

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Plakon offered the following:

Amendment (with title amendment)

Between lines 4568 and 4569, insert:

Section 95. Short title.—Sections 95 through 107 of this act may be cited as the "Seminole County Expressway Authority Law."

Section 96. Definitions.—As used in the Seminole County Expressway Authority Law, the term:

(1) "Agency of the state" means the state and any agency, instrumentality, or corporation created, designated, or established by, the state.

(2) "Authority" means the Seminole County Expressway Authority.

(3) "Bond" means a note, bond, refunding bond, or other evidence of indebtedness or obligation, in temporary or

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17 definitive form, which the authority issues pursuant to the
18 Seminole County Expressway Authority Law.

19 (4) "County" means Seminole County.

20 (5) "Department" means the Department of Transportation.

21 (6) "Expressway" means a street or highway especially
22 designed for through traffic, and over, from, or to which owners
23 or occupants of abutting land or other persons have no right or
24 easement or only a limited right or easement of access, light,
25 air, or view. Such highways or streets may be facilities from
26 which trucks, buses, and other commercial vehicles are excluded,
27 or facilities open to use by all customary forms of street and
28 highway traffic.

29 (7) "Gasoline tax funds" means the 80 percent surplus
30 gasoline tax funds accruing each year to the department for use
31 within Seminole county under the s. 9, Art. XII of the State
32 Constitution, after deducting any gasoline tax funds pledged by
33 the department or the county for outstanding obligations.

34 (8) "Seminole County Expressway System" or "system" means
35 any expressway and appurtenant facilities thereto in Seminole
36 County, including, but not limited to, all approaches, roads,
37 bridges, and avenues of access for the expressway.

38 Section 97. Seminole County Expressway Authority.-

39 (1) There is created a body politic and corporate, an
40 agency of the state, to be known as the "Seminole County
41 Expressway Authority."

42 (2) The authority has exclusive right to exercise all the
43 powers under the Seminole County Expressway Authority Law, and
44 no other entity, body, or authority within or without the county

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45 may directly or indirectly exercise jurisdiction, control,
46 authority, or power in any manner relating to an expressway
47 system within the county without the express consent of the
48 authority or as otherwise provided in this law. This subsection
49 does not limit the authority of the department under any other
50 provision of law.

51 (3) The governing body of the authority shall consist of
52 seven members.

53 (a) Five members must be members of the Board of County
54 Commissioners of Seminole County, and the term of each member is
55 concomitant with his or her term as a county commissioner.

56 (b) Two members shall be appointed by the board of county
57 commissioners from among the duly elected municipal officers
58 within the county and shall be appointed to serve 2-year terms
59 unless reappointed.

60 1. Each 2-year term runs from the date of appointment and
61 automatically terminates if the member ceases to be a duly
62 elected municipal officer. Each appointed member of the
63 authority shall enter upon his or her duties upon the effective
64 date of his or her appointment, or as soon thereafter as
65 practicable.

66 2. The board of county commissioners shall fill a
67 municipal membership vacancy within 45 days after the occurrence
68 of the vacancy, and the board must appoint an individual who is
69 jointly recommended to the board of county commissioners by two-
70 thirds of the municipalities in the county within 30 days after
71 the vacancy.

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72 (4) The authority shall elect one of its members as chair.
73 The authority shall elect a secretary and a treasurer, who need
74 not be members of the authority. The chair, secretary, and
75 treasurer hold the office at the will of the authority.

76 (5) Four members of the authority constitute a quorum, and
77 the affirmative vote of three members is necessary for any
78 action taken by the authority. A vacancy in the authority does
79 not impair the right of the quorum to exercise the rights and
80 perform the duties of the authority.

81 (6) The authority shall reimburse its members for travel
82 and other necessary expenses incurred in connection with the
83 business of the authority as provided in s. 112.061, Florida
84 Statutes, but the members may not draw salaries or other
85 compensation.

86 (7) The authority may employ an executive secretary, an
87 executive director, its own counsel and legal staff, technical
88 experts, engineers, and other employees, permanent or temporary,
89 as it may require, and determine the qualifications and fix the
90 compensation of employees and contractors. The total
91 compensation package for any authority employee may not exceed
92 the total compensation package of the Secretary of
93 Transportation.

94 (8) The authority may contract with the Division of Bond
95 Finance of the State Board of Administration for any financial
96 services authorized herein. The authority may delegate to one or
97 more of its agents or employees any of its powers as it deems
98 necessary to carry out the purposes of the Seminole County

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99 Expressway Authority Law, subject to the supervision and control
100 of the authority.

