



601448

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2013	.	
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The Committee on Appropriations (Gardiner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 76 - 957
and insert:

(5) The term "Central Florida Expressway System" means any expressway and appurtenant facilities, including all approaches, roads, bridges, and avenues for the expressway and any rapid transit, trams, or fixed guideways located within the right-of-way of an expressway.

~~(4) The term "city" means the City of Orlando~~

~~(5) The term "county" means the County of Orange.~~

(6) The term "department" means the Department of



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13 Transportation ~~existing under chapters 334-339.~~

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

16 (8) The term "federal agency" means and includes the United
17 States, the President of the United States, and any department
18 of, or corporation, agency, or instrumentality ~~heretofore or~~
19 ~~hereafter~~ created, designated, or established by, the United
20 States.

21 (9) The term "lease-purchase agreement" means the lease-
22 purchase agreements that ~~which~~ the authority is authorized
23 ~~pursuant to this part~~ to enter into with the Department of
24 Transportation pursuant to this part.

25 (10) The term "limited access expressway" means a street or
26 highway specifically ~~especially~~ designed for through traffic,
27 and over, from, or to which, a ~~no~~ person does not ~~shall~~ have the
28 right of easement, use, or access except in accordance with the
29 rules of ~~and regulations promulgated and established by~~ the
30 authority governing its use ~~for the use of such facility~~. Such
31 highways or streets may be parkways that do not allow traffic
32 by, ~~from which~~ trucks, buses, and other commercial vehicles
33 ~~shall be excluded,~~ or they may be freeways open to use by all
34 customary forms of street and highway traffic.

35 (11) The term ~~"members"~~ means ~~the governing body of the~~
36 ~~authority,~~ and the term "member" means an individual who serves
37 on the ~~one of the individuals constituting such~~ governing body
38 of the authority.

39 (12) The term "Orange County gasoline tax funds" means ~~all~~
40 the revenue derived from the 80-percent surplus gasoline tax
41 funds accruing in each year to the Department of Transportation



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42 for use in Orange County under ~~the provisions of~~ s. 9, Art. XII
43 of the State Constitution, after deducting ~~deduction only of~~ any
44 amounts of said gasoline tax funds previously heretofore pledged
45 by the department or the county for outstanding obligations.

46 ~~(13) The term "Orlando-Orange County Expressway System"~~
47 ~~means any and all expressways and appurtenant facilities~~
48 ~~thereto, including, but not limited to, all approaches, roads,~~
49 ~~bridges, and avenues of access for said expressway or~~
50 ~~expressways.~~

51 (13) ~~(14)~~ The term "State Board of Administration" means the
52 body corporate existing under the provisions of s. 9, Art. XII
53 of the State Constitution, or any successor ~~thereto~~.

54 (14) The term "transportation facilities" means and
55 includes the mobile and fixed assets, and the associated real or
56 personal property or rights, used in the transportation of
57 persons or property by any means of conveyance, and all
58 appurtenances, such as, but not limited to, highways; limited or
59 controlled access lanes, avenues of access, and facilities;
60 vehicles; fixed guideway facilities, including maintenance
61 facilities; and administrative and other office space for the
62 exercise by the authority of the powers and obligations granted
63 in this part.

64 ~~(15) Words importing singular number include the plural~~
65 ~~number in each case and vice versa, and words importing persons~~
66 ~~include firms and corporations.~~

67 Section 3. Section 348.753, Florida Statutes, is amended to
68 read:

69 348.753 Central Florida ~~Orlando-Orange County~~ Expressway
70 Authority.-



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

75 (2) (a) Effective July 1, 2014, the Central Florida
76 Expressway Authority shall assume the governance and control of
77 the Orlando-Orange County Expressway Authority System, including
78 its assets, personnel, contracts, obligations, liabilities,
79 facilities, and tangible and intangible property. Any rights in
80 such property, and other legal rights of the authority, are
81 transferred to the Central Florida Expressway Authority. The
82 powers, responsibilities, and obligations of the Orlando-Orange
83 County Expressway Authority shall succeed to and be assumed by
84 the Central Florida Expressway Authority on July 1, 2014.

85 (b) The transfer pursuant to this subsection is subject to
86 the terms and covenants provided for the protection of the
87 holders of the Orlando-Orange County Expressway Authority bonds
88 in the lease-purchase agreement and the resolutions adopted in
89 connection with the issuance of the bonds. Further, the transfer
90 does not impair the terms of the contract between the Orlando-
91 Orange County Expressway Authority and the bondholders, does not
92 act to the detriment of the bondholders, and does not diminish
93 the security for the bonds. After the transfer, the Central
94 Florida Expressway Authority shall operate and maintain the
95 expressway system and any other facilities of the Orlando-Orange
96 County Expressway Authority in accordance with the terms,
97 conditions, and covenants contained in the bond resolutions and
98 lease-purchase agreement securing the bonds of the authority.
99 The Central Florida Expressway Authority shall collect toll



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100 revenues and apply them to the payment of debt service as
101 provided in the bond resolution securing the bonds, and shall
102 expressly assume all obligations relating to the bonds to ensure
103 that the transfer will have no adverse impact on the security
104 for the bonds. The transfer does not make the obligation to pay
105 the principal and interest on the bonds a general liability of
106 the Central Florida Expressway Authority or pledge additional
107 expressway system revenues to payment of the bonds. Revenues
108 that are generated by the expressway system and other facilities
109 of the Central Florida Expressway Authority which were pledged
110 by the Orlando-Orange County Expressway Authority to payment of
111 the bonds will remain subject to the pledge for the benefit of
112 the bondholders. The transfer does not modify or eliminate any
113 prior obligation of the department to pay certain costs of the
114 expressway system from sources other than revenues of the
115 expressway system.

116 (3)(2) The governing body of the authority shall consist of
117 11 ~~five~~ members. The chairs of the boards of the county
118 commissions of Seminole, Lake, and Osceola Counties shall each
119 appoint one member, who may be a commission member or chair. The
120 Governor shall appoint six citizen members. Of the Governor's
121 appointments, two ~~Three~~ members must ~~shall~~ be citizens of Orange
122 County, one member each must be a citizen of Seminole, Lake, and
123 Osceola Counties, and one member may be a citizen of any of the
124 identified counties ~~who shall be appointed by the Governor.~~ The
125 10th ~~fourth~~ member must ~~shall~~ be, ~~ex officio,~~ the Mayor of chair
126 of the ~~County Commissioners of Orange County.~~ The 11th member
127 must be the Mayor of the City of Orlando. The executive director
128 of Florida Turnpike Enterprise shall serve as a nonvoting



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129 advisor to the governing body of the authority, ~~and the fifth~~
130 ~~member shall be, ex officio, the district secretary of the~~
131 ~~Department of Transportation serving in the district that~~
132 ~~contains Orange County. The term of Each appointed member~~
133 appointed by the Governor shall serve ~~be~~ for 4 years. Each
134 county-appointed member shall serve for 2 years. Standing board
135 members shall complete their terms. Each appointed member shall
136 hold office until his or her successor has been appointed and
137 has qualified. A vacancy occurring during a term must ~~shall~~ be
138 filled only for the balance of the unexpired term. Each
139 appointed member of the authority shall be a person of
140 outstanding reputation for integrity, responsibility, and
141 business ability, but, except as provided in this subsection, a
142 ~~no~~ person who is an officer or employee of a municipality or any
143 ~~city or of Orange county may not in any other capacity~~ shall be
144 an appointed member of the authority. Any member of the
145 authority ~~is shall be~~ eligible for reappointment.

