

20112152e1

1 A bill to be entitled
2 An act relating to transportation; amending s. 120.80,
3 F.S.; providing that requirements relating to
4 rulemaking and statements of estimated regulatory
5 costs do not apply to the adjustment of tolls;
6 amending s. 338.26, F.S.; requiring that excess funds
7 generated from Alligator Alley tolls be used to
8 develop and operate a fire station to provide fire,
9 rescue, and emergency management services in adjacent
10 counties along Alligator Alley; repealing s.
11 343.805(6), F.S., relating to the definition of the
12 term "lease-purchase agreement" as it relates to the
13 Northwest Florida Transportation Corridor Authority
14 and the Department of Transportation; amending s.
15 343.835, F.S.; deleting references to lease-purchase
16 agreements; amending s. 343.836, F.S.; deleting
17 references to lease-purchase agreements in remedies to
18 bondholders as they relate to the U.S. 98 Corridor
19 System; repealing s. 343.837, F.S., relating to lease-
20 purchase agreements that provide for the leasing of
21 the U.S. 98 Corridor System to the Department of
22 Transportation; repealing s. 343.885, F.S., relating
23 to the enforceability of pledges by bondholders;
24 repealing s. 343.91(1)(h), F.S., relating to the
25 definition of the term "lease-purchase agreement" as
26 it relates to the Tampa Bay Area Regional
27 Transportation Authority and the Department of
28 Transportation; amending s. 343.94, F.S.; deleting
29 references to lease-purchase agreements; amending s.

20112152e1

30 343.944, F.S.; deleting references to lease-purchase
31 agreements in remedies to bondholders as they relate
32 to the Tampa Bay Area Regional Transportation
33 Authority; repealing s. 343.945, F.S., relating to the
34 enforceability of pledges to the Tampa Bay Area
35 Regional Transportation Authority; repealing s.
36 343.946, F.S., relating to lease-purchase agreements
37 that provide for the leasing of projects of the Tampa
38 Bay Area Regional Transportation Authority to the
39 Department of Transportation; repealing s.
40 348.0002(11), F.S., relating to the definition of the
41 term "lease-purchase agreement" as it relates to
42 expressway authorities and the Department of
43 Transportation; amending s. 348.0004, F.S.;
44 authorizing authorities created pursuant to the
45 Florida Expressway Authority Act to own expressway
46 systems; deleting the power of such authorities to
47 lease such systems; deleting obsolete provisions;
48 amending s. 348.0005, F.S.; deleting a reference to
49 the Department of Transportation to conform to changes
50 made by the act; repealing s. 348.0006, F.S., which
51 provides for lease-purchase agreements in the Florida
52 Expressway Authority Act; repealing part II of ch.
53 348, F.S., which provides for the creation and
54 operation of the Brevard County Expressway Authority;
55 repealing part III of ch. 348, F.S., which provides
56 for the creation and operation of the Broward County
57 Expressway Authority; repealing part VI of ch. 348,
58 F.S., which provides for the creation and operation of

20112152e1

59 the Pasco County Expressway Authority; repealing part
60 VII of ch. 348, F.S., which provides for the creation
61 and operation of the St. Lucie County Expressway and
62 Bridge Authority; repealing part VIII of ch. 348,
63 F.S., which provides for the creation and operation of
64 the Seminole County Expressway Authority; repealing
65 part X of ch. 348, F.S., which provides for the
66 creation and operation of the Southwest Florida
67 Expressway Authority; repealing s. 348.9955, F.S.,
68 relating to the power of the Osceola Expressway
69 Authority to enter into lease-purchase agreements with
70 the Department of Transportation; repealing s.
71 349.02(1)(d), F.S., relating to the definition of the
72 term "lease-purchase agreement" as it relates to the
73 Jacksonville Transportation Authority and the
74 Department of Transportation; amending s. 349.04,
75 F.S.; deleting the authority of the Jacksonville
76 Transportation Authority to enter lease-purchase
77 agreements; amending s. 349.05, F.S.; deleting
78 authorization for lease-purchase agreements in bond
79 agreements of the Jacksonville Transportation
80 Authority; repealing s. 349.07, F.S., relating to
81 lease-purchase agreements that provide for the leasing
82 of the Jacksonville Expressway System to the
83 Department of Transportation; amending s. 349.15,
84 F.S.; deleting certain bond authority of the
85 department; amending s. 364.02, F.S.; revising
86 definitions; providing legislative intent; providing
87 that any purchase of new equipment, machinery, or

20112152e1

88 other inventory by state agencies as a result damage
89 caused by fire, smoke, water, or any incident be
90 limited to purchases that are absolutely necessary and
91 are irreparable; requiring that all state agencies
92 develop and adopt assessment protocols for evaluating
93 and determining whether equipment, machinery, or other
94 inventory needs repair or restored; amending ss.
95 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602,
96 and 489.103, F.S.; conforming cross-references;
97 providing an effective date.

98
99 Be It Enacted by the Legislature of the State of Florida:

100
101 Section 1. Subsection (17) is added to section 120.80,
102 Florida Statutes, to read:

103 120.80 Exceptions and special requirements; agencies.—

104 (17) DEPARTMENT OF TRANSPORTATION.—Sections 120.54(3)(b)
105 and 120.541 do not apply to the adjustment of tolls pursuant to
106 s. 338.165(3).

107 Section 2. Subsection (3) of section 338.26, Florida
108 Statutes, is amended to read:

109 338.26 Alligator Alley toll road.—

110 (3) Fees generated from tolls shall be deposited in the
111 State Transportation Trust Fund, and any amount of funds
112 generated annually in excess of that required to reimburse
113 outstanding contractual obligations, to operate and maintain the
114 highway and toll facilities, including reconstruction and
115 restoration, ~~and~~ to pay for those projects that are funded with
116 Alligator Alley toll revenues and that are contained in the

20112152e1

117 1993-1994 adopted work program or the 1994-1995 tentative work
118 program submitted to the Legislature on February 22, 1994, and
119 to develop and operate a fire station at mile marker 63 on
120 Alligator Alley to provide fire, rescue, and emergency
121 management services to the adjacent counties along Alligator
122 Alley, may be transferred to the Everglades Fund of the South
123 Florida Water Management District. The South Florida Water
124 Management District shall deposit funds for projects undertaken
125 pursuant to s. 373.4592 in the Everglades Trust Fund pursuant to
126 s. 373.45926(4) (a). Any funds remaining in the Everglades Fund
127 may be used for environmental projects to restore the natural
128 values of the Everglades, subject to compliance with any
129 applicable federal laws and regulations. Projects shall be
130 limited to:

131 (a) Highway redesign to allow for improved sheet flow of
132 water across the southern Everglades.

