

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; amending s. 348.753,
7 F.S.; creating the Central Florida Expressway
8 Authority; providing for the transfer of governance
9 and control, legal rights and powers,
10 responsibilities, terms, and obligations from the
11 Orlando-Orange County Expressway Authority to the
12 Central Florida Expressway Authority; providing
13 conditions for the transfer; revising the composition
14 of the governing body of the authority; providing for
15 appointment of officers of the authority and for the
16 expiration of terms of standing board members;
17 revising quorum and voting requirements; prohibiting
18 certain acts by a member or the executive director of
19 the authority or a retired or terminated member;
20 requiring authority board members, employees, and
21 consultants to make certain annual disclosures;
22 requiring an ethics officer to review such
23 disclosures; requiring the authority code of ethics to
24 include a conflict of interest process; requiring the
25 code of ethics to be reviewed and updated; requiring
26 employees to participate in ongoing ethics education;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 providing penalties; amending s. 348.754, F.S.;

28 providing that the area served by the authority is

29 within the geographical boundaries of Orange,

30 Seminole, Lake, and Osceola Counties; requiring the

31 authority to have prior consent from the Secretary of

32 Transportation to construct an extension, addition, or

33 improvement to the expressway system in Lake County;

34 revising the maximum term authorized for lease-

35 purchase agreements with the Department of

36 Transportation; limiting the authority's authority to

37 enter into a lease-purchase agreement; limiting the

38 use of certain toll revenues; providing exceptions;

39 removing the requirement that the route of a project

40 be approved by a municipality before the right-of-way

41 can be acquired; requiring that the authority

42 encourage the inclusion of local, small, minority-

43 owned, and women-owned businesses in its procurement

44 and contracting opportunities; removing the authority

45 and criteria to waive payment and performance bonds

46 for certain public works projects; amending ss.

47 348.7543, 348.7544, 348.7545, 348.7546, 348.7547,

48 348.755, and 348.756, F.S.; conforming provisions to

49 changes made by the act; amending s. 348.757, F.S.;

50 providing that upon termination of the lease-purchase

51 agreement of the former Orlando-Orange County

52 Expressway System, title in fee simple to the former

53 system shall be transferred to the state; amending ss.
 54 348.758, 348.759, 348.760, 348.761, and 348.765, F.S.;
 55 conforming provisions to changes made by the act;
 56 amending s. 369.317, F.S., relating to the Wekiva
 57 Parkway; conforming provisions to changes made by the
 58 act; amending s. 369.324, F.S.; revising the
 59 membership of the Wekiva River Basin Commission;
 60 providing for the transfer of the Osceola County
 61 Expressway Authority and Osceola County Expressway
 62 System to the Central Florida Expressway Authority;
 63 repealing part V of chapter 348, F.S., the Osceola
 64 County Expressway Authority Law, upon completion of
 65 such transfer; requiring the Central Florida
 66 Expressway Authority to reimburse other governmental
 67 entities for obligations related to the Osceola County
 68 Expressway System; providing a directive to the
 69 Division of Law Revision and Information; providing an
 70 effective date.

71
 72 Be It Enacted by the Legislature of the State of Florida:

73
 74 Section 1. Section 348.751, Florida Statutes, is amended
 75 to read:

76 348.751 Short title.—This part ~~shall be known and~~ may be
 77 cited as the "Central Florida ~~Orlando-Orange County~~ Expressway
 78 Authority Law."

79 Section 2. Section 348.752, Florida Statutes, is amended
 80 to read:

81 348.752 Definitions.—As used in this part, the term ~~The~~
 82 ~~following terms, whenever used or referred to in this law, shall~~
 83 ~~have the following meanings, except in those instances where the~~
 84 ~~context clearly indicates otherwise:~~

85 (1) ~~The term~~ "Agency of the state" means ~~and includes~~ the
 86 state and any department of, or corporation, agency, or
 87 instrumentality ~~heretofore or hereafter~~ created, designated, or
 88 established by, the state.

89 (2) ~~The term~~ "Authority" means the body politic and
 90 corporate, and agency of the state created by this part.

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

95 (4) "Central Florida Expressway Authority" means the body
 96 politic and corporate, and agency of the state created by this
 97 part.

98 (5) "Central Florida Expressway System" means any
 99 expressway and appurtenant facilities, including all approaches,
 100 roads, bridges, and avenues for the expressway and any rapid
 101 transit, trams, or fixed guideways located within the right-of-
 102 way of an expressway.

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

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

105 (6) ~~The term "Department"~~ means the Department of
106 Transportation ~~existing under chapters 334-339.~~

107 (7) ~~The term "Expressway"~~ has the same meaning ~~is the same~~
108 as limited access expressway.

109 (8) ~~The term "Federal agency"~~ means and includes the
110 United States, the President of the United States, and any
111 department of, or corporation, agency, or instrumentality
112 ~~heretofore or hereafter~~ created, designated, or established by,
113 the United States.

114 (9) ~~The term "Lease-purchase agreement"~~ means the lease-
115 purchase agreements that ~~which~~ the authority is authorized
116 ~~pursuant to this part~~ to enter into with the Department of
117 Transportation pursuant to this part.

118 (10) ~~The term "Limited access expressway"~~ means a street
119 or highway specifically ~~especially~~ designed for through traffic,
120 and over, from, or to which a, ~~no~~ person does not ~~shall~~ have the
121 right of easement, use, or access except in accordance with the
122 rules of ~~and regulations promulgated and established by the~~
123 authority governing its use ~~for the use of such facility.~~ Such
124 highways or streets may be parkways that do not allow traffic
125 by, ~~from which~~ trucks, buses, and other commercial vehicles
126 ~~shall be excluded,~~ or ~~they may be~~ freeways open to use by all
127 customary forms of street and highway traffic.

128 (11) ~~The term "members"~~ means ~~the governing body of the~~
129 ~~authority,~~ and the term "Member" means an individual who serves
130 on the ~~one of the individuals constituting such governing body~~

131 of the authority.

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

139 ~~(13) The term "Orlando-Orange County Expressway System"~~
 140 ~~means any and all expressways and appurtenant facilities~~
 141 ~~thereto, including, but not limited to, all approaches, roads,~~
 142 ~~bridges, and avenues of access for said expressway or~~
 143 ~~expressways.~~

144 ~~(13)-(14) The term~~ "State Board of Administration" means
 145 the body corporate existing under ~~the provisions of~~ s. 4, Art.
 146 IV of the State Constitution, or any successor ~~thereto.~~

147 (14) "Transportation facilities" means and includes the
 148 mobile and fixed assets, and the associated real or personal
 149 property or rights, used in the transportation of persons or
 150 property by any means of conveyance, and all appurtenances, such
 151 as, but not limited to, highways; limited or controlled access
 152 lanes, avenues of access, and facilities; vehicles; fixed
 153 guideway facilities, including maintenance facilities; and
 154 administrative and other office space for the exercise by the
 155 authority of the powers and obligations granted in this part.

156 ~~(15) Words importing singular number include the plural~~

157 ~~number in each case and vice versa, and words importing persons~~
 158 ~~include firms and corporations.~~

159 Section 3. Section 348.753, Florida Statutes, is amended
 160 to read:

161 348.753 Central Florida ~~Orlando-Orange County~~ Expressway
 162 Authority.—

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

167 (2) (a) Effective upon the effective date of this act, the
 168 Central Florida Expressway Authority shall assume the governance
 169 and control of the Orlando-Orange County Expressway System,
 170 including its assets, personnel, contracts, obligations,
 171 liabilities, facilities, and tangible and intangible property.
 172 Any rights in such property, and other legal rights of the
 173 authority, are transferred to the Central Florida Expressway
 174 Authority. The Central Florida Expressway Authority shall
 175 immediately succeed to and assume the powers, responsibilities,
 176 and obligations of the Orlando-Orange County Expressway
 177 Authority.

