

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

26 | to department-owned rights-of-way under certain
27 | circumstances; amending s. 337.025, F.S.; authorizing
28 | the department to establish a program for
29 | transportation projects that demonstrate certain
30 | innovative techniques for measuring resiliency and
31 | structural integrity and controlling time and cost
32 | increases; amending s. 338.165, F.S.; deleting cross-
33 | references; amending s. 338.166, F.S.; limiting the
34 | toll rate for high-occupancy toll lanes or express
35 | lanes in certain counties; amending s. 338.231, F.S.;
36 | requiring the department to commit all net toll
37 | collections attributable to users of turnpike
38 | facilities in certain counties to projects and bond
39 | finance commitments in each respective county;
40 | creating s. 338.271, F.S.; requiring the department to
41 | assume the assets and liabilities of the former Miami-
42 | Dade County Expressway Authority; requiring the
43 | department to continue tolls on certain facilities
44 | until bond obligations are fully discharged;
45 | prohibiting certain toll increases on former authority
46 | facilities; requiring specified fees to be deposited
47 | in a specified trust fund to be used for specified
48 | purposes; providing for the use of excess revenues;
49 | prohibiting facilities of the former authority from
50 | becoming facilities of the Florida Turnpike

51 Enterprise; providing that such facilities are not
52 subject to the Florida Turnpike Enterprise Law;
53 amending s. 339.175, F.S.; revising the membership of
54 the metropolitan planning organization in certain
55 counties; prohibiting the metropolitan planning
56 organization in such counties from charging a
57 membership fee; repealing s. 339.176, F.S., relating
58 to voting membership for certain metropolitan planning
59 organizations; amending s. 343.1003, F.S.; revising a
60 cross-reference; repealing part I of chapter 348,
61 F.S., relating to the creation and operation of the
62 Florida Expressway Authority Act; transferring the
63 assets and liabilities of the Miami-Dade County
64 Expressway Authority to the department; providing
65 terms of the transfer; providing that the department
66 succeeds to all powers of the authority; providing
67 that revenues collected on the expressway system are
68 department revenues; requiring the department, in
69 consultation with the Division of Bond Finance, to
70 review certain documents of the authority; providing
71 terms and conditions of the transfer; providing
72 requirements for the use of cost savings and
73 unencumbered cash balances; requiring the department
74 to display certain signs; requiring an annual report
75 to the Miami-Dade County Board of County Commissioners

76 and the Miami-Dade County Transportation Planning
77 Organization; creating ss. 348.635 and 348.7605, F.S.;
78 providing a legislative declaration; authorizing the
79 Tampa-Hillsborough County Expressway Authority and the
80 Central Florida Expressway Authority to enter into
81 public-private partnership agreements; authorizing
82 solicitation or receipt of certain proposals;
83 providing rulemaking authority; providing approval
84 requirements; requiring certain costs to be borne by
85 the private entity; providing notice requirements for
86 requests for proposals; providing for ranking and
87 negotiation of proposals; requiring the authorities to
88 regulate tolls on certain facilities; requiring
89 compliance with specified laws, rules, and conditions;
90 providing for development, construction, operation,
91 and maintenance of transportation projects by the
92 authorities or private entities; providing
93 construction; repealing part V of ch. 348, F.S.,
94 relating to the Osceola County Expressway Authority
95 Law; providing effective dates.

96
97 Be It Enacted by the Legislature of the State of Florida:

98
99 Section 1. Paragraph (b) of subsection (2) of section
100 20.23, Florida Statutes, is amended to read:

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

104 (2)

105 (b) The commission shall:

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

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

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

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

125 5. Monitor on at least a quarterly basis, the efficiency,

126 productivity, and management of the department using performance
127 and production standards developed by the commission pursuant to
128 s. 334.045.

