#### The Florida Senate BILL ANALYSIS AND FISCAL IMPACT STATEMENT This document is based on the provisions contained in the legislation as of the latest date listed below.

	Preparec	d By: The	Professional Sta	aff of the Committe	e on Transportatio	n
BILL:	SB 1660					
INTRODUCER:	Senator Burg	gess				
SUBJECT:	Tampa-Hillsborough County Expressway Authority					
DATE:	March 22, 20	)21	REVISED:			
ANALYST		STAF	DIRECTOR	REFERENCE		ACTION
. Price		Vickers		TR	<b>Pre-meeting</b>	
2.				ATD		
3.				AP		

### I. Summary:

SB 1660 re-names the Tampa-Hillsborough County Expressway Authority (THEA) as the West Florida Expressway Authority (WFX or authority) and potentially expands the area served by the WFX to include the counties of Citrus, Hernando, Manatee, Pasco, Pinellas, and Polk. The bill directs the WFX to assume governance and control of the existing THEA expressway system, including THEA's assets, personnel, contracts, obligations, liabilities, facilities, and personal property, and to succeed to and assume the powers, responsibilities, and obligations of the former THEA.

In addition, the bill:

- Revises the composition of the WFX governing board, potentially increasing the board to no more than 13 members as the area served is expanded to the identified counties.
- Authorizes WFX meetings and workshops to be conducted using communications media technology and requires a specified notice for any such meeting or workshop.
- Authorizes the WFX to construct any extensions, additions, or improvements to the system or appurtenant facilities, including all necessary approaches, roads, bridges, avenues of access, and boulevards, with any changes, modifications, or revisions of any project which are deemed desirable and proper.
- Prohibits toll revenues attributable to a toll rate increase for the use of a portion of the expressway system that become effective on or after the jurisdiction of the authority is expanded to include any one or more expansion counties from being used to construct or expand a different portion of the system unless a two-thirds majority of the members of the WFX governing board vote to approve such use, with exceptions.
- Removes existing language mandating that interest upon the amount of gasoline tax funds to be repaid to the county (Hillsborough) pursuant to s. 348.60, F.S., relating to LPAs, be paid out of revenues and other available moneys not required to meet the authority's obligations.

- Removes a 20-year limitation on the term of any lease of the authority's property or facilities or of the right to use the property or facilities.
- Authorizes the WFX to enter into partnerships, contracts, and agreements, including without limitation, interlocal agreements, with any federal, state, or local governmental entity with respect to the WFX's purposes.
- Provides that capital projects that the WFX is authorized to acquire, construct, reconstruct, equip, operate, and maintain are approved to be financed or refinanced by revenue bonds, but any such financing may still not pledge the full faith and credit of the state.
- Authorizes the WFX to enter into lease-purchase agreements with a city, a county, or with the FDOT.
- Provides that a duly adopted county commission resolution pledging surplus gasoline tax funds under any LPA may authorize the execution and delivery of an interlocal agreement between the WFX and the county setting forth the terms and provisions for use by the WFX of any such gasoline tax funds.
- Authorizes the WFX to acquire any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, and replacement access for landowners whose access is impaired due to the construction of a transportation facility.
- Repeals a requirement for THEA to consult with the Hillsborough County City-County Planning Commission, and a requirement to follow or be superior to design standards adopted by the National System of Interstate and Defense Highways when construction the expressway system.
- Makes numerous revisions to conform terminology to the re-naming or to other revisions in the bill, and makes grammatical and editorial revisions to improve readability.

Because the details of any projects to be undertaken by the WFX, and the details of any financing in support of those projects, are unknown, the fiscal impact to state and local revenues is indeterminate.

The bill takes effect upon becoming a law.

# II. Present Situation:

# Tampa-Hillsborough County Expressway Authority

An agency of the state, THEA currently serves Hillsborough County and is authorized to construct, reconstruct, improve, extend, repair, maintain, and operate the expressway system in that county,<sup>1</sup> as well as outside the jurisdictional boundaries of Hillsborough County with the consent of contiguous counties (Hardee, Manatee, Pasco, Pinellas, and Polk) within whose jurisdiction the activities occur.<sup>2</sup>

THEA's governing board consists of seven members. The Governor appoints four of the members, subject to confirmation by the Senate, which members serve four-year terms. One member is the mayor or designee, who is the chair of the City Council of the city in Hillsborough

<sup>&</sup>lt;sup>1</sup> Section 348.53, F.S.

