

By Senator Simmons

10-00045A-14

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1 A bill to be entitled
2 An act relating to the Orlando-Orange County
3 Expressway Authority; amending ss. 348.751 and
4 348.752, F.S.; renaming the Orlando-Orange County
5 Expressway System as the "Central Florida Expressway
6 System"; revising definitions; making technical
7 changes; amending s. 348.753, F.S.; creating the
8 Central Florida Expressway Authority; providing for
9 the transfer of governance and control, legal rights
10 and powers, responsibilities, terms, and obligations
11 to the authority; providing conditions for the
12 transfer; revising the composition of the governing
13 body of the authority; providing for appointment of
14 officers of the authority and for the expiration of
15 terms of standing board members; revising quorum and
16 voting requirements; conforming terminology and making
17 technical changes; amending s. 348.754, F.S.;
18 providing that the area served by the authority is
19 within the geopolitical boundaries of Orange,
20 Seminole, Lake, and Osceola Counties; requiring the
21 authority to have prior consent from the Secretary of
22 the Department of Transportation to construct an
23 extension, addition, or improvement to the expressway
24 system in Lake County; extending, to 99 years from 40
25 years, the term of a lease-purchase agreement;
26 limiting the authority's authority to enter into a
27 lease-purchase agreement; limiting the use of certain
28 toll-revenues; providing exceptions; removing the
29 requirement that the route of a project must be

10-00045A-14

2014230__

30 approved by a municipality before the right-of-way can
31 be acquired; requiring that the authority encourage
32 the inclusion of local-, small-, minority-, and women-
33 owned businesses in its procurement and contracting
34 opportunities; removing the authority and criteria for
35 an authority to waive payment and performance bonds
36 for certain public works projects that are awarded
37 pursuant to an economic development program;
38 conforming terminology and making technical changes;
39 amending ss. 348.7543, 348.7544, 348.7545, 348.7546,
40 348.7547, 348.755, and 348.756, F.S.; conforming
41 terminology and making technical changes; amending s.
42 348.757, F.S.; providing that upon termination of the
43 lease-purchase agreement of the former Orlando-Orange
44 County Expressway System, title in fee simple to the
45 system will be retained by the authority; conforming
46 terminology and making technical changes; amending ss.
47 348.758, 348.759, 348.760, 348.761, 348.765, and
48 369.317, F.S.; conforming terminology and making
49 technical changes; amending s. 369.324, F.S.; revising
50 the membership of the Wekiva River Basin Commission;
51 conforming terminology; providing criteria for the
52 transfer of the Osceola County Expressway System to
53 the Central Florida Expressway Authority; providing
54 for the repeal of part V of ch. 348, F.S., when the
55 Osceola County Expressway System is transferred to the
56 Central Florida Expressway Authority; requiring the
57 Central Florida Expressway Authority to reimburse
58 other governmental entities for obligations related to

10-00045A-14

2014230__

59 the Osceola County Expressway System; providing for
60 reimbursement after payment of other obligations;
61 providing an effective date.
62

63 Be It Enacted by the Legislature of the State of Florida:
64

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

67 348.751 Short title.—This part ~~shall be known and~~ may be
68 cited as the "Central Florida Orlando-Orange County Expressway
69 Authority Law."

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

72 348.752 Definitions.—As used in this chapter ~~The following~~
73 ~~terms, whenever used or referred to in this law, shall have the~~
74 ~~following meanings, except in those instances where the context~~
75 ~~clearly indicates otherwise:~~

76 (1) The term "agency of the state" means ~~and includes~~ the
77 state and any department of, or corporation, agency, or
78 instrumentality ~~heretofore or hereafter~~ created, designated, or
79 established by, the state.

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

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

86 (4) The term "Central Florida Expressway Authority" means
87 the body politic and corporate, and agency of the state created

10-00045A-14

2014230__

88 by this chapter.

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

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

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

96 (6) The term "department" means the Department of
97 Transportation ~~existing under chapters 334-339.~~

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

100 (8) The term "federal agency" means and includes the United
101 States, the President of the United States, and any department
102 of, or corporation, agency, or instrumentality ~~heretofore or~~
103 ~~hereafter~~ created, designated, or established by, the United
104 States.

105 (9) The term "lease-purchase agreement" means the lease-
106 purchase agreements that ~~which~~ the authority is authorized
107 ~~pursuant to this part~~ to enter into with the Department of
108 Transportation pursuant to this part.

109 (10) The term "limited access expressway" means a street or
110 highway specifically ~~especially~~ designed for through traffic,
111 and over, from, or to which, a no person does not shall have the
112 right of easement, use, or access except in accordance with the
113 rules of ~~and regulations promulgated and established by the~~
114 authority governing its use ~~for the use of such facility.~~ Such
115 highways or streets may be parkways that do not allow traffic
116 by, ~~from which~~ trucks, buses, and other commercial vehicles

10-00045A-14

2014230__

117 ~~shall be excluded, or they may be~~ freeways open to use by all
118 customary forms of street and highway traffic.

119 (11) The term ~~"members"~~ means ~~the governing body of the~~
120 ~~authority, and the term "member" means~~ an individual who serves
121 on the one of the individuals constituting such governing body
122 of the authority.

123 (12) The term "Orange County gasoline tax funds" means ~~all~~
124 the revenue derived from the 80-percent surplus gasoline tax
125 funds accruing in each year to the Department of Transportation
126 for use in Orange County under ~~the provisions of s. 9, Art. XII~~
127 of the State Constitution, after deducting ~~deduction only of~~ any
128 amounts of said gasoline tax funds previously ~~heretofore~~ pledged
129 by the department or the county for outstanding obligations.

130 ~~(13) The term "Orlando-Orange County Expressway System"~~
131 ~~means any and all expressways and appurtenant facilities~~
132 ~~thereto, including, but not limited to, all approaches, roads,~~
133 ~~bridges, and avenues of access for said expressway or~~
134 ~~expressways.~~

135 ~~(13)~~(14) The term "State Board of Administration" means the
136 body corporate existing under the provisions of s. 4, Art. IV of
137 the State Constitution, or any successor ~~thereto.~~

138 (14) The term "transportation facilities" means and
139 includes the mobile and fixed assets, and the associated real or
140 personal property or rights, used in the transportation of
141 persons or property by any means of conveyance, and all
142 appurtenances, such as, but not limited to, highways; limited or
143 controlled access lanes, avenues of access, and facilities;
144 vehicles; fixed guideway facilities, including maintenance
145 facilities; and administrative and other office space for the

10-00045A-14

2014230__

146 exercise by the authority of the powers and obligations granted
147 in this part.

148 ~~(15) Words importing singular number include the plural~~
149 ~~number in each case and vice versa, and words importing persons~~
150 ~~include firms and corporations.~~

151 Section 3. Section 348.753, Florida Statutes, is amended to
152 read:

153 348.753 Central Florida ~~Orlando-Orange County~~ Expressway
154 Authority.-

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

159 (2) (a) Effective July 1, 2015, the Central Florida
160 Expressway Authority shall assume the governance and control of
161 the Orlando-Orange County Expressway Authority System, including
162 its assets, personnel, contracts, obligations, liabilities,
163 facilities, and tangible and intangible property. Any rights in
164 such property, and other legal rights of the authority, are
165 transferred to the Central Florida Expressway Authority. The
166 Central Florida Expressway Authority shall succeed to and assume
167 the powers, responsibilities, and obligations of the Orlando-
168 Orange County Expressway Authority on July 1, 2015.

