

By the Committee on Infrastructure and Security; and Senator  
Diaz

596-02963-19

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1                   A bill to be entitled  
2       An act relating to transportation; amending s. 20.23,  
3       F.S.; conforming provisions to changes made by the  
4       act; amending s. 112.3144, F.S.; deleting an obsolete  
5       provision; requiring members of certain authorities to  
6       comply with certain financial disclosure requirements;  
7       amending s. 212.055, F.S.; revising the required uses  
8       of proceeds from charter county and regional  
9       transportation system surtaxes; requiring certain  
10      counties to use surtax proceeds for purposes related  
11      to fixed guideway rapid transit systems, bus systems,  
12      and development of dedicated facilities for autonomous  
13      vehicles; authorizing the use of surtax proceeds for  
14      the purchase of rights-of-way under certain  
15      circumstances; authorizing the use of surtax proceeds  
16      for refinancing existing or issuing new bonds;  
17      authorizing a percentage of surtax proceeds to be  
18      distributed to certain municipalities to be used for  
19      certain purposes; prohibiting the use of such proceeds  
20      for certain purposes; amending s. 215.68, F.S.;  
21      conforming provisions to changes made by the act;  
22      reviving, reenacting, and amending s. 319.141, F.S.;  
23      requiring the Department of Highway Safety and Motor  
24      Vehicles to oversee a program, rather than a pilot  
25      program, to evaluate alternatives to certain rebuilt  
26      inspection services; deleting obsolete provisions;  
27      amending s. 334.175, F.S.; requiring the Department of  
28      Transportation to approve design plans for all  
29      transportation projects relating to department-owned

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30 rights-of-way under certain circumstances; amending s.  
31 337.025, F.S.; authorizing the department to establish  
32 a program for transportation projects that demonstrate  
33 certain innovative techniques for measuring resiliency  
34 and structural integrity and controlling time and cost  
35 increases; amending s. 338.165, F.S.; conforming  
36 provisions to changes made by the act; amending s.  
37 338.166, F.S.; limiting the toll rate for high-  
38 occupancy toll lanes or express lanes in certain  
39 counties; amending s. 338.231, F.S.; requiring the  
40 department to commit all net toll collections  
41 attributable to users of turnpike facilities in  
42 certain counties to projects and bond finance  
43 commitments in each respective county; creating s.  
44 338.271, F.S.; requiring the department to assume the  
45 assets and liabilities of the former Miami-Dade County  
46 Expressway Authority; requiring the department to  
47 continue tolls on certain facilities until bond  
48 obligations are fully discharged; prohibiting certain  
49 toll increases on former authority facilities;  
50 requiring specified fees to be deposited in a  
51 specified trust fund to be used for specified  
52 purposes; providing for the use of excess revenues;  
53 prohibiting facilities of the former authority from  
54 becoming facilities of the Florida Turnpike  
55 Enterprise; providing that such facilities are not  
56 subject to the Florida Turnpike Enterprise Law;  
57 amending s. 343.1003, F.S.; revising a cross-  
58 reference; repealing part I of chapter 348, F.S.,

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59 relating to the creation and operation of the Florida  
60 Expressway Authority Act; transferring the assets and  
61 liabilities of the Miami-Dade County Expressway  
62 Authority to the department; providing terms of the  
63 transfer; providing that the department succeeds to  
64 all powers of the authority; providing that revenues  
65 collected on the expressway system are department  
66 revenues; requiring the department, in consultation  
67 with the Division of Bond Finance, to review certain  
68 documents of the authority; providing terms and  
69 conditions of the transfer; providing requirements for  
70 the use of cost savings and unencumbered cash  
71 balances; requiring the department to display certain  
72 signs; requiring an annual report to the Miami-Dade  
73 County Board of County Commissioners and the Miami-  
74 Dade County Transportation Planning Organization;  
75 creating ss. 348.635 and 348.7605, F.S.; providing a  
76 legislative declaration; authorizing the Tampa-  
77 Hillsborough County Expressway Authority and the  
78 Central Florida Expressway Authority, respectively, to  
79 enter into public-private partnership agreements;  
80 authorizing solicitation or receipt of certain  
81 proposals; providing rulemaking authority; providing  
82 approval requirements; requiring certain costs to be  
83 borne by the private entity; providing notice  
84 requirements for requests for proposals; providing for  
85 ranking and negotiation of proposals; requiring the  
86 authorities to regulate tolls on certain facilities;  
87 requiring compliance with specified laws, rules, and

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88 conditions; providing for development, construction,  
89 operation, and maintenance of transportation projects  
90 by the authorities or private entities; providing  
91 construction; repealing part V of ch. 348, F.S.,  
92 relating to the Osceola County Expressway Authority  
93 Law; providing effective dates.

94

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

96

97 Section 1. Paragraph (b) of subsection (2) of section  
98 20.23, Florida Statutes, is amended to read:

99 20.23 Department of Transportation.—There is created a  
100 Department of Transportation which shall be a decentralized  
101 agency.

