

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS
FINAL BILL ANALYSIS**

BILL #: CS/CS/CS/HB 385 Transportation
SPONSOR(S): State Affairs Committee; Ways & Means Committee; Transportation & Infrastructure Subcommittee; Avila and Perez
TIED BILLS: IDEN./SIM. **BILLS:** CS/CS/SB 898

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	15 Y, 0 N, As CS	Johnson	Vickers
2) Ways & Means Committee	17 Y, 0 N, As CS	Curry	Langston
3) State Affairs Committee	20 Y, 0 N, As CS	Johnson	Williamson

FINAL HOUSE FLOOR ACTION: 79 Y's 28 N's
GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

CS/CS/CS/HB 385 passed the House on April 17, 2019. The bill was amended in the Senate on May 1, 2019, and returned to the House. The House concurred in the Senate amendment and subsequently passed the bill as amended on May 3, 2019. Part of the bill also passed the House and Senate in CS/CS/CS/HB 905 on May 2, 2019.

The bill repeals the Florida Expressway Authority Act and transfers certain statutory provisions for certain expressway, bridge, and regional transportation authorities to new sections of law due to the repeal of the Act.

The bill creates the Greater Miami Expressway Agency (GMX) and transfers all of Miami-Dade County Expressway Authority's (MDX) liabilities and assets, including its toll facilities, to GMX. The bill establishes the governance structure and operational requirements of GMX. Except under specified circumstances, the bill prohibits GMX from increasing toll rates until 2029 and requires a two-thirds vote of GMX's governing body prior to implementing any new toll rate increases. The bill also creates a monthly toll rebate program for certain SunPass users.

The bill:

- Revises the authorized uses for the Charter County and Regional Transportation System Surtax in Miami-Dade County.
- Reenacts, revises, and makes permanent the Rebuilt Motor Vehicle Inspection Program in Miami-Dade County.
- Requires the Department of Transportation to approve certain design plans for transportation projects.
- Repeals the Osceola County Expressway Authority.
- Authorizes the use of electronic rental car agreements and revises requirements for rental car transactions.
- Provides honorary designations for various transportation facilities across the state.

The bill will have fiscal impacts on the state and local governments. See Fiscal Analysis for details.

The bill was approved by the Governor on July 3, 2019, ch. 2019-169, L.O.F., notwithstanding the effective date of July 1, 2019, except as otherwise provided.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0385z1.TIS.DOCX

DATE: 7/10/2019

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Miami-Dade County

Section 125.011(1), F.S., defines a “county” as:

[A]ny county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word “county” within the above provisions shall include “board of county commissioners” of such county.

Local governments authorized to operate under a home rule charter by the State Constitutions of 1885 and 1968 are the City of Key West and Monroe,¹ Dade,² and Hillsborough counties.³ Of these, only Miami-Dade County operates under a home-rule charter adopted on May 21, 1957, under this constitutional provision.⁴ Therefore, Miami-Dade County is the only county that meets the definition of “county” in s. 125.011(1), F.S.

Miami-Dade County Expressway Authority

Present Situation

Florida Expressway Authority Act

The Florida Expressway Authority Act (Act)⁵ authorizes any county or two or more contiguous counties within a single Department of Transportation (DOT) district to, by resolution adopted by the board of county commissioners, form an expressway authority as an agency of the state.⁶

The Act provides for the formation and membership of an expressway authority and provides for the authority’s voting membership, the election of officers, and the appointment of employees.⁷ The Act provides the purposes and powers of an expressway system⁸ and authorizes these authorities to acquire, hold, construct, improve, maintain, operate, and own an expressway system.⁹ The Act also authorizes an authority to:

- Appoint DOT as its agent for constructing improvements and extensions to an expressway system for its completion.¹⁰
- Acquire land and property, including by eminent domain proceedings.¹¹

¹ Art. VIII, s. 6, n. 2, Fla. Const.

² Art. VIII, s. 6, n. 3, Fla. Const.

³ Art. VIII, s. 6, n. 4, Fla. Const.

⁴ Florida Association of Counties, *Charter County Information*, available at <http://www.fl-counties.com/charter-county-information> (last visited January 28, 2019).

⁵ Codified in part I of Ch. 348, F.S.

⁶ Section 348.0003(1), F.S.

⁷ Section 348.0003, F.S.

⁸ Section 348.0002(9), F.S., defines the term “expressway system” as any and all expressways within the geographic boundaries of an expressway authority established pursuant to the Act and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, and avenues of access for such expressway. In any county as defined in s. 125.011(1), F.S., an expressway system includes a public transportation facility.

⁹ Section 348.0004, F.S.

¹⁰ Section 348.0007, F.S.

¹¹ Section 348.0008, F.S.

- Enter into contracts and other agreements with other units, boards, agencies, and individuals.¹²

Concerning bonding, the Act provides the state's pledge to expressway authority bondholders that the state will not limit or alter the rights vested in an authority and DOT until all bonds are fully paid and discharged.¹³ It provides a specified tax exemption for expressway authorities and provides that the authority's bonds are exempt from taxation except for income tax on interest, income, or profits on debt obligations owned by corporations.¹⁴ The Act also authorizes bonds to be issued on an authority's behalf pursuant to the State Bond Act.¹⁵

Miami-Dade County Expressway Authority

The Miami-Dade County Expressway Authority (MDX) was created in 1994, when the Miami-Dade County Commission adopted ordinance 94-215.¹⁶ MDX is the only expressway authority operating under the Florida Expressway Authority Act.¹⁷ The MDX system consists of the following roadways in Miami-Dade County:

- Airport Expressway (SR 112);
- Dolphin Expressway (SR 836);
- Don Shula Expressway (SR 874);
- Snapper Creek Expressway (SR 878); and
- Gratigny Parkway (SR 924).

In addition to the above provisions, the Act also governs MDX as it relates to tolling, the maximum percentage of revenues that may be used for administrative expenses, the dedication of some of its surplus revenues¹⁸ for transportation projects in Miami-Dade County, the authority to borrow money and refund bonds, mandatory toll decreases for SunPass¹⁹ users, and financial audit requirements.²⁰ While the Act authorizes MDX to issue bonds under the State Bond Act, MDX may also issue its own bonds approved for purposes of s. 11(f), Art. VII of the State Constitution.²¹ Finally, the Act requires MDX to post specified information on its website including board meeting minutes, bond covenants, budgets, and contracts.²²

As of June 30, 2018, MDX had approximately \$2.5 billion in assets and \$1.6 billion in liabilities and deferrals, including approximately \$1.5 billion in bonds payable.²³

¹² Section 348.0009, F.S.

¹³ Section 348.0010, F.S.

¹⁴ Section 348.0011, F.S.

¹⁵ Section 348.0005, F.S. The State Bond Act is codified at ss. 215.57 – 215.83, F.S.

¹⁶ A copy of the ordinance is available at http://miamidade.fl.elaws.us/code/coor/coor_ptiii_ch2_artxviii/ (last visited January 25, 2019).

¹⁷ While MDX is the only authority operating pursuant to the Florida Expressway Authority Act, Polk County formed the Polk County Expressway Authority in 2016; however, that authority does not operate an expressway system or have any outstanding bonds. Additionally, part V of Ch. 348, F.S., creating the Osceola County Expressway Authority, contains numerous references to the Florida Expressway Authority Act.

¹⁸ Section 348.0002(12), F.S., defines the term "surplus revenues" as revenues in any county as defined in s. 125.011(1), F.S., derived from rates, fees, rentals, tolls, and other charges for the services and facilities of an expressway system as may exist at the end of a fiscal year after payment of all annually required operating and maintenance expenses for the fiscal year and all debt service payable in the fiscal year on bonds issued or other debts incurred for any purpose in connection with an expressway system, including debt incurred to finance the construction, extension, repair, or maintenance of an expressway system.

