



820220

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/20/2013	.	
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	.	

The Committee on Transportation (Margolis) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 348.751, Florida Statutes, is amended to read:

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

Section 2. Section 348.752, Florida Statutes, is amended to read:

348.752 Definitions.—As used in this chapter ~~The following~~



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13 ~~terms, whenever used or referred to in this law, shall have the~~
14 ~~following meanings, except in those instances where the context~~
15 ~~clearly indicates otherwise:~~

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

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

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

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

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

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

35 ~~(5) The term "county" means the County of 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; and fixed guideway facilities, including maintenance
85 facilities, necessary for the exercise by the authority of the
86 powers and obligations granted in this part.

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

90 Section 3. Section 348.753, Florida Statutes, is amended to
91 read:

92 348.753 Central Florida Orlando-Orange County Expressway
93 Authority.-

94 (1) There is ~~hereby~~ created and established a body politic
95 and corporate, an agency of the state, to be known as the
96 Central Florida Orlando-Orange County Expressway Authority. ~~7~~
97 ~~hereinafter referred to as "authority."~~

98 (2) Effective July 1, 2014, the Central Florida Expressway
99 Authority shall assume the governance and control of the



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

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



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

139 (3)(2) The governing body of the authority shall consist of
140 eleven ~~five~~ members. The chairs of the boards of county
141 commission of Seminole, Lake, and Osceola Counties shall each
142 appoint one Central Florida Expressway Authority Board member,
143 who may be a commission member or chair. Six citizen members
144 shall be appointed by the Governor. Three ~~members~~ shall be
145 citizens of Orange County, ~~who shall be appointed by the~~
146 ~~Governor~~ one shall be a citizen of Orange County appointed by
147 the Governor from a list of three nominees submitted by the
148 Orange County Commission, one shall be a citizen of Seminole
149 County, and one shall be a citizen of Osceola County. One ~~The~~
150 ~~fourth~~ member shall be, ~~ex officio,~~ the Mayor of chair of the
151 ~~County Commissioners of Orange County,~~ and the final fifth
152 member shall be, ~~ex officio,~~ the Mayor of the City of Orlando.
153 The executive director of Florida's Turnpike Enterprise shall
154 serve as a nonvoting advisor to the governing body of the
155 authority ~~district secretary of the Department of Transportation~~
156 ~~serving in the district that contains Orange County. The term of~~
157 Each ~~appointed~~ member appointed by the Governor shall serve be



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158 for 4 years. Each county-appointed member shall serve for 2
159 years. Standing board members shall complete their terms. Each
160 appointed member shall hold office until his or her successor
161 has been appointed and has qualified. A vacancy occurring during
162 a term must ~~shall~~ be filled only for the balance of the
163 unexpired term. Each appointed member of the authority shall be
164 a person of outstanding reputation for integrity,
165 responsibility, and business ability, but, except as provided in
166 this subsection, a ~~no~~ person who is an officer or employee of a
167 municipality or any city or of Orange county may not in any
168 ~~other capacity shall~~ be an appointed member of the authority.
169 Any member of the authority is ~~shall be~~ eligible for
170 reappointment.

171 (4) ~~(3)~~ (a) The authority shall elect one of its members as
172 chair of the authority. The authority shall also elect one of
173 its members as vice chair, one of its members as a secretary,
174 and one of its members as a treasurer ~~who may or may not be~~
175 ~~members of the authority.~~ Elections for offices of the authority
176 must be held every 2 years. A member who is a resident of Orange
177 County must be elected to serve as chair every 6 years. If a
178 member from Orange County is not serving as chair, a member who
179 is a resident of Orange County must be elected to serve as vice
180 chair. The chair, vice chair, secretary, and treasurer shall
181 hold such offices at the will of the authority. Five ~~Three~~
182 members of the authority ~~shall~~ constitute a quorum, and the vote
183 of five ~~three~~ members is ~~shall be~~ necessary for any action taken
184 by the authority. A ~~No~~ vacancy in the authority does not ~~shall~~
185 impair the right of a quorum of the authority to exercise all of
186 the rights and perform all of the duties of the authority.



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

190 ~~(5)~~⁽⁴⁾(a) The authority may employ an executive secretary,
191 an executive director, its own counsel and legal staff,
192 technical experts, and the ~~such~~ engineers, ~~and such~~ employees
193 ~~that, permanent or temporary,~~ as it requires. The authority ~~may~~
194 ~~require and~~ may determine the qualifications and fix the
195 compensation of such persons, firms, or corporations, and may
196 employ a fiscal agent or agents; ~~provided,~~ however, ~~that~~ the
197 authority shall solicit sealed proposals from at least three
198 persons, firms, or corporations for the performance of any
199 services as fiscal agents. The authority may delegate to one or
200 more of its agents or employees the ~~such of its~~ power as it
201 deems ~~shall deem~~ necessary to carry out the purposes of this
202 part, ~~subject always to the supervision and control of the~~
203 ~~authority~~. Members of the authority may be removed from ~~their~~
204 office by the Governor for misconduct, malfeasance, misfeasance,
205 or nonfeasance in office.

206 (b) Members of the authority are ~~shall be~~ entitled to
207 receive from the authority their travel and other necessary
208 expenses incurred in connection with the business of the
209 authority as provided in s. 112.061, but may not ~~they shall~~ draw
210 ~~ne~~ salaries or other compensation.

211 Section 4. Section 348.754, Florida Statutes, is amended to
212 read:

213 348.754 Purposes and powers.—

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



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

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

233 (c) Notwithstanding any other provision of this part to the
234 contrary, to ensure the continued financial feasibility of the
235 portion of the Wekiva Parkway to be constructed by the
236 department, the authority shall not, without the prior consent
237 of the Secretary of the department, construct any extensions,
238 additions, or improvements to the expressway system in Lake
239 County.

