

Bill No. CS/HB 1839, 1st Eng.

Amendment No.      Barcode 352916

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Constantine moved the following **amendment to amendment** (323378):

**Senate Amendment (with title amendment)**

On page 66, between lines 23 and 24,

insert:

Section 58. Paragraph (n) of subsection (2) and subsection (4) of section 348.754, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

348.754 Purposes and powers.--

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

(n) With the consent of the county within whose jurisdiction the following activities occur, the authority shall have the right to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards outside the jurisdictional boundaries of Orange

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1 County, together with the right to construct, repair, replace,  
2 operate, install, and maintain electronic toll payment systems  
3 thereon, with all necessary and incidental powers to  
4 accomplish the foregoing. County consent shall constitute  
5 approval by the governing body of the affected county at the  
6 conclusion of a public hearing to consider this action.

7 (4) Anything in this part to the contrary  
8 notwithstanding, acquisition of right-of-way for a project of  
9 the authority which is within the boundaries of any  
10 municipality in Orange County shall not be begun unless and  
11 until the route of said project within said municipality has  
12 been given prior approval by the governing body of said  
13 municipality at the conclusion of a public hearing to consider  
14 this action.

15 (6) After July 1, 2002, the authority may not approve  
16 any acquisition of right-of-way or construction of any new  
17 additions, extensions, or appurtenant facilities without prior  
18 legislative authorization if the new additions, extensions, or  
19 appurtenant facilities are proposed to be located within the  
20 Wekiva River Protection Area designated in s. 369.303(9) or  
21 within the Green Swamp Area of Critical Concern designated in  
22 s. 380.0551.

23 Section 59. Section 348.7543, Florida Statutes, is  
24 amended to read:

25 348.7543 Improvements, bond financing authority  
26 for.--Pursuant to s. 11(f), Art. VII of the State  
27 Constitution, the Legislature hereby approves for bond  
28 financing by the Orlando-Orange County Expressway Authority  
29 improvements to toll collection facilities, interchanges to  
30 the legislatively approved expressway system, and any other  
31 facility appurtenant, necessary, or incidental to the approved

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1 system. Subject to terms and conditions of applicable revenue  
2 bond resolutions and covenants, such costs financing may be  
3 financed in whole or in part by revenue bonds issued pursuant  
4 to s. 348.755(1)(a) or (b) whether currently issued or issued  
5 in the future, or by a combination of such bonds.

6 Section 60. Section 348.7544, Florida Statutes, is  
7 amended to read:

8 348.7544 Northwest Beltway Part A, construction  
9 authorized; financing.--Notwithstanding s. 338.2275, the  
10 Orlando-Orange County Expressway Authority is ~~hereby~~  
11 authorized to construct, finance, operate, own, and maintain  
12 that portion of the Western Beltway known as the Northwest  
13 Beltway Part A, extending from Florida's Turnpike near Ocoee  
14 north to U.S. 441 near Apopka, as part of the authority's  
15 20-year capital projects plan. This project may be financed  
16 with any funds available to the authority for such purpose or  
17 revenue bonds issued by the Division of Bond Finance of the  
18 State Board of Administration on behalf of the authority  
19 pursuant to s. 11, Art. VII of the State Constitution and the  
20 State Bond Act, ss. 215.57-215.83. This project may be  
21 refinanced with bonds issued by the authority pursuant to s.  
22 348.755(1)(d). The Orlando-Orange County Expressway Authority  
23 may not act in any capacity to design, finance, acquire, or  
24 construct any new extension, addition, or appurtenant  
25 facilities to the Northwest Beltway, Part A, extending beyond  
26 its current terminus at U.S. 441 near Apopka without prior  
27 legislative approval.

28 Section 61. Section 348.7545, Florida Statutes, is  
29 amended to read:

30 348.7545 Western Beltway Part C, construction  
31 authorized; financing.--Notwithstanding s. 338.2275, the

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1 Orlando-Orange County Expressway Authority is authorized to  
 2 exercise its condemnation powers, construct, finance, operate,  
 3 own, and maintain that portion of the Western Beltway known as  
 4 the Western Beltway Part C, extending from Florida's Turnpike  
 5 near Ocoee in Orange County southerly through Orange and  
 6 Osceola Counties to an interchange with I-4 near the  
 7 Osceola-Polk County line, as part of the authority's 20-year  
 8 capital projects plan. This project may be financed with any  
 9 funds available to the authority for such purpose or revenue  
 10 bonds issued by the Division of Bond Finance of the State  
 11 Board of Administration on behalf of the authority pursuant to  
 12 s. 11, Art. VII of the State Constitution and the State Bond  
 13 Act, ss. 215.57-215.83. This project may be refinanced with  
 14 bonds issued by the authority pursuant to s. 348.755(1)(d).

