

By the Committee on Appropriations; and Senators Simmons and Gardiner

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

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30 be acquired; requiring that the authority encourage
31 the inclusion of local-, small-, minority-, 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;
37 conforming terminology and making technical changes;
38 amending ss. 348.7543, 348.7544, 348.7545, 348.7546,
39 348.7547, 348.755, and 348.756, F.S.; conforming
40 terminology and making technical changes; amending s.
41 348.757, F.S.; providing that upon termination of the
42 lease-purchase agreement of the former Orlando-Orange
43 County Expressway System, title in fee simple to the
44 system will be retained by the authority; conforming
45 terminology and making technical changes; amending ss.
46 348.758, 348.759, 348.760, 348.761, 348.765, and
47 369.317, F.S.; conforming terminology and making
48 technical changes; amending s. 369.324, F.S.; revising
49 the membership of the Wekiva River Basin Commission;
50 conforming terminology; providing criteria for the
51 transfer of the Osceola County Expressway System to
52 the Central Florida Expressway Authority; providing
53 for the repeal of part V of ch. 348, F.S., when the
54 Osceola County Expressway System is transferred to the
55 Central Florida Expressway Authority; requiring the
56 Central Florida Expressway Authority to reimburse
57 other governmental entities for obligations related to
58 the Osceola County Expressway System; providing for

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59 reimbursement after payment of other obligations;
60 providing an effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Section 348.751, Florida Statutes, is amended to
65 read:

66 348.751 Short title.—This part ~~shall be known and~~ may be
67 cited as the "Central Florida ~~Orlando-Orange County~~ Expressway
68 Authority Law."

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

71 348.752 Definitions.—As used in this chapter ~~The following~~
72 ~~terms, whenever used or referred to in this law, shall have the~~
73 ~~following meanings, except in those instances where the context~~
74 ~~clearly indicates otherwise:~~

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

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

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

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

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

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

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

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

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

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

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

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

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117 customary forms of street and highway traffic.

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

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

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

134 ~~(13)~~(14) The term "State Board of Administration" means the
135 body corporate existing under the provisions of s. 9, Art. XII
136 of the State Constitution, or any successor ~~thereto.~~

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

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146 in this part.

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

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

152 348.753 Central Florida ~~Orlando-Orange County~~ Expressway
153 Authority.-

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

158 (2) (a) Effective July 1, 2014, the Central Florida
159 Expressway Authority shall assume the governance and control of
160 the Orlando-Orange County Expressway Authority System, including
161 its assets, personnel, contracts, obligations, liabilities,
162 facilities, and tangible and intangible property. Any rights in
163 such property, and other legal rights of the authority, are
164 transferred to the Central Florida Expressway Authority. The
165 powers, responsibilities, and obligations of the Orlando-Orange
166 County Expressway Authority shall succeed to and be assumed by
167 the Central Florida Expressway Authority on July 1, 2014.

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

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

199 (3)~~(2)~~ The governing body of the authority shall consist of
200 11 ~~five~~ members. The chairs of the boards of the county
201 commissions of Seminole, Lake, and Osceola Counties shall each
202 appoint one member, who may be a commission member or chair. The
203 Governor shall appoint six citizen members. Of the Governor's

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

229 (4) ~~(3)~~ (a) The authority shall elect one of its members as
230 chair of the authority. The authority shall also elect one of
231 its members as vice chair, one of its members as a secretary,
232 and one of its members as a treasurer ~~who may or may not be~~

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

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

244 (5) ~~(4)~~ (a) The authority may employ an executive secretary,
245 an executive director, its own counsel and legal staff,
246 technical experts, and the ~~such~~ engineers, ~~and such~~ employees
247 that, permanent or temporary, as it requires. The authority ~~may~~
248 ~~require and~~ may determine the qualifications and fix the
249 compensation of such persons, firms, or corporations, and may
250 employ a fiscal agent or agents; ~~provided, however, that~~ the
251 authority shall solicit sealed proposals from at least three
252 persons, firms, or corporations for the performance of any
253 services as fiscal agents. The authority may delegate to one or
254 more of its agents or employees the ~~such of its~~ power ~~as~~ it
255 deems ~~shall deem~~ necessary to carry out the purposes of this
256 part, ~~subject always to the supervision and control of the~~
257 ~~authority.~~ Members of the authority may be removed from ~~their~~
258 office by the Governor for misconduct, malfeasance, misfeasance,
259 or nonfeasance in office.

