

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

Committee/Subcommittee hearing bill: Tourism, Infrastructure & Energy Subcommittee

Representative Beltran offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 348.50, Florida Statutes, is amended to read:

348.50 Title of law.—This part shall be known and may be cited as the "West Florida ~~Tampa-Hillsborough County~~ Expressway Authority Law."

Section 2. Section 348.51, Florida Statutes, is amended to read:

348.51 Definitions.—As ~~The following terms whenever used or referred to~~ in this part shall have the following meanings,

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16 unless ~~except in those instances where~~ the context clearly
17 indicates otherwise, the term:

18 (1) "Agency of the state" means ~~and includes~~ the state and
19 any department of, or corporation, agency, or instrumentality
20 ~~heretofore or hereafter~~ created, designated, or established by,
21 the state.

22 (2) "Authority" means the body politic, corporate, and
23 agency of the state created by this part.

24 (3) "Bonds" means ~~and includes~~ the notes, bonds, refunding
25 bonds, or other evidences of indebtedness or obligations, in
26 either temporary or definitive form, which the authority is
27 authorized to issue pursuant to this part.

28 (4) ~~"City" means the City of Tampa.~~

29 ~~(5)~~ "County" means each county located within the
30 jurisdictional limits of the authority, including the County of
31 Hillsborough County and any expansion county, as applicable.

32 (5) "County gasoline tax funds" means all the 80 percent
33 surplus gasoline tax funds or 20 percent surplus gasoline tax
34 funds accruing in each year to a county for use in a county
35 under s. 9, Art. XII of the State Constitution, after deduction,
36 if and only to the extent necessary, of any amounts of such
37 gasoline tax funds pledged by a county for outstanding
38 obligations.

39 (6) "Department" means the Department of Transportation ~~of~~
40 ~~Florida~~ and any successor thereto.

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41 (7) "Expansion county" means a county with the consent of
42 which and in which the authority constructs or acquires a
43 transportation facility, which may include Citrus, Hernando,
44 Manatee, Pasco, Pinellas, and Polk Counties.

45 (8) "Expansion event" means, with the approval of the
46 owner of the transportation facility, the adoption of a
47 resolution by the governing board of the authority for the
48 authority to construct, complete, or acquire a transportation
49 facility located in an expansion county and to include the
50 expansion county within its jurisdictional limits.

51 (9)-(7) "Expressway system" or "system" means, generally, a
52 modern highway system of roads, bridges, causeways, and tunnels
53 in the metropolitan area of the city, or within any area of the
54 county, with ~~access~~ limited or unlimited access as the authority
55 may determine, and such buildings, and structures, and
56 appurtenances, and facilities related thereto, including all
57 approaches, streets, roads, bridges, and avenues of access for
58 such system. Following an expansion event, a transportation
59 facility shall become part of the expressway system of the
60 authority upon the governing board of the authority's
61 designation of such transportation facility as part of its
62 expressway system.

63 (10)-(8) "Federal agency" means ~~and includes~~ the United
64 States, the President of the United States, and any department
65 of, or bureau, corporation, agency, or instrumentality

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66 ~~heretofore or hereafter~~ created, designated, or established by,
67 the United States.

68 ~~(9) "Hillsborough County gasoline tax funds" means all the~~
69 ~~80-percent surplus gasoline tax funds or 20-percent surplus~~
70 ~~gasoline tax funds accruing in each year to the Department of~~
71 ~~Transportation or the county, as the case may be, for use in~~
72 ~~Hillsborough County under the provisions of s. 9, Art. XII of~~
73 ~~the State Constitution, after deduction, if and only to the~~
74 ~~extent necessary, of any amounts of said gasoline tax funds~~
75 ~~heretofore pledged by the Department of Transportation or the~~
76 ~~county for outstanding obligations.~~

77 ~~(11)(10) "Lease-purchase agreement" or "lease-purchase~~
78 ~~agreements" means a the lease-purchase agreement or agreements~~
79 ~~which the authority may execute is authorized pursuant to this~~
80 ~~part to execute.~~

81 ~~(12)(11) "Members" means the governing body of the~~
82 ~~authority, and the term "member" means one of the individuals~~
83 ~~constituting such governing body.~~

84 ~~(13)(12) "Revenues" means all tolls, revenues, rates,~~
85 ~~fees, charges, receipts, rentals, contributions, including, but~~
86 ~~not limited to, contributions of revenues from a county,~~
87 ~~municipality, or other local governmental entity, and other~~
88 ~~income derived from or in connection with the operation or~~
89 ~~ownership of the expressway system, including the proceeds of~~

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90 any use and occupancy insurance on any portion of the system ~~but~~
91 ~~excluding any Hillsborough County gasoline tax funds.~~

92 (14) "Transportation facility" means the mobile and fixed
93 assets, and the associated real or personal property or rights,
94 used in the transportation of persons or property by any means
95 of conveyance and all appurtenances, including, but not limited
96 to, highways; limited or controlled access lanes, avenues of
97 access, and facilities; and administrative and other office
98 space, for the exercise by the authority of the powers and
99 obligations granted in this part.

100 (15)~~(13)~~ Words importing singular number include the
101 plural number in each case and vice versa, and words importing
102 persons include firms and corporations.

103 Section 3. Section 348.52, Florida Statutes, is amended to
104 read:

105 348.52 West Florida ~~Tampa-Hillsborough County~~ Expressway
106 Authority.-

107 (1) There is ~~hereby~~ created and established a body politic
108 and corporate, an agency of the state, to be known as the "West
109 Florida ~~Tampa-Hillsborough County~~ Expressway Authority."

110 (2) (a) Immediately on July 1, 2021, the West Florida
111 Expressway Authority shall assume the governance and control of
112 the expressway system operated by the former Tampa-Hillsborough
113 County Expressway Authority, including its assets, personnel,
114 contracts, obligations, liabilities, facilities, and tangible

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115 and intangible property. Any rights in such property and other
116 legal rights of the former Tampa-Hillsborough County Expressway
117 Authority are transferred to the West Florida Expressway
118 Authority. The West Florida Expressway Authority shall
119 immediately succeed to and assume the powers, responsibilities,
120 and obligations of the former Tampa-Hillsborough County
121 Expressway Authority.

122 (b) The transfer pursuant to this subsection is subject to
123 the terms and covenants provided for the protection of the
124 holders of the former Tampa-Hillsborough County Expressway
125 Authority bonds in any agreement executed by the former
126 authority and assumed by the West Florida Expressway Authority
127 and the resolutions adopted in connection with the issuance of
128 the bonds and any and all bonds issued pursuant to a resolution
129 or trust indenture subsequent to any such agreement. Further,
130 the transfer does not impair the terms of the contract between
131 the West Florida Expressway Authority and the bondholders, does
132 not act to the detriment of the bondholders, and does not
133 diminish the security for the bonds. After the transfer, the
134 West Florida Expressway Authority shall operate and maintain the
135 expressway system and any other facilities of the West Florida
136 Expressway Authority in accordance with the terms, conditions,
137 and covenants contained in the bond resolutions securing the
138 bonds of the authority. The West Florida Expressway Authority
139 shall collect toll revenues and apply them to the payment of

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140 debt service as provided in the bond resolution securing all
141 bonds and shall expressly assume all obligations relating to all
142 bonds to ensure that the transfer has no adverse impact on the
143 security for all bonds. The transfer does not make the
144 obligation to pay the principal and interest on the bonds a
145 general liability of the West Florida Expressway Authority or
146 pledge additional expressway system revenues to payment of the
147 bonds. Expressway system revenues that are generated by the
148 expressway system and other facilities of the West Florida
149 Expressway Authority which were pledged by the former Tampa-
150 Hillsborough County Expressway Authority to payment of the bonds
151 will remain subject to the pledge for the benefit of the
152 bondholders. The transfer does not modify or eliminate any prior
153 obligation of the department to pay certain costs of the
154 expressway system from sources other than revenues of the
155 expressway system, nor does the transfer modify or eliminate the
156 terms and conditions of the memorandum of agreement dated
157 October 26, 2010, as amended by the amendment to memorandum of
158 agreement dated March 28, 2012, and the second amendment to
159 memorandum of agreement dated October 8, 2012, between the
160 former authority and the department and assumed by the West
161 Florida Expressway Authority.

