

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative La Rosa offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 197-1343 and insert:

5 (b) It is the intent of the Legislature that the Central
6 Florida Expressway Authority, upon its formation, be the
7 successor party to the Orlando-Orange County Expressway
8 Authority under the land acquisition contract dated November 11,
9 2013, and be subject to all terms and provisions, including
10 conditions precedent and rights of termination, stated in the
11 contract.

12 (c) The transfer pursuant to this subsection is subject to
13 the terms and covenants provided for the protection of the
14 holders of the Orlando-Orange County Expressway Authority bonds

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15 in the lease-purchase agreement and the resolutions adopted in
16 connection with the issuance of the bonds. Further, the transfer
17 does not impair the terms of the contract between the Orlando-
18 Orange County Expressway Authority and the bondholders, does not
19 act to the detriment of the bondholders, and does not diminish
20 the security for the bonds. After the transfer, the Central
21 Florida Expressway Authority shall operate and maintain the
22 expressway system and any other facilities of the Orlando-Orange
23 County Expressway Authority in accordance with the terms,
24 conditions, and covenants contained in the bond resolutions and
25 lease-purchase agreement securing the bonds of the authority.
26 The Central Florida Expressway Authority shall collect toll
27 revenues and apply them to the payment of debt service as
28 provided in the bond resolution securing the bonds, and shall
29 expressly assume all obligations relating to the bonds to ensure
30 that the transfer will have no adverse impact on the security
31 for the bonds. The transfer does not make the obligation to pay
32 the principal and interest on the bonds a general liability of
33 the Central Florida Expressway Authority or pledge additional
34 expressway system revenues to payment of the bonds. Revenues
35 that are generated by the expressway system and other facilities
36 of the Central Florida Expressway Authority which were pledged
37 by the Orlando-Orange County Expressway Authority to payment of
38 the bonds will remain subject to the pledge for the benefit of
39 the bondholders. The transfer does not modify or eliminate any
40 prior obligation of the department to pay certain costs of the

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41 expressway system from sources other than revenues of the
42 expressway system.

43 (3)-(2) The governing body of the authority shall consist
44 of nine five members. The chairs of the boards of the county
45 commissions of Seminole, Lake, and Osceola Counties shall each
46 appoint one member, who may be a commission member or chair. The
47 Mayor of Orange County shall appoint a member from the Orange
48 County Commission. The Governor shall appoint three citizen
49 Three members, each of whom must be a citizen of either Orange
50 County, Seminole County, Lake County, or Osceola County shall be
51 citizens of Orange County, who shall be appointed by the
52 Governor. The eighth fourth member must shall be, ex officio,
53 the Mayor of chair of the County Commissioners of Orange County.
54 The ninth member must be the Mayor of the City of Orlando. The
55 executive director of Florida Turnpike Enterprise shall serve as
56 a nonvoting advisor to the governing body of the authority, and
57 the fifth member shall be, ex officio, the district secretary of
58 the Department of Transportation serving in the district that
59 contains Orange County. The term of Each appointed member
60 appointed by the Governor shall serve be for 4 years. Each
61 county-appointed member shall serve for 2 years. The terms of
62 standing board members expire upon the effective date of this
63 act. Each appointed member shall hold office until his or her
64 successor has been appointed and has qualified. A vacancy
65 occurring during a term must shall be filled only for the
66 balance of the unexpired term. Each appointed member of the

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67 authority shall be a person of outstanding reputation for
68 integrity, responsibility, and business ability, but, except as
69 provided in this subsection, a ~~ne~~ person who is an officer or
70 employee of a municipality or any city or of Orange county may
71 not in any other capacity shall be an appointed member of the
72 authority. Any member of the authority is ~~shall be~~ eligible for
73 reappointment.

74 (4) ~~(3)~~ (a) The authority shall elect one of its members as
75 chair of the authority. The authority shall also elect one of
76 its members as vice chair, one of its members as a secretary,
77 and one of its members as a treasurer ~~who may or may not be~~
78 ~~members of the authority.~~ The chair, vice chair, secretary, and
79 treasurer shall hold such offices at the will of the authority.
80 Five ~~Three~~ members of the authority ~~shall~~ constitute a quorum,
81 and the vote of five ~~three~~ members is ~~shall be~~ necessary for any
82 action taken by the authority. A ~~No~~ vacancy in the authority
83 does not shall impair the right of a quorum of the authority to
84 exercise all of the rights and perform all of the duties of the
85 authority.

86 (b) Upon the effective date of his or her appointment, or
87 as soon thereafter as practicable, each appointed member of the
88 authority shall enter upon his or her duties. Members of the
89 authority may be removed from office by the Governor for
90 misconduct, malfeasance, misfeasance, or nonfeasance in office.

