

Tab 1 CS/SB 898 by IS, Diaz; (Similar to CS/CS/CS/H 00385) Transportation						
544834	D	S	RCS	ATD, Diaz	Delete everything after	04/08 03:18 PM
684970	AA	S	RCS	ATD, Taddeo	Delete L.78 - 188.	04/08 03:18 PM
912376	AA	S	RCS	ATD, Diaz	Delete L.421 - 453.	04/08 03:18 PM
733374	AA	S	RCS	ATD, Taddeo	Delete L.579 - 588:	04/08 03:18 PM
433646	AA	S	WD	ATD, Diaz	Delete L.582 - 586:	04/08 03:18 PM

Tab 2 CS/SB 932 by IS, Brandes; (Similar to CS/H 00311) Autonomous Vehicles						
267362	A	S	RCS	ATD, Brandes	Delete L.249 - 302:	04/08 03:18 PM
783644	A	S	WD	ATD, Thurston	Delete L.355 - 359:	04/08 03:18 PM
646158	A	S	RCS	ATD, Brandes	btw L.359 - 360:	04/08 03:18 PM

Tab 3 CS/SB 974 by IS, Perry; (Compare to CS/H 01057) Damaged, Dismantled, Derelict, or Salvage Motor Vehicles						
683772	A	S	RCS	ATD, Perry	Delete L.46:	04/08 03:18 PM
580332	A	S	RCS	ATD, Perry	Delete L.136 - 141:	04/08 03:18 PM

Tab 4 CS/SB 1044 by IS, Albritton; (Similar to CS/CS/H 00905) Department of Transportation						
605822	A	S	RCS	ATD, Albritton	Delete L.32 - 82.	04/08 03:18 PM
639040	A	S	RCS	ATD, Albritton	btw L.93 - 94:	04/08 03:18 PM
778836	A	S	WD	ATD, Albritton	btw L.181 - 182:	04/04 09:41 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON
TRANSPORTATION, TOURISM, AND ECONOMIC
DEVELOPMENT**

Senator Hutson, Chair
Senator Thurston, Vice Chair

MEETING DATE: Thursday, April 4, 2019
TIME: 12:30—2:00 p.m.
PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator Hutson, Chair; Senator Thurston, Vice Chair; Senators Brandes, Lee, Perry, Simpson, Taddeo, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 898 Infrastructure and Security / Diaz (Similar CS/CS/H 385, Compare CS/CS/H 905, H 6059, S 660, S 928, CS/S 1044)	Transportation; Requiring members of certain authorities to comply with certain financial disclosure requirements; revising the required uses of proceeds from charter county and regional transportation system surtaxes; requiring the Department of Transportation to approve design plans for all transportation projects relating to department-owned rights-of-way under certain circumstances; authorizing the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority, respectively, to enter into public-private partnership agreements, etc. IS 03/12/2019 Fav/CS ATD 04/04/2019 Fav/CS AP	Fav/CS Yeas 7 Nays 0
2	CS/SB 932 Infrastructure and Security / Brandes (Similar H 311, Compare S 660)	Autonomous Vehicles; Authorizing the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, to conduct pilot or demonstration programs to explore the efficient implementation of innovative transportation technologies; authorizing the Florida Turnpike Enterprise to enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected innovative transportation technologies for certain purposes; exempting a vehicle being operated with the automated driving system engaged from a prohibition on the active display of television or video; exempting a motor vehicle operator who is operating an autonomous vehicle from a prohibition on the use of wireless communications devices, etc. IS 03/20/2019 Fav/CS ATD 04/04/2019 Fav/CS AP	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Thursday, April 4, 2019, 12:30—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 974 Infrastructure and Security / Perry (Compare CS/H 1057)	Damaged, Dismantled, Derelict, or Salvage Motor Vehicles; Authorizing a certain notice sent by certified mail that a motor vehicle is available for pickup to be sent by another commercially available delivery service that provides proof of delivery; requiring the notice to state that the owner has a specified period during which to pick up the vehicle; authorizing an independent entity to apply for a certificate of destruction or a certificate of title if the vehicle is not claimed within a specified time after the delivery or attempted delivery of the notice, etc. IS 03/12/2019 Fav/CS ATD 04/04/2019 Fav/CS AP	Fav/CS Yeas 7 Nays 0
4	CS/SB 1044 Infrastructure and Security / Albritton (Similar CS/CS/H 905, Compare CS/CS/H 385, CS/S 898)	Department of Transportation; Deleting the requirement that the Governor appoint the Secretary of Transportation from among three persons nominated by the Florida Transportation Commission; authorizing the department to establish a program for transportation projects that demonstrate certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; increasing the maximum amounts per contract of certain contractual claims that must be arbitrated by the State Arbitration Board under certain circumstances, etc. IS 03/20/2019 Fav/CS ATD 04/04/2019 Fav/CS AP	Fav/CS Yeas 8 Nays 0
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/CS/SB 898 (956178)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Infrastructure and Security Committee; and Senator Diaz

SUBJECT: Transportation

DATE: April 8, 2019 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Fav/CS
2.	McAuliffe	Hrdlicka	ATD	Recommend: Fav/CS
3.			AP	

Please see Section IX. for Additional Information:
 COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 898 contains various provisions relating to transportation. More specifically, the bill:

- Repeals the Miami-Dade Expressway Authority and creates and transfers all assets, powers, and duties to the Greater Miami Expressway Agency, effective upon the bill becoming a law.
- Prohibits the Greater Miami Expressway Agency from raising toll rates until July 1, 2029, or as necessary to comply with bond covenants.
- Creates the Florida Sunshine Rebate Program within the Greater Miami Expressway Agency providing that at the time that any toll is incurred to provide a 25 percent rebate to all SunPass holders registered in Miami-Dade County.
- Prohibits the FDOT or the Florida Turnpike Enterprise from charging a toll that is more than \$1.25 per mile on any HOT lane or express lane in a county as defined in s. 125.011(1), F.S.; *i.e.*, Miami-Dade County.
- Requires the FDOT and Florida Turnpike Enterprise to submit certain toll-related reports to the Miami-Dade County Board of County Commissioners and the Miami-Dade County Transportation Planning Organization by October 1 each year, beginning in 2020.
- Relocates public-private partnership authorization and related provisions from the repealed Florida Expressway Authority Act to provisions relating specifically to the Tampa-Hillsborough County Expressway Authority and the Central Florida Expressway Authority.
- Reduces the membership of the Miami-Dade Transportation Planning Organization and prohibits the organization from charging a fee to members.

- Revives the pilot rebuilt motor vehicle inspection program overseen by the Department of Highway Safety and Motor Vehicles in Miami-Dade County that was repealed on July 1, 2018, for three additional years (until June 30, 2022) and provides additional requirements for program participants and facilities.
- Requires the FDOT to approve design plans for projects impacting its rights-of-way if the plans meet FDOT standards.
- Revises the FDOT's authorization for innovative highway projects to innovative transportation projects demonstrating innovative techniques of bridge design and requires all proposed projects to be designed and constructed using the English system of units, with a proposed design speed of 70 miles per hour, and based upon certain FDOT publications.
- Repeals the Osceola County Expressway Authority, which has transferred its projects to the Central Florida Expressway Authority.
- Requires the Office of Program Policy Analysis and Government Accountability to conduct a study and make a report by December 1, 2019, on a rebate program for SunPass users of the Florida Turnpike system.

The bill has a fiscal impact to both state and local government expenditures and revenues. See Section V.

Except as otherwise provided, the bill takes effect July 1, 2019.

II. Present Situation:

This bill addresses a wide variety of transportation issues related to the FDOT, expressway authorities, toll lanes and revenues, transportation surtaxes, and motor vehicles. For ease of organization and readability, the Present Situation for the provisions in each section of the bill is discussed in conjunction with the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Florida Expressway Authority Act

Present Situation

The Florida Expressway Authority Act (FEAA), codified in part I of ch. 348, F.S.,¹ authorizes any county or two or more contiguous counties within a single Florida Department of Transportation (FDOT) district,² to form an expressway authority as an agency of the state, by resolution adopted by the board (or boards) of county commissioners.³

¹ Part I of ch. 348, F.S., consists of ss. 348.0001 through 348.0012, F.S.

² The FDOT is statutorily organized into seven districts, each headed by a district secretary, and a turnpike enterprise and a rail enterprise, each headed by an executive director. Section 20.23(4)(a), F.S. For a map of the FDOT districts, see https://fdotwww.blob.core.windows.net/sitefinity/images/default-source/content1/info/moredot/district-map-lg.jpg?sfvrsn=4afe7389_2 (last viewed March 25, 2019).

³ Section 348.0003(1), F.S.

Section 348.0003, F.S., provides for the formation and membership of an expressway authority established under the FEAA, including an authority's voting membership, election of officers, appointment of employees, and application of ethics requirements only to the MDX.⁴

Section 348.0004, F.S., provides the purposes and powers of an expressway authority created pursuant to the FEAA. These authorities may acquire, hold, construct, improve, maintain, operate, and own an expressway system.⁵ Section 348.0004, F.S., also authorizes each authority to exercise various powers required to carry out its purpose. Finally, s. 348.0004, F.S., contains provisions applicable to the MDX relating to tolling, the maximum percentage of revenues that may be used for administrative expenses, the dedication of some of its surplus revenues⁶ for transportation projects in Miami-Dade County, the authority to borrow money and refund bonds, a mandatory toll decrease for SunPass⁷ users, and financial audit requirements.

Section 348.0005, F.S., authorizes bonds to be issued on an authority's behalf pursuant to the State Bond Act.⁸ The MDX may issue its own bonds that do not pledge the full faith and credit of the state; these are considered approved for purposes of s. 11(f), Art. VII of the State Constitution.⁹

Section 348.0007, F.S., authorizes an authority to appoint the FDOT as its agent for the purpose of constructing improvements and extensions to an expressway system and for the system's completion.

Section 348.0008, F.S., authorizes expressway authorities to acquire land and property, including by eminent domain proceedings.

Section 348.0009, F.S., expressly authorizes other units, boards, agencies, and individuals to enter into contracts and other agreements with an expressway authority.

Section 348.0010, F.S., provides the state's pledge to expressway authority bondholders that the state will not limit or alter the rights vested in an authority and the FDOT until all bonds are fully paid and discharged.

⁴ Section 348.0003(5), F.S.

⁵ Section 348.0002(9), F.S., defines "expressway system" as any and all expressways within the geographic boundaries of an expressway authority established pursuant to the FEAA 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., for purposes of this part, an expressway system includes a public transportation facility. A "county" as defined in s. 125.011(1), F.S., means Miami-Dade County.

⁶ Section 348.0002(12), F.S., defines "surplus revenues" as revenues in Miami-Dade County, *id.*, 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.

⁷ SunPass is the state's primary electronic toll collection system.

⁸ Sections 215.57 through 215.83, F.S.

⁹ Section 11(f), Art. VII of the State Constitution requires each project, building, or facility to be financed or refinanced with revenue bonds to first be approved by the Legislature by an act relating to appropriations or by general law.

Section 348.0011, F.S., 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.

Section 348.00115, F.S., requires the MDX to post specified information on its website including board meeting minutes, bond covenants, budgets, and contracts.

Section 348.0012, F.S., exempts a county in which an expressway authority has been created in another part of ch. 348, F.S.,¹⁰ or the Jacksonville Transportation Authority from the requirements of the FEAA, except as expressly provided.¹¹

Miami-Dade County Expressway Authority (MDX)

The Miami-Dade County Commission created the MDX in 1994 through adoption of an ordinance pursuant to the authorization in the FEAA allowing formation of an expressway authority as an agency of the state.¹² The MDX is the only expressway authority operating under the FEAA. The MDX system consists of the following roadways in Miami-Dade County:

- S.R. 112/Airport Expressway,
- S.R. 836/Dolphin Expressway,
- S.R. 874/Don Shula Expressway,
- S.R. 878/Snapper Creek Expressway, and
- S.R. 924/Gratigny Parkway.¹³

Recent Legislation and Litigation

In 2017, legislation was enacted to require the MDX, subject to compliance with its bond covenants, to 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.¹⁴

In 2018, legislation was enacted to require the MDX's governing body, by October 1, 2018, to submit information to the Governor regarding its compliance with the minimum five percent toll reduction required 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 FDOT district secretary, a new board was to be appointed by that date. The 2018 legislation also prohibited a member of the board on October 1, 2018, from being appointed to the new board. Qualifications and

¹⁰ Chapter 348, F.S., also creates the Tampa-Hillsborough County Expressway Authority, the Central Florida Expressway Authority, the Santa Rosa Bay Bridge Authority, and the Osceola County Expressway Authority.