162 (3)~~(2)~~ The governing body of the authority shall initially
163 consist of a board of seven members but shall be subject to
164 increase to no more than 13 members through the addition of a

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165 new member for each expansion county upon the expansion of the
166 authority's jurisdiction to include such expansion county in
167 accordance with subsection (6).

168 (a) Four of the members shall be appointed by the
169 Governor, one of whom must be a resident of Hillsborough County,
170 and the remainder of whom may be residents of Hillsborough
171 County or any expansion county upon the expansion of the
172 authority's jurisdiction to include such expansion county,
173 subject to confirmation by the Senate at the next regular
174 session of the Legislature. Refusal or failure of the Senate to
175 confirm an appointment shall create a vacancy. A board member
176 currently serving an unexpired term on the former Tampa-
177 Hillsborough County Expressway Authority as of the effective
178 date of this act shall continue to serve the remainder of his or
179 her unexpired term. Each member of the governing board,
180 including each member representing an expansion county, shall be
181 subject to the following:

182 1. Each ~~such~~ member's term of office shall be for 4 years
183 or until his or her successor is ~~shall have been~~ appointed and
184 qualified. However, the respective initial term of one or more
185 members representing an expansion county may be for 2 years at
186 the sole discretion of the governing board in order to achieve
187 staggered terms of office for its governing board members.

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188 2. A vacancy ~~Vacancies~~ occurring in the governing board
189 ~~body~~ for any member before ~~such members prior to~~ the expiration
190 of the affected term shall be filled for the unexpired term.

191 3. The Governor may ~~shall have the authority to~~ remove
192 from office any ~~such~~ member of the governing board ~~body~~ in the
193 manner and for cause defined by the laws of this state.

194 4. Each ~~such~~ member, before entering upon his or her
195 official duties, shall take and subscribe to an oath before an
196 ~~some~~ official authorized by law to administer oaths that he or
197 she will honestly, faithfully, and impartially perform the
198 duties devolving upon him or her in office as a member of the
199 governing board ~~body~~ of the authority and that he or she will
200 not neglect any duties imposed upon him or her by this part.

201 (b) One member shall be the mayor, or the mayor's designee
202 ~~designate~~, who shall be the chair of the city council of the
203 city in Hillsborough County having the largest population,
204 according to the latest decennial census, who shall serve as a
205 member ex officio.

206 (c) One member shall be a member of the Board of County
207 Commissioners of Hillsborough County, selected by such board,
208 who shall serve as a member ex officio.

209 (d) One member shall be the district secretary of the
210 department ~~of Transportation~~ serving in the district that
211 contains Hillsborough County, who shall serve as a member ex
212 officio.

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213 (e) After the occurrence of an expansion event in a
214 particular expansion county, the governing board shall be
215 increased by one additional ex officio voting member for each
216 such expansion county, which member must be a member of the
217 board of county commissioners of such expansion county, selected
218 by such board of county commissioners. Such increase in board
219 membership shall become effective on the date that such
220 expansion county member takes the oath required under
221 subparagraph (a)4.

222 (4)(3) The authority shall designate one of its members as
223 chair. The members of the authority are ~~shall~~ not be entitled to
224 compensation but are ~~shall be~~ entitled to receive their travel
225 and other necessary expenses as provided in s. 112.061. A
226 majority of the members of the authority shall constitute a
227 quorum, and resolutions enacted or adopted by a vote of a
228 majority of the members present and voting at any meeting shall
229 become effective without publication or posting or any further
230 action of the authority.

231 (5) (a) With the approval of the board of county
232 commissioners of an expansion county, the authority's
233 jurisdictional boundaries shall be automatically expanded to
234 include the expansion county upon the occurrence of an expansion
235 event.

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236 (b) A delay in the designation of an expansion county
237 board member to the authority's board shall not affect the
238 expansion of the authority's jurisdiction under this part.

239 ~~(6)-(4)~~ The authority may employ a secretary and executive
240 director, its own counsel and legal staff, and such legal,
241 financial, and other professional consultants, technical
242 experts, engineers, and employees, permanent or temporary, as it
243 may require and may determine the qualifications and fix the
244 compensation of such persons, firms, or corporations. The
245 authority may contract with the Division of Bond Finance of the
246 State Board of Administration for any financial services
247 authorized herein.

248 ~~(7)-(5)~~ The authority may delegate to one or more of its
249 officers or employees such of its powers as it deems ~~shall deem~~
250 necessary to carry out the purposes of this part, subject always
251 to the supervision and control of the authority. A member
252 ~~Members~~ of the governing board ~~authority~~ may be removed from
253 ~~their~~ office by the Governor for misconduct, malfeasance,
254 misfeasance, or ~~and~~ nonfeasance in office.

255 Section 4. Section 348.53, Florida Statutes, is amended to
256 read:

257 348.53 Purposes of the authority.—

258 (1) The purposes of the authority are, and the authority
259 has the ~~is created for the purposes and shall have power,~~ to
260 construct, reconstruct, improve, extend, repair, maintain, and

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261 operate the expressway system. It is ~~hereby~~ found and declared
262 that such purposes are in all respects for the benefit of the
263 people of the State of Florida, ~~the City of Tampa,~~ and the West
264 Florida region ~~County of Hillsborough~~ for the increase of their
265 pleasure, convenience, and welfare; for the improvement of their
266 health; and to facilitate transportation, including managed
267 lanes and other transit supporting facilities, for their
268 recreation and commerce and for the common defense. The
269 authority is performing a public purpose and a governmental
270 function in carrying out its corporate purpose and in exercising
271 the powers granted in this section ~~herein~~.

272 (2) (a) In the construction of the expressway system, the
273 authority may construct any extensions, additions, or
274 improvements to the system or appurtenant facilities, including
275 all necessary approaches, roads, bridges, avenues of access, and
276 boulevards, with any changes, modifications, or revisions of any
277 project which are deemed desirable and proper. However, the
278 authorization provided in this subsection does not extend to any
279 appurtenant facility without the advance written consent of the
280 owner of the underlying right-of-way.

281 (b) A transportation facility shall become part of the
282 expressway system of the authority upon the authority governing
283 board's designation of such transportation facility as part of
284 its expressway system.

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285 Section 5. Section 348.54, Florida Statutes, is amended to
286 read:

287 348.54 Powers of the authority.—Except as otherwise
288 limited herein, the authority shall have the power:

289 (1) To sue and be sued, implead and be impleaded, and
290 complain and defend in all courts.