146 (4) ~~(3)~~ (a) The authority shall elect one of its members as
147 chair of the authority. The authority shall also elect one of
148 its members as vice chair, one of its members as a secretary,
149 and one of its members as a treasurer ~~who may or may not be~~
150 ~~members of the authority.~~ The chair, vice chair, secretary, and
151 treasurer shall hold such offices at the will of the authority.
152 Six ~~Three~~ members of the authority ~~shall~~ constitute a quorum,
153 and the vote of six ~~three~~ members ~~is shall be~~ necessary for any
154 action taken by the authority. A ~~No~~ vacancy in the authority
155 does not shall impair the right of a quorum of the authority to
156 exercise all of the rights and perform all of the duties of the
157 authority.



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

161 ~~(5)~~⁽⁴⁾(a) The authority may employ an executive secretary,
162 an executive director, its own counsel and legal staff,
163 technical experts, and the ~~such~~ engineers, ~~and such~~ employees
164 ~~that, permanent or temporary,~~ as it requires. The authority ~~may~~
165 ~~require and~~ may determine the qualifications and fix the
166 compensation of such persons, firms, or corporations, and may
167 employ a fiscal agent or agents; ~~provided,~~ however, ~~that~~ the
168 authority shall solicit sealed proposals from at least three
169 persons, firms, or corporations for the performance of any
170 services as fiscal agents. The authority may delegate to one or
171 more of its agents or employees the ~~such of its~~ power as it
172 deems ~~shall deem~~ necessary to carry out the purposes of this
173 part, ~~subject always to the supervision and control of the~~
174 ~~authority~~. Members of the authority may be removed from ~~their~~
175 office by the Governor for misconduct, malfeasance, misfeasance,
176 or nonfeasance in office.

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

182 Section 4. Section 348.754, Florida Statutes, is amended to
183 read:

184 348.754 Purposes and powers.—

185 (1) (a) The authority created and established under ~~by the~~
186 ~~provisions of~~ this part is ~~hereby~~ granted and has ~~shall have~~ the



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187 right to acquire, hold, construct, improve, maintain, operate,
188 own, and lease in the capacity of lessor, the Central Florida
189 ~~Orlando-Orange County~~ Expressway System, hereinafter referred to
190 as "system." Except as otherwise specifically provided by law,
191 including paragraph (2) (n), the area served by the authority
192 shall be within the geographical boundaries of Orange, Seminole,
193 Lake, and Osceola Counties.

194 (b) ~~It is the express intention of this part that said~~
195 ~~authority,~~ In the construction of the Central Florida said
196 ~~Orlando-Orange County~~ Expressway System, the authority may shall
197 ~~be authorized to~~ construct any extensions, additions, or
198 improvements to the said system or appurtenant facilities,
199 including all necessary approaches, roads, bridges, ~~and~~ avenues
200 of access, rapid transit, trams, fixed guideways, thoroughfares,
201 and boulevards with any such changes, modifications, or
202 revisions of the said project which are ~~as shall be~~ deemed
203 desirable and proper.

204 (c) Notwithstanding any other provision of this section to
205 the contrary, to ensure the continued financial feasibility of
206 the portion of the Wekiva Parkway to be constructed by the
207 department, the authority may not, without the prior consent of
208 the secretary of the department, construct any extensions,
209 additions, or improvements to the expressway system in Lake
210 County.

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



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

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

219 (c) To acquire by donation or otherwise, purchase, hold,
220 lease as lessee, and use any franchise or any, property, real,
221 personal, ~~or~~ mixed, or tangible or intangible, or any options
222 ~~thereof~~ in its own name or in conjunction with others, or
223 interest in those options therein, necessary or desirable to
224 carry for carrying out the purposes of the authority, and to
225 sell, lease as lessor, transfer, and dispose of any property or
226 interest in the property therein at any time acquired by it.

227 (d) To enter into and make leases for terms not exceeding
228 99 40 years, as ~~either~~ lessee or lessor, in order to carry out
229 the right to lease as specified set forth in this part.

230 (e) To enter into and make lease-purchase agreements with
231 the department for terms not exceeding 99 40 years, or until any
232 bonds secured by a pledge of rentals pursuant to the agreement
233 ~~thereunder~~, and any refundings pursuant to the agreement
234 ~~thereof~~, are fully paid as to both principal and interest,
235 whichever is longer. The authority is a party to a lease-
236 purchase agreement between the department and the authority
237 dated December 23, 1985, as supplemented by a first supplement
238 to the lease-purchase agreement dated November 25, 1986, and a
239 second supplement to the lease-purchase agreement dated October
240 27, 1988. The authority may not enter into other lease-purchase
241 agreements with the department and may not amend the existing
242 agreement in a manner that expands or increases the department's
243 obligations unless the department determines that the agreement
244 or amendment is necessary to permit the refunding of bonds



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245 issued before July 1, 2012.

246 (f) To fix, alter, charge, establish, and collect rates,
247 fees, rentals, and other charges for the services and facilities
248 of the Central Florida Orlando-Orange County Expressway System,
249 which ~~must rates, fees, rentals and other charges shall~~ always
250 be sufficient to comply with any covenants made with the holders
251 of any bonds issued pursuant to this part; ~~provided,~~ however,
252 ~~that~~ such right and power may be assigned or delegated, by the
253 authority, to the department. Toll revenues attributable to an
254 increase in the toll rates charged on or after July 1, 2014, for
255 the use of a facility or portion of a facility may not be used
256 to construct or expand a different facility unless a two-thirds
257 majority of the members of the authority votes to approve such
258 use. This requirement does not apply if, and to the extent that:

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

263 2. Application of the requirement would cause the authority
264 to be unable to meet its obligations under the terms of the
265 memorandum of understanding between the authority and the
266 department as ratified by the Orlando-Orange County Expressway
267 Authority board on February 22, 2012.

268
269 Notwithstanding s. 338.165, and except as otherwise prohibited
270 by this part, to the extent revenues of the expressway system
271 exceed amounts required to comply with any covenants made with
272 the holders of bonds issued pursuant to this part, revenues may
273 be used for purposes enumerated in subsection (6), provided the



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274 expenditures are consistent with the metropolitan planning
275 organization's adopted long-range plan.

276 (g) To borrow money, make and issue negotiable notes,
277 bonds, refunding bonds, and other evidences of indebtedness or
278 obligations, either in temporary or definitive form, ~~hereinafter~~
279 ~~in this chapter sometimes called "bonds" of the authority,~~ for
280 the purpose of financing all or part of the improvement or
281 extension of the Central Florida ~~Orlando-Orange County~~
282 Expressway System, and appurtenant facilities, including all
283 approaches, streets, roads, bridges, and avenues of access for
284 the Central Florida ~~said Orlando-Orange County~~ Expressway System
285 and for any other purpose authorized by this part, ~~said bonds to~~
286 ~~mature in not exceeding 40 years from the date of the issuance~~
287 ~~thereof,~~ and to secure the payment of such bonds or any part
288 thereof by a pledge of any or all of its revenues, rates, fees,
289 rentals, or other charges, including all or any portion of the
290 Orange County gasoline tax funds received by the authority
291 pursuant to ~~the terms of~~ any lease-purchase agreement between
292 the authority and the department; and in general to provide for
293 the security of the ~~said~~ bonds and the rights and remedies of
294 the holders thereof. ~~Provided, However, that~~ no portion of the
295 Orange County gasoline tax funds may ~~shall~~ be pledged for the
296 construction of any project for which a toll is to be charged
297 unless the anticipated toll is ~~tolls are~~ reasonably estimated by
298 the board of county commissioners, at the date of its resolution
299 pledging the ~~said~~ funds, to be sufficient to cover the principal
300 and interest of such obligations during the period when the ~~said~~
301 pledge of funds is ~~shall be~~ in effect. The bonds issued under
302 this paragraph must mature not more than 40 years after their



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303 issue date.

