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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2013	.	
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	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Gardiner) recommended the following:

1 **Senate Amendment to Amendment (955216) (with title**
2 **amendment)**

3
4 Delete lines 2461 - 2471
5 and insert:

6 Section 57. Section 348.751, Florida Statutes, is amended
7 to read:

8 348.751 Short title.—This part ~~shall be known and~~ may be
9 cited as the "Central Florida Orlando-Orange County Expressway
10 Authority Law."

11 Section 58. Section 348.752, Florida Statutes, is amended
12 to read:



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13 348.752 Definitions.—As used in this chapter ~~The following~~
14 ~~terms, whenever used or referred to in this law, shall have the~~
15 ~~following meanings, except in those instances where the context~~
16 ~~clearly indicates otherwise:~~

17 (1) The term "agency of the state" means ~~and includes~~ the
18 state and any department of, or corporation, agency, or
19 instrumentality ~~heretofore or hereafter~~ created, designated, or
20 established by, the state.

21 (2) The term "authority" means the body politic and
22 corporate, and agency of the state created by this part.

23 (3) The term "bonds" means ~~and includes~~ the notes, bonds,
24 refunding bonds, or other evidences of indebtedness or
25 obligations, in either temporary or definitive form, which the
26 authority is authorized to issue pursuant to this part.

27 (4) The term "Central Florida Expressway Authority" means
28 the body politic and corporate, and agency of the state created
29 by this chapter ~~The term "city" means the City of Orlando.~~

30 (5) The term "Central Florida Expressway System" means any
31 expressway and appurtenant facilities, including all approaches,
32 roads, bridges, and avenues for the expressway and any rapid
33 transit, trams, or fixed guideways located within the right-of-
34 way of an expressway ~~The term "county" means the County of~~
35 ~~Orange.~~

36 (6) The term "department" means the Department of
37 Transportation ~~existing under chapters 334-339.~~

38 (7) The term "expressway" has the same meaning ~~is the same~~
39 as limited access expressway.

40 (8) The term "federal agency" means and includes the United
41 States, the President of the United States, and any department



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42 of, or corporation, agency, or instrumentality ~~heretofore or~~
43 ~~hereafter~~ created, designated, or established by, the United
44 States.

45 (9) The term "lease-purchase agreement" means the lease-
46 purchase agreements that ~~which~~ the authority is authorized
47 ~~pursuant to this part~~ to enter into with the Department of
48 Transportation pursuant to this part.

49 (10) The term "limited access expressway" means a street or
50 highway specifically ~~especially~~ designed for through traffic,
51 and over, from, or to which, a ~~no~~ person does not ~~shall~~ have the
52 right of easement, use, or access except in accordance with the
53 rules of ~~and regulations promulgated and established by~~ the
54 authority governing its use ~~for the use of such facility~~. Such
55 highways or streets may be parkways that do not allow traffic
56 by, ~~from which~~ trucks, buses, and other commercial vehicles
57 ~~shall be excluded,~~ or they may be freeways open to use by all
58 customary forms of street and highway traffic.

59 (11) The term ~~"members"~~ means ~~the governing body of the~~
60 ~~authority, and the term~~ "member" means an individual who serves
61 on the ~~one of the individuals constituting such~~ governing body
62 of the authority.

63 (12) The term "Orange County gasoline tax funds" means ~~all~~
64 the revenue derived from the 80-percent surplus gasoline tax
65 funds accruing in each year to the Department of Transportation
66 for use in Orange County under ~~the provisions of~~ s. 9, Art. XII
67 of the State Constitution, after deducting ~~deduction only of~~ any
68 amounts of said gasoline tax funds previously ~~heretofore~~ pledged
69 by the department or the county for outstanding obligations.

70 ~~(13) The term "Orlando-Orange County Expressway System"~~



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71 ~~means any and all expressways and appurtenant facilities~~
72 ~~thereto, including, but not limited to, all approaches, roads,~~
73 ~~bridges, and avenues of access for said expressway or~~
74 ~~expressways.~~

75 ~~(13)-(14)~~ The term "State Board of Administration" means the
76 body corporate existing under the provisions of s. 9, Art. XII
77 of the State Constitution, or any successor ~~thereto~~.

78 (14) The term "transportation facilities" means and
79 includes the mobile and fixed assets, and the associated real or
80 personal property or rights, used in the transportation of
81 persons or property by any means of conveyance, and all
82 appurtenances, such as, but not limited to, highways; limited or
83 controlled access lanes, avenues of access, and facilities;
84 vehicles; fixed guideway facilities, including maintenance
85 facilities; and administrative and other office space for the
86 exercise by the authority of the powers and obligations granted
87 in this part.

88 ~~(15) Words importing singular number include the plural~~
89 ~~number in each case and vice versa, and words importing persons~~
90 ~~include firms and corporations.~~

91 Section 59. Section 348.753, Florida Statutes, is amended
92 to read:

93 348.753 Central Florida ~~Orlando-Orange County~~ Expressway
94 Authority.-

95 (1) There is ~~hereby~~ created and established a body politic
96 and corporate, an agency of the state, to be known as the
97 Central Florida ~~Orlando-Orange County~~ Expressway Authority.
98 ~~hereinafter referred to as "authority."~~

99 (2) (a) Effective July 1, 2014, the Central Florida



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100 Expressway Authority shall assume the governance and control of
101 the Orlando-Orange County Expressway Authority System, including
102 its assets, personnel, contracts, obligations, liabilities,
103 facilities, and tangible and intangible property. Any rights in
104 such property, and other legal rights of the authority, are
105 transferred to the Central Florida Expressway Authority. The
106 powers, responsibilities, and obligations of the Orlando-Orange
107 County Expressway Authority shall succeed to and be assumed by
108 the Central Florida Expressway Authority on July 1, 2014.

109 (b) The transfer pursuant to this subsection is subject to
110 the terms and covenants provided for the protection of the
111 holders of the Orlando-Orange County Expressway Authority bonds
112 in the lease-purchase agreement and the resolutions adopted in
113 connection with the issuance of the bonds. Further, the transfer
114 does not impair the terms of the contract between the Orlando-
115 Orange County Expressway Authority and the bondholders, does not
116 act to the detriment of the bondholders, and does not diminish
117 the security for the bonds. After the transfer, the Central
118 Florida Expressway Authority shall operate and maintain the
119 expressway system and any other facilities of the Orlando-Orange
120 County Expressway Authority in accordance with the terms,
121 conditions, and covenants contained in the bond resolutions and
122 lease-purchase agreement securing the bonds of the authority.
123 The Central Florida Expressway Authority shall collect toll
124 revenues and apply them to the payment of debt service as
125 provided in the bond resolution securing the bonds, and shall
126 expressly assumes all obligations relating to the bonds to
127 ensure that the transfer will have no adverse impact on the
128 security for the bonds. The transfer does not make the



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129 obligation to pay the principal and interest on the bonds a
130 general liability of the Central Florida Expressway Authority or
131 pledge additional expressway system revenues to payment of the
132 bonds. Revenues that are generated by the expressway system and
133 other facilities of the Central Florida Expressway Authority
134 which were pledged by the Orlando-Orange County Expressway
135 Authority to payment of the bonds will remain subject to the
136 pledge for the benefit of the bondholders. The transfer does not
137 modify or eliminate any prior obligation of the department to
138 pay certain costs of the expressway system from sources other
139 than revenues of the expressway system.

140 (3)~~(2)~~ The governing body of the authority shall consist of
141 11 ~~five~~ members. The chairs of the boards of the county
142 commissions of Seminole, Lake, and Osceola Counties shall each
143 appoint 1 member, who may be a commission member or chair. The
144 Governor shall appoint 6 citizen members. Of the Governor's
145 appointments, 2 ~~Three~~ members must ~~shall~~ be citizens of Orange
146 County, 1 member each must be a citizen of Seminole, Lake, and
147 Osceola Counties, and 1 member may be a citizen of any of the
148 identified counties ~~who shall be appointed by the Governor.~~ The
149 10th ~~fourth~~ member must ~~shall~~ be, ~~ex officio,~~ the Mayor of ~~chair~~
150 of the ~~County Commissioners~~ of Orange County. The 11th member
151 must be the Mayor of the City of Orlando. The executive director
152 of Florida Turnpike Enterprise shall serve as a nonvoting
153 advisor to the governing body of the authority, ~~and the fifth~~
154 member ~~shall be, ex officio, the district secretary of the~~
155 Department of Transportation serving in the district that
156 contains Orange County. The term of Each appointed member
157 appointed by the Governor shall serve ~~be~~ for 4 years. Each



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158 county-appointed member shall serve for 2 years. Standing board
159 members shall complete their terms. Each appointed member shall
160 hold office until his or her successor has been appointed and
161 has qualified. A vacancy occurring during a term must ~~shall~~ be
162 filled only for the balance of the unexpired term. Each
163 appointed member of the authority shall be a person of
164 outstanding reputation for integrity, responsibility, and
165 business ability, but, except as provided in this subsection, a
166 ~~no~~ person who is an officer or employee of a municipality or any
167 ~~city or of Orange county may not in any other capacity~~ shall be
168 an appointed member of the authority. Any member of the
169 authority ~~is shall be~~ eligible for reappointment.

