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# **Committee on Infrastructure**

**Friday, February 8, 2008  
10:45 AM – 1:00 PM  
404 HOB**

**MEETING PACKET**

**Marco Rubio  
Speaker**

**Richard Glorioso  
Chair**



# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

**Speaker Marco Rubio**

### Committee on Infrastructure

**Start Date and Time:** Friday, February 08, 2008 10:45 am or 15 minutes upon adjournment of the Council  
**End Date and Time:** Friday, February 08, 2008 01:00 pm  
**Location:** 404 HOB  
**Duration:** 2.25 hrs

**Consideration of the following bill(s):**

HB 249 School Zone Signs by Gibson, H.  
HB 287 Department of Transportation by Frishe  
HB 311 Jacksonville Transportation Authority by Gibson, A.  
HB 371 Specialty License Plates by Proctor

**NOTICE FINALIZED on 02/01/2008 16:07 by RKW**









HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 249 School Zone Signs

SPONSOR(S): Gibson, H.

TIED BILLS: IDEN./SIM. BILLS: SB 382

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Infrastructure</u>	_____	Cortese 	Miller 
2) <u>Economic Expansion &amp; Infrastructure Council</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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SUMMARY ANALYSIS

This bill requires that certain signs contain a warning statement regarding increased fines for speeding in school zones. The new school zone sign would read: "Speeding fines are doubled in school zones." The new language would apply to all new or replacement signs erected after July 1, 2008.

Currently, the law requires that a person exceeding the speed limit by more than 5 miles per hour in a school zone pay a fine double the prescribed amounts. Current law does not, however, require that school zone signs have the statement, "Speeding fines are doubled in school zones," printed on the signs. By adding this language to school zone signs, the modification would mirror the notification required in other areas where speeding fines are doubled.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Promote Personal Responsibility-** This bill increases personal accountability by clearly outlining the outcome of unlawful behavior.

#### B. EFFECT OF PROPOSED CHANGES:

Current law<sup>1</sup> requires that a person exceeding the speed limit by more than 5 miles per hour in a school zone pay a fine double the amounts specified in statute.<sup>2</sup> Current law does not, however, require that school zone signs have the statement, "Speeding fines are doubled in school zones," printed on the signs.

Current law also states that a school zone speed limit may not be less than 15 miles per hour except by local regulation. No school zone speed limit shall be more than 20 miles per hour in an urbanized area.<sup>3</sup> Current law also specifies when school zone speed limits are enforced. "Such speed limit may be in force only during those times 30 minutes before, during, and 30 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session."<sup>4</sup> This bill does not change the times in which a school zone infraction is enforced, nor does it increase subsequent penalties.

HB 249 would require that any new or replacement school zone sign erected on or after July 1, 2008, have the statement "Speeding fines are doubled in school zones" clearly printed thereon. This bill would make the school zone notification similar to the notification required in a construction zone. Florida law states that "A person cited for exceeding the speed limit in a posted construction zone, which posting must include notification of the speed limit and the doubling of fines, shall pay a fine double the amount listed..."<sup>5</sup> By adding notification as a requirement for new and replacement school zone signs, the Department of Transportation would mirror the current practice in other areas where speeding fines are doubled.

#### C. SECTION DIRECTORY:

**Section 1.** Amends s. 316.1895, F.S.; requiring that certain signs contain a warning statement regarding increased fines for speeding in school zones.

**Section 2.** Provides an Effective Date of July 1, 2008.

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<sup>1</sup> S. 318.18(3)(c), F.S.

<sup>2</sup> S. 318.18(3)(b), F.S.

<sup>3</sup> S. 334.03, F.S.

<sup>4</sup> S. 316.1895(5), F.S.

<sup>5</sup> S. 318.18(3)(d), F.S.



## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

There would be an insignificant fiscal impact that would be absorbed within existing Department of Transportation resources.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

3. Other:

None

**B. RULE-MAKING AUTHORITY:**

N/A

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

The text on current signs posted in areas where speeding fines are doubled is slightly shorter than that in the bill. The Department of Transportation's Traffic Operations Office advises that fewer words per sign facilitate driver ability to read and understand the message.<sup>6</sup> In keeping with current practice in other areas where speeding fines are doubled, the department recommends that the signs in school zones should simply read: "Speeding Fines Doubled." According to the Department of Transportation, this change will also alleviate any difficulty that could arise in meeting the Manual on Uniform Traffic Control Devices (MUTCD) minimum clearance of 5-feet from the bottom of the sign.

**D. STATEMENT OF THE SPONSOR**

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

1                                   A bill to be entitled  
 2           An act relating to school zone signs; amending s.  
 3           316.1895, F.S.; requiring that certain signs contain a  
 4           warning statement regarding increased fines for speeding  
 5           in school zones; providing an effective date.

6  
 7   Be It Enacted by the Legislature of the State of Florida:

8  
 9           Section 1. Subsection (6) of section 316.1895, Florida  
 10          Statutes, is amended to read:

11           316.1895 Establishment of school speed zones, enforcement;  
 12          designation.--

13           (6) Permanent signs designating school zones and school  
 14          zone speed limits shall be uniform in size and color, and shall  
 15          have the times during which the restrictive speed limit is  
 16          enforced clearly designated thereon. Flashing beacons activated  
 17          by a time clock, or other automatic device, or manually  
 18          activated may be used as an alternative to posting the times  
 19          during which the restrictive school speed limit is enforced. Any  
 20          new or replacement school zone sign erected on or after July 1,  
 21          2008, shall have the statement "Speeding fines are doubled in  
 22          school zones" clearly printed thereon. The Department of  
 23          Transportation shall establish adequate standards for the signs  
 24          and flashing beacons.

25           Section 2. This act shall take effect July 1, 2008.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 249

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

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1 Council/Committee hearing bill: Infrastructure  
2 Representative H. Gibson offered the following:

3  
4 **Amendment**

5 Remove line(s) 19-22 and insert:  
6 during which the restrictive school speed limit is enforced.  
7 Beginning July 1, 2008, for any newly established school zone or  
8 any school zone in which the signing has been replaced, a sign  
9 stating "Speeding Fines Doubled" shall be installed within the  
10 school zone. The Department of









HOUSE OF REPRESENTATIVES STAFF ANALYSIS



BILL #: HB 287

Department of Transportation

SPONSOR(S): Frishe

TIED BILLS:

IDEN./SIM. BILLS: SB 554

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Infrastructure</u>		Creamer 	Miller 
2) <u>Economic Expansion &amp; Infrastructure Council</u>			
3) <u>Policy &amp; Budget Council</u>			
4) _____			
5) _____			

SUMMARY ANALYSIS

The Pinellas Bayway System is a series of bridges on two Florida State Roads in Pinellas County, Florida. It is a toll road complex maintained and operated by the Florida Department of Transportation. It also is compatible with the SunPass electronic toll collection system currently used on all other FDOT-owned toll roads. The Bayway connects south St. Petersburg to south St. Petersburg Beach and south to Mullet Key.

House Bill 287 repeals Ch. 85-364, L.O.F., as amended by Ch. 95-382, L.O.F., which relates to the collection of tolls on the Pinellas Bayway System. These Chapter Laws established the current toll rate of \$0.50 for the eastern and western toll plazas and a \$50 toll for the general public's annual pass on the Pinellas Bayway System. In addition to these toll rates, Bayway Isle residents may purchase a Bayway Isle annual pass for \$15 annually, allowing them unlimited passage through the northeast toll plaza only. This discount was authorized at the time of the original construction of the facility and is included as a part of the right-of-way settlement. Repeal of this law will enable the department to establish the rates for tolls and the general public annual pass through its current toll-setting authority.