304 1. The authority shall reimburse Orange County for any sums
305 expended from the said gasoline tax funds used for the payment
306 of such obligations. Any gasoline tax funds so disbursed must
307 ~~shall~~ be repaid when the authority deems it practicable,
308 together with interest at the highest rate applicable to any
309 obligations of the authority.

310 2. If, pursuant to this section, ~~In the event~~ the authority
311 ~~funds shall determine to fund or refunds refund~~ any bonds
312 previously theretofore issued by the said authority, ~~or the by~~
313 ~~said~~ commission before the bonds mature as aforesaid prior to
314 ~~the maturity thereof,~~ the proceeds of such funding or refunding
315 must bonds shall, pending the prior redemption of these the
316 bonds ~~to be funded or refunded,~~ be invested in direct
317 obligations of the United States, ~~and it is the express~~
318 ~~intention of this part that such outstanding bonds may be funded~~
319 ~~or refunded by the issuance of bonds pursuant to this part.~~

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

324 (i) Notwithstanding paragraphs (a)-(h), ~~Without limitation~~
325 ~~of the foregoing,~~ to borrow money and accept grants from, and to
326 enter into contracts, leases, or other transactions with any
327 federal agency, the state, any agency of the state, the County
328 of Orange, the City of Orlando, or with any other public body of
329 the state.

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



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332 (k) To pledge, hypothecate, or otherwise encumber ~~all or~~
333 any part of the revenues, rates, fees, rentals, or other charges
334 or receipts of the authority, including all or any portion of
335 the Orange County gasoline tax funds received by the authority
336 pursuant to the terms of any lease-purchase agreement between
337 the authority and the department, as security for ~~all or~~ any of
338 the obligations of the authority.

339 (l) To enter into partnership and other agreements
340 respecting ownership and revenue participation in order to
341 facilitate financing and constructing the Western Beltway, or
342 portions thereof.

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

347 (n) With the consent of the county within whose
348 jurisdiction the following activities occur, the authority shall
349 have the right to construct, operate, and maintain roads,
350 bridges, avenues of access, transportation facilities,
351 thoroughfares, and boulevards outside the jurisdictional
352 boundaries of Orange, Seminole, Lake, and Osceola Counties
353 ~~County,~~ together with the right to construct, repair, replace,
354 operate, install, and maintain electronic toll payment systems
355 thereon, ~~with all necessary and incidental powers to accomplish~~
356 ~~the foregoing.~~

357 (3) The authority does not ~~shall~~ have the ~~no~~ power ~~at any~~
358 ~~time or in any manner~~ to pledge the credit or taxing power of
359 the state or any political subdivision or agency thereof,
360 including any city and any county ~~the City of Orlando and the~~



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361 ~~County of Orange, nor may nor shall~~ any of the authority's
362 obligations be deemed to be obligations of the state or of any
363 political subdivision or agency thereof, nor may nor shall the
364 state or any political subdivision or agency thereof, except the
365 authority, be liable for the payment of the principal of or
366 interest on such obligations.

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

373 ~~(4)(5)~~ The authority has ~~shall have~~ no power other than by
374 consent of an affected Orange county or any affected city, to
375 enter into any agreement which would legally prohibit the
376 construction of a any road by the respective county or city
377 ~~Orange County or by any city within Orange County.~~

378 (5) The authority shall encourage the inclusion of local-,
379 small-, minority-, and women-owned businesses in its procurement
380 and contracting opportunities.

381 ~~(6)(a)~~ The authority may, within the right-of-way of the
382 expressway system, finance or refinance the planning, design,
383 acquisition, construction, extension, rehabilitation, equipping,
384 preservation, maintenance, or improvement of an intermodal
385 facility or facilities, a multimodal corridor or corridors, or
386 any programs or projects that will improve the levels of service
387 on the expressway system ~~Notwithstanding s. 255.05, the Orlando-~~
388 ~~Orange County Expressway Authority may waive payment and~~
389 ~~performance bonds on construction contracts for the construction~~



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390 ~~of a public building, for the prosecution and completion of a~~
391 ~~public work, or for repairs on a public building or public work~~
392 ~~that has a cost of \$500,000 or less and when the project is~~
393 ~~awarded pursuant to an economic development program for the~~
394 ~~encouragement of local small businesses that has been adopted by~~
395 ~~the governing body of the Orlando-Orange County Expressway~~
396 ~~Authority pursuant to a resolution or policy.~~

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

400 ~~1. Be an independent business.~~

401 ~~2. Be principally domiciled in the Orange County Standard~~
402 ~~Metropolitan Statistical Area.~~

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

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

407 ~~5. Be accepted as a participant in the Orlando-Orange~~
408 ~~County Expressway Authority's microcontracts program or such~~
409 ~~other small business program as may be hereinafter enacted by~~
410 ~~the Orlando-Orange County Expressway Authority.~~

411 ~~6. Participate in an educational curriculum or technical~~
412 ~~assistance program for business development that will assist the~~
413 ~~small business in becoming eligible for bonding.~~

414 ~~(c) The authority's adopted procedures for waiving payment~~
415 ~~and performance bonds on projects with values not less than~~
416 ~~\$200,000 and not exceeding \$500,000 shall provide that payment~~
417 ~~and performance bonds may only be waived on projects that have~~
418 ~~been set aside to be competitively bid on by participants in an~~



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419 ~~economic development program for local small businesses. The~~
420 ~~authority's executive director or his or her designee shall~~
421 ~~determine whether specific construction projects are suitable~~
422 ~~for:~~

423 ~~1. Bidding under the authority's microcontracts program by~~
424 ~~registered local small businesses; and~~

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

426

427 ~~The decision of the authority's executive director or deputy~~
428 ~~executive director to waive the payment and performance bond~~
429 ~~shall be based upon his or her investigation and conclusion that~~
430 ~~there exists sufficient competition so that the authority~~
431 ~~receives a fair price and does not undertake any unusual risk~~
432 ~~with respect to such project.~~

433 ~~(d) For any contract for which a payment and performance~~
434 ~~bond has been waived pursuant to the authority set forth in this~~
435 ~~section, the Orlando-Orange County Expressway Authority shall~~
436 ~~pay all persons defined in s. 713.01 who furnish labor,~~
437 ~~services, or materials for the prosecution of the work provided~~
438 ~~for in the contract to the same extent and upon the same~~
439 ~~conditions that a surety on the payment bond under s. 255.05~~
440 ~~would have been obligated to pay such persons if the payment and~~
441 ~~performance bond had not been waived. The authority shall record~~
442 ~~notice of this obligation in the manner and location that surety~~
443 ~~bonds are recorded. The notice shall include the information~~
444 ~~describing the contract that s. 255.05(1) requires be stated on~~
445 ~~the front page of the bond. Notwithstanding that s. 255.05(9)~~
446 ~~generally applies when a performance and payment bond is~~
447 ~~required, s. 255.05(9) shall apply under this subsection to any~~



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448 ~~contract on which performance or payment bonds are waived and~~
449 ~~any claim to payment under this subsection shall be treated as a~~
450 ~~contract claim pursuant to s. 255.05(9).~~

451 ~~(e) A small business that has been the successful bidder on~~
452 ~~six projects for which the payment and performance bond was~~
453 ~~waived by the authority pursuant to paragraph (a) shall be~~
454 ~~ineligible to bid on additional projects for which the payment~~
455 ~~and performance bond is to be waived. The local small business~~
456 ~~may continue to participate in other elements of the economic~~
457 ~~development program for local small businesses as long as it is~~
458 ~~eligible.~~

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

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

466 Section 5. Section 348.7543, Florida Statutes, is amended
467 to read:

468 348.7543 Improvements, bond financing authority for.—
469 Pursuant to s. 11(f), Art. VII of the State Constitution, the
470 Legislature hereby approves for bond financing by the Central
471 Florida Orlando-Orange County Expressway Authority improvements
472 to toll collection facilities, interchanges to the legislatively
473 approved expressway system, and any other facility appurtenant,
474 necessary, or incidental to the approved system. Subject to
475 terms and conditions of applicable revenue bond resolutions and
476 covenants, such costs may be financed in whole or in part by



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477 revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether
478 currently issued or issued in the future, or by a combination of
479 such bonds.