170 (4) ~~(3)~~ (a) The authority shall elect one of its members as
171 chair of the authority. The authority shall also elect one of
172 its members as vice chair, one of its members as a secretary,
173 and one of its members as a treasurer ~~who may or may not be~~
174 ~~members of the authority.~~ The chair, vice chair, secretary, and
175 treasurer shall hold such offices at the will of the authority.
176 Five ~~Three~~ members of the authority ~~shall~~ constitute a quorum,
177 and the vote of five ~~three~~ members ~~is shall be~~ necessary for any
178 action taken by the authority. A ~~No~~ vacancy in the authority
179 does not ~~shall~~ impair the right of a quorum of the authority to
180 exercise all of the rights and perform all of the duties of the
181 authority.

182 (b) Upon the effective date of his or her appointment, or
183 as soon thereafter as practicable, each appointed member of the
184 authority shall enter upon his or her duties.

185 (5) ~~(4)~~ (a) The authority may employ an executive secretary,
186 an executive director, its own counsel and legal staff,



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187 technical experts, and the ~~such~~ engineers, and ~~such~~ employees
188 ~~that, permanent or temporary,~~ as it requires. The authority ~~may~~
189 ~~require~~ and may determine the qualifications and fix the
190 compensation of such persons, firms, or corporations, and may
191 employ a fiscal agent or agents; ~~provided,~~ however, ~~that~~ the
192 authority shall solicit sealed proposals from at least three
193 persons, firms, or corporations for the performance of any
194 services as fiscal agents. The authority may delegate to one or
195 more of its agents or employees the ~~such of its~~ power as it
196 deems ~~shall deem~~ necessary to carry out the purposes of this
197 part, ~~subject always to the supervision and control of the~~
198 ~~authority~~. Members of the authority may be removed from ~~their~~
199 office by the Governor for misconduct, malfeasance, misfeasance,
200 or nonfeasance in office.

201 (b) Members of the authority are ~~shall be~~ entitled to
202 receive from the authority their travel and other necessary
203 expenses incurred in connection with the business of the
204 authority as provided in s. 112.061, but may not ~~they shall~~ draw
205 ~~no~~ salaries or other compensation.

206 Section 60. Section 348.754, Florida Statutes, is amended
207 to read:

208 348.754 Purposes and powers.—

209 (1) (a) The authority created and established under ~~by the~~
210 ~~provisions of~~ this part is ~~hereby~~ granted and has ~~shall~~ have the
211 right to acquire, hold, construct, improve, maintain, operate,
212 own, and lease in the capacity of lessor, the Central Florida
213 ~~Orlando-Orange County~~ Expressway System, hereinafter referred to
214 as "system." Except as otherwise specifically provided by law,
215 including paragraph (2) (n), the area served by the authority



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216 shall be within the geographical boundaries of Orange, Seminole,
217 Lake, and Osceola Counties.

218 ~~(b) It is the express intention of this part that said~~
219 ~~authority,~~ In the construction of the Central Florida said
220 ~~Orlando-Orange County~~ Expressway System, the authority may shall
221 ~~be authorized to~~ construct any extensions, additions, or
222 improvements to the said system or appurtenant facilities,
223 including all necessary approaches, roads, bridges, ~~and~~ avenues
224 of access, rapid transit, trams, fixed guideways, thoroughfares,
225 and boulevards with any such changes, modifications, or
226 revisions of the said project which are ~~as shall be~~ deemed
227 desirable and proper.

228 (c) Notwithstanding any other provision of this section to
229 the contrary, to ensure the continued financial feasibility of
230 the portion of the Wekiva Parkway to be constructed by the
231 department, the authority may not, without the prior consent of
232 the secretary of the department, construct an extension,
233 addition, or improvement to the expressway system in Lake
234 County.

235 (2) The authority ~~is hereby granted, and shall have and~~ may
236 exercise all powers necessary, appurtenant, convenient, or
237 incidental to the implementation ~~carrying out~~ of the stated
238 ~~aforsaid~~ purposes, including, but not ~~without being~~ limited to,
239 the following rights and powers:

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

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

243 (c) To acquire by donation or otherwise, purchase, hold,
244 lease as lessee, and use any franchise or any, property, real,



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245 personal, ~~or~~ mixed, or tangible or intangible, or any options
246 ~~thereof~~ in its own name or in conjunction with others, or
247 interest in those options ~~therein~~, necessary or desirable to
248 carry ~~for carrying~~ out the purposes of the authority, and to
249 sell, lease as lessor, transfer, and dispose of any property or
250 interest in the property ~~therein~~ at any time acquired by it.

251 (d) To enter into and make leases for terms not exceeding
252 99 ~~40~~ years, as ~~either~~ lessee or lessor, in order to carry out
253 the right to lease as specified ~~set forth~~ in this part.

254 (e) To enter into and make lease-purchase agreements with
255 the department for terms not exceeding 99 ~~40~~ years, or until any
256 bonds secured by a pledge of rentals pursuant to the agreement
257 ~~thereunder~~, and any refundings pursuant to the agreement
258 ~~thereof~~, are fully paid as to both principal and interest,
259 whichever is longer. The authority is a party to a lease-
260 purchase agreement between the department and the authority
261 dated December 23, 1985, as supplemented by a first supplement
262 to the lease-purchase agreement dated November 25, 1986, and a
263 second supplement to the lease-purchase agreement dated October
264 27, 1988. The authority may not enter into other lease-purchase
265 agreements with the department and may not amend the existing
266 agreement in a manner that expands or increases the department's
267 obligations unless the department determines that the agreement
268 or amendment is necessary to permit the refunding of bonds
269 issued before July 1, 2012.

270 (f) To fix, alter, charge, establish, and collect rates,
271 fees, rentals, and other charges for the services and facilities
272 of the Central Florida ~~Orlando-Orange County~~ Expressway System,
273 which must ~~rates, fees, rentals and other charges shall always~~



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274 be sufficient to comply with any covenants made with the holders
275 of any bonds issued pursuant to this part; ~~provided~~, however,
276 ~~that~~ such right and power may be assigned or delegated~~7~~ by the
277 authority~~7~~ to the department. Toll revenues attributable to an
278 increase in the toll rates charged on or after July 1, 2014, for
279 the use of a facility or portion of a facility may not be used
280 to construct or expand a different facility unless a two-thirds
281 majority of the members of the authority votes to approve such
282 use. This requirement does not apply if, and to the extent that:

283 1. Application of the requirement would violate any
284 covenant established in a resolution or trust indenture under
285 which bonds were issued by the Orlando-Orange County Expressway
286 Authority on or before July 1, 2014; or

287 2. Application of the requirement would cause the authority
288 to be unable to meet its obligations under the terms of the
289 memorandum of understanding between the authority and the
290 department as ratified by the Orlando-Orange County Expressway
291 Authority board on February 22, 2012.

292
293 Notwithstanding s. 338.165, and except as otherwise prohibited
294 by this part, to the extent revenues of the expressway system
295 exceed amounts required to comply with any covenants made with
296 the holders of bonds issued pursuant to this part, revenues may
297 be used for purposes enumerated in subsection (6), if the
298 expenditures are consistent with the metropolitan planning
299 organization's adopted long-range plan.

