

1 A bill to be entitled

2 An act relating to the Orlando-Orange County
3 Expressway Authority; amending s. 348.751, F.S.;
4 revising a short title; amending s. 348.752, F.S.;
5 revising and providing definitions; amending s.
6 348.753, F.S.; creating the Central Florida Expressway
7 Authority; providing for the Central Florida
8 Expressway Authority to assume the governance and
9 control of the Orlando-Orange County Expressway
10 Authority System; providing for transfer of governance
11 and control, legal rights and powers,
12 responsibilities, terms, and obligations; providing
13 conditions for the transfer; providing for membership
14 and organization of the governing body of the Central
15 Florida Expressway Authority; providing quorum and
16 voting requirements; providing for agents and
17 employees; amending s. 348.754, F.S.; providing that
18 the area served by the authority is within the
19 geographical boundaries of Orange, Seminole, Lake, and
20 Osceola Counties; requiring the authority to have
21 prior consent from the secretary of the Department of
22 Transportation to construct an extension, addition, or
23 improvement to the expressway system in Lake County;
24 extending the term of lease-purchase agreements;
25 limiting the authority's authority to enter into a
26 lease-purchase agreement; limiting the use of certain

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

53 Authority; requiring the Central Florida Expressway
 54 Authority to reimburse other governmental entities for
 55 obligations related to the Osceola County Expressway
 56 System; providing an effective date.

57

58 Be It Enacted by the Legislature of the State of Florida:

59

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

62 348.751 Short title.—This part ~~shall be known and~~ may be
 63 cited as the "Central Florida ~~Orlando-Orange County~~ Expressway
 64 Authority Law."

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

67 348.752 Definitions.—As used in this chapter, the term ~~The~~
 68 ~~following terms, whenever used or referred to in this law, shall~~
 69 ~~have the following meanings, except in those instances where the~~
 70 ~~context clearly indicates otherwise:~~

71 (1) ~~The term~~ "Agency of the state" means ~~and includes~~ the
 72 state and any department of, or corporation, agency, or
 73 instrumentality ~~heretofore or hereafter~~ created, designated, or
 74 established by, the state.

75 (2) ~~The term~~ "Authority" means the Central Florida
 76 Expressway Authority ~~body politic and corporate, and agency of~~
 77 ~~the state created by this part.~~

78 (3) ~~The term~~ "Bonds" means ~~and includes~~ the notes, bonds,

79 refunding bonds, or other evidences of indebtedness or
 80 obligations, in either temporary or definitive form, that ~~which~~
 81 the authority may ~~is authorized to~~ issue pursuant to this part.

82 (4) "Central Florida Expressway Authority" means the body
 83 politic and corporate and agency of the state created by this
 84 chapter.

85 (5) "Central Florida Expressway System" means any
 86 expressway and appurtenant facilities within the jurisdiction of
 87 the authority, including all approaches, roads, bridges, and
 88 avenues for the expressway and any rapid transit transportation
 89 system, tram, or fixed-guideway system located within the right-
 90 of-way of an expressway.

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

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

93 ~~(6) The term "Department" means the Department of~~
 94 ~~Transportation existing under chapters 334-339.~~

95 ~~(7) The term "Expressway" has the same meaning ~~is the same~~~~
 96 ~~as limited access expressway.~~

97 ~~(8) The term "Federal agency" means ~~and includes~~ the~~
 98 ~~United States, the President of the United States, and any~~
 99 ~~department of, or corporation, agency, or instrumentality~~
 100 ~~heretofore or hereafter created, designated, or established by,~~
 101 ~~the United States.~~

102 ~~(9) The term "Lease-purchase agreement" means the lease-~~
 103 ~~purchase agreements that ~~which~~ the authority may ~~is authorized~~~~
 104 ~~pursuant to this part to enter into with the Department of~~

105 Transportation pursuant to this part.

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

116 (11) ~~The term~~ "members" means ~~the governing body of the~~
117 ~~authority,~~ and the term "Member" means an individual who serves
118 on the ~~one of the individuals constituting such~~ governing body
119 of the authority.

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

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

131 ~~expressways.~~

132 ~~(13) (14) The term "State Board of Administration" means~~
 133 ~~the body corporate existing under the provisions of s. 4, Art.~~
 134 ~~IV of the State Constitution, or any successor thereto.~~

135 (14) "Transportation facilities" means and includes the
 136 mobile and fixed assets, and the associated real or personal
 137 property or rights, used in the transportation of persons or
 138 property by any means of conveyance and all appurtenances, such
 139 as, but not limited to, highways; limited or controlled access
 140 lanes, avenues of access, and facilities; vehicles; fixed
 141 guideway facilities, including maintenance facilities; and
 142 administrative and other office space for the exercise by the
 143 authority of the powers and obligations granted in this part.

144 ~~(15) Words importing singular number include the plural~~
 145 ~~number in each case and vice versa, and words importing persons~~
 146 ~~include firms and corporations.~~

147 Section 3. Section 348.753, Florida Statutes, is amended
 148 to read:

149 348.753 Central Florida Orlando-Orange County Expressway
 150 Authority.—

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

155 (2) (a) Effective July 1, 2015, the Central Florida
 156 Expressway Authority shall assume the governance and control of

157 the Orlando-Orange County Expressway Authority System, including
158 its assets, personnel, contracts, obligations, liabilities,
159 facilities, and tangible and intangible property. Any rights in
160 such property and other legal rights of the authority are
161 transferred to the Central Florida Expressway Authority. The
162 Central Florida Expressway Authority shall succeed to and assume
163 the powers, responsibilities, and obligations of the Orlando-
164 Orange County Expressway Authority on July 1, 2015.