480 Section 6. Section 348.7544, Florida Statutes, is amended
481 to read:

482 348.7544 Northwest Beltway Part A, construction authorized;
483 financing.—Notwithstanding s. 338.2275, the Central Florida
484 ~~Orlando-Orange County~~ Expressway Authority may ~~is hereby~~
485 ~~authorized to~~ construct, finance, operate, own, and maintain
486 that portion of the Western Beltway known as the Northwest
487 Beltway Part A, extending from Florida's Turnpike near Ocoee
488 north to U.S. 441 near Apopka, as part of the authority's 20-
489 year capital projects plan. This project may be financed with
490 any funds available to the authority for such purpose or revenue
491 bonds issued by the Division of Bond Finance of the State Board
492 of Administration on behalf of the authority pursuant to s. 11,
493 Art. VII of the State Constitution and the State Bond Act, ss.
494 215.57-215.83.

495 Section 7. Section 348.7545, Florida Statutes, is amended
496 to read:

497 348.7545 Western Beltway Part C, construction authorized;
498 financing.—Notwithstanding s. 338.2275, the Central Florida
499 ~~Orlando-Orange County~~ Expressway Authority may ~~is authorized to~~
500 exercise its condemnation powers, construct, finance, operate,
501 own, and maintain that portion of the Western Beltway known as
502 the Western Beltway Part C, extending from Florida's Turnpike
503 near Ocoee in Orange County southerly through Orange and Osceola
504 Counties to an interchange with I-4 near the Osceola-Polk County
505 line, as part of the authority's 20-year capital projects plan.



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506 This project may be financed with any funds available to the
507 authority for such purpose or revenue bonds issued by the
508 Division of Bond Finance of the State Board of Administration on
509 behalf of the authority pursuant to s. 11, Art. VII of the State
510 Constitution and the State Bond Act, ss. 215.57-215.83. This
511 project may be refinanced with bonds issued by the authority
512 pursuant to s. 348.755(1) (d).

513 Section 8. Section 348.7546, Florida Statutes, is amended
514 to read:

515 348.7546 Wekiva Parkway, construction authorized;
516 financing.—

517 (1) The Central Florida ~~Orlando-Orange County~~ Expressway
518 Authority may ~~is authorized to~~ exercise its condemnation powers
519 and ~~to~~ construct, finance, operate, own, and maintain those
520 portions of the Wekiva Parkway which are identified by agreement
521 between the authority and the department and which are included
522 as part of the authority's long-range capital improvement plan.
523 The "Wekiva Parkway" means any limited access highway or
524 expressway constructed between State Road 429 and Interstate 4
525 specifically incorporating the corridor alignment recommended by
526 Recommendation 2 of the Wekiva River Basin Area Task Force final
527 report dated January 15, 2003, and the recommendations of the SR
528 429 Working Group, which were adopted January 16, 2004. This
529 project may be financed with any funds available to the
530 authority for such purpose or revenue bonds issued by the
531 authority under s. 11, Art. VII of the State Constitution and s.
532 348.755(1) (b). This section does not invalidate the exercise by
533 the authority of its condemnation powers or the acquisition of
534 any property for the Wekiva Parkway before July 1, 2012.



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535 (2) Notwithstanding any other provision of law ~~to the~~
536 ~~contrary~~, in order to ensure that funds are available to the
537 department for its portion of the Wekiva Parkway, beginning July
538 1, 2012, the authority shall repay the expenditures by the
539 department for costs of operation and maintenance of the Central
540 Florida Orlando-Orange County Expressway System in accordance
541 with the terms of the memorandum of understanding between the
542 authority and the department as ratified by the authority board
543 on February 22, 2012, which requires the authority to pay the
544 department \$10 million on July 1, 2012, and \$20 million on each
545 successive July 1 until the department has been fully reimbursed
546 for all costs of the Central Florida Orlando-Orange County
547 Expressway System which were paid, advanced, or reimbursed to
548 the authority by the department, with a final payment in the
549 amount of the balance remaining. Notwithstanding any other law
550 ~~to the contrary~~, the funds paid to the department pursuant to
551 this subsection must ~~shall~~ be allocated by the department for
552 construction of the Wekiva Parkway.

553 (3) The department's obligation to construct its portions
554 of the Wekiva Parkway is contingent upon the timely payment by
555 the authority of the annual payments required of the authority
556 and receipt of all required environmental permits and approvals
557 by the Federal Government.

558 Section 9. Section 348.7547, Florida Statutes, is amended
559 to read:

560 348.7547 Maitland Boulevard Extension and Northwest Beltway
561 Part A Realignment construction authorized; financing.—
562 Notwithstanding s. 338.2275, the Central Florida Orlando-Orange
563 County Expressway Authority may ~~is hereby authorized to~~ exercise



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564 its condemnation powers, construct, finance, operate, own, and
565 maintain the portion of State Road 414 known as the Maitland
566 Boulevard Extension and the realigned portion of the Northwest
567 Beltway Part A as part of the authority's long-range capital
568 improvement plan. The Maitland Boulevard Extension extends ~~will~~
569 ~~extend~~ from the current terminus of State Road 414 at U.S. 441
570 west to State Road 429 in west Orange County. The realigned
571 portion of the Northwest Beltway Part A runs ~~will run~~ from the
572 point at or near where the Maitland Boulevard Extension connects
573 ~~will connect~~ with State Road 429 and proceeds ~~will proceed~~ to
574 the west and then north resulting in the northern terminus of
575 State Road 429 moving farther west before reconnecting with U.S.
576 441. However, under no circumstances may ~~shall~~ the realignment
577 of the Northwest Beltway Part A conflict with or contradict ~~with~~
578 the alignment of the Wekiva Parkway as defined in s. 348.7546.
579 This project may be financed with any funds available to the
580 authority for such purpose or revenue bonds issued by the
581 authority under s. 11, Art. VII of the State Constitution and s.
582 348.755(1) (b).

583 Section 10. Subsections (2) and (3) of section 348.755,
584 Florida Statutes, are amended to read:

585 348.755 Bonds of the authority.—

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

590 (a) The pledging of ~~all or~~ any part of the revenues, rates,
591 fees, rentals, ~~(including all or~~ any portion of the Orange
592 County gasoline tax funds received by the authority pursuant to



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593 the terms of any lease-purchase agreement between the authority
594 and the department, or any part thereof), or other charges or
595 receipts of the authority, derived by the authority, from the
596 Central Florida Orlando-Orange County Expressway System.

597 (b) The completion, improvement, operation, extension,
598 maintenance, repair, lease or lease-purchase agreement of the
599 ~~said~~ system, and the duties of the authority and others,
600 including the department, ~~with reference thereto.~~

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

604 (d) The fixing, charging, establishing, and collecting of
605 rates, fees, rentals, or other charges for use of the services
606 and facilities of the Central Florida Orlando-Orange County
607 Expressway System or any part thereof.

608 (e) The setting aside of reserves or sinking funds or
609 repair and replacement funds and the regulation and disposition
610 thereof.