300 (g) To borrow money, make and issue negotiable notes,
301 bonds, refunding bonds, and other evidences of indebtedness or
302 obligations, either in temporary or definitive form, ~~hereinafter~~



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303 ~~in this chapter sometimes called "bonds" of the authority, for~~
304 the purpose of financing all or part of the improvement or
305 extension of the Central Florida ~~Orlando-Orange County~~
306 Expressway System, and appurtenant facilities, including all
307 approaches, streets, roads, bridges, and avenues of access for
308 the Central Florida ~~said Orlando-Orange County~~ Expressway System
309 and for any other purpose authorized by this part, ~~said bonds to~~
310 ~~mature in not exceeding 40 years from the date of the issuance~~
311 ~~thereof~~, and to secure the payment of such bonds or any part
312 thereof by a pledge of any or all of its revenues, rates, fees,
313 rentals, or other charges, including all or any portion of the
314 Orange County gasoline tax funds received by the authority
315 pursuant to ~~the terms of~~ any lease-purchase agreement between
316 the authority and the department; and in general to provide for
317 the security of the ~~said~~ bonds and the rights and remedies of
318 the holders thereof. ~~Provided~~, However, ~~that~~ no portion of the
319 Orange County gasoline tax funds may ~~shall~~ be pledged for the
320 construction of any project for which a toll is to be charged
321 unless the anticipated toll is ~~tolls are~~ reasonably estimated by
322 the board of county commissioners, at the date of its resolution
323 pledging the ~~said~~ funds, to be sufficient to cover the principal
324 and interest of such obligations during the period when the ~~said~~
325 pledge of funds is ~~shall be~~ in effect. The bonds issued under
326 this paragraph must mature not more than 40 years after their
327 issue date.

328 1. The authority shall reimburse Orange County for any sums
329 expended from the ~~said~~ gasoline tax funds used for the payment
330 of such obligations. Any gasoline tax funds so disbursed must
331 ~~shall~~ be repaid when the authority deems it practicable,



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332 together with interest at the highest rate applicable to any
333 obligations of the authority.

334 2. If, pursuant to this section, ~~In the event~~ the authority
335 ~~funds shall determine to fund~~ or refunds refund any bonds
336 previously theretofore issued by the said authority, ~~or the by~~
337 ~~said~~ commission before the bonds mature ~~as aforesaid prior to~~
338 ~~the maturity thereof,~~ the proceeds of such funding or refunding
339 must bonds shall, pending the prior redemption of these the
340 bonds ~~to be funded or refunded,~~ be invested in direct
341 obligations of the United States, ~~and it is the express~~
342 ~~intention of this part that such outstanding bonds may be funded~~
343 ~~or refunded by the issuance of bonds pursuant to this part.~~

344 (h) To make contracts ~~of every name and nature,~~ including,
345 but not limited to, partnerships providing for participation in
346 ownership and revenues, and to execute all instruments necessary
347 or convenient for conducting ~~the carrying on of~~ its business.

348 (i) Notwithstanding paragraphs (a)-(h), ~~Without limitation~~
349 ~~of the foregoing,~~ to borrow money and accept grants from, and to
350 enter into contracts, leases, or other transactions with any
351 federal agency, the state, any agency of the state, the County
352 of Orange, the City of Orlando, or with any other public body of
353 the state.

354 (j) To have the power of eminent domain, including the
355 procedural powers granted under both chapters 73 and 74.

356 (k) To pledge, hypothecate, or otherwise encumber ~~all or~~
357 any part of the revenues, rates, fees, rentals, or other charges
358 or receipts of the authority, including all or any portion of
359 the Orange County gasoline tax funds received by the authority
360 pursuant to the terms of any lease-purchase agreement between



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361 the authority and the department, as security for ~~all or~~ any of
362 the obligations of the authority.

363 (l) To enter into partnership and other agreements
364 respecting ownership and revenue participation in order to
365 facilitate financing and constructing the Western Beltway, or
366 portions thereof.

367 (m) To do everything ~~all acts and things~~ necessary or
368 convenient for the conduct of its business and the general
369 welfare of the authority, in order to comply with ~~carry out the~~
370 ~~powers granted to it by~~ this part or any other law.

371 (n) With the consent of the county within whose
372 jurisdiction the following activities occur, the authority shall
373 have the right to construct, operate, and maintain roads,
374 bridges, avenues of access, transportation facilities,
375 thoroughfares, and boulevards outside the jurisdictional
376 boundaries of Orange, Seminole, Lake, and Osceola Counties
377 ~~County,~~ together with the right to construct, repair, replace,
378 operate, install, and maintain electronic toll payment systems
379 thereon, ~~with all necessary and incidental powers to accomplish~~
380 ~~the foregoing.~~

381 (3) The authority does not ~~shall~~ have the ~~no~~ power at any
382 ~~time or in any manner~~ to pledge the credit or taxing power of
383 the state or any political subdivision or agency thereof,
384 including any city and any county ~~the City of Orlando and the~~
385 ~~County of Orange,~~ nor may ~~nor shall~~ any of the authority's
386 obligations be deemed to be obligations of the state or of any
387 political subdivision or agency thereof, nor may ~~nor shall~~ the
388 state or any political subdivision or agency thereof, except the
389 authority, be liable for the payment of the principal of or



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390 interest on such obligations.

391 ~~(4) Anything in this part to the contrary notwithstanding,~~
392 ~~acquisition of right-of-way for a project of the authority which~~
393 ~~is within the boundaries of any municipality in Orange County~~
394 ~~shall not be begun unless and until the route of said project~~
395 ~~within said municipality has been given prior approval by the~~
396 ~~governing body of said municipality.~~

397 ~~(4)(5) The authority has shall have no power other than by~~
398 ~~consent of an affected Orange county or any affected city, to~~
399 ~~enter into any agreement which would legally prohibit the~~
400 ~~construction of a any road by the respective county or city~~
401 ~~Orange County or by any city within Orange County.~~

402 ~~(5) The authority shall encourage the inclusion of local-,~~
403 ~~small-, minority-, and women-owned businesses in its procurement~~
404 ~~and contracting opportunities.~~

405 ~~(6)(a) The authority may, within the right-of-way of the~~
406 ~~expressway system, finance or refinance the planning, design,~~
407 ~~acquisition, construction, extension, rehabilitation, equipping,~~
408 ~~preservation, maintenance, or improvement of an intermodal~~
409 ~~facility or facilities, a multimodal corridor or corridors, or~~
410 ~~any programs or projects that will improve the levels of service~~
411 ~~on the expressway system Notwithstanding s. 255.05, ~~the Orlando-~~~~
412 ~~Orange County Expressway Authority may waive payment and~~
413 ~~performance bonds on construction contracts for the construction~~
414 ~~of a public building, for the prosecution and completion of a~~
415 ~~public work, or for repairs on a public building or public work~~
416 ~~that has a cost of \$500,000 or less and when the project is~~
417 ~~awarded pursuant to an economic development program for the~~
418 ~~encouragement of local small businesses that has been adopted by~~



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419 ~~the governing body of the Orlando Orange County Expressway~~
420 ~~Authority pursuant to a resolution or policy.~~

421 ~~(b) The authority's adopted criteria for participation in~~
422 ~~the economic development program for local small businesses~~
423 ~~requires that a participant:~~

424 ~~1. Be an independent business.~~

425 ~~2. Be principally domiciled in the Orange County Standard~~
426 ~~Metropolitan Statistical Area.~~

427 ~~3. Employ 25 or fewer full-time employees.~~

428 ~~4. Have gross annual sales averaging \$3 million or less~~
429 ~~over the immediately preceding 3 calendar years with regard to~~
430 ~~any construction element of the program.~~

431 ~~5. Be accepted as a participant in the Orlando Orange~~
432 ~~County Expressway Authority's microcontracts program or such~~
433 ~~other small business program as may be hereinafter enacted by~~
434 ~~the Orlando Orange County Expressway Authority.~~

435 ~~6. Participate in an educational curriculum or technical~~
436 ~~assistance program for business development that will assist the~~
437 ~~small business in becoming eligible for bonding.~~

438 ~~(c) The authority's adopted procedures for waiving payment~~
439 ~~and performance bonds on projects with values not less than~~
440 ~~\$200,000 and not exceeding \$500,000 shall provide that payment~~
441 ~~and performance bonds may only be waived on projects that have~~
442 ~~been set aside to be competitively bid on by participants in an~~
443 ~~economic development program for local small businesses. The~~
444 ~~authority's executive director or his or her designee shall~~
445 ~~determine whether specific construction projects are suitable~~
446 ~~for:~~

447 ~~1. Bidding under the authority's microcontracts program by~~



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448 ~~registered local small businesses; and~~