<sup>&</sup>lt;sup>2</sup> Section 348.54(15), F.S.

County having the largest population (Tampa); one is a member of the Hillsborough County Board of County Commissioners, selected by that board, who serves as a member *ex officio*; and one is the Florida Department of Transportation (FDOT) district secretary (District 7), who serves *ex officio*.<sup>3</sup>

THEA currently owns, maintains, and operates four facilities within Hillsborough County: The Lee Roy Selmon Expressway, a limited access toll road approximately 15 miles in length, crossing the City of Tampa from Gandy Boulevard and MacDill Air Force Base in the South, through downtown Tampa and east to Brandon. Elevated and at-grade reversible express lanes are operated within the existing facility and connect to the Brandon Parkway and Meridian Avenue, also THEA-owned and maintained.<sup>4</sup> The fourth facility is the Selmon Greenway, a 1.7-mile multi-use trail that runs east-west under the Selmon Expressway, connecting with Tampa's Riverwalk and the Meridian Trail.<sup>5</sup>

Currently, THEA owes to the FDOT long-term debt in the amount of \$213,833,835,<sup>6</sup> which includes advances for operating, maintenance, and replacement and renewal costs, as well as loans from the State Transportation Trust Fund (STTF). According to the Florida Transportation Commission:

In December 2012, THEA issued \$404.3 million in fixed rate Refunding Revenue Bonds (Series 2012A, 2012B and 2012D, of which \$70.1 million is taxable) and \$40.4 million in fixed rate Taxable Revenue Bonds (Series 2012C). THEA attained financial independence from the State of Florida and the Lease-Purchase Agreement (LPA) between THEA and FDOT was terminated. FDOT confirmed THEA's absolute ownership of the Lee Roy Selmon Expressway and other assets. The LPA had required FDOT to pay, from sources other than revenues, the costs of operations, routine maintenance and renewals and replacements on the facility, if needed. Since FY 2001, the Authority had reimbursed FDOT for its annual operating and routine maintenance expenses pursuant to the adopted budget. Pursuant to other agreements with FDOT, renewal and replacement costs were added to THEA's long term debt until 2013. [A]s of June 30, 2019, \$213.9 million is owed to FDOT for operating, maintenance, and renewal and replacement expense advances, and FDOT STTF loans to facilitate expansion of the Selmon Expressway. THEA agreed to a repayment schedule of 20 annual installments of \$10.7 million to be paid by THEA to FDOT beginning in 2025.<sup>7</sup>

<sup>&</sup>lt;sup>3</sup> Section 348.52, F.S.

<sup>&</sup>lt;sup>4</sup> See the Florida Transportation Commission, *Transportation Authority Monitoring and Oversight, Toll Authorities*, Fiscal Year 2019 Report at p. 43 (the latest available) available at <u>http://www.ftc.state.fl.us/documents/reports/TAMO/fy-2019-tamo-toll-report.pdf</u> (last visited March 29, 2021).

<sup>&</sup>lt;sup>5</sup> See Tampa-Hillsborough County Expressway Authority, *About Us*, available at <u>About The Authority – Tampa Hillsborough</u> <u>Expressway Authority (tampa-xway.com)</u> (last visited March 29, 2021).

<sup>&</sup>lt;sup>6</sup> See memo from THEA's executive director dated March 2, 2021 (on file in the Senate Transportation Committee). See also supra note 4 at p. 44.

#### **FDOT Lease-Purchase Agreement Authority**

FDOT authorization to enter into lease-purchase agreements (LPAs) is reflected in various parts of chapter 348, F.S., relating to expressway and bridge authorities. Generally, the authorization allows such agreements to provide for the leasing of an expressway system to the FDOT, with the FDOT paying rentals as lessee, and may include provisions, *e.g.*, relating to bonds, construction, maintenance, repair, and operation of the system.

However, the Legislature in 2014 amended the FDOT's powers and duties, expressly prohibiting the FDOT from entering into a lease-purchase agreement with an expressway authority, regional transportation authority, or other entity. That provision preserved the validity of LPAs authorized under chapter 348, F.S., existing on July 1, 2013.<sup>8</sup>

The legislative policy prohibiting the FDOT from entering into LPAs was extended in the same 2014 session, in legislation similar to the subject bill,<sup>9</sup> which transferred governance and control, legal rights and powers, responsibilities, terms, and obligations of the Orlando-Orange County Expressway Authority (OOCEA) and its expressway system to the Central Florida Expressway Authority (CFX). The legislation also expanded the area served by CFX to include Seminole, Lake, and Osceola counties, in addition to Orange County.

