



544834

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (2) of section
20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a
Department of Transportation which shall be a decentralized
agency.

(2)



544834

11 (b) The commission shall:

12 1. Recommend major transportation policies for the
13 Governor's approval and assure that approved policies and any
14 revisions are properly executed.

15 2. Periodically review the status of the state
16 transportation system including highway, transit, rail, seaport,
17 intermodal development, and aviation components of the system
18 and recommend improvements to the Governor and the Legislature.

19 3. Perform an in-depth evaluation of the annual department
20 budget request, the Florida Transportation Plan, and the
21 tentative work program for compliance with all applicable laws
22 and established departmental policies. Except as specifically
23 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
24 not consider individual construction projects, but shall
25 consider methods of accomplishing the goals of the department in
26 the most effective, efficient, and businesslike manner.

27 4. Monitor the financial status of the department on a
28 regular basis to assure that the department is managing revenue
29 and bond proceeds responsibly and in accordance with law and
30 established policy.

31 5. Monitor on at least a quarterly basis, the efficiency,
32 productivity, and management of the department using performance
33 and production standards developed by the commission pursuant to
34 s. 334.045.

35 6. Perform an in-depth evaluation of the factors causing
36 disruption of project schedules in the adopted work program and
37 recommend to the Governor and the Legislature methods to
38 eliminate or reduce the disruptive effects of these factors.

39 7. Recommend to the Governor and the Legislature



40 improvements to the department's organization in order to
41 streamline and optimize the efficiency of the department. In
42 reviewing the department's organization, the commission shall
43 determine if the current district organizational structure is
44 responsive to this state's changing economic and demographic
45 development patterns. The initial report by the commission must
46 be delivered to the Governor and the Legislature by December 15,
47 2000, and each year thereafter, as appropriate. The commission
48 may retain experts as necessary to carry out this subparagraph,
49 and the department shall pay the expenses of the experts.

50 8. Monitor the efficiency, productivity, and management of
51 the agencies and authorities created under chapters 348 and 349,
52 ~~including any authority formed using part I of chapter 348~~; the
53 Mid-Bay Bridge Authority re-created pursuant to chapter 2000-
54 411, Laws of Florida; and any authority formed under chapter
55 343. The commission shall also conduct periodic reviews of each
56 authority's operations and budget, acquisition of property,
57 management of revenue and bond proceeds, and compliance with
58 applicable laws and generally accepted accounting principles.

59 Section 2. Subsection (1) of section 112.3144, Florida
60 Statutes, is amended to read:

61 112.3144 Full and public disclosure of financial
62 interests.—

63 (1) (a) An officer who is required by s. 8, Art. II of the
64 State Constitution to file a full and public disclosure of his
65 or her financial interests for any calendar or fiscal year shall
66 file that disclosure with the Florida Commission on Ethics.
67 Additionally, ~~beginning January 1, 2015~~, an officer who is
68 required to complete annual ethics training pursuant to s.



69 112.3142 must certify on his or her full and public disclosure
70 of financial interests that he or she has completed the required
71 training.

72 (b) A member of an expressway authority, transportation
73 authority, bridge authority, toll authority, or transportation
74 agency created pursuant to chapter 343, chapter 348, or any
75 other general law shall comply with the applicable financial
76 disclosure requirements of s. 8, Art. II of the State
77 Constitution.

78 Section 3. Paragraph (d) of subsection (1) of section
79 212.055, Florida Statutes, is amended to read:

80 212.055 Discretionary sales surtaxes; legislative intent;
81 authorization and use of proceeds.—It is the legislative intent
82 that any authorization for imposition of a discretionary sales
83 surtax shall be published in the Florida Statutes as a
84 subsection of this section, irrespective of the duration of the
85 levy. Each enactment shall specify the types of counties
86 authorized to levy; the rate or rates which may be imposed; the
87 maximum length of time the surtax may be imposed, if any; the
88 procedure which must be followed to secure voter approval, if
89 required; the purpose for which the proceeds may be expended;
90 and such other requirements as the Legislature may provide.
91 Taxable transactions and administrative procedures shall be as
92 provided in s. 212.054.

93 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM
94 SURTAX.—

95 (d)1. Except as set forth in subparagraph 2., proceeds from
96 the surtax shall be applied to as many or as few of the uses
97 enumerated below in whatever combination the county commission



544834

98 deems appropriate:

99 ~~a.1.~~ Deposited by the county in the trust fund and shall be
100 used for the purposes of development, construction, equipment,
101 maintenance, operation, supportive services, including a
102 countywide bus system, on-demand transportation services, and
103 related costs of a fixed guideway rapid transit system;

104 ~~b.2.~~ Remitted by the governing body of the county to an
105 expressway, transit, or transportation authority created by law
106 to be used, at the discretion of such authority, for the
107 development, construction, operation, or maintenance of roads or
108 bridges in the county, for the operation and maintenance of a
109 bus system, for the operation and maintenance of on-demand
110 transportation services, for the payment of principal and
111 interest on existing bonds issued for the construction of such
112 roads or bridges, and, upon approval by the county commission,
113 such proceeds may be pledged for bonds issued to refinance
114 existing bonds or new bonds issued for the construction of such
115 roads or bridges;

116 ~~3.~~ ~~Used by the county for the development, construction,~~
117 ~~operation, and maintenance of roads and bridges in the county;~~
118 ~~for the expansion, operation, and maintenance of bus and fixed~~
119 ~~guideway systems; for the expansion, operation, and maintenance~~
120 ~~of on-demand transportation services; and for the payment of~~
121 ~~principal and interest on bonds issued for the construction of~~
122 ~~fixed guideway rapid transit systems, bus systems, roads, or~~
123 ~~bridges; and such proceeds may be pledged by the governing body~~
124 ~~of the county for bonds issued to refinance existing bonds or~~
125 ~~new bonds issued for the construction of such fixed guideway~~
126 ~~rapid transit systems, bus systems, roads, or bridges and no~~



544834

127 ~~more than 25 percent used for nontransit uses;~~ and
128 c.4. Used by the county for the planning, development,
129 construction, operation, and maintenance of roads and bridges in
130 the county; for the planning, development, expansion, operation,
131 and maintenance of bus and fixed guideway systems; for the
132 planning, development, construction, expansion, operation, and
133 maintenance of on-demand transportation services; and for the
134 payment of principal and interest on bonds issued for the
135 construction of fixed guideway rapid transit systems, bus
136 systems, roads, or bridges; and such proceeds may be pledged by
137 the governing body of the county for bonds issued to refinance
138 existing bonds or new bonds issued for the construction of such
139 fixed guideway rapid transit systems, bus systems, roads, or
140 bridges. Pursuant to an interlocal agreement entered into
141 pursuant to chapter 163, the governing body of the county may
142 distribute proceeds from the tax to a municipality, or an
143 expressway or transportation authority created by law to be
144 expended for the purpose authorized by this paragraph. Any
145 county that has entered into interlocal agreements for
146 distribution of proceeds to one or more municipalities in the
147 county shall revise such interlocal agreements no less than
148 every 5 years in order to include any municipalities that have
149 been created since the prior interlocal agreements were
150 executed.

151 2.a. Effective October 1, 2022, and to the extent not
152 prohibited by contracts or bond covenants in effect on that
153 date, a county as defined in s. 125.011(1) shall use proceeds
154 from the surtax only for the following purposes:

155 (I) The planning, design, engineering, or construction of



544834

156 fixed guideway rapid transit systems and bus systems, including
157 bus rapid transit systems, and for the development of dedicated
158 facilities for autonomous vehicles as defined in s. 316.003.

159 (II) The acquisition of rights-of-way for fixed guideway
160 rapid transit systems and bus systems, including bus rapid
161 transit systems, and for the development of dedicated facilities
162 for autonomous vehicles as defined in s. 316.003.

163 (III) The purchase of buses or other capital costs for bus
164 systems, including bus rapid transit systems.

165 (IV) The payment of principal and interest on bonds
166 previously issued related to fixed guideway rapid transit
167 systems or bus systems.

168 (V) As security by the governing body of the county to
169 refinance existing bonds or to issue new bonds for the planning,
170 design, engineering, or construction of fixed guideway rapid
171 transit systems, bus rapid transit systems, or bus systems.

172 b. Effective October 1, 2022, to the extent not prohibited
173 by contracts or bond covenants in effect on that date, not more
174 than a total of 25 percent of the surtax proceeds may be
175 distributed to municipalities in a county as defined in s.
176 125.011(1). Such municipalities may use the surtax proceeds to
177 plan, develop, construct, operate, and maintain roads and
178 bridges in the municipality and to pay the principal and
179 interest on bonds issued to construct roads or bridges. The
180 governing body of the municipality may pledge the proceeds for
181 bonds issued to refinance existing bonds or new bonds issued to
182 construct such roads or bridges. Additionally, each such
183 municipality may use surtax proceeds for transit systems within
184 the municipality.



544834

185 c. Effective October 1, 2022, proceeds from the surtax may
186 not be used by a county as defined in s. 125.011(1) for salaries
187 or other personnel expenses of the county transportation
188 department.

189 Section 4. Subsection (2) of section 215.68, Florida
190 Statutes, is amended to read:

191 215.68 Issuance of bonds; form; maturity date, execution,
192 sale.—

193 (2) Such bonds may:

194 (a) Be issued in either coupon form or registered form or
195 both;

196 (b) Have such date or dates of issue and such maturities,
197 not exceeding in any event 40 years from the date of issuance
198 thereof;

199 (c) Bear interest at a rate or rates not exceeding the
200 interest rate limitation set forth in s. 215.84(3);

201 (d) Have such provisions for registration of coupon bonds
202 and conversion and reconversion of bonds from coupon to
203 registered form or from registered form to coupon form;

204 (e) Have such provisions for payment at maturity and
205 redemption before ~~prior to~~ maturity at such time or times and at
206 such price or prices; and

207 (f) Be payable at such place or places within or without
208 the state as the board shall determine by resolution.

209

210 ~~The foregoing terms and conditions do not supersede the~~
211 ~~limitations provided in chapter 348, part I, relating to the~~
212 ~~issuance of bonds.~~

213 Section 5. Notwithstanding the repeal of section 319.141,



544834

214 Florida Statutes, which occurred on July 1, 2018, that section
215 is revived, reenacted, and amended, to read:

216 319.141 Pilot Rebuilt motor vehicle inspection program.—

217 (1) As used in this section, the term:

218 (a) "Facility" means a rebuilt motor vehicle inspection
219 facility authorized and operating under this section.

