

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Horner offered the following:

Amendment (with title amendment)

Remove lines 1527-2276 and insert:

Section 35. Part XI of chapter 348, Florida Statutes, consisting of sections 348.9950, 348.9951, 348.9952, 348.9953, 348.9954, 348.9955, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and 348.9961, is created to read:

348.9950 Short title.—This part may be cited as the "Osceola County Expressway Authority Law."

348.9951 Definitions.—Terms used in this part, except where the context clearly indicates otherwise, shall have the same meanings as those defined in the Florida Expressway Authority Act.

348.9952 Osceola County Expressway Authority.—

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16 (1) There is created a body politic and corporate, an
17 agency of the state, to be known as the Osceola County
18 Expressway Authority.

19 (2) (a) The governing body of the authority shall consist
20 of six members. Five members, at least one of whom must be a
21 member of a racial or ethnic minority group, must be residents
22 of Osceola County, three of whom shall be appointed by the
23 governing body of the county and two of whom shall be appointed
24 by the Governor. The sixth member shall be the district
25 secretary of the department serving in the district that
26 includes Osceola County, who shall serve as an ex officio,
27 nonvoting member. The term of each appointed member shall be for
28 4 years, except that the first term of the initial members
29 appointed by the Governor shall be 2 years each. Each appointed
30 member shall hold office until his or her successor has been
31 appointed and has qualified. A vacancy occurring during a term
32 shall be filled only for the balance of the unexpired term. Each
33 appointed member of the authority shall be a person of
34 outstanding reputation for integrity, responsibility, and
35 business ability, but a person who is an officer or employee of
36 any municipality or of Osceola County in any other capacity may
37 not be an appointed member of the authority. A member of the
38 authority is eligible for reappointment.

39 (b) Members of the authority may be removed from office by
40 the Governor for misconduct, malfeasance, or nonfeasance in
41 office.

42 (3) (a) The authority shall elect one of its members as
43 chair. The authority shall also elect a secretary and a

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44 treasurer, who may be members of the authority. The chair,
45 secretary, and treasurer shall hold such offices at the will of
46 the authority.

47 (b) Three members of the authority constitute a quorum,
48 and the vote of three members is necessary for any action taken
49 by the authority. A vacancy in the authority does not impair the
50 right of a quorum of the authority to exercise all of the rights
51 and perform all of the duties of the authority.

52 (4) (a) The authority may employ an executive secretary, an
53 executive director, its own counsel and legal staff, technical
54 experts, engineers, and other employees, permanent or temporary,
55 as it may require, and may determine the qualifications and fix
56 the compensation of such persons, firms, or corporations.
57 Additionally, the authority may employ a fiscal agent or agents.
58 However, the authority shall solicit sealed proposals from at
59 least three persons, firms, or corporations for the performance
60 of any services as fiscal agents. The authority may delegate to
61 one or more of its agents or employees such of its power as it
62 deems necessary to carry out the purposes of this part, subject
63 always to the supervision and control of the authority.

64 (b) Members of the authority are entitled to receive from
65 the authority their travel and other necessary expenses incurred
66 in connection with the business of the authority as provided in
67 s. 112.061, but members shall not draw salaries or other
68 compensation.

69 (c) The department is not required to grant funds for
70 startup costs to the authority. However, the governing body of
71 the county may provide funds for such startup costs.

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72 (d) The authority shall cooperate with and participate in
73 any efforts to establish a regional expressway authority.

74 (e) Notwithstanding any other provision of law, including
75 s. 339.175(3), the authority is not entitled to voting
76 membership in a metropolitan planning organization in which
77 Osceola County, or any of the municipalities therein, are also
78 voting members.

79 348.9953 Purposes and powers.—The purposes and powers of
80 the authority shall be the same as those identified in the
81 Florida Expressway Authority Act. In implementing this act, the
82 authority shall institute procedures to encourage the awarding
83 of contracts for professional services and construction to
84 certified minority business enterprises as defined in s.
85 288.703. The authority shall develop and implement activities to
86 encourage the participation of certified minority business
87 enterprises in the contracting process.

88 348.9954 Bonds.—Bonds may be issued on behalf of the
89 authority as provided by the State Bond Act and subject to the
90 provisions of the Florida Expressway Authority Act.

91 348.9955 Lease-purchase agreement.—The authority may enter
92 into lease-purchase agreements with the department as provided
93 in the Florida Expressway Authority Act.

94 348.9956 Department may be appointed agent of authority
95 for construction.—The authority may appoint the department as
96 its agent as provided in the Florida Expressway Authority Act.