133 (b) Water conveyance projects to enable more water
134 resources to reach Florida Bay to replenish marine estuary
135 functions.

136 (c) Engineering design plans for wastewater treatment
137 facilities as recommended in the Water Quality Protection
138 Program Document for the Florida Keys National Marine Sanctuary.

139 (d) Acquisition of lands to move STA 3/4 out of the Toe of
140 the Boot, provided such lands are located within 1 mile of the
141 northern border of STA 3/4.

142 (e) Other Everglades Construction Projects as described in
143 the February 15, 1994, conceptual design document.

144 Section 3. Subsection (6) of section 343.805, Florida
145 Statutes, is repealed.

20112152e1

146 Section 4. Paragraph (b) of subsection (2) and paragraph
147 (a) of subsection (3) of section 343.835, Florida Statutes, are
148 amended to read:

149 343.835 Bonds of the authority.—

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

153 (b) The completion, improvement, operation, extension,
154 maintenance, repair, or lease, ~~or lease purchase agreement~~ of
155 the system, and the duties of the authority and others, ~~including the department,~~
156 ~~with reference thereto.~~

157 (3) The authority may employ fiscal agents as provided by
158 this part or the State Board of Administration may, upon request
159 of the authority, act as fiscal agent for the authority in the
160 issuance of any bonds that are issued pursuant to this part, and
161 the State Board of Administration may, upon request of the
162 authority, take over the management, control, administration,
163 custody, and payment of any or all debt services or funds or
164 assets now or hereafter available for any bonds issued pursuant
165 to this part. The authority may enter into any deeds of trust,
166 indentures, or other agreements with its fiscal agent, or with
167 any bank or trust company within or without the state, as
168 security for such bonds and may, under such agreements, sign and
169 pledge all or any of the revenues, rates, fees, rentals, or
170 other charges or receipts of the authority. Such deed of trust,
171 indenture, or other agreement may contain such provisions as are
172 customary in such instruments or, as the authority authorizes,
173 including, but without limitation, provisions as to:

174 (a) The completion, improvement, operation, extension,

20112152e1

175 maintenance, repair, and lease of ~~or lease-purchase agreement~~
176 ~~relating to~~ U.S. 98 corridor improvements and the duties of the
177 authority and others, ~~including the department,~~ with reference
178 thereto.

179 Section 5. Section 343.836, Florida Statutes, is amended to
180 read:

181 343.836 Remedies of the bondholders.—

182 (1) The rights and the remedies in this section conferred
183 upon or granted to the bondholders are in addition to and not in
184 limitation of any rights and remedies lawfully granted to such
185 bondholders by the resolution or resolutions providing for the
186 issuance of bonds or by a ~~lease-purchase agreement,~~ deed of
187 trust, indenture, or other agreement under which the bonds may
188 be issued or secured. If the authority defaults in the payment
189 of the principal of or interest on any of the bonds issued
190 pursuant to the provisions of this part after such principal of
191 or interest on the bonds becomes due, whether at maturity or
192 upon call for redemption, ~~or the department defaults in any~~
193 ~~payments under, or covenants made in, any lease-purchase~~
194 ~~agreement between the authority and the department,~~ and such
195 default continues for a period of 30 days, or if the authority
196 ~~or the department~~ fails or refuses to comply with the provisions
197 of this part or any agreement made with, or for the benefit of,
198 the holders of the bonds, the holders of 25 percent in aggregate
199 principal amount of the bonds then outstanding may appoint a
200 trustee to represent such bondholders for the purposes hereof,
201 if such holders of 25 percent in aggregate principal amount of
202 the bonds then outstanding shall first give notice of their
203 intention to appoint a trustee to the authority ~~and to the~~

20112152e1

204 ~~department.~~ Such notice shall be deemed to have been given if
205 given in writing, deposited in a securely sealed postpaid
206 wrapper, mailed at a regularly maintained United States post
207 office box or station, and addressed, ~~respectively,~~ to the chair
208 of the authority ~~and to the secretary of the department at the~~
209 ~~principal office of the department.~~

210 (2) Such trustee and any trustee under any deed of trust,
211 indenture, or other agreement may, and upon written request of
212 the holders of 25 percent or such other percentages as are
213 specified in any deed of trust, indenture, or other agreement
214 aforesaid in principal amount of the bonds then outstanding
215 shall, in any court of competent jurisdiction, in his, her, or
216 its own name:

217 (a) By mandamus or other suit, action, or proceeding at law
218 or in equity, enforce all rights of the bondholders, including
219 the right to require the authority to fix, establish, maintain,
220 collect, and charge rates, fees, rentals, and other charges
221 adequate to carry out any agreement as to or pledge of the
222 revenues or receipts of the authority to carry out any other
223 covenants and agreements with or for the benefit of the
224 bondholders, and to perform its and their duties under this
225 part.

226 ~~(b) By mandamus or other suit, action, or proceeding at law~~
227 ~~or in equity, enforce all rights of the bondholders under or~~
228 ~~pursuant to any lease-purchase agreement between the authority~~
229 ~~and the department, including the right to require the~~
230 ~~department to make all rental payments required to be made by it~~
231 ~~under the provisions of any such lease-purchase agreement, to~~
232 ~~require the department to carry out any other covenants and~~

20112152e1

233 ~~agreements with or for the benefit of the bondholders, and to~~
234 ~~perform its and their duties under this part.~~

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

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

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

242 (3) Any trustee, when appointed as aforesaid or acting
243 under a deed of trust, indenture, or other agreement, and
244 whether or not all bonds have been declared due and payable, may
245 appoint a receiver who may enter upon and take possession of the
246 system or the facilities or any part or parts thereof, the
247 rates, fees, rentals, or other revenues, charges, or receipts
248 from which are or may be applicable to the payment of the bonds
249 so in default, and, ~~subject to and in compliance with the~~
250 ~~provisions of any lease purchase agreement between the authority~~
251 ~~and the department,~~ operate and maintain the same for and on
252 behalf of and in the name of the authority, ~~the department,~~ and
253 the bondholders, and collect and receive all rates, fees,
254 rentals, and other charges or receipts or revenues arising
255 therefrom in the same manner as the authority ~~or the department~~
256 might do, and shall deposit all such moneys in a separate
257 account and apply such moneys in such manner as the court shall
258 direct. In any suit, action, or proceeding by the trustee, the
259 fees, counsel fees, and expenses of the trustee and the
260 receiver, if any, and all costs and disbursements allowed by the
261 court shall be a first charge on any rates, fees, rentals, or

20112152e1

262 other charges, revenues, or receipts derived from the system or
263 the facilities or services or any part or parts thereof,
264 ~~including payments under any such lease-purchase agreement as~~
265 ~~aforsaid,~~ which rates, fees, rentals, or other charges,
266 revenues, or receipts may be applicable to the payment of the
267 bonds so in default. Such trustee, in addition to the foregoing,
268 possesses all of the powers necessary for the exercise of any
269 functions specifically set forth herein or incident to the
270 representation of the bondholders in the enforcement and
271 protection of their rights.