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



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

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

248 (c) To acquire by donation or otherwise, purchase, hold,
249 lease as lessee, and use any franchise or any, property, real,
250 personal, ~~or~~ mixed, or tangible or intangible, or any options
251 ~~thereof~~ in its own name or in conjunction with others, or
252 interest in those options therein, necessary or desirable to
253 carry for carrying out the purposes of the authority, and to
254 sell, lease as lessor, transfer, and dispose of any property or
255 interest in the property therein at any time acquired by it.

256 (d) To enter into and make leases for terms not exceeding
257 40 years, as ~~either~~ lessee or lessor, in order to carry out the
258 right to lease as specified set forth in this part.

259 (e) To enter into and make lease-purchase agreements with
260 the department for terms not exceeding 40 years, or until any
261 bonds secured by a pledge of rentals pursuant to the agreement
262 ~~thereunder~~, and any refundings pursuant to the agreement
263 ~~thereof~~, are fully paid as to both principal and interest,
264 whichever is longer.

265
266 The authority is a party to a lease-purchase agreement between
267 the department and the authority dated December 23, 1985, as
268 supplemented by a first supplement to the lease-purchase
269 agreement dated November 25, 1986, and a second supplement to
270 the lease-purchase agreement dated October 27, 1988. The
271 authority may not enter into other lease-purchase agreements
272 with the department and may not amend the existing agreement in
273 a manner that expands or increases the department's obligations,



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274 unless the department determines that the agreement or amendment
275 is necessary to permit the refunding of bonds issued before July
276 1, 2012.

277 (f) To fix, alter, charge, establish, and collect rates,
278 fees, rentals, and other charges for the services and facilities
279 of the Central Florida Orlando-Orange County Expressway System,
280 which must rates, fees, rentals and other charges shall always
281 be sufficient to comply with any covenants made with the holders
282 of any bonds issued pursuant to this part; provided, however,
283 that such right and power may be assigned or delegated, by the
284 authority, to the department.

285
286 No toll revenues attributable to an increase in the toll rates
287 charged on or after July 1, 2014, for the use of a facility or
288 portion of a facility may be used to construct or expand a
289 different facility, unless the county commission in which the
290 facility generating the revenue is located adopts a resolution
291 supporting the toll rate increase. This requirement does not
292 apply when, and to the extent that:

293 (a) application of the requirement would violate any
294 covenant established in a resolution or trust indenture under
295 which bonds were issued by the Orlando-Orange County Expressway
296 Authority on or before July 1, 2014;

297 (b) application of the requirement would cause the
298 authority to be unable to meet its obligations under the terms
299 of the memorandum of understanding between the authority and the
300 department as ratified by the Orlando-Orange County Expressway
301 Authority board on February 22, 2012.

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303 Notwithstanding s. 338.165, and except as otherwise prohibited
304 by this part, to the extent revenues of the expressway system
305 exceed amounts required to comply with any covenants made with
306 the holders of bonds issued pursuant to this part, revenues may
307 be used for purposes enumerated in subsection (6), provided the
308 expenditures are consistent with the metropolitan planning
309 organization's adopted long-range plan.

310 (g) To borrow money, make and issue negotiable notes,
311 bonds, refunding bonds, and other evidences of indebtedness or
312 obligations, either in temporary or definitive form, ~~hereinafter~~
313 ~~in this chapter sometimes called "bonds" of the authority,~~ for
314 the purpose of financing all or part of the improvement or
315 extension of the Central Florida Orlando-Orange County
316 Expressway System, and appurtenant facilities, including all
317 approaches, streets, roads, bridges, and avenues of access for
318 the Central Florida ~~said Orlando-Orange County~~ Expressway System
319 and for any other purpose authorized by this part, ~~said bonds to~~
320 ~~mature in not exceeding 40 years from the date of the issuance~~
321 ~~thereof,~~ and to secure the payment of such bonds or any part
322 thereof by a pledge of any or all of its revenues, rates, fees,
323 rentals, or other charges, including all or any portion of the
324 Orange County gasoline tax funds received by the authority
325 pursuant to ~~the terms of~~ any lease-purchase agreement between
326 the authority and the department; and in general to provide for
327 the security of the ~~said~~ bonds and the rights and remedies of
328 the holders thereof. ~~Provided,~~ However, ~~that~~ no portion of the
329 Orange County gasoline tax funds may ~~shall~~ be pledged for the
330 construction of any project for which a toll is to be charged
331 unless the anticipated toll is ~~tolls are~~ reasonably estimated by



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332 the board of county commissioners, at the date of its resolution
333 pledging the said funds, to be sufficient to cover the principal
334 and interest of such obligations during the period when the said
335 pledge of funds is shall be in effect. The bonds issued under
336 this paragraph must mature not more than 40 years after their
337 issue date.

338 1. The authority shall reimburse Orange County for any sums
339 expended from the said gasoline tax funds used for the payment
340 of such obligations. Any gasoline tax funds so disbursed must
341 ~~shall~~ be repaid when the authority deems it practicable,
342 together with interest at the highest rate applicable to any
343 obligations of the authority.

344 2. If, pursuant to this section, ~~In the event~~ the authority
345 funds shall determine to fund or refunds refund any bonds
346 previously theretofore issued by the said authority, ~~or the by~~
347 ~~said commission~~ before the bonds mature as aforesaid prior to
348 ~~the maturity thereof,~~ the proceeds of such funding or refunding
349 must bonds shall, pending the prior redemption of these the
350 bonds ~~to be funded or refunded,~~ be invested in direct
351 obligations of the United States, ~~and it is the express~~
352 ~~intention of this part that such outstanding bonds may be funded~~
353 ~~or refunded by the issuance of bonds pursuant to this part.~~

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

358 (i) Notwithstanding paragraphs (a)-(h), ~~Without limitation~~
359 ~~of the foregoing,~~ to borrow money and accept grants from, and to
360 enter into contracts, leases, or other transactions with any



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361 federal agency, the state, any agency of the state, the County
362 of Orange, the City of Orlando, or with any other public body of
363 the state.