178 (b) The transfer pursuant to this subsection is subject to
 179 the terms and covenants provided for the protection of the
 180 holders of the Orlando-Orange County Expressway Authority bonds
 181 in the lease-purchase agreement and the resolutions adopted in
 182 connection with the issuance of the bonds. Further, the transfer

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

209 (3)~~(2)~~ The governing body of the authority shall consist
 210 of 11 ~~five~~ members. The chairs of the boards of county
 211 commissioners of Seminole, Lake, and Osceola Counties shall each
 212 appoint one member, who may be a commission member or chair. The
 213 Governor shall appoint six citizen members. Of the Governor's
 214 appointments, two ~~Three~~ members must ~~shall~~ be citizens of Orange
 215 County, one member each must be a citizen of Seminole, Lake, and
 216 Osceola Counties, and one member may be a citizen of any of the
 217 identified counties ~~who shall be appointed by the Governor. The~~
 218 10th ~~fourth~~ member must ~~shall~~ be, ~~ex officio,~~ the Mayor chair of
 219 the County Commissioners of Orange County. The 11th member must
 220 be the Mayor of the City of Orlando. The executive director of
 221 Florida Turnpike Enterprise shall serve as a nonvoting advisor
 222 to the governing body of the authority, ~~and the fifth member~~
 223 ~~shall be, ex officio, the district secretary of the Department~~
 224 ~~of Transportation serving in the district that contains Orange~~
 225 ~~County. The term of Each appointed member~~ appointed by the
 226 Governor shall serve ~~be~~ for 4 years. Each county-appointed
 227 member shall serve for 2 years. The terms of standing board
 228 members expire upon the effective date of this act. Each
 229 appointed member shall hold office until his or her successor
 230 has been appointed and has qualified. A vacancy occurring during
 231 a term ~~must~~ ~~shall~~ be filled only for the balance of the
 232 unexpired term. Each appointed member of the authority shall be
 233 a person of outstanding reputation for integrity,
 234 responsibility, and business ability, but, except as provided in

235 this subsection, a ~~no~~ person who is an officer or employee of a
236 municipality or any city or of Orange county may not in any
237 ~~other capacity shall~~ be an appointed member of the authority.
238 Any member of the authority is ~~shall be~~ eligible for
239 reappointment.

240 (4)(3)(a) The authority shall elect one of its members as
241 chair of the authority. The authority shall also elect one of
242 its members as vice chair, one of its members as a secretary,
243 and one of its members as a treasurer ~~who may or may not be~~
244 ~~members of the authority.~~ The chair, vice chair, secretary, and
245 treasurer shall hold such offices at the will of the authority.
246 Six ~~Three~~ members of the authority ~~shall~~ constitute a quorum,
247 and the vote of six ~~three~~ members is ~~shall be~~ necessary for any
248 action taken by the authority. A ~~No~~ vacancy in the authority
249 does not shall impair the right of a quorum of the authority to
250 exercise all of the rights and perform all of the duties of the
251 authority.

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

257 (c) Members of the authority are entitled to reimbursement
258 from the authority for travel and other necessary expenses
259 incurred in connection with the business of the authority as
260 provided in s. 112.061 but may not draw salaries or other

261 compensation.

262 ~~(5)(4)(a)~~ The authority may employ an executive secretary,
263 an executive director, its own counsel and legal staff,
264 technical experts, and the ~~such~~ engineers, ~~and such~~ employees
265 that, permanent or temporary, as it requires. The authority ~~may~~
266 ~~require and~~ may determine the qualifications and fix the
267 compensation of such persons, firms, or corporations and may
268 employ a fiscal agent or agents; ~~provided, however, that~~ the
269 authority shall solicit sealed proposals from at least three
270 persons, firms, or corporations for the performance of any
271 services as fiscal agents. The authority may delegate to one or
272 more of its agents or employees the ~~such of its~~ power ~~as it~~
273 deems ~~shall deem~~ necessary to carry out the purposes of this
274 part, ~~subject always to the supervision and control of the~~
275 ~~authority. Members of the authority may be removed from their~~
276 ~~office by the Governor for misconduct, malfeasance, misfeasance,~~
277 ~~or nonfeasance in office.~~

278 ~~(b) Members of the authority shall be entitled to receive~~
279 ~~from the authority their travel and other necessary expenses~~
280 ~~incurred in connection with the business of the authority as~~
281 ~~provided in s. 112.061, but they shall draw no salaries or other~~
282 ~~compensation.~~

283 (6) A member or the executive director of the authority
284 may not:

285 (a) Personally represent another person or entity for
286 compensation before the authority for 2 years following vacation

287 of his or her position.

288 (b) After retirement or termination, have an employment or
289 contractual relationship with a business entity other than an
290 agency as defined in s. 112.312, in connection with a contract
291 in which the member or executive director personally and
292 substantially participated in through decision, approval,
293 disapproval, recommendation, rendering of advice, or
294 investigation while he or she was a member or employee of the
295 authority.

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

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

305 (a) Any relationship a board member, employee, or
306 consultant has which affords a current or future financial
307 benefit to such board member, employee, or consultant, or to a
308 relative or business associate of such board member, employee,
309 or consultant, and which a reasonable person would conclude has
310 the potential to create a prohibited conflict of interest. As
311 used in this subsection, the term "relative" has the same
312 meaning as provided in s. 112.312.

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

317 (c) Any and all interests in real property that a board
318 member, employee, or consultant has, or that a relative,
319 principal, client, or business associate of such board member,
320 employee, or consultant has, if such real property is located
321 within, or within a 1/2-mile radius of, any actual or
322 prospective authority roadway project. The executive director
323 shall provide a corridor map and a property ownership list
324 reflecting the ownership of all real property within the
325 disclosure area, or an alignment map with a list of associated
326 owners, to all board members, employees, and consultants.

327 (9) The disclosure forms filed as required under
328 subsection (8) must be reviewed by the ethics officer or, if a
329 form is filed by the general counsel, reviewed by the executive
330 director.

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

333 (11) Authority employees and consultants may not serve on
334 the governing body of the authority while employed by or under
335 contract with the authority.

336 (12) The code of ethics policy shall be reviewed and
337 updated by the ethics officer and presented for board approval
338 at least once every 2 years.

339 (13) Employees shall be adequately informed and trained on
 340 the code of ethics and shall continually participate in ongoing
 341 ethics education.

342 (14) The requirements of subsections (6)-(13) are in
 343 addition to the requirements that the members and the executive
 344 director of the authority are required to follow under chapter
 345 112.

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

348 Section 4. Section 348.754, Florida Statutes, is amended
 349 to read:

350 348.754 Purposes and powers.—

351 (1) (a) The authority created and established under ~~by the~~
 352 ~~provisions of this part is hereby granted and has~~ shall have the
 353 right to acquire, hold, construct, improve, maintain, operate,
 354 own, and lease in the capacity of lessor, the Central Florida
 355 ~~Orlando-Orange County~~ Expressway System, hereinafter referred to
 356 as "system." Except as otherwise specifically provided by law,
 357 including paragraph (2) (n), the area served by the authority
 358 shall be within the geographical boundaries of Orange, Seminole,
 359 Lake, and Osceola Counties.

360 (b) ~~It is the express intention of this part that said~~
 361 ~~authority,~~ In the construction of the Central Florida ~~said~~
 362 ~~Orlando-Orange County~~ Expressway System, the authority may ~~shall~~
 363 ~~be authorized to~~ construct any extensions, additions, or
 364 improvements to the ~~said~~ system or appurtenant facilities,

365 including all necessary approaches, roads, bridges, ~~and~~ avenues
 366 of access, rapid transit, trams, fixed guideways, thoroughfares,
 367 and boulevards, with any ~~such~~ changes, modifications, or
 368 revisions of the said project which are ~~as shall be~~ deemed
 369 desirable and proper.

370 (c) Notwithstanding any other provision of this section to
 371 the contrary, to ensure the continued financial feasibility of
 372 the portion of the Wekiva Parkway to be constructed by the
 373 department, the authority may not, without the prior consent of
 374 the secretary of the department, construct any extensions,
 375 additions, or improvements to the expressway system in Lake
 376 County.

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

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

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

385 (c) To acquire by donation or otherwise, purchase, hold,
 386 lease as lessee, and use any franchise or any ~~r~~ property, real,
 387 personal, ~~or~~ mixed, or tangible or intangible, or any options
 388 ~~thereof~~ in its own name or in conjunction with others, or
 389 interest in those options therein, necessary or desirable to
 390 carry ~~for carrying~~ out the purposes of the authority, and to

391 sell, lease as lessor, transfer, and dispose of any property or
 392 interest in the property ~~therein~~ at any time acquired by it.

393 (d) To enter into and make leases for terms not exceeding
 394 99 years, as ~~either~~ lessee or lessor, in order to carry out the
 395 right to lease as specified ~~set forth~~ in this part.