220 (b) "Rebuilt inspection services" means an examination of a
221 rebuilt vehicle and a properly endorsed certificate of title,
222 salvage certificate of title, or manufacturer's statement of
223 origin and an application for a rebuilt certificate of title, a
224 rebuilder's affidavit, a photograph of the junk or salvage
225 vehicle taken before repairs began, if available, a photograph
226 of the interior driver and passenger side of the vehicle if
227 airbags were previously deployed and replaced, receipts or
228 invoices for all major component parts, as defined in s. 319.30,
229 and repairs which were changed, and proof that notice of
230 rebuilding of the vehicle has been reported to the National
231 Motor Vehicle Title Information System.

232 (2) By October 1, 2019 ~~July 1, 2015~~, the department shall
233 implement ~~oversee~~ a pilot program in Miami-Dade County ~~to~~
234 ~~evaluate alternatives~~ for rebuilt inspection services offered by
235 existing private sector participants. The department may select
236 up to four applicants who are deemed, at its discretion, to be
237 most qualified operators, including the continued use of private
238 facilities, the cost impact to consumers, and the potential
239 savings to the department.

240 (3) Upon selection, each participant shall enter into The
241 ~~department shall establish~~ a memorandum of understanding with
242 the department which that allows the participant private parties



544834

243 ~~participating in the pilot program~~ to conduct rebuilt motor
244 vehicle inspections; ~~and~~ specifies requirements for oversight,
245 bonding and insurance, procedures, and forms; and requires the
246 electronic transmission of documents. The department may examine
247 all records pertaining to any inspection or related service
248 performed under the pilot program.

249 (4) Before a participant ~~an applicant~~ is allowed to furnish
250 such rebuilt inspection program ~~approved~~, the department must
251 ~~shall~~ ensure that the participant ~~applicant~~ meets basic criteria
252 designed to protect the public. At a minimum, the applicant
253 shall meet all of the following requirements:

254 (a) Have and maintain a surety bond or irrevocable letter
255 of credit in the amount of \$100,000 executed in favor of the
256 department. Such surety bond or letter of credit must be issued
257 by entities licensed to do business in this state ~~by the~~
258 ~~applicant.~~

259 (b) Secure and maintain a facility at a permanent fixed
260 structure, as evidenced by proof of ownership or written lease
261 at an address identified by a county-issued tax folio number and
262 recognized by the United States Postal Service where the only
263 services provided on such property are rebuilt inspection
264 services. The facility must have permanent signage that
265 advertises that only private rebuilt inspection services are
266 provided at that location and must have posted business hours, a
267 designated office area and customer waiting area, a rebuilt
268 inspection area separate and visually obstructed from any area
269 accessible to the customer, surveillance cameras with recording
270 capabilities for the rebuilt inspection areas, and sufficient
271 on-site customer parking. The location must be large enough to



544834

272 accommodate all of the vehicles being inspected and must have a
273 covered area to accommodate at least two vehicles during
274 inclement weather. The participant ~~operator of a facility~~ shall
275 annually attest that he or she is not employed by or does not
276 have an ownership interest in or other financial arrangement
277 with the owner, operator, manager, or employee of a motor
278 vehicle repair shop as defined in s. 559.903, a motor vehicle
279 dealer as defined in s. 320.27(1)(c), a towing company, a
280 vehicle storage company, a vehicle auction, an insurance
281 company, a salvage yard, a metal retailer, or a metal rebuilder,
282 from which he or she receives remuneration, directly or
283 indirectly, for the referral of customers for rebuilt inspection
284 services; he or she does not have a direct or indirect interest
285 in any motor vehicle that a facility has inspected or proposes
286 to inspect; there have been no changes to the ownership
287 structure of the approved facility; and the only services being
288 provided by such participant at the facility are rebuilt
289 inspection services. Only a participant selected and approved by
290 the department may charge or receive a fee for providing or
291 facilitating such services.

292 (c) Have and maintain garage liability insurance coverage
293 with at least \$100,000 single-limit liability coverage that
294 includes bodily injury and property damage protection, and any
295 other insurance required by the department.

296 (d) Have completed criminal background checks of the
297 owners, partners, and corporate officers and the inspectors
298 employed by the facility which demonstrate that such persons
299 have not pled guilty or nolo contendere to or been convicted of a
300 felony, or been incarcerated for a felony in the last 10 years.



544834

301 (e) A participant may not conduct an inspection of a
302 vehicle in complete rebuilt condition without prior approval by
303 the department. No person or entity, other than the department
304 or participant authorized by the department, may conduct rebuilt
305 inspection services.

306 (f)~~(e)~~ Meet any additional criteria the department
307 determines necessary to conduct proper inspections.

308 (5) A participant in the program shall access vehicle and
309 title information and enter inspection results through an
310 electronic filing system authorized by the department and shall
311 maintain records of each rebuilt vehicle inspection processed at
312 such facility for at least 5 years.

313 (6) An applicant that fails an initial rebuilt inspection
314 may only have that vehicle re-inspected by the department or the
315 facility that conducted the original inspection.

316 (7)~~(6)~~ The department shall conduct an on-site facility
317 inspection at least once per quarter and shall immediately
318 terminate any participant ~~operator~~ from the program who fails to
319 meet the minimum eligibility requirements specified in
320 subsection (4). Before a change in ownership of a rebuilt
321 inspection facility, the current operator must give the
322 department 45 days' written notice of the intended sale or
323 transfer. The prospective owner must meet the eligibility
324 requirements of this section and execute a new memorandum of
325 understanding with the department before operating the facility.

326 (8) The department may adopt rules pursuant to ss.
327 120.536(1) and 120.54 to implement and enforce this section. The
328 department shall also have the nonexclusive power to define by
329 rule, any term, whether or not used in this section, insofar as



544834

330 the definition is not inconsistent with this section.

331 (9) On or before July 1, 2021, the department shall submit
332 a written report to the President of the Senate and the Speaker
333 of the House of Representatives evaluating the effectiveness of
334 the program and recommending whether to expand the program into
335 other counties.

336 (10)~~(7)~~ This section is repealed on July 1, 2022 ~~2018~~,
337 unless saved from repeal through reenactment by the Legislature.

338 Section 6. Section 334.175, Florida Statutes, is amended to
339 read:

340 334.175 Certification of project design plans and surveys.-

341 (1) All design plans and surveys prepared by or for the
342 department shall be signed, sealed, and certified by the
343 professional engineer or surveyor or architect or landscape
344 architect in responsible charge of the project work. Such
345 professional engineer, surveyor, architect, or landscape
346 architect must be duly registered in this state.

347 (2) Regardless of their funding source, the department
348 shall approve the design plans for all transportation projects
349 on, under, over, or abutting a department-owned right-of-way
350 which meet the department's design standards.

351 Section 7. Subsection (1) of section 337.025, Florida
352 Statutes, is amended to read:

353 337.025 Innovative transportation ~~highway~~ projects;
354 department to establish program.-

355 (1) The department may ~~is authorized to~~ establish a program
356 for transportation ~~highway~~ projects demonstrating innovative
357 techniques of highway and bridge design, construction,
358 maintenance, and finance which have the intended effect of



544834

359 measuring resiliency and structural integrity and controlling
360 time and cost increases on construction projects. Such
361 techniques may include, but are not limited to, state-of-the-art
362 technology for pavement, safety, and other aspects of highway
363 and bridge design, construction, and maintenance; innovative
364 bidding and financing techniques; accelerated construction
365 procedures; and those techniques that have the potential to
366 reduce project life cycle costs. To the maximum extent
367 practical, the department must use the existing process to award
368 and administer construction and maintenance contracts. When
369 specific innovative techniques are to be used, the department is
370 not required to adhere to those provisions of law that would
371 prevent, preclude, or in any way prohibit the department from
372 using the innovative technique. However, ~~prior to~~ before using
373 an innovative technique that is inconsistent with another
374 provision of law, the department must document in writing the
375 need for the exception and identify what benefits the traveling
376 public and the affected community are anticipated to receive.
377 The department may enter into no more than \$120 million in
378 contracts annually for the purposes authorized by this section.
379 All proposed projects, including all different alternatives,
380 must be designed and constructed using the English system of
381 units. The proposed design speed must be 70 miles per hour. The
382 plans and specifications must be prepared in accordance with the
383 department's most recent design standards, Plans Preparation
384 Manual, and drainage manual, Flexible Pavement Design Manual,
385 the American Association of State Highway Transportation
386 Officials, and all current department memorandums.

387 Section 8. Subsections (2) and (5) of section 338.165,



544834

388 Florida Statutes, are amended to read:

389 338.165 Continuation of tolls.—

390 (2) If the revenue-producing project is on the State
391 Highway System, any remaining toll revenue shall be used for the
392 construction, maintenance, or improvement of any road on the
393 State Highway System within the county or counties in which the
394 revenue-producing project is located, ~~except as provided in s.~~
395 ~~348.0004.~~

396 (5) If the revenue-producing project is on the county road
397 system, any remaining toll revenue shall be used for the
398 construction, maintenance, or improvement of any other state or
399 county road within the county or counties in which the revenue-
400 producing project is located, ~~except as provided in s. 348.0004.~~

401 Section 9. Subsections (5) and (6) of section 338.166,
402 Florida Statutes, are renumbered as subsections (6) and (7),
403 respectively, present subsection (7) of that section is
404 renumbered as subsection (9) and amended, and new subsection (5)
405 and subsection (8) are added to that section, to read:

406 338.166 High-occupancy toll lanes or express lanes.—

407 (5) Notwithstanding any other provision of law to the
408 contrary, in a county as defined in s. 125.011(1), a toll for a
409 high-occupancy toll lane or express lane may not exceed \$1.25
410 per mile.

411 (8) Beginning on October 1, 2020, and annually thereafter,
412 the department, including the Florida Turnpike Enterprise, shall
413 submit to the board of county commissioners of a county as
414 defined in s. 125.011(1) and to the metropolitan planning
415 organization for that county a report providing information
416 regarding the amount of tolls collected in that county and how



544834

417 those tolls were used in the previous fiscal year.

418 (9)-(7) Except for subsections (5) and (8), this section
419 does not apply to the turnpike system as defined under the
420 Florida Turnpike Enterprise Law.

421 Section 10. Effective July 1, 2022, paragraph (a) of
422 subsection (3) of section 338.231, Florida Statutes, is amended
423 to read:

424 338.231 Turnpike tolls, fixing; pledge of tolls and other
425 revenues.—The department shall at all times fix, adjust, charge,
426 and collect such tolls and amounts for the use of the turnpike
427 system as are required in order to provide a fund sufficient
428 with other revenues of the turnpike system to pay the cost of
429 maintaining, improving, repairing, and operating such turnpike
430 system; to pay the principal of and interest on all bonds issued
431 to finance or refinance any portion of the turnpike system as
432 the same become due and payable; and to create reserves for all
433 such purposes.

