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1 A bill to be entitled
2 An act relating to the Orlando-Orange County
3 Expressway Authority; amending ss. 348.751 and
4 348.752, F.S.; renaming the Orlando-Orange County
5 Expressway System as the "Central Florida Expressway
6 System"; revising definitions; making technical
7 changes; amending s. 348.753, F.S.; creating the
8 Central Florida Expressway Authority; providing for
9 the transfer of governance and control, legal rights
10 and powers, responsibilities, terms, and obligations
11 to the authority; providing conditions for the
12 transfer; revising the composition of the governing
13 body of the authority; providing for appointment of
14 officers of the authority and for the expiration of
15 terms of standing board members; revising quorum and
16 voting requirements; conforming terminology and making
17 technical changes; prohibiting a member or the
18 executive director of the authority from personally
19 representing certain persons or entities for a
20 specified time period; prohibiting a retired or
21 terminated member or executive director of the
22 authority from contracting with a business entity
23 under certain circumstances; requiring authority board
24 members, employees, and consultants to make certain
25 annual disclosures; requiring an ethics officer to
26 review such disclosures; requiring the authority code
27 of ethics to include a conflict of interest process;
28 prohibiting authority employees and consultants from
29 serving on the board during their employment or

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30 contract period; requiring the code of ethics to be
31 reviewed and updated at least every 2 years; requiring
32 employees to participate in ongoing ethics education;
33 providing penalties; amending s. 348.754, F.S.;
34 providing that the area served by the authority is
35 within the geopolitical boundaries of Orange,
36 Seminole, Lake, and Osceola Counties; requiring the
37 authority to have prior consent from the Secretary of
38 the Department of Transportation to construct an
39 extension, addition, or improvement to the expressway
40 system in Lake County; extending, to 99 years from 40
41 years, the term of a lease-purchase agreement;
42 limiting the authority's authority to enter into a
43 lease-purchase agreement; limiting the use of certain
44 toll-revenues; providing exceptions; removing the
45 requirement that the route of a project must be
46 approved by a municipality before the right-of-way can
47 be acquired; requiring that the authority encourage
48 the inclusion of local-, small-, minority-, and women-
49 owned businesses in its procurement and contracting
50 opportunities; removing the authority and criteria for
51 an authority to waive payment and performance bonds
52 for certain public works projects that are awarded
53 pursuant to an economic development program;
54 conforming terminology and making technical changes;
55 amending ss. 348.7543, 348.7544, 348.7545, 348.7546,
56 348.7547, 348.755, and 348.756, F.S.; conforming
57 terminology and making technical changes; amending s.
58 348.757, F.S.; providing that upon termination of the

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59 lease-purchase agreement of the former Orlando-Orange
60 County Expressway System, title in fee simple to the
61 former system shall be transferred to the state;
62 conforming terminology and making technical changes;
63 amending ss. 348.758, 348.759, 348.760, 348.761, and
64 348.765, F.S.; conforming terminology and making
65 technical changes; amending s. 348.9953, F.S.;

66 limiting the purpose and powers of the Osceola County
67 Expressway Authority; providing for the termination of
68 the Osceola County Expressway Authority by a specified
69 time period; prohibiting the authority from extending
70 the Poinciana Parkway beyond a specified limit;
71 amending s. 369.317, F.S.; conforming terminology and
72 making technical changes; amending s. 369.324, F.S.;

73 revising the membership of the Wekiva River Basin
74 Commission; conforming terminology; providing criteria
75 for the transfer of the Osceola County Expressway
76 System to the Central Florida Expressway Authority;
77 providing for the repeal of part V of ch. 348, F.S.,
78 when the Osceola County Expressway System is
79 transferred to the Central Florida Expressway
80 Authority; requiring the Central Florida Expressway
81 Authority to reimburse other governmental entities for
82 obligations related to the Osceola County Expressway
83 System; excluding certain obligations and payments of
84 Osceola County regarding the Poinciana Parkway;
85 providing for reimbursement after payment of other
86 obligations; providing a directive to the Division of
87 Law Revision and Information; providing an effective

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88 date.

89

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

91

92 Section 1. Section 348.751, Florida Statutes, is amended to
93 read:

94 348.751 Short title.—This part ~~shall be known and~~ may be
95 cited as the "Central Florida Orlando-Orange County Expressway
96 Authority Law."

97 Section 2. Section 348.752, Florida Statutes, is amended to
98 read:

99 348.752 Definitions.—As used in this part ~~The following~~
100 ~~terms, whenever used or referred to in this law, shall have the~~
101 ~~following meanings, except in those instances where the context~~
102 ~~clearly indicates otherwise:~~

103 (1) The term "agency of the state" means ~~and includes~~ the
104 state and any department of, or corporation, agency, or
105 instrumentality ~~heretofore or hereafter~~ created, designated, or
106 established by, the state.

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

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

113 (4) The term "Central Florida Expressway Authority" means
114 the body politic and corporate, and agency of the state created
115 by this part.

116 (5) The term "Central Florida Expressway System" means any

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117 expressway and appurtenant facilities, including all approaches,
118 roads, bridges, and avenues for the expressway and any rapid
119 transit, trams, or fixed guideways located within the right-of-
120 way of an expressway.

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

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

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

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

127 (8) The term "federal agency" means and includes the United
128 States, the President of the United States, and any department
129 of, or corporation, agency, or instrumentality ~~heretofore or~~
130 ~~hereafter~~ created, designated, or established by, the United
131 States.

132 (9) The term "lease-purchase agreement" means the lease-
133 purchase agreements that ~~which~~ the authority is authorized
134 ~~pursuant to this part~~ to enter into with the Department of
135 Transportation pursuant to this part.

136 (10) The term "limited access expressway" means a street or
137 highway specifically ~~especially~~ designed for through traffic,
138 and over, from, or to which, a ~~no~~ person does not ~~shall~~ have the
139 right of easement, use, or access except in accordance with the
140 rules of ~~and regulations promulgated and established by the~~
141 authority governing its use ~~for the use of such facility.~~ Such
142 highways or streets may be parkways that do not allow traffic
143 by, ~~from which~~ trucks, buses, and other commercial vehicles
144 ~~shall be excluded,~~ or ~~they may be~~ freeways open to use by all
145 customary forms of street and highway traffic.

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146 (11) The term ~~"members"~~ means ~~the governing body of the~~
147 ~~authority, and the term "member" means~~ an individual who serves
148 on the one of the individuals constituting such governing body
149 of the authority.

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

157 ~~(13) The term "Orlando-Orange County Expressway System"~~
158 ~~means any and all expressways and appurtenant facilities~~
159 ~~thereto, including, but not limited to, all approaches, roads,~~
160 ~~bridges, and avenues of access for said expressway or~~
161 ~~expressways.~~

162 ~~(13)~~(14) The term "State Board of Administration" means the
163 body corporate existing under the provisions of s. 4, Art. IV of
164 the State Constitution, or any successor ~~thereto.~~

165 (14) The term "transportation facilities" means and
166 includes the mobile and fixed assets, and the associated real or
167 personal property or rights, used in the transportation of
168 persons or property by any means of conveyance, and all
169 appurtenances, such as, but not limited to, highways; limited or
170 controlled access lanes, avenues of access, and facilities;
171 vehicles; fixed guideway facilities, including maintenance
172 facilities; and administrative and other office space for the
173 exercise by the authority of the powers and obligations granted
174 in this part.

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175 ~~(15) Words importing singular number include the plural~~
176 ~~number in each case and vice versa, and words importing persons~~
177 ~~include firms and corporations.~~

178 Section 3. Section 348.753, Florida Statutes, is amended to
179 read:

180 348.753 Central Florida ~~Orlando-Orange County~~ Expressway
181 Authority.-

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

186 (2) (a) Immediately upon the effective date of this act, the
187 Central Florida Expressway Authority shall assume the governance
188 and control of the Orlando-Orange County Expressway Authority
189 System, including its assets, personnel, contracts, obligations,
190 liabilities, facilities, and tangible and intangible property.
191 Any rights in such property, and other legal rights of the
192 authority, are transferred to the Central Florida Expressway
193 Authority. The Central Florida Expressway Authority shall
194 immediately succeed to and assume the powers, responsibilities,
195 and obligations of the Orlando-Orange County Expressway
196 Authority.