449 ~~2. Waiver of the payment and performance bond.~~

450

451 ~~The decision of the authority's executive director or deputy~~
452 ~~executive director to waive the payment and performance bond~~
453 ~~shall be based upon his or her investigation and conclusion that~~
454 ~~there exists sufficient competition so that the authority~~
455 ~~receives a fair price and does not undertake any unusual risk~~
456 ~~with respect to such project.~~

457 ~~(d) For any contract for which a payment and performance~~
458 ~~bond has been waived pursuant to the authority set forth in this~~
459 ~~section, the Orlando-Orange County Expressway Authority shall~~
460 ~~pay all persons defined in s. 713.01 who furnish labor,~~
461 ~~services, or materials for the prosecution of the work provided~~
462 ~~for in the contract to the same extent and upon the same~~
463 ~~conditions that a surety on the payment bond under s. 255.05~~
464 ~~would have been obligated to pay such persons if the payment and~~
465 ~~performance bond had not been waived. The authority shall record~~
466 ~~notice of this obligation in the manner and location that surety~~
467 ~~bonds are recorded. The notice shall include the information~~
468 ~~describing the contract that s. 255.05(1) requires be stated on~~
469 ~~the front page of the bond. Notwithstanding that s. 255.05(9)~~
470 ~~generally applies when a performance and payment bond is~~
471 ~~required, s. 255.05(9) shall apply under this subsection to any~~
472 ~~contract on which performance or payment bonds are waived and~~
473 ~~any claim to payment under this subsection shall be treated as a~~
474 ~~contract claim pursuant to s. 255.05(9).~~

475 ~~(e) A small business that has been the successful bidder on~~
476 ~~six projects for which the payment and performance bond was~~



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477 ~~waived by the authority pursuant to paragraph (a) shall be~~
478 ~~ineligible to bid on additional projects for which the payment~~
479 ~~and performance bond is to be waived. The local small business~~
480 ~~may continue to participate in other elements of the economic~~
481 ~~development program for local small businesses as long as it is~~
482 ~~eligible.~~

483 ~~(f) The authority shall conduct bond eligibility training~~
484 ~~for businesses qualifying for bond waiver under this subsection~~
485 ~~to encourage and promote bond eligibility for such businesses.~~

486 ~~(g) The authority shall prepare a biennial report on the~~
487 ~~activities undertaken pursuant to this subsection to be~~
488 ~~submitted to the Orange County legislative delegation. The~~
489 ~~initial report shall be due December 31, 2010.~~

490 Section 61. Section 348.7543, Florida Statutes, is amended
491 to read:

492 348.7543 Improvements, bond financing authority for.—
493 Pursuant to s. 11(f), Art. VII of the State Constitution, the
494 Legislature hereby approves for bond financing by the Central
495 Florida Orlando-Orange County Expressway Authority improvements
496 to toll collection facilities, interchanges to the legislatively
497 approved expressway system, and any other facility appurtenant,
498 necessary, or incidental to the approved system. Subject to
499 terms and conditions of applicable revenue bond resolutions and
500 covenants, such costs may be financed in whole or in part by
501 revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether
502 currently issued or issued in the future, or by a combination of
503 such bonds.

504 Section 62. Section 348.7544, Florida Statutes, is amended
505 to read:



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506 348.7544 Northwest Beltway Part A, construction authorized;
507 financing.—Notwithstanding s. 338.2275, the Central Florida
508 ~~Orlando-Orange County~~ Expressway Authority may ~~is hereby~~
509 ~~authorized to~~ construct, finance, operate, own, and maintain
510 that portion of the Western Beltway known as the Northwest
511 Beltway Part A, extending from Florida's Turnpike near Ocoee
512 north to U.S. 441 near Apopka, as part of the authority's 20-
513 year capital projects plan. This project may be financed with
514 any funds available to the authority for such purpose or revenue
515 bonds issued by the Division of Bond Finance of the State Board
516 of Administration on behalf of the authority pursuant to s. 11,
517 Art. VII of the State Constitution and the State Bond Act, ss.
518 215.57-215.83.

519 Section 63. Section 348.7545, Florida Statutes, is amended
520 to read:

521 348.7545 Western Beltway Part C, construction authorized;
522 financing.—Notwithstanding s. 338.2275, the Central Florida
523 ~~Orlando-Orange County~~ Expressway Authority may ~~is authorized to~~
524 exercise its condemnation powers, construct, finance, operate,
525 own, and maintain that portion of the Western Beltway known as
526 the Western Beltway Part C, extending from Florida's Turnpike
527 near Ocoee in Orange County southerly through Orange and Osceola
528 Counties to an interchange with I-4 near the Osceola-Polk County
529 line, as part of the authority's 20-year capital projects plan.
530 This project may be financed with any funds available to the
531 authority for such purpose or revenue bonds issued by the
532 Division of Bond Finance of the State Board of Administration on
533 behalf of the authority pursuant to s. 11, Art. VII of the State
534 Constitution and the State Bond Act, ss. 215.57-215.83. This



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535 project may be refinanced with bonds issued by the authority
536 pursuant to s. 348.755(1) (d).

537 Section 64. Section 348.7546, Florida Statutes, is amended
538 to read:

539 348.7546 Wekiva Parkway, construction authorized;
540 financing.—

541 (1) The Central Florida ~~Orlando-Orange County~~ Expressway
542 Authority may ~~is authorized to~~ exercise its condemnation powers
543 and ~~to~~ construct, finance, operate, own, and maintain those
544 portions of the Wekiva Parkway which are identified by agreement
545 between the authority and the department and which are included
546 as part of the authority's long-range capital improvement plan.
547 The "Wekiva Parkway" means any limited access highway or
548 expressway constructed between State Road 429 and Interstate 4
549 specifically incorporating the corridor alignment recommended by
550 Recommendation 2 of the Wekiva River Basin Area Task Force final
551 report dated January 15, 2003, and the recommendations of the SR
552 429 Working Group, which were adopted January 16, 2004. This
553 project may be financed with any funds available to the
554 authority for such purpose or revenue bonds issued by the
555 authority under s. 11, Art. VII of the State Constitution and s.
556 348.755(1) (b). This section does not invalidate the exercise by
557 the authority of its condemnation powers or the acquisition of
558 any property for the Wekiva Parkway before July 1, 2012.

559 (2) Notwithstanding any other provision of law ~~to the~~
560 ~~contrary~~, in order to ensure that funds are available to the
561 department for its portion of the Wekiva Parkway, beginning July
562 1, 2012, the authority shall repay the expenditures by the
563 department for costs of operation and maintenance of the Central



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564 Florida Orlando-Orange County Expressway System in accordance
565 with the terms of the memorandum of understanding between the
566 authority and the department as ratified by the authority board
567 on February 22, 2012, which requires the authority to pay the
568 department \$10 million on July 1, 2012, and \$20 million on each
569 successive July 1 until the department has been fully reimbursed
570 for all costs of the Central Florida Orlando-Orange County
571 Expressway System which were paid, advanced, or reimbursed to
572 the authority by the department, with a final payment in the
573 amount of the balance remaining. Notwithstanding any other law
574 ~~to the contrary~~, the funds paid to the department pursuant to
575 this subsection must ~~shall~~ be allocated by the department for
576 construction of the Wekiva Parkway.

577 (3) The department's obligation to construct its portions
578 of the Wekiva Parkway is contingent upon the timely payment by
579 the authority of the annual payments required of the authority
580 and receipt of all required environmental permits and approvals
581 by the Federal Government.

582 Section 65. Section 348.7547, Florida Statutes, is amended
583 to read:

584 348.7547 Maitland Boulevard Extension and Northwest Beltway
585 Part A Realignment construction authorized; financing.—
586 Notwithstanding s. 338.2275, the Central Florida Orlando-Orange
587 County Expressway Authority may ~~is hereby authorized to~~ exercise
588 its condemnation powers, construct, finance, operate, own, and
589 maintain the portion of State Road 414 known as the Maitland
590 Boulevard Extension and the realigned portion of the Northwest
591 Beltway Part A as part of the authority's long-range capital
592 improvement plan. The Maitland Boulevard Extension extends ~~will~~



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593 ~~extend~~ from the current terminus of State Road 414 at U.S. 441
594 west to State Road 429 in west Orange County. The realigned
595 portion of the Northwest Beltway Part A runs ~~will run~~ from the
596 point at or near where the Maitland Boulevard Extension connects
597 ~~will connect~~ with State Road 429 and proceeds ~~will proceed~~ to
598 the west and then north resulting in the northern terminus of
599 State Road 429 moving farther west before reconnecting with U.S.
600 441. However, under no circumstances may ~~shall~~ the realignment
601 of the Northwest Beltway Part A conflict with or contradict ~~with~~
602 the alignment of the Wekiva Parkway as defined in s. 348.7546.
603 This project may be financed with any funds available to the
604 authority for such purpose or revenue bonds issued by the
605 authority under s. 11, Art. VII of the State Constitution and s.
606 348.755(1) (b).

