

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 former system will be retained by
43 the 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 part, 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 part.

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 the 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 Orlando-Orange
 323 County Expressway Authority dated December 23, 1985, as
 324 supplemented by a first supplement to the lease-purchase
 325 agreement dated November 25, 1986, and a second supplement to
 326 the lease-purchase agreement dated October 27, 1988. The
 327 authority may not enter into other lease-purchase agreements
 328 with the department and may not amend the existing agreement in
 329 a manner that expands or increases the department's obligations
 330 unless the department determines that the agreement or amendment
 331 is necessary to permit the refunding of bonds issued before July
 332 1, 2013.

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

339 ~~that~~ such right and power may be assigned or delegated~~7~~ by the
340 authority~~7~~ to the department. Toll revenues attributable to an
341 increase in the toll rates charged on or after July 1, 2015, for
342 the use of a facility or portion of a facility may not be used
343 to construct or expand a different facility unless a two-thirds
344 majority of the members of the authority votes to approve such
345 use. This requirement does not apply if and to the extent that:

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

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

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

363 (g) To borrow money; ~~to~~ make and issue negotiable notes,
364 bonds, refunding bonds, and other evidences of indebtedness or

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

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

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

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

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

417 (j) ~~To have~~ The power of eminent domain, including the
 418 procedural powers granted under ~~both~~ chapters 73 and 74.

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

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

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

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

443 ~~accomplish the foregoing.~~

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

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

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

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

468 (6)-(a) The authority may, within the right-of-way of the

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

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

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

495 ~~County Expressway Authority's microcontracts program or such~~
496 ~~other small business program as may be hereinafter enacted by~~
497 ~~the Orlando-Orange County Expressway Authority.~~

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

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

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

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

513

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

520 ~~(d) For any contract for which a payment and performance~~

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

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

546 ~~(f) The authority shall conduct bond eligibility training~~

547 ~~for businesses qualifying for bond waiver under this subsection~~
548 ~~to encourage and promote bond eligibility for such businesses.~~

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

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

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

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

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

573 that portion of the Western Beltway known as the Northwest
 574 Beltway Part A, extending from Florida's Turnpike near Ocoee
 575 north to U.S. 441 near Apopka, as part of the authority's 20-
 576 year capital projects plan. This project may be financed with
 577 any funds available to the authority for such purpose or revenue
 578 bonds issued by the Division of Bond Finance of the State Board
 579 of Administration on behalf of the authority pursuant to s. 11,
 580 Art. VII of the State Constitution and the State Bond Act, ss.
 581 215.57-215.83.

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

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

599 by the authority pursuant to s. 348.755(1)(d).

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

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

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

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

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

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

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

647 348.7547 Maitland Boulevard Extension and Northwest
648 Beltway Part A Realignment construction authorized; financing.-
649 Notwithstanding s. 338.2275, the Central Florida ~~Orlando-Orange~~
650 ~~County~~ Expressway Authority may ~~is hereby authorized to~~ exercise

651 its condemnation powers over, construct, finance, operate, own,
 652 and maintain the portion of State Road 414 known as the Maitland
 653 Boulevard Extension and the realigned portion of the Northwest
 654 Beltway Part A as part of the authority's long-range capital
 655 improvement plan. The Maitland Boulevard Extension extends ~~will~~
 656 ~~extend~~ from the current terminus of State Road 414 at U.S. 441
 657 west to State Road 429 in west Orange County. The realigned
 658 portion of the Northwest Beltway Part A runs ~~will run~~ from the
 659 point at or near where the Maitland Boulevard Extension connects
 660 ~~will connect~~ with State Road 429 and proceeds ~~will proceed~~ to
 661 the west and then north resulting in the northern terminus of
 662 State Road 429 moving farther west before reconnecting with U.S.
 663 441. However, under no circumstances may ~~shall~~ the realignment
 664 of the Northwest Beltway Part A conflict with or contradict ~~with~~
 665 the alignment of the Wekiva Parkway as defined in s. 348.7546.
 666 This project may be financed with any funds available to the
 667 authority for such purpose or revenue bonds issued by the
 668 authority under s. 11, Art. VII of the State Constitution and s.
 669 348.755(1)(b).

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

672 348.755 Bonds of the authority.—

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

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

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

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

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

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

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

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

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

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

726 (a) The completion, improvement, operation, extension,
 727 maintenance, repair, and lease of, or lease-purchase agreement
 728 relating to, the Central Florida ~~Orlando-Orange County~~

729 Expressway System, and the duties of the authority and others,
 730 including the department, with reference thereto.