260 (b) Members of the authority are ~~shall be~~ entitled to
261 receive from the authority their travel and other necessary

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262 expenses incurred in connection with the business of the
263 authority as provided in s. 112.061, but may not ~~they shall~~ draw
264 ~~ne~~ salaries or other compensation.

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

267 348.754 Purposes and powers.—

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

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

287 (c) Notwithstanding any other provision of this section to
288 the contrary, to ensure the continued financial feasibility of
289 the portion of the Wekiva Parkway to be constructed by the
290 department, the authority may not, without the prior consent of

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291 the secretary of the department, construct any extensions,
292 additions, or improvements to the expressway system in Lake
293 County.

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

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

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

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

310 (d) To enter into and make leases for terms not exceeding
311 99 ~~40~~ years, as ~~either~~ lessee or lessor, in order to carry out
312 the right to lease as specified ~~set forth~~ in this part.

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

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320 dated December 23, 1985, as supplemented by a first supplement
321 to the lease-purchase agreement dated November 25, 1986, and a
322 second supplement to the lease-purchase agreement dated October
323 27, 1988. The authority may not enter into other lease-purchase
324 agreements with the department and may not amend the existing
325 agreement in a manner that expands or increases the department's
326 obligations unless the department determines that the agreement
327 or amendment is necessary to permit the refunding of bonds
328 issued before July 1, 2012.

329 (f) To fix, alter, charge, establish, and collect rates,
330 fees, rentals, and other charges for the services and facilities
331 of the Central Florida Orlando-Orange County Expressway System,
332 which must rates, fees, rentals and other charges shall always
333 be sufficient to comply with any covenants made with the holders
334 of any bonds issued pursuant to this part; provided, however,
335 that such right and power may be assigned or delegated, by the
336 authority, to the department. Toll revenues attributable to an
337 increase in the toll rates charged on or after July 1, 2014, for
338 the use of a facility or portion of a facility may not be used
339 to construct or expand a different facility unless a two-thirds
340 majority of the members of the authority votes to approve such
341 use. This requirement does not apply if, and to the extent that:

342 1. Application of the requirement would violate any
343 covenant established in a resolution or trust indenture under
344 which bonds were issued by the Orlando-Orange County Expressway
345 Authority on or before July 1, 2014; or

346 2. Application of the requirement would cause the authority
347 to be unable to meet its obligations under the terms of the
348 memorandum of understanding between the authority and the

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349 department as ratified by the Orlando-Orange County Expressway
 350 Authority board on February 22, 2012.

351
 352 Notwithstanding s. 338.165, and except as otherwise prohibited
 353 by this part, to the extent revenues of the expressway system
 354 exceed amounts required to comply with any covenants made with
 355 the holders of bonds issued pursuant to this part, revenues may
 356 be used for purposes enumerated in subsection (6), provided the
 357 expenditures are consistent with the metropolitan planning
 358 organization's adopted long-range plan.

359 (g) To borrow money, make and issue negotiable notes,
 360 bonds, refunding bonds, and other evidences of indebtedness or
 361 obligations, either in temporary or definitive form, ~~hereinafter~~
 362 ~~in this chapter sometimes called "bonds" of the authority,~~ for
 363 the purpose of financing all or part of the improvement or
 364 extension of the Central Florida Orlando-Orange County
 365 Expressway System, and appurtenant facilities, including all
 366 approaches, streets, roads, bridges, and avenues of access for
 367 the Central Florida said Orlando-Orange County Expressway System
 368 and for any other purpose authorized by this part, said bonds to
 369 mature in not exceeding 40 years from the date of the issuance
 370 thereof, and to secure the payment of such bonds or any part
 371 thereof by a pledge of any or all of its revenues, rates, fees,
 372 rentals, or other charges, including all or any portion of the
 373 Orange County gasoline tax funds received by the authority
 374 pursuant to ~~the terms of~~ any lease-purchase agreement between
 375 the authority and the department; and in general to provide for
 376 the security of the said bonds and the rights and remedies of
 377 the holders thereof. ~~Provided, However, that~~ no portion of the

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378 Orange County gasoline tax funds may ~~shall~~ be pledged for the
379 construction of any project for which a toll is to be charged
380 unless the anticipated toll is ~~tolls are~~ reasonably estimated by
381 the board of county commissioners, at the date of its resolution
382 pledging the said funds, to be sufficient to cover the principal
383 and interest of such obligations during the period when the said
384 pledge of funds is ~~shall be~~ in effect. The bonds issued under
385 this paragraph must mature not more than 40 years after their
386 issue date.