101 Section 98. Powers and duties.—The authority may acquire,
102 hold, construct, improve, maintain, operate, and own the
103 Seminole County Expressway System.

104 (1) The authority may construct any extension, addition,
105 or improvement to the system or appurtenant facilities,
106 including all necessary approaches, roads, bridges, and avenues
107 of access, with any change, modification, or revision of the
108 project as deemed necessary.

109 (2) The authority may exercise all powers necessary,
110 appurtenant, convenient, or incidental to the implementation of
111 the Seminole County Expressway Authority Law, including, but not
112 limited to:

113 (a) To sue and be sued, implead and be impleaded, and
114 complain and defend in all courts.

115 (b) To adopt, use, and alter a corporate seal at will.

116 (c) To acquire, purchase, hold, lease as lessee, and use
117 any franchise or property, real, personal, or mixed, tangible or
118 intangible, or any interest necessary to implement the purposes
119 of the Seminole County Expressway Authority Law, and to sell,
120 lease as lessor, transfer, and dispose of, at any time, any
121 property or interest acquired by the authority.

122 (d) To enter into and make leases for terms not exceeding
123 40 years, as lessee or lessor, and to implement the right to
124 lease as provided in the Seminole County Expressway Authority
125 Law.

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126 (e) To fix, alter, charge, establish, and collect tolls,
127 rates, fees, rentals, and other charges for the services and
128 facilities of the system, which are sufficient to comply with
129 any covenant made with the holders of any bonds issues pursuant
130 to the Seminole County Expressway Authority Law.

131 (f) To fix, alter, charge, establish, and collect rates,
132 fees, rentals, and other charges for the services and facilities
133 of the system, which rates, fees, rentals, and other charges are
134 sufficient to comply with any covenant made with the holders of
135 any bonds issued pursuant to the Seminole County Expressway
136 Authority Law; however, the authority may assign or delegate to
137 the department any of its rights and powers.

138 (g) To borrow money as provided by the State Bond Act.

139 (h) To reimburse the county for any sums expended from
140 gasoline tax funds and any other revenues provided to the
141 authority by the county and used for the payment of the
142 obligations. If the authority deems it practicable, the
143 authority may repay disbursed revenues from county or gasoline
144 tax funds, together with interest at the highest rate
145 applicable, to any obligations of the authority for which funds
146 or revenues were used to pay debt service.

147 (i) To hire and retain independent certified public
148 accountants and auditors to audit the books and records of the
149 authority and the department with respect to the system or any
150 part thereof, so long as any bonds of the authority are
151 outstanding.

152 (j) To make contracts and to execute all instruments
153 necessary to conduct its business.

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154 (k) To borrow money and accept grants from, and to enter
155 into contracts, leases, or other transactions with, any federal
156 agency, the state, any agency of the state, Seminole County, or
157 any other public body of the state.

158 (l) To have the power of eminent domain, including the
159 procedural powers granted under chapters 73 and 74, Florida
160 Statutes.

161 (m) To pledge, hypothecate, or otherwise encumber all
162 parts of the revenues, rates, fees, rentals, or other charges or
163 receipts of the authority, including all or any portion of
164 gasoline tax funds or other revenues received by the authority
165 pursuant to the terms of any agreement between the authority and
166 Seminole County, as security for the obligations of the
167 authority.

168 (n) To do all acts necessary for the conduct of its
169 business and the general welfare of the authority in order to
170 implement the powers granted to it by the Seminole County
171 Expressway Authority Law or other law.

172 (o) To assume and resume all duties and responsibilities
173 of the prior Seminole County Expressway Authority for any
174 contract or agreement that existed on June 30, 2011, and to
175 which the prior Seminole County Expressway Authority was a
176 party.

177 (3) The authority may not pledge the credit or taxing
178 power of the state or any political subdivision or agency of the
179 state, including Seminole County. The obligations of the
180 authority are not deemed obligations of the state, or any
181 political subdivision or agency of the state. The state, or any

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182 political subdivision or agency of the state, except the
183 authority, is not liable for the payment of the principal or
184 interest on the obligations. The use or pledge of all or any
185 portion of gasoline tax funds may not be made without the prior
186 express written consent of the Seminole County Board of County
187 Commissioners.