The estimated toll increases will generate an additional \$3.5 million in fiscal year 2008-09 and \$3.7 million for fiscal year 2009-10. These additional revenues will provide for annual debt service on approximately \$122 million in bond sales. These bond issuances will be used to finance the unfunded portion of construction of the new Pinellas Bayway and Tierra Verde bridges.

The bill will take effect upon becoming law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House principles.

### B. EFFECT OF PROPOSED CHANGES:

#### Current Situation

##### Pinellas Bayway

The Pinellas Bayway consists of a series of causeways and bridges providing a connection between St. Petersburg Beach, Fort DeSoto Park and I-275 in south St. Petersburg.

Toll rates and the general public annual pass have not changed since 1986. Current toll rates are \$0.50 for the eastern and western toll plazas, \$0.35 for the south toll plaza, and \$50 for the general public's annual pass on the Pinellas Bayway System. In addition to these toll rates, Bayway Isle residents may purchase a Bayway Isle annual pass for \$15 annually, allowing them unlimited passage through the northeast toll plaza only. This discount was authorized at the time of the original construction of the facility. In FY 2007, total revenues amounted to approximately \$3.7 million on the Pinellas Bayway System.

The current toll structure is:

Year	Cash		SunPass		General Public Pass	Resident Pass
	East/West Plaza	South Plaza	East/West Plaza	South Plaza		
2008	\$0.50	\$0.35	\$0.50	\$0.35	\$50.00	\$15.00

Currently, there are 11,274 General Pass holders and 731 Residential Pass holders.

There are no bonds outstanding backed by toll revenues of this facility<sup>1</sup>. Revenues after the cost of operations are being accumulated along with interest earnings for projects in Pinellas County in accordance with Ch. 85-364, L.O.F., as amended by Ch. 95-382, L.O.F. These accumulated funds were used for the construction of Blind Pass Road and State Road 699 improvements. Currently, these funds are being used for the construction of Phase II of the Pinellas Bayway improvements in accordance with the law.

Section 338.165, F.S., provides legislative authority to issue bonds to fund transportation projects located within the county or counties in which the project is located. Ch. 85-364, L.O.F., as amended by Ch. 95-382, L.O.F., requires that toll revenues in excess of operation expenses is first to be utilized to pay for construction costs of the Blind Pass Road Project and Phase II prior to repaying long-term debt. STTF pays all maintenance expenses and resurfacing and rehabilitation costs and records them as long-term debt<sup>1</sup>.

<sup>1</sup> Florida Department of Transportation's Bond Financing report dated December 2006.

Department of Transportation Tolling Authority

The Department of Transportation is required by s. 338.165, F.S., to index toll rates on existing toll facilities to the annual Consumer Price Index or similar inflation indicators. Toll rate adjustments for inflation under current law are to be made no more frequently than once a year and must be made no less frequently than once every 5 years as necessary to accommodate cash toll rate schedules. Toll rates may be increased beyond these limits as directed by bond documents, covenants, or governing body authorization or pursuant to department administrative rule.

**Proposed Changes**

The bill repeals Ch. 85-364, L.O.F., as amended by Ch. 95-982, L.O.F. House Bill 287 would allow the department to establish appropriate toll rates through the current toll-setting authority as set forth in s. 338.165, F.S.

The additional revenue from the increased tolls would be used to finance the construction of the Pinellas Bayway and Tierra Verde bridges. The department has proposed a toll rate schedule to provide the required financing of \$179.6 million to replace both drawbridges and complete minor toll plaza upgrades. Replacing both drawbridges with higher bridges that do not open for boats will improve hurricane evacuation capability and accessibility in the area.

The proposed toll rate increase would go into effect beginning in FY 2009.

C. SECTION DIRECTORY:

**Section 1.** Repeals Ch. 85-364, L.O.F., as amended by Ch. 95-982, L.O.F., relating to the collection of tolls on the Pinellas Bayway and the use of toll revenues.

**Section 2.** Provides an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The estimated revenue impact for fiscal year 2008-09 is \$3.5 million and for fiscal year 2009-10 the estimate is \$3.7 million. The revenues generated from increased tolls will be used as debt service payments on \$122 million in bond sales. The planned toll increases are as follows:

Year	Cash		SunPass		General Public Pass	Resident Pass
	East/West Plaza	South Plaza	East/West Plaza	South Plaza		
2008	\$0.50	\$0.35	\$0.50	\$0.35	\$50.00	\$15.00
2009	\$1.25	\$2.50	\$1.00	\$2.00	\$125.00	Discontinued

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

Local governments would be impacted to the extent that they pay tolls to conduct their normal business. The effect would be that toll costs for local governments using the Pinellas Bayway System would increase to the levels shown in section A.1. above. However, the construction of the Pinellas Bayway and Tierra Verde bridges, which would be financed by the increased tolls, would aid local governments during hurricane evacuations and other types of emergencies.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The current general public private sector users of the Pinellas Bayway System would pay higher tolls to use the facility. However, the increased revenue used to finance the Pinellas Bayway and Tierra Verde bridges would increase capacity on the Pinellas Bayway System and improve accessibility to the area.

The residents of Bayway Isles, who currently pay an annual toll of \$15 dollars to travel through the eastern terminus of the bridge, would be required to pay tolls as shown in section A.1. above.

D. FISCAL COMMENTS:

According to DOT, there are currently \$58 million in available revenues. The total cost of constructing the new Pinellas Bayway and Tierra Verde bridges as well as the toll plaza upgrades is approximately \$180 million. The planned increase in tolls will allow the department to fund the remaining \$122 million by issuance of bonds backed by the revenues from the increase in tolls.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

3. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

The residents of Bayway Isles currently pay \$15 to travel through the eastern terminus of the bridge.

The residents of Terre Verde currently pay a rate of \$50 for their pass and have expressed displeasure with the fact that the residents of Bayway Isles have a \$15 pass rate.

It is unclear whether litigation could result from either maintaining the different rates for annual passes depending upon where the pass holder resides or from eliminating the lower rate which was created as part of a right-of-way settlement negotiated at the time the Pinellas Bayway was originally constructed in 1985.

DOT indicates that all right-of-way bonds issued for this construction have been satisfied and that very few of the residents included in the original agreement continue to reside in Bayway Isles. In addition, DOT has stated that if the residents of Bayway Isles initiate litigation and prevail, the increased toll estimated from the 731 current \$15 pass holders will not impair the planned projects if it does not materialize.

D. STATEMENT OF THE SPONSOR

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**



HB 287

2008

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A bill to be entitled  
An act relating to the Department of Transportation;  
repealing chapter 85-364, Laws of Florida, as amended,  
relating to the collection of tolls on the Pinellas Bayway  
and the use of toll revenues; providing an effective date.

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

Section 1. Chapter 85-364, Laws of Florida, as amended by  
chapter 95-382, Laws of Florida, is repealed.

Section 2. This act shall take effect upon becoming a law.









