

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | ___ | (Y/N) |
| ADOPTED AS AMENDED | ___ | (Y/N) |
| ADOPTED W/O OBJECTION | ___ | (Y/N) |
| FAILED TO ADOPT | ___ | (Y/N) |
| WITHDRAWN | ___ | (Y/N) |
| OTHER | _____ | |

1 Committee/Subcommittee hearing bill: Transportation &
2 Infrastructure Subcommittee
3 Representative Avila offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Paragraph (b) of subsection (2) of section
8 20.23, Florida Statutes, is amended to read:

9 20.23 Department of Transportation.—There is created a
10 Department of Transportation which shall be a decentralized
11 agency.

12 (2)

13 (b) The commission shall:

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

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

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

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

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

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

41 7. Recommend to the Governor and the Legislature

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

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

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

63 112.3144 Full and public disclosure of financial
64 interests.—

65 (1)(a) An officer who is required by s. 8, Art. II of the
66 State Constitution to file a full and public disclosure of his

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67 or her financial interests for any calendar or fiscal year shall
68 file that disclosure with the Florida Commission on Ethics.
69 Additionally, ~~beginning January 1, 2015,~~ an officer who is
70 required to complete annual ethics training pursuant to s.
71 112.3142 must certify on his or her full and public disclosure
72 of financial interests that he or she has completed the required
73 training.

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

79 Section 3. Paragraph (d) of subsection (1) of section
80 212.055, Florida Statutes, are amended to read:

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

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92 Taxable transactions and administrative procedures shall be as
93 provided in s. 212.054.

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

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

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

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

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117 roads or bridges; and

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

130 c.4. Used by the county for the planning, development,
131 construction, operation, and maintenance of roads and bridges in
132 the county; for the planning, development, expansion, operation,
133 and maintenance of bus and fixed guideway systems; for the
134 planning, development, construction, expansion, operation, and
135 maintenance of on-demand transportation services; and for the
136 payment of principal and interest on bonds issued for the
137 construction of fixed guideway rapid transit systems, bus
138 systems, roads, or bridges; and such proceeds may be pledged by
139 the governing body of the county for bonds issued to refinance
140 existing bonds or new bonds issued for the construction of such
141 fixed guideway rapid transit systems, bus systems, roads, or

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142 bridges and no more than 25 percent used for nontransit uses.
143 Pursuant to an interlocal agreement entered into pursuant to
144 chapter 163, the governing body of the county may distribute
145 proceeds from the tax to a municipality, or an expressway or
146 transportation authority created by law to be expended for the
147 purpose authorized by this paragraph. Any county that has
148 entered into interlocal agreements for distribution of proceeds
149 to one or more municipalities in the county shall revise such
150 interlocal agreements no less than every 5 years in order to
151 include any municipalities that have been created since the
152 prior interlocal agreements were executed.

153 2.a. Beginning October 1, 2022, and to the extent not
154 prohibited by contracts or bond covenants in effect on October
155 1, 2022, each county as defined in s. 125.011(1) shall use
156 proceeds of the surtax only for the following purposes:

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

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

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

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

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

174 b. Effective October 1, 2022, each municipality in a
175 county, as defined in s. 125.011(1), may use the surtax proceeds
176 to plan, develop, construct, operate, and maintain roads and
177 bridges in the municipality and to pay the principal and
178 interest on bonds issued to construct roads or bridges. The
179 governing body of the municipality may pledge the proceeds for
180 bonds issued to refinance existing bonds or new bonds issued to
181 construct such roads or bridges. Additionally, each such
182 municipality may use surtax proceeds for transit systems within
183 the municipality.

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

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

190 215.68 Issuance of bonds; form; maturity date, execution,
191 sale.—

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- 192 (2) Such bonds may:
- 193 (a) Be issued in either coupon form or registered form or
- 194 both;
- 195 (b) Have such date or dates of issue and such maturities,
- 196 not exceeding in any event 40 years from the date of issuance
- 197 thereof;
- 198 (c) Bear interest at a rate or rates not exceeding the
- 199 interest rate limitation set forth in s. 215.84(3);
- 200 (d) Have such provisions for registration of coupon bonds
- 201 and conversion and reconversion of bonds from coupon to
- 202 registered form or from registered form to coupon form;
- 203 (e) Have such provisions for payment at maturity and
- 204 redemption prior to maturity at such time or times and at such
- 205 price or prices; and
- 206 (f) Be payable at such place or places within or without
- 207 the state as the board shall determine by resolution.