396 (e) To enter into and make lease-purchase agreements with
 397 the department for terms not exceeding 99 ~~40~~ years, or until any
 398 bonds secured by a pledge of rentals pursuant to the agreement
 399 ~~thereunder~~, and any refundings pursuant to the agreement
 400 ~~thereof~~, are fully paid as to both principal and interest,
 401 whichever is longer. The authority is a party to a lease-
 402 purchase agreement between the department and the Orlando-Orange
 403 County Expressway Authority dated December 23, 1985, as
 404 supplemented by a first supplement to the lease-purchase
 405 agreement dated November 25, 1986, and a second supplement to
 406 the lease-purchase agreement dated October 27, 1988. The
 407 authority may not enter into other lease-purchase agreements
 408 with the department and may not amend the existing agreement in
 409 a manner that expands or increases the department's obligations
 410 unless the department determines that the agreement or amendment
 411 is necessary to permit the refunding of bonds issued before July
 412 1, 2012.

413 (f) To fix, alter, charge, establish, and collect rates,
 414 fees, rentals, and other charges for the services and facilities
 415 of the Central Florida ~~Orlando-Orange County~~ Expressway System,
 416 which must ~~rates, fees, rentals and other charges shall always~~

417 be sufficient to comply with any covenants made with the holders
418 of any bonds issued pursuant to this part; ~~provided,~~ however,
419 ~~that~~ such right and power may be assigned or delegated~~,~~ by the
420 authority~~,~~ to the department. Toll revenues attributable to an
421 increase in the toll rates charged on or after the effective
422 date of this act for the use of a portion of the system may not
423 be used to construct or expand a different portion of the system
424 unless a two-thirds majority of the members of the authority
425 votes to approve such use. This requirement does not apply if
426 and to the extent that:

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

431 2. Application of the requirement would cause the
432 authority to be unable to meet its obligations under the terms
433 of the memorandum of understanding between the authority and the
434 department as ratified by the Orlando-Orange County Expressway
435 Authority board on February 22, 2012.

436
437 Notwithstanding s. 338.165, and, except as otherwise prohibited
438 by this part, to the extent revenues of the expressway system
439 exceed amounts required to comply with any covenants made with
440 the holders of bonds issued pursuant to this part, revenues may
441 be used for purposes enumerated in subsection (6), provided the
442 expenditures are consistent with the metropolitan planning

443 organization's adopted long-range plan.

444 (g) To borrow money, make and issue negotiable notes,
 445 bonds, refunding bonds, and other evidences of indebtedness or
 446 obligations, either in temporary or definitive form, ~~hereinafter~~
 447 ~~in this chapter sometimes called "bonds" of the authority,~~ for
 448 the purpose of financing all or part of the improvement or
 449 extension of the Central Florida ~~Orlando-Orange County~~
 450 Expressway System, and appurtenant facilities, including all
 451 approaches, streets, roads, bridges, and avenues of access for
 452 the Central Florida ~~said Orlando-Orange County~~ Expressway System
 453 and for any other purpose authorized by this part, ~~said bonds to~~
 454 ~~mature in not exceeding 40 years from the date of the issuance~~
 455 ~~thereof,~~ and to secure the payment of such bonds or any part
 456 thereof by a pledge of any or all of its revenues, rates, fees,
 457 rentals, or other charges, including all or any portion of the
 458 Orange County gasoline tax funds received by the authority
 459 pursuant to ~~the terms of~~ any lease-purchase agreement between
 460 the authority and the department; and in general to provide for
 461 the security of the ~~said~~ bonds and the rights and remedies of
 462 the holders thereof. ~~Provided, However, that~~ no portion of the
 463 Orange County gasoline tax funds may ~~shall~~ be pledged for the
 464 construction of any project for which a toll is to be charged
 465 unless the anticipated toll is ~~tolls are~~ reasonably estimated by
 466 the board of county commissioners, at the date of its resolution
 467 pledging the ~~said~~ funds, to be sufficient to cover the principal
 468 and interest of such obligations during the period when the ~~said~~

469 | pledge of funds is ~~shall be~~ in effect. The bonds issued under
 470 | this paragraph must mature not more than 40 years after their
 471 | issue date.

472 | 1. The authority shall reimburse Orange County for any
 473 | sums expended from the ~~said~~ gasoline tax funds used for the
 474 | payment of such obligations. Any gasoline tax funds so disbursed
 475 | must ~~shall~~ be repaid when the authority deems it practicable,
 476 | together with interest at the highest rate applicable to any
 477 | obligations of the authority.

478 | 2. If, pursuant to this section, ~~In the event~~ the
 479 | authority funds ~~shall determine to fund~~ or refunds ~~refund~~ any
 480 | bonds previously ~~theretofore~~ issued by the ~~said~~ authority, or
 481 | the ~~by said~~ commission before the bonds mature ~~as aforesaid~~
 482 | ~~prior to the maturity thereof,~~ the proceeds of such funding or
 483 | refunding must ~~bonds shall~~, pending the prior redemption of such
 484 | ~~the bonds to be funded or refunded,~~ be invested in direct
 485 | obligations of the United States, ~~and it is the express~~
 486 | ~~intention of this part that such outstanding bonds may be funded~~
 487 | ~~or refunded by the issuance of bonds pursuant to this part.~~

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

492 | (i) Notwithstanding paragraphs (a)-(h) ~~Without limitation~~
 493 | ~~of the foregoing,~~ to borrow money and accept grants from, and to
 494 | enter into contracts, leases, or other transactions with, any

495 federal agency, the state, any agency of the state, Orange the
 496 County ~~of Orange~~, the City of Orlando, or ~~with~~ any other public
 497 body of the state.

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

500 (k) To pledge, hypothecate, or otherwise encumber ~~all or~~
 501 any part of the revenues, rates, fees, rentals, or other charges
 502 or receipts of the authority, including all or any portion of
 503 the Orange County gasoline tax funds received by the authority
 504 pursuant to the terms of any lease-purchase agreement between
 505 the authority and the department, as security for ~~all or~~ any of
 506 the obligations of the authority.

507 (l) To enter into partnership and other agreements
 508 respecting ownership and revenue participation in order to
 509 facilitate financing and constructing the Western Beltway, ~~or~~
 510 portions thereof.

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

515 (n) With the consent of the county within whose
 516 jurisdiction the following activities occur, the authority shall
 517 have the right to construct, operate, and maintain roads,
 518 bridges, avenues of access, transportation facilities,
 519 thoroughfares, and boulevards outside the jurisdictional
 520 boundaries of Orange, Seminole, Lake, and Osceola Counties

521 County, together with the right to construct, repair, replace,
 522 operate, install, and maintain electronic toll payment systems
 523 thereon, ~~with all necessary and incidental powers to accomplish~~
 524 ~~the foregoing.~~

525 (3) The authority may not ~~shall have no power at any time~~
 526 ~~or in any manner to~~ pledge the credit or taxing power of the
 527 state or any political subdivision or agency thereof, including
 528 any city or any county ~~the City of Orlando and the County of~~
 529 ~~Orange,~~ nor may ~~shall~~ any of the authority's obligations be
 530 deemed to be obligations of the state or of any political
 531 subdivision or agency thereof, nor may ~~shall~~ the state or any
 532 political subdivision or agency thereof, except the authority,
 533 be liable for the payment of the principal of or interest on
 534 such obligations.

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

541 (4)(5) The authority may not, ~~shall have no power~~ other
 542 than by consent of an affected ~~Orange~~ county or any affected
 543 city, ~~to~~ enter into any agreement which would legally prohibit
 544 the construction of a any road by the respective county or city
 545 ~~Orange County or by any city within Orange County.~~

546 (5) The authority shall encourage the inclusion of local,

547 small, minority-owned, and women-owned businesses in its
548 procurement and contracting opportunities.