188 (4) The consent of a municipality is not necessary for any
189 project of the authority, notwithstanding any other provision of
190 the Seminole County Expressway Authority Law or any other law or
191 whether the project lies, in whole or in part, within the
192 boundaries of a municipality. However, an official or a resident
193 of a municipality in which a project of the authority is
194 located, in whole or in part, must have reasonable opportunity
195 to discuss the project and advise the authority of his or her
196 position at a duly advertised public hearing. Notice of the
197 public hearing must be advertised in a newspaper published in
198 the county and circulated in the affected municipalities. The
199 notice must be published once at least 2 weeks before the public
200 hearing and provide the time and place of the public hearing and
201 a short description of the subject to be discussed. The public
202 hearing may be adjourned and set for a time and place certain
203 without further advertisement. In routing and locating an
204 expressway or its interchange in or through a municipality, the
205 authority must consider the effect of such location on the
206 municipality as a whole and may not unreasonably split or divide
207 an area of the municipality or separate one area of the
208 municipality from another.

209 Section 99. Bonds.-

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210 (1) Bonds may be issued on behalf of the authority as
211 provided by the State Bond Act. However, bonds may not be issued
212 unless the resolution authorizing the bonds and pledging the
213 revenues of the expressway require that the revenues of the
214 Seminole County Expressway System be deposited into appropriate
215 accounts in sums sufficient to pay the costs of operation and
216 maintenance of the system for the current fiscal year before any
217 revenues of the system are applied to the payment of interest or
218 principal owing or that may become owing on such bonds.

219 (2) The State Board of Administration shall act as fiscal
220 agent for the authority in the issuance of bonds pursuant to
221 this section. Upon request of the authority, the state board may
222 take over the management, control, administration, custody, and
223 payment of any debt service, fund, or asset available for bonds
224 issued under this section.

225 (3) The authority may enter into a deed of trust, an
226 indenture, a resolution, or another agreement with its fiscal
227 agent, a financial institution, an insurance company, or a bank
228 or trust company within or without the state, as security for
229 the bonds, and may, under the agreement, sign and pledge any of
230 the revenues, rates, fees, rentals, or other charges or receipts
231 of the authority, including any portion of gasoline tax funds or
232 other revenues received by the authority pursuant to the terms
233 of an agreement between the authority and the county. The deed
234 of trust, indenture, resolution, or other agreement may contain
235 provisions that are customary in such instruments, or, if the
236 authority authorizes, may include, without limitation,
237 provisions as to:

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238 (a) The completion, improvement, operation, extension,
239 maintenance, and repair of the system.

240 (b) The availability and application of funds and the
241 safeguarding of funds on hand or on deposit.

242 (c) The rights and remedies of the trustee and the holders
243 of the bonds and any institution providing liquidity or credit
244 support for the bonds.

245 (d) The terms and provisions of the bonds or the
246 resolutions authorizing the issuance of the bonds.

247 (e) The terms and conditions pursuant to which the
248 authority or any trustee for the bonds is entitled to receive
249 any revenues from the county to pay the principal of or interest
250 on the bonds.

251 Section 100. Department to construct, operate, and
252 maintain facilities.-

253 (1) The department is the agent of the authority for the
254 purpose of performing all phases of a project, including, but
255 not limited to, constructing improvements and extensions to the
256 Seminole County Expressway System. The Division of Bond Finance
257 and the authority shall provide the department with complete
258 copies of all documents, agreements, resolutions, contracts, and
259 instruments relating thereto, and shall request the department
260 to do such construction work, including the planning, surveying,
261 design, and actual construction of the completion, extensions,
262 and improvements to the expressway system. Upon the issuance of
263 bonds to finance the construction of an expressway system or
264 improvements to the expressway system, the division shall
265 transfer to the credit of an account of the department in the

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266 State Treasury the necessary funds for construction. The
267 department shall then proceed with construction and use the
268 funds for such purpose in the same manner as it is now
269 authorized to use the funds otherwise provided by law for its
270 use in the construction of roads and bridges. The authority,
271 with the consent and approval of the department, may
272 alternatively elect to appoint a local agency certified by the
273 department to administer federal aid projects in accordance with
274 federal law as its agent for the purpose of performing all
275 phases of a project. This subsection does not prohibit the
276 authority's acceptance of improvements to an expressway which
277 may be constructed by a private party and donated to the
278 authority.

279 (2) The department is the agent of the authority for the
280 purpose of operating and maintaining the Seminole County
281 Expressway System. The department shall operate and maintain the
282 system and the costs incurred by the department for operation
283 and maintenance shall be reimbursed from revenues of the
284 expressway system.