**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 311 Jacksonville Transportation Authority

**SPONSOR(S):** Gibson

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Infrastructure</u>	_____	Creamer <i>CC</i>	Miller <i>PM</i>
2) <u>Economic Expansion &amp; Infrastructure Council</u>	_____	_____	_____
3) <u>Policy &amp; Budget Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

**SUMMARY ANALYSIS**

The Florida Legislature established the Jacksonville Expressway Authority in 1955. The Authority focused solely on roads and bridges until 1971, when City Coach Company sold its operations to the Authority, and the Jacksonville Transportation Authority (JTA) was formed. The JTA, an independent state agency serving Duval County, has multi-modal responsibilities. The JTA designs and constructs bridges and highways and provides varied mass transit services. House Bill 311 makes numerous changes to the authority's powers, duties and responsibilities to make JTA's enabling language consistent with its current activities and mission. In addition to technical, clarification, and conforming language, the bill specifically:

- Modernizes language for the multi-modal nature of modern transportation;
- Reinforces JTA's intent to have operating reserves in place to be used to mitigate increases in fuel and/or labor costs;
- Allows the JTA to enter into interlocal agreements for transportation purposes;
- Creates an employee benefit fund;
- Revises the authority's scope to include all of Duval County as opposed to the City of Jacksonville;
- Makes revisions to include all JTA transportation facilities to come under the chapter law where previously the Jacksonville Expressway System is specifically referenced;
- Provides language to incorporate powers necessary for the JTA to engage in public-private developments of transportation facilities; and
- Provides legislative approval for bond financing by the authority for transportation improvements.

The bill will take effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

Currently, there are five regional transportation authorities: the South Florida Regional Transportation Authority; the Central Florida Regional Transportation Authority; the Tampa Bay Commuter Transit Authority; Northwest Florida Regional Transportation Corridor Authority; and the Bay Area Regional Transportation Authority created in Ch. 343, F.S. There is one local transportation authority, the Jacksonville Transportation Authority; created in Ch. 349, F.S. These six authorities have various membership structures, powers and duties. All have some form of bond financing authority to carry out their individual transportation missions.

In 1955, the Jacksonville Expressway Authority was founded to build bridges and expressways in Duval County funded by toll revenues. A merger in 1971 of the original Expressway Authority and several private bus companies paved the way for the Jacksonville Transportation Authority (JTA) as it is known today. The Jacksonville Transportation Authority provides regional transit services and roadway infrastructure connecting Northeast Florida.

The governing body of the JTA consists of seven members. Three members are appointed by the Governor and confirmed by the Senate. Three members are appointed by the mayor of the City of Jacksonville and are subject to confirmation by the council of the City of Jacksonville. The seventh non-voting member is the district secretary of the Department of Transportation serving in the district that contains the City of Jacksonville. Except for the seventh member, members shall be residents and qualified electors of the City of Jacksonville and serve a term of four years.

##### **Proposed Changes**

House Bill 311 removes obsolete language and modernizes existing sections of Ch. 349, F.S., in an effort to provide consistency within the JTA statutes as compared to other transportation authorities in the state. Specifically, the bill:

##### Powers and Duties

- Clarifies the Authority is an agency of the state and not a component of any other political subdivision;
- Revises the Authority's membership, except the Department of Transportation's District Secretary, to be residents and qualified electors of Duval County, previously referenced as the City of Jacksonville;
- Revises the Authority's jurisdiction to include all of Duval County, previously referenced as the City of Jacksonville;

- Includes language that clarifies the Authority's intent to plan and develop multimodal transportation projects;
- Reinforces the Authority's intent to establish and maintain operating fund reserves to mitigate cost increases;
- Includes provisions that allow the authority to enter into interlocal agreements for transportation facilities;
- Allows the authority to establish an employee benefit fund;
- Modifies the Authority's public hearing process to reflect the absence of a planning board (the planning board no longer exist, but the public hearing process has been retained);
- Provides that the Authority is not subject to liability related to preexisting contamination of property acquired by the Authority due solely to its ownership; the liability of past owners is not affected.
- Allows the Authority to enter into lease-purchase agreements with DOT. DOT also may be appointed by the Authority as its agent to oversee construction of the system's components.
- Allows the Authority to enter into public-private partnerships to construct, operate, own, or finance transportation facilities that are part of the system;
- Clarifies the Authority's ability to set, collect and enforce tolls, fees, and other charges;

#### Bond Financing

- Provides legislative approval for bond financing by the Authority for transportation improvements;
- Clarifies the Authority's power to issue revenue bonds, either on its own or through the state Division of Bond Finance for construction of or improvements to commuter rail systems, transit systems, ferry systems, highways, bridges, toll collection facilities, interchanges, and any other transportation facility necessary to the system;
- Clarifies that bonds issued by the Authority or through the state Division of Bond Finance must conform to the State Bond Act requirements;
- Provides the bonds shall not be pledges against the credit of the State of Florida;
- Provides for rights and remedies of bondholders to take action upon default by the Authority or DOT to comply with provisions of any bond agreement.

#### Effects on Other Governmental Entities

HB 311 does not encroach on any existing laws relating to other governmental entities. The bill:

- Does not repeal, rescind, or modify any existing laws related to the State Board of Administration, the DOT, or the Division of Bond Finance.
- Does not preclude DOT from developing and producing projects in their five-year work program, which are on the state highway system in the same geographical area as the Jacksonville Transportation Authority.

C. SECTION DIRECTORY:

**Section 1.** Amends s. 349.02, F.S., revising current definitions and adding a new definition for the term "transportation facilities".

**Section 2.** Amends s. 349.03, F.S., specifying that the authority is an agency of the state and not a unit of any other political subdivision.

**Section 3.** Amends s. 349.04, F.S., revising the scope of the authority to include certain services throughout Duval County; revising authority, powers, rights, and responsibilities of the authority; revising bonding provisions; providing for the authority to fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for any transportation facilities of the authority; authorizing purchases under government contract; revising eminent domain provisions; authorizing use of local option taxes or county gasoline tax funds to secure the payment of bonds; authorizing the authority to establish and fund reserve accounts, adopt an annual budget, use purchasing schedules and master purchasing contracts, retain legal counsel and other consultants, construct and own and maintain transportation facilities outside the jurisdictional boundaries of Duval County, form public benefit corporations, require bid bonds and protest bonds, prequalify bidders or proposers, suspend or debar consultants and contractors, and create and operate an employees' benefit fund; providing for the authority to expand its service area and enter into a partnership with a contiguous county; providing that the powers and obligations of the authority shall not be subject to supervision, approval, or consent of any municipality or county except as agreed upon in an interlocal agreement; providing for certain contractual obligations and recovery of damages; providing for relocation of utility facilities interfering with transportation projects; authorizing the authority to enter lands, waters, and premises of another in the performance of its duties.

**Section 4.** Amends s. 349.041, F.S., revising provisions for funds appropriated by the City of Jacksonville to the authority.

**Section 5.** Repeals s. 349.042, F.S., relating to the Jacksonville area planning board review of construction and operation of expressway and transit functions of the authority.

**Section 6.** Creates s. 349.043, F.S., requiring a public hearing prior to the designation or relocation of transportation facilities or substantive changes to these facilities; providing for procedures related to these modifications; and requiring the authority to comply with federal requirements related to new or altered transportation facilities or services.

**Section 7.** Amends s. 349.05, F.S., authorizing bonds to be issued on behalf of the authority; revising provisions for the issuance and sale of bonds; authorizing certain refunding bonds; revising provisions for resolutions authorizing bonds; revising provisions for fiscal agents; and providing that bonds are not obligations of the state.

