

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Nelson offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 348.751, Florida Statutes, is amended
 7 to read:

8 348.751 Short title.—This part ~~shall be known and~~ may be
 9 cited as the "Central Florida ~~Orlando-Orange County~~ Expressway
 10 Authority Law."

11 Section 2. Section 348.752, Florida Statutes, is amended
 12 to read:

13 348.752 Definitions.—As used in this part ~~The following~~
 14 ~~terms, whenever used or referred to in this law, shall have the~~
 15 ~~following meanings, except in those instances where the context~~
 16 ~~clearly indicates otherwise:~~

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17 (1) The term "agency of the state" means ~~and includes~~ the
18 state and any department of, or corporation, agency, or
19 instrumentality ~~heretofore or hereafter~~ created, designated, or
20 established by, the state.

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

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

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

30 (5) The term "Central Florida Expressway System" means any
31 expressway and appurtenant facilities, including all approaches,
32 roads, bridges, and avenues for the expressway and any rapid
33 transit, trams, or fixed guideways located within the right-of-
34 way of an expressway.

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

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

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

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

41 (8) The term "federal agency" means and includes the
42 United States, the President of the United States, and any

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43 department of, or corporation, agency, or instrumentality
44 ~~heretofore or hereafter~~ created, designated, or established by,
45 the United States.

46 (9) The term "lease-purchase agreement" means the lease-
47 purchase agreements that ~~which~~ the authority is authorized
48 ~~pursuant to this part~~ to enter into with the Department of
49 Transportation pursuant to this part.

50 (10) The term "limited access expressway" means a street
51 or highway specifically ~~especially~~ designed for through traffic,
52 and over, from, or to which, a no person does not shall have the
53 right of easement, use, or access except in accordance with the
54 rules of ~~and regulations promulgated and established by~~ the
55 authority governing its use ~~for the use of such facility~~. Such
56 highways or streets may be parkways that do not allow traffic
57 ~~by, from which~~ trucks, buses, and other commercial vehicles
58 ~~shall be excluded, or they may be~~ freeways open to use by all
59 customary forms of street and highway traffic.

60 (11) The term ~~"members"~~ ~~means the governing body of the~~
61 ~~authority, and the term "member" means~~ an individual who serves
62 on the one of the individuals constituting such governing body
63 of the authority.

64 (12) The term "Orange County gasoline tax funds" means ~~all~~
65 the revenue derived from the 80-percent surplus gasoline tax
66 funds accruing in each year to the Department of Transportation
67 for use in Orange County under ~~the provisions of~~ s. 9, Art. XII
68 of the State Constitution, after deducting ~~deduction only of~~ any

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69 amounts of said gasoline tax funds previously ~~heretofore~~ pledged
70 by the department or the county for outstanding obligations.

71 ~~(13) The term "Orlando-Orange County Expressway System"~~
72 ~~means any and all expressways and appurtenant facilities~~
73 ~~thereto, including, but not limited to, all approaches, roads,~~
74 ~~bridges, and avenues of access for said expressway or~~
75 ~~expressways.~~

76 ~~(13)~~~~(14)~~ The term "State Board of Administration" means
77 the body corporate existing under the provisions of s. 4, Art.
78 IV of the State Constitution, or any successor ~~thereto~~.

79 (14) The term "transportation facilities" means and
80 includes the mobile and fixed assets, and the associated real or
81 personal property or rights, used in the transportation of
82 persons or property by any means of conveyance, and all
83 appurtenances, such as, but not limited to, highways; limited or
84 controlled access lanes, avenues of access, and facilities;
85 vehicles; fixed guideway facilities, including maintenance
86 facilities; and administrative and other office space for the
87 exercise by the authority of the powers and obligations granted
88 in this part.

89 ~~(15) Words importing singular number include the plural~~
90 ~~number in each case and vice versa, and words importing persons~~
91 ~~include firms and corporations.~~

92 Section 3. Section 348.753, Florida Statutes, is amended
93 to read:

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94 348.753 Central Florida ~~Orlando-Orange County~~ Expressway
95 Authority.-

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

100 (2) (a) Immediately upon the effective date of this act,
101 the Central Florida Expressway Authority shall assume the
102 governance and control of the Orlando-Orange County Expressway
103 Authority System, including its assets, personnel, contracts,
104 obligations, liabilities, facilities, and tangible and
105 intangible property. Any rights in such property, and other
106 legal rights of the authority, are transferred to the Central
107 Florida Expressway Authority. The Central Florida Expressway
108 Authority shall immediately succeed to and assume the powers,
109 responsibilities, and obligations of the Orlando-Orange County
110 Expressway Authority.

111 (b) The transfer pursuant to this subsection is subject to
112 the terms and covenants provided for the protection of the
113 holders of the Orlando-Orange County Expressway Authority bonds
114 in the lease-purchase agreement and the resolutions adopted in
115 connection with the issuance of the bonds. Further, the transfer
116 does not impair the terms of the contract between the Orlando-
117 Orange County Expressway Authority and the bondholders, does not
118 act to the detriment of the bondholders, and does not diminish
119 the security for the bonds. After the transfer, the Central

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120 Florida Expressway Authority shall operate and maintain the
121 expressway system and any other facilities of the Orlando-Orange
122 County Expressway Authority in accordance with the terms,
123 conditions, and covenants contained in the bond resolutions and
124 lease-purchase agreement securing the bonds of the authority.
125 The Central Florida Expressway Authority shall collect toll
126 revenues and apply them to the payment of debt service as
127 provided in the bond resolution securing the bonds, and shall
128 expressly assume all obligations relating to the bonds to ensure
129 that the transfer will have no adverse impact on the security
130 for the bonds. The transfer does not make the obligation to pay
131 the principal and interest on the bonds a general liability of
132 the Central Florida Expressway Authority or pledge additional
133 expressway system revenues to payment of the bonds. Revenues
134 that are generated by the expressway system and other facilities
135 of the Central Florida Expressway Authority which were pledged
136 by the Orlando-Orange County Expressway Authority to payment of
137 the bonds will remain subject to the pledge for the benefit of
138 the bondholders. The transfer does not modify or eliminate any
139 prior obligation of the department to pay certain costs of the
140 expressway system from sources other than revenues of the
141 expressway system.

142 (3)-(2) The governing body of the authority shall consist
143 of 11 five members. The chairs of the boards of the county
144 commissions of Seminole, Lake, and Osceola Counties shall each
145 appoint one member, who may be a commission member or chair. The

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146 Governor shall appoint six citizen members. Of the Governor's
147 appointments, two ~~Three~~ members must ~~shall~~ be citizens of Orange
148 County, and one member each must be a citizen of Seminole, Lake,
149 and Osceola Counties, and one member may be a citizen of any of
150 the identified counties ~~who shall be appointed by the Governor.~~
151 The 10th ~~fourth~~ member must ~~shall~~ be, ex officio, the Mayor of
152 chair of the County Commissioners of Orange County. The 11th
153 member must be the Mayor of the City of Orlando. The executive
154 director of Florida Turnpike Enterprise shall serve as a
155 nonvoting advisor to the governing body of the authority, ~~and~~
156 ~~the fifth member shall be, ex officio, the district secretary of~~
157 ~~the Department of Transportation serving in the district that~~
158 ~~contains Orange County. The term of Each appointed member~~
159 appointed by the Governor shall serve ~~be~~ for 4 years. Each
160 county-appointed member shall serve for 2 years. The terms of
161 standing board members expire upon the effective date of this
162 act. Each appointed member shall hold office until his or her
163 successor has been appointed and has qualified. A vacancy
164 occurring during a term must ~~shall~~ be filled only for the
165 balance of the unexpired term. Each appointed member of the
166 authority shall be a person of outstanding reputation for
167 integrity, responsibility, and business ability, but, except as
168 provided in this subsection, a ~~no~~ person who is an officer or
169 employee of a municipality or any city or of Orange county may
170 not in any other capacity shall ~~be~~ an appointed member of the

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171 authority. Any member of the authority is ~~shall be~~ eligible for
172 reappointment.

