

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Transportation

[2014s0230.hms]

BILL: CS/CS/SB 230, 2nd Eng.
INTRODUCER: Senator Simmons
SUBJECT: Orlando-Orange County Expressway Authority
DATE: May 1, 2014

I. Amendments Contained in Message:

462213 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 adds to the bill Legislative intent that the CFX, upon its formation, be the successor party to the OOCEA under the land acquisition contract dated November 11, 2013, and be subject to all terms and provisions stated in the contract. The OOCEA entered into two agreements on that date relating to certain contributions of funds and right-of-way, which could accommodate the All Aboard Florida project.

This amendment also revises provisions relating to the Governor's appointees to the CFX governing body, requiring that each of the three members be a citizen of either Orange County, Seminole County, Lake County, or Osceola County. This replaces the language in the Senate Bill that required two of the Governor's three members to be citizens of Orange County, and one member to be a citizen of either Seminole County, Lake County, or Osceola County.

In addition, this amendment removes Senate language:

- Limiting the exercise of the purposes and powers of the Osceola County Expressway Authority (OCX) to the Poinciana Parkway and limiting the OCX system to the Poinciana Parkway;
- Providing that the OCX may exist only until the earlier of 12/31/2016 or the completion of the Parkway;
- Prohibiting the OCX from extending the Poinciana Parkway beyond the project limits described in the Master Plan; and
- Transferring the OCX system, assets, liabilities, facilities, etc., to the CFX upon the earlier of 12/31/2016 or the completion of the Parkway.

The amendment replaces the removed Senate language as follows:

- Upon the act becoming law, limits the OCX's exercise of its powers to studying, planning, designing, financing, construction, operating, and maintaining projects identified in the May 8, 2012, Master Plan, and an additional extension of the Osceola Parkway Extension 2 miles to the east of its intersection with the Northeast Connector Expressway.
- Transfers governance and control of the OCX system to the CFX on 12/31/2018;

- Upon the transfer, provides that the OCX system facilities are each “non-system projects” of the CFX;
- Provides for extension of the transfer until the date on which the current and forecasted total debt service coverage ratio is equal to or greater than 1.5 for each year during which obligations are scheduled to be outstanding;
- Provides that if the transfer is extended, after 12/31/2018, the OCX may only exercise its powers through a contract with another governmental entity and only for the purpose of operating and maintaining those projects that were completed before that date, and completing construction of those projects for which financing was obtained and construction began before 12/31/2018;
- Provides that after the transfer of the OCX system to the CFX, the CFX shall include the uncompleted elements of the OCX Master Plan, and the additional extension of the Osceola Parkway Extension in the equivalent CFX master or long-range plan, each as a non-system project (so that only revenues from the non-system project may be pledged, and not the revenues of the CFX system);
- Requires the FDOT to include elements of the OCX Master Plan and the additional extension of the Osceola Parkway Extension in its work program as tolled facilities;
- Expands the CFX’s obligation to reimburse governmental entities to reimbursement of Polk County, in addition to Osceola County;
- Authorizes, but does not require, the CFX to make any payment from other revenues of the CFX available after payment of the specified (and unchanged) obligations;
- Provides that revenues generated by the OCX system Master Plan facilities after payment of all O&M and administrative expenses, payment of debt service, and payment of all amounts required by any trust agreement or indenture may be used:
 - On a pro rate basis to repay Osceola County or any other loans and to repay the CFX for amounts contributed to such projects; and
 - To advance any other uncompleted elements of the OCX Master Plan and the additional extension of the Osceola Parkway Extension.
- Provides that if the CFX votes to financially support any element of the OCX Master Plan or the addition extension of the Parkway Extension, the CFX is authorized to enter into new or amended lease-purchase agreements with Osceola County for the leasing, construction, operation, and maintenance of any facility described in the OCX Master Plan and the additional Parkway Extension.
- Directs the FDOT to cooperate with the OCX, the CFX, and Osceola County to identify solutions to potential barriers to implementation of the projects in the Master Plan and the additional extension of the Parkway Extension, including funding sources and revenues that may be available.