¹⁹ SunPass is the state's electronic toll collection system.

²⁰ Section 384.0004, F.S.

²¹ Section 11(f), Art. VII of the State Constitution requires each project, building, or facility to be financed or refinanced with revenue bonds first approved by the Legislature by an act relating to appropriations or by general law.

²² Section 348.00115, F.S.

²³ Miami-Dade County Expressway Authority, *2018 Comprehensive Annual Financial Report*, Fiscal Years ended June 30, 2018 and 2017; available at https://www.mdxway.com/pdf/annual_reports/CAFR_2018.pdf (last visited January 25, 2019).

Recent Legislation

In 2017, the Legislature required MDX to, subject to compliance with its bond covenants, reduce the toll charged on any of its toll facilities by at least 5 percent, but not more than 10 percent, for each SunPass account in good standing.²⁴

In 2018, the Legislature required MDX, by October 1, 2018, to submit to the Governor information regarding its compliance with the minimum 5 percent toll reduction prescribed in 2017. If the required toll reduction had not taken place, effective October 31, 2018, the existing board was to be dissolved and, except for the DOT district secretary, a new board was to be appointed. Qualifications and appointments to the new board remained the same.²⁵ On May 29, 2018, MDX's board approved a toll rate reduction on MDX's facilities, providing a 5.7 to 8 percent reduction in the toll rate, depending on the existing rate. The new toll rates took effect July 1, 2018.²⁶

MDX has challenged the legality of some portions of the 2017 and 2018 legislation, arguing that the legislation violates the constitutional prohibition against impairment of contracts, and violates a statutory covenant that the state will not alter the rights vested in the authority until all bonds are fully paid and discharged.²⁷

Effect of the Bill

The bill repeals part I of Ch. 348, F.S., repealing the Florida Expressway Authority Act. This results in the repeal of the Miami-Dade County Expressway Authority and prevents any other county from creating its own expressway authority.

The bill dissolves the Miami-Dade County Expressway Authority and creates the Greater Miami Expressway Agency (GMX) in Miami-Dade County. The bill transfers MDX's assets and liabilities to GMX and provides GMX with statutory authority that is substantially similar to the statutory provisions currently applicable to MDX. The following discussion summarizes the new part I of Ch. 348, F.S., which is renamed the "Greater Miami Expressway Agency Act," and highlights the differences between the former MDX and the newly created Greater Miami Expressway Agency.

Greater Miami Expressway Agency

The bill creates 348.0304, F.S., establishing the "Greater Miami Expressway Agency." The bill provides that the governing body of GMX consists of nine voting members. The Governor appoints three members, the Miami-Dade County Commission appoints two members,²⁸ the Miami-Dade County metropolitan planning organization appoints three members,²⁹ and the DOT district secretary for that county serves as an ex officio voting member. Each member must be a permanent resident of Miami-Dade County; however, no member may:

- Hold, or have held in the previous two years, elected or appointed office in the county;
- On or after July 1, 2009, have been a member of the former MDX governing board or an employee of MDX; however, this prohibition does not apply to persons appointed by the Governor or to the DOT district secretary;

²⁴ Ch. 2017-182, L.O.F.

²⁵ Ch. 2018-145, L.O.F.

²⁶ Miami-Dade Expressway Authority Press Release, *MDX Board of Directors Approves Toll Reduction*, June 8, 2019; available at https://www.mdxway.com/press_releases/downloads/592/original_TOLL_REDUCTION_PRESS_RELEASE_FINAL.pdf?1531322342 (last visited January 28, 2019).

²⁷ *Miami Dade County Expressway Authority v. Bondi*, Case No. 2018 CA 001200, Second Judicial Circuit, Leon County Florida. On May 5, 2019, MDX filed a voluntary dismissal without prejudice.

²⁸ These members must be residents of an unincorporated portion of the county residing within 15 miles of an area with the highest amount of agency toll roads.

²⁹ These members must be residents of incorporated municipalities within the county.

- Be a lobbyist³⁰ or, in the previous four years, have lobbied GMX or the former MDX; or
- In the previous four years, have conducted business, or been an employee of a person that has done business, with GMX or the former MDX.

In addition, the bill provides that each member may only serve two terms of four years each and initial appointments are staggered. The bill also requires members of GMX's governing body to take and subscribe to an oath that they will honestly, faithfully, and impartially perform their duties. The Governor may remove members of the governing body from office for misconduct, malfeasance, misfeasance, or nonfeasance in office.

Ethics Requirements

The bill creates s. 348.0305, F.S., establishing new ethics requirements for GMX. The bill provides that GMX members and employees are subject to the Code of Ethics for Public Officers and Employees.³¹ An officer,³² employee, or consultant³³ of GMX or of the former MDX may not for a period of four years, after vacation of his or her position with the agency:

- Lobby³⁴ the agency;
- Have an employment or contractual relationship with a business entity in connection with a contract in which the officer, employee, or consultant personally and substantially participated in discussions or decisions regarding the contract while an officer, employee, or consultant of the agency; or
- Have or hold any employment or contractual relationship with a business entity in connection with any contract for contractual services for which he or she was responsible for while an officer, employee, or consultant.³⁵

The bill requires each officer, employee, and consultant of GMX to disclose promptly:³⁶

- Relationships that may create a conflict of interest;
- Any relative³⁷ and any employment or contractual relationship of such relative which, if held by the officer, employee, or consultant, would violate the standards of conduct for public officers and certain public employees;³⁸
- Any relative who is a lobbyist and the lobbyist's principal;³⁹ or

³⁰ The bill defines the term "lobbyist" as a person who is employed and receives payment, or who contracts for economic consideration, to lobby or a person who is principally employed for governmental affairs by another person or entity to lobby on behalf of such person or entity. A lobbyist is not a person who represents a client in a judicial proceeding or in a formal administrative proceeding before the GMX; an officer or employee of any governmental entity acting in the normal course of his or her duties; consults under contract with, or communicates with, GMX regarding issues related to the scope of contract services; is an expert witness; or seeks to procure a contract less than \$20,000 or a contract pursuant to s. 287.056, F.S., which governs purchasing agreements and state term contracts.

³¹ Ch. 112, part III, F.S.

³² The bill defines the term "officer" to mean a member of the GMX governing body.

³³ The bill provides that the term "consultant" does not include individuals retained by MDX to provide architectural, engineering, landscape architecture, or registered surveying and mapping services.

³⁴ The bill defines the term "lobby" to mean to seek to influence GMX, on behalf of another person, with respect to a decision of the agency in an area of policy or procurement or to attempt to obtain the goodwill of an officer, employee, or consultant of GMX. The term does not include representing a client in any stage of applying for or seeking approval of any administrative action, or opposition to such action, provided such action does not require legislative discretion and is subject to judicial review by petitioning for writ of certiorari.

³⁵ The bill authorizes certain exceptions for when a GMX employee's position is eliminated.

³⁶ The bill provides that the disclosure is to be filed with GMX's general counsel, unless the general counsel files the disclosure, then a copy of the disclosure must be provided to GMX's executive director.

³⁷ The term "relative" has the same meaning as in s. 112.312, F.S.

³⁸ Section 112.313, F.S.

³⁹ The term "principal" has the same meaning as in s. 112.3215, F.S.

- Any direct or indirect interest in real property and the interest of any relative if such property is located within 1/2 mile of any actual or prospective agency project.

A violation of the ethics provisions is considered a violation of the violator's official, employment, or contractual duties to GMX. GMX officers, employees, and consultants must be adequately informed and trained on these requirements and the state code of ethics and must receive ongoing ethics training.

