

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 1458

SPONSOR: Comprehensive Planning, Local and Military Affairs Committee; Transportation Committee and Senator Constantine

SUBJECT: Expressway Authorities

DATE: March 12, 2002

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McAuliffe	Meyer	TR	Favorable/CS
2.	Bowman	Yeatman	CA	Favorable/CS
3.	_____	_____	AGG	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This CS for the CS amends several sections of chapter 348, F.S., to update or clarify provisions related to the Orlando-Orange County Expressway Authority (OOCEA), but the primary changes allow the OOCEA to issue its own revenue bonds. These bonds would be repaid through toll revenues, and would not pledge the full faith and credit of the State of Florida. The CS provides the OOCEA may not construct any new roads or expand any roads into the Wekiva River Protection Area or Green Swamp Area of Critical State Concern without prior legislative approval.

The CS for the CS requires that approvals required by certain local governments of OOCEA projects, must occur at the conclusion of a public hearing to consider the action.

The CS for the CS prohibits the OOCEA from designing, financing, acquiring, or constructing new extensions, additions or appurtenant facilities to the Northwest Beltway, Part A, extending northeasterly of its current terminus at U.S. 441 near Apopka, without prior legislative approval.

This CS for the CS substantially amends sections 348.754, 348.7543, 348.7544, 348.7545, 348.755, 348.765 of the Florida Statutes.

II. Present Situation:

OOCEA was created by the Legislature in 1963; it's first project, the Beeline Expressway (State Road 528) opened to traffic four years later. Comprising the system are 90 total centerline miles, 11 main-line toll plazas, 42 ramp toll plazas, and 186 total toll lanes. More than 200 million

motorists used the toll lanes in fiscal year 2001. The OOCEA has planned a \$1billion program over the next five years including \$758 million in capital improvements.

OOCEA's 2001 Annual Report indicates total system revenues grew from \$125.55 million in 2000 to \$139.6 million in 2001. Forty-one percent of the expressway authority's 2001 revenues were earmarked to pay debt service. The report also indicates that OOCEA owes other government agencies, such as FDOT, a total of \$165,178,000.

Pursuant to state law, the State Board of Administration's Division of Bond Finance issues bonds for OOCEA's projects on behalf of the authority. Pursuant to the State Bond Act discussed in chapter 215, F.S., and chapter 348, F.S., the State Board of Administration's Division of Bond Finance issues revenue bonds for OOCEA's projects on behalf of the authority. Pursuant to its statutory authority, the Division of Bond Finance independently reviews the recommendations of a paid financial adviser retained by the OOCEA. The division's review does not focus solely upon the current transaction; it also reviews the issuance in light of the entire bonded indebtedness of the State of Florida. The division also maintains its own independent in-house legal staff to assist with issues which may arise during the financing. All financings issued through the division must receive the approval of the Governor and Cabinet. Additional state oversight is currently provided by the Department of Transportation, which participates through significant financial contributions to the construction, operation and maintenance of OOCEA's expressways. The revenue bonds issued by the division on behalf of OOCEA pledge the toll revenues generated by the authority's expressway system as repayment.

Some local-government transportation entities, such as the Miami-Dade County Expressway Authority, the Santa Rosa Bay Bridge Authority and the Mid Bay Bridge Authority, have specific authority to issue their own revenue bonds, independently of the Division of Bond Finance.

Part II of chapter 369, F.S., defines the Wekiva River Protection Area, the Wekiva River System, and provides protections against impacts of growth within the defined area and associated wetlands and rivers. Section 369.305, F.S., provides that the comprehensive plans and land development regulations of Orange, Lake, and Seminole Counties must contain goals, policies and objectives which result in the protection of the:

- Water quantity, water quality, and hydrology of the Wekiva River System;
- Wetlands associated with the Wekiva River System;
- Aquatic and wetland-dependent wildlife species associated with the Wekiva River System;
- Habitat within the Wekiva River Protection Area; and
- Native vegetation within the Wekiva River Protection Area.

Section 380.0551, F.S., recognizes the Green Swamp Area of Critical State Concern, the boundaries of which were defined by the Governor and Cabinet pursuant to chapter 22F-5, Florida Administrative Code (F.A.C.), effective July 1, 1979. Land development regulation within the designated area is subject to state review because of concerns that uncontrolled or inadequate development of the area would lead to degradation of water resources within the area.

III. Effect of Proposed Changes:

Subsection (2) of section 348.754, F. S., is amended to clarify the procedure for the OOCEA to obtain approval from counties outside of the jurisdictional boundaries of Orange County and municipalities within Orange County for projects within the jurisdictional boundaries of these local governments. County consent is defined as approval by the governing body of the affected county at the conclusion of a public hearing to consider the action. The approval of a municipality in Orange County for OOCEA projects must occur at the conclusion of a public hearing to consider the action.

In addition, subsection (6) is added to s. 348.754, F.S., to provide after July 1, 2002, the OOCEA may not approve any acquisition of right-of-way or construction of any new additions, extensions, or appurtenant facilities without prior legislative authorization if the new additions, extensions, or appurtenant facilities are proposed to be located within the Wekiva River Protection Area designated in s. 369.303 (9), F.S, or within the Green Swamp Area of Critical State Concern designated in s. 380.0551, F.S.

Section 348.7544, F.S., is amended to limit the ability of the OOCEA to design, finance, acquire, or construct any new extension, addition or appurtenant facilities to the Northwest Beltway, Part A, extending northeasterly of its current terminus at U.S. 441 near Apopka, without prior legislative approval. The authority may perform such work on behalf of the Department of Transportation pursuant to s. 348.754(2)(i), F.S. In addition, the bill amends s. 348.7545, F.S., to authorize the OOCEA to refinance bonds associated with the Northwest Beltway Part A whether or not the bonds being refinanced were originally issued under the State Bond Act.

Sections 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S., are amended in various ways to give the OOCEA authority to issue its own bonds. A specific amendment to s. 348.755, F.S., says these bonds "shall not pledge the full faith and credit of the state." The CS for the CS also authorizes the refinancing of the Northwest Beltway Part A and the Western Beltway Part C.

Section 7 provides that the act shall become effective July 1, 2002.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