607 Section 66. Subsections (2) and (3) of section 348.755,
608 Florida Statutes, are amended to read:

609 348.755 Bonds of the authority.-

610 (2) Any ~~such~~ resolution that authorizes ~~or resolutions~~
611 ~~authorizing~~ any bonds issued under this section hereunder may
612 contain provisions that must ~~which shall~~ be part of the contract
613 with the holders of such bonds, relating ~~as~~ to:

614 (a) The pledging of ~~all or~~ any part of the revenues, rates,
615 fees, rentals, ~~(including all or~~ any portion of the Orange
616 County gasoline tax funds received by the authority pursuant to
617 the terms of any lease-purchase agreement between the authority
618 and the department, or any part thereof), or other charges or
619 receipts of the authority, derived by the authority, from the
620 Central Florida Orlando-Orange County Expressway System.

621 (b) The completion, improvement, operation, extension,



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622 maintenance, repair, lease or lease-purchase agreement of the
623 ~~said~~ system, and the duties of the authority and others,
624 including the department, ~~with reference thereto~~.

625 (c) Limitations on the purposes to which the proceeds of
626 the bonds, then or thereafter to be issued, or of any loan or
627 grant by the United States or the state may be applied.

628 (d) The fixing, charging, establishing, and collecting of
629 rates, fees, rentals, or other charges for use of the services
630 and facilities of the Central Florida ~~Orlando-Orange County~~
631 Expressway System or any part thereof.

632 (e) The setting aside of reserves or sinking funds or
633 repair and replacement funds and the regulation and disposition
634 thereof.

635 (f) Limitations on the issuance of additional bonds.

636 (g) The terms and provisions of any lease-purchase
637 agreement, deed of trust or indenture securing the bonds, or
638 under which the same may be issued.

639 (h) Any other or additional agreements with the holders of
640 the bonds which the authority may deem desirable and proper.

641 (3) The authority may employ fiscal agents as provided by
642 this part or the State Board of Administration of Florida may
643 upon request of the authority act as fiscal agent for the
644 authority in the issuance of any bonds that ~~which~~ may be issued
645 pursuant to this part, and the State Board of Administration may
646 upon request of the authority take over the management, control,
647 administration, custody, and payment of any ~~or all~~ debt services
648 or funds or assets now or hereafter available for any bonds
649 issued pursuant to this part. The authority may enter into any
650 deeds of trust, indentures or other agreements with its fiscal



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651 agent, or with any bank or trust company within or without the
652 state, as security for such bonds, and may, under such
653 agreements, sign and pledge ~~all or~~ any of the revenues, rates,
654 fees, rentals or other charges or receipts of the authority,
655 including ~~all or~~ any portion of the Orange County gasoline tax
656 funds received by the authority pursuant to the terms of any
657 lease-purchase agreement between the authority and the
658 department, ~~thereunder~~. Such deed of trust, indenture, or other
659 agreement may contain such provisions as are customary in such
660 instruments, or, as the authority may authorize, including but
661 without limitation, provisions as to:

662 (a) The completion, improvement, operation, extension,
663 maintenance, repair, and lease of, or lease-purchase agreement
664 relating to the Central Florida Orlando-Orange County Expressway
665 System, and the duties of the authority and others including the
666 department, with reference thereto.

667 (b) The application of funds and the safeguarding of funds
668 on hand or on deposit.

669 (c) The rights and remedies of the trustee and the holders
670 of the bonds.

671 (d) The terms and provisions of the bonds or the
672 resolutions authorizing the issuance of same.

673 Section 67. Subsections (3) and (4) of section 348.756,
674 Florida Statutes, are amended to read:

675 348.756 Remedies of the bondholders.-

676 (3) When a ~~Any~~ trustee is ~~when~~ appointed pursuant to
677 subsection (1) as aforesaid, or is acting under a deed of trust,
678 indenture, or other agreement, and whether or not all bonds have
679 been declared due and payable, the trustee is ~~shall be~~ entitled



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680 ~~as of right~~ to the appointment of a receiver, who may enter upon
681 and take possession of the Central Florida ~~Orlando-Orange County~~
682 Expressway System or the facilities or any part of the system or
683 facilities ~~or parts thereof~~, the rates, fees, rentals, or other
684 revenues, charges, or receipts that ~~from which~~ are, or may be,
685 applicable to the payment of the bonds so in default, and
686 subject to and in compliance with the provisions of any lease-
687 purchase agreement between the authority and the department
688 operate and maintain the same, for and on behalf of and in the
689 name of, the authority, the department, and the bondholders, and
690 collect and receive all rates, fees, rentals, and other charges
691 or receipts or revenues arising therefrom in the same manner as
692 the authority or the department might do, and shall deposit all
693 such moneys in a separate account and apply the same in such
694 manner as the court directs ~~shall direct~~. In any suit, action,
695 or proceeding by the trustee, the fees, counsel fees, and
696 expenses of the trustee, and the ~~said~~ receiver, if any, and all
697 costs and disbursements allowed by the court must ~~shall~~ be a
698 first charge on any rates, fees, rentals, or other charges,
699 revenues, or receipts, derived from the Central Florida ~~Orlando-~~
700 ~~Orange County~~ Expressway System, or the facilities or services
701 or any part of the system or facilities ~~or parts thereof~~,
702 including payments under any such lease-purchase agreement ~~as~~
703 ~~aforsaid~~ which ~~said~~ rates, fees, rentals, or other charges,
704 revenues, or receipts ~~shall~~ or may be applicable to the payment
705 of the bonds that are ~~so~~ in default. The ~~Such~~ trustee has ~~shall~~,
706 ~~in addition to the foregoing, have and possess~~ all of the powers
707 necessary or appropriate for the exercise of any functions
708 specifically set forth in this section ~~herein~~ or incident to the



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709 representation of the bondholders in the enforcement and
710 protection of their rights.

711 (4) ~~Nothing in~~ This section or any other section of this
712 part does not shall authorize any receiver appointed pursuant
713 ~~hereto~~ for the purpose, subject to and in compliance with the
714 provisions of any lease-purchase agreement between the authority
715 and the department, of operating and maintaining the Central
716 Florida Orlando-Orange County Expressway System or any
717 facilities or part of the system or facilities ~~or parts thereof~~,
718 to sell, assign, mortgage, or otherwise dispose of any of the
719 assets of whatever kind and character belonging to the
720 authority. ~~It is the intention of this part to limit~~ The powers
721 of the such receiver, subject to and in compliance with the
722 provisions of any lease-purchase agreement between the authority
723 and the department, are limited to the operation and maintenance
724 of the Central Florida Orlando-Orange County Expressway System,
725 or any facility, or part ~~or parts~~ thereof, as the court may
726 direct, in the name and for and on behalf of the authority, the
727 department, and the bondholders, and no holder of bonds on the
728 authority nor any trustee, has shall ever have the right in any
729 suit, action, or proceeding at law or in equity, to compel a
730 receiver, nor may shall any receiver be authorized or any court
731 be empowered to direct the receiver to sell, assign, mortgage,
732 or otherwise dispose of any assets ~~of whatever kind or character~~
733 belonging to the authority.

734 Section 68. Subsections (1) through (7) of section 348.757,
735 Florida Statutes, are amended to read:

736 348.757 Lease-purchase agreement.-

737 (1) ~~In order to effectuate the purposes of this part and as~~



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738 ~~authorized by this part,~~ The authority may enter into a lease-
739 purchase agreement with the department relating to and covering
740 the former Orlando-Orange County Expressway System.