Section 348.754(2)(e), F.S., relating to CFX, currently acknowledges the LPA (as amended) that existed between the former OOCEA and the FDOT, to which CFX is a party, but also prohibited CFX from entering into other LPAs with the FDOT and prohibited any further amendment of the existing agreements in a manner that expands or increases the FDOT's obligations unless the FDOT determines that the agreement or amendment is necessary to permit the refunding of bonds issued before July 13, 2013.

While Florida law continues to authorize CFX to enter into LPAs with the FDOT, the 2014 Legislature repeated the established policy in s. 348.757(8), F.S., which currently recites that the only LPA being authorized by that section is the existing LPA described above.

Additional present situation is discussed below in the effect of proposed changes.

#### III. Effect of Proposed Changes:

Generally, the bill re-names THEA as the WFX, expands the area served by the WFX to include the counties of Citrus, Hernando, Manatee, Pasco, Pinellas, and Polk; and directs the WFX to assume governance and control of the existing THEA expressway system.

#### **Short Title**

Section 1 amends s. 348.50, F.S., to change the short title of part II of chapter 348, F.S., from the "Tampa-Hillsborough County Expressway Authority Law" to the "West Florida Expressway Authority Law."

<sup>&</sup>lt;sup>8</sup> Ch. 2014-223, L.O.F. The legislation also preserved the validity of an LPA between the FDOT and the Mid-Bay Bridge Authority.

<sup>&</sup>lt;sup>9</sup> Ch. 2014-171, L.O.F.

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#### Definitions

Section 2 amends s. 348.51, F.S., to re-define or define:

- "County" to mean each county located within the jurisdictional limits of the WFX, including Hillsborough County and any expansion county, as applicable.
- "County gasoline tax funds" to mean all the 80-percent surplus gasoline tax funds or 20percent surplus gasoline tax funds accruing in each year to the FDOT or a county, as the case may be, for use in a (rather than "the," meaning Hillsborough) county under s. 9, Art. XII of the State Constitution, after deduction, if and only to the extent necessary, of any amounts of such gasoline tax funds pledged by the FDOT or a county for outstanding obligations.
- "Expansion county" to mean a county in which the WFX constructs or acquires a transportation facility, which may include Citrus, Hernando, Manatee, Pasco, Pinellas, and Polk counties.
- "Expansion event" to mean the adoption of a resolution or other formal action by the WFX governing board for the WFX to construct, complete, or acquire a transportation facility located in an expansion county and to include the expansion county within its jurisdictional limits.
- "Transportation facility" to mean the mobile and fixed assets, and the associated real or personal property or rights, used in the transportation of persons or property by any means of conveyance which the WFX may acquire, construct, and equip pursuant to its authorization, and all appurtenances, including, but not limited to, highways; limited or controlled access lanes, avenues of access, and facilities; and administrative and other office space, for the exercise by the WFX of its powers and obligations.

The bill includes in the existing definition of "expressway system" or "system," the directive that a transportation facility shall become part of the expressway system upon the WFX governing board's designation of such facility as part of its system.

This section of the bill also deletes the definition of "city," meaning the City of Tampa.

## **Re-naming and Transfer**

Section 3 amends s. 348.52, F.S., in which THEA is currently established, to replace and rename THEA as the WFX. Immediately on July 1, 2021, the bill requires the WFX to assume the governance and control of the expressway system operated by the former THEA, including its assets, personnel, contracts, obligations, liabilities, facilities, and tangible and intangible property. Any rights in such property and other legal rights of the former THEA are transferred to the WFX. The WFX must immediately succeed to and assume the powers, responsibilities, and obligations of the former THEA.

The transfer is subject to the terms and covenants provided for the protection of the holders of the former THEA bonds in the LPA and the resolutions adopted in connection with the issuance of the bonds and any and all bonds issued pursuant to a resolution or trust indenture subsequent to the LPA. Further, the transfer does not impair the terms of the contract between the WFX and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds.

