

3. An agreement with operators of public transportation systems, including transit systems, commuter rail systems, airports, and seaports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, and seaport planning and programming will be part of the comprehensive planned development of the metropolitan area.

(b) An M.P.O. may execute other agreements required by state or federal law or as necessary to properly accomplish its functions.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in 's. 339.155(5).

(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.

2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.

3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.

4. Establish bylaws and make rules to effectuate its powers, responsibilities, and obligations.

5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.

6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.

7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation or for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.

(11) APPLICATION OF FEDERAL LAW.—Upon notification by an agency of the Federal Government that any provision of this section conflicts with federal laws or regulations, such federal laws or regulations will take precedence to the extent of the conflict until such conflict is resolved. The department or an M.P.O. may take any necessary action to comply with such federal laws

and regulations or to continue to remain eligible to receive federal funds.

**History.**—s. 1, ch. 79-219; s. 1, ch. 82-9; s. 219, ch. 84-309; s. 3, ch. 84-332; s. 30, ch. 85-55; ss. 1, 2, ch. 87-61; ss. 1, 2, ch. 88-86; s. 1, ch. 88-163; s. 6, ch. 89-301; s. 79, ch. 90-136; s. 4, ch. 92-152; s. 60, ch. 93-164; s. 502, ch. 95-148; s. 54, ch. 95-257; s. 53, ch. 96-323.

**Note.**—Repealed by s. 53, ch. 95-257.

**Note.**—Former s. 334.215.

## CHAPTER 341

### PUBLIC TRANSIT

- 341.3333 Application for franchise; confidentiality of application and trade secrets.
- 341.3334 Franchise review process.
- 341.3337 Determination and award of franchise.
- 341.343 Review of application.
- 341.345 Alternate corridors or transit station locations.
- 341.346 Appointment of administrative law judge; powers and duties.
- 341.3465 Alteration of time limitations.
- 341.348 Reports and studies.
- 341.352 Certification hearing.
- 341.353 Final disposition of certification application.
- 341.401 Short title.
- 341.402 Legislative intent and findings.
- 341.403 Definitions.
- 341.404 Limitation on the number of projects; limitation on the use of public funds.
- 341.405 Application for certification; procedures; fees.
- 341.406 Amendments to the application.
- 341.4065 Confidentiality; trade secrets.
- 341.407 Required reports and studies.
- 341.408 Hearing on certification; appointment of hearing officer; notice; parties; proceedings.
- 341.409 Final disposition; board ruling on certification.
- 341.411 Effect of certification.
- 341.412 Eminent domain; procedure; notice; recording of corridor; admission into evidence; attorney's fees and costs.
- 341.413 Modification of certification.
- 341.414 Revocation or suspension of certification.
- 341.415 Alteration of time limitations.
- 341.416 Regulations.
- 341.417 Public access to transit stations.
- 341.418 Superseded laws and regulations; preemption of certification.
- 341.421 Authority of local government to assess fees.
- 341.422 Participation by socially and economically disadvantaged business enterprises.
- 341.501 High-technology transportation systems; joint project agreement or assistance.

**341.3333 Application for franchise; confidentiality of application and trade secrets.—**

(1) The application for franchise, which is the response to the request for proposals, must correspond to the request for proposals. The contents of the appli-

cation must be in the format and contain the information specified in the request for proposals.

(2) Each applicant, in response to the request for proposals, shall file its application with the department at the location and within the time and date limitations specified in the request for proposals. Applications filed before the deadline shall be kept sealed by the department until the time and date specified for opening. Such sealed applications shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the department provides notice of a decision or intended decision pursuant to s. 120.57(3)(a) or until 10 days after application opening, whichever is earlier. Thereafter, the applications are public. However, the applicant may segregate the trade secret portions of the application and request that the department maintain those portions as confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon award of a franchise, the franchisee may segregate portions of materials required to be submitted by the department and request that the department maintain those portions as confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such portions designated by an applicant or by the franchisee shall remain confidential and exempt from the provisions of s. 119.07(1) only if the department finds that the information satisfies the criteria established in s. 119.14(4)(b)3.