434 (3) (a) ~~For the period July 1, 1998, through June 30, 2027,~~
435 The department shall, ~~to the maximum extent feasible,~~ program
436 sufficient funds in the tentative work program such that all of
437 ~~the percentage of turnpike toll and bond financed commitments in~~
438 ~~Miami Dade County, Broward County, and Palm Beach County as~~
439 ~~compared to total turnpike toll and bond financed commitments~~
440 ~~shall be at least 90 percent of the share of net toll~~
441 ~~collections attributable to users of the turnpike facilities~~
442 ~~system~~ in Miami-Dade County, Broward County, and Palm Beach
443 County are committed to projects and bond finance obligations in
444 each respective county as compared to total net toll collections
445 ~~attributable to users of the turnpike system.~~ This paragraph



544834

446 ~~subsection~~ does not apply when the application of such
447 requirements would violate any covenant established in a
448 resolution or trust indenture relating to the issuance of
449 turnpike bonds. The department may at any time for economic
450 considerations establish lower temporary toll rates for a new or
451 existing toll facility for a period not to exceed 1 year, after
452 which the toll rates adopted pursuant to s. 120.54 ~~shall~~ become
453 effective.

454 Section 11. Paragraph (d) of subsection (3) and paragraph
455 (f) of subsection (6) of section 339.175, Florida Statutes, are
456 amended to read:

457 339.175 Metropolitan planning organization.—

458 (3) VOTING MEMBERSHIP.—

459 (d) Any other provision of this section to the contrary
460 notwithstanding, any county as defined in s. 125.011(1)
461 ~~chartered under s. 6(c), Art. VIII of the State Constitution~~ may
462 elect to have its county commission serve as the M.P.O., if the
463 M.P.O. jurisdiction is wholly contained within the county. Any
464 charter county that elects to exercise the provisions of this
465 paragraph shall so notify the Governor in writing. Upon receipt
466 of such notification, the Governor must designate the county
467 commission as the M.P.O. The Governor must appoint three ~~four~~
468 additional voting members to the M.P.O., one of whom must be an
469 elected official representing a municipality within the county,
470 one of whom must be a member of the governing body from the
471 agency created in part I of chapter 348, an expressway authority
472 ~~member, one of whom must be a person who does not hold elected~~
473 ~~public office and who resides in the unincorporated portion of~~
474 ~~the county,~~ and one of whom must be a school board member.



544834

475 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
476 privileges, and authority of an M.P.O. are those specified in
477 this section or incorporated in an interlocal agreement
478 authorized under s. 163.01. Each M.P.O. shall perform all acts
479 required by federal or state laws or rules, now and subsequently
480 applicable, which are necessary to qualify for federal aid. It
481 is the intent of this section that each M.P.O. shall be involved
482 in the planning and programming of transportation facilities,
483 including, but not limited to, airports, intercity and high-
484 speed rail lines, seaports, and intermodal facilities, to the
485 extent permitted by state or federal law.

486 (f) 1. The department shall allocate to each M.P.O., for the
487 purpose of accomplishing its transportation planning and
488 programming duties, an appropriate amount of federal
489 transportation planning funds.

490 2. In a county as defined in s. 125.011(1), the M.P.O. may
491 not assess any fees on municipalities, counties, or other
492 governmental entities that are members of the M.P.O.

493 Section 12. Subsection (6) of section 343.1003, Florida
494 Statutes, is amended to read:

495 343.1003 Northeast Florida Regional Transportation
496 Commission.—

497 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(c)~~,
498 members of the board shall file a statement of financial
499 interests ~~interest~~ with the Commission on Ethics pursuant to s.
500 112.3145.

501 Section 13. Sections 348.0001, 348.0002, 348.0003,
502 348.0004, 348.0005, 348.0007, 348.0008, 348.0009, 348.0010,
503 348.0011, 348.00115, and 348.0012, Florida Statutes, are



544834

504 repealed.

505 Section 14. Part I of chapter 348, Florida Statutes, is
506 redesignated as "Greater Miami Expressway Agency" and the
507 following sections are created within that part: ss. 348.0301,
508 348.0302, 348.0303, 348.0304, 38.0305, 348.0306, 348.0307,
509 348.0308, 348.0309, 348.0310, 348.0311, 348.0312, 348.0313,
510 348.0314, 348.0315, 343.0316, 343.0317, and 343.0318, Florida
511 Statutes.

512 Section 15. Section 348.0301, Florida Statutes, is created
513 to read:

514 348.0301 Short title.—This part may be cited as the
515 "Greater Miami Expressway Agency Act."

516 Section 16. Section 348.0302, Florida Statutes, is created
517 to read:

518 348.0302 Applicability.—This part applies only to a county
519 as defined in s. 125.011(1).

520 Section 17. Section 348.0303, Florida Statutes, is created
521 to read:

522 348.0303 Definitions.—As used in the this part, the term:

523 (1) "Agency" means the Greater Miami Expressway Agency.

524 (2) "Agency of the state" means and includes the state and
525 any department of, or corporation, agency, or instrumentality
526 created, designated, or established by, the state.

527 (3) "Bonds" means and includes the notes, bonds, refunding
528 bonds, or other evidences of indebtedness or obligations, in
529 either temporary or definitive form, which the agency issues
530 pursuant to this part.

531 (4) "County" means a county as defined in s. 125.011(1),
532 F.S.



544834

533 (5) "County gasoline tax funds" means all the 80-percent
534 surplus gasoline tax funds accruing in each year to the
535 department for use within the geographic boundaries of the
536 agency under the provisions of s. 9, Art. XII of the State
537 Constitution, after deduction only of any amounts of such
538 gasoline tax funds heretofore pledged by the department or a
539 county for outstanding obligations.

540 (6) "Department" means the Department of Transportation.

541 (7) "Express written consent" means prior express written
542 consent given in the form of a resolution adopted by a board of
543 county commissioners.

544 (8) "Expressway" means a street or highway especially
545 designed for through traffic and over, from, or to which owners
546 or occupants of abutting land or other persons have no right or
547 easement or only a limited right or easement of access, light,
548 air, or view by reason of the fact that their property abuts
549 upon such limited access facility or for any other reason. Such
550 highways or streets may be facilities from which trucks, buses,
551 and other commercial vehicles are excluded; or they may be
552 facilities open to use by all customary forms of street and
553 highway traffic.

554 (9) "Expressway system" means any and all expressways
555 within the geographic boundaries of the agency and any
556 appurtenant facilities, including, but not limited to, all
557 approaches, roads, bridges, and avenues of access for such
558 expressway. An expressway system includes a public
559 transportation facility.

560 (10) "Federal agency" means and includes the United States,
561 the President of the United States, and any department of, or



544834

562 corporation, agency, or instrumentality created, designated, or
563 established by, the United States.

564 (11) "Members" means the membership of the governing body
565 of the agency.

566 (12) "Public transportation facility" means real and
567 personal property, structures, improvements, buildings,
568 personnel, equipment, plant, vehicle parking or other
569 facilities, rights-of-way, or any combination thereof used or
570 useful for the purposes of transporting passengers by means of a
571 street railway, elevated railway or guideway, subway, motor
572 vehicle, motor bus, or any bus or other means of conveyance
573 operating as a common carrier.

574 Section 18. Section 348.0304, Florida Statutes, is created
575 to read:

576 348.0304 Greater Miami Expressway Agency.—

577 (1) The Greater Miami Expressway Agency is created as a
578 body politic and corporate and an agency of the state.

579 (2) (a) The governing body of the agency shall consist of
580 seven voting members, each of whom must be a permanent resident
581 of the county and may not hold elected office. Each member may
582 serve only two 4-year terms. Four members shall be appointed by
583 the Governor, one member shall be appointed by each of the
584 President of the Senate, the Speaker of the House of
585 Representatives, and the metropolitan planning organization for
586 the county. The district secretary of the department serving in
587 the district that comprises such county shall serve as a
588 nonvoting advisor to the agency.

589 (b) Initial appointments to the governing body of the
590 agency must be made by July 31, 2019. For the purpose of



591 establishing staggered terms, of the initial appointments made
592 by the Governor, one shall serve for a term of 1 year, one shall
593 serve for a term of 2 years, one shall serve for a term of 3
594 years, and one shall serve for a term of four years. A person
595 who served as a member of the governing body of the former
596 Miami-Dade County Expressway Authority may not be appointed to
597 the governing body of the agency.

598 (3) (a) The governing body of the agency shall elect one of
599 its members as its chair and shall elect a secretary and a
600 treasurer, who need not be members of the agency. The chair, the
601 secretary, and the treasurer serve at the will of the agency. A
602 simple majority of the governing body of the agency constitutes
603 a quorum, and the vote of a majority of those members present is
604 necessary for the governing body to take any action. A vacancy
605 does not impair the right of a quorum of the agency to exercise
606 all of the rights and perform all of the duties of the agency.

607 (b) Upon the effective date of his or her appointment, or
608 as soon thereafter as practicable, each member of the agency
609 shall begin to perform his or her duties. The governing body's
610 initial board meeting must take place within 15 days after
611 completion of the initial appointments to the board.

612 (c) Each member of the agency, before entering upon his or
613 her official duties, shall take and subscribe to an oath before
614 some official authorized by law to administer oaths that he or
615 she will honestly, faithfully, and impartially perform his or
616 her duties as a member of the governing body of the agency and
617 that he or she will not neglect any duties imposed upon him or
618 her by this part.

619 (4) (a) The agency may employ an executive secretary, an



544834

620 executive director, its own counsel and legal staff, technical
621 experts, and such engineers and employees, permanent or
622 temporary, as it may require and shall determine the
623 qualifications and fix the compensation of such persons, firms,
624 or corporations. The agency may employ a fiscal agent or agents;
625 however, the agency must solicit sealed proposals from at least
626 three persons, firms, or corporations for the performance of any
627 services as fiscal agents. The agency may delegate to one or
628 more of its agents or employees such authority as it deems
629 necessary to carry out the purposes of this act, subject always
630 to the supervision and control of the agency. Members of the
631 agency may be removed from office by the Governor for
632 misconduct, malfeasance, misfeasance, or nonfeasance in office.

633 (b) A person who served as executive director of the former
634 Miami-Dade County Expressway Authority may not serve as the
635 agency's executive director. Before July 31, 2019, the Governor
636 shall appoint an interim executive director for the agency for a
637 6-month period while the agency hires a permanent executive
638 director, and that person may apply for the permanent position.

639 (5) The members of the agency are not entitled to
640 compensation but are entitled to receive their travel and other
641 necessary expenses as provided in s. 112.061.

642 Section 19. Section 348.0305, Florida Statutes, is created
643 to read:

644 348.0305 Ethics requirements-

645 (1) Notwithstanding any other law to the contrary, members
646 and employees of the agency are subject to part III of chapter
647 112.

648 (2) (a) A lobbyist, as defined in s. 112.3215, may not be



544834

649 appointed or serve as a member of the governing body of the
650 agency.