After the transfer, the WFX must operate and maintain the expressway system and any other facilities of the authority in accordance with the terms, conditions, and covenants contained in the bond resolutions securing the bonds. The WFX must collect toll revenues and apply them to the payment of debt service as provided in the bond resolution securing all bonds and shall expressly assume all obligations relating to all bonds to ensure that the transfer has no adverse impact on the security for all bonds.

The transfer does not make the obligation to pay the principal and interest on the bonds a general liability of the WFX or pledge additional expressway system revenues to payment of the bonds. Expressway system revenues that are generated by the expressway system and other facilities of the WFX which were pledged by the former THEA to payment of the bonds will remain subject to the pledge for the benefit of the bondholders.

Unlike the language used in the 2014 law that transferred the OOCEA to the CFX, this bill does not include the following text: "The transfer does not modify or eliminate any prior obligation of the department to pay certain costs of the expressway system from sources other than revenues of the expressway system."

## **Governing Board Composition and Expansion**

This section of the bill also revises the composition of the WFX governing body, providing that the body shall *initially* consist of a board of seven members, but shall be subject to increase to no more than 13 members through the addition of a new member for each expansion county upon the expansion of the WFX's jurisdiction to include such expansion county. Of the four members appointed by the Governor, one must be a resident of Hillsborough County, and the remainder may be residents of Hillsborough County or any expansion county upon the expansion of the WFX's jurisdiction to include such expansion county upon the expansion of the WFX's jurisdiction to include such expansion county. A member serving an unexpired term on the former THEA as of July 1, 2021, continues to serve the remainder of his or her unexpired term. The remaining three members continue to be the mayor or mayor's designee (currently, of Tampa), a member of the Hillsborough County Board of County Commissioners serving *ex officio*, and the FDOT's district secretary, also a member *ex officio*.

After an expansion event in a particular expansion county, the WFX board is increased by one additional *ex officio* voting member for each such expansion county, who must be a member of the board of county commissioners of such county, selected by that board. The increase is effective on the date that such county member takes the required oath.

The bill specifies that the WFX's jurisdictional boundaries are automatically expanded to include any one or more expansion counties upon the occurrence of an expansion, but an expansion event must occur on or before:

- The date that the authority makes a final written determination to undertake a transportation facility located in the jurisdictional limits of an expansion county by adding elements of the study, design, engineering, acquisition, construction, or equipping of such transportation facility to its work plan; or
- The effective date that the authority becomes the owner of a transportation facility located in the jurisdictional limits of an expansion county.

The bill makes each member of the WFX governing board, including each member representing an expansion county, subject to the following existing requirements:

- Each member's term is still for four years, or until a successor is appointed and qualified, but the bill additionally authorizes the respective initial term of one or more members representing an expansion county to be for two years at the sole discretion of the WFX board to achieve staggered terms of office for its members.
- A vacancy occurring in the governing board for any member before expiration of the affected term must be filled for the unexpired term.
- The Governor may still remove any member of the board in the manner and for cause defined by Florida law.
- Each member must still take and subscribe to an oath, before entering upon official duties, to honestly, faithfully, and impartially perform the member's duties.

### **Meetings and Workshops**

Section 3 also authorizes WFX meetings and workshops to be conducted using communications media technology, defined to mean "conference telephone, video conference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate. The notice for any such public meeting or workshop must state that the meeting or workshop will be conducted through the use of communications media technology, specify how persons interested in attending may do so, and provide a location where communications media technology facilities are available. The participation by a member in an authority meeting or workshop conducted using communications media technology constitutes that member's presence at such meeting or workshop and counts toward a quorum.

#### **Purposes of the WFX**

Section 4 amends s. 348.53, F.S., relating to purposes of the authority. The bill authorizes the WFX, in the construction of the expressway system, to construct any extensions, additions, or improvements to the system or appurtenant facilities, including all necessary approaches, roads, bridges, avenues of access, and boulevards, with any changes, modifications, or revisions of any project which are deemed desirable and proper. This language is identical to that granted to the CFX in 2014, with the exception that the CFX language included rapid transit, trams, fixed guideways, and thoroughfares.<sup>10</sup>

## Powers of the WFX

Section 5 amends s. 348.54, F.S., relating to the authority's powers. With respect to the existing authority to establish and collect tolls and other charges (which can be assigned or delegated by the authority to the lessee under an LPA), the bill provides that toll revenues attributable to a toll rate increase for the use of a portion of the expressway system that become effective on or after the date that the jurisdiction of the authority is first expanded to include any one or more expansion counties may not be used to construct or expand a different portion of the system unless a two-thirds majority of the members of the authority governing board, determined as of

<sup>&</sup>lt;sup>10</sup> Section 348.754(1)(b), F.S.

the time of such vote, votes to approve such use. This requirement does not apply if and to the extent that application of the requirement would:

- Violate any covenant established in a resolution or trust indenture under which bonds were issued by the authority on or before the first date that the authority's jurisdiction is expanded to include one or more expansion counties; or
- Cause the authority to be unable to meet its obligations under the terms of the October 2012 memorandum of agreement between the authority and the department.