102 (2)

103 (b) The commission shall:

104 1. Recommend major transportation policies for the  
105 Governor's approval and assure that approved policies and any  
106 revisions are properly executed.

107 2. Periodically review the status of the state  
108 transportation system including highway, transit, rail, seaport,  
109 intermodal development, and aviation components of the system  
110 and recommend improvements to the Governor and the Legislature.

111 3. Perform an in-depth evaluation of the annual department  
112 budget request, the Florida Transportation Plan, and the  
113 tentative work program for compliance with all applicable laws  
114 and established departmental policies. Except as specifically  
115 provided in s. 339.135(4)(c)2., (d), and (f), the commission may  
116 not consider individual construction projects, but shall

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117 consider methods of accomplishing the goals of the department in  
118 the most effective, efficient, and businesslike manner.

119 4. Monitor the financial status of the department on a  
120 regular basis to assure that the department is managing revenue  
121 and bond proceeds responsibly and in accordance with law and  
122 established policy.

123 5. Monitor on at least a quarterly basis, the efficiency,  
124 productivity, and management of the department using performance  
125 and production standards developed by the commission pursuant to  
126 s. 334.045.

127 6. Perform an in-depth evaluation of the factors causing  
128 disruption of project schedules in the adopted work program and  
129 recommend to the Governor and the Legislature methods to  
130 eliminate or reduce the disruptive effects of these factors.

131 7. Recommend to the Governor and the Legislature  
132 improvements to the department's organization in order to  
133 streamline and optimize the efficiency of the department. In  
134 reviewing the department's organization, the commission shall  
135 determine if the current district organizational structure is  
136 responsive to this state's changing economic and demographic  
137 development patterns. The initial report by the commission must  
138 be delivered to the Governor and the Legislature by December 15,  
139 2000, and each year thereafter, as appropriate. The commission  
140 may retain experts as necessary to carry out this subparagraph,  
141 and the department shall pay the expenses of the experts.

142 8. Monitor the efficiency, productivity, and management of  
143 the authorities created under chapters 348 and 349, ~~including~~  
144 ~~any authority formed using part I of chapter 348;~~ the Mid-Bay  
145 Bridge Authority re-created pursuant to chapter 2000-411, Laws

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146 of Florida; and any authority formed under chapter 343. The  
147 commission shall also conduct periodic reviews of each  
148 authority's operations and budget, acquisition of property,  
149 management of revenue and bond proceeds, and compliance with  
150 applicable laws and generally accepted accounting principles.

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

153 112.3144 Full and public disclosure of financial  
154 interests.—

155 (1) (a) An officer who is required by s. 8, Art. II of the  
156 State Constitution to file a full and public disclosure of his  
157 or her financial interests for any calendar or fiscal year shall  
158 file that disclosure with the Florida Commission on Ethics.  
159 Additionally, ~~beginning January 1, 2015,~~ an officer who is  
160 required to complete annual ethics training pursuant to s.  
161 112.3142 must certify on his or her full and public disclosure  
162 of financial interests that he or she has completed the required  
163 training.

164 (b) A member of an expressway authority, transportation  
165 authority, bridge authority, or toll authority created pursuant  
166 to chapter 343, chapter 348, or any other general law shall  
167 comply with the applicable financial disclosure requirements of  
168 s. 8, Art. II of the State Constitution.

169 Section 3. Paragraph (d) of subsection (1) of section  
170 212.055, Florida Statutes, is amended to read:

171 212.055 Discretionary sales surtaxes; legislative intent;  
172 authorization and use of proceeds.—It is the legislative intent  
173 that any authorization for imposition of a discretionary sales  
174 surtax shall be published in the Florida Statutes as a

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175 subsection of this section, irrespective of the duration of the  
 176 levy. Each enactment shall specify the types of counties  
 177 authorized to levy; the rate or rates which may be imposed; the  
 178 maximum length of time the surtax may be imposed, if any; the  
 179 procedure which must be followed to secure voter approval, if  
 180 required; the purpose for which the proceeds may be expended;  
 181 and such other requirements as the Legislature may provide.  
 182 Taxable transactions and administrative procedures shall be as  
 183 provided in s. 212.054.