208

209 ~~The foregoing terms and conditions do not supersede the~~

210 ~~limitations provided in chapter 348, part I, relating to the~~

211 ~~issuance of bonds.~~

212 Section 5. Notwithstanding the repeal of section 319.141,

213 Florida Statutes, which occurred on July 1, 2018, that section

214 is revived, reenacted, and amended to read:

215 319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.—

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

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

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

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

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

241 (4) Before an applicant is approved, the department shall

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242 ensure that the applicant meets basic criteria designed to
243 protect the public. At a minimum, the applicant shall meet all
244 of the following requirements:

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

247 (b) Secure and maintain a facility at a permanent
248 structure at an address recognized by the United States Postal
249 Service where the only services provided on such property are
250 rebuilt inspection services. The operator of a facility shall
251 annually attest that he or she is not employed by or does not
252 have an ownership interest in or other financial arrangement
253 with the owner, operator, manager, or employee of a motor
254 vehicle repair shop as defined in s. 559.903, a motor vehicle
255 dealer as defined in s. 320.27(1)(c), a towing company, a
256 vehicle storage company, a vehicle auction, an insurance
257 company, a salvage yard, a metal retailer, or a metal rebuilder,
258 from which he or she receives remuneration, directly or
259 indirectly, for the referral of customers for rebuilt inspection
260 services.

261 (c) Have and maintain garage liability and other insurance
262 required by the department.

263 (d) Have completed criminal background checks of the
264 owners, partners, and corporate officers and the inspectors
265 employed by the facility.

266 (e) Meet any additional criteria the department determines

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267 necessary to conduct proper inspections.

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

273 (6) The department shall immediately terminate any
274 operator from the program who fails to meet the minimum
275 eligibility requirements specified in subsection (4). Before a
276 change in ownership of a rebuilt inspection facility, the
277 current operator must give the department 45 days' written
278 notice of the intended sale. The prospective owner must meet the
279 eligibility requirements of this section and execute a new
280 memorandum of understanding with the department before operating
281 the facility.

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

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

286 334.175 Certification of project design plans and
287 surveys.—

288 (1) All design plans and surveys prepared by or for the
289 department shall be signed, sealed, and certified by the
290 professional engineer or surveyor or architect or landscape
291 architect in responsible charge of the project work. Such

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292 professional engineer, surveyor, architect, or landscape
293 architect must be duly registered in this state.

294 (2) For all transportation projects on, under, over, or
295 abutting a department-owned right-of-way and regardless of
296 funding source, the department shall approve the design plans
297 for such projects if such design plans meet department design
298 standards.

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

301 337.025 Innovative transportation ~~highway~~ projects;
302 department to establish program.-

303 (1) The department may ~~is authorized to~~ establish a
304 program for transportation ~~highway~~ projects demonstrating
305 innovative techniques of highway and bridge design,
306 construction, maintenance, and finance which have the intended
307 effect of measuring resiliency and structural integrity and
308 controlling time and cost increases on construction projects.
309 Such techniques may include, but are not limited to, state-of-
310 the-art technology for pavement, safety, and other aspects of
311 highway and bridge design, construction, and maintenance;
312 innovative bidding and financing techniques; accelerated
313 construction procedures; and those techniques that have the
314 potential to reduce project life cycle costs. To the maximum
315 extent practical, the department must use the existing process
316 to award and administer construction and maintenance contracts.

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317 When specific innovative techniques are to be used, the
318 department is not required to adhere to those provisions of law
319 that would prevent, preclude, or in any way prohibit the
320 department from using the innovative technique. However, before
321 ~~prior to~~ using an innovative technique that is inconsistent with
322 another provision of law, the department must document in
323 writing the need for the exception and identify what benefits
324 the traveling public and the affected community are anticipated
325 to receive. The department may enter into no more than \$120
326 million in contracts annually for the purposes authorized by
327 this section.

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

330 338.165 Continuation of tolls.—

331 (2) If the revenue-producing project is on the State
332 Highway System, any remaining toll revenue shall be used for the
333 construction, maintenance, or improvement of any road on the
334 State Highway System within the county or counties in which the
335 revenue-producing project is located, ~~except as provided in s.~~
336 ~~348.0004.~~

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

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342 Section 9. Paragraph (a) of subsection (3) of section
343 338.231, Florida Statutes, is amended to read:

344 338.231 Turnpike tolls, fixing; pledge of tolls and other
345 revenues.—The department shall at all times fix, adjust, charge,
346 and collect such tolls and amounts for the use of the turnpike
347 system as are required in order to provide a fund sufficient
348 with other revenues of the turnpike system to pay the cost of
349 maintaining, improving, repairing, and operating such turnpike
350 system; to pay the principal of and interest on all bonds issued
351 to finance or refinance any portion of the turnpike system as
352 the same become due and payable; and to create reserves for all
353 such purposes.