**Section 8.** Repeals s. 349.06, F.S., relating to remedies of bondholders.

**Section 9.** Creates s. 349.061, F.S., providing approval for the authority's bond financing.

**Section 10.** Amends s. 349.07, F.S., revising provisions authorizing the Department of Transportation to expend certain funds and use its resources for certain items related to the Jacksonville Expressway System.

**Section 11.** Amends s. 349.10, F.S., revising provisions for the authority to acquire lands and land rights; limiting liability of the authority with respect to certain contamination of lands acquired;

authorizing the authority and the Department of Environmental Protection to enter into agreements for the performance and funding of investigative and remedial acts.

**Section 12.** Amends s. 349.12, F.S., revising the covenant of the state related to bonds of the authority.

**Section 13.** Amends s. 349.13 F.S., specifying conditions under which property leased by the authority is exempt from ad valorem taxes.

**Section 14.** Amends s. 349.15 F.S., revising provisions for enforcement of rights by bondholders.

**Section 15.** Amends s. 349.17, F.S., revising provisions for application of and exemption from other laws relating to issuance of bonds.

**Section 16.** Amends s. 349.21, F.S., revising provisions for use of charter county transit system surtax funds.

**Section 17.** Creates s. 349.22, F.S., providing conditions for the authority to receive or solicit proposals and enter into agreements with private entities for the building, operation, ownership, or financing of highways, bridges, multimodal transportation systems, transit-oriented development nodes, transit stations, or related transportation facilities; requiring certain costs to be paid by the private entity; authorizing the department to use state funds for projects on or that increase mobility on the State Highway System; requiring notice of proposals and providing procedures; providing for agreements to authorize the public-private entity to impose tolls; requiring public-private transportation facilities to comply with laws, comprehensive plans, and the authority's rules, policies, procedures, standards, and conditions; authorizing the authority to exercise its powers to facilitate public-private projects; providing for application; providing an effective date.

**Section 18.** Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See D. Fiscal Comments, below.

2. Expenditures:

See D. Fiscal Comments, below.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See D. Fiscal Comments, below.

2. Expenditures:

See D. Fiscal Comments, below.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Economic impact to the private sector is unknown at this time, as no projects (or project details) have been identified. Tolls, fees or other charges to be collected by the Authority cannot be determined until projects are identified.

**D. FISCAL COMMENTS:**

The fiscal impacts to local governments and DOT, including tolls, fees and other charges, are unknown at this time as no projects or contractual agreements have been identified.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

This mandates provision is not applicable to HB 311 because the legislation does not require counties or municipalities to expend local funds or to raise local funds, nor does it reduce their state revenue-sharing.

**2. Other:**

None

**B. RULE-MAKING AUTHORITY:**

The bill creates s. 349.22, F.S., which gives the Authority rule-making powers to implement public-private partnerships.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

**D. STATEMENT OF THE SPONSOR**

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**



1                                   A bill to be entitled  
 2           An act relating to the Jacksonville Transportation  
 3           Authority; amending s. 349.02, F.S.; revising definitions;  
 4           defining the term "transportation facilities"; amending s.  
 5           349.03, F.S.; specifying that the authority is an agency  
 6           of the state and not a unit of any other political  
 7           subdivision; revising a requirement for membership on the  
 8           governing body of the authority to provide that an  
 9           appointed member must be a resident and elector of Duval  
 10          County; amending s. 349.04, F.S.; revising scope of the  
 11          authority to include certain services throughout Duval  
 12          County; revising authority, powers, rights, and  
 13          responsibilities of the authority to provide for planning,  
 14          coordinating, developing, financing, refinancing,  
 15          constructing, owning, leasing, purchasing, operating,  
 16          maintaining, relocating, equipping, repairing, and  
 17          managing described transportation projects intended to  
 18          address needs or concerns in the Jacksonville, Duval  
 19          County, metropolitan area; revising bonding provisions;  
 20          providing for the authority to fix, alter, charge,  
 21          establish, and collect rates, fees, rentals, and other  
 22          charges for any transportation facilities of the  
 23          authority; authorizing purchases under government  
 24          contract; revising eminent domain provisions to include  
 25          specified procedural powers; authorizing use of local  
 26          option taxes or county gasoline tax funds to secure the  
 27          payment of bonds; authorizing the authority to establish  
 28          and fund reserve accounts, adopt an annual budget, use

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

57 services; amending s. 349.05, F.S.; authorizing bonds to  
 58 be issued on behalf of the authority; revising provisions  
 59 for issuance and sale of bonds; authorizing certain  
 60 refunding bonds; revising provisions for resolutions  
 61 authorizing bonds; revising provisions for fiscal agents;  
 62 providing that bonds are not obligations of the state;  
 63 repealing s. 349.06, F.S., relating to remedies of the  
 64 bondholders; creating s. 349.061, F.S.; providing approval  
 65 for bond financing by the authority; amending s. 349.07,  
 66 F.S.; revising provisions authorizing the Department of  
 67 Transportation to expend certain funds and use its  
 68 resources for certain items related to the Jacksonville  
 69 Expressway System; amending s. 349.10, F.S.; revising  
 70 provisions for the authority to acquire lands and rights  
 71 therein; limiting liability of the authority with respect  
 72 to certain contamination of lands acquired; authorizing  
 73 the authority and the Department of Environmental  
 74 Protection to enter into agreements for the performance  
 75 and funding of investigative and remedial acts; amending  
 76 s. 349.12, F.S.; revising covenant of the state related to  
 77 bonds of the authority; amending s. 349.13, F.S.;

78 specifying conditions under which property leased by the  
 79 authority is exempt from ad valorem taxes; amending s.  
 80 349.15, F.S.; revising provisions for enforcement of  
 81 rights by bondholders; amending s. 349.17, F.S.; revising  
 82 provisions for application of and exemption from other  
 83 laws relating to issuance of bonds; amending s. 349.21,  
 84 F.S.; revising provisions for use of charter county

85 transit system surtax funds; creating s. 349.22, F.S.;

86 providing conditions for the authority to receive or

87 solicit proposals and enter into agreements with private

88 entities for the building, operation, ownership, or

89 financing of highways, bridges, multimodal transportation

90 systems, transit-oriented development nodes, transit

91 stations, or related transportation facilities; requiring

92 certain costs to be paid by the private entity;

93 authorizing the department to use state funds for projects

94 on or that increase mobility on the State Highway System;

95 requiring notice of proposals and providing procedures;

96 providing for agreements to authorize the public-private

97 entity to impose tolls; requiring public-private

98 transportation facilities to comply with laws,

99 comprehensive plans, and the authority's rules, policies,

100 procedures, standards, and conditions; authorizing the

101 authority to exercise its powers to facilitate public-

102 private projects; providing for application; providing an

103 effective date.

104

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

106

107 Section 1. Section 349.02, Florida Statutes, is amended to

108 read:

109 349.02 Definitions.--

110 (1) Except in those instances where the context clearly

111 indicates otherwise, whenever used or referred to in this

112 chapter, the following terms ~~whenever used or referred to in~~

113 ~~this law shall have the following meanings, except in those~~  
 114 ~~instances where the context clearly indicates otherwise:~~

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

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

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

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

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

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

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

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

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

145 (j) (10) The term "Agency of the state" means and includes  
 146 ~~shall mean and include~~ the state and any department of the  
 147 state, or any corporation, agency, or instrumentality heretofore  
 148 or hereafter created, designated, or established by, the state.