165 (b) The transfer pursuant to this subsection is subject to
166 the terms and covenants provided for the protection of the
167 holders of the Orlando-Orange County Expressway Authority bonds
168 in the lease-purchase agreement and the resolutions adopted in
169 connection with the issuance of the bonds. Further, the transfer
170 does not impair the terms of the contract between the Orlando-
171 Orange County Expressway Authority and the bondholders, does not
172 act to the detriment of the bondholders, and does not diminish
173 the security for the bonds. After the transfer, the Central
174 Florida Expressway Authority shall operate and maintain the
175 expressway system and any other facilities of the Orlando-Orange
176 County Expressway Authority in accordance with the terms,
177 conditions, and covenants contained in the bond resolutions and
178 lease-purchase agreement securing the bonds of the authority.
179 The Central Florida Expressway Authority shall collect toll
180 revenues and apply them to the payment of debt service as
181 provided in the bond resolution securing the bonds and shall
182 expressly assume all obligations relating to the bonds to ensure

183 that the transfer will have no adverse impact on the security
184 for the bonds. The transfer does not make the obligation to pay
185 the principal and interest on the bonds a general liability of
186 the Central Florida Expressway Authority or pledge additional
187 expressway system revenues to payment of the bonds. Revenues
188 that are generated by the expressway system and other facilities
189 of the Central Florida Expressway Authority which were pledged
190 by the Orlando-Orange County Expressway Authority to payment of
191 the bonds will remain subject to the pledge for the benefit of
192 the bondholders. The transfer does not modify or eliminate any
193 prior obligation of the department to pay certain costs of the
194 expressway system from sources other than revenues of the
195 expressway system.

196 (3)(2) The governing body of the authority shall consist
197 of 11 ~~five~~ members. The chairs of the boards of the county
198 commissions of Seminole, Lake, and Osceola Counties shall each
199 appoint one member, who may be a commission member or chair. The
200 Governor shall appoint six citizen members. Of the Governor's
201 appointments, two ~~Three~~ members must ~~shall~~ be citizens of Orange
202 County, one member each must be a citizen of Seminole, Lake, and
203 Osceola Counties, and one member may be a citizen of any of the
204 identified counties ~~who shall be appointed by the Governor.~~ The
205 10th ~~fourth~~ member must ~~shall~~ be, ~~ex officio,~~ the Mayor of ~~chair~~
206 ~~of the County Commissioners of Orange County.~~ The 11th member
207 must be the Mayor of the City of Orlando. The executive director
208 of Florida Turnpike Enterprise shall serve as a nonvoting

209 advisor to the governing body of the authority, ~~and the fifth~~
 210 ~~member shall be, ex officio, the district secretary of the~~
 211 ~~Department of Transportation serving in the district that~~
 212 ~~contains Orange County. The term of~~ Each appointed member
 213 appointed by the Governor shall serve ~~be~~ for 4 years. Each
 214 county-appointed member shall serve for 2 years. Standing board
 215 members shall complete their terms. Each appointed member shall
 216 hold office until his or her successor has been appointed and
 217 has qualified. A vacancy occurring during a term must ~~shall~~ be
 218 filled only for the balance of the unexpired term. Each
 219 appointed member of the authority must ~~shall~~ be a person of
 220 outstanding reputation for integrity, responsibility, and
 221 business ability, but, except as provided in this subsection, a
 222 ~~no~~ person who is an officer or employee of a municipality or any
 223 ~~city or of Orange county~~ may not in any other capacity shall be
 224 an appointed member of the authority. Any member of the
 225 authority is ~~shall be~~ eligible for reappointment.

226 (4)(3)(a) The authority shall elect one of its members as
 227 chair of the authority. The authority shall also elect one of
 228 its members as vice chair, one of its members as a secretary,
 229 and one of its members as a treasurer ~~who may or may not be~~
 230 ~~members of the authority.~~ The chair, vice chair, secretary, and
 231 treasurer shall hold such offices at the will of the authority.
 232 Six ~~Three~~ members of the authority shall constitute a quorum,
 233 and the vote of six ~~three~~ members is ~~shall be~~ necessary for any
 234 action taken by the authority. A ~~No~~ vacancy in the authority

235 does not ~~shall~~ impair the right of a quorum of the authority to
236 exercise all of the rights and perform all of the duties of the
237 authority.

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

241 (c) Members of the authority may be removed from office by
242 the Governor for misconduct, malfeasance, misfeasance, or
243 nonfeasance in office.

244 (d) Members of the authority may receive from the
245 authority travel and other necessary expenses incurred in
246 connection with the business of the authority as provided in s.
247 112.061 but may not draw salaries or other compensation.

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

261 ~~authority. Members of the authority may be removed from their~~
 262 ~~office by the Governor for misconduct, malfeasance, misfeasance,~~
 263 ~~or nonfeasance in office.~~

264 ~~(b) Members of the authority shall be entitled to receive~~
 265 ~~from the authority their travel and other necessary expenses~~
 266 ~~incurred in connection with the business of the authority as~~
 267 ~~provided in s. 112.061, but they shall draw no salaries or other~~
 268 ~~compensation.~~

269 Section 4. Section 348.754, Florida Statutes, is amended
 270 to read:

271 348.754 Purposes and powers.—

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

281 ~~(b) It is the express intention of this part that said~~
 282 ~~authority,~~ In the construction of the Central Florida said
 283 Orlando-Orange County Expressway System, the authority may shall
 284 ~~be authorized to~~ construct any extensions, additions, or
 285 improvements to the said system or appurtenant facilities,
 286 including all necessary approaches, roads, bridges, and avenues

287 of access, rapid transit, trams, fixed guideways, thoroughfares,
288 and boulevards with any ~~such~~ changes, modifications, or
289 revisions of the said project which are ~~as shall be~~ deemed
290 desirable and proper.

291 (c) Notwithstanding any other provision of this section,
292 to ensure the continued financial feasibility of the portion of
293 the Wekiva Parkway to be constructed by the department, the
294 authority may not, without the prior consent of the secretary of
295 the department, construct any extensions, additions, or
296 improvements to the expressway system in Lake County.

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

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

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

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

313 (d) To enter into and make leases for terms not exceeding
314 99 years, as ~~either~~ lessee or lessor, in order to carry out the
315 right to lease as specified ~~set forth~~ in this part.