169 (b) The transfer pursuant to this subsection is subject to
170 the terms and covenants provided for the protection of the
171 holders of the Orlando-Orange County Expressway Authority bonds
172 in the lease-purchase agreement and the resolutions adopted in
173 connection with the issuance of the bonds. Further, the transfer
174 does not impair the terms of the contract between the Orlando-

10-00045A-14

2014230__

175 Orange County Expressway Authority and the bondholders, does not
176 act to the detriment of the bondholders, and does not diminish
177 the security for the bonds. After the transfer, the Central
178 Florida Expressway Authority shall operate and maintain the
179 expressway system and any other facilities of the Orlando-Orange
180 County Expressway Authority in accordance with the terms,
181 conditions, and covenants contained in the bond resolutions and
182 lease-purchase agreement securing the bonds of the authority.
183 The Central Florida Expressway Authority shall collect toll
184 revenues and apply them to the payment of debt service as
185 provided in the bond resolution securing the bonds, and shall
186 expressly assume all obligations relating to the bonds to ensure
187 that the transfer will have no adverse impact on the security
188 for the bonds. The transfer does not make the obligation to pay
189 the principal and interest on the bonds a general liability of
190 the Central Florida Expressway Authority or pledge additional
191 expressway system revenues to payment of the bonds. Revenues
192 that are generated by the expressway system and other facilities
193 of the Central Florida Expressway Authority which were pledged
194 by the Orlando-Orange County Expressway Authority to payment of
195 the bonds will remain subject to the pledge for the benefit of
196 the bondholders. The transfer does not modify or eliminate any
197 prior obligation of the department to pay certain costs of the
198 expressway system from sources other than revenues of the
199 expressway system.

200 (3)~~(2)~~ The governing body of the authority shall consist of
201 11 ~~five~~ members. The chairs of the boards of the county
202 commissions of Seminole, Lake, and Osceola Counties shall each
203 appoint one member, who may be a commission member or chair. The

10-00045A-14

2014230__

204 Governor shall appoint six citizen members. Of the Governor's
205 appointments, two ~~Three~~ members must shall be citizens of Orange
206 County, one member each must be a citizen of Seminole, Lake, and
207 Osceola Counties, and one member may be a citizen of any of the
208 identified counties who shall be appointed by the Governor. The
209 10th fourth member must shall be, ~~ex officio,~~ the Mayor of chair
210 of the County Commissioners of Orange County. The 11th member
211 must be the Mayor of the City of Orlando. The executive director
212 of Florida Turnpike Enterprise shall serve as a nonvoting
213 advisor to the governing body of the authority, ~~and the fifth~~
214 ~~member shall be, ex officio, the district secretary of the~~
215 ~~Department of Transportation serving in the district that~~
216 ~~contains Orange County. The term of Each appointed member~~
217 appointed by the Governor shall serve be for 4 years. Each
218 county-appointed member shall serve for 2 years. The terms of
219 standing board members expire on July 1, 2015. Each appointed
220 member shall hold office until his or her successor has been
221 appointed and has qualified. A vacancy occurring during a term
222 must shall be filled only for the balance of the unexpired term.
223 Each appointed member of the authority shall be a person of
224 outstanding reputation for integrity, responsibility, and
225 business ability, but, except as provided in this subsection, a
226 ~~no~~ person who is an officer or employee of a municipality or any
227 city or of Orange county may not in any other capacity shall be
228 an appointed member of the authority. Any member of the
229 authority is shall be eligible for reappointment.

230 (4)(3)(a) The authority shall elect one of its members as
231 chair of the authority. The authority shall also elect one of
232 its members as vice chair, one of its members as a secretary,

10-00045A-14

2014230__

233 and one of its members as a treasurer ~~who may or may not be~~
234 ~~members of the authority~~. The chair, vice chair, secretary, and
235 treasurer shall hold such offices at the will of the authority.
236 Six ~~Three~~ members of the authority ~~shall~~ constitute a quorum,
237 and the vote of six ~~three~~ members is ~~shall be~~ necessary for any
238 action taken by the authority. A ~~No~~ vacancy in the authority
239 does not ~~shall~~ impair the right of a quorum of the authority to
240 exercise all of the rights and perform all of the duties of the
241 authority.

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

245 (5) ~~(4)~~ (a) The authority may employ an executive secretary,
246 an executive director, its own counsel and legal staff,
247 technical experts, and the ~~such~~ engineers, ~~and such~~ employees
248 that, ~~permanent or temporary,~~ as it requires. The authority may
249 ~~require~~ and may determine the qualifications and fix the
250 compensation of such persons, firms, or corporations, and may
251 employ a fiscal agent or agents; ~~provided,~~ however, ~~that~~ the
252 authority shall solicit sealed proposals from at least three
253 persons, firms, or corporations for the performance of any
254 services as fiscal agents. The authority may delegate to one or
255 more of its agents or employees the ~~such of its~~ power ~~as~~ it
256 deems ~~shall deem~~ necessary to carry out the purposes of this
257 part, ~~subject always to the supervision and control of the~~
258 authority. Members of the authority may be removed from ~~their~~
259 office by the Governor for misconduct, malfeasance, misfeasance,
260 or nonfeasance in office.

261 (b) Members of the authority are ~~shall be~~ entitled to

10-00045A-14

2014230__

262 receive from the authority their travel and other necessary
263 expenses incurred in connection with the business of the
264 authority as provided in s. 112.061, but may not ~~they shall~~ draw
265 ~~no~~ salaries or other compensation.

266 Section 4. Section 348.754, Florida Statutes, is amended to
267 read:

268 348.754 Purposes and powers.—

269 (1) (a) The authority created and established under ~~by the~~
270 ~~provisions of~~ this part is ~~hereby~~ granted and has ~~shall~~ have the
271 right to acquire, hold, construct, improve, maintain, operate,
272 own, and lease in the capacity of lessor, the Central Florida
273 ~~Orlando-Orange County~~ Expressway System, hereinafter referred to
274 as "system." Except as otherwise specifically provided by law,
275 including paragraph (2) (n), the area served by the authority
276 shall be within the geographical boundaries of Orange, Seminole,
277 Lake, and Osceola Counties.

278 (b) ~~It is the express intention of this part that said~~
279 ~~authority,~~ In the construction of the Central Florida ~~said~~
280 ~~Orlando-Orange County~~ Expressway System, the authority may ~~shall~~
281 ~~be authorized to~~ construct any extensions, additions, or
282 improvements to the ~~said~~ system or appurtenant facilities,
283 including all necessary approaches, roads, bridges, ~~and~~ avenues
284 of access, rapid transit, trams, fixed guideways, thoroughfares,
285 and boulevards with any such changes, modifications, or
286 revisions of the ~~said~~ project which are ~~as shall be~~ deemed
287 desirable and proper.

288 (c) Notwithstanding any other provision of this section to
289 the contrary, to ensure the continued financial feasibility of
290 the portion of the Wekiva Parkway to be constructed by the

10-00045A-14

2014230__

291 department, the authority may not, without the prior consent of
292 the secretary of the department, construct any extensions,
293 additions, or improvements to the expressway system in Lake
294 County.

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

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

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

303 (c) To acquire by donation or otherwise, purchase, hold,
304 lease as lessee, and use any franchise or any, property, real,
305 personal, ~~or~~ mixed, or tangible or intangible, or any options
306 ~~thereof~~ in its own name or in conjunction with others, or
307 interest in those options therein, necessary or desirable to
308 carry for carrying out the purposes of the authority, and to
309 sell, lease as lessor, transfer, and dispose of any property or
310 interest in the property therein at any time acquired by it.

311 (d) To enter into and make leases for terms not exceeding
312 99 years, as ~~either~~ lessee or lessor, in order to carry out the
313 right to lease as specified ~~set forth~~ in this part.

314 (e) To enter into and make lease-purchase agreements with
315 the department for terms not exceeding 99 ~~40~~ years, or until any
316 bonds secured by a pledge of rentals pursuant to the agreement
317 ~~thereunder,~~ and any refundings pursuant to the agreement
318 ~~thereof,~~ are fully paid as to both principal and interest,
319 whichever is longer. The authority is a party to a lease-

10-00045A-14

2014230__

320 purchase agreement between the department and the authority
321 dated December 23, 1985, as supplemented by a first supplement
322 to the lease-purchase agreement dated November 25, 1986, and a
323 second supplement to the lease-purchase agreement dated October
324 27, 1988. The authority may not enter into other lease-purchase
325 agreements with the department and may not amend the existing
326 agreement in a manner that expands or increases the department's
327 obligations unless the department determines that the agreement
328 or amendment is necessary to permit the refunding of bonds
329 issued before July 1, 2013.

