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<th>CS/SB 932 by IS, Brandes; (Similar to CS/H 00311) Autonomous Vehicles</th>
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<th>CS/SB 974 by IS, Perry; (Compare to CS/H 01057) Damaged, Dismantled, Derelict, or Salvage Motor Vehicles</th>
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## 2019 Regular Session

### The Florida Senate

**COMMITTEE MEETING EXPANDED AGENDA**

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, TOURISM, AND ECONOMIC DEVELOPMENT**

Senator Hutson, Chair  
Senator Thurston, Vice Chair

**MEETING DATE:** Thursday, April 4, 2019  
**TIME:** 12:30—2:00 p.m.  
**PLACE:** Toni Jennings Committee Room, 110 Senate Building  
**MEMBERS:** Senator Hutson, Chair; Senator Thurston, Vice Chair; Senators Brandes, Lee, Perry, Simpson, Taddeo, and Torres

### BILL DESCRIPTION and SENATE COMMITTEE ACTIONS

<table>
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<tr>
<th>TAB</th>
<th>BILL NO. and INTRODUCER</th>
<th>BILL DESCRIPTION</th>
<th>COMMITTEE ACTIONS</th>
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<tr>
<td>1</td>
<td>CS/SB 898</td>
<td>Transportation; Requiring members of certain authorities to comply with certain financial disclosure requirements; revising the required uses of proceeds from charter county and regional transportation system surtaxes; requiring the Department of Transportation to approve design plans for all transportation projects relating to department-owned rights-of-way under certain circumstances; authorizing the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority, respectively, to enter into public-private partnership agreements, etc.</td>
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<td>2</td>
<td>CS/SB 932</td>
<td>Autonomous Vehicles; Authorizing the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, to conduct pilot or demonstration programs to explore the efficient implementation of innovative transportation technologies; authorizing the Florida Turnpike Enterprise to enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected innovative transportation technologies for certain purposes; exempting a vehicle being operated with the automated driving system engaged from a prohibition on the active display of television or video; exempting a motor vehicle operator who is operating an autonomous vehicle from a prohibition on the use of wireless communications devices, etc.</td>
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<td>3</td>
<td>CS/SB 974</td>
<td>Damaged, Dismantled, Derelict, or Salvage Motor Vehicles; Authorizing a certain notice sent by certified mail that a motor vehicle is available for pickup to be sent by another commercially available delivery service that provides proof of delivery; requiring the notice to state that the owner has a specified period during which to pick up the vehicle; authorizing an independent entity to apply for a certificate of destruction or a certificate of title if the vehicle is not claimed within a specified time after the delivery or attempted delivery of the notice, etc.</td>
<td>Fav/CS Yeas 7 Nays 0</td>
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<td>4</td>
<td>CS/SB 1044</td>
<td>Department of Transportation; Deleting the requirement that the Governor appoint the Secretary of Transportation from among three persons nominated by the Florida Transportation Commission; authorizing the department to establish a program for transportation projects that demonstrate certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; increasing the maximum amounts per contract of certain contractual claims that must be arbitrated by the State Arbitration Board under certain circumstances, etc.</td>
<td>Fav/CS Yeas 8 Nays 0</td>
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Other Related Meeting Documents
I. Summary:

PCS/CS/SB 898 contains various provisions relating to transportation. More specifically, the bill:

- Repeals the Miami-Dade Expressway Authority and creates and transfers all assets, powers, and duties to the Greater Miami Expressway Agency, effective upon the bill becoming a law.
- Prohibits the Greater Miami Expressway Agency from raising toll rates until July 1, 2029, or as necessary to comply with bond covenants.
- Creates the Florida Sunshine Rebate Program within the Greater Miami Expressway Agency providing that at the time that any toll is incurred to provide a 25 percent rebate to all SunPass holders registered in Miami-Dade County.
- Prohibits the FDOT or the Florida Turnpike Enterprise from charging a toll that is more than $1.25 per mile on any HOT lane or express lane in a county as defined in s. 125.011(1), F.S.; i.e., Miami-Dade County.
- Requires the FDOT and Florida Turnpike Enterprise to submit certain toll-related reports to the Miami-Dade County Board of County Commissioners and the Miami-Dade County Transportation Planning Organization by October 1 each year, beginning in 2020.
- Relocates public-private partnership authorization and related provisions from the repealed Florida Expressway Authority Act to provisions relating specifically to the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority.
- Reduces the membership of the Miami-Dade Transportation Planning Organization and prohibits the organization from charging a fee to members.
• Revives the pilot rebuilt motor vehicle inspection program overseen by the Department of Highway Safety and Motor Vehicles in Miami-Dade County that was repealed on July 1, 2018, for three additional years (until June 30, 2022) and provides additional requirements for program participants and facilities.
• Requires the FDOT to approve design plans for projects impacting its rights-of-way if the plans meet FDOT standards.
• Revises the FDOT’s authorization for innovative highway projects to innovative transportation projects demonstrating innovative techniques of bridge design and requires all proposed projects to be designed and constructed using the English system of units, with a proposed design speed of 70 miles per hour, and based upon certain FDOT publications.
• Repeals the Osceola County Expressway Authority, which has transferred its projects to the Central Florida Expressway Authority.
• Requires the Office of Program Policy Analysis and Government Accountability to conduct a study and make a report by December 1, 2019, on a rebate program for SunPass users of the Florida Turnpike system.

The bill has a fiscal impact to both state and local government expenditures and revenues. See Section V.

Except as otherwise provided, the bill takes effect July 1, 2019.

II. Present Situation:

This bill addresses a wide variety of transportation issues related to the FDOT, expressway authorities, toll lanes and revenues, transportation surtaxes, and motor vehicles. For ease of organization and readability, the Present Situation for the provisions in each section of the bill is discussed in conjunction with the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Florida Expressway Authority Act

Present Situation

The Florida Expressway Authority Act (FEAA), codified in part I of ch. 348, F.S.,\(^1\) authorizes any county or two or more contiguous counties within a single Florida Department of Transportation (FDOT) district,\(^2\) to form an expressway authority as an agency of the state, by resolution adopted by the board (or boards) of county commissioners.\(^3\)

\(^1\) Part I of ch. 348, F.S., consists of ss. 348.0001 through 348.0012, F.S.
\(^2\) The FDOT is statutorily organized into seven districts, each headed by a district secretary, and a turnpike enterprise and a rail enterprise, each headed by an executive director. Section 20.23(4)(a), F.S. For a map of the FDOT districts, see https://fdfotwww.blob.core.windows.net/sitefinity/images/default-source/content1/info/moredot/district-map-lg.jpg?sfvrsn=4afe7389_2 (last viewed March 25, 2019).
\(^3\) Section 348.0003(1), F.S.
Section 348.0003, F.S., provides for the formation and membership of an expressway authority established under the FEAA, including an authority’s voting membership, election of officers, appointment of employees, and application of ethics requirements only to the MDX.  

Section 348.0004, F.S., provides the purposes and powers of an expressway authority created pursuant to the FEAA. These authorities may acquire, hold, construct, improve, maintain, operate, and own an expressway system. Section 348.0004, F.S., also authorizes each authority to exercise various powers required to carry out its purpose. Finally, s. 348.0004, F.S., contains provisions applicable to the MDX relating to tolling, the maximum percentage of revenues that may be used for administrative expenses, the dedication of some of its surplus revenues for transportation projects in Miami-Dade County, the authority to borrow money and refund bonds, a mandatory toll decrease for SunPass users, and financial audit requirements.

Section 348.0005, F.S., authorizes bonds to be issued on an authority’s behalf pursuant to the State Bond Act. The MDX may issue its own bonds that do not pledge the full faith and credit of the state; these are considered approved for purposes of s. 11(f), Art. VII of the State Constitution.

Section 348.0007, F.S., authorizes an authority to appoint the FDOT as its agent for the purpose of constructing improvements and extensions to an expressway system and for the system’s completion.

Section 348.0008, F.S., authorizes expressway authorities to acquire land and property, including by eminent domain proceedings.

Section 348.0009, F.S., expressly authorizes other units, boards, agencies, and individuals to enter into contracts and other agreements with an expressway authority.

Section 348.0010, F.S., provides the state’s pledge to expressway authority bondholders that the state will not limit or alter the rights vested in an authority and the FDOT until all bonds are fully paid and discharged.

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4 Section 348.0003(5), F.S.
5 Section 348.0002(9), F.S., defines “expressway system” as any and all expressways within the geographic boundaries of an expressway authority established pursuant to the FEAA and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, and avenues of access for such expressway. In any county as defined in s. 125.011(1), F.S., for purposes of this part, an expressway system includes a public transportation facility. A “county” as defined in s. 125.011(1), F.S., means Miami-Dade County.
6 Section 348.0002(12), F.S., defines “surplus revenues” as revenues in Miami-Dade County, derived from rates, fees, rentals, tolls, and other charges for the services and facilities of an expressway system as may exist at the end of a fiscal year after payment of all annually required operating and maintenance expenses for the fiscal year and all debt service payable in the fiscal year on bonds issued or other debts incurred for any purpose in connection with an expressway system, including debt incurred to finance the construction, extension, repair, or maintenance of an expressway system.
7 SunPass is the state’s primary electronic toll collection system.
8 Sections 215.57 through 215.83, F.S.
9 Section 11(f), Art. VII of the State Constitution requires each project, building, or facility to be financed or refinanced with revenue bonds to first be approved by the Legislature by an act relating to appropriations or by general law.
Section 348.0011, F.S., provides a specified tax exemption for expressway authorities and provides that the authority’s bonds are exempt from taxation except for income tax on interest, income, or profits on debt obligations owned by corporations.

Section 348.00115, F.S., requires the MDX to post specified information on its website including board meeting minutes, bond covenants, budgets, and contracts.

Section 348.0012, F.S., exempts a county in which an expressway authority has been created in another part of ch. 348, F.S., or the Jacksonville Transportation Authority from the requirements of the FEAA, except as expressly provided.

Miami-Dade County Expressway Authority (MDX)
The Miami-Dade County Commission created the MDX in 1994 through adoption of an ordinance pursuant to the authorization in the FEAA allowing formation of an expressway authority as an agency of the state. The MDX is the only expressway authority operating under the FEAA. The MDX system consists of the following roadways in Miami-Dade County:

- S.R. 112/Airport Expressway,
- S.R. 836/Dolphin Expressway,
- S.R. 874/Don Shula Expressway,
- S.R. 878/Snapper Creek Expressway, and
- S.R. 924/Gratigny Parkway.

Recent Legislation and Litigation
In 2017, legislation was enacted to require the MDX, subject to compliance with its bond covenants, to reduce the toll charged on any of its toll facilities by at least 5 percent, but not more than 10 percent, for each SunPass account in good standing.

In 2018, legislation was enacted to require the MDX’s governing body, by October 1, 2018, to submit information to the Governor regarding its compliance with the minimum five percent toll reduction required in 2017. If the required toll reduction had not taken place, effective October 31, 2018, the existing board was to be dissolved and, except for the FDOT district secretary, a new board was to be appointed by that date. The 2018 legislation also prohibited a member of the board on October 1, 2018, from being appointed to the new board. Qualifications and

10 Chapter 348, F.S., also creates the Tampa-Hillsborough County Expressway Authority, the Central Florida Expressway Authority, the Santa Rosa Bay Bridge Authority, and the Osceola County Expressway Authority.
11 The Jacksonville Transportation Authority is created in ch. 349, F.S.
14 Section 4, ch. 2017-182, L.O.F.
appointments to the new board remained the same.\(^\text{15}\) On May 29, 2018, the MDX’s board approved a toll rate reduction on the authority’s facilities, providing a 5.7 to 8 percent reduction in the toll rate, depending upon the existing toll rate. The new toll rates took effect on July 1, 2018.\(^\text{16}\)

The MDX has challenged the legality of some portions of the 2017 and 2018 legislation on grounds that the legislation violates the constitutional prohibition against an impairment of contracts and violates a statutory covenant of the state that the state will not alter the rights vested in the authority until all bonds are fully paid and discharged.\(^\text{17}\)

**Effect of Proposed Changes**

Repeal of the FEAA, including the MDX

Section 11 repeals part I of ch. 348, F.S., repealing the FEAA and the MDX. Repeal of the FEAA, including the MDX, will preclude any other county, or two or more contiguous counties within a single FDOT district, from creating an expressway authority under that part. Section 32 dissolves the MDX. Section 31 transfers the governance and control of the MDX to the Greater Miami Expressway Agency, effective upon the bill becoming a law.

Section 12 redesignates part I of ch. 348, F.S., as the “Greater Miami Expressway Agency.

Section 13 creates s. 348.0301, F.S., to title the part as the “Greater Miami Expressway Agency Act.”

Section 14 creates s. 384.0302, F.S., to apply the part only to Miami-Dade County (“a county as defined in s. 125.011(1), F.S.).

Sections 15 through 30 create multiple new statutes within that chapter to apply to only the Greater Miami Expressway Agency. The new statutes for the most part reflect the same definitions, purposes, powers, and ethics requirements as in the FEAA, amended to only apply to the Greater Miami Expressway Agency.

Section 15 creates s. 348.0303, F.S., to provide definitions for the part similar to those in s. 348.0002, F.S.

Section 16 creates s. 348.0304, F.S., creating the Greater Miami Expressway Agency as a body politic and corporate and agency of the state. The governing body of the agency consists of seven voting members who must be permanent residents of the county, may not hold elected office, and may serve only two four-year terms. The Miami-Dade County Commission will appoint four members; two must live in the unincorporated areas of Miami-Dade County within 15 miles of

\(^{15}\) Chapter 2018-145, L.O.F.


the area with the highest amount of toll roads and the other two must live in municipalities of Miami-Dade County, but cannot be from the same municipality. The Governor will appoint three members living in Miami-Dade County, but each may not be from the same municipality. A person who served as a member of the governing body of the former Miami-Dade County Expressway Authority may not be appointed to the new agency.

Initial appointments must be made by July 31, 2019, and the first board meeting of the agency must be held within 15 days after all appointments are made. Each voting member must take and subscribe to an oath that he or she will honestly, faithfully, and impartially perform his or her duties and that he or she will not neglect any duties imposed upon them.

Section 17 creates s. 348.0305, F.S., providing ethics requirements which largely reflect the current requirements in s. 348.0003, F.S., which apply to the MDX, except that the new s. 348.0305, F.S., subjects all members and employees of the Greater Miami Expressway Agency to part III of ch. 112, F.S., which is the code of ethics for public officers and employees and provides standards of ethical conduct and disclosures applicable to public officers, employees, candidates, lobbyists, and others in state and local government.

Section 18 creates s. 348.0306, F.S., reflecting the current purposes and powers of the MDX provided in s. 348.0004, F.S. However, the bill prohibits the new Greater Miami Expressway Agency from raising tolls until July 1, 2029, except as may be necessary to comply with bond covenants. The Greater Miami Expressway Agency is made subject to the procurement and contracting requirements in chs. 287 and 337, F.S., and must have an annual financial audit conducted by an independent certified public accountant and post the findings on the agency’s website.

Section 19 creates s. 348.0307, F.S., creating the Florida Sunshine Rebate Program within the Greater Miami Expressway Agency. Subject to any bond covenants, at the time that a toll is incurred, the agency must provide a 25 percent rebate to all SunPass holders registered in Miami-Dade County. Such SunPass holders must be automatically enrolled in the rebate program, but the agency must provide a mechanism to opt out.

Section 20 creates s. 348.0308, F.S., to create similar requirements for the agency to enter into public-private partnerships as in s. 348.0004, F.S.

Section 21 creates s. 348.0309, F.S., reflecting the current bonding authority of the MDX; however, each project, building, or facility that has been or will be financed by the issuance of bonds or other indebtedness that does not pledge the full faith and credit of the state, or any refinancing of such debt is subject to review and approval by the Legislative Budget Commission.

Section 22 creates s. 348.0310, F.S, to create similar provisions related to construction as in s. 348.0007, F.S.

Section 23 creates s. 348.0311, F.S., to create similar provisions related to land acquisition as in s. 348.0008, F.S.
Section 24 creates s. 348.0312, F.S., to create similar provisions related to cooperation with other agencies as in s. 348.0009, F.S.

Section 25 creates s. 348.0313, F.S., to create similar provisions related to covenants of the state as in s. 348.0010, F.S.

Section 26 creates s. 348.0314, F.S., to create similar provisions related to exemption from taxation for the agency as in s. 348.0011, F.S.

Section 27 creates s. 348.0315, F.S., reflecting the current public accountability requirements for MDX; however, the section provides that beginning October 1, 2020, and annually thereafter, the agency must submit to the board of county commissioners and the metropolitan planning organization a report showing the amount of tolls collected and how those tolls were used in the previous fiscal year. This report must be posted on the agency’s website.

Section 28 creates s. 348.0316, F.S., providing that any bonds or other obligations issued pursuant to the Greater Miami Expressway Agency Act constitute legal investments for banks, savings banks, trustees, executers, administrators, and all other fiduciaries, and for all state, municipal, or other public funds.

Section 29 creates s. 348.0317, F.S., providing that any pledge of the FDOT of “rates, fees, revenues, county gasoline tax refunds or other funds, as rentals, to the agency, or any covenants or agreements relative thereto,” are enforceable against the agency or the department in court by the bondholders.

Section 30 creates s. 348.0318, F.S., providing that the powers conferred by part I of ch. 348, F.S., as amended by the bill, supersede any conflicting laws and provide a complete method for the exercise of the agency’s powers.18

Section 31 creates an undesignated section of law which provides that the transfers from MDX to the Greater Miami Expressway Agency includes the assets, facilities, tangible and intangible property and any rights in such property, any other legal rights of the MDX, and the expressway system operated by the MDX. The Greater Miami Expressway Agency succeeds to all powers of the MDX. The operation and maintenance of the expressway system are deemed under the control of the Greater Miami Expressway Agency. Revenues collected on the expressway system are considered to be revenues of the Greater Miami Expressway Agency, subject to the lien of the trust indentures securing MDX bonds. The Greater Miami Expressway Agency also assumes all liability for the satisfaction of any judgement against MDX as a result of litigation commenced prior to the bill becoming law.

The Greater Miami Expressway Agency, in consultation with the Division of Bond Finance, is directed to review all contracts, financial obligations, and contractual relationships and liabilities of the MDX and is authorized to assume the obligations determined to be necessary or desirable for the continued operation of the expressway system.

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18 This is similar to statutes created for other expressway authorities. See ss. 348.70 and 348.765, F.S.
MDX employees, officers, and members are prohibited from selling, disposing, encumbering, transferring, or expending MDX assets as reflected in the MDX’s financial statements for the fiscal year ended June 30, 2018, other than in the ordinary course of business. The bill provides that incurring debt or issuing bonds for projects contained in the five-year work program adopted by the MDX on December 5, 2018, is not considered the ordinary course of business, but the bill does not prevent the MDX from designing and planning projects contained in that adopted five-year work program.

The transfer of the MDX to the Greater Miami Expressway Agency is subject to all terms and covenants provided for the protection of holders of MDX bonds in the trust indentures or resolutions adopted in connection with issuance of such bonds. Additionally, the bill provides that the transfer does not impair the terms of the contract between the MDX and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds. The Greater Miami Expressway Agency expressly assume all obligations relating to the bonds to ensure the transfer will have no adverse impact on the security for the bonds.

After the transfer, the bill directs the Greater Miami Expressway Agency to:
- Operate and maintain the expressway system and any other facilities of the MDX in accordance with the terms, conditions, and covenants in the trust indentures or bond resolutions securing the bonds.
- Collect toll revenues and apply them to the payment of debt service as provided in the indentures or resolutions.

Technical Revisions Related to the FEAA Repeal and the MDX Transfer

Section 1 amends s. 20.23(2)(b)8., F.S., to require the Florida Transportation Commission to monitor agencies created under ch. 348, F.S., and repeals reference to “any authority formed using part I of chapter 348.”

Section 2 of the bill relocates the statutory provision requiring financial disclosure forms to be filed by other transportation and expressway authorities and agencies from s. 348.0003(4)(c), F.S., which the bill repeals, to s. 112.3144(1), F.S. The actual financial disclosure requirements do not change.

Section 3 amends s. 215.68(2), F.S., which currently authorizes bond issuance under the State Bond Act as well as various related terms and conditions. The statute specifies that those terms and conditions do not supersede the limitations of the FEAA relating to bond issuance. The bill repeals this provision, thus conforming the statute to the repeal of the FEAA. Section 30 creating s. 348.0318, F.S., previously discussed above, includes a provision that s. 215.68, F.S. does not supersede the limitations of the amended part I of ch. 348, F.S.

Section 7 amends s. 338.165, F.S., to remove references to s. 348.0004, F.S., relating in part to uses of MDX revenues, as the bill repeals that statute contained in the FEAA.

Section 10 amends s. 343.1003(6), F.S., to update a reference to conform to the repeal of s. 348.0003(4)(c), F.S. The obligation of the members of the Northeast Florida Regional Transportation Commission to file statements of financial interests remains unchanged.
Miami-Dade Transportation Planning Organization

Present Situation

Metropolitan planning organizations (MPO) are federally mandated transportation planning organizations (TPO) comprised of representatives from local governments and transportation authorities. The MPO’s role is to develop and maintain the required transportation plans for a metropolitan area in order to ensure federal funds support local priorities. In Florida, MPOs are also referred to as TPOs and transportation planning agencies. There are currently 27 MPOs in Florida.

Section 339.175(3), F.S., provides for the voting membership of an MPO. Specifically, s. 339.175(3)(d), F.S., authorizes any county chartered under s. 6(e), Art. VIII of the State Constitution (which includes Miami-Dade County) to have the county commission serve as the MPO if the MPO’s jurisdiction is wholly contained in that county. If a charter county elects this option, the county commission will constitute the voting membership of the MPO as well as four additional voting members appointed by the Governor. The Governor’s appointments must include: one elected official representing a municipality in the county; one member of the expressway authority; one person who does not hold elected office and resides in an unincorporated portion of the county; and one school board member.

Section 339.176, F.S., provides that, in addition to the membership requirements in s. 339.175(3), F.S., the Miami-Dade MPO must include an additional voting member for each city in the county with a population of 50,000 or more residents appointed by the city’s governing body.

The Miami-Dade Transportation Planning Organization’s current governing board includes:

- The 13 Miami-Dade County Board of County Commissioners;
- Eight elected officials; one from each of the eight municipalities with a population over 50,000; and
- The four Governor’s appointees.

The Miami-Dade Transportation Planning Organization is mainly funded through federal grant funds ($14.8 million of a $17.8 million budget). However, the organization does receive about $489,000 in funds from a participation fee. “TPO Resolution #33-17 dated July 20, 2017, establishes a calendar year financial participation fee of $22,222 commencing in FY 2017-2018 and every year thereafter for non-County governmental agencies with voting membership on the TPO Governing Board.”

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**Effect of Proposed Changes**

**Section 9** amends s. 339.175(3)(d), F.S., to remove the constitutional reference to charter counties and applies the paragraph to only Miami-Dade County. The bill reduces the required membership of the MPO in Miami-Dade County by reducing Governor’s appointees from four to three, eliminating the appointment of a person who does not hold elected office and resides in an unincorporated portion of the county.

The bill further amends s. 339.175, F.S., by prohibiting the Miami-Dade MPO from assessing any fees on municipalities, counties, or other governmental entities that are members of the MPO.

**High Occupancy Toll Lanes and Express Lanes**

**Present Situation**

A high-occupancy-vehicle (HOV) lane is generally a lane of a public roadway designated for use by vehicles in which there is more than one occupant. A high-occupancy toll (HOT) lane is an HOV lane, the use of which requires payment of a toll.

Current law does not define the terms “high-occupancy toll lane” or “express lane.” However, the FDOT provides the following descriptions: 23

Managed lanes are a [] strategy in which a set of lanes within an existing highway facility proactively implements a managed response to changing traffic conditions. A combination of tools such as access control, vehicle eligibility, and dynamic pricing are used for a managed lane, and there are several different types of managed lanes such as High-occupancy Vehicle (HOV) lanes, high-occupancy toll lanes, express toll lanes, reversible lanes and bus lanes.

Express lanes are a type of managed travel lane that is physically separated from the general use or general toll lanes within an existing roadway corridor. FDOT implements express lanes for congestion management purposes by designing them to operate at free-flow speed. Free-flow conditions in the express lanes are established when vehicles can safely operate at speeds of 45 miles per hour or higher, [and toll] amounts in the express lanes are dynamically updated to support free-flow conditions.

Section 338.166, F.S., authorizes the FDOT to request the Division of Bond Finance to issue bonds secured by toll revenues collected on HOT lanes or express lanes established on FDOT-owned facilities. The FDOT may continue to collect the tolls on HOT lanes or express

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22 Section 316.0741(1)(a), F.S.
24 Also known as “variable pricing.” See s. 338.166(4), F.S.
lanes after any bond debt is discharged. Such tolls must first be used to pay the annual cost of operation, maintenance, and improvement of the HOT lanes or express lanes project or associated transportation system.\textsuperscript{25}

The FDOT must use any remaining toll revenue from HOT lanes or express lanes for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected.

**Effect of Proposed Changes**

**Section 8** amends s. 338.166, F.S., to prohibit the FDOT from charging a toll that is more than $1.25 per mile on any HOT lane or express lane (owned either by the FDOT or the MDX) in a county as defined in s. 125.011(1), F.S.; \textit{i.e.}, Miami-Dade County.\textsuperscript{26} The FDOT’s ability to manage congestion through variable pricing in such lanes may be negatively affected.

Further, beginning October 1, 2020, and annually thereafter, the FDOT must submit to Miami-Dade County’s board of county commissioners and the metropolitan planning organization a report showing the amount of tolls collected in Miami-Dade County and how those tolls were used in the previous fiscal year.