149 (k) (11) The term "Federal agency" means and includes shall  
 150 ~~mean and include~~ the United States, the President of the United  
 151 States, and any department of the United States, or any  
 152 corporation, agency, or instrumentality heretofore or hereafter  
 153 created, designated, or established by, the United States.

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

161 (m) "Transportation facilities" means and includes all  
 162 mobile and fixed assets (real or personal property or rights  
 163 therein) used in the transportation of persons or property by  
 164 any means of conveyance whatsoever, and all appurtenances  
 165 thereto, such as, but not limited to, highways; limited or  
 166 controlled access lanes and facilities; docks, vessels,  
 167 vehicles, fixed guideway facilities, and any means of conveyance  
 168 of persons or property of all types; park-and-ride facilities;

169 transit-related improvements adjacent to transit facilities or  
 170 stations; bus, train, vessel, or other vehicle storage,  
 171 cleaning, fueling, control, and maintenance facilities; and  
 172 administrative and other office space for the exercise by the  
 173 authority of the powers and obligations herein granted.

174 (2)~~(13)~~ Words importing singular number shall include the  
 175 plural number in each case and vice versa, and words importing  
 176 persons shall include firms and corporations.

177 Section 2. Subsections (1) and (2) of section 349.03,  
 178 Florida Statutes, are amended to read:

179 349.03 Jacksonville Transportation Authority.--

180 (1) There is hereby created and established a body politic  
 181 and corporate and an agency of the state to be known as the  
 182 Jacksonville Expressway Authority, redesignated as the  
 183 Jacksonville Transportation Authority, and hereinafter referred  
 184 to as the "authority." Notwithstanding any other general or  
 185 special law, the authority created under this section is an  
 186 agency of the state and not a component unit of any other  
 187 political subdivision.

188 (2) The governing body of the authority shall consist of  
 189 seven members. Three members shall be appointed by the Governor  
 190 and confirmed by the Senate. Three members shall be appointed by  
 191 the mayor of the City of Jacksonville subject to confirmation by  
 192 the council of the City of Jacksonville. The seventh member  
 193 shall be the district secretary of the Department of  
 194 Transportation serving in the district that contains the City of  
 195 Jacksonville. Except for the seventh member, members shall be

196 residents and qualified electors of Duval County ~~the City of~~  
 197 ~~Jacksonville.~~

198 Section 3. Section 349.04, Florida Statutes, is amended to  
 199 read:

200 349.04 Purposes and powers.--

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

218 (b) The authority may, in addition, acquire, hold,  
 219 construct, improve, operate, maintain, and lease in the capacity  
 220 of lessor a mass transit system employing motor cars or buses;  
 221 street railway systems beneath the surface, on the surface, or  
 222 above the surface; or any other means determined useful to the  
 223 rapid transfer of large numbers of people among the locations of



224 residence, commerce, industry, and education in Duval County ~~the~~  
 225 ~~City of Jacksonville~~.

226 (c) The authority may further plan, coordinate, and  
 227 recommend to appropriate officers and agencies of federal,  
 228 state, and local governments methods and facilities for the  
 229 parking of vehicles, the movement of pedestrians, and vehicular  
 230 traffic (including bicycles), public and private, in Duval  
 231 County ~~the City of Jacksonville~~, to accomplish a coordinated  
 232 transportation system for the greater Jacksonville area. The  
 233 authority may construct and operate passenger terminals for the  
 234 parking of automobiles and movement by public conveyance of  
 235 persons and construct and operate all other facilities necessary  
 236 to a complete and coordinated transportation system in the  
 237 Jacksonville area.

238 (d) It is the express intention of this chapter that the  
 239 authority, in completing the construction of the Jacksonville  
 240 Expressway System, is not limited to the description thereof  
 241 contained in the proceedings of the commission which authorized  
 242 the issuance of \$28 million in bonds to finance part of the cost  
 243 thereof, but it is authorized to finance and construct any  
 244 additional extensions, additions, or improvements to the system,  
 245 or appurtenant facilities, including all necessary approaches,  
 246 roads, bicycle ways, bridges, and avenues of access, with such  
 247 changes, modifications, or revisions of the project as are  
 248 deemed desirable and proper. It is the intent of this chapter,  
 249 and to effect its purposes the Legislature determines, that  
 250 bonds issued under this chapter be deemed to be state capital  
 251 improvement bonds to finance or refinance the cost of state

252 capital projects pursuant to s. 11(d), Art. VII of the State  
 253 Constitution. However, the provisions of s. 316.091(2), relating  
 254 to bicycles, do not apply to this system.

255 (e) In addition to the other powers set forth in this  
 256 chapter, the authority has the right to plan, develop, finance,  
 257 construct, own, lease, purchase, operate, maintain, relocate,  
 258 equip, repair, and manage those public transportation projects,  
 259 such as express bus services; bus rapid transit services; light  
 260 rail, commuter rail, heavy rail, or other transit services;  
 261 ferry services; transit stations; park-and-ride lots; transit-  
 262 oriented development nodes; or feeder roads, reliever roads,  
 263 connector roads, bypasses, or appurtenant facilities, that are  
 264 intended to address critical transportation needs or concerns in  
 265 the Jacksonville, Duval County, metropolitan area. These  
 266 projects may also include all necessary approaches, roads,  
 267 bridges, and avenues of access that are desirable and proper  
 268 with the concurrence of the department, as applicable, if the  
 269 project is to be part of the State Highway System.

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

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

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

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

282 (c) To acquire, purchase, construct, hold, lease as lessee  
 283 or lessor, and use any franchise or any property, real,  
 284 personal, or mixed, tangible or intangible, or any interest  
 285 therein, necessary or desirable for carrying out the purposes of  
 286 the authority and to sell, lease as lessor, transfer, and  
 287 dispose of any property or interest therein at any time acquired  
 288 by it, including, without limitation, land, buildings, and other  
 289 facilities located within or comprising transit-oriented  
 290 developments which enhance the use or utility of transportation  
 291 facilities owned or constructed by the authority and  
 292 administrative and other buildings for the use of the authority  
 293 in carrying out its powers and obligations granted in this  
 294 chapter.

295 (d) To enter into and make leases for terms not exceeding  
 296 40 years, as either lessee or lessor, in order to carry out the  
 297 right to lease as set forth in this chapter.

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

303 (f) To fix, alter, charge, establish, and collect rates,  
 304 fees, rentals, and other charges for the services and facilities  
 305 of the Jacksonville Expressway System and any other  
 306 transportation facilities of the authority, which rates, fees,

307 rentals, and other charges shall always be sufficient to comply  
 308 with any covenants made with the holders of any bonds issued  
 309 pursuant to this chapter; this right and power may be assigned  
 310 or delegated by the authority to the department.

