

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
6 and agencies to comply with certain financial
7 disclosure requirements; amending s. 212.055, F.S.;
8 revising the authorized uses of proceeds from charter
9 county and regional transportation system surtaxes;
10 requiring certain counties to use surtax proceeds for
11 purposes related to fixed guideway rapid transit
12 systems, bus systems, and development of dedicated
13 facilities for autonomous vehicles; authorizing the
14 use of surtax proceeds for the purchase of rights-of-
15 way under certain circumstances; authorizing the use
16 of surtax proceeds for refinancing existing bonds;
17 authorizing a percentage of surtax proceeds to be
18 distributed to certain municipalities to be used for
19 certain purposes; prohibiting the use of such proceeds
20 for certain purposes; amending s. 215.68, F.S.;
21 conforming provisions to changes made by the act;
22 reviving, reenacting, and amending s. 319.141, F.S.;
23 revising the definition of the term "rebuilt
24 inspection services"; revising provisions relating to
25 the Pilot Rebuilt motor vehicle inspection program;

26 | revising participant selection requirements, duties,
27 | and responsibilities; revising location and insurance
28 | requirements; authorizing the Department of Highway
29 | Safety and Motor Vehicles to adopt rules; requiring a
30 | report to the Legislature; providing for future
31 | repeal; amending s. 334.175, F.S.; requiring the
32 | Department of Transportation to approve design plans
33 | for all transportation projects relating to
34 | department-owned rights-of-way under certain
35 | circumstances; amending s. 337.025, F.S.; authorizing
36 | the department to establish a program for
37 | transportation projects that demonstrate certain
38 | innovative techniques for measuring resiliency and
39 | structural integrity and controlling time and cost
40 | increases; amending s. 338.165, F.S.; deleting cross-
41 | references; amending s. 338.166, F.S.; limiting the
42 | toll rate for high-occupancy toll lanes or express
43 | lanes in certain counties; requiring a report;
44 | amending s. 338.231, F.S.; requiring the department to
45 | commit all net toll collections attributable to users
46 | of turnpike facilities in certain counties to projects
47 | and bond finance commitments in each respective
48 | county; amending s. 339.175, F.S.; revising the
49 | membership of the metropolitan planning organization
50 | in certain counties; prohibiting the metropolitan

51 planning organization in such counties from assessing
52 certain fees; amending s. 343.1003, F.S.; revising a
53 cross-reference; repealing part I of chapter 348,
54 F.S., relating to the creation and operation of the
55 Florida Expressway Authority Act; creating part I of
56 ch. 348, F.S., titled "Greater Miami Expressway
57 Agency"; creating s. 348.0301, F.S.; providing a short
58 title; creating s. 348.0302, F.S.; providing
59 applicability; creating s. 348.0303, F.S.; providing
60 definitions; creating s. 348.0304, F.S.; creating the
61 Greater Miami Expressway Agency; providing for
62 membership on the governing body of the agency;
63 requiring the initial meeting of the governing body by
64 a date certain; requiring an oath of office;
65 authorizing the governing body to employ certain
66 officers and staff; authorizing the delegation of
67 certain functions; prohibiting certain persons from
68 serving as executive director of the agency; requiring
69 the appointment of an interim executive director by a
70 date certain; providing that members of the governing
71 body are not entitled to compensation but are entitled
72 to per diem and travel expenses; creating s. 348.0305,
73 F.S.; providing ethics requirements for the agency;
74 providing applicability of certain provisions;
75 providing definitions; prohibiting certain persons

76 | from being appointed to the governing body of the
77 | agency; providing certain prohibitions for members and
78 | employees of the agency after vacation of their
79 | positions; providing disclosure requirements;
80 | providing that violation of certain provisions are
81 | considered violation of official, employment, or
82 | contractual duties; requiring certain ethics training;
83 | providing application and enforcement; creating s.
84 | 348.0306, F.S.; providing agency purposes and powers;
85 | requiring the agency to construct expressways;
86 | providing construction requirements; prohibiting an
87 | increase in toll rates until a specified date;
88 | requiring a supermajority vote for an increase in toll
89 | rates; providing a limit to administrative costs;
90 | requiring the Florida Transportation Commission to
91 | determine average administrative costs; requiring a
92 | minimum distance between tolling points; authorizing
93 | establishment of specified toll rates; providing
94 | agency responsibilities regarding reimbursement of
95 | certain county gasoline tax funds; providing project
96 | approval requirements; requiring an annual financial
97 | audit of the agency; creating s. 348.0307, F.S.;

98 | creating the Florida Sunshine Rebate Program;
99 | requiring the agency to provide specified rebates to
100 | specified SunPass holders; providing for automatic

101 eligibility; providing for an opt-out provision;
102 creating s. 348.0308, F.S.; providing a legislative
103 declaration; authorizing the agency to enter into
104 public-private partnership agreements; authorizing
105 solicitation or receipt of certain proposals;
106 providing rulemaking authority; providing approval
107 requirements; requiring certain costs to be borne by
108 the private entity; providing notice requirements for
109 requests for proposals; providing for ranking and
110 negotiation of proposals; requiring the agency to
111 regulate tolls on certain facilities; requiring
112 compliance with specified laws, rules, and conditions;
113 providing for development, construction, operation,
114 and maintenance of transportation projects by the
115 agency or private entities; providing construction;
116 creating s. 348.0309, F.S.; authorizing the agency to
117 have bonds issued as provided in the State Bond Act;
118 authorizing the agency to issue its own bonds;
119 providing requirements for the issuance of such bonds;
120 requiring the sale of bonds at a public sale;
121 providing an exception; providing that bonds are
122 negotiable instruments under certain provisions of
123 law; requiring approval by the Legislative Budget
124 Commission for certain projects, buildings, or
125 facilities and any refinancing thereof; creating s.

126 348.0310, F.S.; authorizing the department to be
127 appointed as an agent of the agency for construction
128 purposes; requiring the agency to provide specified
129 documents and funding to the department; creating s.
130 348.0311, F.S.; authorizing the agency to acquire
131 lands and property; authorizing specified persons to
132 enter upon specified properties; providing notice
133 requirements; requiring the agency to make
134 reimbursement for damages to such properties;
135 requiring such entry to comply with certain
136 provisions; providing for eminent domain authority;
137 providing construction; authorizing interagency
138 agreements with the Department of Environmental
139 Protection for certain purposes; creating s. 348.0312,
140 F.S.; authorizing agency cooperation with other units
141 of government and individuals; creating s. 348.0313,
142 F.S.; providing a covenant of the state that it will
143 not limit certain rights or powers; creating s.
144 348.0314, F.S.; exempting the agency from taxation;
145 providing an exception; creating s. 348.0315, F.S.;
146 requiring specified information to be posted on the
147 agency's website; requiring a report; creating s.
148 348.0316, F.S.; providing that specified bonds or
149 obligations are eligible investments for certain
150 purposes; creating s. 348.0317, F.S.; providing that

151 specified pledges are enforceable by bondholders;
152 creating s. 348.0318, F.S.; providing that certain
153 provisions constitute complete and additional
154 authority; providing construction; transferring the
155 assets and liabilities of the Miami-Dade County
156 Expressway Authority to the Greater Miami Expressway
157 Agency; providing terms of the transfer; providing
158 that the agency succeeds to all powers of the
159 authority; providing that revenues collected on the
160 expressway system are agency revenues; requiring the
161 agency, in consultation with the Division of Bond
162 Finance, to review certain documents of the authority;
163 providing terms and conditions of the transfer;
164 providing for the dissolution of the Miami-Dade County
165 Expressway Authority; creating ss. 348.635 and
166 348.7605, F.S.; providing a legislative declaration;
167 authorizing the Tampa-Hillsborough County Expressway
168 Authority and the Central Florida Expressway Authority
169 to enter into public-private partnership agreements;
170 authorizing solicitation or receipt of certain
171 proposals; providing rulemaking authority; providing
172 approval requirements; requiring certain costs to be
173 borne by the private entity; providing notice
174 requirements for requests for proposals; providing for
175 ranking and negotiation of proposals; requiring the

176 | authorities to regulate tolls on certain facilities;
 177 | requiring compliance with specified laws, rules, and
 178 | conditions; providing for development, construction,
 179 | operation, and maintenance of transportation projects
 180 | by the authorities or private entities; providing
 181 | construction; repealing part V of ch. 348, F.S.,
 182 | relating to the Osceola County Expressway Authority
 183 | Law; providing effective dates.

184 |

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

186 |

187 | Section 1. Paragraph (b) of subsection (2) of section
 188 | 20.23, Florida Statutes, is amended to read:

189 | 20.23 Department of Transportation.—There is created a
 190 | Department of Transportation which shall be a decentralized
 191 | agency.

192 | (2)

193 | (b) The commission shall:

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

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

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

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

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

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

221 7. Recommend to the Governor and the Legislature
222 improvements to the department's organization in order to
223 streamline and optimize the efficiency of the department. In
224 reviewing the department's organization, the commission shall
225 determine if the current district organizational structure is

226 responsive to this state's changing economic and demographic
 227 development patterns. The initial report by the commission must
 228 be delivered to the Governor and the Legislature by December 15,
 229 2000, and each year thereafter, as appropriate. The commission
 230 may retain experts as necessary to carry out this subparagraph,
 231 and the department shall pay the expenses of the experts.

232 8. Monitor the efficiency, productivity, and management of
 233 the agencies and authorities created under chapters 348 and 349,
 234 ~~including any authority formed using part I of chapter 348;~~ the
 235 Mid-Bay Bridge Authority re-created pursuant to chapter 2000-
 236 411, Laws of Florida; and any authority formed under chapter
 237 343. The commission shall also conduct periodic reviews of each
 238 agency's and authority's operations and budget, acquisition of
 239 property, management of revenue and bond proceeds, and
 240 compliance with applicable laws and generally accepted
 241 accounting principles.