184 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM  
 185 SURTAX.—

186 (d)1. Except as set forth in subparagraph 2., proceeds from  
 187 the surtax shall be applied to as many or as few of the uses  
 188 enumerated below in whatever combination the county commission  
 189 deems appropriate:

190 a.1. Deposited by the county in the trust fund and shall be  
 191 used for the purposes of development, construction, equipment,  
 192 maintenance, operation, supportive services, including a  
 193 countywide bus system, on-demand transportation services, and  
 194 related costs of a fixed guideway rapid transit system;

195 b.2. Remitted by the governing body of the county to an  
 196 expressway, transit, or transportation authority created by law  
 197 to be used, at the discretion of such authority, for the  
 198 development, construction, operation, or maintenance of roads or  
 199 bridges in the county, for the operation and maintenance of a  
 200 bus system, for the operation and maintenance of on-demand  
 201 transportation services, for the payment of principal and  
 202 interest on existing bonds issued for the construction of such  
 203 roads or bridges, and, upon approval by the county commission,

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204 such proceeds may be pledged for bonds issued to refinance  
205 existing bonds or new bonds issued for the construction of such  
206 roads or bridges;

207 ~~3. Used by the county for the development, construction,~~  
208 ~~operation, and maintenance of roads and bridges in the county;~~  
209 ~~for the expansion, operation, and maintenance of bus and fixed~~  
210 ~~guideway systems; for the expansion, operation, and maintenance~~  
211 ~~of on-demand transportation services; and for the payment of~~  
212 ~~principal and interest on bonds issued for the construction of~~  
213 ~~fixed guideway rapid transit systems, bus systems, roads, or~~  
214 ~~bridges; and such proceeds may be pledged by the governing body~~  
215 ~~of the county for bonds issued to refinance existing bonds or~~  
216 ~~new bonds issued for the construction of such fixed guideway~~  
217 ~~rapid transit systems, bus systems, roads, or bridges and no~~  
218 ~~more than 25 percent used for nontransit uses; and~~

219 c.4. Used by the county for the planning, development,  
220 construction, operation, and maintenance of roads and bridges in  
221 the county; for the planning, development, expansion, operation,  
222 and maintenance of bus and fixed guideway systems; for the  
223 planning, development, construction, expansion, operation, and  
224 maintenance of on-demand transportation services; and for the  
225 payment of principal and interest on bonds issued for the  
226 construction of fixed guideway rapid transit systems, bus  
227 systems, roads, or bridges; and such proceeds may be pledged by  
228 the governing body of the county for bonds issued to refinance  
229 existing bonds or new bonds issued for the construction of such  
230 fixed guideway rapid transit systems, bus systems, roads, or  
231 bridges. Pursuant to an interlocal agreement entered into  
232 pursuant to chapter 163, the governing body of the county may

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233 distribute proceeds from the tax to a municipality, or an  
234 expressway or transportation authority created by law to be  
235 expended for the purpose authorized by this paragraph. Any  
236 county that has entered into interlocal agreements for  
237 distribution of proceeds to one or more municipalities in the  
238 county shall revise such interlocal agreements no less than  
239 every 5 years in order to include any municipalities that have  
240 been created since the prior interlocal agreements were  
241 executed.

242 2.a. Beginning October 1, 2022, and to the extent not  
243 prohibited by contracts or bond covenants in effect on that  
244 date, a county as defined in s. 125.011(1) shall use proceeds of  
245 the surtax only for the following purposes:

246 (I) The planning, design, engineering, or construction of  
247 fixed guideway rapid transit systems and bus systems, including  
248 bus rapid transit systems, and for the development of dedicated  
249 facilities for autonomous vehicles as defined in s. 316.003.

250 (II) The acquisition of rights-of-way for fixed guideway  
251 rapid transit systems and bus systems, including bus rapid  
252 transit systems, and for the development of dedicated facilities  
253 for autonomous vehicles as defined in s. 316.003.

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

256 (IV) The payment of principal and interest on bonds  
257 previously issued related to fixed guideway rapid transit  
258 systems or bus systems.

259 (V) As security by the governing body of the county to  
260 refinance existing bonds or to issue new bonds for the planning,  
261 design, engineering, or construction of fixed guideway rapid

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262 transit systems, bus rapid transit systems, or bus systems.

263 b. Effective October 1, 2022, to the extent not prohibited  
264 by contracts or bond covenants in effect on that date, not more  
265 than 25 percent of the surtax proceeds may be distributed to  
266 municipalities in total in a county as defined in s. 125.011(1).

267 Such municipalities may use the surtax proceeds to plan,  
268 develop, construct, operate, and maintain roads and bridges in  
269 the municipality and to pay the principal and interest on bonds  
270 issued to construct roads or bridges. The governing body of the  
271 municipality may pledge the proceeds for bonds issued to  
272 refinance existing bonds or new bonds issued to construct such  
273 roads or bridges. Additionally, each such municipality may use  
274 surtax proceeds for transit systems within the municipality.

275 c. Effective October 1, 2022, in a county as defined in s.  
276 125.011(1), proceeds from the surtax may not be used for  
277 salaries or other personnel expenses of the county  
278 transportation department.