741 (2) The ~~Such~~ lease-purchase agreement must ~~shall~~ provide
742 for the leasing of the former Orlando-Orange County Expressway
743 System, by the authority, as lessor, to the department, as
744 lessee, must ~~shall~~ prescribe the term of such lease and the
745 rentals to be paid ~~thereunder~~, and must ~~shall~~ provide that upon
746 the completion of the faithful performance ~~thereunder~~ and the
747 termination of the ~~such~~ lease-purchase agreement, title in fee
748 simple absolute to the former Orlando-Orange County Expressway
749 System as then constituted shall be transferred in accordance
750 with law by the authority, to the state and the authority shall
751 deliver to the department such deeds and conveyances as shall be
752 necessary or convenient to vest title in fee simple absolute in
753 the state.

754 (3) The ~~Such~~ lease-purchase agreement may include ~~such~~
755 other provisions, agreements, and covenants that ~~as~~ the
756 authority and the department deem advisable or required,
757 including, but not limited to, provisions as to the bonds to be
758 issued under, and for the purposes of, this part, the
759 completion, extension, improvement, operation, and maintenance
760 of the former Orlando-Orange County Expressway System and the
761 expenses and the cost of operation of the ~~said~~ authority, the
762 charging and collection of tolls, rates, fees, and other charges
763 for the use of the services and facilities of the system
764 ~~thereof~~, the application of federal or state grants or aid that
765 ~~which~~ may be made or given to assist the authority in the
766 completion, extension, improvement, operation, and maintenance



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767 of the former Orlando-Orange County ~~Orlando~~ Expressway System,
768 which the authority is ~~hereby~~ authorized to accept and apply to
769 such purposes, the enforcement of payment and collection of
770 rentals and any other terms, provisions, or covenants necessary,
771 incidental, or appurtenant to the making of and full performance
772 under the ~~such~~ lease-purchase agreement.

773 (4) The department as lessee under the ~~such~~ lease-purchase
774 agreement, may ~~is hereby authorized to~~ pay as rentals under the
775 agreement ~~thereunder~~ any rates, fees, charges, funds, moneys,
776 receipts, or income accruing to the department from the
777 operation of the former Orlando-Orange County Expressway System
778 and the Orange County gasoline tax funds and may also pay as
779 rentals any appropriations received by the department pursuant
780 to any act of the Legislature of the state heretofore or
781 hereafter enacted; ~~provided,~~ however, this part or the ~~that~~
782 ~~nothing herein nor in such~~ lease-purchase agreement is not
783 intended to and does not ~~nor shall this part or such lease-~~
784 ~~purchase agreement~~ require the making or continuance of such
785 appropriations, and ~~nor shall~~ any holder of bonds issued
786 pursuant to this part does not ~~ever~~ have any right to compel the
787 making or continuance of such appropriations.

788 (5) ~~A~~ ~~No~~ pledge of the ~~said~~ Orange County gasoline tax
789 funds as rentals under a ~~such~~ lease-purchase agreement may not
790 ~~shall~~ be made without the consent of the County of Orange
791 evidenced by a resolution duly adopted by the board of county
792 commissioners of said county at a public hearing held pursuant
793 to due notice thereof published at least once a week for 3
794 consecutive weeks before the hearing in a newspaper of general
795 circulation in Orange County. The ~~Said~~ resolution, among other



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796 things, must ~~shall~~ provide that any excess of the ~~said~~ pledged
797 gasoline tax funds which is not required for debt service or
798 reserves for the ~~such~~ debt service for any bonds issued by the
799 ~~said~~ authority shall be returned annually to the department for
800 distribution to Orange County as provided by law. Before making
801 any application for a ~~such~~ pledge of gasoline tax funds, the
802 authority shall present the plan of its proposed project to the
803 Orange County planning and zoning commission for its comments
804 and recommendations.

805 (6) The ~~Said~~ department may ~~shall have power to~~ covenant in
806 any lease-purchase agreement that it will pay all or any part of
807 the cost of the operation, maintenance, repair, renewal, and
808 replacement of the ~~said~~ system, and any part of the cost of
809 completing the ~~said~~ system to the extent that the proceeds of
810 bonds issued ~~therefor~~ are insufficient, from sources other than
811 the revenues derived from the operation of the ~~said~~ system and
812 the ~~said~~ Orange County gasoline tax funds. The ~~said~~ department
813 may also agree to make such other payments from any moneys
814 available to the ~~said~~ commission, the ~~said~~ county, or the ~~said~~
815 city in connection with the construction or completion of the
816 ~~said~~ system as shall be deemed by the ~~said~~ department to be fair
817 and proper under any ~~such~~ covenants ~~heretofore or hereafter~~
818 entered into.

819 (7) The ~~said~~ system must ~~shall~~ be a part of the state road
820 system and the ~~said~~ department may ~~is hereby authorized,~~ upon
821 the request of the authority, ~~to~~ expend out of any funds
822 available for the purpose the ~~such~~ moneys, and ~~to~~ use ~~such of~~
823 its engineering and other forces, as may be necessary ~~and~~
824 ~~desirable in the judgment of said department,~~ for the operation



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825 of the ~~said~~ authority and for traffic surveys, borings, surveys,
826 preparation of plans and specifications, estimates of cost, and
827 other preliminary engineering and other studies; provided,
828 however, that the aggregate amount of moneys expended for the
829 ~~said~~ purposes by the ~~said~~ department do shall not exceed the sum
830 of \$375,000.

831 Section 69. Section 348.758, Florida Statutes, is amended
832 to read:

833 348.758 Appointment of department as ~~may be appointed~~ agent
834 of authority for construction.—The department may be appointed
835 by the ~~said~~ authority as its agent for the purpose of
836 constructing improvements and extensions to the Central Florida
837 ~~Orlando-Orange County~~ Expressway System and for its ~~the~~
838 completion ~~thereof~~. In such event, the authority shall provide
839 the department with complete copies of all documents,
840 agreements, resolutions, contracts, and instruments relating
841 thereto and shall request the department to do such construction
842 work, including the planning, surveying, and actual construction
843 of the completion, extensions, and improvements to the Central
844 Florida ~~Orlando-Orange County~~ Expressway System and shall
845 transfer to the credit of an account of the department in the
846 State Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and
847 the department may shall ~~thereupon be authorized, empowered and~~
848 ~~directed to~~ proceed with such construction and ~~to~~ use the ~~said~~
849 funds for such purpose in the same manner that it is ~~now~~
850 authorized to use the funds ~~otherwise provided by law~~ for the
851 ~~its use in~~ construction of roads and bridges.

852 Section 70. Section 348.759, Florida Statutes, is amended
853 to read:



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854 348.759 Acquisition of lands and property.-

855 (1) For the purposes of this part, the Central Florida
856 ~~Orlando-Orange County~~ Expressway Authority may acquire private
857 or public property and property rights, including rights of
858 access, air, view, and light, by gift, devise, purchase, or
859 condemnation by eminent domain proceedings, as the authority
860 deems ~~may deem~~ necessary for any of the purposes of this part,
861 including, but not limited to, any lands reasonably necessary
862 for securing applicable permits, areas necessary for management
863 of access, borrow pits, drainage ditches, water retention areas,
864 rest areas, replacement access for landowners whose access is
865 impaired due to the construction of a facility, and replacement
866 rights-of-way for relocated rail and utility facilities; for
867 existing, proposed, or anticipated transportation facilities on
868 the Central Florida ~~Orlando-Orange County~~ Expressway System or
869 in a transportation corridor designated by the authority; or for
870 the purposes of screening, relocation, removal, or disposal of
871 junkyards and scrap metal processing facilities. The authority
872 may ~~shall also have the power to~~ condemn any material and
873 property necessary for such purposes.

874 (2) The ~~right of eminent domain herein conferred shall be~~
875 ~~exercised by the~~ authority shall exercise the right of eminent
876 domain in the manner provided by law.

877 (3) When the authority acquires property for a
878 transportation facility or in a transportation corridor, it is
879 not subject to any liability imposed by chapter 376 or chapter
880 403 for preexisting soil or groundwater contamination due solely
881 to its ownership. This section does not affect the rights or
882 liabilities of any past or future owners of the acquired



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883 property and ~~not~~ does not ~~it~~ affect the liability of any
884 governmental entity for the results of its actions which create
885 or exacerbate a pollution source. The authority and the
886 Department of Environmental Protection may enter into
887 interagency agreements for the performance, funding, and
888 reimbursement of the investigative and remedial acts necessary
889 for property acquired by the authority.