330 (f) To fix, alter, charge, establish, and collect rates,
331 fees, rentals, and other charges for the services and facilities
332 of the Central Florida Orlando-Orange County Expressway System,
333 which must rates, fees, rentals and other charges shall always
334 be sufficient to comply with any covenants made with the holders
335 of any bonds issued pursuant to this part; ~~provided,~~ however,
336 ~~that~~ such right and power may be assigned or delegated, by the
337 authority, to the department. Toll revenues attributable to an
338 increase in the toll rates charged on or after July 1, 2015, for
339 the use of a facility or portion of a facility may not be used
340 to construct or expand a different facility unless a two-thirds
341 majority of the members of the authority votes to approve such
342 use. This requirement does not apply if, and to the extent that:

343 1. Application of the requirement would violate any
344 covenant established in a resolution or trust indenture under
345 which bonds were issued by the Orlando-Orange County Expressway
346 Authority on or before July 1, 2015; or

347 2. Application of the requirement would cause the authority
348 to be unable to meet its obligations under the terms of the

10-00045A-14

2014230__

349 memorandum of understanding between the authority and the
350 department as ratified by the Orlando-Orange County Expressway
351 Authority board on February 22, 2012.

352
353 Notwithstanding s. 338.165, and except as otherwise prohibited
354 by this part, to the extent revenues of the expressway system
355 exceed amounts required to comply with any covenants made with
356 the holders of bonds issued pursuant to this part, revenues may
357 be used for purposes enumerated in subsection (6), provided the
358 expenditures are consistent with the metropolitan planning
359 organization's adopted long-range plan.

360 (g) To borrow money, make and issue negotiable notes,
361 bonds, refunding bonds, and other evidences of indebtedness or
362 obligations, either in temporary or definitive form, ~~hereinafter~~
363 ~~in this chapter sometimes called "bonds" of the authority,~~ for
364 the purpose of financing all or part of the improvement or
365 extension of the Central Florida Orlando-Orange County
366 Expressway System, and appurtenant facilities, including all
367 approaches, streets, roads, bridges, and avenues of access for
368 the Central Florida ~~said Orlando-Orange County~~ Expressway System
369 and for any other purpose authorized by this part, ~~said bonds to~~
370 ~~mature in not exceeding 40 years from the date of the issuance~~
371 ~~thereof,~~ and to secure the payment of such bonds or any part
372 thereof by a pledge of any or all of its revenues, rates, fees,
373 rentals, or other charges, including all or any portion of the
374 Orange County gasoline tax funds received by the authority
375 pursuant to ~~the terms of~~ any lease-purchase agreement between
376 the authority and the department; and in general to provide for
377 the security of the ~~said~~ bonds and the rights and remedies of

10-00045A-14

2014230__

378 the holders thereof. ~~Provided, However, that~~ no portion of the
379 Orange County gasoline tax funds may ~~shall~~ be pledged for the
380 construction of any project for which a toll is to be charged
381 unless the anticipated toll is ~~tolls are~~ reasonably estimated by
382 the board of county commissioners, at the date of its resolution
383 pledging the said funds, to be sufficient to cover the principal
384 and interest of such obligations during the period when the said
385 pledge of funds is ~~shall be~~ in effect. The bonds issued under
386 this paragraph must mature not more than 40 years after their
387 issue date.

388 1. The authority shall reimburse Orange County for any sums
389 expended from the said gasoline tax funds used for the payment
390 of such obligations. Any gasoline tax funds so disbursed must
391 ~~shall~~ be repaid when the authority deems it practicable,
392 together with interest at the highest rate applicable to any
393 obligations of the authority.

394 2. If, pursuant to this section, ~~In the event~~ the authority
395 funds shall determine to fund or refunds refund any bonds
396 previously theretofore issued by the said authority, or the by
397 said commission before the bonds mature ~~as aforesaid prior to~~
398 ~~the maturity thereof,~~ the proceeds of such funding or refunding
399 must bonds shall, pending the prior redemption of these the
400 ~~bonds to be funded or refunded,~~ be invested in direct
401 obligations of the United States, ~~and it is the express~~
402 ~~intention of this part that such outstanding bonds may be funded~~
403 ~~or refunded by the issuance of bonds pursuant to this part.~~

404 (h) To make contracts ~~of every name and nature,~~ including,
405 but not limited to, partnerships providing for participation in
406 ownership and revenues, and to execute all instruments necessary

10-00045A-14

2014230__

407 or convenient for conducting ~~the carrying on~~ of its business.

408 (i) Notwithstanding paragraphs (a)-(h), ~~Without limitation~~
409 ~~of the foregoing,~~ to borrow money and accept grants from, and to
410 enter into contracts, leases, or other transactions with any
411 federal agency, the state, any agency of the state, the County
412 of Orange, the City of Orlando, or with any other public body of
413 the state.

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

416 (k) To pledge, hypothecate, or otherwise encumber ~~all or~~
417 any part of the revenues, rates, fees, rentals, or other charges
418 or receipts of the authority, including all or any portion of
419 the Orange County gasoline tax funds received by the authority
420 pursuant to the terms of any lease-purchase agreement between
421 the authority and the department, as security for ~~all or~~ any of
422 the obligations of the authority.

423 (l) To enter into partnership and other agreements
424 respecting ownership and revenue participation in order to
425 facilitate financing and constructing the Western Beltway, or
426 portions thereof.

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

431 (n) With the consent of the county within whose
432 jurisdiction the following activities occur, the authority shall
433 have the right to construct, operate, and maintain roads,
434 bridges, avenues of access, transportation facilities,
435 thoroughfares, and boulevards outside the jurisdictional

10-00045A-14

2014230__

436 boundaries of Orange, Seminole, Lake, and Osceola Counties
437 County, together with the right to construct, repair, replace,
438 operate, install, and maintain electronic toll payment systems
439 thereon, ~~with all necessary and incidental powers to accomplish~~
440 ~~the foregoing.~~

441 (3) The authority does not ~~shall~~ have the ~~no~~ power ~~at any~~
442 ~~time or in any manner~~ to pledge the credit or taxing power of
443 the state or any political subdivision or agency thereof,
444 including any city and any county ~~the City of Orlando and the~~
445 ~~County of Orange, nor may nor shall~~ any of the authority's
446 obligations be deemed to be obligations of the state or of any
447 political subdivision or agency thereof, nor may ~~nor shall~~ the
448 state or any political subdivision or agency thereof, except the
449 authority, be liable for the payment of the principal of or
450 interest on such obligations.

451 ~~(4) Anything in this part to the contrary notwithstanding,~~
452 ~~acquisition of right of way for a project of the authority which~~
453 ~~is within the boundaries of any municipality in Orange County~~
454 ~~shall not be begun unless and until the route of said project~~
455 ~~within said municipality has been given prior approval by the~~
456 ~~governing body of said municipality.~~

457 ~~(4)(5)~~ The authority has ~~shall have~~ no power other than by
458 consent of an affected ~~Orange~~ county or any affected city, to
459 enter into any agreement which would legally prohibit the
460 construction of a any road by the respective county or city
461 ~~Orange County or by any city within Orange County.~~

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

10-00045A-14

2014230__

465 (6) ~~(a)~~ The authority may, within the right-of-way of the
466 expressway system, finance or refinance the planning, design,
467 acquisition, construction, extension, rehabilitation, equipping,
468 preservation, maintenance, or improvement of an intermodal
469 facility or facilities, a multimodal corridor or corridors, or
470 any programs or projects that will improve the levels of service
471 on the expressway system ~~Notwithstanding s. 255.05, the Orlando-~~
472 ~~Orange County Expressway Authority may waive payment and~~
473 ~~performance bonds on construction contracts for the construction~~
474 ~~of a public building, for the prosecution and completion of a~~
475 ~~public work, or for repairs on a public building or public work~~
476 ~~that has a cost of \$500,000 or less and when the project is~~
477 ~~awarded pursuant to an economic development program for the~~
478 ~~encouragement of local small businesses that has been adopted by~~
479 ~~the governing body of the Orlando-Orange County Expressway~~
480 ~~Authority pursuant to a resolution or policy.~~