¹¹ The Jacksonville Transportation Authority is created in ch. 349, F.S.

¹² See Miami-Dade County Code of Ordinances, Part III, Chapter 2, Article XVIII, available at http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artxviii (last viewed March 25, 2019).

¹³ MDX, *About MDX*, available at <https://www.mdxway.com/about/mdx> (last viewed March 25, 2019). Operational and financial control of the system, comprised of the identified expressways, was transferred by the FDOT to the MDX in 1996 (copy of the Transfer Agreement on file in the Senate Infrastructure and Security Committee). The FDOT retains the underlying title to the facilities. See The Florida Senate Committee on Transportation Issue Brief 2011-227, *Toll Facility Lease-Purchase Agreements*, October 2010, p. 7, available at http://archive.flsenate.gov/data/Publications/2011/Senate/reports/interim_reports/pdf/2011-227tr.pdf (last viewed March 25, 2019).

¹⁴ Section 4, ch. 2017-182, L.O.F.

appointments to the new board remained the same.¹⁵ On May 29, 2018, the MDX's board approved a toll rate reduction on the authority's facilities, providing a 5.7 to 8 percent reduction in the toll rate, depending upon the existing toll rate. The new toll rates took effect on July 1, 2018.¹⁶

The MDX has challenged the legality of some portions of the 2017 and 2018 legislation on grounds that the legislation violates the constitutional prohibition against an impairment of contracts and violates a statutory covenant of the state that the state will not alter the rights vested in the authority until all bonds are fully paid and discharged.¹⁷

Effect of Proposed Changes

Repeal of the FEAA, including the MDX

Section 11 repeals part I of ch. 348, F.S., repealing the FEAA and the MDX. Repeal of the FEAA, including the MDX, will preclude any other county, or two or more contiguous counties within a single FDOT district, from creating an expressway authority under that part. **Section 32** dissolves the MDX. **Section 31** transfers the governance and control of the MDX to the Greater Miami Expressway Agency, effective upon the bill becoming a law.

Section 12 redesignates part I of ch. 348, F.S., as the "Greater Miami Expressway Agency.

Section 13 creates s. 348.0301, F.S., to title the part as the "Greater Miami Expressway Agency Act."

Section 14 creates s. 384.0302, F.S., to apply the part only to Miami-Dade County ("a county as defined in s. 125.011(1), F.S.).

Sections 15 through 30 create multiple new statutes within that chapter to apply to only the Greater Miami Expressway Agency. The new statutes for the most part reflect the same definitions, purposes, powers, and ethics requirements as in the FEAA, amended to only apply to the Greater Miami Expressway Agency.

Section 15 creates s. 348.0303, F.S., to provide definitions for the part similar to those in s. 348.0002, F.S.

Section 16 creates s. 348.0304, F.S., creating the Greater Miami Expressway Agency as a body politic and corporate and agency of the state. The governing body of the agency consists of seven voting members who must be permanent residents of the county, may not hold elected office, and may serve only two four-year terms. The Miami-Dade County Commission will appoint four members; two must live in the unincorporated areas of Miami-Dade County within 15 miles of

¹⁵ Chapter 2018-145, L.O.F.

¹⁶ Miami-Dade Expressway Authority Press Release, *MDX Board of Directors Approves Toll Reduction*, July 11, 2018, available at https://www.mdxway.com/press_releases/downloads/592/original_TOLL_REDUCTION_PRESS_RELEASE_FINAL.pdf?1531322342 (last viewed March 25, 2019).

¹⁷ *Miami Dade County Expressway Authority v. State of Florida*, Case No. 2018 CA 002300, Second Judicial Circuit, Leon County, Florida.

the area with the highest amount of toll roads and the other two must live in municipalities of Miami-Dade County, but cannot be from the same municipality. The Governor will appoint three members living in Miami-Dade County, but each may not be from the same municipality. A person who served as a member of the governing body of the former Miami-Dade County Expressway Authority may not be appointed to the new agency.

Initial appointments must be made by July 31, 2019, and the first board meeting of the agency must be held within 15 days after all appointments are made. Each voting member must take and subscribe to an oath that he or she will honestly, faithfully, and impartially perform his or her duties and that he or she will not neglect any duties imposed upon them.

Section 17 creates s. 348.0305, F.S., providing ethics requirements which largely reflect the current requirements in s. 348.0003, F.S., which apply to the MDX, except that the new s. 348.0305, F.S., subjects all members and employees of the Greater Miami Expressway Agency to part III of ch. 112, F.S., which is the code of ethics for public officers and employees and provides standards of ethical conduct and disclosures applicable to public officers, employees, candidates, lobbyists, and others in state and local government.

Section 18 creates s. 348.0306, F.S., reflecting the current purposes and powers of the MDX provided in s. 348.0004, F.S. However, the bill prohibits the new Greater Miami Expressway Agency from raising tolls until July 1, 2029, except as may be necessary to comply with bond covenants. The Greater Miami Expressway Agency is made subject to the procurement and contracting requirements in chs. 287 and 337, F.S., and must have an annual financial audit conducted by an independent certified public accountant and post the findings on the agency's website.

Section 19 creates s. 348.0307, F.S., creating the Florida Sunshine Rebate Program within the Greater Miami Expressway Agency. Subject to any bond covenants, at the time that a toll is incurred, the agency must provide a 25 percent rebate to all SunPass holders registered in Miami-Dade County. Such SunPass holders must be automatically enrolled in the rebate program, but the agency must provide a mechanism to opt out.

Section 20 creates s. 348.0308, F.S., to create similar requirements for the agency to enter into public-private partnerships as in s. 348.0004, F.S.

Section 21 creates s. 348.0309, F.S., reflecting the current bonding authority of the MDX; however, each project, building, or facility that has been or will be financed by the issuance to bonds or other indebtedness that does not pledge the full faith and credit of the state, or any refinancing of such debt is subject to review and approval by the Legislative Budget Commission.

Section 22 creates s. 348.0310, F.S., to create similar provisions related to construction as in s. 348.0007, F.S.

Section 23 creates s. 348.0311, F.S., to create similar provisions related to land acquisition as in s. 348.0008, F.S.

Section 24 creates s. 348.0312, F.S., to create similar provisions related to cooperation with other agencies as in s. 348.0009, F.S.

Section 25 creates s. 348.0313, F.S., to create similar provisions related to covenants of the state as in s. 348.0010, F.S.

Section 26 creates s. 348.0314, F.S., to create similar provisions related to exemption from taxation for the agency as in s. 348.0011, F.S.

Section 27 creates s. 348.0315, F.S., reflecting the current public accountability requirements for MDX; however, the section provides that beginning October 1, 2020, and annually thereafter, the agency must submit to the board of county commissioners and the metropolitan planning organization a report showing the amount of tolls collected and how those tolls were used in the previous fiscal year. This report must be posted on the agency's website.

Section 28 creates s. 348.0316, F.S., providing that any bonds or other obligations issued pursuant to the Greater Miami Expressway Agency Act constitute legal investments for banks, savings banks, trustees, executors, administrators, and all other fiduciaries, and for all state, municipal, or other public funds.

Section 29 creates s. 348.0317, F.S., providing that any pledge of the FDOT of "rates, fees, revenues, county gasoline tax refunds or other funds, as rentals, to the agency, or any covenants or agreements relative thereto," are enforceable against the agency or the department in court by the bondholders.

Section 30 creates s. 348.0318, F.S., providing that the powers conferred by part I of ch. 348, F.S., as amended by the bill, supersede any conflicting laws and provide a complete method for the exercise of the agency's powers.¹⁸

Section 31 creates an undesignated section of law which provides that the transfers from MDX to the Greater Miami Expressway Agency includes the assets, facilities, tangible and intangible property and any rights in such property, any other legal rights of the MDX, and the expressway system operated by the MDX. The Greater Miami Expressway Agency succeeds to all powers of the MDX. The operation and maintenance of the expressway system are deemed under the control of the Greater Miami Expressway Agency. Revenues collected on the expressway system are considered to be revenues of the Greater Miami Expressway Agency, subject to the lien of the trust indentures securing MDX bonds. The Greater Miami Expressway Agency also assumes all liability for the satisfaction of any judgement against MDX as a result of litigation commenced prior to the bill becoming law.

The Greater Miami Expressway Agency, in consultation with the Division of Bond Finance, is directed to review all contracts, financial obligations, and contractual relationships and liabilities of the MDX and is authorized to assume the obligations determined to be necessary or desirable for the continued operation of the expressway system.

¹⁸ This is similar to statutes created for other expressway authorities. *See* ss. 348.70 and 348.765, F.S.

MDX employees, officers, and members are prohibited from selling, disposing, encumbering, transferring, or expending MDX assets as reflected in the MDX's financial statements for the fiscal year ended June 30, 2018, other than in the ordinary course of business. The bill provides that incurring debt or issuing bonds for projects contained in the five-year work program adopted by the MDX on December 5, 2018, is not considered the ordinary course of business, but the bill does not prevent the MDX from designing and planning projects contained in that adopted five-year work program.

The transfer of the MDX to the Greater Miami Expressway Agency is subject to all terms and covenants provided for the protection of holders of MDX bonds in the trust indentures or resolutions adopted in connection with issuance of such bonds. Additionally, the bill provides that the transfer does not impair the terms of the contract between the MDX and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds. The Greater Miami Expressway Agency expressly assume all obligations relating to the bonds to ensure the transfer will have no adverse impact on the security for the bonds.

After the transfer, the bill directs the Greater Miami Expressway Agency to:

- Operate and maintain the expressway system and any other facilities of the MDX in accordance with the terms, conditions, and covenants in the trust indentures or bond resolutions securing the bonds.
- Collect toll revenues and apply them to the payment of debt service as provided in the indentures or resolutions.

Technical Revisions Related to the FEAA Repeal and the MDX Transfer

Section 1 amends s. 20.23(2)(b)8., F.S., to require the Florida Transportation Commission to monitor agencies created under ch. 348, F.S., and repeals reference to “any authority formed using part I of chapter 348.”

Section 2 of the bill relocates the statutory provision requiring financial disclosure forms to be filed by other transportation and expressway authorities and agencies from s. 348.0003(4)(c), F.S., which the bill repeals, to s. 112.3144(1), F.S. The actual financial disclosure requirements do not change.

Section 3 amends s. 215.68(2), F.S., which currently authorizes bond issuance under the State Bond Act as well as various related terms and conditions. The statute specifies that those terms and conditions do not supersede the limitations of the FEAA relating to bond issuance. The bill repeals this provision, thus conforming the statute to the repeal of the FEAA. **Section 30** creating s. 348.0318, F.S., previously discussed above, includes a provision that s. 215.68, F.S. does not supersede the limitations of the amended part I of ch. 348, F.S.

Section 7 amends s. 338.165, F.S., to remove references to s. 348.0004, F.S., relating in part to uses of MDX revenues, as the bill repeals that statute contained in the FEAA.

Section 10 amends s. 343.1003(6), F.S., to update a reference to conform to the repeal of s. 348.0003(4)(c), F.S. The obligation of the members of the Northeast Florida Regional Transportation Commission to file statements of financial interests remains unchanged.

Miami-Dade Transportation Planning Organization

Present Situation

Metropolitan planning organizations (MPO) are federally mandated transportation planning organizations (TPO) 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 in order to ensure federal funds support local priorities.¹⁹ In Florida, MPOs are also referred to as TPOs and transportation planning agencies. There are currently 27 MPOs in Florida.²⁰

Section 339.175(3), F.S., provides for the voting membership of an MPO. Specifically, s. 339.175(3)(d), F.S., authorizes any county chartered under s. 6(e), Art. VIII of the State Constitution (which includes Miami-Dade County) to have the county commission serve as the MPO if the MPO's jurisdiction is wholly contained in that county. If a charter county elects this option, the county commission will constitute the voting membership of the MPO as well as four additional voting members appointed by the Governor. The Governor's appointments must include: one elected official representing a municipality in the county; one member of the expressway authority; one person who does not hold elected office and resides in an unincorporated portion of the county; and one school board member.