285 (3) The authority retains the right to fix, alter, charge,
286 establish, and collect tolls, rates, fees, rentals, and other
287 charges for the authority's facilities, as otherwise provided in
288 the Seminole County Expressway Authority Law.

289 (4) The Seminole County Expressway System shall be a part
290 of the State Highway System as defined in s. 334.03, Florida
291 Statutes.

292 Section 101. Acquisition of lands and property.-

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293 (1) The authority may acquire private or public property
294 and property rights, including rights of access, air, view, and
295 light, by gift, devise, purchase, or condemnation by an eminent
296 domain proceeding, as the authority deems necessary to implement
297 the Seminole County Expressway Authority Law. The property that
298 the authority may acquire includes, but is not limited to, any
299 land:

300 (a) Reasonably necessary for securing applicable permits,
301 areas necessary for management of access, borrow pits, drainage
302 ditches, water retention areas, rest areas, replacement access
303 for landowners whose access is impaired due to the construction
304 of a facility, and replacement rights-of-way for relocated rail
305 and utility facilities.

306 (b) For existing, proposed, or anticipated transportation
307 facilities on the Seminole County Expressway System or in a
308 transportation corridor designated by the authority.

309 (c) For the purposes of screening, relocation, removal, or
310 disposal of junkyards and scrap metal processing facilities.

311
312 The authority may condemn any material and property necessary
313 for these purposes.

314 (2) The authority may exercise the right of eminent domain
315 in the manner provided by law.

316 (3) If the authority acquires property for a
317 transportation facility or in a transportation corridor, the
318 authority is not subject to any liability imposed by chapter 376
319 or chapter 403, Florida Statutes, for preexisting soil or
320 groundwater contamination due solely to its ownership. This

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321 section does not affect the rights or liabilities of any past or
322 future owners of the acquired property, nor does it affect the
323 liability of any governmental entity for the results of its
324 actions that create or exacerbate a pollution source. The
325 authority and the Department of Environmental Protection may
326 enter into an interagency agreement for the performance,
327 funding, and reimbursement of the investigative and remedial
328 acts necessary for property acquired by the authority.

329 Section 102. Cooperation with other units, boards,
330 agencies, and individuals.-Any county, municipality, drainage
331 district, road or bridge district, school district, or any other
332 political subdivision, board, commission, or individual in or of
333 the state may make and enter into a contract, lease, conveyance,
334 or other agreement with the authority consistent with the
335 Seminole County Expressway Authority Law. The authority may make
336 and enter into a contract, lease, conveyance, or other agreement
337 with any political subdivision, agency, or instrumentality of
338 the state, any federal agency, any corporation, or any
339 individual to implement the Seminole County Expressway Authority
340 Law.

341 Section 103. Covenant of the state.-The state pledges to,
342 and agrees with, any person, firm, corporation, or federal or
343 state agency subscribing to or acquiring the bonds issued by the
344 authority pursuant to the Seminole County Expressway Authority
345 Law that the state will not limit or alter the rights vested in
346 the authority and the department until all bonds at any time
347 issued, together with the interest on the bonds, are fully paid
348 and discharged. The state pledges to, and agrees with, the

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349 United States that, when any federal agency constructs or
350 contributes any funds for the completion, extension, or
351 improvement of the Seminole County Expressway System or any part
352 or portion thereof, the state will not alter or limit the rights
353 and powers of the authority and the department in any manner
354 that would be inconsistent with the continued maintenance and
355 operation of the system or the completion, extension, or
356 improvement of the system, or that is inconsistent with the due
357 performance of the agreement between the authority and the
358 federal agency. The authority and the department have and may
359 exercise all powers granted in the Seminole County Expressway
360 Authority Law necessary to implement the purposes of such law
361 and the purposes of the United States in the completion,
362 extension, or improvement of the system or any part or portion
363 of the system.

364 Section 104. Exemption from taxation.—The authority
365 created pursuant to the Seminole County Expressway Authority Law
366 is for the benefit of the people of the state, for the increase
367 of their commerce and prosperity, and for the improvement of
368 their health and living conditions. Because the authority is
369 performing essential governmental functions in carrying out the
370 purposes of the Seminole County Expressway Authority Law, the
371 authority is exempt from taxes or assessments upon any property
372 acquired or used by it for such purposes, or upon any revenues,
373 rates, fees, rentals, receipts, income, or charges received by
374 it. The bonds issued by the authority, their transfer, and the
375 income from the bonds, including any profits made on the sale of
376 the bonds, are at all times free from taxation of any kind by

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377 the state or any political subdivision, taxing agency, or
378 instrumentality of the state. However, the exemption granted by
379 this section is not applicable to any tax imposed under chapter
380 220, Florida Statutes, on interest, income, or profits on debt
381 obligations owned by corporations. If a property of the
382 authority is leased, it is exempt from ad valorem taxes if the
383 use by the lessee qualifies the property for exemption under s.
384 196.199, Florida Statutes.