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

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

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

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

739 348.756 Remedies of the bondholders.—

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

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

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

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

801 Section 12. Subsections (1) through (7) of section
 802 348.757, Florida Statutes, are amended to read:

803 348.757 Lease-purchase agreement.—

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

807 covering the former Orlando-Orange County Expressway System.

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

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

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

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

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

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

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

885 entered into.

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

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

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

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

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

921 348.759 Acquisition of lands and property.-

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

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

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

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

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

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

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

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

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

989 that in the event any federal agency constructs or contributes
 990 ~~shall construct or contribute~~ any funds for the completion,
 991 extension, or improvement of the Central Florida ~~Orlando-Orange~~
 992 ~~County~~ Expressway System, or any part or portion of the system
 993 ~~thereof~~, the state will not alter or limit the rights and powers
 994 of the authority and the department in any manner that ~~which~~
 995 would be inconsistent with the continued maintenance and
 996 operation of the Central Florida ~~Orlando-Orange County~~
 997 Expressway System or the completion, extension, or improvement
 998 of the system ~~thereof~~, or that ~~which~~ would be inconsistent with
 999 the due performance of any agreements between the authority and
 1000 any such federal agency, and the authority and the department
 1001 shall continue to have and may exercise all powers ~~herein~~
 1002 granted in this part, so long as the powers are ~~same shall be~~
 1003 necessary or desirable for the carrying out of the purposes of
 1004 this part and the purposes of the United States in the
 1005 completion, extension, or improvement of the Central Florida
 1006 ~~Orlando-Orange County~~ Expressway System, or any part of the
 1007 system ~~or portion thereof~~.

1008 Section 17. Section 348.765, Florida Statutes, is amended
 1009 to read:

1010 348.765 This part complete and additional authority.—

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

1015 general, special, or local, but to supersede such other laws in
 1016 the exercise of the powers provided in this part, and to provide
 1017 a complete method for the exercise of the powers granted in this
 1018 part. The extension and improvement of the Central Florida ~~said~~
 1019 ~~Orlando-Orange County~~ Expressway System, and the issuance of
 1020 bonds pursuant to this part ~~hereunder~~ to finance all or part of
 1021 the cost of the system ~~thereof~~, may be accomplished upon
 1022 compliance with ~~the provisions of~~ this part without regard to or
 1023 necessity for compliance with the provisions, limitations, or
 1024 restrictions contained in any other general, special, or local
 1025 law, including, but not limited to, s. 215.821, and no approval
 1026 of any bonds issued under this part by the qualified electors or
 1027 qualified electors who are freeholders in the state or in Orange
 1028 ~~said County of Orange~~, the ~~or in said~~ City of Orlando, or ~~in~~ any
 1029 other political subdivision of the state is, ~~shall be~~ required
 1030 for the issuance of such bonds pursuant to this part.

1031 (2) This part does ~~shall~~ not be deemed to repeal, rescind,
 1032 or modify any other law ~~or laws~~ relating to the ~~said~~ State Board
 1033 of Administration, the ~~said~~ Department of Transportation, or the
 1034 Division of Bond Finance of the State Board of Administration,
 1035 but supersedes any ~~shall be deemed to and shall supersede such~~
 1036 ~~other law that is~~ ~~or laws as are~~ inconsistent with ~~the~~
 1037 ~~provisions of~~ this part, including, but not limited to, s.
 1038 215.821.