91 (c) Members of the authority are entitled to receive
92 reimbursement from the authority for travel and other necessary

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93 expenses incurred in connection with the business of the
94 authority as provided in s. 112.061, but may not draw salaries
95 or other compensation.

96 (5)(4)(a) The authority may employ an executive secretary,
97 an executive director, its own counsel and legal staff,
98 technical experts, and the such engineers, and such employees
99 that, permanent or temporary, as it requires. The authority may
100 require and may determine the qualifications and fix the
101 compensation of such persons, firms, or corporations, and may
102 employ a fiscal agent or agents; provided, however, that the
103 authority shall solicit sealed proposals from at least three
104 persons, firms, or corporations for the performance of any
105 services as fiscal agents. The authority may delegate to one or
106 more of its agents or employees the such of its power as it
107 deems shall deem necessary to carry out the purposes of this
108 part, subject always to the supervision and control of the
109 authority. Members of the authority may be removed from their
110 office by the Governor for misconduct, malfeasance, misfeasance,
111 or nonfeasance in office.

112 (b) Members of the authority shall be entitled to receive
113 from the authority their travel and other necessary expenses
114 incurred in connection with the business of the authority as
115 provided in s. 112.061, but they shall draw no salaries or other
116 compensation.

117 (6) A member or the executive director of the authority
118 may not:

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119 (a) Personally represent another person or entity for
120 compensation before the authority for a period of 2 years
121 following vacation of his or her position.

122 (b) After retirement or termination, have an employment or
123 contractual relationship with a business entity other than an
124 agency as defined in s. 112.312, in connection with a contract
125 in which the member or executive director personally and
126 substantially participated in through decision, approval,
127 disapproval, recommendation, rendering of advice, or
128 investigation while he or she was a member or employee of the
129 authority.

130 (7) The authority's general counsel shall serve as the
131 authority's ethics officer.

132 (8) Authority board members, employees, and consultants
133 who hold positions that may influence authority decisions shall
134 refrain from engaging in any relationship that may adversely
135 affect their judgment in carrying out authority business. To
136 prevent such conflicts of interest and preserve the integrity
137 and transparency of the authority to the public, the following
138 disclosures must be made annually on a disclosure form:

139 (a) Any relationship a board member, employee, or
140 consultant has which affords a current or future financial
141 benefit to such board member, employee, or consultant, or to a
142 relative or business associate of such board member, employee,
143 or consultant, and which a reasonable person would conclude has
144 the potential to create a prohibited conflict of interest. As

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145 used in this subsection, the term "relative" has the same
146 meaning as in s. 112.312.

147 (b) Whether a relative of a board member, employee, or
148 consultant is a registered lobbyist, and if so, the names of the
149 lobbyist's clients. Such names shall be provided in writing to
150 the ethics officer.

151 (c) Any and all interests in real property that a board
152 member, employee, or consultant has, or that a relative,
153 principal, client, or business associate of such board member,
154 employee, or consultant has, if such real property is located
155 within, or within a one-half mile radius of, any actual or
156 prospective authority roadway project. The executive director
157 shall provide a corridor map and a property ownership list
158 reflecting the ownership of all real property within the
159 disclosure area, or an alignment map with a list of associated
160 owners, to all board members, employees, and consultants.

161 (9) The disclosure forms required under subsection (8)
162 must be reviewed by the ethics officer or, if a form is filed by
163 the general counsel, by the executive director.

164 (10) The conflict of interest process shall be outlined in
165 the authority's code of ethics.

166 (11) Authority employees and consultants are prohibited
167 from serving on the governing body of the authority while
168 employed by or under contract with the authority.

169 (12) The code of ethics policy shall be reviewed and
170 updated by the ethics officer and presented for board approval

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171 at a minimum of once every 2 years.

172 (13) Employees shall be adequately informed and trained on
173 the code of ethics and shall continually participate in ongoing
174 ethics education.

175 (14) The requirements in subsections (6) through (13) are
176 in addition to the requirements that the members and the
177 executive director of the authority are required to follow under
178 chapter 112.

179 (15) Violations of subsections (6), (8), and (11) are
180 punishable in accordance with s. 112.317.

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

183 348.754 Purposes and powers.—

184 (1) (a) The authority created and established under ~~by the~~
185 ~~provisions of this part is hereby granted and has shall have~~ the
186 right to acquire, hold, construct, improve, maintain, operate,
187 own, and lease in the capacity of lessor, the Central Florida
188 ~~Orlando-Orange County~~ Expressway System, hereinafter referred to
189 as "system." Except as otherwise specifically provided by law,
190 including paragraph (2) (n), the area served by the authority
191 shall be within the geographical boundaries of Orange, Seminole,
192 Lake, and Osceola Counties.

