

1 A bill to be entitled
2 An act relating to expressway authorities;
3 amending s. 212.0606, F.S.; requiring proceeds
4 from the surcharge in the State Transportation
5 Trust Fund be used to fund the County Incentive
6 Grant Program in the Department of
7 Transportation; amending s. 348.0003, F.S.;
8 authorizing a county governing body to set
9 qualifications, terms of office, and
10 obligations and rights for the members of
11 expressway authorities within their
12 jurisdictions; amending s. 348.0008, F.S.;
13 allowing expressway authorities to acquire
14 certain interests in land; providing for
15 expressway authorities and their agents or
16 employees to access public or private property
17 for certain purposes; creating s. 348.7521,
18 F.S.; clarifying expressway authority's
19 jurisdiction; clarifying bonding requirements;
20 amending s. 348.754, F.S.; providing that
21 certain activities of an expressway authority
22 may be approved by the governing body of the
23 affected county at the conclusion of a public
24 hearing on the matter; restricting certain
25 activities affecting the Wekiva River or Green
26 Swamp Area by the Orlando-Orange County
27 Expressway Authority; amending s. 348.7543,
28 F.S.; specifying the revenue bonds that may be
29 used to finance certain improvements to the
30 Orlando-Orange County Expressway Authority;
31 amending s. 348.7544, F.S.; authorizing the

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

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Subsection (2) of section 212.0606, Florida
21 Statutes, is amended to read:

22 212.0606 Rental car surcharge.--

23 (2)(a) Notwithstanding the provisions of section
24 212.20, and less costs of administration, 80 percent of the
25 proceeds of this surcharge shall be deposited in the State
26 Transportation Trust Fund, 15.75 percent of the proceeds of
27 this surcharge shall be deposited in the Tourism Promotional
28 Trust Fund created in s. 288.122, and 4.25 percent of the
29 proceeds of this surcharge shall be deposited in the Florida
30 International Trade and Promotion Trust Fund. For the purposes
31 of this subsection, "proceeds" of the surcharge means all

1 funds collected and received by the department under this
2 section, including interest and penalties on delinquent
3 surcharges.

4 (b) Notwithstanding any other provision of law, in
5 fiscal year 2007-2008 and each year thereafter, the proceeds
6 deposited in the State Transportation Trust Fund shall be
7 allocated on an annual basis in the Department of
8 Transportation's work program to each department district,
9 except the Turnpike District. The amount allocated for each
10 district shall be based upon the amount of proceeds collected
11 in the counties within each respective district.

12 Section 2. Paragraph (d) of subsection (2) of section
13 348.0003, Florida Statutes, is amended to read:

14 348.0003 Expressway authority; formation;
15 membership.--

16 (2) The governing body of an authority shall consist
17 of not fewer than five nor more than nine voting members. The
18 district secretary of the affected department district shall
19 serve as a nonvoting member of the governing body of each
20 authority located within the district. Each member of the
21 governing body must at all times during his or her term of
22 office be a permanent resident of the county which he or she
23 is appointed to represent.

24 (d) Notwithstanding any provision to the contrary in
25 this subsection, in any county as defined in s. 125.011(1),
26 the governing body of an authority shall consist of up to 13
27 members, and the following provisions of this paragraph shall
28 apply specifically to such authority. Except for the district
29 secretary of the department, the members must be residents of
30 the county. Seven voting members shall be appointed by the
31 governing body of the county. At the discretion of the

1 governing body of the county, up to two of the members
2 appointed by the governing body of the county may be elected
3 officials residing in the county. Five voting members of the
4 authority shall be appointed by the Governor. One member shall
5 be the district secretary of the department serving in the
6 district that contains such county. This member shall be an ex
7 officio voting member of the authority. If the governing board
8 of an authority includes any member originally appointed by
9 the governing body of the county as a nonvoting member, when
10 the term of such member expires, that member shall be replaced
11 by a member appointed by the Governor until the governing body
12 of the authority is composed of seven members appointed by the
13 governing body of the county and five members appointed by the
14 Governor. The qualifications, terms of office, and obligations
15 and rights of members of the authority shall be determined by
16 resolution or ordinance of the governing body of the county in
17 a manner that is consistent with subsections (3) and (4).