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

366 (k) To pledge, hypothecate, or otherwise encumber ~~all or~~
367 any part of the revenues, rates, fees, rentals, or other charges
368 or receipts of the authority, including all or any portion of
369 the Orange County gasoline tax funds received by the authority
370 pursuant to the terms of any lease-purchase agreement between
371 the authority and the department, as security for ~~all or~~ any of
372 the obligations of the authority.

373 (l) To enter into partnership and other agreements
374 respecting ownership and revenue participation in order to
375 facilitate financing and constructing the Western Beltway, or
376 portions thereof.

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

381 (n) With the consent of the county within whose
382 jurisdiction the following activities occur, the authority shall
383 have the right to construct, operate, and maintain roads,
384 bridges, avenues of access, thoroughfares, and boulevards
385 outside the jurisdictional boundaries of Orange, Seminole, Lake,
386 and Osceola Counties ~~County~~, together with the right to
387 construct, repair, replace, operate, install, and maintain
388 electronic toll payment systems thereon, ~~with all necessary and~~
389 ~~incidental powers to accomplish the foregoing.~~



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390 (3) The authority does not ~~shall~~ have the ~~no~~ power at ~~any~~
391 ~~time or in any manner~~ to pledge the credit or taxing power of
392 the state or any political subdivision or agency thereof,
393 including any city and any county ~~the City of Orlando and the~~
394 ~~County of Orange,~~ nor may ~~nor shall~~ any of the authority's
395 obligations be deemed to be obligations of the state or of any
396 political subdivision or agency thereof, nor may ~~nor shall~~ the
397 state or any political subdivision or agency thereof, except the
398 authority, be liable for the payment of the principal of or
399 interest on such obligations.

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

406 (4)(5) The authority has ~~shall~~ have no power other than by
407 consent of an affected ~~Orange~~ county or any affected city, to
408 enter into any agreement which would legally prohibit the
409 construction of a any road by the respective county or city
410 ~~Orange County or by any city within Orange County.~~

411 (5)(6)(a) The authority shall encourage the inclusion of
412 local-, small-, minority-, and women-owned businesses in its
413 procurement and contracting opportunities. ~~Notwithstanding s.~~
414 ~~255.05, the Orlando Orange County Expressway Authority may waive~~
415 ~~payment and performance bonds on construction contracts for the~~
416 ~~construction of a public building, for the prosecution and~~
417 ~~completion of a public work, or for repairs on a public building~~
418 ~~or public work that has a cost of \$500,000 or less and when the~~



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419 ~~project is awarded pursuant to an economic development program~~
420 ~~for the encouragement of local small businesses that has been~~
421 ~~adopted by the governing body of the Orlando-Orange County~~
422 ~~Expressway Authority pursuant to a resolution or policy.~~

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

426 ~~1. Be an independent business.~~

427 ~~2. Be principally domiciled in the Orange County Standard~~
428 ~~Metropolitan Statistical Area.~~

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

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

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

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

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



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448 ~~for:~~

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

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

452

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

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



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

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

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

492 (6) The authority may, within the right-of-way of the
493 expressway system, finance or refinance the planning, design,
494 acquisition, construction, extension, rehabilitation, equipping,
495 preservation, maintenance, or improvement of an intermodal
496 facility or facilities, a multimodal corridor or corridors, or
497 any programs or projects that will improve the levels of service
498 on the expressway system.

499 Section 5. Section 348.7543, Florida Statutes, is amended
500 to read:

501 348.7543 Improvements, bond financing authority for.-
502 Pursuant to s. 11(f), Art. VII of the State Constitution, the
503 Legislature hereby approves for bond financing by the Central
504 Florida Orlando-Orange County Expressway Authority improvements
505 to toll collection facilities, interchanges to the legislatively



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506 approved expressway system, and any other facility appurtenant,
507 necessary, or incidental to the approved system. Subject to
508 terms and conditions of applicable revenue bond resolutions and
509 covenants, such costs may be financed in whole or in part by
510 revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether
511 currently issued or issued in the future, or by a combination of
512 such bonds.

513 Section 6. Section 348.7544, Florida Statutes, is amended
514 to read:

515 348.7544 Northwest Beltway Part A, construction authorized;
516 financing.—Notwithstanding s. 338.2275, the Central Florida
517 ~~Orlando-Orange County~~ Expressway Authority may ~~is hereby~~
518 ~~authorized to~~ construct, finance, operate, own, and maintain
519 that portion of the Western Beltway known as the Northwest
520 Beltway Part A, extending from Florida's Turnpike near Ocoee
521 north to U.S. 441 near Apopka, as part of the authority's 20-
522 year capital projects plan. This project may be financed with
523 any funds available to the authority for such purpose or revenue
524 bonds issued by the Division of Bond Finance of the State Board
525 of Administration on behalf of the authority pursuant to s. 11,
526 Art. VII of the State Constitution and the State Bond Act, ss.
527 215.57-215.83.