291 (2) To adopt, use, and alter at will, ~~with~~ a seal.

292 (3) To acquire, purchase, hold, lease as lessee, and use
293 any franchise, property, real, personal or mixed, tangible or
294 intangible, or any interest therein, necessary or desirable for
295 carrying out the purposes of the authority, and to sell, lease
296 as lessor, transfer, and dispose of any property or interest
297 therein at any time acquired by it.

298 (4) To construct, reconstruct, or improve on or along the
299 expressway system suitable facilities for gas stations,
300 restaurants, and other facilities for the public. ~~Such~~
301 facilities may be publicly offered for leasing for operation
302 under rules and regulations to be established by the authority.

303 (5) To enter into and make lease-purchase agreements as
304 provided in s. 348.60 for terms not exceeding 40 years, or until
305 all bonds secured by a pledge thereunder, and all refundings
306 thereof, are fully paid as to both principal and interest,
307 whichever is longer.

308 (6) To fix, alter, charge, establish, and collect tolls,
309 rates, fees, rentals, and other charges for the services and

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310 facilities of the expressway system, which tolls, rates, fees,
311 rentals, and other charges shall always be sufficient to comply
312 with any covenants made with the holders of any bonds.~~†~~
313 ~~provided,~~ However, ~~that~~ such right and power, or any part
314 thereof, may be assigned or delegated~~†~~ by the authority~~†~~ to the
315 lessee under a lease-purchase agreement. Toll revenues
316 attributable to a toll rate increase for the use of a portion of
317 the expressway system that become effective on or after the date
318 that the jurisdiction of the authority is first expanded to
319 include any one or more expansion counties may not be used to
320 construct or expand a different portion of the system unless a
321 two-thirds majority of the members of the authority governing
322 board, determined as of the time of such vote, votes to approve
323 such use. This requirement does not apply if and to the extent
324 that application of the requirement would:

325 (a) Violate any covenant established in a resolution or
326 trust indenture under which bonds were issued by the authority
327 on or before the first date that the authority's jurisdiction is
328 expanded to include one or more expansion counties; or

329 (b) Cause the authority to be unable to meet its
330 obligations under the terms of the memorandum of agreement dated
331 October 26, 2010, as amended by the amendment to memorandum of
332 agreement dated March 28, 2012, and the second amendment to
333 memorandum of agreement dated October 8, 2012, between the

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334 former authority and the department and assumed by the West
335 Florida Expressway Authority.

336 (7) To borrow money and to make and issue negotiable
337 bonds, notes, refunding bonds, and other evidences of
338 indebtedness or obligations, either in temporary or definitive
339 form, referred to hereinafter in this chapter ~~referred to~~ as
340 "bonds of the authority," for the purpose of financing all or
341 part of the improvement or extension of the expressway system
342 and appurtenant facilities, including all approaches, streets,
343 roads, bridges, and avenues of access for the ~~expressway~~ system,
344 and for any other purpose authorized by this part, and to
345 provide for the rights of the holders thereof.

346 (8) To secure the payment of bonds by a pledge of all or
347 any portion of the expressway system revenues or such other
348 moneys legally available therefor and of all or any portion of a
349 county's ~~the Hillsborough County~~ gasoline tax funds in the
350 manner provided by this part; and in general to provide for the
351 security of the bonds and the rights and remedies of the holders
352 thereof. ~~Interest upon the amount of gasoline tax funds to be~~
353 ~~repaid to the county pursuant to s. 348.60 shall be payable, at~~
354 ~~the highest rate applicable to any outstanding bonds of the~~
355 ~~authority, out of revenues and other available moneys not~~
356 ~~required to meet the authority's obligations to its bondholders.~~
357 The authority may not, ~~shall have no power~~ at any time or in any
358 manner, ~~to~~ pledge the credit or taxing power of the state or any

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359 political subdivision or agency thereof, including a ~~the~~ city
360 and a ~~the~~ county, nor shall any of the authority's obligations
361 be deemed to be obligations of the state or of any political
362 subdivision or agency thereof, nor shall the state or any
363 political subdivision or agency thereof, except the authority,
364 be liable for the payment of the principal of or interest on
365 such obligations.

366 (9) To make contracts of every name and nature and to
367 execute all instruments necessary or convenient for the carrying
368 on of its business.

369 (10) Without limitation of the foregoing, to borrow money
370 and accept gifts or grants from, and to enter into contracts,
371 leases, or other transactions with, any federal agency, the
372 state, any agency of the state, a ~~the~~ county, a ~~the~~ city, or
373 ~~with~~ any other public body of the state or any other person and
374 to comply with the terms and conditions thereof.

375 (11) ~~To have the power~~ Of eminent domain.

376 (12) To construct and maintain over, under, along, or
377 across the expressway system, ~~telephone, telegraph, television,~~
378 electric power, and other wires or cables, pipelines, water
379 mains, and other conduits and mechanical equipment, ~~not~~
380 inconsistent with the appropriate use of the system, or to
381 contract for such construction, and upon such terms and
382 conditions as the authority determines ~~shall determine~~, to lease
383 all or any part of such property and facilities or the right to

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384 use such property and facilities ~~the same~~ whether such
385 facilities are constructed by the authority or under a contract
386 for such construction, ~~for a period of not more than 20 years~~
387 ~~from the date when such lease is made.~~

388 (13) To do all acts and things necessary or convenient for
389 the conduct of its business and the general welfare of the
390 authority, in order to carry out the powers granted to it by
391 this part or any other law.

392 (14) To enter into partnerships, contracts, and
393 agreements, including, but not limited to, interlocal
394 agreements, with any federal, state, or local governmental
395 entity with respect to the purposes of this part.

396
397 Before entering into any sale, lease, transfer, or disposition
398 of its real properties under subsection (3), leasing any of its
399 facilities under subsection (4), or taking final action under
400 subsection (7), the authority shall give notice thereof by
401 publication on at least 5 separate days in a newspaper of
402 general circulation in the affected county. Such notice shall
403 state the place and time, not less than 14 days after the first
404 such publication, when objections may be filed with and heard by
405 the authority.

406 ~~(14) Prior to entering into any sale, lease, transfer or~~
407 ~~disposition of its real properties pursuant to subsection (3),~~
408 ~~leasing any of its facilities pursuant to subsection (4), or~~

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409 ~~taking final action under subsection (7), the authority shall~~
410 ~~give notice thereof by publication on at least 5 separate days,~~
411 ~~in a newspaper of general circulation in the county. Such notice~~
412 ~~shall state the place and time, not less than 14 days following~~
413 ~~the first such publication, when objections may be filed with~~
414 ~~and heard by the authority.~~

415 ~~(15) With the consent of the county within whose~~
416 ~~jurisdiction the activities occur, to construct, operate, and~~
417 ~~maintain roads, bridges, avenues of access, thoroughfares, and~~
418 ~~boulevards and managed lanes and other transit supporting~~
419 ~~facilities outside of the jurisdictional boundaries of~~
420 ~~Hillsborough County and within the jurisdictional boundaries of~~
421 ~~counties contiguous to Hillsborough County, together with the~~
422 ~~right to construct, repair, replace, operate, install, and~~
423 ~~maintain such facilities and electronic toll payment systems~~
424 ~~thereon or incidental thereto, with all necessary and incidental~~
425 ~~powers to accomplish the foregoing.~~