272 (4) This section or any other section of this part does not
273 authorize any receiver appointed pursuant hereto for the
274 ~~purpose, subject to and in compliance with the provisions of any~~
275 ~~lease-purchase agreement between the authority and the~~
276 ~~department,~~ of operating and maintaining the system or any
277 facilities or part or parts thereof, to sell, assign, mortgage,
278 or otherwise dispose of any of the assets of whatever kind and
279 character belonging to the authority. It is the intention of
280 this part to limit the powers of such receiver, ~~subject to and~~
281 ~~in compliance with the provisions of any lease-purchase~~
282 ~~agreement between the authority and the department,~~ to the
283 operation and maintenance of the system or any facility or part
284 or parts thereof, as the court may direct, in the name and for
285 and on behalf of the authority, ~~the department,~~ and the
286 bondholders. In any suit, action, or proceeding at law or in
287 equity, a holder of bonds on the authority, a trustee, or any
288 court may not compel or direct a receiver to sell, assign,
289 mortgage, or otherwise dispose of any assets of whatever kind or
290 character belonging to the authority. A receiver also may not be

20112152e1

291 authorized to sell, assign, mortgage, or otherwise dispose of
292 any assets of whatever kind or character belonging to the
293 authority in any suit, action, or proceeding at law or in
294 equity.

295 Section 6. Section 343.837, Florida Statutes, is repealed.

296 Section 7. Section 343.885, Florida Statutes, is repealed.

297 Section 8. Section 343.91(1)(h), Florida Statutes, is
298 repealed.

299 Section 9. Paragraph (b) of subsection (3) and paragraph
300 (a) of subsection (4) of section 343.94, Florida Statutes, are
301 amended to read:

302 343.94 Bond financing authority.—

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

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

310 (4) The authority may employ fiscal agents as provided by
311 this part or the State Board of Administration may, upon request
312 of the authority, act as fiscal agent for the authority in the
313 issuance of any bonds that are issued pursuant to this part, and
314 the State Board of Administration may, upon request of the
315 authority, take over the management, control, administration,
316 custody, and payment of any or all debt services or funds or
317 assets now or hereafter available for any bonds issued pursuant
318 to this part. The authority may enter into any deeds of trust,
319 indentures, or other agreements with its fiscal agent, or with

20112152e1

320 any bank or trust company within or without the state, as
321 security for such bonds and may, under such agreements, sign and
322 pledge all or any of the revenues, rates, fees, rentals, or
323 other charges or receipts of the authority. Such deed of trust,
324 indenture, or other agreement may contain such provisions as are
325 customary in such instruments or as the authority authorizes,
326 including, but without limitation, provisions as to:

327 (a) The completion, improvement, operation, extension,
328 maintenance, repair, and lease of, ~~or lease-purchase agreement~~
329 ~~relating to,~~ highway, bridge, and related transportation
330 facilities and appurtenances and the duties of the authority and
331 others, ~~including the department,~~ with reference thereto.

332 Section 10. Section 343.944, Florida Statutes, is amended
333 to read:

334 343.944 Remedies of the bondholders.—

335 (1) The rights and the remedies in this section conferred
336 upon or granted to the bondholders are in addition to and not in
337 limitation of any rights and remedies lawfully granted to such
338 bondholders by the resolution or resolutions providing for the
339 issuance of bonds or by a ~~lease-purchase agreement,~~ deed of
340 trust, indenture, or other agreement under which the bonds may
341 be issued or secured. If the authority defaults in the payment
342 of the principal of or interest on any of the bonds issued
343 pursuant to the provisions of this part after such principal of
344 or interest on the bonds becomes due, whether at maturity or
345 upon call for redemption, ~~or the department defaults in any~~
346 ~~payments under, or covenants made in, any lease-purchase~~
347 ~~agreement between the authority and the department,~~ and such
348 default continues for a period of 30 days, or if the authority

20112152e1

349 or the department fails or refuses to comply with the provisions
350 of this part or any agreement made with, or for the benefit of,
351 the holders of the bonds, the holders of 25 percent in aggregate
352 principal amount of the bonds then outstanding may appoint a
353 trustee to represent such bondholders for the purposes hereof,
354 if such holders of 25 percent in aggregate principal amount of
355 the bonds then outstanding shall first give notice of their
356 intention to appoint a trustee to the authority ~~and to the~~
357 ~~department~~. Such notice shall be deemed to have been given if
358 given in writing, deposited in a securely sealed postpaid
359 wrapper, mailed at a regularly maintained United States post
360 office box or station, and addressed, respectively, to the chair
361 of the authority ~~and to the secretary of the department at the~~
362 ~~principal office of the department~~.

363 (2) Such trustee and any trustee under any deed of trust,
364 indenture, or other agreement may and, upon written request of
365 the holders of 25 percent or such other percentages as are
366 specified in any deed of trust, indenture, or other agreement
367 aforesaid in principal amount of the bonds then outstanding,
368 shall, in any court of competent jurisdiction, in his, her, or
369 its own name:

370 (a) By mandamus or other suit, action, or proceeding at law
371 or in equity, enforce all rights of the bondholders, including
372 the right to require the authority to fix, establish, maintain,
373 collect, and charge rates, fees, rentals, and other charges
374 adequate to carry out any agreement as to or pledge of the
375 revenues or receipts of the authority, to carry out any other
376 covenants and agreements with or for the benefit of the
377 bondholders, and to perform its and their duties under this

20112152e1

378 part.