311 (g)1. To borrow money and make and issue negotiable notes,  
 312 bonds, refunding bonds, and other evidences of indebtedness or  
 313 obligations, either in temporary or definitive form,  
 314 (hereinafter in this chapter sometimes called "bonds"), of the  
 315 authority, for the purpose of funding or refunding, at or prior  
 316 to maturity, any bonds theretofore issued by the authority, or  
 317 by the Florida State Improvement Commission to finance part of  
 318 the cost of the Jacksonville Expressway System, and purposes  
 319 related thereto, and for the purpose of financing or refinancing  
 320 all or part of the costs of completion, ~~or~~ improvement, or  
 321 extension of the Jacksonville Expressway System, and appurtenant  
 322 facilities, including all approaches, streets, roads, bridges,  
 323 and avenues of access for the Jacksonville Expressway System and  
 324 for any other purpose authorized by this chapter, such bonds to  
 325 mature in not exceeding 40 years from the date of the issuance  
 326 thereof; and to secure the payment of such bonds or any part  
 327 thereof by a pledge of any or all of its revenues, rates, fees,  
 328 rentals, or other charges, including all or any portion of the  
 329 Duval County gasoline tax funds received by the authority  
 330 pursuant to the terms of any lease-purchase agreement between  
 331 the authority and the department; and in general to provide for  
 332 the security of such bonds and the rights and remedies of the  
 333 holders thereof.

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

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

349           (i) Without limitation of the foregoing, to borrow money  
 350 and accept grants from, and to enter into contracts, leases, or  
 351 other transactions with, any federal agency, the state, any  
 352 agency of the state, the County of Duval, the City of  
 353 Jacksonville, or any other public body of the state and to make  
 354 purchases under government contracts, whether with a federal,  
 355 state, or local governmental entity.

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

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

362 pursuant to the terms of any lease-purchase agreement between  
 363 the authority and the department, as security for all or any of  
 364 the obligations of the authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

457 (6) No oral modification of a contract, whether for  
 458 construction of highway facilities or other transportation  
 459 facilities, shall be binding upon the authority or form the  
 460 basis for a claim against the authority. Only the chair of the  
 461 governing body or executive director of the authority, or the  
 462 designee of either, may bind the authority. In addition to any  
 463 provisions for liquidated damages for delay by contractors in  
 464 construction of transportation facilities for the authority, the  
 465 authority may also recover from the contractor amounts owing or  
 466 paid by the authority for damages suffered by third parties as a  
 467 result of the contractor's failure to complete the project  
 468 within the time stipulated in the contract, as amended by the  
 469 authority. In all cases in which damages to the authority for  
 470 delay are not specified by contract as a liquidated amount, the  
 471 measure of such damages shall be based upon an analysis of the  
 472 cost savings, in travel time and travel costs, to the traveling

473 public for transportation facilities that are not revenue-  
 474 producing.

475 (7) The authority shall be deemed to be an "authority" for  
 476 purposes of s. 337.403, shall have all of the powers granted to  
 477 authorities under s. 337.403, and shall have the powers granted  
 478 to the Department of Transportation under s. 337.274 with  
 479 respect to its powers and obligations granted in this chapter.

480 Section 4. Section 349.041, Florida Statutes, is amended  
 481 to read:

482 349.041 Provision of funds ~~and services~~ by city to  
 483 authority; ~~employment of legal counsel.--~~

484 ~~(1)~~ The authority shall prepare and submit annually its  
 485 requests for such funds as it may require from the city for the  
 486 ensuing year to the council of the city on or before June 1,  
 487 setting forth its estimated ~~gross~~ revenues and requirements with  
 488 respect to the activities or transportation facilities for which  
 489 funds of the city are sought ~~estimated requirements for~~  
 490 ~~operations, maintenance expenses, and debt service.~~ A copy of  
 491 such requests shall be furnished to the Department of  
 492 Transportation. The council and the mayor of the City of  
 493 Jacksonville may appropriate such funds as they deem appropriate  
 494 for the use of the authority.

495 ~~(2) Except as the council may provide, and except as~~  
 496 ~~otherwise required by any trust indenture outstanding on~~  
 497 ~~September 1, 1971, the authority shall utilize, on a cost-~~  
 498 ~~accounted basis, the central services of the city, and shall pay~~  
 499 ~~therefor. The authority may, however, employ legal counsel it~~  
 500 ~~deems necessary, upon resolution of the authority.~~

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

502 Section 6. Section 349.043, Florida Statutes, is created  
 503 to read:

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

517 Section 7. Section 349.05, Florida Statutes, is amended to  
 518 read:

519 349.05 Bonds of the authority; bonds not debt or pledges  
 520 of credit of state.--

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

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

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

555 2. ~~(b)~~ Such bonds shall be sold at public or private sale  
 556 at such price or prices as the authority determines to be in its

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

571 3. The authority may issue bonds pursuant to this  
 572 paragraph to refund any bonds previously issued regardless of  
 573 whether the bonds being refunded were issued by the authority  
 574 pursuant to this chapter or on behalf of the authority pursuant  
 575 to the State Bond Act.

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

580 (a) The pledging of all or any part of the revenues,  
 581 rates, fees, rentals, including the sales surtax adopted  
 582 pursuant to s. 212.055(1) (including all or any portion of the  
 583 ~~Duval~~ county gasoline tax funds received by the authority  
 584 ~~pursuant to the terms of any lease purchase agreement between~~

585 ~~the authority and the department, or any part thereof), or other~~  
 586 charges or receipts of any nature of the authority, whether or  
 587 not derived by the authority from the Jacksonville Expressway  
 588 System or its other transportation facilities;

589 (b) The completion, improvement, operation, extension,  
 590 maintenance, repair, lease, or lease-purchase agreement of said  
 591 system or transportation facilities, and the duties of the  
 592 authority and others, including the department, with reference  
 593 thereto;

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

597 (d) The fixing, charging, establishing, and collecting of  
 598 rates, fees, rentals, or other charges for use of the services  
 599 and facilities of the Jacksonville Expressway System or any part  
 600 thereof or its other transportation facilities;

601 (e) The setting aside of reserves or sinking funds or  
 602 repair and replacement funds and the regulation and disposition  
 603 thereof;

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

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

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

611 (3) ~~The authority may employ fiscal agents as provided by~~  
 612 ~~this chapter or the State Board of Administration may, upon~~

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

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

641 (b) The application of funds and the safeguarding of funds  
 642 on hand or on deposit;

643 (c) The rights and remedies of the trustee and the holders  
 644 of the bonds; and

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

647 (4) Any of the bonds issued pursuant to this chapter are,  
 648 and are hereby declared to be, negotiable instruments, and shall  
 649 have all the qualities and incidents of negotiable instruments  
 650 under the law merchant and the negotiable instruments law of the  
 651 state.

652 (5) Notwithstanding any of the provisions of this chapter,  
 653 each project, building, or facility that ~~which~~ has been financed  
 654 by the issuance of bonds or other evidences of indebtedness  
 655 under this chapter and any refinancing thereof is hereby  
 656 approved as provided for in s. 11(f), Art. VII of the State  
 657 Constitution.

658 (6) Revenue bonds issued under the provisions of this  
 659 chapter are not debts of the state or pledges of the faith and  
 660 credit of the state. Such bonds are payable exclusively from  
 661 revenues pledged for their payment. Each such bond shall contain  
 662 a statement on its face that the state is not obligated to pay  
 663 the same or the interest thereon, except from the revenues  
 664 pledged for their payment, and that the faith and credit of the  
 665 state is not pledged to the payment of the principle or interest  
 666 of such bond. The issuance of revenue bonds under the provisions  
 667 of this chapter does not directly, indirectly, or contingently



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668 obligate the state to levy or to pledge any form of taxation  
 669 whatsoever or to make any appropriation for their payment.