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

281 215.68 Issuance of bonds; form; maturity date, execution,  
282 sale.—

283 (2) Such bonds may:

284 (a) Be issued in either coupon form or registered form or  
285 both;

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

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

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291 (d) Have such provisions for registration of coupon bonds  
292 and conversion and reconversion of bonds from coupon to  
293 registered form or from registered form to coupon form;

294 (e) Have such provisions for payment at maturity and  
295 redemption before ~~prior to~~ maturity at such time or times and at  
296 such price or prices; and

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

299

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

303 Section 5. Notwithstanding the repeal of section 319.141,  
304 Florida Statutes, which occurred on July 1, 2018, that section  
305 is revived, reenacted, and amended, to read:

306 319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.—

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

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

310 (b) "Rebuilt inspection services" means an examination of a  
311 rebuilt vehicle and a properly endorsed certificate of title,  
312 salvage certificate of title, or manufacturer's statement of  
313 origin and an application for a rebuilt certificate of title, a  
314 rebuilder's affidavit, a photograph of the junk or salvage  
315 vehicle taken before repairs began, receipts or invoices for all  
316 major component parts, as defined in s. 319.30, and repairs  
317 which were changed, and proof that notice of rebuilding of the  
318 vehicle has been reported to the National Motor Vehicle Title  
319 Information System.

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320 (2) ~~By July 1, 2015,~~ The department shall oversee a ~~pilot~~  
321 program in Miami-Dade County to evaluate alternatives to the for  
322 rebuilt inspection services currently provided ~~offered~~ by  
323 ~~existing~~ private sector operators, including the continued use  
324 of private facilities, the cost impact to consumers, and the  
325 potential savings to the department.

326 (3) The department shall establish a memorandum of  
327 understanding that allows private parties participating in the  
328 ~~pilot~~ program to conduct rebuilt motor vehicle inspections and  
329 specifies requirements for oversight, bonding and insurance,  
330 procedures, and forms and requires the electronic transmission  
331 of documents.

332 (4) Before an applicant is approved, the department shall  
333 ensure that the applicant meets basic criteria designed to  
334 protect the public. At a minimum, the applicant shall meet all  
335 of the following requirements:

336 (a) Have and maintain a surety bond or irrevocable letter  
337 of credit in the amount of \$100,000 executed by the applicant.

338 (b) Secure and maintain a facility at a permanent structure  
339 at an address recognized by the United States Postal Service  
340 where the only services provided on such property are rebuilt  
341 inspection services. The operator of a facility shall annually  
342 attest that he or she is not employed by or does not have an  
343 ownership interest in or other financial arrangement with the  
344 owner, operator, manager, or employee of a motor vehicle repair  
345 shop as defined in s. 559.903, a motor vehicle dealer as defined  
346 in s. 320.27(1)(c), a towing company, a vehicle storage company,  
347 a vehicle auction, an insurance company, a salvage yard, a metal  
348 retailer, or a metal rebuilder, from which he or she receives

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349 remuneration, directly or indirectly, for the referral of  
350 customers for rebuilt inspection services.

351 (c) Have and maintain garage liability and other insurance  
352 required by the department.

353 (d) Have completed criminal background checks of the  
354 owners, partners, and corporate officers and the inspectors  
355 employed by the facility.

356 (e) Meet any additional criteria the department determines  
357 necessary to conduct proper inspections.

358 (5) A participant in the program shall access vehicle and  
359 title information and enter inspection results through an  
360 electronic filing system authorized by the department and shall  
361 maintain records of each rebuilt vehicle inspection processed at  
362 such facility for at least 5 years.

363 (6) The department shall immediately terminate any operator  
364 from the program who fails to meet the minimum eligibility  
365 requirements specified in subsection (4). Before a change in  
366 ownership of a rebuilt inspection facility, the current operator  
367 must give the department 45 days' written notice of the intended  
368 sale. The prospective owner must meet the eligibility  
369 requirements of this section and execute a new memorandum of  
370 understanding with the department before operating the facility.

371 ~~(7) This section is repealed on July 1, 2018, unless saved~~  
372 ~~from repeal through reenactment by the Legislature.~~

373 Section 6. Section 334.175, Florida Statutes, is amended to  
374 read:

375 334.175 Certification of project design plans and surveys.-

376 (1) All design plans and surveys prepared by or for the  
377 department shall be signed, sealed, and certified by the

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378 professional engineer or surveyor or architect or landscape  
379 architect in responsible charge of the project work. Such  
380 professional engineer, surveyor, architect, or landscape  
381 architect must be duly registered in this state.

382 (2) For all transportation projects on, under, over, or  
383 abutting a department-owned right-of-way and regardless of  
384 funding source, the department shall approve the design plans  
385 for such projects if such design plans meet department design  
386 standards.

