

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Infrastructure and Security

CS/CS/CS/HB 385 — Transportation

by State Affairs Committee; Ways and Means Committee; Transportation and Infrastructure Subcommittee; Reps. Avila and Perez (CS/CS/SB 898 by Appropriations Committee; Infrastructure and Security Committee; and Senator Diaz)

The bill contains various transportation-related issues, most relating to the newly created Greater Miami Expressway Agency, as well as various miscellaneous provisions.

Greater Miami Expressway Agency

- Effective upon the bill becoming law, repeals the existing part I of Chapter 348, Florida Statutes, and dissolves the Miami-Dade County Expressway Authority.
- Creates a new part I of the same chapter, to which the bulk of the existing provisions are relocated, and transfers all assets, powers, duties, and operations and maintenance control to the Greater Miami Expressway Agency (GMX), subject to all bond terms and covenants.
- Provides for appointment of nine members to the GMX governing body and prohibits appointment of persons who were members of the governing body or employees of the former MDX on or after July 1, 2009, with certain exceptions.
- Provides various definitions and sets out multiple ethics requirements applicable to members, employees, officers, and consultants of the GMX, the latter group of which does not include firms or individuals retained by the GMX to provide architectural, engineering, landscape architecture, or registered surveying and mapping services.
- Prohibits the GMX from increasing its toll rates until July 1, 2029, except as necessary to comply with bond covenants or, on or after July 1, 2024, as approved by a supermajority vote of the GMX governing body; and requires approval of any toll rate increase by a two-thirds vote of the governing body.
- Restricts the amount of toll revenues used for administrative costs to no more than ten percent above the annual state average of administrative costs, with the average to be determined by the Florida Transportation Commission based on the annual administrative costs of all the expressway authorities in the state.
- Requires a distance of at least five miles between main through-lane tolling points, not including entry and exit ramps, and authorizes the GMX to establish toll rates such that the rate per mile is equal to the rates in effect on July 1, 2019.
- Authorizes the GMX to finance or refinance the planning, design, acquisition, construction, extension, etc., of a public transportation facility or transportation facilities owned or operated by Miami-Dade County; an intermodal facility or facilities; multimodal corridors, bicycle facilities or greenways, or any programs or projects that will improve levels of service on an expressway system.
- Creates the Greater Miami Toll Rebate Program within the GMX, subject to certain conditions, affording monthly rebates beginning January 1, 2020, in the form of SunPass account credits for SunPass holders with vehicles registered in Miami-Dade County who incur \$12.50 or more each month in tolls. The bill specifies a goal of rebating 25 percent

of tolls paid, requires the GMX to review the amount of the toll rebate once every five years, and authorizes the GMX to adjust the toll rate.

- Before October 1, 2019, requires the Auditor General to submit a report assessing the financial situation of the GMX, the financial feasibility of the toll rebate program, and the financial feasibility of a toll rate reduction.
- Requires the GMX, beginning October 1, 2020, to annually submit to the Miami-Dade County metropolitan planning organization (MPO) and post on the GMX's website a report providing information regarding the amount of tolls collected and how the tolls were used in the GMX's previous fiscal year.

Other Miami-Dade County Provisions

- Prohibits the Miami-Dade County MPO from assessing any fees for municipalities, counties, or other governmental entities that are members of the MPO.
- Effective October 1, 2022, and to the extent not prohibited by bond contracts or bond covenants, revises the authorized uses of the proceeds of discretionary sales surtaxes in Miami-Dade County; limits the distribution of such proceeds to municipalities in that county to no more than 25 percent; and specifies the authorized uses of such proceeds by municipalities.
- Revives and makes permanent the rebuilt motor vehicle inspection program in Miami-Dade County repealed on July 1, 2018, to be implemented by the Department of Highway Safety and Motor Vehicles (DHSMV) by October 1, 2019; provides additional requirements for program participants and facilities; and requires the DHSMV to submit a report by July 1, 2021, evaluating the effectiveness of the program and whether to expand it to other counties.

Miscellaneous Provisions

- Authorizes an electronic copy, rather than a paper copy, of rental or lease documentation issued for a motor vehicle to be in the possession of the vehicle operator or carried in the vehicle and exhibited upon demand of any authorized law enforcement officer or DHSMV agent.
- Provides that the act of presenting an electronic device displaying an electronic copy of such rental or lease documentation does not constitute consent to access any information on the device other than the displayed rental or lease documentation, and provides the person presenting the device assumes liability for any resulting damage to it.
- Prohibits a person from renting a motor vehicle to another unless he or she inspects the driver license of the renter and verified that the driver license is unexpired.
- Deems a rental car company to be in compliance with certain statutory requirements regarding physical driver license verification under certain conditions relating to rentals made by digital or electronic means or rentals to renters who do not execute a rental contract at the time of taking possession of the vehicle.
- Requires the Florida Department of Transportation (FDOT), for portions of transportation projects on, under, or over an FDOT-owned right-of-way to review the project's design plans for compliance with FDOT design standards.

- Changes the FDOT’s authorization for innovative “highway” projects to innovative “transportation” projects, including projects demonstrating innovative techniques of bridge design, along with those of highway construction, maintenance, and finance, with the intended effect of measuring resiliency and structural integrity.
- Repeals the Osceola County Expressway Authority, which has transferred its projects to the Central Florida Expressway Authority; and relocates from the repealed part I of Chapter 348, F.S., public-private partnership authorization for the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority.
- Authorizes 40 honorary or memorial transportation facility designations around the state and directs the FDOT to erect suitable markers.

If approved by the Governor, these provisions take effect July 1, 2019, except as otherwise provided.

Vote: Senate 23-16; House 79-28