

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Ways & Means Committee
 2 Representative Avila offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

(2)

(b) The commission shall:

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

2. Periodically review the status of the state

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

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

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

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

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

40 7. Recommend to the Governor and the Legislature
41 improvements to the department's organization in order to

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

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

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

62 112.3144 Full and public disclosure of financial
63 interests.—

64 (1) (a) An officer who is required by s. 8, Art. II of the
65 State Constitution to file a full and public disclosure of his
66 or her financial interests for any calendar or fiscal year shall

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

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

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

80 212.055 Discretionary sales surtaxes; legislative intent;
81 authorization and use of proceeds.—It is the legislative intent
82 that any authorization for imposition of a discretionary sales
83 surtax shall be published in the Florida Statutes as a
84 subsection of this section, irrespective of the duration of the
85 levy. Each enactment shall specify the types of counties
86 authorized to levy; the rate or rates which may be imposed; the
87 maximum length of time the surtax may be imposed, if any; the
88 procedure which must be followed to secure voter approval, if
89 required; the purpose for which the proceeds may be expended;
90 and such other requirements as the Legislature may provide.
91 Taxable transactions and administrative procedures shall be as

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92 provided in s. 212.054.

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

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

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

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

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

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

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

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

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

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

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

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

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167 previously issued related to fixed guideway rapid transit
168 systems or bus systems.

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

173 b. Effective October 1, 2022, to the extent not prohibited
174 by contracts or bond covenants in effect on that date, no more
175 than 25 percent of the surtax proceeds may be distributed to
176 municipalities in total in a county as defined in s. 125.011(1).
177 Such municipalities may use the surtax proceeds to plan,
178 develop, construct, operate, and maintain roads and bridges in
179 the municipality and to pay the principal and interest on bonds
180 issued to construct roads or bridges. The governing body of the
181 municipality may pledge the proceeds for bonds issued to
182 refinance existing bonds or new bonds issued to construct such
183 roads or bridges. Additionally, each such municipality may use
184 surtax proceeds for transit systems within the municipality.

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

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

191 215.68 Issuance of bonds; form; maturity date, execution,

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192 sale.-

193 (2) Such bonds may:

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

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

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

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

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

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

209

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

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

216 319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

289 (1) All design plans and surveys prepared by or for the
290 department shall be signed, sealed, and certified by the
291 professional engineer or surveyor or architect or landscape

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292 architect in responsible charge of the project work. Such
293 professional engineer, surveyor, architect, or landscape
294 architect must be duly registered in this state.

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

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

302 337.025 Innovative transportation ~~highway~~ projects;
303 department to establish program.—

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

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

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

331 338.165 Continuation of tolls.—

332 (2) If the revenue-producing project is on the State
333 Highway System, any remaining toll revenue shall be used for the
334 construction, maintenance, or improvement of any road on the
335 State Highway System within the county or counties in which the
336 revenue-producing project is located, ~~except as provided in s.~~
337 ~~348.0004.~~

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

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342 producing project is located, ~~except as provided in s. 348.0004.~~

343 Section 9. Subsections (5), (6), and (7) of section
344 338.166, Florida Statutes, are renumbered as subsections (6),
345 (7), and (8), respectively, and subsection (5) is added to that
346 section, to read:

347 338.166 High-occupancy toll lanes or express lanes.—

348 (5) Any toll on a high-occupancy toll lane or an express
349 lane that is located in a county as defined in s. 125.011(1),
350 may not exceed \$5 per trip.

351 Section 10. Paragraph (a) of subsection (3) of section
352 338.231, Florida Statutes, is amended to read:

353 338.231 Turnpike tolls, fixing; pledge of tolls and other
354 revenues.—The department shall at all times fix, adjust, charge,
355 and collect such tolls and amounts for the use of the turnpike
356 system as are required in order to provide a fund sufficient
357 with other revenues of the turnpike system to pay the cost of
358 maintaining, improving, repairing, and operating such turnpike
359 system; to pay the principal of and interest on all bonds issued
360 to finance or refinance any portion of the turnpike system as
361 the same become due and payable; and to create reserves for all
362 such purposes.