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

- 484 1. ~~Be an independent business.~~
- 485 2. ~~Be principally domiciled in the Orange County Standard~~
486 ~~Metropolitan Statistical Area.~~
- 487 3. ~~Employ 25 or fewer full-time employees.~~
- 488 4. ~~Have gross annual sales averaging \$3 million or less~~
489 ~~over the immediately preceding 3 calendar years with regard to~~
490 ~~any construction element of the program.~~
- 491 5. ~~Be accepted as a participant in the Orlando-Orange~~
492 ~~County Expressway Authority's microcontracts program or such~~
493 ~~other small business program as may be hereinafter enacted by~~

10-00045A-14

2014230__

494 ~~the Orlando Orange County Expressway Authority.~~

495 ~~6. Participate in an educational curriculum or technical~~
496 ~~assistance program for business development that will assist the~~
497 ~~small business in becoming eligible for bonding.~~

498 ~~(c) The authority's adopted procedures for waiving payment~~
499 ~~and performance bonds on projects with values not less than~~
500 ~~\$200,000 and not exceeding \$500,000 shall provide that payment~~
501 ~~and performance bonds may only be waived on projects that have~~
502 ~~been set aside to be competitively bid on by participants in an~~
503 ~~economic development program for local small businesses. The~~
504 ~~authority's executive director or his or her designee shall~~
505 ~~determine whether specific construction projects are suitable~~
506 ~~for:~~

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

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

510

511 ~~The decision of the authority's executive director or deputy~~
512 ~~executive director to waive the payment and performance bond~~
513 ~~shall be based upon his or her investigation and conclusion that~~
514 ~~there exists sufficient competition so that the authority~~
515 ~~receives a fair price and does not undertake any unusual risk~~
516 ~~with respect to such project.~~

517 ~~(d) For any contract for which a payment and performance~~
518 ~~bond has been waived pursuant to the authority set forth in this~~
519 ~~section, the Orlando Orange County Expressway Authority shall~~
520 ~~pay all persons defined in s. 713.01 who furnish labor,~~
521 ~~services, or materials for the prosecution of the work provided~~
522 ~~for in the contract to the same extent and upon the same~~

10-00045A-14

2014230__

523 ~~conditions that a surety on the payment bond under s. 255.05~~
524 ~~would have been obligated to pay such persons if the payment and~~
525 ~~performance bond had not been waived. The authority shall record~~
526 ~~notice of this obligation in the manner and location that surety~~
527 ~~bonds are recorded. The notice shall include the information~~
528 ~~describing the contract that s. 255.05(1) requires be stated on~~
529 ~~the front page of the bond. Notwithstanding that s. 255.05(9)~~
530 ~~generally applies when a performance and payment bond is~~
531 ~~required, s. 255.05(9) shall apply under this subsection to any~~
532 ~~contract on which performance or payment bonds are waived and~~
533 ~~any claim to payment under this subsection shall be treated as a~~
534 ~~contract claim pursuant to s. 255.05(9).~~

535 ~~(c) A small business that has been the successful bidder on~~
536 ~~six projects for which the payment and performance bond was~~
537 ~~waived by the authority pursuant to paragraph (a) shall be~~
538 ~~ineligible to bid on additional projects for which the payment~~
539 ~~and performance bond is to be waived. The local small business~~
540 ~~may continue to participate in other elements of the economic~~
541 ~~development program for local small businesses as long as it is~~
542 ~~eligible.~~

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

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

550 Section 5. Section 348.7543, Florida Statutes, is amended
551 to read:

10-00045A-14

2014230__

552 348.7543 Improvements, bond financing authority for.—
553 Pursuant to s. 11(f), Art. VII of the State Constitution, the
554 Legislature hereby approves for bond financing by the Central
555 Florida Orlando-Orange County Expressway Authority improvements
556 to toll collection facilities, interchanges to the legislatively
557 approved expressway system, and any other facility appurtenant,
558 necessary, or incidental to the approved system. Subject to
559 terms and conditions of applicable revenue bond resolutions and
560 covenants, such costs may be financed in whole or in part by
561 revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether
562 currently issued or issued in the future, or by a combination of
563 such bonds.

564 Section 6. Section 348.7544, Florida Statutes, is amended
565 to read:

566 348.7544 Northwest Beltway Part A, construction authorized;
567 financing.—Notwithstanding s. 338.2275, the Central Florida
568 Orlando-Orange County Expressway Authority may ~~is hereby~~
569 ~~authorized to~~ construct, finance, operate, own, and maintain
570 that portion of the Western Beltway known as the Northwest
571 Beltway Part A, extending from Florida's Turnpike near Ocoee
572 north to U.S. 441 near Apopka, as part of the authority's 20-
573 year capital projects plan. This project may be financed with
574 any funds available to the authority for such purpose or revenue
575 bonds issued by the Division of Bond Finance of the State Board
576 of Administration on behalf of the authority pursuant to s. 11,
577 Art. VII of the State Constitution and the State Bond Act, ss.
578 215.57-215.83.

579 Section 7. Section 348.7545, Florida Statutes, is amended
580 to read:

10-00045A-14

2014230__

581 348.7545 Western Beltway Part C, construction authorized;
582 financing.—Notwithstanding s. 338.2275, the Central Florida
583 ~~Orlando-Orange County~~ Expressway Authority may ~~is authorized to~~
584 exercise its condemnation powers, construct, finance, operate,
585 own, and maintain that portion of the Western Beltway known as
586 the Western Beltway Part C, extending from Florida's Turnpike
587 near Ocoee in Orange County southerly through Orange and Osceola
588 Counties to an interchange with I-4 near the Osceola-Polk County
589 line, as part of the authority's 20-year capital projects plan.
590 This project may be financed with any funds available to the
591 authority for such purpose or revenue bonds issued by the
592 Division of Bond Finance of the State Board of Administration on
593 behalf of the authority pursuant to s. 11, Art. VII of the State
594 Constitution and the State Bond Act, ss. 215.57-215.83. This
595 project may be refinanced with bonds issued by the authority
596 pursuant to s. 348.755(1)(d).

597 Section 8. Section 348.7546, Florida Statutes, is amended
598 to read:

599 348.7546 Wekiva Parkway, construction authorized;
600 financing.—

601 (1) The Central Florida ~~Orlando-Orange County~~ Expressway
602 Authority may ~~is authorized to~~ exercise its condemnation powers
603 and to construct, finance, operate, own, and maintain those
604 portions of the Wekiva Parkway which are identified by agreement
605 between the authority and the department and which are included
606 as part of the authority's long-range capital improvement plan.
607 The "Wekiva Parkway" means any limited access highway or
608 expressway constructed between State Road 429 and Interstate 4
609 specifically incorporating the corridor alignment recommended by

10-00045A-14

2014230__

610 Recommendation 2 of the Wekiva River Basin Area Task Force final
611 report dated January 15, 2003, and the recommendations of the SR
612 429 Working Group which were adopted January 16, 2004. This
613 project may be financed with any funds available to the
614 authority for such purpose or revenue bonds issued by the
615 authority under s. 11, Art. VII of the State Constitution and s.
616 348.755(1) (b). This section does not invalidate the exercise by
617 the authority of its condemnation powers or the acquisition of
618 any property for the Wekiva Parkway before July 1, 2012.