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

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

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

617 (3) The authority may employ fiscal agents as provided by
618 this part or the State Board of Administration of Florida may
619 upon request of the authority act as fiscal agent for the
620 authority in the issuance of any bonds that ~~which~~ may be issued
621 pursuant to this part, and the State Board of Administration may



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622 upon request of the authority take over the management, control,
623 administration, custody, and payment of any ~~or all~~ debt services
624 or funds or assets now or hereafter available for any bonds
625 issued pursuant to this part. The authority may enter into any
626 deeds of trust, indentures or other agreements with its fiscal
627 agent, or with any bank or trust company within or without the
628 state, as security for such bonds, and may, under such
629 agreements, sign and pledge ~~all or~~ any of the revenues, rates,
630 fees, rentals or other charges or receipts of the authority,
631 including ~~all or~~ any portion of the Orange County gasoline tax
632 funds received by the authority pursuant to the terms of any
633 lease-purchase agreement between the authority and the
634 department, ~~thereunder~~. Such deed of trust, indenture, or other
635 agreement may contain such provisions as are customary in such
636 instruments, or, as the authority may authorize, including but
637 without limitation, provisions as to:

638 (a) The completion, improvement, operation, extension,
639 maintenance, repair, and lease of, or lease-purchase agreement
640 relating to the Central Florida ~~Orlando-Orange County~~ Expressway
641 System, and the duties of the authority and others including the
642 department, with reference thereto.

643 (b) The application of funds and the safeguarding of funds
644 on hand or on deposit.

645 (c) The rights and remedies of the trustee and the holders
646 of the bonds.

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

649 Section 11. Subsections (3) and (4) of section 348.756,
650 Florida Statutes, are amended to read:



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651 348.756 Remedies of the bondholders.-
652 (3) When a ~~Any~~ trustee is ~~when~~ appointed pursuant to
653 subsection (1) ~~as aforesaid~~, or is acting under a deed of trust,
654 indenture, or other agreement, and whether or not all bonds have
655 been declared due and payable, the trustee is ~~shall be~~ entitled
656 ~~as of right~~ to the appointment of a receiver, who may enter upon
657 and take possession of the Central Florida ~~Orlando-Orange County~~
658 Expressway System or the facilities or any part of the system or
659 facilities ~~or parts thereof~~, the rates, fees, rentals, or other
660 revenues, charges, or receipts that ~~from which~~ are, or may be,
661 applicable to the payment of the bonds so in default, and
662 subject to and in compliance with the provisions of any lease-
663 purchase agreement between the authority and the department
664 operate and maintain the same, for and on behalf of and in the
665 name of, the authority, the department, and the bondholders, and
666 collect and receive all rates, fees, rentals, and other charges
667 or receipts or revenues arising therefrom in the same manner as
668 the authority or the department might do, and shall deposit all
669 such moneys in a separate account and apply the same in such
670 manner as the court directs ~~shall direct~~. In any suit, action,
671 or proceeding by the trustee, the fees, counsel fees, and
672 expenses of the trustee, and the ~~said~~ receiver, if any, and all
673 costs and disbursements allowed by the court must ~~shall~~ be a
674 first charge on any rates, fees, rentals, or other charges,
675 revenues, or receipts, derived from the Central Florida ~~Orlando-~~
676 ~~Orange County~~ Expressway System, or the facilities or services
677 or any part of the system or facilities ~~or parts thereof~~,
678 including payments under any such lease-purchase agreement ~~as~~
679 ~~aforesaid~~ which ~~said~~ rates, fees, rentals, or other charges,



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680 revenues, or receipts ~~shall or~~ may be applicable to the payment
681 of the bonds that are ~~se~~ in default. The ~~Such~~ trustee has ~~shall,~~
682 ~~in addition to the foregoing,~~ have and possess all of the powers
683 necessary or appropriate for the exercise of any functions
684 specifically set forth in this section ~~herein~~ or incident to the
685 representation of the bondholders in the enforcement and
686 protection of their rights.

687 (4) ~~Nothing in~~ This section or any other section of this
688 part does not ~~shall~~ authorize any receiver appointed pursuant
689 ~~hereto~~ for the purpose, subject to and in compliance with the
690 provisions of any lease-purchase agreement between the authority
691 and the department, of operating and maintaining the Central
692 Florida Orlando-Orange County Expressway System or any
693 facilities or part of the system or facilities ~~or parts thereof,~~
694 to sell, assign, mortgage, or otherwise dispose of any of the
695 assets of whatever kind and character belonging to the
696 authority. ~~It is the intention of this part to limit~~ The powers
697 of the ~~such~~ receiver, subject to and in compliance with the
698 provisions of any lease-purchase agreement between the authority
699 and the department, are limited to the operation and maintenance
700 of the Central Florida Orlando-Orange County Expressway System,
701 or any facility, or part ~~or parts~~ thereof, as the court may
702 direct, in the name and for and on behalf of the authority, the
703 department, and the bondholders, and no holder of bonds on the
704 authority nor any trustee, has ~~shall ever have~~ the right in any
705 suit, action, or proceeding at law or in equity, to compel a
706 receiver, nor may ~~shall~~ any receiver be authorized or any court
707 be empowered to direct the receiver to sell, assign, mortgage,
708 or otherwise dispose of any assets ~~of whatever kind or character~~



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709 belonging to the authority.

710 Section 12. Subsections (1) through (7) of section 348.757,
711 Florida Statutes, are amended to read:

712 348.757 Lease-purchase agreement.-

713 (1) ~~In order to effectuate the purposes of this part and as~~
714 ~~authorized by this part,~~ The authority may enter into a lease-
715 purchase agreement with the department relating to and covering
716 the former Orlando-Orange County Expressway System.

717 (2) The ~~Such~~ lease-purchase agreement must ~~shall~~ provide
718 for the leasing of the former Orlando-Orange County Expressway
719 System, by the authority, as lessor, to the department, as
720 lessee, must ~~shall~~ prescribe the term of such lease and the
721 rentals to be paid ~~thereunder~~, and must ~~shall~~ provide that upon
722 the completion of the faithful performance ~~thereunder~~ and the
723 termination of the ~~such~~ lease-purchase agreement, title in fee
724 simple absolute to the former Orlando-Orange County Expressway
725 System as then constituted shall be transferred in accordance
726 with law by the authority, to the state and the authority shall
727 deliver to the department such deeds and conveyances as shall be
728 necessary or convenient to vest title in fee simple absolute in
729 the state.

730 (3) The ~~Such~~ lease-purchase agreement may include ~~such~~
731 other provisions, agreements, and covenants that ~~as~~ the
732 authority and the department deem advisable or required,
733 including, but not limited to, provisions as to the bonds to be
734 issued under, and for the purposes of, this part, the
735 completion, extension, improvement, operation, and maintenance
736 of the former Orlando-Orange County Expressway System and the
737 expenses and the cost of operation of the ~~said~~ authority, the



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738 charging and collection of tolls, rates, fees, and other charges
739 for the use of the services and facilities of the system
740 ~~thereof~~, the application of federal or state grants or aid that
741 ~~which~~ may be made or given to assist the authority in the
742 completion, extension, improvement, operation, and maintenance
743 of the former Orlando-Orange County ~~Orlando~~ Expressway System,
744 which the authority is ~~hereby~~ authorized to accept and apply to
745 such purposes, the enforcement of payment and collection of
746 rentals and any other terms, provisions, or covenants necessary,
747 incidental, or appurtenant to the making of and full performance
748 under the ~~such~~ lease-purchase agreement.