173 ~~(4)-(3)~~(a) The authority shall elect one of its members as
174 chair of the authority. The authority shall also elect one of
175 its members as vice chair, one of its members as a secretary,
176 and one of its members as a treasurer ~~who may or may not be~~
177 ~~members of the authority.~~ The chair, vice chair, secretary, and
178 treasurer shall hold such offices at the will of the authority.
179 Six ~~Three~~ members of the authority shall constitute a quorum,
180 and the vote of six ~~three~~ members is ~~shall be~~ necessary for any
181 action taken by the authority. A ~~No~~ vacancy in the authority
182 does not ~~shall~~ impair the right of a quorum of the authority to
183 exercise all of the rights and perform all of the duties of the
184 authority.

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

190 (c) Members of the authority are entitled to receive
191 reimbursement from the authority for travel and other necessary
192 expenses incurred in connection with the business of the
193 authority as provided in s. 112.061, but may not draw salaries
194 or other compensation.

195 ~~(5)-(4)~~(a) The authority may employ an executive secretary,
196 an executive director, its own counsel and legal staff,

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197 technical experts, and the ~~such~~ engineers, and ~~such~~ employees
198 ~~that, permanent or temporary,~~ as it requires. The authority ~~may~~
199 ~~require and~~ may determine the qualifications and fix the
200 compensation of such persons, firms, or corporations, and may
201 employ a fiscal agent or agents; ~~provided, however, that~~ the
202 authority shall solicit sealed proposals from at least three
203 persons, firms, or corporations for the performance of any
204 services as fiscal agents. The authority may delegate to one or
205 more of its agents or employees the ~~such of its~~ power as it
206 deems ~~shall deem~~ necessary to carry out the purposes of this
207 part, ~~subject always to the supervision and control of the~~
208 ~~authority. Members of the authority may be removed from their~~
209 ~~office by the Governor for misconduct, malfeasance, misfeasance,~~
210 ~~or nonfeasance in office.~~

211 ~~(b) Members of the authority shall be entitled to receive~~
212 ~~from the authority their travel and other necessary expenses~~
213 ~~incurred in connection with the business of the authority as~~
214 ~~provided in s. 112.061, but they shall draw no salaries or other~~
215 ~~compensation.~~

216 (6) A member or the executive director of the authority
217 may not:

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

221 (b) After retirement or termination, have an employment or
222 contractual relationship with a business entity other than an

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223 agency as defined in s. 112.312, in connection with a contract
224 in which the member or executive director personally and
225 substantially participated in through decision, approval,
226 disapproval, recommendation, rendering of advice, or
227 investigation while he or she was a member or employee of the
228 authority.

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

231 (8) Authority board members, employees, and consultants
232 who hold positions that may influence authority decisions shall
233 refrain from engaging in any relationship that may adversely
234 affect their judgment in carrying out authority business. To
235 prevent such conflicts of interest and preserve the integrity
236 and transparency of the authority to the public, the following
237 disclosures must be made annually on a disclosure form:

238 (a) Any relationship a board member, employee, or
239 consultant has which affords a current or future financial
240 benefit to such board member, employee, or consultant, or to a
241 relative or business associate of such board member, employee,
242 or consultant, and which a reasonable person would conclude has
243 the potential to create a prohibited conflict of interest. As
244 used in this subsection, the term "relative" has the same
245 meaning as in s. 112.312.

246 (b) Whether a relative of a board member, employee, or
247 consultant is a registered lobbyist, and if so, the names of the

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248 lobbyist's clients. Such names shall be provided in writing to
249 the ethics officer.

250 (c) Any and all interests in real property that a board
251 member, employee, or consultant has, or that a relative,
252 principal, client, or business associate of such board member,
253 employee, or consultant has, if such real property is located
254 within, or within a one-half mile radius of, any actual or
255 prospective authority roadway project. The executive director
256 shall provide a corridor map and a property ownership list
257 reflecting the ownership of all real property within the
258 disclosure area, or an alignment map with a list of associated
259 owners, to all board members, employees, and consultants.

260 (9) The disclosure forms required under subsection (8)
261 must be reviewed by the ethics officer or, if a form is filed by
262 the general counsel, by the executive director.

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

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

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

271 (13) Employees shall be adequately informed and trained on
272 the code of ethics and shall continually participate in ongoing
273 ethics education.

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274 (14) The requirements in subsections (6) through (13) are
275 in addition to the requirements that the members and the
276 executive director of the authority are required to follow under
277 chapter 112.

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

280 Section 4. Section 348.754, Florida Statutes, is amended
281 to read:

282 348.754 Purposes and powers.—

283 (1) (a) The authority created and established under ~~by the~~
284 ~~provisions of this part is hereby granted and has shall have~~ the
285 right to acquire, hold, construct, improve, maintain, operate,
286 own, and lease in the capacity of lessor, the Central Florida
287 ~~Orlando-Orange County~~ Expressway System, hereinafter referred to
288 as "system." Except as otherwise specifically provided by law,
289 including paragraph (2) (n), the area served by the authority
290 shall be within the geographical boundaries of Orange, Seminole,
291 Lake, and Osceola Counties.

292 (b) ~~It is the express intention of this part that said~~
293 ~~authority,~~ In the construction of the Central Florida ~~said~~
294 ~~Orlando-Orange County~~ Expressway System, the authority may shall
295 ~~be authorized to~~ construct any extensions, additions, or
296 improvements to the said system or appurtenant facilities,
297 including all necessary approaches, roads, bridges, ~~and~~ avenues
298 of access, rapid transit, trams, fixed guideways, thoroughfares,
299 and boulevards with any such changes, modifications, or

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300 revisions of the said project which are ~~as shall be~~ deemed
301 desirable and proper.

302 (c) Notwithstanding any other provision of this section to
303 the contrary, to ensure the continued financial feasibility of
304 the portion of the Wekiva Parkway to be constructed by the
305 department, the authority may not, without the prior consent of
306 the secretary of the department, construct any extensions,
307 additions, or improvements to the expressway system in Lake
308 County.

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

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

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

317 (c) To acquire by donation or otherwise, purchase, hold,
318 lease as lessee, and use any franchise or any, property, real,
319 personal, ~~or~~ mixed, or tangible or intangible, or any options
320 ~~thereof~~ in its own name or in conjunction with others, or
321 interest in those options ~~therein~~, necessary or desirable to
322 carry for ~~carrying~~ out the purposes of the authority, and to
323 sell, lease as lessor, transfer, and dispose of any property or
324 interest in the property ~~therein~~ at any time acquired by it.

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325 (d) To enter into and make leases for terms not exceeding
326 99 years, as ~~either~~ lessee or lessor, in order to carry out the
327 right to lease as specified ~~set forth~~ in this part.

328 (e) To enter into and make lease-purchase agreements with
329 the department for terms not exceeding 99 ~~40~~ years, or until any
330 bonds secured by a pledge of rentals pursuant to the agreement
331 ~~thereunder~~, and any refundings pursuant to the agreement
332 ~~thereof~~, are fully paid as to both principal and interest,
333 whichever is longer. The authority is a party to a lease-
334 purchase agreement between the department and the Orlando-Orange
335 County Expressway Authority dated December 23, 1985, as
336 supplemented by a first supplement to the lease-purchase
337 agreement dated November 25, 1986, and a second supplement to
338 the lease-purchase agreement dated October 27, 1988. The
339 authority may not enter into other lease-purchase agreements
340 with the department and may not amend the existing agreement in
341 a manner that expands or increases the department's obligations
342 unless the department determines that the agreement or amendment
343 is necessary to permit the refunding of bonds issued before July
344 1, 2013.

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

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351 ~~that~~ such right and power may be assigned or delegated~~7~~ by the
352 authority~~7~~ to the department. Toll revenues attributable to an
353 increase in the toll rates charged on or after the effective
354 date of this act for the use of a portion of the system may not
355 be used to construct or expand a different portion of the system
356 unless a two-thirds majority of the members of the authority
357 votes to approve such use. This requirement does not apply if,
358 and to the extent that:

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

363 2. Application of the requirement would cause the
364 authority to be unable to meet its obligations under the terms
365 of the memorandum of understanding between the authority and the
366 department as ratified by the Orlando-Orange County Expressway
367 Authority board on February 22, 2012.