316 (e) To enter into and make lease-purchase agreements with
317 the department for terms not exceeding 99 ~~40~~ years, or until any
318 bonds secured by a pledge of rentals pursuant to the agreement
319 ~~thereunder~~, and any refundings pursuant to the agreement
320 ~~thereof~~, are fully paid as to both principal and interest,
321 whichever is longer. The authority is a party to a lease-
322 purchase agreement between the department and the authority
323 dated December 23, 1985, as supplemented by a first supplement
324 to the lease-purchase agreement dated November 25, 1986, and a
325 second supplement to the lease-purchase agreement dated October
326 27, 1988. The authority may not enter into other lease-purchase
327 agreements with the department and may not amend the existing
328 agreement in a manner that expands or increases the department's
329 obligations unless the department determines that the agreement
330 or amendment is necessary to permit the refunding of bonds
331 issued before July 1, 2013.

332 (f) To fix, alter, charge, establish, and collect rates,
333 fees, rentals, and other charges for the services and facilities
334 of the Central Florida ~~Orlando-Orange County~~ Expressway System,
335 which must ~~rates, fees, rentals and other charges~~ shall always
336 be sufficient to comply with any covenants made with the holders
337 of any bonds issued pursuant to this part; ~~provided~~, however,
338 ~~that~~ such right and power may be assigned or delegated, by the

339 authority, to the department. Toll revenues attributable to an
340 increase in the toll rates charged on or after July 1, 2015, for
341 the use of a facility or portion of a facility may not be used
342 to construct or expand a different facility unless a two-thirds
343 majority of the members of the authority votes to approve such
344 use. This requirement does not apply if and to the extent that:

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

349 2. Application of the requirement would cause the
350 authority to be unable to meet its obligations under the terms
351 of the memorandum of understanding between the authority and the
352 department as ratified by the Orlando-Orange County Expressway
353 Authority board on February 22, 2012.

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

362 (g) To borrow money; to, make and issue negotiable notes,
363 bonds, refunding bonds, and other evidences of indebtedness or
364 obligations, either in temporary or definitive form, ~~hereinafter~~

365 ~~in this chapter sometimes called "bonds" of the authority,~~ for
 366 the purpose of financing all or part of the improvement or
 367 extension of the Central Florida ~~Orlando-Orange County~~
 368 Expressway System, and appurtenant facilities, including all
 369 approaches, streets, roads, bridges, and avenues of access for
 370 the Central Florida ~~said Orlando-Orange County~~ Expressway System
 371 and for any other purpose authorized by this part; ~~said bonds~~
 372 ~~to mature in not exceeding 40 years from the date of the~~
 373 ~~issuance thereof,~~ and to secure the payment of such bonds or any
 374 part thereof by a pledge of any or all of its revenues, rates,
 375 fees, rentals, or other charges, including all or any portion of
 376 the Orange County gasoline tax funds received by the authority
 377 pursuant to ~~the terms of~~ any lease-purchase agreement between
 378 the authority and the department; and in general to provide for
 379 the security of the ~~said~~ bonds and the rights and remedies of
 380 the holders thereof. ~~Provided,~~ However, ~~that~~ no portion of the
 381 Orange County gasoline tax funds may ~~shall~~ be pledged for the
 382 construction of any project for which a toll is to be charged
 383 unless the anticipated toll is ~~tolls are~~ reasonably estimated by
 384 the board of county commissioners, at the date of its resolution
 385 pledging the ~~said~~ funds, to be sufficient to cover the principal
 386 and interest of such obligations during the period when the ~~said~~
 387 pledge of funds is ~~shall be~~ in effect. The bonds issued under
 388 this paragraph must mature not more than 40 years after their
 389 issue dates.

390 1. The authority shall reimburse Orange County for any

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

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

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

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

416 (j) ~~To have~~ The power of eminent domain, including the

417 procedural powers granted under ~~both~~ chapters 73 and 74.

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

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

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

433 (n) With the consent of the county within whose
 434 jurisdiction the following activities occur, ~~the authority shall~~
 435 ~~have the right~~ to construct, operate, and maintain roads,
 436 bridges, avenues of access, transportation facilities,
 437 thoroughfares, and boulevards outside the jurisdictional
 438 boundaries of Orange, Seminole, Lake, and Osceola Counties
 439 County, and ~~together with the right~~ to construct, repair,
 440 replace, operate, install, and maintain electronic toll payment
 441 systems thereon, ~~with all necessary and incidental powers to~~
 442 ~~accomplish the foregoing.~~

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

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

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

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

467 ~~(6)-(a)~~ The authority may, within the right-of-way of the
 468 expressway system, finance or refinance the planning, design,

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

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

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

495 ~~other small business program as may be hereinafter enacted by~~
496 ~~the Orlando-Orange County Expressway Authority.~~

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

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

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

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

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

519 ~~(d) For any contract for which a payment and performance~~
520 ~~bond has been waived pursuant to the authority set forth in this~~

521 ~~section, the Orlando-Orange County Expressway Authority shall~~
522 ~~pay all persons defined in s. 713.01 who furnish labor,~~
523 ~~services, or materials for the prosecution of the work provided~~
524 ~~for in the contract to the same extent and upon the same~~
525 ~~conditions that a surety on the payment bond under s. 255.05~~
526 ~~would have been obligated to pay such persons if the payment and~~
527 ~~performance bond had not been waived. The authority shall record~~
528 ~~notice of this obligation in the manner and location that surety~~
529 ~~bonds are recorded. The notice shall include the information~~
530 ~~describing the contract that s. 255.05(1) requires be stated on~~
531 ~~the front page of the bond. Notwithstanding that s. 255.05(9)~~
532 ~~generally applies when a performance and payment bond is~~
533 ~~required, s. 255.05(9) shall apply under this subsection to any~~
534 ~~contract on which performance or payment bonds are waived and~~
535 ~~any claim to payment under this subsection shall be treated as a~~
536 ~~contract claim pursuant to s. 255.05(9).~~

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

545 ~~(f) The authority shall conduct bond eligibility training~~
546 ~~for businesses qualifying for bond waiver under this subsection~~

547 ~~to encourage and promote bond eligibility for such businesses.~~

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

552 Section 5. Section 348.7543, Florida Statutes, is amended
 553 to read:

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

566 Section 6. Section 348.7544, Florida Statutes, is amended
 567 to read:

568 348.7544 Northwest Beltway Part A, construction
 569 authorized; financing.—Notwithstanding s. 338.2275, the Central
 570 Florida Orlando-Orange County Expressway Authority may ~~is hereby~~
 571 ~~authorized to~~ construct, finance, operate, own, and maintain
 572 that portion of the Western Beltway known as the Northwest

573 Beltway Part A, extending from Florida's Turnpike near Ocoee
574 north to U.S. 441 near Apopka, as part of the authority's 20-
575 year capital projects plan. This project may be financed with
576 any funds available to the authority for such purpose or revenue
577 bonds issued by the Division of Bond Finance of the State Board
578 of Administration on behalf of the authority pursuant to s. 11,
579 Art. VII of the State Constitution and the State Bond Act, ss.
580 215.57-215.83.

