



306982

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2012	.	
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The Committee on Budget (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 4673 and 4674

insert:

Section 101. Short title.—Sections 101 through 112 of this act may be cited as the "Seminole County Expressway Authority Law."

Section 102. 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



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14 Authority.

15 (3) "Bond" means a note, bond, refunding bond, or other  
16 evidence of indebtedness or obligation, in temporary or  
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 103. 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



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43 powers under the Seminole County Expressway Authority Law, and  
44 no other entity, body, or authority within or without the county  
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 municipal  
67 membership vacancy within 45 days after the occurrence of the  
68 vacancy, and the board must appoint an individual who is jointly  
69 recommended to the board of county commissioners by two-thirds  
70 of the municipalities in the county within 30 days after the  
71 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  
99 Expressway Authority Law, subject to the supervision and control  
100 of the authority.



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101           Section 104. 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, or  
105 improvement to the system or appurtenant facilities, including  
106 all necessary approaches, roads, bridges, and avenues of access,  
107 with any change, modification, or revision of the project as  
108 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.

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



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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.

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



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159 procedural powers granted under chapters 73 and 74, Florida  
160 Statutes.

161 (m) To pledge, hypothecate, or otherwise encumber all parts  
162 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 of  
173 the prior Seminole County Expressway Authority for any contract  
174 or agreement that existed on June 30, 2011, and to which the  
175 prior Seminole County Expressway Authority was a party.

176 (3) The authority may not pledge the credit or taxing power  
177 of the state or any political subdivision or agency of the  
178 state, including Seminole County. The obligations of the  
179 authority are not deemed obligations of the state, or any  
180 political subdivision or agency of the state. The state, or any  
181 political subdivision or agency of the state, except the  
182 authority, is not liable for the payment of the principal or  
183 interest on the obligations. The use or pledge of all or any  
184 portion of gasoline tax funds may not be made without the prior  
185 express written consent of the Seminole County Board of County  
186 Commissioners.

187 (4) The consent of a municipality is not necessary for any



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

208 Section 105. Bonds.—

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





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217 principal owing or that may become owing on such bonds.

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

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

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

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

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

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



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

250           Section 106. Department to construct, operate, and maintain  
251 facilities.-

252           (1) The department is the agent of the authority for the  
253 purpose of performing all phases of a project, including, but  
254 not limited to, constructing improvements and extensions to the  
255 Seminole County Expressway System. The Division of Bond Finance  
256 and the authority shall provide the department with complete  
257 copies of all documents, agreements, resolutions, contracts, and  
258 instruments relating thereto, and shall request the department  
259 to do such construction work, including the planning, surveying,  
260 design, and actual construction of the completion, extensions,  
261 and improvements to the expressway system. Upon the issuance of  
262 bonds to finance the construction of an expressway system or  
263 improvements to the expressway system, the division shall  
264 transfer to the credit of an account of the department in the  
265 State Treasury the necessary funds for construction. The  
266 department shall then proceed with construction and use the  
267 funds for such purpose in the same manner as it is now  
268 authorized to use the funds otherwise provided by law for its  
269 use in the construction of roads and bridges. The authority,  
270 with the consent and approval of the department, may  
271 alternatively elect to appoint a local agency certified by the  
272 department to administer federal aid projects in accordance with  
273 federal law as its agent for the purpose of performing all  
274 phases of a project. This subsection does not prohibit the



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275 authority's acceptance of improvements to an expressway which  
276 may be constructed by a private party and donated to the  
277 authority.

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

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

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

291 Section 107. Acquisition of lands and property.-

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

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



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304 and utility facilities.

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

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

310

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

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

315 (3) If the authority acquires property for a transportation  
316 facility or in a transportation corridor, the authority is not  
317 subject to any liability imposed by chapter 376 or chapter 403,  
318 Florida Statutes, for preexisting soil or groundwater  
319 contamination due solely to its ownership. This section does not  
320 affect the rights or liabilities of any past or future owners of  
321 the acquired property, nor does it affect the liability of any  
322 governmental entity for the results of its actions that create  
323 or exacerbate a pollution source. The authority and the  
324 Department of Environmental Protection may enter into an  
325 interagency agreement for the performance, funding, and  
326 reimbursement of the investigative and remedial acts necessary  
327 for property acquired by the authority.

328 Section 108. Cooperation with other units, boards,  
329 agencies, and individuals.—Any county, municipality, drainage  
330 district, road or bridge district, school district, or any other  
331 political subdivision, board, commission, or individual in or of  
332 the state may make and enter into a contract, lease, conveyance,



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333 or other agreement with the authority consistent with the  
334 Seminole County Expressway Authority Law. The authority may make  
335 and enter into a contract, lease, conveyance, or other agreement  
336 with any political subdivision, agency, or instrumentality of  
337 the state, any federal agency, any corporation, or any  
338 individual to implement the Seminole County Expressway Authority  
339 Law.

340       Section 109. Covenant of the state.—The state pledges to,  
341 and agrees with, any person, firm, corporation, or federal or  
342 state agency subscribing to or acquiring the bonds issued by the  
343 authority pursuant to the Seminole County Expressway Authority  
344 Law that the state will not limit or alter the rights vested in  
345 the authority and the department until all bonds at any time  
346 issued, together with the interest on the bonds, are fully paid  
347 and discharged. The state pledges to, and agrees with, the  
348 United States that, when any federal agency constructs or  
349 contributes any funds for the completion, extension, or  
350 improvement of the Seminole County Expressway System or any part  
351 or portion thereof, the state will not alter or limit the rights  
352 and powers of the authority and the department in any manner  
353 that would be inconsistent with the continued maintenance and  
354 operation of the system or the completion, extension, or  
355 improvement of the system, or that is inconsistent with the due  
356 performance of the agreement between the authority and the  
357 federal agency. The authority and the department have and may  
358 exercise all powers granted in the Seminole County Expressway  
359 Authority Law necessary to implement the purposes of such law  
360 and the purposes of the United States in the completion,  
361 extension, or improvement of the system or any part or portion



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362 of the system.