197 (b) The transfer pursuant to this subsection is subject to
198 the terms and covenants provided for the protection of the
199 holders of the Orlando-Orange County Expressway Authority bonds
200 in the lease-purchase agreement and the resolutions adopted in
201 connection with the issuance of the bonds. Further, the transfer
202 does not impair the terms of the contract between the Orlando-
203 Orange County Expressway Authority and the bondholders, does not

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204 act to the detriment of the bondholders, and does not diminish
205 the security for the bonds. After the transfer, the Central
206 Florida Expressway Authority shall operate and maintain the
207 expressway system and any other facilities of the Orlando-Orange
208 County Expressway Authority in accordance with the terms,
209 conditions, and covenants contained in the bond resolutions and
210 lease-purchase agreement securing the bonds of the authority.
211 The Central Florida Expressway Authority shall collect toll
212 revenues and apply them to the payment of debt service as
213 provided in the bond resolution securing the bonds, and shall
214 expressly assume all obligations relating to the bonds to ensure
215 that the transfer will have no adverse impact on the security
216 for the bonds. The transfer does not make the obligation to pay
217 the principal and interest on the bonds a general liability of
218 the Central Florida Expressway Authority or pledge additional
219 expressway system revenues to payment of the bonds. Revenues
220 that are generated by the expressway system and other facilities
221 of the Central Florida Expressway Authority which were pledged
222 by the Orlando-Orange County Expressway Authority to payment of
223 the bonds will remain subject to the pledge for the benefit of
224 the bondholders. The transfer does not modify or eliminate any
225 prior obligation of the department to pay certain costs of the
226 expressway system from sources other than revenues of the
227 expressway system.

228 (3)~~(2)~~ The governing body of the authority shall consist of
229 nine ~~five~~ members. The chairs of the boards of the county
230 commissions of Seminole, Lake, and Osceola Counties shall each
231 appoint one member, who may be a commission member or chair. The
232 Mayor of Orange County shall appoint a member from the Orange

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233 County Commission. The Governor shall appoint three citizen
234 members. Of the Governor's appointments, two ~~Three~~ members must
235 shall be citizens of Orange County and one member must be a
236 citizen of either Seminole County, Lake County, or Osceola
237 County, who shall be appointed by the Governor. The eighth
238 ~~fourth~~ member must shall be, ex officio, the Mayor of chair of
239 ~~the County Commissioners of Orange County. The ninth member must~~
240 be the Mayor of the City of Orlando. The executive director of
241 Florida Turnpike Enterprise shall serve as a nonvoting advisor
242 to the governing body of the authority, and the fifth member
243 ~~shall be, ex officio, the district secretary of the Department~~
244 ~~of Transportation serving in the district that contains Orange~~
245 ~~County. The term of Each appointed member appointed by the~~
246 Governor shall serve be for 4 years. Each county-appointed
247 member shall serve for 2 years. The terms of standing board
248 members expire upon the effective date of this act. Each
249 appointed member shall hold office until his or her successor
250 has been appointed and has qualified. A vacancy occurring during
251 a term must shall be filled only for the balance of the
252 unexpired term. Each appointed member of the authority shall be
253 a person of outstanding reputation for integrity,
254 responsibility, and business ability, but, except as provided in
255 this subsection, a no person who is an officer or employee of a
256 municipality or any city or of Orange county may not in any
257 ~~other capacity shall be an appointed member of the authority.~~
258 Any member of the authority is shall be eligible for
259 reappointment.

260 (4)~~(3)~~ (a) The authority shall elect one of its members as
261 chair of the authority. The authority shall also elect one of

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262 its members as vice chair, one of its members as a secretary,
263 and one of its members as a treasurer ~~who may or may not be~~
264 ~~members of the authority.~~ The chair, vice chair, secretary, and
265 treasurer shall hold such offices at the will of the authority.
266 Five ~~Three~~ members of the authority ~~shall~~ constitute a quorum,
267 and the vote of five ~~three~~ members is ~~shall be~~ necessary for any
268 action taken by the authority. A ~~No~~ vacancy in the authority
269 does not ~~shall~~ impair the right of a quorum of the authority to
270 exercise all of the rights and perform all of the duties of the
271 authority.

272 (b) Upon the effective date of his or her appointment, or
273 as soon thereafter as practicable, each appointed member of the
274 authority shall enter upon his or her duties. Members of the
275 authority may be removed from office by the Governor for
276 misconduct, malfeasance, misfeasance, or nonfeasance in office.

277 (c) Members of the authority are entitled to receive
278 reimbursement from the authority for travel and other necessary
279 expenses incurred in connection with the business of the
280 authority as provided in s. 112.061, but may not draw salaries
281 or other compensation.

282 (5)~~(4)~~(a) The authority may employ an executive secretary,
283 an executive director, its own counsel and legal staff,
284 technical experts, and the ~~such~~ engineers, ~~and~~ ~~such~~ employees
285 that, permanent or temporary, as it requires. The authority ~~may~~
286 ~~require~~ and may determine the qualifications and fix the
287 compensation of such persons, firms, or corporations, and may
288 employ a fiscal agent or agents; ~~provided,~~ however, ~~that~~ the
289 authority shall solicit sealed proposals from at least three
290 persons, firms, or corporations for the performance of any

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291 services as fiscal agents. The authority may delegate to one or
292 more of its agents or employees the ~~such of its power as it~~
293 ~~deems shall deem~~ necessary to carry out the purposes of this
294 part, ~~subject always to the supervision and control of the~~
295 ~~authority. Members of the authority may be removed from their~~
296 ~~office by the Governor for misconduct, malfeasance, misfeasance,~~
297 ~~or nonfeasance in office.~~

298 ~~(b) Members of the authority shall be entitled to receive~~
299 ~~from the authority their travel and other necessary expenses~~
300 ~~incurred in connection with the business of the authority as~~
301 ~~provided in s. 112.061, but they shall draw no salaries or other~~
302 ~~compensation.~~

303 (6) A member or the executive director of the authority may
304 not:

305 (a) Personally represent another person or entity for
306 compensation before the authority for a period of 2 years
307 following vacation of his or her position.

308 (b) After retirement or termination, have an employment or
309 contractual relationship with a business entity other than an
310 agency as defined in s. 112.312, in connection with a contract
311 in which the member or executive director personally and
312 substantially participated in through decision, approval,
313 disapproval, recommendation, rendering of advice, or
314 investigation while he or she was a member or employee of the
315 authority.

316 (7) The authority's general counsel shall serve as the
317 authority's ethics officer.

318 (8) Authority board members, employees, and consultants who
319 hold positions that may influence authority decisions shall

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320 refrain from engaging in any relationship that may adversely
321 affect their judgment in carrying out authority business. To
322 prevent such conflicts of interest and preserve the integrity
323 and transparency of the authority to the public, the following
324 disclosures must be made annually on a disclosure form:

325 (a) Any relationship a board member, employee, or
326 consultant has which affords a current or future financial
327 benefit to such board member, employee, or consultant, or to a
328 relative or business associate of such board member, employee,
329 or consultant, and which a reasonable person would conclude has
330 the potential to create a prohibited conflict of interest. As
331 used in this subsection, the term "relative" has the same
332 meaning as in s. 112.312.

333 (b) Whether a relative of a board member, employee, or
334 consultant is a registered lobbyist, and if so, the names of the
335 lobbyist's clients. Such names shall be provided in writing to
336 the ethics officer.

337 (c) Any and all interests in real property that a board
338 member, employee, or consultant has, or that a relative,
339 principal, client, or business associate of such board member,
340 employee, or consultant has, if such real property is located
341 within, or within a one-half mile radius of, any actual or
342 prospective authority roadway project. The executive director
343 shall provide a corridor map and a property ownership list
344 reflecting the ownership of all real property within the
345 disclosure area, or an alignment map with a list of associated
346 owners, to all board members, employees, and consultants.

347 (9) The disclosure forms required under subsection (9) must
348 be reviewed by the ethics officer or, if a form is filed by the

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349 general counsel, by the executive director.

350 (10) The conflict of interest process shall be outlined in
351 the authority's code of ethics.

352 (11) Authority employees and consultants are prohibited
353 from serving on the governing body of the authority while
354 employed by or under contract with the authority.

355 (12) The code of ethics policy shall be reviewed and
356 updated by the ethics officer and presented for board approval
357 at a minimum of once every 2 years.

358 (13) Employees shall be adequately informed and trained on
359 the code of ethics and shall continually participate in ongoing
360 ethics education.

361 (14) The requirements in subsections (6) through (14) are
362 in addition to the requirements that the members and the
363 executive director of the authority are required to follow under
364 chapter 112.

365 (15) Violations of subsections (6), (8), and (11) are
366 punishable in accordance with s. 112.317.