387 Section 7. Section 337.025, Florida Statutes, is amended to  
388 read:

389 337.025 Innovative transportation ~~highway~~ projects;  
390 department to establish program.—

391 (1) The department may ~~is authorized to~~ establish a program  
392 for transportation ~~highway~~ projects demonstrating innovative  
393 techniques of highway and bridge design, construction,  
394 maintenance, and finance which have the intended effect of  
395 measuring resiliency and structural integrity and controlling  
396 time and cost increases on construction projects. Such  
397 techniques may include, but are not limited to, state-of-the-art  
398 technology for pavement, safety, and other aspects of highway  
399 and bridge design, construction, and maintenance; innovative  
400 bidding and financing techniques; accelerated construction  
401 procedures; and those techniques that have the potential to  
402 reduce project life cycle costs. To the maximum extent  
403 practical, the department must use the existing process to award  
404 and administer construction and maintenance contracts. When  
405 specific innovative techniques are to be used, the department is  
406 not required to adhere to those provisions of law that would

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407 prevent, preclude, or in any way prohibit the department from  
408 using the innovative technique. However, before ~~prior to~~ using  
409 an innovative technique that is inconsistent with another  
410 provision of law, the department must document in writing the  
411 need for the exception and identify what benefits the traveling  
412 public and the affected community are anticipated to receive.  
413 The department may enter into no more than \$120 million in  
414 contracts annually for the purposes authorized by this section.

415 (2) The annual cap on contracts provided in subsection (1)  
416 shall not apply to:

417 (a) Turnpike enterprise projects, and turnpike enterprise  
418 projects shall not be counted toward the department's annual  
419 cap.

420 (b) Transportation projects funded by the American Recovery  
421 and Reinvestment Act of 2009.

422 Section 8. Subsections (2) and (5) of section 338.165,  
423 Florida Statutes, are amended to read:

424 338.165 Continuation of tolls.—

425 (2) If the revenue-producing project is on the State  
426 Highway System, any remaining toll revenue shall be used for the  
427 construction, maintenance, or improvement of any road on the  
428 State Highway System within the county or counties in which the  
429 revenue-producing project is located, ~~except as provided in s.~~  
430 ~~348.0004.~~

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

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436 Section 9. Present subsections (5), (6), and (7) of section  
437 338.166, Florida Statutes, are redesignated as subsections (6),  
438 (7), and (8), respectively, and a new subsection (5) is added to  
439 that section, to read:

440 338.166 High-occupancy toll lanes or express lanes.—

441 (5) A toll on a high-occupancy toll lane or express lane  
442 located in a county as defined in s. 125.011(1) may not exceed  
443 \$5 per trip.

444 Section 10. Paragraph (a) of subsection (3) of section  
445 338.231, Florida Statutes, is amended to read:

446 338.231 Turnpike tolls, fixing; pledge of tolls and other  
447 revenues.—The department shall at all times fix, adjust, charge,  
448 and collect such tolls and amounts for the use of the turnpike  
449 system as are required in order to provide a fund sufficient  
450 with other revenues of the turnpike system to pay the cost of  
451 maintaining, improving, repairing, and operating such turnpike  
452 system; to pay the principal of and interest on all bonds issued  
453 to finance or refinance any portion of the turnpike system as  
454 the same become due and payable; and to create reserves for all  
455 such purposes.

456 (3) (a) ~~For the period July 1, 1998, through June 30, 2027,~~  
457 ~~The department shall, to the maximum extent feasible, program~~  
458 ~~sufficient funds in the tentative work program such that all of~~  
459 ~~the percentage of turnpike toll and bond financed commitments in~~  
460 ~~Miami-Dade County, Broward County, and Palm Beach County as~~  
461 ~~compared to total turnpike toll and bond financed commitments~~  
462 ~~shall be at least 90 percent of the share of net toll~~  
463 ~~collections attributable to users of the turnpike facilities~~  
464 ~~system~~ in Miami-Dade County, Broward County, and Palm Beach

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465 County are committed to projects and bond finance commitments in  
466 each respective county as compared to total net toll collections  
467 attributable to users of the turnpike system. This paragraph  
468 ~~subsection~~ does not apply when the application of such  
469 requirements would violate any covenant established in a  
470 resolution or trust indenture relating to the issuance of  
471 turnpike bonds. The department may at any time for economic  
472 considerations establish lower temporary toll rates for a new or  
473 existing toll facility for a period not to exceed 1 year, after  
474 which the toll rates adopted pursuant to s. 120.54 shall become  
475 effective.

476 Section 11. Effective upon this act becoming a law, section  
477 338.271, Florida Statutes, is created to read:

478 338.271 Facilities of the former Miami-Dade County  
479 Expressway Authority.-

480 (1) The department shall assume the assets and liabilities  
481 of the Miami-Dade County Expressway Authority.

482 (2) (a) The department shall continue the system of tolls of  
483 the facilities for the former Miami-Dade County Expressway  
484 Authority until any outstanding bond obligations related to a  
485 facility on the former Miami-Dade County Expressway System are  
486 fully discharged.

487 (b) Notwithstanding s. 338.165(1), the department may not  
488 collect tolls on a facility of the former Miami-Dade County  
489 Expressway Authority after the discharge of any bond obligations  
490 that are outstanding as of July 1, 2018.

491 (3) Notwithstanding s. 338.165(3), the department may not  
492 increase toll rates on facilities of the former Miami-Dade  
493 County Expressway Authority except as required by bond

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494 covenants.