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

244 112.3144 Full and public disclosure of financial
 245 interests.—

246 (1) (a) An officer who is required by s. 8, Art. II of the
 247 State Constitution to file a full and public disclosure of his
 248 or her financial interests for any calendar or fiscal year shall
 249 file that disclosure with the Florida Commission on Ethics.
 250 Additionally, ~~beginning January 1, 2015,~~ an officer who is

251 required to complete annual ethics training pursuant to s.
252 112.3142 must certify on his or her full and public disclosure
253 of financial interests that he or she has completed the required
254 training.

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

261 Section 3. Effective October 1, 2022, paragraph (d) of
262 subsection (1) of section 212.055, Florida Statutes, is amended
263 to read:

264 212.055 Discretionary sales surtaxes; legislative intent;
265 authorization and use of proceeds.—It is the legislative intent
266 that any authorization for imposition of a discretionary sales
267 surtax shall be published in the Florida Statutes as a
268 subsection of this section, irrespective of the duration of the
269 levy. Each enactment shall specify the types of counties
270 authorized to levy; the rate or rates which may be imposed; the
271 maximum length of time the surtax may be imposed, if any; the
272 procedure which must be followed to secure voter approval, if
273 required; the purpose for which the proceeds may be expended;
274 and such other requirements as the Legislature may provide.
275 Taxable transactions and administrative procedures shall be as

276 provided in s. 212.054.

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

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

283 ~~a.1.~~ Deposited by the county in the trust fund and shall
284 be used for the purposes of development, construction,
285 equipment, maintenance, operation, supportive services,
286 including a countywide bus system, on-demand transportation
287 services, and related costs of a fixed guideway rapid transit
288 system;

289 ~~b.2.~~ Remitted by the governing body of the county to an
290 expressway, transit, or transportation authority created by law
291 to be used, at the discretion of such authority, for the
292 development, construction, operation, or maintenance of roads or
293 bridges in the county, for the operation and maintenance of a
294 bus system, for the operation and maintenance of on-demand
295 transportation services, for the payment of principal and
296 interest on existing bonds issued for the construction of such
297 roads or bridges, and, upon approval by the county commission,
298 such proceeds may be pledged for bonds issued to refinance
299 existing bonds or new bonds issued for the construction of such
300 roads or bridges;

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

313 c.4. Used by the county for the planning, development,
314 construction, operation, and maintenance of roads and bridges in
315 the county; for the planning, development, expansion, operation,
316 and maintenance of bus and fixed guideway systems; for the
317 planning, development, construction, expansion, operation, and
318 maintenance of on-demand transportation services; and for the
319 payment of principal and interest on bonds issued for the
320 construction of fixed guideway rapid transit systems, bus
321 systems, roads, or bridges; and such proceeds may be pledged by
322 the governing body of the county for bonds issued to refinance
323 existing bonds or new bonds issued for the construction of such
324 fixed guideway rapid transit systems, bus systems, roads, or
325 bridges. Pursuant to an interlocal agreement entered into

326 pursuant to chapter 163, the governing body of the county may
327 distribute proceeds from the tax to a municipality, or an
328 expressway or transportation authority created by law to be
329 expended for the purpose authorized by this paragraph. Any
330 county that has entered into interlocal agreements for
331 distribution of proceeds to one or more municipalities in the
332 county shall revise such interlocal agreements no less than
333 every 5 years in order to include any municipalities that have
334 been created since the prior interlocal agreements were
335 executed.

336 2.a. To the extent not prohibited by contracts or bond
337 covenants in effect on that date, a county as defined in s.
338 125.011(1) shall use proceeds from the surtax only for the
339 following purposes:

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

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

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

350 (IV) The payment of principal and interest on bonds

351 previously issued related to fixed guideway rapid transit
352 systems or bus systems.

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

357 b. To the extent not prohibited by contracts or bond
358 covenants in effect on that date, no more than 25 percent of the
359 surtax proceeds may be distributed to municipalities in total in
360 a county as defined in s. 125.011(1). Such municipalities may
361 use the surtax proceeds to plan, develop, construct, operate,
362 and maintain roads and bridges in the municipality and to pay
363 the principal and interest on bonds issued to construct roads or
364 bridges. The governing body of the municipality may pledge the
365 proceeds for bonds issued to refinance existing bonds or new
366 bonds issued to construct such roads or bridges. Additionally,
367 each such municipality may use surtax proceeds for transit
368 systems within the municipality.

369 c. In a county as defined in s. 125.011(1), proceeds from
370 the surtax may not be used for salaries or other personnel
371 expenses of the county transportation department.

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

374 215.68 Issuance of bonds; form; maturity date, execution,
375 sale.—

- 376 (2) Such bonds may:
- 377 (a) Be issued in either coupon form or registered form or
- 378 both;
- 379 (b) Have such date or dates of issue and such maturities,
- 380 not exceeding in any event 40 years from the date of issuance
- 381 thereof;
- 382 (c) Bear interest at a rate or rates not exceeding the
- 383 interest rate limitation set forth in s. 215.84(3);
- 384 (d) Have such provisions for registration of coupon bonds
- 385 and conversion and reconversion of bonds from coupon to
- 386 registered form or from registered form to coupon form;
- 387 (e) Have such provisions for payment at maturity and
- 388 redemption before ~~prior to~~ maturity at such time or times and at
- 389 such price or prices; and
- 390 (f) Be payable at such place or places within or without
- 391 the state as the board shall determine by resolution.

392

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

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

395 ~~issuance of bonds.~~

396 Section 5. Notwithstanding the repeal of section 319.141,

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

398 is revived, reenacted, and amended to read:

399 319.141 Pilot Rebuilt motor vehicle inspection program.—

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

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

403 (b) "Rebuilt inspection services" means an examination of
404 a rebuilt vehicle and a properly endorsed certificate of title,
405 salvage certificate of title, or manufacturer's statement of
406 origin and an application for a rebuilt certificate of title, a
407 rebuilder's affidavit, a photograph of the junk or salvage
408 vehicle taken before repairs began, if available, a photograph
409 of the interior driver and passenger sides of the vehicle if
410 airbags were previously deployed and replaced, receipts or
411 invoices for all major component parts, as defined in s. 319.30,
412 and repairs which were changed, and proof that notice of
413 rebuilding of the vehicle has been reported to the National
414 Motor Vehicle Title Information System.

415 (2) By October 1, 2019 ~~July 1, 2015,~~ the department shall
416 implement ~~oversee~~ a pilot program in Miami-Dade County ~~to~~
417 ~~evaluate alternatives~~ for rebuilt inspection services offered by
418 existing private sector participants. The department may select
419 up to four applicants deemed, in the discretion of the
420 department, to be most qualified operators, ~~including the~~
421 ~~continued use of private facilities, the cost impact to~~
422 ~~consumers, and the potential savings to the department.~~

423 (3) Upon selection, each participant shall enter into ~~The~~
424 ~~department shall establish~~ a memorandum of understanding with
425 the department that allows such participant ~~private parties~~

426 ~~participating in the pilot program~~ to conduct rebuilt motor
427 vehicle inspections and specifies requirements for oversight,
428 bonding and insurance, procedures, and forms and requires the
429 electronic transmission of documents. The department may examine
430 all records pertaining to any inspection or related service
431 performed under the pilot rebuilt motor vehicle inspection
432 program.

433 (4) Before a participant ~~an applicant~~ is authorized to
434 perform such rebuilt inspection services ~~approved~~, the
435 department shall ensure that the participant ~~applicant~~ meets
436 basic criteria designed to protect the public. At a minimum, the
437 participant ~~applicant~~ shall meet all of the following
438 requirements:

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

444 (b) Secure and maintain a facility at a permanent fixed
445 structure, as evidenced by proof of ownership or written lease
446 at an address identified by a county-issued tax folio number and
447 recognized by the United States Postal Service where the only
448 services provided on such property are rebuilt inspection
449 services. The facility must have permanent signage which
450 advertises that only private rebuilt inspection services are

451 provided at that location, posted business hours, a designated
452 office area and customer waiting area, a rebuilt inspection area
453 separate and visually obstructed from any area accessible to the
454 customer, surveillance cameras with recording capabilities for
455 the rebuilt inspection areas, and sufficient onsite customer
456 parking. The location must be large enough to accommodate all of
457 the vehicles being inspected and have a covered area to
458 accommodate at least two vehicles during inclement weather. The
459 participant ~~operator of a facility~~ shall annually attest that he
460 or she does not have a direct or indirect interest in any motor
461 vehicle that a facility has inspected or proposes to inspect; he
462 or she is not employed by or does not have an ownership interest
463 in or other financial arrangement with the owner, operator,
464 manager, or employee of a motor vehicle repair shop as defined
465 in s. 559.903, a motor vehicle dealer as defined in s.
466 320.27(1)(c), a towing company, a vehicle storage company, a
467 vehicle auction, an insurance company, a salvage yard, a metal
468 retailer, or a metal rebuilder, from which he or she receives
469 remuneration, directly or indirectly, for the referral of
470 customers for rebuilt inspection services; there have been no
471 changes to the ownership structure of the approved facility; and
472 that the only services being provided by such participant at the
473 facility are rebuilt inspection services. Only a participant
474 selected and approved by the department may charge or receive a
475 fee for providing or facilitating such services.

476 (c) Have and maintain garage liability with a minimum of
477 \$100,000 single-limit liability coverage including bodily injury
478 and property damage protection and any other insurance required
479 by the department.

480 (d) Have completed criminal background checks of the
481 owners, partners, and corporate officers and the inspectors
482 employed by the facility that demonstrate that such persons have
483 not have been convicted of a felony, pled guilty to a felony,
484 pled nolo contendere to a felony, or been incarcerated for a
485 felony in the previous 10 years.

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

488 (5) A participant may not conduct an inspection of a
489 vehicle in complete rebuilt condition without prior approval by
490 the department. A person or entity other than the department or
491 a participant authorized by the department may not conduct
492 rebuilt inspection services.