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

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

144 8. Monitor the efficiency, productivity, and management of
145 the authorities created under chapters 348 and 349, ~~including~~
146 ~~any authority formed using part I of chapter 348~~; the Mid-Bay
147 Bridge Authority re-created pursuant to chapter 2000-411, Laws
148 of Florida; and any authority formed under chapter 343. The
149 commission shall also conduct periodic reviews of each
150 authority's operations and budget, acquisition of property,

151 management of revenue and bond proceeds, and compliance with
 152 applicable laws and generally accepted accounting principles.

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

155 112.3144 Full and public disclosure of financial
 156 interests.—

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

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

171 Section 3. Paragraph (d) of subsection (1) of section
 172 212.055, Florida Statutes, is amended to read:

173 212.055 Discretionary sales surtaxes; legislative intent;
 174 authorization and use of proceeds.—It is the legislative intent
 175 that any authorization for imposition of a discretionary sales

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

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

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

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

198 | ~~b.2.~~ Remitted by the governing body of the county to an
 199 | expressway, transit, or transportation authority created by law
 200 | to be used, at the discretion of such authority, for the

201 development, construction, operation, or maintenance of roads or
 202 bridges in the county, for the operation and maintenance of a
 203 bus system, for the operation and maintenance of on-demand
 204 transportation services, for the payment of principal and
 205 interest on existing bonds issued for the construction of such
 206 roads or bridges, and, upon approval by the county commission,
 207 such proceeds may be pledged for bonds issued to refinance
 208 existing bonds or new bonds issued for the construction of such
 209 roads or bridges;

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

222 c.4. Used by the county for the planning, development,
 223 construction, operation, and maintenance of roads and bridges in
 224 the county; for the planning, development, expansion, operation,
 225 and maintenance of bus and fixed guideway systems; for the

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

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

249 | (I) The planning, design, engineering, or construction of
250 | fixed guideway rapid transit systems and bus systems, including

251 bus rapid transit systems, and for the development of dedicated
252 facilities for autonomous vehicles as defined in s. 316.003.

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

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

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

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

266 b. Effective October 1, 2022, to the extent not prohibited
267 by contracts or bond covenants in effect on that date, no more
268 than 25 percent of the surtax proceeds may be distributed to
269 municipalities in total in a county as defined in s. 125.011(1).
270 Such municipalities may use the surtax proceeds to plan,
271 develop, construct, operate, and maintain roads and bridges in
272 the municipality and to pay the principal and interest on bonds
273 issued to construct roads or bridges. The governing body of the
274 municipality may pledge the proceeds for bonds issued to
275 refinance existing bonds or new bonds issued to construct such

276 | roads or bridges. Additionally, each such municipality may use
 277 | surtax proceeds for transit systems within the municipality.

278 | c. Effective October 1, 2022, in a county as defined in s.
 279 | 125.011(1), proceeds from the surtax may not be used for
 280 | salaries or other personnel expenses of the county
 281 | transportation department.

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

284 | 215.68 Issuance of bonds; form; maturity date, execution,
 285 | sale.—

286 | (2) Such bonds may:

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

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

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

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

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

300 | (f) Be payable at such place or places within or without

301 the state as the board shall determine by resolution.

302

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

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

309 319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.—

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

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

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

323 (2) ~~By July 1, 2015,~~ The department shall oversee a ~~pilot~~
 324 program in Miami-Dade County to evaluate alternatives to the ~~for~~
 325 rebuilt inspection services currently provided ~~offered~~ by

326 ~~existing~~ private sector operators, including the continued use
327 of private facilities, the cost impact to consumers, and the
328 potential savings to the department.

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

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

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

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

351 company, a salvage yard, a metal retailer, or a metal rebuilder,
352 from which he or she receives remuneration, directly or
353 indirectly, for the referral of customers for rebuilt inspection
354 services.

355 (c) Have and maintain garage liability and other insurance
356 required by the department.

357 (d) Have completed criminal background checks of the
358 owners, partners, and corporate officers and the inspectors
359 employed by the facility.