Purposes and Powers

The bill creates s. 348.0306, F.S., establishing the purposes and powers of GMX. Substantively similar to the statutory powers previously granted to MDX, GMX has certain powers, including, but not limited to, the power to sue and be sued, acquire and hold property, enter into leases, establish toll rates, and borrow money.

For new capacity projects, the bill requires GMX to use DOT's design standards and, to the maximum extent practicable, design facilities such as DOT would for high-speed limited access facilities. GMX may only add additional expressways to the expressway system⁴⁰ if certain requirements are met.

GMX may not increase its toll rates until July 1, 2029, including any increase to adjust toll rates pursuant to the Consumer Price Index,⁴¹ except as may be necessary to comply with bond covenants or on or after July 1, 2024, as approved by a supermajority vote of GMX's governing body. Additionally, a toll rate increase must be approved by a two-thirds vote of the members of GMX's governing body. The bill also requires GMX to have a distance of at least five miles between main through-lane tolling points. However, GMX may establish toll rates such that the toll rate per mile is equal to the rates in effect on July 1, 2019.

Notwithstanding any other provision of law to the contrary, GMX is subject to the procurement and contracting requirements applicable to DOT contained in Chs. 287 and 337, F.S.

The bill requires GMX to have an annual financial audit conducted by an independent certified public accountant⁴² and to make the audit report available on its website.

Greater Miami Toll Rebate Program

The bill creates s. 348.0307, F.S., creating the Greater Miami Toll Rebate Program. GMX must develop and implement the monthly rebate program beginning January 1, 2020. The rebate program is subject to compliance with bond covenants, consideration of financial feasibility as reported by the Auditor General, and consideration of the impact of such a program to the financial feasibility of prioritized projects contained in GMX's 5-year work program on July 1, 2019.

The monthly rebates must be credited to the account of each SunPass holder who incurs \$12.50 or more in tolls on GMX's expressway system each month and whose SunPass is registered to a motor vehicle registered to an address in Miami-Dade County.

In developing the rebate program, GMX must have a goal of rebating 25 percent of the tolls paid by eligible SunPass holders. Following the program's initiation, GMX, once every five years, must review the amount of the toll rebate and may adjust the amount of the toll rebate. GMX may not impose additional requirements for receiving the toll rebate.

⁴⁰ The bill defines the term "expressway system" as any and all expressways not owned by DOT that fall within the geographic boundaries of GMX, and appurtenant facilities thereto, including but not limited to, all approaches, roads, bridges, and avenues of access for such expressway. The term includes a public transportation facility.

⁴¹ Toll rate adjustments to the consumer price index are provided for in s. 338.165, F.S.

⁴² Certified public accountants are licensed pursuant to Ch. 473, F.S.

Public Private Partnership

The bill creates s. 348.0308, F.S., authorizing GMX to enter into public-private partnerships for the building, operation, ownership, or financing of transportation facilities. These provisions are substantively identical to requirements currently applicable to MDX.

Bonds

The bill creates s. 348.0309, F.S., providing that GMX may have bonds issued on its behalf pursuant to the State Bond Act. Additionally, GMX may issue its own bonds. The authorization for GMX to issue its own bonds is substantively identical to what is currently authorized for MDX; however, the bill provides that when GMX issues its own bonds, the issuance of such bonds is subject to review and approval by the Legislative Budget Commission.

DOT Appointed as Agent of GMX for Construction

The bill creates s. 348.010, F.S., authorizing GMX to appoint DOT as its agent for the purpose of construction improvements to and extensions to an expressway system. The bill provides specific requirements for this authority. This provision is substantively identical to the statutory authority currently provided to MDX.

Acquisition of Land and Property

The bill creates 348.0311, F.S., authorizing GMX to acquire land and property for certain transportation and transportation-related facilities. The bill also authorizes GMX or its authorized agents to enter upon any lands, upon reasonable notice to the landowner, for certain purposes. GMX also has the right of eminent domain and is not subject to liability for preexisting soil or groundwater contamination issues. This provision is substantively identical to the statutory authority currently provided to MDX.

Cooperation with other Entities

The bill creates s. 348.0312, F.S., authorizing other governmental entities and individuals to enter into certain agreements with GMX, to the extent consistent with specified chapters in the Florida Transportation Code. This provision is identical to the statutory authority currently provided to governmental entities and individuals to enter into agreements with MDX.

Covenant of the State

The bill creates s. 348.0313, F.S., providing that the state will not limit or alter the rights vested in GMX and DOT until all of the bonds are discharged. This provision is identical to statutory provisions included in the current MDX statute.

Exemption from Taxation

The bill creates s. 348.0314, F.S., providing that GMX's purposes are for the benefit of the people of the state; therefore, it is not required to pay any taxes or assessments on property or revenues. Additionally, its bonds are exempt from taxation, except for income tax on profits or debt obligations owned by corporations. This provision is identical to the statutory provisions currently included in the MDX statute.

Public Accountability

The bill creates s. 348.0315, F.S., to require that GMX include certain information on its website including financial information, governing board documents, bond covenants, and contracts. The same requirements are currently applicable to MDX.

Additionally, the bill provides that beginning October 1, 2020, and annually thereafter, GMX must submit to the Miami-Dade County metropolitan planning organization (MPO) a report providing information regarding the amount of tolls collected and how the tolls were used by GMX in the previous fiscal year.

Eligibility for Investments and Security

The bill creates s. 348.0316, F.S., providing that GMX's bonds or other obligations constitute legal investments for various entities. This provision is similar to statutory requirements in place for other expressway authorities.

Pledge Enforceable by Bondholders

The bill creates s. 348.0317, F.S., providing that any pledge by DOT of certain funds and any related agreements may be enforceable in any court against GMX or directly against DOT by any holders of the bonds issued by GMX. The provision is similar to statutory requirements applicable to other expressway authorities.

This Part Complete and Additional Authority

The bill creates s. 348.0318, F.S., providing that the powers conferred by part I of Ch. 348, F.S., are in addition to the powers of DOT and the governing body of GMX. It also provides that various functions of the agency may not be construed to repeal other laws. Additionally, part I of Ch. 348, F.S., does not repeal, rescind, or modify any other law relating to the State Board of Administration, DOT, or the Division of Bond Finance, but supersedes any inconsistent law. This provision is similar statutory requirements applicable to other expressway authorities.

Transfer Provisions

The bill transfers the governance and control of MDX to GMX. MDX's assets, facilities, tangible and intangible property and any rights in such property, and any other legal rights, including MDX's expressway system, are transferred to GMX. GMX succeeds to all of MDX's powers, and the operations and maintenance of the expressway system must be under GMX's control. Revenues collected on the expressway system are considered GMX revenues but are subject to the lien of the trust indentures securing MDX's bonds. GMX also assumes all liability for MDX's bonds and the satisfaction of any judgment against MDX that may ultimately become due because of litigation commenced before July 1, 2019.

The bill requires GMX to, in consultation with the Division of Bond Finance, review all other contracts, financial obligations, and contractual relationships and liabilities of MDX, and authorizes GMX to assume responsibility for the obligations determined to be necessary or desirable for the continued operation of the expressway system. MDX's employees, officers, and board members may not engage in certain transactions other than in the ordinary course of business. The bill specifies certain actions related to the 5-year work program are not considered to be in the ordinary course of business. However, this is not meant to prevent MDX from designing and planning projects in its 5-year work program approved and adopted on December 5, 2017. The bill also requires GMX to prioritize the planning, design, and construction of the Kendall Parkway.