193 (b) ~~It is the express intention of this part that said~~
194 ~~authority,~~ In the construction of the Central Florida ~~said~~
195 ~~Orlando-Orange County~~ Expressway System, the authority may shall
196 ~~be authorized to~~ construct any extensions, additions, or

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197 improvements to the said system or appurtenant facilities,
198 including all necessary approaches, roads, bridges, ~~and~~ avenues
199 of access, rapid transit, trams, fixed guideways, thoroughfares,
200 and boulevards with any such changes, modifications, or
201 revisions of the said project which are ~~as shall be~~ deemed
202 desirable and proper.

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

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

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

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

218 (c) To acquire by donation or otherwise, purchase, hold,
219 lease as lessee, and use any franchise or any, property, real,
220 personal, ~~or~~ mixed, or tangible or intangible, or any options
221 ~~thereof~~ in its own name or in conjunction with others, or
222 interest in those options ~~therein~~, necessary or desirable to

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223 ~~carry for carrying~~ out the purposes of the authority, and to
224 sell, lease as lessor, transfer, and dispose of any property or
225 interest in the property ~~therein~~ at any time acquired by it.

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

229 (e) To enter into and make lease-purchase agreements with
230 the department for terms not exceeding 99 ~~40~~ years, or until any
231 bonds secured by a pledge of rentals pursuant to the agreement
232 ~~thereunder~~, and any refundings pursuant to the agreement
233 ~~thereof~~, are fully paid as to both principal and interest,
234 whichever is longer. The authority is a party to a lease-
235 purchase agreement between the department and the authority
236 dated December 23, 1985, as supplemented by a first supplement
237 to the lease-purchase agreement dated November 25, 1986, and a
238 second supplement to the lease-purchase agreement dated October
239 27, 1988. The authority may not enter into other lease-purchase
240 agreements with the department and may not amend the existing
241 agreement in a manner that expands or increases the department's
242 obligations unless the department determines that the agreement
243 or amendment is necessary to permit the refunding of bonds
244 issued before July 1, 2013.

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

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249 be sufficient to comply with any covenants made with the holders
250 of any bonds issued pursuant to this part; ~~provided~~, however,
251 ~~that~~ such right and power may be assigned or delegated, by the
252 authority, to the department. Toll revenues attributable to an
253 increase in the toll rates charged on or after the effective
254 date of this act for the use of a portion of the system may not
255 be used to construct or expand a different portion of the system
256 unless a two-thirds majority of the members of the authority
257 votes to approve such use. This requirement does not apply if,
258 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 the effective date of this act; or

263 2. Application of the requirement would cause the
264 authority to be unable to meet its obligations under the terms
265 of the 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
274 expenditures are consistent with the metropolitan planning

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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~~

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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
303 issue date.

304 1. The authority shall reimburse Orange County for any
305 sums expended from the said gasoline tax funds used for the
306 payment of such obligations. Any gasoline tax funds so disbursed
307 must 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
311 authority funds shall determine to fund or refunds refund any
312 bonds previously theretofore issued by the said authority, ~~or~~
313 the by said commission before the bonds mature as aforesaid
314 ~~prior to the maturity thereof,~~ the proceeds of such funding or
315 refunding must bonds shall, pending the prior redemption of
316 these the 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

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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.

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

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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~~
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-,

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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~~
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~~

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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~~
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~~

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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~~
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~~
452 ~~on 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~~

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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
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

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483 authorized; financing.—Notwithstanding s. 338.2275, the Central
484 Florida 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.
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

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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

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561 Beltway 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
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~~

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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,
591 rates, fees, rentals, ~~(including all or~~ any portion of the
592 Orange County gasoline tax funds received by the authority
593 pursuant to the terms of any lease-purchase agreement between
594 the authority and the department, or any part thereof), or other
595 charges or receipts of the authority, derived by the authority,
596 from the Central Florida ~~Orlando-Orange County~~ Expressway
597 System.

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

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

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

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

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

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

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

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

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

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

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

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

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

652 348.756 Remedies of the bondholders.-

653 (3) When a ~~Any~~ trustee is ~~when~~ appointed pursuant to
654 subsection (1) as aforesaid, or is acting under a deed of trust,
655 indenture, or other agreement, and whether or not all bonds have
656 been declared due and payable, the trustee is ~~shall be~~ entitled
657 ~~as of right~~ to the appointment of a receiver, who may enter upon
658 and take possession of the Central Florida Orlando-Orange County
659 Expressway System or the facilities or any part of the system or
660 facilities ~~or parts thereof~~, the rates, fees, rentals, or other
661 revenues, charges, or receipts that ~~from which~~ are, or may be,
662 applicable to the payment of the bonds so in default, and
663 subject to and in compliance with the provisions of any lease-
664 purchase agreement between the authority and the department