528 Section 7. Section 348.7545, Florida Statutes, is amended
529 to read:

530 348.7545 Western Beltway Part C, construction authorized;
531 financing.—Notwithstanding s. 338.2275, the Central Florida
532 ~~Orlando-Orange County~~ Expressway Authority may ~~is authorized to~~
533 exercise its condemnation powers, construct, finance, operate,
534 own, and maintain that portion of the Western Beltway known as



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535 the Western Beltway Part C, extending from Florida's Turnpike
536 near Ocoee in Orange County southerly through Orange and Osceola
537 Counties to an interchange with I-4 near the Osceola-Polk County
538 line, as part of the authority's 20-year capital projects plan.
539 This project may be financed with any funds available to the
540 authority for such purpose or revenue bonds issued by the
541 Division of Bond Finance of the State Board of Administration on
542 behalf of the authority pursuant to s. 11, Art. VII of the State
543 Constitution and the State Bond Act, ss. 215.57-215.83. This
544 project may be refinanced with bonds issued by the authority
545 pursuant to s. 348.755(1)(d).

546 Section 8. Section 348.7546, Florida Statutes, is amended
547 to read:

548 348.7546 Wekiva Parkway, construction authorized;
549 financing.—

550 (1) The Central Florida ~~Orlando-Orange County~~ Expressway
551 Authority may ~~is authorized to~~ exercise its condemnation powers
552 and ~~to~~ construct, finance, operate, own, and maintain those
553 portions of the Wekiva Parkway which are identified by agreement
554 between the authority and the department and which are included
555 as part of the authority's long-range capital improvement plan.
556 The "Wekiva Parkway" means any limited access highway or
557 expressway constructed between State Road 429 and Interstate 4
558 specifically incorporating the corridor alignment recommended by
559 Recommendation 2 of the Wekiva River Basin Area Task Force final
560 report dated January 15, 2003, and the recommendations of the SR
561 429 Working Group, which were adopted January 16, 2004. This
562 project may be financed with any funds available to the
563 authority for such purpose or revenue bonds issued by the



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564 authority under s. 11, Art. VII of the State Constitution and s.
565 348.755(1) (b). This section does not invalidate the exercise by
566 the authority of its condemnation powers or the acquisition of
567 any property for the Wekiva Parkway before July 1, 2012.

568 (2) Notwithstanding any other provision of law ~~to the~~
569 ~~contrary~~, in order to ensure that funds are available to the
570 department for its portion of the Wekiva Parkway, beginning July
571 1, 2012, the authority shall repay the expenditures by the
572 department for costs of operation and maintenance of the Central
573 Florida Orlando-Orange County Expressway System in accordance
574 with the terms of the memorandum of understanding between the
575 authority and the department as ratified by the authority board
576 on February 22, 2012, which requires the authority to pay the
577 department \$10 million on July 1, 2012, and \$20 million on each
578 successive July 1 until the department has been fully reimbursed
579 for all costs of the Central Florida Orlando-Orange County
580 Expressway System which were paid, advanced, or reimbursed to
581 the authority by the department, with a final payment in the
582 amount of the balance remaining. Notwithstanding any other law
583 ~~to the contrary~~, the funds paid to the department pursuant to
584 this subsection must ~~shall~~ be allocated by the department for
585 construction of the Wekiva Parkway.

586 (3) The department's obligation to construct its portions
587 of the Wekiva Parkway is contingent upon the timely payment by
588 the authority of the annual payments required of the authority
589 and receipt of all required environmental permits and approvals
590 by the Federal Government.

591 Section 9. Section 348.7547, Florida Statutes, is amended
592 to read:



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593 348.7547 Maitland Boulevard Extension and Northwest Beltway
594 Part A Realignment construction authorized; financing.—
595 Notwithstanding s. 338.2275, the Central Florida Orlando-Orange
596 County Expressway Authority may ~~is hereby authorized to~~ exercise
597 its condemnation powers, construct, finance, operate, own, and
598 maintain the portion of State Road 414 known as the Maitland
599 Boulevard Extension and the realigned portion of the Northwest
600 Beltway Part A as part of the authority's long-range capital
601 improvement plan. The Maitland Boulevard Extension extends ~~will~~
602 ~~extend~~ from the current terminus of State Road 414 at U.S. 441
603 west to State Road 429 in west Orange County. The realigned
604 portion of the Northwest Beltway Part A runs ~~will run~~ from the
605 point at or near where the Maitland Boulevard Extension connects
606 ~~will connect~~ with State Road 429 and proceeds ~~will proceed~~ to
607 the west and then north resulting in the northern terminus of
608 State Road 429 moving farther west before reconnecting with U.S.
609 441. However, under no circumstances may ~~shall~~ the realignment
610 of the Northwest Beltway Part A conflict with or contradict ~~with~~
611 the alignment of the Wekiva Parkway as defined in s. 348.7546.
612 This project may be financed with any funds available to the
613 authority for such purpose or revenue bonds issued by the
614 authority under s. 11, Art. VII of the State Constitution and s.
615 348.755(1)(b).

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

618 348.755 Bonds of the authority.—

619 (2) Any ~~such~~ resolution that authorizes ~~or resolutions~~
620 ~~authorizing~~ any bonds issued under this section ~~hereunder~~ may
621 contain provisions that must ~~which shall~~ be part of the contract



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622 with the holders of such bonds, relating as to:

623 (a) The pledging of ~~all or~~ any part of the revenues, rates,
624 fees, rentals, ~~(including all or~~ any portion of the Orange
625 County gasoline tax funds received by the authority pursuant to
626 the terms of any lease-purchase agreement between the authority
627 and the department, or any part thereof), or other charges or
628 receipts of the authority, derived by the authority, from the
629 Central Florida Orlando-Orange County Expressway System.

630 (b) The completion, improvement, operation, extension,
631 maintenance, repair, lease or lease-purchase agreement of the
632 ~~said~~ system, and the duties of the authority and others,
633 including the department, ~~with reference thereto~~.