This transfer is subject to all terms and covenants provided for the protection of the holders of MDX's bonds in the trust indentures or resolutions adopted in connection with the issuance of such bonds. Further, the bill provides that the transfer does not impair contracts between MDX and its bondholders and does not act to the detriment of the bondholders, and does not diminish the security for the bonds. After the transfer, GMX must operate and maintain the expressway system and any other MDX facilities in accordance with the terms, conditions, and covenants contained in the trusts indentures or bond resolutions. GMX must collect toll revenues and apply them to the payment of debt service and expressly assumes all obligations relating to the bonds to ensure that the transfer of MDX will have no adverse impact on the security for MDX's bonds.

Auditor General Review

The bill requires the Auditor General to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives before October 1, 2019, which assesses GMX's

financial situation. The report also must assess the financial feasibility of the toll rebate program and of a toll rate reduction. In determining the financial feasibility of a toll rate reduction, the Auditor General may consult with GMX's bond counsel and the bond counsel must have an opportunity to respond to the Auditor General's report.

Additional Changes

The bill makes conforming changes related to the repeal of MDX and the creation of GMX.

Transportation Authority Financial Disclosure

Present Situation

Section 8(a), Art. II of the State Constitution requires all elected constitutional officers and candidates for such offices and, as may be determined by law, other public officials, candidates, and employees to file full and public disclosure of their financial interests. Full and public disclosure of financial interests means filing a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with either a copy of the person's most recent federal income tax return, or a sworn statement identifying each separate source and amount of income exceeding \$1,000. The disclosure is filed with the Florida Commission on Ethics.⁴³

The Florida Expressway Authority Act requires members of each expressway authority, transportation authority, bridge authority, or toll authority, created pursuant to Ch. 343, F.S.,⁴⁴ Ch. 348, F.S.,⁴⁵ or any other general law, to comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution.⁴⁶ While this requirement is codified in the Florida Expressway Authority Act, it applies to authorities created in Ch. 343, F.S., and in other parts of Ch. 348, F.S.

Effect of the Bill

The bill moves the statutory provision regarding financial disclosure forms filed by transportation and expressway authorities from s. 348.0003(4)(c), F.S., to s. 112.3144(1), F.S. The actual financial disclosure requirements do not change.

Charter County and Regional Transportation System Surtax

Present Situation

Section 212.055(1), F.S., creates the Charter County and Regional Transportation System Surtax and authorizes each charter county, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority to levy, subject to voter approval, a discretionary sales surtax of up to 1 percent.⁴⁷ Thirty-one counties are eligible to levy the surtax;⁴⁸ however, only Broward, Duval, Hillsborough, and Miami-Dade counties currently levy the surtax. Duval and Miami-Dade counties both levy the tax at a rate of 0.5 percent.⁴⁹ Duval County began levying the surtax in 1989 and Miami-Dade County began levying it in 2003.⁵⁰ In November 2018, Broward and Hillsborough counties voted to levy the surtax, effective January 1, 2019, at a rate of 1 percent.

⁴³ Section 112.3144(1), F.S.

⁴⁴ Chapter 343, F.S., creates various regional transportation authorities.

⁴⁵ Chapter 348, F.S., creates various expressway and bridge authorities.

⁴⁶ Section 348.0003(4)(c), F.S.

⁴⁷ Section 212.055(1)(a) and (b), F.S.

⁴⁸ The counties eligible to levy the surtax are Alachua, Bay, Brevard, Broward, Citrus, Clay, Columbia, Duval, Escambia, Franklin, Gulf, Hernando, Hillsborough, Lee, Leon, Manatee, Miami-Dade, Okaloosa, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Santa Rosa, Sarasota, Seminole, Volusia, Wakulla, and Walton. 2018 Florida Tax Handbook, p. 227.

⁴⁹ 2018 Florida Tax Handbook, p. 227.

⁵⁰ 2003 Florida Tax Handbook, p. 154.

In Miami-Dade County, the surtax is dedicated to support the People's Transportation Plan.⁵¹ In 2002, Miami-Dade County voters approved the surtax for funding the People's Transportation Plan, including plans to build rapid transit lanes, expand bus service, purchase additional buses, improve traffic signalization, improve roads and highways, and provide funding to municipalities for road and transportation projects. The ordinance also establishes the Citizens' Independent Transportation Trust as an advisory entity created to oversee the use of the surtax proceeds.⁵²

Currently, proceeds from the Charter County and Regional Transportation System Surtax may be applied to as many or as few of the uses provided below in whatever combination the county commission deems appropriate:

- Deposited by the county in the trust fund and used for a countywide bus system, on-demand transportation services,⁵³ and related costs of a fixed guideway rapid transit system;
- Remitted by the county governing body to an expressway, transit, or transportation authority for roads or bridges, a bus system, on-demand transportation services; for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges; and, upon approval by the county commission, pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges; and
- Used by the county for planning, development, construction, operation, and maintenance of roads and bridges, bus and fixed guideway systems, and on-demand transportation services, and for the payment of principal and interest on bonds issued for such purposes. Pursuant to an interlocal agreement, the county may distribute tax proceeds to a municipality or an expressway or transportation authority.⁵⁴

Effect of the Bill

Effective October 1, 2022, the bill revises the authorized uses of the Charter County and Regional Transportation Surtax in Miami-Dade County. To the extent not prohibited by contracts or bond covenants in effect on that date, the bill requires Miami-Dade County to use the Charter County and Regional Transportation Surtax proceeds only for the following purposes:

- The planning, design, engineering, or construction of, or the acquisition of rights-of-way for fixed guideway rapid transit systems, rail systems, and bus systems, and for the development of dedicated facilities for autonomous vehicles.⁵⁵
- The purchase of buses or other capital costs for bus systems.
- The payment of principal and interest on bonds previously issued related to fixed guideway rapid transit systems, rail systems, or bus systems.
- As security to refinance existing bonds or to issue new bonds for the planning, design, engineering, or construction of fixed guideway rapid transit systems, rail systems or bus systems.
- The operation and maintenance of fixed guideway rapid transit systems and bus routes, which were implemented or constructed subsequent to the passage of the surtax, and for operation and maintenance of services authorized by electors in passing the surtax or included in the ordinance authorizing the levy of the surtax.

To the extent not prohibited by contracts or bond covenants in effect on October 1, 2022, no more than 25 percent of the surtax proceeds may be distributed to municipalities in total in Miami-Dade County.

⁵¹ Information on Miami-Dade County's People's Transportation Plan is available at <https://www.miamidade.gov/publicworks/peoples-transportation.asp> (last visited February 14, 2019).

⁵² Florida Department of Transportation, Agency Analysis of 2019 HB 385, p. 5 (January 22, 2019).

⁵³ Section 212.055(1)(e), F.S., defines "on-demand transportation services" as transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature.

⁵⁴ Section 212.055(1)(d), F.S.

⁵⁵ Section 316.003(3), F.S., defines "autonomous vehicle" as any vehicle equipped with autonomous technology.

Each municipality in Miami-Dade County may use its surtax proceeds to plan, develop, construct, operate, and maintain roads and bridges in the municipality and to pay the principal and interest on bonds issued to construct roads or bridges. The governing body of the municipality may pledge the proceeds for bonds issued to refinance existing bonds or new bonds issued to construct such roads and bridges. Additionally, each such municipality may use surtax proceeds for transit systems within the municipality.

Rebuilt Motor Vehicle Inspection Program

Present Situation

Under Florida law, a person may not sell a rebuilt vehicle until the vehicle's title labels that vehicle as rebuilt, which requires the motor vehicle go through a physical rebuilt motor vehicle inspection conducted by the Department of Highway Safety and Motor Vehicles (DHSMV).⁵⁶ The purpose of the rebuilt vehicle inspection is to assure the identity of the vehicle and all major component parts that have been repaired or replaced. After an approved rebuilt vehicle inspection, DHSMV affixes a decal to the vehicle identifying the vehicle as a rebuilt vehicle.