549 (6)(a) The authority may, within the right-of-way of the
550 expressway system, finance or refinance the planning, design,
551 acquisition, construction, extension, rehabilitation, equipping,
552 preservation, maintenance, or improvement of an intermodal
553 facility or facilities, a multimodal corridor or corridors, or
554 any programs or projects that will improve the levels of service
555 on the expressway system ~~Notwithstanding s. 255.05, the Orlando-~~
556 ~~Orange County Expressway Authority may waive payment and~~
557 ~~performance bonds on construction contracts for the construction~~
558 ~~of a public building, for the prosecution and completion of a~~
559 ~~public work, or for repairs on a public building or public work~~
560 ~~that has a cost of \$500,000 or less and when the project is~~
561 ~~awarded pursuant to an economic development program for the~~
562 ~~encouragement of local small businesses that has been adopted by~~
563 ~~the governing body of the Orlando-Orange County Expressway~~
564 ~~Authority pursuant to a resolution or policy.~~

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

- 568 ~~1. Be an independent business.~~
569 ~~2. Be principally domiciled in the Orange County Standard~~
570 ~~Metropolitan Statistical Area.~~
571 ~~3. Employ 25 or fewer full-time employees.~~
572 ~~4. Have gross annual sales averaging \$3 million or less~~

573 ~~over the immediately preceding 3 calendar years with regard to~~
574 ~~any construction element of the program.~~

575 ~~5. Be accepted as a participant in the Orlando-Orange~~
576 ~~County Expressway Authority's microcontracts program or such~~
577 ~~other small business program as may be hereinafter enacted by~~
578 ~~the Orlando-Orange County Expressway Authority.~~

579 ~~6. Participate in an educational curriculum or technical~~
580 ~~assistance program for business development that will assist the~~
581 ~~small business in becoming eligible for bonding.~~

582 ~~(c) The authority's adopted procedures for waiving payment~~
583 ~~and performance bonds on projects with values not less than~~
584 ~~\$200,000 and not exceeding \$500,000 shall provide that payment~~
585 ~~and performance bonds may only be waived on projects that have~~
586 ~~been set aside to be competitively bid on by participants in an~~
587 ~~economic development program for local small businesses. The~~
588 ~~authority's executive director or his or her designee shall~~
589 ~~determine whether specific construction projects are suitable~~
590 ~~for:~~

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

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

594

595 ~~The decision of the authority's executive director or deputy~~
596 ~~executive director to waive the payment and performance bond~~
597 ~~shall be based upon his or her investigation and conclusion that~~
598 ~~there exists sufficient competition so that the authority~~

599 ~~receives a fair price and does not undertake any unusual risk~~
600 ~~with respect to such project.~~

601 ~~(d) For any contract for which a payment and performance~~
602 ~~bond has been waived pursuant to the authority set forth in this~~
603 ~~section, the Orlando-Orange County Expressway Authority shall~~
604 ~~pay all persons defined in s. 713.01 who furnish labor,~~
605 ~~services, or materials for the prosecution of the work provided~~
606 ~~for in the contract to the same extent and upon the same~~
607 ~~conditions that a surety on the payment bond under s. 255.05~~
608 ~~would have been obligated to pay such persons if the payment and~~
609 ~~performance bond had not been waived. The authority shall record~~
610 ~~notice of this obligation in the manner and location that surety~~
611 ~~bonds are recorded. The notice shall include the information~~
612 ~~describing the contract that s. 255.05(1) requires be stated on~~
613 ~~the front page of the bond. Notwithstanding that s. 255.05(9)~~
614 ~~generally applies when a performance and payment bond is~~
615 ~~required, s. 255.05(9) shall apply under this subsection to any~~
616 ~~contract on which performance or payment bonds are waived and~~
617 ~~any claim to payment under this subsection shall be treated as a~~
618 ~~contract claim pursuant to s. 255.05(9).~~

619 ~~(e) A small business that has been the successful bidder~~
620 ~~on six projects for which the payment and performance bond was~~
621 ~~waived by the authority pursuant to paragraph (a) shall be~~
622 ~~ineligible to bid on additional projects for which the payment~~
623 ~~and performance bond is to be waived. The local small business~~
624 ~~may continue to participate in other elements of the economic~~

625 ~~development program for local small businesses as long as it is~~
 626 ~~eligible.~~

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

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

634 Section 5. Section 348.7543, Florida Statutes, is amended
 635 to read:

636 348.7543 Improvements, bond financing authority for.—
 637 Pursuant to s. 11(f), Art. VII of the State Constitution, the
 638 Legislature ~~hereby~~ approves for bond financing by the Central
 639 Florida Orlando-Orange County Expressway Authority improvements
 640 to toll collection facilities, interchanges to the legislatively
 641 approved expressway system, and any other facility appurtenant,
 642 necessary, or incidental to the approved system. Subject to
 643 terms and conditions of applicable revenue bond resolutions and
 644 covenants, such costs may be financed in whole or in part by
 645 revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether
 646 currently issued or issued in the future, or by a combination of
 647 such bonds.

648 Section 6. Section 348.7544, Florida Statutes, is amended
 649 to read:

650 348.7544 Northwest Beltway Part A, construction

651 authorized; financing.—Notwithstanding s. 338.2275, the Central
 652 Florida Orlando-Orange County Expressway Authority may ~~is hereby~~
 653 ~~authorized to~~ construct, finance, operate, own, and maintain
 654 that portion of the Western Beltway known as the Northwest
 655 Beltway Part A, extending from Florida's Turnpike near Ocoee
 656 north to U.S. 441 near Apopka, as part of the authority's 20-
 657 year capital projects plan. This project may be financed with
 658 any funds available to the authority for such purpose or revenue
 659 bonds issued by the Division of Bond Finance of the State Board
 660 of Administration on behalf of the authority pursuant to s. 11,
 661 Art. VII of the State Constitution and the State Bond Act, ss.
 662 215.57-215.83.

663 Section 7. Section 348.7545, Florida Statutes, is amended
 664 to read:

665 348.7545 Western Beltway Part C, construction authorized;
 666 financing.—Notwithstanding s. 338.2275, the Central Florida
 667 ~~Orlando-Orange County~~ Expressway Authority may ~~is authorized to~~
 668 exercise its condemnation powers, construct, finance, operate,
 669 own, and maintain that portion of the Western Beltway known as
 670 the Western Beltway Part C, extending from Florida's Turnpike
 671 near Ocoee in Orange County southerly through Orange and Osceola
 672 Counties to an interchange with I-4 near the Osceola-Polk County
 673 line, as part of the authority's 20-year capital projects plan.
 674 This project may be financed with any funds available to the
 675 authority for such purpose or revenue bonds issued by the
 676 Division of Bond Finance of the State Board of Administration on

677 behalf of the authority pursuant to s. 11, Art. VII of the State
 678 Constitution and the State Bond Act, ss. 215.57-215.83. This
 679 project may be refinanced with bonds issued by the authority
 680 pursuant to s. 348.755(1) (d).

681 Section 8. Section 348.7546, Florida Statutes, is amended
 682 to read:

683 348.7546 Wekiva Parkway, construction authorized;
 684 financing.—

685 (1) The Central Florida ~~Orlando-Orange County~~ Expressway
 686 Authority may ~~is authorized to~~ exercise its condemnation powers
 687 and ~~to~~ construct, finance, operate, own, and maintain those
 688 portions of the Wekiva Parkway which are identified by agreement
 689 between the authority and the department and which are included
 690 as part of the authority's long-range capital improvement plan.
 691 The "Wekiva Parkway" means any limited access highway or
 692 expressway constructed between State Road 429 and Interstate 4
 693 specifically incorporating the corridor alignment recommended by
 694 Recommendation 2 of the Wekiva River Basin Area Task Force final
 695 report dated January 15, 2003, and the recommendations of the SR
 696 429 Working Group which were adopted January 16, 2004. This
 697 project may be financed with any funds available to the
 698 authority for such purpose or revenue bonds issued by the
 699 authority under s. 11, Art. VII of the State Constitution and s.
 700 348.755(1) (b). This section does not invalidate the exercise by
 701 the authority of its condemnation powers or the acquisition of
 702 any property for the Wekiva Parkway before July 1, 2012.

703 (2) Notwithstanding any other provision of law ~~to the~~
 704 ~~contrary~~, in order to ensure that funds are available to the
 705 department for its portion of the Wekiva Parkway, beginning July
 706 1, 2012, the authority shall repay the expenditures by the
 707 department for costs of operation and maintenance of the Central
 708 Florida ~~Orlando-Orange County~~ Expressway System in accordance
 709 with the terms of the memorandum of understanding between the
 710 authority and the department as ratified by the authority board
 711 on February 22, 2012, which requires the authority to pay the
 712 department \$10 million on July 1, 2012, and \$20 million on each
 713 successive July 1 until the department has been fully reimbursed
 714 for all costs of the Central Florida ~~Orlando-Orange County~~
 715 Expressway System which were paid, advanced, or reimbursed to
 716 the authority by the department, with a final payment in the
 717 amount of the balance remaining. Notwithstanding any other law
 718 ~~to the contrary~~, the funds paid to the department pursuant to
 719 this subsection must ~~shall~~ be allocated by the department for
 720 construction of the Wekiva Parkway.