18 Section 3. Section 348.0008, Florida Statutes, is
19 amended to read:

20 348.0008 Acquisition of lands and property.--

21 (1) For the purposes of the Florida Expressway
22 Authority Act, an expressway authority may acquire such
23 rights, title, or interest in private or public property and
24 such property rights, including easements, rights of access,
25 air, view, and light, by gift, devise, purchase, or
26 condemnation by eminent domain proceedings, as the authority
27 may deem necessary for any of the purposes of the Florida
28 Expressway Authority Act, including, but not limited to, any
29 lands reasonably necessary for securing applicable permits,
30 areas necessary for management of access, borrow pits,
31 drainage ditches, water retention areas, rest areas,

1 replacement access for landowners whose access is impaired due
2 to the construction of an expressway system, and replacement
3 rights-of-way for relocated rail and utility facilities; for
4 existing, proposed, or anticipated transportation facilities
5 on the expressway system or in a transportation corridor
6 designated by the authority; or for the purposes of screening,
7 relocation, removal, or disposal of junkyards and scrap metal
8 processing facilities. The authority may also condemn any
9 material and property necessary for such purposes.

10 (2) An authority and its authorized agents,
11 contractors, and employees are authorized to enter upon any
12 lands, waters, and premises, upon giving reasonable notice to
13 the landowner, for the purpose of making surveys, soundings,
14 drillings, appraisals, environmental assessments including
15 phase I and phase II environmental surveys, archaeological
16 assessments, and such other examinations as are necessary for
17 the acquisition of private or public property and property
18 rights, including rights of access, air, view, and light, by
19 gift, devise, purchase, or condemnation by eminent domain
20 proceedings or as are necessary for the authority to perform
21 its duties and functions; and any such entry shall not be
22 deemed a trespass or an entry that would constitute a taking
23 in an eminent domain proceeding. An expressway authority shall
24 make reimbursement for any actual damage to such lands, water,
25 and premises as a result of such activities.

26 ~~(3)(2)~~ The right of eminent domain conferred by the
27 Florida Expressway Authority Act must be exercised by each
28 authority in the manner provided by law.

29 ~~(4)(3)~~ When an authority acquires property for an
30 expressway system or in a transportation corridor as defined
31 in s. 334.03, it is not subject to any liability imposed by

1 chapter 376 or chapter 403 for preexisting soil or groundwater
2 contamination due solely to its ownership. This subsection
3 does not affect the rights or liabilities of any past or
4 future owners of the acquired property nor does it affect the
5 liability of any governmental entity for the results of its
6 actions which create or exacerbate a pollution source. An
7 authority and the Department of Environmental Protection may
8 enter into interagency agreements for the performance,
9 funding, and reimbursement of the investigative and remedial
10 acts necessary for property acquired by the authority.

11 Section 4. Section 348.7521, Florida Statutes, is
12 created to read:

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

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

27 348.754 Purposes and powers.--

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

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

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

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

30 Section 6. Section 748.7543, Florida Statutes, is
31 amended to read:

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

13 Section 7. Section 348.7544, Florida Statutes, is
14 amended to read:

15 348.7544 Northwest Beltway Part A, construction
16 authorized; financing.--Notwithstanding s. 338.2275, the
17 Orlando-Orange County Expressway Authority is ~~hereby~~
18 authorized to construct, finance, operate, own, and maintain
19 that portion of the Western Beltway known as the Northwest
20 Beltway Part A, extending from Florida's Turnpike near Ocoee
21 north to U.S. 441 near Apopka, as part of the authority's
22 20-year capital projects plan. This project may be financed
23 with any funds available to the authority for such purpose or
24 revenue bonds issued by the Division of Bond Finance of the
25 State Board of Administration on behalf of the authority
26 pursuant to s. 11, Art. VII of the State Constitution and the
27 State Bond Act, ss. 215.57-215.83. This project may be
28 refinanced with bonds issued by the authority pursuant to s.
29 348.755(1)(d). The Orlando-Orange County Expressway Authority
30 may not design, finance, acquire, or construct any new
31 extension, addition, or appurtenant facilities to the

1 Northwest Beltway, Part A, extending northeasterly of its
2 current terminus at U.S. 441 near Apopka without prior
3 legislative approval. However, the authority may perform
4 design, acquisition, or construction functions on behalf of
5 the Department of Transportation pursuant to s. 348.754(2)(i).