495 (4) (a) Fees generated from tolls shall be deposited into  
496 the State Transportation Trust Fund and may be used to:

497 1. Reimburse outstanding contractual obligations.

498 2. Operate and maintain the highways and toll facilities,  
499 including reconstruction and restoration, such that these  
500 facilities are maintained to department standards.

501 3. Pay for projects funded by toll revenues from the former  
502 Miami-Dade County Expressway Authority which are contained in  
503 the 5-year work program adopted by the Miami-Dade County  
504 Expressway Authority on December 5, 2018.

505 (b) Revenues generated annually in excess of those required  
506 to pay the expenses in paragraph (a) shall be used by the  
507 department to fund transportation projects in the area served by  
508 the former Miami-Dade County Expressway Authority.

509 (5) Notwithstanding any other provision of law to the  
510 contrary, the facilities of the former Miami-Dade County  
511 Expressway Authority may not become part of the Florida Turnpike  
512 Enterprise and are not subject to the Florida Turnpike  
513 Enterprise Law.

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

516 343.1003 Northeast Florida Regional Transportation  
517 Commission.—

518 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(c)~~,  
519 members of the board shall file a statement of financial  
520 interests ~~interest~~ with the Commission on Ethics pursuant to s.  
521 112.3145.

522 Section 13. Part I of chapter 348, Florida Statutes,

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523 consisting of sections 348.0001, 348.0002, 348.0003, 348.0004,  
524 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,  
525 348.00115, and 348.0012, is repealed.

526 Section 14. (1) Effective upon this act becoming a law, the  
527 governance and control of the Miami-Dade County Expressway  
528 Authority is transferred to the Department of Transportation  
529 pursuant to the terms of this section. The assets, facilities,  
530 tangible and intangible property and any rights in such  
531 property, and any other legal rights of the authority, including  
532 the expressway system operated by the authority, are transferred  
533 to the department. The department succeeds to all powers of the  
534 authority, and the operations and maintenance of the expressway  
535 system shall be under the control of the department. Revenues  
536 collected on the expressway system shall be considered  
537 department revenues but shall be subject to the lien of the  
538 trust indentures securing the Miami-Dade County Expressway  
539 Authority bonds. The department also assumes all liability for  
540 bonds of the authority pursuant to subsection (2). The  
541 department shall, in consultation with the Division of Bond  
542 Finance, review all other contracts, financial obligations, and  
543 contractual relationships and liabilities of the authority, and  
544 the department may assume responsibility for the obligations  
545 that are determined to be necessary or desirable for the  
546 continued operation of the expressway system. Employees,  
547 officers, and members of the authority may not sell, dispose,  
548 encumber, transfer, or expend the assets of the authority as  
549 existed and reflected in the authority's financial statements  
550 for the fiscal year ended June 30, 2018, other than in the  
551 ordinary course of business. For purposes of this section,

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552 incurring debt or issuing bonds for projects contained in the 5-  
553 year work program approved and adopted by the authority on  
554 December 5, 2018, is not considered the ordinary course of  
555 business. Notwithstanding the foregoing, nothing contained  
556 herein shall prevent the authority from designing and planning  
557 projects contained in the 5-year work program approved and  
558 adopted by the authority on December 5, 2018.

559 (2) The transfer pursuant to this section is subject to all  
560 terms and covenants provided for the protection of the holders  
561 of the Miami-Dade County Expressway Authority bonds in the trust  
562 indentures or resolutions adopted in connection with the  
563 issuance of such bonds. Further, the transfer does not impair  
564 the terms of the contract between the authority and the  
565 bondholders, does not act to the detriment of the bondholders,  
566 and does not diminish the security for the bonds. After the  
567 transfer, the department shall operate and maintain the  
568 expressway system and any other facilities of the authority in  
569 accordance with the terms, conditions, and covenants contained  
570 in the trust indentures or bond resolutions securing such bonds.  
571 The department shall collect toll revenues and apply them to the  
572 payment of debt service as provided in the trust indentures or  
573 bond resolutions securing such bonds and expressly assumes all  
574 obligations relating to the bonds to ensure that the transfer of  
575 the authority will have no adverse impact on the security for  
576 the bonds of the authority.

577 (3) After the transfer, the department shall consider  
578 refinancing all or a portion of outstanding Miami-Dade County  
579 Expressway Authority bonds if doing so would result in net cost  
580 savings. Any resulting cost savings shall be used to reduce toll

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581 rates.

582 (4) The department shall use the unencumbered cash balances  
583 transferred under this section to prepay or defease outstanding  
584 Miami-Dade County Expressway Authority bonds or debts to the  
585 extent allowed by or consistent with the terms and covenants  
586 provided for the protection of the holders of the Miami-Dade  
587 County Expressway Authority bonds in the trust indentures or  
588 resolutions adopted in connection with the issuance of such  
589 bonds.

590 (5) The department must display signs showing the date on  
591 or year in which the bonds will be paid. Such signs must be  
592 placed near the roadway signage that displays the toll rates.