749 (4) The department as lessee under the ~~such~~ lease-purchase
750 agreement, may ~~is hereby authorized to~~ pay as rentals under the
751 agreement ~~thereunder~~ any rates, fees, charges, funds, moneys,
752 receipts, or income accruing to the department from the
753 operation of the former Orlando-Orange County Expressway System
754 and the Orange County gasoline tax funds and may also pay as
755 rentals any appropriations received by the department pursuant
756 to any act of the Legislature of the state heretofore or
757 hereafter enacted; ~~provided~~, however, this part or the ~~that~~
758 ~~nothing herein nor in such~~ lease-purchase agreement is not
759 intended to and does not ~~nor shall this part or such lease-~~
760 ~~purchase agreement~~ require the making or continuance of such
761 appropriations, and ~~nor shall~~ any holder of bonds issued
762 pursuant to this part does not ~~ever~~ have any right to compel the
763 making or continuance of such appropriations.

764 (5) A ~~No~~ pledge of the ~~said~~ Orange County gasoline tax
765 funds as rentals under a ~~such~~ lease-purchase agreement may not
766 ~~shall~~ be made without the consent of the County of Orange



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767 evidenced by a resolution duly adopted by the board of county
768 commissioners of said county at a public hearing held pursuant
769 to due notice thereof published at least once a week for 3
770 consecutive weeks before the hearing in a newspaper of general
771 circulation in Orange County. The ~~said~~ resolution, among other
772 things, must ~~shall~~ provide that any excess of the ~~said~~ pledged
773 gasoline tax funds which is not required for debt service or
774 reserves for the ~~such~~ debt service for any bonds issued by the
775 ~~said~~ authority shall be returned annually to the department for
776 distribution to Orange County as provided by law. Before making
777 any application for a ~~such~~ pledge of gasoline tax funds, the
778 authority shall present the plan of its proposed project to the
779 Orange County planning and zoning commission for its comments
780 and recommendations.

781 (6) The ~~said~~ department may ~~shall have power to~~ covenant in
782 any lease-purchase agreement that it will pay all or any part of
783 the cost of the operation, maintenance, repair, renewal, and
784 replacement of the ~~said~~ system, and any part of the cost of
785 completing the ~~said~~ system to the extent that the proceeds of
786 bonds issued ~~therefor~~ are insufficient, from sources other than
787 the revenues derived from the operation of the ~~said~~ system and
788 the ~~said~~ Orange County gasoline tax funds. The ~~said~~ department
789 may also agree to make such other payments from any moneys
790 available to the ~~said~~ commission, the ~~said~~ county, or the ~~said~~
791 city in connection with the construction or completion of the
792 ~~said~~ system as shall be deemed by the ~~said~~ department to be fair
793 and proper under any ~~such~~ covenants ~~heretofore or hereafter~~
794 entered into.

795 (7) The ~~said~~ system must ~~shall~~ be a part of the state road



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796 system and the ~~said~~ department may ~~is hereby~~ authorized, upon
797 the request of the authority, ~~to~~ expend out of any funds
798 available for the purpose the ~~such~~ moneys, and ~~to~~ use ~~such of~~
799 its engineering and other forces, as may be necessary ~~and~~
800 ~~desirable in the judgment of said department,~~ for the operation
801 of the ~~said~~ authority and for traffic surveys, borings, surveys,
802 preparation of plans and specifications, estimates of cost, and
803 other preliminary engineering and other studies; provided,
804 however, that the aggregate amount of moneys expended for the
805 ~~said~~ purposes by the ~~said~~ department do ~~shall~~ not exceed the sum
806 of \$375,000.

807 Section 13. Section 348.758, Florida Statutes, is amended
808 to read:

809 348.758 Appointment of department as ~~may be appointed~~ agent
810 of authority for construction.—The department may be appointed
811 by the ~~said~~ authority as its agent for the purpose of
812 constructing improvements and extensions to the Central Florida
813 ~~Orlando-Orange County~~ Expressway System and for its ~~the~~
814 completion ~~thereof~~. In such event, the authority shall provide
815 the department with complete copies of all documents,
816 agreements, resolutions, contracts, and instruments relating
817 thereto and shall request the department to do such construction
818 work, including the planning, surveying, and actual construction
819 of the completion, extensions, and improvements to the Central
820 Florida ~~Orlando-Orange County~~ Expressway System and shall
821 transfer to the credit of an account of the department in the
822 State Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and
823 the department may ~~shall thereupon be authorized, empowered and~~
824 ~~directed to~~ proceed with such construction and ~~to~~ use the ~~said~~



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825 funds for such purpose in the same manner that it is ~~now~~
826 authorized to use the funds ~~otherwise provided by law~~ for the
827 ~~its use in~~ construction of roads and bridges.

828 Section 14. Section 348.759, Florida Statutes, is amended
829 to read:

830 348.759 Acquisition of lands and property.-

831 (1) For the purposes of this part, the Central Florida
832 ~~Orlando-Orange County~~ Expressway Authority may acquire private
833 or public property and property rights, including rights of
834 access, air, view, and light, by gift, devise, purchase, or
835 condemnation by eminent domain proceedings, as the authority
836 deems ~~may deem~~ necessary for any of the purposes of this part,
837 including, but not limited to, any lands reasonably necessary
838 for securing applicable permits, areas necessary for management
839 of access, borrow pits, drainage ditches, water retention areas,
840 rest areas, replacement access for landowners whose access is
841 impaired due to the construction of a facility, and replacement
842 rights-of-way for relocated rail and utility facilities; for
843 existing, proposed, or anticipated transportation facilities on
844 the Central Florida ~~Orlando-Orange County~~ Expressway System or
845 in a transportation corridor designated by the authority; or for
846 the purposes of screening, relocation, removal, or disposal of
847 junkyards and scrap metal processing facilities. The authority
848 may ~~shall also have the power to~~ condemn any material and
849 property necessary for such purposes.

850 (2) The ~~right of eminent domain herein conferred shall be~~
851 ~~exercised by the~~ authority shall exercise the right of eminent
852 domain in the manner provided by law.

853 (3) When the authority acquires property for a



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854 transportation facility or in a transportation corridor, it is
855 not subject to any liability imposed by chapter 376 or chapter
856 403 for preexisting soil or groundwater contamination due solely
857 to its ownership. This section does not affect the rights or
858 liabilities of any past or future owners of the acquired
859 property and ~~nor~~ does not ~~it~~ affect the liability of any
860 governmental entity for the results of its actions which create
861 or exacerbate a pollution source. The authority and the
862 Department of Environmental Protection may enter into
863 interagency agreements for the performance, funding, and
864 reimbursement of the investigative and remedial acts necessary
865 for property acquired by the authority.

866 Section 15. Section 348.760, Florida Statutes, is amended
867 to read:

868 348.760 Cooperation with other units, boards, agencies, and
869 individuals. ~~A Express authority and power is hereby given and~~
870 ~~granted any~~ county, municipality, drainage district, road and
871 bridge district, school district or any other political
872 subdivision, board, commission, or individual in, or of, the
873 state may ~~to~~ make and enter into with the authority, contracts,
874 leases, conveyances, partnerships, or other agreements pursuant
875 to ~~within the provisions and purposes of this part.~~ The
876 authority may ~~is hereby expressly authorized to~~ make and enter
877 into contracts, leases, conveyances, partnerships, and other
878 agreements with any political subdivision, agency, or
879 instrumentality of the state and any ~~and all~~ federal agencies,
880 corporations, and individuals, for the purpose of carrying out
881 the provisions of this part ~~or with the consent of the Seminole~~
882 ~~County Expressway Authority, for the purpose of carrying out and~~



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883 ~~implementing part VIII of this chapter.~~