379 ~~(b) By mandamus or other suit, action, or proceeding at law~~
380 ~~or in equity, enforce all rights of the bondholders under or~~
381 ~~pursuant to any lease purchase agreement between the authority~~
382 ~~and the department, including the right to require the~~
383 ~~department to make all rental payments required to be made by it~~
384 ~~under the provisions of any such lease purchase agreement and to~~
385 ~~require the department to carry out any other covenants and~~
386 ~~agreements with or for the benefit of the bondholders and to~~
387 ~~perform its and their duties under this part.~~

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

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

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

395 (3) Any trustee, when appointed as aforesaid or acting
396 under a deed of trust, indenture, or other agreement, and
397 regardless of whether all bonds have been declared due and
398 payable, may appoint a receiver who may enter upon and take
399 possession of the system or the facilities or any part or parts
400 thereof, the rates, fees, rentals, or other revenues, charges,
401 or receipts from which are or may be applicable to the payment
402 of the bonds so in default, ~~and, subject to and in compliance~~
403 ~~with the provisions of any lease purchase agreement between the~~
404 ~~authority and the department,~~ operate and maintain the same for
405 and on behalf of and in the name of the authority, ~~the~~
406 ~~department,~~ and the bondholders, and collect and receive all

20112152e1

407 rates, fees, rentals, and other charges or receipts or revenues
408 arising therefrom in the same manner as the authority ~~or the~~
409 ~~department~~ might do, and shall deposit all such moneys in a
410 separate account and apply such moneys in such manner as the
411 court shall direct. In any suit, action, or proceeding by the
412 trustee, the fees, counsel fees, and expenses of the trustee and
413 the receiver, if any, and all costs and disbursements allowed by
414 the court shall be a first charge on any rates, fees, rentals,
415 or other charges, revenues, or receipts derived from the system
416 or the facilities or services or any part or parts thereof,
417 ~~including payments under any such lease purchase agreement as~~
418 ~~aforsaid,~~ which rates, fees, rentals, or other charges,
419 revenues, or receipts may be applicable to the payment of the
420 bonds so in default. Such trustee, in addition to the foregoing,
421 possesses all of the powers necessary for the exercise of any
422 functions specifically set forth herein or incident to the
423 representation of the bondholders in the enforcement and
424 protection of their rights.

425 (4) This section or any other section of this part does not
426 authorize any receiver appointed pursuant hereto for the
427 purpose, ~~subject to and in compliance with the provisions of any~~
428 ~~lease purchase agreement between the authority and the~~
429 ~~department,~~ of operating and maintaining the system or any
430 facilities or part or parts thereof to sell, assign, mortgage,
431 or otherwise dispose of any of the assets of whatever kind and
432 character belonging to the authority. It is the intention of
433 this part to limit the powers of such receiver, ~~subject to and~~
434 ~~in compliance with the provisions of any lease purchase~~
435 ~~agreement between the authority and the department,~~ to the

20112152e1

436 operation and maintenance of the system or any facility or part
437 or parts thereof, as the court may direct, in the name of and
438 for and on behalf of the authority,~~the department,~~ and the
439 bondholders. In any suit, action, or proceeding at law or in
440 equity, a holder of bonds on the authority, a trustee, or any
441 court may not compel or direct a receiver to sell, assign,
442 mortgage, or otherwise dispose of any assets of whatever kind or
443 character belonging to the authority. A receiver also may not be
444 authorized to sell, assign, mortgage, or otherwise dispose of
445 any assets of whatever kind or character belonging to the
446 authority in any suit, action, or proceeding at law or in
447 equity.

448 Section 11. Section 343.945, Florida Statutes, is repealed.

449 Section 12. Section 343.946, Florida Statutes, is repealed.

450 Section 13. Subsection (11) of section 348.0002, Florida
451 Statutes, is repealed.

452 Section 14. Paragraph (a) of subsection (1), paragraph (e)
453 of subsection (2), and paragraph (d) of subsection (9) of
454 section 348.0004, Florida Statutes, are amended, present
455 paragraphs (f) through (l) of subsection (2) of that section are
456 redesignated as paragraphs (e) through (k), respectively, and
457 present paragraphs (e) through (h) of subsection (9) of that
458 section are redesignated as paragraphs (d) through (g),
459 respectively, to read:

460 348.0004 Purposes and powers.—

461 (1)(a) An authority created and established pursuant to the
462 Florida Expressway Authority Act may acquire, hold, construct,
463 improve, maintain, operate, and own,~~and lease~~ an expressway
464 system.

20112152e1

465 (2) Each authority may exercise all powers necessary,
466 appurtenant, convenient, or incidental to the carrying out of
467 its purposes, including, but not limited to, the following
468 rights and powers:

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

473 (9) The Legislature declares that there is a public need
474 for the rapid construction of safe and efficient transportation
475 facilities for traveling within the state and that it is in the
476 public's interest to provide for public-private partnership
477 agreements to effectuate the construction of additional safe,
478 convenient, and economical transportation facilities.

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

487 Section 15. Paragraph (b) of subsection (2) of section
488 348.0005, Florida Statutes, is amended to read:

489 348.0005 Bonds.—

490 (2)

491 (b) The bonds of an authority in any county as defined in
492 s. 125.011(1), issued pursuant to the provisions of this part,
493 whether on original issuance or refunding, must be authorized by

20112152e1

494 resolution of the authority, after approval of the issuance of
495 the bonds at a public hearing, and may be either term or serial
496 bonds, shall bear such date or dates, mature at such time or
497 times, bear interest at such rate or rates, be payable
498 semiannually, be in such denominations, be in such form, either
499 coupon or fully registered, shall carry such registration,
500 exchangeability and interchangeability privileges, be payable in
501 such medium of payment and at such place or places, be subject
502 to such terms of redemption and be entitled to such priorities
503 on the revenues, rates, fees, rentals, or other charges or
504 receipts of the authority including any county gasoline tax
505 funds received by an authority pursuant to the terms of any
506 interlocal or lease-purchase agreement between an authority,~~the~~
507 ~~department,~~ or a county, as such resolution or any resolution
508 subsequent thereto may provide. The bonds must be executed by
509 such officers as the authority determines under the requirements
510 of s. 279.06.

511 Section 16. Section 348.0006, Florida Statutes, is
512 repealed.

513 Section 17. Part II of chapter 348, Florida Statutes,
514 consisting of ss. 348.216, 348.217, 348.218, 348.219, 348.22,
515 348.221, 348.222, 348.223, 348.224, 348.225, 348.226, 348.227,
516 348.228, 348.229, and 348.23, is repealed.

517 Section 18. Part III of chapter 348, Florida Statutes,
518 consisting of ss. 348.24, 348.241, 348.242, 348.243, 348.244,
519 348.245, 348.246, 348.247, 348.248, 348.249, and 348.25, is
520 repealed.