619 (2) Notwithstanding any other provision of law ~~to the~~
620 ~~contrary~~, in order to ensure that funds are available to the
621 department for its portion of the Wekiva Parkway, beginning July
622 1, 2012, the authority shall repay the expenditures by the
623 department for costs of operation and maintenance of the Central
624 Florida Orlando-Orange County Expressway System in accordance
625 with the terms of the memorandum of understanding between the
626 authority and the department as ratified by the authority board
627 on February 22, 2012, which requires the authority to pay the
628 department \$10 million on July 1, 2012, and \$20 million on each
629 successive July 1 until the department has been fully reimbursed
630 for all costs of the Central Florida Orlando-Orange County
631 Expressway System which were paid, advanced, or reimbursed to
632 the authority by the department, with a final payment in the
633 amount of the balance remaining. Notwithstanding any other law
634 ~~to the contrary~~, the funds paid to the department pursuant to
635 this subsection must ~~shall~~ be allocated by the department for
636 construction of the Wekiva Parkway.

637 (3) The department's obligation to construct its portions
638 of the Wekiva Parkway is contingent upon the timely payment by

10-00045A-14

2014230__

639 the authority of the annual payments required of the authority
640 and receipt of all required environmental permits and approvals
641 by the Federal Government.

642 Section 9. Section 348.7547, Florida Statutes, is amended
643 to read:

644 348.7547 Maitland Boulevard Extension and Northwest Beltway
645 Part A Realignment construction authorized; financing.—
646 Notwithstanding s. 338.2275, the Central Florida Orlando-Orange
647 County Expressway Authority may ~~is hereby authorized to~~ exercise
648 its condemnation powers, construct, finance, operate, own, and
649 maintain the portion of State Road 414 known as the Maitland
650 Boulevard Extension and the realigned portion of the Northwest
651 Beltway Part A as part of the authority's long-range capital
652 improvement plan. The Maitland Boulevard Extension extends ~~will~~
653 ~~extend~~ from the current terminus of State Road 414 at U.S. 441
654 west to State Road 429 in west Orange County. The realigned
655 portion of the Northwest Beltway Part A runs ~~will run~~ from the
656 point at or near where the Maitland Boulevard Extension connects
657 ~~will connect~~ with State Road 429 and proceeds ~~will proceed~~ to
658 the west and then north resulting in the northern terminus of
659 State Road 429 moving farther west before reconnecting with U.S.
660 441. However, under no circumstances may ~~shall~~ the realignment
661 of the Northwest Beltway Part A conflict with or contradict ~~with~~
662 the alignment of the Wekiva Parkway as defined in s. 348.7546.
663 This project may be financed with any funds available to the
664 authority for such purpose or revenue bonds issued by the
665 authority under s. 11, Art. VII of the State Constitution and s.
666 348.755(1)(b).

667 Section 10. Subsections (2) and (3) of section 348.755,

10-00045A-14

2014230__

668 Florida Statutes, are amended to read:

669 348.755 Bonds of the authority.—

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

674 (a) The pledging of ~~all or~~ any part of the revenues, rates,
675 fees, rentals, ~~(including all or~~ any portion of the Orange
676 County gasoline tax funds received by the authority pursuant to
677 the terms of any lease-purchase agreement between the authority
678 and the department, or any part thereof), or other charges or
679 receipts of the authority, derived by the authority, from the
680 Central Florida ~~Orlando-Orange County~~ Expressway System.

681 (b) The completion, improvement, operation, extension,
682 maintenance, repair, lease or lease-purchase agreement of the
683 ~~said~~ system, and the duties of the authority and others,
684 including the department, ~~with reference thereto~~.

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

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

692 (e) The setting aside of reserves or sinking funds or
693 repair and replacement funds and the regulation and disposition
694 thereof.

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

696 (g) The terms and provisions of any lease-purchase

10-00045A-14

2014230__

697 agreement, deed of trust or indenture securing the bonds, or
698 under which the same may be issued.

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

701 (3) The authority may employ fiscal agents as provided by
702 this part or the State Board of Administration of Florida may
703 upon request of the authority act as fiscal agent for the
704 authority in the issuance of any bonds that ~~which~~ may be issued
705 pursuant to this part, and the State Board of Administration may
706 upon request of the authority take over the management, control,
707 administration, custody, and payment of any ~~or all~~ debt services
708 or funds or assets now or hereafter available for any bonds
709 issued pursuant to this part. The authority may enter into any
710 deeds of trust, indentures or other agreements with its fiscal
711 agent, or with any bank or trust company within or without the
712 state, as security for such bonds, and may, under such
713 agreements, sign and pledge ~~all or~~ any of the revenues, rates,
714 fees, rentals or other charges or receipts of the authority,
715 including ~~all or~~ any portion of the Orange County gasoline tax
716 funds received by the authority pursuant to the terms of any
717 lease-purchase agreement between the authority and the
718 department, ~~thereunder~~. Such deed of trust, indenture, or other
719 agreement may contain such provisions as are customary in such
720 instruments, or, as the authority may authorize, including but
721 without limitation, provisions as to:

722 (a) The completion, improvement, operation, extension,
723 maintenance, repair, and lease of, or lease-purchase agreement
724 relating to the Central Florida ~~Orlando-Orange County~~ Expressway
725 System, and the duties of the authority and others including the

10-00045A-14

2014230__

726 department, with reference thereto.

727 (b) The application of funds and the safeguarding of funds
728 on hand or on deposit.

729 (c) The rights and remedies of the trustee and the holders
730 of the bonds.

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

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

735 348.756 Remedies of the bondholders.-

736 (3) When a ~~Any~~ trustee is ~~when~~ appointed pursuant to
737 subsection (1) as aforesaid, or is acting under a deed of trust,
738 indenture, or other agreement, and whether or not all bonds have
739 been declared due and payable, the trustee is ~~shall be~~ entitled
740 ~~as of right~~ to the appointment of a receiver, who may enter upon
741 and take possession of the Central Florida Orlando-Orange County
742 Expressway System or the facilities or any part of the system or
743 facilities ~~or parts thereof,~~ the rates, fees, rentals, or other
744 revenues, charges, or receipts that ~~from which~~ are, or may be,
745 applicable to the payment of the bonds so in default, and
746 subject to and in compliance with the provisions of any lease-
747 purchase agreement between the authority and the department
748 operate and maintain the same, for and on behalf of and in the
749 name of, the authority, the department, and the bondholders, and
750 collect and receive all rates, fees, rentals, and other charges
751 or receipts or revenues arising therefrom in the same manner as
752 the authority or the department might do, and shall deposit all
753 such moneys in a separate account and apply the same in such
754 manner as the court directs ~~shall direct~~. In any suit, action,

10-00045A-14

2014230__

755 or proceeding by the trustee, the fees, counsel fees, and
756 expenses of the trustee, and the ~~said~~ receiver, if any, and all
757 costs and disbursements allowed by the court must ~~shall~~ be a
758 first charge on any rates, fees, rentals, or other charges,
759 revenues, or receipts, derived from the Central Florida ~~Orlando-~~
760 ~~Orange County~~ Expressway System, or the facilities or services
761 or any part of the system or facilities ~~or parts thereof~~,
762 including payments under any such lease-purchase agreement ~~as~~
763 ~~aforsaid~~ which ~~said~~ rates, fees, rentals, or other charges,
764 revenues, or receipts ~~shall~~ ~~or~~ may be applicable to the payment
765 of the bonds that are ~~so~~ in default. The ~~Such~~ trustee has ~~shall~~,
766 ~~in addition to the foregoing, have and possess~~ all of the powers
767 necessary or appropriate for the exercise of any functions
768 specifically set forth in this section ~~herein~~ or incident to the
769 representation of the bondholders in the enforcement and
770 protection of their rights.