Section 339.176, F.S., provides that, in addition to the membership requirements in s. 339.175(3), F.S., the Miami-Dade MPO must include an additional voting member for each city in the county with a population of 50,000 or more residents appointed by the city's governing body.

The Miami-Dade Transportation Planning Organization's current governing board includes:

- The 13 Miami-Dade County Board of County Commissioners;
- Eight elected officials; one from each of the eight municipalities with a population over 50,000; and
- The four Governor's appointees.

The Miami-Dade Transportation Planning Organization is mainly funded through federal grant funds (\$14.8 million of a \$17.8 million budget). However, the organization does receive about \$489,000 in funds from a participation fee. "TPO Resolution #33-17 dated July 20, 2017, establishes a calendar year financial participation fee of \$22,222 commencing in FY 2017-2018 and every year thereafter for non-County governmental agencies with voting membership on the TPO Governing Board."²¹

¹⁹ Federal Highway Administration and Federal Transit Administration, Transportation Planning Capacity Building Program, *The Transportation Planning Process: Key Issues*, pp. 3-5, available at https://www.planning.dot.gov/documents/briefingbook/bbook_07.pdf (last viewed April 6, 2019).

²⁰ See Florida Metropolitan Planning Organization Advisory Council, *2019 Membership List*, March 26, 2019, available at https://www.mpoac.org/download/mpoac_materials/2019-Membership-List.pdf (last viewed April 4, 2019).

²¹ Miami-Dade Transportation Planning Organization, *Unified Planning Work Program for Transportation Planning Activities – Fiscal Years 2019 and 2010*, April 26, 2018, pp. 15 and 31, available at <http://www.miamidadetpo.org/library/reports/upwp/2019-2020-unified-planning-work-program-2018-06-08.pdf> (last viewed April 6, 2019).

Effect of Proposed Changes

Section 9 amends s. 339.175(3)(d), F.S., to remove the constitutional reference to charter counties and applies the paragraph to only Miami-Dade County. The bill reduces the required membership of the MPO in Miami-Dade County by reducing Governor's appointees from four to three, eliminating the appointment of a person who does not hold elected office and resides in an unincorporated portion of the county.

The bill further amends s. 339.175, F.S., by prohibiting the Miami-Dade MPO from assessing any fees on municipalities, counties, or other governmental entities that are members of the MPO.

High Occupancy Toll Lanes and Express Lanes

Present Situation

A high-occupancy-vehicle (HOV) lane is generally a lane of a public roadway designated for use by vehicles in which there is more than one occupant.²² A high-occupancy toll (HOT) lane is an HOV lane, the use of which requires payment of a toll.

Current law does not define the terms "high-occupancy toll lane" or "express lane." However, the FDOT provides the following descriptions:²³

Managed lanes are a [] strategy in which a set of lanes within an existing highway facility proactively implements a managed response to changing traffic conditions. A combination of tools such as access control, vehicle eligibility, and dynamic pricing²⁴ are used for a managed lane, and there are several different types of managed lanes such as High-occupancy Vehicle (HOV) lanes, high-occupancy toll lanes, express toll lanes, reversible lanes and bus lanes.

Express lanes are a type of managed travel lane that is physically separated from the general use or general toll lanes within an existing roadway corridor. FDOT implements express lanes for congestion management purposes by designing them to operate at free-flow speed. Free-flow conditions in the express lanes are established when vehicles can safely operate at speeds of 45 miles per hour or higher, [and toll] amounts in the express lanes are dynamically updated to support free-flow conditions.

Section 338.166, F.S., authorizes the FDOT to request the Division of Bond Finance to issue bonds secured by toll revenues collected on HOT lanes or express lanes established on FDOT-owned facilities. The FDOT may continue to collect the tolls on HOT lanes or express

²² Section 316.0741(1)(a), F.S.

²³ See FDOT, SIS Connections, *Florida's Strategic Intermodal System*, December 2018, at pp. 5-6, available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/planning/systems/sis_newsletter_winter2019.pdf?sfvrsn=d6a066fc_4 (last viewed March 25, 2019).

²⁴ Also known as "variable pricing." See s. 338.166(4), F.S.

lanes after any bond debt is discharged. Such tolls must first be used to pay the annual cost of operation, maintenance, and improvement of the HOT lanes or express lanes project or associated transportation system.²⁵

The FDOT must use any remaining toll revenue from HOT lanes or express lanes for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected.

Effect of Proposed Changes

Section 8 amends s. 338.166, F.S., to prohibit the FDOT from charging a toll that is more than \$1.25 per mile on any HOT lane or express lane (owned either by the FDOT or the MDX) in a county as defined in s. 125.011(1), F.S.; *i.e.*, Miami-Dade County.²⁶ The FDOT's ability to manage congestion through variable pricing in such lanes may be negatively affected.

Further, beginning October 1, 2020, and annually thereafter, the FDOT must submit to Miami-Dade County's board of county commissioners and the metropolitan planning organization a report showing the amount of tolls collected in Miami-Dade County and how those tolls were used in the previous fiscal year.

The bill specifies that both provisions apply to both the FDOT and the Florida Turnpike Enterprise.

Expressway Authority Public-Private Partnerships

Present Situation

The FEAA 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 new transportation facilities within the authority's jurisdiction which increase transportation capacity. The statute provides determinations that must be made regarding a proposed project, requires certain costs to be borne by the private entity, provides how transportation authorities are to provide notice of certain proposals, and allows these authorities to exercise certain powers related to these agreements.²⁷

Effect of Proposed Changes

Sections 33 and 34 create s. 348.635, F.S., relating to the Tampa-Hillsborough County Expressway Authority, and s. 348.7605, F.S., relating to the Central Florida Expressway Authority, to generally relocate public-private partnership authorization and related provisions that the bill repeals in the FEAA. The relocated provisions are substantively the same as the statutory provisions currently in the FEAA. Any other expressway, transportation, bridge, or toll

²⁵ Section 338.166, F.S., expressly does not apply to the turnpike system.

²⁶ For more information on Florida's express lanes, including a map of those in Miami-Dade County, *see* FDOT, *Florida Express Lanes*, available at <http://floridaexpresslanes.com/> (last viewed March 25, 2019).

²⁷ Section 348.0004(10), F.S. The FDOT's similar authority is contained in s. 334.30, F.S.

authority currently relying on the FEAA provisions for authorization to engage in public-private partnerships will no longer be authorized.

Rebuilt Motor Vehicle Inspection Program

Present Situation

In 2013, the Legislature created s. 319.141, F.S., creating a Pilot Rebuilt Motor Vehicle Inspection Program in Miami-Dade and Hillsborough counties through June 30, 2018.²⁸ The Department of Highway Safety and Motor Vehicles (DHSMV) set standards for the program and certified private sector inspection facilities in Miami-Dade County. The 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 the DHSMV. The DHSMV was required to establish a memorandum of understanding allowing private parties participating in the pilot program to conduct rebuilt vehicle inspections and specifying requirements for oversight, bonding and insurance, procedures, forms, and the electronic submission of documents.

To be approved for the 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 were rebuilt inspection services;
- Annually attest that he or she was not employed by or did 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 he or she received remuneration for the referral of customers for rebuilt inspection services;
- Have and maintain garage liability and other insurance required by the 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 that the DHSMV determined necessary to conduct proper inspections.²⁹

As required by law, in 2015, the DHSMV submitted a report³⁰ that summarized the implementation of the pilot program and program results. The DHSMV certified eight private businesses in the Miami area to conduct rebuilt vehicle inspections.³¹ The 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 businesses to ensure inspections were conducted in accordance with program standards.

²⁸ Section 319.14(1)(c)3., defines "rebuilt vehicle" for purposes of that section as a motor vehicle or motor home built from salvage or junk.

²⁹ Section 319.141(4), F.S.

³⁰ DHSMV, *Florida's Private Rebuilt Vehicle Inspection Program – Pilot Program Report* (Jan. 30, 2015), available at <http://www.flhsmv.gov/pdf/cabinetreports/privaterebuiltreport.pdf> (last viewed March 25, 2019). No entities from Hillsborough County applied to participate in the pilot program.

³¹ DHSMV, Office of Inspector General, *Rebuilt Vehicle Inspection Program Audit Report 201617-24* (Dec. 5, 2017), available at <https://www.flhsmv.gov/pdf/igoffice/20161724.pdf> (last viewed March 25, 2019).

According to the DHSMV, each of the eight pilot program participants met all of the statutory requirements and the requirements of the memorandum executed with the DHSMV.³² 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 the DHSMV.³³

As provided in its authorizing legislation, the program was repealed on July 1, 2018, as it was not saved from repeal or reauthorized by the Legislature.

Effect of Proposed Changes

Section 4 of the bill revives, reenacts, and amends s. 319.141, F.S., reviving the pilot rebuilt motor vehicle inspection program in Miami-Dade County notwithstanding its repeal on July 1, 2018. The bill requires the DHSMV to implement a pilot program in Miami-Dade County by October 1, 2019, for rebuilt inspection services offered by existing private sector participants. The DHSMV may select up to four applicants that it deems to be the most qualified. As of December 2017, there were still 8 participants in the pilot program prior to its expiration; the bill would limit participation to only 4 participants.³⁴ However, the bill does not set forth any standards for the DHSMV to determine how to deem an applicant “to be the most qualified.”

The bill also authorizes the DHSMV to examine all records pertaining to any inspection or related service performed under the pilot program.

The bill creates additional, minimum requirements for applicants to the ones discussed above:

- Requires the surety bond or irrevocable letter of credit that each participant in the pilot program must maintain to be issued by entities licensed to do business in Florida and in favor of the DHSMV.
- Requires the participant’s facility to be at a permanent *fixed* structure, evidenced by proof of ownership or written lease at an address identified by a county-issued tax folio number, in addition to the being recognized by the U.S. Postal Service.
- Requires the participant’s facility to:
 - Have permanent signage that advertises that only private rebuilt inspection services are provided at the location;
 - Post business hours;
 - Have a designated office area and customer waiting area;
 - Have a rebuilt inspection area separate and visually obstructed from any area accessible to the customer;
 - Have surveillance cameras with recording capabilities for the rebuilt inspection area;
 - Have sufficient on-site customer parking;
 - Be large enough to accommodate all of the vehicles being inspected; and
 - Have a covered area to accommodate at least two vehicles during inclement weather.
- In addition to attestations described above, requires the participant to annually attest that:

³² *Id.*

³³ *Id.*

³⁴ *Id.*

- He or she does not have a direct or indirect interest in any motor vehicle that a facility has inspected or proposes to inspect;
- There have been no changes to the ownership structure of the approved facility; and
- The only services being provided by the participant at the facility are rebuild inspection services.
- Maintain garage liability insurance coverage with at least \$100,000 single-limit liability coverage that includes bodily injury and property damage protection, in addition to any other insurance required by the DHSMV.
- Requires the required criminal background checks of owners, partners, corporate officers and inspectors employed by the facility to demonstrate the persons have not:
 - Pled guilty or nolo contendere to or been convicted of a felony; or
 - Been incarcerated for a felony in the last 10 years.³⁵
- Prohibits a participant from conducting an inspection of a vehicle in complete rebuilt condition without prior approval by the DHSMV.

The bill specifies that only a participant selected and approved by the DHSMV can charge or receive a fee for providing or facilitating rebuild inspection services. The bill also specifies that no person or entity may conduct rebuilt inspection services, other than the DHSMV or authorized participants. The bill requires the DHSMV to conduct quarterly on-site facility inspections.

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

The bill authorizes the DHSMV to adopt rules to implement and enforce the pilot program and grants the department nonexclusive power to define any term as long as the definition is consistent with this section of the bill.

The DHSMV must submit a written report by July 1, 2021, to the President of the Senate and Speaker of the House of Representatives evaluating the effectiveness of the program and recommending whether to expend the program to other counties.

The pilot program is repealed on July 1, 2022, unless reenacted by the Legislature.

FDOT Review of Design Plans

Present Situation

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

³⁵ The first requirement, that a person has not pled guilty or nolo contendere or been convicted of a felony, in effect already excludes the second requirement, that a person has not been incarcerated for a felony in the last 10 years. In order to have been incarcerated, the person would have pled guilty or nolo contendere or been convicted of a felony.

Effect of Proposed Changes

Section 5 of the bill amends s. 334.175, F.S., requiring the FDOT to approve design plans for all transportation projects on, under, over, or abutting right-of-way owned by FDOT, if the plans meet FDOT design standards. This requirement would apply regardless of the transportation project's funding source.