The bill specifies that both provisions apply to both the FDOT and the Florida Turnpike Enterprise.

**Expressway Authority Public-Private Partnerships**

**Present Situation**

The FEAA authorizes any expressway authority, transportation authority, bridge authority, or toll authority to receive or solicit proposals and enter into public-private partnership agreements, for the building, operation, ownership, or financing of authority transportation facilities or new transportation facilities within the authority’s jurisdiction which increase transportation capacity. The statute provides determinations that must be made regarding a proposed project, requires certain costs to be borne by the private entity, provides how transportation authorities are to provide notice of certain proposals, and allows these authorities to exercise certain powers related to these agreements.\textsuperscript{27}

**Effect of Proposed Changes**

**Sections 33 and 34** create s. 348.635, F.S., relating to the Tampa-Hillsborough County Expressway Authority, and s. 348.7605, F.S., relating to the Central Florida Expressway Authority, to generally relocate public-private partnership authorization and related provisions that the bill repeals in the FEAA. The relocated provisions are substantively the same as the statutory provisions currently in the FEAA. Any other expressway, transportation, bridge, or toll

\textsuperscript{25} Section 338.166, F.S., expressly does not apply to the turnpike system.

\textsuperscript{26} For more information on Florida’s express lanes, including a map of those in Miami-Dade County, \textit{see} FDOT, \textit{Florida Express Lanes}, available at \url{http://floridaexpresslanes.com/} (last viewed March 25, 2019).

\textsuperscript{27} Section 348.0004(10), F.S. The FDOT’s similar authority is contained in s. 334.30, F.S.
authority currently relying on the FEAA provisions for authorization to engage in public-private partnerships will no longer be authorized.

**Rebuilt Motor Vehicle Inspection Program**

**Present Situation**

In 2013, the Legislature created s. 319.141, F.S., creating a Pilot Rebuilt Motor Vehicle Inspection Program in Miami-Dade and Hillsborough counties through June 30, 2018.\(^{28}\) The Department of Highway Safety and Motor Vehicles (DHSMV) set standards for the program and certified private sector inspection facilities in Miami-Dade County. The program’s purpose was to evaluate private sector alternatives for rebuilt inspection services, including the feasibility of using private facilities, the cost impact to consumers, and the potential savings to the DHSMV. The DHSMV was required to establish a memorandum of understanding allowing private parties participating in the pilot program to conduct rebuilt vehicle inspections and specifying requirements for oversight, bonding and insurance, procedures, forms, and the electronic submission of documents.

To be approved for the program, an applicant was required to:

- Have and maintain a surety bond or irrevocable letter of credit in the amount of $100,000, executed by the applicant;
- Secure and maintain a facility at a permanent structure at an address recognized by the U.S. Postal Service where the only services provided were rebuilt inspection services;
- Annually attest that he or she was not employed by or did not have an ownership interest in or financial arrangement with a motor vehicle repair shop, motor vehicle dealer, towing company, storage company, vehicle auction, insurance company, salvage yard, metal retailer, or metal rebuilder, from which he or she received remuneration for the referral of customers for rebuilt inspection services;
- Have and maintain garage liability and other insurance required by the DHSMV;
- Have completed criminal background checks of the owners, partners, and corporate officers and the inspectors employed by the facility; and
- Meet any additional criteria that the DHSMV determined necessary to conduct proper inspections.\(^{29}\)

As required by law, in 2015, the DHSMV submitted a report\(^{30}\) that summarized the implementation of the pilot program and program results. The DHSMV certified eight private businesses in the Miami area to conduct rebuilt vehicle inspections.\(^{31}\) The DHSMV employees in Miami-Dade County were responsible for conducting rebuilt vehicle inspections at the DHSMV Regional Office and at various off-site locations and for monitoring the businesses to ensure inspections were conducted in accordance with program standards.

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\(^{28}\) Section 319.14(1)(c)3., defines “rebuilt vehicle” for purposes of that section as a motor vehicle or motor home built from salvage or junk.

\(^{29}\) Section 319.141(4), F.S.


According to the DHSMV, each of the eight pilot program participants met all of the statutory requirements and the requirements of the memorandum executed with the DHSMV. Statutorily authorized state rebuilt inspection fees ($40) and re-inspection fees ($20) were collected and remitted to the state as required. In addition, each pilot program participant was allowed to assess customers a service fee for each inspection. Service fees ranged from $50 to $85 and were not regulated in any manner by the DHSMV.

As provided in its authorizing legislation, the program was repealed on July 1, 2018, as it was not saved from repeal or reauthorized by the Legislature.

**Effect of Proposed Changes**

**Section 4** of the bill revives, reenacts, and amends s. 319.141, F.S., reviving the pilot rebuilt motor vehicle inspection program in Miami-Dade County notwithstanding its repeal on July 1, 2018. The bill requires the DHSMV to implement a pilot program in Miami-Dade County by October 1, 2019, for rebuilt inspection services offered by existing private sector participants. The DHSMV may select up to four applicants that it deems to be the most qualified. As of December 2017, there were still 8 participants in the pilot program prior to its expiration; the bill would limit participation to only 4 participants. However, the bill does not set forth any standards for the DHSMV to determine how to deem an applicant “to be the most qualified.”

The bill also authorizes the DHSMV to examine all records pertaining to any inspection or related service performed under the pilot program.

The bill creates additional, minimum requirements for applicants to the ones discussed above:

- Requires the surety bond or irrevocable letter of credit that each participant in the pilot program must maintain to be issued by entities licensed to do business in Florida and in favor of the DHSMV.
- Requires the participant’s facility to be at a permanent fixed structure, evidenced by proof of ownership or written lease at an address identified by a county-issued tax folio number, in addition to the being recognized by the U.S. Postal Service.
- Requires the participant’s facility to:
  - Have permanent signage that advertises that only private rebuilt inspection services are provided at the location;
  - Post business hours;
  - Have a designated office area and customer waiting area;
  - Have a rebuilt inspection area separate and visually obstructed from any area accessible to the customer;
  - Have surveillance cameras with recording capabilities for the rebuilt inspection area;
  - Have sufficient on-site customer parking;
  - Be large enough to accommodate all of the vehicles being inspected; and
  - Have a covered area to accommodate at least two vehicles during inclement weather.
- In addition to attestations described above, requires the participant to annually attest that:

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32 Id.
33 Id.
34 Id.
o He or she does not have a direct or indirect interest in any motor vehicle that a facility has inspected or proposes to inspect;
o There have been no changes to the ownership structure of the approved facility; and
o The only services being provided by the participant at the facility are rebuild inspection services.
• Maintain garage liability insurance coverage with at least $100,000 single-limit liability coverage that includes bodily injury and property damage protection, in addition to any other insurance required by the DHSMV.
• Requires the required criminal background checks of owners, partners, corporate officers and inspectors employed by the facility to demonstrate the persons have not:
o Pled guilty or nolo contendere to or been convicted of a felony; or
o Been incarcerated for a felony in the last 10 years.\textsuperscript{35}
• Prohibits a participant from conducting an inspection of a vehicle in complete rebuilt condition without prior approval by the DHSMV.

The bill specifies that only a participant selected and approved by the DHSMV can charge or receive a fee for providing or facilitating rebuild inspection services. The bill also specifies that no person or entity may conduct rebuilt inspection services, other than the DHSMV or authorized participants. The bill requires the DHSMV to conduct quarterly on-site facility inspections.

The bill provides that any person that fails an initial rebuilt inspection may only have that vehicle re-inspected by the DHSMV or the facility that conducted the original inspection.

The bill authorizes the DHSMV to adopt rules to implement and enforce the pilot program and grants the department nonexclusive power to define any term as long as the definition is consistent with this section of the bill.

The DHSMV must submit a written report by July 1, 2021, to the President of the Senate and Speaker of the House of Representatives evaluating the effectiveness of the program and recommending whether to expend the program to other counties.

The pilot program is repealed on July 1, 2022, unless reenacted by the Legislature.

\textbf{FDOT Review of Design Plans}

\textit{Present Situation}

Section 334.175, F.S., requires all design plans and surveys prepared by or for the FDOT to be signed, sealed, and certified by the duly registered professional engineer or surveyor, architect, or landscape architect responsible for the project work. However, while FDOT may review plans for highway projects that impact the FDOT right-of-way, the FDOT is not required to approve the design plans.

\textsuperscript{35} The first requirement, that a person has not pled guilty or nolo contendere or been convicted of a felony, in effect already excludes the second requirement, that a person has not been incarcerated for a felony in the last 10 years. In order to have been incarcerated, the person would have pled guilty or nolo contendere or been convicted of a felony.
**Effect of Proposed Changes**

**Section 5** of the bill amends s. 334.175, F.S., requiring the FDOT to approve design plans for all transportation projects on, under, over, or abutting right-of-way owned by FDOT, if the plans meet FDOT design standards. This requirement would apply regardless of the transportation project’s funding source.

**Innovative Transportation Projects and Techniques**

**Present Situation**

Section 337.025, F.S., entitled *innovative highway projects*, authorizes the FDOT to establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance which have the intended effect of controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway construction and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. The FDOT may annually enter into up to $120 million in contracts for innovative transportation projects. However, the annual cap does not apply to turnpike enterprise projects and to certain transportation projects funded in the past by the federal government.

The FDOT’s Office of Design and the three divisions under it, the Roadway Design Office, the Production Support Office, and the Structures Design Office, develops policy, procedures, criteria, and standards for the design of the state’s roadways, bridges, and other structures. The offices regularly issue notices, bulletins, memos, and other publications to guide construction.

**Effect of Proposed Changes**

**Section 6** of the bill amends s. 337.025, F.S., revising its title to *innovative transportation* projects and authorizing the FDOT to establish a program for such projects, including those demonstrating innovative techniques of bridge design (along with those of highway, construction, maintenance, and finance), which in addition to controlling time and cost increases have the intended effect of measuring resiliency and structural integrity.

The bill further provides that all proposed innovative transportation projects, including all different alternatives, must be designed and constructed using the English system of units with a proposed design speed of 70 miles per hour. Plans and specification must be prepared in accordance with FDOT’s most recent design standards, Plans Preparation Manual, and drainage

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37 Generically, the “English system of units” measures weight in pounds, height in feet, inches, and miles, and speed in miles per hour.
It is unclear why every design project must have a proposed design speed of 70 miles per hour. Chapter 316, F.S., sets maximum speed limits for vehicles in certain areas – 30 miles per hour in business or residence districts; 55 miles per hour in all other locations; 70 miles per hour on limited access highways; and 65 miles per hour on other highways outside of urban areas of 5,000 or more persons and that have at least four lanes divided by a median strip.  

**Osceola County Expressway Authority**

**Present Situation**

In 2010, the Legislature created the Osceola County Expressway Authority Law, codified in part V of ch. 348, F.S. The Osceola County Expressway Authority law contains many references to the FEAA. The Osceola County Expressway Authority (OCX) operated the Poinciana Parkway in Osceola County.

In 2014, the Legislature created the Central Florida Expressway Authority (CFX), in part III of ch. 348, F.S. In summary, the Legislature transferred the former Orlando-Orange County Expressway Authority to the CFX. At the time of its creation, the CFX included Lake, Osceola, Orange, and Seminole Counties. Brevard County was subsequently added to the authority.

The 2014 act limited the exercise of the OCX’s powers. Under that act, the OCX could only exercise its powers for the purpose of studying, planning, designing, financing, constructing, operating, and maintaining projects that were identified in its May 8, 2012, master plan and an additional, specified extension of the Osceola Parkway Extension.

The 2014 act provided for the future transfer of all powers, governance, and control of the Osceola County Expressway System and all assets, liabilities, facilities, tangible and intangible property, any rights in such property, and any other legal rights of the OCX to the CFX. The effective date of the transfer was December 31, 2018, or extended until the date on which the current and forecasted total debt service coverage ratios of the OCX could be certified to be equal to or greater than 1.5 for each and every year during which debt obligations are outstanding. Through the extension the OCX can only exercise its powers through a contract with another governmental entity (or entities).

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38 The American Association of State Highway Transportation Officials is a nonprofit, nonpartisan association representing highway and transportation departments. It creates publications for use by state departments of transportation to “foster the development, operation, and maintenance of an integrated national transportation system.” See American Association of State Highway Transportation Officials, *AASHTO Overview*, available at [https://www.transportation.org/home/organization/](https://www.transportation.org/home/organization/) (last viewed April 6, 2019).

39 FDOT document can be found at the Office of Design’s Documents and Publication webpage, available at [https://www.fdot.gov/design/publicationslist.shtm](https://www.fdot.gov/design/publicationslist.shtm) (last viewed April 6, 2019).

40 Sections 316.183 and 316.187, F.S.

41 Chapter 2010-225, L.O.F. Part V of ch. 348, F.S., consists of ss. 348.9950 through 348.9961, F.S.

42 Chapter 2014-171, L.O.F.

43 The powers exercised pursuant to contract may only be for the purpose of operating and maintaining those projects which were completed before such date, in accordance with the requirements of any agreement, resolution, or indenture under which bonds or other debt obligations were issued to finance such projects, and completing construction of those projects for
The 2014 act repeals part V of ch. 348, F.S., on the same date that the OCX is transferred to the CFX. Following the repeal and transfer, uncompleted elements of the OCX’s May 8, 2012, master plan will be included in the CFX’s master or long-range plan, including the additional, specified extension of the Osceola Parkway Extension.

The OCX entered into a lease purchase agreement with Osceola County to acquire the Poinciana Parkway, a facility owned by the county and financed by Osceola County, Polk County, and the FDOT. Toll revenues from Poinciana are pledged to the repayment of the bonds that Osceola County issued. The OCX, Osceola County, and the CFX have entered into an interlocal agreement addressing the operation of the Poinciana, services provided by the CFX, and the potential acquisition of the Poinciana by the CFX. The OCX, Osceola County, and the CFX are working on the transfer of the lease purchase agreement to the CFX. The OCX does not own other facilities and has not issued bonds to finance facilities.

On December 11, 2018, the OCX board voted to transfer all of its projects to the CFX.

**Effect of Proposed Changes**

Section 35 of the bill repeals the Osceola County Expressway Authority Law codified in part V of ch. 348, F.S. Due to the OCX’s board vote to transfer all of its projects to the CFX, the OCX is effectively dissolved, and this repeal will have no impact on its or other entities’ operations.

**SunPass**

**Present Situation**

SunPass is the prepaid toll program in Florida for Florida’s toll roads. Its use has increased over the years as many toll roads in the state convert to all-electronic, no cash tolling. The transponder works to pay tolls on all Florida toll roads, including the express lanes, most Florida bridges, and on toll roads in Georgia and North Carolina; it can also be used to pay for parking at certain venues and airports.

Some toll roads and bridges offer discount plans for frequent users and commuters. “These special discount plans may have residency requirements, vehicle occupancy requirements, time-of-day restrictions, or number-of-trips requirements.” The transaction will only count towards the rebate if there are sufficient funds in the SunPass user’s account at the time of the toll transaction. There are currently seven counties that offer discount plans.

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44 The CFX’s master or long-range plan will define the term “master plan” or “long range plan.”
Effect of Proposed Changes

Section 36 requires the Office of Program Policy Analysis and Government Accountability to conduct a feasibility analysis of the Florida Turnpike Enterprise conducting a rebate program for SunPass users. The report of findings and recommendations must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2019.

Effective Date

Except as otherwise expressly provided, the bill is effective on July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

In Section 4 the bill requires the DHSMV to select four applicants that it deems to be the most qualified to continue the revived Rebuilt Motor Vehicle Inspect Program pilot. The original program that expired on June 30, 2018, had eight participants. The bill does not set forth any standards for the DHSMV to use to determine how to determine applicants to be the most qualified. While the bill does set forth certain minimum requirements that an applicant must meet, the delegation of authority to deem an applicant “to be the most qualified” may be determined to be vague and an improper delegation of legislative authority. 49

Section 8 provides that, notwithstanding any other law, a toll for a high-occupancy lane or express lane, including any lane on the Florida Turnpike System or MDX facilities,

49 See United Faculty of Fla. v. Fla. State Bd. of Educ., 157 So. 3d 514, 518 (Fla. Dist. Ct. App. 2015) (“fundamental and primary policy decisions shall be made by members of the legislature who are elected to perform those tasks, and administration of legislative programs must be pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program.”) (citing Askew v. Cross Key Waterways, 372 So. 2d 913 (Fla. 1978).
may not exceed $1.25 per mile in Miami-Dade County (a county defined in s. 125.011(1), F.S.).

Section 338.227, F.S., authorizes the FDOT to borrow money as provided in the State Bond Act\(^\text{50}\) to pay all or any part of the cost of any one or more legislatively approved Florida Turnpike System projects. The principal of, and the interest on, these bonds is paid solely from revenues pledged for their payment. In s. 338.229, F.S., in connection with the issuance of Turnpike bonds, the state agreed not to limit or restrict the rights vested in the FDOT to establish and collect tolls for the use of the Turnpike System and to fulfill the terms of any agreements made with bondholders. The agreement includes not impairing the rights or remedies of the bondholders until the bonds, together with interest on the bonds, are fully paid and discharged.\(^\text{51}\)

At present, about $2.7 billion of Turnpike System bonds have been issued that remain outstanding. Repayment of those bonds has been pledged and is based on ss. 338.227 and 338.229, F.S.\(^\text{52}\) Additionally in Miami-Dade County, there are multiple express lanes under construction or in planning or design.\(^\text{53}\)

Article I, section 10 of the United States Constitution and Section 10, Art. I of the State Constitution prohibit making any law that would impair a contract. Section 8 of the bill provides no exception for existing bonds and bond covenants (i.e., contracts) regarding high-occupancy lanes or express lanes. Accordingly, a court may determine that section 8 of the bill impairs the master bond resolution of the Turnpike by limiting tolls in HOT or express lands to $1.25 per mile; if so, section 8 of the bill may unconstitutional.

Section 16 of the bill creates the Greater Miami Expressway Agency in s. 348.0304, F.S. Section 348.0304(2), F.S., provides, at lines 620 through 623 of the bill, that persons who served on the former MDX “may not be appointed to the governing body of the” Greater Miami Expressway Agency. A permanent prohibition of a member of the MDX being appointed as a member of the Greater Miami Expressway Agency may constitute a prohibited a bill of attainder. Article I, sections 9 and 10 of the United States Constitution and Section 10, Art. I of the State Constitution prohibit passage of any bill of attainder. A bill of attainder is “a law that legislatively determines guilt and inflicts punishment upon an identifiable individual without provision of the protections of a judicial

\(^{50}\) Sections 215.57 – 215.83, F.S. Statutes creating the state’s expressway and bridge authorities contain similar provisions. See ss. 348.0010, 348.64, 348.761, and 348.974, F.S.

\(^{51}\) Statutes creating the state’s expressway and bridge authorities contain similar provisions. See ss. 348.0010, 348.64, 348.761, and 348.974, F.S.


trials.” The United States Supreme Court, in *United States v. Brown*, 381 U.S. 437, 85 S.Ct 1707 (1965), held that:

[L]egislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial are bills of attainder prohibited by the Constitution. ... This permanent proscription from any opportunity to serve the Government is punishment, and of a most severe type. (quoting *United States v. Lovett*, 328 U.S. 303, 66 S.Ct. 1073, 90 L. Ed. 1252 (1946).)

An amendment to limit the prohibition of appointments of former MDX members for a reasonable time period should be considered.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Travelers in Miami-Dade County will be able to use HOT or express lanes for a maximum toll of $1.25 per mile (section 8). However, such travelers may experience reduced travel options if the cap on tolls results in increased congestion in HOT or express lanes. Additionally, travelers on the toll roads of the newly created Greater Miami Expressway Agency who are residents of Miami-Dade County and are SunPass account holders may receive a 25 percent rebate on tolls (section 19).

C. Government Sector Impact:

Any costs associated with the repeal of the MDX and transfer to the newly created Greater Miami Expressway Agency are unknown at this time.

The Division of Bond Finance will incur expenses associated with the required review of all MDX contracts, financial obligations, and contractual relationships and liability and with making a determination as to the assumption of responsibility for those obligations, which expenses are expected to be absorbed within existing resources (section 31).

The $1.25 per mile cap on tolls for use of HOT lanes or express lanes in Miami-Dade County may reduce toll revenues collected by the FDOT or the Florida Turnpike Enterprise, thus, reducing available funds for operations and maintenance of the lanes (section 8). In a similar bill the FDOT advised that it expects a significant but indeterminate impact on operations and maintenance costs for HOT or express lanes in Miami-Dade County, which are currently covered by collected toll revenues. The bill

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would require these costs to be supplemented by “regular” non-toll transportation revenues in the event that costs are greater than the maximum $1.25 per mile toll allowed by the bill. Additionally, the effect of such cap on any bonds issued by the Florida Turnpike Enterprise is unknown at this time.

The FDOT will incur annual expenses associated with the required reports to the Miami-Dade County Board of County Commissioners and the Miami-Dade County Transportation Planning Organization, beginning October 1, 2020 (section 8). These expenses are expected to be absorbed within existing resources.

The prohibition on the Miami-Dade Transportation Planning Organization to charge fees on members will reduce the funds available to the organization by approximately $498,000 annually (section 9). However, local government and other non-county entities that serve on the board may save these funds.

The DHSMV may incur indeterminate expenses associated with the reenactment of the Rebuilt Motor Vehicle Inspection Program (section 4).

The Office of Program Policy Analysis and Government Accountability will incur expenses to conduct the require feasibility analysis for a Florida Turnpike Enterprise SunPass rebate program (Section 36). No appropriation is made in the bill for this study.

VI. Technical Deficiencies:

The bill provides at line 613 that the Governor appoints three members of the newly created Greater Miami Expressway Agency. However, lines 616 through 620 provide for staggered terms for the four persons appointed by the governor. An amendment should be considered to resolve this conflict in the bill’s provisions.

In Section 2 of the bill, requirements for certain entities to comply with financial disclosure requirements are moved to this s. 112.3144, F.S., due to the repeal of statutes in part I of ch. 348, F.S. The bill creates the Greater Miami Expressway Agency, but the entities listed in section 2 of the bill do not include an “expressway agency.” An amendment should be considered to clarify that the financial disclosure requirements also apply to an expressway agency.

Section 4 of the bill revives and amends the Pilot Rebuilt Motor Vehicle Inspection Program. Lines 270 through 281 define the term “rebuilt inspection services” by listing items that must be examined. The bill adds the phrase “if available” on line 275. Because the list of items is separated by commas, it is unclear whether the “if available” phrase applies to the item listed before it or after it (“a photograph of the junk or salvage vehicle taken before repairs begin” and “a photograph of the interior driver and passenger side of the vehicle if airbags were previously deployed and replaced,” respectively).

55 See FDOT, 2019 Agency Legislative Bill Analysis: SB 1044, February 14, 2019, at pp. 7-8 (On file in the Senate Committee on Infrastructure and Security). SB 1044 addresses a similar issue related to HOT lanes.
Additionally in Section 4 of the bill, the bill sets out new requirements for applicants to the pilot rebuilt motor vehicle inspection program that are interspersed with requirements for selected participants for the program. An amendment to clearly delineate requirements for applicants and requirements for participants should be considered to clarify these provisions on lines 304 to 357.

In Section 4, the bill sets forth the additional, minimum requirements for an applicant to participate in the revived Rebuilt Motor Vehicle Inspection Program. Lines 348 to 351 require that an applicant have completed a criminal background check which “demonstrates that such persons have not pled guilty or nolo contender to or been convicted of a felony, or been incarcerated for a felony in the last 10 years.” The first requirement (that a person has not pled guilty or nolo contender or been convicted of a felony), effectively includes the second requirement (that a person not have been incarcerated for a felony in the last ten years). In order to have been incarcerated, a person would have pled guilty or nolo contender or have been found guilty of a felony in the last ten years. An amendment should be considered to possibly remove the phrase “or been incarcerated for a felony in the past 10 years.”

On line 364, in Section 4 of the bill, the bill sets a requirement for “an applicant” that fails an initial rebuilt inspection. Because the bill also refers to “applicant” for participation in the pilot program, an amendment could clarify that line 364 is referring to a vehicle owner for a vehicle that fails the initial rebuild inspection. An amendment should be considered to resolve this inconsistency.

Section 6 of the bill requires innovative transportation project to be prepared in accordance with certain documents, including documents of the FDOT. The bill list particular FDOT documents on lines 433 and 437, but includes in the list “American Association of State Highway Transportation Officials.” That association produces its own documents, but is not part of the FDOT. An amendment should be considered to clarify which publications of the American Association of State Highway Transportation Officials that should be used to prepare innovative transportation projects.

VII.  Related Issues:

Section 4 of the bill authorizes the DHSMV to adopt rules to implement and enforce the pilot rebuilt motor vehicle inspection program and grants the DHSMV nonexclusive power to define any term as long as the definition is consistent with this section of the bill.

VIII.  Statutes Affected:

This bill amends the following sections of the Florida Statutes: 20.23, 112.3144, 215.68, 319.141, 334.175, 337.025, 338.165, 338.166, 339.175, and 343.1003.