581 Section 7. Section 348.7545, Florida Statutes, is amended
582 to read:

583 348.7545 Western Beltway Part C, construction authorized;
584 financing.—Notwithstanding s. 338.2275, the Central Florida
585 ~~Orlando-Orange County~~ Expressway Authority may ~~is authorized to~~
586 exercise its condemnation powers over, construct, finance,
587 operate, own, and maintain that portion of the Western Beltway
588 known as the Western Beltway Part C, extending from Florida's
589 Turnpike near Ocoee in Orange County southerly through Orange
590 and Osceola Counties to an interchange with I-4 near the
591 Osceola-Polk County line, as part of the authority's 20-year
592 capital projects plan. This project may be financed with any
593 funds available to the authority for such purpose or revenue
594 bonds issued by the Division of Bond Finance of the State Board
595 of Administration on behalf of the authority pursuant to s. 11,
596 Art. VII of the State Constitution and the State Bond Act, ss.
597 215.57-215.83. This project may be refinanced with bonds issued
598 by the authority pursuant to s. 348.755(1)(d).

599 Section 8. Section 348.7546, Florida Statutes, is amended
 600 to read:

601 348.7546 Wekiva Parkway, construction authorized;
 602 financing.—

603 (1) The Central Florida ~~Orlando-Orange County~~ Expressway
 604 Authority may ~~is authorized to~~ exercise its condemnation powers
 605 and ~~to~~ construct, finance, operate, own, and maintain those
 606 portions of the Wekiva Parkway which are identified by agreement
 607 between the authority and the department and which are included
 608 as part of the authority's long-range capital improvement plan.
 609 The "Wekiva Parkway" means any limited access highway or
 610 expressway constructed between State Road 429 and Interstate 4
 611 specifically incorporating the corridor alignment recommended by
 612 Recommendation 2 of the Wekiva River Basin Area Task Force final
 613 report dated January 15, 2003, and the recommendations of the SR
 614 429 Working Group which were adopted January 16, 2004. This
 615 project may be financed with any funds available to the
 616 authority for such purpose or revenue bonds issued by the
 617 authority under s. 11, Art. VII of the State Constitution and s.
 618 348.755(1)(b). This section does not invalidate the exercise by
 619 the authority of its condemnation powers or the acquisition of
 620 any property for the Wekiva Parkway before July 1, 2012.

621 (2) Notwithstanding any other provision of law ~~to the~~
 622 ~~contrary~~, in order to ensure that funds are available to the
 623 department for its portion of the Wekiva Parkway, beginning July
 624 1, 2012, the authority shall repay the expenditures by the

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

639 (3) The department's obligation to construct its portions
 640 of the Wekiva Parkway is contingent upon the timely payment by
 641 the authority of the annual payments required of the authority
 642 and receipt of all required environmental permits and approvals
 643 by the Federal Government.

644 Section 9. Section 348.7547, Florida Statutes, is amended
 645 to read:

646 348.7547 Maitland Boulevard Extension and Northwest
 647 Beltway Part A Realignment construction authorized; financing.—
 648 Notwithstanding s. 338.2275, the Central Florida ~~Orlando-Orange~~
 649 ~~County~~ Expressway Authority may ~~is hereby authorized to~~ exercise
 650 its condemnation powers over, construct, finance, operate, own,

651 and maintain the portion of State Road 414 known as the Maitland
 652 Boulevard Extension and the realigned portion of the Northwest
 653 Beltway Part A as part of the authority's long-range capital
 654 improvement plan. The Maitland Boulevard Extension extends ~~will~~
 655 ~~extend~~ from the current terminus of State Road 414 at U.S. 441
 656 west to State Road 429 in west Orange County. The realigned
 657 portion of the Northwest Beltway Part A runs ~~will run~~ from the
 658 point at or near where the Maitland Boulevard Extension connects
 659 ~~will connect~~ with State Road 429 and proceeds ~~will proceed~~ to
 660 the west and then north resulting in the northern terminus of
 661 State Road 429 moving farther west before reconnecting with U.S.
 662 441. However, under no circumstances may ~~shall~~ the realignment
 663 of the Northwest Beltway Part A conflict with or contradict ~~with~~
 664 the alignment of the Wekiva Parkway as defined in s. 348.7546.
 665 This project may be financed with any funds available to the
 666 authority for such purpose or revenue bonds issued by the
 667 authority under s. 11, Art. VII of the State Constitution and s.
 668 348.755(1) (b) .

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

671 348.755 Bonds of the authority.—

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

676 (a) The pledging of ~~all or~~ any part of the revenues,

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

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

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

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

695 (e) The setting aside of reserves or sinking funds or
 696 repair and replacement funds and the regulation and disposition
 697 thereof.

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

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

702 (h) Any other or additional agreements with the holders of

703 the bonds which the authority may deem desirable and proper.