(3) An application that is not accompanied by the appropriate fee may not be accepted for filing.

(4) Within 7 days after filing an application for franchise with the department, an applicant must file a copy of the application with each agency listed in s. 341.352(2)(a).

(5) An application for a franchise may not be amended before the award of the franchise.

**History.**—s. 22, ch. 92-152; s. 1, ch. 95-405; s. 165, ch. 96-406; s. 74, ch. 96-410.

**Note.**—Repealed by s. 1, ch. 95-217.

#### **341.3334 Franchise review process.—**

(1) In assessing an application for franchise, the department shall consider, but is not limited to, the following:

(a) The qualifications of the applicant in terms of experience and overall ability to implement the proposal, including compliance with state requirements for the participation of women, minorities, and socially and economically disadvantaged individuals;

(b) The validity, clarity, and viability of the applicant's financing plan, including an analysis of the sources of revenue and the ability of those revenue sources to meet the funding requirements of the high-speed rail transportation system;

(c) The legislative changes necessary to implement the applicant's proposal, including any legislation providing for the financing of the high-speed rail transportation system, through bonds, foreign loans, or other means;

(d) The manner in which the applicant will meet the performance criteria specified in the request for proposals including, but not limited to, an examination of the proposed technology, system capacity, trip times, frequency of trains, and locations of transit stations;

(e) The construction, operation, maintenance, and management plan for the high-speed rail transportation system, including the ability of the proposed system to meet state and federal safety requirements and to guarantee the safe operation of the system;

(f) The extent to which the high-speed rail transportation system impacts on, connects with, and complements other transportation facilities and services, including airports, commuter rail systems, and other public transit systems, and the type, location, and financing of any transit connections with associated developments or joint developments in which the franchisee has an interest;

(g) The positive or negative fiscal impacts on local governments and the demand for additional local infrastructure as a result of the high-speed rail transportation system;

(h) The extent to which a proposed high-speed rail line, guideway, or transit station is consistent with the goals and policies of the state comprehensive plan, affected strategic regional policy plans, and affected local government comprehensive plans; and, if not consistent, how the applicant proposes that the high-speed rail line, guideway, or transit stations and such plans will be made consistent, to the maximum extent feasible, with each other and how any inconsistency with a proposed associated development will be resolved; and

(i) The impact that the high-speed rail transportation system or associated development will have on the unique environmental or cultural qualities of particular areas of the state and on the natural resources of the state, including measures proposed to mitigate any adverse effects.

(2) Within 60 days after receipt of an application, each agency that may be affected by an application shall file with the department any comments on the application in relation to the criteria contained in subsection (1) on matters within its jurisdiction.

(3) Within 90 days after the deadline for the receipt of applications, the department shall hold at least four public meetings on the applications in accordance with s. 341.3336.

(4) Within 120 days after the deadline for the receipt of applications, the department shall issue a notice of proposed agency action on the applications, in accordance with s. 341.3337.

**History.**—s. 23, ch. 92-152; s. 5, ch. 95-149; s. 57, ch. 96-323.

#### **341.3337 Determination and award of franchise.—**

(1) The department, after assessing each franchise application and after the public meeting required by s. 341.3336, shall preliminarily determine the best applicant or shall reject all applications. Upon such determination, the department shall disseminate the proposed agency action in regard to each application.

(2) The department shall provide notice of the proposed agency action to the agencies listed in s. 341.352(2)(a) and to any person who has requested to receive such notice. Such request must be in writing and filed with the department no later than the date of the last public meeting held pursuant to s. 341.3336.

(3) The notice of proposed agency action is a point of entry for a person whose substantial interest is or may be affected or determined by the department's proposed action to file a petition for an administrative proceeding under chapter 120.

(4) The provisions of chapter 120 govern the actions of the department, except that s. 120.57(3), relating to protests arising from the contract-bidding process, does not apply to the award of the franchise or the selection of a franchisee.

(5) After the conclusion of the administrative proceeding or after the expiration of the time period for filing a petition, if no petition has been filed, the department shall award the franchise to the best applicant or shall reject all applications. The award of a franchise is a final order of the department and may contain terms and conditions in accordance with the provisions of ss. 341.3201-341.386.

