

By the Committees on Comprehensive Planning, Local and Military Affairs; Transportation; and Senator Constantine

316-2336-02

1 A bill to be entitled
2 An act relating to expressway authorities;
3 amending s. 348.754, F.S.; providing that
4 certain activities of an expressway authority
5 may be approved by the governing body of the
6 affected county at the conclusion of a public
7 hearing on the matter; restricting certain
8 activities affecting the Wekiva River or Green
9 Swamp Area by the Orlando-Orange County
10 Expressway Authority; amending s. 348.7543,
11 F.S.; specifying the revenue bonds that may be
12 used to finance certain improvements to the
13 Orlando-Orange County Expressway Authority;
14 amending s. 348.7544, F.S.; authorizing the
15 authority to refinance the Northwest Beltway
16 Part A; prohibiting the authority from
17 financing or constructing new facilities to the
18 Northwest Beltway Part A without prior
19 legislative approval unless on behalf of the
20 Department of Transportation; amending s.
21 348.7545, F.S.; authorizing the authority to
22 refinance the Western Beltway Part C; amending
23 s. 348.755, F.S.; prescribing additional
24 authority to issue bonds by or on behalf of the
25 authority; prescribing a condition on issuance
26 of bonds by the authority; amending s. 348.765,
27 F.S.; restating the authority's exemption from
28 certain provisions relating to issuance of
29 bonds by state agencies; providing an effective
30 date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Paragraph (n) of subsection (2) and
4 subsection (4) of section 348.754, Florida Statutes, are
5 amended, and subsection (6) is added to that section, to read:

6 348.754 Purposes and powers.--

7 (2) The authority is hereby granted, and shall have
8 and may exercise all powers necessary, appurtenant, convenient
9 or incidental to the carrying out of the aforesaid purposes,
10 including, but without being limited to, the following rights
11 and powers:

12 (n) With the consent of the county within whose
13 jurisdiction the following activities occur, the authority
14 shall have the right to construct, operate, and maintain
15 roads, bridges, avenues of access, thoroughfares, and
16 boulevards outside the jurisdictional boundaries of Orange
17 County, together with the right to construct, repair, replace,
18 operate, install, and maintain electronic toll payment systems
19 thereon, with all necessary and incidental powers to
20 accomplish the foregoing. County consent shall constitute
21 approval by the governing body of the affected county at the
22 conclusion of a public hearing to consider this action.

23 (4) Anything in this part to the contrary
24 notwithstanding, acquisition of right-of-way for a project of
25 the authority which is within the boundaries of any
26 municipality in Orange County shall not be begun unless and
27 until the route of said project within said municipality has
28 been given prior approval by the governing body of said
29 municipality at the conclusion of a public hearing to consider
30 this action.

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1 (6) After July 1, 2002, the authority may not approve
2 any acquisition of right-of-way or construction of any new
3 additions, extensions, or appurtenant facilities without prior
4 legislative authorization if the new additions, extensions, or
5 appurtenant facilities are proposed to be located within the
6 Wekiva River Protection Area designated in s. 369.303(9) or
7 within the Green Swamp Area of Critical Concern designated in
8 s. 380.0551.

9 Section 2. Section 748.7543, Florida Statutes, is
10 amended to read:

11 348.7543 Improvements, bond financing authority
12 for.--Pursuant to s. 11(f), Art. VII of the State
13 Constitution, the Legislature hereby approves for bond
14 financing by the Orlando-Orange County Expressway Authority
15 improvements to toll collection facilities, interchanges to
16 the legislatively approved expressway system, and any other
17 facility appurtenant, necessary, or incidental to the approved
18 system. Subject to terms and conditions of applicable revenue
19 bond resolutions and covenants, such costs financing may be
20 financed in whole or in part by revenue bonds issued pursuant
21 to s. 348.755(1)(a) or (b) whether currently issued or, issued
22 in the future, or by a combination of such bonds.

23 Section 3. Section 348.7544, Florida Statutes, is
24 amended to read:

25 348.7544 Northwest Beltway Part A, construction
26 authorized; financing.--Notwithstanding s. 338.2275, the
27 Orlando-Orange County Expressway Authority is ~~hereby~~
28 authorized to construct, finance, operate, own, and maintain
29 that portion of the Western Beltway known as the Northwest
30 Beltway Part A, extending from Florida's Turnpike near Ocoee
31 north to U.S. 441 near Apopka, as part of the authority's

1 20-year capital projects plan. This project may be financed
2 with any funds available to the authority for such purpose or
3 revenue bonds issued by the Division of Bond Finance of the
4 State Board of Administration on behalf of the authority
5 pursuant to s. 11, Art. VII of the State Constitution and the
6 State Bond Act, ss. 215.57-215.83. This project may be
7 refinanced with bonds issued by the authority pursuant to s.
8 348.755(1)(d). The Orlando-Orange County Expressway Authority
9 may not design, finance, acquire, or construct any new
10 extension, addition, or appurtenant facilities to the
11 Northwest Beltway, Part A, extending northeasterly of its
12 current terminus at U.S. 441 near Apopka without prior
13 legislative approval. However, the authority may perform
14 design, acquisition, or construction functions on behalf of
15 the Department of Transportation pursuant to s. 348.754(2)(i).