426 Section 6. Section 348.565, Florida Statutes, is amended
427 to read:

428 348.565 Revenue bonds for specified projects.—The existing
429 facilities that constitute the ~~Tampa Hillsborough County~~
430 expressway system are hereby approved to be refinanced by
431 revenue bonds issued by the Division of Bond Finance of the
432 State Board of Administration pursuant to s. 11(f), Art. VII of
433 the State Constitution and the State Bond Act or by revenue

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434 bonds issued by the authority pursuant to s. 348.56(1)(b). In
435 addition, the capital projects that the authority is authorized
436 to acquire, construct, reconstruct, equip, operate, and maintain
437 under this part following projects of the Tampa-Hillsborough
438 County Expressway Authority are approved to be financed or
439 refinanced by the issuance of revenue bonds in accordance with
440 this part and s. 11(f), Art. VII of the State Constitution:

441 ~~(1) Brandon area feeder roads.~~

442 ~~(2) Capital improvements to the expressway system,~~
443 ~~including safety and operational improvements and toll~~
444 ~~collection equipment.~~

445 ~~(3) Lee Roy Selmon Crosstown Expressway System widening,~~
446 ~~and any extensions thereof.~~

447 ~~(4) The connector highway linking the Lee Roy Selmon~~
448 ~~Crosstown Expressway to Interstate 4.~~

449 ~~(5) Capital projects that the authority is authorized to~~
450 ~~acquire, construct, reconstruct, equip, operate, and maintain~~
451 ~~pursuant to this part, including, without limitation, s.~~
452 ~~348.54(15), provided that any financing of such projects does~~
453 ~~not pledge the full faith and credit of the state.~~

454 Section 7. Section 348.60, Florida Statutes, is amended to
455 read:

456 348.60 Lease-purchase agreements.—

457 (1) In order to effectuate the purposes of this part, the
458 authority may enter into lease-purchase agreements with a ~~the~~

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459 | city, a ~~the~~ county, or the state or any agency thereof,
460 | excluding ~~including~~ the department, and any federal agency
461 | relating to and covering the expressway system or any portion
462 | thereof.

463 | (2) Such lease-purchase agreements may provide for the
464 | leasing of the expressway system or any portion thereof by the
465 | authority as lessor to any one or more of the aforementioned
466 | governmental entities or agencies as lessee, shall prescribe the
467 | term of such lease and the rentals to be paid thereunder, and
468 | may provide that upon the completion of the faithful performance
469 | thereunder and the termination of such lease-purchase
470 | agreements, title in fee simple absolute to the expressway
471 | system, as then constituted, shall be transferred in accordance
472 | with law by the authority to such lessee or otherwise as
473 | provided in such agreements. In the event of such transfer to
474 | the lessee, the authority shall deliver to such lessee such
475 | deeds and conveyances as shall be necessary or convenient to
476 | vest title in fee simple absolute in such lessee.

477 | (3) (a) The lease-purchase agreements may include such
478 | other provisions, agreements, and covenants as the authority and
479 | the lessee deem advisable or necessary, including, but not
480 | limited to, provisions with respect to bonds; ~~the~~ construction,
481 | reconstruction, extension, improvements, operation, repair, and
482 | maintenance of the expressway system; ~~the~~ expenses and costs of
483 | operation of the system and of the authority; ~~the~~ charging and

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484 collecting of tolls, rates, fees, and other charges for the use
485 of the services and facilities thereof; ~~the~~ application of
486 federal, state, or other grants or aid that ~~which~~ may be made or
487 given to assist the authority; ~~the~~ enforcement of payment and
488 collection of rentals; and any other terms, provisions, or
489 covenants necessary, incidental, or convenient to the making of
490 and full performance under such lease-purchase agreements.

491 ~~(a) In the event the department is a lessee under any such~~
492 ~~lease-purchase agreement, it is authorized to pay as rentals~~
493 ~~thereunder in addition to the revenues accruing thereto from the~~
494 ~~operation of the expressway system, all or any portion of the~~
495 ~~Hillsborough county gasoline tax funds and may also pay as~~
496 ~~rentals any appropriations received by the department pursuant~~
497 ~~to any act of the Legislature heretofore or hereafter enacted;~~
498 ~~provided, however, that nothing herein nor in such lease-~~
499 ~~purchase agreement shall be construed to require the Legislature~~
500 ~~to make or continue such appropriations nor shall any holder of~~
501 ~~bonds ever have any right to require the Legislature to make or~~
502 ~~continue such appropriations.~~

503 (b) In the event a ~~the~~ county is a lessee under any such
504 lease-purchase agreement, the county may ~~it shall be authorized~~
505 ~~to~~ pay as rentals thereunder in addition to the expressway
506 revenues accruing to the county from the operation of the
507 expressway system all or any part of the 20-percent surplus
508 gasoline tax funds accruing to the ~~Hillsborough~~ county.

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509 (4) ~~A No~~ pledge of ~~either the 80-percent surplus gasoline~~
510 ~~tax funds or the 20-percent surplus gasoline tax funds~~ under any
511 such lease-purchase agreement may not shall be made without the
512 consent of the county evidenced by a resolution duly adopted by
513 its board of county commissioners, which resolution may
514 authorize the execution and delivery of an interlocal agreement
515 between the authority and the county setting forth the terms and
516 provisions for the use by the authority of any such gasoline tax
517 funds ~~nor unless the revenues pledged under any such lease-~~
518 ~~purchase agreements are estimated by the authority to aggregate~~
519 ~~during the term of such lease-purchase agreements not less than~~
520 ~~the principal amount of the bonds secured thereunder plus~~
521 ~~interest thereon. Such resolution, among other things shall~~
522 ~~provide that any excess of such pledge of the Hillsborough~~
523 ~~County gasoline tax funds which is not required for debt service~~
524 ~~or reserves for such debt service for any bonds shall be~~
525 ~~returned annually to the appropriate board or agency for~~
526 ~~distribution to the county as provided by law; and shall~~
527 ~~provide, further, that any Hillsborough County gasoline tax~~
528 ~~funds actually expended for such debt service, shall be repaid~~
529 ~~with interest out of revenues and other available moneys not~~
530 ~~required to meet the authority's obligations to its bondholders,~~
531 ~~as determined by the authority.~~

532 (5) ~~A~~ Any lessee under any such lease-purchase agreement
533 may ~~agreements shall have power to~~ covenant therein that it will

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534 pay all or any part of the cost of the operation, maintenance,
535 repair, renewal, and replacement of the expressway system, and
536 any part of the cost of completing such system, to the extent
537 that the proceeds of bonds issued therefor are insufficient,
538 from sources other than expressway system revenues and
539 ~~Hillsborough~~ county gasoline tax funds. ~~Any~~ Such lessee may also
540 agree to make such other payments from moneys available to a the
541 county, a the city, or the authority, ~~or the department~~ in
542 connection with the construction or completion of the expressway
543 ~~such~~ system as ~~shall be~~ deemed by such lessee to be fair and
544 proper under any such covenants ~~heretofore or hereafter~~ entered
545 into.