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

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

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

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

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

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

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

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

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

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436 County, together with the right to construct, repair, replace,
437 operate, install, and maintain electronic toll payment systems
438 thereon, ~~with all necessary and incidental powers to accomplish~~
439 ~~the foregoing.~~

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

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

456 ~~(4)(5)~~ The authority has ~~shall have~~ no power other than by
457 consent of an affected Orange county or any affected city, to
458 enter into any agreement which would legally prohibit the
459 construction of a any road by the respective county or city
460 ~~Orange County or by any city within Orange County.~~

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

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

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

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

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

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

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

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

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

509
510 ~~The decision of the authority's executive director or deputy~~
511 ~~executive director to waive the payment and performance bond~~
512 ~~shall be based upon his or her investigation and conclusion that~~
513 ~~there exists sufficient competition so that the authority~~
514 ~~receives a fair price and does not undertake any unusual risk~~
515 ~~with respect to such project.~~

516 ~~(d) For any contract for which a payment and performance~~
517 ~~bond has been waived pursuant to the authority set forth in this~~
518 ~~section, the Orlando Orange County Expressway Authority shall~~
519 ~~pay all persons defined in s. 713.01 who furnish labor,~~
520 ~~services, or materials for the prosecution of the work provided~~
521 ~~for in the contract to the same extent and upon the same~~
522 ~~conditions that a surety on the payment bond under s. 255.05~~

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

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

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

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

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

551 348.7543 Improvements, bond financing authority for.-

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

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

565 348.7544 Northwest Beltway Part A, construction authorized;
566 financing.—Notwithstanding s. 338.2275, the Central Florida
567 Orlando-Orange County Expressway Authority may ~~is hereby~~
568 ~~authorized to~~ construct, finance, operate, own, and maintain
569 that portion of the Western Beltway known as the Northwest
570 Beltway Part A, extending from Florida's Turnpike near Ocoee
571 north to U.S. 441 near Apopka, as part of the authority's 20-
572 year capital projects plan. This project may be financed with
573 any funds available to the authority for such purpose or revenue
574 bonds issued by the Division of Bond Finance of the State Board
575 of Administration on behalf of the authority pursuant to s. 11,
576 Art. VII of the State Constitution and the State Bond Act, ss.
577 215.57-215.83.

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

580 348.7545 Western Beltway Part C, construction authorized;

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

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

598 348.7546 Wekiva Parkway, construction authorized;
599 financing.—

600 (1) The Central Florida ~~Orlando-Orange County~~ Expressway
601 Authority may ~~is authorized to~~ exercise its condemnation powers
602 and ~~to~~ construct, finance, operate, own, and maintain those
603 portions of the Wekiva Parkway which are identified by agreement
604 between the authority and the department and which are included
605 as part of the authority's long-range capital improvement plan.
606 The "Wekiva Parkway" means any limited access highway or
607 expressway constructed between State Road 429 and Interstate 4
608 specifically incorporating the corridor alignment recommended by
609 Recommendation 2 of the Wekiva River Basin Area Task Force final

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

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

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

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639 and receipt of all required environmental permits and approvals
640 by the Federal Government.

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

643 348.7547 Maitland Boulevard Extension and Northwest Beltway
644 Part A Realignment construction authorized; financing.—
645 Notwithstanding s. 338.2275, the Central Florida Orlando-Orange
646 County Expressway Authority may ~~is hereby authorized to~~ exercise
647 its condemnation powers, construct, finance, operate, own, and
648 maintain the portion of State Road 414 known as the Maitland
649 Boulevard Extension and the realigned portion of the Northwest
650 Beltway Part A as part of the authority's long-range capital
651 improvement plan. The Maitland Boulevard Extension extends ~~will~~
652 ~~extend~~ from the current terminus of State Road 414 at U.S. 441
653 west to State Road 429 in west Orange County. The realigned
654 portion of the Northwest Beltway Part A runs ~~will run~~ from the
655 point at or near where the Maitland Boulevard Extension connects
656 ~~will connect~~ with State Road 429 and proceeds ~~will proceed~~ to
657 the west and then north resulting in the northern terminus of
658 State Road 429 moving farther west before reconnecting with U.S.
659 441. However, under no circumstances may ~~shall~~ the realignment
660 of the Northwest Beltway Part A conflict with or contradict ~~with~~
661 the alignment of the Wekiva Parkway as defined in s. 348.7546.
662 This project may be financed with any funds available to the
663 authority for such purpose or revenue bonds issued by the
664 authority under s. 11, Art. VII of the State Constitution and s.
665 348.755(1)(b).