In 2013, the Legislature created s. 319.141, F.S., establishing a Pilot Rebuilt Motor Vehicle Inspection Program (pilot program) in Miami-Dade and Hillsborough counties. DHSMV set standards for the program and certified private sector inspection facilities in Miami-Dade County.⁵⁷ The pilot program's purpose was to evaluate private sector alternatives for rebuilt inspection services, including the feasibility of using private facilities, the cost impact to consumers, and the potential savings to DHSMV. DHSMV was required to establish a memorandum of understanding (MOU) allowing private parties participating in the pilot program to conduct rebuilt vehicle inspections. This section also specified requirements for oversight, bonding and insurance, procedure, and forms and required the electronic submission of documents.

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

- Have and maintain a surety bond or irrevocable letter of credit in the amount of \$100,000, executed by the applicant;
- Secure and maintain a facility at a permanent structure at an address recognized by the U.S. Postal Service where the only services provided are rebuilt inspection services;
- Annually attest that he or she is not employed by or does not have an ownership interest in or financial arrangement with a motor vehicle repair shop, motor vehicle dealer, towing company, storage company, vehicle auction, insurance company, salvage yard, metal retailer, or metal rebuilder, from which the applicant receives remuneration for the referral of customers for rebuilt inspection services;
- Have and maintain garage liability and other insurance required by DHSMV;
- Have completed criminal background checks of the owners, partners, and corporate officers and the inspectors employed by the facility; and
- Meet any additional criteria DHSMV determined necessary to conduct proper inspections.⁵⁸

As required by law, in 2015, DHSMV submitted a report⁵⁹ that summarized the implementation of the pilot program and its results. DHSMV had certified eight private businesses in the Miami area to

⁵⁶ Section 319.14(1)(b), F.S. A rebuilt vehicle is one that has been built from salvage or junk.

⁵⁷ No entities from Hillsborough County applied to participate in the program.

⁵⁸ Section 319.141(4), F.S.

⁵⁹ DHSMV, *Florida's Private Rebuilt Vehicle Inspection Program – Pilot Program Report* (January 30, 2015), available at <http://www.flhsmv.gov/pdf/cabinetreports/privaterebuiltreport.pdf> (last visited Jan. 22, 2019).

conduct rebuilt vehicle inspections.⁶⁰ During Fiscal Year (FY) 2016-2017, 71,342 rebuilt vehicle inspections were conducted in the state, of which pilot program operators conducted 35,325.⁶¹

DHSMV employees in Miami-Dade County were responsible for conducting rebuilt vehicle inspections at the DHSMV Regional Office and at various off-site locations, and for monitoring the pilot program businesses to ensure inspections were conducted in accordance with program standards.⁶²

According to DHSMV, each of the eight pilot program participants met all of the statutory requirements and the MOU executed with DHSMV. Statutorily authorized state rebuilt inspection fees (\$40) and re-inspection fees (\$20) were collected and remitted to the state as required. In addition, each pilot program participant was allowed to assess customers a service fee for each inspection. Service fees ranged from \$50 to \$85 and were not regulated in any manner by DHSMV.⁶³

The pilot program repealed July 1, 2018, since it was not saved from repeal through reenactment by the Legislature.

Effect of the Bill

The bill revives, reenacts, and amends and makes permanent the former Pilot Rebuilt Motor Vehicle Inspection Program in Miami-Dade County.

The bill amends the definition of the term “rebuilt inspection services” to require, if available, a photograph be taken of the interior driver and passenger sides of the vehicle if the airbags were previously deployed and replaced.

The bill requires DHSMV, by October 1, 2019, to implement the pilot program in Miami-Dade County. Each selected participant must enter into a MOU with DHSMV allowing such participant to conduct rebuilt motor vehicle inspections and specifying certain requirements. DHSMV may examine all records pertaining to any inspection or related service performed under the pilot program.

Before a participant is authorized to perform such rebuilt inspection service, DHSMV must ensure that the participant meets basic criteria designed to protect the public. At a minimum, the participant must meet all of the previous statutory requirements, with the following changes:

- The surety bond or irrevocable letter of credit must be executed in favor of DHSMV and be issued by entities licensed to do business in Florida.
- The facility must have permanent signage containing specified information, be designed with specified features, have surveillance cameras with recording capabilities for the rebuilt inspection area, and have sufficient onsite customer parking.
- The participant must annually attest that he or she does not have a direct or indirect interest in any motor vehicle that a facility has inspected or proposes to inspect, and that there have been no changes to the ownership structure of the approved facility.
- The garage liability insurance must have a minimum of \$100,000 single-limit liability coverage, including bodily injury and property damage protection, and any other insurance required by DHSMV.
- The criminal background checks must demonstrate the certain persons have not been convicted of, pled guilty to, pled nolo contendere to, or been incarcerated for a felony in the previous 10 years.

⁶⁰ DHSMV, Office of Inspector General, *Rebuilt Vehicle Inspection Program Audit Report 201617-24* (December 5, 2017), available at <https://www.flhsmv.gov/pdf/igoffice/20161724.pdf> (last visited January 22, 2019).

⁶¹ *Id.*

⁶² DHSMV, *Pilot Program Report*.

⁶³ DHSMV, *Pilot Program Report*.

The bill prohibits a participant from conducting an inspection of a vehicle in complete rebuilt condition without DHSMV approval. A person or entity other than DHSMV or a DHSMV-authorized participant may not conduct rebuilt inspection services.

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

The bill requires DHSMV to, at least once per quarter, conduct an onsite facility inspection and immediately terminate any participant who fails to meet the statutory eligibility requirements.

DHSMV may adopt rules to implement and enforce statutory provisions related to the program.

By July 1, 2022, DHSMV must submit a report to the President of the Senate and the Speaker of the House of Representatives that evaluates the effectiveness of the program and determines whether the program should be expanded to other counties.

Electronic Rental Car Documents

Present Situation

Section 320.0605(1), F.S., requires at all times while a motor vehicle is being used or operated on Florida's roads, the vehicle's operator to possess:

- The registration certificate or an official copy;
- A true copy of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period;
- A temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet; or
- A cab card issued for a vehicle registered under the International Registration Plan.

The certificate or document must be exhibited upon demand of any authorized law enforcement officer or DHSMV agent, except for a registered fleet vehicle.⁶⁴ This requirement does not apply during the first 30 days after purchase of a replacement vehicle. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation.

The motor vehicle's rental or lease documentation must include:

- Date of rental and time of exit from the rental facility;
- Rental station identification;
- Rental agreement number;
- Rental vehicle identification number;
- Rental vehicle license plate number and state of registration;
- Vehicle's make, model, and color;
- Vehicle's mileage; and
- Authorized renter's name.

Section 322.38, F.S., establishes requirements for an individual who wishes to rent a motor vehicle to another including requiring an individual to inspect the driver license of the person to whom the vehicle is to be rented and compare and verify the signature on the driver license with the signature of such person written in his or her presence. Further, the individual must keep a record of the registration number of the motor vehicle rented, the name and address of the person renting, and the number, date, and place of issue.

⁶⁴ A fleet vehicle is registered pursuant to s. 320.0657, F.S., providing for the permanent registration of fleet license plates.

Effect of the Bill

The bill authorizes a motor vehicle operator to possess an electronic copy of the motor vehicle registration or rental or lease documentation in a DHSMV-authorized format to be displayed upon request of a law enforcement officer or DHSMV agent. Displaying the electronic copy does not constitute consent for the officer or agent to access any information on the device other than the displayed documentation. The person who presents the device to the officer assumes liability for any resulting damage to the device.