521 Section 19. Part VI of chapter 348, Florida Statutes,
522 consisting of ss. 348.80, 348.81, 348.82, 348.83, 348.84,

20112152e1

523 348.86, 348.87, 348.88, 348.89, 348.90, 348.91, 348.92, 348.93,
524 and 348.94, is repealed.

525 Section 20. Part VII of chapter 348, Florida Statutes,
526 consisting of ss. 348.9401, 348.941, 348.942, 348.943, 348.944,
527 348.945, 348.946, 348.947, 348.948, 348.949, and 348.9495, is
528 repealed.

529 Section 21. Part VIII of chapter 348, Florida Statutes,
530 consisting of ss. 348.95, 348.951, 348.952, 348.953, 348.954,
531 348.955, 348.956, 348.957, 348.958, 348.959, 348.96, 348.961,
532 348.962, and 348.963, is repealed.

533 Section 22. Part X of chapter 348, Florida Statutes,
534 consisting of ss. 348.993, 348.9931, 348.9932, 348.9933,
535 348.9934, 348.9935, 348.9936, 348.9938, 348.9939, 348.994,
536 348.9941, 348.9942, 348.9943, 348.9944, 348.9945, 348.9946,
537 348.9947, 348.9948, is repealed.

538 Section 23. Section 348.9955, Florida Statutes, is
539 repealed.

540 Section 24. Paragraph (d) of subsection (1) of s. 349.02,
541 Florida Statutes, is repealed.

542 Section 25. Paragraphs (e) and (g) of subsection (2) of
543 section 349.04, Florida Statutes, are amended, and present
544 paragraphs (f) through (u) of that subsection are redesignated
545 as paragraphs (e) through (t), respectively, to read:

546 349.04 Purposes and powers.—

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

551 (e) ~~To enter into and make lease-purchase agreements with~~

20112152e1

552 ~~the department for terms not exceeding 40 years, or until any~~
553 ~~bonds secured by a pledge of rentals thereunder, and any~~
554 ~~refundings thereof, are fully paid as to both principal and~~
555 ~~interest, whichever is longer.~~

556 (g)1. To borrow money and make and issue negotiable notes,
557 bonds, refunding bonds, and other evidences of indebtedness or
558 obligations, either in temporary or definitive form (hereinafter
559 in this chapter sometimes called "bonds"), of the authority, for
560 the purpose of funding or refunding, at or prior to maturity,
561 any bonds theretofore issued by the authority, or by the Florida
562 State Improvement Commission to finance part of the cost of the
563 Jacksonville Expressway System, and purposes related thereto,
564 and for the purpose of financing or refinancing all or part of
565 the costs of completion, improvement, or extension of the
566 Jacksonville Expressway System, and appurtenant facilities,
567 including all approaches, streets, roads, bridges, and avenues
568 of access for the Jacksonville Expressway System and for any
569 other purpose authorized by this chapter, such bonds to mature
570 in not exceeding 40 years from the date of the issuance thereof;
571 ~~and~~ to secure the payment of such bonds or any part thereof by a
572 pledge of any or all of its revenues, rates, fees, rentals, or
573 other charges, including all or any portion of the Duval County
574 gasoline tax funds received by the authority ~~pursuant to the~~
575 ~~terms of any lease purchase agreement between the authority and~~
576 ~~the department;~~ and in general to provide for the security of
577 such bonds and the rights and remedies of the holders thereof.

578 2. In the event that the authority determines to fund or
579 refund any bonds theretofore issued by the authority, or by the
580 commission as aforesaid, prior to the maturity thereof, the

20112152e1

581 proceeds of such funding or refunding bonds shall, pending the
582 prior redemption of the bonds to be funded or refunded, be
583 invested in direct obligations of the United States; and it is
584 the express intention of this chapter that such outstanding
585 bonds may be funded or refunded by the issuance of bonds
586 pursuant to this chapter notwithstanding that part of such
587 outstanding bonds will not mature or become redeemable until 6
588 years after the date of issuance of bonds pursuant to this
589 chapter to fund or refund such outstanding bonds.

590 Section 26. Subsections (2) and (3) of section 349.05,
591 Florida Statutes, are amended to read:

592 349.05 Bonds of the authority; bonds not debt or pledges of
593 credit of state.—

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

598 (a) The pledging of all or any part of the revenues, rates,
599 fees, rentals, including the sales surtax adopted pursuant to s.
600 212.055(1) (including all or any portion of the county gasoline
601 tax funds received by the authority), or other charges or
602 receipts of any nature of the authority, whether or not derived
603 by the authority from the Jacksonville Expressway System or its
604 other transportation facilities;

605 (b) The completion, improvement, operation, extension,
606 maintenance, repair, or lease, ~~or lease-purchase agreement~~ of
607 said system or transportation facilities, and the duties of the
608 authority and others, including the department, with reference
609 thereto;

20112152e1

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

613 (d) The fixing, charging, establishing, and collecting of
614 rates, fees, rentals, or other charges for use of the services
615 and facilities of the Jacksonville Expressway System or any part
616 thereof or its other transportation facilities;

617 (e) The setting aside of reserves or sinking funds or
618 repair and replacement funds and the regulation and disposition
619 thereof;

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

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

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

627 (3) The State Board of Administration may, upon request by
628 the authority, act as fiscal agent for the authority in the
629 issuance of any bonds that may be issued pursuant to this
630 chapter, and the State Board of Administration may, upon request
631 by the authority, take over the management, control,
632 administration, custody, and payment of any or all debt services
633 or funds or assets now or hereafter available for any bonds
634 issued pursuant to this chapter. The authority may enter into
635 deeds of trust, indentures, or other agreements with a corporate
636 trustee or trustees, which shall act as fiscal agent for the
637 authority and may be any bank or trust company within or without
638 the state, as security for such bonds and may, under such

20112152e1

639 agreements, assign and pledge all or any of the revenues, rates,
640 fees, rentals, or other charges or receipts of the authority,
641 including all or any portion of local option taxes or county
642 gasoline tax funds received by the authority, thereunder. Such
643 deed of trust, indenture, or other agreement may contain such
644 provisions as are customary in such instruments or as the
645 authority may authorize, including, without limitation,
646 provisions as to:

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

654 (b) The application of funds and the safeguarding of funds
655 on hand or on deposit;

656 (c) The rights and remedies of the trustee and the holders
657 of the bonds; and