1039 Section 18. Subsections (6) and (7) of section 369.317,
 1040 Florida Statutes, are amended to read:

1041 369.317 Wekiva Parkway.—

1042 (6) The Central Florida ~~Orlando-Orange County~~ Expressway

1043 Authority may ~~is hereby granted the authority to~~ act as a third-

1044 party acquisition agent, pursuant to s. 259.041 on behalf of the

1045 Board of Trustees or chapter 373 on behalf of the governing

1046 board of the St. Johns River Water Management District, for the

1047 acquisition of all necessary lands, property, and ~~all~~ interests

1048 in property identified herein, including fee simple or less-

1049 than-fee simple interests. The lands subject to this authority

1050 are identified in paragraph 10.a., State of Florida, Office of

1051 the Governor, Executive Order 03-112 of July 1, 2003, and in

1052 Recommendation 16 of the Wekiva Basin Area Task Force created by

1053 Executive Order 2002-259, such lands otherwise known as

1054 Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and

1055 Lake Counties within Sections 27, 28, 33, and 34 of Township 19

1056 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20

1057 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre

1058 parcel located in Lake County within Section 37, Township 19

1059 South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in

1060 Lake County within Sections 23, 25, 26, 35, and 36, Township 19

1061 South, Range 28 East; Pine Plantation, a 617+/-acre tract

1062 consisting of eight individual parcels within the Apopka City

1063 limits. The Department of Transportation, the Department of

1064 Environmental Protection, the St. Johns River Water Management

1065 District, and other land acquisition entities shall participate

1066 and cooperate in providing information and support to the third-

1067 party acquisition agent. The land acquisition process authorized
 1068 by this subsection ~~paragraph~~ shall begin no later than December
 1069 31, 2004. Acquisition of the properties identified as
 1070 Neighborhood Lakes, Pine Plantation, and New Garden Coal, or
 1071 approval as a mitigation bank shall be concluded no later than
 1072 December 31, 2010. Department of Transportation and Central
 1073 Florida ~~Orlando-Orange County~~ Expressway Authority funds
 1074 expended to purchase an interest in those lands identified in
 1075 this subsection shall be eligible as environmental mitigation
 1076 for road-construction-related ~~road-construction-related~~ impacts
 1077 in the Wekiva Study Area. If any of the lands identified in this
 1078 subsection are used as environmental mitigation for road-
 1079 construction-related impacts incurred by the Department of
 1080 Transportation or the Central Florida ~~Orlando-Orange County~~
 1081 Expressway Authority, or for other impacts incurred by other
 1082 entities, within the Wekiva Study Area or within the Wekiva
 1083 parkway alignment corridor, and if the mitigation offsets these
 1084 impacts, the St. Johns River Water Management District and the
 1085 Department of Environmental Protection shall consider the
 1086 activity regulated under part IV of chapter 373 to meet the
 1087 cumulative impact requirements of s. 373.414(8)(a).

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

1093 projected population and economic growth, and satisfy critical
1094 transportation requirements caused by increased traffic volume
1095 growth and travel demands.

1096 (b) Acquisition of the lands described in this section is
1097 also required to protect the surface water and groundwater
1098 resources of Lake, Orange, and Seminole Counties, otherwise
1099 known as the Wekiva Study Area, including recharge within the
1100 springshed that provides for the Wekiva River system. Protection
1101 of this area is crucial to the long-term ~~long-term~~ viability of
1102 the Wekiva River and springs and the central Florida region's
1103 water supply. Acquisition of the lands described in this section
1104 is also necessary to alleviate pressure from growth and
1105 development affecting the surface and groundwater resources
1106 within the recharge area.

1107 (c) Lands acquired pursuant to this section that are
1108 needed for transportation facilities for the Wekiva Parkway
1109 shall be determined not necessary for conservation purposes
1110 pursuant to ss. 253.034(6) and 373.089(5) and shall be
1111 transferred to or retained by the Central Florida ~~Orlando-Orange~~
1112 ~~County~~ Expressway Authority or the Department of Transportation
1113 upon reimbursement of the full purchase price and acquisition
1114 costs.

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

1119 and establish funding responsibilities and partnerships by
 1120 agreement to the extent funds are available to the various
 1121 entities. Properties acquired with Florida Forever funds shall
 1122 be in accordance with s. 259.041 or chapter 373. The Central
 1123 Florida ~~Orlando-Orange County~~ Expressway Authority shall acquire
 1124 land in accordance with this section ~~of law~~ to the extent funds
 1125 are available from the various funding partners, but shall not
 1126 be required or ~~not~~ assumed to fund the land acquisition beyond
 1127 the agreement and funding provided by the various land
 1128 acquisition entities.

1129 Section 19. Subsection (1) of section 369.324, Florida
 1130 Statutes, is amended to read:

1131 369.324 Wekiva River Basin Commission.—

1132 (1) The Wekiva River Basin Commission is created to
 1133 monitor and ensure the implementation of the recommendations of
 1134 the Wekiva River Basin Coordinating Committee for the Wekiva
 1135 Study Area. The East Central Florida Regional Planning Council
 1136 shall provide staff support to the commission with funding
 1137 assistance from the Department of Economic Opportunity. The
 1138 commission shall be comprised of a total of 18 ~~19~~ members
 1139 appointed by the Governor, 9 of whom shall be voting members and
 1140 9 of whom ~~10~~ shall be ad hoc nonvoting members.