890 Section 71. Section 348.760, Florida Statutes, is amended
891 to read:

892 348.760 Cooperation with other units, boards, agencies, and
893 individuals.—A ~~Express authority and power is hereby given and~~
894 ~~granted any~~ county, municipality, drainage district, road and
895 bridge district, school district or any other political
896 subdivision, board, commission, or individual in, or of, the
897 state may ~~to~~ make and enter into with the authority, contracts,
898 leases, conveyances, partnerships, or other agreements pursuant
899 to within the provisions and purposes of this part. The
900 authority may ~~is hereby expressly authorized to~~ make and enter
901 into contracts, leases, conveyances, partnerships, and other
902 agreements with any political subdivision, agency, or
903 instrumentality of the state and any ~~and all~~ federal agencies,
904 corporations, and individuals, for the purpose of carrying out
905 the provisions of this part ~~or with the consent of the Seminole~~
906 ~~County Expressway Authority, for the purpose of carrying out and~~
907 ~~implementing part VIII of this chapter.~~

908 Section 72. Section 348.761, Florida Statutes, is amended
909 to read:

910 348.761 Covenant of the state.—The state pledges ~~does~~
911 ~~hereby pledge~~ to, and agrees, with any person, firm or



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912 corporation, or federal or state agency subscribing to, or
913 acquiring the bonds to be issued by the authority for the
914 purposes of this part that the state will not limit or alter the
915 rights that are hereby vested in the authority and the
916 department until all issued bonds and interest ~~at any time~~
917 ~~issued, together with the interest thereon,~~ are fully paid and
918 discharged insofar as the pledge same affects the rights of the
919 holders of bonds issued pursuant to this part hereunder. The
920 state does further pledge to, and agree, with the United States
921 that in the event any federal agency constructs or contributes
922 ~~shall construct or contribute~~ any funds for the completion,
923 extension, or improvement of the Central Florida Orlando-Orange
924 ~~County~~ Expressway System, or any part or portion of the system
925 ~~thereof,~~ the state will not alter or limit the rights and powers
926 of the authority and the department in any manner that which
927 would be inconsistent with the continued maintenance and
928 operation of the Central Florida Orlando-Orange County
929 Expressway System or the completion, extension, or improvement
930 of the system thereof, or that which would be inconsistent with
931 the due performance of any agreements between the authority and
932 any such federal agency, and the authority and the department
933 shall continue to have and may exercise all powers ~~herein~~
934 granted in this part, so long as the powers are same shall be
935 necessary or desirable for the carrying out of the purposes of
936 this part and the purposes of the United States in the
937 completion, extension, or improvement of the Central Florida
938 ~~Orlando-Orange County~~ Expressway System, or any part of the
939 system or portion thereof.

940 Section 73. Section 348.765, Florida Statutes, is amended



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941 to read:

942 348.765 This part complete and additional authority.—

943 (1) The powers conferred by this part are ~~shall be~~ in
944 addition and supplemental to the existing powers of the said
945 board and the department, and this part may ~~shall~~ not be
946 construed as repealing any of the provisions, of any other law,
947 general, special, or local, but to supersede such other laws in
948 the exercise of the powers provided in this part, and to provide
949 a complete method for the exercise of the powers granted in this
950 part. The extension and improvement of the Central Florida said
951 ~~Orlando-Orange County~~ Expressway System, and the issuance of
952 bonds pursuant to this part hereunder to finance all or part of
953 the cost of the system thereof, may be accomplished upon
954 compliance with the provisions of this part without regard to or
955 necessity for compliance with the provisions, limitations, or
956 restrictions contained in any other general, special, or local
957 law, including, but not limited to, s. 215.821, and no approval
958 of any bonds issued under this part by the qualified electors or
959 qualified electors who are freeholders in the state or in the
960 ~~said~~ County of Orange, or in the said City of Orlando, or in any
961 other political subdivision of the state, is ~~shall be~~ required
962 for the issuance of such bonds pursuant to this part.

963 (2) This part does ~~shall not be deemed to~~ repeal, rescind,
964 or modify any other law ~~or laws~~ relating to the said State Board
965 of Administration, the said Department of Transportation, or the
966 Division of Bond Finance of the State Board of Administration,
967 but supersedes any ~~shall be deemed to and shall supersede such~~
968 ~~other law that is or laws as~~ are inconsistent with the
969 provisions of this part, including, but not limited to, s.



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970 215.821.

971 Section 74. Subsections (6) and (7) of section 369.317,
972 Florida Statutes, are amended to read:

973 369.317 Wekiva Parkway.—

974 (6) The Central Florida ~~Orlando-Orange County~~ Expressway
975 Authority is hereby granted the authority to act as a third-
976 party acquisition agent, pursuant to s. 259.041 on behalf of the
977 Board of Trustees or chapter 373 on behalf of the governing
978 board of the St. Johns River Water Management District, for the
979 acquisition of all necessary lands, property and all interests
980 in property identified herein, including fee simple or less-
981 than-fee simple interests. The lands subject to this authority
982 are identified in paragraph 10.a., State of Florida, Office of
983 the Governor, Executive Order 03-112 of July 1, 2003, and in
984 Recommendation 16 of the Wekiva Basin Area Task Force created by
985 Executive Order 2002-259, such lands otherwise known as
986 Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and
987 Lake Counties within Sections 27, 28, 33, and 34 of Township 19
988 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20
989 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre
990 parcel located in Lake County within Section 37, Township 19
991 South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in
992 Lake County within Sections 23, 25, 26, 35, and 36, Township 19
993 South, Range 28 East; Pine Plantation, a 617+/-acre tract
994 consisting of eight individual parcels within the Apopka City
995 limits. The Department of Transportation, the Department of
996 Environmental Protection, the St. Johns River Water Management
997 District, and other land acquisition entities shall participate
998 and cooperate in providing information and support to the third-



999 party acquisition agent. The land acquisition process authorized
1000 by this paragraph shall begin no later than December 31, 2004.
1001 Acquisition of the properties identified as Neighborhood Lakes,
1002 Pine Plantation, and New Garden Coal, or approval as a
1003 mitigation bank shall be concluded no later than December 31,
1004 2010. Department of Transportation and Central Florida ~~Orlando-~~
1005 ~~Orange County~~ Expressway Authority funds expended to purchase an
1006 interest in those lands identified in this subsection shall be
1007 eligible as environmental mitigation for road construction
1008 related impacts in the Wekiva Study Area. If any of the lands
1009 identified in this subsection are used as environmental
1010 mitigation for road-construction-related impacts incurred by the
1011 Department of Transportation or Central Florida ~~Orlando-Orange~~
1012 ~~County~~ Expressway Authority, or for other impacts incurred by
1013 other entities, within the Wekiva Study Area or within the
1014 Wekiva parkway alignment corridor, and if the mitigation offsets
1015 these impacts, the St. Johns River Water Management District and
1016 the Department of Environmental Protection shall consider the
1017 activity regulated under part IV of chapter 373 to meet the
1018 cumulative impact requirements of s. 373.414(8)(a).

1019 (a) Acquisition of the land described in this section is
1020 required to provide right-of-way for the Wekiva Parkway, a
1021 limited access roadway linking State Road 429 to Interstate 4,
1022 an essential component in meeting regional transportation needs
1023 to provide regional connectivity, improve safety, accommodate
1024 projected population and economic growth, and satisfy critical
1025 transportation requirements caused by increased traffic volume
1026 growth and travel demands.

1027 (b) Acquisition of the lands described in this section is



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1028 also required to protect the surface water and groundwater
1029 resources of Lake, Orange, and Seminole counties, otherwise
1030 known as the Wekiva Study Area, including recharge within the
1031 springshed that provides for the Wekiva River system. Protection
1032 of this area is crucial to the long term viability of the Wekiva
1033 River and springs and the central Florida region's water supply.
1034 Acquisition of the lands described in this section is also
1035 necessary to alleviate pressure from growth and development
1036 affecting the surface and groundwater resources within the
1037 recharge area.

1038 (c) Lands acquired pursuant to this section that are needed
1039 for transportation facilities for the Wekiva Parkway shall be
1040 determined not necessary for conservation purposes pursuant to
1041 ss. 253.034(6) and 373.089(5) and shall be transferred to or
1042 retained by the Central Florida ~~Orlando-Orange County~~ Expressway
1043 Authority or the Department of Transportation upon reimbursement
1044 of the full purchase price and acquisition costs.