493 (6)-(5) A participant in the program shall access vehicle
494 and title information and enter inspection results through an
495 electronic filing system authorized by the department and shall
496 maintain records of each rebuilt vehicle inspection processed at
497 such facility for at least 5 years.

498 (7) A vehicle owner who fails an initial rebuilt
499 inspection may only have that vehicle reinspected by the
500 department or the facility that conducted the original

501 inspection.

502 (8)~~(6)~~ The department shall conduct an onsite facility
 503 inspection at least once per quarter and shall immediately
 504 terminate any participant operator from the program who fails to
 505 meet the minimum eligibility requirements specified in
 506 subsection (4). Before a change in ownership of a rebuilt
 507 inspection facility, the current operator must give the
 508 department 45 days' written notice of the intended sale or
 509 transfer. The prospective owner must meet the eligibility
 510 requirements of this section and execute a new memorandum of
 511 understanding with the department before operating the facility.

512 (9) The department may adopt rules pursuant to ss.
 513 120.536(1) and 120.54 to implement and enforce this section.

514 (10) On or before July 1, 2021, the department shall
 515 submit a written report to the President of the Senate and the
 516 Speaker of the House of Representatives evaluating the
 517 effectiveness of the program and whether to expand the program
 518 to other counties.

519 (11)~~(7)~~ This section is repealed on July 1, 2022 ~~2018~~,
 520 unless saved from repeal through reenactment by the Legislature.

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

523 334.175 Certification of project design plans and
 524 surveys.—

525 (1) All design plans and surveys prepared by or for the

526 department shall be signed, sealed, and certified by the
527 professional engineer or surveyor or architect or landscape
528 architect in responsible charge of the project work. Such
529 professional engineer, surveyor, architect, or landscape
530 architect must be duly registered in this state.

531 (2) For all transportation projects on, under, over, or
532 abutting a department-owned right-of-way and regardless of
533 funding source, the department shall approve the design plans
534 for such projects if such design plans meet department design
535 standards.

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

538 337.025 Innovative transportation ~~highway~~ projects;
539 department to establish program.—

540 (1) The department may ~~is authorized to~~ establish a
541 program for transportation ~~highway~~ projects demonstrating
542 innovative techniques of highway and bridge design,
543 construction, maintenance, and finance which have the intended
544 effect of measuring resiliency and structural integrity and
545 controlling time and cost increases on construction projects.
546 Such techniques may include, but are not limited to, state-of-
547 the-art technology for pavement, safety, and other aspects of
548 highway and bridge design, construction, and maintenance;
549 innovative bidding and financing techniques; accelerated
550 construction procedures; and those techniques that have the

551 potential to reduce project life cycle costs. To the maximum
552 extent practical, the department must use the existing process
553 to award and administer construction and maintenance contracts.
554 When specific innovative techniques are to be used, the
555 department is not required to adhere to those provisions of law
556 that would prevent, preclude, or in any way prohibit the
557 department from using the innovative technique. However, before
558 ~~prior to~~ using an innovative technique that is inconsistent with
559 another provision of law, the department must document in
560 writing the need for the exception and identify what benefits
561 the traveling public and the affected community are anticipated
562 to receive. The department may enter into no more than \$120
563 million in contracts annually for the purposes authorized by
564 this section.

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

567 338.165 Continuation of tolls.—

568 (2) If the revenue-producing project is on the State
569 Highway System, any remaining toll revenue shall be used for the
570 construction, maintenance, or improvement of any road on the
571 State Highway System within the county or counties in which the
572 revenue-producing project is located, ~~except as provided in s.~~
573 ~~348.0004.~~

574 (5) If the revenue-producing project is on the county road
575 system, any remaining toll revenue shall be used for the

576 construction, maintenance, or improvement of any other state or
577 county road within the county or counties in which the revenue-
578 producing project is located, ~~except as provided in s. 348.0004.~~

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

583 338.166 High-occupancy toll lanes or express lanes.—

584 (5) To the extent not prohibited by contracts or bond
585 covenants in effect on July 1, 2019, and notwithstanding any
586 other provision of law to the contrary, in a county as defined
587 in s. 125.011(1), a toll for a high-occupancy toll lane or
588 express lane may not exceed \$1.25 per mile.

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

597 (9)-(7) Except for subsections (5) and (8), this section
598 does not apply to the turnpike system as defined under the
599 Florida Turnpike Enterprise Law.

600 Section 10. Effective July 1, 2022, paragraph (a) of

601 subsection (3) of section 338.231, Florida Statutes, is amended
602 to read:

603 338.231 Turnpike tolls, fixing; pledge of tolls and other
604 revenues.—The department shall at all times fix, adjust, charge,
605 and collect such tolls and amounts for the use of the turnpike
606 system as are required in order to provide a fund sufficient
607 with other revenues of the turnpike system to pay the cost of
608 maintaining, improving, repairing, and operating such turnpike
609 system; to pay the principal of and interest on all bonds issued
610 to finance or refinance any portion of the turnpike system as
611 the same become due and payable; and to create reserves for all
612 such purposes.

613 (3) (a) ~~For the period July 1, 1998, through June 30, 2027,~~
614 The department shall, ~~to the maximum extent feasible,~~ program
615 sufficient funds in the tentative work program such that all of
616 ~~the percentage of turnpike toll and bond financed commitments in~~
617 ~~Miami-Dade County, Broward County, and Palm Beach County as~~
618 ~~compared to total turnpike toll and bond financed commitments~~
619 ~~shall be at least 90 percent of the share of net toll~~
620 ~~collections attributable to users of the turnpike~~ facilities
621 ~~system~~ in Miami-Dade County, Broward County, and Palm Beach
622 County are committed to projects and bond finance commitments in
623 each respective county as compared to total net toll collections
624 ~~attributable to users of the turnpike system.~~ This paragraph
625 ~~subsection~~ does not apply when the application of such

626 requirements would violate any covenant established in a
 627 resolution or trust indenture relating to the issuance of
 628 turnpike bonds. The department may at any time for economic
 629 considerations establish lower temporary toll rates for a new or
 630 existing toll facility for a period not to exceed 1 year, after
 631 which the toll rates adopted pursuant to s. 120.54 shall become
 632 effective.

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

636 339.175 Metropolitan planning organization.—

637 (3) VOTING MEMBERSHIP.—

638 (d) Any other provision of this section to the contrary
 639 notwithstanding, any county as defined in s. 125.011(1)
 640 ~~chartered under s. 6(e), Art. VIII of the State Constitution~~ may
 641 elect to have its county commission serve as the M.P.O., if the
 642 M.P.O. jurisdiction is wholly contained within the county. Any
 643 charter county that elects to exercise the provisions of this
 644 paragraph shall so notify the Governor in writing. Upon receipt
 645 of such notification, the Governor must designate the county
 646 commission as the M.P.O. The Governor must appoint three ~~four~~
 647 additional voting members to the M.P.O., one of whom must be an
 648 elected official representing a municipality within the county,
 649 one of whom must be a member of the governing body from the
 650 agency created in part I of chapter 348 ~~an expressway authority~~

651 ~~member, one of whom must be a person who does not hold elected~~
 652 ~~public office and who resides in the unincorporated portion of~~
 653 ~~the county,~~ and one of whom must be a school board member.

654 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
 655 privileges, and authority of an M.P.O. are those specified in
 656 this section or incorporated in an interlocal agreement
 657 authorized under s. 163.01. Each M.P.O. shall perform all acts
 658 required by federal or state laws or rules, now and subsequently
 659 applicable, which are necessary to qualify for federal aid. It
 660 is the intent of this section that each M.P.O. shall be involved
 661 in the planning and programming of transportation facilities,
 662 including, but not limited to, airports, intercity and high-
 663 speed rail lines, seaports, and intermodal facilities, to the
 664 extent permitted by state or federal law.

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

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

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

674 343.1003 Northeast Florida Regional Transportation
 675 Commission.—

676 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(c)~~,
 677 members of the board shall file a statement of financial
 678 interests ~~interest~~ with the Commission on Ethics pursuant to s.
 679 112.3145.

680 Section 13. Part I of chapter 348, Florida Statutes,
 681 consisting of sections 348.0001, 348.0002, 348.0003, 348.0004,
 682 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,
 683 348.00115, and 348.0012, is repealed.

684 Section 14. Part I of chapter 348, Florida Statutes,
 685 consisting of sections 348.0301, 348.0302, 348.0303, 348.0304,
 686 348.0305, 348.0306, 348.0307, 348.0308, 348.0309, 348.0310,
 687 348.0311, 348.0312, 348.0313, 348.0314, 348.0315, 348.0316,
 688 348.0317, and 348.0318, Florida Statutes, is created to read:

689 CHAPTER 348

690 EXPRESSWAY AND BRIDGE AUTHORITIES

691 PART I

692 GREATER MIAMI EXPRESSWAY AGENCY

693 348.0301 Short title.—This part may be cited as the
 694 "Greater Miami Expressway Agency Act."

695 348.0302 Applicability.—This part applies only to a county
 696 as defined in s. 125.011(1).

697 348.0303 Definitions.—As used in the this part, the term:

698 (1) "Agency" means the body politic, corporate, and agency
 699 of the state created by this part.

700 (2) "Agency of the state" means and includes the state and

701 any department of, or corporation, agency, or instrumentality
702 created, designated, or established by, the state.

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

707 (4) "County" means a county as defined in s. 125.011(1).

708 (5) "County gasoline tax funds" means all of the 80-
709 percent surplus gasoline tax funds accruing in each year to the
710 department for use within the geographic boundaries of the
711 agency under s. 9, Art. XII of the State Constitution, after the
712 deduction of any amounts of such gasoline tax funds heretofore
713 pledged by the department or a county for outstanding
714 obligations.

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

716 (7) "Express written consent" means prior express written
717 consent given in the form of a resolution adopted by a board of
718 county commissioners.