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

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668 348.755 Bonds of the authority.—

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

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

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

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

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

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

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

695 (g) The terms and provisions of any lease-purchase
 696 agreement, deed of trust or indenture securing the bonds, or

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697 under which the same may be issued.

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

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

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

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

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

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

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

734 348.756 Remedies of the bondholders.-

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

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

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

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

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

795 348.757 Lease-purchase agreement.-

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

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

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

832 (4) The department as lessee under the ~~such~~ lease-purchase
833 agreement, may ~~is hereby authorized to~~ pay as rentals under the
834 agreement ~~thereunder~~ any rates, fees, charges, funds, moneys,
835 receipts, or income accruing to the department from the
836 operation of the former Orlando-Orange County Expressway System
837 and the Orange County gasoline tax funds and may also pay as
838 rentals any appropriations received by the department pursuant
839 to any act of the Legislature of the state heretofore or
840 hereafter enacted; ~~provided,~~ however, this part or the ~~that~~
841 ~~nothing herein nor in such~~ lease-purchase agreement is not

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842 intended to and does not ~~nor shall this part or such lease-~~
843 ~~purchase agreement~~ require the making or continuance of such
844 appropriations, and ~~nor shall~~ any holder of bonds issued
845 pursuant to this part does not ~~ever~~ have any right to compel the
846 making or continuance of such appropriations.

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

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

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

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

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

892 348.758 Appointment of department as ~~may be appointed~~ agent
893 of authority for construction.—The department may be appointed
894 by the ~~said~~ authority as its agent for the purpose of
895 constructing improvements and extensions to the Central Florida
896 ~~Orlando-Orange County~~ Expressway System and for its ~~the~~
897 completion ~~thereof~~. In such event, the authority shall provide
898 the department with complete copies of all documents,
899 agreements, resolutions, contracts, and instruments relating

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

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

913 348.759 Acquisition of lands and property.-

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

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

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

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

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

951 348.760 Cooperation with other units, boards, agencies, and
952 individuals. ~~A Express authority and power is hereby given and~~
953 ~~granted any~~ county, municipality, drainage district, road and
954 bridge district, school district or any other political
955 subdivision, board, commission, or individual in, or of, the
956 state may ~~to~~ make and enter into with the authority, contracts,
957 leases, conveyances, partnerships, or other agreements pursuant

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

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

969 348.761 Covenant of the state.—The state pledges ~~does~~
970 ~~hereby pledge~~ to, and agrees, with any person, firm or
971 corporation, or federal or state agency subscribing to, or
972 acquiring the bonds to be issued by the authority for the
973 purposes of this part that the state will not limit or alter the
974 rights that are hereby vested in the authority and the
975 department until all issued bonds and interest ~~at any time~~
976 ~~issued, together with the interest thereon,~~ are fully paid and
977 discharged insofar as the pledge ~~same~~ affects the rights of the
978 holders of bonds issued pursuant to this part ~~hereunder~~. The
979 state does further pledge to, and agree, with the United States
980 that in the event any federal agency constructs or contributes
981 ~~shall construct or contribute~~ any funds for the completion,
982 extension, or improvement of the Central Florida ~~Orlando-Orange~~
983 ~~County~~ Expressway System, or any part or portion of the system
984 ~~thereof~~, the state will not alter or limit the rights and powers
985 of the authority and the department in any manner that ~~which~~
986 would be inconsistent with the continued maintenance and

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

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

1001 348.765 This part complete and additional authority.-

1002 (1) The powers conferred by this part are ~~shall be~~ in
1003 addition and supplemental to the existing powers of the said
1004 board and the department, and this part may ~~shall~~ not be
1005 construed as repealing any of the provisions, of any other law,
1006 general, special, or local, but to supersede such other laws in
1007 the exercise of the powers provided in this part, and to provide
1008 a complete method for the exercise of the powers granted in this
1009 part. The extension and improvement of the Central Florida ~~said~~
1010 ~~Orlando-Orange County~~ Expressway System, and the issuance of
1011 bonds pursuant to this part hereunder to finance all or part of
1012 the cost of the system thereof, may be accomplished upon
1013 compliance with the provisions of this part without regard to or
1014 necessity for compliance with the provisions, limitations, or
1015 restrictions contained in any other general, special, or local