367 Section 4. Section 348.754, Florida Statutes, is amended
368 to read:

369 348.754 Purposes and powers.—

370 (1) (a) The authority created and established under ~~by the~~
371 ~~provisions of this part is hereby granted and has shall have~~ the
372 right to acquire, hold, construct, improve, maintain, operate,
373 own, and lease in the capacity of lessor, the Central Florida
374 ~~Orlando-Orange County~~ Expressway System, hereinafter referred to
375 as "system." Except as otherwise specifically provided by law,
376 including paragraph (2) (n), the area served by the authority
377 shall be within the geographical boundaries of Orange, Seminole,

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378 Lake, and Osceola Counties.

379 ~~(b) It is the express intention of this part that said~~
380 ~~authority,~~ In the construction of the Central Florida said
381 ~~Orlando-Orange County Expressway System, the authority may shall~~
382 ~~be authorized to~~ construct any extensions, additions, or
383 improvements to the said system or appurtenant facilities,
384 including all necessary approaches, roads, bridges, ~~and~~ avenues
385 of access, rapid transit, trams, fixed guideways, thoroughfares,
386 and boulevards with any such changes, modifications, or
387 revisions of the said project which are as shall be deemed
388 desirable and proper.

389 (c) Notwithstanding any other provision of this section to
390 the contrary, to ensure the continued financial feasibility of
391 the portion of the Wekiva Parkway to be constructed by the
392 department, the authority may not, without the prior consent of
393 the secretary of the department, construct any extensions,
394 additions, or improvements to the expressway system in Lake
395 County.

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

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

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

404 (c) To acquire by donation or otherwise, purchase, hold,
405 lease as lessee, and use any franchise or any, property, real,
406 personal, ~~or~~ mixed, or tangible or intangible, or any options

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407 ~~thereof~~ in its own name or in conjunction with others, or
408 interest in those options ~~therein~~, necessary or desirable to
409 carry for~~carrying~~ out the purposes of the authority, and to
410 sell, lease as lessor, transfer, and dispose of any property or
411 interest in the property ~~therein~~ at any time acquired by it.

412 (d) To enter into and make leases for terms not exceeding
413 99 years, as ~~either~~ lessee or lessor, in order to carry out the
414 right to lease as specified ~~set forth~~ in this part.

415 (e) To enter into and make lease-purchase agreements with
416 the department for terms not exceeding 99 ~~40~~ years, or until any
417 bonds secured by a pledge of rentals pursuant to the agreement
418 ~~thereunder~~, and any refundings pursuant to the agreement
419 ~~thereof~~, are fully paid as to both principal and interest,
420 whichever is longer. The authority is a party to a lease-
421 purchase agreement between the department and the authority
422 dated December 23, 1985, as supplemented by a first supplement
423 to the lease-purchase agreement dated November 25, 1986, and a
424 second supplement to the lease-purchase agreement dated October
425 27, 1988. The authority may not enter into other lease-purchase
426 agreements with the department and may not amend the existing
427 agreement in a manner that expands or increases the department's
428 obligations unless the department determines that the agreement
429 or amendment is necessary to permit the refunding of bonds
430 issued before July 1, 2013.

431 (f) To fix, alter, charge, establish, and collect rates,
432 fees, rentals, and other charges for the services and facilities
433 of the Central Florida ~~Orlando-Orange County~~ Expressway System,
434 which must ~~rates, fees, rentals and other charges shall~~ always
435 be sufficient to comply with any covenants made with the holders

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436 of any bonds issued pursuant to this part; ~~provided,~~ however,
437 ~~that~~ such right and power may be assigned or delegated, by the
438 authority, to the department. Toll revenues attributable to an
439 increase in the toll rates charged on or after the effective
440 date of this act for the use of a portion of the system may not
441 be used to construct or expand a different portion of the system
442 unless a two-thirds majority of the members of the authority
443 votes to approve such use. This requirement does not apply if,
444 and to the extent that:

445 1. Application of the requirement would violate any
446 covenant established in a resolution or trust indenture under
447 which bonds were issued by the Orlando-Orange County Expressway
448 Authority on or before the effective date of this act; or

449 2. Application of the requirement would cause the authority
450 to be unable to meet its obligations under the terms of the
451 memorandum of understanding between the authority and the
452 department as ratified by the Orlando-Orange County Expressway
453 Authority board on February 22, 2012.

454
455 Notwithstanding s. 338.165, and except as otherwise prohibited
456 by this part, to the extent revenues of the expressway system
457 exceed amounts required to comply with any covenants made with
458 the holders of bonds issued pursuant to this part, revenues may
459 be used for purposes enumerated in subsection (6), provided the
460 expenditures are consistent with the metropolitan planning
461 organization's adopted long-range plan.

462 (g) To borrow money, make and issue negotiable notes,
463 bonds, refunding bonds, and other evidences of indebtedness or
464 obligations, either in temporary or definitive form, ~~hereinafter~~

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465 ~~in this chapter sometimes called "bonds" of the authority, for~~
466 ~~the purpose of financing all or part of the improvement or~~
467 ~~extension of the Central Florida ~~Orlando-Orange County~~~~
468 ~~Expressway System, and appurtenant facilities, including all~~
469 ~~approaches, streets, roads, bridges, and avenues of access for~~
470 ~~the Central Florida ~~said Orlando-Orange County~~ Expressway System~~
471 ~~and for any other purpose authorized by this part, ~~said bonds to~~~~
472 ~~mature in not exceeding 40 years from the date of the issuance~~
473 ~~thereof, and to secure the payment of such bonds or any part~~
474 ~~thereof by a pledge of any or all of its revenues, rates, fees,~~
475 ~~rentals, or other charges, including all or any portion of the~~
476 ~~Orange County gasoline tax funds received by the authority~~
477 ~~pursuant to ~~the terms of~~ any lease-purchase agreement between~~
478 ~~the authority and the department; and in general to provide for~~
479 ~~the security of ~~the~~ ~~said~~ bonds and the rights and remedies of~~
480 ~~the holders thereof. ~~Provided, However, that~~ no portion of the~~
481 ~~Orange County gasoline tax funds may ~~shall~~ be pledged for the~~
482 ~~construction of any project for which a toll is to be charged~~
483 ~~unless the anticipated toll is ~~tolls are~~ reasonably estimated by~~
484 ~~the board of county commissioners, at the date of its resolution~~
485 ~~pledging ~~the~~ ~~said~~ funds, to be sufficient to cover the principal~~
486 ~~and interest of such obligations during the period when ~~the~~ ~~said~~~~
487 ~~pledge of funds is ~~shall be~~ in effect. The bonds issued under~~
488 ~~this paragraph must mature not more than 40 years after their~~
489 ~~issue date.~~

490 1. The authority shall reimburse Orange County for any sums
491 expended from ~~the~~ ~~said~~ gasoline tax funds used for the payment
492 of such obligations. Any gasoline tax funds so disbursed must
493 ~~shall~~ be repaid when the authority deems it practicable,

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494 together with interest at the highest rate applicable to any
495 obligations of the authority.

496 2. If, pursuant to this section, ~~In the event~~ the authority
497 funds shall determine to fund or refunds refund any bonds
498 previously theretofore issued by the said authority, ~~or the~~ by
499 said commission before the bonds mature ~~as aforesaid prior to~~
500 ~~the maturity thereof,~~ the proceeds of such funding or refunding
501 must bonds shall, pending the prior redemption of these the
502 ~~bonds to be funded or refunded,~~ be invested in direct
503 obligations of the United States, ~~and it is the express~~
504 ~~intention of this part that such outstanding bonds may be funded~~
505 ~~or refunded by the issuance of bonds pursuant to this part.~~

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

510 (i) Notwithstanding paragraphs (a)-(h), ~~Without limitation~~
511 ~~of the foregoing,~~ to borrow money and accept grants from, and to
512 enter into contracts, leases, or other transactions with any
513 federal agency, the state, any agency of the state, the County
514 of Orange, the City of Orlando, or with any other public body of
515 the state.

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

518 (k) To pledge, hypothecate, or otherwise encumber ~~all or~~
519 any part of the revenues, rates, fees, rentals, or other charges
520 or receipts of the authority, including all or any portion of
521 the Orange County gasoline tax funds received by the authority
522 pursuant to the terms of any lease-purchase agreement between

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523 the authority and the department, as security for ~~all or~~ any of
524 the obligations of the authority.

525 (l) To enter into partnership and other agreements
526 respecting ownership and revenue participation in order to
527 facilitate financing and constructing the Western Beltway, or
528 portions thereof.