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

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

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

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

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

380 334.175 Certification of project design plans and
 381 surveys.—

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

388 (2) For all transportation projects on, under, over, or
 389 abutting a department-owned right-of-way and regardless of
 390 funding source, the department shall approve the design plans
 391 for such projects if such design plans meet department design
 392 standards.

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

395 337.025 Innovative transportation ~~highway~~ projects;
 396 department to establish program.—

397 (1) The department may ~~is authorized to~~ establish a
 398 program for transportation ~~highway~~ projects demonstrating
 399 innovative techniques of highway and bridge design,
 400 construction, maintenance, and finance which have the intended

401 effect of measuring resiliency and structural integrity and
402 controlling time and cost increases on construction projects.
403 Such techniques may include, but are not limited to, state-of-
404 the-art technology for pavement, safety, and other aspects of
405 highway and bridge design, construction, and maintenance;
406 innovative bidding and financing techniques; accelerated
407 construction procedures; and those techniques that have the
408 potential to reduce project life cycle costs. To the maximum
409 extent practical, the department must use the existing process
410 to award and administer construction and maintenance contracts.
411 When specific innovative techniques are to be used, the
412 department is not required to adhere to those provisions of law
413 that would prevent, preclude, or in any way prohibit the
414 department from using the innovative technique. However, before
415 ~~prior to~~ using an innovative technique that is inconsistent with
416 another provision of law, the department must document in
417 writing the need for the exception and identify what benefits
418 the traveling public and the affected community are anticipated
419 to receive. The department may enter into no more than \$120
420 million in contracts annually for the purposes authorized by
421 this section.

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

424 338.165 Continuation of tolls.—

425 (2) If the revenue-producing project is on the State

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

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

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

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

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

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

446 338.231 Turnpike tolls, fixing; pledge of tolls and other
 447 revenues.—The department shall at all times fix, adjust, charge,
 448 and collect such tolls and amounts for the use of the turnpike
 449 system as are required in order to provide a fund sufficient
 450 with other revenues of the turnpike system to pay the cost of

451 maintaining, improving, repairing, and operating such turnpike
452 system; to pay the principal of and interest on all bonds issued
453 to finance or refinance any portion of the turnpike system as
454 the same become due and payable; and to create reserves for all
455 such purposes.

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

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

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

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

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

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

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

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

- 497 1. Reimburse outstanding contractual obligations.
498 2. Operate and maintain the highways and toll facilities,
499 including reconstruction and restoration, such that these
500 facilities are maintained to department standards.

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

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

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

514 Section 12. Paragraph (d) of subsection (3) and paragraph
515 (f) of subsection (6) of section 339.175, Florida Statutes, are
516 amended to read:

517 339.175 Metropolitan planning organization.—

518 (3) VOTING MEMBERSHIP.—

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

522 1. Four representatives from municipalities with a
523 population of 50,000 or more. These representatives shall be
524 appointed by the Governor based on the recommendations of the
525 county commission and serve on a 2-year rotational basis.

526 2. Four representatives from municipalities with a
527 population of less than 50,000. These representatives shall be
528 appointed by the Governor based on the recommendations of the
529 county commission and serve on a 2-year rotational basis.

530

531 Except for a representative from the department serving as a
532 nonvoting advisor, the M.P.O. may not have any additional voting
533 members or nonvoting advisors ~~Any other provision of this~~
534 ~~section to the contrary notwithstanding, any county chartered~~
535 ~~under s. 6(c), Art. VIII of the State Constitution may elect to~~
536 ~~have its county commission serve as the M.P.O., if the M.P.O.~~
537 ~~jurisdiction is wholly contained within the county. Any charter~~
538 ~~county that elects to exercise the provisions of this paragraph~~
539 ~~shall so notify the Governor in writing. Upon receipt of such~~
540 ~~notification, the Governor must designate the county commission~~
541 ~~as the M.P.O. The Governor must appoint four additional voting~~
542 ~~members to the M.P.O., one of whom must be an elected official~~
543 ~~representing a municipality within the county, one of whom must~~
544 ~~be an expressway authority member, one of whom must be a person~~
545 ~~who does not hold elected public office and who resides in the~~
546 ~~unincorporated portion of the county, and one of whom must be a~~
547 ~~school board member.~~