385 Section 105. Eligibility for investments and security.—Any
386 bonds or other obligations issued pursuant to the Seminole
387 County Expressway Authority Law are legal investments for banks,
388 savings banks, trustees, executors, administrators, and all
389 other fiduciaries, and for all state, municipal, and other
390 public funds, and are securities eligible for deposit as
391 security for all state, municipal, or other public funds,
392 notwithstanding any other provisions of law.

393 Section 106. Complete and additional authority.—

394 (1) The powers conferred by the Seminole County Expressway
395 Authority Law are in addition to the existing powers of the
396 authority and the department, and do not repeal any other law,
397 general, special, or local. The extension and improvement of the
398 Seminole County Expressway System, and the issuance of bonds
399 pursuant to the Seminole County Expressway Authority Law to
400 finance all or part of the cost of the system, may be
401 accomplished upon compliance with such law without regard to or
402 necessity for compliance with the provisions, limitations, or
403 restrictions contained in any other general, special, or local
404 law. Approval by qualified electors or qualified electors who

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405 are freeholders in the state, in 0Seminole County, or in any
406 other political subdivision of the state is not required for the
407 issuance of bonds pursuant to the Seminole County Expressway
408 Authority Law.

409 (2) The provisions of the Seminole County Expressway
410 Authority Law do not repeal, rescind, or modify any other law
411 relating to the State Board of Administration, the Department of
412 Transportation, or the Division of Bond Finance of the State
413 Board of Administration, but supersede any law that is
414 inconsistent with this law.

415 Section 107. Subsection (5) of section 369.317, Florida
416 Statutes, is amended to read:

417 369.317 Wekiva Parkway.-

418 (5) In Seminole County, ~~the Seminole County Expressway~~
419 ~~Authority,~~ the Department of Transportation, ~~and the Florida~~
420 ~~Turnpike Enterprise~~ shall locate the precise corridor and
421 interchanges for the Wekiva Parkway consistent with the
422 legislative intent expressed in this part act and other
423 provisions of this part act.

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

428 Remove line 506 and insert:
429 made by the act; creating the Seminole County
430 Expressway Authority Law; providing definitions;
431 creating the Seminole County Expressway Authority;
432 prohibiting an entity or body or another authority

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433 from exercising jurisdiction, control, authority, or
434 power over an expressway system in Seminole County
435 without the consent of the Seminole County Expressway
436 Authority; providing for membership and terms of the
437 governing body of the authority; providing for
438 officers, a quorum, and reimbursement for travel and
439 per diem; authorizing staffing; providing for certain
440 reimbursement for authority members; authorizing the
441 authority to contract with the Division of Bond
442 Finance for financial services; providing for the
443 powers and duties of the authority; providing for the
444 assumption of duties and responsibilities of the prior
445 Seminole County Expressway Authority for certain
446 contracts and agreements; prohibiting the authority
447 from pledging the credit or taxing power of the state;
448 providing that the authority does not need the consent
449 of a municipality for projects but must provide the
450 opportunity for public comment; providing for the
451 issuance of bonds; authorizing the State Board of
452 Administration to act as the fiscal agent of the
453 authority in the issuance of bonds; authorizing the
454 authority to enter into agreements to secure such
455 bonds; providing that the Department of Transportation
456 is the agent of authority for performing all phases of
457 a project and for operating the expressway system;
458 providing that the authority has the power to set and
459 collect all tolls and charges; authorizing the
460 authority to acquire land and properties, including

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461 eminent domain; providing for the cooperation of other
462 entities to further the purposes of the act;
463 prohibiting the state from changing the terms of the
464 bonds; exempting the authority from certain taxes;
465 providing for the bond's eligibility for investments
466 and security; providing for the extent of the powers
467 authorized by the act; amending s. 369.317, F.S.;
468 authorizing only the department to locate the corridor
469 and interchanges for the Wekiva Parkway; providing
470 effective dates.
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