721 (3) The department's obligation to construct its portions
 722 of the Wekiva Parkway is contingent upon the timely payment by
 723 the authority of the annual payments required of the authority
 724 and receipt of all required environmental permits and approvals
 725 by the Federal Government.

726 Section 9. Section 348.7547, Florida Statutes, is amended
 727 to read:

728 348.7547 Maitland Boulevard Extension and Northwest

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729 Beltway Part A Realignment construction authorized; financing.-
730 Notwithstanding s. 338.2275, the Central Florida ~~Orlando-Orange~~
731 ~~County~~ Expressway Authority may ~~is hereby authorized to~~ exercise
732 its condemnation powers, construct, finance, operate, own, and
733 maintain the portion of State Road 414 known as the Maitland
734 Boulevard Extension and the realigned portion of the Northwest
735 Beltway Part A as part of the authority's long-range capital
736 improvement plan. The Maitland Boulevard Extension extends ~~will~~
737 ~~extend~~ from the current terminus of State Road 414 at U.S. 441
738 west to State Road 429 in west Orange County. The realigned
739 portion of the Northwest Beltway Part A runs ~~will run~~ from the
740 point at or near where the Maitland Boulevard Extension connects
741 ~~will connect~~ with State Road 429 and proceeds ~~will proceed~~ to
742 the west and then north resulting in the northern terminus of
743 State Road 429 moving farther west before reconnecting with U.S.
744 441. However, under no circumstances may ~~shall~~ the realignment
745 of the Northwest Beltway Part A conflict with or contradict ~~with~~
746 the alignment of the Wekiva Parkway as defined in s. 348.7546.
747 This project may be financed with any funds available to the
748 authority for such purpose or revenue bonds issued by the
749 authority under s. 11, Art. VII of the State Constitution and s.
750 348.755(1)(b).

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

753 348.755 Bonds of the authority.-

754 (2) Any ~~such~~ resolution that authorizes ~~or resolutions~~

755 ~~authorizing~~ any bonds issued under this section ~~hereunder~~ may
 756 contain provisions that must ~~which shall~~ be part of the contract
 757 with the holders of such bonds, relating as to:

758 (a) The pledging of ~~all or~~ any part of the revenues,
 759 rates, fees, rentals, ~~(including all or any portion of the~~
 760 Orange County gasoline tax funds received by the authority
 761 pursuant to the terms of any lease-purchase agreement between
 762 the authority and the department, or any part thereof), or other
 763 charges or receipts of the authority, derived by the authority,
 764 from the Central Florida ~~Orlando-Orange County~~ Expressway
 765 System.

766 (b) The completion, improvement, operation, extension,
 767 maintenance, repair, and lease or lease-purchase agreement of
 768 the said system, and the duties of the authority and others,
 769 including the department, ~~with reference thereto~~.

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

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

777 (e) The setting aside of reserves or sinking funds or
 778 repair and replacement funds and the regulation and disposition
 779 thereof.

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

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

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

786 (3) The authority may employ fiscal agents as provided by
 787 this part or the State Board of Administration ~~of Florida~~ may
 788 upon request of the authority act as fiscal agent for the
 789 authority in the issuance of any bonds that ~~which~~ may be issued
 790 pursuant to this part, and the State Board of Administration may
 791 upon request of the authority take over the management, control,
 792 administration, custody, and payment of any ~~or all~~ debt services
 793 or funds or assets now or hereafter available for any bonds
 794 issued pursuant to this part. The authority may enter into any
 795 deeds of trust, indentures, or other agreements with its fiscal
 796 agent, or with any bank or trust company within or without the
 797 state, as security for such bonds, and may, under such
 798 agreements, sign and pledge ~~all or~~ any of the revenues, rates,
 799 fees, rentals, or other charges or receipts of the authority,
 800 including ~~all or~~ any portion of the Orange County gasoline tax
 801 funds received by the authority pursuant to the terms of any
 802 lease-purchase agreement between the authority and the
 803 department, ~~thereunder~~. Such deed of trust, indenture, or other
 804 agreement may contain such provisions as are customary in such
 805 instruments ~~or~~ or as the authority may authorize, including, but
 806 without limitation, provisions as to:

807 (a) The completion, improvement, operation, extension,
 808 maintenance, repair, and lease of, or lease-purchase agreement
 809 relating to, the Central Florida ~~Orlando-Orange County~~
 810 Expressway System, and the duties of the authority and others,
 811 including the department, with reference thereto.

812 (b) The application of funds and the safeguarding of funds
 813 on hand or on deposit.

814 (c) The rights and remedies of the trustee and the holders
 815 of the bonds.

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

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

820 348.756 Remedies of the bondholders.—

821 (3) When a Any trustee is ~~when~~ appointed pursuant to
 822 subsection (1) as aforesaid, or is acting under a deed of trust,
 823 indenture, or other agreement, and regardless of whether ~~or not~~
 824 all bonds have been declared due and payable, the trustee is
 825 ~~shall be entitled as of right~~ to the appointment of a receiver,
 826 who may enter upon and take possession of the Central Florida
 827 ~~Orlando-Orange County~~ Expressway System or the facilities or any
 828 part of the system or facilities ~~or parts thereof,~~ the rates,
 829 fees, rentals, or other revenues, charges, or receipts that from
 830 ~~which~~ are, or may be, applicable to the payment of the bonds so
 831 in default, and subject to and in compliance with the provisions
 832 of any lease-purchase agreement between the authority and the

833 department, l operate and maintain the same, for and on behalf of
 834 and in the name of, ~~the authority,~~ the department, l and the
 835 bondholders, and collect and receive all rates, fees, rentals,
 836 and other charges or receipts or revenues arising therefrom in
 837 the same manner as the authority or the department might do, and
 838 shall deposit all such moneys in a separate account and apply
 839 the same in such manner as the court directs ~~shall direct~~. In
 840 any suit, action, l or proceeding by the trustee, the fees,
 841 counsel fees, and expenses of the trustee, and the said
 842 receiver, if any, and all costs and disbursements allowed by the
 843 court must ~~shall~~ be a first charge on any rates, fees, rentals,
 844 or other charges, revenues, l or receipts, ~~derived from the~~
 845 Central Florida Orlando Orange County Expressway System, or the
 846 facilities or services or any part of the system or facilities
 847 ~~or parts thereof,~~ including payments under any such lease-
 848 purchase agreement ~~as aforesaid~~ which ~~said~~ rates, fees, rentals,
 849 or other charges, revenues, l or receipts ~~shall or~~ may be
 850 applicable to the payment of the bonds that are ~~so~~ in default.
 851 The ~~Such~~ trustee has ~~shall,~~ ~~in addition to the foregoing,~~ have
 852 ~~and possess~~ all of the powers necessary or appropriate for the
 853 exercise of any functions specifically set forth in this section
 854 ~~herein~~ or incident to the representation of the bondholders in
 855 the enforcement and protection of their rights.

856 (4) ~~Nothing in~~ This section or any other section of this
 857 part does not ~~shall~~ authorize any receiver appointed pursuant
 858 ~~hereto~~ for the purpose, subject to and in compliance with the

859 provisions of any lease-purchase agreement between the authority
 860 and the department, of operating and maintaining the Central
 861 Florida ~~Orlando-Orange County~~ Expressway System or any
 862 facilities or part of the system or facilities ~~or parts thereof,~~
 863 to sell, assign, mortgage, or otherwise dispose of any of the
 864 assets of whatever kind and character belonging to the
 865 authority. ~~It is the intention of this part to limit~~ The powers
 866 of the ~~such~~ receiver, subject to and in compliance with the
 867 provisions of any lease-purchase agreement between the authority
 868 and the department, are limited to the operation and maintenance
 869 of the Central Florida ~~Orlando-Orange County~~ Expressway System,
 870 or any facility, or part ~~or parts~~ thereof, as the court may
 871 direct, in the name and for and on behalf of the authority, the
 872 department, and the bondholders, and no holder of bonds on the
 873 authority nor any trustee has, ~~shall ever have~~ the right in any
 874 suit, action, or proceeding at law or in equity, to compel a
 875 receiver, nor may ~~shall~~ any receiver be authorized or any court
 876 be empowered to direct the receiver, to sell, assign, mortgage,
 877 or otherwise dispose of any assets ~~of whatever kind or character~~
 878 belonging to the authority.