**History.**—s. 26, ch. 92-152; s. 75, ch. 96-410.

### 341.343 Review of application.—

(1) The department shall coordinate the review of the certification application with the other affected agencies.

(2) If an agency determines that its respective part of the certification application is incomplete, that agency shall provide in writing to the applicant a statement of the desired additional information within 30 days after the receipt of the application. The applicant may supply the information requested and, if the applicant intends to supply the information, shall communicate its intention to do so in writing to the agency requesting the information within 5 working days after the receipt of the statement requesting such information; or the applicant shall notify the appropriate agency in writing that the requested information will not be supplied, in which case the application shall be processed as filed. Unless otherwise agreed upon by the agency requesting the information and by the applicant, the information must be provided within 60 days after the request. Within 30 days after receipt of such additional information, the respective agency shall review such additional information and may request only that information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information. If an applicant does not provide the information requested within 120 days after the initial request for the applicant to provide it, or within a time period agreed upon by the applicant and the respective agency, the application is considered withdrawn.

(3) The certification application is deemed complete when each agency having jurisdiction:

(a) Finds the application complete; or

(b) Fails to notify the applicant within 30 days after the receipt of the application or a request for additional information that the application is incomplete.

(4) Within 10 days after receipt of a certification application, the department shall request the Division of Administrative Hearings to designate an administrative law judge to conduct the certification hearing.

(5) If an amendment to a certification application is proposed and deemed complete more than 30 days prior to the local government hearings held pursuant to

s. 341.347, each agency must conduct a review of the amendment and include its comments in its report under this section and s. 341.348, and the amendment must be reviewed in the local government hearings under s. 341.347.

(6) If an amendment to a certification application is proposed later than the time period described in subsection (5), the proposed amendment must be reviewed by the Department of Environmental Protection, the Department of Community Affairs, and the Department of Transportation to determine the impact of the amendment on matters within their respective jurisdictions. Within 30 days after the receipt of the proposed amendment, if any of the foregoing agencies determines that the amendment is such that either additional time or information is required in order to adequately review and analyze the proposed amendment or additional local government hearings are appropriate, the agency shall advise the administrative law judge and all parties in writing of the need for the additional time. Upon receipt, the administrative law judge shall delay the date of the certification hearing in order to give all parties ample opportunity to review and analyze the impacts of the proposed amendment or to conduct the necessary local government hearing.

**History.**—s. 18, ch. 84-207; s. 2, ch. 85-65; s. 24, ch. 85-81; s. 17, ch. 87-100; s. 32, ch. 90-227; s. 5, ch. 91-429; s. 37, ch. 92-152; s. 173, ch. 94-356; s. 76, ch. 96-410.

### 341.345 Alternate corridors or transit station locations.—

(1) Within 60 days after the publication of the notice of the certification application, any party may propose alternate high-speed rail transportation system corridor routes or transit station locations for consideration pursuant to the provisions of ss. 341.3201-341.386 by filing a notice of a proposed alternate corridor or transit station location with the department, the administrative law judge, all parties to the proceeding, and any local governments in the jurisdictions of which the alternate corridor or transit station location is proposed. Such filing must include a description of the proposed corridor, a statement of the reasons the proposed alternate should be certified, the most recent United States Geological Survey quadrangle maps on the scale of 1:24,000 that specifically delineate the corridor boundaries of the corridor or facility in question, and all information and data that is required for a certification application.

(2) If the franchisee accepts a proposed alternative as part of its certification application, the franchisee shall file an amendment to its application adopting that alternative.

**History.**—s. 25, ch. 84-207; s. 2, ch. 85-65; s. 25, ch. 85-81; s. 5, ch. 91-429; s. 39, ch. 92-152; s. 77, ch. 96-410.

### 341.346 Appointment of administrative law judge; powers and duties.—

(1) Within 10 days after receipt of a request by the department to designate an administrative law judge, the director of the Division of Administrative Hearings shall designate an administrative law judge to conduct the hearings required by ss. 341.3201-341.386. Whenever practicable, the division director shall assign an administrative law judge who has prior experience or

training in this type of certification proceeding. Upon being advised that an administrative law judge has been designated, the department shall immediately file a copy of the certification application and all supporting documents with the administrative law judge, who shall docket the application.