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

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

641 (e) The setting aside of reserves or sinking funds or
642 repair and replacement funds and the regulation and disposition
643 thereof.

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

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

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

650 (3) The authority may employ fiscal agents as provided by



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651 this part or the State Board of Administration of Florida may
652 upon request of the authority act as fiscal agent for the
653 authority in the issuance of any bonds that ~~which~~ may be issued
654 pursuant to this part, and the State Board of Administration may
655 upon request of the authority take over the management, control,
656 administration, custody, and payment of any ~~or all~~ debt services
657 or funds or assets now or hereafter available for any bonds
658 issued pursuant to this part. The authority may enter into any
659 deeds of trust, indentures or other agreements with its fiscal
660 agent, or with any bank or trust company within or without the
661 state, as security for such bonds, and may, under such
662 agreements, sign and pledge ~~all or~~ any of the revenues, rates,
663 fees, rentals or other charges or receipts of the authority,
664 including ~~all or~~ any portion of the Orange County gasoline tax
665 funds received by the authority pursuant to the terms of any
666 lease-purchase agreement between the authority and the
667 department, ~~thereunder~~. Such deed of trust, indenture, or other
668 agreement may contain such provisions as are customary in such
669 instruments, or, as the authority may authorize, including but
670 without limitation, provisions as to:

671 (a) The completion, improvement, operation, extension,
672 maintenance, repair, and lease of, or lease-purchase agreement
673 relating to the Central Florida ~~Orlando-Orange County~~ Expressway
674 System, and the duties of the authority and others including the
675 department, with reference thereto.

676 (b) The application of funds and the safeguarding of funds
677 on hand or on deposit.

678 (c) The rights and remedies of the trustee and the holders
679 of the bonds.



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

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

684 348.756 Remedies of the bondholders.—

685 (3) When a ~~Any~~ trustee is ~~when~~ appointed pursuant to
686 subsection (1) as aforesaid, or is acting under a deed of trust,
687 indenture, or other agreement, and whether or not all bonds have
688 been declared due and payable, the trustee is ~~shall be~~ entitled
689 ~~as of right~~ to the appointment of a receiver, who may enter upon
690 and take possession of the Central Florida ~~Orlando-Orange County~~
691 Expressway System or the facilities or any part of the system or
692 facilities ~~or parts thereof~~, the rates, fees, rentals, or other
693 revenues, charges, or receipts that ~~from which~~ are, or may be,
694 applicable to the payment of the bonds so in default, and
695 subject to and in compliance with the provisions of any lease-
696 purchase agreement between the authority and the department
697 operate and maintain the same, for and on behalf of and in the
698 name of, the authority, the department, and the bondholders, and
699 collect and receive all rates, fees, rentals, and other charges
700 or receipts or revenues arising therefrom in the same manner as
701 the authority or the department might do, and shall deposit all
702 such moneys in a separate account and apply the same in such
703 manner as the court directs ~~shall direct~~. In any suit, action,
704 or proceeding by the trustee, the fees, counsel fees, and
705 expenses of the trustee, and the ~~said~~ receiver, if any, and all
706 costs and disbursements allowed by the court must ~~shall~~ be a
707 first charge on any rates, fees, rentals, or other charges,
708 revenues, or receipts, derived from the Central Florida ~~Orlando-~~



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709 ~~Orange County~~ Expressway System, or the facilities or services
710 or any part of the system or facilities ~~or parts thereof~~,
711 including payments under any such lease-purchase agreement ~~as~~
712 ~~aforsaid~~ which ~~said~~ rates, fees, rentals, or other charges,
713 revenues, or receipts ~~shall or~~ may be applicable to the payment
714 of the bonds that are ~~se~~ in default. The ~~Such~~ trustee has ~~shall~~,
715 ~~in addition to the foregoing, have and possess~~ all of the powers
716 necessary or appropriate for the exercise of any functions
717 specifically set forth in this section ~~herein~~ or incident to the
718 representation of the bondholders in the enforcement and
719 protection of their rights.

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



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738 suit, action, or proceeding at law or in equity, to compel a
739 receiver, nor may ~~shall~~ any receiver be authorized or any court
740 be empowered to direct the receiver to sell, assign, mortgage,
741 or otherwise dispose of any assets ~~of whatever kind or character~~
742 belonging to the authority.

743 Section 12. Subsections (1), (2), (3), and (4) of section
744 348.757, Florida Statutes, are amended to read:

745 (1) In order to effectuate the purposes of this part and as
746 authorized by this part, the authority may enter into a lease-
747 purchase agreement with the department relating to and covering
748 the former Orlando-Orange County Expressway System.

749 (2) Such lease-purchase agreement shall provide for the
750 leasing of the former Orlando-Orange County Expressway System,
751 by the authority, as lessor, to the department, as lessee, shall
752 prescribe the term of such lease and the rentals to be paid
753 thereunder and shall provide that upon the completion of the
754 faithful performance thereunder and the termination of such
755 lease-purchase agreement, title in fee simple absolute to the
756 former Orlando-Orange County Expressway System as then
757 constituted shall be transferred in accordance with law by the
758 authority, to the state and the authority shall deliver to the
759 department such deeds and conveyances as shall be necessary or
760 convenient to vest title in fee simple absolute in the state.

761 (3) Such lease-purchase agreement may include such other
762 provisions, agreements and covenants as the authority and the
763 department deem advisable or required, including, but not
764 limited to, provisions as to the bonds to be issued under, and
765 for the purposes of, this part, the completion, extension,
766 improvement, operation and maintenance of the former Orlando-



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767 Orange County Expressway System and the expenses and the cost of
768 operation of said authority, the charging and collection of
769 tolls, rates, fees, and other charges for the use of the
770 services and facilities thereof, the application of federal or
771 state grants or aid which may be made or given to assist the
772 authority in the completion, extension, improvement, operation
773 and maintenance of the former Orlando-Orange County Expressway
774 System, which the authority is hereby authorized to accept and
775 apply to such purposes, the enforcement of payment and
776 collection of rentals and any other terms, provisions or
777 covenants necessary, incidental or appurtenant to the making of
778 and full performance under such lease-purchase agreement.