593 (6) By October 1 of each year beginning in 2020, the  
594 department shall provide a report to the Miami-Dade County Board  
595 of County Commissioners and the Miami-Dade County Transportation  
596 Planning Organization detailing the toll collections, costs, and  
597 net revenues collected from the expressway system and turnpike  
598 operations in Miami-Dade County. The report shall include  
599 details on projects funded and scheduled to be funded by toll  
600 revenues, including revenues of the Florida Turnpike Enterprise,  
601 in Miami-Dade County.

602 Section 15. Section 348.635, Florida Statutes, is created  
603 to read:

604 348.635 Public-private partnership.—The Legislature  
605 declares that there is a public need for the rapid construction  
606 of safe and efficient transportation facilities for traveling  
607 within this state and that it is in the public's interest to  
608 provide for public-private partnership agreements to effectuate  
609 the construction of additional safe, convenient, and economical

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610 transportation facilities.

611 (1) Notwithstanding any other provision of this part, the  
612 authority may receive or solicit proposals and enter into  
613 agreements with private entities, or consortia thereof, for the  
614 building, operation, ownership, or financing of authority  
615 transportation facilities or new transportation facilities  
616 within the jurisdiction of the authority which increase  
617 transportation capacity. The authority may not sell or lease any  
618 transportation facility owned by the authority without providing  
619 the analysis required in s. 334.30(6)(e)2. to the Legislative  
620 Budget Commission created pursuant to s. 11.90 for review and  
621 approval before awarding a contract on a lease of an existing  
622 toll facility. The authority may adopt rules to implement this  
623 section and shall, by rule, establish an application fee for the  
624 submission of unsolicited proposals under this section. The fee  
625 must be sufficient to pay the costs of evaluating the proposals.  
626 The authority may engage private consultants to assist in the  
627 evaluation. Before approval, the authority must determine that a  
628 proposed project:

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

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

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

637 (d) Would have adequate safeguards in place to ensure that  
638 the department, the authority, or the private entity has the

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639 opportunity to add capacity to the proposed project and other  
640 transportation facilities serving similar origins and  
641 destinations.

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

644 (2) The authority shall ensure that all reasonable costs to  
645 the state which are related to transportation facilities that  
646 are not part of the State Highway System are borne by the  
647 private entity. The authority shall also ensure that all  
648 reasonable costs to the state and substantially affected local  
649 governments and utilities related to the private transportation  
650 facility are borne by the private entity for transportation  
651 facilities that are owned by private entities. For projects on  
652 the State Highway System, the department may use state resources  
653 to participate in funding and financing the project as provided  
654 for under the department's enabling legislation.

655 (3) The authority may request proposals for public-private  
656 transportation projects or, if it receives an unsolicited  
657 proposal, it must publish a notice in the Florida Administrative  
658 Register and a newspaper of general circulation in the county in  
659 which it is located at least once a week for 2 weeks stating  
660 that it has received the proposal and will accept, for 60 days  
661 after the initial date of publication, other proposals for the  
662 same project purpose. A copy of the notice must be mailed to  
663 each local government in the affected areas. After the public  
664 notification period has expired, the authority shall rank the  
665 proposals in order of preference. In ranking the proposals, the  
666 authority shall consider professional qualifications, general  
667 business terms, innovative engineering or cost-reduction terms,

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668 finance plans, and the need for state funds to deliver the  
669 proposal. If the authority is not satisfied with the results of  
670 the negotiations, it may, at its sole discretion, terminate  
671 negotiations with the proposer. If these negotiations are  
672 unsuccessful, the authority may go to the second and lower-  
673 ranked firms, in order, using the same procedure. If only one  
674 proposal is received, the authority may negotiate in good faith,  
675 and if it is not satisfied with the results, it may, at its sole  
676 discretion, terminate negotiations with the proposer. The  
677 authority may, at its discretion, reject all proposals at any  
678 point in the process up to completion of a contract with the  
679 proposer.

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

685 (5) Each public-private transportation facility constructed  
686 pursuant to this section shall comply with all requirements of  
687 federal, state, and local laws; state, regional, and local  
688 comprehensive plans; the authority's rules, policies,  
689 procedures, and standards for transportation facilities; and any  
690 other conditions that the authority determines to be in the  
691 public's best interest.

692 (6) The authority may exercise any power possessed by it,  
693 including eminent domain, to facilitate the development and  
694 construction of transportation projects pursuant to this  
695 section. The authority may pay all or part of the cost of  
696 operating and maintaining the facility or may provide services

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697 to the private entity for which it receives full or partial  
698 reimbursement for services rendered.

699 (7) Except as herein provided, this section is not intended  
700 to amend existing laws by granting additional powers to or  
701 further restricting the governmental entities from regulating  
702 and entering into cooperative arrangements with the private  
703 sector for the planning, construction, and operation of  
704 transportation facilities.