(2) The administrative law judge shall have all powers and duties granted to administrative law judges by chapter 120 and by the laws and rules of the department, including the authority to resolve disputes over the completeness of a certification application.

**History.**—s. 21, ch. 84-207; s. 2, ch. 85-65; s. 5, ch. 91-429; s. 40, ch. 92-152; s. 78, ch. 96-410.

**341.3465 Alteration of time limitations.**—Any time limitation specified in ss. 341.3201-341.386 may be altered by stipulation by the department and the applicant, if approved by an administrative law judge, if the administrative law judge has jurisdiction over the proceeding; by the department, if no administrative law judge has jurisdiction; or by the board, if it has jurisdiction; unless objected to by any party within 5 days after notice, or for good cause shown by any party.

**History.**—s. 41, ch. 92-152; s. 79, ch. 96-410.

**341.348 Reports and studies.**—

(1) In order to verify or supplement the information in a certification application, reports of the agencies specified in s. 341.352(2) shall be prepared, submitted to the department and the administrative law judge, and made available for other parties to review or copy. Neither the failure to submit a report nor the inadequacy of the report is a ground to deny or condition certification. Each reviewing agency shall initiate the activities required by this section as soon as each application is received. Each agency shall keep the franchisee informed as to the progress of its studies and any issues raised by the studies.

(2) The reports shall be submitted to the department no later than 4 months after the applications have been determined to be complete for inclusion in the agency analysis. The failure of any agency to submit a report, or to submit its report within the allowed time, is not a ground for the alteration of any time limitation in ss. 341.3201-341.386. Each report must contain:

(a) An assessment of the impacts of the proposed high-speed rail transportation system as determined by the studies required by this section.

(b) An assessment of the expected compliance with the standards of the agency and an identification of any nonprocedural requirements not specifically listed in any application, from which requirements a variance or exemption is needed in order for the board to certify the high-speed rail transportation system.

(c) The conclusions and recommendations regarding certification, including the reasons for recommendations of denial, if the agency recommends denial of certification.

(d) The proposed conditions of certification, if the agency is of the opinion that certification should be granted, including an identification of areas in which more data may be needed to be reviewed after certification in order to assure the compliance of the features of the high-speed rail transportation system with agency

standards when specific design criteria were not available until after certification.

(3) Each agency shall prepare a report on the certification application as to the impact of the proposed high-speed rail transportation system as it relates to matters within the jurisdiction of the agency. The Department of Transportation, the Department of Environmental Protection, and the Department of Community Affairs may request that any other agency perform studies and prepare reports as to matters within the jurisdiction of that other agency, which matters may be affected by the proposed high-speed rail transportation system.

(4) The Department of Transportation shall prepare a written analysis of the agency reports on the certification application, which analysis shall be filed with the designated administrative law judge and all parties no later than 30 days after the due date for receipt of the local government reports prepared pursuant to this section. The analysis must include:

(a) In regard to the reports and studies required by this section, a list and a summary of the reports and studies and the location where the reports or study results are available for public inspection and copying.

(b) The comments received from a party which is not an agency.

(c) The reports and recommendations of the planning and environmental advisory committee.

(d) The conditions of certification considered appropriate by the department.

(e) The recommendations of the department relating to the disposition of the certification application.

**History.**—s. 23, ch. 84-207; s. 2, ch. 85-65; s. 43, ch. 91-221; s. 5, ch. 91-429; s. 43, ch. 92-152; s. 174, ch. 94-366; s. 80, ch. 96-410.

**341.352 Certification hearing.**—

(1) No later than 6 months after the applications have been determined to be complete, the administrative law judge shall conduct a certification hearing, pursuant to ss. 120.569 and 120.57, at a convenient location in the vicinity of the proposed high-speed rail transportation system.

(2)(a) The parties to the certification proceeding are:

1. The franchisee.
2. The Department of Commerce.
3. The Department of Environmental Protection.
4. The Department of Transportation.
5. The Department of Community Affairs.
6. The Game and Fresh Water Fish Commission.
7. Each water management district.
8. Each local government.
9. Each regional planning council.
10. Each metropolitan planning organization.