771 (4) ~~Nothing in~~ This section or any other section of this
772 part does not ~~shall~~ authorize any receiver appointed pursuant
773 ~~hereto~~ for the purpose, subject to and in compliance with the
774 provisions of any lease-purchase agreement between the authority
775 and the department, of operating and maintaining the Central
776 Florida ~~Orlando-Orange County~~ Expressway System or any
777 facilities or part of the system or facilities ~~or parts thereof~~,
778 to sell, assign, mortgage, or otherwise dispose of any of the
779 assets of whatever kind and character belonging to the
780 authority. ~~It is the intention of this part to limit~~ The powers
781 of the ~~such~~ receiver, subject to and in compliance with the
782 provisions of any lease-purchase agreement between the authority
783 and the department, are limited to the operation and maintenance

10-00045A-14

2014230__

784 of the Central Florida ~~Orlando-Orange County~~ Expressway System,
785 or any facility, or part ~~or parts~~ thereof, as the court may
786 direct, in the name and for and on behalf of the authority, the
787 department, and the bondholders, and no holder of bonds on the
788 authority nor any trustee, has ~~shall ever have~~ the right in any
789 suit, action, or proceeding at law or in equity, to compel a
790 receiver, nor may ~~shall~~ any receiver be authorized or any court
791 be empowered to direct the receiver to sell, assign, mortgage,
792 or otherwise dispose of any assets ~~of whatever kind or character~~
793 belonging to the authority.

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

796 348.757 Lease-purchase agreement.—

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

801 (2) The ~~Such~~ lease-purchase agreement must ~~shall~~ provide
802 for the leasing of the former Orlando-Orange County Expressway
803 System, by the authority, as lessor, to the department, as
804 lessee, must ~~shall~~ prescribe the term of such lease and the
805 rentals to be paid thereunder, and must ~~shall~~ provide that upon
806 the completion of the faithful performance ~~thereunder~~ and the
807 termination of the ~~such~~ lease-purchase agreement, title in fee
808 simple absolute to the former Orlando-Orange County Expressway
809 System as then constituted shall be transferred in accordance
810 with law by the authority, to the state and the authority shall
811 deliver to the department such deeds and conveyances as shall be
812 necessary or convenient to vest title in fee simple absolute in

10-00045A-14

2014230__

813 the state.

814 (3) The ~~Such~~ lease-purchase agreement may include ~~such~~
815 other provisions, agreements, and covenants that ~~as~~ the
816 authority and the department deem advisable or required,
817 including, but not limited to, provisions as to the bonds to be
818 issued under, and for the purposes of, this part, the
819 completion, extension, improvement, operation, and maintenance
820 of the former Orlando-Orange County Expressway System and the
821 expenses and the cost of operation of the ~~said~~ authority, the
822 charging and collection of tolls, rates, fees, and other charges
823 for the use of the services and facilities of the system
824 ~~thereof~~, the application of federal or state grants or aid that
825 ~~which~~ may be made or given to assist the authority in the
826 completion, extension, improvement, operation, and maintenance
827 of the former Orlando-Orange County ~~Orlando~~ Expressway System,
828 which the authority is ~~hereby~~ authorized to accept and apply to
829 such purposes, the enforcement of payment and collection of
830 rentals and any other terms, provisions, or covenants necessary,
831 incidental, or appurtenant to the making of and full performance
832 under the ~~such~~ lease-purchase agreement.

833 (4) The department as lessee under the ~~such~~ lease-purchase
834 agreement, may ~~is hereby authorized to~~ pay as rentals under the
835 agreement ~~thereunder~~ any rates, fees, charges, funds, moneys,
836 receipts, or income accruing to the department from the
837 operation of the former Orlando-Orange County Expressway System
838 and the Orange County gasoline tax funds and may also pay as
839 rentals any appropriations received by the department pursuant
840 to any act of the Legislature of the state heretofore or
841 hereafter enacted; ~~provided,~~ however, this part or the ~~that~~

10-00045A-14

2014230__

842 ~~nothing herein nor in such~~ lease-purchase agreement is not
843 intended to and does not ~~nor shall this part or such lease-~~
844 ~~purchase agreement~~ require the making or continuance of such
845 appropriations, and ~~nor shall~~ any holder of bonds issued
846 pursuant to this part does not ~~ever~~ have any right to compel the
847 making or continuance of such appropriations.

848 (5) A ~~No~~ pledge of the said Orange County gasoline tax
849 funds as rentals under a such lease-purchase agreement may not
850 ~~shall~~ be made without the consent of the County of Orange
851 evidenced by a resolution duly adopted by the board of county
852 commissioners of said county at a public hearing held pursuant
853 to due notice thereof published at least once a week for 3
854 consecutive weeks before the hearing in a newspaper of general
855 circulation in Orange County. The said resolution, among other
856 things, must ~~shall~~ provide that any excess of the said pledged
857 gasoline tax funds which is not required for debt service or
858 reserves for the such debt service for any bonds issued by the
859 ~~said~~ authority shall be returned annually to the department for
860 distribution to Orange County as provided by law. Before making
861 any application for a such pledge of gasoline tax funds, the
862 authority shall present the plan of its proposed project to the
863 Orange County planning and zoning commission for its comments
864 and recommendations.

865 (6) The said department may ~~shall have power to~~ covenant in
866 any lease-purchase agreement that it will pay all or any part of
867 the cost of the operation, maintenance, repair, renewal, and
868 replacement of the said system, and any part of the cost of
869 completing the said system to the extent that the proceeds of
870 bonds issued ~~therefor~~ are insufficient, from sources other than

10-00045A-14

2014230__

871 the revenues derived from the operation of the ~~said~~ system and
872 the ~~said~~ Orange County gasoline tax funds. The ~~said~~ department
873 may also agree to make such other payments from any moneys
874 available to the ~~said~~ commission, the ~~said~~ county, or the ~~said~~
875 city in connection with the construction or completion of the
876 ~~said~~ system as shall be deemed by the ~~said~~ department to be fair
877 and proper under any ~~such~~ covenants ~~heretofore or hereafter~~
878 entered into.

879 (7) The ~~said~~ system must ~~shall~~ be a part of the state road
880 system and the ~~said~~ department may ~~is hereby authorized,~~ upon
881 the request of the authority, ~~to~~ expend out of any funds
882 available for the purpose the ~~such~~ moneys, and ~~to~~ use ~~such~~ of
883 its engineering and other forces, as may be necessary and
884 ~~desirable in the judgment of said department,~~ for the operation
885 of the ~~said~~ authority and for traffic surveys, borings, surveys,
886 preparation of plans and specifications, estimates of cost, and
887 other preliminary engineering and other studies; provided,
888 however, that the aggregate amount of moneys expended for the
889 ~~said~~ purposes by the ~~said~~ department do ~~shall~~ not exceed the sum
890 of \$375,000.

891 Section 13. Section 348.758, Florida Statutes, is amended
892 to read:

893 348.758 Appointment of department as ~~may be appointed~~ agent
894 of authority for construction.—The department may be appointed
895 by the ~~said~~ authority as its agent for the purpose of
896 constructing improvements and extensions to the Central Florida
897 ~~Orlando-Orange County~~ Expressway System and for its ~~the~~
898 completion ~~thereof~~. In such event, the authority shall provide
899 the department with complete copies of all documents,

10-00045A-14

2014230__

900 agreements, resolutions, contracts, and instruments relating
901 thereto and shall request the department to do such construction
902 work, including the planning, surveying, and actual construction
903 of the completion, extensions, and improvements to the Central
904 Florida Orlando-Orange County Expressway System and shall
905 transfer to the credit of an account of the department in the
906 State Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and
907 the department ~~may~~ shall ~~thereupon be authorized, empowered and~~
908 ~~directed to~~ proceed with such construction and ~~to~~ use the ~~said~~
909 funds for such purpose in the same manner that it is ~~now~~
910 authorized to use the funds ~~otherwise provided by law~~ for the
911 ~~its use in~~ construction of roads and bridges.

912 Section 14. Section 348.759, Florida Statutes, is amended
913 to read:

914 348.759 Acquisition of lands and property.-

915 (1) For the purposes of this part, the Central Florida
916 ~~Orlando-Orange County~~ Expressway Authority may acquire private
917 or public property and property rights, including rights of
918 access, air, view, and light, by gift, devise, purchase, or
919 condemnation by eminent domain proceedings, as the authority
920 deems ~~may deem~~ necessary for any of the purposes of this part,
921 including, but not limited to, any lands reasonably necessary
922 for securing applicable permits, areas necessary for management
923 of access, borrow pits, drainage ditches, water retention areas,
924 rest areas, replacement access for landowners whose access is
925 impaired due to the construction of a facility, and replacement
926 rights-of-way for relocated rail and utility facilities; for
927 existing, proposed, or anticipated transportation facilities on
928 the Central Florida ~~Orlando-Orange County~~ Expressway System or

10-00045A-14

2014230__

929 in a transportation corridor designated by the authority; or for
930 the purposes of screening, relocation, removal, or disposal of
931 junkyards and scrap metal processing facilities. The authority
932 ~~may shall also have the power to~~ condemn any material and
933 property necessary for such purposes.