This bill creates undesignated sections of Florida Law.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 4, 2019:

The committee substitute:

- Removes from the bill the transfer of MDX to FDOT; instead the bill repeals the Miami Dade Expressway Authority and creates and transfers all assets, powers, duties, and liabilities to the Greater Miami Expressway Agency.
- The bill creates multiple new statutes to apply to only the Greater Miami Expressway Agency. The new statutes, for the most part reflect the same definitions, purposes, powers and ethics requirements as in the FEAA, amended to only apply to the Greater Miami Expressway Agency. The bill does revise the membership of the agency and adds new ethics, procurement, contracting, and bonding requirements.
- Creates the Florida Sunshine Rebate Program within the Greater Miami Expressway Agency providing that at the time that any toll is incurred to provide a 25 percent rebate to all SunPass holders registered in Miami-Dade County.
- Prohibits the FDOT or the Florida Turnpike Enterprise from charging a toll that is more than $1.25 per mile on any HOT lane or express lane in a county as defined in s. 125.011(1), F.S.; i.e., Miami-Dade County.
- Requires the FDOT and the Florida Turnpike Enterprise to make certain annual report to the board of county commissioners of Miami-Dade County and the county’s MPO.
- Reduces the membership of the Miami-Dade Transportation Planning Organization and prohibits the organization from charging fees to members.
- Removes the provision in the bill revising uses of the charter county and regional transportation system surtax proceeds in Miami-Dade County.
- Removes the provision in the bill that required the FDOT to program sufficient funds in its tentative work program such that all, rather than 90 percent, of the net toll collections attributable to users of turnpike facilities in Miami-Dade, Broward, and Palm Beach Counties be committed to projects and bond finance commitments in those counties.
- Maintains the rebuilt motor vehicle inspection program as a pilot program instead of a permanent program, provides additional requirements for program participants and their facilities, and requires the program to expire on July 1, 2021.
- Requires all innovative transportation projects to be designed and constructed using the English system of units; have a proposed design speed of 70 miles per hour; and be prepared using certain FDOT documents.
• Requires the Office of Program Policy Analysis and Government Accountability to conduct a feasibility analysis of the Florida Turnpike Enterprise conducting a rebate program for SunPass users

CS by Infrastructure and Security on March 12, 2019:
The CS:
• Revises a number of provisions relating to the terms and conditions of the transfer of the MDX and its asset and liabilities to the FDOT.
• Limits revisions to uses of the proceeds of the Charter County and Regional Transportation System to Miami-Dade County and provides additional provisions relating to distribution of such proceeds to municipalities in that county.
• Reenacts and makes permanent the rebuilt motor vehicle inspection program in Miami-Dade County.
• Removes the prohibition against the FDOT using toll revenue from HOT or express lanes to offset funding the facility would receive if the facility were not a HOT lane or express lane.
• Removes the provisions that revised the membership of the Miami-Dade County metropolitan planning organization.
• Removes provisions relating to the preservation principle of the FDOT’s goals.
• Removes provisions that would provide an additional exception from the prohibition against the FDOT selling property at a price less than the FDOT’s current estimate of value after determining property of a specified value is not needed for a transportation facility.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
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)
(b) The commission shall:

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

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

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

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

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

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

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

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

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

112.3144 Full and public disclosure of financial interests.—

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

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

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

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

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

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

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

   b. Remitted by the governing body of the county to an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county, for the operation and maintenance of a bus system, for the operation and maintenance of on-demand transportation services, for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges;

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

c.4. Used by the county for the planning, development, construction, operation, and maintenance of roads and bridges in the county; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; for the planning, development, construction, expansion, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges. Pursuant to an interlocal agreement entered into pursuant to chapter 163, the governing body of the county may distribute proceeds from the tax to a municipality, or an expressway or transportation authority created by law to be expended for the purpose authorized by this paragraph. Any county that has entered into interlocal agreements for distribution of proceeds to one or more municipalities in the county shall revise such interlocal agreements no less than every 5 years in order to include any municipalities that have been created since the prior interlocal agreements were executed.

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

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

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

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

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

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

b. Effective October 1, 2022, to the extent not prohibited by contracts or bond covenants in effect on that date, not more than a total of 25 percent of the surtax proceeds may be distributed to municipalities in a county as defined in s. 125.011(1). Such municipalities may use the surtax proceeds to plan, develop, construct, operate, and maintain roads and bridges in the municipality and to pay the principal and interest on bonds issued to construct roads or bridges. The governing body of the municipality may pledge the proceeds for bonds issued to refinance existing bonds or new bonds issued to construct such roads or bridges. Additionally, each such municipality may use surtax proceeds for transit systems within the municipality.
c. Effective October 1, 2022, proceeds from the surtax may not be used by a county as defined in s. 125.011(1) for salaries or other personnel expenses of the county transportation department.

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

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

(2) Such bonds may:

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

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

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

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

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

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

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

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

319.141 Pilot Rebuilt motor vehicle inspection program.—
(1) As used in this section, the term:
(a) “Facility” means a rebuilt motor vehicle inspection facility authorized and operating under this section.
(b) “Rebuilt inspection services” means an examination of a rebuilt vehicle and a properly endorsed certificate of title, salvage certificate of title, or manufacturer’s statement of origin and an application for a rebuilt certificate of title, a rebuilder’s affidavit, a photograph of the junk or salvage vehicle taken before repairs began, if available, a photograph of the interior driver and passenger side of the vehicle if airbags were previously deployed and replaced, receipts or invoices for all major component parts, as defined in s. 319.30, and repairs which were changed, and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System.
(2) By October 1, 2019 July 1, 2015, the department shall implement oversee a pilot program in Miami-Dade County to evaluate alternatives for rebuilt inspection services offered by existing private sector participants. The department may select up to four applicants who are deemed, at its discretion, to be most qualified operators, including the continued use of private facilities, the cost impact to consumers, and the potential savings to the department.
(3) Upon selection, each participant shall enter into The department shall establish a memorandum of understanding with the department which allows the participant private parties...
participating in the pilot program to conduct rebuilt motor
vehicle inspections; and specifies requirements for oversight,
bonding and insurance, procedures, and forms; and requires the
electronic transmission of documents. The department may examine
all records pertaining to any inspection or related service
performed under the pilot program.

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

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

(b) Secure and maintain a facility at a permanent fixed
structure, as evidenced by proof of ownership or written lease
at an address identified by a county-issued tax folio number and
recognized by the United States Postal Service where the only
services provided on such property are rebuilt inspection
services. The facility must have permanent signage that
adverthes that only private rebuilt inspection services are
provided at that location and must have posted business hours, a
designated office area and customer waiting area, a rebuilt
inspection area separate and visually obstructed from any area
accessible to the customer, surveillance cameras with recording
capabilities for the rebuilt inspection areas, and sufficient
on-site customer parking. The location must be large enough to
accommodate all of the vehicles being inspected and must have a covered area to accommodate at least two vehicles during inclement weather. The participant operator of a facility shall annually attest that he or she is not employed by or does not have an ownership interest in or other financial arrangement with the owner, operator, manager, or employee of a motor vehicle repair shop as defined in s. 559.903, a motor vehicle dealer as defined in s. 320.27(1)(c), a towing company, a vehicle storage company, a vehicle auction, an insurance company, a salvage yard, a metal retailer, or a metal rebuilder, from which he or she receives remuneration, directly or indirectly, for the referral of customers for rebuilt inspection services; he or she does not have a direct or indirect interest in any motor vehicle that a facility has inspected or proposes to inspect; there have been no changes to the ownership structure of the approved facility; and the only services being provided by such participant at the facility are rebuilt inspection services. Only a participant selected and approved by the department may charge or receive a fee for providing or facilitating such services.

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

(d) Have completed criminal background checks of the owners, partners, and corporate officers and the inspectors employed by the facility which demonstrate that such persons have not pled guilty or nolo contendere to or been convicted of a felony, or been incarcerated for a felony in the last 10 years.
(e) A participant may not conduct an inspection of a vehicle in complete rebuilt condition without prior approval by the department. No person or entity, other than the department or participant authorized by the department, may conduct rebuilt inspection services.

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

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

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

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

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

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

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

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

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

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

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

337.025 Innovative transportation highway projects; department to establish program.—
(1) The department may authorized to establish a program for transportation highway projects demonstrating innovative techniques of highway and bridge design, construction, maintenance, and finance which have the intended effect of...
measuring resiliency and structural integrity and controlling
time and cost increases on construction projects. Such
techniques may include, but are not limited to, state-of-the-art
technology for pavement, safety, and other aspects of highway
and bridge design, construction, and maintenance; innovative
bidding and financing techniques; accelerated construction
procedures; and those techniques that have the potential to
reduce project life cycle costs. To the maximum extent
practical, the department must use the existing process to award
and administer construction and maintenance contracts. When
specific innovative techniques are to be used, the department is
not required to adhere to those provisions of law that would
prevent, preclude, or in any way prohibit the department from
using the innovative technique. However, before prior to using
an innovative technique that is inconsistent with another
provision of law, the department must document in writing the
need for the exception and identify what benefits the traveling
public and the affected community are anticipated to receive.
The department may enter into no more than $120 million in
contracts annually for the purposes authorized by this section.
All proposed projects, including all different alternatives,
must be designed and constructed using the English system of
units. The proposed design speed must be 70 miles per hour. The
plans and specifications must be prepared in accordance with the
department’s most recent design standards, Plans Preparation
Manual, and drainage manual, Flexible Pavement Design Manual,
the American Association of State Highway Transportation
Officials, and all current department memorandums.

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

338.165 Continuation of tolls.—

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

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

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

338.166 High-occupancy toll lanes or express lanes.—

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

(8) Beginning on October 1, 2020, and annually thereafter, the department, including the Florida Turnpike Enterprise, shall submit to the board of county commissioners of a county as defined in s. 125.011(1) and to the metropolitan planning organization for that county a report providing information regarding the amount of tolls collected in that county and how
those tolls were used in the previous fiscal year.

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

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

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

(3)(a) For the period July 1, 1998, through June 30, 2027, the department shall, to the maximum extent feasible, program sufficient funds in the tentative work program such that all of the percentage of turnpike toll and bond financed commitments in Miami-Dade County, Broward County, and Palm Beach County as compared to total turnpike toll and bond financed commitments shall be at least 90 percent of the share of net toll collections attributable to users of the turnpike facilities system in Miami-Dade County, Broward County, and Palm Beach County are committed to projects and bond finance obligations in each respective county as compared to total net toll collections attributable to users of the turnpike system. This paragraph...
subsection does not apply when the application of such
requirements would violate any covenant established in a
resolution or trust indenture relating to the issuance of
turnpike bonds. The department may at any time for economic
considerations establish lower temporary toll rates for a new or
existing toll facility for a period not to exceed 1 year, after
which the toll rates adopted pursuant to s. 120.54 shall become
effective.

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

339.175 Metropolitan planning organization.—
(3) VOTING MEMBERSHIP.—
(d) Any other provision of this section to the contrary
notwithstanding, any county as defined in s. 125.011(1)
chartered under s. 6(e), Art. VIII of the State Constitution may
elect to have its county commission serve as the M.P.O., if the
M.P.O. jurisdiction is wholly contained within the county. Any
county that elects to exercise the provisions of this
paragraph shall so notify the Governor in writing. Upon receipt
of such notification, the Governor must designate the county
commission as the M.P.O. The Governor must appoint three four
additional voting members to the M.P.O., one of whom must be an
elected official representing a municipality within the county,
one of whom must be a member of the governing body from the
agency created in part I of chapter 348, an expressway authority
member, one of whom must be a person who does not hold elected
public office and who resides in the unincorporated portion of
the county, and one of whom must be a school board member.
(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

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

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

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

343.1003 Northeast Florida Regional Transportation Commission.—

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

repealed.


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

348.0301 Short title.—This part may be cited as the “Greater Miami Expressway Agency Act.”

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

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

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

348.0303 Definitions.—As used in this part, the term:
(1) “Agency” means the Greater Miami Expressway Agency.
(2) “Agency of the state” means and includes the state and any department of, or corporation, agency, or instrumentality created, designated, or established by, the state.
(3) “Bonds” means and includes the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which the agency issues pursuant to this part.
(4) “County” means a county as defined in s. 125.011(1), F.S.
(5) “County gasoline tax funds” means all the 80-percent surplus gasoline tax funds accruing in each year to the department for use within the geographic boundaries of the agency under the provisions of s. 9, Art. XII of the State Constitution, after deduction only of any amounts of such gasoline tax funds heretofore pledged by the department or a county for outstanding obligations.

(6) “Department” means the Department of Transportation.

(7) “Express written consent” means prior express written consent given in the form of a resolution adopted by a board of county commissioners.

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

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

(10) “Federal agency” means and includes the United States, the President of the United States, and any department of, or
corporation, agency, or instrumentality created, designated, or established by, the United States.

(11) “Members” means the membership of the governing body of the agency.

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

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

348.0304 Greater Miami Expressway Agency.—

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

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

(b) Initial appointments to the governing body of the agency must be made by July 31, 2019. For the purpose of...
establishing staggered terms, of the initial appointments made
by the Governor, one shall serve for a term of 1 year, one shall
serve for a term of 2 years, one shall serve for a term of 3
years, and one shall serve for a term of four years. A person
who served as a member of the governing body of the former
Miami-Dade County Expressway Authority may not be appointed to
the governing body of the agency.

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

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

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

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

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

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

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

348.0305 Ethics requirements—
(1) Notwithstanding any other law to the contrary, members and employees of the agency are subject to part III of chapter 112.

(2)(a) A lobbyist, as defined in s. 112.3215, may not be
appointed or serve as a member of the governing body of the agency.

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

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

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

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

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

(4) The agency’s general counsel shall serve as the agency’s ethics officer.
(5) Agency members, employees, and consultants who hold positions that may influence agency decisions shall refrain from engaging in any relationship that may adversely affect their judgment in carrying out agency business. To prevent such conflicts of interest and preserve the integrity and transparency of the agency to the public, the following disclosures must be made annually on a disclosure form:

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

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

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

(6) The disclosure forms filed as required under subsection
(5) must be reviewed by the ethics officer or, if a form is filed by the ethics officer, by the executive director.

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

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

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

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

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

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

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

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

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

348.0306 Purposes and powers.—

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

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

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

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

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

(c) To acquire, purchase, hold, lease as lessee, and use any franchise or property, whether real, personal, or mixed and whether tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the agency and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

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

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

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

2. A toll rate increase must be approved by a two-thirds vote of the members of the governing body of the agency.
3. The amount of toll revenues used for administrative costs by the agency may not exceed 10 percent above the annual state average of administrative costs determined as provided in this subparagraph. The Florida Transportation Commission shall determine the annual state average of administrative costs based on the annual administrative costs of all the expressway authorities in this state. For purposes of this subparagraph, administrative costs include, but are not limited to, employee salaries and benefits, small business outreach, insurance, professional service contracts not directly related to the operation and maintenance of the expressway system, and other overhead costs.

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

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

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be issued only pursuant to the State Bond Act.

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

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

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

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

(i) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74.
(j) To pledge, hypothecate, or otherwise encumber all or any part of the revenues, tolls, rates, fees, rentals, or other charges or receipts of the agency, including all or any portion of county gasoline tax funds received by the agency pursuant to the terms of any lease-purchase agreement between the agency and the department, as security for all or any of the obligations of the agency.

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

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

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

(5) The agency shall comply with all statutory requirements of general application which relate to the filing of any report.
or documentation required by law, including the requirements of ss. 189.015, 189.016, 189.051, and 189.08.

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

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

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

(9) The agency must have an annual financial audit conducted by an independent certified public accountant licensed pursuant to chapter 473, and the audit report must be made available on the agency’s website.
Section 21. Section 348.0307, Florida Statutes, is created to read:

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

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

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

(1) The agency may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of agency transportation facilities or new transportation facilities within the jurisdiction of the agency which increase
transportation capacity. An agency may not sell or lease any
transportation facility owned by the agency without providing
the analysis required in s. 334.30(6)(e)2. for review and
approval by the Legislative Budget Commission created pursuant
to s. 11.90 prior to awarding a contract on a lease of an
existing toll facility. The agency is authorized to adopt rules
to implement this section and shall establish by rule an
application fee for the submission of unsolicited proposals
under this section. The fee must be sufficient to pay the costs
of evaluating the proposals. The agency may engage private
consultants to assist in the evaluation. Before approval, the
agency must determine that a proposed project:

(a) Is in the public’s best interest.
(b) Would not require state funds to be used unless the
project is on, or provides increased mobility on, the State
Highway System.
(c) Would have adequate safeguards to ensure that no
additional costs or service disruptions would be realized by the
traveling public and residents of the state in the event of
default or the cancellation of the agreement by the agency.
(d) Would have adequate safeguards in place to ensure that
the department, the agency, or the private entity has the
opportunity to add capacity to the proposed project and other
transportation facilities serving similar origins and
destinations.
(e) Would be owned by the agency upon completion or
termination of the agreement.
(2) The agency shall ensure that all reasonable costs to
the state which are related to transportation facilities that
are not part of the State Highway System are borne by the
private entity. The agency shall also ensure that all reasonable
costs to the state and substantially affected local governments
and utilities related to the private transportation facility are
borne by the private entity for transportation facilities that
are owned by private entities. For projects on the State Highway
System, the department may use state resources to participate in
funding and financing the project as provided for under the
department’s enabling legislation.

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

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

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

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

(7) Except as herein provided, this section is not intended to amend existing laws by granting additional powers to or further restricting the governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.
Section 23. Section 348.0309, Florida Statutes, is created to read:

348.0309 Bonds.—
(1) Bonds may be issued on behalf of the agency as provided by the State Bond Act.
(2)(a) Pursuant to this part, the agency may issue bonds that do not pledge the full faith and credit of the state in such principal amount as, in the opinion of the agency, is necessary to provide sufficient moneys for achieving its corporate purposes.
(b) Such bonds, on original issuance or refunding, must be authorized by resolution of the agency, after approval of the issuance of the bonds at a public hearing, and may be either term or serial bonds, must bear such date or dates, mature at such time or times, bear interest at such rate or rates, be payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the agency including any county gasoline tax funds received by an agency pursuant to the terms of any interlocal or lease-purchase agreement between the agency or a county, as such resolution or any resolution subsequent thereto may provide. The bonds must be executed by such officers as the agency determines under the requirements of s. 279.06.
(c) The bonds shall be sold by the agency at public sale by competitive bid. However, if the agency, after receipt of a
written recommendation from a financial adviser, determines by
official action after public hearing by a two-thirds vote of all
voting members that a negotiated sale of the bonds is in the
best interest of the agency, the agency may negotiate for sale
of the bonds with the underwriter or underwriters designated by
the agency and the county in which the agency exists. The agency
shall provide specific findings in a resolution as to the
reasons requiring the negotiated sale, which resolution must
incorporate and have attached thereto the written recommendation
of the financial adviser required by this subsection.

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

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

(f) Each project, building, or facility that has been or
will be financed by the issuance of bonds or other evidence of
indebtedness and that does not pledge the full faith and credit
of the state under this part, and any refinancing thereof, is
subject to review and approval by the Legislative Budget
Section 24. Section 348.0310, Florida Statutes, is created to read:

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

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

348.0311 Acquisition of lands and property.—

(1) For the purposes of this act, the agency may acquire such rights, title, or interest in private or public property and such property rights, including easements, rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the agency may deem necessary for any of the purposes of this act, including, but not limited to, any lands reasonably necessary for securing applicable
permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of an expressway system, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities on the expressway system or in a transportation corridor designated by the agency; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The agency also may condemn any material and property necessary for such purposes.

(2) The agency and its authorized agents, contractors, and employees may enter upon any lands, waters, and premises, upon giving reasonable notice to the landowner, for the purpose of making surveys, soundings, drillings, appraisals, environmental assessments including phase I and phase II environmental surveys, archaeological assessments, and such other examinations as are necessary for the acquisition of private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings or as are necessary for the agency to perform its duties and functions; and any such entry shall not be deemed a trespass or an entry that would constitute a taking in an eminent domain proceeding. The agency shall make reimbursement for any actual damage to such lands, water, and premises as a result of such activities. Any entry authorized by this subsection shall be in compliance with the premises protections and landowner liability provisions contained in s. 472.029.
(3) The right of eminent domain conferred by this act must be exercised by the agency in the manner provided by law.

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

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

348.0312 Cooperation with other units, boards, agencies, and individuals.—Express authority and power is given and granted to any county, municipality, drainage district, road and bridge district, school district, or other political subdivision, board, commission, or individual in or of this state to enter into contracts, leases, conveyances, or other agreements with the agency within the provisions and purposes of this part. For the purposes of implementing and administering this part, the agency may enter into contracts, leases, conveyances, and other agreements with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, corporations, and individuals, to the
extent consistent with chapters 334, 335, 338, and 339 and other law and with 23 U.S.C. ss. 101 et seq.

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

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

Section 28. Section 348.0314, Florida Statutes, is created...
to read:

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

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

348.0315 Public accountability.—
(1) The agency shall post the following information on its website:
   (a) Audited financial statements and any interim financial reports.
   (b) Board and committee meeting agendas, meeting packets, and minutes.
   (c) Bond covenants for any outstanding bond issues.
   (d) Agency budgets.
   (e) Agency contracts. For purposes of this paragraph, the term “contract” means a written agreement or purchase order
issued for the purchase of goods or services or a written
agreement for the receipt of state or federal financial
assistance.

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

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

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

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

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

Section 31. Section 348.0317, Florida Statutes, is created
to read:
348.0317 Pledges enforceable by bondholders.—It is the express intention of this part that any pledge by the department of rates, fees, revenues, county gasoline tax funds or other funds, as rentals, to the agency, or any covenants or agreements relative thereto, are enforceable in any court of competent jurisdiction against the agency or directly against the department by any holder of bonds issued by agency.

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

348.0318 Additional authority.—

(1) The powers conferred by this part are in addition and supplemental to the existing powers of the board and the department, and this part may not be construed as repealing any of the provisions, of any other law, general, special, or local, but to supersede such other laws in the exercise of the powers provided in this part, and to provide a complete method for the exercise of the powers granted in this part. The extension and improvement of the expressway system, and the issuance of bonds pursuant to this part to finance all or part of the cost of the system, may be accomplished upon compliance with this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or local law, including, but not limited to, s. 215.821, and no approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in Miami-Dade County, or in any other political subdivision of the state, is required for the issuance of such bonds pursuant to this part, including, but not limited to s. 215.821.
(2) This part does not repeal, rescind, or modify any other law relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance of the State Board of Administration, but supersedes any law that is inconsistent with this part, including, but not limited to, s. 215.821.

Section 33. (1) Effective upon this act becoming a law, the governance and control of the Miami-Dade County Expressway Authority is transferred to the Greater Miami Expressway Agency pursuant to the terms of this section. The assets, facilities, tangible and intangible property and any rights in such property, and any other legal rights of the authority, including the expressway system operated by the authority, are transferred to the agency. The agency succeeds to all powers of the authority, and the operations and maintenance of the expressway system is under the control of the agency. Revenues collected on the expressway system are considered agency revenues but are subject to the lien of the trust indentures securing the Miami-Dade County Expressway Authority bonds. The agency also assumes all liability for bonds of the authority pursuant to subsection (2) and the satisfaction of any judgment against the authority that may ultimately become due as a result of litigation commenced prior to the effective date of this act. The agency shall, in consultation with the Division of Bond Finance, review all other contracts, financial obligations, and contractual relationships and liabilities of the authority, and the agency may assume responsibility for the obligations that are determined to be necessary or desirable for the continued operation of the expressway system. Employees, officers, and
members of the authority may not sell, dispose, encumber, transfer, or expend the assets of the authority as existed and reflected in the authority’s financial statements for the fiscal year ended June 30, 2018, other than in the ordinary course of business. For purposes of this section, incurring debt or issuing bonds for projects contained in the 5-year work program approved and adopted by the authority on December 5, 2018, is not considered the ordinary course of business. Notwithstanding the foregoing, this part does not prevent the authority from designing and planning projects contained in the 5-year work program approved and adopted by the authority on December 5, 2018.

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

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

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

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

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

(a) Is in the public’s best interest.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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destinations.

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

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

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

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

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

(6) The authority may exercise any power possessed by it, including eminent domain, to facilitate the development and construction of transportation projects pursuant to this section. The authority may pay all or part of the cost of operating and maintaining the facility or may provide services to the private entity for which it receives full or partial reimbursement for services rendered.
(7) Except as herein provided, this section is not intended to amend existing laws by granting additional powers to or further restricting the governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.