779 (4) The department as lessee under such lease-purchase
780 agreement, is hereby authorized to pay as rentals thereunder any
781 rates, fees, charges, funds, moneys, receipts or income accruing
782 to the department from the operation of the former Orlando-
783 Orange County Expressway System and the Orange County gasoline
784 tax funds and may also pay as rentals any appropriations
785 received by the department pursuant to any act of the
786 Legislature of the state heretofore or hereafter enacted;
787 provided, however, that nothing herein nor in such lease-
788 purchase agreement is intended to nor shall this part or such
789 lease-purchase agreement require the making or continuance of
790 such appropriations, nor shall any holder of bonds issued
791 pursuant to this part ever have any right to compel the making
792 or continuance of such appropriations.

793 Section 13. Section 348.758, Florida Statutes, is amended
794 to read:

795 348.758 Appointment of department as ~~may be appointed~~ agent



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796 of authority for construction.—The department may be appointed
797 by the ~~said~~ authority as its agent for the purpose of
798 constructing improvements and extensions to the Central Florida
799 ~~Orlando-Orange County~~ Expressway System and for its ~~the~~
800 completion ~~thereof~~. In such event, the authority shall provide
801 the department with complete copies of all documents,
802 agreements, resolutions, contracts, and instruments relating
803 thereto and shall request the department to do such construction
804 work, including the planning, surveying, and actual construction
805 of the completion, extensions, and improvements to the Central
806 Florida ~~Orlando-Orange County~~ Expressway System and shall
807 transfer to the credit of an account of the department in the
808 State Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and
809 the department ~~may shall thereupon be authorized, empowered and~~
810 ~~directed to~~ proceed with such construction and ~~to~~ use the ~~said~~
811 funds for such purpose in the same manner that it is ~~now~~
812 authorized to use the funds ~~otherwise provided by law~~ for the
813 ~~its use in~~ construction of roads and bridges.

814 Section 14. Section 348.759, Florida Statutes, is amended
815 to read:

816 348.759 Acquisition of lands and property.—

817 (1) For the purposes of this part, the Central Florida
818 ~~Orlando-Orange County~~ Expressway Authority may acquire private
819 or public property and property rights, including rights of
820 access, air, view, and light, by gift, devise, purchase, or
821 condemnation by eminent domain proceedings, as the authority
822 deems ~~may deem~~ necessary for any of the purposes of this part,
823 including, but not limited to, any lands reasonably necessary
824 for securing applicable permits, areas necessary for management



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825 of access, borrow pits, drainage ditches, water retention areas,
826 rest areas, replacement access for landowners whose access is
827 impaired due to the construction of a facility, and replacement
828 rights-of-way for relocated rail and utility facilities; for
829 existing, proposed, or anticipated transportation facilities on
830 the Central Florida ~~Orlando-Orange County~~ Expressway System or
831 in a transportation corridor designated by the authority; or for
832 the purposes of screening, relocation, removal, or disposal of
833 junkyards and scrap metal processing facilities. The authority
834 may ~~shall also have the power to~~ condemn any material and
835 property necessary for such purposes.

836 (2) The ~~right of eminent domain herein conferred shall be~~
837 ~~exercised by the~~ authority shall exercise the right of eminent
838 domain in the manner provided by law.

839 (3) When the authority acquires property for a
840 transportation facility or in a transportation corridor, it is
841 not subject to any liability imposed by chapter 376 or chapter
842 403 for preexisting soil or groundwater contamination due solely
843 to its ownership. This section does not affect the rights or
844 liabilities of any past or future owners of the acquired
845 property and ~~nor~~ does not ~~it~~ affect the liability of any
846 governmental entity for the results of its actions which create
847 or exacerbate a pollution source. The authority and the
848 Department of Environmental Protection may enter into
849 interagency agreements for the performance, funding, and
850 reimbursement of the investigative and remedial acts necessary
851 for property acquired by the authority.

852 Section 15. Section 348.760, Florida Statutes, is amended
853 to read:



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854 348.760 Cooperation with other units, boards, agencies, and
855 individuals. ~~A Express authority and power is hereby given and~~
856 ~~granted any county, municipality, drainage district, road and~~
857 ~~bridge district, school district or any other political~~
858 ~~subdivision, board, commission, or individual in, or of, the~~
859 ~~state may ~~to~~ make and enter into with the authority, contracts,~~
860 ~~leases, conveyances, partnerships, or other agreements pursuant~~
861 ~~to within the provisions and purposes of this part. The~~
862 ~~authority may is hereby expressly authorized to make and enter~~
863 ~~into contracts, leases, conveyances, partnerships, and other~~
864 ~~agreements with any political subdivision, agency, or~~
865 ~~instrumentality of the state and any ~~and all~~ federal agencies,~~
866 ~~corporations, and individuals, for the purpose of carrying out~~
867 ~~the provisions of this part ~~or with the consent of the Seminole~~~~
868 ~~County Expressway Authority, for the purpose of carrying out and~~
869 ~~implementing part VIII of this chapter.~~

