



303472

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2013	.	
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The Committee on Appropriations (Gardiner) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 2980 - 3114  
and insert:  
provided in the bond resolution securing the bonds, and  
expressly assumes all obligations relating to the bonds to  
ensure that the transfer will have no adverse impact on the  
security for the bonds. The transfer does not make the  
obligation to pay the principal and interest on the bonds a  
general liability of the Central Florida Expressway Authority or  
pledge additional expressway system revenues to payment of the  
bonds. Revenues that are generated by the expressway system and



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13 other facilities of the Central Florida Expressway Authority  
14 which were pledged by the Orlando-Orange County Expressway  
15 Authority to payment of the bonds will remain subject to the  
16 pledge for the benefit of the bondholders. The transfer does not  
17 modify or eliminate any prior obligation of the department to  
18 pay certain costs of the expressway system from sources other  
19 than revenues of the expressway system.

20 (3)~~(2)~~ The governing body of the authority shall consist of  
21 11 ~~five~~ members. The chairs of the boards of the county  
22 commissions of Seminole, Lake, and Osceola Counties shall each  
23 appoint one member, who may be a commission member or chair. The  
24 Governor shall appoint six citizen members. Of the Governor's  
25 appointments, two ~~Three~~ members must ~~shall~~ be citizens of Orange  
26 County, one member each must be a citizen of Seminole, Lake, and  
27 Osceola Counties, and one member may be a citizen of any of the  
28 identified counties ~~who shall be appointed by the Governor.~~ The  
29 10th ~~fourth~~ member must ~~shall~~ be, ~~ex officio,~~ the Mayor of chair  
30 of the ~~County Commissioners~~ of Orange County. The 11th member  
31 must be the Mayor of the City of Orlando. The executive director  
32 of Florida Turnpike Enterprise shall serve as a nonvoting  
33 advisor to the governing body of the authority, ~~and the fifth~~  
34 member shall be, ~~ex officio,~~ the ~~district secretary of the~~  
35 Department of Transportation serving in the district that  
36 contains Orange County. The term of Each appointed member  
37 appointed by the Governor shall serve ~~be~~ for 4 years. Each  
38 county-appointed member shall serve for 2 years. Standing board  
39 members shall complete their terms. Each appointed member shall  
40 hold office until his or her successor has been appointed and  
41 has qualified. A vacancy occurring during a term must ~~shall~~ be



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42 filled only for the balance of the unexpired term. Each  
43 appointed member of the authority shall be a person of  
44 outstanding reputation for integrity, responsibility, and  
45 business ability, but, except as provided in this subsection, a  
46 ~~ne~~ person who is an officer or employee of a municipality or any  
47 ~~city or of Orange county may not in any other capacity shall~~ be  
48 an appointed member of the authority. Any member of the  
49 authority is ~~shall be~~ eligible for reappointment.

50 (4)~~(3)~~(a) The authority shall elect one of its members as  
51 chair of the authority. The authority shall also elect one of  
52 its members as vice chair, one of its members as a secretary,  
53 and one of its members as a treasurer ~~who may or may not be~~  
54 ~~members of the authority.~~ The chair, vice chair, secretary, and  
55 treasurer shall hold such offices at the will of the authority.  
56 Six ~~Three~~ members of the authority ~~shall~~ constitute a quorum,  
57 and the vote of six ~~three~~ members is ~~shall be~~ necessary for any  
58 action taken by the authority. A ~~No~~ vacancy in the authority  
59 does not ~~shall~~ impair the right of a quorum of the authority to  
60 exercise all of the rights and perform all of the duties of the  
61 authority.

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

65 (5)~~(4)~~(a) The authority may employ an executive secretary,  
66 an executive director, its own counsel and legal staff,  
67 technical experts, and the ~~such~~ engineers, and ~~such~~ employees  
68 that, permanent or temporary, as it requires. The authority may  
69 ~~require and~~ may determine the qualifications and fix the  
70 compensation of such persons, firms, or corporations, and may



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71 employ a fiscal agent or agents; ~~provided,~~ however, that the  
72 authority shall solicit sealed proposals from at least three  
73 persons, firms, or corporations for the performance of any  
74 services as fiscal agents. The authority may delegate to one or  
75 more of its agents or employees the ~~such of its power as it~~  
76 deems ~~shall deem~~ necessary to carry out the purposes of this  
77 part, ~~subject always to the supervision and control of the~~  
78 ~~authority.~~ Members of the authority may be removed from ~~their~~  
79 office by the Governor for misconduct, malfeasance, misfeasance,  
80 or nonfeasance in office.

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

86 Section 60. Section 348.754, Florida Statutes, is amended  
87 to read:

88 348.754 Purposes and powers.—

89 (1) (a) The authority created and established under ~~by the~~  
90 ~~provisions of~~ this part is ~~hereby~~ granted and has ~~shall have~~ the  
91 right to acquire, hold, construct, improve, maintain, operate,  
92 own, and lease in the capacity of lessor, the Central Florida  
93 ~~Orlando-Orange County~~ Expressway System, hereinafter referred to  
94 as "system." Except as otherwise specifically provided by law,  
95 including paragraph (2) (n), the area served by the authority  
96 shall be within the geographical boundaries of Orange, Seminole,  
97 Lake, and Osceola Counties.

98 (b) ~~It is the express intention of this part that said~~  
99 ~~authority,~~ In the construction of the Central Florida ~~said~~



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100 ~~Orlando-Orange County Expressway System, the authority may shall~~  
101 ~~be authorized to~~ construct any extensions, additions, or  
102 improvements to the said system or appurtenant facilities,  
103 including all necessary approaches, roads, bridges, ~~and~~ avenues  
104 of access, rapid transit, trams, fixed guideways, thoroughfares,  
105 and boulevards with any such changes, modifications, or  
106 revisions of the said project which are ~~as shall be~~ deemed  
107 desirable and proper.

108 (c) Notwithstanding any other provision of this part to the  
109 contrary, to ensure the continued financial feasibility of the  
110 portion of the Wekiva Parkway to be constructed by the  
111 department, the authority may not, without the prior consent of  
112 the secretary of the department, construct an extension,  
113 addition, or improvement to the expressway system in Lake  
114 County.

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

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

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

123 (c) To acquire by donation or otherwise, purchase, hold,  
124 lease as lessee, and use any franchise or any property, real,  
125 personal, ~~or~~ mixed, or tangible or intangible, or any options  
126 ~~thereof~~ in its own name or in conjunction with others, or  
127 interest in those options ~~therein~~, necessary or desirable to  
128 carry ~~for carrying~~ out the purposes of the authority, and to



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129 sell, lease as lessor, transfer, and dispose of any property or  
130 interest in the property ~~therein~~ at any time acquired by it.

131 (d) To enter into and make leases for terms not exceeding  
132 99 ~~40~~ years, as ~~either~~ lessee or lessor, in order to carry out  
133 the right to lease as specified ~~set forth~~ in this part.

134 (e) To enter into and make lease-purchase agreements with  
135 the department for terms not exceeding 40 years, or until any  
136 bonds secured by a pledge of rentals pursuant to the agreement  
137 ~~thereunder~~, and any refundings pursuant to the agreement  
138 ~~thereof~~, are fully paid as to both principal and interest,  
139 whichever is longer. The authority is a party to a lease-

140  
141 ===== T I T L E A M E N D M E N T =====

142 And the title is amended as follows:

143 Delete line 326

144 and insert:

145 years, the term of a lease