This language is identical to that enacted in 2014 relative to CFX, except with reference to the 2012 memorandum of agreement between THEA and the FDOT.<sup>11</sup>

In addition, this section of the bill:

- Removes existing language mandating that interest upon the amount of gasoline tax funds to be repaid to the county (Hillsborough) pursuant to s. 348.60, F.S., relating to LPAs, be paid out of revenues and other available moneys not required to meet the authority's obligations.
- Removes a 20-year limitation on the term of any lease of the authority's property or facilities or of the right to use the property or facilities, resulting in no limitation on the term of any such lease.
- Authorizes the WFX to enter into partnerships, contracts, and agreements, including without limitation, interlocal agreements, with any federal, state, or local governmental entity with respect to the WFX's purposes.

## **Revenue Bonds for Specified Projects**

Section 6 amends s. 348.565, F.S., to remove a list of projects and improvements (some or all of which are completed) approved to be financed or refinanced by the issuance of revenue bonds, which currently includes capital projects, provided that any financing does not pledge the full faith and credit of the state. The bill provides that capital projects that the WFX is authorized to acquire, construct, reconstruct, equip, operate, and maintain are approved to be financed or refinanced by revenue bonds, but any such financing may still not pledge the full faith and credit of the state.

## Lease-Purchase Agreements

Section 7 amends s. 348.60, F.S., which continues to authorize the WFX to enter into LPAs with a city or a county, but also with the FDOT, which appears to be in direct conflict with the prohibition in s. 334.044(16)(b), F.S., prohibiting the FDOT from doing so. The bill does not contain language, such as that in the 2014 law transferring the former OOCEA to the CFX, nor does it repeat the prohibition with respect to the WFX. This provision may be construed to again authorize the FDOT to enter into LPAs with the WFX, as the latest expression of legislative intent, but that authority would exist only with respect to the WFX and not as to any other expressway authority, regional transportation authority, or other entity.<sup>12</sup>

<sup>&</sup>lt;sup>11</sup> Section 348.754(2)(f), F.S.

<sup>&</sup>lt;sup>12</sup> Assuming the bill does, in fact, reinstitute the FDOT's authority to enter into an LPA with the WFX, the FDOT would be authorized to pay all or any part of the cost of the operation, maintenance, repair, renewal, and replacement of the expressway

This section of the bill also provides that a duly adopted county commission resolution pledging surplus gasoline tax funds under any LPA may authorize the execution and delivery of an interlocal agreement between the WFX and the county setting forth the terms and provisions for use by the WFX of any such gasoline tax funds.

#### **Acquisition of Lands and Property**

Section 9 amends s. 348.62, F.S., which currently authorizes THEA, and would authorize the WFX, to acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority deems necessary. The bill additionally includes without limitation acquisition of any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, and replacement access for landowners whose access is impaired due to the construction of a transportation facility. Similar language was included in the 2014 law relating to the transfer of the former OOCEA to CFX.<sup>13</sup>

### Consultation with the Hillsborough County City-County Planning Commission

Section 10 repeals s. 348.68, F.S., which currently requires THEA to consult with the Planning Commission in determining the routes, the design, and the type of construction in connection with constructing the expressway system.

#### **Design Standards**

Section 10 also repeals s. 348.681, F.S., which currently requires the geometric design standards used in connection with construction of the expressway system or any extension thereof to follow or be superior to design standards adopted by the National System of Interstate and Defense Highways. No other entity established in chapter 348, F.S., operates under the same express requirement.