(b) Any party listed in paragraph (a) may waive its right to participate in the proceeding. If any listed party fails to file, on or before the 30th day prior to the certification hearing, a notice of its intent to be a party, such party is deemed to have waived its right to be a party, unless its participation in the proceeding would not prejudice the rights of any party to the proceeding.

(c) Notwithstanding the provisions of chapter 120 to the contrary, after the filing with the administrative law judge of a notice of intent to be a party by an agency

or corporation or association described in subparagraph 1. or subparagraph 2., or a petition for intervention by a person described in subparagraph 3., no later than 30 days prior to the date set for the certification hearing, any of the following entities also shall be a party to the proceeding:

1. Any state agency not listed in paragraph (a), as to matters within its jurisdiction.

2. Any domestic nonprofit corporation or association that is formed, in whole or in part, to promote conservation of natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote the orderly development, or maintain the residential integrity, of the area in which the proposed high-speed rail transportation system is to be located.

3. Any person whose substantial interests are affected and being determined by the proceeding.

(d) Any agency, the property or works of which agency may be affected by the proceeding, shall be made a party upon the request of the agency or any party to this proceeding.

(3) When appropriate, any person may be given an opportunity to present oral or written communications to the administrative law judge. If the administrative law judge proposes to consider such communications, all parties shall be given an opportunity to cross-examine with respect to, or to challenge or rebut, such communications.

(4) At the conclusion of the certification hearing, the administrative law judge shall, after consideration of all the evidence of record, issue a recommended order to the board disposing of the applications. The administrative law judge shall issue the recommended order no later than 60 days after the transcripts of the certification hearing and the public hearings are filed with the Division of Administrative Hearings.

**History.**—s. 24, ch. 84-207; s. 2, ch. 85-65; s. 26, ch. 85-81; s. 5, ch. 91-429; s. 45, ch. 92-152; s. 175, ch. 94-356; s. 81, ch. 96-410.

**Note.**—Section 20.17, which created the Department of Commerce, was repealed effective December 31, 1996, by s. 3, ch. 96-320.

### **341.353 Final disposition of certification application.—**

(1) Within 30 days after receipt of the administrative law judge's recommended order, the board shall act upon the certification application by written order, which order shall approve the certification in whole, approve the certification with modifications and conditions that the board considers appropriate, or deny the certification. The order must state the reasons for issuance or denial of certification.

(2) In determining whether the certification application should be approved in whole, approved with modifications or conditions, or denied, the board shall consider whether, and the extent to which, the location, construction, operation, and maintenance of the high-speed rail transportation system will:

(a) Comply with nonprocedural requirements of agencies;

(b) Be consistent with applicable local government comprehensive plans and land development regulations as defined in s. 163.3164;

(c) Have a favorable or unfavorable impact on the environment and natural resources of the state;

(d) Efficiently use or unduly burden water, sewer, solid waste disposal, or public transportation facilities or other necessary public facilities; and

(e) Be consistent with the applicable criteria and related policies adopted by local governments, regional planning councils, and the state.

(3) The terms and conditions of the certification order become terms and conditions of the franchise.

(4) If the board incorporates in its final certification order a term or condition that requires the franchisee to modify or revise a postfranchise agreement, the department shall provide the franchisee with a reasonable period of time to enter into a modified agreement.

(5) If the board incorporates in its final certification order a term or condition that results in the necessity for a local government to amend or modify its local comprehensive plan, the board shall allow the local government a reasonable period of time to amend or modify the plan.

**History.**—s. 26, ch. 84-207; s. 2, ch. 85-65; s. 5, ch. 91-429; s. 46, ch. 92-152; s. 82, ch. 96-410.

**341.401 Short title.**—[Repealed by s. 42, ch. 96-323.]

**341.402 Legislative intent and findings.**—[Repealed by s. 42, ch. 96-323.]

**341.403 Definitions.**—[Repealed by s. 42, ch. 96-323.]

**341.404 Limitation on the number of projects; limitation on the use of public funds.**—[Repealed by s. 42, ch. 96-323.]