546 ~~(6) The system shall be a part of the state road system.~~
547 ~~The department is hereby authorized, upon request of the~~
548 ~~authority, to expend out of any funds available for the purpose,~~
549 ~~such moneys, and to use such of its engineering or other forces,~~
550 ~~as may be necessary and desirable in the judgment of the~~
551 ~~department, for the operation of the authority and for traffic~~
552 ~~surveys, borings, surveys, preparation of plans and~~
553 ~~specifications, estimates of costs, preliminary engineering and~~
554 ~~other studies.~~

555 Section 8. Section 348.61, Florida Statutes, is amended to
556 read:

557 348.61 Department may be appointed agent of authority for
558 construction.—The department may be appointed by the authority

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559 as its agent for the purpose of constructing, reconstructing,
560 improving, extending, or repairing the expressway system. In
561 such event, the authority shall provide the department with
562 complete copies of all documents, agreements, resolutions,
563 contracts, and instruments relating thereto and shall request
564 the department to do such construction work, including the
565 planning, surveying, and actual construction involved, and shall
566 transfer to the credit of an account of the department in the
567 Treasury of the state the necessary funds therefor. The
568 department shall then ~~thereupon~~ be authorized, empowered, and
569 directed to proceed with such construction work and to use such
570 ~~the said~~ funds for such purpose and in the same manner that it
571 is now authorized to use the funds otherwise authorized by law
572 for its use in construction of roads and bridges.

573 Section 9. Section 348.62, Florida Statutes, is amended to
574 read:

575 348.62 Acquisition of lands and property.—

576 (1) ~~For the purpose of this part,~~ The authority may
577 acquire private or public property and property rights,
578 including rights of access, air, view, and light, by gift,
579 devise, purchase, or condemnation by eminent domain proceedings,
580 as the authority deems ~~may deem~~ necessary for ~~any of~~ the
581 purposes of this part, including, but not limited to, any lands
582 reasonably necessary for securing applicable permits, areas
583 necessary for management of access, borrow pits, drainage

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584 ditches, water retention areas, rest areas, and replacement
585 access for landowners whose access is impaired due to the
586 construction of a transportation facility. The right of eminent
587 domain ~~herein~~ conferred in this subsection shall be exercised by
588 the authority in the manner provided by law, in particular
589 chapter 74.

590 (2) The authority may acquire such rights, title,
591 interest, or easements in such lands and property as it deems
592 ~~may deem~~ necessary for ~~any of~~ the purposes of this part.

593 (3) In connection with the acquisition of property or
594 property rights as ~~herein~~ provided in this section, the
595 authority may, in its discretion, acquire an entire lot, block,
596 parcel, or tract of land, if by so doing the interest of the
597 public will be best served, even though such entire lot, block,
598 parcel, or tract is not immediately needed for the right-of-way
599 proper.

600 Section 10. Sections 348.68 and 348.681, Florida Statutes,
601 are repealed.

602 Section 11. Section 348.70, Florida Statutes, is
603 renumbered as section 348.682, Florida Statutes, and amended to
604 read:

605 348.682 ~~348.70~~ This part complete and additional
606 authority.—

607 (1) The powers conferred by this part are ~~shall be~~ in
608 addition and supplemental to the existing respective powers of

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609 the authority, the department, a ~~the~~ county, and a ~~the~~ city, if
610 any, and this part does ~~shall~~ not repeal ~~be construed as~~
611 ~~repealing~~ any ~~of the~~ provisions of any other law, general,
612 special, or local, but supersedes ~~shall be deemed to supersede~~
613 such other law or laws in the exercise of the powers provided in
614 this part insofar as such other law or laws are inconsistent
615 with ~~the provisions of~~ this part and to provide a complete
616 method for the exercise of the powers granted in this part
617 ~~herein~~. The construction, reconstruction, improvement,
618 extension, repair, maintenance, and operation of the expressway
619 system, and the issuance of bonds under this part ~~hereunder~~ to
620 finance all or part of the cost thereof, may be accomplished
621 upon compliance with ~~the provisions of~~ this part without regard
622 to or necessity for compliance with the provisions, limitations,
623 or restrictions contained in any other general, special, or
624 local law, including, but not limited to, s. 215.821, and ~~no~~
625 approval of any bonds issued under this part by the qualified
626 electors or qualified electors who are freeholders in the state
627 or in a ~~the~~ county or ~~in the~~ city or in any other political
628 subdivision of the state is not ~~shall be~~ required for the
629 issuance of such bonds.

630 (2) This part does not repeal, rescind, or modify any
631 other law or laws relating to the State Board of Administration,
632 the Department of Transportation, or the Division of Bond
633 Finance of the State Board of Administration, but supersedes

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634 ~~shall supersede~~ such other law or laws as are inconsistent with
635 ~~the provisions of~~ this part, including, but not limited to, s.
636 215.821.

637 Section 12. Subsection (2) of section 343.975, Florida
638 Statutes, is amended to read:

639 343.975 Complete and additional statutory authority.—

640 (2) This part does not repeal, rescind, or modify any
641 other law relating to the State Board of Administration, the
642 Department of Transportation, the West Florida Tampa-
643 ~~Hillsborough County~~ Expressway Authority, or the Division of
644 Bond Finance within the State Board of Administration; however,
645 this part supersedes such other laws as are inconsistent with
646 its provisions, including, but not limited to, s. 215.821.

647 Section 13. Section 348.545, Florida Statutes, is amended
648 to read:

649 348.545 Facility improvement; bond financing authority.—

650 Pursuant to s. 11(f), Art. VII of the State Constitution, the
651 Legislature hereby approves for bond financing by the West
652 Florida Tampa-Hillsborough County Expressway Authority
653 improvements to toll collection facilities, interchanges to the
654 ~~legislatively approved~~ expressway system, and any other facility
655 appurtenant, necessary, or incidental to the approved system.
656 Subject to terms and conditions of applicable revenue bond
657 resolutions and covenants, such costs may be financed in whole
658 or in part by revenue bonds issued pursuant to s. 348.56(1)(a)

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659 or (b), whether currently issued or issued in the future, or by
660 a combination of such bonds.

661 Section 14. Section 348.56, Florida Statutes, is amended
662 to read:

663 348.56 Bonds of the authority.—

664 (1) (a) Bonds may be issued on behalf of the authority
665 pursuant to the State Bond Act.

666 (b) Alternatively, the authority may ~~shall have the power~~
667 ~~and is hereby authorized~~ from time to time ~~to~~ issue bonds in
668 such principal amount as, in the opinion of the authority, shall
669 be necessary to provide sufficient moneys for achieving its
670 corporate purposes, including construction, reconstruction,
671 improvement, extension, repair, maintenance, and operation of
672 the expressway system, the cost of acquisition of all real
673 property, interest on bonds during construction and for a
674 reasonable period thereafter, establishment of reserves to
675 secure bonds, and all other expenditures of the authority
676 incident to and necessary or convenient to carry out its
677 corporate purposes and powers.