Innovative Transportation Projects and Techniques

Present Situation

Section 337.025, F.S., entitled *innovative highway projects*, authorizes the FDOT to establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance which 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 those techniques that have the potential to reduce project life cycle costs. The FDOT may annually enter into up to \$120 million in contracts for innovative transportation projects. However, the annual cap does not apply to turnpike enterprise projects and to certain transportation projects funded in the past by the federal government.

The FDOT's Office of Design and the three divisions under it, the Roadway Design Office, the Production Support Office, and the Structures Design Office, develops policy, procedures, criteria, and standards for the design of the state's roadways, bridges, and other structures.³⁶ The offices regularly issue notices, bulletins, memos, and other publications to guide construction.

Effect of Proposed Changes

Section 6 of the bill amends s. 337.025, F.S., revising its title to *innovative transportation projects* and authorizing the FDOT to establish a program for such projects, including those demonstrating innovative techniques of bridge design (along with those of highway, construction, maintenance, and finance), which in addition to controlling time and cost increases have the intended effect of measuring resiliency and structural integrity.

The bill further provides that all proposed innovative transportation projects, including all different alternatives, must be designed and constructed using the English system of units³⁷ with a proposed design speed of 70 miles per hour. Plans and specification must be prepared in accordance with FDOT's most recent design standards, Plans Preparation Manual, and drainage

³⁶ FDOT, Office of Design, available at <https://www.fdot.gov/design/> (last viewed April 6, 2019).

³⁷ Generically, the "English system of units" measures weight in pounds, height in feet, inches, and miles, and speed in miles per hour.

manual, Flexible Pavement Design Manual, and American Association of State Highway Transportation Officials,³⁸ and all current department memorandums.³⁹

It is unclear why every design project must have a proposed design speed of 70 miles per hour. Chapter 316, F.S., sets maximum speed limits for vehicles in certain areas – 30 miles per hour in business or residence districts; 55 miles per hour in all other locations; 70 miles per hour on limited access highways; and 65 miles per hour on other highways outside of urban areas of 5,000 or more persons and that have at least four lanes divided by a median strip.⁴⁰

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.⁴¹ The Osceola County Expressway Authority law contains many references to the FEAA. The Osceola County Expressway Authority (OCX) operated the Poinciana Parkway in Osceola County.

In 2014, the Legislature created the Central Florida Expressway Authority (CFX), in part III of ch. 348, F.S.⁴² In summary, the Legislature transferred the former Orlando-Orange County Expressway Authority to the CFX. At the time of its creation, the CFX included Lake, Osceola, Orange, and Seminole Counties. Brevard County was subsequently added to the authority.

The 2014 act limited the exercise of the OCX's powers. Under that act, the OCX could only exercise its powers for the purpose of studying, planning, designing, financing, constructing, operating, and maintaining projects that were identified in its May 8, 2012, master plan and an additional, specified extension of the Osceola Parkway Extension.

The 2014 act provided for the future transfer of all powers, governance, and control of the Osceola County Expressway System and all assets, liabilities, facilities, tangible and intangible property, any rights in such property, and any other legal rights of the OCX to the CFX. The effective date of the transfer was December 31, 2018, or extended until the date on which the current and forecasted total debt service coverage ratios of the OCX could be certified to be equal to or greater than 1.5 for each and every year during which debt obligations are outstanding. Through the extension the OCX can only exercise its powers through a contract with another governmental entity (or entities).⁴³

³⁸ The American Association of State Highway Transportation Officials is a nonprofit, nonpartisan association representing highway and transportation departments. It creates publications for use by state departments of transportation to “foster the development, operation, and maintenance of an integrated national transportation system.” See American Association of State Highway Transportation Officials, *AASHTO Overview*, available at <https://www.transportation.org/home/organization/> (last viewed April 6, 2019).

³⁹ FDOT document can be found at the Office of Design's Documents and Publication webpage, available at <https://www.fdot.gov/design/publicationslist.shtm> (last viewed April 6, 2019).

⁴⁰ Sections 316.183 and 316.187, F.S.

⁴¹ Chapter 2010-225, L.O.F. Part V of ch. 348, F.S., consists of ss. 348.9950 through 348.9961, F.S.

⁴² Chapter 2014-171, L.O.F.

⁴³ The powers exercised pursuant to contract may only be for the purpose of operating and maintaining those projects which were completed before such date, in accordance with the requirements of any agreement, resolution, or indenture under which bonds or other debt obligations were issued to finance such projects, and completing construction of those projects for

The 2014 act repeals part V of ch. 348, F.S., on the same date that the OCX is transferred to the CFX. Following the repeal and transfer, uncompleted elements of the OCX's May 8, 2012, master plan will be included in the CFX's master or long-range plan,⁴⁴ including the additional, specified extension of the Osceola Parkway Extension.

The OCX entered into a lease purchase agreement with Osceola County to acquire the Poinciana Parkway, a facility owned by the county and financed by Osceola County, Polk County, and the FDOT. Toll revenues from Poinciana are pledged to the repayment of the bonds that Osceola County issued. The OCX, Osceola County, and the CFX have entered into an interlocal agreement addressing the operation of the Poinciana, services provided by the CFX, and the potential acquisition of the Poinciana by the CFX. The OCX, Osceola County, and the CFX are working on the transfer of the lease purchase agreement to the CFX. The OCX does not own other facilities and has not issued bonds to finance facilities.⁴⁵

On December 11, 2018, the OCX board voted to transfer all of its projects to the CFX.⁴⁶

Effect of Proposed Changes

Section 35 of the bill repeals the Osceola County Expressway Authority Law codified in part V of ch. 348, F.S. Due to the OCX's board vote to transfer all of its projects to the CFX, the OCX is effectively dissolved, and this repeal will have no impact on its or other entities' operations.

SunPass

Present Situation

SunPass is the prepaid toll program in Florida for Florida's toll roads. Its use has increased over the years as many toll roads in the state convert to all-electronic, no cash tolling. The transponder works to pay tolls on all Florida toll roads, including the express lanes, most Florida bridges, and on toll roads in Georgia and North Carolina; it can also be used to pay for parking at certain venues and airports.⁴⁷

Some toll roads and bridges offer discount plans for frequent users and commuters. "These special discount plans may have residency requirements, vehicle occupancy requirements, time-of-day restrictions, or number-of-trips requirements." The transaction will only count towards the rebate if there are sufficient funds in the SunPass user's account at the time of the toll transaction. There are currently seven counties that offer discount plans.⁴⁸

which financing of the full estimated costs of acquisition, design, and construction was obtained and construction began before December 31, 2018.

⁴⁴ The CFX's master or long-range plan will define the term "master plan" or "long range plan."

⁴⁵ FDOT, *2019 Agency Legislative Bill Analysis: SB 898*, February 12, 2019, at p. 3 (On file in the Senate Infrastructure and Security Committee).

⁴⁶ Stephanie Bechara, Spectrum News 13, *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 viewed March 27, 2019).

⁴⁷ SunPass, *Program Explanation*, available at <https://www.sunpass.com/en/about/program.shtml> (last viewed April 6, 2019).

⁴⁸ SunPass, *Tolls – SunPass Discounts and Rebates*, available at <https://www.sunpass.com/en/tolls/tollsSunPass.shtml> (last viewed April 6, 2019).

Effect of Proposed Changes

Section 36 requires the Office of Program Policy Analysis and Government Accountability to conduct a feasibility analysis of the Florida Turnpike Enterprise conducting a rebate program for SunPass users. The report of findings and recommendations must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2019.

Effective Date

Except as otherwise expressly provided, the bill is effective on July 1, 2019.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

In **Section 4** the bill requires the DHSMV to select four applicants that it deems to be the most qualified to continue the revived Rebuilt Motor Vehicle Inspect Program pilot. The original program that expired on June 30, 2018, had eight participants. The bill does not set forth any standards for the DHSMV to use to determine how to determine applicants to be the most qualified. While the bill does set forth certain minimum requirements that an applicant must meet, the delegation of authority to deem an applicant “to be the most qualified” may be determined to be vague and an improper delegation of legislative authority.⁴⁹

Section 8 provides that, notwithstanding any other law, a toll for a high-occupancy lane or express lane, including any lane on the Florida Turnpike System or MDX facilities,

⁴⁹ See *United Faculty of Fla. v. Fla. State Bd. of Educ.*, 157 So. 3d 514, 518 (Fla. Dist. Ct. App. 2015) (“fundamental and primary policy decisions shall be made by members of the legislature who are elected to perform those tasks, and administration of legislative programs must be pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program.”) (citing *Askew v. Cross Key Waterways*, 372 So. 2d 913 (Fla. 1978)).

may not exceed \$1.25 per mile in Miami-Dade County (a county defined in s. 125.011(1), F.S.).

Section 338.227, F.S., authorizes the FDOT to borrow money as provided in the State Bond Act⁵⁰ to pay all or any part of the cost of any one or more legislatively approved Florida Turnpike System projects. The principal of, and the interest on, these bonds is paid solely from revenues pledged for their payment. In s. 338.229, F.S., in connection with the issuance of Turnpike bonds, the state agreed not to limit or restrict the rights vested in the FDOT to establish and collect tolls for the use of the Turnpike System and to fulfill the terms of any agreements made with bondholders. The agreement includes not impairing the rights or remedies of the bondholders until the bonds, together with interest on the bonds, are fully paid and discharged.⁵¹

At present, about \$2.7 billion of Turnpike System bonds have been issued that remain outstanding. Repayment of those bonds has been pledged and is based on ss. 338.227 and 338.229, F.S.⁵² Additionally in Miami-Dade County, there are multiple express lanes under construction or in planning or design.⁵³

Article I, section 10 of the United States Constitution and Section 10, Art. I of the State Constitution prohibit making any law that would impair a contract. **Section 8** of the bill provides no exception for existing bonds and bond covenants (i.e., contracts) regarding high-occupancy lanes or express lanes. Accordingly, a court may determine that **section 8** of the bill impairs the master bond resolution of the Turnpike by limiting tolls in HOT or express lands to \$1.25 per mile; if so, **section 8** of the bill may be unconstitutional.

Section 16 of the bill creates the Greater Miami Expressway Agency in s. 348.0304, F.S. Section 348.0304(2), F.S., provides, at lines 620 through 623 of the bill, that persons who served on the former MDX “may not be appointed to the governing body of the” Greater Miami Expressway Agency. A *permanent* prohibition of a member of the MDX being appointed as a member of the Greater Miami Expressway Agency may constitute a prohibited bill of attainder. Article I, sections 9 and 10 of the United States Constitution and Section 10, Art. I of the State Constitution prohibit passage of any bill of attainder. A bill of attainder is “a law that legislatively determines guilt and inflicts punishment upon an identifiable individual without provision of the protections of a judicial

⁵⁰ Sections 215.57 – 215.83, F.S. Statutes creating the state’s expressway and bridge authorities contain similar provisions. See ss. 348.0010, 348.64, 348.761, and 348.974, F.S.

⁵¹ Statutes creating the state’s expressway and bridge authorities contain similar provisions. See ss. 348.0010, 348.64, 348.761, and 348.974, F.S.

⁵² Florida Turnpike Enterprise, *Fitch Affirms Florida Turnpike Enterprise’s Rev Bonds at ‘AA’; Outlook Stable*, available at http://www.floridasturnpike.com/documents/investors/Turnpike_Fitch_Rating_Report.pdf (last viewed April 8, 2019).

⁵³ FDOT, *Florida Express Lanes, Southeast Florida*, available at <http://floridaexpresslanes.com/southeastfl/> (last viewed April 6, 2019).

trial.”⁵⁴ The United State Supreme Court, in *United States v. Brown*, 381 U.S. 437, 85 S.Ct 1707 (1965), held that:

[L]egislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial are bills of attainder prohibited by the Constitution. . . This permanent proscription from any opportunity to serve the Government is punishment, and of a most severe type. (quoting *United States v. Lovett*, 328 U.S. 303, 66 S.Ct. 1073, 90 L. Ed. 1252 (1946).)

An amendment to limit the prohibition of appointments of former MDX members for a reasonable time period should be considered.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Travelers in Miami-Dade County will be able to use HOT or express lanes for a maximum toll of \$1.25 per mile (**section 8**). However, such travelers may experience reduced travel options if the cap on tolls results in increased congestion in HOT or express lanes. Additionally, travelers on the toll roads of the newly created Greater Miami Expressway Agency who are residents of Miami-Dade County and are SunPass account holders may receive a 25 percent rebate on tolls (**section 19**).