548 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
549 privileges, and authority of an M.P.O. are those specified in
550 this section or incorporated in an interlocal agreement

551 authorized under s. 163.01. Each M.P.O. shall perform all acts
552 required by federal or state laws or rules, now and subsequently
553 applicable, which are necessary to qualify for federal aid. It
554 is the intent of this section that each M.P.O. shall be involved
555 in the planning and programming of transportation facilities,
556 including, but not limited to, airports, intercity and high-
557 speed rail lines, seaports, and intermodal facilities, to the
558 extent permitted by state or federal law.

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

563 2. In a county as defined in s. 125.011(1), the M.P.O. may
564 not charge a fee for membership.

565 Section 13. Section 339.176, Florida Statutes, is
566 repealed.

567 Section 14. Subsection (6) of section 343.1003, Florida
568 Statutes, is amended to read:

569 343.1003 Northeast Florida Regional Transportation
570 Commission.—

571 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(c)~~,
572 members of the board shall file a statement of financial
573 interests ~~interest~~ with the Commission on Ethics pursuant to s.
574 112.3145.

575 Section 15. Part I of chapter 348, Florida Statutes,

576 consisting of sections 348.0001, 348.0002, 348.0003, 348.0004,
577 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,
578 348.00115, and 348.0012, is repealed.

579 Section 16. (1) Effective upon this act becoming a law,
580 the governance and control of the Miami-Dade County Expressway
581 Authority is transferred to the Department of Transportation
582 pursuant to the terms of this section. The assets, facilities,
583 tangible and intangible property and any rights in such
584 property, and any other legal rights of the authority, including
585 the expressway system operated by the authority, are transferred
586 to the department. The department succeeds to all powers of the
587 authority, and the operations and maintenance of the expressway
588 system shall be under the control of the department. Revenues
589 collected on the expressway system shall be considered
590 department revenues but shall be subject to the lien of the
591 trust indentures securing the Miami-Dade County Expressway
592 Authority bonds. The department also assumes all liability for
593 bonds of the authority pursuant to subsection (2). The
594 department shall, in consultation with the Division of Bond
595 Finance, review all other contracts, financial obligations, and
596 contractual relationships and liabilities of the authority, and
597 the department may assume responsibility for the obligations
598 that are determined to be necessary or desirable for the
599 continued operation of the expressway system. Employees,
600 officers, and members of the authority may not sell, dispose,

601 encumber, transfer, or expend the assets of the authority as
602 existed and reflected in the authority's financial statements
603 for the fiscal year ended June 30, 2018, other than in the
604 ordinary course of business. For purposes of this section,
605 incurring debt or issuing bonds for projects contained in the 5-
606 year work program approved and adopted by the authority on
607 December 5, 2018, is not considered the ordinary course of
608 business. Notwithstanding the foregoing, nothing contained
609 herein shall prevent the authority from designing and planning
610 projects contained in the 5-year work program approved and
611 adopted by the authority on December 5, 2018.

612 (2) The transfer pursuant to this section is subject to
613 all terms and covenants provided for the protection of the
614 holders of the Miami-Dade County Expressway Authority bonds in
615 the trust indentures or resolutions adopted in connection with
616 the issuance of such bonds. Further, the transfer does not
617 impair the terms of the contract between the authority and the
618 bondholders, does not act to the detriment of the bondholders,
619 and does not diminish the security for the bonds. After the
620 transfer, the department shall operate and maintain the
621 expressway system and any other facilities of the authority in
622 accordance with the terms, conditions, and covenants contained
623 in the trust indentures or bond resolutions securing such bonds.
624 The department shall collect toll revenues and apply them to the
625 payment of debt service as provided in the trust indentures or

626 bond resolutions securing such bonds and expressly assumes all
627 obligations relating to the bonds to ensure that the transfer of
628 the authority will have no adverse impact on the security for
629 the bonds of the authority.