651 (b) A person may not be appointed to or serve as a member
652 of the governing body of the agency if that person represents,
653 or within the previous 4 years has represented, any client for
654 compensation before the agency or the former Miami-Dade County
655 Expressway Authority.

656 (c) A person may not be appointed to or serve as a member
657 of the governing body of the agency if that person represents,
658 or within the previous 4 years has represented, any person or
659 entity that is doing business, or in the previous 4 years has
660 done business, with the agency or the former Miami-Dade County
661 Expressway Authority.

662 (3) A member or an employee of the agency, including
663 employees of the former Miami-Dade County Expressway Authority,
664 may not:

665 (a) Personally represent another person or entity for
666 compensation before the agency for a period of 2 years after
667 vacating his or her position.

668 (b) After retirement or termination of employment, have an
669 employment or contractual relationship with a business entity
670 other than an agency, as defined in s. 112.312, in connection
671 with a contract in which the member or employee personally and
672 substantially participated through decision, approval,
673 disapproval, recommendation, rendering of advice, or
674 investigation while he or she was a member or employee of the
675 agency.

676 (4) The agency's general counsel shall serve as the
677 agency's ethics officer.



544834

678 (5) Agency members, employees, and consultants who hold
679 positions that may influence agency decisions shall refrain from
680 engaging in any relationship that may adversely affect their
681 judgment in carrying out agency business. To prevent such
682 conflicts of interest and preserve the integrity and
683 transparency of the agency to the public, the following
684 disclosures must be made annually on a disclosure form:

685 (a) Any relationship that a member, employee, or consultant
686 has which affords a current or future financial benefit to such
687 board member, employee, or consultant, or to a relative or
688 business associate of such member, employee, or consultant, and
689 which a reasonable person would conclude has the potential to
690 create a prohibited conflict of interest. As used in this
691 section, the term "relative" has the same meaning as provided in
692 s. 112.312.

693 (b) Whether a relative of board member, employee, or
694 consultant is a registered lobbyist and, if so, the names of
695 such lobbyist's clients. Such names shall be provided in writing
696 to the ethics officer.

697 (c) Any and all interests in real property that such
698 member, employee, or consultant has, or that an immediate family
699 member of such member, employee, or consultant has, if such real
700 property is located in, or within a 1/2-mile radius of, any
701 actual or prospective agency project. The executive director
702 shall provide a corridor map and a property ownership list
703 reflecting the ownership of all real property within the
704 disclosure area, or an alignment map with a list of associated
705 owners, to all members, employees, and consultants.

706 (6) The disclosure forms filed as required under subsection



544834

707 (5) must be reviewed by the ethics officer or, if a form is
708 filed by the ethics officer, by the executive director.

709 (7) The conflict of interest policy must be stated in the
710 agency's code of ethics.

711 (8) Agency employees and consultants are prohibited from
712 serving on the governing body of the agency while employed by or
713 under contract with the agency and for a period of 2 years
714 following termination of employment or his or her consultant
715 contract.

716 (9) The code of ethics must be reviewed and updated by the
717 ethics officer and presented for approval by the governing body
718 of the agency at least once every 2 years.

719 (10) Members and employees of the agency must be adequately
720 informed and trained on the code of ethics of the agency and
721 shall participate in ongoing ethics training.

722 (11) The requirements of subsections (4)-(10) are in
723 addition to the requirements imposed on the members and the
724 employees of the agency under part III of chapter 112.

725 (12) Violations of paragraphs (4), (6), and (9) are
726 punishable as provided in s. 112.317.

727 (13) A finding of a violation of this section or part III
728 of chapter 112, or failure to comply within 90 days after
729 receiving a notice of failure to comply with financial
730 disclosure requirements pursuant to s. 112.3144, shall result in
731 immediate termination by the agency.

732 (14) In the event that part III of chapter 112 conflicts
733 with this section, the stricter of the provisions prevails.
734 Nothing herein prevents the agency from imposing ethics policies
735 that are stricter than those imposed by this subsection or



544834

736 chapter 112.

737 Section 20. Section 348.0306, Florida Statutes, is created
738 to read:

739 348.0306 Purposes and powers.—

740 (1) (a) The agency may acquire, hold, construct, improve,
741 maintain, operate, and own an expressway system.

742 (b) The agency, in the construction of an expressway
743 system, shall construct expressways. Construction of an
744 expressway system may be completed in segments, phases, or
745 stages, in a manner that will permit their expansion to the
746 desired expressway configuration. The agency, in the
747 construction of an expressway system, may construct any
748 extensions of, additions to, or improvements to, the expressway
749 system or appurtenant facilities, including all necessary
750 approaches, roads, bridges, and avenues of access, with such
751 changes, modifications, or revisions of the project which are
752 deemed desirable and proper. The agency may add additional
753 expressways to an expressway system, under the terms and
754 conditions set forth in this act, only with the prior express
755 written consent of the board of county commissioners of the
756 county and only if such additional expressways lack adequate
757 committed funding for implementation, are financially feasible,
758 and are compatible with the existing plans, projects, and
759 programs of the agency.

760 (2) The agency may exercise all rights and authority
761 necessary, appurtenant, convenient, or incidental to the
762 carrying out of its purposes, including, but not limited to, the
763 following rights and authority:

764 (a) To sue and be sued, implead and be impleaded, and



544834

765 complain and defend in all courts.

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

767 (c) To acquire, purchase, hold, lease as lessee, and use
768 any franchise or property, whether real, personal, or mixed and
769 whether tangible or intangible, or any interest therein

770 necessary or desirable for carrying out the purposes of the
771 agency and to sell, lease as lessor, transfer, and dispose of
772 any property or interest therein at any time acquired by it.

773 (d) To enter into and make leases, either as lessee or as
774 lessor, in order to carry out the right to lease as set forth in
775 this act.

776 (e) To fix, alter, charge, establish, and collect tolls,
777 rates, fees, rentals, and other charges for the services and
778 facilities system, which tolls, rates, fees, rentals, and other
779 charges always must be sufficient to comply with any covenants
780 made with the holders of any bonds secured by the net revenues
781 of the expressway system, including any additions, extensions,
782 or improvements thereof. However, such right and power may be
783 assigned or delegated by the agency to the department.

784 1. Notwithstanding any other law to the contrary, the
785 agency may not increase its toll rates until July 1, 2029,
786 including any increase to the extent necessary to adjust for
787 inflation pursuant to the procedure for toll rate adjustments
788 provided in s. 338.165, except as may be necessary to comply
789 with covenants in the trust indentures or resolutions adopted in
790 connection with the agency's bonds secured by the net revenues
791 of the expressway system.

792 2. A toll rate increase must be approved by a two-thirds
793 vote of the members of the governing body of the agency.



544834

794 3. The amount of toll revenues used for administrative
795 costs by the agency may not exceed 10 percent above the annual
796 state average of administrative costs determined as provided in
797 this subparagraph. The Florida Transportation Commission shall
798 determine the annual state average of administrative costs based
799 on the annual administrative costs of all the expressway
800 authorities in this state. For purposes of this subparagraph,
801 administrative costs include, but are not limited to, employee
802 salaries and benefits, small business outreach, insurance,
803 professional service contracts not directly related to the
804 operation and maintenance of the expressway system, and other
805 overhead costs.

806 4. There must be a distance of at least 5 miles between
807 main through-lane tolling points. The distance requirement of
808 this subparagraph does not apply to entry and exit ramps.
809 However, the toll rates may be such that toll rates per mile are
810 revenue neutral as compared to the toll rates of the former
811 Miami-Dade County Expressway Authority as of July 1, 2019.

812 (f) To borrow money, make and issue negotiable notes,
813 bonds, refund bonds and other evidence of indebtedness of the
814 agency, which bonds or other evidence of indebtedness may be
815 issued pursuant to the State Bond Act or, in the alternative,
816 pursuant to s. 348.0309(2), to finance or refinance additions,
817 extensions, or improvements to the expressway system within the
818 geographic boundaries of the agency, and to provide for the
819 security of the bonds or other evidence of indebtedness and the
820 rights and remedies of the holders of the bonds or other
821 evidence of indebtedness. Any bonds or other evidence of
822 indebtedness pledging the full faith and credit of the state may



544834

823 be issued only pursuant to the State Bond Act.

824 1. The agency shall reimburse the county in which it exists
825 for any sums expended from any county gasoline tax funds used
826 for payment of such obligations. Any county gasoline tax funds
827 so disbursed shall be repaid in accordance with the terms of any
828 lease-purchase or interlocal agreement with any county or the
829 department together with interest, at the rate agreed to in such
830 agreement. Any county gasoline tax funds may not be more than a
831 secondary pledge of revenues for repayment of any obligations
832 issued pursuant to this part.

833 2. The agency may refund any bonds previously issued, to
834 the extent allowable by federal tax laws, to finance or
835 refinance an expressway system located within the geographic
836 boundaries of the agency regardless of whether the bonds being
837 refunded were issued by such agency, an agency of the state, or
838 a county.

839 (g) To enter contracts and to execute all instruments
840 necessary or convenient for the carrying on of its business.
841 Notwithstanding any other provision of law to the contrary, the
842 agency is subject to the procurement and contracting
843 requirements applicable to the department contained in chapters
844 287 and 337.

845 (h) Without limitation of the foregoing, to borrow money
846 and accept grants from, and to enter into contracts, leases, or
847 other transactions with, any federal agency, the state, any
848 agency of the state, county, or any other public body of the
849 state.

850 (i) To have the power of eminent domain, including the
851 procedural powers granted under chapters 73 and 74.



544834

852 (j) To pledge, hypothecate, or otherwise encumber all or
853 any part of the revenues, tolls, rates, fees, rentals, or other
854 charges or receipts of the agency, including all or any portion
855 of county gasoline tax funds received by the agency pursuant to
856 the terms of any lease-purchase agreement between the agency and
857 the department, as security for all or any of the obligations of
858 the agency.

859 (k) To do all acts and things necessary or convenient for
860 the conduct of its business and the general welfare of the
861 agency in order to carry out the powers granted to it by law.

862 (3) Notwithstanding any other law to the contrary, the
863 consent of any municipality is not necessary for any project of
864 the agency, regardless of whether the project lies in whole or
865 in part within the boundaries of the municipality, if the
866 project is consistent with the locally adopted comprehensive
867 plan. However, if a project is inconsistent with the affected
868 municipal comprehensive plan, the project may not proceed
869 without a hearing pursuant to ss. 120.569 and 120.57, at which
870 it is determined that the project is consistent with the adopted
871 metropolitan planning organization transportation improvement
872 plan, if any, and the applicable strategic regional plan, and at
873 which regional interests are determined to clearly override the
874 interests of the municipality.

875 (4) The use or pledge of all or any portion of county
876 gasoline tax funds may not be made without the prior express
877 written consent of the board of county commissioners of each
878 county located within the geographic boundaries of the agency.