6 Section 8. Section 348.7545, Florida Statutes, is
7 amended to read:

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

24 Section 9. Subsection (1) of section 348.755, Florida
25 Statutes, is amended to read:

26 348.755 Bonds of the authority.--

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

29 (b) Alternatively, the authority may issue its own
30 bonds pursuant to this part at such times and in such
31 principal amount as, in the opinion of the authority, is

1 necessary to provide sufficient moneys for achieving its
 2 purposes; however, such bonds may not pledge the full faith
 3 and credit of the state. Bonds issued by the authority
 4 pursuant to this paragraph or paragraph (a)~~The bonds of the~~
 5 ~~authority issued pursuant to the provisions of this part,~~
 6 whether on original issuance or on refunding, shall be
 7 authorized by resolution of the members thereof and may be
 8 either term or serial bonds, shall bear such date or dates,
 9 mature at such time or times, not exceeding 40 years from
 10 their respective dates, bear interest at such rate or rates,
 11 payable semiannually, be in such denominations, be in such
 12 form, either coupon or fully registered, shall carry such
 13 registration, exchangeability and interchangeability
 14 privileges, be payable in such medium of payment and at such
 15 place or places, be subject to such terms of redemption and be
 16 entitled to such priorities on the revenues, rates, fees,
 17 rentals or other charges or receipts of the authority
 18 including the Orange County gasoline tax funds received by the
 19 authority pursuant to the terms of any lease-purchase
 20 agreement between the authority and the department, as such
 21 resolution or any resolution subsequent thereto may provide.
 22 The bonds shall be executed either by manual or facsimile
 23 signature by such officers as the authority shall determine,
 24 provided that such bonds shall bear at least one signature
 25 which is manually executed thereon, and the coupons attached
 26 to such bonds shall bear the facsimile signature or signatures
 27 of such officer or officers as shall be designated by the
 28 authority and shall have the seal of the authority affixed,
 29 imprinted, reproduced or lithographed thereon, all as may be
 30 prescribed in such resolution or resolutions.
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1 ~~(c)(b)~~ Said Bonds issued pursuant to paragraph (a) or
2 paragraph (b) shall be sold at public sale in the same manner
3 provided by the State Bond Act. However, if the authority
4 shall, by official action at a public meeting, determine that
5 a negotiated sale of such ~~the~~ bonds is in the best interest of
6 the authority, the authority may negotiate the ~~for~~ sale of
7 such ~~the~~ bonds with the underwriter or underwriters designated
8 by the authority and the Division of Bond Finance of the State
9 Board of Administration with respect to bonds issued pursuant
10 to paragraph (a) or solely the authority with respect to bonds
11 issued pursuant to paragraph (b). The authority's
12 determination to negotiate the sale of such bonds may be
13 based, in part, upon the written advice of the authority's
14 financial advisor. Pending the preparation of definitive
15 bonds, interim certificates may be issued to the purchaser or
16 purchasers of such bonds and may contain such terms and
17 conditions as the authority may determine.

18 (d) The authority may issue bonds pursuant to
19 paragraph (b) to refund any bonds previously issued regardless
20 of whether the bonds being refunded were issued by the
21 authority pursuant to this chapter or on behalf of the
22 authority pursuant to the State Bond Act.

23 Section 10. Section 348.765, Florida Statutes, is
24 amended to read:

25 348.765 This part complete and additional authority.--

26 (1) The powers conferred by this part shall be in
27 addition and supplemental to the existing powers of said board
28 and the department, and this part shall not be construed as
29 repealing any of the provisions, of any other law, general,
30 special or local, but to supersede such other laws in the
31 exercise of the powers provided in this part, and to provide a

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

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

22 Section 11. This act shall take effect upon becoming a
23 law.

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