**341.405 Application for certification; procedures; fees.**—[Repealed by s. 42, ch. 96-323.]

**341.406 Amendments to the application.**—[Repealed by s. 42, ch. 96-323.]

**341.4065 Confidentiality; trade secrets.**—[Repealed by s. 42, ch. 96-323.]

**341.407 Required reports and studies.**—[Repealed by s. 42, ch. 96-323.]

**341.408 Hearing on certification; appointment of hearing officer; notice; parties; proceedings.**—[Repealed by s. 42, ch. 96-323.]

**341.409 Final disposition; board ruling on certification.**—[Repealed by s. 42, ch. 96-323.]

**341.411 Effect of certification.**—[Repealed by s. 42, ch. 96-323.]

**341.412 Eminent domain; procedure; notice; recording of corridor; admission into evidence; attorney's fees and costs.**—[Repealed by s. 42, ch. 96-323.]

**341.413 Modification of certification.**—[Repealed by s. 42, ch. 96-323.]

**341.414 Revocation or suspension of certification.**

[Repealed by s. 42, ch. 96-323.]

**341.415 Alteration of time limitations.**—[Repealed

by s. 42, ch. 96-323.]

**341.416 Regulations.**—[Repealed by s. 42, ch. 96-323.]**341.417 Public access to transit stations.**—

[Repealed by s. 42, ch. 96-323.]

**341.418 Superseded laws and regulations; pre-emption of certification.**—[Repealed by s. 42, ch. 96-323.]**341.421 Authority of local government to assess fees.**—[Repealed by s. 42, ch. 96-323.]**341.422 Participation by socially and economically disadvantaged business enterprises.**—[Repealed by s. 42, ch. 96-323.]

**341.501 High-technology transportation systems; joint project agreement or assistance.**—Notwithstanding any other provision of law, the Department of Transportation may enter into a joint project agreement with, or otherwise assist, private or public entities, or consortia thereof, to facilitate the research, development, and demonstration of high-technology transportation systems, including, but not limited to, systems using magnetic levitation technology. The provisions of the Florida High-Speed Rail Transportation Act, ss. 341.3201-341.386, do not apply to actions taken under this section, and the department may, subject to s. 339.135, provide funds to match any available federal aid for effectuating the research, development, and demonstration of high-technology transportation systems.

**History.**—s. 64, ch. 93-164; s. 58, ch. 96-323.

**Note.**—The word "Transportation" was inserted by the editors to conform to the full title of the act as referenced in s. 341.3201.

---

## CHAPTER 343

### COMMUTER RAIL AND CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY

#### PART II

### CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY

343.68 Applicability to other laws.

**343.68 Applicability to other laws.**—[Repealed by s. 59, ch. 96-323.]

---

## CHAPTER 348

### EXPRESSWAY AND BRIDGE AUTHORITIES

## PART I

### FLORIDA EXPRESSWAY AUTHORITY ACT AND RELATED PROVISIONS

348.0004 Purposes and powers.

**348.0004 Purposes and powers.**—

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

(b) Each authority, in the construction of an expressway system, shall construct expressways. Construction of an expressway system may be completed in segments, phases, or stages, in a manner which will permit the expansion of these segments, phases, or stages to the desired expressway configuration. Each authority, in the construction of an expressway system, may construct any extensions of, additions to, or improvements to, the expressway system or appurtenant facilities, including all necessary approaches, roads, bridges, and avenues of access, with such changes, modifications, or revisions of the project that are deemed desirable and proper. An authority may only add additional expressways to an expressway system, under the terms and conditions set forth in the Florida Expressway Authority Act, with the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of the authority, and only if such additional expressways lack adequate committed funding for implementation, are financially feasible, and are compatible with the existing plans, projects, and programs of the authority.

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

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

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

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

(d) To enter into and make leases, either as lessee or as lessor, in order to carry out the right to lease as set forth in the Florida Expressway Authority Act.

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

(f) To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities system, which tolls, rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to the Florida Expressway Authority Act. However, such right and power may be assigned or delegated by the authority to the department. Not-