368
369 Notwithstanding s. 338.165, and except as otherwise prohibited
370 by this part, to the extent revenues of the expressway system
371 exceed amounts required to comply with any covenants made with
372 the holders of bonds issued pursuant to this part, revenues may
373 be used for purposes enumerated in subsection (6), provided the
374 expenditures are consistent with the metropolitan planning
375 organization's adopted long-range plan.

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376 (g) To borrow money, make and issue negotiable notes,
377 bonds, refunding bonds, and other evidences of indebtedness or
378 obligations, either in temporary or definitive form, ~~hereinafter~~
379 ~~in this chapter sometimes called "bonds" of the authority,~~ for
380 the purpose of financing all or part of the improvement or
381 extension of the Central Florida ~~Orlando-Orange County~~
382 Expressway System, and appurtenant facilities, including all
383 approaches, streets, roads, bridges, and avenues of access for
384 the Central Florida ~~said Orlando-Orange County~~ Expressway System
385 and for any other purpose authorized by this part, ~~said bonds to~~
386 ~~mature in not exceeding 40 years from the date of the issuance~~
387 ~~thereof,~~ and to secure the payment of such bonds or any part
388 thereof by a pledge of any or all of its revenues, rates, fees,
389 rentals, or other charges, including all or any portion of the
390 Orange County gasoline tax funds received by the authority
391 pursuant to ~~the terms of~~ any lease-purchase agreement between
392 the authority and the department; and in general to provide for
393 the security of the ~~said~~ bonds and the rights and remedies of
394 the holders thereof. ~~Provided,~~ However, ~~that~~ no portion of the
395 Orange County gasoline tax funds may ~~shall~~ be pledged for the
396 construction of any project for which a toll is to be charged
397 unless the anticipated toll is ~~tolls are~~ reasonably estimated by
398 the board of county commissioners, at the date of its resolution
399 pledging the ~~said~~ funds, to be sufficient to cover the principal
400 and interest of such obligations during the period when the ~~said~~
401 pledge of funds is ~~shall be~~ in effect. The bonds issued under

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402 this paragraph must mature not more than 40 years after their
403 issue date.

404 1. The authority shall reimburse Orange County for any
405 sums expended from the said gasoline tax funds used for the
406 payment of such obligations. Any gasoline tax funds so disbursed
407 must ~~shall~~ be repaid when the authority deems it practicable,
408 together with interest at the highest rate applicable to any
409 obligations of the authority.

410 2. If, pursuant to this section, ~~In the event~~ the
411 authority funds ~~shall determine to fund~~ or refunds ~~refund~~ any
412 bonds previously ~~theretofore~~ issued by the said authority, ~~or~~
413 the by said commission before the bonds mature as aforesaid
414 ~~prior to the maturity thereof,~~ the proceeds of such funding or
415 refunding must ~~bonds shall,~~ pending the prior redemption of
416 these ~~the~~ bonds ~~to be funded or refunded,~~ be invested in direct
417 obligations of the United States, ~~and it is the express~~
418 ~~intention of this part that such outstanding bonds may be funded~~
419 ~~or refunded by the issuance of bonds pursuant to this part.~~

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

424 (i) Notwithstanding paragraphs (a)-(h), ~~Without limitation~~
425 ~~of the foregoing,~~ to borrow money and accept grants from, and to
426 enter into contracts, leases, or other transactions with any
427 federal agency, the state, any agency of the state, the County

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428 of Orange, the City of Orlando, or with any other public body of
429 the state.

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

432 (k) To pledge, hypothecate, or otherwise encumber ~~all or~~
433 any part of the revenues, rates, fees, rentals, or other charges
434 or receipts of the authority, including all or any portion of
435 the Orange County gasoline tax funds received by the authority
436 pursuant to the terms of any lease-purchase agreement between
437 the authority and the department, as security for ~~all or~~ any of
438 the obligations of the authority.

439 (l) To enter into partnership and other agreements
440 respecting ownership and revenue participation in order to
441 facilitate financing and constructing the Western Beltway, or
442 portions thereof.

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

447 (n) With the consent of the county within whose
448 jurisdiction the following activities occur, the authority shall
449 have the right to construct, operate, and maintain roads,
450 bridges, avenues of access, transportation facilities,
451 thoroughfares, and boulevards outside the jurisdictional
452 boundaries of Orange, Seminole, Lake, and Osceola Counties
453 ~~County~~, together with the right to construct, repair, replace,

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454 operate, install, and maintain electronic toll payment systems
455 thereon, ~~with all necessary and incidental powers to accomplish~~
456 ~~the foregoing.~~

457 (3) The authority does not ~~shall~~ have the ~~no~~ power ~~at any~~
458 ~~time or in any manner~~ to pledge the credit or taxing power of
459 the state or any political subdivision or agency thereof,
460 including any city and any county ~~the City of Orlando and the~~
461 ~~County of Orange,~~ nor may ~~nor shall~~ any of the authority's
462 obligations be deemed to be obligations of the state or of any
463 political subdivision or agency thereof, nor may ~~nor shall~~ the
464 state or any political subdivision or agency thereof, except the
465 authority, be liable for the payment of the principal of or
466 interest on such obligations.

467 ~~(4) Anything in this part to the contrary notwithstanding,~~
468 ~~acquisition of right of way for a project of the authority which~~
469 ~~is within the boundaries of any municipality in Orange County~~
470 ~~shall not be begun unless and until the route of said project~~
471 ~~within said municipality has been given prior approval by the~~
472 ~~governing body of said municipality.~~

473 ~~(4)(5)~~ The authority has ~~shall~~ have no power other than by
474 consent of an affected ~~Orange~~ county or any affected city, to
475 enter into any agreement which would legally prohibit the
476 construction of a any road by the respective county or city
477 ~~Orange County or by any city within Orange County.~~

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

481 ~~(6)(a) The authority may, within the right-of-way of the~~
482 ~~expressway system, finance or refinance the planning, design,~~
483 ~~acquisition, construction, extension, rehabilitation, equipping,~~
484 ~~preservation, maintenance, or improvement of an intermodal~~
485 ~~facility or facilities, a multimodal corridor or corridors, or~~
486 ~~any programs or projects that will improve the levels of service~~
487 ~~on the expressway system Notwithstanding s. 255.05, the Orlando-~~
488 ~~Orange County Expressway Authority may waive payment and~~
489 ~~performance bonds on construction contracts for the construction~~
490 ~~of a public building, for the prosecution and completion of a~~
491 ~~public work, or for repairs on a public building or public work~~
492 ~~that has a cost of \$500,000 or less and when the project is~~
493 ~~awarded pursuant to an economic development program for the~~
494 ~~encouragement of local small businesses that has been adopted by~~
495 ~~the governing body of the Orlando-Orange County Expressway~~
496 ~~Authority pursuant to a resolution or policy.~~

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

500 ~~1. Be an independent business.~~

501 ~~2. Be principally domiciled in the Orange County Standard~~
502 ~~Metropolitan Statistical Area.~~

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

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

507 ~~5. Be accepted as a participant in the Orlando-Orange~~
508 ~~County Expressway Authority's microcontracts program or such~~
509 ~~other small business program as may be hereinafter enacted by~~
510 ~~the Orlando-Orange County Expressway Authority.~~

511 ~~6. Participate in an educational curriculum or technical~~
512 ~~assistance program for business development that will assist the~~
513 ~~small business in becoming eligible for bonding.~~

514 ~~(c) The authority's adopted procedures for waiving payment~~
515 ~~and performance bonds on projects with values not less than~~
516 ~~\$200,000 and not exceeding \$500,000 shall provide that payment~~
517 ~~and performance bonds may only be waived on projects that have~~
518 ~~been set aside to be competitively bid on by participants in an~~
519 ~~economic development program for local small businesses. The~~
520 ~~authority's executive director or his or her designee shall~~
521 ~~determine whether specific construction projects are suitable~~
522 ~~for:~~

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

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

526
527 ~~The decision of the authority's executive director or deputy~~
528 ~~executive director to waive the payment and performance bond~~
529 ~~shall be based upon his or her investigation and conclusion that~~

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530 ~~there exists sufficient competition so that the authority~~
531 ~~receives a fair price and does not undertake any unusual risk~~
532 ~~with respect to such project.~~