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

705 this part or the State Board of Administration of Florida may, l

706 upon request of the authority, l act as fiscal agent for the

707 authority in the issuance of any bonds that ~~which~~ may be issued

708 pursuant to this part, and the State Board of Administration

709 may, l upon request of the authority, l take over the management,

710 control, administration, custody, l and payment of any ~~or all~~ debt

711 services or funds or assets now or hereafter available for any

712 bonds issued pursuant to this part. The authority may enter into

713 any deeds of trust, indentures or other agreements with its

714 fiscal agent, or with any bank or trust company within or

715 without the state, as security for such bonds, and may, under

716 such agreements, sign and pledge ~~all or~~ any of the revenues,

717 rates, fees, rentals or other charges or receipts of the

718 authority, including ~~all or~~ any portion of the Orange County

719 gasoline tax funds received by the authority pursuant to the

720 terms of any lease-purchase agreement between the authority and

721 the department, ~~thereunder~~. Such deed of trust, indenture, l or

722 other agreement may contain such provisions as are customary in

723 such instruments, ~~or~~, l as the authority may authorize, including, l

724 ~~but~~ without limitation, provisions as to:

725 (a) The completion, improvement, operation, extension,

726 maintenance, repair, l and lease of, or lease-purchase agreement

727 relating to, l the Central Florida ~~Orlando-Orange County~~

728 Expressway System, ~~and~~ the duties of the authority and others, l

729 including the department, with reference thereto.

730 (b) The application of funds and the safeguarding of funds
731 on hand or on deposit.

732 (c) The rights and remedies of the trustee and the holders
733 of the bonds.

734 (d) The terms and provisions of the bonds or the
735 resolutions authorizing the issuance of the bonds ~~same~~.

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

738 348.756 Remedies of the bondholders.-

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

755 receipts or revenues arising therefrom in the same manner as the
 756 authority or the department might do~~7~~ and shall deposit all such
 757 moneys in a separate account and apply the same in such manner
 758 as the court directs ~~shall direct~~. In any suit, action, or
 759 proceeding by the trustee, the fees, counsel fees, and expenses
 760 of the trustee~~7~~ and the ~~said~~ receiver, if any, and all costs and
 761 disbursements allowed by the court must ~~shall~~ be a first charge
 762 on any rates, fees, rentals, or other charges, revenues, or
 763 receipts~~7~~ derived from the Central Florida ~~Orlando-Orange County~~
 764 Expressway System~~7~~ or the facilities or services or any part of
 765 the system or facilities ~~or parts thereof~~, including payments
 766 under any such lease-purchase agreement, as aforesaid ~~which said~~
 767 rates, fees, rentals, or other charges, revenues, or receipts
 768 ~~shall or~~ may be applicable to the payment of the bonds that are
 769 ~~so~~ in default. The ~~Such~~ trustee has ~~shall~~, ~~in addition to the~~
 770 ~~foregoing, have and possess~~ all of the powers necessary or
 771 appropriate for the exercise of any functions specifically set
 772 forth in this section ~~herein~~ or incident to the representation
 773 of the bondholders in the enforcement and protection of their
 774 rights.

775 (4) ~~Nothing in This section or any other section of this~~
 776 part does not ~~shall~~ authorize any receiver appointed pursuant
 777 ~~hereto~~ for the purpose, subject to and in compliance with ~~the~~
 778 ~~provisions of~~ any lease-purchase agreement between the authority
 779 and the department, of operating and maintaining the Central
 780 Florida ~~Orlando-Orange County~~ Expressway System or any

781 facilities or part of the system or facilities ~~or parts thereof,~~
 782 to sell, assign, mortgage, or otherwise dispose of any of the
 783 assets of whatever kind and character belonging to the
 784 authority. ~~It is the intention of this part to limit~~ The powers
 785 of the ~~such~~ receiver, subject to and in compliance with ~~the~~
 786 ~~provisions of~~ any lease-purchase agreement between the authority
 787 and the department, are limited to the operation and maintenance
 788 of the Central Florida Orlando-Orange County Expressway System,
 789 or any facility, ~~or part of the system or facility or parts~~
 790 ~~thereof,~~ as the court may direct, in the name and for and on
 791 behalf of the authority, the department, and the bondholders. A
 792 receiver may not, and, in any suit, action, or proceeding at law
 793 or in equity, a bondholder or trustee may not compel nor may a
 794 court no holder of bonds on the authority nor any trustee, shall
 795 ~~ever have the right in any suit, action or proceeding at law or~~
 796 ~~in equity, to compel a receiver, nor shall any receiver be~~
 797 ~~authorized or any court be empowered to~~ direct the receiver to
 798 sell, assign, mortgage, or otherwise dispose of any assets ~~of~~
 799 ~~whatever kind or character~~ belonging to the authority.

800 Section 12. Subsections (1) through (7) of section
 801 348.757, Florida Statutes, are amended to read:

802 348.757 Lease-purchase agreement.—

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

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

820 (3) The ~~Such~~ lease-purchase agreement may include ~~such~~
821 other provisions, agreements, and covenants that ~~as~~ the
822 authority and the department deem advisable or required,
823 including, but not limited to, provisions as to the bonds to be
824 issued under, and for the purposes of, this part, the
825 completion, extension, improvement, operation, and maintenance
826 of the former Orlando-Orange County Expressway System and the
827 expenses and the cost of operation of the ~~said~~ authority, the
828 charging and collection of tolls, rates, fees, and other charges
829 for the use of the services and facilities of the system
830 ~~thereof~~, the application of federal or state grants or aid that
831 ~~which~~ may be made or given to assist the authority in the
832 completion, extension, improvement, operation, and maintenance

833 of the former Orlando-Orange County ~~Orlando~~ Expressway System,
 834 which the authority is ~~hereby~~ authorized to accept and apply to
 835 such purposes, the enforcement of payment and collection of
 836 rentals, and any other terms, provisions, or covenants
 837 necessary, incidental, or appurtenant to the making of and full
 838 performance under the ~~such~~ lease-purchase agreement.

839 (4) The department as lessee under the ~~such~~ lease-purchase
 840 agreement ~~may, is hereby authorized to pay as rentals~~ under the
 841 agreement thereunder any rates, fees, charges, funds, moneys,
 842 receipts, or income accruing to the department from the
 843 operation of the former Orlando-Orange County Expressway System
 844 and the Orange County gasoline tax funds and may also pay as
 845 rentals any appropriations received by the department pursuant
 846 to any act of the Legislature of the state heretofore or
 847 hereafter enacted; ~~provided, however, this part or the~~ that
 848 ~~nothing herein nor in such~~ lease-purchase agreement is not
 849 intended to and does not ~~nor shall this part or such lease-~~
 850 ~~purchase agreement~~ require the making or continuance of such
 851 appropriations, and nor shall any holder of bonds issued
 852 pursuant to this part does not ~~ever~~ have any right to compel the
 853 making or continuance of such appropriations.