884 Section 16. Section 348.761, Florida Statutes, is amended
885 to read:

886 348.761 Covenant of the state.—The state pledges ~~does~~
887 ~~hereby pledge~~ to, and agrees, with any person, firm or
888 corporation, or federal or state agency subscribing to, or
889 acquiring the bonds to be issued by the authority for the
890 purposes of this part that the state will not limit or alter the
891 rights that are hereby vested in the authority and the
892 department until all issued bonds and interest ~~at any time~~
893 ~~issued, together with the interest thereon,~~ are fully paid and
894 discharged insofar as the pledge ~~same~~ affects the rights of the
895 holders of bonds issued pursuant to this part ~~hereunder~~. The
896 state does further pledge to, and agree, with the United States
897 that in the event any federal agency constructs or contributes
898 ~~shall construct or contribute~~ any funds for the completion,
899 extension, or improvement of the Central Florida Orlando-Orange
900 ~~County~~ Expressway System, or any part or portion of the system
901 ~~thereof~~, the state will not alter or limit the rights and powers
902 of the authority and the department in any manner that ~~which~~
903 would be inconsistent with the continued maintenance and
904 operation of the Central Florida Orlando-Orange County
905 Expressway System or the completion, extension, or improvement
906 of the system thereof, or that ~~which~~ would be inconsistent with
907 the due performance of any agreements between the authority and
908 any such federal agency, and the authority and the department
909 shall continue to have and may exercise all powers ~~herein~~
910 granted in this part, so long as the powers are ~~same shall be~~
911 necessary or desirable for the carrying out of the purposes of



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912 this part and the purposes of the United States in the
913 completion, extension, or improvement of the Central Florida
914 ~~Orlando-Orange County~~ Expressway System, or any part of the
915 system or portion thereof.

916 Section 17. Section 348.765, Florida Statutes, is amended
917 to read:

918 348.765 This part complete and additional authority.-

919 (1) The powers conferred by this part are ~~shall be~~ in
920 addition and supplemental to the existing powers of the said
921 board and the department, and this part may ~~shall~~ not be
922 construed as repealing any of the provisions, of any other law,
923 general, special, or local, but to supersede such other laws in
924 the exercise of the powers provided in this part, and to provide
925 a complete method for the exercise of the powers granted in this
926 part. The extension and improvement of the Central Florida ~~said~~
927 ~~Orlando-Orange County~~ Expressway System, and the issuance of
928 bonds pursuant to this part hereunder to finance all or part of
929 the cost of the system thereof, may be accomplished upon
930 compliance with the provisions of this part without regard to or
931 necessity for compliance with the provisions, limitations, or
932 restrictions contained in any other general, special, or local
933 law, including, but not limited to, s. 215.821, and no approval
934 of any bonds issued under this part by the qualified electors or
935 qualified electors who are freeholders in the state or in the
936 ~~said~~ County of Orange, or in the said City of Orlando, or in any
937 other political subdivision of the state, is ~~shall be~~ required
938 for the issuance of such bonds pursuant to this part.

939 (2) This part does ~~shall not be deemed to~~ repeal, rescind,
940 or modify any other law ~~or laws~~ relating to the said State Board



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941 of Administration, the ~~said~~ Department of Transportation, or the
942 Division of Bond Finance of the State Board of Administration,
943 but supersedes any ~~shall be deemed to and shall supersede such~~
944 ~~other~~ law that is ~~or laws as~~ are inconsistent with the
945 provisions of this part, including, but not limited to, s.
946 215.821.

947 Section 18. Subsections (6) and (7) of section 369.317,
948 Florida Statutes, are amended to read:

949 369.317 Wekiva Parkway.—

950 (6) The Central Florida ~~Orlando-Orange County~~ Expressway
951 Authority is hereby granted the authority to act as a third-
952 party acquisition agent, pursuant to s. 259.041 on behalf of the
953 Board of Trustees or chapter 373 on behalf of the governing
954 board of the St. Johns River Water Management District, for the
955 acquisition of all necessary lands, property and all interests
956 in property identified herein, including fee simple or less-
957 than-fee simple interests. The lands subject to this authority
958 are identified in paragraph 10.a., State of Florida, Office of
959 the Governor, Executive Order 03-112 of July 1, 2003, and in
960 Recommendation 16 of the Wekiva Basin Area Task Force created by
961 Executive Order 2002-259, such lands otherwise known as
962 Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and
963 Lake Counties within Sections 27, 28, 33, and 34 of Township 19
964 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20
965 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre
966 parcel located in Lake County within Section 37, Township 19
967 South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in
968 Lake County within Sections 23, 25, 26, 35, and 36, Township 19
969 South, Range 28 East; Pine Plantation, a 617+/-acre tract



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970 consisting of eight individual parcels within the Apopka City
971 limits. The Department of Transportation, the Department of
972 Environmental Protection, the St. Johns River Water Management
973 District, and other land acquisition entities shall participate
974 and cooperate in providing information and support to the third-
975 party acquisition agent. The land acquisition process authorized
976 by this paragraph shall begin no later than December 31, 2004.
977 Acquisition of the properties identified as Neighborhood Lakes,
978 Pine Plantation, and New Garden Coal, or approval as a
979 mitigation bank shall be concluded no later than December 31,
980 2010. Department of Transportation and Central Florida ~~Orlando-~~
981 ~~Orange County~~ Expressway Authority funds expended to purchase an
982 interest in those lands identified in this subsection shall be
983 eligible as environmental mitigation for road construction
984 related impacts in the Wekiva Study Area. If any of the lands
985 identified in this subsection are used as environmental
986 mitigation for road-construction-related impacts incurred by the
987 Department of Transportation or Central Florida ~~Orlando-Orange~~
988 ~~County~~ Expressway Authority, or for other impacts incurred by
989 other entities, within the Wekiva Study Area or within the
990 Wekiva parkway alignment corridor, and if the mitigation offsets
991 these impacts, the St. Johns River Water Management District and
992 the Department of Environmental Protection shall consider the
993 activity regulated under part IV of chapter 373 to meet the
994 cumulative impact requirements of s. 373.414(8)(a).

995 (a) Acquisition of the land described in this section is
996 required to provide right-of-way for the Wekiva Parkway, a
997 limited access roadway linking State Road 429 to Interstate 4,
998 an essential component in meeting regional transportation needs



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999 to provide regional connectivity, improve safety, accommodate
1000 projected population and economic growth, and satisfy critical
1001 transportation requirements caused by increased traffic volume
1002 growth and travel demands.

1003 (b) Acquisition of the lands described in this section is
1004 also required to protect the surface water and groundwater
1005 resources of Lake, Orange, and Seminole counties, otherwise
1006 known as the Wekiva Study Area, including recharge within the
1007 springshed that provides for the Wekiva River system. Protection
1008 of this area is crucial to the long term viability of the Wekiva
1009 River and springs and the central Florida region's water supply.
1010 Acquisition of the lands described in this section is also
1011 necessary to alleviate pressure from growth and development
1012 affecting the surface and groundwater resources within the
1013 recharge area.

1014 (c) Lands acquired pursuant to this section that are needed
1015 for transportation facilities for the Wekiva Parkway shall be
1016 determined not necessary for conservation purposes pursuant to
1017 ss. 253.034(6) and 373.089(5) and shall be transferred to or
1018 retained by the Central Florida ~~Orlando-Orange County~~ Expressway
1019 Authority or the Department of Transportation upon reimbursement
1020 of the full purchase price and acquisition costs.

1021 (7) The Department of Transportation, the Department of
1022 Environmental Protection, the St. Johns River Water Management
1023 District, Central Florida ~~Orlando-Orange County~~ Expressway
1024 Authority, and other land acquisition entities shall cooperate
1025 and establish funding responsibilities and partnerships by
1026 agreement to the extent funds are available to the various
1027 entities. Properties acquired with Florida Forever funds shall



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1028 be in accordance with s. 259.041 or chapter 373. The Central
1029 Florida Orlando-Orange-County Expressway Authority shall acquire
1030 land in accordance with this section of law to the extent funds
1031 are available from the various funding partners, but shall not
1032 be required nor assumed to fund the land acquisition beyond the
1033 agreement and funding provided by the various land acquisition
1034 entities.