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

1022 (2) This part does ~~shall not be deemed to~~ repeal, rescind,
 1023 or modify any other law ~~or laws~~ relating to the ~~said~~ State Board
 1024 of Administration, the ~~said~~ Department of Transportation, or the
 1025 Division of Bond Finance of the State Board of Administration,
 1026 but supersedes any ~~shall be deemed to and shall supersede such~~
 1027 ~~other~~ law that is ~~or laws as~~ are inconsistent with the
 1028 provisions of this part, including, but not limited to, s.
 1029 215.821.

1030 Section 18. Subsections (6) and (7) of section 369.317,
 1031 Florida Statutes, are amended to read:

1032 369.317 Wekiva Parkway.—

1033 (6) The Central Florida ~~Orlando-Orange County~~ Expressway
 1034 Authority is hereby granted the authority to act as a third-
 1035 party acquisition agent, pursuant to s. 259.041 on behalf of the
 1036 Board of Trustees or chapter 373 on behalf of the governing
 1037 board of the St. Johns River Water Management District, for the
 1038 acquisition of all necessary lands, property and all interests
 1039 in property identified herein, including fee simple or less-
 1040 than-fee simple interests. The lands subject to this authority
 1041 are identified in paragraph 10.a., State of Florida, Office of
 1042 the Governor, Executive Order 03-112 of July 1, 2003, and in
 1043 Recommendation 16 of the Wekiva Basin Area Task Force created by
 1044 Executive Order 2002-259, such lands otherwise known as

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

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

1078 (a) Acquisition of the land described in this section is
1079 required to provide right-of-way for the Wekiva Parkway, a
1080 limited access roadway linking State Road 429 to Interstate 4,
1081 an essential component in meeting regional transportation needs
1082 to provide regional connectivity, improve safety, accommodate
1083 projected population and economic growth, and satisfy critical
1084 transportation requirements caused by increased traffic volume
1085 growth and travel demands.

1086 (b) Acquisition of the lands described in this section is
1087 also required to protect the surface water and groundwater
1088 resources of Lake, Orange, and Seminole counties, otherwise
1089 known as the Wekiva Study Area, including recharge within the
1090 springshed that provides for the Wekiva River system. Protection
1091 of this area is crucial to the long term viability of the Wekiva
1092 River and springs and the central Florida region's water supply.
1093 Acquisition of the lands described in this section is also
1094 necessary to alleviate pressure from growth and development
1095 affecting the surface and groundwater resources within the
1096 recharge area.

1097 (c) Lands acquired pursuant to this section that are needed
1098 for transportation facilities for the Wekiva Parkway shall be
1099 determined not necessary for conservation purposes pursuant to
1100 ss. 253.034(6) and 373.089(5) and shall be transferred to or
1101 retained by the Central Florida ~~Orlando-Orange County~~ Expressway
1102 Authority or the Department of Transportation upon reimbursement

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1103 of the full purchase price and acquisition costs.

1104 (7) The Department of Transportation, the Department of
1105 Environmental Protection, the St. Johns River Water Management
1106 District, Central Florida ~~Orlando-Orange County~~ Expressway
1107 Authority, and other land acquisition entities shall cooperate
1108 and establish funding responsibilities and partnerships by
1109 agreement to the extent funds are available to the various
1110 entities. Properties acquired with Florida Forever funds shall
1111 be in accordance with s. 259.041 or chapter 373. The Central
1112 Florida ~~Orlando-Orange County~~ Expressway Authority shall acquire
1113 land in accordance with this section of law to the extent funds
1114 are available from the various funding partners, but shall not
1115 be required nor assumed to fund the land acquisition beyond the
1116 agreement and funding provided by the various land acquisition
1117 entities.