678 (2) (a) Bonds issued by the authority pursuant to paragraph
679 (1) (a) or paragraph (1) (b) shall be authorized by resolution of
680 the members of the authority and shall bear such date or dates,
681 mature at such time or times, not exceeding 40 years from their
682 respective dates, bear interest at such rate or rates, not
683 exceeding the maximum rate fixed by general law for authorities,

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684 be in such denominations, be in such form, either coupon or
685 fully registered, carry such registration, exchangeability, and
686 interchangeability privileges, be payable in such medium of
687 payment and at such place or places, be subject to such terms of
688 redemption, and be entitled to such priorities of lien on the
689 revenues, other available moneys, and any ~~the Hillsborough~~
690 county gasoline tax funds as such resolution or any resolution
691 subsequent thereto may provide. The bonds shall be executed
692 ~~either~~ by manual or facsimile signature by such officers as the
693 authority determines ~~shall determine~~, provided that such bonds
694 shall bear at least one signature that ~~which~~ is manually
695 executed thereon. The coupons attached to such bonds shall bear
696 the facsimile signature or signatures of such officer or
697 officers as shall be designated by the authority. Such bonds
698 shall have the seal of the authority affixed, imprinted,
699 reproduced, or lithographed thereon.

700 (b) The bonds issued pursuant to paragraph (1)(a) or
701 paragraph (1)(b) shall be sold at public sale in the same manner
702 provided in the State Bond Act. However, if the authority
703 determines, by official action at a public meeting, that a
704 negotiated sale of such bonds is in the best interest of the
705 authority, the authority may negotiate the sale of such bonds
706 with the underwriter or underwriters designated by the authority
707 and the Division of Bond Finance within the State Board of
708 Administration with respect to bonds issued pursuant to

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709 paragraph (1) (a) or solely by the authority with respect to
710 bonds issued pursuant to paragraph (1) (b). The authority's
711 determination to negotiate the sale of such bonds may be based,
712 in part, upon the written advice of the authority's financial
713 adviser. Pending the preparation of definitive bonds, temporary
714 bonds or interim certificates may be issued to the purchaser or
715 purchasers of such bonds and may contain such terms and
716 conditions as the authority determines ~~may determine~~.

717 (3) Any such resolution or resolutions authorizing any
718 bonds may contain provisions that ~~which~~ shall be part of the
719 contract with the holders of such bonds, as to:

720 (a) The pledging of all or any part of the expressway
721 system revenues, the ~~Hillsborough~~ county gasoline tax funds, or
722 other moneys lawfully available therefor.

723 (b) The construction, reconstruction, improvement,
724 extension, repair, maintenance, operation, lease, or lease-
725 purchase of the expressway system, or any part or parts thereof,
726 and the duties and obligations of the authority and others,
727 including the department, with reference thereto.

728 (c) Limitations on the purposes to which the proceeds of
729 the bonds, then or thereafter to be issued, or of any loan or
730 grant by any federal agency or the state or any political
731 subdivision thereof may be applied.

732 (d) The fixing, charging, establishing, revising,
733 increasing, reducing, and collecting of tolls, rates, fees,

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734 rentals, or other charges for use of the services and facilities
735 of the expressway system or any part thereof.

736 (e) The setting aside of reserves or of sinking funds and
737 the regulation and disposition thereof.

738 (f) Limitations on the issuance of additional bonds.

739 (g) The terms and provisions of any lease-purchase
740 agreement, deed of trust, or indenture securing the bonds, ~~or~~
741 under which such bonds ~~same~~ may be issued.

742 (h) Any other or additional matters, ~~of~~ like or different
743 character, ~~which~~ in any way affect the security or protection of
744 the bonds.

745 (4) The authority may enter into any deeds of trust,
746 indentures, or other agreements with any bank or trust company
747 within or without the state, as security for such bonds, and
748 may, under such agreements, assign and pledge all or any of the
749 expressway system revenues and other available moneys, including
750 all or any portion of any ~~the Hillsborough~~ county gasoline tax
751 funds, pursuant to the terms of this part. Such deed of trust,
752 indenture, or other agreement, ~~may~~ contain such provisions as
753 are customary in such instruments or as the authority may
754 authorize, including, but not limited to ~~without limitation~~,
755 provisions as to:

756 (a) The pledging of all or any part of the expressway
757 system revenues, any ~~the Hillsborough~~ county gasoline tax funds,
758 or other moneys lawfully available therefor.

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759 (b) The application of funds and the safeguarding of funds
760 on hand or on deposit.

761 (c) The rights and remedies of the trustee and the holders
762 of the bonds.

763 (d) The terms and provisions of the bonds or the
764 resolutions authorizing the issuance of such bonds ~~the same~~.

765 (e) Any other or additional matters~~,~~ of like or different
766 character~~,~~ which in any way affect the security or protection of
767 the bonds.

768 (5) ~~Any of~~ The bonds issued pursuant to this part are~~,~~ and
769 ~~are hereby declared to be,~~ negotiable instruments~~,~~ and shall
770 have all the qualities and incidents of negotiable instruments
771 under the law merchant and the negotiable instruments law of the
772 state.

773 (6) It is the intention hereof that any pledge made by the
774 authority shall be valid and binding from the time when the
775 pledge is made; that the moneys so pledged and thereafter
776 received by the authority shall immediately be subject to the
777 lien of such pledge without any physical delivery thereof or
778 further act, and that the lien of any such pledge shall be valid
779 and binding as against all parties having claims of any kind in
780 tort, contract, or otherwise against the authority, irrespective
781 of whether such parties have notice thereof. A ~~Neither the~~
782 resolution or ~~nor any~~ other instrument by which a pledge is
783 created is not required to ~~need~~ be recorded.

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784 (7) A member or other ~~Neither the members nor any person~~
785 executing the bonds is not ~~shall be~~ liable personally on the
786 bonds or ~~be~~ subject to any personal liability or accountability
787 by reason of the issuance thereof.

788 (8) The authority may, ~~shall have power~~ out of any funds
789 available therefor, ~~to~~ purchase bonds, which shall thereupon be
790 canceled, at a price not exceeding, if the bonds are then
791 redeemable, the redemption price then applicable plus accrued
792 interest to the next date of redemption thereof, or if the bonds
793 are not then redeemable, the redemption price applicable on the
794 first date after such purchase upon which the bonds become
795 subject to redemption plus accrued interest to such ~~said~~ date.

796 Section 15. Section 348.57, Florida Statutes, is amended
797 to read:

798 348.57 Refunding bonds.—

799 (1) Subject to public notice as provided in s. 348.54, the
800 authority may ~~is authorized to~~ provide by resolution for the
801 issuance from time to time of bonds pursuant to s. 348.56(1)(b)
802 for the purpose of refunding any bonds then outstanding
803 regardless of whether the bonds being refunded were issued by
804 the authority pursuant to this chapter or on behalf of the
805 authority pursuant to the State Bond Act. The authority is
806 further authorized to provide by resolution for the issuance of
807 bonds for the combined purpose of:

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808 (a) Paying the cost of constructing, reconstructing,
809 improving, extending, repairing, maintaining, and operating the
810 expressway system.

811 (b) Refunding bonds then outstanding. The authorization,
812 sale, and issuance of such obligations, the maturities and other
813 details thereof, the rights and remedies of the holders thereof,
814 and the rights, powers, privileges, duties, and obligations of
815 the authority with respect to such bonds ~~the same~~ shall be
816 governed by ~~the foregoing provisions of~~ this part insofar as ~~the~~
817 ~~same~~ may be applicable.

