated in advance with the department and
1327 the department has determined that the use is not harmful to
1328 water resources.

1329 (e) This subsection does not prohibit maintenance dredging
1330 of areas where the loss of original design function and
1331 constructed configuration has been caused by a storm event,
1332 provided that the dredging is performed as soon as practical
1333 after the storm event. Maintenance dredging that commences
1334 within 3 years after the storm event shall be presumed to

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1335 satisfy this provision. If more than 3 years are needed to
1336 commence the maintenance dredging after the storm event, a
1337 request for a specific time extension to perform the maintenance
1338 dredging shall be submitted to the department, prior to the end
1339 of the 3-year period, accompanied by a statement, including
1340 supporting documentation, demonstrating that contractors are not
1341 available or that additional time is needed to obtain
1342 authorization for the maintenance dredging from the United
1343 States Army Corps of Engineers.

1344 Section 44. Section 403.816, Florida Statutes, is amended
1345 to read:

1346 403.816 Permits for maintenance dredging of deepwater ports
1347 and beach restoration projects.—

1348 (1) The department shall establish a permit system under
1349 this chapter and chapter 253 which provides for the performance,
1350 for up to 25 years from the issuance of the original permit, of
1351 maintenance dredging of permitted navigation channels, port
1352 harbors, turning basins, harbor berths, and beach restoration
1353 projects approved pursuant to chapter 161. However, permits
1354 issued for dredging river channels which are not a part of a
1355 deepwater port shall be valid for no more than five years. No
1356 charge shall be exacted by the state for material removed during
1357 such maintenance dredging by a public port authority.

1358 (2) The provisions of s. 253.77 do not apply to a permit
1359 for maintenance dredging and spoil site approval when there is
1360 no change in the size or location of the spoil disposal site and
1361 when the applicant provides documentation to the department that
1362 the appropriate lease, easement, or consent of use for the
1363 project site issued pursuant to chapter 253 is recorded in the

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1364 county where the project is located.

1365 (3) The provisions of this section relating to ports apply
1366 only to the port waters, spoil disposal sites, port harbors,
1367 navigation channels, turning basins, and harbor berths used for
1368 deepwater commercial navigation in the ports of Jacksonville,
1369 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.
1370 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.
1371 Petersburg, Port Bartow, Florida Power Corporation's Crystal
1372 River Canal, Boca Grande, Green Cove Springs, and Pensacola.

1373 Section 45. Chapter 2000-411, Laws of Florida, is repealed.

1374 Section 46. Subsection (13) of section 212.08, Florida
1375 Statutes, is amended to read:

1376 212.08 Sales, rental, use, consumption, distribution, and
1377 storage tax; specified exemptions.—The sale at retail, the
1378 rental, the use, the consumption, the distribution, and the
1379 storage to be used or consumed in this state of the following
1380 are hereby specifically exempt from the tax imposed by this
1381 chapter.

1382 (13) No transactions shall be exempt from the tax imposed
1383 by this chapter except those expressly exempted herein. All laws
1384 granting tax exemptions, to the extent they may be inconsistent
1385 or in conflict with this chapter, including, but not limited to,
1386 the following designated laws, shall yield to and be superseded
1387 by the provisions of this subsection: ss. 125.019, 153.76,
1388 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395,
1389 215.76, 243.33, 315.11, ~~348.65, 348.762~~, 349.13, 403.1834,
1390 616.07, and 623.09, and the following Laws of Florida, acts of
1391 the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter
1392 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179,

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1393 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s.
1394 16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-
1395 2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11,
1396 chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446;
1397 and s. 10, chapter 67-1681. This subsection does not supersede
1398 the authority of a local government to adopt financial and local
1399 government incentives pursuant to s. 163.2517.

1400 Section 47. This act shall take effect July 1, 2011.