719 (8) "Expressway" means a street or highway especially
720 designed for through traffic and over, from, or to which owners
721 or occupants of abutting land or other persons have no right or
722 easement or only a limited right or easement of access, light,
723 air, or view by reason of the fact that their property abuts
724 upon such limited access facility or for any other reason. An
725 expressway may be a facility from which trucks, buses, and other

726 commercial vehicles are excluded or may be a facility open to
 727 use by all customary forms of street and highway traffic.

728 (9) "Expressway system" means any and all expressways
 729 within the geographic boundaries of the agency established
 730 pursuant to this act and appurtenant facilities thereto,
 731 including, but not limited to, all approaches, roads, bridges,
 732 and avenues of access for such expressway. An expressway system
 733 includes a public transportation facility.

734 (10) "Federal agency" means and includes the United
 735 States, the President of the United States, and any department
 736 of, or corporation, agency, or instrumentality created,
 737 designated, or established by, the United States.

738 (11) "Members" means the governing body of the agency, and
 739 the term "member" means one of the individuals constituting such
 740 governing body.

741 (12) "Public transportation facility" means real and
 742 personal property, structures, improvements, buildings,
 743 personnel, equipment, plants, vehicle parking or other
 744 facilities, rights-of-way, or any combination thereof used or
 745 useful for the purposes of transporting passengers by means of a
 746 street railway, elevated railway or guideway, subway, motor
 747 vehicle, motor bus, or any bus or other means of conveyance
 748 operating as a common carrier.

749 348.0304 Greater Miami Expressway Agency.-

750 (1) There is hereby created and established a body politic

751 and corporate, an agency of the state, to be known as the
752 "Greater Miami Expressway Agency."

753 (2) (a) The governing body of the agency shall consist of
754 seven voting members. Each member must be a permanent resident
755 of the county and may not hold elected office. Each member may
756 only serve two terms of 4 years each. Six members shall be
757 appointed by the Governor, and one member shall be appointed by
758 the metropolitan planning organization for such county. The
759 district secretary of the department serving in the district
760 that contains such county shall serve as a nonvoting advisor to
761 the governing body.

762 (b) Initial appointments to the governing body of the
763 agency shall be made by July 31, 2019. For the initial
764 appointments made by the Governor, one appointment shall be for
765 a term of 1 year, two appointments shall be for a term of 2
766 years, one appointment shall be for a term of 3 years, and two
767 appointments shall be for a term of 4 years. Persons who were
768 members of the governing body of the former Miami-Dade County
769 Expressway Authority may not be appointed members of the
770 governing body of the agency.

771 (3) (a) The governing body of the agency shall elect one of
772 its members as chair and shall elect a secretary and a treasurer
773 who need not be members of the governing body. The chair,
774 secretary, and treasurer shall hold their offices at the will of
775 the governing body. A simple majority of the governing body

776 constitutes a quorum, and the vote of a majority of those
777 members present is necessary for the governing body to take any
778 action. A vacancy shall not impair the right of a quorum of the
779 governing body to exercise all of the rights and perform all of
780 the duties of the governing body.

781 (b) Upon the effective date of his or her appointment, or
782 as soon thereafter as practicable, each member of the governing
783 body of the agency shall enter upon his or her duties. The
784 governing body's initial board meeting must take place within 15
785 days after the initial appointments.

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

793 (4) (a) The governing body of the agency may employ an
794 executive secretary, an executive director, its own counsel and
795 legal staff, technical experts, and such engineers and
796 employees, permanent or temporary, as it may require and shall
797 determine the qualifications and fix the compensation of such
798 persons, firms, or corporations. The governing body may employ a
799 fiscal agent or agents; however, the governing body must solicit
800 sealed proposals from at least three persons, firms, or

801 corporations for the performance of any services as fiscal
802 agents. The governing body may delegate to one or more of its
803 agents or employees such of its power as it deems necessary to
804 carry out the purposes of this act, subject always to the
805 supervision and control of the governing body. Members of the
806 governing body may be removed from office by the Governor for
807 misconduct, malfeasance, misfeasance, or nonfeasance in office.

808 (b) A current or former executive director of the former
809 Miami-Dade County Expressway Authority may not serve as the
810 agency's executive director. Before July 31, 2019, the Governor
811 shall appoint an interim executive director for the agency who
812 shall hold office for 6 months while the agency hires a
813 permanent executive director. This paragraph does not preclude
814 the interim executive director from applying for the position of
815 executive director of the agency.

816 (5) The members of the governing body of the agency shall
817 not be entitled to compensation but shall be entitled to receive
818 per diem and travel expenses as provided in s. 112.061.

819 348.0305 Ethics requirements.—

820 (1) Notwithstanding any other provision of law to the
821 contrary, members and employees of the agency are subject to
822 part III of chapter 112. As used in this section, the term:

823 (a) "Agency" means the Greater Miami Expressway Agency.

824 (b) "Lobby" means to seek to influence the agency, on
825 behalf of another person, with respect to a decision of the

826 agency in an area of policy or procurement or to attempt to
827 obtain the goodwill of an officer, employee, or consultant of
828 the agency. The term does not include representing a client in
829 any stage of applying for or seeking approval of any
830 administrative action, or opposition to such action, provided
831 such action does not require legislative discretion and is
832 subject to judicial review by petitioning for writ of
833 certiorari.

834 (c) "Lobbyist" means a person who is employed and receives
835 payment, or who contracts for economic consideration, to lobby
836 or a person who is principally employed for governmental affairs
837 by another person or entity to lobby on behalf of such person or
838 entity. The term does not include a person who:

839 1. Represents a client in a judicial proceeding or in a
840 formal administrative proceeding before the agency.

841 2. Is an officer or employee of any governmental entity
842 acting in the normal course of his or her duties.

843 3. Consults under contract with the agency and
844 communicates with the agency regarding issues related to the
845 scope of services in his or her contract.

846 4. Is an expert witness who is retained or employed by an
847 employer, principal, or client to provide only scientific,
848 technical, or other specialized information provided in agenda
849 materials or testimony only in public hearings, provided the
850 expert identifies such employer, principal, or client at such

851 hearing.

852 5. Seeks to procure a contract that is less than \$20,000
853 or a contract pursuant s. 287.056.

854 (d) "Officer" means a member of the governing body of the
855 agency.

856 (e) "Principal" has the same meaning as in s. 112.3215.

857 (f) "Relative" has the same meaning as in s. 112.312.

858 (2) (a) A lobbyist may not be appointed or serve as a
859 member of the governing body of the agency.

860 (b) A person may not be appointed or serve as an officer
861 if that person currently represents or has in the previous 4
862 years lobbied the agency or the former Miami-Dade County
863 Expressway Authority.

864 (c) A person may not be appointed or serve as an officer
865 if that person has in the previous 4 years done business, or
866 been an employee of a person or entity that has done business,
867 with the agency or the former Miami-Dade County Expressway
868 Authority.

869 (d) A person may not be appointed or serve as an officer
870 if that person has in the previous 2 years been an employee of
871 the agency or the former Miami-Dade County Expressway Authority.

872 (3) An officer, employee, or consultant of the agency or
873 of the former Miami-Dade County Expressway Authority may not,
874 after vacation of his or her position with the agency:

875 (a) Lobby the agency for a period of 2 years.

876 (b) Have an employment or contractual relationship with a
877 business entity in connection with a contract in which the
878 officer, employee, or consultant personally and substantially
879 participated through decision, approval, disapproval,
880 recommendation, rendering of advice, or investigation while he
881 or she was an officer, employee, or consultant of the agency.
882 When an agency employee's position is eliminated and his or her
883 former duties are performed by the business entity, this
884 paragraph does not prohibit him or her from employment or a
885 contractual relationship with the business entity if the
886 employee's participation in the contract was limited to
887 recommendation, rendering of advice, or investigation and if the
888 executive director of the agency determines that the best
889 interests of the agency will be served thereby and provides
890 prior written approval for the particular employee.

891 (c) Have or hold any employment or contractual
892 relationship with a business entity in connection with any
893 contract for contractual services which was within his or her
894 responsibility while an officer, employee, or consultant. If an
895 agency employee's position is eliminated and his or her former
896 duties are performed by the business entity, this paragraph may
897 be waived by the executive director of the agency through prior
898 written approval for the particular employee if the executive
899 director determines that the best interests of the agency will
900 be served thereby.

901 (4) Each officer, employee, and consultant of the agency
 902 must promptly disclose:

903 (a) Every relationship that may create a conflict between
 904 his or her private interests and the performance of his or her
 905 duties to the agency or that would impede the full and faithful
 906 discharge of his or her duties to the agency.

907 (b) Any relative and any employment or contractual
 908 relationship of such relative which, if held by the officer,
 909 employee, or consultant, would violate any provision of s.
 910 112.313.

911 (c) Any relative who is a lobbyist and such lobbyist's
 912 principal.

913 (d) Any direct or indirect interest in real property and
 914 such interest of any relative if such property is located within
 915 1/2 mile of any actual or prospective agency project. The
 916 executive director of the agency shall provide a corridor map
 917 and a property ownership list reflecting the ownership of all
 918 real property within the disclosure area, or an alignment map
 919 with a list of associated owners, to all officers, employees,
 920 and consultants.

921 (5) The disclosures required under subsection (4) must be
 922 filed with the agency general counsel in the manner specified by
 923 the general counsel. When the disclosure is filed by the general
 924 counsel, a copy must be provided to the executive director of
 925 the agency.

926 (6) A violation of this section shall be considered a
927 violation of the violator's official, employment, or contractual
928 duties to the agency.

929 (7) Officers, employees, and consultants of the agency
930 shall be adequately informed and trained on the provisions of
931 this section and the state code of ethics and shall receive
932 ongoing ethics training.

933 (8) The state code of ethics shall apply to officers,
934 employees, and consultants of the agency, and this section shall
935 be enforced by the Commission on Ethics as part of the state
936 code of ethics.