The bill also provides that rather than requiring the rental or lease documentation to include the date of rental and time of exit from the rental facility, the documentation only has to include the date and time of rental. Additionally, the documentation does not require the rental station identification.

The bill eliminates the requirement that a person renting a motor vehicle to another verify the latter individual's signature on his or her driver license. Instead, the individual renting the motor vehicle must verify that the renter's driver license is unexpired. The bill also eliminates the requirement that the individual renting the vehicle to another record the date on which the driver license was issued.

Additionally, the bill provides that when a rental car company rents a motor vehicle to a person without direct contact with a representative of the company, or if the renter does not execute a rental contract at the time he or she takes possession of the vehicle, the company is deemed to have met the license inspection requirements if the renter verifies that he or she has a valid driver license. Such verification may occur when the renter enrolls in a rental company's membership program, master agreement, or other means of establishing use of the company's services or at any time thereafter.

Design Plans and Innovative Transportation Projects and Techniques

Present Situation

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

Section 337.025, F.S., authorizes DOT to establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance that have the intended effect of controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway construction and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and techniques that have the potential to reduce project life cycle costs. DOT may annually enter into contracts for innovative transportation projects up to \$120 million. However, the annual cap does not apply to Florida Turnpike Enterprise projects and transportation projects funded by the American Recovery and Reinvestment Act of 2009.⁶⁵

On March 15, 2018, a pedestrian bridge under construction at Florida International University in Miami collapsed onto the state-owned eight-lane US 41/Tamiami Trail. The bridge collapse resulted in the deaths of six persons, and four additional persons were injured. The National Transportation Safety Board is investigating the cause of the bridge collapse and has issued some preliminary reports indicating that there may have been flaws with the bridge's design.⁶⁶

⁶⁵ Pub. L. 111-5.

⁶⁶ National Transportation Safety Board information on the FIU bridge collapse is available at <https://www.nts.gov/investigations/Pages/HWY18MH009.aspx> (last visited January 9, 2019).

Effect of the Bill

The bill provides that for portions of transportation projects on, under, or over a DOT-owned right-of-way, and regardless of funding source, DOT must approve the design plans for such projects if the design plans meet DOT standards. The bill changes DOT's authorization for innovative highway projects to innovative transportation projects. This new authorization specifically includes innovative techniques for bridge design that have the effect of measuring resiliency and structural integrity. The bill also authorizes the use of innovative transportation projects for new and existing bridge design.

Metropolitan Planning Organizations

Present Situation

Federal Law

MPOs, also referred to as transportation planning organizations, are federally mandated transportation planning organizations comprised of representatives from local governments and transportation authorities. The MPO's role is to develop and maintain the required transportation plans for a metropolitan area to ensure that federal funds support local priorities. Federal law requires MPOs in urbanized areas with populations of 50,000 or more individuals.⁶⁷

State Law

Section 339.175, F.S., governs MPOs and generally mirrors applicable federal law. MPOs carry out four primary activities:

- Developing and maintaining a Long-range Transportation Plan, addressing no less than a 20-year planning horizon.
- Updating and approving a Transportation Improvement Program, a four-year program for highway and transit improvements.
- Developing and adopting a Unified Planning Work Program, identifying the budget and planning activities to be undertaken in the metropolitan planning area.
- Preparing a Public Participation Plan, describing the involvement of the public and stakeholder communities in transportation planning.

MPO Membership Fees

Section 339.175(6)(f), F.S., requires DOT to allocate to each MPO, for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds. Some Florida MPOs receive funds from their members (primarily municipal and county governments) for work that is beyond what federal funds will pay for or for work that is not eligible for federal or state funds. For example, in Miami-Dade County the MPO conducted a pedestrian safety campaign that was not eligible for federal transportation planning funds.⁶⁸

Effect of the Bill

The bill prohibits the Miami-Dade County MPO from assessing any fees for municipalities, counties, or other governmental entities that are members of the MPO.

Expressway Authority Public-private Partnerships

Present Situation

The Florida Expressway Authority Act authorizes any expressway authority, transportation authority, bridge authority, or toll authority to receive or solicit proposals and enter into public-private partnership agreements for the building, operation, ownership, or financing of authority transportation facilities, or

⁶⁷ 23 U.S.C. s. 134

⁶⁸ Telephone conversation with Carl Mikyska, Executive Director, Metropolitan Planning Organization Advisory Council, March 8, 2019.

new transportation facilities within its jurisdiction, to increase transportation capacity. The Act provides determinations that must be made regarding a proposed project, requires certain costs to be borne by the private entity, provides a notice process for certain proposals, and allows these authorities to exercise certain powers related to the public-private partnership agreement.⁶⁹ While this provision is contained in the Florida Expressway Authority Act, it is applicable to other authorities created in Ch. 348, F.S.

Effect of the Bill

The bill recodifies public-private partnership provisions in the Tampa Hillsborough County Expressway Authority Law⁷⁰ and the Central Florida Expressway Authority Law.⁷¹ These provisions are substantively the same as the statutory language currently in the Florida Expressway Authority Act, which is being repealed by the bill.

Osceola County Expressway Authority

Present Situation

In 2010, the Legislature created the Osceola County Expressway Authority Law, codified in part V of Ch. 348, F.S.⁷² Much of the Osceola County Expressway Authority law references the Florida Expressway Authority Act. The Osceola County Expressway (OCX) operated the Poinciana Parkway in Osceola County.

In 2014, the Legislature passed SB 230,⁷³ which, in part, provided that on December 31, 2018, all powers, governance, and control of the OCX System were transferred to the Central Florida Expressway Authority, as were all assets, liabilities, facilities, tangible and intangible property and any rights in the property, and any other legal rights of OCX. Additionally, the Osceola County Expressway Authority Act was repealed on the date it was transferred to the Central Florida Expressway Authority.

On December 11, 2018, OCX's board voted to transfer all of its projects to the Central Florida Expressway Authority; therefore, OCX has ceased to exist.⁷⁴

Effect of the Bill

The bill repeals the Osceola County Expressway Authority Law codified in part V of Ch. 348, F.S. Due to OCX's board vote, OCX is effectively dissolved and this repeal will not have any impact on its operations.

Transportation Facility Designations

Present Situation

Section 267.062, F.S., provides for the naming of state buildings and other facilities. It provides that except as specifically provided by law, state buildings, roads, bridges, parks, recreational complexes, and other similar facilities may not be named for a living person.

Section 334.071, F.S., authorizes legislative designations of transportation facilities for honorary or memorial purposes or to distinguish a particular facility. The legislative designations do not officially

⁶⁹ Section 348.0004(10), F.S. DOT is given similar authority in s. 334.30, F.S.

⁷⁰ Ch. 348, Part II, F.S.

⁷¹ Ch. 348, Part III, F.S.

⁷² Ch. 2010-225, L.O.F. Part V of Ch. 343, F.S., consists of ss. 348.9950 through 348.9961, F.S.

⁷³ Ch. 2014-171, F.S.

⁷⁴ Stephanie Bechara, *Osceola County Expressway Authority Coming to an End* (December 11, 2018), available at <https://www.mynews13.com/fl/orlando/news/2018/12/11/osceola-county-expressway-authority-coming-to-an-end> (last visited February 5, 2019).

change the current names of the facilities nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

DOT must place a marker at each termini or intersection of an identified road or bridge and erect other markers it deems appropriate for the transportation facility. The appropriate city or county commission must pass a resolution in support of a particular designation before road markers are erected. Additionally, each affected local government must pass a resolution if the designated road segment extends through multiple cities or counties.