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

671 Section 9. Section 349.061, Florida Statutes, is created  
 672 to read:

673 349.061 Bond financing authority.--Pursuant to s. 11(f),  
 674 Art. VII of the State Constitution, the Legislature hereby  
 675 approves for bond financing by the authority any extensions,  
 676 additions, and improvements to the Jacksonville Expressway  
 677 System and any other facilities appurtenant, necessary, or  
 678 incidental to the system or any transportation facilities herein  
 679 authorized to be constructed, acquired, or operated by the  
 680 authority. Subject to terms and conditions of applicable revenue  
 681 bond resolutions and covenants, such costs may be financed in  
 682 whole or in part by revenue bonds issued pursuant to s.  
 683 349.05(1)(a) or (b), whether currently issued or issued in the  
 684 future, or by a combination of such bonds.

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

687 349.07 Lease-purchase agreement.--

688 (7) Regardless of whether the authority enters into a  
 689 lease-purchase agreement with the department relating to the  
 690 system or any part thereof, the ~~said~~ system shall be a part of  
 691 the State Highway ~~read~~ System and the ~~said~~ department is hereby  
 692 authorized, upon the request of the authority, to expend out of  
 693 any funds available for the purpose such moneys, and to use such  
 694 of its engineering and other forces, as may be necessary and  
 695 desirable in the judgment of the ~~said~~ department, for the

696 operation of the said authority and for traffic surveys,  
 697 borings, surveys, preparation of plans and specifications,  
 698 estimates of cost, and other preliminary engineering and other  
 699 studies; ~~provided, however, that the aggregate amount of moneys~~  
 700 ~~expended for said purposes by said department shall not exceed~~  
 701 ~~the sum of \$375,000.~~

702 Section 11. Section 349.10, Florida Statutes, is amended  
 703 to read:

704 349.10 Acquisition of lands and property.--

705 (1) For the purposes of this chapter, ~~law~~ the Jacksonville  
 706 Transportation Authority may acquire private or public property  
 707 and property rights, including rights of access, air, view, and  
 708 light, by gift, devise, purchase, or condemnation by eminent  
 709 domain proceedings, as the authority may deem necessary,  
 710 including, but not limited to, any lands reasonably necessary  
 711 for securing applicable permits, areas necessary for management  
 712 of access, borrow pits, drainage ditches, water retention areas,  
 713 rest areas, replacement access for landowners whose access is  
 714 impaired due to the construction of transportation facilities,  
 715 and replacement rights-of-way for relocated rail and utility  
 716 facilities, and areas necessary for existing, proposed, or  
 717 anticipated transportation facilities or in a transportation  
 718 corridor designated by the authority. The authority shall also  
 719 have the power to condemn any material and property necessary  
 720 for such ~~for any of the purposes of this chapter~~. The right of  
 721 eminent domain herein conferred shall be exercised by the  
 722 authority in the manner provided by law.

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

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

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

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

747 349.12 Covenant of the state.--The state does hereby  
 748 pledge to, and agree ~~agrees~~, with any person, firm or  
 749 corporation, or federal or state agency subscribing to, or  
 750 acquiring the bonds to be issued by the authority for the

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

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

778           349.13 Exemption from taxation.--The effectuation of the  
 779 authorized purposes of the authority created under this chapter  
 780 is, shall and will be, in all respects for the benefit of the  
 781 people of the state, for the increase of their commerce and  
 782 prosperity, and for the improvement of their health and living  
 783 conditions, and since such authority will be performing  
 784 essential governmental functions in effectuating such purposes,  
 785 such authority shall not be required to pay any taxes or  
 786 assessments of any kind or nature whatsoever upon any property  
 787 acquired or used by it for such purposes, or upon any rates,  
 788 fees, rentals, receipts, income, or charges at any time received  
 789 by it, and the bonds and other obligations issued under this  
 790 chapter ~~by the authority~~, their transfer and the income  
 791 therefrom, (including any profits made on the sale thereof),  
 792 shall at all times be free from taxation of any kind by the  
 793 state, or by any political subdivision, or taxing agency or  
 794 instrumentality thereof. The exemption granted by this section  
 795 shall not be applicable to any tax imposed by chapter 220 on  
 796 interest, income, or profits on debt obligations owned by  
 797 corporations. When property of the authority is leased, it shall  
 798 be exempt from ad valorem taxes only if the use by the lessee  
 799 qualifies the property for exemption under s. 196.199.

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

802           349.15 Remedies; pledges enforceable by bondholders.--Any  
 803 holder of bonds issued under this chapter, except to the extent  
 804 such rights may be restricted by the resolution, deed of trust,  
 805 indenture, or other proceeding relating to the issuance of such

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

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

822 349.17 Chapter complete and additional authority.--

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

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

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

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

855 349.21 Powers conferred by s. 212.055(1).--Notwithstanding  
 856 any other provision of law, any transportation authority created  
 857 by this chapter shall have all the powers conferred by s.  
 858 212.055(1). The revenues provided by this section may ~~shall~~ be  
 859 used or pledged as set forth in s. 212.055(1), including to pay  
 860 principal and interest on bonds issued to refinance existing  
 861 bonds or new bonds issued for the construction of rapid transit

862 systems, bus systems, roads, or bridges, as provided in s.  
 863 212.055(1) for which tolls have been pledged. The powers  
 864 provided by this section shall expire when all such bonds in  
 865 existence on the effective date of this act have been retired.

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

868 349.22 Public-private transportation facilities.--

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

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

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

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

885 (2) The authority shall ensure that all reasonable costs  
 886 to the state related to transportation facilities that are not  
 887 part of the State Highway System are borne by the private entity  
 888 or any partnership created to develop the facilities. The  
 889 authority shall also ensure that all reasonable costs to the



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

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

918 unsuccessful, the authority may go to the second and lower-  
 919 ranked firms, in order, using the same procedure. If only one  
 920 proposal is received, the authority may negotiate in good faith  
 921 and, if it is not satisfied with the results, it may, at its  
 922 sole discretion, terminate negotiations with the proposer.  
 923 Notwithstanding this subsection, the authority may, at its  
 924 discretion, reject all proposals at any point in the process up  
 925 to completion of a contract with the proposer.

926 (4) Agreements entered into pursuant to this section may  
 927 authorize the public-private entity to impose tolls or fares for  
 928 the use of the transportation facility. However, the amount and  
 929 use of toll or fare revenues shall be regulated by the authority  
 930 to avoid unreasonable costs to users of the facility.

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

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

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945        (7) Except as provided in this section, this section is  
946 not intended to amend existing law by granting additional powers  
947 to or imposing further restrictions on the governmental entities  
948 with regard to regulating and entering into cooperative  
949 arrangements with the private sector for the planning,  
950 construction, and operation of transportation facilities.

951        Section 18. This act shall take effect July 1, 2008.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 311

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Council/Committee hearing bill: Infrastructure  
2 Representative Glorioso offered the following:

**Amendment (with title amendment)**

5 Between lines 479 and 480 insert:

6 (8) The authority shall be deemed to be an "authority" for  
7 purposes of s. 20.23(2)(b)8., relating to monitoring and review  
8 by the Florida Transportation Commission, and for purposes of s.  
9 348.0003(4)(c), relating to financial disclosure requirements  
10 for authority members.