937 348.0306 Purposes and powers.—

938 (1) (a) The agency created and established pursuant to this
939 act may acquire, hold, construct, improve, maintain, operate,
940 and own an expressway system.

941 (b) The agency, in the construction of an expressway
942 system, shall construct expressways. Construction of an
943 expressway system may be completed in segments, phases, or
944 stages in a manner that will permit the expansion of these
945 segments, phases, or stages to the desired expressway
946 configuration. The agency, in the construction of an expressway
947 system, may construct any extensions of, additions to, or
948 improvements to the expressway system or appurtenant facilities,
949 including all necessary approaches, roads, bridges, and avenues
950 of access, with such changes, modifications, or revisions of the

951 project that are deemed desirable and proper. For new capacity
952 projects, the agency shall use the department's design standards
953 and, to the maximum extent practicable, design facilities such
954 as the department would for high-speed limited access
955 facilities. The agency may only add additional expressways to an
956 expressway system, under the terms and conditions set forth in
957 this act, with the prior express written consent of the board of
958 county commissioners of the county, and only if such additional
959 expressways lack adequate committed funding for implementation,
960 are financially feasible, and are compatible with the existing
961 plans, projects, and programs of the agency.

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

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

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

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

975 (d) To enter into and make leases, either as lessee or as

976 | lessor, in order to carry out the right to lease as set forth in
977 | this act.

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

986 | 1. Notwithstanding any other provision of law to the
987 | contrary, the agency may not increase its toll rates until July
988 | 1, 2029, including any increase to the extent necessary to
989 | adjust for inflation pursuant to the procedure for toll rate
990 | adjustments provided in s. 338.165, except as may be necessary
991 | to comply with covenants in the trust indentures or resolutions
992 | adopted in connection with the agency's bonds secured by the net
993 | revenues of the expressway system.

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

996 | 3. The amount of toll revenues used for administrative
997 | costs by the agency may not be greater than 10 percent above the
998 | annual state average of administrative costs determined as
999 | provided in this subparagraph. The Florida Transportation
1000 | Commission shall determine the annual state average of

1001 administrative costs based on the annual administrative costs of
1002 all the expressway authorities in this state. For purposes of
1003 this subparagraph, administrative costs include, but are not
1004 limited to, employee salaries and benefits, small business
1005 outreach, insurance, professional service contracts not directly
1006 related to the operation and maintenance of the expressway
1007 system, and other overhead costs.

1008 4. There must be a distance of at least 5 miles between
1009 main through-lane tolling points. The distance requirement of
1010 this subparagraph does not apply to entry and exit ramps.
1011 However, the agency may establish toll rates such that the toll
1012 rate per mile is equal to the rates in effect on July 1, 2019.

1013 (f) To borrow money, make and issue negotiable notes,
1014 bonds, refund bonds, and other evidence of indebtedness of the
1015 agency, which bonds or other evidence of indebtedness may be
1016 issued pursuant to the State Bond Act or, in the alternative,
1017 pursuant to s. 348.0309(2) to finance or refinance additions,
1018 extensions, or improvements to the expressway system within the
1019 geographic boundaries of the agency, and to provide for the
1020 security of the bonds or other evidence of indebtedness and the
1021 rights and remedies of the holders of the bonds or other
1022 evidence of indebtedness. Any bonds or other evidence of
1023 indebtedness pledging the full faith and credit of the state may
1024 only be issued pursuant to the State Bond Act.

1025 1. The agency shall reimburse the county in which it

1026 exists for any sums expended from any county gasoline tax funds
 1027 used for payment of such obligations. Any county gasoline tax
 1028 funds so disbursed shall be repaid in accordance with the terms
 1029 of any lease-purchase or interlocal agreement with any county or
 1030 the department together with interest, at the rate agreed to in
 1031 such agreement. In no event shall any county gasoline tax funds
 1032 be more than a secondary pledge of revenues for repayment of any
 1033 obligations issued pursuant to this part.

1034 2. The agency may refund any bonds previously issued, to
 1035 the extent allowable by federal tax laws, to finance or
 1036 refinance an expressway system located within the geographic
 1037 boundaries of the agency regardless of whether the bonds being
 1038 refunded were issued by such agency, an agency of the state, or
 1039 a county.

1040 (g) To enter contracts and to execute all instruments
 1041 necessary or convenient for the carrying on of its business.
 1042 Notwithstanding any other provision of law to the contrary, the
 1043 agency is subject to the procurement and contracting
 1044 requirements applicable to the department contained in chapters
 1045 287 and 337.

1046 (h) Without limitation of the foregoing, to borrow money
 1047 and accept grants from, and to enter into contracts, leases, or
 1048 other transactions with, any federal agency, the state, any
 1049 agency of the state, any county, or any other public body of the
 1050 state.

1051 (i) To have the power of eminent domain, including the
1052 procedural powers granted under chapters 73 and 74.

1053 (j) To pledge, hypothecate, or otherwise encumber all or
1054 any part of the revenues, tolls, rates, fees, rentals, or other
1055 charges or receipts of the agency, including all or any portion
1056 of county gasoline tax funds received by the agency pursuant to
1057 the terms of any lease-purchase agreement between the agency and
1058 the department, as security for all or any of the obligations of
1059 the agency.

1060 (k) To do all acts and things necessary or convenient for
1061 the conduct of its business and the general welfare of the
1062 agency in order to carry out the powers granted to it by law.

1063 (3) Notwithstanding any other provision of law to the
1064 contrary, the consent of any municipality is not necessary for
1065 any project of the agency, regardless of whether the project
1066 lies in whole or in part within the boundaries of the
1067 municipality, if the project is consistent with the locally
1068 adopted comprehensive plan. However, if a project is
1069 inconsistent with the affected municipal comprehensive plan, the
1070 project may not proceed without a hearing pursuant to ss.
1071 120.569 and 120.57 at which it is determined that the project is
1072 consistent with the adopted metropolitan planning organization
1073 transportation improvement plan, if any, and the applicable
1074 strategic regional plan, and at which regional interests are
1075 determined to clearly override the interests of the

1076 municipality.

1077 (4) The use or pledge of all or any portion of county
1078 gasoline tax funds may not be made without the prior express
1079 written consent of the board of county commissioners of each
1080 county located within the geographic boundaries of the agency.

1081 (5) The agency shall comply with all statutory
1082 requirements of general application which relate to the filing
1083 of any report or documentation required by law, including the
1084 requirements of ss. 189.015, 189.016, 189.051, and 189.08.

1085 (6) Notwithstanding subsection (3) or any other provision
1086 of law to the contrary, the agency may not undertake any
1087 construction that is not consistent with both the metropolitan
1088 planning organization's transportation improvement program and
1089 the county's comprehensive plan.

1090 (7) The agency may finance or refinance the planning,
1091 design, acquisition, construction, extension, rehabilitation,
1092 equipping, preservation, maintenance, or improvement of a public
1093 transportation facility or transportation facilities owned or
1094 operated by such county, an intermodal facility or facilities,
1095 multimodal corridor or corridors, including, but not limited to,
1096 bicycle facilities or greenways that will improve transportation
1097 services within the county, or any programs or projects that
1098 will improve the levels of service on an expressway system,
1099 subject to approval of the governing body of the county after
1100 public hearing.

1101 (8) The governing body of the county may enter into an
 1102 interlocal agreement with the agency pursuant to s. 163.01 for
 1103 the joint performance or performance by either governmental
 1104 entity of any corporate function of the county or agency
 1105 necessary or appropriate to enable the agency to fulfill the
 1106 powers and purposes of this part and promote the efficient and
 1107 effective transportation of persons and goods in such county.

1108 (9) The agency must have an annual financial audit
 1109 conducted by an independent certified public accountant licensed
 1110 pursuant to chapter 473, and the audit report must be made
 1111 available on the agency's website.

1112 348.0307 Florida Sunshine Rebate Program.—There is created
 1113 by the agency the Florida Sunshine Rebate Program. Subject to
 1114 compliance with any covenants made with the holders of the
 1115 agency's bonds that are in the trust indentures or resolutions
 1116 adopted in connection with the issuance of the agency's bonds,
 1117 the agency, at the time that any toll is incurred, shall provide
 1118 a 25-percent rebate to all SunPass holders whose SunPass is
 1119 registered to a motor vehicle registered in the county. An
 1120 eligible SunPass holder shall be automatically enrolled in such
 1121 rebate program; however, the agency shall be provided a
 1122 mechanism to allow eligible SunPass holders to opt out of the
 1123 program. The agency may not impose additional requirements for
 1124 receipt of the reduced toll amount.

1125 348.0308 Public-private partnership.—The Legislature

1126 declares that there is a public need for the rapid construction
1127 of safe and efficient transportation facilities for traveling
1128 within the state and that it is in the public's interest to
1129 provide for public-private partnership agreements to effectuate
1130 the construction of additional safe, convenient, and economical
1131 transportation facilities.

1132 (1) The agency may receive or solicit proposals and enter
1133 into agreements with private entities, or consortia thereof, for
1134 the building, operation, ownership, or financing of agency
1135 transportation facilities or new transportation facilities
1136 within the jurisdiction of the agency which increase
1137 transportation capacity. The agency may not sell or lease any
1138 transportation facility owned by the agency without providing
1139 the analysis required in s. 334.30(6)(e)2. to the Legislative
1140 Budget Commission created pursuant to s. 11.90 for review and
1141 approval before awarding a contract on a lease of an existing
1142 toll facility. The agency may adopt rules to implement this
1143 section and shall, by rule, establish an application fee for the
1144 submission of unsolicited proposals under this section. The fee
1145 must be sufficient to pay the costs of evaluating the proposals.
1146 The agency may engage private consultants to assist in the
1147 evaluation. Before approval, the agency must determine that a
1148 proposed project:

1149 (a) Is in the public's best interest.

1150 (b) Would not require state funds to be used unless the

1151 project is on or provides increased mobility on the State
1152 Highway System.