363 (3) (a) ~~For the period July 1, 1998, through June 30, 2027,~~
364 The department shall, ~~to the maximum extent feasible,~~ program
365 sufficient funds in the tentative work program such that all of
366 the percentage of turnpike toll and bond financed commitments in

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367 ~~Miami-Dade County, Broward County, and Palm Beach County as~~
368 ~~compared to total turnpike toll and bond financed commitments~~
369 ~~shall be at least 90 percent of the share of net toll~~
370 ~~collections attributable to users of the turnpike facilities~~
371 ~~system in Miami-Dade County, Broward County, and Palm Beach~~
372 ~~County are committed to projects and bond finance commitments in~~
373 ~~each respective county as compared to total net toll collections~~
374 ~~attributable to users of the turnpike system. This paragraph~~
375 ~~subsection~~ does not apply when the application of such
376 requirements would violate any covenant established in a
377 resolution or trust indenture relating to the issuance of
378 turnpike bonds. The department may at any time for economic
379 considerations establish lower temporary toll rates for a new or
380 existing toll facility for a period not to exceed 1 year, after
381 which the toll rates adopted pursuant to s. 120.54 shall become
382 effective.

383 Section 11. Effective upon this act becoming a law,
384 Section 338.271, Florida Statutes, is created to read:

385 338.271 Facilities of the former Miami-Dade County
386 Expressway Authority.-

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

389 (2) (a) The department shall continue the system of tolls
390 of the facilities for the former Miami-Dade County Expressway
391 Authority until any outstanding bond obligations related to a

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392 facility on the former Miami-Dade County Expressway System are
393 fully discharged.

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

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

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

404 1. Reimburse outstanding contractual obligations.

405 2. Operate and maintain the highways and toll facilities,
406 including reconstruction and restoration, such that these
407 facilities are maintained to department standards.

408 3. Pay for projects funded by toll revenues from the
409 former Miami-Dade County Expressway Authority that are contained
410 in the 5-year work program adopted by the Miami-Dade County
411 Expressway Authority on December 5, 2018.

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

416 (5) Notwithstanding any other provision of law to the

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417 contrary, the facilities of the former Miami-Dade County
418 Expressway Authority may not become part of the Florida Turnpike
419 Enterprise and are not subject to the Florida Turnpike
420 Enterprise Law.

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

424 339.175 Metropolitan planning organization.—

425 (3) VOTING MEMBERSHIP.—

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

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

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

437
438 Except for a representative from the department serving as a
439 nonvoting advisor, the M.P.O. may not have any additional voting
440 members or nonvoting advisors ~~Any other provision of this~~
441 ~~section to the contrary notwithstanding, any county chartered~~

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442 ~~under s. 6(c), Art. VIII of the State Constitution may elect to~~
443 ~~have its county commission serve as the M.P.O., if the M.P.O.~~
444 ~~jurisdiction is wholly contained within the county. Any charter~~
445 ~~county that elects to exercise the provisions of this paragraph~~
446 ~~shall so notify the Governor in writing. Upon receipt of such~~
447 ~~notification, the Governor must designate the county commission~~
448 ~~as the M.P.O. The Governor must appoint four additional voting~~
449 ~~members to the M.P.O., one of whom must be an elected official~~
450 ~~representing a municipality within the county, one of whom must~~
451 ~~be an expressway authority member, one of whom must be a person~~
452 ~~who does not hold elected public office and who resides in the~~
453 ~~unincorporated portion of the county, and one of whom must be a~~
454 ~~school board member.~~

455 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
456 privileges, and authority of an M.P.O. are those specified in
457 this section or incorporated in an interlocal agreement
458 authorized under s. 163.01. Each M.P.O. shall perform all acts
459 required by federal or state laws or rules, now and subsequently
460 applicable, which are necessary to qualify for federal aid. It
461 is the intent of this section that each M.P.O. shall be involved
462 in the planning and programming of transportation facilities,
463 including, but not limited to, airports, intercity and high-
464 speed rail lines, seaports, and intermodal facilities, to the
465 extent permitted by state or federal law.

466 (f)1. The department shall allocate to each M.P.O., for

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467 the purpose of accomplishing its transportation planning and
468 programming duties, an appropriate amount of federal
469 transportation planning funds.

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

472 Section 13. Section 339.176, Florida Statutes, is
473 repealed.

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

476 343.1003 Northeast Florida Regional Transportation
477 Commission.—

478 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(c)~~,
479 members of the board shall file a statement of financial
480 interests ~~interest~~ with the Commission on Ethics pursuant to s.
481 112.3145.

482 Section 15. Part I of chapter 348, Florida Statutes,
483 consisting of sections 348.0001, 348.0002, 348.0003, 348.0004,
484 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,
485 348.00115, and 348.0012, is repealed.