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

660 Section 27. Section 349.07, Florida Statutes, is repealed.

661 Section 28. Section 349.15, Florida Statutes, is amended to
662 read:

663 349.15 Remedies; pledges enforceable by bondholders.—Any
664 holder of bonds issued under this chapter, except to the extent
665 such rights may be restricted by the resolution, deed of trust,
666 indenture, or other proceeding relating to the issuance of such
667 bonds, may by civil action, mandamus, or other appropriate

20112152e1

668 action, suit, or proceeding in law or in equity, in any court of
669 competent jurisdiction, protect and enforce any and all rights
670 of such bondholder granted under the proceedings authorizing the
671 issuance of such bonds and enforce any pledge made for payment
672 of the principal and interest on bonds, or any covenant or
673 agreement relative thereto, against the authority ~~or directly~~
674 ~~against the department, as may be appropriate. It is the express~~
675 ~~intention of this chapter that any pledge by the department of~~
676 ~~rates, fees, revenues, county gasoline tax funds, or other~~
677 ~~funds, as rentals, to the authority or any covenants or~~
678 ~~agreements relative thereto may be enforceable in any court of~~
679 ~~competent jurisdiction against the authority or directly against~~
680 ~~the department by any holder of bonds issued by the authority.~~

681 Section 29. Section 364.02, Florida Statutes, is amended to
682 read:

683 364.02 Definitions.—As used in this chapter, the term:

684 (1) "Basic local telecommunications service" means voice-
685 grade, single-line, flat-rate residential local exchange service
686 that provides dial tone, local usage necessary to place
687 unlimited calls within a local exchange area, dual tone
688 multifrequency dialing, and access to the following: emergency
689 services such as "911," all locally available interexchange
690 companies, directory assistance, operator services, and relay
691 services, ~~and an alphabetical directory listing~~. For a local
692 exchange telecommunications company, the term includes any
693 extended area service routes, and extended calling service in
694 existence or ordered by the commission on or before July 1,
695 1995.

696 (2) "Broadband service" means any service that consists of

20112152e1

697 or includes the offering of the capability to transmit or
698 receive information at a rate that is not less than 200 kilobits
699 per second and either:

- 700 (a) Is used to provide access to the Internet; or
701 (b) Provides computer processing, information storage,
702 information content, or protocol conversion in combination with
703 the service.

704

705 The definition of broadband service does not include any
706 intrastate telecommunications services that have been tariffed
707 with the commission on or before January 1, 2005.

708 (3) "Commercial mobile radio service provider" means a
709 commercial mobile radio service provider as defined by and
710 pursuant to 47 U.S.C. ss. 153(27) and 332(d).

711 (4) "Commission" means the Florida Public Service
712 Commission.

713 (5) "Competitive local exchange telecommunications company"
714 means any company certificated by the commission to provide
715 local exchange telecommunications services in this state on or
716 after July 1, 1995.

717 (6) "Corporation" includes a corporation, company,
718 association, or joint stock association.

719 (7) "Intrastate interexchange telecommunications company"
720 means any entity that provides intrastate interexchange
721 telecommunications services.

722 (8) "Local exchange telecommunications company" means any
723 company certificated by the commission to provide local exchange
724 telecommunications service in this state on or before June 30,
725 1995.

20112152e1

726 ~~(9) "Monopoly service" means a telecommunications service~~
727 ~~for which there is no effective competition, either in fact or~~
728 ~~by operation of law.~~

729 (9)~~(10)~~ "Nonbasic service" means any telecommunications
730 service provided by a local exchange telecommunications company
731 other than a basic local telecommunications service, ~~a~~ local
732 interconnection, resale, or unbundling pursuant to arrangement
733 ~~described in~~ s. 364.16, or a network access service described in
734 s. 364.163. Any combination of basic service along with a
735 nonbasic service or an unregulated service is nonbasic service.

736 (10)~~(11)~~ "Operator service" includes, but is not limited
737 to, billing or completion of third-party, person-to-person,
738 collect, or calling card or credit card calls through the use of
739 a live operator or automated equipment.

740 (11)~~(12)~~ "Operator service provider" means a person who
741 furnishes operator service through a call aggregator.

742 (12)~~(13)~~ "Service" is to be construed in its broadest and
743 most inclusive sense. The term "service" does not include
744 broadband service or voice-over-Internet protocol service for
745 purposes of regulation by the commission. Nothing herein shall
746 affect the rights and obligations of any entity related to the
747 payment of switched network access rates or other intercarrier
748 compensation, if any, related to voice-over-Internet protocol
749 service. Notwithstanding s. 364.013, and the exemption of
750 services pursuant to this subsection, the commission may
751 arbitrate, enforce, or approve interconnection agreements, and
752 resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or
753 any other applicable federal law or regulation. With respect to
754 the services exempted in this subsection, regardless of the

20112152e1

755 technology, the duties of a local exchange telecommunications
756 company are only those that the company is obligated to extend
757 or provide under applicable federal law and regulations.

758 (13)~~(14)~~ "Telecommunications company" includes every
759 corporation, partnership, and person and their lessees,
760 trustees, or receivers appointed by any court whatsoever, and
761 every political subdivision in the state, offering two-way
762 telecommunications service to the public for hire within this
763 state by the use of a telecommunications facility. The term
764 "telecommunications company" does not include:

765 (a) An entity that provides a telecommunications facility
766 exclusively to a certificated telecommunications company;

767 (b) An entity that provides a telecommunications facility
768 exclusively to a company which is excluded from the definition
769 of a telecommunications company under this subsection;

770 (c) A commercial mobile radio service provider;

771 (d) A facsimile transmission service;

772 (e) A private computer data network company not offering
773 service to the public for hire;

774 (f) A cable television company providing cable service as
775 defined in 47 U.S.C. s. 522; ~~or~~

776 (g) An intrastate interexchange telecommunications company;

777 (h) An operator services provider; or

778 (i) An airport that provides communications services within
779 the confines of its airport layout plan.

780
781 However, each commercial mobile radio service provider and each
782 intrastate interexchange telecommunications company shall
783 continue to be liable for any taxes imposed under chapters 202,

20112152e1

784 203, and 212 ~~and any fees assessed under s. 364.025.~~ Each
785 intrastate interexchange telecommunications company shall
786 continue to be subject to s. ss. 364.04, 364.10(3)(a) and (d),
787 364.163, 364.285, 364.336, 364.501, 364.603, and 364.604, shall
788 ~~provide the commission with the current information as the~~
789 ~~commission deems necessary to contact and communicate with the~~
790 ~~company,~~ and shall continue to pay intrastate switched network
791 access rates or other intercarrier compensation to the local
792 exchange telecommunications company or the competitive local
793 exchange telecommunications company for the origination and
794 termination of interexchange telecommunications service.