1035 Section 19. Subsection (1) of section 369.324, Florida
1036 Statutes, is amended to read:

1037 369.324 Wekiva River Basin Commission.—

1038 (1) The Wekiva River Basin Commission is created to monitor
1039 and ensure the implementation of the recommendations of the
1040 Wekiva River Basin Coordinating Committee for the Wekiva Study
1041 Area. The East Central Florida Regional Planning Council shall
1042 provide staff support to the commission with funding assistance
1043 from the Department of Economic Opportunity. The commission
1044 shall be comprised of a total of 18 ~~19~~ members appointed by the
1045 Governor, 9 of whom shall be voting members and 9 ~~10~~ shall be ad
1046 hoc nonvoting members. The voting members shall include:

1047 (a) One member of each of the Boards of County
1048 Commissioners for Lake, Orange, and Seminole Counties.

1049 (b) One municipal elected official to serve as a
1050 representative of the municipalities located within the Wekiva
1051 Study Area of Lake County.

1052 (c) One municipal elected official to serve as a
1053 representative of the municipalities located within the Wekiva
1054 Study Area of Orange County.

1055 (d) One municipal elected official to serve as a
1056 representative of the municipalities located within the Wekiva



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1057 Study Area of Seminole County.

1058 (e) One citizen representing an environmental or
1059 conservation organization, one citizen representing a local
1060 property owner, a land developer, or an agricultural entity, and
1061 one at-large citizen who shall serve as chair of the council.

1062 (f) The ad hoc nonvoting members shall include one
1063 representative from each of the following entities:

- 1064 1. St. Johns River Management District.
- 1065 2. Department of Economic Opportunity.
- 1066 3. Department of Environmental Protection.
- 1067 4. Department of Health.
- 1068 5. Department of Agriculture and Consumer Services.
- 1069 6. Fish and Wildlife Conservation Commission.
- 1070 7. Department of Transportation.
- 1071 8. MetroPlan Orlando.
- 1072 9. Central Florida Orlando-Orange County Expressway
1073 Authority.
- 1074 ~~10. Seminole County Expressway Authority.~~

1075 Section 20. (1) Effective upon the completion of
1076 construction of the Poinciana Parkway, a limited access facility
1077 of approximately 9 miles in length in Osceola County with its
1078 northwestern terminus at the intersection of County Road 54 and
1079 US 17/US 92 and its southeastern terminus at the current
1080 intersection of Rhododendron and Cypress Parkway, described in
1081 the Osceola County Expressway Authority May 8, 2012, Master
1082 Plan, all powers, governance, and control of the Osceola County
1083 Expressway System, created pursuant to part V, chapter 348,
1084 Florida Statutes, is transferred to the Central Florida
1085 Expressway Authority, and the assets, liabilities, facilities,



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1086 tangible and intangible property and any rights in the property,
1087 and any other legal rights of the Osceola County Expressway
1088 Authority are transferred to the Central Florida Expressway
1089 Authority. The effective date of such transfer shall be extended
1090 until completion of construction of such portions of the
1091 Southport Connector Expressway, the Northeast Connector
1092 Expressway, such portions of the Poinciana Parkway to connect to
1093 State Road 429, and the Osceola Parkway Extension, as each is
1094 described in the Osceola County Expressway Authority May 8,
1095 2012, Master Plan, which are included in any design contract
1096 executed by the Osceola County Expressway Authority before July
1097 1, 2019. Part V of chapter 348, Florida Statutes, consisting of
1098 ss. 348.9950-348.9961, is repealed on the same date that the
1099 Osceola County Expressway System is transferred to the Central
1100 Florida Expressway Authority.

1101 (2) The Central Florida Expressway Authority shall also
1102 reimburse any and all obligations of any other governmental
1103 entities with respect to the Osceola County Expressway System,
1104 including any obligations of Osceola County with respect to
1105 operations and maintenance of the Osceola County Expressway
1106 System and any loan repayment obligations, including repayment
1107 obligations with respect to State Infrastructure Bank loans.
1108 Such reimbursement shall be made from revenues available for
1109 such purpose after payment of all amounts required:

1110 (a) Otherwise by law;

1111 (b) By the terms of any resolution authorizing the issuance
1112 of bonds by the authority, the Orlando-Orange County Expressway
1113 Authority, or the Osceola County Expressway Authority;

1114 (c) By the terms of any resolution under which bonds are



1115 issued by Osceola County for the purpose of constructing
1116 improvements to the Osceola County Expressway System; and
1117 (d) By the terms of the memorandum of understanding between the
1118 Orlando-Orange County Expressway Authority and the department as
1119 ratified by the board of the Orlando-Orange County Expressway
1120 Authority on February 22, 2012.

1121 Section 21. This act shall take effect July 1, 2014.

1122
1123 ===== T I T L E A M E N D M E N T =====

1124 And the title is amended as follows:

1125 Delete lines 11 - 47

1126 and insert:

1127 to the authority; providing conditions for the
1128 transfer; revising the composition of the governing
1129 body of the authority; providing for appointment of
1130 officers of the authority; revising quorum and voting
1131 requirements; conforming terminology and making
1132 technical changes; amending s. 348.754, F.S.;

1133 providing that the area served by the authority is
1134 within the geopolitical boundaries of Orange,
1135 Seminole, Lake, and Osceola Counties; requiring the
1136 authority to have prior consent from the Secretary of
1137 the Department of Transportation to construct an
1138 extension, addition, or improvement to the expressway
1139 system in Lake County; extending, to 99 years from 40
1140 years, the term of a lease or lease-purchase
1141 agreement; limiting the authority's authority to enter
1142 into a lease-purchase agreement; limiting the use of
1143 certain toll-revenues; providing exceptions; removing



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1144 the requirement that the route of a project must be
1145 approved by a municipality before the right-of-way can
1146 be acquired; requiring that the authority encourage
1147 the inclusion of local-, small-, minority-, and women-
1148 owned businesses in its procurement and contracting
1149 opportunities; removing the authority and criteria for
1150 an authority to waive payment and performance bonds
1151 for certain public works projects that are awarded
1152 pursuant to an economic development program;
1153 conforming terminology and making technical changes;
1154 amending ss. 348.7543, 348.7544, 348.7545, 348.7546,
1155 348.7547, 348.755, and 348.756, F.S.; conforming
1156 terminology and making technical changes; amending s.
1157 348.757, F.S.; providing that upon termination of the
1158 lease-purchase agreement of the former Orlando-Orange
1159 County Expressway System, title in fee simple to the
1160 system will be retained by the authority; conforming
1161 terminology and making technical changes; amending ss.
1162 348.758, 348.759, 348.760, 348.761, 348.765, and
1163 369.317, F.S.; conforming terminology and making
1164 technical changes; amending s. 369.324, F.S.; revising
1165 the membership of the Wekiva River Basin Commission;
1166 conforming terminology; providing criteria for the
1167 transfer of the Osceola County Expressway System to
1168 the Central Florida Expressway Authority; providing
1169 for the repeal of part V of ch. 348, F.S., when the
1170 Osceola County Expressway System is transferred to the
1171 Central Florida Expressway Authority; requiring the
1172 Central Florida Expressway Authority to reimburse



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1173 other governmental entities for obligations related to
1174 the Osceola County Expressway System; providing for
1175 reimbursement after payment of other obligations;
1176 providing an effective