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

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

==================== T I T L E A M E N D M E N T =====================
And the title is amended as follows:
Delete everything before the enacting clause and insert:
A bill to be entitled
An act relating to transportation; amending s. 20.23,
F.S.; conforming provisions to changes made by the 
act; amending s. 112.3144, F.S.; deleting an obsolete 
provision; requiring members of certain authorities to 
comply with certain financial disclosure requirements; 
amending s. 212.055, F.S.; revising the authorized 
uses of proceeds from charter county and regional 
transportation system surtaxes; requiring certain 
counties to use surtax proceeds for purposes related 
to fixed guideway rapid transit systems, bus systems, 
and development of dedicated facilities for autonomous 
vehicles; authorizing the use of surtax proceeds for 
the purchase of rights-of-way under certain 
circumstances; authorizing the use of surtax proceeds 
for refinancing existing bonds; authorizing a 
percentage of surtax proceeds to be distributed to 
certain municipalities to be used for certain 
purposes; prohibiting the use of such proceeds for 
certain purposes; amending s. 215.68, F.S.; conforming 
provisions to changes made by the act; reviving, 
reenacting, and amending s. 319.141, F.S.; redefining 
the term "rebuilt inspection services"; revising 
requirements related to the Pilot Rebuilt motor 
vehicle inspection program; providing requirements for 
participants; providing rulemaking authority; 
providing reporting requirements; providing for future 
repeal of the program; amending s. 334.175, F.S.; 
requiring the Department of Transportation to approve 
design plans for all transportation projects relating 
to department-owned rights-of-way under certain
circumstances; amending s. 337.025, F.S.; authorizing the department to establish a program for innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; providing requirements for proposed projects; amending s. 338.165, F.S.; deleting cross-references; amending s. 338.166, F.S.; limiting the toll rate for high-occupancy toll lanes or express lanes in certain counties; requiring a certain report; amending s. 338.231, F.S.; requiring the department to commit all net toll collections attributable to users of turnpike facilities in certain counties to projects and bond finance commitments in each respective county; amending s. 339.175, F.S.; revising the membership of the metropolitan planning organization in certain counties; prohibiting the metropolitan planning organization in such counties from charging a certain fee; amending s. 343.1003, F.S.; revising a cross-reference; repealing part I of chapter 348, F.S., relating to the creation and operation of the Florida Expressway Authority Act; creating part I of Ch. 348, F.S.; titled “Greater Miami Expressway Agency”; creating s. 348.0301, F.S.; providing a short title; creating s. 348.0302, F.S.; providing applicability; creating s. 348.0303, F.S.; providing definitions; creating s. 348.0304, F.S.; creating the Greater Miami Expressway Agency; providing for membership on the governing body of the agency;
providing restrictions on membership; providing for executive officers; providing quorum requirements; requiring the initial meeting of the governing body by a date certain; requiring an oath of office; authorizing certain employees; authorizing the delegation of certain functions; prohibiting certain persons from being executive director of the agency; requiring the appointment of an interim executive director by a date certain; providing that members of the agency are not entitled to compensation, but are entitled to specified expenses; creating 348.0305, F.S.; providing ethics requirements for the agency; providing that a specified chapter in law is applicable; prohibiting lobbyists from serving on the governing body; prohibiting persons with certain interests from being appointed to the governing body; providing certain prohibitions for members and employees of the agency; providing certain post-employment restrictions; requiring an ethics officer; prohibiting the use of specified positions for certain purposes; providing disclosure requirements; requiring specified policies and training; providing applicability; providing penalties; creating s 348.0306, F.S.; providing agency purposes and powers; requiring the construction of expressways; providing specified powers of the agency; prohibiting an increase in toll rates until a specified date; requiring a supermajority vote for an increase in toll rates; providing a limit to administrative costs;
requiring the Florida Transportation Commission to
determine average administrative costs; requiring a
minimum distance between tolling points; providing
that the change in distances may be revenue neutral;
providing reimbursement and refund requirements;
providing requirements for agency projects; requiring
certain written consent for the use or pledge of
county gasoline tax funds; providing requirements for
the filing of certain reports or documentation;
prohibiting construction by the agency under certain
circumstances; requiring an annual financial audit and
audit report, subject to certain requirements;
creating s. 348.0307, F.S.; creating the Florida
Sunshine Rebate Program; requiring the agency to
provide specified rebates to specified SunPass
holders; providing for automatic eligibility;
providing for an opt-out provision; creating s.
348.0308, F.S.; providing a legislative declaration;
authorizing the agency to enter into certain public-
private partnership agreements; authorizing
solicitation or receipt of certain proposals;
providing rulemaking authority; providing approval
requirements; requiring certain costs to be borne by
the private entity; providing notice requirements for
requests for proposals; providing for ranking and
negotiation of proposals; requiring the agency to
regulate tolls on certain facilities; requiring
compliance with specified laws, rules, and conditions;
providing for development, construction, operation,
and maintenance of transportation projects by the agency or private entities; providing construction; creating s. 348.0309, F.S.; authorizing the agency to have bonds issued as provided in the State Bond Act; authorizing the agency to issue its own bonds; providing requirements for the issuance of such bonds; requiring the sale of bonds at a public sale; providing an exception; requiring Legislative approval of certain indebtedness; creating s. 348.0310, F.S.; providing the Department of Transportation may be appointed as an agent of the agency for construction; requiring the agency to provide specified documents to the department; creating s. 348.0311, F.S.; authorizing the authority to acquire land and property; authorizing specified persons to enter upon specified properties; providing for eminent domain authority; prohibiting certain liability of the agency; authorizing certain interagency agreements between the agency and the Department of Environmental Protection; creating s. 348.0312, F.S.; authorizing cooperation with other units of government and individuals; creating s. 348.0313, F.S.; providing a covenant of the state that it will not change certain laws; creating s. 348.0314, F.S.; providing an exemption from taxation; creating s. 348.0315, F.S.; requiring specified documents to be posted on the agency’s website; requiring a certain report; creating s. 348.0316, F.S.; providing that specified bonds or obligations are eligible investments for certain
purposes; creating s. 348.0317, F.S.; providing that specified pledges are enforceable by bondholders; creating s. 348.0318, F.S.; providing additional authority; transferring the assets and liabilities of the Miami-Dade County Expressway Authority to the Greater Miami Expressway Agency; providing terms of the transfer; providing that the agency succeeds to all powers of the authority; providing that revenues collected on the expressway system are agency revenues; requiring the agency, in consultation with the Division of Bond Finance, to review certain documents of the agency; providing terms and conditions of the transfer; providing for the dissolution of the Miami-Dade County Expressway Authority; creating ss. 348.635 and 348.7605, F.S.; providing a legislative declaration; authorizing the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority, respectively, to enter into public-private partnership agreements; authorizing solicitation or receipt of certain proposals; providing rulemaking authority; providing approval requirements; requiring certain costs to be borne by the private entity; providing notice requirements for requests for proposals; providing for ranking and negotiation of proposals; requiring the authorities to regulate tolls on certain facilities; requiring compliance with specified laws, rules, and conditions; providing for development, construction, operation, and maintenance of transportation projects
by the authorities or private entities; providing
collection; repealing part V of ch. 348, F.S.,
relating to the Osceola County Expressway Authority
Law; requiring the Office of Program Policy Analysis
and Government Accountability to submit a certain
report; providing effective dates.
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Taddeo) recommended the following:

Senate Amendment to Amendment (544834) (with title amendment)

Delete lines 78 - 188.
Delete lines 633 - 638.

And the title is amended as follows:
Delete lines 1581 - 1594 and insert:
amending s. 215.68, F.S.; conforming
Delete lines 1640 - 1643
and insert:
delegation of certain functions; providing that
members of
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Diaz) recommended the following:

**Senate Amendment to Amendment (544834) (with title amendment)**

Delete lines 421 - 453.

And the title is amended as follows:

Delete lines 1616 - 1620 and insert:
amending s. 339.175, F.S.; revising the
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Taddeo) recommended the following:

**Senate Amendment to Amendment (544834)**

Delete lines 579 - 588

and insert:

(2)(a) The governing body of the agency shall consist of seven voting members, each of whom must be a permanent resident of the county and may not hold elected office. Each member may serve only two 4-year terms. The Miami-Dade County Commission shall appoint four members, of which two members must live in the unincorporated areas of Miami-Dade County within 15 miles of...
the area with the highest amount of toll roads. The other two members must live in municipalities of Miami-Dade County, but cannot be from the same municipality. The Governor shall appoint three members living in Miami-Dade County, but such members cannot be from the same municipality.
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Diaz) recommended the following:

**Senate Amendment to Amendment (544834)**

Delete lines 582 - 586

and insert:

serve only two 4-year terms. All seven members shall be appointed by the Governor, subject to confirmation by the Senate. The district secretary of the department serving in
A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; conforming provisions to changes made by the act; amending s. 112.3144, F.S.; deleting an obsolete provision; requiring members of certain authorities to comply with certain financial disclosure requirements; amending s. 212.055, F.S.; revising the required uses of proceeds from charter county and regional transportation system surtaxes; requiring certain counties to use surtax proceeds for purposes related to fixed guideway rapid transit systems, bus systems, and development of dedicated facilities for autonomous vehicles; authorizing the use of surtax proceeds for the purchase of rights-of-way under certain circumstances; authorizing the use of surtax proceeds for refinancing existing or issuing new bonds; authorizing a percentage of surtax proceeds to be distributed to certain municipalities to be used for certain purposes; prohibiting the use of such proceeds for certain purposes; amending s. 215.68, F.S.; conforming provisions to changes made by the act; revising, reenacting, and amending s. 319.141, F.S.; requiring the Department of Highway Safety and Motor Vehicles to oversee a program, rather than a pilot program, to evaluate alternatives to certain rebuilt inspection services; deleting obsolete provisions; amending s. 334.175, F.S.; requiring the Department of Transportation to approve design plans for all transportation projects relating to department-owned assets and liabilities of the former Miami-Dade County Expressway Authority; requiring the department to continue tolls on certain facilities until bond obligations are fully discharged; prohibiting certain toll increases on former authority facilities; requiring specified fees to be deposited in a specified trust fund to be used for specified purposes; providing for the use of excess revenues; prohibiting facilities of the former authority from becoming facilities of the Florida Turnpike Enterprise; providing that such facilities are not subject to the Florida Turnpike Enterprise Law; amending s. 343.1003, F.S.; revising a cross-reference; repealing part I of chapter 348, F.S.,

rules-of-way under certain circumstances; amending s. 337.025, F.S.; authorizing the department to establish a program for transportation projects that demonstrate certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; amending s. 338.165, F.S.; conforming provisions to changes made by the act; amending s. 338.166, F.S.; limiting the toll rate for high-occupancy toll lanes or express lanes in certain counties; amending s. 338.231, F.S.; requiring the department to commit all net toll collections attributable to users of turnpike facilities in certain counties to projects and bond finance commitments in each respective county; creating s. 338.271, F.S.; requiring the department to assume the assets and liabilities of the former Miami-Dade County Expressway Authority; requiring the department to continue tolls on certain facilities until bond obligations are fully discharged; prohibiting certain toll increases on former authority facilities; requiring specified fees to be deposited in a specified trust fund to be used for specified purposes; providing for the use of excess revenues; prohibiting facilities of the former authority from becoming facilities of the Florida Turnpike Enterprise; providing that such facilities are not subject to the Florida Turnpike Enterprise Law; amending s. 343.1003, F.S.; revising a cross-reference; repealing part I of chapter 348, F.S.,
relating to the creation and operation of the Florida
Expressway Authority Act; transferring the assets and
liabilities of the Miami-Dade County Expressway
Authority to the department; providing terms of the
transfer; providing that the department succeeds to
all powers of the authority; providing that revenues
collected on the expressway system are department
revenues; requiring the department, in consultation
with the Division of Bond Finance, to review certain
documents of the authority; providing terms and
conditions of the transfer; providing requirements for
the use of cost savings and unencumbered cash
balances; requiring the department to display certain
signs; requiring an annual report to the Miami-Dade
County Board of County Commissioners and the Miami-
Dade County Transportation Planning Organization;
creating ss. 348.635 and 348.7605, F.S.; providing a
legislative declaration; authorizing the Tampa-
Hillsborough County Expressway Authority and the
Central Florida Expressway Authority, respectively, to
enter into public-private partnership agreements;
authorizing solicitation or receipt of certain
proposals; providing rulemaking authority; providing
approval requirements; requiring certain costs to be
borne by the private entity; providing notice
requirements for requests for proposals; providing for
ranking and negotiation of proposals; requiring the
authorities to regulate tolls on certain facilities;
requiring compliance with specified laws, rules, and

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

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) (b) The commission shall:
1. Recommend major transportation policies for the
Governor’s approval and assure that approved policies and any
revisions are properly executed.
2. Periodically review the status of the state
transportation system including highway, transit, rail, seaport,
intermodal development, and aviation components of the system
and recommend improvements to the Governor and the Legislature.
3. Perform an in-depth evaluation of the annual department
budget request, the Florida Transportation Plan, and the
tentative work program for compliance with all applicable laws
and established departmental policies. Except as specifically
provided in s. 339.135(4)(c)2., (d), and (f), the commission may
not consider individual construction projects, but shall

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CODING: Words stricken are deletions; words underlined are additions.
consider methods of accomplishing the goals of the department in
the most effective, efficient, and businesslike manner.

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

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

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

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

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

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

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

112.3144 Full and public disclosure of financial
interests.—

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

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

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

212.055 Discretionary sales surtaxes; legislative intent;
authorization and use of proceeds.—It is the legislative intent
that any authorization for imposition of a discretionary sales
surtax shall be published in the Florida Statutes as a
subsection of this section, irrespective of the duration of the
tax. Each enactment shall specify the types of counties
authorized to levy; the rate or rates which may be imposed; the
maximum length of time the surtax may be imposed, if any; the
procedure which must be followed to secure voter approval, if
required; the purpose for which the proceeds may be expended;
and such other requirements as the Legislature may provide.

(1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM

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

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

b. Remitted by the governing body of the county to an
expressway, transit, or transportation authority created by law
to be used, at the discretion of such authority, for the
development, construction, operation, or maintenance of roads or
bridges in the county, for the operation and maintenance of a
bus system, for the operation and maintenance of on-demand
transportation services, for the payment of principal and
interest on existing bonds issued for the construction of such
roads or bridges, and, upon approval by the county commission,
distribute proceeds from the tax to a municipality, or an
expressway or transportation authority created by law to be
expended for the purpose authorized by this paragraph. Any
county that has entered into interlocal agreements for
distribution of proceeds to one or more municipalities in the
county shall revise such interlocal agreements no less than
every 5 years in order to include any municipalities that have
been created since the prior interlocal agreements were
executed.

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

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

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

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

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

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

(c) Bear interest at a rate or rates not exceeding the
interest rate limitation set forth in s. 215.84(3);
(d) Have such provisions for registration of coupon bonds and conversion and reconversion of bonds from coupon to registered form or from registered form to coupon form;

(e) Have such provisions for payment at maturity and redemption before maturity at such time or times and at such price or prices; and

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

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

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

319.141 Rebuilt motor vehicle inspection program.—

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

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

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

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

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

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

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

(b) Secure and maintain a facility at a permanent structure at an address recognized by the United States Postal Service where the only services provided on such property are rebuilt inspection services. The operator of a facility shall annually attest that he or she is not employed by or does not have an ownership interest in or other financial arrangement with the owner, operator, manager, or employee of a motor vehicle repair shop as defined in s. 559.903, a motor vehicle dealer as defined in s. 320.27(1)(c), a towing company, a vehicle storage company, a vehicle auction, an insurance company, a salvage yard, a metal retailer, or a metal rebuilder, from which he or she receives
remuneration, directly or indirectly, for the referral of customers for rebuilt inspection services.
(c) Have and maintain garage liability and other insurance required by the department.
(d) Have completed criminal background checks of the owners, partners, and corporate officers and the inspectors employed by the facility.
(e) Meet any additional criteria the department determines necessary to conduct proper inspections.
(5) A participant in the program shall access vehicle and title information and enter inspection results through an electronic filing system authorized by the department and shall maintain records of each rebuilt vehicle inspection processed at such facility for at least 5 years.
(6) The department shall immediately terminate any operator from the program who fails to meet the minimum eligibility requirements specified in subsection (4). Before a change in ownership of a rebuilt inspection facility, the current operator must give the department 45 days’ written notice of the intended sale. The prospective owner must meet the eligibility requirements of this section and execute a new memorandum of understanding with the department before operating the facility.
(7) This section is repealed on July 1, 2018, unless saved from repeal through reenactment by the Legislature.
Section 6. Section 334.175, Florida Statutes, is amended to read:
334.175 Certification of project design plans and surveys.—
(1) All design plans and surveys prepared by or for the department shall be signed, sealed, and certified by the professional engineer or surveyor or architect or landscape architect in responsible charge of the project work. Such professional engineer, surveyor, architect, or landscape architect must be duly registered in this state.
(2) For all transportation projects on, under, over, or abutting a department-owned right-of-way and regardless of funding source, the department shall approve the design plans for such projects if such design plans meet department design standards.
Section 7. Section 337.025, Florida Statutes, is amended to read:
337.025 Innovative transportation highway projects;
(1) The department may authorize to establish a program for transportation highway projects demonstrating innovative techniques of highway and bridge design, construction, maintenance, and finance which have the intended effect of measuring resiliency and structural integrity and controlling tim and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway and bridge design, construction, and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to adhere to those provisions of law that would
Section 9. Present subsections (5), (6), and (7) of section 338.166, Florida Statutes, are redesignated as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to that section, to read:

338.166 High-occupancy toll lanes or express lanes.—

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

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

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

(3)(a) For the period July 1, 1998, through June 30, 2027, the department shall, to the maximum extent feasible, program sufficient funds in the tentative work program such that all of the percentage of turnpike toll and bond financed commitments in Miami-Dade County, Broward County, and Palm Beach County as compared to total turnpike toll and bond financed commitments shall be at least 90 percent of the share of net toll collections attributable to users of the turnpike facilities system in Miami-Dade County, Broward County, and Palm Beach County as are consistent with other revenues of the turnpike system as are consistent with the revenue-producing project on the county road system, any remaining toll revenue shall be used for the construction, maintenance, or improvement of other state or county road within the county or counties in which the revenue-producing project is located, except as provided in s. 338.0004.

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

338.165 Continuation of tolls.—

(2) If the revenue-producing project is on the State Highway System, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the revenue-producing project is located, except as provided in s. 338.0004.

(5) If the revenue-producing project is on the county road system, any remaining toll revenue shall be used for the construction, maintenance, or improvement of other state or county road within the county or counties in which the revenue-producing project is located, except as provided in s. 338.0004.
CODING: Words _____ are deletions; words __ are additions.

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Section 13. Part I of chapter 348, Florida Statutes, is amended to read:

The department shall assume the assets and liabilities of the Miami-Dade County Expressway Authority.

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

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

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

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

Covenants.

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

1. Reimburse outstanding contractual obligations.
2. Operate and maintain the highways and toll facilities, including reconstruction and restoration, such that these facilities are maintained to department standards.
3. Pay for projects funded by toll revenues from the former Miami-Dade County Expressway Authority which are contained in the 5-year work program adopted by the Miami-Dade County Expressway Authority on December 5, 2018.

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

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

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

343.1003 Northeast Florida Regional Transportation Commission.—

(6) Notwithstanding s. 112.3144(1) (b), members of the board shall file a statement of financial interests with the Commission on Ethics pursuant to s. 112.3145.

Section 13. Part I of chapter 348, Florida Statutes, is amended to read:

Fees generated from tolls shall be deposited into the State Transportation Trust Fund and may be used to:

1. Reimburse outstanding contractual obligations.
2. Operate and maintain the highways and toll facilities, including reconstruction and restoration, such that these facilities are maintained to department standards.
3. Pay for projects funded by toll revenues from the former Miami-Dade County Expressway Authority which are contained in the 5-year work program adopted by the Miami-Dade County Expressway Authority on December 5, 2018.

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

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

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

343.1003 Northeast Florida Regional Transportation Commission.—

(6) Notwithstanding s. 112.3144(1) (b), members of the board shall file a statement of financial interests with the Commission on Ethics pursuant to s. 112.3145.

Section 13. Part I of chapter 348, Florida Statutes,
Section 14. (1) Effective upon this act becoming a law, the governance and control of the Miami-Dade County Expressway Authority is transferred to the Department of Transportation pursuant to the terms of this section. The assets, facilities, tangible and intangible property and any other rights in such property, and any other legal rights of the authority, including the expressway system operated by the authority, are transferred to the department. The department succeeds to all powers of the authority, and the operations and maintenance of the expressway system shall be under the control of the department. Revenues collected on the expressway system shall be considered department revenues but shall be subject to the lien of the trust indentures securing the Miami-Dade County Expressway Authority bonds. The department also assumes all liability for bonds of the authority pursuant to subsection (2). The department shall, in consultation with the Division of Bond Finance, review all other contracts, financial obligations, and contractual relationships and liabilities of the authority, and the department may assume responsibility for the obligations that are determined to be necessary or desirable for the continued operation of the expressway system. Employees, officers, and members of the authority may not sell, dispose, encumber, transfer, or expend the assets of the authority as existed and reflected in the authority’s financial statements for the fiscal year ended June 30, 2018, other than in the ordinary course of business. For purposes of this section, incurring debt or issuing bonds for projects contained in the 5-year work program approved and adopted by the authority on December 5, 2018, is not considered the ordinary course of business. Notwithstanding the foregoing, nothing contained herein shall prevent the authority from designing and planning projects contained in the 5-year work program approved and adopted by the authority on December 5, 2018.

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

(3) After the transfer, the department shall consider refinancing all or a portion of outstanding Miami-Dade County Expressway Authority bonds if doing so would result in net cost savings. Any resulting cost savings shall be used to reduce toll.
The department shall use the unencumbered cash balances transferred under this section to prepay or defease outstanding Miami-Dade County Expressway Authority bonds or debts to the extent allowed by or consistent with the terms and covenants provided for the protection of the holders of the Miami-Dade County Expressway Authority bonds in the trust indentures or resolutions adopted in connection with the issuance of such bonds.

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

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

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

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

(4) The department shall notify the county commissioners of the Miami-Dade County Board of County Commissioners of the proposed project:

(a) In the public’s best interest.

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

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

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

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

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

(3) The authority may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Register and a newspaper of general circulation in the county in which it is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the authority shall rank the proposals in order of preference. In ranking the proposals, the authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, including eminent domain, to facilitate the development and construction of transportation projects pursuant to this section. The authority may pay all or part of the cost of operating and maintaining the facility or may provide services.

The authority may pay all or part of the cost of operating and maintaining the facility or may provide services.
to the private entity for which it receives full or partial reimbursement for services rendered.

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

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

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

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

(a) Is in the public’s best interest.
(b) Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.
(c) Would have adequate safeguards to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or the cancellation of the agreement by the authority.
(d) Would have adequate safeguards in place to ensure that the department, the authority, or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations.
(e) Would be owned by the authority upon completion or termination of the agreement.

(2) The authority shall ensure that all reasonable costs to the state which are related to transportation facilities that are not part of the State Highway System are borne by the private entity. The authority shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities related to the private transportation facility are borne by the private entity for transportation facilities that are owned by private entities. For projects on
Agreements entered into pursuant to this section may consist of sections 348.9950, 348.9951, 348.9952, 348.9953, 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and 348.9961, is repealed.

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

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

Each public-private transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; the authority’s rules, policies, procedures, and standards for transportation facilities; and any other conditions that the authority determines to be in the public’s best interest.

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

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

Section 18. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2019.
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

04/04/2019
Meeting Date

898
Bill Number (if applicable)

544834
Amendment Barcode (if applicable)

Topic Transportation

Name Carl Mikyska

Job Title Executive Director

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City State Zip

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Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL MPO Advisory Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Bill Number (if applicable)

Topic

Name JESS MCCARTY

Job Title ASSISTANT COUNTY ATTORNEY

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MIA MI FL 33128

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Email JMM2@MIAMIDADE.GOV

Speaking: □ For □ Against □ Information

Waive Speaking: □ In Support □ Against
(The Chair will read this information into the record.)

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: □ Yes □ No

Lobbyist registered with Legislature: □ Yes □ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/14/14)
THE FLORIDA SENATE

APPEARANCE RECORD

4-9-19
Meeting Date

Bill Number (if applicable)

898

Topic

Amendment Barcode (if applicable)

Name

CARLOS A. GIMENEZ

Phone

305-375-5071

Job Title

MAYOR MIAMI-DADE COUNTY

Email

Address

111 NW 151 ST 2810

Representing

Speaking: □ For □ Against □ Information

Waive Speaking: □ In Support □ Against
(The Chair will read this information into the record.)

 Appearing at request of Chair: □ Yes □ No Lobbyist registered with Legislature: □ Yes □ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)
I. Summary:

PCS/CS/SB 932 revises various provisions of law relating to autonomous vehicles. The bill deems an automated driving system to be the operator of an autonomous vehicle while operating in autonomous mode, regardless of whether a person is physically present in the vehicle.

The bill authorizes operation of a fully autonomous vehicle on Florida roads regardless of whether a human operator is physically present in the vehicle. Under the bill, a licensed human operator is not required to operate a fully autonomous vehicle. The bill authorizes an autonomous vehicle or a fully autonomous vehicle equipped with a teleoperation system to operate without a human operator physically present in the vehicle when the teleoperation system is engaged.

The bill exempts fully autonomous vehicles operating with the automated driving system engaged from certain duties under ch. 316, F.S., such as the duty to give information and render aid, in the event of an accident. Provisions relating to unattended motor vehicles or property are also deemed inapplicable to such fully autonomous vehicles. The bill amends other provisions related to video displays, use of wireless communications devices, and other statutes to incorporate exemptions for autonomous vehicles.

Additionally, the bill applies provisions relating to the operation of transportation network companies (TNCs) and vehicles to on-demand autonomous vehicle networks. The bill requires a
fully autonomous vehicle with the automated driving system engaged in an on-demand autonomous vehicle network to have certain insurance policies and coverages.

The bill authorizes the Florida Department of Transportation (FDOT), in consultation with the Department of Highway Safety and Motor Vehicles, to explore the efficient implementation of innovative transportation technologies, including, but not limited to, vehicle electrification, shared vehicle use, automated vehicles, and other mobility technologies that provide transportation options intended to increase personal mobility, facilitate shorter urban trips, or provide connections to other modes of transportation. The FDOT must prepare an annual report outlining undertaken programs.

The bill authorizes the Florida Turnpike Enterprise (Turnpike Enterprise) within the FDOT to enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected innovative transportation technology solutions for specified purposes.

The bill expresses legislative intent to provide for uniformity of laws governing autonomous vehicles throughout the state and prohibits a local government from imposing any tax, fee, for-hire vehicle requirement, or other requirement on automated driving systems, autonomous vehicles, or on a person who operates an autonomous vehicle. See Section IV.

To the extent that the FDOT or the Florida Turnpike Enterprise implement programs or enter into agreements as allowed under the bill, the fiscal impact on the entities is indeterminate. Otherwise, the bill does not have an impact to state revenues or expenditures.

The bill takes effect July 1, 2019.