1153 (c) Would have adequate safeguards to ensure that no
1154 additional costs or service disruptions would be realized by the
1155 traveling public and residents of the state in the event of
1156 default or the cancellation of the agreement by the agency.

1157 (d) Would have adequate safeguards in place to ensure that
1158 the department, the agency, or the private entity has the
1159 opportunity to add capacity to the proposed project and other
1160 transportation facilities serving similar origins and
1161 destinations.

1162 (e) Would be owned by the agency upon completion or
1163 termination of the agreement.

1164 (2) The agency shall ensure that all reasonable costs to
1165 the state which are related to transportation facilities that
1166 are not part of the State Highway System are borne by the
1167 private entity. The agency shall also ensure that all reasonable
1168 costs to the state and substantially affected local governments
1169 and utilities related to the private transportation facility are
1170 borne by the private entity for transportation facilities that
1171 are owned by private entities. For projects on the State Highway
1172 System, the department may use state resources to participate in
1173 funding and financing the project as provided for under the
1174 department's enabling legislation.

1175 (3) The agency may request proposals for public-private

1176 transportation projects or, if it receives an unsolicited
1177 proposal, it must publish a notice in the Florida Administrative
1178 Register and a newspaper of general circulation in the county in
1179 which it is located at least once a week for 2 weeks stating
1180 that it has received the proposal and will accept, for 60 days
1181 after the initial date of publication, other proposals for the
1182 same project purpose. A copy of the notice must be mailed to
1183 each local government in the affected areas. After the public
1184 notification period has expired, the agency shall rank the
1185 proposals in order of preference. In ranking the proposals, the
1186 agency shall consider professional qualifications, general
1187 business terms, innovative engineering or cost-reduction terms,
1188 finance plans, and the need for state funds to deliver the
1189 proposal. If the agency is not satisfied with the results of the
1190 negotiations, it may, at its sole discretion, terminate
1191 negotiations with the proposer. If these negotiations are
1192 unsuccessful, the agency may go to the second and lower-ranked
1193 firms, in order, using the same procedure. If only one proposal
1194 is received, the agency may negotiate in good faith, and if it
1195 is not satisfied with the results, it may, at its sole
1196 discretion, terminate negotiations with the proposer. The agency
1197 may, at its discretion, reject all proposals at any point in the
1198 process up to completion of a contract with the proposer.

1199 (4) Agreements entered into pursuant to this section may
1200 authorize the public-private entity to impose tolls or fares for

1201 the use of the facility. However, the amount and use of toll or
1202 fare revenues shall be regulated by the agency to avoid
1203 unreasonable costs to users of the facility.

1204 (5) Each public-private transportation facility
1205 constructed pursuant to this section shall comply with all
1206 requirements of federal, state, and local laws; state, regional,
1207 and local comprehensive plans; the agency's rules, policies,
1208 procedures, and standards for transportation facilities; and any
1209 other conditions that the agency determines to be in the
1210 public's best interest.

1211 (6) The agency may exercise any power possessed by it,
1212 including eminent domain, to facilitate the development and
1213 construction of transportation projects pursuant to this
1214 section. The agency may pay all or part of the cost of operating
1215 and maintaining the facility or may provide services to the
1216 private entity for which it receives full or partial
1217 reimbursement for services rendered.

1218 (7) Except as herein provided, this section is not
1219 intended to amend existing laws by granting additional powers to
1220 or further restricting the governmental entities from regulating
1221 and entering into cooperative arrangements with the private
1222 sector for the planning, construction, and operation of
1223 transportation facilities.

1224 348.0309 Bonds.—

1225 (1) Bonds may be issued on behalf of the agency as

1226 provided by the State Bond Act.

1227 (2) (a) The agency may issue bonds pursuant to this part
1228 which do not pledge the full faith and credit of the state in
1229 such principal amount as, in the opinion of the agency, is
1230 necessary to provide sufficient moneys for achieving its
1231 corporate purposes.

1232 (b) The bonds of the agency issued pursuant to this part,
1233 whether on original issuance or refunding, must be authorized by
1234 resolution of the agency after approval of the issuance of the
1235 bonds at a public hearing and may be either term or serial
1236 bonds, shall bear such date or dates, mature at such time or
1237 times, bear interest at such rate or rates, be payable
1238 semiannually, be in such denominations, be in such form, either
1239 coupon or fully registered, shall carry such registration,
1240 exchangeability, and interchangeability privileges, be payable
1241 in such medium of payment and at such place or places, be
1242 subject to such terms of redemption, and be entitled to such
1243 priorities on the revenues, rates, fees, rentals, or other
1244 charges or receipts of the agency, including any county gasoline
1245 tax funds received by the agency pursuant to the terms of any
1246 interlocal or lease-purchase agreement between the agency or a
1247 county, as such resolution or any resolution subsequent thereto
1248 may provide. The bonds must be executed by such officers as the
1249 agency determines under s. 279.06.

1250 (c) Such bonds shall be sold by the agency at public sale

1251 by competitive bid. However, if the agency, after receipt of a
1252 written recommendation from a financial adviser, determines by
1253 official action after public hearing by a two-thirds vote of all
1254 voting members of the agency that a negotiated sale of the bonds
1255 is in the best interest of the agency, the agency may negotiate
1256 for sale of the bonds with the underwriter or underwriters
1257 designated by the agency and the county in which the agency
1258 exists. The agency shall provide specific findings in a
1259 resolution as to the reasons requiring the negotiated sale,
1260 which resolution shall incorporate and have attached thereto the
1261 written recommendation of the financial adviser required by this
1262 subsection.

1263 (d) Any such resolution or resolutions authorizing any
1264 bonds hereunder which do not pledge the full faith and credit of
1265 the state may contain provisions that are part of the contract
1266 with the holders of the bonds, as the agency determines proper.
1267 In addition, the agency may enter into trust indentures or other
1268 agreements with its fiscal agent, or with any bank or trust
1269 company within or without the state, as security for such bonds,
1270 and may, under the agreements, assign and pledge the revenues,
1271 rates, fees, rentals, tolls, or other charges or receipts of the
1272 agency, including any county gasoline tax funds received by the
1273 agency.

1274 (e) Any of the bonds issued pursuant to this part are
1275 negotiable instruments and have all the qualities and incidents

1276 of negotiable instruments under the law merchant and the
1277 negotiable instruments law of the state.

1278 (f) Each project, building, or facility that has been or
1279 will be financed by the issuance of bonds or other evidence of
1280 indebtedness and that does not pledge the full faith and credit
1281 of the state under this part and any refinancing thereof are
1282 subject to review and approval by the Legislative Budget
1283 Commission.

1284 348.0310 Department may be appointed agent of agency for
1285 construction.—The department may be appointed by the agency as
1286 its agent for the purpose of constructing improvements and
1287 extensions to an expressway system and for the completion
1288 thereof. In such event, the agency shall provide the department
1289 with complete copies of all documents, agreements, resolutions,
1290 contracts, and instruments relating thereto; shall request the
1291 department to do such construction work, including the planning,
1292 surveying, and actual construction of the completion of and
1293 extensions and improvements to the expressway system; and shall
1294 transfer to the credit of an account of the department in the
1295 State Treasury the necessary funds therefor. The department
1296 shall thereupon proceed with such construction and use the funds
1297 for such purpose in the same manner as it is now authorized to
1298 use the funds otherwise provided by law for its use in the
1299 construction of roads and bridges.

1300 348.0311 Acquisition of lands and property.—

1301 (1) For the purposes of this act, the agency may acquire
1302 such rights, title, or interest in private or public property
1303 and such property rights, including easements, rights of access,
1304 air, view, and light, by gift, devise, purchase, or condemnation
1305 by eminent domain proceedings, as the agency may deem necessary
1306 for any of the purposes of this act, including, but not limited
1307 to, any lands reasonably necessary for securing applicable
1308 permits, areas necessary for management of access, borrow pits,
1309 drainage ditches, water retention areas, rest areas, replacement
1310 access for landowners whose access is impaired due to the
1311 construction of an expressway system, and replacement rights-of-
1312 way for relocated rail and utility facilities; for existing,
1313 proposed, or anticipated transportation facilities on the
1314 expressway system or in a transportation corridor designated by
1315 the agency; or for the purposes of screening, relocation,
1316 removal, or disposal of junkyards and scrap metal processing
1317 facilities. The agency may also condemn any material and
1318 property necessary for such purposes.

1319 (2) The agency and its authorized agents, contractors, and
1320 employees are authorized to enter upon any lands, waters, and
1321 premises, upon giving reasonable notice to the landowner, for
1322 the purpose of making surveys, soundings, drillings, appraisals,
1323 environmental assessments including phase I and phase II
1324 environmental surveys, archaeological assessments, and such
1325 other examinations as are necessary for the acquisition of

1326 private or public property and property rights, including rights
1327 of access, air, view, and light, by gift, devise, purchase, or
1328 condemnation by eminent domain proceedings or as are necessary
1329 for the agency to perform its duties and functions, and any such
1330 entry shall not be deemed a trespass or an entry that would
1331 constitute a taking in an eminent domain proceeding. The agency
1332 shall make reimbursement for any actual damage to such lands,
1333 water, and premises as a result of such activities. Any entry
1334 authorized by this subsection shall be in compliance with the
1335 premises protections and landowner liability provisions
1336 contained in s. 472.029.

1337 (3) The right of eminent domain conferred by this act must
1338 be exercised by the agency in the manner provided by law.

1339 (4) When the agency acquires property for an expressway
1340 system or in a transportation corridor as defined in s. 334.03,
1341 it is not subject to any liability imposed by chapter 376 or
1342 chapter 403 for preexisting soil or groundwater contamination
1343 due solely to its ownership. This subsection does not affect the
1344 rights or liabilities of any past or future owners of the
1345 acquired property, nor does it affect the liability of any
1346 governmental entity for the results of its actions which create
1347 or exacerbate a pollution source. The agency and the Department
1348 of Environmental Protection may enter into interagency
1349 agreements for the performance, funding, and reimbursement of
1350 the investigative and remedial acts necessary for property

1351 acquired by the agency.