533 ~~(d) For any contract for which a payment and performance~~
534 ~~bond has been waived pursuant to the authority set forth in this~~
535 ~~section, the Orlando Orange County Expressway Authority shall~~
536 ~~pay all persons defined in s. 713.01 who furnish labor,~~
537 ~~services, or materials for the prosecution of the work provided~~
538 ~~for in the contract to the same extent and upon the same~~
539 ~~conditions that a surety on the payment bond under s. 255.05~~
540 ~~would have been obligated to pay such persons if the payment and~~
541 ~~performance bond had not been waived. The authority shall record~~
542 ~~notice of this obligation in the manner and location that surety~~
543 ~~bonds are recorded. The notice shall include the information~~
544 ~~describing the contract that s. 255.05(1) requires be stated on~~
545 ~~the front page of the bond. Notwithstanding that s. 255.05(9)~~
546 ~~generally applies when a performance and payment bond is~~
547 ~~required, s. 255.05(9) shall apply under this subsection to any~~
548 ~~contract on which performance or payment bonds are waived and~~
549 ~~any claim to payment under this subsection shall be treated as a~~
550 ~~contract claim pursuant to s. 255.05(9).~~

551 ~~(e) A small business that has been the successful bidder~~
552 ~~on six projects for which the payment and performance bond was~~
553 ~~waived by the authority pursuant to paragraph (a) shall be~~
554 ~~ineligible to bid on additional projects for which the payment~~
555 ~~and performance bond is to be waived. The local small business~~

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556 ~~may continue to participate in other elements of the economic~~
557 ~~development program for local small businesses as long as it is~~
558 ~~eligible.~~

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

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

566 Section 5. Section 348.7543, Florida Statutes, is amended
567 to read:

568 348.7543 Improvements, bond financing authority for.—
569 Pursuant to s. 11(f), Art. VII of the State Constitution, the
570 Legislature hereby approves for bond financing by the Central
571 Florida Orlando-Orange County Expressway Authority improvements
572 to toll collection facilities, interchanges to the legislatively
573 approved expressway system, and any other facility appurtenant,
574 necessary, or incidental to the approved system. Subject to
575 terms and conditions of applicable revenue bond resolutions and
576 covenants, such costs may be financed in whole or in part by
577 revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether
578 currently issued or issued in the future, or by a combination of
579 such bonds.

580 Section 6. Section 348.7544, Florida Statutes, is amended
581 to read:

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582 348.7544 Northwest Beltway Part A, construction
583 authorized; financing.—Notwithstanding s. 338.2275, the Central
584 Florida Orlando-Orange County Expressway Authority may ~~is hereby~~
585 ~~authorized to~~ construct, finance, operate, own, and maintain
586 that portion of the Western Beltway known as the Northwest
587 Beltway Part A, extending from Florida's Turnpike near Ocoee
588 north to U.S. 441 near Apopka, as part of the authority's 20-
589 year capital projects plan. This project may be financed with
590 any funds available to the authority for such purpose or revenue
591 bonds issued by the Division of Bond Finance of the State Board
592 of Administration on behalf of the authority pursuant to s. 11,
593 Art. VII of the State Constitution and the State Bond Act, ss.
594 215.57-215.83.

595 Section 7. Section 348.7545, Florida Statutes, is amended
596 to read:

597 348.7545 Western Beltway Part C, construction authorized;
598 financing.—Notwithstanding s. 338.2275, the Central Florida
599 ~~Orlando-Orange County~~ Expressway Authority may ~~is authorized to~~
600 exercise its condemnation powers, construct, finance, operate,
601 own, and maintain that portion of the Western Beltway known as
602 the Western Beltway Part C, extending from Florida's Turnpike
603 near Ocoee in Orange County southerly through Orange and Osceola
604 Counties to an interchange with I-4 near the Osceola-Polk County
605 line, as part of the authority's 20-year capital projects plan.
606 This project may be financed with any funds available to the
607 authority for such purpose or revenue bonds issued by the

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608 Division of Bond Finance of the State Board of Administration on
609 behalf of the authority pursuant to s. 11, Art. VII of the State
610 Constitution and the State Bond Act, ss. 215.57-215.83. This
611 project may be refinanced with bonds issued by the authority
612 pursuant to s. 348.755(1) (d).

613 Section 8. Section 348.7546, Florida Statutes, is amended
614 to read:

615 348.7546 Wekiva Parkway, construction authorized;
616 financing.—

617 (1) The Central Florida ~~Orlando-Orange County~~ Expressway
618 Authority ~~may is authorized to~~ exercise its condemnation powers
619 and to construct, finance, operate, own, and maintain those
620 portions of the Wekiva Parkway which are identified by agreement
621 between the authority and the department and which are included
622 as part of the authority's long-range capital improvement plan.
623 The "Wekiva Parkway" means any limited access highway or
624 expressway constructed between State Road 429 and Interstate 4
625 specifically incorporating the corridor alignment recommended by
626 Recommendation 2 of the Wekiva River Basin Area Task Force final
627 report dated January 15, 2003, and the recommendations of the SR
628 429 Working Group which were adopted January 16, 2004. This
629 project may be financed with any funds available to the
630 authority for such purpose or revenue bonds issued by the
631 authority under s. 11, Art. VII of the State Constitution and s.
632 348.755(1) (b). This section does not invalidate the exercise by

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633 the authority of its condemnation powers or the acquisition of
634 any property for the Wekiva Parkway before July 1, 2012.

635 (2) Notwithstanding any other provision of law ~~to the~~
636 ~~contrary~~, in order to ensure that funds are available to the
637 department for its portion of the Wekiva Parkway, beginning July
638 1, 2012, the authority shall repay the expenditures by the
639 department for costs of operation and maintenance of the Central
640 Florida Orlando-Orange County Expressway System in accordance
641 with the terms of the memorandum of understanding between the
642 authority and the department as ratified by the authority board
643 on February 22, 2012, which requires the authority to pay the
644 department \$10 million on July 1, 2012, and \$20 million on each
645 successive July 1 until the department has been fully reimbursed
646 for all costs of the Central Florida Orlando-Orange County
647 Expressway System which were paid, advanced, or reimbursed to
648 the authority by the department, with a final payment in the
649 amount of the balance remaining. Notwithstanding any other law
650 ~~to the contrary~~, the funds paid to the department pursuant to
651 this subsection must ~~shall~~ be allocated by the department for
652 construction of the Wekiva Parkway.

653 (3) The department's obligation to construct its portions
654 of the Wekiva Parkway is contingent upon the timely payment by
655 the authority of the annual payments required of the authority
656 and receipt of all required environmental permits and approvals
657 by the Federal Government.

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658 Section 9. Section 348.7547, Florida Statutes, is amended
659 to read:
660 348.7547 Maitland Boulevard Extension and Northwest
661 Beltway Part A Realignment construction authorized; financing.-
662 Notwithstanding s. 338.2275, the Central Florida Orlando-Orange
663 County Expressway Authority may ~~is hereby authorized to~~ exercise
664 its condemnation powers, construct, finance, operate, own, and
665 maintain the portion of State Road 414 known as the Maitland
666 Boulevard Extension and the realigned portion of the Northwest
667 Beltway Part A as part of the authority's long-range capital
668 improvement plan. The Maitland Boulevard Extension extends ~~will~~
669 ~~extend~~ from the current terminus of State Road 414 at U.S. 441
670 west to State Road 429 in west Orange County. The realigned
671 portion of the Northwest Beltway Part A runs ~~will run~~ from the
672 point at or near where the Maitland Boulevard Extension connects
673 ~~will connect~~ with State Road 429 and proceeds ~~will proceed~~ to
674 the west and then north resulting in the northern terminus of
675 State Road 429 moving farther west before reconnecting with U.S.
676 441. However, under no circumstances may ~~shall~~ the realignment
677 of the Northwest Beltway Part A conflict with or contradict ~~with~~
678 the alignment of the Wekiva Parkway as defined in s. 348.7546.
679 This project may be financed with any funds available to the
680 authority for such purpose or revenue bonds issued by the
681 authority under s. 11, Art. VII of the State Constitution and s.
682 348.755 (1) (b) .