97 348.9957 Acquisition of lands and property.—The authority
98 may acquire such rights, title, or interest in private or public
99 property and such property rights, including easements, rights

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100 of access, air, view, and light by gift, devise, purchase, or
101 condemnation by eminent domain proceedings, as the authority may
102 deem necessary for the purposes of this part and subject to the
103 provisions of the Florida Expressway Authority Act.

104 348.9958 Cooperation with other units, boards, agencies,
105 and individuals.-Any county, municipality, drainage district,
106 road and bridge district, school district, or other political
107 subdivision, board, commission, or individual in or of the state
108 may make and enter into any contract, lease, conveyance,
109 partnership, or other agreement with the authority within the
110 provisions and for purposes of this part. The authority may make
111 and enter into any contract, lease, conveyance, partnership, or
112 other agreement with any political subdivision, agency, or
113 instrumentality of the state or any federal agency, corporation,
114 or individual for the purpose of carrying out the provisions of
115 this part.

116 348.9959 Legislative intent; covenant of the state.-It is
117 the intent of the Legislature that the state pledge to and agree
118 with any person, firm, corporation, or federal or state agency
119 subscribing to or acquiring the bonds to be issued by the
120 authority for the purposes of this part that the state will not
121 limit or alter the rights hereby vested in the authority and the
122 department until all bonds at any time issued together with the
123 interest thereon are fully paid and discharged insofar as the
124 same affects the rights of the holders of bonds issued
125 hereunder. It is also the intent of the Legislature that the
126 state further pledge to and agree with the United States that in
127 the event any federal agency shall construct or contribute any

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128 funds for the completion, extension, or improvement of the
 129 Osceola County Expressway System, or any part or portion
 130 thereof, the state will not alter or limit the rights and powers
 131 of the authority and the department in any manner that would be
 132 inconsistent with the continued maintenance and operation of the
 133 Osceola County Expressway System, or the completion, extension,
 134 or improvement thereof, or that would be inconsistent with the
 135 due performance of any agreements between the authority and any
 136 such federal agency. The authority and the department shall
 137 continue to have and may exercise all powers herein granted so
 138 long as the same shall be necessary or desirable for the
 139 carrying out of the purposes of this part and the purposes of
 140 the United States in the completion, extension, or improvement
 141 of the Osceola County Expressway System or any part or portion
 142 thereof.

143 348.9960 Exemption from taxation.—As provided under and
 144 limited by the Florida Expressway Authority Act, the Osceola
 145 County Expressway authority is not required to pay taxes or
 146 assessments of any kind or nature whatsoever upon any property
 147 acquired by it or used by it for such purpose or upon revenues
 148 at any time received by it.

149 348.9961 Automatic dissolution.—If, before January 1,
 150 2020, the authority has not encumbered any funds to further its
 151 purposes and powers as authorized in s. 348.9953 to establish
 152 the system, the Osceola County Expressway Authority is
 153 dissolved.

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

Remove lines 140-212 and insert:
law; creating part XI of ch. 348, F.S.; creating s.
348.9950, F.S.; providing a short title; creating s.
348.9951, F.S.; providing that certain terms have the same
meaning as in the Florida Expressway Authority Act for
certain purposes; creating s. 348.9952, F.S.; creating the
Osceola County Expressway Authority as an agency of the
state; providing for a governing body of the authority;
providing for membership, terms, organization, personnel,
and administration; authorizing payment of travel and
other expenses; directing the authority to cooperate with
and participate in any efforts to establish a regional
expressway authority; declaring that the authority is not
eligible for voting membership in certain metropolitan
planning organizations; creating s. 348.9953, F.S.;
providing purposes and powers of the authority; creating
s. 348.9954, F.S.; authorizing the issuance of bonds to
pay or secure certain obligations; creating s. 348.9955,
F.S.; authorizing the authority to enter into certain
agreements; creating s. 348.9956, F.S.; authorizing the
department to act as the authority's appointed agent under
certain circumstances; creating s. 348.9957, F.S.;
authorizing the authority to acquire certain lands and
property; authorizing the authority to exercise eminent
domain; creating s. 348.9958, F.S.; authorizing certain
entities to enter into agreements with the authority;
creating s. 348.9959, F.S.; providing legislative intent

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184 and a pledge of the state to bondholders; creating s.
185 348.9960, F.S.; exempting the authority from taxation;
186 creating s. 348.9961, F.S.; providing for dissolution of
187 the authority under certain circumstances; amending s.