879 Section 12. Subsections (1) through (7) of section
 880 348.757, Florida Statutes, are amended to read:

881 348.757 Lease-purchase agreement.—

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

885 covering the former Orlando-Orange County Expressway System.

886 (2) The ~~Such~~ lease-purchase agreement must ~~shall~~ provide
 887 for the leasing of the former Orlando-Orange County Expressway
 888 System, by the authority, as lessor, to the department, as
 889 lessee, must ~~shall~~ prescribe the term of such lease and the
 890 rentals to be paid ~~thereunder~~, and must ~~shall~~ provide that upon
 891 the completion of the faithful performance ~~thereunder~~ and the
 892 termination of the ~~such~~ lease-purchase agreement, title in fee
 893 simple absolute to the former Orlando-Orange County Expressway
 894 System as then constituted shall be transferred in accordance
 895 with law by the authority, to the state and the authority shall
 896 deliver to the department such deeds and conveyances as shall be
 897 necessary or convenient to vest title in fee simple absolute in
 898 the state.

899 (3) The ~~Such~~ lease-purchase agreement may include ~~such~~
 900 other provisions, agreements, and covenants that ~~as~~ the
 901 authority and the department deem advisable or required,
 902 including, but not limited to, provisions as to the bonds to be
 903 issued under, and for the purposes of, this part, the
 904 completion, extension, improvement, operation, and maintenance
 905 of the former Orlando-Orange County Expressway System and the
 906 expenses and the cost of operation of the ~~said~~ authority, the
 907 charging and collection of tolls, rates, fees, and other charges
 908 for the use of the services and facilities of the system
 909 ~~thereof~~, the application of federal or state grants or aid that
 910 ~~which~~ may be made or given to assist the authority in the

911 completion, extension, improvement, operation, and maintenance
 912 of the former Orlando-Orange County ~~Orlando~~ Expressway System,
 913 which the authority is ~~hereby~~ authorized to accept and apply to
 914 such purposes, the enforcement of payment and collection of
 915 rentals and any other terms, provisions, or covenants necessary,
 916 incidental, or appurtenant to the making of and full performance
 917 under the ~~such~~ lease-purchase agreement.

918 (4) The department as lessee under the ~~such~~ lease-purchase
 919 agreement ~~may, is hereby authorized to~~ pay as rentals under the
 920 agreement ~~thereunder~~ any rates, fees, charges, funds, moneys,
 921 receipts, or income accruing to the department from the
 922 operation of the former Orlando-Orange County Expressway System
 923 and the Orange County gasoline tax funds and may also pay as
 924 rentals any appropriations received by the department pursuant
 925 to any act of the Legislature of the state heretofore or
 926 hereafter enacted; ~~provided,~~ however, this part or the ~~that~~
 927 ~~nothing herein nor in such~~ lease-purchase agreement is not
 928 intended to and does not ~~nor shall this part or such lease-~~
 929 ~~purchase agreement~~ require the making or continuance of such
 930 appropriations, and ~~nor shall~~ any holder of bonds issued
 931 pursuant to this part does not ~~ever~~ have any right to compel the
 932 making or continuance of such appropriations.

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

937 commissioners of said county at a public hearing held pursuant
 938 to due notice thereof published at least once a week for 3
 939 consecutive weeks before the hearing in a newspaper of general
 940 circulation in Orange County. The ~~said~~ resolution, among other
 941 things, must ~~shall~~ provide that any excess of the ~~said~~ pledged
 942 gasoline tax funds which is not required for debt service or
 943 reserves for the ~~such~~ debt service for any bonds issued by the
 944 ~~said~~ authority shall be returned annually to the department for
 945 distribution to Orange County as provided by law. Before making
 946 any application for a ~~such~~ pledge of gasoline tax funds, the
 947 authority shall present the plan of its proposed project to the
 948 Orange County planning and zoning commission for its comments
 949 and recommendations.

950 (6) The ~~said~~ department may ~~shall have power to~~ covenant
 951 in any lease-purchase agreement that it will pay all or any part
 952 of the cost of the operation, maintenance, repair, renewal, and
 953 replacement of the ~~said~~ system, and any part of the cost of
 954 completing the ~~said~~ system to the extent that the proceeds of
 955 bonds issued ~~therefor~~ are insufficient, from sources other than
 956 the revenues derived from the operation of the ~~said~~ system and
 957 the ~~said~~ Orange County gasoline tax funds. The ~~said~~ department
 958 may also agree to make such other payments from any moneys
 959 available to the ~~said~~ commission, the ~~said~~ county, or the ~~said~~
 960 city in connection with the construction or completion of the
 961 ~~said~~ system as shall be deemed by the ~~said~~ department to be fair
 962 and proper under any ~~such~~ covenants ~~heretofore or hereafter~~

963 entered into.

964 (7) The ~~said~~ system must ~~shall~~ be a part of the state road
 965 system, and the ~~said~~ department may ~~is hereby~~ authorized, upon
 966 the request of the authority, ~~to~~ expend out of any funds
 967 available for the purpose such moneys, and ~~to~~ use ~~such of~~ its
 968 engineering and other forces, as may be necessary ~~and desirable~~
 969 ~~in the judgment of said department,~~ for the operation of the
 970 ~~said~~ authority and for traffic surveys, borings, surveys,
 971 preparation of plans and specifications, estimates of cost, and
 972 other preliminary engineering and other studies, ~~+~~ provided, ~~+~~
 973 ~~however,~~ that the aggregate amount of moneys expended for the
 974 ~~said~~ purposes by the ~~said~~ department does ~~shall~~ not exceed the
 975 sum of \$375,000.

976 Section 13. Section 348.758, Florida Statutes, is amended
 977 to read:

978 348.758 Appointment of department as ~~may be~~ appointed
 979 agent of authority for construction.—The department may be
 980 appointed by the ~~said~~ authority as its agent for the purpose of
 981 constructing improvements and extensions to the Central Florida
 982 ~~Orlando-Orange County~~ Expressway System and for its ~~the~~
 983 completion ~~thereof~~. In such event, the authority shall provide
 984 the department with complete copies of all documents,
 985 agreements, resolutions, contracts, and instruments relating
 986 thereto and shall request the department to do such construction
 987 work, including the planning, surveying, and actual construction
 988 of the completion, extensions, and improvements to the Central

989 Florida ~~Orlando-Orange County~~ Expressway System and shall
 990 transfer to the credit of an account of the department in the
 991 State Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and
 992 the department may ~~shall thereupon be authorized, empowered and~~
 993 ~~directed to~~ proceed with such construction and ~~to~~ use the ~~said~~
 994 funds for such purpose in the same manner that it is ~~now~~
 995 authorized to use the funds ~~otherwise provided by law~~ for the
 996 ~~its use in~~ construction of roads and bridges.

997 Section 14. Section 348.759, Florida Statutes, is amended
 998 to read:

999 348.759 Acquisition of lands and property.-

1000 (1) For the purposes of this part, the Central Florida
 1001 ~~Orlando-Orange County~~ Expressway Authority may acquire private
 1002 or public property and property rights, including rights of
 1003 access, air, view, and light, by gift, devise, purchase, or
 1004 condemnation by eminent domain proceedings, as the authority
 1005 deems ~~may deem~~ necessary for any of the purposes of this part,
 1006 including, but not limited to, any lands reasonably necessary
 1007 for securing applicable permits, areas necessary for management
 1008 of access, borrow pits, drainage ditches, water retention areas,
 1009 rest areas, replacement access for landowners whose access is
 1010 impaired due to the construction of a facility, and replacement
 1011 rights-of-way for relocated rail and utility facilities; for
 1012 existing, proposed, or anticipated transportation facilities on
 1013 the Central Florida ~~Orlando-Orange County~~ Expressway System or
 1014 in a transportation corridor designated by the authority; or for

1015 the purposes of screening, relocation, removal, or disposal of
 1016 junkyards and scrap metal processing facilities. The authority
 1017 ~~may shall also have the power to~~ condemn any material and
 1018 property necessary for such purposes.