Effect of the Bill

The bill provides 40 honorary designations for various transportation facilities across the state, including designations in honor of 29 fallen members of the Florida Highway Patrol (FHP) killed in the line of duty. The bill directs DOT to erect suitable markers for each of the following designations:

- That portion of I-75 between mile markers 399 and 404 in Alachua County as the “Sergeant William T. Bishop Memorial Highway.” Master Sergeant Bishop was struck and killed by a vehicle while investigating a crash on I-75 in Alachua County. Master Sergeant Bishop had served with the FHP for more than 30 years.⁷⁵
- That portion of I-10 between mile markers 327 and 332 in Baker County as “Trooper Sherman L. Scott, Jr., Memorial Highway.” An escaped convict shot Trooper Scott during a routine traffic stop in Jacksonville. Trooper Scott had served with the FHP for three years.
- That portion of Babcock Street between Malabar Road and Palm Bay Road in Brevard County as “Trooper Joseph Sawtell, Jr., Memorial Highway.” Trooper Sawtell was on patrol in Melbourne when a car that ran a stop sign struck his cruiser. Trooper Sawtell had served with the FHP for four months.
- That portion of U.S. 1 between E. Main Street and Parrish Road in Brevard County as “Trooper Halley Strickland Memorial Highway.” Trooper Strickland was killed while pursuing a fleeing violator in Titusville. Trooper Strickland had served with the FHP for seven years.
- That portion of I-95 between the N.E. 48th Street overpass and S.W. 10th Street in Broward County as “Trooper Phillip Black and Corporal Donald Irwin Memorial Highway.” Trooper Black was shot while investigating a suspicious vehicle parked at a rest stop on I-95 near Pompano Beach. Trooper Black had served with the FHP for nine years. Corporal Donald Irwin was a member of Canada’s Ontario Provincial Police who, while vacationing in Florida, was riding along with Trooper Black. Corporal Irwin went to assist Trooper Black and was also shot and killed.
- That portion of I-75 between mile markers 100 and 102 in Collier County as “Trooper Lindell J. Gibbons Memorial Highway.” Trooper Gibbons crashed while in pursuit of a fleeing suspect in Collier County. Trooper Gibbons had served with the FHP for two years.
- That portion of I-75 between mile markers 418 and 423 in Columbia County as “Sergeant George A. Brown, III, Memorial Highway.” While overtaking a traffic violator on County Road 341 in Columbia County, Sergeant Brown’s vehicle left the paved travel portion of the roadway and struck several trees. Sergeant Brown had served with the FHP for 33 years.
- That portion of U.S. 19 between C.R. 351A and S.W. 307th Avenue in Dixie County as “Patrolman Royston E. Walker Memorial Highway.” Patrolman Walker was shot and killed after stopping a vehicle with faulty headlights in Cross City. Patrolman Walker had served for seven months.
- That portion of U.S. 90 between Yellow Water Road and Log Road in Duval County as “Trooper Robert P. McDermon Memorial Highway.” Trooper McDermon was shot while attempting to

⁷⁵ Biographical information on the FHP troopers was obtained from the FHP Memorial Website, <https://www.flhsmv.gov/florida-highway-patrol/fhp-memorial/> (Last visited January 17, 2019).

apprehend an escaped prisoner off U.S. 90 near Jacksonville. Trooper McDermon had served with the FHP for 11 years.

- That portion of U.S. 301 between U.S. 90 and Summer Field Lane in Duval County as “Trooper Edwin J. Gasque Memorial Highway.” Trooper Gasque was shot when he was ambushed while he and a prison dog tracked two fugitives in Jacksonville. Trooper Gasque had served with FHP for two years.
- That portion of U.S. 29/S.R. 95 between Neal Road and Nine Mile Road in Escambia County as “Trooper Milan D. Hendrix Memorial Highway.” Trooper Hendrix was on routine patrol duty in Pensacola when his patrol car was involved in a crash with a log truck. Trooper Hendrix had served with the FHP for nine years.
- The interchange on I-10 at U.S. 90/S.R. 10/Mahan Drive in Leon County as “Trooper William ‘Bill’ H. Dyer Memorial Interchange.” Trooper Dyer was in a single vehicle crash on I-10 in Leon County while on duty. He suffered from a medical emergency that caused the crash on Oct. 18, 2011.
- That portion of U.S. 41 between Tallevast Road in Manatee County and the Sarasota County line as “Sergeant John C. Baxter, Jr., Memorial Highway.” Sergeant Baxter was in an airplane crash in Manatee County while assisting in the search for a suspect in four armed robberies. Sergeant Baxter had served with the FHP for 25 years.
- That portion of I-75 between mile markers 340 and 344 in Marion County as “Trooper Chelsea Richard Memorial Highway.” Trooper Richard was struck and killed by a vehicle while investigating a crash on I-75. Trooper Richard had served with the FHP for nine years.
- That portion of U.S. 1/S.R. 5 between S.R. 821/Homestead Extension of Florida's Turnpike and S.W. 216th Street in Miami-Dade County as “Trooper Luther P. Daniel Memorial Highway.” Trooper Daniel was shot during a traffic stop by an escapee in a stolen vehicle. Trooper Daniel had served with the FHP for six months.
- That portion of S.R. 821/Homestead Extension of Florida's Turnpike between mile markers 13 and 16 in Miami-Dade County as “Trooper Alvin V. Kohler Memorial Highway.” A runaway teenager shot Trooper Kohler while he was assisting a disabled motorist. Trooper Kohler had served with the FHP for one year.
- That portion of S.R. 836 between N.W. 12th Avenue and N.W. 27th Avenue in Miami-Dade County as “Trooper Bradley S. Glascock Memorial Highway.” Trooper Glascock was shot during a traffic stop at a toll booth on S.R. 836 in Miami. Trooper Glascock served with the FHP for one year.
- That portion of S.R. 836 between N.W. 42nd Avenue and N.W. 72nd Avenue in Miami-Dade County as “Trooper Elmer C. Barnett Memorial Highway.” Trooper Barnett, during a traffic stop in Miami, was standing away from the roadway with the original violator when another vehicle ran off the road and struck him. Trooper Barnett had served with the FHP for five years.
- The interchange at I-95 and S.R. 907/Alton Road in Miami-Dade County as the “Trooper Owen K. Bender Memorial Interchange.” A vehicle struck Trooper Bender as he manned a roadblock on the 36th Street Causeway to restrict traffic because of dangerous driving conditions due to Hurricane Betsy. Trooper Bender had served with the FHP Auxiliary for six years.
- That portion of U.S. 441 between Landstreet Road and Taft Vineland Road in Orange County as “Trooper Richard Howell Memorial Highway.” Trooper Howell was killed in a crash while in pursuit of a suspect on U.S. 441 in Orlando. Trooper Howell had served with the FHP for one year.
- That portion of S.R. 91/Florida's Turnpike between mile markers 100 and 105 in Palm Beach County as “Troopers Herman T. Morris and Frederick J. Groves, Jr., Memorial Highway.” Trooper Morris was on routine patrol in West Palm Beach when another vehicle forced his cruiser into a bridge railing. Trooper Morris had served with the FHP for three years. Trooper Groves was shot on September 15, 1984, during a routine traffic stop on the Turnpike in Palm Beach County. Trooper Groves had served with the FHP for 14 years.