II. Present Situation:

Federal Policy and Guidance

According to the United States Department of Transportation (USDOT), an estimated 37,133 lives were lost on U.S. roads in 2017. Ninety-four percent of all serious motor vehicle crashes involved human error and other driver-related factors, such as impaired driving, distracted driving, and speeding or illegal maneuvers. The USDOT views automated vehicles as an important innovation in transportation: “Automated vehicles that accurately detect, recognize, anticipate, and respond to the movements of all transportation system users could lead to breakthrough gains in transportation safety… Their potential to reduce deaths and injuries on the Nation’s roadways cannot be overstated.”

While multiple definitions for levels of vehicle automation exist, as part of previously-issued voluntary federal guidance and for overall awareness and to ensure consistency in taxonomy

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2 Id.
usage, the National Highway Traffic Safety Administration (NHTSA)\(^3\) adopted SAE International’s\(^4\) Levels of Automation and other applicable terminology.\(^5\) The SAE International Standard J3016\(^6\) focuses on automated driving systems that function at Levels 3, 4, and 5 of driving automation and, along with related terminology, specifies the following six levels of driving automation:

- **Level 0**: The human driver performs all driving tasks, even when enhanced by warning or intervention systems. (No automation.)
- **Level 1**: The automated driving system assists the human driver by a driver-assistance system of either steering or acceleration/deceleration using information about the driving environment, with the expectation that the human driver performs all remaining aspects of the driving task. (Driver assistance.)
- **Level 2**: The automated driving system executes one or more driver assistance systems of both steering and acceleration/deceleration using information about the driving environment, with the expectation that the human driver performs all remaining aspects of the driving task. (Partial automation.)
- **Level 3**: The automated driving system performs all aspects of the driving task, with the expectation that a human driver will respond appropriately to a request to intervene. (Conditional automation.)
- **Level 4**: The automated driving system performs all aspects of the driving task, even if a human driver does not respond appropriately to a request to intervene. (High automation.)
- **Level 5**: The automated driving system performs all aspects of the driving task at all times under all roadway and environmental conditions that can be managed by a human driver. (Full automation.)

In October of 2018, the USDOT released new federal guidance for automated driving systems, building on previous policy and expanding the scope to all surface on-road transportation systems. The new guidance is structured around three key areas: advancing multi-modal safety, reducing policy uncertainty, and outlining a process for working with the USDOT.\(^7\)

Additionally, to prevent confusion and support consistent terminology, the USDOT encourages state legislators to use terminology already being developed through voluntary, consensus-based, technical standards, such as SAE terminology.\(^8\) The USDOT recommends that state legislatures follow best practices, such as providing a technology-neutral environment, licensing and registration procedures, and reporting and communications methods for public safety officials.

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\(^3\) NHTSA, the National Highway Traffic Safety Administration, is a part of the USDOT. See USDOT, *Our Administrations*, updated January 29, 2018, available at [https://www.transportation.gov/administrations](https://www.transportation.gov/administrations) (last viewed March 25, 2019).

\(^4\) The SAE’s website describes itself as follows: “[SAE International is a global association of more than 128,000 engineers and related technical experts in the aerospace, automotive and commercial-vehicle industries. [SAE International’s] core competencies are life-long learning and voluntary consensus standards development.” See SAE, *About SAE International*, available at [http://www.sae.org/about/](http://www.sae.org/about/) (last viewed March 25, 2019).


\(^6\) See the SAE International Standard J3016, *Taxonomy and Definitions for Terms Related to Driving Automation Systems of On-Road Motor Vehicles*. (Revised June 2018) at p. 19 (Copy on file with the Senate Infrastructure and Security Committee).

\(^7\) *Supra* note 1 at pp. viii – x.

\(^8\) *Id.* at p. 20.
States should consider reviewing and potentially modifying traffic laws and regulations that may be barriers to automated vehicles.9

For ease of organization and readability, the present situation for each issue in the bill is discussed below in conjunction with the effect of proposed changes.

III. Effect of Proposed Changes:

Definitions (Section 3)

Present Situation

Section 316.003, F.S., provides definitions relating to uniform traffic control. Specifically, with respect to autonomous vehicles, that section defines:

- “Autonomous vehicle” to mean “any vehicle equipped with autonomous technology.”
- “Autonomous technology” to mean “technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator.”10, 11

Effect of Proposed Changes

Section 3 of the bill revises the definitions related to autonomous vehicles:

- Automated driving system: “The hardware and software that are collectively capable of performing the entire dynamic driving task of an autonomous vehicle on a sustained basis, regardless of whether it is limited to a specific operational design domain.” This definition is identical to the SAE definition, except that the SAE definition expressly provides that the term is used specifically to describe a level 3, 4, or 5 driving automation system.12
- Autonomous vehicle: “Any vehicle equipped with an automated driving system.” The existing definitions of “autonomous vehicle” and “autonomous technology” are repealed from current law.
- Dynamic driving task: “All of the real-time operational and tactical functions required to operate a vehicle in on-road traffic within its specific operational design domain, if any, excluding strategic functions such as trip scheduling and selection of destination and waypoints.” This definition is similar, but not identical to the SAE definition of the term.13
- Fully autonomous vehicle: “A vehicle equipped with an automated driving system designed to function without a human operator.” The SAE standard does not define this term.

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9 Id. at p. 19.
10 Further, autonomous technology “excludes a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without active control or monitoring by a human operator.”
11 “Operator” is currently defined as “any person who is in actual physical control of a motor vehicle upon the highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.” Section 316.003(48), F.S.
12 Under the SAE definitions, “driving automation system” is a generic term that refers to any level 1-5 system or feature that performs part of all of the dynamic driving task on a sustained basis. The SAE guidelines advise that this term should be distinguished from the term “automated driving system” which more specifically refers to levels 3-5. Supra note 6 at p. 3.
13 Supra note 6 at p. 6.
However, the standard assumes that the automated driving system performs the entire dynamic driving task, while engaged, for levels 3, 4, and 5 of driving automation.\textsuperscript{14}

- Operational design domain: “A description of the specific operating domain in which an automated driving system is designed to properly operate, including, but not limited to, roadway types, speed ranges, environmental conditions such as weather and time of day, and other domain constraints.” This definition is not identical to that contained in the SAE standard but the SAE definition appears to use different words to define the same term: “Operating conditions under which a given driving automation system or feature thereof is specifically designed to function, including, but not limited to, environmental, geographical, and time-of-day restrictions, and/or the requisite presence or absence of certain traffic or roadway characteristics.”\textsuperscript{15}

The bill also defines the term “on-demand autonomous vehicle network,” to mean “a passenger transportation network that uses a software application or other digital means to connect passengers to fully autonomous vehicles, exclusively or in addition to other vehicles, for transportation, including for-hire transportation and transportation for compensation.”

The bill defines the term “teleoperation system” to mean “the hardware and software installed in a motor vehicle which allow a remote human operator to supervise or perform aspects of, or the entirety of, the dynamic driving task. The term ‘remote human operator’ means a natural person who is not physically present in a vehicle equipped with an automated driving system who engages or monitors the vehicle from a remote location. A remote human operator may have the ability to perform aspects of, or the entirety of, the dynamic driving task for the vehicle or cause the vehicle to achieve a minimal risk condition.”

**Uniform Traffic Control Duties (Sections 4 – 7)**

**Present Situation**

Various provisions of ch. 316, F.S., impose certain duties relating to vehicle operation on a driver\textsuperscript{16} in ch. 316, F.S. Among those duties, in general, are:

- Section 316.062, F.S., requires the driver of any vehicle involved in a crash resulting in any person’s injury or death, or property damage to any vehicle or other property which is driven or attended by any person, to provide personal and vehicle identification information and to render reasonable assistance to any injured person.
- Section 316.063, F.S., requires the driver of any vehicle involved in a crash with any unattended vehicle or other property, resulting in damage to the vehicle or property, to stop, locate, and notify the operator or owner of the vehicle or property to provide personal and vehicle identification information; and to notify the nearest police authority.
- Section 316.065(1), F.S., requires the driver of a vehicle involved in a crash resulting in any person’s injury or death, or damage to any vehicle or other property apparently exceeding $500, to give notice of the crash to the appropriate law enforcement office.

\textsuperscript{14} Supra note 6 at p. 19.
\textsuperscript{15} Supra note 6 at p. 14.
\textsuperscript{16} “Driver” is currently defined as “any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.” Section 316.003(20), F.S.
- Section 316.1975, F.S., prohibits a person driving or in charge of any motor vehicle from letting the vehicle stand unattended without first stopping the engine, locking the ignition, and removing the key; and stand unattended on any perceptible grade without stopping the engine, setting the brake, and turning the front wheels to the curb or side of the street.

**Effect of Proposed Changes**

**Sections 4, 5, and 6** amend ss. 316.062, 316.063, and 316.065, F.S., to provide in each that the duties described above do not apply to a fully autonomous vehicle operating with the automated driving system engaged in the event of a crash involving the vehicle if the vehicle owner, or a person on behalf of the owner, promptly contacts a law enforcement agency to report the crash or if the fully autonomous vehicle has the capability of alerting a law enforcement agency to the crash.

**Section 7** amends s. 316.1975, F.S., to provide that section does not apply to a fully autonomous vehicle operating with the automated driving system engaged.

The bill excludes application of these duties to a fully autonomous vehicle equipped with an automated driving system designed to function without a human operator.

**Electronic Displays in Vehicles/Wireless Communication Devices (Sections 8 and 9)**

**Present Situation:**

Section 316.303, F.S., prohibits operation of a motor vehicle on the highways if the vehicle is actively displaying moving television broadcast or pre-recorded video entertainment content that is visible from the driver’s seat while the vehicle is in motion, unless the vehicle is equipped with autonomous technology and is being operated in autonomous mode.

However, the use of an electronic display by an operator of a vehicle equipped with autonomous technology is not prohibited.

Section 316.305(3), F.S., generally contains provisions prohibiting a person from operating a motor vehicle while using a wireless communications device for texting, emailing, or instant messaging. However the prohibition does not apply to a motor vehicle operator who is, among other items, operating an autonomous vehicle in autonomous mode.

**Effect of Proposed Changes**

**Section 8** amends s. 316.303, F.S., to incorporate the new definition for autonomous vehicles. A vehicle being operating with the “automated driving system” engaged is not prohibited from operating with displays visible to the driver when the car is in motion.

**Section 9** amends s. 316.305, F.S., to revise a statutory reference to the new definition of “autonomous vehicle,” and revise the exclusion from the prohibitions against using a wireless communications device for texting, emailing, or instant messaging to an autonomous vehicle operating with the automated driving system engaged. This revision excludes autonomous vehicles, *i.e.*, those equipped with any “automated driving system,” from the prohibitions against use of a wireless communications device.
Autonomous Vehicle “Operator” and Driver Licensing (Sections 10 and 12)

Present Situation

Section 316.85, F.S., requires a person to possess a valid driver license to operate an autonomous vehicle on Florida roads. Under the statute, unless the context otherwise requires, a person is deemed to be the operator of an autonomous vehicle operating in autonomous mode when the person causes the vehicle’s autonomous technology to engage, regardless of whether the person is physically present in the vehicle while the vehicle is operating in autonomous mode.

Effect of Proposed Changes

Section 10 amends s. 316.85, F.S., to provide that a licensed human operator is not required to operate a “fully autonomous vehicle.” Additionally, the bill authorizes a fully autonomous vehicle to operate in Florida regardless of whether a human operator is physically present in the vehicle. Unless otherwise provided by law, applicable traffic or motor vehicle laws of this state may not be construed to:

- Prohibit the automated driving system from being deemed the operator of an autonomous vehicle operating with the automated driving system engaged.
- Require a licensed human operator to operate a fully autonomous vehicle.

These revisions allow autonomous vehicles equipped with automated driving systems designed to function without a human operator to self-operate, with or without a licensed human occupant, or any occupant.

Unless the context otherwise requires, the bill deems the automated driving system, when engaged, to be the operator of an autonomous vehicle, regardless of whether a person is physically present in the vehicle while the vehicle is operating with the automated driving system engaged. While liability for actionable events relating to a “traditional” motor vehicle rests with that vehicle’s owner or operator, the bill places responsibility for actionable events related to an autonomous vehicle with an engaged automated driving system on the automated driving system, potentially including the owner, manufacturer, or seller of the system.17

Section 12 creates s. 322.015, F.S., to exempt a fully autonomous vehicle operated with the automated driving system engaged and without a human operator from ch. 322, F.S., relating to driver licenses, to conform to the revisions in the bill.

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17 Section 316.86, F.S., currently provides that “the original manufacturer of a vehicle converted by a third party into an autonomous vehicle is not liable in, and shall have a defense to and be dismissed from, any legal action brought against the original manufacturer by any person injured due to an alleged vehicle defect caused by the conversion of the vehicle, or by equipment installed by the converter, unless the alleged defect was present in the vehicle as originally manufactured.” The bill does not amend this provision.
Autonomous Vehicle Compliance with Motor Vehicle and Traffic Laws and Vehicle Alerts

Present Situation

Section 319.145, F.S., requires an autonomous vehicle registered in this state to continue to meet applicable federal standards and regulations for such vehicle. Additionally, the vehicle must:

- Have a system to safely alert the operator if an autonomous technology failure is detected while the technology is engaged. When an alert is given, the system must:
  - Require the operator to take control of the autonomous vehicle; or
  - If the operator does not or is not able to take control, be capable of bringing the vehicle to a complete stop.
- Have a means inside the vehicle to visually indicate when the vehicle is operating in autonomous mode.
- Be capable of being operated in compliance with applicable Florida traffic and motor vehicle laws.

In recognition of the potential for federal preemption of state laws relating to autonomous vehicles, current law provides that NHTSA regulations supersede s. 319.145, F.S., when found to be in conflict with those regulations.

Federal regulations in 49 C.F.R. part 567 generally require each motor vehicle manufacturer to affix a certification label to each vehicle that contains specified information that assists consumers in determining which federal motor vehicle safety standards apply to the vehicle.\(^{18}\) There are no provisions specific to autonomous vehicles, and the regulations apply only to the extent that such regulations can be applied to autonomous vehicles. In its most recent federal guidance, the USDOT announced its intention, through the NHTSA to reconsider the necessity and appropriateness of its current safety standards as applied to ADS-equipped vehicles. In an upcoming rulemaking, NHTSA plans to seek comment on proposed changes to particular safety standards to accommodate automated vehicle technologies and the possibility of setting exceptions to certain standards – that are relevant only when human drivers are present – for ADS-equipped vehicles.\(^{19}\)

Effect of Proposed Changes

Section 11 of the bill amends s. 319.145, F.S., to require an autonomous vehicle registered in this state to meet all of the following requirements:

- When required by federal law, the vehicle must:
  - Have been certified in accordance with federal regulations in 49 C.F.R. part 567 as being in compliance with applicable federal safety standards.
  - Bear the required certification label or labels, including reference to any exemption granted under applicable federal law.

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\(^{18}\) 49 C.F.R. s. 567.1.

\(^{19}\) Supra note 1 at p. 7. “ADS-equipped vehicles” are vehicles equipped with automated driving systems.
• The vehicle must be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state, regardless of whether the vehicle is operating with the automated driving system engaged.

Under current federal regulations, it appears a manufacturer may not be able to receive an exemption from one or more safety standards currently applicable to “traditional” motor vehicles. However, should such regulations be adopted, as announced by the USDOT, to accommodate automated vehicle technologies through exceptions to certain standards, the federal regulations would apply and supersede Florida law to the extent of any conflict.

In addition, if the autonomous vehicle is not fully autonomous, the bill requires the vehicle to have a system to safely alert a licensed human operator physically present in the vehicle if an automated driving system failure is detected while the automated driving system is engaged. When an alert is given, the system must require the licensed human operator to take control of the autonomous vehicle or achieve a “minimal risk condition.”

If the vehicle is fully autonomous, the vehicle must be able to achieve a minimal risk condition if a failure of the system occurs which renders it unable to perform the entire dynamic driving task relevant to its intended operational design domain. The bill defines “minimal risk condition” to mean a reasonably safe state, such as bringing the vehicle to a complete stop and activating the vehicle’s hazard lamps.  

On-Demand Autonomous Vehicle Networks (Sections 1 and 10)

Present Situation

Current law does not contain any provisions addressing on-demand autonomous vehicle networks.

Effect of Proposed Changes

Section 3 of the bill amends s. 316.003, F.S., to create a definition for the term “on-demand autonomous vehicle network,” which is defined to mean “a passenger transportation network that uses a software application or other digital means to connect passengers to fully autonomous vehicles, exclusively or in addition to other vehicles, for transportation, including for-hire transportation and transportation for compensation.”

This section of the bill also creates a definition for the term “teleoperation system,” meaning “the hardware and software installed in a motor vehicle which allow a remote human operator to supervise or perform aspects of, or the entirety of, the dynamic driving task. The term ‘remote human operator’ means a natural person who is not physically present in a vehicle equipped with an automated driving system who engages or monitors the vehicle from a remote location. A

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20 The SAE standard defines this term as “[a] condition to which a user or an ADS may bring a vehicle after performing the DDT fallback in order to reduce the risk of a crash when a given trip cannot or should not be completed.” The SAE standard defines the term “DDT fallback” (dynamic driving task fallback) as “[t]he response by the user to either perform the DDT or achieve a minimal risk condition after occurrence of a DDT performance-relevant system failure(s) or upon operational design domain (ODD) exit, or the response by an ADS to achieve minimal risk condition, given the same circumstances.” Supra note 6 at pp. 7 and 11.
remote human operator may have the ability to perform aspects of, or the entirety of, the
dynamic driving task for the vehicle or cause the vehicle to achieve a minimal risk condition.”

Section 10 of the bill amends s. 316.85, F.S., to authorize these networks to operate pursuant to
state laws governing the operation of transportation network companies (TNC) and TNC
vehicles as defined in s. 627.748, F.S. The bill provides that any provision of s. 627.748, F.S.,
that reasonably applies only to a human driver does not apply to the operation of a fully
autonomous vehicle, i.e., one equipped with an automated driving system designed to function
without a human operator, with the automated driving system engaged in an on-demand
autonomous vehicle network.

On-demand autonomous vehicle networks will be subject to the same regulations and
requirements (other than those that would reasonably only apply to a human driver) as TNCs
under s. 627.748, F.S. Some of those requirements include:
• Designating and maintaining an agent for service of process in Florida,
• Providing identification of the vehicle’s license plate number and certain disclosures to
  passengers related to the collection of fares,
• Maintaining varying levels of automobile insurance and ride records, and
• Submitting specified examination reports to the Department of Financial Services.

The bill requires a fully autonomous vehicle with the automated driving system engaged in an
on-demand autonomous vehicle network to meet certain insurance requirements.

Section 13 creates s. 627.749, F.S., to set insurance requirements for a fully autonomous vehicle
with the automated driving system engaged in an on-demand autonomous vehicle network. The
vehicle must be covered by an automobile insurance policy that includes:
• Primary liability coverage of at least $1 million for death, bodily injury, and property
damage;
• Personal injury protection benefits that meet the minimum coverage amounts of Florida’s no
  fault insurance laws;\(^{21}\) and
• Uninsured and underinsured vehicle coverage.\(^{22}\)

The insurance can be maintained by either the owner of the vehicle, the on-demand autonomous
vehicle network, or a combination by both.

\(^{21}\) See ss. 627.730 – 627.7405, F.S. The personal injury protection (PIP) must provide a minimum benefit of $10,000 for
bodily injury to any one person who sustains an emergency medical condition, which is reduced to a $2,500 limit for medical
benefits if a treating medical provider does not determine an emergency medical condition existed. PIP coverage provides
reimbursement for 80 percent of reasonable medical expenses, 60 percent of loss of income, and 100 percent of replacement
services, for bodily injury sustained in a motor vehicle accident, without regard to fault. The property damage liability
coverage must provide a $10,000 minimum benefit. A $5,000 death benefit is also provided. Senate Bill Analysis and Fiscal
Impact Statement for CS/SB 1052, March 29, 2018, available at
\(^{22}\) Section 627.727, F.S.
Regulation of Autonomous Vehicles (Section 10)

Effect of Proposed Changes

Section 10 of the bill amends s. 316.85, F.S., to express legislative intent to provide for uniformity of laws governing autonomous vehicles throughout the state. The bill prohibits a local government from imposing a tax, fee, for-hire vehicle requirement, or other requirement on automated driving systems or autonomous vehicles or on a person who operates an autonomous vehicle, including, but not limited to, a person who operates an autonomous vehicle for purposes of providing passenger transportation services. To the extent that any local government currently imposes such a tax, fee, or other requirement on such systems, vehicles, or persons, the tax, fee, or other requirement would be prohibited.

Innovative Transportation Technologies (Sections 1, 2, and 10)

Present Situation

The FDOT is currently broadly charged in s. 334.044, F.S., with the responsibility and duty to conduct research studies and to collect data necessary for the improvement of the state transportation system, to cooperate with and assist local governments in the development of a statewide transportation system and in the development of the individual components of the system, and to conduct research and demonstration projects relative to innovative transportation technologies. As an example, the FDOT’s Assistant Secretary’s Division for Strategic Development is comprised of offices and personnel that, among other functions:

- Provide the foundation for programming and project delivery through innovative planning and effective outreach to strategically advance the best transportation solutions at the right time;
- Oversee the alignment of information and operational technologies for the FDOT, with responsibility for the strategy and operations of the FDOT’s technology environment; and
- Oversee the FDOT’s research program and contracts with state universities and other research service providers to conduct research in all areas of transportation.

The FDOT also produces innovative technology publications designed to be resources for transportation entities in researching both traditional and emerging technologies. For example, the FDOT in 2018 published its Transit Technology Primer, noting “the challenges of deciding which emerging technology to pursue, whether to be an early adopter, or how the new technology will affect service delivery.” The report is described as “a synthesis of the policy and regulatory framework surrounding transit technology; past and ongoing research, prototype, and pilot efforts; commercially available products; and the experiences of transit agencies.”

23 Section 334.044(20), (21), and (22), F.S.
26 Id.
Additionally, s. 338.2215, F.S., expresses the legislative intent that the Turnpike Enterprise maximize the advantages obtainable through fully leveraging the turnpike system asset, and that the additional powers and authority granted to the Turnpike Enterprise will provide it with the autonomy and flexibility to enable it to more easily pursue innovations and best practices found in the private sector in, among other items, operations. Section 338.2216(1)(d), F.S., directs the Turnpike Enterprise in part to “pursue and implement new technologies and processes in its operations.”

As an example of such efforts, the Turnpike Enterprise and other entities are participating in a project called SunTrax. According to the project website, “located off I-4 between Orlando and Tampa, SunTrax is a large-scale facility dedicated to the research, development, and testing of emerging transportation technologies in safe and controlled environments.”27 Site construction began in June 2017. The site covers 400 acres containing a multi-lane 2.25-mile long oval track and a 200-acre infield designed specifically for development and testing of automated driving systems.28 The first phase is expected to open in April of 2019, with a design that accommodates an urban area with shipping containers used to replicate buildings, a suburban area, and an airport pickup/drop off area, “all designed to challenge autonomous vehicles.”29

Effect of Proposed Changes

Section 1 of the bill creates s. 316.0899, F.S., entitled “innovative transportation technology pilot or demonstration programs,” more specifically authorizing the FDOT, in consultation with the Department of Highway Safety and Motor Vehicles (DHSMV), to conduct pilot or demonstration programs to explore the efficient implementation of innovative transportation technologies, including, but not limited to, vehicle electrification, shared vehicle use, automated vehicles, and other mobility technologies that provide transportation options intended to increase personal mobility, facilitate shorter urban trips, or provide connections to other modes of transportation. Such pilot or demonstration projects may include innovative transportation technologies that improve delivery of transportation disadvantaged services.30 The bill directs the FDOT to prepare an annual report for submission to the Governor, the President of the Senate, and the Speaker of the House of Representatives outlining any undertaken programs and any findings or recommendations the FDOT deems necessary for future implementation.

Section 2 amends s. 338.2216, F.S., to authorize the Turnpike Enterprise to enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected innovative transportation technologies for the purpose of improving safety and decreasing congestion for the traveling public. The agreements may include terms that authorize

27 For more information, see the SunTrax website at http://www.suntraxfl.com/#about-us (last viewed March 25, 2019).
30 The Transportation Disadvantaged Program coordinates a network of local and state programs providing transportation services for elderly, disabled, and low-income citizens. The program assists the transportation disadvantaged; that is, a person who, because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities. The program also assists children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S. Section 427.011(1), F.S.
a private entity to sell or provide products or business opportunities at the facilities which benefit the traveling public, provide additional revenue, or otherwise advance the Turnpike Enterprise’s objectives provided in the Florida Transportation Code.\textsuperscript{31}

**Technical Revisions (Sections 13-18)**

**Effect of Proposed Changes**

**Sections 14, 15, 16, and 17** amend ss. 339.175, 339.64, 339.83, and 627.0653, F.S., respectively, to replace each occurrence of the phrase “autonomous technology,” “autonomous vehicle technology,” and “autonomous driving technology” with the phrase “automated driving system” to incorporate the new definition of the latter term.

**Section 18** amends s. 655.690, F.S., to update a cross reference.

**Effective Date**

The bill takes effect July 1, 2019.

**IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds or that limit their ability to raise revenue or receive state tax revenue.

Subsection (b) of Art. VII, s. 18 of the Florida Constitution provides that, except upon approval by each house of the Legislature by two-thirds vote of its membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate. However, these requirements do not apply to laws that have an insignificant fiscal impact on local governments, which for Fiscal Year 2018-2019 is forecast at slightly over $2 million.\textsuperscript{32, 33, 34}

The bill prohibits local governments from imposing a tax, fee, for-hire vehicle requirement, or other requirement on automated driving systems or autonomous vehicles or on a person who operates an autonomous vehicle, including, but not limited to, a person who operates an autonomous vehicle for purposes of providing passenger transportation services. At this time, the extent to which any local government currently

\textsuperscript{31} Chapters 334-339, 341, 348, and 349 and ss. 332.003-332.007, 351.35, 351.36, 351.37, and 861.011 may be cited as the “Florida Transportation Code.” Section 334.01, F.S.