1118 Section 19. Subsection (1) of section 369.324, Florida
1119 Statutes, is amended to read:

1120 369.324 Wekiva River Basin Commission.—

1121 (1) The Wekiva River Basin Commission is created to monitor
1122 and ensure the implementation of the recommendations of the
1123 Wekiva River Basin Coordinating Committee for the Wekiva Study
1124 Area. The East Central Florida Regional Planning Council shall
1125 provide staff support to the commission with funding assistance
1126 from the Department of Economic Opportunity. The commission
1127 shall be comprised of a total of 18 ~~19~~ members appointed by the
1128 Governor, 9 of whom shall be voting members and 9 ~~10~~ shall be ad
1129 hoc nonvoting members. The voting members shall include:

1130 (a) One member of each of the Boards of County
1131 Commissioners for Lake, Orange, and Seminole Counties.

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1132 (b) One municipal elected official to serve as a
1133 representative of the municipalities located within the Wekiva
1134 Study Area of Lake County.

1135 (c) One municipal elected official to serve as a
1136 representative of the municipalities located within the Wekiva
1137 Study Area of Orange County.

1138 (d) One municipal elected official to serve as a
1139 representative of the municipalities located within the Wekiva
1140 Study Area of Seminole County.

1141 (e) One citizen representing an environmental or
1142 conservation organization, one citizen representing a local
1143 property owner, a land developer, or an agricultural entity, and
1144 one at-large citizen who shall serve as chair of the council.

1145 (f) The ad hoc nonvoting members shall include one
1146 representative from each of the following entities:

- 1147 1. St. Johns River Management District.
- 1148 2. Department of Economic Opportunity.
- 1149 3. Department of Environmental Protection.
- 1150 4. Department of Health.
- 1151 5. Department of Agriculture and Consumer Services.
- 1152 6. Fish and Wildlife Conservation Commission.
- 1153 7. Department of Transportation.
- 1154 8. MetroPlan Orlando.
- 1155 9. Central Florida ~~Orlando-Orange County~~ Expressway
1156 Authority.
- 1157 ~~10. Seminole County Expressway Authority.~~

1158 Section 20. (1) Effective upon the completion of
1159 construction of the Poinciana Parkway, a limited access facility
1160 of approximately 9 miles in length in Osceola County with its

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1161 northwestern terminus at the intersection of County Road 54 and
1162 US 17/US 92 and its southeastern terminus at the current
1163 intersection of Rhododendron and Cypress Parkway, described in
1164 the Osceola County Expressway Authority May 8, 2012, Master
1165 Plan, all powers, governance, and control of the Osceola County
1166 Expressway System, created pursuant to part V, chapter 348,
1167 Florida Statutes, is transferred to the Central Florida
1168 Expressway Authority, and the assets, liabilities, facilities,
1169 tangible and intangible property and any rights in the property,
1170 and any other legal rights of the Osceola County Expressway
1171 Authority are transferred to the Central Florida Expressway
1172 Authority. The effective date of such transfer shall be extended
1173 until completion of construction of such portions of the
1174 Southport Connector Expressway, the Northeast Connector
1175 Expressway, such portions of the Poinciana Parkway to connect to
1176 State Road 429, and the Osceola Parkway Extension, as each is
1177 described in the Osceola County Expressway Authority May 8,
1178 2012, Master Plan, which are included in any design contract
1179 executed by the Osceola County Expressway Authority before July
1180 1, 2019. Part V of chapter 348, Florida Statutes, consisting of
1181 ss. 348.9950-348.9961, is repealed on the same date that the
1182 Osceola County Expressway System is transferred to the Central
1183 Florida Expressway Authority.

1184 (2) The Central Florida Expressway Authority shall also
1185 reimburse any and all obligations of any other governmental
1186 entities with respect to the Osceola County Expressway System,
1187 including any obligations of Osceola County with respect to
1188 operations and maintenance of the Osceola County Expressway
1189 System and any loan repayment obligations, including repayment

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1190 obligations with respect to State Infrastructure Bank loans.
1191 Such reimbursement shall be made from revenues available for
1192 such purpose after payment of all amounts required:
1193 (a) Otherwise by law;
1194 (b) By the terms of any resolution authorizing the issuance
1195 of bonds by the authority, the Orlando-Orange County Expressway
1196 Authority, or the Osceola County Expressway Authority;
1197 (c) By the terms of any resolution under which bonds are
1198 issued by Osceola County for the purpose of constructing
1199 improvements to the Osceola County Expressway System; and
1200 (d) By the terms of the memorandum of understanding between
1201 the Orlando-Orange County Expressway Authority and the
1202 department as ratified by the board of the Orlando-Orange County
1203 Expressway Authority on February 22, 2012.
1204 Section 21. This act shall take effect July 1, 2014.