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

533 (n) With the consent of the county within whose
534 jurisdiction the following activities occur, the authority shall
535 have the right to construct, operate, and maintain roads,
536 bridges, avenues of access, transportation facilities,
537 thoroughfares, and boulevards outside the jurisdictional
538 boundaries of Orange, Seminole, Lake, and Osceola Counties
539 ~~County~~, together with the right to construct, repair, replace,
540 operate, install, and maintain electronic toll payment systems
541 thereon, ~~with all necessary and incidental powers to accomplish~~
542 ~~the foregoing.~~

543 (3) The authority does not ~~shall~~ have the ~~no~~ power at any
544 ~~time or in any manner~~ to pledge the credit or taxing power of
545 the state or any political subdivision or agency thereof,
546 including any city and any county ~~the City of Orlando and the~~
547 ~~County of Orange,~~ nor may ~~nor shall~~ any of the authority's
548 obligations be deemed to be obligations of the state or of any
549 political subdivision or agency thereof, nor may ~~nor shall~~ the
550 state or any political subdivision or agency thereof, except the
551 authority, be liable for the payment of the principal of or

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552 interest on such obligations.

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

559 ~~(4)(5)~~ The authority has ~~shall~~ have no power other than by
560 consent of an affected ~~Orange~~ county or any affected city, to
561 enter into any agreement which would legally prohibit the
562 construction of a any road by the respective county or city
563 ~~Orange County or by any city within Orange County.~~

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

567 ~~(6)(a)~~ The authority may, within the right-of-way of the
568 expressway system, finance or refinance the planning, design,
569 acquisition, construction, extension, rehabilitation, equipping,
570 preservation, maintenance, or improvement of an intermodal
571 facility or facilities, a multimodal corridor or corridors, or
572 any programs or projects that will improve the levels of service
573 on the expressway system ~~Notwithstanding s. 255.05, the Orlando-~~
574 ~~Orange County Expressway Authority may waive payment and~~
575 ~~performance bonds on construction contracts for the construction~~
576 ~~of a public building, for the prosecution and completion of a~~
577 ~~public work, or for repairs on a public building or public work~~
578 ~~that has a cost of \$500,000 or less and when the project is~~
579 ~~awarded pursuant to an economic development program for the~~
580 ~~encouragement of local small businesses that has been adopted by~~

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581 ~~the governing body of the Orlando Orange County Expressway~~
582 ~~Authority pursuant to a resolution or policy.~~

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

586 ~~1. Be an independent business.~~

587 ~~2. Be principally domiciled in the Orange County Standard~~
588 ~~Metropolitan Statistical Area.~~

589 ~~3. Employ 25 or fewer full-time employees.~~

590 ~~4. Have gross annual sales averaging \$3 million or less~~
591 ~~over the immediately preceding 3 calendar years with regard to~~
592 ~~any construction element of the program.~~

593 ~~5. Be accepted as a participant in the Orlando Orange~~
594 ~~County Expressway Authority's microcontracts program or such~~
595 ~~other small business program as may be hereinafter enacted by~~
596 ~~the Orlando Orange County Expressway Authority.~~

597 ~~6. Participate in an educational curriculum or technical~~
598 ~~assistance program for business development that will assist the~~
599 ~~small business in becoming eligible for bonding.~~

600 ~~(c) The authority's adopted procedures for waiving payment~~
601 ~~and performance bonds on projects with values not less than~~
602 ~~\$200,000 and not exceeding \$500,000 shall provide that payment~~
603 ~~and performance bonds may only be waived on projects that have~~
604 ~~been set aside to be competitively bid on by participants in an~~
605 ~~economic development program for local small businesses. The~~
606 ~~authority's executive director or his or her designee shall~~
607 ~~determine whether specific construction projects are suitable~~
608 ~~for:~~

609 ~~1. Bidding under the authority's microcontracts program by~~

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610 ~~registered local small businesses; and~~

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

612

613 ~~The decision of the authority's executive director or deputy~~
614 ~~executive director to waive the payment and performance bond~~
615 ~~shall be based upon his or her investigation and conclusion that~~
616 ~~there exists sufficient competition so that the authority~~
617 ~~receives a fair price and does not undertake any unusual risk~~
618 ~~with respect to such project.~~

619 ~~(d) For any contract for which a payment and performance~~
620 ~~bond has been waived pursuant to the authority set forth in this~~
621 ~~section, the Orlando Orange County Expressway Authority shall~~
622 ~~pay all persons defined in s. 713.01 who furnish labor,~~
623 ~~services, or materials for the prosecution of the work provided~~
624 ~~for in the contract to the same extent and upon the same~~
625 ~~conditions that a surety on the payment bond under s. 255.05~~
626 ~~would have been obligated to pay such persons if the payment and~~
627 ~~performance bond had not been waived. The authority shall record~~
628 ~~notice of this obligation in the manner and location that surety~~
629 ~~bonds are recorded. The notice shall include the information~~
630 ~~describing the contract that s. 255.05(1) requires be stated on~~
631 ~~the front page of the bond. Notwithstanding that s. 255.05(9)~~
632 ~~generally applies when a performance and payment bond is~~
633 ~~required, s. 255.05(9) shall apply under this subsection to any~~
634 ~~contract on which performance or payment bonds are waived and~~
635 ~~any claim to payment under this subsection shall be treated as a~~
636 ~~contract claim pursuant to s. 255.05(9).~~

637 ~~(e) A small business that has been the successful bidder on~~
638 ~~six projects for which the payment and performance bond was~~

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639 ~~waived by the authority pursuant to paragraph (a) shall be~~
640 ~~ineligible to bid on additional projects for which the payment~~
641 ~~and performance bond is to be waived. The local small business~~
642 ~~may continue to participate in other elements of the economic~~
643 ~~development program for local small businesses as long as it is~~
644 ~~eligible.~~

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

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

652 Section 5. Section 348.7543, Florida Statutes, is amended
653 to read:

654 348.7543 Improvements, bond financing authority for.—
655 Pursuant to s. 11(f), Art. VII of the State Constitution, the
656 Legislature hereby approves for bond financing by the Central
657 Florida Orlando-Orange County Expressway Authority improvements
658 to toll collection facilities, interchanges to the legislatively
659 approved expressway system, and any other facility appurtenant,
660 necessary, or incidental to the approved system. Subject to
661 terms and conditions of applicable revenue bond resolutions and
662 covenants, such costs may be financed in whole or in part by
663 revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether
664 currently issued or issued in the future, or by a combination of
665 such bonds.

666 Section 6. Section 348.7544, Florida Statutes, is amended
667 to read:

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668 348.7544 Northwest Beltway Part A, construction authorized;
669 financing.—Notwithstanding s. 338.2275, the Central Florida
670 ~~Orlando-Orange County~~ Expressway Authority may ~~is hereby~~
671 ~~authorized to~~ construct, finance, operate, own, and maintain
672 that portion of the Western Beltway known as the Northwest
673 Beltway Part A, extending from Florida's Turnpike near Ocoee
674 north to U.S. 441 near Apopka, as part of the authority's 20-
675 year capital projects plan. This project may be financed with
676 any funds available to the authority for such purpose or revenue
677 bonds issued by the Division of Bond Finance of the State Board
678 of Administration on behalf of the authority pursuant to s. 11,
679 Art. VII of the State Constitution and the State Bond Act, ss.
680 215.57-215.83.

681 Section 7. Section 348.7545, Florida Statutes, is amended
682 to read:

683 348.7545 Western Beltway Part C, construction authorized;
684 financing.—Notwithstanding s. 338.2275, the Central Florida
685 ~~Orlando-Orange County~~ Expressway Authority may ~~is authorized to~~
686 exercise its condemnation powers, construct, finance, operate,
687 own, and maintain that portion of the Western Beltway known as
688 the Western Beltway Part C, extending from Florida's Turnpike
689 near Ocoee in Orange County southerly through Orange and Osceola
690 Counties to an interchange with I-4 near the Osceola-Polk County
691 line, as part of the authority's 20-year capital projects plan.
692 This project may be financed with any funds available to the
693 authority for such purpose or revenue bonds issued by the
694 Division of Bond Finance of the State Board of Administration on
695 behalf of the authority pursuant to s. 11, Art. VII of the State
696 Constitution and the State Bond Act, ss. 215.57-215.83. This

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697 project may be refinanced with bonds issued by the authority
698 pursuant to s. 348.755(1) (d).

699 Section 8. Section 348.7546, Florida Statutes, is amended
700 to read:

701 348.7546 Wekiva Parkway, construction authorized;
702 financing.—

703 (1) The Central Florida ~~Orlando-Orange County~~ Expressway
704 Authority may ~~is authorized to~~ exercise its condemnation powers
705 and to construct, finance, operate, own, and maintain those
706 portions of the Wekiva Parkway which are identified by agreement
707 between the authority and the department and which are included
708 as part of the authority's long-range capital improvement plan.
709 The "Wekiva Parkway" means any limited access highway or
710 expressway constructed between State Road 429 and Interstate 4
711 specifically incorporating the corridor alignment recommended by
712 Recommendation 2 of the Wekiva River Basin Area Task Force final
713 report dated January 15, 2003, and the recommendations of the SR
714 429 Working Group which were adopted January 16, 2004. This
715 project may be financed with any funds available to the
716 authority for such purpose or revenue bonds issued by the
717 authority under s. 11, Art. VII of the State Constitution and s.
718 348.755(1) (b). This section does not invalidate the exercise by
719 the authority of its condemnation powers or the acquisition of
720 any property for the Wekiva Parkway before July 1, 2012.