818 (2) In the event that the authority determines ~~shall~~
819 ~~determine~~ to issue bonds for the purpose of refunding any
820 outstanding bonds before ~~prior to~~ the maturity thereof, the
821 proceeds of such refunding bonds may, pending the redemption of
822 the bonds to be refunded, be invested in direct obligations of
823 the United States. It is the express intention of this part that
824 outstanding bonds may be refunded and retired by and upon the
825 issuance of bonds notwithstanding that all or a portion of such
826 outstanding bonds will not mature or become redeemable until
827 after the date of issuance of such refunding bonds.

828 Section 16. Section 348.58, Florida Statutes, is amended
829 to read:

830 348.58 Remedies.—

831 (1) The rights and ~~the remedies herein~~ conferred upon or
832 granted to the bondholders shall be in addition to and not in

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833 limitation of any rights and remedies lawfully granted to such
834 bondholders by the resolution or resolutions or indenture
835 providing for the issuance of bonds, or by any lease-purchase
836 agreement, deed of trust, indenture, or other agreement under
837 which the bonds may be issued or secured. In the event that the
838 authority defaults ~~shall default~~ in the payment of the principal
839 of or interest on any of the bonds issued pursuant to ~~the~~
840 ~~provisions of~~ this part after such principal of or interest on
841 the bonds has ~~shall have~~ become due, whether at maturity or upon
842 call for redemption, as provided in said resolution or
843 indenture, or in the event that the lessee defaults ~~shall~~
844 ~~default~~ in any payments under, or covenants made in, any lease-
845 purchase agreement and such default continues ~~shall continue~~ for
846 ~~a period of~~ 30 days, or in the event that the authority or the
847 lessee fails ~~shall fail~~ or refuses ~~refuse~~ to comply with ~~the~~
848 ~~provisions of~~ this part or any agreement made with, or for the
849 benefit of, the holders of the bonds, the holders of 25 percent
850 in aggregate principal amount of the bonds then outstanding
851 shall be entitled as of right to the appointment of a trustee to
852 represent such bondholders for the purposes hereof. ~~;~~ ~~provided,~~
853 However, ~~that~~ such holders of 25 percent in aggregate principal
854 amount of the bonds then outstanding must ~~shall have~~ first give
855 ~~given written notice of their intention to appoint a trustee,~~ to
856 the authority and to such lessee written notice of their
857 intention to appoint a trustee.

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858 (2) Such trustee, and any trustee under any deed of trust,
859 indenture, or other agreement, may, and upon written request of
860 the holders of 25 percent, or such other percentages as may be
861 specified in any deed of trust, indenture, or other agreement
862 aforesaid, in principal amount of the bonds then outstanding,
863 shall, in any court of competent jurisdiction, in his, her, or
864 its own name:

865 (a) By mandamus or other suit, action, or proceeding at
866 law, or in equity, enforce all rights of the bondholders,
867 including the right to require the authority to fix, establish,
868 maintain, collect, and charge rates, fees, rentals, and other
869 charges, adequate to carry out any agreement as to, or pledge
870 of, the expressway system revenues, and to require the authority
871 to carry out any other covenants and agreements with or for the
872 benefit of the bondholders, and to perform its and their duties
873 under this part.

874 (b) By mandamus or other suit, action, or proceeding at
875 law, or in equity, enforce all rights of the bondholders under
876 or pursuant to any lease-purchase agreement, including the right
877 to require the lessee to make all rental payments required to be
878 made by it under ~~the provisions of~~ any such lease-purchase
879 agreement, whether from the ~~Hillsborough~~ county gasoline tax
880 funds or other funds so agreed to be paid and to require the
881 lessee to carry out any other covenants and agreements with or

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882 for the benefit of the bondholders and to perform its and their
883 duties under this part.

884 (c) Bring suit upon the bonds.

885 (d) By action or suit in equity require the authority or
886 any lessee under any lease-purchase agreement to account as if
887 it were the trustee of an express trust for the bondholders.

888 (e) By action or suit in equity, enjoin any acts or things
889 that ~~which~~ may be unlawful or in violation of the rights of the
890 bondholders.

891 (3) Any trustee when appointed ~~as aforesaid~~, or acting
892 under a deed of trust, indenture, or other agreement, and
893 regardless of whether ~~or not~~ all bonds have been declared due
894 and payable, shall be entitled as of right to the appointment of
895 a receiver, who may enter upon and take possession of the
896 expressway system or the facilities or any part or parts
897 thereof, the expressway system revenues, and other pledged
898 moneys and, subject to and in compliance with ~~the provisions of~~
899 any lease-purchase agreement, operate and maintain the same, for
900 and on behalf of and in the name of, the authority, the lessee,
901 and the bondholders, and collect and receive all expressway
902 system revenues and other pledged moneys in the same manner as
903 the authority or the lessee might do, and shall deposit all such
904 revenues and moneys in a separate account and apply the same in
905 such manner as the court directs ~~shall direct~~. In any suit,
906 action, or proceeding by the trustee, the fees, counsel fees,

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907 and expenses of the trustee, and such ~~said~~ receiver, if any, and
908 all costs and disbursements allowed by the court shall be a
909 first charge on any expressway system revenues. Such trustee
910 shall, in addition to the foregoing, have and possess all of the
911 powers necessary or appropriate for the exercise of any
912 functions specifically set forth herein or incident to the
913 representation of the bondholders in the enforcement and
914 protection of their rights.

915 (4) ~~Nothing in~~ This section or any other section of this
916 part does not ~~shall~~ authorize any receiver appointed pursuant
917 hereto for the purpose, subject to and in compliance with ~~the~~
918 ~~provisions of~~ any lease-purchase agreement, of operating and
919 maintaining the expressway system or any facilities or part or
920 parts thereof, to sell, assign, mortgage, or otherwise dispose
921 of any of the assets of whatever kind and character belonging to
922 the authority. It is the intention of this part to limit the
923 powers of such receiver, subject to and in compliance with ~~the~~
924 ~~provisions of~~ any lease-purchase agreement, to the operation and
925 maintenance of the system, or any facility or part or parts
926 thereof, as the court directs ~~may direct~~, in the name and for
927 and on behalf of the authority, the lessee, and the bondholders,
928 and a ~~no~~ holder of bonds or a ~~nor any~~ trustee does not, ~~shall~~
929 ~~ever~~ have the right in any suit, action, or proceeding at law,
930 or in equity, to compel a receiver, nor shall any receiver be
931 authorized, or any court be empowered to direct the receiver, to

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932 sell, assign, mortgage, or otherwise dispose of any assets of
933 whatever kind or character belonging to the authority.

934 Section 17. Section 348.59, Florida Statutes, is amended
935 to read:

936 348.59 Traffic control.—

937 (1) In addition to the powers conferred by the statutes of
938 the state and by city ~~the ordinances of the city~~, the authority
939 may adopt ~~is hereby authorized to promulgate~~ such rules and
940 regulations for the use and occupancy of the expressway system
941 as may be necessary and proper for the public safety and
942 convenience, for the preservation of its property, and for the
943 collection of tolls.

944 (2) The enforcement of the rules and regulations of the
945 authority and of those provisions of the statutes and ordinances
946 applicable to the expressway system may be by a ~~the~~ city police
947 department or ~~and~~ sheriff of a Hillsborough county within the
948 jurisdiction of which a transportation facility is located. ~~;~~
949 ~~provided,~~ However, ~~that~~ at the request of the authority, such
950 enforcement shall also be the duty of the Florida Highway
951 Patrol. Violators shall be apprehended and prosecuted in the
952 same manner as provided for the apprehension and prosecution of
953 violators of such statutes and ordinances who commit violations
954 thereof upon streets, roads, and thoroughfares in the state.