879 (5) The agency shall comply with all statutory requirements
880 of general application which relate to the filing of any report



544834

881 or documentation required by law, including the requirements of
882 ss. 189.015, 189.016, 189.051, and 189.08.

883 (6) Notwithstanding subsection (3) or any other law to the
884 contrary, the agency may not undertake any construction that is
885 not consistent with both the metropolitan planning
886 organization's transportation improvement program and the
887 county's comprehensive plan.

888 (7) The agency may finance or refinance the planning,
889 design, acquisition, construction, extension, rehabilitation,
890 equipping, preservation, maintenance, or improvement of a public
891 transportation facility or transportation facilities owned or
892 operated by such county, an intermodal facility or facilities,
893 multimodal corridor or corridors, including, but not limited to,
894 bicycle facilities or greenways that will improve transportation
895 services within the county, or any programs or projects that
896 will improve the levels of service on an expressway system,
897 subject to approval of the governing body of the county after
898 public hearing.

899 (8) The governing body of the county may enter into an
900 interlocal agreement with the agency pursuant to s. 163.01, for
901 the joint performance or performance by either governmental
902 entity of any corporate function of the county or agency
903 necessary or appropriate to enable the agency to fulfill the
904 powers and purposes of this part and promote the efficient and
905 effective transportation of persons and goods in such county.

906 (9) The agency must have an annual financial audit
907 conducted by an independent certified public accountant licensed
908 pursuant to chapter 473, and the audit report must be made
909 available on the agency's website.



544834

910 Section 21. Section 348.0307, Florida Statutes, is created
911 to read:

912 348.0307 Florida Sunshine Rebate Program-The Florida
913 Sunshine Rebate Program is created within the agency. Subject to
914 compliance with any covenants made with the holders of the
915 agency's bonds which are in the trust indentures or resolutions
916 adopted in connection with the issuance of the agency's bonds,
917 the agency, at the time that any toll is incurred, shall provide
918 a 25 percent rebate to all SunPass holders whose SunPass is
919 registered to a motor vehicle registered in such county. An
920 eligible SunPass holder must be automatically enrolled in such
921 rebate program; however, the agency must be provided a mechanism
922 to allow eligible SunPass holders to opt-out of the program. The
923 agency may not impose additional requirements for receipt of the
924 reduced toll amount.

925 Section 22. Section 348.0308, Florida Statutes, is created
926 to read:

927 348.0308 Public-private partnerships.-The Legislature
928 declares that there is a public need for the rapid construction
929 of safe and efficient transportation facilities for traveling
930 within the state and that it is in the public's interest to
931 provide for public-private partnership agreements to effectuate
932 the construction of additional safe, convenient, and economical
933 transportation facilities.

934 (1) The agency may receive or solicit proposals and enter
935 into agreements with private entities, or consortia thereof, for
936 the building, operation, ownership, or financing of agency
937 transportation facilities or new transportation facilities
938 within the jurisdiction of the agency which increase



544834

939 transportation capacity. An agency may not sell or lease any
940 transportation facility owned by the agency without providing
941 the analysis required in s. 334.30(6)(e)2. for review and
942 approval by the Legislative Budget Commission created pursuant
943 to s. 11.90 prior to awarding a contract on a lease of an
944 existing toll facility. The agency is authorized to adopt rules
945 to implement this section and shall establish by rule an
946 application fee for the submission of unsolicited proposals
947 under this section. The fee must be sufficient to pay the costs
948 of evaluating the proposals. The agency may engage private
949 consultants to assist in the evaluation. Before approval, the
950 agency must determine that a proposed project:
951 (a) Is in the public's best interest.
952 (b) Would not require state funds to be used unless the
953 project is on, or provides increased mobility on, the State
954 Highway System.
955 (c) Would have adequate safeguards to ensure that no
956 additional costs or service disruptions would be realized by the
957 traveling public and residents of the state in the event of
958 default or the cancellation of the agreement by the agency.
959 (d) Would have adequate safeguards in place to ensure that
960 the department, the agency, or the private entity has the
961 opportunity to add capacity to the proposed project and other
962 transportation facilities serving similar origins and
963 destinations.
964 (e) Would be owned by the agency upon completion or
965 termination of the agreement.
966 (2) The agency shall ensure that all reasonable costs to
967 the state which are related to transportation facilities that



544834

968 are not part of the State Highway System are borne by the
969 private entity. The agency shall also ensure that all reasonable
970 costs to the state and substantially affected local governments
971 and utilities related to the private transportation facility are
972 borne by the private entity for transportation facilities that
973 are owned by private entities. For projects on the State Highway
974 System, the department may use state resources to participate in
975 funding and financing the project as provided for under the
976 department's enabling legislation.

977 (3) The agency may request proposals for public-private
978 transportation projects or, if it receives an unsolicited
979 proposal, must publish a notice in the Florida Administrative
980 Register and a newspaper of general circulation in the county in
981 which it is located at least once a week for 2 weeks, stating
982 that it has received the proposal and will accept, for 60 days
983 after the initial date of publication, other proposals for the
984 same project purpose. A copy of the notice must be mailed to
985 each local government in the affected areas. After the public
986 notification period has expired, the agency shall rank the
987 proposals in order of preference. In ranking the proposals, the
988 agency shall consider professional qualifications, general
989 business terms, innovative engineering or cost-reduction terms,
990 finance plans, and the need for state funds to deliver the
991 proposal. If the agency is not satisfied with the results of the
992 negotiations, it may, at its sole discretion, terminate
993 negotiations with the proposer. If these negotiations are
994 unsuccessful, the agency may go to the second and lower-ranked
995 firms, in order, using the same procedure. If only one proposal
996 is received, the agency may negotiate in good faith, and if it



544834

997 is not satisfied with the results, may, at its sole discretion,
998 terminate negotiations with the proposer. The agency may, at its
999 discretion, reject all proposals at any point in the process up
1000 to completion of a contract with the proposer.

1001 (4) Agreements entered into pursuant to this section may
1002 authorize the public-private entity to impose tolls or fares for
1003 the use of the facility. However, the amount and use of toll or
1004 fare revenues must be regulated by the agency to avoid
1005 unreasonable costs to users of the facility.

1006 (5) Each public-private transportation facility constructed
1007 pursuant to this section shall comply with all requirements of
1008 federal, state, and local laws; state, regional, and local
1009 comprehensive plans; the agency's rules, policies, procedures,
1010 and standards for transportation facilities; and any other
1011 conditions that the agency determines to be in the public's best
1012 interest.

1013 (6) The agency may exercise any power possessed by it,
1014 including eminent domain, to facilitate the development and
1015 construction of transportation projects pursuant to this
1016 section. The agency may pay all or part of the cost of operating
1017 and maintaining the facility or may provide services to the
1018 private entity for which it receives full or partial
1019 reimbursement for services rendered.

1020 (7) Except as herein provided, this section is not intended
1021 to amend existing laws by granting additional powers to or
1022 further restricting the governmental entities from regulating
1023 and entering into cooperative arrangements with the private
1024 sector for the planning, construction, and operation of
1025 transportation facilities.



544834

1026 Section 23. Section 348.0309, Florida Statutes, is created
1027 to read:

1028 348.0309 Bonds.—

1029 (1) Bonds may be issued on behalf of the agency as provided
1030 by the State Bond Act.

1031 (2) (a) Pursuant to this part, the agency may issue bonds
1032 that do not pledge the full faith and credit of the state in
1033 such principal amount as, in the opinion of the agency, is
1034 necessary to provide sufficient moneys for achieving its
1035 corporate purposes.

1036 (b) Such bonds, on original issuance or refunding, must be
1037 authorized by resolution of the agency, after approval of the
1038 issuance of the bonds at a public hearing, and may be either
1039 term or serial bonds, must bear such date or dates, mature at
1040 such time or times, bear interest at such rate or rates, be
1041 payable semiannually, be in such denominations, be in such form,
1042 either coupon or fully registered, shall carry such
1043 registration, exchangeability and interchangeability privileges,
1044 be payable in such medium of payment and at such place or
1045 places, be subject to such terms of redemption and be entitled
1046 to such priorities on the revenues, rates, fees, rentals, or
1047 other charges or receipts of the agency including any county
1048 gasoline tax funds received by an agency pursuant to the terms
1049 of any interlocal or lease-purchase agreement between the agency
1050 or a county, as such resolution or any resolution subsequent
1051 thereto may provide. The bonds must be executed by such officers
1052 as the agency determines under the requirements of s. 279.06.

1053 (c) The bonds shall be sold by the agency at public sale by
1054 competitive bid. However, if the agency, after receipt of a



544834

1055 written recommendation from a financial adviser, determines by
1056 official action after public hearing by a two-thirds vote of all
1057 voting members that a negotiated sale of the bonds is in the
1058 best interest of the agency, the agency may negotiate for sale
1059 of the bonds with the underwriter or underwriters designated by
1060 the agency and the county in which the agency exists. The agency
1061 shall provide specific findings in a resolution as to the
1062 reasons requiring the negotiated sale, which resolution must
1063 incorporate and have attached thereto the written recommendation
1064 of the financial adviser required by this subsection.

1065 (d) Any such resolution authorizing any bonds that do not
1066 pledge the full faith and credit of the state may contain
1067 provisions that are part of the contract with the holders of the
1068 bonds, as the agency determines appropriate. In addition, the
1069 agency may enter into trust indentures or other agreements with
1070 its fiscal agent, or with any bank or trust company within or
1071 without the state, as security for such bonds, and may, under
1072 the agreements, assign and pledge the revenues, rates, fees,
1073 rentals, tolls, or other charges or receipts of the agency,
1074 including any county gasoline tax funds received by the agency.

1075 (e) Any bonds issued pursuant to this part are negotiable
1076 instruments and have all the qualities and incidents of
1077 negotiable instruments under the law merchant and the negotiable
1078 instruments law of the state.

1079 (f) Each project, building, or facility that has been or
1080 will be financed by the issuance of bonds or other evidence of
1081 indebtedness and that does not pledge the full faith and credit
1082 of the state under this part, and any refinancing thereof, is
1083 subject to review and approval by the Legislative Budget



544834

1084 Commission.

1085 Section 24. Section 348.0310, Florida Statutes, is created
1086 to read:

1087 348.0310 Department may be appointed agent of agency for
1088 construction.—The department may be appointed by the agency as
1089 its agent for the purpose of constructing improvements and
1090 extensions to an expressway system and for the completion
1091 thereof. In such event, the agency shall provide the department
1092 with complete copies of all documents, agreements, resolutions,
1093 contracts, and instruments relating thereto; shall request the
1094 department to do such construction work, including the planning,
1095 surveying, and actual construction of the completion,
1096 extensions, and improvements to the expressway system; and shall
1097 transfer to the credit of an account of the department in the
1098 State Treasury the funds therefor. The department then shall
1099 proceed with such construction and use the funds for such
1100 purpose in the same manner as it is now authorized to use the
1101 funds otherwise provided by law for its use in the construction
1102 of roads and bridges.