1352 348.0312 Cooperation with other units, boards, agencies,
 1353 and individuals.—Express authority and power is given and
 1354 granted to any county, municipality, drainage district, road and
 1355 bridge district, school district, or other political
 1356 subdivision, board, commission, or individual in or of this
 1357 state to enter into contracts, leases, conveyances, or other
 1358 agreements within the provisions and purposes of this act with
 1359 the agency. The agency may enter into contracts, leases,
 1360 conveyances, and other agreements, to the extent consistent with
 1361 chapters 334, 335, 338, and 339 and other provisions of the laws
 1362 of the state and with 23 U.S.C. ss. 101 et seq., with any
 1363 political subdivision, agency, or instrumentality of the state
 1364 and any and all federal agencies, corporations, and individuals
 1365 for the purpose of carrying out the provisions of this act.

1366 348.0313 Covenant of the state.—The state does hereby
 1367 pledge to, and agrees with, any person, firm, corporation, or
 1368 federal or state agency subscribing to or acquiring the bonds to
 1369 be issued by the agency for the purposes of this act that the
 1370 state will not limit or alter the rights hereby vested in the
 1371 agency and the department until all bonds at any time issued,
 1372 together with the interest thereon, are fully paid and
 1373 discharged, insofar as the same affects the rights of the
 1374 holders of bonds issued hereunder. The state does further pledge
 1375 to, and agrees with, the United States that, in the event any

1376 federal agency constructs, or contributes any funds for the
1377 completion, extension, or improvement of, an expressway system
1378 or any part or portion thereof, the state will not alter or
1379 limit the rights and powers of the agency and the department in
1380 any manner which would be inconsistent with the continued
1381 maintenance and operation of the expressway system or the
1382 completion, extension, or improvement thereof or which would be
1383 inconsistent with the due performance of any agreement between
1384 the agency and any such federal agency, and the agency and the
1385 department shall continue to have and may exercise all powers
1386 granted so long as the same shall be necessary or desirable for
1387 carrying out the purposes of this act and the purposes of the
1388 United States in the completion, extension, or improvement of
1389 the expressway system or any part or portion thereof.

1390 348.0314 Exemption from taxation.—The effectuation of the
1391 authorized purposes of the agency is in all respects for the
1392 benefit of the people of the state, for the increase of their
1393 commerce and prosperity, and for the improvement of their health
1394 and living conditions. For this reason, the agency is not
1395 required to pay any taxes or assessments of any kind or nature
1396 whatsoever upon any property acquired by it or used by it for
1397 such purposes or upon any revenues at any time received by it.
1398 The bonds issued by or on behalf of the agency, their transfer,
1399 and the income therefrom, including any profits made on the sale
1400 thereof, are exempt from taxation of any kind by the state or by

1401 any political subdivision or other taxing agency or
1402 instrumentality thereof. The exemption granted by this section
1403 does not apply to any tax imposed under chapter 220 on interest,
1404 income, or profits on debt obligations owned by corporations.

1405 348.0315 Public accountability.-

1406 (1) The agency shall post the following information on its
1407 website:

1408 (a) Audited financial statements and any interim financial
1409 reports.

1410 (b) Board and committee meeting agendas, meeting packets,
1411 and minutes.

1412 (c) Bond covenants for any outstanding bond issues.

1413 (d) Agency budgets.

1414 (e) Agency contracts. For purposes of this paragraph, the
1415 term "contract" means a written agreement or purchase order
1416 issued for the purchase of goods or services or a written
1417 agreement for the receipt of state or federal financial
1418 assistance.

1419 (f) Agency expenditure data, which must include the name
1420 of the payee, the date of the expenditure, and the amount of the
1421 expenditure. Such data must be searchable by name of the payee,
1422 name of the paying agency, and fiscal year and must be
1423 downloadable in a format that allows offline analysis.

1424 (g) Information relating to current, recently completed,
1425 and future projects on agency facilities.

1426 (2) Beginning October 1, 2020, and annually thereafter,
 1427 the agency shall submit to the board of county commissioners of
 1428 the county and the metropolitan planning organization for the
 1429 county a report providing information regarding the amount of
 1430 tolls collected and how those tolls were used in the agency's
 1431 previous fiscal year. The report shall be posted on the agency's
 1432 website.

1433 348.0316 Eligibility for investments and security.—Any
 1434 bonds or other obligations issued pursuant to this part shall be
 1435 and constitute legal investments for banks, savings banks,
 1436 trustees, executors, administrators, and all other fiduciaries
 1437 and for all state, municipal, and other public funds and shall
 1438 also be and constitute securities eligible for deposit as
 1439 security for all state, municipal, or other public funds,
 1440 notwithstanding the provisions of any other law or laws to the
 1441 contrary.

1442 348.0317 Pledges enforceable by bondholders.—It is the
 1443 express intention of this part that any pledge by the department
 1444 of rates, fees, revenues, county gasoline tax funds, or other
 1445 funds, as rentals, to the agency, or any covenants or agreements
 1446 relative thereto, may be enforceable in any court of competent
 1447 jurisdiction against the agency or directly against the
 1448 department by any holder of bonds issued by the agency.

1449 348.0318 This part complete and additional authority.—
 1450 (1) The powers conferred by this part are in addition and

1451 supplemental to the existing powers of the department and the
1452 governing body of the agency, and this part may not be construed
1453 as repealing any of the provisions of any other law, general,
1454 special, or local, but to supersede such other laws in the
1455 exercise of the powers provided in this part and to provide a
1456 complete method for the exercise of the powers granted in this
1457 part. The extension and improvement of the expressway system,
1458 and the issuance of bonds pursuant to this part to finance all
1459 or part of the cost of the system, may be accomplished upon
1460 compliance with the provisions of this part without regard to or
1461 necessity for compliance with the provisions, limitations, or
1462 restrictions contained in any other general, special, or local
1463 law, including, but not limited to, s. 215.821, and no approval
1464 of any bonds issued under this part by the qualified electors or
1465 qualified electors who are freeholders in the state or in Miami-
1466 Dade County, or in any other political subdivision of the state,
1467 is required for the issuance of such bonds pursuant to this
1468 part, including, but not limited to, s. 215.821.

1469 (2) This part does not repeal, rescind, or modify any
1470 other law relating to the State Board of Administration, the
1471 Department of Transportation, or the Division of Bond Finance of
1472 the State Board of Administration, but supersedes any law that
1473 is inconsistent with the provisions of this part, including, but
1474 not limited to, s. 215.821.

1475 Section 15. (1) Effective upon this act becoming a law,

1476 the governance and control of the Miami-Dade County Expressway
1477 Authority is transferred to the Greater Miami Expressway Agency
1478 pursuant to the terms of this section. The assets, facilities,
1479 tangible and intangible property and any rights in such
1480 property, and any other legal rights of the authority, including
1481 the expressway system operated by the authority, are transferred
1482 to the agency. The agency succeeds to all powers of the
1483 authority, and the operations and maintenance of the expressway
1484 system shall be under the control of the agency. Revenues
1485 collected on the expressway system shall be considered agency
1486 revenues but shall be subject to the lien of the trust
1487 indentures securing the Miami-Dade County Expressway Authority
1488 bonds. The agency also assumes all liability for bonds of the
1489 authority pursuant to subsection (2) and the satisfaction of any
1490 judgment against the authority that may ultimately become due as
1491 a result of litigation commenced before the effective date of
1492 this act. The agency shall, in consultation with the Division of
1493 Bond Finance, review all other contracts, financial obligations,
1494 and contractual relationships and liabilities of the authority,
1495 and the agency may assume responsibility for the obligations
1496 that are determined to be necessary or desirable for the
1497 continued operation of the expressway system. Employees,
1498 officers, and members of the authority may not sell, dispose,
1499 encumber, transfer, or expend the assets of the authority as
1500 existed and reflected in the authority's financial statements

1501 for the fiscal year ended June 30, 2018, other than in the
1502 ordinary course of business. For purposes of this section,
1503 incurring debt or issuing bonds for projects contained in the 5-
1504 year work program approved and adopted by the authority on
1505 December 5, 2018, is not considered the ordinary course of
1506 business. Notwithstanding the foregoing, nothing contained
1507 herein shall prevent the authority from designing and planning
1508 projects contained in the 5-year work program approved and
1509 adopted by the authority on December 5, 2018.

1510 (2) The transfer pursuant to this section is subject to
1511 all terms and covenants provided for the protection of the
1512 holders of the Miami-Dade County Expressway Authority bonds in
1513 the trust indentures or resolutions adopted in connection with
1514 the issuance of such bonds. Further, the transfer does not
1515 impair the terms of the contract between the authority and the
1516 bondholders, does not act to the detriment of the bondholders,
1517 and does not diminish the security for the bonds. After the
1518 transfer, the agency shall operate and maintain the expressway
1519 system and any other facilities of the authority in accordance
1520 with the terms, conditions, and covenants contained in the trust
1521 indentures or bond resolutions securing such bonds. The agency
1522 shall collect toll revenues and apply them to the payment of
1523 debt service as provided in the trust indentures or bond
1524 resolutions securing such bonds and expressly assumes all
1525 obligations relating to the bonds to ensure that the transfer of

1526 the authority will have no adverse impact on the security for
1527 the bonds of the authority.

1528 Section 16. The Miami-Dade County Expressway Authority is
1529 hereby dissolved.

1530 Section 17. Section 348.635, Florida Statutes, is created
1531 to read:

1532 348.635 Public-private partnership.—The Legislature
1533 declares that there is a public need for the rapid construction
1534 of safe and efficient transportation facilities for traveling
1535 within the state and that it is in the public's interest to
1536 provide for public-private partnership agreements to effectuate
1537 the construction of additional safe, convenient, and economical
1538 transportation facilities.