705 Section 16. Section 348.7605, Florida Statutes, is created  
706 to read:

707 348.7605 Public-private partnership.—The Legislature  
708 declares that there is a public need for the rapid construction  
709 of safe and efficient transportation facilities for traveling  
710 within this state and that it is in the public's interest to  
711 provide for public-private partnership agreements to effectuate  
712 the construction of additional safe, convenient, and economical  
713 transportation facilities.

714 (1) Notwithstanding any other provision of this part, the  
715 authority may receive or solicit proposals and enter into  
716 agreements with private entities, or consortia thereof, for the  
717 building, operation, ownership, or financing of authority  
718 transportation facilities or new transportation facilities  
719 within the jurisdiction of the authority which increase  
720 transportation capacity. The authority may not sell or lease any  
721 transportation facility owned by the authority without providing  
722 the analysis required in s. 334.30(6)(e)2. to the Legislative  
723 Budget Commission created pursuant to s. 11.90 for review and  
724 approval before awarding a contract on a lease of an existing  
725 toll facility. The authority may adopt rules to implement this

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726 section and shall, by rule, establish an application fee for the  
727 submission of unsolicited proposals under this section. The fee  
728 must be sufficient to pay the costs of evaluating the proposals.  
729 The authority may engage private consultants to assist in the  
730 evaluation. Before approval, the authority must determine that a  
731 proposed project:

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

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

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

740 (d) Would have adequate safeguards in place to ensure that  
741 the department, the authority, or the private entity has the  
742 opportunity to add capacity to the proposed project and other  
743 transportation facilities serving similar origins and  
744 destinations.

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

747 (2) The authority shall ensure that all reasonable costs to  
748 the state which are related to transportation facilities that  
749 are not part of the State Highway System are borne by the  
750 private entity. The authority shall also ensure that all  
751 reasonable costs to the state and substantially affected local  
752 governments and utilities related to the private transportation  
753 facility are borne by the private entity for transportation  
754 facilities that are owned by private entities. For projects on

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755 the State Highway System, the department may use state resources  
756 to participate in funding and financing the project as provided  
757 for under the department's enabling legislation.

758 (3) The authority may request proposals for public-private  
759 transportation projects or, if it receives an unsolicited  
760 proposal, it must publish a notice in the Florida Administrative  
761 Register and a newspaper of general circulation in the county in  
762 which it is located at least once a week for 2 weeks stating  
763 that it has received the proposal and will accept, for 60 days  
764 after the initial date of publication, other proposals for the  
765 same project purpose. A copy of the notice must be mailed to  
766 each local government in the affected areas. After the public  
767 notification period has expired, the authority shall rank the  
768 proposals in order of preference. In ranking the proposals, the  
769 authority shall consider professional qualifications, general  
770 business terms, innovative engineering or cost-reduction terms,  
771 finance plans, and the need for state funds to deliver the  
772 proposal. If the authority is not satisfied with the results of  
773 the negotiations, it may, at its sole discretion, terminate  
774 negotiations with the proposer. If these negotiations are  
775 unsuccessful, the authority may go to the second and lower-  
776 ranked firms, in order, using the same procedure. If only one  
777 proposal is received, the authority may negotiate in good faith,  
778 and if it is not satisfied with the results, it may, at its sole  
779 discretion, terminate negotiations with the proposer. The  
780 authority may, at its discretion, reject all proposals at any  
781 point in the process up to completion of a contract with the  
782 proposer.

783 (4) Agreements entered into pursuant to this section may

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784 authorize the public-private entity to impose tolls or fares for  
785 the use of the facility. However, the amount and use of toll or  
786 fare revenues shall be regulated by the authority to avoid  
787 unreasonable costs to users of the facility.

788 (5) Each public-private transportation facility constructed  
789 pursuant to this section shall comply with all requirements of  
790 federal, state, and local laws; state, regional, and local  
791 comprehensive plans; the authority's rules, policies,  
792 procedures, and standards for transportation facilities; and any  
793 other conditions that the authority determines to be in the  
794 public's best interest.

795 (6) The authority may exercise any power possessed by it,  
796 including eminent domain, to facilitate the development and  
797 construction of transportation projects pursuant to this  
798 section. The authority may pay all or part of the cost of  
799 operating and maintaining the facility or may provide services  
800 to the private entity for which it receives full or partial  
801 reimbursement for services rendered.

802 (7) Except as herein provided, this section is not intended  
803 to amend existing laws by granting additional powers to or  
804 further restricting the governmental entities from regulating  
805 and entering into cooperative arrangements with the private  
806 sector for the planning, construction, and operation of  
807 transportation facilities.

808 Section 17. Pursuant to section 20 of chapter 2014-171,  
809 Laws of Florida, part V of chapter 348, Florida Statutes,  
810 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,  
811 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and  
812 348.9961, is repealed.

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813           Section 18. Except as otherwise expressly provided in this  
814 act and except for this section, which shall take effect upon  
815 this act becoming a law, this act shall take effect July 1,  
816 2019.