1019 (2) ~~The right of eminent domain herein conferred shall be~~
 1020 ~~exercised by the~~ authority shall exercise the right of eminent
 1021 domain in the manner provided by law.

1022 (3) When the authority acquires property for a
 1023 transportation facility or in a transportation corridor, it is
 1024 not subject to any liability imposed by chapter 376 or chapter
 1025 403 for preexisting soil or groundwater contamination due solely
 1026 to its ownership. This section does not affect the rights or
 1027 liabilities of any past or future owners of the acquired
 1028 property and ~~nor~~ does not ~~it~~ affect the liability of any
 1029 governmental entity for the results of its actions which create
 1030 or exacerbate a pollution source. The authority and the
 1031 Department of Environmental Protection may enter into
 1032 interagency agreements for the performance, funding, and
 1033 reimbursement of the investigative and remedial acts necessary
 1034 for property acquired by the authority.

1035 Section 15. Section 348.760, Florida Statutes, is amended
 1036 to read:

1037 348.760 Cooperation with other units, boards, agencies,
 1038 and individuals. ~~A Express authority and power is hereby given~~
 1039 ~~and granted any~~ county, municipality, drainage district, road
 1040 and bridge district, school district, or any other political

1041 subdivision, board, commission, or individual in~~7~~ or of~~7~~ the
 1042 state may ~~to~~ make and enter into with the authority~~7~~ contracts,
 1043 leases, conveyances, partnerships, or other agreements pursuant
 1044 to ~~within the provisions and purposes of~~ this part. The
 1045 authority may ~~is hereby expressly authorized to~~ make and enter
 1046 into contracts, leases, conveyances, partnerships, and other
 1047 agreements with any political subdivision, agency, or
 1048 instrumentality of the state and any ~~and all~~ federal agency
 1049 agencies, corporation corporations, and individual individuals,
 1050 for the purpose of carrying out the provisions of this part ~~or~~
 1051 ~~with the consent of the Seminole County Expressway Authority,~~
 1052 ~~for the purpose of carrying out and implementing part VIII of~~
 1053 ~~this chapter.~~

1054 Section 16. Section 348.761, Florida Statutes, is amended
 1055 to read:

1056 348.761 Covenant of the state.—The state pledges ~~does~~
 1057 ~~hereby pledge~~ to, and agrees~~7~~ with, any person, firm or
 1058 corporation, or federal or state agency subscribing to~~7~~ or
 1059 acquiring the bonds to be issued by the authority for the
 1060 purposes of this part that the state will not limit or alter the
 1061 rights that are ~~hereby~~ vested in the authority and the
 1062 department until all issued bonds and interest ~~at any time~~
 1063 ~~issued, together with the interest thereon,~~ are fully paid and
 1064 discharged insofar as the pledge ~~same~~ affects the rights of the
 1065 holders of bonds issued pursuant to this part ~~hereunder~~. The
 1066 state ~~does~~ further pledges ~~pledge~~ to, and agrees ~~agree,~~ with,

1067 the United States that in the event any federal agency
 1068 constructs or contributes ~~shall construct or contribute~~ any
 1069 funds for the completion, extension, or improvement of the
 1070 Central Florida Orlando-Orange County Expressway System, or any
 1071 part or portion of the system ~~thereof~~, the state will not alter
 1072 or limit the rights and powers of the authority and the
 1073 department in any manner that ~~which~~ would be inconsistent with
 1074 the continued maintenance and operation of the Central Florida
 1075 Orlando-Orange County Expressway System or the completion,
 1076 extension, or improvement of the system ~~thereof~~, or that ~~which~~
 1077 would be inconsistent with the due performance of any agreements
 1078 between the authority and any such federal agency, and the
 1079 authority and the department shall continue to have and may
 1080 exercise all powers ~~herein~~ granted in this part, so long as the
 1081 powers are ~~same shall be~~ necessary or desirable for the carrying
 1082 out of the purposes of this part and the purposes of the United
 1083 States in the completion, extension, or improvement of the
 1084 Central Florida Orlando-Orange County Expressway System, or any
 1085 part of the system ~~or portion thereof~~.

1086 Section 17. Section 348.765, Florida Statutes, is amended
 1087 to read:

1088 348.765 This part complete and additional authority.—

1089 (1) The powers conferred by this part are ~~shall be~~ in
 1090 addition and supplemental to the existing powers of the said
 1091 board and the department, and this part may ~~shall~~ not be
 1092 construed as repealing any of the provisions, of any other law,

1093 general, special, or local, but to supersede such other laws in
 1094 the exercise of the powers provided in this part, and to provide
 1095 a complete method for the exercise of the powers granted in this
 1096 part. The extension and improvement of the Central Florida ~~said~~
 1097 ~~Orlando-Orange County~~ Expressway System, and the issuance of
 1098 bonds pursuant to this part ~~hereunder~~ to finance all or part of
 1099 the cost of the system ~~thereof~~, may be accomplished upon
 1100 compliance with ~~the provisions of~~ this part without regard to or
 1101 necessity for compliance with the provisions, limitations, or
 1102 restrictions contained in any other general, special, or local
 1103 law, including, but not limited to, s. 215.821, and no approval
 1104 of any bonds issued under this part by the qualified electors or
 1105 qualified electors who are freeholders in the state or in Orange
 1106 ~~said County of Orange~~, or in the ~~said~~ City of Orlando, or in any
 1107 other political subdivision of the state, is ~~shall be~~ required
 1108 for the issuance of such bonds pursuant to this part.

1109 (2) This part does ~~shall not be deemed to~~ repeal, rescind,
 1110 or modify any other law ~~or laws~~ relating to the ~~said~~ State Board
 1111 of Administration, the ~~said~~ Department of Transportation, or the
 1112 Division of Bond Finance of the State Board of Administration,
 1113 but supersedes any ~~shall be deemed to and shall supersede such~~
 1114 ~~other law that is or laws as are~~ inconsistent with the
 1115 ~~provisions of~~ this part, including, but not limited to, s.
 1116 215.821.

1117 Section 18. Subsections (6) and (7) of section 369.317,
 1118 Florida Statutes, are amended to read:

1119 | 369.317 Wekiva Parkway.—

1120 | (6) The Central Florida ~~Orlando-Orange County~~ Expressway

1121 | Authority may ~~is hereby granted the authority to~~ act as a third-

1122 | party acquisition agent, pursuant to s. 259.041 on behalf of the

1123 | Board of Trustees or chapter 373 on behalf of the governing

1124 | board of the St. Johns River Water Management District, for the

1125 | acquisition of all necessary lands, property, and all interests

1126 | in property identified herein, including fee simple or less-

1127 | than-fee simple interests. The lands subject to this authority

1128 | are identified in paragraph 10.a., State of Florida, Office of

1129 | the Governor, Executive Order 03-112 of July 1, 2003, and in

1130 | Recommendation 16 of the Wekiva Basin Area Task Force created by

1131 | Executive Order 2002-259, such lands otherwise known as

1132 | Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and

1133 | Lake Counties within Sections 27, 28, 33, and 34 of Township 19

1134 | South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20

1135 | South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre

1136 | parcel located in Lake County within Section 37, Township 19

1137 | South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in

1138 | Lake County within Sections 23, 25, 26, 35, and 36, Township 19

1139 | South, Range 28 East; Pine Plantation, a 617+/-acre tract

1140 | consisting of eight individual parcels within the Apopka City

1141 | limits. The Department of Transportation, the Department of

1142 | Environmental Protection, the St. Johns River Water Management

1143 | District, and other land acquisition entities shall participate

1144 | and cooperate in providing information and support to the third-

1145 party acquisition agent. The land acquisition process authorized
 1146 by this subsection ~~paragraph~~ shall begin no later than December
 1147 31, 2004. Acquisition of the properties identified as
 1148 Neighborhood Lakes, Pine Plantation, and New Garden Coal, or
 1149 approval as a mitigation bank, shall be concluded no later than
 1150 December 31, 2010. Department of Transportation and Central
 1151 Florida ~~Orlando-Orange-County~~ Expressway Authority funds
 1152 expended to purchase an interest in those lands identified in
 1153 this subsection shall be eligible as environmental mitigation
 1154 for road construction related impacts in the Wekiva Study Area.
 1155 If any of the lands identified in this subsection are used as
 1156 environmental mitigation for road-construction-related impacts
 1157 incurred by the Department of Transportation or Central Florida
 1158 ~~Orlando-Orange-County~~ Expressway Authority, or for other impacts
 1159 incurred by other entities, within the Wekiva Study Area or
 1160 within the Wekiva parkway alignment corridor, and if the
 1161 mitigation offsets these impacts, the St. Johns River Water
 1162 Management District and the Department of Environmental
 1163 Protection shall consider the activity regulated under part IV
 1164 of chapter 373 to meet the cumulative impact requirements of s.
 1165 373.414(8) (a) .