\textsuperscript{32} Fla. Const. art. VII, s. 18(d).

\textsuperscript{33} An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. See Florida Senate Committee on Community Affairs, Interim Report 2012-115: Insignificant Impact, (Sept. 2011), available at [http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf](http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf)

\textsuperscript{34} Based on the Florida Demographic Estimating Conference’s November 5, 2018 population forecast for 2019 of 21,170,399. The conference packet is available at [http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf](http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf)
imposes the prohibited taxes, fees, or other requirements, or the amounts imposed is unknown. Thus, whether the bill would reduce the authority of municipalities or counties to raise in the aggregate revenue exceeding the “insignificant impact” ceiling is unknown.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Section 10 of the bill prohibits a local government from imposing a tax, fee, for-hire vehicle requirement, or other requirement on automated driving systems or autonomous vehicles or on a person who operates an autonomous vehicle, including, but not limited to, a person who operates an autonomous vehicle for purposes of providing passenger transportation services. To the extent that any local government currently imposes such a tax, fee, or other requirement on such systems, vehicles, or persons, the tax, fee, or other requirement would be prohibited.

B. Private Sector Impact:

The traveling public may benefit from reduced congestion and commute times, increased mobility, and potential reductions in fatalities and injuries to the extent that the bill facilitates growth in the number and safe operation of autonomous vehicles on the road.

Insurance companies may benefit from increased sales resulting from application of insurance requirements to on-demand autonomous vehicle networks as provided in sections 10 and 13 of the bill.

Manufacturers and distributors of autonomous vehicles and automated driving systems may benefit from the provisions in sections 1 and 2 of the bill authorizing the FDOT and the Turnpike Enterprise to conduct pilot or demonstration programs; to enter into one or more agreements to fund, construct, and operate test facilities, which may include private entity sales to the public; and to undertake research and development projects. The same entities may benefit to the extent that the bill facilitates growth of the number of autonomous vehicles on the road.
C. Government Sector Impact:

Section 1 of the bill authorizes the FDOT, in consultation with the DHSMV, to conduct pilot or demonstration programs to explore the efficient implementation of innovative transportation technologies. Section 2 of the bill also authorizes the Turnpike Enterprise to enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected transportation technologies, which agreements may include authorizing a private entity to sell or provide products or business opportunities at the facilities. This revision may produce additional revenue to the Turnpike Enterprise.

The FDOT and Turnpike Enterprise are not required to enter into contracts or implement new programs. However, if the entities do decide to implement these bill provisions, the fiscal impact is indeterminate because the number and terms of any such agreements is unknown but would be subject to available appropriations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 316.003, 316.062, 316.063, 316.065, 316.1975, 316.303, 316.305, 316.85, 319.145, 338.2216, 339.175, 339.64, 339.83, 627.0653, and 655.960.

This bill creates the following sections of the Florida Statutes: 316.0899, 322.015, and 627.749.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 4, 2019:

The committee substitute:

• Removes a provision from section 10 of the bill that was duplicative of section 2 of the bill related to allowing the Florida Turnpike Enterprise to undertake research and development projects related to autonomous and connected innovative transportation technology solutions.

• Creates insurance requirements for a fully autonomous vehicle with the automated driving system engaged in an on-demand autonomous vehicle network.
CS by Infrastructure and Security on March 20, 2019:
The committee substitute:
- Creates a definition for each of the terms “teleoperation system” and “remote human operator,” in relation to on-demand autonomous vehicle networks.
- Authorizes the FDOT, in consultation with the Department of Highway Safety and Motor Vehicles, to explore the efficient implementation of innovative transportation technologies, and requires the FDOT to submit an annual report outlining undertaken programs.
- Authorizes the Turnpike Enterprise to enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected technologies, which agreements may include terms that authorize a private entity to sell or provide products or business opportunities at the facilities.
- Authorizes the Turnpike Enterprise to fund, construct, and operate test facilities and undertake research and development projects for the advancement of autonomous, connected, and innovative transportation technology solutions.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 249 - 302

and insert:

Section 10. Section 316.85, Florida Statutes, is amended to read:

316.85 Autonomous vehicles; operation; compliance with traffic and motor vehicle laws; preemption.—

(1) Notwithstanding any other law, a licensed human operator is not required to operate a fully autonomous vehicle A
person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode on roads in this state if the vehicle is equipped with autonomous technology, as defined in s. 316.003(3) s. 316.003.

(2) A fully autonomous vehicle may operate in this state, regardless of whether a human operator is physically present in the vehicle.

(3)(a) For purposes of this chapter, unless the context otherwise requires, the automated driving system, when engaged, a person shall be deemed to be the operator of an autonomous vehicle operating in autonomous mode when the person causes the vehicle’s autonomous technology to engage, regardless of whether a the person is physically present in the vehicle while the vehicle is operating with the automated driving system engaged in autonomous mode.

(b) Unless otherwise provided by law, applicable traffic or motor vehicle laws of this state may not be construed to:

1. Prohibit the automated driving system from being deemed the operator of an autonomous vehicle operating with the automated driving system engaged.

2. Require a licensed human operator to operate a fully autonomous vehicle.

(4) An on-demand autonomous vehicle network must operate pursuant to state laws governing the operation of transportation network companies and transportation network company vehicles as those terms are defined in s. 627.748, except that any provision of s. 627.748 which reasonably applies only to a human driver does not apply to the operation of a fully autonomous vehicle with the automated driving system engaged in an on-demand
autonomous vehicle network. A fully autonomous vehicle with the automated driving system engaged in an on-demand autonomous vehicle network must meet the insurance requirements in s. 627.749.

(5) Notwithstanding any other provision of this chapter, an autonomous vehicle or a fully autonomous vehicle equipped with a teleoperation system may operate without a human operator physically present in the vehicle when the teleoperation system is engaged. A vehicle that is subject to this subsection must meet the requirements of s. 319.145 and is considered a vehicle that meets the definition of s. 316.003(3)(c) for the purposes of ss. 316.062(5), 316.063(4), 316.065(5), 316.1975(3), and 316.303(1).

(6) It is the intent of the Legislature to provide for

And the title is amended as follows:

Delete lines 34 - 37

and insert:

construction; providing requirements for
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Thurston) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 355 - 359 and insert:

(5) Notwithstanding s. 324.021 or any other provision of law, the owner of an autonomous vehicle is fully liable for damages caused by the autonomous vehicle while operating in autonomous mode if the automated driving system failed to perform like a reasonably prudent human operator would under similar circumstances. Nothing in this chapter may be construed...
to limit or diminish any right to recover damages caused by
autonomous vehicles under Florida statutory or common law.

Section 12. Section 322.015, Florida Statutes, is created
to read:

322.015 Exemption.—This chapter does not apply when a fully
autonomous vehicle is operated with the automated driving system
engaged and without a human operator.

Section 13. Section 324.033, Florida Statutes, is created
to read:

324.033 Manner of proving financial responsibility;
autonomous vehicles.—

(1) All fully autonomous vehicles must have uninsured and
underinsured motorist coverage as required by s. 627.727,
personal injury protection coverage as required by s. 627.736,
and liability coverage insuring the owner of the vehicle in the
amount of at least $500,000 for combined bodily injury liability
and property damage liability or:

(a) At least $100,000 for bodily injury to or the death of
one person in any one accident;
(b) Subject to such limits for one person, at least
$300,000 for bodily injury to or the death of two or more
persons in any one accident; and
(c) At least $50,000 for damage to or destruction of the
property of others in any one accident.

(2) Notwithstanding subsection (1), the owner or operator
of an autonomous vehicle used commercially for the pickup or
delivery of passengers or goods or for providing other services
for compensation, except as provided in s. 627.749, must be
insured by a motor vehicle liability policy that provides all of
the following:

(a) Primary liability coverage that insures the owner in the amount of at least $2 million for combined bodily injury liability and property damage liability.

(b) Personal injury protection benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405.

(c) Uninsured and underinsured motorist coverage as required by s. 627.727.

And the title is amended as follows:

Delete lines 51 - 52 and insert:

this state; providing construction; creating s. 322.015, F.S.; providing applicability; creating s. 324.033, F.S.; providing insurance requirements for fully autonomous vehicles; providing insurance requirements for a certain owner or operator of an autonomous vehicle used commercially for the pickup or delivery of passengers or goods or for providing other services for compensation; amending ss. 339.175, 339.64, 339.83,
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 359 and 360, insert:

Section 13. Section 627.749, Florida Statutes, is created to read:

627.749 On-demand autonomous vehicle networks.—
(1) DEFINITIONS.—As used in this section, the term:
(a) “Automated driving system” has the same meaning as in s. 316.003.
(b) “Fully autonomous vehicle” has the same meaning as provided in s. 316.003(3).

(c) “On-demand autonomous vehicle network” has the same meaning as provided in s. 316.003.

(2) INSURANCE REQUIREMENTS.—

(a) A fully autonomous vehicle with the automated driving system engaged in an on-demand autonomous vehicle network must be covered by a policy of automobile insurance which provides:

1. Primary liability coverage of at least $1 million for death, bodily injury, and property damage;

2. Personal injury protection benefits that meet the minimum coverage amounts required under ss. 627.730-627.7405;

and

3. Uninsured and underinsured vehicle coverage as required by s. 627.727.

(b) The coverage requirements of paragraph (a) may be satisfied by any of the following:

1. Automobile insurance maintained by the owner of a fully autonomous vehicle with the automated driving system engaged in an on-demand autonomous vehicle network;

2. Automobile insurance maintained by the on-demand autonomous vehicle network; or

3. A combination of subparagraphs 1. and 2.

And the title is amended as follows:

Delete line 52
and insert:

applicability; creating s. 627.749, F.S.; defining
terms; providing insurance requirements for a fully autonomous vehicle with the automated driving system engaged in an on-demand autonomous vehicle network; amending ss. 339.175, 339.64, 339.83,
A bill to be entitled
An act relating to autonomous vehicles; creating s.
316.0899, F.S.; authorizing the Department of
Transportation, in consultation with the Department of
Highway Safety and Motor Vehicles, to conduct pilot or
demonstration programs to explore the efficient
implementation of innovative transportation
technologies; requiring the Department of
Transportation to submit a certain annual report to
the Governor and the Legislature; amending s.
338.2216, F.S.; authorizing the Florida Turnpike
Enterprise to enter into one or more agreements to
fund, construct, and operate facilities for the
advancement of autonomous and connected innovative
transportation technologies for certain purposes;
amending s. 316.003, F.S.; revising and providing
definitions; amending ss. 316.062, 316.063, 316.065,
and 316.1975, F.S.; providing applicability; amending
s. 316.303, F.S.; exempting a vehicle being operated
with the automated driving system engaged from a
prohibition on the active display of television or
video; amending s. 316.305, F.S.; exempting a motor
vehicle operator who is operating an autonomous
vehicle from a prohibition on the use of wireless
communications devices; amending s. 316.85, F.S.;
providing that a licensed human operator is not
required to operate a fully autonomous vehicle;
authorizing a fully autonomous vehicle to operate in
this state regardless of whether a human operator is
physically present in the vehicle; requiring the
automated driving system to be deemed to be the
operator of an autonomous vehicle operating with the
automated driving system engaged; providing
construction; authorizing the Florida Turnpike
Enterprise to fund, construct, and operate certain
test facilities and undertake certain research and
development projects; providing requirements for
operation of on-demand autonomous vehicle networks;
authorizing an autonomous vehicle or fully autonomous
vehicle equipped with a teleoperation system to
operate without a human operator physically present in
the vehicle when the teleoperation system is engaged;
providing requirements for such vehicles; providing
construction; providing legislative intent;
prohibiting a local government from imposing any tax,
fee, for-hire vehicle requirement, or other
requirement on automated driving systems or autonomous
vehicles or on a person who operates an autonomous
vehicle; amending s. 319.145, F.S.; revising
requirements for autonomous vehicles registered in
this state; creating s. 322.015, F.S.; providing
applicability; amending ss. 339.175, 339.64, 339.83,
and 627.0653, F.S.; conforming provisions to changes
made by the act; amending s. 655.960, F.S.; conforming
a cross-reference; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Section 316.0899, Florida Statutes, is created to read:

316.0899 Innovative transportation technology pilot or demonstration programs.—The Department of Transportation, in consultation with the department, may conduct pilot or demonstration programs to explore the efficient implementation of innovative transportation technologies, including, but not limited to, vehicle electrification, shared vehicle use, automated vehicles, and other mobility technologies that provide transportation options intended to increase personal mobility, to facilitate shorter urban trips, or to provide connections to other modes of transportation. Such pilot or demonstration programs may also include innovative transportation technologies that improve the delivery of transportation disadvantaged services. The Department of Transportation shall prepare an annual report outlining the programs undertaken pursuant to this section. The report may include any findings or recommendations the department deems necessary for future implementation. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 2. Paragraph (f) is added to subsection (1) of section 338.2216, Florida Statutes, to read:

338.2216 Florida Turnpike Enterprise; powers and authority.—

(f) The Florida Turnpike Enterprise may enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected innovative transportation technologies for the purposes of improving safety, operational and tactical functions required to operate a vehicle on a sustained basis, regardless of whether it is limited to a specific operational design domain. The term:

(a) “Autonomous vehicle” means any vehicle equipped with an automated driving system.

(b) “Dynamic driving task” means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic within its specific operational design domain, if any, excluding strategic functions such as trip scheduling and selection of destinations and waypoints.
(c) "Fully autonomous vehicle" means a vehicle equipped with an automated driving system designed to function without human control or monitoring by a human operator. The term “autonomous technology” means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator. The term excludes a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without active control or monitoring by a human operator.

(d) "Operational design domain" means a description of the specific operating domain in which an automated driving system is designed to properly operate, including, but not limited to, roadway types, speed ranges, environmental conditions such as weather and time of day, and other domain constraints.

(88) TELEOPERATION SYSTEM.—The hardware and software installed in a motor vehicle which allow a remote human operator to supervise or perform aspects of, or the entirety of, the dynamic driving task. The term “remote human operator” means a natural person who is not physically present in a vehicle equipped with an automated driving system who engages or monitors the vehicle from a remote location. A remote human operator may have the ability to perform aspects of, or the entirety of, the dynamic driving task for the vehicle or cause the vehicle to achieve a minimal risk condition.

Section 4. Subsection (5) is added to section 316.062, Florida Statutes, to read:

316.062 Duty to give information and render aid.—
(5) This section does not apply to a fully autonomous vehicle, operating with the automated driving system engaged, in the event of a crash involving the vehicle if the vehicle owner, or a person on behalf of the vehicle owner, promptly contacts a law enforcement agency to report the crash or if the fully autonomous vehicle has the capability of alerting a law enforcement agency to the crash.

Section 5. Subsection (4) is added to section 316.063, Florida Statutes, to read:

316.063 Duty upon damaging unattended vehicle or other property.—
(4) This section does not apply to a fully autonomous vehicle, operating with the automated driving system engaged, in the event of a crash involving the vehicle if the vehicle owner, or a person on behalf of the vehicle owner, promptly contacts a law enforcement agency to report the crash or if the fully autonomous vehicle has the capability of alerting a law enforcement agency to the crash.
with the automated driving system engaged in autonomous mode, as defined in s. 316.003(3), and is being operated by a law enforcement agency to report the crash or if the fully autonomous vehicle has the capability of alerting a law enforcement agency to the crash.

Section 6. Subsection (5) is added to section 316.065, Florida Statutes, to read:

316.065 Crashes; reports; penalties.—
(5) Subsection (1) does not apply to a fully autonomous vehicle, operating with the automated driving system engaged, in the event of a crash involving the vehicle if the vehicle owner, or a person on behalf of the vehicle owner, promptly contacts a law enforcement agency to report the crash or if the fully autonomous vehicle has the capability of alerting a law enforcement agency to the crash.

Section 7. Subsection (3) is added to section 316.1975, Florida Statutes, to read:

316.1975 Unattended motor vehicle.—
(3) This section does not apply to a fully autonomous vehicle operating with the automated driving system engaged.

Section 8. Section 316.303, Florida Statutes, is amended to read:

316.303 Television receivers.—
(1) A motor vehicle may not be operated on the highways of this state if the vehicle is actively displaying moving television broadcast or pre-recorded video entertainment content that is visible from the driver’s seat while the vehicle is in motion, unless the vehicle is equipped with autonomous technology, as defined in s. 316.003(3), and is being operated with the automated driving system engaged in autonomous mode.
A fully autonomous vehicle may operate in this state regardless of whether a human operator is physically present in the vehicle.
automated driving system engaged in an on-demand autonomous vehicle network.

(6) Notwithstanding any other provision of this chapter, an autonomous vehicle or a fully autonomous vehicle equipped with a teleoperation system may operate without a human operator physically present in the vehicle when the teleoperation system is engaged. A vehicle that is subject to this subsection must meet the requirements of s. 319.145 and is considered a vehicle that meets the definition of s. 316.003(3)(c) for the purposes of ss. 316.062(5), 316.063(4), 316.065(5), 316.1975(3), and 316.303(1).

(7) It is the intent of the Legislature to provide for uniformity of laws governing autonomous vehicles throughout the state. A local government may not impose any tax, fee, for-hire vehicle requirement, or other requirement on automated driving systems or autonomous vehicles or on a person who operates an autonomous vehicle, including, but not limited to, a person who operates an autonomous vehicle for purposes of providing passenger transportation services.

Section 11. Section 319.145, Florida Statutes, is amended to read:

319.145 Autonomous vehicles.—

1. An autonomous vehicle registered in this state must continue to meet all of the following requirements:

(a) When required by federal law:

1. Has been certified in accordance with federal regulations in 49 C.F.R. part 567 as being in compliance with applicable federal motor vehicle safety standards.

2. Bear the required certification label or labels.

(b) Be capable of being operated in compliance with the applicable federal motor vehicle safety standards, regardless of whether the vehicle is operating with the automated driving system engaged.

(2) If the autonomous vehicle is not fully autonomous, applicable federal standards and regulations for such motor vehicle, the vehicle must:

(a) Have a system to safely alert a licensed human the operator physically present in the vehicle if an automated driving system autonomous technology failure is detected while the automated driving system autonomous technology is engaged. When an alert is given, the system must:

1. Require the licensed human operator to take control of the autonomous vehicle or must achieve a minimal risk condition.

2. If the operator does not, or is not able to, take control of the autonomous vehicle, be capable of bringing the vehicle to a complete stop.

(b) Have a means, inside the vehicle, to visually indicate when the vehicle is operating in autonomous mode.

(c) Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.

(3) If the autonomous vehicle is fully autonomous, it must be able to achieve a minimal risk condition if a failure of the automated driving system occurs which renders that system unable to perform the entire dynamic driving task relevant to its intended operational design domain. The term “minimal risk
596-03288-19 2019932c1

condition” means a reasonably safe state, such as bringing the vehicle to a complete stop and activating the vehicle’s hazard lamps.

(4) Federal regulations promulgated by the National Highway Traffic Safety Administration shall supersede this section when found to be in conflict with this section.

Section 12. Section 322.015, Florida Statutes, is created to read:

322.015 Exemption.—This chapter does not apply when a fully autonomous vehicle is operated with the automated driving system engaged and without a human operator.

Section 13. Paragraph (c) of subsection (7) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida’s economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and

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

596-03288-19 2019932c1

reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems autonomous technology and other developments.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan.

The long-range transportation plan must be approved by the M.P.O.

CODING: Words **stricken** are deletions; words *underlined* are additions.
Section 14. Paragraph (c) of subsection (3) and paragraph (4) of section 339.64, Florida Statutes, are amended to read:

339.64 Strategic Intermodal System Plan.—
(3) The department shall coordinate with federal, regional, and local partners, as well as industry representatives, to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems autonomous technology and other developments, in Strategic Intermodal System facilities.

(4) The Strategic Intermodal System Plan shall include the following:
(a) A needs assessment that must include, but is not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems autonomous technology and other developments.

Section 15. Section 339.83, Florida Statutes, is amended to read:

339.83 Enrollment in federal pilot programs.—The Secretary of Transportation may enroll the State of Florida in any federal pilot program or project for the collection and study of data for the review of federal or state roadway safety, infrastructure sustainability, congestion mitigation, transportation system efficiency, automated driving systems autonomous vehicle technology, or capacity challenges.

Section 16. Subsection (6) of section 627.0653, Florida Statutes, is amended to read:

627.0653 Insurance discounts for specified motor vehicle equipment.—
(6) The Office of Insurance Regulation may approve a premium discount to any rates, rating schedules, or rating manuals for the liability, personal injury protection, and collision coverages of a motor vehicle insurance policy filed with the office if the insured vehicle is equipped with an automated driving system autonomous driving technology or electronic vehicle collision avoidance technology that is factory installed or a retrofitted system and that complies with National Highway Traffic Safety Administration standards.

Section 17. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960—655.965. As used in this section and ss. 655.961—655.965, unless the context otherwise requires:
(1) “Access area” means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(82)(a) or 316.003(81)(a) or (b), including any adjacent sidewalk, as defined in s. 316.003.

Section 18. This act shall take effect July 1, 2019.
To: Senator Travis Hutson  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development

Subject: Committee Agenda Request

Date: March 21, 2019

I respectfully request that Senate Bill #932, relating to Autonomous Vehicles, be placed on the:

☑ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Jeff Brandes  
Florida Senate, District 24
Meeting Date: 4/4/19

Bill Number (if applicable): 43/53-932

Amendment Barcode (if applicable): 73/53-932

The Florida Senate

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: 4/4/19

Topic: Autonomous Vehicles

Name: Diane Call

Job Title: Lobbyist

Address: 537 E Park

Street: Tall FL 32301

City: State: Zip:

Phone: 850-210-4024

Email: diane@teamjk.com

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [V] In Support [ ] Against

(The Chair will read this information into the record.)

Representing: Alliance of Automobile Manufacturers

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4.4.19
Meeting Date

SB 932
Bill Number (if applicable)

Topic AUTONOMOUS VEHICLES

MEGAN SIRIANE-SAMPLES
Name

SOUTHEAST PUBLIC POLICY MANAGER
Job Title

1508 COOMBS DR
Address

TALLAHASSEE, FL
S230C
City State Zip

Phone 561.352.3389

MEGAN.SIRIANE@LYFT.COM
Email

Speaking: [] For [] Against [] Information

Waive Speaking: [X] In Support [] Against
(The Chair will read this information into the record.)

Representing LYFT INC.

Appearing at request of Chair: [] Yes [] No
Lobbyist registered with Legislature: [X] Yes [] No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: 04/04/19

Bill Number (if applicable): 932

Amendment Barcode (if applicable):

Topic: Autonomous Vehicles

Name: Cesar Fernandez

Job Title:

Address: 480 NE 30th St, Apt 802

Phone: 786-262-6092

Email: Cesar@convergegov.com

City: Miami

State: FL

Zip: 33137

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against

(The Chair will read this information into the record.)

Representing: Starsky Robotics

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 4/4/19

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Autonomous Vehicles

Name Andy Palmer

Job Title

Address 119 S. Monroe St., Ste 200

City Tallahassee

State Florida

Zip 32309

Phone 850 205 9000

Email andy.palmer@mahl-firm.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against

(The Chair will read this information into the record.)

Representing General Motors

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/19

Meeting Date

SB 932

Bill Number (if applicable)

Topic

Autonomous Vehicles

Name

Stephanie Smith

Job Title

Address

80 SW 8th St

City

Street

State

Zip

Phone

Email

Smiths@uber.com

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against

(The Chair will read this information into the record.)

Representing

Uber

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Apr 4 2019

Bill Number (if applicable)

932

Amendment Barcode (if applicable)

Topic

Autonomous Vehicles

Name

Christopher Emmanuel

Job Title

Policy Director

Address

360 S Bronough

Street

Tallahassee

City

State

32301

Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against

(The Chair will read this information into the record.)

Representing

Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)
04/04/2019
Meeting Date

Topic  Autonomous Vehicles

Name  Candice Ericks

Job Title  Lobbyist

Address  110 SE Sixth Street, Suite 1500
Street

Fort Lauderdale  FL  33301
City  State  Zip

Phone  954-648-1204
Email  candice@tsecgov.com

Speaking:  For  Against  Information  
Waive Speaking:  ✔️  In Support  ❌  Against  
(The Chair will read this information into the record.)

Representing  JM Family Enterprises

Appearing at request of Chair:  ❌  Yes  ✔️  No  Lobbyist registered with Legislature:  ✔️  Yes  ❌  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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4-4-19

Meeting Date

932

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Autonomous Vehicles

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N. Adams St

Street

TLH

City

FL

State

32301

Zip

Phone 224-7173

Email bbevis@aif.com

Speaking: □ For □ Against □ Information

Waive Speaking: ✔ In Support □ Against

(The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: □ Yes ✔ No

Lobbyist registered with Legislature: ✔ Yes □ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD
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Meeting Date 4/4/19

Bill Number (if applicable) CS/SB 932

Amendment Barcode (if applicable)

Topic  Autonomous Vehicles

Name  Dorene Barker

Job Title  AARP - Associate State Director

Address  200 W. College Ave., Ste 304A

Phone  850-228-6387

City  Tallahassee

State  FL

Zip  32301

Email  dobarker@aarp.org

Speaking:    ☑ For    ☐ Against    ☐ Information

Waive Speaking:    ☐ In Support    ☑ Against
(The Chair will read this information into the record.)