16 Section 4. Section 348.7545, Florida Statutes, is
17 amended to read:

18 348.7545 Western Beltway Part C, construction
19 authorized; financing.--Notwithstanding s. 338.2275, the
20 Orlando-Orange County Expressway Authority is authorized to
21 exercise its condemnation powers, construct, finance, operate,
22 own, and maintain that portion of the Western Beltway known as
23 the Western Beltway Part C, extending from Florida's Turnpike
24 near Ocoee in Orange County southerly through Orange and
25 Osceola Counties to an interchange with I-4 near the
26 Osceola-Polk County line, as part of the authority's 20-year
27 capital projects plan. This project may be financed with any
28 funds available to the authority for such purpose or revenue
29 bonds issued by the Division of Bond Finance of the State
30 Board of Administration on behalf of the authority pursuant to
31 s. 11, Art. VII of the State Constitution and the State Bond

1 Act, ss. 215.57-215.83. This project may be refinanced with
2 bonds issued by the authority pursuant to s. 348.755(1)(d).

3 Section 5. Subsection (1) of section 348.755, Florida
4 Statutes, is amended to read:

5 348.755 Bonds of the authority.--

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

8 (b) Alternatively, the authority may issue its own
9 bonds pursuant to this part at such times and in such
10 principal amount as, in the opinion of the authority, is
11 necessary to provide sufficient moneys for achieving its
12 purposes; however, such bonds may not pledge the full faith
13 and credit of the state. Bonds issued by the authority
14 pursuant to this paragraph or paragraph (a)~~The bonds of the~~
15 ~~authority issued pursuant to the provisions of this part,~~
16 whether on original issuance or on refunding, shall be
17 authorized by resolution of the members thereof and may be
18 either term or serial bonds, shall bear such date or dates,
19 mature at such time or times, not exceeding 40 years from
20 their respective dates, bear interest at such rate or rates,
21 payable semiannually, be in such denominations, be in such
22 form, either coupon or fully registered, shall carry such
23 registration, exchangeability and interchangeability
24 privileges, be payable in such medium of payment and at such
25 place or places, be subject to such terms of redemption and be
26 entitled to such priorities on the revenues, rates, fees,
27 rentals or other charges or receipts of the authority
28 including the Orange County gasoline tax funds received by the
29 authority pursuant to the terms of any lease-purchase
30 agreement between the authority and the department, as such
31 resolution or any resolution subsequent thereto may provide.

1 The bonds shall be executed either by manual or facsimile
2 signature by such officers as the authority shall determine,
3 provided that such bonds shall bear at least one signature
4 which is manually executed thereon, and the coupons attached
5 to such bonds shall bear the facsimile signature or signatures
6 of such officer or officers as shall be designated by the
7 authority and shall have the seal of the authority affixed,
8 imprinted, reproduced or lithographed thereon, all as may be
9 prescribed in such resolution or resolutions.

10 (c)(b) — Said Bonds issued pursuant to paragraph (a) or
11 paragraph (b) shall be sold at public sale in the same manner
12 provided by the State Bond Act. However, if the authority
13 shall, by official action at a public meeting, determine that
14 a negotiated sale of such the bonds is in the best interest of
15 the authority, the authority may negotiate the for sale of
16 such the bonds with the underwriter or underwriters designated
17 by the authority and the Division of Bond Finance of the State
18 Board of Administration with respect to bonds issued pursuant
19 to paragraph (a) or solely the authority with respect to bonds
20 issued pursuant to paragraph (b). The authority's
21 determination to negotiate the sale of such bonds may be
22 based, in part, upon the written advice of the authority's
23 financial advisor. Pending the preparation of definitive
24 bonds, interim certificates may be issued to the purchaser or
25 purchasers of such bonds and may contain such terms and
26 conditions as the authority may determine.

27 (d) The authority may issue bonds pursuant to
28 paragraph (b) to refund any bonds previously issued regardless
29 of whether the bonds being refunded were issued by the
30 authority pursuant to this chapter or on behalf of the
31 authority pursuant to the State Bond Act.

1 Section 6. Section 348.765, Florida Statutes, is
2 amended to read:

3 348.765 This part complete and additional authority.--

4 (1) The powers conferred by this part shall be in
5 addition and supplemental to the existing powers of said board
6 and the department, and this part shall not be construed as
7 repealing any of the provisions, of any other law, general,
8 special or local, but to supersede such other laws in the
9 exercise of the powers provided in this part, and to provide a
10 complete method for the exercise of the powers granted in this
11 part. The extension and improvement of said Orlando-Orange
12 County Expressway System, and the issuance of bonds hereunder
13 to finance all or part of the cost thereof, may be
14 accomplished upon compliance with the provisions of this part
15 without regard to or necessity for compliance with the
16 provisions, limitations, or restrictions contained in any
17 other general, special or local law, including, but not
18 limited to, s. 215.821,and no approval of any bonds issued
19 under this part by the qualified electors or qualified
20 electors who are freeholders in the state or in said County of
21 Orange, or in said City of Orlando, or in any other political
22 subdivision of the state, shall be required for the issuance
23 of such bonds pursuant to this part.

24 (2) This part shall not be deemed to repeal, rescind,
25 or modify any other law or laws relating to said State Board
26 of Administration, said Department of Transportation, or the
27 Division of Bond Finance of the State Board of Administration,
28 but shall be deemed to and shall supersede such other law or
29 laws as are inconsistent with the provisions of this part,
30 including, but not limited to, s. 215.821.

31 Section 7. This act shall take effect July 1, 2002.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for SB 1458

Provides the Orlando-Orange County Expressway Authority (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.

Qualifies that approvals required by s. 348.754, F.S., by certain local governments of OOCEA projects, must occur at the conclusion of a public hearing to consider the action.

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