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665 operate and maintain the same, for and on behalf of and in the
666 name of, the authority, the department, and the bondholders, and
667 collect and receive all rates, fees, rentals, and other charges
668 or receipts or revenues arising therefrom in the same manner as
669 the authority or the department might do, and shall deposit all
670 such moneys in a separate account and apply the same in such
671 manner as the court directs ~~shall direct~~. In any suit, action,
672 or proceeding by the trustee, the fees, counsel fees, and
673 expenses of the trustee, and the ~~said~~ receiver, if any, and all
674 costs and disbursements allowed by the court must ~~shall~~ be a
675 first charge on any rates, fees, rentals, or other charges,
676 revenues, or receipts, derived from the Central Florida Orlando-
677 Orange County Expressway System, or the facilities or services
678 or any part of the system or facilities ~~or parts thereof~~,
679 including payments under any such lease-purchase agreement ~~as~~
680 ~~aforsaid~~ which ~~said~~ rates, fees, rentals, or other charges,
681 revenues, or receipts ~~shall or~~ may be applicable to the payment
682 of the bonds that are ~~se~~ in default. The ~~Such~~ trustee has ~~shall~~,
683 ~~in addition to the foregoing, have and possess~~ all of the powers
684 necessary or appropriate for the exercise of any functions
685 specifically set forth in this section ~~herein~~ or incident to the
686 representation of the bondholders in the enforcement and
687 protection of their rights.

688 (4) ~~Nothing in~~ This section or any other section of this
689 part does not ~~shall~~ authorize any receiver appointed pursuant
690 ~~hereto~~ for the purpose, subject to and in compliance with the

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691 provisions of any lease-purchase agreement between the authority
692 and the department, of operating and maintaining the Central
693 Florida Orlando-Orange County Expressway System or any
694 facilities or part of the system or facilities ~~or parts thereof~~,
695 to sell, assign, mortgage, or otherwise dispose of any of the
696 assets of whatever kind and character belonging to the
697 authority. ~~It is the intention of this part to limit~~ The powers
698 of the ~~such~~ receiver, subject to and in compliance with the
699 provisions of any lease-purchase agreement between the authority
700 and the department, are limited to the operation and maintenance
701 of the Central Florida Orlando-Orange County Expressway System,
702 or any facility, or part ~~or parts~~ thereof, as the court may
703 direct, in the name and for and on behalf of the authority, the
704 department, and the bondholders, and no holder of bonds on the
705 authority nor any trustee, has ~~shall ever have~~ the right in any
706 suit, action, or proceeding at law or in equity, to compel a
707 receiver, nor may ~~shall~~ any receiver be authorized or any court
708 be empowered to direct the receiver to sell, assign, mortgage,
709 or otherwise dispose of any assets ~~of whatever kind or character~~
710 belonging to the authority.

711 Section 12. Subsections (1) through (7) of section
712 348.757, Florida Statutes, are amended to read:

713 348.757 Lease-purchase agreement.—

714 (1) ~~In order to effectuate the purposes of this part and~~
715 ~~as authorized by this part~~, The authority may enter into a
716 lease-purchase agreement with the department relating to and

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717 covering the former Orlando-Orange County Expressway System.

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

731 (3) The ~~Such~~ lease-purchase agreement may include ~~such~~
732 other provisions, agreements, and covenants that ~~as~~ the
733 authority and the department deem advisable or required,
734 including, but not limited to, provisions as to the bonds to be
735 issued under, and for the purposes of, this part, the
736 completion, extension, improvement, operation, and maintenance
737 of the former Orlando-Orange County Expressway System and the
738 expenses and the cost of operation of the ~~said~~ authority, the
739 charging and collection of tolls, rates, fees, and other charges
740 for the use of the services and facilities of the system
741 ~~thereof~~, the application of federal or state grants or aid that
742 ~~which~~ may be made or given to assist the authority in the

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743 completion, extension, improvement, operation, and maintenance
744 of the former Orlando-Orange County Orlando Expressway System,
745 which the authority is ~~hereby~~ authorized to accept and apply to
746 such purposes, the enforcement of payment and collection of
747 rentals and any other terms, provisions, or covenants necessary,
748 incidental, or appurtenant to the making of and full performance
749 under the such lease-purchase agreement.

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

765 (5) A ~~No~~ pledge of the said Orange County gasoline tax
766 funds as rentals under a such lease-purchase agreement may not
767 ~~shall~~ be made without the consent of the County of Orange
768 evidenced by a resolution duly adopted by the board of county

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

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

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795 entered into.