486 Section 16. (1) Effective upon this act becoming a law,
487 the governance and control of the Miami-Dade County Expressway
488 Authority is transferred to the Department of Transportation
489 pursuant to the terms of this section. The assets, facilities,
490 tangible and intangible property and any rights in such
491 property, and any other legal rights of the authority, including

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492 the expressway system operated by the authority, are transferred
493 to the department. The department succeeds to all powers of the
494 authority, and the operations and maintenance of the expressway
495 system shall be under the control of the department. Revenues
496 collected on the expressway system shall be considered
497 department revenues but shall be subject to the lien of the
498 trust indentures securing the Miami-Dade County Expressway
499 Authority bonds. The department also assumes all liability for
500 bonds of the authority pursuant to subsection (2). The
501 department shall, in consultation with the Division of Bond
502 Finance, review all other contracts, financial obligations, and
503 contractual relationships and liabilities of the authority, and
504 the department may assume responsibility for the obligations
505 that are determined to be necessary or desirable for the
506 continued operation of the expressway system. Employees,
507 officers, and members of the authority may not sell, dispose,
508 encumber, transfer, or expend the assets of the authority as
509 existed and reflected in the authority's financial statements
510 for the fiscal year ended June 30, 2018, other than in the
511 ordinary course of business. For purposes of this section,
512 incurring debt or issuing bonds for projects contained in the 5-
513 year work program approved and adopted by the authority on
514 December 5, 2018, is not considered the ordinary course of
515 business. Notwithstanding the foregoing, nothing contained
516 herein shall prevent the authority from designing and planning

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517 projects contained in the 5-year work program approved and
518 adopted by the authority on December 5, 2018.

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

537 (3) After the transfer, the department shall consider
538 refinancing all or a portion of outstanding Miami-Dade County
539 Expressway Authority bonds if doing so would result in net cost
540 savings. Any resulting cost savings must be used to reduce toll
541 rates.

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542 (4) The department shall use the unencumbered cash
543 balances transferred under this section to prepay or defease
544 outstanding Miami-Dade County Expressway Authority bonds or
545 debts to the extent allowed by or consistent with the terms and
546 covenants provided for the protection of the holders of the
547 Miami-Dade County Expressway Authority bonds in the trust
548 indentures or resolutions adopted in connection with the
549 issuance of such bonds.

550 (5) The department must display signage showing the date
551 or year in which the bonds will be paid. The signs must be
552 placed near the roadway signage that displays the toll amounts.

553 (6) The department shall provide a report to the Miami-
554 Dade County Board of County Commissioners and the Miami-Dade
555 County Transportation Planning Organization detailing the toll
556 collections, costs, and net revenues collected of the expressway
557 system and turnpike operations in Miami-Dade County. The report
558 shall also include details on projects funded and scheduled to
559 be funded by toll revenues, including revenues of the Florida
560 Turnpike Enterprise, in Miami-Dade county. The initial report
561 shall be submitted no later than October 1, 2020. Subsequent
562 reports shall be submitted no later than October 1 each year
563 thereafter.

564 Section 17. Section 348.635, Florida Statutes, is created
565 to read:

566 348.635 Public-private partnership.—The Legislature

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567 declares that there is a public need for the rapid construction
568 of safe and efficient transportation facilities for traveling
569 within the state and that it is in the public's interest to
570 provide for public-private partnership agreements to effectuate
571 the construction of additional safe, convenient, and economical
572 transportation facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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667 Section 18. Section 348.7605, Florida Statutes, is created
668 to read:

669 348.7605 Public-private partnership.—The Legislature
670 declares that there is a public need for the rapid construction
671 of safe and efficient transportation facilities for traveling
672 within the state and that it is in the public's interest to
673 provide for public-private partnership agreements to effectuate
674 the construction of additional safe, convenient, and economical
675 transportation facilities.

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

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692 evaluation. Before approval, the authority must determine that a
693 proposed project:

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

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

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

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

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

709 (2) The authority shall ensure that all reasonable costs
710 to the state which are related to transportation facilities that
711 are not part of the State Highway System are borne by the
712 private entity. The authority shall also ensure that all
713 reasonable costs to the state and substantially affected local
714 governments and utilities related to the private transportation
715 facility are borne by the private entity for transportation
716 facilities that are owned by private entities. For projects on

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

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

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742 authority may, at its discretion, reject all proposals at any
743 point in the process up to completion of a contract with the
744 proposer.

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

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

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

764 (7) Except as herein provided, this section is not
765 intended to amend existing laws by granting additional powers to
766 or further restricting the governmental entities from regulating

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767 and entering into cooperative arrangements with the private
768 sector for the planning, construction, and operation of
769 transportation facilities.

770 Section 19. Pursuant to section 20 of chapter 2014-171,
771 Laws of Florida, part V of chapter 348, Florida Statutes,
772 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
773 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
774 348.9961, is repealed.