955 Section 18. Section 348.63, Florida Statutes, is amended
956 to read:

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957 348.63 Cooperation with other units, boards, agencies, and
958 individuals.—Express authority and power is ~~hereby given and~~
959 granted to any county, municipality, drainage district, road and
960 bridge district, school district, or any other political
961 subdivision, board, authority, corporation, or individual in or
962 of the state to make and enter into with the authority
963 contracts, leases, conveyances, or other agreements within the
964 provisions and purposes of this part. The authority may ~~is~~
965 ~~hereby expressly authorized to~~ make and enter into contracts,
966 leases, conveyances, and other agreements with any political
967 subdivision, agency, or instrumentality of the state and any and
968 all federal agencies, corporations, and individuals for the
969 purpose of carrying out the provisions of this part.

970 Section 19. Section 348.64, Florida Statutes, is amended
971 to read:

972 348.64 Covenant of the state.—The state pledges ~~does~~
973 ~~hereby pledge to~~ and agrees ~~agree~~ with the holders ~~from time to~~
974 ~~time~~ of the bonds that the state will not limit or alter the
975 rights ~~hereby~~ vested in the authority, the department, a ~~the~~
976 county, and a ~~the~~ city to collect expressway system revenues,
977 ~~and Hillsborough~~ county gasoline tax funds, and any other moneys
978 and to fulfill the terms of any agreements made with the holders
979 of bonds or to in any way impair the rights and remedies of such
980 holders until such bonds and the interest due thereon have been
981 paid. The state ~~does~~ further pledges ~~pledge~~ to and agrees ~~agree~~

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982 with the United States and any federal agency that, in the event
983 any federal agency constructs ~~shall construct~~ or contributes
984 ~~contribute~~ funds for the construction, reconstruction,
985 extension, or improvement of the expressway system or any part
986 thereof, the state will not alter or limit the rights of the
987 authority, the department, a the county, or a the city in any
988 manner ~~which would be~~ inconsistent with the continued
989 maintenance or operation of the system or the construction,
990 reconstruction, extension, or improvement thereof and ~~which~~
991 ~~would be~~ inconsistent with the due performance of any agreements
992 between the authority and any such federal agency. The
993 authority, the department, a the county, and a the city shall
994 continue to have and may exercise all powers herein granted so
995 long as such powers are ~~the same shall be~~ necessary or desirable
996 for the carrying out of the purposes of this part.

997 Section 20. Section 348.65, Florida Statutes, is amended
998 to read:

999 348.65 Exemption from taxation.—The effectuation of the
1000 authorized purposes of the authority created under this part is~~7~~
1001 ~~shall and will be~~ in all respects for the benefit of the people
1002 of the state for the increase of their commerce and~~7~~ prosperity
1003 and for the improvement of their health and living conditions.
1004 Since the authority will perform essential governmental
1005 functions in effectuating such purpose, the authority is ~~shall~~
1006 not ~~be~~ required to pay ~~any~~ taxes or assessments of any kind ~~or~~

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1007 ~~nature whatsoever~~ upon any property acquired or used by it for
1008 such purposes or upon any expressway system revenues at any time
1009 received by it. The bonds, their transfer, and the income
1010 therefrom, including any profits made on the sale thereof, are
1011 ~~shall at all times be~~ free from taxation of any kind by the
1012 state or by any political subdivision or other taxing agency or
1013 instrumentality thereof. The exemption granted by this section
1014 does not apply ~~shall not be applicable~~ to any tax imposed by
1015 chapter 220 on interest, income, or profits on debt obligations
1016 owned by corporations.

1017 Section 21. Section 348.67, Florida Statutes, is amended
1018 to read:

1019 348.67 Pledges enforceable for bondholders.—It is the
1020 intent ~~express intention~~ of this part that any pledge of
1021 expressway system revenues, ~~Hillsborough~~ county gasoline tax
1022 funds, or other funds either as rentals to the authority or for
1023 the payment of the principal of and interest on bonds, or any
1024 covenant or agreement relative thereto, may be enforceable in
1025 any court of competent jurisdiction against the authority or
1026 directly against the department, a ~~the~~ county, or a ~~the~~ city, as
1027 may be appropriate.

1028 Section 22. The Division of Law Revision is directed to
1029 replace the phrase "the effective date of this act" wherever it
1030 occurs in this act with the date the act becomes a law.

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1031 Section 23. This act shall take effect upon becoming a
1032 law.

1033
1034 -----

1035 **T I T L E A M E N D M E N T**

1036 Remove everything before the enacting clause and insert:

1037 A bill to be entitled

1038 An act relating to the Tampa-Hillsborough County
1039 Expressway Authority; amending s. 348.50, F.S.;
1040 renaming the Tampa-Hillsborough County Expressway
1041 Authority as the "West Florida Expressway Authority";
1042 amending s. 348.51, F.S.; revising and defining terms;
1043 amending s. 348.52, F.S.; providing for the transfer
1044 of governance and control, property and legal rights,
1045 powers, responsibilities, and obligations from the
1046 Tampa-Hillsborough County Expressway Authority to the
1047 West Florida Expressway Authority; providing terms and
1048 conditions of the transfer; revising the composition
1049 of the governing body of the authority; revising
1050 requirements for membership and terms; providing for
1051 expansion of the authority's jurisdictional
1052 boundaries; amending s. 348.53, F.S.; revising the
1053 purposes of the authority; authorizing the authority
1054 to construct certain facilities within the expressway
1055 system; specifying that such authorization does not

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1056 extend to appurtenant facilities without the advance
1057 written consent of the owner of the underlying right-
1058 of-way; specifying that transportation facilities
1059 become part of the expressway system upon the
1060 authority governing board's designation; amending s.
1061 348.54, F.S.; limiting the use of certain toll
1062 revenues; providing exceptions; deleting provisions
1063 relating to interest on gasoline tax funds repaid to
1064 Hillsborough County; revising powers of the authority;
1065 amending s. 348.565, F.S.; revising projects approved
1066 for financing or refinancing through revenue bonds;
1067 amending s. 348.60, F.S.; excluding the department
1068 from the agencies with which the authority is
1069 authorized to enter into lease-purchase agreements;
1070 revising provisions relating to the pledge of surplus
1071 gasoline tax funds under a lease-purchase agreement;
1072 deleting a provision specifying that the system is
1073 part of the state road system; conforming provisions
1074 to changes made by the act; amending s. 348.61, F.S.;
1075 updating terminology; amending s. 348.62, F.S.;
1076 specifying lands and property the authority may
1077 acquire; repealing ss. 348.68 and 348.681, F.S.,
1078 relating to consultation with the Hillsborough County
1079 City-County Planning Commission and design standards,
1080 respectively; renumbering and amending s. 348.70,

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1283 (2021)

Amendment No. 1

1081 F.S.; conforming provisions to changes made by the
1082 act; amending ss. 343.975, 348.545, 348.56, 348.57,
1083 348.58, 348.59, 348.63, 348.64, 348.65, and 348.67,
1084 F.S.; conforming provisions to changes made by the
1085 act; providing a directive to the Division of Law
1086 Revision; providing an effective date.
1087