1045 (7) The Department of Transportation, the Department of
1046 Environmental Protection, the St. Johns River Water Management
1047 District, Central Florida ~~Orlando-Orange County~~ Expressway
1048 Authority, and other land acquisition entities shall cooperate
1049 and establish funding responsibilities and partnerships by
1050 agreement to the extent funds are available to the various
1051 entities. Properties acquired with Florida Forever funds shall
1052 be in accordance with s. 259.041 or chapter 373. The Central
1053 Florida ~~Orlando-Orange County~~ Expressway Authority shall acquire
1054 land in accordance with this section of law to the extent funds
1055 are available from the various funding partners, but shall not
1056 be required nor assumed to fund the land acquisition beyond the



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1057 agreement and funding provided by the various land acquisition
1058 entities.

1059 Section 75. Subsection (1) of section 369.324, Florida
1060 Statutes, is amended to read:

1061 369.324 Wekiva River Basin Commission.—

1062 (1) The Wekiva River Basin Commission is created to monitor
1063 and ensure the implementation of the recommendations of the
1064 Wekiva River Basin Coordinating Committee for the Wekiva Study
1065 Area. The East Central Florida Regional Planning Council shall
1066 provide staff support to the commission with funding assistance
1067 from the Department of Economic Opportunity. The commission
1068 shall be comprised of a total of 18 ~~19~~ members appointed by the
1069 Governor, 9 of whom shall be voting members and 9 ~~10~~ shall be ad
1070 hoc nonvoting members. The voting members shall include:

1071 (a) One member of each of the Boards of County
1072 Commissioners for Lake, Orange, and Seminole Counties.

1073 (b) One municipal elected official to serve as a
1074 representative of the municipalities located within the Wekiva
1075 Study Area of Lake County.

1076 (c) One municipal elected official to serve as a
1077 representative of the municipalities located within the Wekiva
1078 Study Area of Orange County.

1079 (d) One municipal elected official to serve as a
1080 representative of the municipalities located within the Wekiva
1081 Study Area of Seminole County.

1082 (e) One citizen representing an environmental or
1083 conservation organization, one citizen representing a local
1084 property owner, a land developer, or an agricultural entity, and
1085 one at-large citizen who shall serve as chair of the council.



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1086 (f) The ad hoc nonvoting members shall include one
1087 representative from each of the following entities:

- 1088 1. St. Johns River Management District.
- 1089 2. Department of Economic Opportunity.
- 1090 3. Department of Environmental Protection.
- 1091 4. Department of Health.
- 1092 5. Department of Agriculture and Consumer Services.
- 1093 6. Fish and Wildlife Conservation Commission.
- 1094 7. Department of Transportation.
- 1095 8. MetroPlan Orlando.
- 1096 9. Central Florida ~~Orlando-Orange County~~ Expressway

1097 Authority.

- 1098 ~~10. Seminole County Expressway Authority.~~

1099 Section 76. (1) Effective upon the completion of
1100 construction of the Poinciana Parkway, a limited access facility
1101 of approximately 9 miles in length in Osceola County with its
1102 northwestern terminus at the intersection of County Road 54 and
1103 US 17/US 92 and its southeastern terminus at the current
1104 intersection of Rhododendron and Cypress Parkway, described in
1105 the Osceola County Expressway Authority May 8, 2012, Master
1106 Plan, all powers, governance, and control of the Osceola County
1107 Expressway System, created pursuant to part V, chapter 348,
1108 Florida Statutes, is transferred to the Central Florida
1109 Expressway Authority, and the assets, liabilities, facilities,
1110 tangible and intangible property and any rights in the property,
1111 and any other legal rights of the Osceola County Expressway
1112 Authority are transferred to the Central Florida Expressway
1113 Authority. The effective date of such transfer shall be extended
1114 until completion of construction of such portions of the



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1115 Southport Connector Expressway, the Northeast Connector
1116 Expressway, such portions of the Poinciana Parkway to connect to
1117 State Road 429, and the Osceola Parkway Extension, as each is
1118 described in the Osceola County Expressway Authority May 8,
1119 2012, Master Plan, which are included in any design contract
1120 executed by the Osceola County Expressway Authority before July
1121 1, 2019. Part V of chapter 348, Florida Statutes, consisting of
1122 ss. 348.9950-348.9961, is repealed on the same date that the
1123 Osceola County Expressway System is transferred to the Central
1124 Florida Expressway Authority.

1125 (2) The Central Florida Expressway Authority shall also
1126 reimburse any and all obligations of any other governmental
1127 entities with respect to the Osceola County Expressway System,
1128 including any obligations of Osceola County with respect to
1129 operations and maintenance of the Osceola County Expressway
1130 System and any loan repayment obligations, including repayment
1131 obligations with respect to State Infrastructure Bank loans.
1132 Such reimbursement shall be made from revenues available for
1133 such purpose after payment of all amounts required:

1134 (a) Otherwise by law;

1135 (b) By the terms of any resolution authorizing the issuance
1136 of bonds by the authority, the Orlando-Orange County Expressway
1137 Authority, or the Osceola County Expressway Authority;

1138 (c) By the terms of any resolution under which bonds are
1139 issued by Osceola County for the purpose of constructing
1140 improvements to the Osceola County Expressway System; and

1141 (d) By the terms of the memorandum of understanding between
1142 the Orlando-Orange County Expressway Authority and the
1143 department as ratified by the board of the Orlando-Orange County



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1144 Expressway Authority on February 22, 2012.

1145

1146 ===== T I T L E A M E N D M E N T =====

1147 And the title is amended as follows:

1148 Delete lines 3285 - 3287

1149 and insert:

1150 ss. 348.751 and 348.752, F.S.; renaming the Orlando-
1151 Orange County Expressway System as the "Central
1152 Florida Expressway System"; revising definitions;
1153 making technical changes; amending s. 348.753, F.S.;
1154 creating the Central Florida Expressway Authority;
1155 providing for the transfer of governance and control,
1156 legal rights and powers, responsibilities, terms, and
1157 obligations to the authority; providing conditions for
1158 the transfer; revising the composition of the
1159 governing body of the authority; providing for
1160 appointment of officers of the authority; revising
1161 quorum and voting requirements; conforming terminology
1162 and making technical changes; amending s. 348.754,
1163 F.S.; providing that the area served by the authority
1164 is within the geopolitical boundaries of Orange,
1165 Seminole, Lake, and Osceola Counties; requiring the
1166 authority to have prior consent from the Secretary of
1167 the Department of Transportation to construct an
1168 extension, addition, or improvement to the expressway
1169 system in Lake County; extending, to 99 years from 40
1170 years, the term of a lease or lease-purchase
1171 agreement; limiting the authority's authority to enter
1172 into a lease-purchase agreement; limiting the use of



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1173 certain toll-revenues; providing exceptions; removing
1174 the requirement that the route of a project must be
1175 approved by a municipality before the right-of-way can
1176 be acquired; requiring that the authority encourage
1177 the inclusion of local-, small-, minority-, and women-
1178 owned businesses in its procurement and contracting
1179 opportunities; removing the authority and criteria for
1180 an authority to waive payment and performance bonds
1181 for certain public works projects that are awarded
1182 pursuant to an economic development program;
1183 conforming terminology and making technical changes;
1184 amending ss. 348.7543, 348.7544, 348.7545, 348.7546,
1185 348.7547, 348.755, and 348.756, F.S.; conforming
1186 terminology and making technical changes; amending s.
1187 348.757, F.S.; providing that upon termination of the
1188 lease-purchase agreement of the former Orlando-Orange
1189 County Expressway System, title in fee simple to the
1190 system will be retained by the authority; conforming
1191 terminology and making technical changes; amending ss.
1192 348.758, 348.759, 348.760, 348.761, 348.765, and
1193 369.317, F.S.; conforming terminology and making
1194 technical changes; amending s. 369.324, F.S.; revising
1195 the membership of the Wekiva River Basin Commission;
1196 conforming terminology; providing criteria for the
1197 transfer of the Osceola County Expressway System to
1198 the Central Florida Expressway Authority; providing
1199 for the repeal of part V of ch. 348, F.S., when the
1200 Osceola County Expressway System is transferred to the
1201 Central Florida Expressway Authority; requiring the



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1202 Central Florida Expressway Authority to reimburse
1203 other governmental entities for obligations related to
1204 the Osceola County Expressway System; providing for
1205 reimbursement after payment of other obligations;
1206 amending s. 373.4137, F.S.;