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

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

810 348.758 Appointment of department ~~as may be appointed~~
811 agent of authority for construction.—The department may be
812 appointed by the ~~said~~ authority as its agent for the purpose of
813 constructing improvements and extensions to the Central Florida
814 ~~Orlando-Orange County~~ Expressway System and for its ~~the~~
815 completion ~~thereof~~. In such event, the authority shall provide
816 the department with complete copies of all documents,
817 agreements, resolutions, contracts, and instruments relating
818 thereto and shall request the department to do such construction
819 work, including the planning, surveying, and actual construction
820 of the completion, extensions, and improvements to the Central

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821 Florida ~~Orlando-Orange County~~ Expressway System and shall
822 transfer to the credit of an account of the department in the
823 State Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and
824 the department may ~~shall thereupon be authorized, empowered and~~
825 ~~directed to~~ proceed with such construction and ~~to~~ use the ~~said~~
826 funds for such purpose in the same manner that it is ~~now~~
827 authorized to use the funds ~~otherwise provided by law~~ for the
828 ~~its use in~~ construction of roads and bridges.

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

831 348.759 Acquisition of lands and property.—

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

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847 the purposes of screening, relocation, removal, or disposal of
848 junkyards and scrap metal processing facilities. The authority
849 ~~may shall also have the power to~~ condemn any material and
850 property necessary for such purposes.

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

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

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

869 348.760 Cooperation with other units, boards, agencies,
870 and individuals.—A ~~Express authority and power is hereby given~~
871 ~~and granted any~~ county, municipality, drainage district, road
872 and bridge district, school district or any other political

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873 subdivision, board, commission, or individual in, or of, the
874 state may ~~to~~ make and enter into with the authority, contracts,
875 leases, conveyances, partnerships, or other agreements pursuant
876 to ~~within the provisions and purposes of~~ this part. The
877 authority may ~~is hereby expressly authorized to~~ make and enter
878 into contracts, leases, conveyances, partnerships, and other
879 agreements with any political subdivision, agency, or
880 instrumentality of the state and any ~~and all~~ federal agencies,
881 corporations, and individuals, for the purpose of carrying out
882 the provisions of this part ~~or with the consent of the Seminole~~
883 ~~County Expressway Authority, for the purpose of carrying out and~~
884 ~~implementing part VIII of this chapter.~~

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

887 348.761 Covenant of the state.—The state pledges ~~does~~
888 ~~hereby pledge~~ to, and agrees, with any person, firm or
889 corporation, or federal or state agency subscribing to, or
890 acquiring the bonds to be issued by the authority for the
891 purposes of this part that the state will not limit or alter the
892 rights that are hereby vested in the authority and the
893 department until all issued bonds and interest ~~at any time~~
894 ~~issued, together with the interest thereon,~~ are fully paid and
895 discharged insofar as the pledge ~~same~~ affects the rights of the
896 holders of bonds issued pursuant to this part ~~hereunder~~. The
897 state does further pledge to, and agree, with the United States
898 that in the event any federal agency constructs or contributes

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899 ~~shall construct or contribute~~ any funds for the completion,
900 extension, or improvement of the Central Florida ~~Orlando-Orange~~
901 ~~County~~ Expressway System, or any part or portion of the system
902 ~~thereof~~, the state will not alter or limit the rights and powers
903 of the authority and the department in any manner that ~~which~~
904 would be inconsistent with the continued maintenance and
905 operation of the Central Florida ~~Orlando-Orange County~~
906 Expressway System or the completion, extension, or improvement
907 of the system ~~thereof~~, or that ~~which~~ would be inconsistent with
908 the due performance of any agreements between the authority and
909 any such federal agency, and the authority and the department
910 shall continue to have and may exercise all powers ~~herein~~
911 granted in this part, so long as the powers are ~~same shall be~~
912 necessary or desirable for the carrying out of the purposes of
913 this part and the purposes of the United States in the
914 completion, extension, or improvement of the Central Florida
915 ~~Orlando-Orange County~~ Expressway System, or any part of the
916 system ~~or portion thereof~~.

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

919 348.765 This part complete and additional authority.—

920 (1) The powers conferred by this part are ~~shall be~~ in
921 addition and supplemental to the existing powers of the said
922 board and the department, and this part may ~~shall~~ not be
923 construed as repealing any of the provisions, of any other law,
924 general, special, or local, but to supersede such other laws in

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

940 (2) This part does ~~shall not be deemed to~~ repeal, rescind,
941 or modify any other law ~~or laws~~ relating to the ~~said~~ State Board
942 of Administration, the ~~said~~ Department of Transportation, or the
943 Division of Bond Finance of the State Board of Administration,
944 but supersedes any ~~shall be deemed to and shall supersede such~~
945 ~~other~~ law that is ~~or laws~~ as are inconsistent with the
946 provisions of this part, including, but not limited to, s.
947 215.821.

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

950 369.317 Wekiva Parkway.—

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

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

996 (a) Acquisition of the land described in this section is
997 required to provide right-of-way for the Wekiva Parkway, a
998 limited access roadway linking State Road 429 to Interstate 4,
999 an essential component in meeting regional transportation needs
1000 to provide regional connectivity, improve safety, accommodate
1001 projected population and economic growth, and satisfy critical
1002 transportation requirements caused by increased traffic volume

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1003 growth and travel demands.