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

685 348.755 Bonds of the authority.—

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

690 (a) The pledging of ~~all or~~ any part of the revenues,
691 rates, fees, rentals, ~~(including all or~~ any portion of the
692 Orange County gasoline tax funds received by the authority
693 pursuant to the terms of any lease-purchase agreement between
694 the authority and the department, or any part thereof), or other
695 charges or receipts of the authority, derived by the authority,
696 from the Central Florida ~~Orlando-Orange County~~ Expressway
697 System.

698 (b) The completion, improvement, operation, extension,
699 maintenance, repair, lease or lease-purchase agreement of the
700 ~~said~~ system, and the duties of the authority and others,
701 including the department, ~~with reference thereto~~.

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

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

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709 (e) The setting aside of reserves or sinking funds or
710 repair and replacement funds and the regulation and disposition
711 thereof.

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

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

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

718 (3) The authority may employ fiscal agents as provided by
719 this part or the State Board of Administration of Florida may
720 upon request of the authority act as fiscal agent for the
721 authority in the issuance of any bonds that ~~which~~ may be issued
722 pursuant to this part, and the State Board of Administration may
723 upon request of the authority take over the management, control,
724 administration, custody, and payment of any ~~or all~~ debt services
725 or funds or assets now or hereafter available for any bonds
726 issued pursuant to this part. The authority may enter into any
727 deeds of trust, indentures or other agreements with its fiscal
728 agent, or with any bank or trust company within or without the
729 state, as security for such bonds, and may, under such
730 agreements, sign and pledge ~~all or~~ any of the revenues, rates,
731 fees, rentals or other charges or receipts of the authority,
732 including ~~all or~~ any portion of the Orange County gasoline tax
733 funds received by the authority pursuant to the terms of any
734 lease-purchase agreement between the authority and the

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735 department, ~~thereunder~~. Such deed of trust, indenture, or other
736 agreement may contain such provisions as are customary in such
737 instruments, or, as the authority may authorize, including but
738 without limitation, provisions as to:

739 (a) The completion, improvement, operation, extension,
740 maintenance, repair, and lease of, or lease-purchase agreement
741 relating to the Central Florida Orlando-Orange County Expressway
742 System, and the duties of the authority and others including the
743 department, with reference thereto.

744 (b) The application of funds and the safeguarding of funds
745 on hand or on deposit.

746 (c) The rights and remedies of the trustee and the holders
747 of the bonds.

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

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

752 348.756 Remedies of the bondholders.—

753 (3) When a ~~Any~~ trustee is ~~when~~ appointed pursuant to
754 subsection (1) as aforesaid, or is acting under a deed of trust,
755 indenture, or other agreement, and whether or not all bonds have
756 been declared due and payable, the trustee is ~~shall be~~ entitled
757 ~~as of right~~ to the appointment of a receiver, who may enter upon
758 and take possession of the Central Florida Orlando-Orange County
759 Expressway System or the facilities or any part of the system or
760 facilities ~~or parts thereof~~, the rates, fees, rentals, or other

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761 revenues, charges, or receipts that ~~from which~~ are, or may be,
762 applicable to the payment of the bonds so in default, and
763 subject to and in compliance with the provisions of any lease-
764 purchase agreement between the authority and the department
765 operate and maintain the same, for and on behalf of and in the
766 name of, the authority, the department, and the bondholders, and
767 collect and receive all rates, fees, rentals, and other charges
768 or receipts or revenues arising therefrom in the same manner as
769 the authority or the department might do, and shall deposit all
770 such moneys in a separate account and apply the same in such
771 manner as the court directs ~~shall direct~~. In any suit, action,
772 or proceeding by the trustee, the fees, counsel fees, and
773 expenses of the trustee, and the ~~said~~ receiver, if any, and all
774 costs and disbursements allowed by the court must ~~shall~~ be a
775 first charge on any rates, fees, rentals, or other charges,
776 revenues, or receipts, derived from the Central Florida Orlando-
777 Orange County Expressway System, or the facilities or services
778 or any part of the system or facilities ~~or parts thereof~~,
779 including payments under any such lease-purchase agreement ~~as~~
780 ~~aforsaid~~ which ~~said~~ rates, fees, rentals, or other charges,
781 revenues, or receipts ~~shall or~~ may be applicable to the payment
782 of the bonds that are ~~so~~ in default. The ~~Such~~ trustee has ~~shall~~,
783 ~~in addition to the foregoing, have and possess~~ all of the powers
784 necessary or appropriate for the exercise of any functions
785 specifically set forth in this section ~~herein~~ or incident to the

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786 representation of the bondholders in the enforcement and
787 protection of their rights.

788 (4) ~~Nothing in~~ This section or any other section of this
789 part does not shall authorize any receiver appointed ~~pursuant~~
790 ~~hereto~~ for the purpose, subject to and in compliance with the
791 provisions of any lease-purchase agreement between the authority
792 and the department, of operating and maintaining the Central
793 Florida Orlando-Orange County Expressway System or any
794 facilities or part of the system or facilities ~~or parts thereof~~,
795 to sell, assign, mortgage, or otherwise dispose of any of the
796 assets of whatever kind and character belonging to the
797 authority. ~~It is the intention of this part to limit~~ The powers
798 of the such receiver, subject to and in compliance with the
799 provisions of any lease-purchase agreement between the authority
800 and the department, are limited to the operation and maintenance
801 of the Central Florida Orlando-Orange County Expressway System,
802 or any facility, or part ~~or parts~~ thereof, as the court may
803 direct, in the name and for and on behalf of the authority, the
804 department, and the bondholders, and no holder of bonds on the
805 authority nor any trustee, has shall ever have the right in any
806 suit, action, or proceeding at law or in equity, to compel a
807 receiver, nor may shall any receiver be authorized or any court
808 be empowered to direct the receiver to sell, assign, mortgage,
809 or otherwise dispose of any assets ~~of whatever kind or character~~
810 belonging to the authority.

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811 Section 12. Subsections (1) through (7) of section
812 348.757, Florida Statutes, are amended to read:

813 348.757 Lease-purchase agreement.—

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

818 (2) The ~~Such~~ lease-purchase agreement must ~~shall~~ provide
819 for the leasing of the former Orlando-Orange County Expressway
820 System, by the authority, as lessor, to the department, as
821 lessee, must ~~shall~~ prescribe the term of such lease and the
822 rentals to be paid ~~thereunder~~, and must ~~shall~~ provide that upon
823 the completion of the faithful performance ~~thereunder~~ and the
824 termination of the ~~such~~ lease-purchase agreement, title in fee
825 simple absolute to the former Orlando-Orange County Expressway
826 System as then constituted shall be transferred in accordance
827 with law by the authority, to the state and the authority shall
828 deliver to the department such deeds and conveyances as shall be
829 necessary or convenient to vest title in fee simple absolute in
830 the state.

831 (3) The ~~Such~~ lease-purchase agreement may include ~~such~~
832 other provisions, agreements, and covenants that ~~as~~ the
833 authority and the department deem advisable or required,
834 including, but not limited to, provisions as to the bonds to be
835 issued under, and for the purposes of, this part, the
836 completion, extension, improvement, operation, and maintenance

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837 of the former Orlando-Orange County Expressway System and the
838 expenses and the cost of operation of the said authority, the
839 charging and collection of tolls, rates, fees, and other charges
840 for the use of the services and facilities of the system
841 ~~thereof~~, the application of federal or state grants or aid that
842 ~~which~~ may be made or given to assist the authority in the
843 completion, extension, improvement, operation, and maintenance
844 of the former Orlando-Orange County ~~Orlando~~ Expressway System,
845 which the authority is ~~hereby~~ authorized to accept and apply to
846 such purposes, the enforcement of payment and collection of
847 rentals and any other terms, provisions, or covenants necessary,
848 incidental, or appurtenant to the making of and full performance
849 under the such lease-purchase agreement.