363       Section 110. Exemption from taxation.—The authority created  
364 pursuant to the Seminole County Expressway Authority Law is for  
365 the benefit of the people of the state, for the increase of  
366 their commerce and prosperity, and for the improvement of their  
367 health and living conditions. Because the authority is  
368 performing essential governmental functions in carrying out the  
369 purposes of the Seminole County Expressway Authority Law, the  
370 authority is exempt from taxes or assessments upon any property  
371 acquired or used by it for such purposes, or upon any revenues,  
372 rates, fees, rentals, receipts, income, or charges received by  
373 it. The bonds issued by the authority, their transfer, and the  
374 income from the bonds, including any profits made on the sale of  
375 the bonds, are at all times free from taxation of any kind by  
376 the state or any political subdivision, taxing agency, or  
377 instrumentality of the state. However, the exemption granted by  
378 this section is not applicable to any tax imposed under chapter  
379 220, Florida Statutes, on interest, income, or profits on debt  
380 obligations owned by corporations. If a property of the  
381 authority is leased, it is exempt from ad valorem taxes if the  
382 use by the lessee qualifies the property for exemption under s.  
383 196.199, Florida Statutes.

384       Section 111. Eligibility for investments and security.—Any  
385 bonds or other obligations issued pursuant to the Seminole  
386 County Expressway Authority Law are legal investments for banks,  
387 savings banks, trustees, executors, administrators, and all  
388 other fiduciaries, and for all state, municipal, and other  
389 public funds, and are securities eligible for deposit as  
390 security for all state, municipal, or other public funds,



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391 notwithstanding any other provisions of law.

392 Section 112. Complete and additional authority.-

393 (1) The powers conferred by the Seminole County Expressway  
394 Authority Law are in addition to the existing powers of the  
395 authority and the department, and do not repeal any other law,  
396 general, special, or local. The extension and improvement of the  
397 Seminole County Expressway System, and the issuance of bonds  
398 pursuant to the Seminole County Expressway Authority Law to  
399 finance all or part of the cost of the system, may be  
400 accomplished upon compliance with such law without regard to or  
401 necessity for compliance with the provisions, limitations, or  
402 restrictions contained in any other general, special, or local  
403 law. Approval by qualified electors or qualified electors who  
404 are freeholders in the state, in 0Seminole County, or in any  
405 other political subdivision of the state is not required for the  
406 issuance of bonds pursuant to the Seminole County Expressway  
407 Authority Law.

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

414 Section 113. Subsection (5) of section 369.317, Florida  
415 Statutes, is amended to read:

416 369.317 Wekiva Parkway.-

417 (5) In Seminole County, ~~the Seminole County Expressway~~  
418 Authority, the Department of Transportation, and the Florida  
419 Turnpike Enterprise shall locate the precise corridor and



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420 interchanges for the Wekiva Parkway consistent with the  
421 legislative intent expressed in this part ~~act~~ and other  
422 provisions of this part ~~act~~.

423  
424 ===== T I T L E A M E N D M E N T =====

425 And the title is amended as follows:

426 Delete line 463

427 and insert:

428 creating the Seminole County Expressway Authority Law;  
429 providing definitions; creating the Seminole County  
430 Expressway Authority; prohibiting an entity or body or  
431 another authority from exercising jurisdiction,  
432 control, authority, or power over an expressway system  
433 in Seminole County without the consent of the Seminole  
434 County Expressway Authority; providing for membership  
435 and terms of the governing body of the authority;  
436 providing for officers, a quorum, and reimbursement  
437 for travel and per diem; authorizing staffing;  
438 providing for certain reimbursement for authority  
439 members; authorizing the authority to contract with  
440 the Division of Bond Finance for financial services;  
441 providing for the powers and duties of the authority;  
442 providing for the assumption of duties and  
443 responsibilities of the prior Seminole County  
444 Expressway Authority for certain contracts and  
445 agreements; prohibiting the authority from pledging  
446 the credit or taxing power of the state; providing  
447 that the authority does not need the consent of a  
448 municipality for projects but must provide the





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449 opportunity for public comment; providing for the  
450 issuance of bonds; authorizing the State Board of  
451 Administration to act as the fiscal agent of the  
452 authority in the issuance of bonds; authorizing the  
453 authority to enter into agreements to secure such  
454 bonds; providing that the Department of Transportation  
455 is the agent of authority for performing all phases of  
456 a project and for operating the expressway system;  
457 providing that the authority has the power to set and  
458 collect all tolls and charges; authorizing the  
459 authority to acquire land and properties, including  
460 eminent domain; providing for the cooperation of other  
461 entities to further the purposes of the act;  
462 prohibiting the state from changing the terms of the  
463 bonds; exempting the authority from certain taxes;  
464 providing for the bond's eligibility for investments  
465 and security; providing for the extent of the powers  
466 authorized by the act; amending s. 369.317, F.S.;  
467 authorizing only the department to locate the corridor  
468 and interchanges for the Wekiva Parkway; providing an  
469 effective date.