1004 (b) Acquisition of the lands described in this section is
1005 also required to protect the surface water and groundwater
1006 resources of Lake, Orange, and Seminole counties, otherwise
1007 known as the Wekiva Study Area, including recharge within the
1008 springshed that provides for the Wekiva River system. Protection
1009 of this area is crucial to the long term viability of the Wekiva
1010 River and springs and the central Florida region's water supply.
1011 Acquisition of the lands described in this section is also
1012 necessary to alleviate pressure from growth and development
1013 affecting the surface and groundwater resources within the
1014 recharge area.

1015 (c) Lands acquired pursuant to this section that are
1016 needed for transportation facilities for the Wekiva Parkway
1017 shall be determined not necessary for conservation purposes
1018 pursuant to ss. 253.034(6) and 373.089(5) and shall be
1019 transferred to or retained by the Central Florida ~~Orlando-Orange~~
1020 ~~County~~ Expressway Authority or the Department of Transportation
1021 upon reimbursement of the full purchase price and acquisition
1022 costs.

1023 (7) The Department of Transportation, the Department of
1024 Environmental Protection, the St. Johns River Water Management
1025 District, Central Florida ~~Orlando-Orange County~~ Expressway
1026 Authority, and other land acquisition entities shall cooperate
1027 and establish funding responsibilities and partnerships by
1028 agreement to the extent funds are available to the various

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1029 entities. Properties acquired with Florida Forever funds shall
1030 be in accordance with s. 259.041 or chapter 373. The Central
1031 Florida Orlando-Orange County Expressway Authority shall acquire
1032 land in accordance with this section of law to the extent funds
1033 are available from the various funding partners, but shall not
1034 be required nor assumed to fund the land acquisition beyond the
1035 agreement and funding provided by the various land acquisition
1036 entities.

1037 Section 19. Subsection (1) of section 369.324, Florida
1038 Statutes, is amended to read:

1039 369.324 Wekiva River Basin Commission.—

1040 (1) The Wekiva River Basin Commission is created to
1041 monitor and ensure the implementation of the recommendations of
1042 the Wekiva River Basin Coordinating Committee for the Wekiva
1043 Study Area. The East Central Florida Regional Planning Council
1044 shall provide staff support to the commission with funding
1045 assistance from the Department of Economic Opportunity. The
1046 commission shall be comprised of a total of 18 ~~19~~ members
1047 appointed by the Governor, 9 of whom shall be voting members and
1048 9 ~~10~~ shall be ad hoc nonvoting members. The voting members shall
1049 include:

1050 (a) One member of each of the Boards of County
1051 Commissioners for Lake, Orange, and Seminole Counties.

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

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1055 (c) One municipal elected official to serve as a
1056 representative of the municipalities located within the Wekiva
1057 Study Area of Orange County.

1058 (d) One municipal elected official to serve as a
1059 representative of the municipalities located within the Wekiva
1060 Study Area of Seminole County.

1061 (e) One citizen representing an environmental or
1062 conservation organization, one citizen representing a local
1063 property owner, a land developer, or an agricultural entity, and
1064 one at-large citizen who shall serve as chair of the council.

1065 (f) The ad hoc nonvoting members shall include one
1066 representative from each of the following entities:

- 1067 1. St. Johns River Management District.
- 1068 2. Department of Economic Opportunity.
- 1069 3. Department of Environmental Protection.
- 1070 4. Department of Health.
- 1071 5. Department of Agriculture and Consumer Services.
- 1072 6. Fish and Wildlife Conservation Commission.
- 1073 7. Department of Transportation.
- 1074 8. MetroPlan Orlando.
- 1075 9. Central Florida ~~Orlando-Orange County~~ Expressway

1076 Authority.

1077 ~~10. Seminole County Expressway Authority.~~

1078 Section 20. (1) Effective upon this act becoming a law,
1079 the Osceola County Expressway Authority may only exercise its
1080 powers for the purpose of studying, planning, designing,