1103 Section 25. Section 348.0311, Florida Statutes, is created
1104 to read:

1105 348.0311 Acquisition of lands and property.—

1106 (1) For the purposes of this act, the agency may acquire
1107 such rights, title, or interest in private or public property
1108 and such property rights, including easements, rights of access,
1109 air, view, and light, by gift, devise, purchase, or condemnation
1110 by eminent domain proceedings, as the agency may deem necessary
1111 for any of the purposes of this act, including, but not limited
1112 to, any lands reasonably necessary for securing applicable



1113 permits, areas necessary for management of access, borrow pits,
1114 drainage ditches, water retention areas, rest areas, replacement
1115 access for landowners whose access is impaired due to the
1116 construction of an expressway system, and replacement rights-of-
1117 way for relocated rail and utility facilities; for existing,
1118 proposed, or anticipated transportation facilities on the
1119 expressway system or in a transportation corridor designated by
1120 the agency; or for the purposes of screening, relocation,
1121 removal, or disposal of junkyards and scrap metal processing
1122 facilities. The agency also may condemn any material and
1123 property necessary for such purposes.

1124 (2) The agency and its authorized agents, contractors, and
1125 employees may enter upon any lands, waters, and premises, upon
1126 giving reasonable notice to the landowner, for the purpose of
1127 making surveys, soundings, drillings, appraisals, environmental
1128 assessments including phase I and phase II environmental
1129 surveys, archaeological assessments, and such other examinations
1130 as are necessary for the acquisition of private or public
1131 property and property rights, including rights of access, air,
1132 view, and light, by gift, devise, purchase, or condemnation by
1133 eminent domain proceedings or as are necessary for the agency to
1134 perform its duties and functions; and any such entry shall not
1135 be deemed a trespass or an entry that would constitute a taking
1136 in an eminent domain proceeding. The agency shall make
1137 reimbursement for any actual damage to such lands, water, and
1138 premises as a result of such activities. Any entry authorized by
1139 this subsection shall be in compliance with the premises
1140 protections and landowner liability provisions contained in s.
1141 472.029.



544834

1142 (3) The right of eminent domain conferred by this act must
1143 be exercised by the agency in the manner provided by law.

1144 (4) When an agency acquires property for an expressway
1145 system or in a transportation corridor as defined in s. 334.03,
1146 it is not subject to any liability imposed by chapter 376 or
1147 chapter 403 for preexisting soil or groundwater contamination
1148 due solely to its ownership. This subsection does not affect the
1149 rights or liabilities of any past or future owners of the
1150 acquired property nor does it affect the liability of any
1151 governmental entity for the results of its actions which create
1152 or exacerbate a pollution source. The agency and the Department
1153 of Environmental Protection may enter into interagency
1154 agreements for the performance, funding, and reimbursement of
1155 the investigative and remedial acts necessary for property
1156 acquired by the agency.

1157 Section 26. Section 348.0312, Florida Statutes, is created
1158 to read:

1159 348.0312 Cooperation with other units, boards, agencies,
1160 and individuals.—Express authority and power is given and
1161 granted to any county, municipality, drainage district, road and
1162 bridge district, school district, or other political
1163 subdivision, board, commission, or individual in or of this
1164 state to enter into contracts, leases, conveyances, or other
1165 agreements with the agency within the provisions and purposes of
1166 this part. For the purposes of implementing and administering
1167 this part, the agency may enter into contracts, leases,
1168 conveyances, and other agreements with any political
1169 subdivision, agency, or instrumentality of the state and any and
1170 all federal agencies, corporations, and individuals, to the



544834

1171 extent consistent with chapters 334, 335, 338, and 339 and other
1172 law and with 23 U.S.C. ss. 101 et seq.

1173 Section 27. Section 348.0313, Florida Statutes, is created
1174 to read:

1175 348.0313 Covenant of the state.—The state hereby pledges
1176 to, and agrees with, any person, firm, corporation, or federal
1177 or state agency subscribing to or acquiring the bonds to be
1178 issued by the agency for the purposes of this part that the
1179 state will not limit or alter the rights hereby vested in the
1180 agency and the department until all bonds at any time issued,
1181 together with the interest thereon, are fully paid and
1182 discharged, insofar as the same affects the rights of the
1183 holders of bonds issued hereunder. The state does further pledge
1184 to, and agrees with, the United States that, in the event any
1185 federal agency constructs, or contributes any funds for the
1186 completion, extension, or improvement of an expressway system or
1187 any part or portion thereof, the state will not alter or limit
1188 the rights and powers of the agency and the department in a
1189 manner that would be inconsistent with the continued maintenance
1190 and operation of the expressway system or the completion,
1191 extension, or improvement thereof, or that would be inconsistent
1192 with the due performance of any agreement between the agency and
1193 any such federal agency, and the agency and the department shall
1194 continue to have and may exercise all powers granted so long as
1195 necessary or desirable for carrying out the purposes of this act
1196 and the purposes of the United States in the completion,
1197 extension, or improvement of the expressway system or any part
1198 or portion thereof.

1199 Section 28. Section 348.0314, Florida Statutes, is created



544834

1200 to read:

1201 348.0314 Exemption from taxation.—The effectuation of the
1202 authorized purposes of the agency is in all respects for the
1203 benefit of the people of this state, for the increase of their
1204 commerce and prosperity, and for the improvement of their health
1205 and living conditions. Therefore, the agency is not required to
1206 pay any taxes or assessments of any kind upon any property
1207 acquired by it or used by it for such purposes or upon any
1208 revenues at any time received by it. The bonds issued by or on
1209 behalf of the agency, their transfer, and the income therefrom,
1210 including any profits made on the sale thereof, are exempt from
1211 taxation of any kind by the state or by any political
1212 subdivision or other taxing agency or instrumentality thereof.
1213 The exemption granted by this section does not apply to any tax
1214 imposed under chapter 220 on interest, income, or profits on
1215 debt obligations owned by corporations.

1216 Section 29. Section 348.0315, Florida Statutes, is created
1217 to read:

1218 348.0315 Public accountability.—

1219 (1) The agency shall post the following information on its
1220 website:

1221 (a) Audited financial statements and any interim financial
1222 reports.

1223 (b) Board and committee meeting agendas, meeting packets,
1224 and minutes.

1225 (c) Bond covenants for any outstanding bond issues.

1226 (d) Agency budgets.

1227 (e) Agency contracts. For purposes of this paragraph, the
1228 term "contract" means a written agreement or purchase order



544834

1229 issued for the purchase of goods or services or a written
1230 agreement for the receipt of state or federal financial
1231 assistance.

1232 (f) Agency expenditure data, which must include the name of
1233 the payee, the date of the expenditure, and the amount of the
1234 expenditure. Such data must be searchable by name of the payee,
1235 name of the paying agency, and fiscal year and must be
1236 downloadable in a format that allows offline analysis.

1237 (g) Information relating to current, recently completed,
1238 and future projects on authority facilities.

1239 (2) Beginning October 1, 2020, and annually thereafter, the
1240 agency shall submit to the board of county commissioners of the
1241 county and the metropolitan planning organization for that
1242 county a report providing information regarding the amount of
1243 tolls collected and how those tolls were used in the authority's
1244 previous fiscal year. The report shall be posted on the agency's
1245 website.

1246 Section 30. Section 348.0316, Florida Statutes, is created
1247 to read:

1248 348.0316 Eligibility for investments and security.—Any
1249 bonds or other obligations issued pursuant to this part are and
1250 constitute legal investments for banks, savings banks, trustees,
1251 executors, administrators, and all other fiduciaries, and for
1252 all state, municipal and other public funds and also are and
1253 constitute securities eligible for deposit as security for all
1254 state, municipal, or other public funds, notwithstanding any
1255 other law to the contrary.

1256 Section 31. Section 348.0317, Florida Statutes, is created
1257 to read:



544834

1258 348.0317 Pledges enforceable by bondholders.—It is the
1259 express intention of this part that any pledge by the department
1260 of rates, fees, revenues, county gasoline tax funds or other
1261 funds, as rentals, to the agency, or any covenants or agreements
1262 relative thereto, are enforceable in any court of competent
1263 jurisdiction against the agency or directly against the
1264 department by any holder of bonds issued by agency.

1265 Section 32. Section 348.0318, Florida Statutes, is created
1266 to read:

1267 348.0318 Additional authority.—

1268 (1) The powers conferred by this part are in addition and
1269 supplemental to the existing powers of the board and the
1270 department, and this part may not be construed as repealing any
1271 of the provisions, of any other law, general, special, or local,
1272 but to supersede such other laws in the exercise of the powers
1273 provided in this part, and to provide a complete method for the
1274 exercise of the powers granted in this part. The extension and
1275 improvement of the expressway system, and the issuance of bonds
1276 pursuant to this part to finance all or part of the cost of the
1277 system, may be accomplished upon compliance with this part
1278 without regard to or necessity for compliance with the
1279 provisions, limitations, or restrictions contained in any other
1280 general, special, or local law, including, but not limited to,
1281 s. 215.821, and no approval of any bonds issued under this part
1282 by the qualified electors or qualified electors who are
1283 freeholders in the state or in Miami-Dade County, or in any
1284 other political subdivision of the state, is required for the
1285 issuance of such bonds pursuant to this part, including, but not
1286 limited to s. 215.821.



1287 (2) This part does not repeal, rescind, or modify any other
1288 law relating to the State Board of Administration, the
1289 Department of Transportation, or the Division of Bond Finance of
1290 the State Board of Administration, but supersedes any law that
1291 is inconsistent with this part, including, but not limited to,
1292 s. 215.821.

1293 Section 33. (1) Effective upon this act becoming a law, the
1294 governance and control of the Miami-Dade County Expressway
1295 Authority is transferred to the Greater Miami Expressway Agency
1296 pursuant to the terms of this section. The assets, facilities,
1297 tangible and intangible property and any rights in such
1298 property, and any other legal rights of the authority, including
1299 the expressway system operated by the authority, are transferred
1300 to the agency. The agency succeeds to all powers of the
1301 authority, and the operations and maintenance of the expressway
1302 system is under the control of the agency. Revenues collected on
1303 the expressway system are considered agency revenues but are
1304 subject to the lien of the trust indentures securing the Miami-
1305 Dade County Expressway Authority bonds. The agency also assumes
1306 all liability for bonds of the authority pursuant to subsection
1307 (2) and the satisfaction of any judgment against the authority
1308 that may ultimately become due as a result of litigation
1309 commenced prior to the effective date of this act. The agency
1310 shall, in consultation with the Division of Bond Finance, review
1311 all other contracts, financial obligations, and contractual
1312 relationships and liabilities of the authority, and the agency
1313 may assume responsibility for the obligations that are
1314 determined to be necessary or desirable for the continued
1315 operation of the expressway system. Employees, officers, and



544834

1316 members of the authority may not sell, dispose, encumber,
1317 transfer, or expend the assets of the authority as existed and
1318 reflected in the authority's financial statements for the fiscal
1319 year ended June 30, 2018, other than in the ordinary course of
1320 business. For purposes of this section, incurring debt or
1321 issuing bonds for projects contained in the 5-year work program
1322 approved and adopted by the authority on December 5, 2018, is
1323 not considered the ordinary course of business. Notwithstanding
1324 the foregoing, this part does not prevent the authority from
1325 designing and planning projects contained in the 5-year work
1326 program approved and adopted by the authority on December 5,
1327 2018.