Representing  AARP Florida

Appearing at request of Chair:    ☑ Yes    ☐ No

Lobbyist registered with Legislature:    ☑ Yes    ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: 4/4/19

Bill Number (if applicable): 56932

Amendment Barcode (if applicable): 7355051

Topic: Autonomous Vehicles

Name: Javie Starkes

Job Title: CED, CAF

Address: 506 College St

City: Tallahassee

State: FL

Zip: 32301

Phone: 224-1660

Email: JavieStarkes18@gmail.com

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing: [ ] Tesla

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: 4/4/19

Bill Number: 513932

Topic: Autonomous Vehicles

Name: Fred Baggett

Job Title: 

Address: 101 E. College Ave.

Street: Tallahassee, FL 32301

City: State: Zip: 

Phone: 850-425-8512

Email: Baggett.F@GTan.com

Speaking: ☑️ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against

(The Chair will read this information into the record.)

Representing: Ford Motor Company

Appearing at request of Chair: ☑️ Yes ☐ No

Lobbyist registered with Legislature: ☑️ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: 4-4-19

Bill Number (if applicable): 932

Amendment Barcode (if applicable):

Topic: Autonomous Vehicles

Name: SAL MEZO

Job Title: VP Policy

Address: 100 N. Dummy St

City: Tall State: FL Zip: 32301

Phone: 850-322-9941

Email:

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against

(The Chair will read this information into the record.)

Representing: THE JAMES MADISON INST.

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/14/19

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Autonomous Vehicles

Name Diego Echeverri

Job Title Director of Coalitions

Address 200 W College Ave

Phone 813-767-2084

Email deccheverri@org

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [X] In Support [ ] Against

(The Chair will read this information into the record.)

Representing Americans for Prosperity

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/2019
Meeting Date

SB932
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic
Autonomous Vehicles

Name
Alex Gillen

Job Title
Attorney

Address
201 S. Orange Ave., Suite 1500
Orlando, Florida 32801

Phone

Email

Speaking: □ For □ Against □ Information
Waive Speaking: □ In Support □ Against
(The Chair will read this information into the record.)

Representing
FJA

Appearing at request of Chair: □ Yes □ No
Lobbyist registered with Legislature: □ Yes □ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)
THE FLORIDA SENATE

APPEARANCE RECORD

(For BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 4/4/2019

Bill Number (if applicable) SB 937

Amendment Barcode (if applicable) 782344

Topic Autonomous Vehicles

Name Alex Gillen

Job Title Attorney

Address 201 S. Orange St., Suite 1500

Orlando, FL 32801

Phone (407) 648-5977

Email gillen@newsomlaw.com

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FJA

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: 4/4/19

Bill Number (if applicable): SB 932

Amendment Barcode (if applicable): 783 844

Topic: AUTOMONOUS VEHICLES

Name: JEFF SHARKY

Job Title: CEO, CAB

Address: 106 E College Ave

City: TALL

State: FL

Zip: 32301

Phone: 224-660

Email: nash@Tesla

Speaking: ☑️ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: TESLA

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)
I. Summary:

PCS/CS/SB 974 makes changes to the business of storing and selling or reselling damaged or dismantled motor vehicles.

The bill requires that when an insurance company notifies an independent entity in possession of a motor vehicle to release a vehicle, the insurance company must provide the independent entity a release statement authorizing release of the vehicle to the owner or to the lienholder.

The bill allows the independent entity’s notice to the owner to be provided by a commercial delivery service that provides proof of delivery, in addition to certified mail. When the Department of Highway Safety and Motor Vehicles (DHSMV) does not have the owner’s address on record, the bill allows the notice to be sent to the vehicle owner’s address on file with the insurance company and on file with the vehicle’s most recent titling jurisdiction.

The bill allows an independent entity in possession of a vehicle to apply for a certificate of destruction or a certificate of title if a vehicle is not claimed within 30 days after the attempted delivery of notice to the owner; at present, an application can be made only after delivery of the notice to the owner.
When applying for a certificate of destruction or salvage certificate of title, the bill requires the independent entity in possession of a vehicle to:

- Provide proof of all lien satisfactions or proof of a release on all liens on a vehicle;
- Provide an affidavit indicating a notice had been sent to all lienholders and 30 days has passed since the notice was delivered or delivery was attempted, in the event a lien satisfaction or a release of all liens on a vehicle cannot be obtained;
- Provide proof of notice delivery to the lienholder at the address on the certificate of title and, if the address is different than the one on file with the Department of State for the lienholder’s registered agent, provide proof of notice delivery to that address.

Effective October 1, 2019, the bill allows a licensed salvage motor vehicle dealer or motor vehicle auction or insurance company that processes title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvaged vehicles to act as an electronic filing system agent of the DHSMV, if the entity does so in the normal course of business.

The bill does not have a significant fiscal impact to state and local government. See Section V.

The bill takes effect July 1, 2019.

II. Present Situation:

Notice of Possession

Pursuant to s. 319.30, F.S., an insurance company may notify an independent entity¹ that obtains possession of a damaged or dismantled motor vehicle (vehicle) to release the vehicle to the owner. The notice must include a release statement on a form prescribed by the Department of Highway Safety and Motor Vehicles (DHSMV) authorizing the independent entity to release the vehicle to the owner. The form must contain:

- The policy and claim number;
- The name and address of the insured;
- The vehicle identification number; and
- The signature of an authorized representative of the insurance company.

The independent entity in possession of the vehicle must send a notice by certified mail to the owner that the vehicle is available for pick up when it receives a release statement from the insurance company. It must inform the owner that he or she has 30 days after receipt of the notice to pick up the vehicle from the independent entity. If the vehicle is not claimed within 30 days after the owner receives the notice, the independent entity may apply for a certificate of destruction or a certificate of title.

¹ See s. 319.30(1)(g), F.S. (“Independent entity” means a business or entity that may temporarily store damaged or dismantled motor vehicles pursuant to an agreement with an insurance company and is engaged in the sale or resale of damaged or dismantled motor vehicles. The term does not include a wrecker operator, a towing company, or a repair facility.)
The independent entity must make a notification in the National Motor Vehicle Title Information System before releasing any damaged or dismantled motor vehicle to the owner or before applying for a certificate of destruction or salvage certificate of title.

Upon applying for a certificate of destruction or salvage certificate of title, the independent entity must provide a copy of the release statement from the insurance company, proof of providing the 30-day notice to the owner, proof of notification to the National Motor Vehicle Title Information System, and payment of any applicable fees.

**Electronic Filing System (EFS)**

In 2009, legislation was passed which established state jurisdiction over the EFS program, which is a software application that interacts with the Florida Real-time Vehicle Information System (FRVIS) to securely process title and registration transactions, customer inquiries, and updates in real-time. Certified service providers build their own interface systems that link up with the EFS to provide transaction services to EFS agents (primarily motor vehicle dealers). The EFS agents provide title and registration processing services to customers when products are purchased. The EFS will also generate the appropriate DHSMV documents, including the vehicle registration, title application form, and in some cases the title certificate (printed from Tallahassee). At the end of the EFS transaction, the customer’s vehicle is titled and registered without having to visit a tax collector or a DHSMV office.

The tax collector is responsible for reviewing and approving EFS title and registration transactions processed by participating EFS agents in the county. Access to the EFS by dealers and other organizations is provided through a certified service provider (CSP). There are currently five certified service providers participating in the EFS:

- CVR.
- Title Technologies Auto Data Direct, Inc.
- Decision Dynamics, Inc.
- DLRdmv.

These certified service providers have over 2,400 EFS agents providing title and registration services throughout the state. However, EFS is an optional service for EFS agents. All 67 counties have the capability to offer EFS connections to agents, however, all agents do not participate.

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2 Chapter 2009-206, s. 3, Laws of Fla., preempted to the state jurisdiction over the system.
4 Id.
5 Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, EFS Background - 765 (March 7, 2019) (on file with the Senate Infrastructure and Security Committee).
Electronic Filing System Rule Requirements

Florida Administrative Code Chapter 15C-16 prescribes and defines the DHSMV EFS and the participation requirements, certification of service providers, system requirements, and enforcement authority for noncompliance.

A tax collector must:
- Appoint an EFS agent to the county after the DHSMV notifies the tax collector that the entity is authorized;
- Review supporting documentation from EFS transactions processed in the county; and
- Receive funds collected electronically from EFS transactions from the CSP and remit funds to the State.6

EFS agents must sell products that can be titled and registered, provide title and registration services on behalf of customers, enter into a contract with a CSP, apply to the DHSMV to become an authorized EFS agent, have a satisfactory background check with no felony convictions in the last 7 years, have no state-initiated disciplinary actions within the last 2 years, and may only operate in the county for which they are authorized.7

The DHSMV has enforcement over the EFS agents. Violations can result in revocation of an EFS agent’s ability to use the electronic filing system. Violations include unauthorized access of data by users, failing to execute electronic funds transfers, charging title and registration fees in excess of those allowed by law, and failing to correct errors or clear pending transactions as required by the DHSMV.8

Salvage Dealers and Metal Recyclers

Secondary metals recyclers9 must be licensed by the Department of Revenue10 and salvage motor vehicle dealers11 must be licensed by the DHSMV.12 Currently salvage dealers and metal recyclers initiating a certificate of destruction, salvage title, and derelict vehicle certificate transactions must, in person or by mail, process the request at the tax collector office or license plate agency as directed by the DHSMV and pay any applicable fees for the transaction.13 Application documents are reviewed by the tax collector or license plate agency and then processed or rejected. If the documents are approved, the tax collector or license plate agency processes the transaction, uploads the documents to FRVIS, and prints the certificate of destruction, salvage title, or derelict vehicle certificate. If the documents are rejected, the salvage

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6 Rule 15C-16.009, F.A.C.
7 Rule 15C-16.010, F.A.C.
8 Rule 15C-16.013, F.A.C.
9 Secondary metals recycler is defined in s. 538.18(11) F.S.
10 Section 538.25, F.S.
11 See s. 320.27(1)(c)5., F.S. (“Salvage motor vehicle dealer” means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.)
12 Id.
dealers and metal recyclers must correct any errors in the documentation or application and start the process again.

III. Effect of Proposed Changes:

Section 1 amends s. 319.30(9), F.S., related to damaged or dismantled vehicles held by independent entities.

The insurance company is currently required to send the independent entity in possession of a vehicle a release statement that authorizes the independent entity to release the vehicle to the vehicle’s owner. The bill requires the release statement to also authorize release to lienholders.

The bill allows the independent entity to provide the notice of pickup to the owner by another commercially available delivery service that provides proof of delivery in addition to the current option of sending the notice by certified mail. Under the bill the owner has 30 days from the date of delivery or attempted delivery of the notice to claim the vehicle, instead of 30 days from the date of receipt of the notice in current law.

Currently, the independent entity must deliver the notice to the owner’s address that is in DHSMV records. Under the bill, if the DHSMV records do not contain the owner’s address, then the independent entity must deliver the notice to the address in the release statement from the insurance company, as well as any address provided by the latest titling jurisdiction identified through the National Motor Vehicle Title Information System or an equivalent commercially available system.

All records related to the 30-day notice sent to the owner, the results of any searches of the National Motor Vehicle Title Information System or an equivalent commercially available system, and any notifications to the National Motor Vehicle Title Information System must be maintained for a minimum of three years by the independent entity.

The bill also adds a requirement that independent entities must provide proof of all lien satisfactions or proof of a release on all liens on a vehicle when applying for a certificate of destruction or salvage certificate of title. If the independent entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle, the independent entity must provide an affidavit stating that:
- Notice was sent to all lienholders that the motor vehicle was available for pickup,
- 30 days have passed since the notice was delivered or attempted to be delivered,
- Attempts have been made to obtain a release from all lienholders, and
- All such attempts have been to no avail.

The notice to lienholders and attempts to obtain a release from lienholders may be by written request delivered in person or by certified mail or another commercially available delivery service that provides proof of delivery to the lienholder at the lienholder’s address as provided on the certificate of title. If the lienholder’s address on the certificate of title is different than the one on file with the Department of State (DOS) for a financial institution’s registered agent for
service of process, notice, levy, or demand,\textsuperscript{14} then the independent entity must deliver the notice to the address on file with the DOS.

Effective October 1, 2019, \textbf{Section 2} amends s. 320.03, F.S., to authorize a licensed salvage motor vehicle dealer or motor vehicle auction\textsuperscript{15} or insurance company that processes title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvaged vehicles physically located in Florida to be an ESF agent if the entity does so in the normal course of business. The DHSMV is granted rule making authority to administer these activities, including, but not limited to, rules establishing participation requirements, certification of service providers, electronic filing system requirements, disclosures, and enforcement authority for noncompliance.

The bill takes effect July 1, 2019.

\textbf{IV. Constitutional Issues:}

\textbf{A. Municipality/County Mandates Restrictions:}

None.

\textbf{B. Public Records/Open Meetings Issues:}

None.

\textbf{C. Trust Funds Restrictions:}

None.

\textbf{D. State Tax or Fee Increases:}

None.

\textbf{E. Other Constitutional Issues:}

None.

\textbf{V. Fiscal Impact Statement:}

\textbf{A. Tax/Fee Issues:}

None.

\textsuperscript{14} See s. 655.0201(2), F.S., which provides requirements for service of process, notice, levy, or demand on financial institutions.

\textsuperscript{15} A “motor vehicle auction” is any person offering motor vehicles or recreational vehicles for sale to the highest bidder where buyers are licensed motor vehicle dealers. The person is prohibited from selling a vehicle to anyone other than a licensed motor vehicle dealer. Section 320.27(1)(c)4., F.S.
B. Private Sector Impact:

Salvage dealers, metal recyclers, and motor vehicle auctions may see a decrease in both processing time and cost for a certificate of destruction, salvage title, and derelict vehicle certificate transactions.

C. Government Sector Impact:

Tax collectors and license plate agency offices may see an indeterminate decrease in workload for processing a certificate of destruction, salvage title, and derelict vehicle certificate transaction.

The bill is not expected to impact revenues of the tax collectors and license plate agency offices for fees collected for use of the ESF. Transactions conducted by ESF agents include the collection of all required fees, which are paid to the tax collectors and license plate agency offices; the tax collectors and license plate agency offices are ultimately responsible for the final review and submittal of any electronic documents processed by EFS agents.

The changes made by the bill to the EFS will require the DHSMV to update its systems. The department estimates that 276 hours will be required for programming and implementation. These hours are estimated to have a fiscal impact to the department of $9,660 in state employee and contracted resources which can be absorbed within existing resources.¹⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill authorizes the DHSMV to adopt rules to administer the EFS.

The bill allows the independent entity to apply for a certificate of destruction or certificate of title 30 days after the delivery or attempted delivery of the required notice to a vehicle owner. The bill does not define attempted delivery and does not allow this event to begin the time period for other required notices.

On lines 102 to 104, the bill requires the independent entity to provide an affidavit that states that “30 days have passed since the notice was delivered or attempted to be delivered pursuant to this section.” By referencing “this section,” it is unclear if the notice referred to is the one that must be provided to the owner or the one provided to all lienholders.

Additionally, the affidavit statement required on lines 101 to 102 of the bill is the first instance that requires notice to be sent to all lienholders stating that the vehicle is available for pickup. If

¹⁶ Email from DHSMV to Senate Transportation, Tourism, and Economic Development Appropriations Subcommittee staff on March 15, 2019 (on file with the subcommittee).
a 30-day notice must also be sent to all lienholders that a vehicle is available for pickup, then the requirement should be specifically stated prior to being required in the paragraph related to requirements for an application for certificate of destruction or salvage certificate of title.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 319.30 and 320.03.

IX. Additional Information:

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

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 4, 2019:
The committee substitute:
• Authorizes an insurance company to notify an independent entity that has possession of a damaged or dismantled motor vehicle to release that vehicle to the lienholder as well as the owner.
• Allows a licensed salvage motor vehicle dealer, motor vehicle auction, or an insurance company to be an electronic filing system agent.

CS by Infrastructure and Security on March 12, 2019:
• The CS allows for the use of a commercially available system, in addition to the National Motor Vehicle Title Information System, by an independent entity to obtain a vehicle owner’s address.
• The CS adds a requirement that independent entities must provide proof of all lien satisfactions or proof of a release on all liens on a vehicle when applying for a certificate of destruction or salvage certificate of title.
• The CS also requires that if the lienholder’s address is different than the one on file with the DOS for a financial institution’s registered agent or service, then the notice must also be provided to the address on file with the DOS.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Perry) recommended the following:

**Senate Amendment (with title amendment)**

1. Delete line 46
2. and insert:
3. independent entity to release the vehicle to the owner or lienholder. The form
4. 
5. =========== T I T L E A M E N D M E N T ===========
6. And the title is amended as follows:
7. Between lines 3 and 4
insert:

authorizing an insurance company to provide an
independent entity with a certain release statement
authorizing it to release a vehicle to the lienholder;
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 136 - 141

and insert:

titled or registered or that provides title and registration services on behalf of its consumers and a licensed salvage motor vehicle dealer or motor vehicle auction or insurance company that, pursuant to s. 319.30(2), (3), (7), or (8) and in the normal course of its business, processes title transactions, derelict motor vehicle certificates, or certificates of
destruction for derelict or salvage motor vehicles physically located in this state, any of which meets all established requirements, may be an authorized electronic filing system agent.

And the title is amended as follows:

Delete lines 28 - 31 and insert:
request; amending s. 320.03, F.S.; authorizing specified entities that process certain transactions or certificates for derelict or salvage motor vehicles to be authorized electronic filing system agents;
By the Committee on Infrastructure and Security; and Senator Perry

A bill to be entitled An act relating to damaged, dismantled, derelict, or salvage motor vehicles; amending s. 319.30, F.S.; authorizing a certain notice sent by certified mail that a motor vehicle is available for pickup to be sent by another commercially available delivery service that provides proof of delivery; requiring the notice to state that the owner has a specified period during which to pick up the vehicle; authorizing an independent entity to apply for a certificate of destruction or a certificate of title if the vehicle is not claimed within a specified time after the delivery or attempted delivery of the notice; specifying requirements for an independent entity if the Department of Highway Safety and Motor Vehicles' records do not contain the owner's address; requiring an independent entity to maintain specified records for a minimum period; requiring an independent entity to provide proof of all lien satisfactions or proof of a release of all liens on a motor vehicle upon applying for a certificate of destruction or salvage certificate of title; requiring an independent entity to provide an affidavit with specified statements if such entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle; providing that notice to lienholders and attempts to obtain a release from lienholders may be by certain written request; amending s. 320.03, F.S.; authorizing an entity that processes certain transactions or

CODING: Words [stricken] are deletions; words [underlined] are additions.
Florida Senate - 2019 CS for SB 974

596-02975-19 2019974c1
Page 3 of 6
CODING: Words are deletions; words underlined are additions.

The independent entity shall make the required notification to the National Motor Vehicle Title Information System made pursuant to paragraph (e). If the department’s records do not contain the owner’s address, the independent entity must do all of the following:

1. Send a notice that meets the requirements of paragraph (b) to the owner’s address that is provided by the insurance company in the release statement.

2. Identify the latest titling jurisdiction of the vehicle through use of the National Motor Vehicle Title Information System or an equivalent commercially available system and attempt to obtain the owner’s address from that jurisdiction. If the jurisdiction returns an address that is different from the owner’s address provided by the insurance company, the independent entity must send a notice that meets the requirements of paragraph (b) to both addresses.

(d) The independent entity shall maintain for a minimum of 3 years the records related to the 30-day notice sent to the owner, the results of searches of the National Motor Vehicle Title Information System or an equivalent commercially available system, and the notification to the National Motor Vehicle Title Information System made pursuant to paragraph (e).

(e) The independent entity shall make the required notification to the National Motor Vehicle Title Information System before releasing any damaged or dismantled motor vehicle to the owner or before applying for a certificate of destruction or salvage certificate of title.

(f) Upon applying for a certificate of destruction or salvage certificate of title, the independent entity shall provide a copy of the release statement from the insurance company to the independent entity, proof of providing the 30-day notice to the owner, proof of notification to the National Motor Vehicle Title Information System, proof of all lien satisfactions or proof of a release of all liens on the motor vehicle, and applicable fees. If the independent entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle, the independent entity must provide an affidavit stating that notice was sent to all lienholders that the motor vehicle is available for pickup, 30 days have passed since the notice was delivered or attempted to be delivered pursuant to this section, attempts have been made to obtain a release from all lienholders, and all such attempts have been to no avail. The notice to lienholders and attempts to obtain a release from lienholders may be by written request delivered in person or by certified mail or another commercially available delivery service that provides proof of delivery to the lienholder at the lienholder’s address as provided on the certificate of title and, if the address is different, as designated with the Department of State pursuant to s. 655.0201(2).

(g) The independent entity may not charge an owner of the vehicle storage fees or apply for a title under s. 713.585 or s. 713.78.
Section 2. Effective October 1, 2019, subsection (10) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors;
International Registration Plan.—
(10) Jurisdiction over the electronic filing system for use by authorized electronic filing system agents to electronically title or register motor vehicles, vessels, mobile homes, or off-highway vehicles; process title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict or salvage motor vehicles pursuant to s. 319.30(2), (3), (7), and (8); issue or transfer registration license plates or decals; electronically transfer fees due for the title and registration process; and perform inquiries for title, registration, and lienholder verification and certification of service providers is expressly preempted to the state, and the department shall have regulatory authority over the system. The electronic filing system shall be available for use statewide and applied uniformly throughout the state. An entity that, in the normal course of its business, sells products that must be titled or registered; provides title and registration services on behalf of its consumers; or processes title transactions, derelict motor vehicle certificates, or certificates of destruction for derelict or salvage motor vehicles pursuant to s. 319.30(2), (3), (7), or (8) and that meets all established requirements may be an authorized electronic filing system agent and is not be precluded from participating in the electronic filing system in any county. Upon request from a qualified entity, the tax collector shall appoint the entity as an authorized electronic filing system agent for that county.

The department shall adopt rules in accordance with chapter 120 to replace the December 10, 2009, program standards and to administer the provisions of this section, including, but not limited to, establishing participation requirements, certification of service providers, electronic filing system requirements, and enforcement authority for noncompliance. The December 10, 2009, program standards, excluding any standards which conflict with this subsection, shall remain in effect until the rules are adopted. An authorized electronic filing system agent may charge a fee to the customer for use of the electronic filing system. The department may adopt rules to administer this subsection, including, but not limited to, rules establishing participation requirements, certification of service providers, electronic filing system requirements, disclosures, and enforcement authority for noncompliance.

Section 3. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.
To: Senator Travis Hutson, Chair
   Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Subject: Committee Agenda Request

Date: March 13, 2019

I respectfully request that Senate Bill #974, relating to Damaged, Dismantled, Derelict, or Salvage Motor Vehicles, be placed on the:

☐ committee agenda at your earliest possible convenience.
☒ next committee agenda.

Senator Keith Perry
Florida Senate, District 8
THE FLORIDA SENATE
APPEARANCE RECORD

Meeting Date: 4/4/19

Bill Number (if applicable): 974

Amendment Barcode (if applicable):

Topic: _______________________________

Name: Ron LaFace

Job Title: _______________________________

Address: 101 E College Ave

Street: TLH

State: FL

Zip: 32301

Phone: _______________________________

Email: _______________________________

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against

(The Chair will read this information into the record.)

Representing: Insurance Auto Auctions

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)
THE FLORIDA SENATE

APPEARANCE RECORD

4/4/19  
Meeting Date

SB 974  
Bill Number (if applicable)

SB 974 - SALVAGE VEHICLES  
Amendment Barcode (if applicable)

Name Nicole Gragnella

Job Title Gov. Consultant

Address
Street

City  State  Zip

Phone

Email

Speaking: □ For  □ Against  □ Information  
Waive Speaking:  □ In Support  □ Against
(The Chair will read this information into the record.)

Representing FADRA (FL Auto Dismantlers and Recyclers Association)

Appearing at request of Chair: □ Yes  □ No  
Lobbyist registered with Legislature:  □ Yes  □ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
The Florida Senate
APPEARANCE RECORD
(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: 4/4/2019

Topic: Damaged & Salvage Vehicles

Name: Sandra Moreham

Job Title: 

Address: 6675 Weeping Willow Way
Tallahassee, FL 32311

Phone: 850-251-2283
Email: smortham@aol.com

Speaking: [ ] For  [ ] Against  [ ] Information

Representing: Florida Independent Auto Dealers

Appearing at request of Chair: [ ] Yes  [ ] No

Lobbyist registered with Legislature: [ ] Yes  [ ] No

Waive Speaking: [ ] In Support  [ ] Against
(The Chair will read this information into the record.)

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT
(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/SB 1044 (434036)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic development; Infrastructure and Security Committee; and Senator Albritton

SUBJECT: Department of Transportation

DATE: April 8, 2019

ANALYST STAFF DIRECTOR REFERENCE ACTION
1. Price Miller IS Fav/CS
2. McAuliffe Hrdlicka ATD Recommend: Fav/CS
3. __________ __________ AP

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1044 addresses various issues relating to the Florida Department of Transportation (FDOT). Specifically, the bill:

- Revises the FDOT’s authorization for innovative highway projects to include innovative transportation projects demonstrating innovative techniques of bridge design.
- Prohibits a local government from adopting standards and specifications for aggregate materials that are contrary to the FDOT’s standards or specifications.
- Prohibits a local government from adopting standards and specifications that are contrary to FDOT standards or specification for permissible use of reclaimed asphalt in construction.
- Prohibits a contractor who has not satisfactorily completed two projects, each in excess of $25 million, from bidding on FDOT contracts in excess of $50 million.
- Increases the dollar value of claim amounts for additional compensation arising out of a construction or maintenance contract that may be submitted to the State Arbitration Board to up to $1 million per contract at the claimant’s option or up to $2 million per contract if the parties agree.

