

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/CS/SB 354

INTRODUCER: Community Affairs Committee; Transportation Committee; and Senator Simmons

SUBJECT: Seminole County Expressway Authority

DATE: January 30, 2012 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	Fav/CS
2.	Anderson	Yeatman	CA	Fav/CS
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/CS/SB 354 recreates the Seminole County Expressway Authority (the Authority or SCEA), which was dissolved through the enactment of legislation during the 2011 Session. The Authority may assume and resume all duties and responsibilities of the prior SCEA for any contract or agreement that existed on June 30, 2011, and to which the prior SCEA was a party.

This bill creates numerous undesignated sections of law.

II. Present Situation:

Florida expressway authorities are formed either under the Florida Expressway Authority Act (ch. 348, F.S., Part I of the F.S.) or by special act of the Legislature. The purpose of Florida's expressway authorities is to construct, maintain, and operate tolled transportation facilities complementing the State Highway System and the Florida Turnpike Enterprise. The expressway authorities have boards of directors that typically include a combination of local-government officials and Governor appointees who decide on projects and expenditure of funds.

Chapter 2011-64, L.O.F., enacted during the 2011 Legislative Session, contains various provisions related to transportation, including the repeal of statutes creating six expressway authorities, which do not currently operate or maintain a toll facility.¹ Specifically, ch. 2011-64, L.O.F., repealed Part VIII of ch. 348, F.S., which provided for the creation and operation of the Seminole County Expressway Authority. The law also removed provisions authorizing the remaining authorities to enter into lease purchase agreements.

The Authority was an agency of the state, created in 1974 under ch. 348, Part VIII, F.S., (consisting of ss. 348.95 through 348.963, F.S.) for the purposes and having the right to acquire, hold, construct, improve, maintain, operate, own and lease the expressway system within Seminole County.

The Florida Transportation Commission (FTC), as part of its primary functions, serves as an oversight body for transportation authorities and monitors and reports on the efficiency, productivity and management of those authorities created under chs. 343 and 348, F.S. According to FTC's Transportation Authority Monitoring and Oversight Fiscal Year 2010 Report, "the SCEA does not operate any facilities, but does have a Board that generally meets semi-annually. The Board is made up of five County Commissioners and two City Commissioners, who meet to track planning for future toll roads in the county. SCEA, working with the [Florida] Department [of Transportation] and the Orlando-Orange County Expressway Authority, recently approved the final road alignment for the Wekiva Parkway in Seminole County."² For purposes of FTC's report, SCEA was considered an inactive authority.³

III. Effect of Proposed Changes:

This bill recreates the Authority and reinstates previously repealed provisions that were found in ss. 348.95 through 348.963, F.S. (2011). In addition, the Authority may assume and resume all duties and responsibilities of the prior SCEA for any contract or agreement that existed on June 30, 2011, and to which the prior SCEA was a party.

The governing body of the authority will have seven members consisting of:

- five members of the Board of County Commissioners of Seminole County; and
- two members that are duly elected municipal officers of Seminole County appointed by the Board of County Commissioners.

Municipal members of the governing board shall be eligible for reappointment. The members shall elect from their number a chairperson; they also may select a treasurer and a secretary who are not required to be authority members. Four members constitute a quorum, and the affirmative vote of three members is necessary for the authority to take action. Authority members are entitled to receive per diem and other expenses incurred in connection with Authority business, pursuant to s. 112.061, F.S.

¹ Expressway authorities deleted from the Florida Statutes include: Brevard County Expressway Authority, Broward County Expressway Authority, Pasco County Expressway Authority, St. Lucie County Expressway Authority, Seminole County Expressway Authority, and Southwest Florida Expressway Authority.

² http://www.ftc.state.fl.us/PDF/Reports/TAMO/Final_FY2010_Oversight_Report_052511.pdf (last visited 1/5/12).

³ The status of "inactive" was assigned to those organizations that had never met, operated no facilities, disbanded, or were active at one time and transferred their facilities.

The SCEA may acquire, hold, construct, improve, maintain, operate, own and lease an expressway system. Powers are granted to:

- enter lease or lease-purchase agreements;
- set and collect tolls, fees, or charges and to delegate toll collection responsibility to the FDOT;
- borrow money, and make and issue negotiable notes;
- enter contracts;
- have the power of eminent domain;
- encumber all or any part of the revenues, rates, fees, rentals, or other receipts of the authority, including gasoline tax revenues received from county under a lease-purchase agreement; and
- do all things necessary or convenient for the conduct of its business.

Bonds may be issued through the state Division of Bond Finance. No obligation of the Authority may be deemed an obligation of the state. The FDOT may be appointed by the authority as an agent for construction of the expressway system.

Section 1: Provides a popular title: “Seminole County Expressway Authority Law.”

Section 2: Defines terms used in this part.

Section 3: Creates the Authority and specifies membership on the expressway authority board of directors, their terms and duties, allows hiring of staff, with a limitation on their salary.

Section 4: Specifies powers of the governing board, including authorizing SCEA to assume and resume all duties and responsibilities of the prior SCEA for any contract or agreement that existed on June 30, 2011, and to which the prior SCEA was a party.

Section 5: Specifies bonds may be issued by the State Division of Bond Finance on behalf of the expressway authority.

Section 6: Allows the Authority to enter into a lease-purchase agreement with the FDOT for any transportation facilities built by the Authority.

Section 7: Allows the Authority to appoint FDOT as its agent for purposes of constructing aforementioned facilities.

Section 8: Allows the Authority to acquire land and property and provides the right of eminent domain.

Section 9: Provides the Authority the ability to enter into contracts with other governmental bodies.

Section 10: Specifies the covenant of the state against altering the right vested in the Authority until all bonds are paid and discharged.

Section 11: Exempts the Authority from certain taxation.

Section 12: Provides eligibility for investments and securities.

Section 13: Expresses the intent of pledges made by the FDOT is enforceable in court.

Section 14: Specifies no approval from voters shall be necessary before bonds can be issued.

Section 15: Provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on January 30, 2012

The CS provides that the total compensation package for any authority employee may not exceed the total compensation package of the Secretary of the Florida Department of Transportation.

CS by Transportation on January 9, 2012:

The CS includes as powers and duties of the Authority that the SCEA may assume and resume all duties and responsibilities of the prior SCEA for any contract or agreement that existed on June 30, 2011, and to which the prior SCEA was a party.

- B. **Amendments:**

None.