1328 (2) The transfer pursuant to this section is subject to all
1329 terms and covenants provided for the protection of the holders
1330 of the Miami-Dade County Expressway Authority bonds in the trust
1331 indentures or resolutions adopted in connection with the
1332 issuance of such bonds. Further, the transfer does not impair
1333 the terms of the contract between the authority and the
1334 bondholders, does not act to the detriment of the bondholders,
1335 and does not diminish the security for the bonds. After the
1336 transfer, the agency shall operate and maintain the expressway
1337 system and any other facilities of the authority in accordance
1338 with the terms, conditions, and covenants contained in the trust
1339 indentures or bond resolutions securing such bonds. The agency
1340 shall collect toll revenues and apply them to the payment of
1341 debt service as provided in the trust indentures or bond
1342 resolutions securing such bonds and expressly assumes all
1343 obligations relating to the bonds to ensure that the transfer of
1344 the authority will not have any adverse impact on the security



544834

1345 for the bonds of the authority.

1346 Section 34. The Miami-Dade County Expressway Authority is
1347 dissolved.

1348 Section 35. Section 348.635, Florida Statutes, is created
1349 to read:

1350 348.635 Public-private partnership.—The Legislature
1351 declares that there is a public need for the rapid construction
1352 of safe and efficient transportation facilities for traveling
1353 within the state and that it is in the public's interest to
1354 provide for public-private partnership agreements to effectuate
1355 the construction of additional safe, convenient, and economical
1356 transportation facilities.

1357 (1) Notwithstanding any other provision of this part, the
1358 authority may receive or solicit proposals and enter into
1359 agreements with private entities, or consortia thereof, for the
1360 building, operation, ownership, or financing of authority
1361 transportation facilities or new transportation facilities
1362 within the jurisdiction of the authority which increase
1363 transportation capacity. The authority may not sell or lease any
1364 transportation facility owned by the authority without providing
1365 the analysis required in s. 334.30(6)(e)2. to the Legislative
1366 Budget Commission created pursuant to s. 11.90 for review and
1367 approval before awarding a contract on a lease of an existing
1368 toll facility. The authority may adopt rules to implement this
1369 section and shall establish by rule an application fee for the
1370 submission of unsolicited proposals under this section. The fee
1371 must be sufficient to pay the costs of evaluating the proposals.
1372 The authority may engage private consultants to assist in the
1373 evaluation. Before approval, the authority must determine that a



544834

1374 proposed project:

1375 (a) Is in the public's best interest.

1376 (b) Would not require state funds to be used unless the
1377 project is on or provides increased mobility on the State
1378 Highway System.

1379 (c) Would have adequate safeguards to ensure that no
1380 additional costs or service disruptions would be realized by the
1381 traveling public and residents of the state in the event of
1382 default or the cancellation of the agreement by the authority.

1383 (d) Would have adequate safeguards in place to ensure that
1384 the department, the authority, or the private entity has the
1385 opportunity to add capacity to the proposed project and other
1386 transportation facilities serving similar origins and
1387 destinations.

1388 (e) Would be owned by the authority upon completion or
1389 termination of the agreement.

1390 (2) The authority shall ensure that all reasonable costs to
1391 the state which are related to transportation facilities that
1392 are not part of the State Highway System are borne by the
1393 private entity. The authority also shall ensure that all
1394 reasonable costs to the state and substantially affected local
1395 governments and utilities related to the private transportation
1396 facility are borne by the private entity for transportation
1397 facilities that are owned by private entities. For projects on
1398 the State Highway System, the department may use state resources
1399 to participate in funding and financing the project as provided
1400 for under the department's enabling legislation.

1401 (3) The authority may request proposals for public-private
1402 transportation projects or, if it receives an unsolicited



544834

1403 proposal, it must publish a notice in the Florida Administrative
1404 Register and a newspaper of general circulation in the county in
1405 which it is located at least once a week for 2 weeks stating
1406 that it has received the proposal and will accept, for 60 days
1407 after the initial date of publication, other proposals for the
1408 same project purpose. A copy of the notice must be mailed to
1409 each local government in the affected areas. After the public
1410 notification period has expired, the authority shall rank the
1411 proposals in order of preference. In ranking the proposals, the
1412 authority shall consider professional qualifications, general
1413 business terms, innovative engineering or cost-reduction terms,
1414 finance plans, and the need for state funds to deliver the
1415 proposal. If the authority is not satisfied with the results of
1416 the negotiations, it may, at its discretion, terminate
1417 negotiations with the proposer. If these negotiations are
1418 unsuccessful, the authority may go to the second and lower-
1419 ranked firms, in order, using the same procedure. If only one
1420 proposal is received, the authority may negotiate in good faith,
1421 and, if it is not satisfied with the results, may, at its sole
1422 discretion, terminate negotiations with the proposer. The
1423 authority may, at its discretion, reject all proposals at any
1424 point in the process up to completion of a contract with the
1425 proposer.

1426 (4) Agreements entered into pursuant to this section may
1427 authorize the public-private entity to impose tolls or fares for
1428 the use of the facility. However, the amount and use of toll or
1429 fare revenues must be regulated by the authority to avoid
1430 unreasonable costs to users of the facility.

1431 (5) Each public-private transportation facility constructed



544834

1432 pursuant to this section shall comply with all requirements of
1433 federal, state, and local laws; state, regional, and local
1434 comprehensive plans; the authority's rules, policies,
1435 procedures, and standards for transportation facilities; and any
1436 other conditions that the authority determines to be in the
1437 public's best interest.

1438 (6) The authority may exercise any power possessed by it,
1439 including eminent domain, to facilitate the development and
1440 construction of transportation projects pursuant to this
1441 section. The authority may pay all or part of the cost of
1442 operating and maintaining the facility or may provide services
1443 to the private entity for which it receives full or partial
1444 reimbursement for services rendered.

1445 (7) Except as herein provided, this section is not intended
1446 to amend existing laws by granting additional powers to or
1447 further restricting the governmental entities from regulating
1448 and entering into cooperative arrangements with the private
1449 sector for the planning, construction, and operation of
1450 transportation facilities.

1451 Section 36. Section 348.7605, Florida Statutes, is created
1452 to read:

1453 348.7605 Public-private partnership.—The Legislature
1454 declares that there is a public need for the rapid construction
1455 of safe and efficient transportation facilities for traveling
1456 within the state and that it is in the public's interest to
1457 provide for public-private partnership agreements to effectuate
1458 the construction of additional safe, convenient, and economical
1459 transportation facilities.

1460 (1) Notwithstanding any other provision of this part, the



1461 authority may receive or solicit proposals and enter into
1462 agreements with private entities, or consortia thereof, for the
1463 building, operation, ownership, or financing of authority
1464 transportation facilities or new transportation facilities
1465 within the jurisdiction of the authority which increase
1466 transportation capacity. The authority may not sell or lease any
1467 transportation facility owned by the authority without providing
1468 the analysis required in s. 334.30(6)(e)2. to the Legislative
1469 Budget Commission created pursuant to s. 11.90 for review and
1470 approval before awarding a contract on a lease of an existing
1471 toll facility. The authority may adopt rules to implement this
1472 section and shall, by rule, establish an application fee for the
1473 submission of unsolicited proposals under this section. The fee
1474 must be sufficient to pay the costs of evaluating the proposals.
1475 The authority may engage private consultants to assist in the
1476 evaluation. Before approval, the authority must determine that a
1477 proposed project:

1478 (a) Is in the public's best interest.

1479 (b) Would not require state funds to be used unless the
1480 project is on or provides increased mobility on the State
1481 Highway System.

1482 (c) Would have adequate safeguards to ensure that no
1483 additional costs or service disruptions would be realized by the
1484 traveling public and residents of the state in the event of
1485 default or the cancellation of the agreement by the authority.

1486 (d) Would have adequate safeguards in place to ensure that
1487 the department, the authority, or the private entity has the
1488 opportunity to add capacity to the proposed project and other
1489 transportation facilities serving similar origins and



544834

1490 destinations.

1491 (e) Would be owned by the authority upon completion or
1492 termination of the agreement.

1493 (2) The authority shall ensure that all reasonable costs to
1494 the state which are related to transportation facilities that
1495 are not part of the State Highway System are borne by the
1496 private entity. The authority shall also ensure that all
1497 reasonable costs to the state and substantially affected local
1498 governments and utilities related to the private transportation
1499 facility are borne by the private entity for transportation
1500 facilities that are owned by private entities. For projects on
1501 the State Highway System, the department may use state resources
1502 to participate in funding and financing the project as provided
1503 for under the department's enabling legislation.

1504 (3) The authority may request proposals for public-private
1505 transportation projects or, if it receives an unsolicited
1506 proposal, it must publish a notice in the Florida Administrative
1507 Register and a newspaper of general circulation in the county in
1508 which it is located at least once a week for 2 weeks stating
1509 that it has received the proposal and will accept, for 60 days
1510 after the initial date of publication, other proposals for the
1511 same project purpose. A copy of the notice must be mailed to
1512 each local government in the affected areas. After the public
1513 notification period has expired, the authority shall rank the
1514 proposals in order of preference. In ranking the proposals, the
1515 authority shall consider professional qualifications, general
1516 business terms, innovative engineering or cost-reduction terms,
1517 finance plans, and the need for state funds to deliver the
1518 proposal. If the authority is not satisfied with the results of



544834

1519 the negotiations, it may, at its sole discretion, terminate
1520 negotiations with the proposer. If these negotiations are
1521 unsuccessful, the authority may go to the second and lower-
1522 ranked firms, in order, using the same procedure. If only one
1523 proposal is received, the authority may negotiate in good faith,
1524 and if it is not satisfied with the results, it may, at its sole
1525 discretion, terminate negotiations with the proposer. The
1526 authority may, at its discretion, reject all proposals at any
1527 point in the process up to completion of a contract with the
1528 proposer.

1529 (4) Agreements entered into pursuant to this section may
1530 authorize the public-private entity to impose tolls or fares for
1531 the use of the facility. However, the amount and use of toll or
1532 fare revenues shall be regulated by the authority to avoid
1533 unreasonable costs to users of the facility.