854 (5) A ~~No~~ pledge of the ~~said~~ Orange County gasoline tax
 855 funds as rentals under a ~~such~~ lease-purchase agreement may not
 856 ~~shall~~ be made without the consent of Orange ~~the~~ County ~~of Orange~~
 857 evidenced by a resolution duly adopted by the board of county
 858 commissioners of Orange ~~said~~ County at a public hearing held

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859 pursuant to due notice thereof published at least once a week
860 for 3 consecutive weeks before the hearing in a newspaper of
861 general circulation in Orange County. The ~~said~~ resolution, among
862 other things, must ~~shall~~ provide that any excess of the ~~said~~
863 pledged gasoline tax funds which is not required for debt
864 service or reserves for the ~~such~~ debt service for any bonds
865 issued by the ~~said~~ authority shall be returned annually to the
866 department for distribution to Orange County as provided by law.
867 Before making any application for a ~~such~~ pledge of gasoline tax
868 funds, the authority shall present the plan of its proposed
869 project to the Orange County planning and zoning commission for
870 its comments and recommendations.

871 (6) The ~~Said~~ department may ~~shall have power to~~ covenant
872 in any lease-purchase agreement that it will pay all or any part
873 of the cost of the operation, maintenance, repair, renewal, and
874 replacement of the ~~said~~ system, and any part of the cost of
875 completing the ~~said~~ system to the extent that the proceeds of
876 bonds issued ~~therefor~~ are insufficient, from sources other than
877 the revenues derived from the operation of the ~~said~~ system and
878 the ~~said~~ Orange County gasoline tax funds. The ~~said~~ department
879 may also agree to make such other payments from any moneys
880 available to the ~~said~~ commission, the ~~said~~ county, or the ~~said~~
881 city in connection with the construction or completion of the
882 ~~said~~ system as shall be deemed by the ~~said~~ department to be fair
883 and proper under any ~~such~~ covenants ~~heretofore or hereafter~~
884 entered into.

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

897 Section 13. Section 348.758, Florida Statutes, is amended
 898 to read:

899 348.758 Appointment of department as ~~may be appointed~~
 900 agent of authority for construction.—The department may be
 901 appointed by the ~~said~~ authority as its agent for the purpose of
 902 constructing improvements and extensions to the Central Florida
 903 ~~Orlando-Orange County~~ Expressway System and for its ~~the~~
 904 completion ~~thereof~~. In such event, the authority shall provide
 905 the department with complete copies of all documents,
 906 agreements, resolutions, contracts, and instruments relating
 907 thereto; and shall request the department to do such
 908 construction work, including the planning, surveying, and actual
 909 construction of the completion, extensions, and improvements to
 910 the Central Florida ~~Orlando-Orange County~~ Expressway System; and

911 shall transfer to the credit of an account of the department in
 912 the State Treasury ~~of the state~~ the necessary funds. ~~therefor~~
 913 and The department may then ~~shall thereupon be authorized,~~
 914 ~~empowered and directed to~~ proceed with such construction and ~~to~~
 915 use the ~~said~~ funds for such purpose in the same manner that it
 916 is ~~now~~ authorized to use the funds ~~otherwise provided by law~~ for
 917 the ~~its use in~~ construction of roads and bridges.

918 Section 14. Section 348.759, Florida Statutes, is amended
 919 to read:

920 348.759 Acquisition of lands and property.—

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

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937 junkyards and scrap metal processing facilities. The authority
938 ~~may shall also have the power to~~ condemn any material and
939 property necessary for such purposes.

940 (2) The ~~right of eminent domain herein conferred shall be~~
941 ~~exercised by the~~ authority shall exercise the right of eminent
942 domain in the manner provided by law.

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

956 Section 15. Section 348.760, Florida Statutes, is amended
957 to read:

958 348.760 Cooperation with other units, boards, agencies,
959 and individuals. A ~~Express authority and power is hereby given~~
960 ~~and granted any~~ county, municipality, drainage district, road
961 and bridge district, school district or any other political
962 subdivision, board, commission, or individual in, or of, the

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

975 Section 16. Section 348.761, Florida Statutes, is amended
 976 to read:

977 348.761 Covenant of the state.—The state pledges ~~does~~
 978 ~~hereby pledge to,~~ and agrees, with any person, firm, or
 979 corporation, or federal or state agency subscribing to, or
 980 acquiring the bonds to be issued by the authority for the
 981 purposes of this part that the state will not limit or alter the
 982 rights that are ~~hereby~~ vested in the authority and the
 983 department until all issued bonds and interest ~~at any time~~
 984 ~~issued, together with the interest thereon,~~ are fully paid and
 985 discharged insofar as the pledge ~~same~~ affects the rights of the
 986 holders of bonds issued pursuant to this part ~~hereunder~~. The
 987 state does further pledge to, and agree, with the United States
 988 that in the event any federal agency constructs or contributes

989 ~~shall construct or contribute~~ any funds for the completion,
 990 extension, or improvement of the Central Florida ~~Orlando-Orange~~
 991 ~~County~~ Expressway System, or any part or portion of the system
 992 ~~thereof~~, the state will not alter or limit the rights and powers
 993 of the authority and the department in any manner that ~~which~~
 994 would be inconsistent with the continued maintenance and
 995 operation of the Central Florida ~~Orlando-Orange County~~
 996 Expressway System or the completion, extension, or improvement
 997 of the system ~~thereof~~, or that ~~which~~ would be inconsistent with
 998 the due performance of any agreements between the authority and
 999 any such federal agency, and the authority and the department
 1000 shall continue to have and may exercise all powers ~~herein~~
 1001 granted in this part, so long as the powers are ~~same shall be~~
 1002 necessary or desirable for the carrying out of the purposes of
 1003 this part and the purposes of the United States in the
 1004 completion, extension, or improvement of the Central Florida
 1005 ~~Orlando-Orange County~~ Expressway System, or any part of the
 1006 system ~~or portion thereof~~.