C. Government Sector Impact:

Any costs associated with the repeal of the MDX and transfer to the newly created Greater Miami Expressway agency are unknown at this time.

The Division of Bond Finance will incur expenses associated with the required review of all MDX contracts, financial obligations, and contractual relationships and liability and with making a determination as to the assumption of responsibility for those obligations, which expenses are expected to be absorbed within existing resources (**section 31**).

The \$1.25 per mile cap on tolls for use of HOT lanes or express lanes in Miami-Dade County may reduce toll revenues collected by the FDOT or the Florida Turnpike Enterprise, thus, reducing available funds for operations and maintenance of the lanes (**section 8**). In a similar bill the FDOT advised that it expects a significant but indeterminate impact on operations and maintenance costs for HOT or express lanes in Miami-Dade County, which are currently covered by collected toll revenues. The bill

⁵⁴ *Cassady v. Moore*, 737 So. 2d 1174 (Fla. 1st DCA 1999) citing *United States v. Bennett*, 928 F.2d 1548, 1558 (11th Cir. 1991).

would require these costs to be supplemented by “regular” non-toll transportation revenues in the event that costs are greater than the maximum \$1.25 per mile toll allowed by the bill.⁵⁵ Additionally, the effect of such cap on any bonds issued by the Florida Turnpike Enterprise is unknown at this time.

The FDOT will incur annual expenses associated with the required reports to the Miami-Dade County Board of County Commissioners and the Miami-Dade County Transportation Planning Organization, beginning October 1, 2020 (**section 8**). These expenses are expected to be absorbed within existing resources.

The prohibition on the Miami-Dade Transportation Planning Organization to charge fees on members will reduce the funds available to the organization by approximately \$498,000 annually (**section 9**). However, local government and other non-county entities that serve on the board may save these funds.

The DHSMV may incur indeterminate expenses associated with the reenactment of the Rebuilt Motor Vehicle Inspection Program (**section 4**).

The Office of Program Policy Analysis and Government Accountability will incur expenses to conduct the require feasibility analysis for a Florida Turnpike Enterprise SunPass rebate program (**Section 36**). No appropriation is made in the bill for this study.

VI. Technical Deficiencies:

The bill provides at line 613 that the Governor appoints *three* members of the newly created Greater Miami Expressway Agency. However, lines 616 through 620 provide for staggered terms for the *four* persons appointed by the governor. An amendment should be considered to resolve this conflict in the bill’s provisions

In **Section 2** of the bill, requirements for certain entities to comply with financial disclosure requirements are moved to this s. 112.3144, F.S., due to the repeal of statutes in part I of ch. 348, F.S. The bill creates the Greater Miami Expressway Agency, but the entities listed in **section 2** of the bill do not include an “expressway agency.” An amendment should be considered to clarify that the financial disclosure requirements also apply to an expressway agency.

Section 4 of the bill revives and amends the Pilot Rebuilt Motor Vehicle Inspection Program. Lines 270 through 281 define the term “rebuilt inspection services” by listing items that must be examined. The bill adds the phrase “if available” on line 275. Because the list of items is separated by commas, it is unclear whether the “if available” phrase applies to the item listed before it or after it (“a photograph of the junk or salvage vehicle taken before repairs begin” and “a photograph of the interior driver and passenger side of the vehicle if airbags were previously deployed and replaced,” respectively).

⁵⁵ See FDOT, *2019 Agency Legislative Bill Analysis*: SB 1044, February 14, 2019, at pp. 7-8 (On file in the Senate Committee on Infrastructure and Security). SB 1044 addresses a similar issue related to HOT lanes.

Additionally in **Section 4** of the bill, the bill sets out new requirements for applicants to the pilot rebuilt motor vehicle inspection program that are interspersed with requirements for selected participants for the program. An amendment to clearly delineate requirements for applicants and requirements for participants should be considered to clarify these provisions on lines 304 to 357.

In **Section 4**, the bill sets forth the additional, minimum requirements for an applicant to participate in the revived Rebuilt Motor Vehicle Inspection Program. Lines 348 to 351 require that an applicant have completed a criminal background check which “demonstrates that such persons have not pled guilty or nolo contendere to or been convicted of a felony, or been incarcerated for a felony in the last 10 years.” The first requirement (that a person has not pled guilty or nolo contendere or been convicted of a felony), effectively includes the second requirement (that a person not have been incarcerated for a felony in the last ten years). In order to have been incarcerated, a person would have pled guilty or nolo contendere or have been found guilty of a felony in the last ten years. An amendment should be considered to possibly remove the phrase “or been incarcerated for a felony in the past 10 years.”

On line 364, in **Section 4** of the bill, the bill sets a requirement for “an applicant” that fails an initial rebuilt inspection. Because the bill also refers to “applicant” for participation in the pilot program, an amendment could clarify that line 364 is referring to a vehicle owner for a vehicle that fails the initial rebuild inspection. An amendment should be considered to resolve this inconsistency.

Section 6 of the bill requires innovative transportation project to be prepared in accordance with certain documents, including documents of the FDOT. The bill lists particular FDOT documents on lines 433 and 437, but includes in the list “American Association of State Highway Transportation Officials.” That association produces its own documents, but is not part of the FDOT. An amendment should be considered to clarify which publications of the American Association of State Highway Transportation Officials that should be used to prepare innovative transportation projects.

VII. Related Issues:

Section 4 of the bill authorizes the DHSMV to adopt rules to implement and enforce the pilot rebuilt motor vehicle inspection program and grants the DHSMV nonexclusive power to define any term as long as the definition is consistent with this section of the bill.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 20.23, 112.3144, 215.68, 319.141, 334.175, 337.025, 338.165, 338.166, 339.175, and 343.1003.

This bill creates the following sections of the Florida Statutes: 348.0301, 348.0302, 348.0303, 348.0304, 348.0305, 348.0306, 348.0307, 348.0308, 348.0309, 348.0310, 348.0311, 348.0312, 348.0313, 348.0314, 348.0315, 348.0316, 348.0317, 348.0318, 348.635, and 348.7605.

This bill repeals the following sections of the Florida Statutes: 348.0001, 348.0002, 348.0003, 348.0004, 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011, 348.00115, 348.0012, 348.9950, 348.9951, 348.9952, 348.9953, 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and 348.9961.

This bill creates undesignated sections of Florida Law.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 4, 2019:

The committee substitute:

- Removes from the bill the transfer of MDX to FDOT; instead the bill repeals the Miami Dade Expressway Authority and creates and transfers all assets, powers, duties, and liabilities to the Greater Miami Expressway Agency.
- The bill creates multiple new statutes to apply to only the Greater Miami Expressway Agency. The new statutes, for the most part reflect the same definitions, purposes, powers and ethics requirements as in the FEAA, amended to only apply to the Greater Miami Expressway Agency. The bill does revise the membership of the agency and adds new ethics, procurement, contracting, and bonding requirements.
- Creates the Florida Sunshine Rebate Program within the Greater Miami Expressway Agency providing that at the time that any toll is incurred to provide a 25 percent rebate to all SunPass holders registered in Miami-Dade County.
- Prohibits the FDOT or the Florida Turnpike Enterprise from charging a toll that is more than \$1.25 per mile on any HOT lane or express lane in a county as defined in s. 125.011(1), F.S.; *i.e.*, Miami-Dade County.
- Requires the FDOT and the Florida Turnpike Enterprise to make certain annual report to the board of county commissioners of Miami-Dade County and the county's MPO.
- Reduces the membership of the Miami-Dade Transportation Planning Organization and prohibits the organization from charging fees to members.
- Removes the provision in the bill revising uses of the charter county and regional transportation system surtax proceeds in Miami-Dade County.
- Removes the provision in the bill that required the FDOT to program sufficient funds in its tentative work program such that all, rather than 90 percent, of the net toll collections attributable to users of turnpike facilities in Miami-Dade, Broward, and Palm Beach Counties be committed to projects and bond finance commitments in those counties.
- Maintains the rebuilt motor vehicle inspection program as a pilot program instead of a permanent program, provides additional requirements for program participants and their facilities, and requires the program to expire on July 1, 2021.
- Requires all innovative transportation projects to be designed and constructed using the English system of units; have a proposed design speed of 70 miles per hour; and be prepared using certain FDOT documents.

- Requires the Office of Program Policy Analysis and Government Accountability to conduct a feasibility analysis of the Florida Turnpike Enterprise conducting a rebate program for SunPass users

CS by Infrastructure and Security on March 12, 2019:

The CS:

- Revises a number of provisions relating to the terms and conditions of the transfer of the MDX and its asset and liabilities to the FDOT.
- Limits revisions to uses of the proceeds of the Charter County and Regional Transportation System to Miami-Dade County and provides additional provisions relating to distribution of such proceeds to municipalities in that county.
- Reenacts and makes permanent the rebuilt motor vehicle inspection program in Miami-Dade County.
- Removes the prohibition against the FDOT using toll revenue from HOT or express lanes to offset funding the facility would receive if the facility were not a HOT lane or express lane.
- Removes the provisions that revised the membership of the Miami-Dade County metropolitan planning organization.
- Removes provisions relating to the preservation principle of the FDOT's goals.
- Removes provisions that would provide an additional exception from the prohibition against the FDOT selling property at a price less than the FDOT's current estimate of value after determining property of a specified value is not needed for a transportation facility.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete 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)



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11 (b) The commission shall:

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

15 2. Periodically review the status of the state
16 transportation system including highway, transit, rail, seaport,
17 intermodal development, and aviation components of the system
18 and recommend improvements to the Governor and the Legislature.

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

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

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

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

39 7. Recommend to the Governor and the Legislature



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

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

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

61 112.3144 Full and public disclosure of financial
62 interests.—

63 (1) (a) An officer who is required by s. 8, Art. II of the
64 State Constitution to file a full and public disclosure of his
65 or her financial interests for any calendar or fiscal year shall
66 file that disclosure with the Florida Commission on Ethics.
67 Additionally, ~~beginning January 1, 2015~~, an officer who is
68 required to complete annual ethics training pursuant to s.



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69 112.3142 must certify on his or her full and public disclosure
70 of financial interests that he or she has completed the required
71 training.

72 (b) A member of an expressway authority, transportation
73 authority, bridge authority, toll authority, or transportation
74 agency created pursuant to chapter 343, chapter 348, or any
75 other general law shall comply with the applicable financial
76 disclosure requirements of s. 8, Art. II of the State
77 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
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 from
96 the surtax shall be applied to as many or as few of the uses
97 enumerated below in whatever combination the county commission



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98 deems appropriate:

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

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

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



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127 ~~more than 25 percent used for nontransit uses;~~ and
128 c.4. Used by the county for the planning, development,
129 construction, operation, and maintenance of roads and bridges in
130 the county; for the planning, development, expansion, operation,
131 and maintenance of bus and fixed guideway systems; for the
132 planning, development, construction, expansion, operation, and
133 maintenance of on-demand transportation services; and for the
134 payment of principal and interest on bonds issued for the
135 construction of fixed guideway rapid transit systems, bus
136 systems, roads, or bridges; and such proceeds may be pledged by
137 the governing body of the county for bonds issued to refinance
138 existing bonds or new bonds issued for the construction of such
139 fixed guideway rapid transit systems, bus systems, roads, or
140 bridges. Pursuant to an interlocal agreement entered into
141 pursuant to chapter 163, the governing body of the county may
142 distribute proceeds from the tax to a municipality, or an
143 expressway or transportation authority created by law to be
144 expended for the purpose authorized by this paragraph. Any
145 county that has entered into interlocal agreements for
146 distribution of proceeds to one or more municipalities in the
147 county shall revise such interlocal agreements no less than
148 every 5 years in order to include any municipalities that have
149 been created since the prior interlocal agreements were
150 executed.

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

155 (I) The planning, design, engineering, or construction of



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156 fixed guideway rapid transit systems and bus systems, including
157 bus rapid transit systems, and for the development of dedicated
158 facilities for autonomous vehicles as defined in s. 316.003.

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

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

165 (IV) The payment of principal and interest on bonds
166 previously issued related to fixed guideway rapid transit
167 systems or bus systems.