934 (2) The ~~right of eminent domain herein conferred shall be~~
935 ~~exercised by the authority~~ shall exercise the right of eminent
936 domain in the manner provided by law.

937 (3) When the authority acquires property for a
938 transportation facility or in a transportation corridor, it is
939 not subject to any liability imposed by chapter 376 or chapter
940 403 for preexisting soil or groundwater contamination due solely
941 to its ownership. This section does not affect the rights or
942 liabilities of any past or future owners of the acquired
943 property and ~~nor~~ does not ~~it~~ affect the liability of any
944 governmental entity for the results of its actions which create
945 or exacerbate a pollution source. The authority and the
946 Department of Environmental Protection may enter into
947 interagency agreements for the performance, funding, and
948 reimbursement of the investigative and remedial acts necessary
949 for property acquired by the authority.

950 Section 15. Section 348.760, Florida Statutes, is amended
951 to read:

952 348.760 Cooperation with other units, boards, agencies, and
953 individuals. ~~A Express authority and power is hereby given and~~
954 ~~granted any~~ county, municipality, drainage district, road and
955 bridge district, school district or any other political
956 subdivision, board, commission, or individual in, or of, the
957 state may ~~to~~ make and enter into with the authority, contracts,

10-00045A-14

2014230__

958 leases, conveyances, partnerships, or other agreements pursuant
 959 to ~~within the provisions and purposes of~~ this part. The
 960 authority may ~~is hereby expressly authorized to~~ make and enter
 961 into contracts, leases, conveyances, partnerships, and other
 962 agreements with any political subdivision, agency, or
 963 instrumentality of the state and any ~~and all~~ federal agencies,
 964 corporations, and individuals, for the purpose of carrying out
 965 the provisions of this part ~~or with the consent of the Seminole~~
 966 ~~County Expressway Authority, for the purpose of carrying out and~~
 967 ~~implementing part VIII of this chapter.~~

968 Section 16. Section 348.761, Florida Statutes, is amended
 969 to read:

970 348.761 Covenant of the state.—The state pledges ~~does~~
 971 ~~hereby pledge~~ to, and agrees, with any person, firm or
 972 corporation, or federal or state agency subscribing to, or
 973 acquiring the bonds to be issued by the authority for the
 974 purposes of this part that the state will not limit or alter the
 975 rights that are ~~hereby~~ vested in the authority and the
 976 department until all issued bonds and interest ~~at any time~~
 977 ~~issued, together with the interest thereon,~~ are fully paid and
 978 discharged insofar as the pledge ~~same~~ affects the rights of the
 979 holders of bonds issued pursuant to this part ~~hereunder~~. The
 980 state does further pledge to, and agree, with the United States
 981 that in the event any federal agency constructs or contributes
 982 ~~shall construct or contribute~~ any funds for the completion,
 983 extension, or improvement of the Central Florida Orlando-Orange
 984 ~~County~~ Expressway System, or any part or portion of the system
 985 ~~thereof~~, the state will not alter or limit the rights and powers
 986 of the authority and the department in any manner that ~~which~~

10-00045A-14

2014230__

987 would be inconsistent with the continued maintenance and
 988 operation of the Central Florida ~~Orlando-Orange County~~
 989 Expressway System or the completion, extension, or improvement
 990 of the system thereof, or that ~~which~~ would be inconsistent with
 991 the due performance of any agreements between the authority and
 992 any such federal agency, and the authority and the department
 993 shall continue to have and may exercise all powers ~~herein~~
 994 granted in this part, so long as the powers are ~~same shall be~~
 995 necessary or desirable for the carrying out of the purposes of
 996 this part and the purposes of the United States in the
 997 completion, extension, or improvement of the Central Florida
 998 ~~Orlando-Orange County~~ Expressway System, or any part of the
 999 system ~~or portion thereof~~.

1000 Section 17. Section 348.765, Florida Statutes, is amended
 1001 to read:

1002 348.765 This part complete and additional authority.-

1003 (1) The powers conferred by this part are ~~shall be~~ in
 1004 addition and supplemental to the existing powers of the said
 1005 board and the department, and this part may ~~shall~~ not be
 1006 construed as repealing any of the provisions, of any other law,
 1007 general, special, or local, but to supersede such other laws in
 1008 the exercise of the powers provided in this part, and to provide
 1009 a complete method for the exercise of the powers granted in this
 1010 part. The extension and improvement of the Central Florida ~~said~~
 1011 ~~Orlando-Orange County~~ Expressway System, and the issuance of
 1012 bonds pursuant to this part hereunder to finance all or part of
 1013 the cost of the system thereof, may be accomplished upon
 1014 compliance with the provisions of this part without regard to or
 1015 necessity for compliance with the provisions, limitations, or

10-00045A-14

2014230__

1016 restrictions contained in any other general, special, or local
1017 law, including, but not limited to, s. 215.821, and no approval
1018 of any bonds issued under this part by the qualified electors or
1019 qualified electors who are freeholders in the state or in the
1020 ~~said~~ County of Orange, or in the ~~said~~ City of Orlando, or in any
1021 other political subdivision of the state, is ~~shall be~~ required
1022 for the issuance of such bonds pursuant to this part.

1023 (2) This part does ~~shall not be deemed to~~ repeal, rescind,
1024 or modify any other law ~~or laws~~ relating to the ~~said~~ State Board
1025 of Administration, the ~~said~~ Department of Transportation, or the
1026 Division of Bond Finance of the State Board of Administration,
1027 but supersedes any ~~shall be deemed to and shall supersede such~~
1028 ~~other law that is or laws as~~ are inconsistent with the
1029 provisions of this part, including, but not limited to, s.
1030 215.821.

1031 Section 18. Subsections (6) and (7) of section 369.317,
1032 Florida Statutes, are amended to read:

1033 369.317 Wekiva Parkway.—

1034 (6) The Central Florida ~~Orlando-Orange County~~ Expressway
1035 Authority is hereby granted the authority to act as a third-
1036 party acquisition agent, pursuant to s. 259.041 on behalf of the
1037 Board of Trustees or chapter 373 on behalf of the governing
1038 board of the St. Johns River Water Management District, for the
1039 acquisition of all necessary lands, property and all interests
1040 in property identified herein, including fee simple or less-
1041 than-fee simple interests. The lands subject to this authority
1042 are identified in paragraph 10.a., State of Florida, Office of
1043 the Governor, Executive Order 03-112 of July 1, 2003, and in
1044 Recommendation 16 of the Wekiva Basin Area Task Force created by

10-00045A-14

2014230__

1045 Executive Order 2002-259, such lands otherwise known as
1046 Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and
1047 Lake Counties within Sections 27, 28, 33, and 34 of Township 19
1048 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20
1049 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre
1050 parcel located in Lake County within Section 37, Township 19
1051 South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in
1052 Lake County within Sections 23, 25, 26, 35, and 36, Township 19
1053 South, Range 28 East; Pine Plantation, a 617+/-acre tract
1054 consisting of eight individual parcels within the Apopka City
1055 limits. The Department of Transportation, the Department of
1056 Environmental Protection, the St. Johns River Water Management
1057 District, and other land acquisition entities shall participate
1058 and cooperate in providing information and support to the third-
1059 party acquisition agent. The land acquisition process authorized
1060 by this paragraph shall begin no later than December 31, 2004.
1061 Acquisition of the properties identified as Neighborhood Lakes,
1062 Pine Plantation, and New Garden Coal, or approval as a
1063 mitigation bank shall be concluded no later than December 31,
1064 2010. Department of Transportation and Central Florida ~~Orlando-~~
1065 ~~Orange County~~ Expressway Authority funds expended to purchase an
1066 interest in those lands identified in this subsection shall be
1067 eligible as environmental mitigation for road construction
1068 related impacts in the Wekiva Study Area. If any of the lands
1069 identified in this subsection are used as environmental
1070 mitigation for road-construction-related impacts incurred by the
1071 Department of Transportation or Central Florida ~~Orlando-Orange~~
1072 ~~County~~ Expressway Authority, or for other impacts incurred by
1073 other entities, within the Wekiva Study Area or within the

10-00045A-14

2014230__

1074 Wekiva parkway alignment corridor, and if the mitigation offsets
1075 these impacts, the St. Johns River Water Management District and
1076 the Department of Environmental Protection shall consider the
1077 activity regulated under part IV of chapter 373 to meet the
1078 cumulative impact requirements of s. 373.414(8) (a).