15 Section 62. Subsection (1) of section 348.755, Florida  
 16 Statutes, is amended to read:

17 348.755 Bonds of the authority.--

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

20 (b) Alternatively, the authority may issue its own  
 21 bonds pursuant to this part at such times and in such  
 22 principal amount as, in the opinion of the authority, is  
 23 necessary to provide sufficient moneys for achieving its  
 24 purposes; however, such bonds may not pledge the full faith  
 25 and credit of the state. Bonds issued by the authority  
 26 pursuant to this paragraph or paragraph (a)~~The bonds of the~~  
 27 ~~authority issued pursuant to the provisions of this part,~~  
 28 whether on original issuance or on refunding, shall be  
 29 authorized by resolution of the members thereof and may be  
 30 either term or serial bonds, shall bear such date or dates,  
 31 mature at such time or times, not exceeding 40 years from

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1 their respective dates, bear interest at such rate or rates,  
2 payable semiannually, be in such denominations, be in such  
3 form, either coupon or fully registered, shall carry such  
4 registration, exchangeability and interchangeability  
5 privileges, be payable in such medium of payment and at such  
6 place or places, be subject to such terms of redemption and be  
7 entitled to such priorities on the revenues, rates, fees,  
8 rentals or other charges or receipts of the authority  
9 including the Orange County gasoline tax funds received by the  
10 authority pursuant to the terms of any lease-purchase  
11 agreement between the authority and the department, as such  
12 resolution or any resolution subsequent thereto may provide.  
13 The bonds shall be executed either by manual or facsimile  
14 signature by such officers as the authority shall determine,  
15 provided that such bonds shall bear at least one signature  
16 which is manually executed thereon, and the coupons attached  
17 to such bonds shall bear the facsimile signature or signatures  
18 of such officer or officers as shall be designated by the  
19 authority and shall have the seal of the authority affixed,  
20 imprinted, reproduced or lithographed thereon, all as may be  
21 prescribed in such resolution or resolutions.

22 (c)(b) — Said Bonds issued pursuant to paragraph (a) or  
23 paragraph (b) shall be sold at public sale in the same manner  
24 provided by the State Bond Act. However, if the authority  
25 shall, by official action at a public meeting, determine that  
26 a negotiated sale of such the bonds is in the best interest of  
27 the authority, the authority may negotiate the for sale of  
28 such the bonds with the underwriter or underwriters designated  
29 by the authority and the Division of Bond Finance of the State  
30 Board of Administration with respect to bonds issued pursuant  
31 to paragraph (a) or solely the authority with respect to bonds

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1 issued pursuant to paragraph (b). The authority's  
2 determination to negotiate the sale of such bonds may be  
3 based, in part, upon the written advice of the authority's  
4 financial advisor. Pending the preparation of definitive  
5 bonds, interim certificates may be issued to the purchaser or  
6 purchasers of such bonds and may contain such terms and  
7 conditions as the authority may determine.

8 (d) The authority may issue bonds pursuant to  
9 paragraph (b) to refund any bonds previously issued regardless  
10 of whether the bonds being refunded were issued by the  
11 authority pursuant to this chapter or on behalf of the  
12 authority pursuant to the State Bond Act.

13 Section 63. Section 348.765, Florida Statutes, is  
14 amended to read:

15 348.765 This part complete and additional authority.--

16 (1) The powers conferred by this part shall be in  
17 addition and supplemental to the existing powers of said board  
18 and the department, and this part shall not be construed as  
19 repealing any of the provisions, of any other law, general,  
20 special or local, but to supersede such other laws in the  
21 exercise of the powers provided in this part, and to provide a  
22 complete method for the exercise of the powers granted in this  
23 part. The extension and improvement of said Orlando-Orange  
24 County Expressway System, and the issuance of bonds hereunder  
25 to finance all or part of the cost thereof, may be  
26 accomplished upon compliance with the provisions of this part  
27 without regard to or necessity for compliance with the  
28 provisions, limitations, or restrictions contained in any  
29 other general, special or local law, including, but not  
30 limited to, s. 215.821, and no approval of any bonds issued  
31 under this part by the qualified electors or qualified

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1 electors who are freeholders in the state or in said County of  
2 Orange, or in said City of Orlando, or in any other political  
3 subdivision of the state, shall be required for the issuance  
4 of such bonds pursuant to this part.

5 (2) This part shall not be deemed to repeal, rescind,  
6 or modify any other law or laws relating to said State Board  
7 of Administration, said Department of Transportation, or the  
8 Division of Bond Finance of the State Board of Administration,  
9 but shall be deemed to and shall supersede such other law or  
10 laws as are inconsistent with the provisions of this part,  
11 including, but not limited to, s. 215.821.

12  
13 (Redesignate subsequent sections.)

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16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 77, line 12, after the semicolon

19

20 insert:

21 amending s. 348.754, F.S.; providing that  
22 certain activities of an expressway authority  
23 may be approved by the governing body of the  
24 affected county at the conclusion of a public  
25 hearing on the matter; restricting certain  
26 activities affecting the Wekiva River or Green  
27 Swamp Area by the Orlando-Orange County  
28 Expressway Authority; amending s. 348.7543,  
29 F.S.; specifying the revenue bonds that may be  
30 used to finance certain improvements to the  
31 Orlando-Orange County Expressway Authority;

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1 amending s. 348.7544, F.S.; authorizing the  
2 authority to refinance the Northwest Beltway  
3 Part A; prohibiting the authority from  
4 financing or constructing new facilities to the  
5 Northwest Beltway Part A without prior  
6 legislative approval unless on behalf of the  
7 Department of Transportation; amending s.  
8 348.7545, F.S.; authorizing the authority to  
9 refinance the Western Beltway Part C; amending  
10 s. 348.755, F.S.; prescribing additional  
11 authority to issue bonds by or on behalf of the  
12 authority; prescribing a condition on issuance  
13 of bonds by the authority; amending s. 348.765,  
14 F.S.; restating the authority's exemption from  
15 certain provisions relating to issuance of  
16 bonds by state agencies;

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