795 (14) ~~(15)~~ "Telecommunications facility" includes real
796 estate, easements, apparatus, property, and routes used and
797 operated to provide two-way telecommunications service to the
798 public for hire within this state.

799 (15) ~~(16)~~ "VoIP" means any service that:

800 (a) Enables real-time, two-way voice communications that
801 originate from or terminate to the user's location in Internet
802 Protocol or any successor protocol;

803 (b) Uses a broadband connection from the user's location;
804 and

805 (c) Permits users generally to receive calls that originate
806 on the public switched telephone network and to terminate calls
807 to the public switched telephone network ~~the voice-over-Internet~~
808 ~~protocol as that term is defined in federal law.~~

809 Section 30. (1) It is the intent of the Legislature that
810 purchases of new equipment, machinery, or inventory by any state
811 agency as a result of damage from fire, smoke, water, or any
812 other similar incident be limited to purchases that are

20112152e1

813 absolutely necessary because the damaged equipment, machinery,
814 or inventory is in irreparable condition.

815 (2) By January 1, 2012, each state agency shall develop and
816 adopt assessment protocols for evaluating and determining
817 whether equipment, machinery, or any other inventory must be
818 repaired or restored before any request to purchase replacement
819 equipment, machinery, or any other inventory is approved.

820 Section 31. Subsection (6) of section 196.012, Florida
821 Statutes, is amended to read:

822 196.012 Definitions.—For the purpose of this chapter, the
823 following terms are defined as follows, except where the context
824 clearly indicates otherwise:

825 (6) Governmental, municipal, or public purpose or function
826 shall be deemed to be served or performed when the lessee under
827 any leasehold interest created in property of the United States,
828 the state or any of its political subdivisions, or any
829 municipality, agency, special district, authority, or other
830 public body corporate of the state is demonstrated to perform a
831 function or serve a governmental purpose which could properly be
832 performed or served by an appropriate governmental unit or which
833 is demonstrated to perform a function or serve a purpose which
834 would otherwise be a valid subject for the allocation of public
835 funds. For purposes of the preceding sentence, an activity
836 undertaken by a lessee which is permitted under the terms of its
837 lease of real property designated as an aviation area on an
838 airport layout plan which has been approved by the Federal
839 Aviation Administration and which real property is used for the
840 administration, operation, business offices and activities
841 related specifically thereto in connection with the conduct of

20112152e1

842 an aircraft full service fixed base operation which provides
843 goods and services to the general aviation public in the
844 promotion of air commerce shall be deemed an activity which
845 serves a governmental, municipal, or public purpose or function.
846 Any activity undertaken by a lessee which is permitted under the
847 terms of its lease of real property designated as a public
848 airport as defined in s. 332.004(14) by municipalities,
849 agencies, special districts, authorities, or other public bodies
850 corporate and public bodies politic of the state, a spaceport as
851 defined in s. 331.303, or which is located in a deepwater port
852 identified in s. 403.021(9)(b) and owned by one of the foregoing
853 governmental units, subject to a leasehold or other possessory
854 interest of a nongovernmental lessee that is deemed to perform
855 an aviation, airport, aerospace, maritime, or port purpose or
856 operation shall be deemed an activity that serves a
857 governmental, municipal, or public purpose. The use by a lessee,
858 licensee, or management company of real property or a portion
859 thereof as a convention center, visitor center, sports facility
860 with permanent seating, concert hall, arena, stadium, park, or
861 beach is deemed a use that serves a governmental, municipal, or
862 public purpose or function when access to the property is open
863 to the general public with or without a charge for admission. If
864 property deeded to a municipality by the United States is
865 subject to a requirement that the Federal Government, through a
866 schedule established by the Secretary of the Interior, determine
867 that the property is being maintained for public historic
868 preservation, park, or recreational purposes and if those
869 conditions are not met the property will revert back to the
870 Federal Government, then such property shall be deemed to serve

20112152e1

871 a municipal or public purpose. The term "governmental purpose"
872 also includes a direct use of property on federal lands in
873 connection with the Federal Government's Space Exploration
874 Program or spaceport activities as defined in s. 212.02(22).
875 Real property and tangible personal property owned by the
876 Federal Government or Space Florida and used for defense and
877 space exploration purposes or which is put to a use in support
878 thereof shall be deemed to perform an essential national
879 governmental purpose and shall be exempt. "Owned by the lessee"
880 as used in this chapter does not include personal property,
881 buildings, or other real property improvements used for the
882 administration, operation, business offices and activities
883 related specifically thereto in connection with the conduct of
884 an aircraft full service fixed based operation which provides
885 goods and services to the general aviation public in the
886 promotion of air commerce provided that the real property is
887 designated as an aviation area on an airport layout plan
888 approved by the Federal Aviation Administration. For purposes of
889 determination of "ownership," buildings and other real property
890 improvements which will revert to the airport authority or other
891 governmental unit upon expiration of the term of the lease shall
892 be deemed "owned" by the governmental unit and not the lessee.
893 Providing two-way telecommunications services to the public for
894 hire by the use of a telecommunications facility, as defined in
895 s. 364.02(14) ~~s. 364.02(15)~~, and for which a certificate is
896 required under chapter 364 does not constitute an exempt use for
897 purposes of s. 196.199, unless the telecommunications services
898 are provided by the operator of a public-use airport, as defined
899 in s. 332.004, for the operator's provision of

20112152e1

900 telecommunications services for the airport or its tenants,
901 concessionaires, or licensees, or unless the telecommunications
902 services are provided by a public hospital.

903 Section 32. Subsection (1) of section 199.183, Florida
904 Statutes, is amended to read:

905 199.183 Taxpayers exempt from nonrecurring taxes.—

906 (1) Intangible personal property owned by this state or any
907 of its political subdivisions or municipalities shall be exempt
908 from taxation under this chapter. This exemption does not apply
909 to:

910 (a) Any leasehold or other interest that is described in s.
911 199.023(1)(d), Florida Statutes 2005; or

912 (b) Property related to the provision of two-way
913 telecommunications services to the public for hire by the use of
914 a telecommunications facility, as defined in s. 364.02(14) ~~s.~~
915 ~~364.02(15)~~, and for which a certificate is required under
916 chapter 364, when the service is provided by any county,
917 municipality, or other political subdivision of the state. Any
918 immunity of any political subdivision of the state or other
919 entity of local government from taxation of the property used to
920 provide telecommunication services that is taxed as a result of
921 this paragraph is hereby waived. However, intangible personal
922 property related to the provision of telecommunications services
923 provided by the operator of a public-use airport, as defined in
924 s. 332.004, for the operator's provision of telecommunications
925 services for the airport or its tenants, concessionaires, or
926 licensees, and intangible personal property related to the
927 provision of telecommunications services provided by a public
928 hospital, are exempt from taxation under this chapter.