721 (2) Notwithstanding any other provision of law ~~to the~~
722 ~~contrary~~, in order to ensure that funds are available to the
723 department for its portion of the Wekiva Parkway, beginning July
724 1, 2012, the authority shall repay the expenditures by the
725 department for costs of operation and maintenance of the Central

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726 Florida ~~Orlando-Orange County~~ Expressway System in accordance
727 with the terms of the memorandum of understanding between the
728 authority and the department as ratified by the authority board
729 on February 22, 2012, which requires the authority to pay the
730 department \$10 million on July 1, 2012, and \$20 million on each
731 successive July 1 until the department has been fully reimbursed
732 for all costs of the Central Florida ~~Orlando-Orange County~~
733 Expressway System which were paid, advanced, or reimbursed to
734 the authority by the department, with a final payment in the
735 amount of the balance remaining. Notwithstanding any other law
736 ~~to the contrary~~, the funds paid to the department pursuant to
737 this subsection must ~~shall~~ be allocated by the department for
738 construction of the Wekiva Parkway.

739 (3) The department's obligation to construct its portions
740 of the Wekiva Parkway is contingent upon the timely payment by
741 the authority of the annual payments required of the authority
742 and receipt of all required environmental permits and approvals
743 by the Federal Government.

744 Section 9. Section 348.7547, Florida Statutes, is amended
745 to read:

746 348.7547 Maitland Boulevard Extension and Northwest Beltway
747 Part A Realignment construction authorized; financing.—
748 Notwithstanding s. 338.2275, the Central Florida ~~Orlando-Orange~~
749 ~~County~~ Expressway Authority may ~~is hereby authorized to~~ exercise
750 its condemnation powers, construct, finance, operate, own, and
751 maintain the portion of State Road 414 known as the Maitland
752 Boulevard Extension and the realigned portion of the Northwest
753 Beltway Part A as part of the authority's long-range capital
754 improvement plan. The Maitland Boulevard Extension extends ~~will~~

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755 ~~extend~~ from the current terminus of State Road 414 at U.S. 441
756 west to State Road 429 in west Orange County. The realigned
757 portion of the Northwest Beltway Part A runs ~~will run~~ from the
758 point at or near where the Maitland Boulevard Extension connects
759 ~~will connect~~ with State Road 429 and proceeds ~~will proceed~~ to
760 the west and then north resulting in the northern terminus of
761 State Road 429 moving farther west before reconnecting with U.S.
762 441. However, under no circumstances may ~~shall~~ the realignment
763 of the Northwest Beltway Part A conflict with or contradict ~~with~~
764 the alignment of the Wekiva Parkway as defined in s. 348.7546.
765 This project may be financed with any funds available to the
766 authority for such purpose or revenue bonds issued by the
767 authority under s. 11, Art. VII of the State Constitution and s.
768 348.755(1) (b).

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

771 348.755 Bonds of the authority.-

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

776 (a) The pledging of ~~all or~~ any part of the revenues, rates,
777 fees, rentals, ~~(including all or~~ any portion of the Orange
778 County gasoline tax funds received by the authority pursuant to
779 the terms of any lease-purchase agreement between the authority
780 and the department, or any part thereof), or other charges or
781 receipts of the authority, derived by the authority, from the
782 Central Florida Orlando-Orange County Expressway System.

783 (b) The completion, improvement, operation, extension,

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784 maintenance, repair, lease or lease-purchase agreement of the
785 ~~said~~ system, and the duties of the authority and others,
786 including the department, ~~with reference thereto.~~

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

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

794 (e) The setting aside of reserves or sinking funds or
795 repair and replacement funds and the regulation and disposition
796 thereof.

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

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

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

803 (3) The authority may employ fiscal agents as provided by
804 this part or the State Board of Administration of Florida may
805 upon request of the authority act as fiscal agent for the
806 authority in the issuance of any bonds that ~~which~~ may be issued
807 pursuant to this part, and the State Board of Administration may
808 upon request of the authority take over the management, control,
809 administration, custody, and payment of any ~~or all~~ debt services
810 or funds or assets now or hereafter available for any bonds
811 issued pursuant to this part. The authority may enter into any
812 deeds of trust, indentures or other agreements with its fiscal

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813 agent, or with any bank or trust company within or without the
814 state, as security for such bonds, and may, under such
815 agreements, sign and pledge ~~all or~~ any of the revenues, rates,
816 fees, rentals or other charges or receipts of the authority,
817 including ~~all or~~ any portion of the Orange County gasoline tax
818 funds received by the authority pursuant to the terms of any
819 lease-purchase agreement between the authority and the
820 department, ~~thereunder~~. Such deed of trust, indenture, or other
821 agreement may contain such provisions as are customary in such
822 instruments, or, as the authority may authorize, including but
823 without limitation, provisions as to:

824 (a) The completion, improvement, operation, extension,
825 maintenance, repair, and lease of, or lease-purchase agreement
826 relating to the Central Florida ~~Orlando-Orange County~~ Expressway
827 System, and the duties of the authority and others including the
828 department, with reference thereto.

829 (b) The application of funds and the safeguarding of funds
830 on hand or on deposit.

831 (c) The rights and remedies of the trustee and the holders
832 of the bonds.

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

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

837 348.756 Remedies of the bondholders.—

838 (3) When a ~~Any~~ trustee is ~~when~~ appointed pursuant to
839 subsection (1) ~~as aforesaid~~, or is acting under a deed of trust,
840 indenture, or other agreement, and whether or not all bonds have
841 been declared due and payable, the trustee is ~~shall be~~ entitled

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842 ~~as of right~~ to the appointment of a receiver, who may enter upon
843 and take possession of the Central Florida ~~Orlando-Orange County~~
844 Expressway System or the facilities or any part of the system or
845 facilities ~~or parts thereof~~, the rates, fees, rentals, or other
846 revenues, charges, or receipts ~~that from which~~ are, or may be,
847 applicable to the payment of the bonds so in default, and
848 subject to and in compliance with the provisions of any lease-
849 purchase agreement between the authority and the department
850 operate and maintain the same, for and on behalf of and in the
851 name of, the authority, the department, and the bondholders, and
852 collect and receive all rates, fees, rentals, and other charges
853 or receipts or revenues arising therefrom in the same manner as
854 the authority or the department might do, and shall deposit all
855 such moneys in a separate account and apply the same in such
856 manner as the court directs ~~shall direct~~. In any suit, action,
857 or proceeding by the trustee, the fees, counsel fees, and
858 expenses of the trustee, and the said receiver, if any, and all
859 costs and disbursements allowed by the court must ~~shall~~ be a
860 first charge on any rates, fees, rentals, or other charges,
861 revenues, or receipts, derived from the Central Florida ~~Orlando-~~
862 ~~Orange County~~ Expressway System, or the facilities or services
863 or any part of the system or facilities ~~or parts thereof~~,
864 including payments under any such lease-purchase agreement ~~as~~
865 ~~aforsaid~~ which ~~said~~ rates, fees, rentals, or other charges,
866 revenues, or receipts ~~shall or~~ may be applicable to the payment
867 of the bonds that are ~~so~~ in default. The ~~Such~~ trustee has ~~shall~~,
868 ~~in addition to the foregoing~~, ~~have and possess~~ all of the powers
869 necessary or appropriate for the exercise of any functions
870 specifically set forth in this section ~~herein~~ or incident to the

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871 representation of the bondholders in the enforcement and
872 protection of their rights.

873 (4) ~~Nothing in~~ This section or any other section of this
874 part does not shall authorize any receiver appointed pursuant
875 ~~hereto~~ for the purpose, subject to and in compliance with the
876 provisions of any lease-purchase agreement between the authority
877 and the department, of operating and maintaining the Central
878 Florida Orlando-Orange County Expressway System or any
879 facilities or part of the system or facilities ~~or parts thereof~~,
880 to sell, assign, mortgage, or otherwise dispose of any of the
881 assets of whatever kind and character belonging to the
882 authority. ~~It is the intention of this part to limit~~ The powers
883 of the ~~such~~ receiver, subject to and in compliance with the
884 provisions of any lease-purchase agreement between the authority
885 and the department, are limited to the operation and maintenance
886 of the Central Florida Orlando-Orange County Expressway System,
887 or any facility, or part ~~or parts~~ thereof, as the court may
888 direct, in the name and for and on behalf of the authority, the
889 department, and the bondholders, and no holder of bonds on the
890 authority nor any trustee, has ~~shall ever have~~ the right in any
891 suit, action, or proceeding at law or in equity, to compel a
892 receiver, nor may shall any receiver be authorized or any court
893 be empowered to direct the receiver to sell, assign, mortgage,
894 or otherwise dispose of any assets ~~of whatever kind or character~~
895 belonging to the authority.