The bill has an indeterminate fiscal impact to FDOT expenditures.

The bill takes effect July 1, 2019.
II. **Present Situation:**

This bill revises various provisions relating to the FDOT. For ease of organization and readability, the Present Situation for the provisions in each section of the bill is discussed in conjunction with the Effect of Proposed Changes.

III. **Effect of Proposed Changes:**

**FDOT Regulation of Construction Aggregate Materials**

**Present Situation**

Construction aggregate materials are a critical need with respect to construction of the state’s transportation system. ¹ The FDOT has a standardized method for producers ² of construction aggregate materials to apply for, receive, and maintain the FDOT’s approval of construction aggregate sources for use on FDOT projects. According to the FDOT:

Source and product approval, and maintenance of an on-going effective Quality Control Program, as monitored by the Department, comprise the Department’s primary methods of determining acceptability of aggregate on Department projects. The Quality Control Program requires producers of construction materials to be responsible for their products; to establish, maintain, and implement their own individualized process control system; and to certify to the Department compliance of their product with applicable standards and contract specifications.

In this context, “certify” means that the producer affixes the statement “CERTIFIED FOR FDOT” or “CERT. FOR FDOT” to a shipping ticket to attest that this specific aggregate shipment was produced and shipped under a Department approved Quality Control Program and for which Quality control tests indicate that the specific aggregate meets Department specifications and Department quality and uniformity requirements set out in Section 2.2 of the Construction Aggregates Manual.³

Currently, no provision in state law requires local governments to accept aggregates certified pursuant to the FDOT rules.⁴ The extent to which local governments have not allowed transportation contractors to use FDOT-approved aggregates in construction of local government transportation facilities is unknown.

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¹ Section 337.0261, F.S., defines these materials as “crushed stone, limestone, dolomite, limerock, shell rock, cemented coquina, sand for use as a component of mortars, concrete, bituminous mixtures, or underdrain filters, and other mined resources providing the basic material for concrete, asphalt, and road base.”
² A “producer” is any business or individual seeking to supply aggregate to the FDOT or to FDOT contractors. See the FDOT, 2019 Agency Legislative Bill Analysis of SB 1044, at p. 3 (On file in the Senate Infrastructure and Security Committee).
³ Id. The Manual is available at https://www.fdot.gov/materials/administration/resources/library/publications/aggregates/index.shtm (last viewed March 15, 2019).
⁴ Chapter 14-103, F.A.C.
**Effect of Proposed Changes**

Section 1 of the bill creates s. 334.179, F.S., to prohibit a local government from adopting standards or specifications that are contrary to the FDOT standards or specifications for permissible use of aggregate materials that have been certified for use. “Certified for use” means that the aggregate materials have been approved for use by the FDOT through its certification process. To the extent that a local government currently does not allow transportation contractors to use FDOT-approved aggregates in construction of local government transportation facilities, that practice would be prohibited by the bill.

**Reclaimed Asphalt**

**Present Situation**

Section 336.044, F.S., authorizes the FDOT to find alternative ways to use recyclable materials and to determine the feasibility of using certain recyclable materials such as such as ground tire rubber, ash residue, and construction steel as material in road construction. The statute directs the FDOT to review and revise bid procedures and specifications for the purchase or use of products and materials to eliminate any procedures and specifications that explicitly discriminate against such products. The statute also requires all agencies to cooperate with the FDOT in expanding the current use of recovered materials in road construction projects.

The number of local governments that have adopted standards or specifications for reclaimed asphalt in construction that are contrary to FDOT standards or specifications is unknown.

**Effect of Proposed Changes**

Section 2 of the bill amends s. 336.044, F.S., to prohibit a local government from adopting standards or specifications that are contrary to FDOT standards or specifications for permissible use of reclaimed asphalt in construction. The bill further provides that reclaimed asphalt may not be considered solid waste.

**Innovative Transportation Projects and Techniques**

**Present Situation**

Section 337.025, F.S., entitled innovative highway projects, authorizes the FDOT to establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance which controls time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway construction and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. The FDOT may annually enter into up to $120 million in contracts for innovative transportation projects. However, the annual cap does not apply to turnpike enterprise projects and to certain transportation projects funded in the past by the federal government.
**Effect of Proposed Changes**

**Section 3** of the bill amends s. 337.025, F.S., revising its title to innovative *transportation* projects and authorizing the FDOT to establish a program for such projects, including those demonstrating innovative techniques of bridge design (along with those of highway, construction, maintenance, and finance), to control time and cost increases and also measure resiliency and structural integrity.

**Qualification to Bid on FDOT Contracts**

**Present Situation**

Section 337.14(1), F.S., requires any person\(^5\) desiring to bid on any construction contract in excess of $250,000 which the FDOT proposes to let to first be certified by the FDOT pursuant to s. 337.14, F.S., and applicable rules.\(^6\) The rules must address the qualification of persons to bid on construction contracts in excess of $250,000 and must include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification. The FDOT may limit the dollar amount of any contract upon which a person is qualified to bid, or limit the aggregate total dollar volume of contracts such person is allowed to have under contract at any one time.

For purposes of ch. 337, F.S., relating to contracting by the FDOT, the term “contractor” is only defined in s. 337.165(1)(d), F.S., relating to contract crime. In that provision, the term “contractor” is defined as any person who bids or applies to bid on work let by the FDOT or any counterpart agency of any other state or of the federal government or who provides professional services to the FDOT or other such agency.

**Effect of Proposed Changes**

**Section 4** of the bill amends s. 337.14(1), F.S., revising references to “person” to instead be references to “contractor.” The bill requires any contractor desiring to bid on contracts in excess of $50 million to have satisfactorily completed two projects, each in excess of $25 million, for the FDOT or for any other state department of transportation. The FDOT would be required to amend its rule with respect to contractors desiring to bid on contracts in excess of $50 million to incorporate the bill’s revisions. Contractors who currently qualify to bid on such FDOT contracts but who have not satisfactorily completed two projects, each in excess of $25 million for the FDOT or any other state department of transportation, will no longer be qualified to bid on FDOT construction contracts in excess of $50 million.

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\(^5\) Section 334.03(19), F.S., defines “person” to mean any person described in s. 1.01, F.S., or any unit of government in or outside the state. Section 1.01(3), F.S., provides that “person” includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

\(^6\) The FDOT’s rules regarding qualification to bid on highway projects are in Chapter 14-22, F.A.C.
State Arbitration Board

Present Situation
Section 337.185, F.S., establishes a State Arbitration Board to facilitate the prompt settlement of claims\(^7\) for additional compensation arising out of construction and maintenance contracts between the FDOT and the various contractors with whom it contracts. The statute requires every contractual claim in an amount up to $250,000 per contract or, at the claimant’s option, up to $500,000 per contract or, upon agreement of the parties, up to $1 million per contract that cannot be resolved by negotiation between the FDOT and the contractor be arbitrated by the board, with the exception that either party may request the claim be submitted to binding private arbitration. The process benefits both the FDOT and its contractors by facilitating prompt claim settlement and reducing or eliminating litigation costs. These claim amounts were last revised in 1999.\(^8\)

Effect of Proposed Changes
Section 5 of the bill amends s. 337.185(1), F.S., increasing the dollar value of claims per contract that may be arbitrated using the State Arbitration Board. Under the bill, the board may arbitrate, at the claimant’s option to up to $1 million per contract or up to $2 million per contract if the parties agree. The requirement that all claims of up to $250,000 be arbitrated by the State Arbitration Board remains. These changes may increase the number of claims submitted to the board for arbitration.

Effective Date
The bill is effective July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:
   None.

B. Public Records/Open Meetings Issues:
   None.

C. Trust Funds Restrictions:
   None.

D. State Tax or Fee Increases:
   None.

\(^7\) For the purpose of s. 337.185, F.S., the term “claim” means the aggregate of all outstanding claims by a party arising out of a construction or maintenance contract.

\(^8\) Section 22, ch. 99-385, L.O.F.
E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Section 5: To the extent that increasing the dollar value of claims per contract that may be arbitrated using the State Arbitration Board results in more claims being submitted to the Board, which claims are promptly settled, contractors may experience reduced or eliminated litigation costs.

C. Government Sector Impact:

Sections 1 and 2: The impact to local governments who may have previously adopted standards or specifications contrary to those of the FDOT is unknown. The impact of the bill on local governments is not known at this time.

Section 4: Requiring contractors to have completed two projects, each in excess of $25 million, to be eligible to bid on FDOT contracts in excess of $50 million may limit the pool of eligible contractors according to FDOT, thereby decreasing competition and potentially leading to increased costs. However, the number of contractors that would qualify to bid on projects in excess of $50 million is unknown. Therefore, whether this provision will provide a more experienced pool of qualified bidders or limit competition cannot be determined.

Section 5: The FDOT advises that increasing the dollar value of claims per contract that may be arbitrated using the State Arbitration Board “may better align arbitration thresholds with current contract costs, but it does qualify more claims as able to go before the board.” To the extent that a higher number of claims submitted to the board are promptly settled, the FDOT may experience reduced or eliminated litigation costs.

VI. Technical Deficiencies:

None.

9 FDOT, 2019 Agency Legislative Bill Analysis: SB 1044, March 13, 2019, at p. 6 (On file in the Senate Infrastructure and Security Committee).

10 FDOT, 2019 Agency Legislative Bill Analysis: SB 1044, March 13, 2019, at p. 6 (On file in the Senate Infrastructure and Security Committee). The board’s expenses are covered by administrative fees received by the board through payment of fees to the board by the party requesting the arbitration, or as apportioned among the parties in accordance with the board’s finding of liability. Section 337.185(7), (8), and (9), F.S.
VII. Related Issues:
None.

VIII. Statutes Affected:
This bill substantially amends the following sections of the Florida Statutes: 336.044, 337.025, 337.14, and 337.185.
This bill creates section 334.179 of the Florida Statutes.

IX. Additional Information:
A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 4, 2019:
The committee substitute:
• Removes the provisions in the bill repealing the Florida Transportation Commission’s responsibility to nominate three persons for appointment by the Governor as secretary of the FDOT and requiring the FDOT secretary be a licensed professional engineer or, instead, to hold an advanced degree in an appropriate related discipline and have five years of relevant transportation experience; or to have ten years of relevant transportation experience.
• Amends s. 336.044, F.S., to prohibit local governments from adopting standards or specifications contrary to FDOT standards or specifications for permissible use of reclaimed asphalt.

CS by Infrastructure and Security on March 20, 2019:
The CS revises the bill’s requirements relating to qualification for appointment by the Governor of the FDOT secretary and incorporates in the bill provisions revising the FDOT’s current authorization for innovative highway projects to innovative transportation projects demonstrating innovative techniques of bridge design.

The CS also removes the following provisions of the bill:
• Requiring the FDOT to consist of a central office that establishes policies and procedures and districts that carry out projects as authorized under those policies and procedures.
• Requiring mileage for official state travel to be calculated using the most commonly used maps, instead of the FDOT’s current highway map.
• Requiring that 80 percent of the pavement in each of the FDOT’s districts (instead of statewide) meets the FDOT’s standards by the end of Fiscal Year 2023.
• Requiring the liquidated damages schedule incorporated into FDOT construction and maintenance contracts to include a reduction of the daily liquidated damage charges to construction engineering and inspection costs when traffic is in its final configuration and the project is functional for its intended use.
• Prohibiting the FDOT from using toll revenue from a high-occupancy toll (HOT) lane or express lane to offset funding that the facility would receive if the facility were not a HOT lane or express lane.
• Requiring 75 percent of transportation capacity funds, with certain exceptions, to be spent on the Strategic Intermodal System.
• Requiring certain projects on Strategic Intermodal System Highway Corridors to be given priority based on high accident rates.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Albritton) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 32 - 82.

And the title is amended as follows:

Delete lines 3 - 7

and insert:

creating s. 334.179,
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Albritton) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 93 and 94 insert:

Section 3. Present subsection (5) of section 336.044, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

336.044 Use of recyclable materials in construction.—

(5) Notwithstanding any law, rule, or ordinance to the contrary, local governmental entities may not adopt standards or
 specifications that are contrary to the departmental standards or specifications for permissible use of reclaimed asphalt pavement material in construction. Such material may not be considered solid waste.

And the title is amended as follows:

Delete line 12

and insert:

defining the term “certified for use”; amending s. 336.044, F.S.; prohibiting local governmental entities from adopting standards or specifications that are contrary to the departmental standards or specifications for permissible use of reclaimed asphalt pavement material in construction; providing that such material may not be considered solid waste; amending s.
Senate Amendment (with directory and title amendments)

Between lines 181 and 182 insert:

(7)(a) A “contractor” as defined in s. 337.165(1)(d) or his or her “affiliate” as defined in s. 337.165(1)(a) qualified with the department under this section may not also qualify under s. 287.055 or s. 337.105 to provide testing services, construction, engineering, and inspection services to the department. This limitation does not apply to any design-build prequalification
under s. 337.11(7) and does not apply when the department otherwise determines by written order entered at least 30 days before advertisement that the limitation is not in the best interests of the public with respect to a particular contract for testing services, construction, engineering, and inspection services. This subsection does not authorize a contractor to provide testing services, or provide construction, engineering, and inspection services, to the department in connection with a construction contract under which the contractor is performing any work.

(b) Notwithstanding any other provision of law to the contrary, on a project administered by a local government which is entirely or partially funded by the Department of Transportation, the entity performing design and the entity performing construction, engineering, and inspection services may not be the same.

====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
And the directory clause is amended as follows:

Delete lines 122 - 123

and insert:

Section 4. Subsections (1) and (7) of section 337.14, Florida Statutes, are amended to read:

============== T I T L E A M E N D M E N T ===============
And the title is amended as follows:

Delete line 24

and insert:

projects; prohibiting an entity from both performing
design and performing construction, engineering, and
inspection services on a project administered by a
local government which is entirely or partially funded
by the department; amending s. 337.185, F.S.;
increasing the
By the Committee on Infrastructure and Security; and Senator Albritton

A bill to be entitled
An act relating to the Department of Transportation;
amending s. 20.23, F.S.; deleting the requirement that
the Governor appoint the Secretary of Transportation
from among three persons nominated by the Florida
Transportation Commission; providing additional
qualifications for the secretary; creating s. 334.179,
F.S.; prohibiting local governments from adopting
standards or specifications that are contrary to the
department standards or specifications for permissible
use of aggregates that have been certified for use;
defining the term “certified for use”; amending s.
337.025, F.S.; authorizing the department to establish
a program for transportation projects that demonstrate
certain innovative techniques for measuring resiliency
and structural integrity and controlling time and cost
increases; amending s. 337.14, F.S.; requiring that
any contractor, instead of any person, desiring to bid
for the performance of certain construction contracts
first be certified by the department as qualified;
conforming provisions to changes made by the act;
requiring a contractor desiring to bid on certain
contracts to have satisfactorily completed certain
projects; amending s. 337.185, F.S.; increasing the
maximum amounts per contract of certain contractual
claims that must be arbitrated by the State
Arbitration Board under certain circumstances;
providing an effective date.

CODING: Words [stricken] are deletions; words [underlined] are additions.
Notwithstanding any law, rule, or ordinance to the contrary, a local government may not adopt a use of aggregates. However, before prior to using an innovative technique that is inconsistent with another permissible use of aggregates, the department is required to adhere to those provisions of law that would prevent, preclude, or in any way prohibit the de...

Section 3. Subsection (1) of section 337.025, Florida Statutes, is amended to read:

(1) The department may be authorized to establish a program for transportation highway projects demonstrating innovative highway and bridge design, construction, maintenance, and finance which have the intended effect of measuring resiliency and structural integrity and controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway and bridge design, construction, and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to adhere to those provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, before prior to using an innovative technique that is inconsistent with another
section 337.14, Florida Statutes, is amended to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(1) Any contractor person desiring to bid on construction contracts in excess of $250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department must shall address the qualification of contractor person to bid on construction contracts in excess of $250,000 and must shall include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applying contractor which are applicant necessary to perform the specific class of work for which the contractor person seeks certification. Any contractor desiring to bid on contracts in excess of $50 million must have satisfactorily completed two projects, each in excess of $25 million, for the department or for any other state department of transportation. The department may limit the dollar amount of any contract upon which a contractor person is qualified to bid or the aggregate total dollar volume of contracts such contractor person is allowed to have under contract at any one time. Each applying contractor applicant seeking qualification to bid on construction contracts

in excess of $250,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application. Each application for certification must shall be accompanied by the latest annual financial statement of the applying contractor applicant completed within the last 12 months. If the application or the annual financial statement shows the financial condition of the applying contractor applicant more than 4 months prior to the date on which the application is received by the department, then an interim financial statement and an updated application must be submitted and be accompanied by an updated application. The interim financial statement must cover the period from the end date of the annual statement and must show the financial condition of the applying contractor applicant no more than 4 months prior to the date that the interim financial statement is received by the department. However, upon the request of the applying contractor applicant, an application and accompanying annual or interim financial statement received by the department within 15 days after either 4-month period under this subsection shall be considered timely. Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant. An applying contractor applicant desiring to bid exclusively for the performance of construction contracts with proposed budget estimates of less than $1 million may submit reviewed annual or reviewed interim financial statements prepared by a certified public accountant. The information required by this subsection is confidential and exempt from the provisions of s. 119.07(1). The department shall
act upon the application for qualification within 30 days after the department determines that the application is complete. The department may waive the requirements of this subsection for projects having a contract price of $500,000 or less if the department determines that the project is of a noncritical nature and the waiver will not endanger public health, safety, or property.

Section 5. Subsection (1) of section 337.185, Florida Statutes, is amended to read:

337.185 State Arbitration Board.—
(1) To facilitate the prompt settlement of claims for additional compensation arising out of construction and maintenance contracts between the department and the various contractors with whom it transacts business, the Legislature does hereby establish the State Arbitration Board, referred to in this section as the “board.” For the purpose of this section, the term “claim” means the aggregate of all outstanding claims by a party arising out of a construction or maintenance contract. Every contractual claim in an amount up to $250,000 per contract or, at the claimant’s option, up to $1 million per contract or, upon agreement of the parties, up to $2 million per contract which cannot be resolved by negotiation between the department and the contractor shall be arbitrated by the board after acceptance of the project by the department. As an exception, either party to the dispute may request that the claim be submitted to binding private arbitration. A court of law may not consider the settlement of such a claim until the process established by this section has been exhausted.

Section 6. This act shall take effect July 1, 2019.
THE FLORIDA SENATE
APPEARANCE RECORD

4-4-19

Meeting Date

Topic Department of Transportation

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N. Adams St

Phone 224-7173

Street TLH

Email bbevis@aif.com

City FL 32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☑ No

Waive Speaking: ☑ In Support ☐ Against

(The Chair will read this information into the record.)

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.


THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic

KARI HERMAN

Name

Job Title

13 EAST COLLEGE, SUITE 200

Address

Phone

Email

850-566-7821

Email

850-566-7821

Speaking: □ For □ Against □ Information

Waive Speaking: □ In Support □ Against

(The Chair will read this information into the record.)

Representing

Bermont Excavating, Florida Roads Materials & Construction Assoc.

Appearing at request of Chair: □ Yes □ No

Lobbyist registered with Legislature: □ Yes □ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: 4-4

Bill Number (if applicable): 10-44

Amendment Barcode (if applicable):

Topic: 10-44

Name: Brad Burleson

Job Title: Lobbyist

Address: 201 E. Park Ave

Tallahassee, FL

City: State: Zip:

Phone: 577-0444

Email: brad@ballardno.com

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against

(The Chair will read this information into the record.)

Representing: Florida Transportation Builders

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
To: Senator Travis Hutson, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Subject: Committee Agenda Request

Date: March 26, 2019

I respectfully request that Senate Bill #1044, relating to Department of Transportation, be placed on the:

☑ committee agenda at your earliest possible convenience.

☐ next committee agenda.

__________________________________________
Senator Ben Albritton
Florida Senate, District 26
12:35:05 PM Call to Order Sen. Hutson (Chair)
12:35:09 PM Roll call
12:35:26 PM Quorum Present
12:36:15 PM Tab 4 - CS/SB1044
12:36:23 PM Sen. Albritton
12:38:00 PM Sen. Hutson
12:38:07 PM AM. 605882
12:38:23 PM Sen. Albritton
12:38:29 PM Sen. Hutson
12:38:36 PM AM. 605882 approved
12:38:43 PM AM. 639040
12:38:49 PM Sen. Albritton
12:39:07 PM Sen. Hutson
12:39:09 PM Sen. Lee
12:39:38 PM Sen. Albritton
12:39:59 PM Sen. Lee
12:40:12 PM Sen. Albritton
12:40:52 PM AM. 639040 approved
12:40:57 PM CS/SB 1044
12:41:01 PM Brewster Bevis, Senior Vice President, Associated Industries of Florida (waive in support)
12:41:08 PM Kari Hebrank, Bermont Excavating (waive in support)
12:41:23 PM Brad Burleson, Florida Transportation Builders (waive in support)
12:41:55 PM CS/SB 1044 voted favorable
12:42:09 PM Tab 2 - CS/SB 932
12:42:15 PM Sen. Brandes
12:43:37 PM AM. 267362
12:43:48 PM Sen. Brandes
12:44:03 PM Sen. Thurston
12:44:29 PM Am. 267362 voted favorable
12:44:35 PM AM. 646158
12:44:38 PM Sen. Brandes
12:45:24 PM Sen. Thurston
12:45:58 PM Sen. Brandes
12:46:45 PM Sen. Thurston
12:46:59 PM Sen. Brandes
12:47:15 PM Sen. Thurston
12:47:55 PM Sen. Hutson
12:47:59 PM Sen. Lee
12:49:56 PM Sen. Brandes
12:50:35 PM Sen. Lee
12:51:26 PM Sen. Brandes
12:52:35 PM Sen. Lee
12:53:09 PM Sen. Brandes
12:53:48 PM Sen. Thurston
12:54:37 PM Sen. Brandes
12:55:50 PM Sen. Hutson
12:55:57 PM AM. 646158 voted favorable
12:56:03 PM AM. 783644
12:56:10 PM Sen. Thurston
12:57:13 PM AM. 783644 Withdrawn
12:57:23 PM Sen. Lee
12:59:22 PM  Sen. Brandes
12:59:45 PM  Sen. Lee
1:00:45 PM  Sen. Brandes
1:01:55 PM  Sen. Lee
1:02:27 PM  Sen. Brandes
1:02:31 PM  Sen. Thurston (Chair)
1:02:42 PM  Sen. Hutson (Chair)
1:02:45 PM  Alex Gillan, Attorney, FJA
1:05:58 PM  Sen. Perry
1:06:26 PM  A. Gillan
1:07:12 PM  Sen. Perry
1:07:35 PM  A. Gillan
1:08:25 PM  Sen. Perry
1:08:32 PM  A. Gillan
1:09:24 PM  Sen. Thurston
1:09:56 PM  A. Gillan
1:10:43 PM  Sen. Thurston
1:11:04 PM  A. Gillan
1:11:33 PM  Sen. Torres
1:11:50 PM  A. Gillan
1:12:07 PM  Sen. Torres
1:12:26 PM  A. Gillan
1:12:53 PM  Sen. Lee
1:16:02 PM  A. Gillan
1:17:08 PM  Sen. Hutson
1:17:19 PM  Diego Echereri, Director Coalitions, Americans for Prosperity (waive in support)
1:17:27 PM  Sal Nuzzo, VP Policy, The James Madison Institute (waive in support)
1:17:34 PM  Fred Baggett, Ford Motor Company
1:17:42 PM  Jeff Sharkey, CEO, CAF (waive in support)
1:17:49 PM  Dorene Barker, Associate State Director, AARP Florida
1:17:56 PM  Candace Ericks, Lobbyist, JM Family Enterprises (waive in support)
1:18:06 PM  Christopher Emmanuel, Policy Director, Florida Chamber of Commerce (waive in support)
1:18:11 PM  Stephanie Smith, Uber (waive in support)
1:18:20 PM  Megan Sirjane-Samples, Southeast Public Policy Manager, Lyft (waive in support)
1:18:27 PM  Diane Carr, lobbyist, Alliance of Automobile Manufacturers (waive in support)
1:18:37 PM  Sen. Thurston
1:20:03 PM  Sen. Torres
1:21:09 PM  Sen. Brandes
1:22:23 PM  Roll Call CS/SB 932
1:22:38 PM  CS/SB 932 passed favorable
1:22:45 PM  Tab 3 - CS/SB 974
1:22:54 PM  Sen. Perry
1:23:18 PM  AM. 683772
1:23:41 PM  AM. 683772 approved
1:23:43 PM  AM. 580332
1:23:46 PM  Sen. Perry
1:24:03 PM  AM. 580332 approved
1:24:06 PM  CS/SB 974
1:24:11 PM  Ron Laface, Insurance Auto Auctions (waive in support)
1:24:21 PM  Nicole Gragmella, Government Consultant (waive in support)
1:24:29 PM  Sandra Mortham, Florida Independent Auto Dealers (waive in support)
1:24:43 PM  Roll Call CS/CS/SB 974
1:25:11 PM  CS/CS/SB 974 recorded favorable
1:25:18 PM  Tab 1 - CS/SB 898
1:25:21 PM  Sen. Diaz
1:25:30 PM  AM. 544834
1:29:12 PM  Sen. Lee
1:30:04 PM  Sen. Diaz
1:30:36 PM  Sen. Lee
1:30:46 PM  Sen. Diaz
1:30:51 PM  Sen. Hutson
1:31:03 PM  AM. 912376
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<td>1:32:09 PM</td>
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