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

172 b. Effective October 1, 2022, to the extent not prohibited
173 by contracts or bond covenants in effect on that date, not more
174 than a total of 25 percent of the surtax proceeds may be
175 distributed to municipalities in a county as defined in s.
176 125.011(1). Such municipalities may use the surtax proceeds to
177 plan, develop, construct, operate, and maintain roads and
178 bridges in the municipality and to pay the principal and
179 interest on bonds issued to construct roads or bridges. The
180 governing body of the municipality may pledge the proceeds for
181 bonds issued to refinance existing bonds or new bonds issued to
182 construct such roads or bridges. Additionally, each such
183 municipality may use surtax proceeds for transit systems within
184 the municipality.



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



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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.—

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 a
221 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, if available, a photograph
226 of the interior driver and passenger side of the vehicle if
227 airbags were previously deployed and replaced, receipts or
228 invoices for all major component parts, as defined in s. 319.30,
229 and repairs which were changed, and proof that notice of
230 rebuilding of the vehicle has been reported to the National
231 Motor Vehicle Title Information System.

232 (2) By October 1, 2019 ~~July 1, 2015~~, the department shall
233 implement ~~oversee~~ a pilot program in Miami-Dade County ~~to~~
234 ~~evaluate alternatives~~ for rebuilt inspection services offered by
235 existing private sector participants. The department may select
236 up to four applicants who are deemed, at its discretion, to be
237 most qualified operators, including the continued use of private
238 facilities, the cost impact to consumers, and the potential
239 savings to the department.

240 (3) Upon selection, each participant shall enter into The
241 ~~department shall establish~~ a memorandum of understanding with
242 the department which that allows the participant private parties



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243 ~~participating in the pilot program~~ to conduct rebuilt motor
244 vehicle inspections; ~~and~~ specifies requirements for oversight,
245 bonding and insurance, procedures, and forms; and requires the
246 electronic transmission of documents. The department may examine
247 all records pertaining to any inspection or related service
248 performed under the pilot program.

249 (4) Before a participant ~~an applicant~~ is allowed to furnish
250 such rebuilt inspection program ~~approved~~, the department must
251 ~~shall~~ ensure that the participant ~~applicant~~ meets basic criteria
252 designed to protect the public. At a minimum, the applicant
253 shall meet all of the following requirements:

254 (a) Have and maintain a surety bond or irrevocable letter
255 of credit in the amount of \$100,000 executed in favor of the
256 department. Such surety bond or letter of credit must be issued
257 by entities licensed to do business in this state ~~by the~~
258 ~~applicant.~~

259 (b) Secure and maintain a facility at a permanent fixed
260 structure, as evidenced by proof of ownership or written lease
261 at an address identified by a county-issued tax folio number and
262 recognized by the United States Postal Service where the only
263 services provided on such property are rebuilt inspection
264 services. The facility must have permanent signage that
265 advertises that only private rebuilt inspection services are
266 provided at that location and must have posted business hours, a
267 designated office area and customer waiting area, a rebuilt
268 inspection area separate and visually obstructed from any area
269 accessible to the customer, surveillance cameras with recording
270 capabilities for the rebuilt inspection areas, and sufficient
271 on-site customer parking. The location must be large enough to



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272 accommodate all of the vehicles being inspected and must have a
273 covered area to accommodate at least two vehicles during
274 inclement weather. The participant ~~operator of a facility~~ shall
275 annually attest that he or she is not employed by or does not
276 have an ownership interest in or other financial arrangement
277 with the owner, operator, manager, or employee of a motor
278 vehicle repair shop as defined in s. 559.903, a motor vehicle
279 dealer as defined in s. 320.27(1)(c), a towing company, a
280 vehicle storage company, a vehicle auction, an insurance
281 company, a salvage yard, a metal retailer, or a metal rebuilder,
282 from which he or she receives remuneration, directly or
283 indirectly, for the referral of customers for rebuilt inspection
284 services; he or she does not have a direct or indirect interest
285 in any motor vehicle that a facility has inspected or proposes
286 to inspect; there have been no changes to the ownership
287 structure of the approved facility; and the only services being
288 provided by such participant at the facility are rebuilt
289 inspection services. Only a participant selected and approved by
290 the department may charge or receive a fee for providing or
291 facilitating such services.

292 (c) Have and maintain garage liability insurance coverage
293 with at least \$100,000 single-limit liability coverage that
294 includes bodily injury and property damage protection, and any
295 other insurance required by the department.

296 (d) Have completed criminal background checks of the
297 owners, partners, and corporate officers and the inspectors
298 employed by the facility which demonstrate that such persons
299 have not pled guilty or nolo contendere to or been convicted of a
300 felony, or been incarcerated for a felony in the last 10 years.



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301 (e) A participant may not conduct an inspection of a
302 vehicle in complete rebuilt condition without prior approval by
303 the department. No person or entity, other than the department
304 or participant authorized by the department, may conduct rebuilt
305 inspection services.

306 (f)~~(e)~~ Meet any additional criteria the department
307 determines necessary to conduct proper inspections.

308 (5) A participant in the program shall access vehicle and
309 title information and enter inspection results through an
310 electronic filing system authorized by the department and shall
311 maintain records of each rebuilt vehicle inspection processed at
312 such facility for at least 5 years.

313 (6) An applicant that fails an initial rebuilt inspection
314 may only have that vehicle re-inspected by the department or the
315 facility that conducted the original inspection.

316 (7)~~(6)~~ The department shall conduct an on-site facility
317 inspection at least once per quarter and shall immediately
318 terminate any participant ~~operator~~ from the program who fails to
319 meet the minimum eligibility requirements specified in
320 subsection (4). Before a change in ownership of a rebuilt
321 inspection facility, the current operator must give the
322 department 45 days' written notice of the intended sale or
323 transfer. The prospective owner must meet the eligibility
324 requirements of this section and execute a new memorandum of
325 understanding with the department before operating the facility.

326 (8) The department may adopt rules pursuant to ss.
327 120.536(1) and 120.54 to implement and enforce this section. The
328 department shall also have the nonexclusive power to define by
329 rule, any term, whether or not used in this section, insofar as



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330 the definition is not inconsistent with this section.

331 (9) On or before July 1, 2021, the department shall submit
332 a written report to the President of the Senate and the Speaker
333 of the House of Representatives evaluating the effectiveness of
334 the program and recommending whether to expand the program into
335 other counties.

336 (10)~~(7)~~ This section is repealed on July 1, 2022 ~~2018~~,
337 unless saved from repeal through reenactment by the Legislature.

338 Section 6. Section 334.175, Florida Statutes, is amended to
339 read:

340 334.175 Certification of project design plans and surveys.-

341 (1) All design plans and surveys prepared by or for the
342 department shall be signed, sealed, and certified by the
343 professional engineer or surveyor or architect or landscape
344 architect in responsible charge of the project work. Such
345 professional engineer, surveyor, architect, or landscape
346 architect must be duly registered in this state.

347 (2) Regardless of their funding source, the department
348 shall approve the design plans for all transportation projects
349 on, under, over, or abutting a department-owned right-of-way
350 which meet the department's design standards.

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

353 337.025 Innovative transportation ~~highway~~ projects;
354 department to establish program.-

355 (1) The department may ~~is authorized to~~ establish a program
356 for transportation ~~highway~~ projects demonstrating innovative
357 techniques of highway and bridge design, construction,
358 maintenance, and finance which have the intended effect of



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359 measuring resiliency and structural integrity and controlling
360 time and cost increases on construction projects. Such
361 techniques may include, but are not limited to, state-of-the-art
362 technology for pavement, safety, and other aspects of highway
363 and bridge design, construction, and maintenance; innovative
364 bidding and financing techniques; accelerated construction
365 procedures; and those techniques that have the potential to
366 reduce project life cycle costs. To the maximum extent
367 practical, the department must use the existing process to award
368 and administer construction and maintenance contracts. When
369 specific innovative techniques are to be used, the department is
370 not required to adhere to those provisions of law that would
371 prevent, preclude, or in any way prohibit the department from
372 using the innovative technique. However, ~~prior to~~ before using
373 an innovative technique that is inconsistent with another
374 provision of law, the department must document in writing the
375 need for the exception and identify what benefits the traveling
376 public and the affected community are anticipated to receive.
377 The department may enter into no more than \$120 million in
378 contracts annually for the purposes authorized by this section.
379 All proposed projects, including all different alternatives,
380 must be designed and constructed using the English system of
381 units. The proposed design speed must be 70 miles per hour. The
382 plans and specifications must be prepared in accordance with the
383 department's most recent design standards, Plans Preparation
384 Manual, and drainage manual, Flexible Pavement Design Manual,
385 the American Association of State Highway Transportation
386 Officials, and all current department memorandums.

387 Section 8. Subsections (2) and (5) of section 338.165,



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388 Florida Statutes, are amended to read:

389 338.165 Continuation of tolls.—

390 (2) If the revenue-producing project is on the State
391 Highway System, any remaining toll revenue shall be used for the
392 construction, maintenance, or improvement of any road on the
393 State Highway System within the county or counties in which the
394 revenue-producing project is located, ~~except as provided in s.~~
395 ~~348.0004.~~

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

401 Section 9. Subsections (5) and (6) of section 338.166,
402 Florida Statutes, are renumbered as subsections (6) and (7),
403 respectively, present subsection (7) of that section is
404 renumbered as subsection (9) and amended, and new subsection (5)
405 and subsection (8) are added to that section, to read:

406 338.166 High-occupancy toll lanes or express lanes.—

407 (5) Notwithstanding any other provision of law to the
408 contrary, in a county as defined in s. 125.011(1), a toll for a
409 high-occupancy toll lane or express lane may not exceed \$1.25
410 per mile.

411 (8) Beginning on October 1, 2020, and annually thereafter,
412 the department, including the Florida Turnpike Enterprise, shall
413 submit to the board of county commissioners of a county as
414 defined in s. 125.011(1) and to the metropolitan planning
415 organization for that county a report providing information
416 regarding the amount of tolls collected in that county and how



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417 those tolls were used in the previous fiscal year.

418 (9)-(7) Except for subsections (5) and (8), this section
419 does not apply to the turnpike system as defined under the
420 Florida Turnpike Enterprise Law.

421 Section 10. Effective July 1, 2022, paragraph (a) of
422 subsection (3) of section 338.231, Florida Statutes, is amended
423 to read:

424 338.231 Turnpike tolls, fixing; pledge of tolls and other
425 revenues.—The department shall at all times fix, adjust, charge,
426 and collect such tolls and amounts for the use of the turnpike
427 system as are required in order to provide a fund sufficient
428 with other revenues of the turnpike system to pay the cost of
429 maintaining, improving, repairing, and operating such turnpike
430 system; to pay the principal of and interest on all bonds issued
431 to finance or refinance any portion of the turnpike system as
432 the same become due and payable; and to create reserves for all
433 such purposes.

434 (3) (a) ~~For the period July 1, 1998, through June 30, 2027,~~
435 The department shall, ~~to the maximum extent feasible,~~ program
436 sufficient funds in the tentative work program such that all of
437 ~~the percentage of turnpike toll and bond financed commitments in~~
438 ~~Miami Dade County, Broward County, and Palm Beach County as~~
439 ~~compared to total turnpike toll and bond financed commitments~~
440 ~~shall be at least 90 percent of the share of net toll~~
441 ~~collections attributable to users of the turnpike facilities~~
442 ~~system~~ in Miami-Dade County, Broward County, and Palm Beach
443 County are committed to projects and bond finance obligations in
444 each respective county as compared to total net toll collections
445 ~~attributable to users of the turnpike system.~~ This paragraph



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446 ~~subsection~~ does not apply when the application of such
447 requirements would violate any covenant established in a
448 resolution or trust indenture relating to the issuance of
449 turnpike bonds. The department may at any time for economic
450 considerations establish lower temporary toll rates for a new or
451 existing toll facility for a period not to exceed 1 year, after
452 which the toll rates adopted pursuant to s. 120.54 ~~shall~~ become
453 effective.

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

457 339.175 Metropolitan planning organization.—

458 (3) VOTING MEMBERSHIP.—

459 (d) Any other provision of this section to the contrary
460 notwithstanding, any county as defined in s. 125.011(1)
461 ~~chartered under s. 6(c), Art. VIII of the State Constitution~~ may
462 elect to have its county commission serve as the M.P.O., if the
463 M.P.O. jurisdiction is wholly contained within the county. Any
464 charter county that elects to exercise the provisions of this
465 paragraph shall so notify the Governor in writing. Upon receipt
466 of such notification, the Governor must designate the county
467 commission as the M.P.O. The Governor must appoint three ~~four~~
468 additional voting members to the M.P.O., one of whom must be an
469 elected official representing a municipality within the county,
470 one of whom must be a member of the governing body from the
471 agency created in part I of chapter 348, an expressway authority
472 ~~member, one of whom must be a person who does not hold elected~~
473 ~~public office and who resides in the unincorporated portion of~~
474 ~~the county,~~ and one of whom must be a school board member.