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

898 348.757 Lease-purchase agreement.—

899 (1) ~~In order to effectuate the purposes of this part and as~~

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900 ~~authorized by this part,~~ The authority may enter into a lease-
901 purchase agreement with the department relating to and covering
902 the former Orlando-Orange County Expressway System.

903 (2) The ~~Such~~ lease-purchase agreement must ~~shall~~ provide
904 for the leasing of the former Orlando-Orange County Expressway
905 System, by the authority, as lessor, to the department, as
906 lessee, must ~~shall~~ prescribe the term of such lease and the
907 rentals to be paid ~~thereunder,~~ and must ~~shall~~ provide that upon
908 the completion of the faithful performance ~~thereunder~~ and the
909 termination of the ~~such~~ lease-purchase agreement, title in fee
910 simple absolute to the former Orlando-Orange County Expressway
911 System as then constituted shall be transferred in accordance
912 with law by the authority, to the state and the authority shall
913 deliver to the department such deeds and conveyances as shall be
914 necessary or convenient to vest title in fee simple absolute in
915 the state.

916 (3) The ~~Such~~ lease-purchase agreement may include ~~such~~
917 other provisions, agreements, and covenants that ~~as~~ the
918 authority and the department deem advisable or required,
919 including, but not limited to, provisions as to the bonds to be
920 issued under, and for the purposes of, this part, the
921 completion, extension, improvement, operation, and maintenance
922 of the former Orlando-Orange County Expressway System and the
923 expenses and the cost of operation of the ~~said~~ authority, the
924 charging and collection of tolls, rates, fees, and other charges
925 for the use of the services and facilities of the system
926 ~~thereof,~~ the application of federal or state grants or aid that
927 ~~which~~ may be made or given to assist the authority in the
928 completion, extension, improvement, operation, and maintenance

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929 of the former Orlando-Orange County ~~Orlando~~ Expressway System,
930 which the authority is ~~hereby~~ authorized to accept and apply to
931 such purposes, the enforcement of payment and collection of
932 rentals and any other terms, provisions, or covenants necessary,
933 incidental, or appurtenant to the making of and full performance
934 under the ~~such~~ lease-purchase agreement.

935 (4) The department as lessee under the ~~such~~ lease-purchase
936 agreement, may ~~is hereby authorized to pay as rentals~~ under the
937 agreement thereunder any rates, fees, charges, funds, moneys,
938 receipts, or income accruing to the department from the
939 operation of the former Orlando-Orange County Expressway System
940 and the Orange County gasoline tax funds and may also pay as
941 rentals any appropriations received by the department pursuant
942 to any act of the Legislature of the state heretofore or
943 hereafter enacted; ~~provided,~~ however, this part or the ~~that~~
944 ~~nothing herein nor in such~~ lease-purchase agreement is not
945 intended to and does not ~~nor shall this part or such lease-~~
946 ~~purchase agreement~~ require the making or continuance of such
947 appropriations, and ~~nor shall~~ any holder of bonds issued
948 pursuant to this part does not ~~ever~~ have any right to compel the
949 making or continuance of such appropriations.

950 (5) A ~~No~~ pledge of the ~~said~~ Orange County gasoline tax
951 funds as rentals under a ~~such~~ lease-purchase agreement may not
952 ~~shall~~ be made without the consent of the County of Orange
953 evidenced by a resolution duly adopted by the board of county
954 commissioners of said county at a public hearing held pursuant
955 to due notice thereof published at least once a week for 3
956 consecutive weeks before the hearing in a newspaper of general
957 circulation in Orange County. The ~~Said~~ resolution, among other

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958 things, must ~~shall~~ provide that any excess of the ~~said~~ pledged
959 gasoline tax funds which is not required for debt service or
960 reserves for the ~~such~~ debt service for any bonds issued by the
961 ~~said~~ authority shall be returned annually to the department for
962 distribution to Orange County as provided by law. Before making
963 any application for a a ~~such~~ pledge of gasoline tax funds, the
964 authority shall present the plan of its proposed project to the
965 Orange County planning and zoning commission for its comments
966 and recommendations.

967 (6) The ~~Said~~ department may ~~shall have power to~~ covenant in
968 any lease-purchase agreement that it will pay all or any part of
969 the cost of the operation, maintenance, repair, renewal, and
970 replacement of the ~~said~~ system, and any part of the cost of
971 completing the ~~said~~ system to the extent that the proceeds of
972 bonds issued ~~therefor~~ are insufficient, from sources other than
973 the revenues derived from the operation of the ~~said~~ system and
974 the ~~said~~ Orange County gasoline tax funds. The ~~said~~ department
975 may also agree to make such other payments from any moneys
976 available to the ~~said~~ commission, the ~~said~~ county, or the ~~said~~
977 city in connection with the construction or completion of the
978 ~~said~~ system as shall be deemed by the ~~said~~ department to be fair
979 and proper under any ~~such~~ covenants ~~heretofore or hereafter~~
980 entered into.

981 (7) The ~~said~~ system must ~~shall~~ be a part of the state road
982 system and the ~~said~~ department may ~~is hereby authorized,~~ upon
983 the request of the authority, ~~to~~ expend out of any funds
984 available for the purpose the ~~such~~ moneys, and ~~to~~ use ~~such of~~
985 its engineering and other forces, as may be necessary ~~and~~
986 ~~desirable in the judgment of said department,~~ for the operation

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987 of the ~~said~~ authority and for traffic surveys, borings, surveys,
988 preparation of plans and specifications, estimates of cost, and
989 other preliminary engineering and other studies; provided,
990 however, that the aggregate amount of moneys expended for the
991 ~~said~~ purposes by the ~~said~~ department do ~~shall~~ not exceed the sum
992 of \$375,000.

993 Section 13. Section 348.758, Florida Statutes, is amended
994 to read:

995 348.758 Appointment of department as ~~may be appointed~~ agent
996 of authority for construction.—The department may be appointed
997 by the ~~said~~ authority as its agent for the purpose of
998 constructing improvements and extensions to the Central Florida
999 ~~Orlando-Orange County~~ Expressway System and for its ~~the~~
1000 completion thereof. In such event, the authority shall provide
1001 the department with complete copies of all documents,
1002 agreements, resolutions, contracts, and instruments relating
1003 thereto and shall request the department to do such construction
1004 work, including the planning, surveying, and actual construction
1005 of the completion, extensions, and improvements to the Central
1006 Florida ~~Orlando-Orange County~~ Expressway System and shall
1007 transfer to the credit of an account of the department in the
1008 State Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and
1009 the department may ~~shall thereupon be authorized, empowered and~~
1010 ~~directed to~~ proceed with such construction and ~~to~~ use the ~~said~~
1011 funds for such purpose in the same manner that it is ~~now~~
1012 authorized to use the funds ~~otherwise provided by law~~ for the
1013 ~~its use in~~ construction of roads and bridges.

1014 Section 14. Section 348.759, Florida Statutes, is amended
1015 to read:

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1016 348.759 Acquisition of lands and property.—

1017 (1) For the purposes of this part, the Central Florida
1018 ~~Orlando-Orange County~~ Expressway Authority may acquire private
1019 or public property and property rights, including rights of
1020 access, air, view, and light, by gift, devise, purchase, or
1021 condemnation by eminent domain proceedings, as the authority
1022 deems ~~may deem~~ necessary for any of the purposes of this part,
1023 including, but not limited to, any lands reasonably necessary
1024 for securing applicable permits, areas necessary for management
1025 of access, borrow pits, drainage ditches, water retention areas,
1026 rest areas, replacement access for landowners whose access is
1027 impaired due to the construction of a facility, and replacement
1028 rights-of-way for relocated rail and utility facilities; for
1029 existing, proposed, or anticipated transportation facilities on
1030 the Central Florida ~~Orlando-Orange County~~ Expressway System or
1031 in a transportation corridor designated by the authority; or for
1032 the purposes of screening, relocation, removal, or disposal of
1033 junkyards and scrap metal processing facilities. The authority
1034 ~~may shall also have the power to~~ condemn any material and
1035 property necessary for such purposes.