1534 (5) Each public-private transportation facility constructed
1535 pursuant to this section shall comply with all requirements of
1536 federal, state, and local laws; state, regional, and local
1537 comprehensive plans; the authority's rules, policies,
1538 procedures, and standards for transportation facilities; and any
1539 other conditions that the authority determines to be in the
1540 public's best interest.

1541 (6) The authority may exercise any power possessed by it,
1542 including eminent domain, to facilitate the development and
1543 construction of transportation projects pursuant to this
1544 section. The authority may pay all or part of the cost of
1545 operating and maintaining the facility or may provide services
1546 to the private entity for which it receives full or partial
1547 reimbursement for services rendered.



544834

1548 (7) Except as herein provided, this section is not intended
1549 to amend existing laws by granting additional powers to or
1550 further restricting the governmental entities from regulating
1551 and entering into cooperative arrangements with the private
1552 sector for the planning, construction, and operation of
1553 transportation facilities.

1554 Section 37. Pursuant to section 20 of chapter 2014-171,
1555 Laws of Florida, part V of chapter 348, Florida Statutes,
1556 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
1557 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
1558 348.9961, is repealed.

1559 Section 38. The Office of Program Policy Analysis and
1560 Government Accountability shall conduct a feasibility analysis
1561 of the Florida Turnpike Enterprise conducting a rebate program
1562 for SunPass users. The office shall submit a report of its
1563 finding and recommendations to the Governor, the President of
1564 the Senate, and the Speaker of the House of Representatives no
1565 later than December 1, 2019.

1566 Section 39. Except as otherwise expressly provided in this
1567 act and except for this section, which shall take effect upon
1568 this act becoming a law, this act shall take effect July 1,
1569 2019.

1570
1571 ===== T I T L E A M E N D M E N T =====

1572 And the title is amended as follows:

1573 Delete everything before the enacting clause
1574 and insert:

1575 A bill to be entitled

1576 An act relating to transportation; amending s. 20.23,



1577 F.S.; conforming provisions to changes made by the
1578 act; amending s. 112.3144, F.S.; deleting an obsolete
1579 provision; requiring members of certain authorities to
1580 comply with certain financial disclosure requirements;
1581 amending s. 212.055, F.S.; revising the authorized
1582 uses of proceeds from charter county and regional
1583 transportation system surtaxes; requiring certain
1584 counties to use surtax proceeds for purposes related
1585 to fixed guideway rapid transit systems, bus systems,
1586 and development of dedicated facilities for autonomous
1587 vehicles; authorizing the use of surtax proceeds for
1588 the purchase of rights-of-way under certain
1589 circumstances; authorizing the use of surtax proceeds
1590 for refinancing existing bonds; authorizing a
1591 percentage of surtax proceeds to be distributed to
1592 certain municipalities to be used for certain
1593 purposes; prohibiting the use of such proceeds for
1594 certain purposes; amending s. 215.68, F.S.; conforming
1595 provisions to changes made by the act; reviving,
1596 reenacting, and amending s. 319.141, F.S.; redefining
1597 the term "rebuilt inspection services"; revising
1598 requirements related to the Pilot Rebuilt motor
1599 vehicle inspection program; providing requirements for
1600 participants; providing rulemaking authority;
1601 providing reporting requirements; providing for future
1602 repeal of the program; amending s. 334.175, F.S.;
1603 requiring the Department of Transportation to approve
1604 design plans for all transportation projects relating
1605 to department-owned rights-of-way under certain



1606 circumstances; amending s. 337.025, F.S.; authorizing
1607 the department to establish a program for
1608 transportation projects that demonstrate certain
1609 innovative techniques for measuring resiliency and
1610 structural integrity and controlling time and cost
1611 increases; providing requirements for proposed
1612 projects; amending s. 338.165, F.S.; deleting cross-
1613 references; amending s. 338.166, F.S.; limiting the
1614 toll rate for high-occupancy toll lanes or express
1615 lanes in certain counties; requiring a certain report;
1616 amending s. 338.231, F.S.; requiring the department to
1617 commit all net toll collections attributable to users
1618 of turnpike facilities in certain counties to projects
1619 and bond finance commitments in each respective
1620 county; amending s. 339.175, F.S.; revising the
1621 membership of the metropolitan planning organization
1622 in certain counties; prohibiting the metropolitan
1623 planning organization in such counties from charging a
1624 certain fee; amending s. 343.1003, F.S.; revising a
1625 cross-reference; repealing part I of chapter 348,
1626 F.S., relating to the creation and operation of the
1627 Florida Expressway Authority Act; creating part I of
1628 Ch. 348, F.S.; titled "Greater Miami Expressway
1629 Agency"; creating s. 348.0301, F.S.; providing a short
1630 title; creating s. 348.0302, F.S.; providing
1631 applicability; creating s. 348.0303, F.S.; providing
1632 definitions; creating s. 348.0304, F.S.; creating the
1633 Greater Miami Expressway Agency; providing for
1634 membership on the governing body of the agency;



1635 providing restrictions on membership; providing for
1636 executive officers; providing quorum requirements;
1637 requiring the initial meeting of the governing body by
1638 a date certain; requiring an oath of office;
1639 authorizing certain employees; authorizing the
1640 delegation of certain functions; prohibiting certain
1641 persons from being executive director of the agency;
1642 requiring the appointment of an interim executive
1643 director by a date certain; providing that members of
1644 the agency are not entitled to compensation, but are
1645 entitled to specified expenses; creating 348.0305,
1646 F.S.; providing ethics requirements for the agency;
1647 providing that a specified chapter in law is
1648 applicable; prohibiting lobbyists from serving on the
1649 governing body; prohibiting persons with certain
1650 interests from being appointed to the governing body;
1651 providing certain prohibitions for members and
1652 employees of the agency; providing certain post-
1653 employment restrictions; requiring an ethics officer;
1654 prohibiting the use of specified positions for certain
1655 purposes; providing disclosure requirements; requiring
1656 specified policies and training; providing
1657 applicability; providing penalties; creating s
1658 348.0306, F.S.; providing agency purposes and powers;
1659 requiring the construction of expressways; providing
1660 specified powers of the agency; prohibiting an
1661 increase in toll rates until a specified date;
1662 requiring a supermajority vote for an increase in toll
1663 rates; providing a limit to administrative costs;



1664 requiring the Florida Transportation Commission to
1665 determine average administrative costs; requiring a
1666 minimum distance between tolling points; providing
1667 that the change in distances may be revenue neutral;
1668 providing reimbursement and refund requirements;
1669 providing requirements for agency projects; requiring
1670 certain written consent for the use or pledge of
1671 county gasoline tax funds; providing requirements for
1672 the filing of certain reports or documentation;
1673 prohibiting construction by the agency under certain
1674 circumstances; requiring an annual financial audit and
1675 audit report, subject to certain requirements;
1676 creating s. 348.0307, F.S.; creating the Florida
1677 Sunshine Rebate Program; requiring the agency to
1678 provide specified rebates to specified SunPass
1679 holders; providing for automatic eligibility;
1680 providing for an opt-out provision; creating s.
1681 348.0308, F.S.; providing a legislative declaration;
1682 authorizing the agency to enter into certain public-
1683 private partnership agreements; authorizing
1684 solicitation or receipt of certain proposals;
1685 providing rulemaking authority; providing approval
1686 requirements; requiring certain costs to be borne by
1687 the private entity; providing notice requirements for
1688 requests for proposals; providing for ranking and
1689 negotiation of proposals; requiring the agency to
1690 regulate tolls on certain facilities; requiring
1691 compliance with specified laws, rules, and conditions;
1692 providing for development, construction, operation,



1693 and maintenance of transportation projects by the
1694 agency or private entities; providing construction;
1695 creating s. 348.0309, F.S.; authorizing the agency to
1696 have bonds issued as provided in the State Bond Act;
1697 authorizing the agency to issue its own bonds;
1698 providing requirements for the issuance of such bonds;
1699 requiring the sale of bonds at a public sale;
1700 providing an exception; requiring Legislative approval
1701 of certain indebtedness; creating s. 348.0310, F.S.;
1702 providing the Department of Transportation may be
1703 appointed as an agent of the agency for construction;
1704 requiring the agency to provide specified documents to
1705 the department; creating s. 348.0311, F.S.;
1706 authorizing the authority to acquire land and
1707 property; authorizing specified persons to enter upon
1708 specified properties; providing for eminent domain
1709 authority; prohibiting certain liability of the
1710 agency; authorizing certain interagency agreements
1711 between the agency and the Department of Environmental
1712 Protection; creating s. 348.0312, F.S.; authorizing
1713 cooperation with other units of government and
1714 individuals; creating s. 348.0313, F.S.; providing a
1715 covenant of the state that it will not change certain
1716 laws; creating s. 348.0314, F.S.; providing an
1717 exemption from taxation; creating s. 348.0315, F.S.;
1718 requiring specified documents to be posted on the
1719 agency's website; requiring a certain report; creating
1720 s. 348.0316, F.S.; providing that specified bonds or
1721 obligations are eligible investments for certain



544834

1722 purposes; creating s. 348.0317, F.S.; providing that
1723 specified pledges are enforceable by bondholders;
1724 creating s. 348.0318, F.S.; providing additional
1725 authority; transferring the assets and liabilities of
1726 the Miami-Dade County Expressway Authority to the
1727 Greater Miami Expressway Agency; providing terms of
1728 the transfer; providing that the agency succeeds to
1729 all powers of the authority; providing that revenues
1730 collected on the expressway system are agency
1731 revenues; requiring the agency, in consultation with
1732 the Division of Bond Finance, to review certain
1733 documents of the agency; providing terms and
1734 conditions of the transfer; providing for the
1735 dissolution of the Miami-Dade County Expressway
1736 Authority; creating ss. 348.635 and 348.7605, F.S.;
1737 providing a legislative declaration; authorizing the
1738 Tampa-Hillsborough County Expressway Authority and the
1739 Central Florida Expressway Authority, respectively, to
1740 enter into public-private partnership agreements;
1741 authorizing solicitation or receipt of certain
1742 proposals; providing rulemaking authority; providing
1743 approval requirements; requiring certain costs to be
1744 borne by the private entity; providing notice
1745 requirements for requests for proposals; providing for
1746 ranking and negotiation of proposals; requiring the
1747 authorities to regulate tolls on certain facilities;
1748 requiring compliance with specified laws, rules, and
1749 conditions; providing for development, construction,
1750 operation, and maintenance of transportation projects



544834

1751 by the authorities or private entities; providing
1752 construction; repealing part V of ch. 348, F.S.,
1753 relating to the Osceola County Expressway Authority
1754 Law; requiring the Office of Program Policy Analysis
1755 and Government Accountability to submit a certain
1756 report; providing effective dates.