850 (4) The department as lessee under the such lease-purchase
851 agreement, may ~~is hereby authorized to~~ pay as rentals under the
852 agreement thereunder any rates, fees, charges, funds, moneys,
853 receipts, or income accruing to the department from the
854 operation of the former Orlando-Orange County Expressway System
855 and the Orange County gasoline tax funds and may also pay as
856 rentals any appropriations received by the department pursuant
857 to any act of the Legislature of the state heretofore or
858 hereafter enacted; ~~provided,~~ however, this part or the that
859 ~~nothing herein nor in such~~ lease-purchase agreement is not
860 intended to and does not ~~nor shall this part or such lease-~~
861 ~~purchase agreement~~ require the making or continuance of such
862 appropriations, and ~~nor shall~~ any holder of bonds issued

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863 pursuant to this part does not ~~ever~~ have any right to compel the
864 making or continuance of such appropriations.

865 (5) A ~~No~~ pledge of the said Orange County gasoline tax
866 funds as rentals under a ~~such~~ lease-purchase agreement may not
867 ~~shall~~ be made without the consent of the County of Orange
868 evidenced by a resolution duly adopted by the board of county
869 commissioners of said county at a public hearing held pursuant
870 to due notice thereof published at least once a week for 3
871 consecutive weeks before the hearing in a newspaper of general
872 circulation in Orange County. The said resolution, among other
873 things, must ~~shall~~ provide that any excess of the said pledged
874 gasoline tax funds which is not required for debt service or
875 reserves for the ~~such~~ debt service for any bonds issued by the
876 ~~said~~ authority shall be returned annually to the department for
877 distribution to Orange County as provided by law. Before making
878 any application for a ~~such~~ pledge of gasoline tax funds, the
879 authority shall present the plan of its proposed project to the
880 Orange County planning and zoning commission for its comments
881 and recommendations.

882 (6) The said department may ~~shall have power to~~ covenant
883 in any lease-purchase agreement that it will pay all or any part
884 of the cost of the operation, maintenance, repair, renewal, and
885 replacement of the said system, and any part of the cost of
886 completing the said system to the extent that the proceeds of
887 bonds issued ~~therefor~~ are insufficient, from sources other than
888 the revenues derived from the operation of the said system and

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889 ~~the said~~ Orange County gasoline tax funds. ~~The said~~ department
890 may also agree to make such other payments from any moneys
891 available to ~~the said~~ commission, ~~the said~~ county, or ~~the said~~
892 city in connection with the construction or completion of ~~the~~
893 ~~said~~ system as shall be deemed by ~~the said~~ department to be fair
894 and proper under any ~~such~~ covenants ~~heretofore or hereafter~~
895 entered into.

896 (7) ~~The said~~ system ~~must shall~~ be a part of the state road
897 system and ~~the said~~ department ~~may is hereby authorized,~~ upon
898 the request of the authority, ~~to~~ expend out of any funds
899 available for the purpose ~~the such~~ moneys, and ~~to~~ use ~~such of~~
900 its engineering and other forces, as may be necessary ~~and~~
901 ~~desirable in the judgment of said department,~~ for the operation
902 of ~~the said~~ authority and for traffic surveys, borings, surveys,
903 preparation of plans and specifications, estimates of cost, and
904 other preliminary engineering and other studies; provided,
905 however, that the aggregate amount of moneys expended for ~~the~~
906 ~~said~~ purposes by ~~the said~~ department ~~do shall~~ not exceed the sum
907 of \$375,000.

908 Section 13. Section 348.758, Florida Statutes, is amended
909 to read:

910 348.758 Appointment of department as may be appointed
911 agent of authority for construction.—The department may be
912 appointed by ~~the said~~ authority as its agent for the purpose of
913 constructing improvements and extensions to the Central Florida
914 ~~Orlando-Orange County~~ Expressway System and for ~~its the~~

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915 completion ~~thereof~~. In such event, the authority shall provide
916 the department with complete copies of all documents,
917 agreements, resolutions, contracts, and instruments relating
918 thereto and shall request the department to do such construction
919 work, including the planning, surveying, and actual construction
920 of the completion, extensions, and improvements to the Central
921 Florida Orlando-Orange County Expressway System and shall
922 transfer to the credit of an account of the department in the
923 State Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and
924 the department ~~may shall thereupon be authorized, empowered and~~
925 ~~directed to~~ proceed with such construction and ~~to~~ use the ~~said~~
926 funds for such purpose in the same manner that it is ~~now~~
927 authorized to use the funds ~~otherwise provided by law~~ for the
928 ~~its use in~~ construction of roads and bridges.

929 Section 14. Section 348.759, Florida Statutes, is amended
930 to read:

931 348.759 Acquisition of lands and property.—

932 (1) For the purposes of this part, the Central Florida
933 Orlando-Orange County Expressway Authority may acquire private
934 or public property and property rights, including rights of
935 access, air, view, and light, by gift, devise, purchase, or
936 condemnation by eminent domain proceedings, as the authority
937 deems ~~may deem~~ necessary for any of the purposes of this part,
938 including, but not limited to, any lands reasonably necessary
939 for securing applicable permits, areas necessary for management
940 of access, borrow pits, drainage ditches, water retention areas,

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941 rest areas, replacement access for landowners whose access is
942 impaired due to the construction of a facility, and replacement
943 rights-of-way for relocated rail and utility facilities; for
944 existing, proposed, or anticipated transportation facilities on
945 the Central Florida Orlando-Orange County Expressway System or
946 in a transportation corridor designated by the authority; or for
947 the purposes of screening, relocation, removal, or disposal of
948 junkyards and scrap metal processing facilities. The authority
949 ~~may shall also have the power to~~ condemn any material and
950 property necessary for such purposes.

951 (2) The ~~right of eminent domain herein conferred shall be~~
952 ~~exercised by the~~ authority shall exercise the right of eminent
953 domain in the manner provided by law.

954 (3) When the authority acquires property for a
955 transportation facility or in a transportation corridor, it is
956 not subject to any liability imposed by chapter 376 or chapter
957 403 for preexisting soil or groundwater contamination due solely
958 to its ownership. This section does not affect the rights or
959 liabilities of any past or future owners of the acquired
960 property and ~~not~~ does not ~~it~~ affect the liability of any
961 governmental entity for the results of its actions which create
962 or exacerbate a pollution source. The authority and the
963 Department of Environmental Protection may enter into
964 interagency agreements for the performance, funding, and
965 reimbursement of the investigative and remedial acts necessary
966 for property acquired by the authority.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 311 (2014)

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967 Section 15. Section 348.760, Florida Statutes, is amended
968 to read:

969 348.760 Cooperation with other units, boards, agencies,
970 and individuals.—~~A Express authority and power is hereby given~~
971 ~~and granted any~~ county, municipality, drainage district, road
972 and bridge district, school district or any other political
973 subdivision, board, commission, or individual in, or of, the
974 state may ~~to~~ make and enter into with the authority, contracts,
975 leases, conveyances, partnerships, or other agreements pursuant
976 to ~~within the provisions and purposes of~~ this part. The
977 authority may ~~is hereby expressly authorized to~~ make and enter
978 into contracts, leases, conveyances, partnerships, and other
979 agreements with any political subdivision, agency, or
980 instrumentality of the state and any ~~and all~~ federal agencies,
981 corporations, and individuals, for the purpose of carrying out
982 the provisions of this part ~~or with the consent of the Seminole~~
983 ~~County Expressway Authority, for the purpose of carrying out and~~
984 ~~implementing part VIII of this chapter.~~

985 Section 16. Section 348.761, Florida Statutes, is amended
986 to read:

987 348.761 Covenant of the state.—The state pledges ~~does~~
988 ~~hereby pledge~~ to, and agrees, with any person, firm or
989 corporation, or federal or state agency subscribing to, or
990 acquiring the bonds to be issued by the authority for the
991 purposes of this part that the state will not limit or alter the
992 rights that are ~~hereby~~ vested in the authority and the

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993 department until all issued bonds and interest ~~at any time~~
994 ~~issued, together with the interest thereon,~~ are fully paid and
995 discharged insofar as the pledge same affects the rights of the
996 holders of bonds issued pursuant to this part hereunder. The
997 state does further pledge to, and agree, with the United States
998 that in the event any federal agency constructs or contributes
999 ~~shall construct or contribute~~ any funds for the completion,
1000 extension, or improvement of the Central Florida Orlando-Orange
1001 County Expressway System, or any part or portion of the system
1002 ~~thereof~~, the state will not alter or limit the rights and powers
1003 of the authority and the department in any manner that which
1004 would be inconsistent with the continued maintenance and
1005 operation of the Central Florida Orlando-Orange County
1006 Expressway System or the completion, extension, or improvement
1007 of the system thereof, or that which would be inconsistent with
1008 the due performance of any agreements between the authority and
1009 any such federal agency, and the authority and the department
1010 shall continue to have and may exercise all powers ~~herein~~
1011 granted in this part, so long as the powers are same shall be
1012 necessary or desirable for the carrying out of the purposes of
1013 this part and the purposes of the United States in the
1014 completion, extension, or improvement of the Central Florida
1015 Orlando-Orange County Expressway System, or any part of the
1016 system or portion thereof.