354 (3) (a) ~~For the period July 1, 1998, through June 30, 2027,~~
355 The department shall, ~~to the maximum extent feasible,~~ program
356 sufficient funds in the tentative work program such that all of
357 ~~the percentage of turnpike toll and bond financed commitments in~~
358 ~~Miami-Dade County, Broward County, and Palm Beach County as~~
359 ~~compared to total turnpike toll and bond financed commitments~~
360 ~~shall be at least 90 percent of the share of net toll~~
361 ~~collections attributable to users of the turnpike~~ facilities
362 ~~system~~ in Miami-Dade County, Broward County, and Palm Beach
363 County are committed to projects and bond finance commitments in
364 each respective county as compared to total net toll collections
365 ~~attributable to users of the turnpike system.~~ This paragraph
366 ~~subsection~~ does not apply when the application of such

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367 requirements would violate any covenant established in a
368 resolution or trust indenture relating to the issuance of
369 turnpike bonds. The department may at any time for economic
370 considerations establish lower temporary toll rates for a new or
371 existing toll facility for a period not to exceed 1 year, after
372 which the toll rates adopted pursuant to s. 120.54 shall become
373 effective.

374 Section 10. Section 338.27, Florida Statutes, is created
375 to read:

376 338.27 Facilities of the former Miami-Dade County
377 Expressway Authority.-

378 (1) Effective upon this act becoming a law, the department
379 shall assume the assets and liabilities of the Miami-Dade County
380 Expressway Authority.

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

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

390 (3) Notwithstanding s. 338.165(3), the department may not
391 increase toll rates on facilities of the former Miami-Dade

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392 County Expressway Authority, except as required by bond
393 covenants.

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

396 1. To reimburse outstanding contractual obligations;

397 2. To operate and maintain the highways and toll
398 facilities, including reconstruction and restoration, such that
399 these facilities are maintained to department standards; and

400 3. To pay for projects funded by toll revenues from the
401 former Miami-Dade County Expressway Authority that are contained
402 in the authority's Five-Year Work Program adopted by the Miami-
403 Dade County Expressway Authority on December 5, 2018, the
404 designing, planning, and construction of SR 836 Southwest
405 Extension.

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

410 (5) Notwithstanding any other provision of law to the
411 contrary, the facilities of the former Miami-Dade County
412 Expressway Authority may not become part of the Florida Turnpike
413 Enterprise and are not subject to the Florida Turnpike
414 Enterprise Law, ss. 338.22-338.241.

415 Section 11. Paragraph (d) of subsection (3) of section
416 339.175, Florida Statutes, is amended to read:

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417 339.175 Metropolitan planning organization.—

418 (3) VOTING MEMBERSHIP.—

419 (d) Notwithstanding any other provision of this section to
420 the contrary, in a county as defined in s. 125.011(1), the
421 M.P.O. shall consist of the county commission and:

422 1. Three representatives from municipalities with a
423 population of 65,000 or more, appointed by the Governor, who
424 serve on a two-year rotational basis; and

425 2. Three representatives from municipalities with a
426 population of less than 65,000, appointed by the Governor, who
427 serve on a two-year rotational basis.

428
429 Except for a representative from the department serving as a
430 nonvoting advisor, the M.P.O. may not have any additional voting
431 members or nonvoting advisors ~~Any other provision of this~~
432 ~~section to the contrary notwithstanding, any county chartered~~
433 ~~under s. 6(c), Art. VIII of the State Constitution may elect to~~
434 ~~have its county commission serve as the M.P.O., if the M.P.O.~~
435 ~~jurisdiction is wholly contained within the county. Any charter~~
436 ~~county that elects to exercise the provisions of this paragraph~~
437 ~~shall so notify the Governor in writing. Upon receipt of such~~
438 ~~notification, the Governor must designate the county commission~~
439 ~~as the M.P.O. The Governor must appoint four additional voting~~
440 ~~members to the M.P.O., one of whom must be an elected official~~
441 ~~representing a municipality within the county, one of whom must~~

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442 ~~be an expressway authority member, one of whom must be a person~~
443 ~~who does not hold elected public office and who resides in the~~
444 ~~unincorporated portion of the county, and one of whom must be a~~
445 ~~school board member.~~

446 Section 12. Section 339.176, Florida Statutes, is
447 repealed.

448 Section 13. Subsection (6) of section 343.1003, Florida
449 Statutes, is amended to read:

450 343.1003 Northeast Florida Regional Transportation
451 Commission.—

452 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(c)~~,
453 Members of the board shall file a statement of financial
454 interests ~~interest~~ with the Commission on Ethics pursuant to s.
455 112.3145.

