

THE FLORIDA SENATE
2014 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/SB 230 — Orlando-Orange County Expressway Authority

by Appropriations Committee; Transportation Committee; and Senator Simmons

The bill re-names the Orlando-Orange County Expressway Authority (OOCEA) as the Central Florida Expressway Authority (CFX) and expands the area served by the CFX to include the counties of Seminole, Lake, and Osceola Counties in addition to Orange County. The bill provides for the immediate transfer of governance and control, legal rights and powers, responsibilities, terms and obligations of the OOCEA System to the CFX and, in addition:

- Provides Legislative intent that the CFX be the successor party to the OOCEA under certain land acquisition contracts.
- Provides for the composition of the nine-member governing body of the CFX as follows:
- The chairs of the county commissions of Seminole, Lake, and Osceola Counties each appoint one member, who may be a commission member or chair.
- The Mayor of Orange County appoints a member from the Orange County Commission.
- The Governor appoints three members, each of whom must be a citizen of either Orange County, Seminole County, Lake County, or Osceola County.
- The Mayor of Orange County and the Mayor of the City of Orlando serve as the eighth and ninth members.
- The FDOT's executive director of the Turnpike Enterprise serves as a nonvoting advisor.
- Provides for the appointment of the CFX officers and the expiration of terms of the standing OOCEA board members, and revises quorum and voting requirements applicable to the CFX.
- Provides ethics and financial disclosure requirements for members and the executive director of the CFX, as well as ethics requirements for the CFX employees and consultants.
- Extends the term of authorized lease-purchase agreements from 40 to 99 years and prohibits the CFX from entering into other lease-purchase agreements with the Florida Department of Transportation (FDOT) or amending an existing agreement in a manner that expands the FDOT's obligations unless the FDOT determines it necessary to permit the refunding of bonds issued before July 1, 2013.
- Prohibits use of toll revenues attributable to an increase in toll rates after the effective date of the act for use of a portion of the system to construct or expand a different portion of the system unless a two-thirds majority of the members approve such use.
- Removes the existing OOCEA requirement that the route of a project be approved by a municipality before the right-of-way can be acquired.
- Requires that the CFX encourage the inclusion of local-, small-, minority-, and women-owned businesses in its procurement and contracting opportunities.
- Removes the existing OOCEA authority to waive payment and performance bonds for certain public works projects awarded pursuant to an economic development program.
- Provides that upon termination of the lease-purchase agreement title in fee simple absolute to the former OOCEA system will be transferred to the state.

- Provides for the transfer of the Osceola County Expressway System to the CFX and provides for the repeal of part V of ch. 348, F.S., on the same date the Osceola County Expressway System is transferred to the CFX.

With respect to the Osceola County Expressway Authority (OCX), the bill:

- Upon the act becoming law, limits the OCX's exercise of its powers to studying, planning, designing, financing, constructing, operating, and maintaining projects identified in the May 8, 2012, Master Plan, and an additional extension of the Osceola Parkway Extension two miles to the east of its intersection with the Northeast Connector Expressway.
- Transfers governance and control of the OCX system to the CFX on 12/31/2018.
- Upon the transfer, provides the OCX system facilities are each "non-system projects" of the CFX, meaning revenues of the CFX system may not be pledged to such projects.
- Provides for extension of the transfer until the date on which the current and forecasted total debt service coverage ratio is equal to or greater than 1.5 for each year during which obligations are scheduled to be outstanding.
- Provides that if the transfer is extended, after 12/31/2018, the OCX may only exercise its powers through a contract with another governmental entity and only for the purpose of operating and maintaining those projects that were completed before that date, and completing construction of those projects for which financing was obtained and construction began before 12/31/2018.
- Provides that after the transfer of the OCX system to the CFX, the CFX shall include the uncompleted elements of the OCX Master Plan, and the additional extension of the Osceola Parkway Extension in the equivalent CFX master or long-range plan, each as a non-system project (so that only revenues from the non-system project may be pledged, and not the revenues of the CFX system).
- Requires the FDOT to include elements of the OCX Master Plan and the additional extension of the Osceola Parkway Extension in its work program as tolled facilities.
- Expands the CFX's obligation to reimburse governmental entities to include reimbursement of Polk County, in addition to Osceola County.
- Authorizes, but does not require, the CFX to make any payment from other revenues of the CFX available after payment of the specified (and unchanged) obligations.
- Provides that revenues generated by the OCX system Master Plan facilities after payment of all O&M and administrative expenses, payment of debt service, and payment of all amounts required by any trust agreement or indenture may be used:
- On a pro rate basis to repay Osceola County or any other loans and to repay the CFX for amounts contributed to such projects, and
- To advance any other uncompleted elements of the OCX Master Plan and the additional extension of the Osceola Parkway Extension.
- Provides that if the CFX votes to financially support any element of the OCX Master Plan or the addition extension of the Parkway Extension, the CFX is authorized to enter into new or amended lease-purchase agreements with Osceola County for the leasing, construction, operation, and maintenance of any facility described in the OCX Master Plan and the additional Parkway Extension.

- Directs the FDOT to cooperate with the OCX, the CFX, and Osceola County to identify solutions to potential barriers to implementation of the projects in the Master Plan and the additional extension of the Parkway Extension, including funding sources and revenues that may be available.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 115-0