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1081 financing, constructing, operating, and maintaining those
1082 projects identified in the Osceola County Expressway Authority
1083 May 8, 2012, Master Plan, as adopted on such date, and an
1084 additional extension of the Osceola Parkway Extension 2 miles to
1085 the east of its intersection with the Northeast Connector
1086 Expressway. Effective December 31, 2018, all powers, governance,
1087 and control of the Osceola County Expressway System, created
1088 pursuant to part V of chapter 348, Florida Statutes, are
1089 transferred to the Central Florida Expressway Authority, and the
1090 assets, liabilities, facilities, tangible and intangible
1091 property and any rights in the property, and any other legal
1092 rights of the Osceola County Expressway Authority are
1093 transferred to the Central Florida Expressway Authority. Upon
1094 transfer, the Osceola County Expressway System facilities shall
1095 each be a "non-system project" of the Central Florida Expressway
1096 Authority, as that term is defined in the then-current master
1097 senior lien bond resolution of the Central Florida Expressway
1098 Authority. The effective date of such transfer shall be extended
1099 until the date on which the current and forecasted total debt
1100 service coverage ratio with respect to all bonds, notes, loans,
1101 and other debt obligations issued to finance such projects to be
1102 transferred can be and is calculated and certified by the
1103 financial advisor for the Central Florida Expressway Authority
1104 to be equal to or greater than 1.5 for each and every year
1105 during which such obligations are then scheduled to be
1106 outstanding, including scheduled reimbursement obligations to

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1107 other governmental entities. The debt service coverage ratio
1108 shall be calculated in a manner consistent with the then-current
1109 master senior lien bond resolution of the Central Florida
1110 Expressway Authority. If the effective date of the transfer is
1111 extended, after December 31, 2018, the Osceola County Expressway
1112 Authority may only exercise its powers through a contract or
1113 contracts with another governmental entity and only for the
1114 purpose of operating and maintaining those projects which were
1115 completed before such date, in accordance with the requirements
1116 of any agreement, resolution, or indenture under which bonds or
1117 other debt obligations were issued to finance such projects, and
1118 completing construction of those projects for which financing of
1119 the full estimated costs of acquisition, design, and
1120 construction was obtained and construction began before December
1121 31, 2018.

1122 (2) Part V of chapter 348, Florida Statutes, consisting of
1123 ss. 348.9950, 348.9951, 348.9952, 348.9953, 348.9954, 348.9956,
1124 348.9957, 348.9958, 348.9959, 348.9960, and 348.9961, is
1125 repealed on the same date that the Osceola County Expressway
1126 System is transferred to the Central Florida Expressway
1127 Authority.

1128 (3) (a) Following the repeal of part V of chapter 348,
1129 Florida Statutes, consisting of sections 348.9950-348.9961, and
1130 the transfer of the Osceola County Expressway System to the
1131 Central Florida Expressway Authority, the Central Florida
1132 Expressway Authority shall include the uncompleted elements of

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1133 the Osceola County Expressway Authority May 8, 2012, Master
1134 Plan, as adopted on such date, and an additional extension of
1135 the Osceola Parkway Extension 2 miles to the east of its
1136 intersection with the Northeast Connector Expressway, in the
1137 equivalent Central Florida Expressway Authority master plan or
1138 long-range plan, each as a "non-system project" of the Central
1139 Florida Expressway Authority, as that term is defined in the
1140 then-current master senior lien bond resolution of the Central
1141 Florida Expressway Authority.

1142 (b) The Department of Transportation shall also include
1143 elements of the Osceola County Expressway Authority May 8, 2012,
1144 Master Plan, as adopted on such date, and an additional
1145 extension of the Osceola Parkway Extension 2 miles to the east
1146 of its intersection with the Northeast Connector Expressway, in
1147 its work program in accordance with s. 339.135, Florida
1148 Statutes, as tolled facilities.

1149 (4) The Central Florida Expressway Authority shall comply
1150 with any and all obligations of the Osceola County Expressway
1151 Authority to reimburse other governmental entities for costs
1152 incurred on behalf of the Osceola County Expressway System from
1153 revenues of the Osceola County Expressway System available after
1154 payment of all amounts required for operation and maintenance of
1155 the Osceola County Expressway System and all amounts required to
1156 be paid under the terms of any resolution authorizing the
1157 issuance of bonds to fund the acquisition, design, or
1158 construction of any portion of the Osceola County Expressway

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1159 System. This reimbursement obligation specifically includes, but
1160 is not limited to, any obligation of the Osceola County
1161 Expressway Authority to reimburse Osceola County and Polk County
1162 for costs incurred, or debt issued, to fund the acquisition,
1163 development, construction, operation, and maintenance of the
1164 Osceola County Expressway System. The transfer of any
1165 reimbursement obligation of the Osceola County Expressway
1166 Authority pursuant to this section does not alter the terms of
1167 any agreement between the Osceola County Expressway Authority
1168 and any other governmental entity, does not relieve any other
1169 governmental entity of its contractual obligations incurred on
1170 behalf of the Osceola County Expressway System, does not make
1171 any reimbursement obligation a general obligation of the Central
1172 Florida Expressway Authority, and does not constitute an
1173 independent pledge or lien on revenues of the Central Florida
1174 Expressway Authority for the benefit of any person or entity.
1175 To the extent that revenues generated by the Osceola County
1176 Expressway System are insufficient to pay a reimbursement
1177 obligation, the Central Florida Expressway Authority may, but is
1178 not required to, make any payment from other revenues of the
1179 Central Florida Expressway System available for such purpose
1180 after payment of all amounts required:
1181 (a) Otherwise by law or contract;
1182 (b) By the terms of any resolution authorizing the
1183 issuance of bonds by the Central Florida Expressway Authority or
1184 the Orlando-Orange County Expressway Authority; and

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1185 (c) By the terms of the memorandum of understanding
1186 between the Orlando-Orange County Expressway Authority and the
1187 department as ratified by the board of the Orlando-Orange County
1188 Expressway Authority on February 22, 2012.