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475 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
476 privileges, and authority of an M.P.O. are those specified in
477 this section or incorporated in an interlocal agreement
478 authorized under s. 163.01. Each M.P.O. shall perform all acts
479 required by federal or state laws or rules, now and subsequently
480 applicable, which are necessary to qualify for federal aid. It
481 is the intent of this section that each M.P.O. shall be involved
482 in the planning and programming of transportation facilities,
483 including, but not limited to, airports, intercity and high-
484 speed rail lines, seaports, and intermodal facilities, to the
485 extent permitted by state or federal law.

486 (f) 1. The department shall allocate to each M.P.O., for the
487 purpose of accomplishing its transportation planning and
488 programming duties, an appropriate amount of federal
489 transportation planning funds.

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

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

495 343.1003 Northeast Florida Regional Transportation
496 Commission.—

497 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(c)~~,
498 members of the board shall file a statement of financial
499 interests ~~interest~~ with the Commission on Ethics pursuant to s.
500 112.3145.

501 Section 13. Sections 348.0001, 348.0002, 348.0003,
502 348.0004, 348.0005, 348.0007, 348.0008, 348.0009, 348.0010,
503 348.0011, 348.00115, and 348.0012, Florida Statutes, are



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504 repealed.

505 Section 14. Part I of chapter 348, Florida Statutes, is
506 redesignated as "Greater Miami Expressway Agency" and the
507 following sections are created within that part: ss. 348.0301,
508 348.0302, 348.0303, 348.0304, 38.0305, 348.0306, 348.0307,
509 348.0308, 348.0309, 348.0310, 348.0311, 348.0312, 348.0313,
510 348.0314, 348.0315, 343.0316, 343.0317, and 343.0318, Florida
511 Statutes.

512 Section 15. Section 348.0301, Florida Statutes, is created
513 to read:

514 348.0301 Short title.—This part may be cited as the
515 "Greater Miami Expressway Agency Act."

516 Section 16. Section 348.0302, Florida Statutes, is created
517 to read:

518 348.0302 Applicability.—This part applies only to a county
519 as defined in s. 125.011(1).

520 Section 17. Section 348.0303, Florida Statutes, is created
521 to read:

522 348.0303 Definitions.—As used in the this part, the term:

523 (1) "Agency" means the Greater Miami Expressway Agency.

524 (2) "Agency of the state" means and includes the state and
525 any department of, or corporation, agency, or instrumentality
526 created, designated, or established by, the state.

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

531 (4) "County" means a county as defined in s. 125.011(1),
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533 (5) "County gasoline tax funds" means all the 80-percent
534 surplus gasoline tax funds accruing in each year to the
535 department for use within the geographic boundaries of the
536 agency under the provisions of s. 9, Art. XII of the State
537 Constitution, after deduction only of any amounts of such
538 gasoline tax funds heretofore pledged by the department or a
539 county for outstanding obligations.

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

541 (7) "Express written consent" means prior express written
542 consent given in the form of a resolution adopted by a board of
543 county commissioners.

544 (8) "Expressway" means a street or highway especially
545 designed for through traffic and over, from, or to which owners
546 or occupants of abutting land or other persons have no right or
547 easement or only a limited right or easement of access, light,
548 air, or view by reason of the fact that their property abuts
549 upon such limited access facility or for any other reason. Such
550 highways or streets may be facilities from which trucks, buses,
551 and other commercial vehicles are excluded; or they may be
552 facilities open to use by all customary forms of street and
553 highway traffic.

554 (9) "Expressway system" means any and all expressways
555 within the geographic boundaries of the agency and any
556 appurtenant facilities, including, but not limited to, all
557 approaches, roads, bridges, and avenues of access for such
558 expressway. An expressway system includes a public
559 transportation facility.

560 (10) "Federal agency" means and includes the United States,
561 the President of the United States, and any department of, or



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562 corporation, agency, or instrumentality created, designated, or
563 established by, the United States.

564 (11) "Members" means the membership of the governing body
565 of the agency.

566 (12) "Public transportation facility" means real and
567 personal property, structures, improvements, buildings,
568 personnel, equipment, plant, vehicle parking or other
569 facilities, rights-of-way, or any combination thereof used or
570 useful for the purposes of transporting passengers by means of a
571 street railway, elevated railway or guideway, subway, motor
572 vehicle, motor bus, or any bus or other means of conveyance
573 operating as a common carrier.

574 Section 18. Section 348.0304, Florida Statutes, is created
575 to read:

576 348.0304 Greater Miami Expressway Agency.—

577 (1) The Greater Miami Expressway Agency is created as a
578 body politic and corporate and an agency of the state.

579 (2) (a) The governing body of the agency shall consist of
580 seven voting members, each of whom must be a permanent resident
581 of the county and may not hold elected office. Each member may
582 serve only two 4-year terms. Four members shall be appointed by
583 the Governor, one member shall be appointed by each of the
584 President of the Senate, the Speaker of the House of
585 Representatives, and the metropolitan planning organization for
586 the county. The district secretary of the department serving in
587 the district that comprises such county shall serve as a
588 nonvoting advisor to the agency.

589 (b) Initial appointments to the governing body of the
590 agency must be made by July 31, 2019. For the purpose of



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591 establishing staggered terms, of the initial appointments made
592 by the Governor, one shall serve for a term of 1 year, one shall
593 serve for a term of 2 years, one shall serve for a term of 3
594 years, and one shall serve for a term of four years. A person
595 who served as a member of the governing body of the former
596 Miami-Dade County Expressway Authority may not be appointed to
597 the governing body of the agency.

598 (3) (a) The governing body of the agency shall elect one of
599 its members as its chair and shall elect a secretary and a
600 treasurer, who need not be members of the agency. The chair, the
601 secretary, and the treasurer serve at the will of the agency. A
602 simple majority of the governing body of the agency constitutes
603 a quorum, and the vote of a majority of those members present is
604 necessary for the governing body to take any action. A vacancy
605 does not impair the right of a quorum of the agency to exercise
606 all of the rights and perform all of the duties of the agency.

607 (b) Upon the effective date of his or her appointment, or
608 as soon thereafter as practicable, each member of the agency
609 shall begin to perform his or her duties. The governing body's
610 initial board meeting must take place within 15 days after
611 completion of the initial appointments to the board.

612 (c) Each member of the agency, before entering upon his or
613 her official duties, shall take and subscribe to an oath before
614 some official authorized by law to administer oaths that he or
615 she will honestly, faithfully, and impartially perform his or
616 her duties as a member of the governing body of the agency and
617 that he or she will not neglect any duties imposed upon him or
618 her by this part.

619 (4) (a) The agency may employ an executive secretary, an



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620 executive director, its own counsel and legal staff, technical
621 experts, and such engineers and employees, permanent or
622 temporary, as it may require and shall determine the
623 qualifications and fix the compensation of such persons, firms,
624 or corporations. The agency may employ a fiscal agent or agents;
625 however, the agency must solicit sealed proposals from at least
626 three persons, firms, or corporations for the performance of any
627 services as fiscal agents. The agency may delegate to one or
628 more of its agents or employees such authority as it deems
629 necessary to carry out the purposes of this act, subject always
630 to the supervision and control of the agency. Members of the
631 agency may be removed from office by the Governor for
632 misconduct, malfeasance, misfeasance, or nonfeasance in office.

633 (b) A person who served as executive director of the former
634 Miami-Dade County Expressway Authority may not serve as the
635 agency's executive director. Before July 31, 2019, the Governor
636 shall appoint an interim executive director for the agency for a
637 6-month period while the agency hires a permanent executive
638 director, and that person may apply for the permanent position.

639 (5) The members of the agency are not entitled to
640 compensation but are entitled to receive their travel and other
641 necessary expenses as provided in s. 112.061.

642 Section 19. Section 348.0305, Florida Statutes, is created
643 to read:

644 348.0305 Ethics requirements-

645 (1) Notwithstanding any other law to the contrary, members
646 and employees of the agency are subject to part III of chapter
647 112.

648 (2) (a) A lobbyist, as defined in s. 112.3215, may not be



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649 appointed or serve as a member of the governing body of the
650 agency.

651 (b) A person may not be appointed to or serve as a member
652 of the governing body of the agency if that person represents,
653 or within the previous 4 years has represented, any client for
654 compensation before the agency or the former Miami-Dade County
655 Expressway Authority.

656 (c) A person may not be appointed to or serve as a member
657 of the governing body of the agency if that person represents,
658 or within the previous 4 years has represented, any person or
659 entity that is doing business, or in the previous 4 years has
660 done business, with the agency or the former Miami-Dade County
661 Expressway Authority.

662 (3) A member or an employee of the agency, including
663 employees of the former Miami-Dade County Expressway Authority,
664 may not:

665 (a) Personally represent another person or entity for
666 compensation before the agency for a period of 2 years after
667 vacating his or her position.

668 (b) After retirement or termination of employment, have an
669 employment or contractual relationship with a business entity
670 other than an agency, as defined in s. 112.312, in connection
671 with a contract in which the member or employee personally and
672 substantially participated through decision, approval,
673 disapproval, recommendation, rendering of advice, or
674 investigation while he or she was a member or employee of the
675 agency.

676 (4) The agency's general counsel shall serve as the
677 agency's ethics officer.



678 (5) Agency members, employees, and consultants who hold
679 positions that may influence agency decisions shall refrain from
680 engaging in any relationship that may adversely affect their
681 judgment in carrying out agency business. To prevent such
682 conflicts of interest and preserve the integrity and
683 transparency of the agency to the public, the following
684 disclosures must be made annually on a disclosure form:

685 (a) Any relationship that a member, employee, or consultant
686 has which affords a current or future financial benefit to such
687 board member, employee, or consultant, or to a relative or
688 business associate of such member, employee, or consultant, and
689 which a reasonable person would conclude has the potential to
690 create a prohibited conflict of interest. As used in this
691 section, the term "relative" has the same meaning as provided in
692 s. 112.312.

693 (b) Whether a relative of board member, employee, or
694 consultant is a registered lobbyist and, if so, the names of
695 such lobbyist's clients. Such names shall be provided in writing
696 to the ethics officer.

697 (c) Any and all interests in real property that such
698 member, employee, or consultant has, or that an immediate family
699 member of such member, employee, or consultant has, if such real
700 property is located in, or within a 1/2-mile radius of, any
701 actual or prospective agency project. The executive director
702 shall provide a corridor map and a property ownership list
703 reflecting the ownership of all real property within the
704 disclosure area, or an alignment map with a list of associated
705 owners, to all members, employees, and consultants.

706 (6) The disclosure forms filed as required under subsection



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707 (5) must be reviewed by the ethics officer or, if a form is
708 filed by the ethics officer, by the executive director.

709 (7) The conflict of interest policy must be stated in the
710 agency's code of ethics.

711 (8) Agency employees and consultants are prohibited from
712 serving on the governing body of the agency while employed by or
713 under contract with the agency and for a period of 2 years
714 following termination of employment or his or her consultant
715 contract.

716 (9) The code of ethics must be reviewed and updated by the
717 ethics officer and presented for approval by the governing body
718 of the agency at least once every 2 years.

719 (10) Members and employees of the agency must be adequately
720 informed and trained on the code of ethics of the agency and
721 shall participate in ongoing ethics training.

722 (11) The requirements of subsections (4)-(10) are in
723 addition to the requirements imposed on the members and the
724 employees of the agency under part III of chapter 112.

725 (12) Violations of paragraphs (4), (6), and (9) are
726 punishable as provided in s. 112.317.

727 (13) A finding of a violation of this section or part III
728 of chapter 112, or failure to comply within 90 days after
729 receiving a notice of failure to comply with financial
730 disclosure requirements pursuant to s. 112.3144, shall result in
731 immediate termination by the agency.

732 (14) In the event that part III of chapter 112 conflicts
733 with this section, the stricter of the provisions prevails.
734 Nothing herein prevents the agency from imposing ethics policies
735 that are stricter than those imposed by this subsection or



736 chapter 112.