- That portion of I-4 between mile markers 36 and 44 in Polk County as “Trooper John C. Hagerty Memorial Highway.” Trooper Hagerty was piloting a traffic plane over Lakeland when a low-flying U.S. Navy jet struck him. Trooper Hagerty had served with the FHP for 13 years.
- That portion of W. 1st Street between French Avenue and S. Mellonville Avenue in Seminole County as “Patrolman Leroy Bender Memorial Highway.” Patrolman Bender was investigating a traffic accident in Sanford when a passing car struck him and left the scene. Patrolman Bender had served with the FHP for two years.
- That portion of I-95 between mile markers 332 and 327 in St. Johns County as “Trooper Wilburn A. Kelly Memorial Highway.” Trooper Kelly was on routine patrol in St. Augustine when another vehicle struck his cruiser from behind. Trooper Kelly had served with the FHP for 22 years.
- That portion of U.S. 1 between S.R. 207 and the Matanzas River in St. Johns County as “Troopers Merle J. Cook, Robert L. Pruitt, and Cleo L. Tomlinson, Jr., Memorial Highway.” Troopers Cook, Pruitt, and Tomlinson were in an airplane crash in St. Johns County while assisting in the search for two suspects wanted for breaking and entering. Trooper Cook had served with the FHP for 10 years, Trooper Pruitt had served with the FHP for five years, and Trooper Tomlinson had served with the FHP for 19 years.
- That portion of I-75 between mile markers 130 and 133 in Lee County as “Lieutenant Daniel Hinton Memorial Highway.” Lieutenant Hinton suffered a fatal heart attack while participating in a defensive tactics training session at the Fort Myers FHP station. Lieutenant Holton had served with the FHP for 32 years.
- That portion of N. Century Boulevard/U.S. 29 between Cox Road and Sigler Road in Escambia County as “Maceo Perkins Parkway.” Maceo Perkins was employed by a contractor for DOT. On April 6, 2018, Mr. Perkins was working on a project on Highway 29 in Escambia County when he was struck and killed by a southbound vehicle that traveled off the roadway and onto the shoulder.
- Upon completion of construction, the interchange at the Homestead Extension of Florida’s Turnpike/S.R. 821 and N.W. 170th Street in Miami-Dade County as “Countyline Parkway.”
- The intersection of S.W. 8th Street and S.W. 14th Avenue in Miami-Dade County as “Manuel A. Gonzalez Plaza.” Manuel A. Gonzalez was a Cuban exile who immigrated to Miami. He was a respected pillar of the community, serving as a long-time member of the Kiwanis Club. He also created the Kiwanis Club of Little Havana Foundation, which established a scholarship program to benefit low-income Hispanic students. He passed away on February 3, 2016.
- That portion of S.R. A1A between Bridge Road and Fountain Street in Miami-Dade County as “Robert L. Shevin Way.” Robert L. Shevin was elected to the Florida House of Representatives in 1964 and served in the Florida Senate from 1966 to 1970. He also served as Florida’s Attorney General from 1971 to 1979. In 1996, he was appointed to the Third District Court of Appeal, where he served until early 2005. He passed away on July 11, 2005.
- That portion of S.W. 1st Street/S.R. 968 between 21st Avenue and 20th Avenue in Miami-Dade County as “Jorge P. Castano Way.” Jorge P. Castano founded one of Miami’s first Spanish language publications, *Libertad News*. He later founded the Josefa P. Castano Kidney Foundation, with the mission of enhancing the quality of life for low-income residents in Miami-Dade County afflicted with kidney disease. He passed away in October 2017.
- Upon completion of construction, the interchange at I-95 and S.R. 200 in Nassau County as “Fallen Hero Specialist Kelly J. Mixon Interchange.” Specialist Mixon was an Army Specialist from Yulee who was killed in Balkh province in Afghanistan after an insurgent’s attack with an improvised explosive device.
- That portion of U.S. 19/S.R. 57 between Capps in Jefferson County and the northern Jefferson County line is designated as “Sheriff David C. Hobbs Memorial Highway.” Sheriff Hobbs served in the U.S. Marine Corps Reserve and subsequently worked in law enforcement as a FHP trooper and later with the Jefferson County Sheriff’s Office. He served as the Jefferson County Sheriff for 12 years and was awarded numerous honors throughout his service to the community.

- The bridge on U.S. 98 over the Econfina River in Taylor County is designated as “SSGT Edward C. Sheffield Memorial Bridge.” Staff Sergeant Sheffield enlisted in the Army at the age of 19, serving his country from 1949 to 1954. In Korea, Sergeant Sheffield was captured and spent over 37 months as a prisoner of war. He was released from captivity on August 30, 1953, and reenlisted, participating in six major battles. Sergeant Sheffield was awarded numerous medals and Presidential citations for his service in Korea.
- That portion of South Street between U.S. 1 and S.R. 50 in Brevard County as “Martin Luther King, Jr., Boulevard.” Martin Luther King, Jr., played a key role in the American civil rights movement from the mid-1950s until his assassination in 1968. Dr. King was awarded the Nobel Peace Prize in 1964 and is remembered each year on Martin Luther King, Jr., Day, a U.S. federal holiday since 1986.
- That portion of the Coast-to-Coast Connector in Brevard County as “Kurt Eichen Memorial Trail.” Kurt Eichen, born in Brevard County, was a transportation planner for DOT and subsequently served as an analyst and a staff director for the Florida Senate Transportation Committee. As staff director, he was instrumental in assisting Senate President Andy Gardiner in developing the Florida Shared-Use Nonmotorized Trail Network. He passed away on July 4, 2016.
- That portion of I-75 between mile markers 23 and 27 (Alligator Alley) in Broward County as “Sergeant Steven G. Greco Memorial Highway.” Steven G. Greco was an officer with the Miccosukee Police Department. He was killed in a crash with a car going the wrong way on I-75/Alligator Alley as he was driving home from his shift. He was posthumously promoted from the rank of Officer to the rank of Sergeant.
- That portion of N.W. 53rd Street between Hiatus Road and N.W. 103rd Avenue in Broward County as “Edith Lederberg Lane.” Edith Lederberg served for over 30 years as the Executive Director of the Aging and Disability Resource Center of Broward County, where she managed an expansive network of resources to provide services to local seniors. She passed away on January 9, 2019.
- That portion of 37th Avenue between N.W. 11th Street and N.W. 2nd Street in Miami-Dade County as “Florence Hecht Lane.” Florence Hecht served as a trustee of the University of Miami for 29 years, and was known for her service to students and her philanthropy. She also helped establish the Jewish Museum of Florida. Her work led to the establishment of scholarships at other higher education institutions throughout the state. She passed away on August 24, 2012.
- That portion of S.R. 535 between S.R. 826 in Orange County and the Osceola County line as “Robert L. ‘Bob’ Billingslea Highway.” Robert L. “Bob” Billingslea served as the Corporate Director of Urban Affairs for the Walt Disney Company. He was involved in various organizations in central Florida and served on the Florida Commission on Human Relations. He passed away on September 6, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Auditor General may incur expenditures associated with its financial review of GMX, but these costs may be absorbed within existing resources.

DHSMV may incur expenditures associated with the reenactment of the Rebuilt Motor Vehicle Inspection Program, but it should be able to absorb these costs within existing resources.

DOT may incur costs associated with approving the design plans of projects impacting DOT's right-of-way. The cost is indeterminate, but likely can be absorbed within existing resources.

In the long term, DOT may realize some cost savings associated with the use of innovative transportation projects and techniques.

DOT estimates a cost of \$1,000 per designation for the appropriate markers, which provides for two signs per designation at \$500 per sign.⁷⁶ Therefore, the bill has an estimated negative fiscal impact of \$40,000 to the State Transportation Trust Fund. This cost can be absorbed within existing DOT resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The Miami-Dade County MPO may see a reduction in revenues associated with being prohibited from assessing membership fees.

2. Expenditures:

There may be costs associated with the transfer of MDX's assets and liabilities to GMX. However, the cost is indeterminate at this time.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

⁷⁶ Email from Cody Farrell, Deputy Director of Legislative Affairs, Florida Department of Transportation, RE: Road Designation Costs (January 7, 2019). On file with the Transportation & Infrastructure Subcommittee.