1036 (2) The ~~right of eminent domain herein conferred shall be~~
1037 ~~exercised by the~~ authority shall exercise the right of eminent
1038 domain in the manner provided by law.

1039 (3) When the authority acquires property for a
1040 transportation facility or in a transportation corridor, it is
1041 not subject to any liability imposed by chapter 376 or chapter
1042 403 for preexisting soil or groundwater contamination due solely
1043 to its ownership. This section does not affect the rights or
1044 liabilities of any past or future owners of the acquired

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1045 property and ~~nor~~ does not ~~it~~ affect the liability of any
1046 governmental entity for the results of its actions which create
1047 or exacerbate a pollution source. The authority and the
1048 Department of Environmental Protection may enter into
1049 interagency agreements for the performance, funding, and
1050 reimbursement of the investigative and remedial acts necessary
1051 for property acquired by the authority.

1052 Section 15. Section 348.760, Florida Statutes, is amended
1053 to read:

1054 348.760 Cooperation with other units, boards, agencies, and
1055 individuals. ~~A Express authority and power is hereby given and~~
1056 ~~granted any~~ county, municipality, drainage district, road and
1057 bridge district, school district or any other political
1058 subdivision, board, commission, or individual in, or of, the
1059 state may ~~to~~ make and enter into with the authority, contracts,
1060 leases, conveyances, partnerships, or other agreements pursuant
1061 to ~~within the provisions and purposes of~~ this part. The
1062 authority may ~~is hereby expressly authorized to~~ make and enter
1063 into contracts, leases, conveyances, partnerships, and other
1064 agreements with any political subdivision, agency, or
1065 instrumentality of the state and any ~~and all~~ federal agencies,
1066 corporations, and individuals, for the purpose of carrying out
1067 the provisions of this part ~~or with the consent of the Seminole~~
1068 ~~County Expressway Authority, for the purpose of carrying out and~~
1069 ~~implementing part VIII of this chapter.~~

1070 Section 16. Section 348.761, Florida Statutes, is amended
1071 to read:

1072 348.761 Covenant of the state. ~~The state~~ pledges ~~does~~
1073 ~~hereby pledge~~ to, and agrees, with any person, firm or

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1074 corporation, or federal or state agency subscribing to, or
1075 acquiring the bonds to be issued by the authority for the
1076 purposes of this part that the state will not limit or alter the
1077 rights that are hereby vested in the authority and the
1078 department until all issued bonds and interest ~~at any time~~
1079 ~~issued, together with the interest thereon,~~ are fully paid and
1080 discharged insofar as the pledge same affects the rights of the
1081 holders of bonds issued pursuant to this part hereunder. The
1082 state does further pledge to, and agree, with the United States
1083 that in the event any federal agency constructs or contributes
1084 ~~shall construct or contribute~~ any funds for the completion,
1085 extension, or improvement of the Central Florida Orlando-Orange
1086 ~~County~~ Expressway System, or any part or portion of the system
1087 ~~thereof,~~ the state will not alter or limit the rights and powers
1088 of the authority and the department in any manner that which
1089 would be inconsistent with the continued maintenance and
1090 operation of the Central Florida Orlando-Orange County
1091 Expressway System or the completion, extension, or improvement
1092 of the system thereof, or that which would be inconsistent with
1093 the due performance of any agreements between the authority and
1094 any such federal agency, and the authority and the department
1095 shall continue to have and may exercise all powers ~~herein~~
1096 granted in this part, so long as the powers are ~~same shall be~~
1097 necessary or desirable for the carrying out of the purposes of
1098 this part and the purposes of the United States in the
1099 completion, extension, or improvement of the Central Florida
1100 ~~Orlando-Orange County~~ Expressway System, or any part of the
1101 system ~~or portion thereof.~~

1102 Section 17. Section 348.765, Florida Statutes, is amended

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1103 to read:

1104 348.765 This part complete and additional authority.-

1105 (1) The powers conferred by this part are ~~shall be~~ in
1106 addition and supplemental to the existing powers of the said
1107 board and the department, and this part may ~~shall~~ not be
1108 construed as repealing any of the provisions, of any other law,
1109 general, special, or local, but to supersede such other laws in
1110 the exercise of the powers provided in this part, and to provide
1111 a complete method for the exercise of the powers granted in this
1112 part. The extension and improvement of the Central Florida said
1113 ~~Orlando-Orange County~~ Expressway System, and the issuance of
1114 bonds pursuant to this part hereunder to finance all or part of
1115 the cost of the system thereof, may be accomplished upon
1116 compliance with the provisions of this part without regard to or
1117 necessity for compliance with the provisions, limitations, or
1118 restrictions contained in any other general, special, or local
1119 law, including, but not limited to, s. 215.821, and no approval
1120 of any bonds issued under this part by the qualified electors or
1121 qualified electors who are freeholders in the state or in the
1122 ~~said~~ County of Orange, or in the ~~said~~ City of Orlando, or in any
1123 other political subdivision of the state, is ~~shall be~~ required
1124 for the issuance of such bonds pursuant to this part.

1125 (2) This part does ~~shall not be deemed to~~ repeal, rescind,
1126 or modify any other law ~~or laws~~ relating to the said State Board
1127 of Administration, the said Department of Transportation, or the
1128 Division of Bond Finance of the State Board of Administration,
1129 but supersedes any ~~shall be deemed to and shall supersede such~~
1130 ~~other~~ law that is ~~or laws as are~~ inconsistent with the
1131 provisions of this part, including, but not limited to, s.

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1132 215.821.

1133 Section 18. Section 348.9953, Florida Statutes, is amended
1134 to read:

1135 348.9953 Purposes and powers.—The purposes and powers of
1136 the authority are ~~shall be~~ the same as those identified in the
1137 Florida Expressway Authority Act, except that such purposes and
1138 powers may only be exercised with respect to the Poinciana
1139 Parkway. The Osceola County Expressway Authority may exist only
1140 until the earlier of December 31, 2016, or the completion of
1141 construction of the Poinciana Parkway, a limited access facility
1142 of approximately 9 miles in length in Osceola County with its
1143 northwestern terminus at the intersection of County Road 54 and
1144 US 17/US 92 and its southeastern terminus at the current
1145 intersection of Rhododendron and Cypress Parkway, described in
1146 the Osceola County Expressway Authority May 8, 2012, Master
1147 Plan. The authority's expressway system shall be limited to the
1148 Poinciana Parkway, as it is described in the Osceola County
1149 Expressway Authority May 8, 2012, Master Plan, together with
1150 such changes, modifications, or revisions of the project that
1151 are deemed desirable and proper. The authority, however, may not
1152 extend the Poinciana Parkway beyond the project limits described
1153 in the Osceola County Expressway Authority May 8, 2012, Master
1154 Plan. In implementing this act, the authority shall institute
1155 procedures to encourage the awarding of contracts for
1156 professional services and construction to certified minority
1157 business enterprises as defined in s. 288.703. The authority
1158 shall develop and implement activities to encourage the
1159 participation of certified minority business enterprises in the
1160 contracting process.

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1161 Section 19. Subsections (6) and (7) of section 369.317,
1162 Florida Statutes, are amended to read:

1163 369.317 Wekiva Parkway.—

1164 (6) The Central Florida ~~Orlando-Orange County~~ Expressway
1165 Authority is hereby granted the authority to act as a third-
1166 party acquisition agent, pursuant to s. 259.041 on behalf of the
1167 Board of Trustees or chapter 373 on behalf of the governing
1168 board of the St. Johns River Water Management District, for the
1169 acquisition of all necessary lands, property and all interests
1170 in property identified herein, including fee simple or less-
1171 than-fee simple interests. The lands subject to this authority
1172 are identified in paragraph 10.a., State of Florida, Office of
1173 the Governor, Executive Order 03-112 of July 1, 2003, and in
1174 Recommendation 16 of the Wekiva Basin Area Task Force created by
1175 Executive Order 2002-259, such lands otherwise known as
1176 Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and
1177 Lake Counties within Sections 27, 28, 33, and 34 of Township 19
1178 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20
1179 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre
1180 parcel located in Lake County within Section 37, Township 19
1181 South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in
1182 Lake County within Sections 23, 25, 26, 35, and 36, Township 19
1183 South, Range 28 East; Pine Plantation, a 617+/-acre tract
1184 consisting of eight individual parcels within the Apopka City
1185 limits. The Department of Transportation, the Department of
1186 Environmental Protection, the St. Johns River Water Management
1187 District, and other land acquisition entities shall participate
1188 and cooperate in providing information and support to the third-
1189 party acquisition agent. The land acquisition process authorized

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1190 by this paragraph shall begin no later than December 31, 2004.
1191 Acquisition of the properties identified as Neighborhood Lakes,
1192 Pine Plantation, and New Garden Coal, or approval as a
1193 mitigation bank shall be concluded no later than December 31,
1194 2010. Department of Transportation and Central Florida ~~Orlando-~~
1195 ~~Orange County~~ Expressway Authority funds expended to purchase an
1196 interest in those lands identified in this subsection shall be
1197 eligible as environmental mitigation for road construction
1198 related impacts in the Wekiva Study Area. If any of the lands
1199 identified in this subsection are used as environmental
1200 mitigation for road-construction-related impacts incurred by the
1201 Department of Transportation or Central Florida ~~Orlando-Orange~~
1202 ~~County~~ Expressway Authority, or for other impacts incurred by
1203 other entities, within the Wekiva Study Area or within the
1204 Wekiva parkway alignment corridor, and if the mitigation offsets
1205 these impacts, the St. Johns River Water Management District and
1206 the Department of Environmental Protection shall consider the
1207 activity regulated under part IV of chapter 373 to meet the
1208 cumulative impact requirements of s. 373.414(8)(a).