1007 Section 17. Section 348.765, Florida Statutes, is amended
 1008 to read:

1009 348.765 This part complete and additional authority.-

1010 (1) The powers conferred by this part are ~~shall be~~ in
 1011 addition and supplemental to the existing powers of the said
 1012 board and the department, and this part may ~~shall~~ not be
 1013 construed as repealing any of the provisions, of any other law,
 1014 general, special, or local, but to supersede such other laws in

1015 the exercise of the powers provided in this part~~,~~ and to provide
 1016 a complete method for the exercise of the powers granted in this
 1017 part. The extension and improvement of the Central Florida ~~said~~
 1018 ~~Orlando-Orange County~~ Expressway System, and the issuance of
 1019 bonds pursuant to this part hereunder to finance all or part of
 1020 the cost of the system thereof, may be accomplished upon
 1021 compliance with ~~the provisions of~~ this part without regard to or
 1022 necessity for compliance with the provisions, limitations, or
 1023 restrictions contained in any other general, special, or local
 1024 law, including, but not limited to, s. 215.821, and no approval
 1025 of any bonds issued under this part by the qualified electors or
 1026 qualified electors who are freeholders in the state or in Orange
 1027 ~~said County of Orange, the or in said~~ City of Orlando, or ~~in~~ any
 1028 other political subdivision of the state is, ~~shall be~~ required
 1029 for the issuance of such bonds pursuant to this part.

1030 (2) This part does ~~shall not be deemed to~~ repeal, rescind,
 1031 or modify any other law ~~or laws~~ relating to the ~~said~~ State Board
 1032 of Administration, the ~~said~~ Department of Transportation, or the
 1033 Division of Bond Finance of the State Board of Administration~~,~~
 1034 but supersedes any ~~shall be deemed to and shall supersede such~~
 1035 ~~other law that is or laws as~~ are inconsistent with the
 1036 ~~provisions of~~ this part, including, but not limited to, s.
 1037 215.821.

1038 Section 18. Subsections (6) and (7) of section 369.317,
 1039 Florida Statutes, are amended to read:

1040 369.317 Wekiva Parkway.—

1041 (6) The Central Florida ~~Orlando-Orange County~~ Expressway
 1042 Authority may ~~is hereby granted the authority to~~ act as a third-
 1043 party acquisition agent, pursuant to s. 259.041 on behalf of the
 1044 Board of Trustees or chapter 373 on behalf of the governing
 1045 board of the St. Johns River Water Management District, for the
 1046 acquisition of all necessary lands, property, and ~~all~~ interests
 1047 in property identified herein, including fee simple or less-
 1048 than-fee simple interests. The lands subject to this authority
 1049 are identified in paragraph 10.a., State of Florida, Office of
 1050 the Governor, Executive Order 03-112 of July 1, 2003, and in
 1051 Recommendation 16 of the Wekiva Basin Area Task Force created by
 1052 Executive Order 2002-259, such lands otherwise known as
 1053 Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and
 1054 Lake Counties within Sections 27, 28, 33, and 34 of Township 19
 1055 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20
 1056 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre
 1057 parcel located in Lake County within Section 37, Township 19
 1058 South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in
 1059 Lake County within Sections 23, 25, 26, 35, and 36, Township 19
 1060 South, Range 28 East; Pine Plantation, a 617+/-acre tract
 1061 consisting of eight individual parcels within the Apopka City
 1062 limits. The Department of Transportation, the Department of
 1063 Environmental Protection, the St. Johns River Water Management
 1064 District, and other land acquisition entities shall participate
 1065 and cooperate in providing information and support to the third-
 1066 party acquisition agent. The land acquisition process authorized

1067 by this subsection ~~paragraph~~ shall begin no later than December
 1068 31, 2004. Acquisition of the properties identified as
 1069 Neighborhood Lakes, Pine Plantation, and New Garden Coal, or
 1070 approval as a mitigation bank shall be concluded no later than
 1071 December 31, 2010. Department of Transportation and Central
 1072 Florida ~~Orlando-Orange County~~ Expressway Authority funds
 1073 expended to purchase an interest in those lands identified in
 1074 this subsection shall be eligible as environmental mitigation
 1075 for road-construction-related ~~road-construction-related~~ impacts
 1076 in the Wekiva Study Area. If any of the lands identified in this
 1077 subsection are used as environmental mitigation for road-
 1078 construction-related impacts incurred by the Department of
 1079 Transportation or the Central Florida ~~Orlando-Orange County~~
 1080 Expressway Authority, or for other impacts incurred by other
 1081 entities, within the Wekiva Study Area or within the Wekiva
 1082 parkway alignment corridor, and if the mitigation offsets these
 1083 impacts, the St. Johns River Water Management District and the
 1084 Department of Environmental Protection shall consider the
 1085 activity regulated under part IV of chapter 373 to meet the
 1086 cumulative impact requirements of s. 373.414(8)(a).

1087 (a) Acquisition of the land described in this section is
 1088 required to provide right-of-way for the Wekiva Parkway, a
 1089 limited access roadway linking State Road 429 to Interstate 4,
 1090 an essential component in meeting regional transportation needs
 1091 to provide regional connectivity, improve safety, accommodate
 1092 projected population and economic growth, and satisfy critical

1093 transportation requirements caused by increased traffic volume
 1094 growth and travel demands.

1095 (b) Acquisition of the lands described in this section is
 1096 also required to protect the surface water and groundwater
 1097 resources of Lake, Orange, and Seminole Counties, otherwise
 1098 known as the Wekiva Study Area, including recharge within the
 1099 springshed that provides for the Wekiva River system. Protection
 1100 of this area is crucial to the long-term ~~long-term~~ viability of
 1101 the Wekiva River and springs and the central Florida region's
 1102 water supply. Acquisition of the lands described in this section
 1103 is also necessary to alleviate pressure from growth and
 1104 development affecting the surface and groundwater resources
 1105 within the recharge area.