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

635 (4) The department shall use the unencumbered cash
636 balances transferred under this section to prepay or defease
637 outstanding Miami-Dade County Expressway Authority bonds or
638 debts to the extent allowed by or consistent with the terms and
639 covenants provided for the protection of the holders of the
640 Miami-Dade County Expressway Authority bonds in the trust
641 indentures or resolutions adopted in connection with the
642 issuance of such bonds.

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

646 (6) By October 1 of each year beginning in 2020, the
647 department shall provide a report to the Miami-Dade County Board
648 of County Commissioners and the Miami-Dade County Transportation
649 Planning Organization detailing the toll collections, costs, and
650 net revenues collected of the expressway system and turnpike

651 operations in Miami-Dade County. The report shall include
652 details on projects funded and scheduled to be funded by toll
653 revenues, including revenues of the Florida Turnpike Enterprise,
654 in Miami-Dade County.

655 Section 17. Section 348.635, Florida Statutes, is created
656 to read:

657 348.635 Public-private partnership.—The Legislature
658 declares that there is a public need for the rapid construction
659 of safe and efficient transportation facilities for traveling
660 within the state and that it is in the public's interest to
661 provide for public-private partnership agreements to effectuate
662 the construction of additional safe, convenient, and economical
663 transportation facilities.

664 (1) Notwithstanding any other provision of this part, the
665 authority may receive or solicit proposals and enter into
666 agreements with private entities, or consortia thereof, for the
667 building, operation, ownership, or financing of authority
668 transportation facilities or new transportation facilities
669 within the jurisdiction of the authority which increase
670 transportation capacity. The authority may not sell or lease any
671 transportation facility owned by the authority without providing
672 the analysis required in s. 334.30(6)(e)2. to the Legislative
673 Budget Commission created pursuant to s. 11.90 for review and
674 approval before awarding a contract on a lease of an existing
675 toll facility. The authority may adopt rules to implement this

676 section and shall, by rule, establish an application fee for the
677 submission of unsolicited proposals under this section. The fee
678 must be sufficient to pay the costs of evaluating the proposals.
679 The authority may engage private consultants to assist in the
680 evaluation. Before approval, the authority must determine that a
681 proposed project:

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

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

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

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

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

697 (2) The authority shall ensure that all reasonable costs
698 to the state which are related to transportation facilities that
699 are not part of the State Highway System are borne by the
700 private entity. The authority shall also ensure that all

701 reasonable costs to the state and substantially affected local
702 governments and utilities related to the private transportation
703 facility are borne by the private entity for transportation
704 facilities that are owned by private entities. For projects on
705 the State Highway System, the department may use state resources
706 to participate in funding and financing the project as provided
707 for under the department's enabling legislation.

708 (3) The authority may request proposals for public-private
709 transportation projects or, if it receives an unsolicited
710 proposal, it must publish a notice in the Florida Administrative
711 Register and a newspaper of general circulation in the county in
712 which it is located at least once a week for 2 weeks stating
713 that it has received the proposal and will accept, for 60 days
714 after the initial date of publication, other proposals for the
715 same project purpose. A copy of the notice must be mailed to
716 each local government in the affected areas. After the public
717 notification period has expired, the authority shall rank the
718 proposals in order of preference. In ranking the proposals, the
719 authority shall consider professional qualifications, general
720 business terms, innovative engineering or cost-reduction terms,
721 finance plans, and the need for state funds to deliver the
722 proposal. If the authority is not satisfied with the results of
723 the negotiations, it may, at its sole discretion, terminate
724 negotiations with the proposer. If these negotiations are
725 unsuccessful, the authority may go to the second and lower-

726 ranked firms, in order, using the same procedure. If only one
727 proposal is received, the authority may negotiate in good faith,
728 and if it is not satisfied with the results, it may, at its sole
729 discretion, terminate negotiations with the proposer. The
730 authority may, at its discretion, reject all proposals at any
731 point in the process up to completion of a contract with the
732 proposer.

