

Amendment No. f2 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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5			ORIGINAL STAMP BELOW
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11 Representative(s) Allen offered the following:

13 **Amendment (with title amendment)**

14 On page 1, line 22,
15 remove: everything after the enacting clause

17 and insert:

18 Section 1. Section 348.7521, Florida Statutes, is
19 created to read:

20 348.7521 Jurisdiction of the Orlando-Orange County
21 Expressway Authority System.-- The jurisdictional area of the
22 Orlando-Orange County Expressway Authority System is limited
23 to the City of Orlando, Orange County, and adjacent counties.
24 The exercise by the Authority of the powers granted pursuant
25 to this part shall be limited to the geographic boundaries
26 established for the Authority pursuant to this part and does
27 not expand the current powers or duties of the Authority.
28 Exercise by the Authority of its right to issue bonds shall be
29 subject to the terms and provisions of this part, and s.11(f),
30 Art. VII of the State Constitution.

31 Section 2. Paragraph (n) of subsection (2) and

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1 subsection (4) of section 348.754, Florida Statutes, are
2 amended, and subsection (6) is added to that section, to read:

3 348.754 Purposes and powers.--

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

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

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

28 (6) After July 1, 2002, the authority may not approve
29 any acquisition of right-of-way or construction of any new
30 additions, extensions, or appurtenant facilities without prior
31 legislative authorization if the new additions, extensions, or

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1 appurtenant facilities are proposed to be located within the
2 Wekiva River Protection Area designated in s. 369.303(9) or
3 within the Green Swamp Area of Critical Concern designated in
4 s. 380.0551.

5 Section 3. Section 748.7543, Florida Statutes, is
6 amended to read:

7 348.7543 Improvements, bond financing authority
8 for.--Pursuant to s. 11(f), Art. VII of the State
9 Constitution, the Legislature hereby approves for bond
10 financing by the Orlando-Orange County Expressway Authority
11 improvements to toll collection facilities, interchanges to
12 the legislatively approved expressway system, and any other
13 facility appurtenant, necessary, or incidental to the approved
14 system. Subject to terms and conditions of applicable revenue
15 bond resolutions and covenants, such costs financing may be
16 financed in whole or in part by revenue bonds issued pursuant
17 to s. 348.755(1)(a) or (b) whether currently issued or issued
18 in the future, or by a combination of such bonds.

19 Section 4. Section 348.7544, Florida Statutes, is
20 amended to read:

21 348.7544 Northwest Beltway Part A, construction
22 authorized; financing.--Notwithstanding s. 338.2275, the
23 Orlando-Orange County Expressway Authority is ~~hereby~~
24 authorized to construct, finance, operate, own, and maintain
25 that portion of the Western Beltway known as the Northwest
26 Beltway Part A, extending from Florida's Turnpike near Ocoee
27 north to U.S. 441 near Apopka, as part of the authority's
28 20-year capital projects plan. This project may be financed
29 with any funds available to the authority for such purpose or
30 revenue bonds issued by the Division of Bond Finance of the
31 State Board of Administration on behalf of the authority

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

12 Section 5. Section 348.7545, Florida Statutes, is
13 amended to read:

14 348.7545 Western Beltway Part C, construction
15 authorized; financing.--Notwithstanding s. 338.2275, the
16 Orlando-Orange County Expressway Authority is authorized to
17 exercise its condemnation powers, construct, finance, operate,
18 own, and maintain that portion of the Western Beltway known as
19 the Western Beltway Part C, extending from Florida's Turnpike
20 near Ocoee in Orange County southerly through Orange and
21 Osceola Counties to an interchange with I-4 near the
22 Osceola-Polk County line, as part of the authority's 20-year
23 capital projects plan. This project may be financed with any
24 funds available to the authority for such purpose or revenue
25 bonds issued by the Division of Bond Finance of the State
26 Board of Administration on behalf of the authority pursuant to
27 s. 11, Art. VII of the State Constitution and the State Bond
28 Act, ss. 215.57-215.83. This project may be refinanced with
29 bonds issued by the authority pursuant to s. 348.755(1)(d).

30 Section 6. Subsection (1) of section 348.755, Florida
31 Statutes, is amended to read:

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1 348.755 Bonds of the authority.--
2 (1)(a) Bonds may be issued on behalf of the authority
3 pursuant to the State Bond Act.
4 (b) Alternatively, the authority may issue its own
5 bonds pursuant to this part at such times and in such
6 principal amount as, in the opinion of the authority, is
7 necessary to provide sufficient moneys for achieving its
8 purposes; however, such bonds may not pledge the full faith
9 and credit of the state. Bonds issued by the authority
10 pursuant to this paragraph or paragraph (a)~~The bonds of the~~
11 ~~authority issued pursuant to the provisions of this part,~~
12 whether on original issuance or on refunding, shall be
13 authorized by resolution of the members thereof and may be
14 either term or serial bonds, shall bear such date or dates,
15 mature at such time or times, not exceeding 40 years from
16 their respective dates, bear interest at such rate or rates,
17 payable semiannually, be in such denominations, be in such
18 form, either coupon or fully registered, shall carry such
19 registration, exchangeability and interchangeability
20 privileges, be payable in such medium of payment and at such
21 place or places, be subject to such terms of redemption and be
22 entitled to such priorities on the revenues, rates, fees,
23 rentals or other charges or receipts of the authority
24 including the Orange County gasoline tax funds received by the
25 authority pursuant to the terms of any lease-purchase
26 agreement between the authority and the department, as such
27 resolution or any resolution subsequent thereto may provide.
28 The bonds shall be executed either by manual or facsimile
29 signature by such officers as the authority shall determine,
30 provided that such bonds shall bear at least one signature
31 which is manually executed thereon, and the coupons attached

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1 to such bonds shall bear the facsimile signature or signatures
2 of such officer or officers as shall be designated by the
3 authority and shall have the seal of the authority affixed,
4 imprinted, reproduced or lithographed thereon, all as may be
5 prescribed in such resolution or resolutions.

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

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

28 Section 7. Section 348.765, Florida Statutes, is
29 amended to read:

30 348.765 This part complete and additional authority.--

31 (1) The powers conferred by this part shall be in

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

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

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

30 And the title is amended as follows:

31 On page 1, lines 3 through 19,

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1 insert:
2 creating s. 348.7521, F.S.; clarifying
3 expressway authority's jurisdiction; clarifying
4 bonding requirements; amending s. 348.754,
5 F.S.; providing that certain activities of an
6 expressway authority may be approved by the
7 governing body of the affected county at the
8 conclusion of a public hearing on the matter;
9 restricting certain activities affecting the
10 Wekiva River or Green Swamp Area by the
11 Orlando-Orange County Expressway Authority;
12 amending s. 348.7543, F.S.; specifying the
13 revenue bonds that may be used to finance
14 certain improvements to the Orlando-Orange
15 County Expressway Authority; amending s.
16 348.7544, F.S.; authorizing the authority to
17 refinance the Northwest Beltway Part A;
18 prohibiting the authority from financing or
19 constructing new facilities to the Northwest
20 Beltway Part A without prior legislative
21 approval unless on behalf of the Department of
22 Transportation; amending s. 348.7545, F.S.;
23 authorizing the authority to refinance the
24 Western Beltway Part C; amending s. 348.755,
25 F.S.; prescribing additional authority to issue
26 bonds by or on behalf of the authority;
27 prescribing a condition on issuance of bonds by
28 the authority; amending s. 348.765, F.S.;
29 restating the authority's exemption from
30 certain provisions relating to issuance of
31 bonds by state agencies; providing an effective

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