#### **Conforming, Technical, and Editorial Revisions**

Every section of the bill discussed above makes technical revisions to conform terminology to the re-naming or to other revisions in the bill, or makes grammatical and editorial revisions to improve readability. In addition, for the same purpose or purposes, the bill amends:

- Section 348.61, F.S., relating to appointment of the FDOT as agent of the WFX for construction. (Section 8)
- Section 348.70, F.S., relating to complete and additional authority, but which is also renumbered as s. 348.62, F.S. (Section 11)
- Section 343.975, relating to complete and additional authority with respect to the Tampa Bay Area Regional Transportation Authority. (Section 12)

system, and any part of the cost of completing such system, to the extent that the proceeds of bonds issued therefor are insufficient, from sources other than expressway system revenues and county gasoline tax funds.

<sup>&</sup>lt;sup>13</sup> Section 348.759, F.S.

- Section 348.545, F.S., relating to facility improvement and bond financing authority. (Section 13)
- Section 348.56, F.S., relating to bonds of the authority. (Section 14)
- Section 348.57, F.S., relating to refunding bonds. (Section 15)
- Section 348.58, F.S., relating to remedies of the bondholders. (Section 16)
- Section 348.59, F.S., relating to traffic control. (Section 17)
- Section 348.63, F.S., relating to cooperation with other units, boards, agencies, and individuals. (Section 18)
- Section 348.64, F.S., relating to the covenant of the state, but also including the state's pledge not to limit or alter the rights vested in the authority, the FDOT, a county, and a city to collect, in addition to currently authorized system revenues and county gasoline tax funds, any other moneys. (Section 19)
- Section 348.65, F.S., relating to exemption from taxation. (Section 20)
- Section 348.67, F.S., relating to pledges enforceable for bondholders. (Section 21)

The bill takes effect upon becoming a law.

## IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

## V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate, as the details of any project or project financing is unknown.

## C. Government Sector Impact:

Indeterminate, as the details of any project or project financing is unknown. The bill appears to re-instate authorization for the FDOT to enter into LPAs with the WFX. However, the fiscal impact of such reauthorization is unknown.

According to the FDOT, the most recent annual audited financial statements indicate that THEA has approximately \$675.7 million in outstanding senior lien bonds. The current long-term debt to be assumed by the WFX and currently owed to the FDOT is approximately \$214 million in unreimbursed expenses incurred by the FDOT under the now-terminated LPA for operation and maintenance of the THEA expressway system and for other loans to the authority.

Further, toll revenues for the period were about \$88 million, with current operating and administrative expenses of about \$22 million. In addition, approximately \$40 million is paid for annual debt service on outstanding debt obligations. The authority's obligation to repay the FDOT is subordinate to the rights of senior lien bondholders. Issuance of additional significant senior lien debt to finance new facilities outside the authority's current geographical area could potentially impact the FDOT's assurance of repayment.<sup>14</sup>

### VI. Technical Deficiencies:

None.

### VII. Related Issues:

While is it asserted "the ability for the Authority to offer transportation services in expansion counties beyond Hillsborough County remains <u>permission based</u>, meaning the Authority **and** the expansion County's Board of County Commissioners must agree on a new project in that County,"<sup>15</sup> no language in the bill expressly supports the assertion. Clarification of intent may be in order.

The FDOT also suggests:

- Deletion of the authority to enter into LPAs with the FDOT, with appropriate conforming changes.
- Clarification that designation of a facility by the WFX does not operate to include any portion of a facility as part of the WFX expressway system without the advance written consent of the owner of the underlying right-of-way.
- Consideration could be given to including a specific reference to debt payment obligations under the Memorandum of Agreement as a limitation on WFX authority to issue additional bonds or obligations for new projects.
- Clarification that broad authorization to construct any extensions, additions, or improvements to the system or appurtenant facilities does not extend to any appurtenant facility without the advance written consent of the owner of the underlying right-of-way.

<sup>&</sup>lt;sup>14</sup> See the FDOT's 2021 Agency Analysis of the identical HB 1283 at p. 9 (on file in the Senate Transportation Committee).

<sup>&</sup>lt;sup>15</sup> See email to committee staff dated March 15, 2021 (on file in the Senate Transportation Committee).

#### VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 348.50, 348.51, 348.52, 348.53, 348.54, 348.565, 348.60, 348.61, 348.62 amending and renumbering 348.70 as 348.682, 343.975, 348.545, 348.56, 348.57, 348.58, 348.59, 348.63, 348.64, 348.65, and 348.67.

This bill repeals the following sections of the Florida Statutes: 348.68 and 348.681.

#### IX. Additional Information:

#### A. Committee Substitute – Statement of Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.