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

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

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

751 reimbursement for services rendered.

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

758 Section 18. Section 348.7605, Florida Statutes, is created
759 to read:

760 348.7605 Public-private partnership.—The Legislature
761 declares that there is a public need for the rapid construction
762 of safe and efficient transportation facilities for traveling
763 within the state and that it is in the public's interest to
764 provide for public-private partnership agreements to effectuate
765 the construction of additional safe, convenient, and economical
766 transportation facilities.

767 (1) Notwithstanding any other provision of this part, the
768 authority may receive or solicit proposals and enter into
769 agreements with private entities, or consortia thereof, for the
770 building, operation, ownership, or financing of authority
771 transportation facilities or new transportation facilities
772 within the jurisdiction of the authority which increase
773 transportation capacity. The authority may not sell or lease any
774 transportation facility owned by the authority without providing
775 the analysis required in s. 334.30(6)(e)2. to the Legislative

776 Budget Commission created pursuant to s. 11.90 for review and
777 approval before awarding a contract on a lease of an existing
778 toll facility. The authority may adopt rules to implement this
779 section and shall, by rule, establish an application fee for the
780 submission of unsolicited proposals under this section. The fee
781 must be sufficient to pay the costs of evaluating the proposals.
782 The authority may engage private consultants to assist in the
783 evaluation. Before approval, the authority must determine that a
784 proposed project:

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

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

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

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

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

800 (2) The authority shall ensure that all reasonable costs

801 to the state which are related to transportation facilities that
802 are not part of the State Highway System are borne by the
803 private entity. The authority shall also ensure that all
804 reasonable costs to the state and substantially affected local
805 governments and utilities related to the private transportation
806 facility are borne by the private entity for transportation
807 facilities that are owned by private entities. For projects on
808 the State Highway System, the department may use state resources
809 to participate in funding and financing the project as provided
810 for under the department's enabling legislation.

811 (3) The authority may request proposals for public-private
812 transportation projects or, if it receives an unsolicited
813 proposal, it must publish a notice in the Florida Administrative
814 Register and a newspaper of general circulation in the county in
815 which it is located at least once a week for 2 weeks stating
816 that it has received the proposal and will accept, for 60 days
817 after the initial date of publication, other proposals for the
818 same project purpose. A copy of the notice must be mailed to
819 each local government in the affected areas. After the public
820 notification period has expired, the authority shall rank the
821 proposals in order of preference. In ranking the proposals, the
822 authority shall consider professional qualifications, general
823 business terms, innovative engineering or cost-reduction terms,
824 finance plans, and the need for state funds to deliver the
825 proposal. If the authority is not satisfied with the results of

826 the negotiations, it may, at its sole discretion, terminate
827 negotiations with the proposer. If these negotiations are
828 unsuccessful, the authority may go to the second and lower-
829 ranked firms, in order, using the same procedure. If only one
830 proposal is received, the authority may negotiate in good faith,
831 and if it is not satisfied with the results, it may, at its sole
832 discretion, terminate negotiations with the proposer. The
833 authority may, at its discretion, reject all proposals at any
834 point in the process up to completion of a contract with the
835 proposer.

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

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

848 (6) The authority may exercise any power possessed by it,
849 including eminent domain, to facilitate the development and
850 construction of transportation projects pursuant to this

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

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

861 Section 19. Pursuant to section 20 of chapter 2014-171,
862 Laws of Florida, part V of chapter 348, Florida Statutes,
863 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
864 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
865 348.9961, is repealed.

866 Section 20. Except as otherwise expressly provided in this
867 act and except for this section, which shall take effect upon
868 this act becoming a law, this act shall take effect July 1,
869 2019.