870 Section 16. Section 348.761, Florida Statutes, is amended
871 to read:

872 348.761 Covenant of the state.—The state pledges ~~does~~
873 ~~hereby pledge~~ to, and agrees, with any person, firm or
874 corporation, or federal or state agency subscribing to, or
875 acquiring the bonds to be issued by the authority for the
876 purposes of this part that the state will not limit or alter the
877 rights that are hereby vested in the authority and the
878 department until all issued bonds and interest ~~at any time~~
879 ~~issued, together with the interest thereon,~~ are fully paid and
880 discharged insofar as the pledge ~~same~~ affects the rights of the
881 holders of bonds issued pursuant to this part ~~hereunder~~. The
882 state does further pledge to, and agree, with the United States



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883 that in the event any federal agency constructs or contributes
884 ~~shall construct or contribute~~ any funds for the completion,
885 extension, or improvement of the Central Florida Orlando-Orange
886 County Expressway System, or any part or portion of the system
887 ~~thereof~~, the state will not alter or limit the rights and powers
888 of the authority and the department in any manner that ~~which~~
889 would be inconsistent with the continued maintenance and
890 operation of the Central Florida Orlando-Orange County
891 Expressway System or the completion, extension, or improvement
892 of the system ~~thereof~~, or that ~~which~~ would be inconsistent with
893 the due performance of any agreements between the authority and
894 any such federal agency, and the authority and the department
895 shall continue to have and may exercise all powers ~~herein~~
896 granted in this part, so long as the powers are ~~same shall be~~
897 necessary or desirable for the carrying out of the purposes of
898 this part and the purposes of the United States in the
899 completion, extension, or improvement of the Central Florida
900 Orlando-Orange County Expressway System, or any part of the
901 system ~~or portion thereof~~.

902 Section 17. Section 348.765, Florida Statutes, is amended
903 to read:

904 348.765 This part complete and additional authority.-

905 (1) The powers conferred by this part are ~~shall be~~ in
906 addition and supplemental to the existing powers of the said
907 board and the department, and this part may ~~shall~~ not be
908 construed as repealing any of the provisions, of any other law,
909 general, special, or local, but to supersede such other laws in
910 the exercise of the powers provided in this part, and to provide
911 a complete method for the exercise of the powers granted in this



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912 part. The extension and improvement of the Central Florida ~~said~~
913 ~~Orlando-Orange County~~ Expressway System, and the issuance of
914 bonds pursuant to this part ~~hereunder~~ to finance all or part of
915 the cost of the system ~~thereof~~, may be accomplished upon
916 compliance with the provisions of this part without regard to or
917 necessity for compliance with the provisions, limitations, or
918 restrictions contained in any other general, special, or local
919 law, including, but not limited to, s. 215.821, and no approval
920 of any bonds issued under this part by the qualified electors or
921 qualified electors who are freeholders in the state or in the
922 ~~said~~ County of Orange, or in the ~~said~~ City of Orlando, or in any
923 other political subdivision of the state, is ~~shall be~~ required
924 for the issuance of such bonds pursuant to this part.

925 (2) This part does ~~shall~~ not ~~be deemed to~~ repeal, rescind,
926 or modify any other law ~~or laws~~ relating to the ~~said~~ State Board
927 of Administration, the ~~said~~ Department of Transportation, or the
928 Division of Bond Finance of the State Board of Administration,
929 but supersedes any ~~shall be deemed to and shall supersede such~~
930 ~~other law that is or laws as are~~ inconsistent with the
931 provisions of this part, including, but not limited to, s.
932 215.821.

933 Section 18. All powers, governance, and control of the
934 Osceola County Expressway System, created pursuant to part V,
935 chapter 348, Florida Statutes, is transferred to the Central
936 Florida Expressway Authority and the assets, liabilities,
937 facilities, tangible and intangible property and any rights in
938 the property, and any other legal rights of the Osceola
939 Expressway Authority, are transferred to the Central Florida
940 Expressway Authority on July 1, 2014. Part V of chapter 348,



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941 Florida Statutes, consisting of ss. 348.9950-348.9961 is
942 repealed on the same date that the Osceola County Expressway
943 System is transferred to the Central Florida Expressway
944 Authority.

945 Section 19. Subsections (6) and (7) of section 369.317,
946 Florida Statutes, are amended to read:

947 369.317 Wekiva Parkway.—

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



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

993 (a) Acquisition of the land described in this section is
994 required to provide right-of-way for the Wekiva Parkway, a
995 limited access roadway linking State Road 429 to Interstate 4,
996 an essential component in meeting regional transportation needs
997 to provide regional connectivity, improve safety, accommodate
998 projected population and economic growth, and satisfy critical



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999 transportation requirements caused by increased traffic volume
1000 growth and travel demands.

1001 (b) Acquisition of the lands described in this section is
1002 also required to protect the surface water and groundwater
1003 resources of Lake, Orange, and Seminole counties, otherwise
1004 known as the Wekiva Study Area, including recharge within the
1005 springshed that provides for the Wekiva River system. Protection
1006 of this area is crucial to the long term viability of the Wekiva
1007 River and springs and the central Florida region's water supply.
1008 Acquisition of the lands described in this section is also
1009 necessary to alleviate pressure from growth and development
1010 affecting the surface and groundwater resources within the
1011 recharge area.

1012 (c) Lands acquired pursuant to this section that are needed
1013 for transportation facilities for the Wekiva Parkway shall be
1014 determined not necessary for conservation purposes pursuant to
1015 ss. 253.034(6) and 373.089(5) and shall be transferred to or
1016 retained by the Central Florida ~~Orlando-Orange County~~ Expressway
1017 Authority or the Department of Transportation upon reimbursement
1018 of the full purchase price and acquisition costs.