1141 (a) The voting members shall include:

1142 1. ~~(a)~~ One member of each of the Boards of County
 1143 Commissioners for Lake, Orange, and Seminole Counties.

1144 2. ~~(b)~~ One municipal elected official to serve as a

1145 representative of the municipalities located within the Wekiva
 1146 Study Area of Lake County.

1147 3.~~(e)~~ One municipal elected official to serve as a
 1148 representative of the municipalities located within the Wekiva
 1149 Study Area of Orange County.

1150 4.~~(d)~~ One municipal elected official to serve as a
 1151 representative of the municipalities located within the Wekiva
 1152 Study Area of Seminole County.

1153 5.~~(e)~~ One citizen representing an environmental or
 1154 conservation organization, one citizen representing a local
 1155 property owner, a land developer, or an agricultural entity, and
 1156 one at-large citizen who shall serve as chair of the council.

1157 (b)~~(f)~~ The ad hoc nonvoting members shall include one
 1158 representative from each of the following entities:

- 1159 1. St. Johns River Management District.
- 1160 2. Department of Economic Opportunity.
- 1161 3. Department of Environmental Protection.
- 1162 4. Department of Health.
- 1163 5. Department of Agriculture and Consumer Services.
- 1164 6. Fish and Wildlife Conservation Commission.
- 1165 7. Department of Transportation.
- 1166 8. MetroPlan Orlando.
- 1167 9. Central Florida ~~Orlando-Orange County~~ Expressway
 1168 Authority.
- 1169 ~~10. Seminole County Expressway Authority.~~

1170 Section 20. (1) Effective upon the completion of

CS/HB 311

2014

1171 construction of the Poinciana Parkway, a limited access facility
1172 of approximately 9 miles in length in Osceola County with its
1173 northwestern terminus at the intersection of County Road 54 and
1174 U.S. 17/U.S. 92 and its southeastern terminus at the current
1175 intersection of Rhododendron and Cypress Parkway, described in
1176 the Osceola County Expressway Authority May 8, 2012, Master
1177 Plan, all powers, governance, and control of the Osceola County
1178 Expressway System, created pursuant to part V of chapter 348,
1179 Florida Statutes, is transferred to the Central Florida
1180 Expressway Authority, and the assets, liabilities, facilities,
1181 tangible and intangible property and any rights in the property,
1182 and any other legal rights of the Osceola County Expressway
1183 Authority are transferred to the Central Florida Expressway
1184 Authority. The effective date of such transfer shall be extended
1185 until completion of construction of such portions of the
1186 Southport Connector Expressway, the Northeast Connector
1187 Expressway, such portions of the Poinciana Parkway to connect to
1188 State Road 429, and the Osceola Parkway Extension, as each is
1189 described in the Osceola County Expressway Authority May 8,
1190 2012, Master Plan, which are included in any design contract
1191 executed by the Osceola County Expressway Authority before July
1192 1, 2020. Part V of chapter 348, Florida Statutes, consisting of
1193 ss. 348.9950-348.9961, Florida Statutes, is repealed on the same
1194 date that the Osceola County Expressway System is transferred to
1195 the Central Florida Expressway Authority.

1196 (2) The Central Florida Expressway Authority shall

1197 reimburse any and all obligations of any other governmental
 1198 entities with respect to the Osceola County Expressway System,
 1199 including any obligations of Osceola County with respect to
 1200 operations and maintenance of the Osceola County Expressway
 1201 System and any loan repayment obligations, including repayment
 1202 obligations with respect to state infrastructure bank loans.
 1203 Such reimbursement shall be made from revenues available for
 1204 such purpose after payment of all amounts required:

1205 (a) Otherwise by law;

1206 (b) By the terms of any resolution authorizing the
 1207 issuance of bonds by the authority, the Orlando-Orange County
 1208 Expressway Authority, or the Osceola County Expressway
 1209 Authority;

1210 (c) By the terms of any resolution under which bonds are
 1211 issued by Osceola County for the purpose of constructing
 1212 improvements to the Osceola County Expressway System; and

1213 (d) By the terms of the memorandum of understanding
 1214 between the Orlando-Orange County Expressway Authority and the
 1215 Department of Transportation as ratified by the board of the
 1216 Orlando-Orange County Expressway Authority on February 22, 2012.

1217 Section 21. This act shall take effect July 1, 2015.