1539 (1) Notwithstanding any other provision of this part, the
1540 authority may receive or solicit proposals and enter into
1541 agreements with private entities, or consortia thereof, for the
1542 building, operation, ownership, or financing of authority
1543 transportation facilities or new transportation facilities
1544 within the jurisdiction of the authority which increase
1545 transportation capacity. The authority may not sell or lease any
1546 transportation facility owned by the authority without providing
1547 the analysis required in s. 334.30(6)(e)2. to the Legislative
1548 Budget Commission created pursuant to s. 11.90 for review and
1549 approval before awarding a contract on a lease of an existing
1550 toll facility. The authority may adopt rules to implement this

1551 section and shall, by rule, establish an application fee for the
1552 submission of unsolicited proposals under this section. The fee
1553 must be sufficient to pay the costs of evaluating the proposals.
1554 The authority may engage private consultants to assist in the
1555 evaluation. Before approval, the authority must determine that a
1556 proposed project:

1557 (a) Is in the public's best interest.

1558 (b) Would not require state funds to be used unless the
1559 project is on or provides increased mobility on the State
1560 Highway System.

1561 (c) Would have adequate safeguards to ensure that no
1562 additional costs or service disruptions would be realized by the
1563 traveling public and residents of the state in the event of
1564 default or the cancellation of the agreement by the authority.

1565 (d) Would have adequate safeguards in place to ensure that
1566 the department, the authority, or the private entity has the
1567 opportunity to add capacity to the proposed project and other
1568 transportation facilities serving similar origins and
1569 destinations.

1570 (e) Would be owned by the authority upon completion or
1571 termination of the agreement.

1572 (2) The authority shall ensure that all reasonable costs
1573 to the state which are related to transportation facilities that
1574 are not part of the State Highway System are borne by the
1575 private entity. The authority shall also ensure that all

1576 reasonable costs to the state and substantially affected local
1577 governments and utilities related to the private transportation
1578 facility are borne by the private entity for transportation
1579 facilities that are owned by private entities. For projects on
1580 the State Highway System, the department may use state resources
1581 to participate in funding and financing the project as provided
1582 for under the department's enabling legislation.

1583 (3) The authority may request proposals for public-private
1584 transportation projects or, if it receives an unsolicited
1585 proposal, it must publish a notice in the Florida Administrative
1586 Register and a newspaper of general circulation in the county in
1587 which it is located at least once a week for 2 weeks stating
1588 that it has received the proposal and will accept, for 60 days
1589 after the initial date of publication, other proposals for the
1590 same project purpose. A copy of the notice must be mailed to
1591 each local government in the affected areas. After the public
1592 notification period has expired, the authority shall rank the
1593 proposals in order of preference. In ranking the proposals, the
1594 authority shall consider professional qualifications, general
1595 business terms, innovative engineering or cost-reduction terms,
1596 finance plans, and the need for state funds to deliver the
1597 proposal. If the authority is not satisfied with the results of
1598 the negotiations, it may, at its sole discretion, terminate
1599 negotiations with the proposer. If these negotiations are
1600 unsuccessful, the authority may go to the second and lower-

1601 ranked firms, in order, using the same procedure. If only one
1602 proposal is received, the authority may negotiate in good faith,
1603 and if it is not satisfied with the results, it may, at its sole
1604 discretion, terminate negotiations with the proposer. The
1605 authority may, at its discretion, reject all proposals at any
1606 point in the process up to completion of a contract with the
1607 proposer.

1608 (4) Agreements entered into pursuant to this section may
1609 authorize the public-private entity to impose tolls or fares for
1610 the use of the facility. However, the amount and use of toll or
1611 fare revenues shall be regulated by the authority to avoid
1612 unreasonable costs to users of the facility.

1613 (5) Each public-private transportation facility
1614 constructed pursuant to this section shall comply with all
1615 requirements of federal, state, and local laws; state, regional,
1616 and local comprehensive plans; the authority's rules, policies,
1617 procedures, and standards for transportation facilities; and any
1618 other conditions that the authority determines to be in the
1619 public's best interest.

1620 (6) The authority may exercise any power possessed by it,
1621 including eminent domain, to facilitate the development and
1622 construction of transportation projects pursuant to this
1623 section. The authority may pay all or part of the cost of
1624 operating and maintaining the facility or may provide services
1625 to the private entity for which it receives full or partial

1626 reimbursement for services rendered.

1627 (7) Except as herein provided, this section is not
1628 intended to amend existing laws by granting additional powers to
1629 or further restricting the governmental entities from regulating
1630 and entering into cooperative arrangements with the private
1631 sector for the planning, construction, and operation of
1632 transportation facilities.

1633 Section 18. Section 348.7605, Florida Statutes, is created
1634 to read:

1635 348.7605 Public-private partnership.—The Legislature
1636 declares that there is a public need for the rapid construction
1637 of safe and efficient transportation facilities for traveling
1638 within the state and that it is in the public's interest to
1639 provide for public-private partnership agreements to effectuate
1640 the construction of additional safe, convenient, and economical
1641 transportation facilities.

1642 (1) Notwithstanding any other provision of this part, the
1643 authority may receive or solicit proposals and enter into
1644 agreements with private entities, or consortia thereof, for the
1645 building, operation, ownership, or financing of authority
1646 transportation facilities or new transportation facilities
1647 within the jurisdiction of the authority which increase
1648 transportation capacity. The authority may not sell or lease any
1649 transportation facility owned by the authority without providing
1650 the analysis required in s. 334.30(6)(e)2. to the Legislative

1651 Budget Commission created pursuant to s. 11.90 for review and
1652 approval before awarding a contract on a lease of an existing
1653 toll facility. The authority may adopt rules to implement this
1654 section and shall, by rule, establish an application fee for the
1655 submission of unsolicited proposals under this section. The fee
1656 must be sufficient to pay the costs of evaluating the proposals.
1657 The authority may engage private consultants to assist in the
1658 evaluation. Before approval, the authority must determine that a
1659 proposed project:

1660 (a) Is in the public's best interest.

1661 (b) Would not require state funds to be used unless the
1662 project is on or provides increased mobility on the State
1663 Highway System.

1664 (c) Would have adequate safeguards to ensure that no
1665 additional costs or service disruptions would be realized by the
1666 traveling public and residents of the state in the event of
1667 default or the cancellation of the agreement by the authority.

1668 (d) Would have adequate safeguards in place to ensure that
1669 the department, the authority, or the private entity has the
1670 opportunity to add capacity to the proposed project and other
1671 transportation facilities serving similar origins and
1672 destinations.

1673 (e) Would be owned by the authority upon completion or
1674 termination of the agreement.

1675 (2) The authority shall ensure that all reasonable costs

1676 to the state which are related to transportation facilities that
1677 are not part of the State Highway System are borne by the
1678 private entity. The authority shall also ensure that all
1679 reasonable costs to the state and substantially affected local
1680 governments and utilities related to the private transportation
1681 facility are borne by the private entity for transportation
1682 facilities that are owned by private entities. For projects on
1683 the State Highway System, the department may use state resources
1684 to participate in funding and financing the project as provided
1685 for under the department's enabling legislation.

1686 (3) The authority may request proposals for public-private
1687 transportation projects or, if it receives an unsolicited
1688 proposal, it must publish a notice in the Florida Administrative
1689 Register and a newspaper of general circulation in the county in
1690 which it is located at least once a week for 2 weeks stating
1691 that it has received the proposal and will accept, for 60 days
1692 after the initial date of publication, other proposals for the
1693 same project purpose. A copy of the notice must be mailed to
1694 each local government in the affected areas. After the public
1695 notification period has expired, the authority shall rank the
1696 proposals in order of preference. In ranking the proposals, the
1697 authority shall consider professional qualifications, general
1698 business terms, innovative engineering or cost-reduction terms,
1699 finance plans, and the need for state funds to deliver the
1700 proposal. If the authority is not satisfied with the results of

1701 the negotiations, it may, at its sole discretion, terminate
1702 negotiations with the proposer. If these negotiations are
1703 unsuccessful, the authority may go to the second and lower-
1704 ranked firms, in order, using the same procedure. If only one
1705 proposal is received, the authority may negotiate in good faith,
1706 and if it is not satisfied with the results, it may, at its sole
1707 discretion, terminate negotiations with the proposer. The
1708 authority may, at its discretion, reject all proposals at any
1709 point in the process up to completion of a contract with the
1710 proposer.

1711 (4) Agreements entered into pursuant to this section may
1712 authorize the public-private entity to impose tolls or fares for
1713 the use of the facility. However, the amount and use of toll or
1714 fare revenues shall be regulated by the authority to avoid
1715 unreasonable costs to users of the facility.

1716 (5) Each public-private transportation facility
1717 constructed pursuant to this section shall comply with all
1718 requirements of federal, state, and local laws; state, regional,
1719 and local comprehensive plans; the authority's rules, policies,
1720 procedures, and standards for transportation facilities; and any
1721 other conditions that the authority determines to be in the
1722 public's best interest.

1723 (6) The authority may exercise any power possessed by it,
1724 including eminent domain, to facilitate the development and
1725 construction of transportation projects pursuant to this

1726 section. The authority may pay all or part of the cost of
1727 operating and maintaining the facility or may provide services
1728 to the private entity for which it receives full or partial
1729 reimbursement for services rendered.

1730 (7) Except as herein provided, this section is not
1731 intended to amend existing laws by granting additional powers to
1732 or further restricting the governmental entities from regulating
1733 and entering into cooperative arrangements with the private
1734 sector for the planning, construction, and operation of
1735 transportation facilities.

1736 Section 19. Pursuant to section 20 of chapter 2014-171,
1737 Laws of Florida, part V of chapter 348, Florida Statutes,
1738 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
1739 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
1740 348.9961, is repealed.

1741 Section 20. Except as otherwise expressly provided in this
1742 act and except for this section, which shall take effect upon
1743 this act becoming a law, this act shall take effect July 1,
1744 2019.