1079 (a) Acquisition of the land described in this section is
1080 required to provide right-of-way for the Wekiva Parkway, a
1081 limited access roadway linking State Road 429 to Interstate 4,
1082 an essential component in meeting regional transportation needs
1083 to provide regional connectivity, improve safety, accommodate
1084 projected population and economic growth, and satisfy critical
1085 transportation requirements caused by increased traffic volume
1086 growth and travel demands.

1087 (b) Acquisition of the lands described in this section is
1088 also required to protect the surface water and groundwater
1089 resources of Lake, Orange, and Seminole counties, otherwise
1090 known as the Wekiva Study Area, including recharge within the
1091 springshed that provides for the Wekiva River system. Protection
1092 of this area is crucial to the long term viability of the Wekiva
1093 River and springs and the central Florida region's water supply.
1094 Acquisition of the lands described in this section is also
1095 necessary to alleviate pressure from growth and development
1096 affecting the surface and groundwater resources within the
1097 recharge area.

1098 (c) Lands acquired pursuant to this section that are needed
1099 for transportation facilities for the Wekiva Parkway shall be
1100 determined not necessary for conservation purposes pursuant to
1101 ss. 253.034(6) and 373.089(5) and shall be transferred to or
1102 retained by the Central Florida ~~Orlando-Orange County~~ Expressway

10-00045A-14

2014230__

1103 Authority or the Department of Transportation upon reimbursement
1104 of the full purchase price and acquisition costs.

1105 (7) The Department of Transportation, the Department of
1106 Environmental Protection, the St. Johns River Water Management
1107 District, Central Florida ~~Orlando-Orange County~~ Expressway
1108 Authority, and other land acquisition entities shall cooperate
1109 and establish funding responsibilities and partnerships by
1110 agreement to the extent funds are available to the various
1111 entities. Properties acquired with Florida Forever funds shall
1112 be in accordance with s. 259.041 or chapter 373. The Central
1113 Florida ~~Orlando-Orange County~~ Expressway Authority shall acquire
1114 land in accordance with this section of law to the extent funds
1115 are available from the various funding partners, but shall not
1116 be required nor assumed to fund the land acquisition beyond the
1117 agreement and funding provided by the various land acquisition
1118 entities.

1119 Section 19. Subsection (1) of section 369.324, Florida
1120 Statutes, is amended to read:

1121 369.324 Wekiva River Basin Commission.—

1122 (1) The Wekiva River Basin Commission is created to monitor
1123 and ensure the implementation of the recommendations of the
1124 Wekiva River Basin Coordinating Committee for the Wekiva Study
1125 Area. The East Central Florida Regional Planning Council shall
1126 provide staff support to the commission with funding assistance
1127 from the Department of Economic Opportunity. The commission
1128 shall be comprised of a total of 18 ~~19~~ members appointed by the
1129 Governor, 9 of whom shall be voting members and 9 ~~10~~ shall be ad
1130 hoc nonvoting members. The voting members shall include:

1131 (a) One member of each of the Boards of County

10-00045A-14

2014230__

1132 Commissioners for Lake, Orange, and Seminole Counties.

1133 (b) One municipal elected official to serve as a
 1134 representative of the municipalities located within the Wekiva
 1135 Study Area of Lake County.

1136 (c) One municipal elected official to serve as a
 1137 representative of the municipalities located within the Wekiva
 1138 Study Area of Orange County.

1139 (d) One municipal elected official to serve as a
 1140 representative of the municipalities located within the Wekiva
 1141 Study Area of Seminole County.

1142 (e) One citizen representing an environmental or
 1143 conservation organization, one citizen representing a local
 1144 property owner, a land developer, or an agricultural entity, and
 1145 one at-large citizen who shall serve as chair of the council.

1146 (f) The ad hoc nonvoting members shall include one
 1147 representative from each of the following entities:

- 1148 1. St. Johns River Management District.
- 1149 2. Department of Economic Opportunity.
- 1150 3. Department of Environmental Protection.
- 1151 4. Department of Health.
- 1152 5. Department of Agriculture and Consumer Services.
- 1153 6. Fish and Wildlife Conservation Commission.
- 1154 7. Department of Transportation.
- 1155 8. MetroPlan Orlando.
- 1156 9. Central Florida ~~Orlando-Orange County~~ Expressway
 1157 Authority.
- 1158 10. ~~Seminole County Expressway Authority.~~

1159 Section 20. (1) Effective upon the completion of
 1160 construction of the Poinciana Parkway, a limited access facility

10-00045A-14

2014230__

1161 of approximately 9 miles in length in Osceola County with its
1162 northwestern terminus at the intersection of County Road 54 and
1163 US 17/US 92 and its southeastern terminus at the current
1164 intersection of Rhododendron and Cypress Parkway, described in
1165 the Osceola County Expressway Authority May 8, 2012, Master
1166 Plan, all powers, governance, and control of the Osceola County
1167 Expressway System, created pursuant to part V, chapter 348,
1168 Florida Statutes, is transferred to the Central Florida
1169 Expressway Authority, and the assets, liabilities, facilities,
1170 tangible and intangible property and any rights in the property,
1171 and any other legal rights of the Osceola County Expressway
1172 Authority are transferred to the Central Florida Expressway
1173 Authority. The effective date of such transfer shall be extended
1174 until completion of construction of such portions of the
1175 Southport Connector Expressway, the Northeast Connector
1176 Expressway, such portions of the Poinciana Parkway to connect to
1177 State Road 429, and the Osceola Parkway Extension, as each is
1178 described in the Osceola County Expressway Authority May 8,
1179 2012, Master Plan, which are included in any design contract
1180 executed by the Osceola County Expressway Authority before July
1181 1, 2020. Part V of chapter 348, Florida Statutes, consisting of
1182 ss. 348.9950-348.9961, is repealed on the same date that the
1183 Osceola County Expressway System is transferred to the Central
1184 Florida Expressway Authority.

1185 (2) The Central Florida Expressway Authority shall also
1186 reimburse any and all obligations of any other governmental
1187 entities with respect to the Osceola County Expressway System,
1188 including any obligations of Osceola County with respect to
1189 operations and maintenance of the Osceola County Expressway

10-00045A-14

2014230__

1190 System and any loan repayment obligations, including repayment
1191 obligations with respect to State Infrastructure Bank loans.
1192 Such reimbursement shall be made from revenues available for
1193 such purpose after payment of all amounts required:
1194 (a) Otherwise by law;
1195 (b) By the terms of any resolution authorizing the issuance
1196 of bonds by the authority, the Orlando-Orange County Expressway
1197 Authority, or the Osceola County Expressway Authority;
1198 (c) By the terms of any resolution under which bonds are
1199 issued by Osceola County for the purpose of constructing
1200 improvements to the Osceola County Expressway System; and
1201 (d) By the terms of the memorandum of understanding between
1202 the Orlando-Orange County Expressway Authority and the
1203 department as ratified by the board of the Orlando-Orange County
1204 Expressway Authority on February 22, 2012.

1205 Section 21. This act shall take effect July 1, 2015.