

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

1           bonds by state agencies; providing an effective  
2           date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

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6           Section 1. Section 348.7521, Florida Statutes, is  
7 created to read:

8           348.7521 Jurisdiction of the Orlando-Orange County  
9 Expressway Authority System.-- The jurisdictional area of the  
10 Orlando-Orange County Expressway Authority System is limited  
11 to the City of Orlando, Orange County, and adjacent counties.  
12 The exercise by the Authority of the powers granted pursuant  
13 to this part shall be limited to the geographic boundaries  
14 established for the Authority pursuant to this part and does  
15 not expand the current powers or duties of the Authority.  
16 Exercise by the Authority of its right to issue bonds shall be  
17 subject to the terms and provisions of this part, and s.11(f),  
18 Art. VII of the State Constitution.

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

22           348.754 Purposes and powers.--

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

28           (n) With the consent of the county within whose  
29 jurisdiction the following activities occur, the authority  
30 shall have the right to construct, operate, and maintain  
31 roads, bridges, avenues of access, thoroughfares, and

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

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

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

24 Section 3. Section 748.7543, Florida Statutes, is  
25 amended to read:

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

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

7 Section 4. Section 348.7544, Florida Statutes, is  
8 amended to read:

9 348.7544 Northwest Beltway Part A, construction  
10 authorized; financing.--Notwithstanding s. 338.2275, the  
11 Orlando-Orange County Expressway Authority is ~~hereby~~  
12 authorized to construct, finance, operate, own, and maintain  
13 that portion of the Western Beltway known as the Northwest  
14 Beltway Part A, extending from Florida's Turnpike near Ocoee  
15 north to U.S. 441 near Apopka, as part of the authority's  
16 20-year capital projects plan. This project may be financed  
17 with any funds available to the authority for such purpose or  
18 revenue bonds issued by the Division of Bond Finance of the  
19 State Board of Administration on behalf of the authority  
20 pursuant to s. 11, Art. VII of the State Constitution and the  
21 State Bond Act, ss. 215.57-215.83. This project may be  
22 refinanced with bonds issued by the authority pursuant to s.  
23 348.755(1)(d). The Orlando-Orange County Expressway Authority  
24 may not design, finance, acquire, or construct any new  
25 extension, addition, or appurtenant facilities to the  
26 Northwest Beltway, Part A, extending northeasterly of its  
27 current terminus at U.S. 441 near Apopka without prior  
28 legislative approval. However, the authority may perform  
29 design, acquisition, or construction functions on behalf of  
30 the Department of Transportation pursuant to s. 348.754(2)(i).  
31

1 Section 5. Section 348.7545, Florida Statutes, is  
2 amended to read:

3 348.7545 Western Beltway Part C, construction  
4 authorized; financing.--Notwithstanding s. 338.2275, the  
5 Orlando-Orange County Expressway Authority is authorized to  
6 exercise its condemnation powers, construct, finance, operate,  
7 own, and maintain that portion of the Western Beltway known as  
8 the Western Beltway Part C, extending from Florida's Turnpike  
9 near Ocoee in Orange County southerly through Orange and  
10 Osceola Counties to an interchange with I-4 near the  
11 Osceola-Polk County line, as part of the authority's 20-year  
12 capital projects plan. This project may be financed with any  
13 funds available to the authority for such purpose or revenue  
14 bonds issued by the Division of Bond Finance of the State  
15 Board of Administration on behalf of the authority pursuant to  
16 s. 11, Art. VII of the State Constitution and the State Bond  
17 Act, ss. 215.57-215.83. This project may be refinanced with  
18 bonds issued by the authority pursuant to s. 348.755(1)(d).

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

21 348.755 Bonds of the authority.--

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

24 (b) Alternatively, the authority may issue its own  
25 bonds pursuant to this part at such times and in such  
26 principal amount as, in the opinion of the authority, is  
27 necessary to provide sufficient moneys for achieving its  
28 purposes; however, such bonds may not pledge the full faith  
29 and credit of the state. Bonds issued by the authority  
30 pursuant to this paragraph or paragraph (a)~~The bonds of the~~  
31 ~~authority issued pursuant to the provisions of this part,~~

1 whether on original issuance or on refunding, shall be  
2 authorized by resolution of the members thereof and may be  
3 either term or serial bonds, shall bear such date or dates,  
4 mature at such time or times, not exceeding 40 years from  
5 their respective dates, bear interest at such rate or rates,  
6 payable semiannually, be in such denominations, be in such  
7 form, either coupon or fully registered, shall carry such  
8 registration, exchangeability and interchangeability  
9 privileges, be payable in such medium of payment and at such  
10 place or places, be subject to such terms of redemption and be  
11 entitled to such priorities on the revenues, rates, fees,  
12 rentals or other charges or receipts of the authority  
13 including the Orange County gasoline tax funds received by the  
14 authority pursuant to the terms of any lease-purchase  
15 agreement between the authority and the department, as such  
16 resolution or any resolution subsequent thereto may provide.  
17 The bonds shall be executed either by manual or facsimile  
18 signature by such officers as the authority shall determine,  
19 provided that such bonds shall bear at least one signature  
20 which is manually executed thereon, and the coupons attached  
21 to such bonds shall bear the facsimile signature or signatures  
22 of such officer or officers as shall be designated by the  
23 authority and shall have the seal of the authority affixed,  
24 imprinted, reproduced or lithographed thereon, all as may be  
25 prescribed in such resolution or resolutions.

26 (c)(b) ~~Said~~ Bonds issued pursuant to paragraph (a) or  
27 paragraph (b) shall be sold at public sale in the same manner  
28 provided by the State Bond Act. However, if the authority  
29 shall, by official action at a public meeting, determine that  
30 a negotiated sale of such ~~the~~ bonds is in the best interest of  
31 the authority, the authority may negotiate the ~~for~~ sale of

1 such ~~the~~ bonds with the underwriter or underwriters designated  
2 by the authority and the Division of Bond Finance of the State  
3 Board of Administration with respect to bonds issued pursuant  
4 to paragraph (a) or solely the authority with respect to bonds  
5 issued pursuant to paragraph (b). The authority's  
6 determination to negotiate the sale of such bonds may be  
7 based, in part, upon the written advice of the authority's  
8 financial advisor. Pending the preparation of definitive  
9 bonds, interim certificates may be issued to the purchaser or  
10 purchasers of such bonds and may contain such terms and  
11 conditions as the authority may determine.

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

17 Section 7. Section 348.765, Florida Statutes, is  
18 amended to read:

19 348.765 This part complete and additional authority.--

20 (1) The powers conferred by this part shall be in  
21 addition and supplemental to the existing powers of said board  
22 and the department, and this part shall not be construed as  
23 repealing any of the provisions, of any other law, general,  
24 special or local, but to supersede such other laws in the  
25 exercise of the powers provided in this part, and to provide a  
26 complete method for the exercise of the powers granted in this  
27 part. The extension and improvement of said Orlando-Orange  
28 County Expressway System, and the issuance of bonds hereunder  
29 to finance all or part of the cost thereof, may be  
30 accomplished upon compliance with the provisions of this part  
31 without regard to or necessity for compliance with the

1 provisions, limitations, or restrictions contained in any  
2 other general, special or local law, including, but not  
3 limited to, s. 215.821,and no approval of any bonds issued  
4 under this part by the qualified electors or qualified  
5 electors who are freeholders in the state or in said County of  
6 Orange, or in said City of Orlando, or in any other political  
7 subdivision of the state, shall be required for the issuance  
8 of such bonds pursuant to this part.

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