775 Section 20. Except as otherwise expressly provided in this
776 act, this act shall take effect July 1, 2019.

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

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Remove everything before the enacting clause and insert:

782

A bill to be entitled

783

An act relating to transportation; amending s. 20.23,

784

F.S.; conforming provisions to changes made by the

785

act; amending s. 112.3144, F.S.; deleting an obsolete

786

provision; requiring members of certain authorities to

787

comply with certain financial disclosure requirements;

788

amending s. 212.055, F.S.; revising the authorized

789

uses of proceeds from charter county and regional

790

transportation system surtaxes; requiring certain

791

counties, beginning on a specified date, to use surtax

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792 proceeds for purposes related to fixed guideway rapid
793 transit systems, bus systems, and development of
794 dedicated facilities for autonomous vehicles;
795 authorizing the use of surtax proceeds for the
796 purchase of rights-of-way under certain circumstances;
797 authorizing the use of surtax proceeds for refinancing
798 existing bonds; authorizing municipalities in certain
799 counties, beginning on a specified date, to use surtax
800 proceeds for certain purposes; prohibiting the use of
801 such proceeds for certain purposes; amending s.
802 215.68, F.S.; conforming provisions to changes made by
803 the act; reviving, reenacting, and amending s.
804 319.141, F.S.; deleting obsolete provisions; amending
805 s. 334.175, F.S.; requiring the Department of
806 Transportation to approve design plans for all
807 transportation projects relating to department-owned
808 rights-of-way under certain circumstances; amending s.
809 337.025, F.S.; authorizing the department to establish
810 a program for transportation projects that demonstrate
811 certain innovative techniques for measuring resiliency
812 and structural integrity and controlling time and cost
813 increases; amending s. 338.165, F.S.; deleting cross-
814 references; amending s. 338.166, F.S.; limiting the
815 cost of high-occupancy toll and express lanes located
816 in certain counties; amending s. 338.231, F.S.;

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817 requiring the department to commit all net toll
818 collections attributable to users of turnpike
819 facilities in certain counties to projects and bond
820 finance commitments in each respective county;
821 creating s. 338.271, F.S.; requiring the department to
822 assume the assets and liabilities of the former Miami-
823 Dade County Expressway Authority; requiring the
824 department to continue tolls on certain facilities
825 until bond obligations are fully discharged;
826 prohibiting certain toll increases on former authority
827 facilities; requiring specified fees to be deposited
828 in a specified trust fund to be used for specified
829 purposes; providing for the use of excess revenues;
830 prohibiting facilities of the former authority from
831 becoming facilities of the Florida Turnpike
832 Enterprise; providing that such facilities are not
833 subject to the Florida Turnpike Enterprise Law;
834 amending s. 339.175, F.S.; revising the membership of
835 the metropolitan planning organization in a certain
836 county; prohibiting the metropolitan planning
837 organization in certain counties from charging a
838 membership fee; repealing s. 339.176, F.S., relating
839 to voting membership for certain metropolitan planning
840 organizations; amending s. 343.1003, F.S.; revising a
841 cross-reference; repealing part I of chapter 348,

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842 F.S., relating to the creation and operation of the
843 Florida Expressway Authority Act; transferring the
844 assets and liabilities of the Miami-Dade County
845 Expressway Authority to the department; providing
846 terms of the transfer; providing that the department
847 succeeds to all powers of the authority; providing
848 that revenues collected on the expressway system are
849 department revenues; requiring the department, in
850 consultation with the Division of Bond Finance, to
851 review certain documents of the authority; providing
852 terms and conditions of the transfer; creating ss.
853 348.635 and 348.7605, F.S.; providing a legislative
854 declaration; authorizing the Tampa-Hillsborough County
855 Expressway Authority and the Central Florida
856 Expressway Authority to enter into public-private
857 partnership agreements; authorizing solicitation or
858 receipt of certain proposals; providing rulemaking
859 authority; providing approval requirements; requiring
860 certain costs to be borne by the private entity;
861 providing notice requirements for requests for
862 proposals; providing for ranking and negotiation of
863 proposals; requiring the authorities to regulate tolls
864 on certain facilities; requiring compliance with
865 specified laws, rules, and conditions; providing for
866 development, construction, operation, and maintenance

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 385 (2019)

Amendment No.

867 | of transportation projects by the authorities or
868 | private entities; providing construction; repealing
869 | part V of ch. 348, F.S., relating to the Osceola
870 | County Expressway Authority Law; providing effective
871 | dates.