===== TITLE AMENDMENT =====

13 Remove line 19 and insert:

14 County, metropolitan area; requiring the Florida transportation  
15 Commission to monitor the authority and conduct periodic reviews  
16 of the authority; providing for financial disclosure; revising  
17 bonding provisions;

000000











HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 371 Specialty License Plates

SPONSOR(S): Proctor and others

TIED BILLS: IDEN./SIM. BILLS: SB 734

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Infrastructure</u>		Suarez 	Miller 
2) <u>Economic Expansion &amp; Infrastructure Council</u>			
3) <u>Policy &amp; Budget Council</u>			
4) _____			
5) _____			

SUMMARY ANALYSIS

HB 371 provides for the creation of a "Visit Our Lights" specialty license plate. The annual use fee of \$25 per tag shall be distributed to the Florida Lighthouse Association, Inc.

Specialty license plates must be specifically authorized by Florida Statute. Section 320.08053, F.S., establishes requirements that organizations must meet to create a new specialty license plate, including a scientific survey performed by an independent sampling firm indicating that 30,000 motor vehicle owners would purchase the proposed plate at the increased cost, long and short term marketing plans addressing revenues and expenditures, and a \$60,000 application fee, among other requirements. Currently, there are 104 specialty license plates (103 automobile and 1 motorcycle).

The fiscal impact of this bill is approximately \$60,000 to the Department of Highway Safety and Motor Vehicles (DHSMV) for implementation of the new specialty license plate. The fiscal impact will be offset by the application fee of \$60,000 paid to the DHSMV by the sponsoring organization.

The Florida Lighthouse Association, Inc., has met all of the application requirements to pursue legislation for the "Visit Our Lights" specialty license plate. A report from the Auditor General certifying that the organization has met the survey requirements as required in the Florida Statutes is pending.

This act shall take effect July 1, 2008.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provides Limited Government – The bill appears to increase the size of government in that it requires the Department of Highway Safety and Motor Vehicles (DHSMV) to develop and provide for the manufacture of a new license plate and therefore requires county tax collectors offices to maintain an appropriate inventory and administer the new plate.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Currently, specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute. The Legislature may create a specialty license plate under its own initiative, or it can do so at the request of an organization. Under s. 320.08053, F.S., an organization may seek Legislative authorization for a new specialty license plate by meeting a number of requirements.

An organization is first required to submit to the Department of Highway Safety and Motor Vehicles (DHSMV) the following:

- a request for the plate describing it in general terms;
- the results of a professional, independent, and scientific sample survey of Florida residents indicating that 30,000 vehicle owners intend to purchase the plate at the increased cost;
- an application fee of \$60,000 defraying the DHSMV's cost for reviewing the application, developing the new plate, and providing for the manufacture and distribution of the first run of plates; and
- a marketing strategy for the plate and a financial analysis of anticipated revenues and planned expenditures.

These requirements must be satisfied at least 90 days prior to the convening of the regular session of the Legislature. Once the requirements are met, DHSMV notifies the committees of the House of Representatives and Senate with jurisdiction over the issue, and the organization is free to find sponsors and pursue Legislative action.

##### Effect of Proposed Changes

This bill amends ss. 320.08056 and 320.08058, F.S., to authorize the DHSMV to develop and issue a "Visit Our Lights" license plate upon payment of the appropriate license taxes and a \$25 special use fee.

Annual use fees collected from the sale of this license plate shall be distributed to the Florida Lighthouse Association, Inc. They will administer the fees and use the proceeds as follows:

- up to 10 percent of the proceeds for the promotion and marketing of the plate;
- the remaining proceeds shall be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses remaining in Florida.

The fiscal impact incurred as a result of this bill is approximately \$60,000. This impact is offset by the \$60,000 application fee Florida Lighthouse Association, Inc., is required to pay. Revenue generated from the sale of this license plate is based on public interest and cannot be predicted.

Florida Lighthouse Association, Inc., has met the application and statutory requirements to pursue legislation for the "Visit Our Lights" specialty license plate. In conformity with s. 320.08053(1)(b), F.S., DHSMV has requested the Auditor General validate that the organization has met all statutory requirements. A report from the Auditor General certifying the same is pending.

C. SECTION DIRECTORY:

**Section 1.** Amends s. 320.08056(4), F.S., providing for a \$25 annual use fee for the "Lighthouse license plate".

**Section 2.** Amends s. 320.08058(65), F.S., creating the "Visit Our Lights" specialty license plate: providing for plate design and providing for the distribution and uses of the annual use fees.

**Section 3.** Provides and effective date of July 1, 2008.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section below.

2. Expenditures:

See FISCAL COMMENTS section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons who elect to purchase the specialty license plate will be required to pay an annual use fee of \$25 in addition to applicable taxes and administrative charges. The fee from the "Visit Our Lights" license plate will be distributed to the Florida Lighthouse Association, Inc., for: (1) funding the preservation, restoration, and protection of the 29 historic lighthouses remaining in Florida; and (2) marketing and administrative costs.

It is impossible to determine how many people will purchase the plates because the sale of this license plate will be based on public interest. Therefore, the aggregate impact to the private sector cannot be determined.

D. FISCAL COMMENTS:

Implementation of HB 371 will cost DHSMV approximately \$60,000 in contract programming, development labor, and product purchasing costs for the creation of the "Visit Our Lights" license plate. This fiscal impact is offset by the statutory application fee of \$60,000, which has been submitted to DHSMV by Florida Lighthouse Association, Inc., for the creation of this specialty license plate. If the specialty license plate is not approved by the Legislature, the application fee shall be refunded to Florida Lighthouse Association, Inc.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

No additional rule-making authority is required to implement the full provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

The DHSMV recommends that this act take effect October 1, 2008 instead of July 1, 2008 to allow time for implementation. The sponsor's staff has indicated that the sponsor is willing to offer an amendment to change the effective date.

D. STATEMENT OF THE SPONSOR

No statement submitted.

#### **IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**



1                                   A bill to be entitled  
 2           An act relating to specialty license plates; amending ss.  
 3           320.08056 and 320.08058, F.S.; creating a Lighthouse  
 4           license plate; establishing an annual use fee for the  
 5           plate; providing for the distribution of use fees received  
 6           from the sale of such plates; providing an effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

9  
 10           Section 1. Paragraph (mmm) is added to subsection (4) of  
 11           section 320.08056, Florida Statutes, to read:

12           320.08056 Specialty license plates.--

13           (4) The following license plate annual use fees shall be  
 14           collected for the appropriate specialty license plates:

15           (mmm) Lighthouse license plate, \$25.

16           Section 2. Subsection (65) is added to section 320.08058,  
 17           Florida Statutes, to read:

18           320.08058 Specialty license plates.--

19           (65) LIGHTHOUSE LICENSE PLATES.--

20           (a) The department shall develop a Lighthouse license  
 21           plate as provided in this section. The word "Florida" must  
 22           appear at the top of the plate, and the words "Visit Our Lights"  
 23           must appear at the bottom of the plate.

24           (b) The annual use fee shall be distributed to the Florida  
 25           Lighthouse Association, Inc., which may use a maximum of 10  
 26           percent of the proceeds to promote and market the plate. The  
 27           remaining proceeds shall be used by the association to fund the  
 28           preservation, restoration, and protection of the 29 historic

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29 | lighthouses remaining in the state.

30 | Section 3. This act shall take effect July 1, 2008.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 371

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

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1 Council/Committee hearing bill: Infrastructure

2 Representative Proctor offered the following:

3

4 **Amendment**

5 Remove line(s) 30 and insert:

6 Section 3. This act shall take effect October 1, 2008.