20112152e1

929 Section 33. Subsection (6) of section 212.08, Florida
930 Statutes, is amended to read:

931 212.08 Sales, rental, use, consumption, distribution, and
932 storage tax; specified exemptions.—The sale at retail, the
933 rental, the use, the consumption, the distribution, and the
934 storage to be used or consumed in this state of the following
935 are hereby specifically exempt from the tax imposed by this
936 chapter.

937 (6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also
938 exempt from the tax imposed by this chapter sales made to the
939 United States Government, a state, or any county, municipality,
940 or political subdivision of a state when payment is made
941 directly to the dealer by the governmental entity. This
942 exemption shall not inure to any transaction otherwise taxable
943 under this chapter when payment is made by a government employee
944 by any means, including, but not limited to, cash, check, or
945 credit card when that employee is subsequently reimbursed by the
946 governmental entity. This exemption does not include sales of
947 tangible personal property made to contractors employed either
948 directly or as agents of any such government or political
949 subdivision thereof when such tangible personal property goes
950 into or becomes a part of public works owned by such government
951 or political subdivision. A determination whether a particular
952 transaction is properly characterized as an exempt sale to a
953 government entity or a taxable sale to a contractor shall be
954 based on the substance of the transaction rather than the form
955 in which the transaction is cast. The department shall adopt
956 rules that give special consideration to factors that govern the
957 status of the tangible personal property before its affixation

20112152e1

958 to real property. In developing these rules, assumption of the
959 risk of damage or loss is of paramount consideration in the
960 determination. This exemption does not include sales, rental,
961 use, consumption, or storage for use in any political
962 subdivision or municipality in this state of machines and
963 equipment and parts and accessories therefor used in the
964 generation, transmission, or distribution of electrical energy
965 by systems owned and operated by a political subdivision in this
966 state for transmission or distribution expansion. Likewise
967 exempt are charges for services rendered by radio and television
968 stations, including line charges, talent fees, or license fees
969 and charges for films, videotapes, and transcriptions used in
970 producing radio or television broadcasts. The exemption provided
971 in this subsection does not include sales, rental, use,
972 consumption, or storage for use in any political subdivision or
973 municipality in this state of machines and equipment and parts
974 and accessories therefor used in providing two-way
975 telecommunications services to the public for hire by the use of
976 a telecommunications facility, as defined in s. 364.02(14) ~~s.~~
977 ~~364.02(15)~~, and for which a certificate is required under
978 chapter 364, which facility is owned and operated by any county,
979 municipality, or other political subdivision of the state. Any
980 immunity of any political subdivision of the state or other
981 entity of local government from taxation of the property used to
982 provide telecommunication services that is taxed as a result of
983 this section is hereby waived. However, the exemption provided
984 in this subsection includes transactions taxable under this
985 chapter which are for use by the operator of a public-use
986 airport, as defined in s. 332.004, in providing such

20112152e1

987 telecommunications services for the airport or its tenants,
988 concessionaires, or licensees, or which are for use by a public
989 hospital for the provision of such telecommunications services.

990 Section 34. Subsection (8) of section 290.007, Florida
991 Statutes, is amended to read:

992 290.007 State incentives available in enterprise zones.—The
993 following incentives are provided by the state to encourage the
994 revitalization of enterprise zones:

995 (8) Notwithstanding any law to the contrary, the Public
996 Service Commission may allow public utilities and
997 telecommunications companies to grant discounts of up to 50
998 percent on tariffed rates for services to small businesses
999 located in an enterprise zone designated pursuant to s.
1000 290.0065. Such discounts may be granted for a period not to
1001 exceed 5 years. For purposes of this subsection, the term
1002 "public utility" has the same meaning as in s. 366.02(1) and the
1003 term "telecommunications company" has the same meaning as in s.
1004 364.02(13) ~~s. 364.02(14)~~.

1005 Section 35. Subsection (3) of section 350.0605, Florida
1006 Statutes, is amended to read:

1007 350.0605 Former commissioners and employees; representation
1008 of clients before commission.—

1009 (3) For a period of 2 years following termination of
1010 service on the commission, a former member may not accept
1011 employment by or compensation from a business entity which,
1012 directly or indirectly, owns or controls a public utility
1013 regulated by the commission, from a public utility regulated by
1014 the commission, from a business entity which, directly or
1015 indirectly, is an affiliate or subsidiary of a public utility

20112152e1

1016 regulated by the commission or is an actual business competitor
1017 of a local exchange company or public utility regulated by the
1018 commission and is otherwise exempt from regulation by the
1019 commission under ss. 364.02(13) ~~364.02(14)~~ and 366.02(1), or
1020 from a business entity or trade association that has been a
1021 party to a commission proceeding within the 2 years preceding
1022 the member's termination of service on the commission. This
1023 subsection applies only to members of the Florida Public Service
1024 Commission who are appointed or reappointed after May 10, 1993.

1025 Section 36. Subsection (4) of section 364.602, Florida
1026 Statutes, is amended to read:

1027 364.602 Definitions.—For purposes of this part:

1028 (4) "Originating party" means any person, firm,
1029 corporation, or other entity, including a telecommunications
1030 company or a billing clearinghouse, that provides any
1031 telecommunications service or information service to a customer
1032 or bills a customer through a billing party, except the term
1033 "originating party" does not include any entity specifically
1034 exempted from the definition of "telecommunications company" as
1035 provided in s. 364.02(13) ~~s. 364.02(14)~~.

1036 Section 37. Subsection (5) of section 489.103, Florida
1037 Statutes, is amended to read:

1038 489.103 Exemptions.—This part does not apply to:

1039 (5) Public utilities, including special gas districts as
1040 defined in chapter 189, telecommunications companies as defined
1041 in s. 364.02(13) ~~s. 364.02(14)~~, and natural gas transmission
1042 companies as defined in s. 368.103(4), on construction,
1043 maintenance, and development work performed by their employees,
1044 which work, including, but not limited to, work on bridges,

20112152e1

1045 roads, streets, highways, or railroads, is incidental to their
1046 business. The board shall define, by rule, the term "incidental
1047 to their business" for purposes of this subsection.

1048 Section 38. This act shall take effect July 1, 2011.