456 Section 14. Part I of chapter 348, Florida Statutes,
457 consisting of sections 348.0001, 348.0002, 348.0003, 348.0004,
458 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,
459 348.00115, and 348.0012, is repealed.

460 Section 15. (1) Effective upon this act becoming a law,
461 the governance and control of the Miami-Dade County Expressway
462 Authority is transferred to the Department of Transportation
463 pursuant to the terms of this section. The assets, facilities,
464 tangible and intangible property and any rights in such
465 property, and any other legal rights of the authority, including
466 the expressway system operated by the authority, are transferred

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467 to the department. The department succeeds to all powers of the
468 authority, and the operations and maintenance of the expressway
469 system shall be under the control of the department. Revenues
470 collected on the expressway system shall be considered
471 department revenues but shall be subject to the lien of the
472 trust indentures securing the Miami-Dade Expressway Authority
473 bonds. The department also assumes all liability for bonds of
474 the authority pursuant to the provisions of subsection (2). The
475 department shall, in consultation with the Division of Bond
476 Finance, review all other contracts, financial obligations, and
477 contractual relationships and liabilities of the authority, and
478 the department may assume responsibility for the obligations
479 that are determined to be necessary or desirable for the
480 continued operation of the expressway system. Employees,
481 officers, and members of the authority may not sell, dispose,
482 encumber, transfer, or expend the assets of the authority as
483 existed and reflected in the authority's financial statements
484 for the fiscal year ended June 30, 2018, other than in the
485 ordinary course of business. For purposes of this section,
486 incurring debt or issuing bonds for projects contained in the
487 authority's Five Year Work program approved and adopted by the
488 authority on December 5, 2018, is not considered the ordinary
489 course of business. Notwithstanding the foregoing, nothing
490 contained herein shall prevent the authority from designing and
491 planning the construction of SR 836 Southwest Extension or other

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492 projects contained in the authority's Five Year Work program
493 approved and adopted by the authority on December 5, 2018.

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

512 Section 16. Section 348.635, Florida Statutes, is created
513 to read:

514 348.635 Public-private partnership.—The Legislature
515 declares that there is a public need for the rapid construction
516 of safe and efficient transportation facilities for traveling

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517 within the state and that it is in the public's interest to
518 provide for public-private partnership agreements to effectuate
519 the construction of additional safe, convenient, and economical
520 transportation facilities.

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

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

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

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542 Highway System.

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

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

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

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

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

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

590 (4) Agreements entered into pursuant to this section may
591 authorize the public-private entity to impose tolls or fares for

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592 the use of the facility. However, the amount and use of toll or
593 fare revenues shall be regulated by the authority to avoid
594 unreasonable costs to users of the facility.

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

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

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

615 Section 17. Section 348.7605, Florida Statutes, is created
616 to read:

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617 348.7605 Public-private partnership.—The Legislature
618 declares that there is a public need for the rapid construction
619 of safe and efficient transportation facilities for traveling
620 within the state and that it is in the public's interest to
621 provide for public-private partnership agreements to effectuate
622 the construction of additional safe, convenient, and economical
623 transportation facilities.

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

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- 642 (a) Is in the public's best interest.
- 643 (b) Would not require state funds to be used unless the
644 project is on or provides increased mobility on the State
645 Highway System.
- 646 (c) Would have adequate safeguards to ensure that no
647 additional costs or service disruptions would be realized by the
648 traveling public and residents of the state in the event of
649 default or the cancellation of the agreement by the authority.
- 650 (d) Would have adequate safeguards in place to ensure that
651 the department, the authority, or the private entity has the
652 opportunity to add capacity to the proposed project and other
653 transportation facilities serving similar origins and
654 destinations.
- 655 (e) Would be owned by the authority upon completion or
656 termination of the agreement.
- 657 (2) The authority shall ensure that all reasonable costs
658 to the state which are related to transportation facilities that
659 are not part of the State Highway System are borne by the
660 private entity. The authority shall also ensure that all
661 reasonable costs to the state and substantially affected local
662 governments and utilities related to the private transportation
663 facility are borne by the private entity for transportation
664 facilities that are owned by private entities. For projects on
665 the State Highway System, the department may use state resources
666 to participate in funding and financing the project as provided

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667 for under the department's enabling legislation.

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

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692 proposer.