1166 (a) Acquisition of the land described in this section is
 1167 required to provide right-of-way for the Wekiva Parkway, a
 1168 limited access roadway linking State Road 429 to Interstate 4,
 1169 an essential component in meeting regional transportation needs
 1170 to provide regional connectivity, improve safety, accommodate

1171 projected population and economic growth, and satisfy critical
 1172 transportation requirements caused by increased traffic volume
 1173 growth and travel demands.

1174 (b) Acquisition of the lands described in this section is
 1175 also required to protect the surface water and groundwater
 1176 resources of Lake, Orange, and Seminole Counties, otherwise
 1177 known as the Wekiva Study Area, including recharge within the
 1178 springshed that provides for the Wekiva River system. Protection
 1179 of this area is crucial to the long-term ~~long-term~~ viability of
 1180 the Wekiva River and springs and the central Florida region's
 1181 water supply. Acquisition of the lands described in this section
 1182 is also necessary to alleviate pressure from growth and
 1183 development affecting the surface and groundwater resources
 1184 within the recharge area.

1185 (c) Lands acquired pursuant to this section that are
 1186 needed for transportation facilities for the Wekiva Parkway
 1187 shall be determined not necessary for conservation purposes
 1188 pursuant to ss. 253.034(6) and 373.089(5) and shall be
 1189 transferred to or retained by the Central Florida ~~Orlando-Orange~~
 1190 ~~County~~ Expressway Authority or the Department of Transportation
 1191 upon reimbursement of the full purchase price and acquisition
 1192 costs.

1193 (7) The Department of Transportation, the Department of
 1194 Environmental Protection, the St. Johns River Water Management
 1195 District, Central Florida ~~Orlando-Orange County~~ Expressway
 1196 Authority, and other land acquisition entities shall cooperate

1197 and establish funding responsibilities and partnerships by
 1198 agreement to the extent funds are available to the various
 1199 entities. Properties acquired with Florida Forever funds shall
 1200 be in accordance with s. 259.041 or chapter 373. The Central
 1201 Florida ~~Orlando-Orange County~~ Expressway Authority shall acquire
 1202 land in accordance with this section ~~of law~~ to the extent funds
 1203 are available from the various funding partners, but shall not
 1204 be required or ~~not~~ assumed to fund the land acquisition beyond
 1205 the agreement and funding provided by the various land
 1206 acquisition entities.

1207 Section 19. Subsection (1) of section 369.324, Florida
 1208 Statutes, is amended to read:

1209 369.324 Wekiva River Basin Commission.—

1210 (1) The Wekiva River Basin Commission is created to
 1211 monitor and ensure the implementation of the recommendations of
 1212 the Wekiva River Basin Coordinating Committee for the Wekiva
 1213 Study Area. The East Central Florida Regional Planning Council
 1214 shall provide staff support to the commission with funding
 1215 assistance from the Department of Economic Opportunity. The
 1216 commission shall be comprised of a total of 18 ~~19~~ members
 1217 appointed by the Governor, 9 of whom shall be voting members and
 1218 9 ~~10~~ shall be ad hoc nonvoting members. The voting members shall
 1219 include:

1220 (a) One member of each of the Boards of County
 1221 Commissioners for Lake, Orange, and Seminole Counties.

1222 (b) One municipal elected official to serve as a

1223 representative of the municipalities located within the Wekiva
 1224 Study Area of Lake County.

1225 (c) One municipal elected official to serve as a
 1226 representative of the municipalities located within the Wekiva
 1227 Study Area of Orange County.

1228 (d) One municipal elected official to serve as a
 1229 representative of the municipalities located within the Wekiva
 1230 Study Area of Seminole County.

1231 (e) One citizen representing an environmental or
 1232 conservation organization, one citizen representing a local
 1233 property owner, a land developer, or an agricultural entity, and
 1234 one at-large citizen who shall serve as chair of the council.

1235 (f) The ad hoc nonvoting members shall include one
 1236 representative from each of the following entities:

- 1237 1. St. Johns River Management District.
- 1238 2. Department of Economic Opportunity.
- 1239 3. Department of Environmental Protection.
- 1240 4. Department of Health.
- 1241 5. Department of Agriculture and Consumer Services.
- 1242 6. Fish and Wildlife Conservation Commission.
- 1243 7. Department of Transportation.
- 1244 8. MetroPlan Orlando.
- 1245 9. Central Florida ~~Orlando-Orange County~~ Expressway
 1246 Authority.
- 1247 10. ~~Seminole County Expressway Authority.~~

1248 Section 20. (1) Effective upon the completion of

1249 construction of the Poinciana Parkway, a limited access facility
 1250 of approximately 9 miles in length in Osceola County with its
 1251 northwestern terminus at the intersection of County Road 54 and
 1252 U.S. 17/U.S. 92 and its southeastern terminus at the current
 1253 intersection of Rhododendron and Cypress Parkway, described in
 1254 the Osceola County Expressway Authority May 8, 2012, Master
 1255 Plan, all powers, governance, and control of the Osceola County
 1256 Expressway System, created pursuant to part V of chapter 348,
 1257 Florida Statutes, is transferred to the Central Florida
 1258 Expressway Authority, and the assets, liabilities, facilities,
 1259 tangible and intangible property and any rights in the property,
 1260 and any other legal rights of the Osceola County Expressway
 1261 Authority are transferred to the Central Florida Expressway
 1262 Authority. The effective date of such transfer shall be extended
 1263 until completion of construction of such portions of the
 1264 Southport Connector Expressway, the Northeast Connector
 1265 Expressway, such portions of the Poinciana Parkway to connect to
 1266 State Road 429, and the Osceola Parkway Extension, as each is
 1267 described in the Osceola County Expressway Authority May 8,
 1268 2012, Master Plan (except that the Osceola Parkway Extension may
 1269 terminate 2 miles east of its intersection with the Northeast
 1270 Connector Expressway), which are included in any design contract
 1271 executed by the Osceola County Expressway Authority before July
 1272 1, 2030.

1273 (2) Part V of chapter 348, Florida Statutes, consisting of
 1274 ss. 348.9950, 348.9951, 348.9952, 348.9953, 348.9954, 348.9956,

1275 348.9957, 348.9958, 348.9959, 348.9960, and 348.9961, Florida
 1276 Statutes, is repealed on the same date that the Osceola County
 1277 Expressway System is transferred to the Central Florida
 1278 Expressway Authority.

1279 (3) The Central Florida Expressway Authority shall
 1280 reimburse any and all obligations of any other governmental
 1281 entities with respect to the Osceola County Expressway System,
 1282 including any obligations of Osceola County with respect to
 1283 operations and maintenance of the Osceola County Expressway
 1284 System and any loan repayment obligations, including repayment
 1285 obligations with respect to state infrastructure bank loans.
 1286 Such reimbursement shall be made from revenues available for
 1287 such purpose after payment of all amounts required:

1288 (a) Otherwise by law;

1289 (b) By the terms of any resolution authorizing the
 1290 issuance of bonds by the authority, the Orlando-Orange County
 1291 Expressway Authority, or the Osceola County Expressway
 1292 Authority;

1293 (c) By the terms of any resolution under which bonds are
 1294 issued by Osceola County for the purpose of constructing
 1295 improvements to the Osceola County Expressway System; and

1296 (d) By the terms of the memorandum of understanding
 1297 between the Orlando-Orange County Expressway Authority and the
 1298 Department of Transportation as ratified by the board of the
 1299 Orlando-Orange County Expressway Authority on February 22, 2012.

1300 Section 21. The Division of Law Revision and Information

CS/CS/HB 311

2014

1301 is directed to replace the phrase "upon the effective date of
1302 this act" or "the effective date of this act" wherever it occurs
1303 in this act with the date the act becomes a law.

1304 Section 22. This act shall take effect upon becoming a
1305 law.