1017 Section 17. Section 348.765, Florida Statutes, is amended
1018 to read:

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1019 348.765 This part complete and additional authority.-

1020 (1) The powers conferred by this part are ~~shall be~~ in
1021 addition and supplemental to the existing powers of the said
1022 board and the department, and this part may ~~shall~~ not be
1023 construed as repealing any of the provisions, of any other law,
1024 general, special, or local, but to supersede such other laws in
1025 the exercise of the powers provided in this part, and to provide
1026 a complete method for the exercise of the powers granted in this
1027 part. The extension and improvement of the Central Florida said
1028 ~~Orlando-Orange County~~ Expressway System, and the issuance of
1029 bonds pursuant to this part hereunder to finance all or part of
1030 the cost of the system thereof, may be accomplished upon
1031 compliance with the provisions of this part without regard to or
1032 necessity for compliance with the provisions, limitations, or
1033 restrictions contained in any other general, special, or local
1034 law, including, but not limited to, s. 215.821, and no approval
1035 of any bonds issued under this part by the qualified electors or
1036 qualified electors who are freeholders in the state or in the
1037 ~~said~~ County of Orange, or in the said City of Orlando, or in any
1038 other political subdivision of the state, is ~~shall be~~ required
1039 for the issuance of such bonds pursuant to this part.

1040 (2) This part does ~~shall not be deemed to~~ repeal, rescind,
1041 or modify any other law ~~or laws~~ relating to the said State Board
1042 of Administration, the said Department of Transportation, or the
1043 Division of Bond Finance of the State Board of Administration,
1044 but supersedes any ~~shall be deemed to and shall supersede such~~

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1045 ~~other law that is or laws as are~~ inconsistent with the
1046 provisions of this part, including, but not limited to, s.
1047 215.821.

1048 Section 18. Subsections (6) and (7) of section 369.317,
1049 Florida Statutes, are amended to read:

1050 369.317 Wekiva Parkway.—

1051 (6) The Central Florida ~~Orlando-Orange County~~ Expressway
1052 Authority is hereby granted the authority to act as a third-
1053 party acquisition agent, pursuant to s. 259.041 on behalf of the
1054 Board of Trustees or chapter 373 on behalf of the governing
1055 board of the St. Johns River Water Management District, for the
1056 acquisition of all necessary lands, property and all interests
1057 in property identified herein, including fee simple or less-
1058 than-fee simple interests. The lands subject to this authority
1059 are identified in paragraph 10.a., State of Florida, Office of
1060 the Governor, Executive Order 03-112 of July 1, 2003, and in
1061 Recommendation 16 of the Wekiva Basin Area Task Force created by
1062 Executive Order 2002-259, such lands otherwise known as
1063 Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and
1064 Lake Counties within Sections 27, 28, 33, and 34 of Township 19
1065 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20
1066 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre
1067 parcel located in Lake County within Section 37, Township 19
1068 South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in
1069 Lake County within Sections 23, 25, 26, 35, and 36, Township 19
1070 South, Range 28 East; Pine Plantation, a 617+/-acre tract

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1071 consisting of eight individual parcels within the Apopka City
1072 limits. The Department of Transportation, the Department of
1073 Environmental Protection, the St. Johns River Water Management
1074 District, and other land acquisition entities shall participate
1075 and cooperate in providing information and support to the third-
1076 party acquisition agent. The land acquisition process authorized
1077 by this paragraph shall begin no later than December 31, 2004.
1078 Acquisition of the properties identified as Neighborhood Lakes,
1079 Pine Plantation, and New Garden Coal, or approval as a
1080 mitigation bank shall be concluded no later than December 31,
1081 2010. Department of Transportation and Central Florida ~~Orlando-~~
1082 ~~Orange County~~ Expressway Authority funds expended to purchase an
1083 interest in those lands identified in this subsection shall be
1084 eligible as environmental mitigation for road construction
1085 related impacts in the Wekiva Study Area. If any of the lands
1086 identified in this subsection are used as environmental
1087 mitigation for road-construction-related impacts incurred by the
1088 Department of Transportation or Central Florida ~~Orlando-Orange~~
1089 ~~County~~ Expressway Authority, or for other impacts incurred by
1090 other entities, within the Wekiva Study Area or within the
1091 Wekiva parkway alignment corridor, and if the mitigation offsets
1092 these impacts, the St. Johns River Water Management District and
1093 the Department of Environmental Protection shall consider the
1094 activity regulated under part IV of chapter 373 to meet the
1095 cumulative impact requirements of s. 373.414(8)(a).

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1096 (a) Acquisition of the land described in this section is
1097 required to provide right-of-way for the Wekiva Parkway, a
1098 limited access roadway linking State Road 429 to Interstate 4,
1099 an essential component in meeting regional transportation needs
1100 to provide regional connectivity, improve safety, accommodate
1101 projected population and economic growth, and satisfy critical
1102 transportation requirements caused by increased traffic volume
1103 growth and travel demands.

1104 (b) Acquisition of the lands described in this section is
1105 also required to protect the surface water and groundwater
1106 resources of Lake, Orange, and Seminole counties, otherwise
1107 known as the Wekiva Study Area, including recharge within the
1108 springshed that provides for the Wekiva River system. Protection
1109 of this area is crucial to the long term viability of the Wekiva
1110 River and springs and the central Florida region's water supply.
1111 Acquisition of the lands described in this section is also
1112 necessary to alleviate pressure from growth and development
1113 affecting the surface and groundwater resources within the
1114 recharge area.

1115 (c) Lands acquired pursuant to this section that are
1116 needed for transportation facilities for the Wekiva Parkway
1117 shall be determined not necessary for conservation purposes
1118 pursuant to ss. 253.034(6) and 373.089(5) and shall be
1119 transferred to or retained by the Central Florida ~~Orlando-Orange~~
1120 ~~County~~ Expressway Authority or the Department of Transportation

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1121 upon reimbursement of the full purchase price and acquisition
1122 costs.

1123 (7) The Department of Transportation, the Department of
1124 Environmental Protection, the St. Johns River Water Management
1125 District, Central Florida ~~Orlando-Orange County~~ Expressway
1126 Authority, and other land acquisition entities shall cooperate
1127 and establish funding responsibilities and partnerships by
1128 agreement to the extent funds are available to the various
1129 entities. Properties acquired with Florida Forever funds shall
1130 be in accordance with s. 259.041 or chapter 373. The Central
1131 Florida ~~Orlando-Orange County~~ Expressway Authority shall acquire
1132 land in accordance with this section of law to the extent funds
1133 are available from the various funding partners, but shall not
1134 be required nor assumed to fund the land acquisition beyond the
1135 agreement and funding provided by the various land acquisition
1136 entities.

1137 Section 19. Subsection (1) of section 369.324, Florida
1138 Statutes, is amended to read:

1139 369.324 Wekiva River Basin Commission.—

1140 (1) The Wekiva River Basin Commission is created to
1141 monitor and ensure the implementation of the recommendations of
1142 the Wekiva River Basin Coordinating Committee for the Wekiva
1143 Study Area. The East Central Florida Regional Planning Council
1144 shall provide staff support to the commission with funding
1145 assistance from the Department of Economic Opportunity. The
1146 commission shall be comprised of a total of 18 ~~19~~ members

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1147 appointed by the Governor, 9 of whom shall be voting members and
1148 9 ~~10~~ shall be ad hoc nonvoting members. The voting members shall
1149 include:

1150 (a) One member of each of the Boards of County
1151 Commissioners for Lake, Orange, and Seminole Counties.

