

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Brandes offered the following:

Amendment (with title amendment)

Between lines 4568 and 4569, insert:

Section 95. Subsection (10) is added to section 338.165, Florida Statutes, to read:

338.165 Continuation of tolls.-

(10) The department's Beachline-East Expressway may be transferred by the department and become part of the turnpike system under the Florida Turnpike Enterprise Law. Any funds expended by Florida Turnpike Enterprise for the acquisition of the Beachline-East Expressway shall be deposited into the State Transportation Trust Fund, and, notwithstanding any other law to the contrary, such funds shall first be allocated by the department to fund the department's obligation to construct the Wekiva Parkway. The term "Wekiva Parkway" means a limited access

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17 highway or expressway constructed between State Road 429 and
18 Interstate 4 specifically incorporating the corridor alignment
19 recommended by Recommendation 2 of the Wekiva River Basin Area
20 Task Force final report dated January 15, 2003, and the
21 recommendations of the SR 429 Working Group which were adopted
22 January 16, 2004, and related transportation facilities.

23 Section 96. Section 348.7546, Florida Statutes, is amended
24 to read:

25 348.7546 Wekiva Parkway, construction authorized;
26 financing. ~~Notwithstanding s. 338.2275,~~

27 (1) The Orlando-Orange County Expressway Authority is
28 ~~hereby~~ authorized to exercise its condemnation powers and to,
29 construct, finance, operate, own, and maintain those portions of
30 the Wekiva Parkway which are identified by agreement between the
31 authority and the department and which are included as part of
32 the authority's long-range capital improvement plan. The "Wekiva
33 Parkway" means any limited access highway or expressway
34 constructed between State Road 429 and Interstate 4 specifically
35 incorporating the corridor alignment recommended by
36 Recommendation 2 of the Wekiva River Basin Area Task Force final
37 report dated January 15, 2003, and the recommendations of the SR
38 429 Working Group which ~~that~~ were adopted January 16, 2004. This
39 project may be financed with any funds available to the
40 authority for such purpose or revenue bonds issued by the
41 authority under s. 11, Art. VII of the State Constitution and s.
42 348.755(1)(b). This section does not invalidate the exercise by
43 the authority of its condemnation powers or the acquisition of
44 any property for the Wekiva Parkway before July 1, 2012.

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45 (2) Notwithstanding any other provision of law to the
46 contrary, in order to ensure that funds are available to the
47 department for its portion of the Wekiva Parkway, beginning July
48 1, 2012, the authority shall repay the expenditures by the
49 department for costs of operation and maintenance of the
50 Orlando-Orange County Expressway System in accordance with the
51 terms of the memorandum of understanding between the authority
52 and the department ratified by the authority board on February
53 22, 2012, which requires the authority to pay the department \$10
54 million on July 1, 2012, and \$20 million on each successive July
55 1 until the department has been fully reimbursed for all costs
56 of the Orlando-Orange County Expressway System which were paid,
57 advanced, or reimbursed to the authority by the department, with
58 a final payment in the amount of the balance remaining.
59 Notwithstanding any other law to the contrary, the funds paid to
60 the department pursuant to this subsection shall be allocated by
61 the department for construction of the Wekiva Parkway.

62 (3) The department's obligation to construct its portions
63 of the Wekiva Parkway is contingent upon the timely payment by
64 the authority of the annual payments required of the authority
65 and receipt of all required environmental permits and approvals
66 by the Federal Government.

67 Section 97. Subsections (6) is added to section 348.755,
68 Florida Statutes, to read:

69 348.755 Bonds of the authority.-

70 (6) Notwithstanding any other provision of law to the
71 contrary, on and after July 1, 2012, the authority may not issue
72 any bonds except as permitted under the terms of the memorandum

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73 of understanding between the authority and the department
74 ratified by the authority board on February 22, 2012.

75 Section 98. Subsections (8) and (9) are added to section
76 348.757, Florida Statutes, to read:

77 348.757 Lease-purchase agreement.—

78 (8) The only lease-purchase agreement authorized by this
79 section is the lease-purchase agreement between the department
80 and the authority dated December 23, 1985, as supplemented by a
81 first supplement to the lease-purchase agreement dated November
82 25, 1986, and a second supplement to the lease-purchase
83 agreement dated October 27, 1988.

84 (9) Upon the earlier of the defeasance, redemption, or
85 payment in full of the authority bonds issued before July 1,
86 2012, or the earlier date to which the purchasers of the
87 authority bonds have consented:

88 (a) The obligations of the department under the lease-
89 purchase agreement with the authority, including any obligation
90 to pay any cost of operation, maintenance, repair, or
91 rehabilitation of the expressway system, terminate;

92 (b) The lease purchase agreement terminates;

93 (c) The expressway system remains the property of the
94 authority and may not be transferred to the department; and

95 (d) The authority remains obligated to reimburse the
96 department in accordance with the terms of the memorandum of
97 understanding between the authority and the department ratified
98 by the authority board on February 22, 2012.

99 Section 99. Subsections (2) and (5) of section 369.317,
100 Florida Statutes, are amended to read:

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369.317 Wekiva Parkway.-

(2) The Wekiva Parkway and related transportation facilities shall follow the design criteria contained in the recommendations of the Wekiva River Basin Area Task Force adopted by reference by the Wekiva River Basin Coordinating Committee in its final report of March 16, 2004, and the recommendations of the Wekiva Coordinating Committee contained in its final report of March 16, 2004, subject to reasonable environmental, economic, and engineering considerations. For those activities associated with the Wekiva Parkway and related transportation facilities which require authorization pursuant to part IV of chapter 373, the Department of Environmental Protection is the exclusive permitting authority.

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

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

Remove line 506 and insert:
 made by the act; amending s. 338.165, F.S.; authorizing the department to transfer certain transportation facilities to the turnpike system; providing for use of funds received from Florida Turnpike Enterprise for acquisition of such facilities;
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129 defining the term "Wekiva Parkway"; amending s. 348.7546, F.S.;

130 revising provisions for the Orlando-Orange County Expressway

131 Authority to construct and maintain the Wekiva Parkway;

132 providing for construction of specified provisions; directing

133 the authority to make certain payments to the department;

134 providing for use of funds received by the department; providing

135 that the department's obligation to construct its portions of

136 the Wekiva Parkway is contingent upon certain events; amending

137 s. 348.755, F.S.; prohibiting the Orlando-Orange County

138 Expressway Authority from issuing bonds except under specified

139 circumstances; amending s. 348.757, F.S.; revising provisions

140 for the Orlando-Orange County Expressway Authority to enter into

141 lease-purchase agreements with the department; amending s.

142 369.317, F.S.; revising provisions for the Wekiva Parkway;

143 providing that the Department of Environmental Protection is the

144 exclusive permitting authority for certain activities; revising

145 provisions for location of the parkway; providing effective

146 dates.

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