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

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

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

712 (7) Except as herein provided, this section is not
713 intended to amend existing laws by granting additional powers to
714 or further restricting the governmental entities from regulating
715 and entering into cooperative arrangements with the private

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716 sector for the planning, construction, and operation of
717 transportation facilities.

718 Section 18. Pursuant to section 20 of chapter 2014-171,
719 Laws of Florida, part V of chapter 348, Florida Statutes,
720 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
721 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
722 348.9961, is repealed.

723 Section 19. Except as otherwise expressly provided in this
724 act, this act shall take effect July 1, 2019.

725

726

T I T L E A M E N D M E N T

727
728 Remove everything before the enacting clause and insert:
729 An act relating to transportation; amending s. 20.23, F.S.;
730 conforming provisions to changes made by the act; amending s.
731 112.3144, F.S.; deleting an obsolete provision; requiring
732 members of certain authorities to comply with certain financial
733 disclosure requirements; amending s. 212.055, F.S.; requiring
734 certain counties, after a specified date, to use surtax proceeds
735 for purposes related to fixed guideway rapid transit systems,
736 bus systems, and development of dedicated facilities for
737 autonomous vehicles; authorizing the use of surtax proceeds for
738 the purchase of rights-of-way under certain circumstances;
739 authorizing the use of surtax proceeds for refinancing existing
740 bonds; authorizing municipalities in certain counties, after a

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741 specified date, to use surtax proceeds for certain purposes;
742 prohibiting the use of such proceeds for certain purposes;
743 amending s. 215.68, F.S.; conforming provisions to changes made
744 by the act; reviving, reenacting, and amending s. 319.141, F.S.;
745 deleting obsolete provisions; amending s. 334.175, F.S.;
746 requiring the Department of Transportation to approve design
747 plans for all transportation projects relating to department-
748 owned rights-of-way under certain circumstances; amending s.
749 337.025, F.S.; authorizing the department to establish a program
750 for transportation projects that demonstrate certain innovative
751 techniques for measuring resiliency and structural integrity and
752 controlling time and cost increases; amending s. 338.165, F.S.;
753 deleting cross-references; requiring the department to acquire
754 the assets and assume the liabilities of the authority;
755 providing construction; amending s. 338.231, F.S.; requiring the
756 department to commit all net toll collections attributable to
757 users of turnpike facilities in certain counties to projects and
758 bond finance commitments in each respective county; creating s.
759 338.27, F.S.; requiring the department to assume the assets and
760 liabilities of the former Miami-Dade County Expressway
761 Authority; requiring the department to continue tolls on certain
762 facilities until bond obligations are fully discharged;
763 prohibiting certain toll increases on former authority
764 facilities; requiring specified fees to be deposited in a
765 specified trust fund and be used for specified purposes;

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766 providing for the use of excess revenues; prohibiting facilities
767 of the former authority from becoming facilities of the Florida
768 Turnpike Enterprise; providing the certain facilities are not
769 subject to the Florida Turnpike Enterprise Law; amending s.
770 339.175, F.S.; revising the membership of the metropolitan
771 planning organization in a certain county; repealing s. 339.176,
772 F.S., relating to voting membership for certain metropolitan
773 planning organizations; amending s. 343.1003, F.S.; revising a
774 cross-reference; repealing part I of chapter 348, F.S., relating
775 to the creation and operation of the Florida Expressway
776 Authority Act; transferring the assets and liabilities of the
777 Miami-Dade County Expressway Authority to the department;
778 providing terms of the transfer; providing the department
779 succeeds to all powers of the authority; provides that revenues
780 collected on these facilities are department revenues; requires
781 the department, in consultation with the Division of Bond
782 Finance to review certain documents of the authority; providing
783 terms and conditions of the transfer; creating ss. 348.635 and
784 348.7605, F.S.; providing a legislative declaration; authorizing
785 the Tampa-Hillsborough County Expressway Authority and the
786 Central Florida Expressway Authority to enter into public-
787 private partnership agreements; authorizing solicitation or
788 receipt of certain proposals; providing rulemaking authority;
789 providing approval requirements; requiring certain costs to be
790 borne by the private entity; providing notice requirements for

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791 requests for proposals; providing for ranking and negotiation of
792 proposals; requiring the authorities to regulate tolls on
793 certain facilities; requiring compliance with specified laws,
794 rules, and conditions; providing for development, construction,
795 operation, and maintenance of transportation projects by the
796 authorities or private entities; providing construction;
797 repealing part V of ch. 348, F.S., relating to the Osceola
798 County Expressway Authority Law; providing effective dates.