1152 (b) One municipal elected official to serve as a
1153 representative of the municipalities located within the Wekiva
1154 Study Area of Lake County.

1155 (c) One municipal elected official to serve as a
1156 representative of the municipalities located within the Wekiva
1157 Study Area of Orange County.

1158 (d) One municipal elected official to serve as a
1159 representative of the municipalities located within the Wekiva
1160 Study Area of Seminole County.

1161 (e) One citizen representing an environmental or
1162 conservation organization, one citizen representing a local
1163 property owner, a land developer, or an agricultural entity, and
1164 one at-large citizen who shall serve as chair of the council.

1165 (f) The ad hoc nonvoting members shall include one
1166 representative from each of the following entities:

- 1167 1. St. Johns River Management District.
- 1168 2. Department of Economic Opportunity.
- 1169 3. Department of Environmental Protection.
- 1170 4. Department of Health.
- 1171 5. Department of Agriculture and Consumer Services.
- 1172 6. Fish and Wildlife Conservation Commission.

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1173 7. Department of Transportation.

1174 8. MetroPlan Orlando.

1175 9. Central Florida ~~Orlando-Orange County~~ Expressway
1176 Authority.

1177 ~~10. Seminole County Expressway Authority.~~

1178 Section 20. (1) Effective upon the completion of
1179 construction of the Poinciana Parkway, a limited access facility
1180 of approximately 9 miles in length in Osceola County with its
1181 northwestern terminus at the intersection of County Road 54 and
1182 U.S. 17/U.S. 92 and its southeastern terminus at the current
1183 intersection of Rhododendron and Cypress Parkway, described in
1184 the Osceola County Expressway Authority May 8, 2012, Master
1185 Plan, all powers, governance, and control of the Osceola County
1186 Expressway System, created pursuant to part V of chapter 348,
1187 Florida Statutes, is transferred to the Central Florida
1188 Expressway Authority, and the assets, liabilities, facilities,
1189 tangible and intangible property and any rights in the property,
1190 and any other legal rights of the Osceola County Expressway
1191 Authority are transferred to the Central Florida Expressway
1192 Authority. The effective date of such transfer shall be extended
1193 until completion of construction of such portions of the
1194 Southport Connector Expressway, the Northeast Connector
1195 Expressway, such portions of the Poinciana Parkway to connect to
1196 State Road 429, and the Osceola Parkway Extension, as each is
1197 described in the Osceola County Expressway Authority May 8,
1198 2012, Master Plan, which are included in any design contract

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1199 executed by the Osceola County Expressway Authority before July
1200 1, 2020. Part V of chapter 348, Florida Statutes, consisting of
1201 ss. 348.9950-348.9961, Florida Statutes, is repealed on the same
1202 date that the Osceola County Expressway System is transferred to
1203 the Central Florida Expressway Authority.

1204 (2) The Central Florida Expressway Authority shall
1205 reimburse any and all obligations of any other governmental
1206 entities with respect to the Osceola County Expressway System,
1207 including any obligations of Osceola County with respect to
1208 operations and maintenance of the Osceola County Expressway
1209 System and any loan repayment obligations, including repayment
1210 obligations with respect to state infrastructure bank loans.
1211 Such reimbursement shall be made from revenues available for
1212 such purpose after payment of all amounts required:

1213 (a) Otherwise by law;

1214 (b) By the terms of any resolution authorizing the
1215 issuance of bonds by the authority, the Orlando-Orange County
1216 Expressway Authority, or the Osceola County Expressway
1217 Authority;

1218 (c) By the terms of any resolution under which bonds are
1219 issued by Osceola County for the purpose of constructing
1220 improvements to the Osceola County Expressway System; and

1221 (d) By the terms of the memorandum of understanding
1222 between the Orlando-Orange County Expressway Authority and the
1223 Department of Transportation as ratified by the board of the
1224 Orlando-Orange County Expressway Authority on February 22, 2012.

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1225 Section 21. The Division of Law Revision and Information
1226 is directed to replace the phrase "the effective date of this
1227 act" wherever it occurs in this act with the date the act
1228 becomes a law.

1229 Section 22. This act shall take effect July 1, 2015.
1230
1231

1232 -----
1233 **T I T L E A M E N D M E N T**

1234 Remove everything before the enacting clause and insert:
1235 An act relating to the Orlando-Orange County Expressway
1236 Authority; amending ss. 348.751 and 348.752, F.S.; renaming the
1237 Orlando-Orange County Expressway System as the "Central Florida
1238 Expressway System"; revising definitions; making technical
1239 changes; amending s. 348.753, F.S.; creating the Central Florida
1240 Expressway Authority; providing for the transfer of governance
1241 and control, legal rights and powers, responsibilities, terms,
1242 and obligations to the authority; providing conditions for the
1243 transfer; revising the composition of the governing body of the
1244 authority; providing for appointment of officers of the
1245 authority and for the expiration of terms of standing board
1246 members; revising quorum and voting requirements; conforming
1247 terminology and making technical changes; prohibiting a member
1248 or the executive director of the authority from personally
1249 representing certain persons or entities for a specified time
1250 period; prohibiting a retired or terminated member or executive

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1251 director of the authority from contracting with a business
1252 entity under certain circumstances; requiring authority board
1253 members, employees, and consultants to make certain annual
1254 disclosures; requiring an ethics officer to review such
1255 disclosures; requiring the authority code of ethics to include a
1256 conflict of interest process; prohibiting authority employees
1257 and consultants from serving on the board during their
1258 employment or contract period; requiring the code of ethics to
1259 be reviewed and updated at least every 2 years; requiring
1260 employees to participate in ongoing ethics education; providing
1261 penalties; amending s. 348.754, F.S.; providing that the area
1262 served by the authority is within the geopolitical boundaries of
1263 Orange, Seminole, Lake, and Osceola Counties; requiring the
1264 authority to have prior consent from the Secretary of the
1265 Department of Transportation to construct an extension,
1266 addition, or improvement to the expressway system in Lake
1267 County; extending, to 99 years from 40 years, the term of a
1268 lease-purchase agreement; limiting the authority's authority to
1269 enter into a lease-purchase agreement; limiting the use of
1270 certain toll-revenues; providing exceptions; removing the
1271 requirement that the route of a project must be approved by a
1272 municipality before the right-of-way can be acquired; requiring
1273 that the authority encourage the inclusion of local-, small-,
1274 minority-, and women-owned businesses in its procurement and
1275 contracting opportunities; removing the authority and criteria
1276 for an authority to waive payment and performance bonds for

COMMITTEE/SUBCOMMITTEE AMENDMENT

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1277 certain public works projects that are awarded pursuant to an
1278 economic development program; conforming terminology and making
1279 technical changes; amending ss. 348.7543, 348.7544, 348.7545,
1280 348.7546, 348.7547, 348.755, and 348.756, F.S.; conforming
1281 terminology and making technical changes; amending s. 348.757,
1282 F.S.; providing that upon termination of the lease-purchase
1283 agreement of the former Orlando-Orange County Expressway System,
1284 title in fee simple to the former system shall be transferred to
1285 the state; conforming terminology and making technical changes;
1286 amending ss. 348.758, 348.759, 348.760, 348.761, and 348.765,
1287 F.S.; conforming terminology and making technical changes;
1288 amending s. 369.317, F.S.; conforming terminology and making
1289 technical changes; amending s. 369.324, F.S.; revising the
1290 membership of the Wekiva River Basin Commission; conforming
1291 terminology; providing criteria for the transfer of the Osceola
1292 County Expressway Authority System to the Central Florida
1293 Expressway Authority; providing for the repeal of part V of ch.
1294 348, F.S., relating to the Osceola County Expressway Authority,
1295 when such system is transferred to the Central Florida
1296 Expressway Authority; requiring the Central Florida Expressway
1297 Authority to reimburse other governmental entities for
1298 obligations related to the Osceola County Expressway System;
1299 after payment of other obligations; providing a directive to the
1300 Division of Law Revision and Information; providing an effective
1301 date.

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