1106 (c) Lands acquired pursuant to this section that are
 1107 needed for transportation facilities for the Wekiva Parkway
 1108 shall be determined not necessary for conservation purposes
 1109 pursuant to ss. 253.034(6) and 373.089(5) and shall be
 1110 transferred to or retained by the Central Florida ~~Orlando-Orange~~
 1111 ~~County~~ Expressway Authority or the Department of Transportation
 1112 upon reimbursement of the full purchase price and acquisition
 1113 costs.

1114 (7) The Department of Transportation, the Department of
 1115 Environmental Protection, the St. Johns River Water Management
 1116 District, the Central Florida ~~Orlando-Orange County~~ Expressway
 1117 Authority, and other land acquisition entities shall cooperate
 1118 and establish funding responsibilities and partnerships by

1119 agreement to the extent funds are available to the various
 1120 entities. Properties acquired with Florida Forever funds shall
 1121 be in accordance with s. 259.041 or chapter 373. The Central
 1122 Florida Orlando-Orange County Expressway Authority shall acquire
 1123 land in accordance with this section ~~of law~~ to the extent funds
 1124 are available from the various funding partners, but shall not
 1125 be required or ~~not~~ assumed to fund the land acquisition beyond
 1126 the agreement and funding provided by the various land
 1127 acquisition entities.

1128 Section 19. Subsection (1) of section 369.324, Florida
 1129 Statutes, is amended to read:

1130 369.324 Wekiva River Basin Commission.—

1131 (1) The Wekiva River Basin Commission is created to
 1132 monitor and ensure the implementation of the recommendations of
 1133 the Wekiva River Basin Coordinating Committee for the Wekiva
 1134 Study Area. The East Central Florida Regional Planning Council
 1135 shall provide staff support to the commission with funding
 1136 assistance from the Department of Economic Opportunity. The
 1137 commission shall be comprised of a total of 18 ~~19~~ members
 1138 appointed by the Governor, 9 of whom shall be voting members and
 1139 9 of whom ~~10~~ shall be ad hoc nonvoting members.

1140 (a) The voting members shall include:

1141 1. ~~(a)~~ One member of each of the Boards of County
 1142 Commissioners for Lake, Orange, and Seminole Counties.

1143 2. ~~(b)~~ One municipal elected official to serve as a
 1144 representative of the municipalities located within the Wekiva

1145 Study Area of Lake County.

1146 3.~~(e)~~ One municipal elected official to serve as a
 1147 representative of the municipalities located within the Wekiva
 1148 Study Area of Orange County.

1149 4.~~(d)~~ One municipal elected official to serve as a
 1150 representative of the municipalities located within the Wekiva
 1151 Study Area of Seminole County.

1152 5.~~(e)~~ One citizen representing an environmental or
 1153 conservation organization, one citizen representing a local
 1154 property owner, a land developer, or an agricultural entity, and
 1155 one at-large citizen who shall serve as chair of the council.

1156 (b)~~(f)~~ The ad hoc nonvoting members shall include one
 1157 representative from each of the following entities:

- 1158 1. St. Johns River Management District.
- 1159 2. Department of Economic Opportunity.
- 1160 3. Department of Environmental Protection.
- 1161 4. Department of Health.
- 1162 5. Department of Agriculture and Consumer Services.
- 1163 6. Fish and Wildlife Conservation Commission.
- 1164 7. Department of Transportation.
- 1165 8. MetroPlan Orlando.
- 1166 9. Central Florida ~~Orlando-Orange County~~ Expressway
 1167 Authority.

1168 ~~10. Seminole County Expressway Authority.~~

1169 Section 20. (1) Effective upon the completion of
 1170 construction of the Poinciana Parkway, a limited access facility

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1171 of approximately 9 miles in length in Osceola County with its
1172 northwestern terminus at the intersection of County Road 54 and
1173 U.S. 17/U.S. 92 and its southeastern terminus at the current
1174 intersection of Rhododendron and Cypress Parkway, described in
1175 the Osceola County Expressway Authority May 8, 2012, Master
1176 Plan, all powers, governance, and control of the Osceola County
1177 Expressway System, created pursuant to part V of chapter 348,
1178 Florida Statutes, is transferred to the Central Florida
1179 Expressway Authority, and the assets, liabilities, facilities,
1180 tangible and intangible property and any rights in the property,
1181 and any other legal rights of the Osceola County Expressway
1182 Authority are transferred to the Central Florida Expressway
1183 Authority. The effective date of such transfer shall be extended
1184 until completion of construction of such portions of the
1185 Southport Connector Expressway, the Northeast Connector
1186 Expressway, such portions of the Poinciana Parkway to connect to
1187 State Road 429, and the Osceola Parkway Extension, as each is
1188 described in the Osceola County Expressway Authority May 8,
1189 2012, Master Plan, which are included in any design contract
1190 executed by the Osceola County Expressway Authority before July
1191 1, 2020. Part V of chapter 348, Florida Statutes, consisting of
1192 ss. 348.9950-348.9961, Florida Statutes, is repealed on the same
1193 date that the Osceola County Expressway System is transferred to
1194 the Central Florida Expressway Authority.

1195 (2) The Central Florida Expressway Authority shall
1196 reimburse any and all obligations of any other governmental

1197 entities with respect to the Osceola County Expressway System,
 1198 including any obligations of Osceola County with respect to
 1199 operations and maintenance of the Osceola County Expressway
 1200 System and any loan repayment obligations, including repayment
 1201 obligations with respect to state infrastructure bank loans.
 1202 Such reimbursement shall be made from revenues available for
 1203 such purpose after payment of all amounts required:

1204 (a) Otherwise by law;

1205 (b) By the terms of any resolution authorizing the
 1206 issuance of bonds by the authority, the Orlando-Orange County
 1207 Expressway Authority, or the Osceola County Expressway
 1208 Authority;

1209 (c) By the terms of any resolution under which bonds are
 1210 issued by Osceola County for the purpose of constructing
 1211 improvements to the Osceola County Expressway System; and

1212 (d) By the terms of the memorandum of understanding
 1213 between the Orlando-Orange County Expressway Authority and the
 1214 Department of Transportation as ratified by the board of the
 1215 Orlando-Orange County Expressway Authority on February 22, 2012.

1216 Section 21. This act shall take effect July 1, 2015.