1189 (5) Revenues generated by the Osceola County Expressway
1190 System May 8, 2012, Master Plan facilities available after
1191 payment of all current operation, maintenance, and
1192 administrative expenses of the Osceola County Expressway System;
1193 payment of debt service on any bonds, notes, loans, or other
1194 obligations issued and used to finance the costs of design,
1195 acquisition, and construction of such facilities; and payment of
1196 all other amounts required by the terms of any trust agreement
1197 or indenture established with respect thereto shall be used:

1198 (a) On a pro rata basis to repay or reimburse in full
1199 Osceola County or any other local agency any funds or amounts
1200 loaned to the Osceola County Expressway Authority to complete
1201 any such projects and to repay or reimburse in full the Central
1202 Florida Expressway Authority for any funds or amounts
1203 contributed to such projects; and

1204 (b) Thereafter, to advance any other uncompleted elements
1205 of the Osceola County Expressway Authority May 8, 2012, Master
1206 Plan, and an additional extension of the Osceola Parkway
1207 Extension 2 miles to the east of its intersection with the
1208 Northeast Connector Expressway.

1209 (6) The Central Florida Expressway Authority shall have no
1210 obligation to financially support any elements of the Osceola

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1211 County Expressway Authority May 8, 2012, Master Plan, or the
1212 additional extension of the Osceola Parkway Extension 2 miles to
1213 the east of its intersection with the Northeast Connector
1214 Expressway, from revenues of the Central Florida Expressway
1215 Authority's Expressway System. To the extent the governing board
1216 of the Central Florida Expressway Authority, in its sole
1217 discretion, votes to financially support any elements of the
1218 Osceola County Expressway Authority May 8, 2012, Master Plan, or
1219 the additional extension of the Osceola Parkway Extension 2
1220 miles to the east of its intersection with the Northeast
1221 Connector Expressway, it must treat any such element as a "non-
1222 system project" and shall only finance such element from
1223 revenues of the Central Florida Expressway Authority's
1224 Expressway System to the extent permitted by and in accordance
1225 with the terms of any resolution authorizing the issuance of
1226 bonds by the Central Florida Expressway Authority. For the
1227 purpose of advancing the design, acquisition, and construction
1228 of the elements of the Osceola County Expressway Authority May
1229 8, 2012, Master Plan, and an additional extension of the Osceola
1230 Parkway Extension 2 miles to the east of its intersection with
1231 the Northeast Connector Expressway, the Central Florida
1232 Expressway Authority is specifically authorized to enter into
1233 new or amended lease-purchase agreements with Osceola County for
1234 the leasing, construction, operation, and maintenance of any
1235 facility described in the Osceola County Expressway Authority
1236 May 8, 2012, Master Plan, and an additional extension of the

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1237 Osceola Parkway Extension 2 miles to the east of its
1238 intersection with the Northeast Connector Expressway.

1239 (7) In recognition of the strategic economic importance of
1240 enhanced mobility in the region served by the Osceola County
1241 Expressway Authority, the Department of Transportation shall
1242 cooperate with the Osceola County Expressway Authority, the
1243 Central Florida Expressway Authority, and Osceola County in
1244 working to identify solutions to potential barriers to
1245 implementation of the projects included in the Osceola County
1246 Expressway Authority May 8, 2012, Master Plan, and an additional
1247 extension of the Osceola Parkway Extension 2 miles to the east
1248 of its intersection with the Northeast Connector Expressway,
1249 including funding sources and revenues that may be available for
1250 implementation of those improvements.

1251

1252

1253 **T I T L E A M E N D M E N T**

1254 Remove lines 65-84 and insert:
1255 technical changes; amending s. 369.317, F.S.;
1256 conforming terminology and making technical changes;
1257 amending s. 369.324, F.S.; revising the membership of
1258 the Wekiva River Basin Commission; conforming
1259 terminology; providing criteria for the transfer of
1260 the Osceola County Expressway System to the Central
1261 Florida Expressway Authority; providing for the repeal
1262 of part V of ch. 348, F.S., when the Osceola County

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1263 Expressway System is transferred to the Central
1264 Florida Expressway Authority; requiring the Central
1265 Florida Expressway Authority to reimburse other
1266 governmental entities for obligations related to the
1267 Osceola County Expressway System;

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