1209 (a) Acquisition of the land described in this section is
1210 required to provide right-of-way for the Wekiva Parkway, a
1211 limited access roadway linking State Road 429 to Interstate 4,
1212 an essential component in meeting regional transportation needs
1213 to provide regional connectivity, improve safety, accommodate
1214 projected population and economic growth, and satisfy critical
1215 transportation requirements caused by increased traffic volume
1216 growth and travel demands.

1217 (b) Acquisition of the lands described in this section is
1218 also required to protect the surface water and groundwater

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1219 resources of Lake, Orange, and Seminole counties, otherwise
1220 known as the Wekiva Study Area, including recharge within the
1221 springshed that provides for the Wekiva River system. Protection
1222 of this area is crucial to the long term viability of the Wekiva
1223 River and springs and the central Florida region's water supply.
1224 Acquisition of the lands described in this section is also
1225 necessary to alleviate pressure from growth and development
1226 affecting the surface and groundwater resources within the
1227 recharge area.

1228 (c) Lands acquired pursuant to this section that are needed
1229 for transportation facilities for the Wekiva Parkway shall be
1230 determined not necessary for conservation purposes pursuant to
1231 ss. 253.034(6) and 373.089(5) and shall be transferred to or
1232 retained by the Central Florida ~~Orlando-Orange County~~ Expressway
1233 Authority or the Department of Transportation upon reimbursement
1234 of the full purchase price and acquisition costs.

1235 (7) The Department of Transportation, the Department of
1236 Environmental Protection, the St. Johns River Water Management
1237 District, Central Florida ~~Orlando-Orange County~~ Expressway
1238 Authority, and other land acquisition entities shall cooperate
1239 and establish funding responsibilities and partnerships by
1240 agreement to the extent funds are available to the various
1241 entities. Properties acquired with Florida Forever funds shall
1242 be in accordance with s. 259.041 or chapter 373. The Central
1243 Florida ~~Orlando-Orange County~~ Expressway Authority shall acquire
1244 land in accordance with this section of law to the extent funds
1245 are available from the various funding partners, but shall not
1246 be required nor assumed to fund the land acquisition beyond the
1247 agreement and funding provided by the various land acquisition

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1248 entities.

1249 Section 20. Subsection (1) of section 369.324, Florida
1250 Statutes, is amended to read:

1251 369.324 Wekiva River Basin Commission.—

1252 (1) The Wekiva River Basin Commission is created to monitor
1253 and ensure the implementation of the recommendations of the
1254 Wekiva River Basin Coordinating Committee for the Wekiva Study
1255 Area. The East Central Florida Regional Planning Council shall
1256 provide staff support to the commission with funding assistance
1257 from the Department of Economic Opportunity. The commission
1258 shall be comprised of a total of 18 ~~19~~ members appointed by the
1259 Governor, 9 of whom shall be voting members and 9 ~~10~~ shall be ad
1260 hoc nonvoting members. The voting members shall include:

1261 (a) One member of each of the Boards of County
1262 Commissioners for Lake, Orange, and Seminole Counties.

1263 (b) One municipal elected official to serve as a
1264 representative of the municipalities located within the Wekiva
1265 Study Area of Lake County.

1266 (c) One municipal elected official to serve as a
1267 representative of the municipalities located within the Wekiva
1268 Study Area of Orange County.

1269 (d) One municipal elected official to serve as a
1270 representative of the municipalities located within the Wekiva
1271 Study Area of Seminole County.

1272 (e) One citizen representing an environmental or
1273 conservation organization, one citizen representing a local
1274 property owner, a land developer, or an agricultural entity, and
1275 one at-large citizen who shall serve as chair of the council.

1276 (f) The ad hoc nonvoting members shall include one

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1277 representative from each of the following entities:

- 1278 1. St. Johns River Management District.
- 1279 2. Department of Economic Opportunity.
- 1280 3. Department of Environmental Protection.
- 1281 4. Department of Health.
- 1282 5. Department of Agriculture and Consumer Services.
- 1283 6. Fish and Wildlife Conservation Commission.
- 1284 7. Department of Transportation.
- 1285 8. MetroPlan Orlando.
- 1286 9. Central Florida Orlando-Orange County Expressway

1287 Authority.

1288 ~~10. Seminole County Expressway Authority.~~

1289 Section 21. (1) While the governing body of the authority,
1290 upon the effective date of this act, has one or more members
1291 from Osceola County as provided in s. 348.753(3), Florida
1292 Statutes, and the authority has the purposes and powers
1293 described in s. 348.754, Florida Statutes, regarding Osceola
1294 County, the Osceola County Expressway Authority shall continue
1295 for the duration permitted in this section solely for the
1296 purpose of planning and construction of the Poinciana Parkway,
1297 which facility is owned by Osceola County and leased to the
1298 Osceola County Expressway Authority, as provided and permitted
1299 in this subsection. Upon the earlier of December 31, 2016, or
1300 the completion of construction of the Poinciana Parkway, a
1301 limited access facility of approximately 9 miles in length in
1302 Osceola County with its northwestern terminus at the
1303 intersection of County Road 54 and US 17/US 92 and its
1304 southeastern terminus at the current intersection of
1305 Rhododendron and Cypress Parkway, described in the Osceola

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1306 County Expressway Authority May 8, 2012, Master Plan, all
1307 powers, governance, and control of the Osceola County Expressway
1308 System, created pursuant to part V, chapter 348, Florida
1309 Statutes, are transferred to the Central Florida Expressway
1310 Authority, and the assets; liabilities; facilities; tangible and
1311 intangible property, and any rights in such property; any rights
1312 in or benefits of contract; and any other legal rights and
1313 obligations of the Osceola County Expressway Authority are
1314 transferred to the Central Florida Expressway Authority. Part V
1315 of chapter 348, Florida Statutes, consisting of ss. 348.9950-
1316 348.9961, is repealed on the same date that the Osceola County
1317 Expressway System is transferred to the Central Florida
1318 Expressway Authority.

1319 (2) The Central Florida Expressway Authority shall comply
1320 with any and all obligations of any other governmental entities
1321 incurred on behalf of the Osceola County Expressway System,
1322 excluding any obligations of Osceola County with respect to
1323 acquisition, development, construction, operations, and
1324 maintenance of the Poinciana Parkway, and excluding any payment
1325 or other obligations of Osceola County under any bonds issued or
1326 other debt originally incurred by Osceola County or the Osceola
1327 County Expressway Authority for the purpose of financing the
1328 planning or construction of the Poinciana Parkway, which shall
1329 remain the obligations of Osceola County. Payment obligations
1330 transferred to the Central Florida Expressway Authority shall be
1331 made from revenues available for such purpose after payment of
1332 all amounts required:

1333 (a) Otherwise by law;

1334 (b) By the terms of any resolution authorizing the issuance

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1335 of bonds by the authority, the Orlando-Orange County Expressway
1336 Authority, or the Osceola County Expressway Authority;

1337 (c) By the terms of any resolution under which bonds are
1338 issued by Osceola County for the purpose of constructing
1339 improvements to the Osceola County Expressway System; and

1340 (d) By the terms of the memorandum of understanding between
1341 the Orlando-Orange County Expressway Authority and the
1342 department as ratified by the board of the Orlando-Orange County
1343 Expressway Authority on February 22, 2012.

1344 Section 22. The Division of Law Revision and Information is
1345 directed to replace the phrase "the effective date of this act"
1346 wherever it occurs in this act with the date the act becomes a
1347 law.

1348 Section 23. This act shall take effect upon becoming a law.