1019 (7) The Department of Transportation, the Department of
1020 Environmental Protection, the St. Johns River Water Management
1021 District, Central Florida ~~Orlando-Orange County~~ Expressway
1022 Authority, and other land acquisition entities shall cooperate
1023 and establish funding responsibilities and partnerships by
1024 agreement to the extent funds are available to the various
1025 entities. Properties acquired with Florida Forever funds shall
1026 be in accordance with s. 259.041 or chapter 373. The Central
1027 Florida ~~Orlando-Orange County~~ Expressway Authority shall acquire



1028 land in accordance with this section of law to the extent funds
1029 are available from the various funding partners, but shall not
1030 be required nor assumed to fund the land acquisition beyond the
1031 agreement and funding provided by the various land acquisition
1032 entities.

1033 Section 20. Paragraph (f) of subsection (1) of section
1034 369.324, Florida Statutes, is amended to read:

1035 (1) The Wekiva River Basin Commission is created to monitor
1036 and ensure the implementation of the recommendations of the
1037 Wekiva River Basin Coordinating Committee for the Wekiva Study
1038 Area. The East Central Florida Regional Planning Council shall
1039 provide staff support to the commission with funding assistance
1040 from the Department of Economic Opportunity. The commission
1041 shall be comprised of a total of 19 members appointed by the
1042 Governor, 9 of whom shall be voting members and 10 shall be ad
1043 hoc nonvoting members. The voting members shall include:

1044 (a) One member of each of the Boards of County
1045 Commissioners for Lake, Orange, and Seminole Counties.

1046 (b) One municipal elected official to serve as a
1047 representative of the municipalities located within the Wekiva
1048 Study Area of Lake County.

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

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

1055 (e) One citizen representing an environmental or
1056 conservation organization, one citizen representing a local



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1057 property owner, a land developer, or an agricultural entity, and
1058 one at-large citizen who shall serve as chair of the council.

1059 (f) The ad hoc nonvoting members shall include one
1060 representative from each of the following entities:

- 1061 1. St. Johns River Management District.
- 1062 2. Department of Economic Opportunity.
- 1063 3. Department of Environmental Protection.
- 1064 4. Department of Health.
- 1065 5. Department of Agriculture and Consumer Services.
- 1066 6. Fish and Wildlife Conservation Commission.
- 1067 7. Department of Transportation.
- 1068 8. MetroPlan Orlando.
- 1069 9. Central Florida ~~Orlando-Orange County~~ Expressway
1070 Authority.
- 1071 10. Seminole County Expressway Authority.

1072 Section 21. This act shall take effect July 1, 2014.

1073
1074 ===== T I T L E A M E N D M E N T =====

1075 And the title is amended as follows:

1076 Delete everything before the enacting clause
1077 and insert:

1078 A bill to be entitled
1079 An act relating to An act relating to the Orlando-
1080 Orange County Expressway Authority; amending ss.
1081 348.751 and 348.752, F.S.; renaming the Orlando-Orange
1082 County Expressway System as the "Central Florida
1083 Expressway System"; revising definitions; making
1084 technical changes; amending s. 348.753, F.S.; creating
1085 the Central Florida Expressway Authority; providing



1086 for the transfer of governance, and control, legal
1087 rights and powers, responsibilities, terms, and
1088 obligations to the authority; providing that the
1089 transfer is subject to the terms and covenants for the
1090 protection of the holders of Orlando-Orange County
1091 Expressway Authority bonds; requiring the Central
1092 Florida Expressway Authority to operate and maintain
1093 the expressway system after the transfer in accordance
1094 with the terms, conditions, and covenants contained in
1095 the bonds; requiring the Central Florida Expressway
1096 Authority to collect toll revenues and apply them to
1097 the payment of debt service; providing that the
1098 transfer does not create a general liability of the
1099 Central Florida Expressway Authority; providing that
1100 revenues pledged by the Orlando-Orange County
1101 Expressway authority to payment of the bonds remain
1102 subject to the pledge for the benefit of the
1103 bondholders; revising the composition of the governing
1104 body of the authority; providing for appointment of
1105 officers of the authority; revising quorum and voting
1106 requirements; conforming terminology and making
1107 technical changes; amending s. 348.754, F.S. ;
1108 providing that the area served by the authority is
1109 within the geographical boundaries of Orange,
1110 Seminole, Lake, and Osceola Counties; providing that
1111 the Central Florida Expressway Authority is prohibited
1112 from entering into lease purchase agreements with the
1113 Department of Transportation other than the identified
1114 agreement and is prohibited from amending the existing



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1115 agreement under certain conditions; providing that
1116 certain toll revenues may not be used to construct or
1117 expand certain facilities under certain conditions and
1118 providing conditions under which the prohibition is
1119 inapplicable; authorizing the use of certain revenues
1120 as specified; removing the requirement that the route
1121 of a project must be approved by a municipality before
1122 the right-of-way can be acquired; requiring that the
1123 authority encourage the inclusion of local-, small-,
1124 minority-, and women-owned businesses in its
1125 procurement and contracting opportunities; removing
1126 the authority and criteria for an authority to waive
1127 payment and performance bonds for certain public works
1128 projects that are awarded pursuant to an economic
1129 development program; conforming terminology and making
1130 technical changes; amending ss. 348.7543, 348.7544,
1131 348.7545, 348.7546, 348.7547, 348.755, and 348.756,
1132 F.S.; conforming terminology and making technical
1133 changes; amending s. 348.757, F.S.; providing
1134 references to the "former" Orlando-Orange County
1135 Expressway Authority; conforming terminology and
1136 making technical changes; amending ss. 348.758,
1137 348.759, 348.760, 348.761, and 348.765, F.S.;
1138 conforming terminology and making technical changes;
1139 providing for the transfer of the Osceola County
1140 Expressway System to the Central Florida Expressway
1141 Authority; providing for the repeal of Part V of
1142 Chapter 348 when the Osceola County Expressway System
1143 is transferred to the Central Florida Expressway



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Authority; providing an effective date.