737 Section 20. Section 348.0306, Florida Statutes, is created
738 to read:

739 348.0306 Purposes and powers.—

740 (1) (a) The agency may acquire, hold, construct, improve,
741 maintain, operate, and own an expressway system.

742 (b) The agency, in the construction of an expressway
743 system, shall construct expressways. Construction of an
744 expressway system may be completed in segments, phases, or
745 stages, in a manner that will permit their expansion to the
746 desired expressway configuration. The agency, in the
747 construction of an expressway system, may construct any
748 extensions of, additions to, or improvements to, the expressway
749 system or appurtenant facilities, including all necessary
750 approaches, roads, bridges, and avenues of access, with such
751 changes, modifications, or revisions of the project which are
752 deemed desirable and proper. The agency may add additional
753 expressways to an expressway system, under the terms and
754 conditions set forth in this act, only with the prior express
755 written consent of the board of county commissioners of the
756 county and only if such additional expressways lack adequate
757 committed funding for implementation, are financially feasible,
758 and are compatible with the existing plans, projects, and
759 programs of the agency.

760 (2) The agency may exercise all rights and authority
761 necessary, appurtenant, convenient, or incidental to the
762 carrying out of its purposes, including, but not limited to, the
763 following rights and authority:

764 (a) To sue and be sued, implead and be impleaded, and



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765 complain and defend in all courts.

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

767 (c) To acquire, purchase, hold, lease as lessee, and use
768 any franchise or property, whether real, personal, or mixed and
769 whether tangible or intangible, or any interest therein

770 necessary or desirable for carrying out the purposes of the
771 agency and to sell, lease as lessor, transfer, and dispose of
772 any property or interest therein at any time acquired by it.

773 (d) To enter into and make leases, either as lessee or as
774 lessor, in order to carry out the right to lease as set forth in
775 this act.

776 (e) To fix, alter, charge, establish, and collect tolls,
777 rates, fees, rentals, and other charges for the services and
778 facilities system, which tolls, rates, fees, rentals, and other
779 charges always must be sufficient to comply with any covenants
780 made with the holders of any bonds secured by the net revenues
781 of the expressway system, including any additions, extensions,
782 or improvements thereof. However, such right and power may be
783 assigned or delegated by the agency to the department.

784 1. Notwithstanding any other law to the contrary, the
785 agency may not increase its toll rates until July 1, 2029,
786 including any increase to the extent necessary to adjust for
787 inflation pursuant to the procedure for toll rate adjustments
788 provided in s. 338.165, except as may be necessary to comply
789 with covenants in the trust indentures or resolutions adopted in
790 connection with the agency's bonds secured by the net revenues
791 of the expressway system.

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



794 3. The amount of toll revenues used for administrative
795 costs by the agency may not exceed 10 percent above the annual
796 state average of administrative costs determined as provided in
797 this subparagraph. The Florida Transportation Commission shall
798 determine the annual state average of administrative costs based
799 on the annual administrative costs of all the expressway
800 authorities in this state. For purposes of this subparagraph,
801 administrative costs include, but are not limited to, employee
802 salaries and benefits, small business outreach, insurance,
803 professional service contracts not directly related to the
804 operation and maintenance of the expressway system, and other
805 overhead costs.

806 4. There must be a distance of at least 5 miles between
807 main through-lane tolling points. The distance requirement of
808 this subparagraph does not apply to entry and exit ramps.
809 However, the toll rates may be such that toll rates per mile are
810 revenue neutral as compared to the toll rates of the former
811 Miami-Dade County Expressway Authority as of July 1, 2019.

812 (f) To borrow money, make and issue negotiable notes,
813 bonds, refund bonds and other evidence of indebtedness of the
814 agency, which bonds or other evidence of indebtedness may be
815 issued pursuant to the State Bond Act or, in the alternative,
816 pursuant to s. 348.0309(2), to finance or refinance additions,
817 extensions, or improvements to the expressway system within the
818 geographic boundaries of the agency, and to provide for the
819 security of the bonds or other evidence of indebtedness and the
820 rights and remedies of the holders of the bonds or other
821 evidence of indebtedness. Any bonds or other evidence of
822 indebtedness pledging the full faith and credit of the state may



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823 be issued only pursuant to the State Bond Act.

824 1. The agency shall reimburse the county in which it exists
825 for any sums expended from any county gasoline tax funds used
826 for payment of such obligations. Any county gasoline tax funds
827 so disbursed shall be repaid in accordance with the terms of any
828 lease-purchase or interlocal agreement with any county or the
829 department together with interest, at the rate agreed to in such
830 agreement. Any county gasoline tax funds may not be more than a
831 secondary pledge of revenues for repayment of any obligations
832 issued pursuant to this part.

833 2. The agency may refund any bonds previously issued, to
834 the extent allowable by federal tax laws, to finance or
835 refinance an expressway system located within the geographic
836 boundaries of the agency regardless of whether the bonds being
837 refunded were issued by such agency, an agency of the state, or
838 a county.

839 (g) To enter contracts and to execute all instruments
840 necessary or convenient for the carrying on of its business.
841 Notwithstanding any other provision of law to the contrary, the
842 agency is subject to the procurement and contracting
843 requirements applicable to the department contained in chapters
844 287 and 337.

845 (h) Without limitation of the foregoing, to borrow money
846 and accept grants from, and to enter into contracts, leases, or
847 other transactions with, any federal agency, the state, any
848 agency of the state, county, or any other public body of the
849 state.

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



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852 (j) To pledge, hypothecate, or otherwise encumber all or
853 any part of the revenues, tolls, rates, fees, rentals, or other
854 charges or receipts of the agency, including all or any portion
855 of county gasoline tax funds received by the agency pursuant to
856 the terms of any lease-purchase agreement between the agency and
857 the department, as security for all or any of the obligations of
858 the agency.

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

862 (3) Notwithstanding any other law to the contrary, the
863 consent of any municipality is not necessary for any project of
864 the agency, regardless of whether the project lies in whole or
865 in part within the boundaries of the municipality, if the
866 project is consistent with the locally adopted comprehensive
867 plan. However, if a project is inconsistent with the affected
868 municipal comprehensive plan, the project may not proceed
869 without a hearing pursuant to ss. 120.569 and 120.57, at which
870 it is determined that the project is consistent with the adopted
871 metropolitan planning organization transportation improvement
872 plan, if any, and the applicable strategic regional plan, and at
873 which regional interests are determined to clearly override the
874 interests of the municipality.

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

879 (5) The agency shall comply with all statutory requirements
880 of general application which relate to the filing of any report



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881 or documentation required by law, including the requirements of
882 ss. 189.015, 189.016, 189.051, and 189.08.

883 (6) Notwithstanding subsection (3) or any other law to the
884 contrary, the agency may not undertake any construction that is
885 not consistent with both the metropolitan planning
886 organization's transportation improvement program and the
887 county's comprehensive plan.

888 (7) The agency may finance or refinance the planning,
889 design, acquisition, construction, extension, rehabilitation,
890 equipping, preservation, maintenance, or improvement of a public
891 transportation facility or transportation facilities owned or
892 operated by such county, an intermodal facility or facilities,
893 multimodal corridor or corridors, including, but not limited to,
894 bicycle facilities or greenways that will improve transportation
895 services within the county, or any programs or projects that
896 will improve the levels of service on an expressway system,
897 subject to approval of the governing body of the county after
898 public hearing.

899 (8) The governing body of the county may enter into an
900 interlocal agreement with the agency pursuant to s. 163.01, for
901 the joint performance or performance by either governmental
902 entity of any corporate function of the county or agency
903 necessary or appropriate to enable the agency to fulfill the
904 powers and purposes of this part and promote the efficient and
905 effective transportation of persons and goods in such county.

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



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910 Section 21. Section 348.0307, Florida Statutes, is created
911 to read:

912 348.0307 Florida Sunshine Rebate Program-The Florida
913 Sunshine Rebate Program is created within the agency. Subject to
914 compliance with any covenants made with the holders of the
915 agency's bonds which are in the trust indentures or resolutions
916 adopted in connection with the issuance of the agency's bonds,
917 the agency, at the time that any toll is incurred, shall provide
918 a 25 percent rebate to all SunPass holders whose SunPass is
919 registered to a motor vehicle registered in such county. An
920 eligible SunPass holder must be automatically enrolled in such
921 rebate program; however, the agency must be provided a mechanism
922 to allow eligible SunPass holders to opt-out of the program. The
923 agency may not impose additional requirements for receipt of the
924 reduced toll amount.

925 Section 22. Section 348.0308, Florida Statutes, is created
926 to read:

927 348.0308 Public-private partnerships.-The Legislature
928 declares that there is a public need for the rapid construction
929 of safe and efficient transportation facilities for traveling
930 within the state and that it is in the public's interest to
931 provide for public-private partnership agreements to effectuate
932 the construction of additional safe, convenient, and economical
933 transportation facilities.

934 (1) The agency may receive or solicit proposals and enter
935 into agreements with private entities, or consortia thereof, for
936 the building, operation, ownership, or financing of agency
937 transportation facilities or new transportation facilities
938 within the jurisdiction of the agency which increase



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939 transportation capacity. An agency may not sell or lease any
940 transportation facility owned by the agency without providing
941 the analysis required in s. 334.30(6)(e)2. for review and
942 approval by the Legislative Budget Commission created pursuant
943 to s. 11.90 prior to awarding a contract on a lease of an
944 existing toll facility. The agency is authorized to adopt rules
945 to implement this section and shall establish by rule an
946 application fee for the submission of unsolicited proposals
947 under this section. The fee must be sufficient to pay the costs
948 of evaluating the proposals. The agency may engage private
949 consultants to assist in the evaluation. Before approval, the
950 agency must determine that a proposed project:
951 (a) Is in the public's best interest.
952 (b) Would not require state funds to be used unless the
953 project is on, or provides increased mobility on, the State
954 Highway System.
955 (c) Would have adequate safeguards to ensure that no
956 additional costs or service disruptions would be realized by the
957 traveling public and residents of the state in the event of
958 default or the cancellation of the agreement by the agency.
959 (d) Would have adequate safeguards in place to ensure that
960 the department, the agency, or the private entity has the
961 opportunity to add capacity to the proposed project and other
962 transportation facilities serving similar origins and
963 destinations.
964 (e) Would be owned by the agency upon completion or
965 termination of the agreement.
966 (2) The agency shall ensure that all reasonable costs to
967 the state which are related to transportation facilities that



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968 are not part of the State Highway System are borne by the
969 private entity. The agency shall also ensure that all reasonable
970 costs to the state and substantially affected local governments
971 and utilities related to the private transportation facility are
972 borne by the private entity for transportation facilities that
973 are owned by private entities. For projects on the State Highway
974 System, the department may use state resources to participate in
975 funding and financing the project as provided for under the
976 department's enabling legislation.

977 (3) The agency may request proposals for public-private
978 transportation projects or, if it receives an unsolicited
979 proposal, must publish a notice in the Florida Administrative
980 Register and a newspaper of general circulation in the county in
981 which it is located at least once a week for 2 weeks, stating
982 that it has received the proposal and will accept, for 60 days
983 after the initial date of publication, other proposals for the
984 same project purpose. A copy of the notice must be mailed to
985 each local government in the affected areas. After the public
986 notification period has expired, the agency shall rank the
987 proposals in order of preference. In ranking the proposals, the
988 agency shall consider professional qualifications, general
989 business terms, innovative engineering or cost-reduction terms,
990 finance plans, and the need for state funds to deliver the
991 proposal. If the agency is not satisfied with the results of the
992 negotiations, it may, at its sole discretion, terminate
993 negotiations with the proposer. If these negotiations are
994 unsuccessful, the agency may go to the second and lower-ranked
995 firms, in order, using the same procedure. If only one proposal
996 is received, the agency may negotiate in good faith, and if it



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997 is not satisfied with the results, may, at its sole discretion,
998 terminate negotiations with the proposer. The agency may, at its
999 discretion, reject all proposals at any point in the process up
1000 to completion of a contract with the proposer.

1001 (4) Agreements entered into pursuant to this section may
1002 authorize the public-private entity to impose tolls or fares for
1003 the use of the facility. However, the amount and use of toll or
1004 fare revenues must be regulated by the agency to avoid
1005 unreasonable costs to users of the facility.

1006 (5) Each public-private transportation facility constructed
1007 pursuant to this section shall comply with all requirements of
1008 federal, state, and local laws; state, regional, and local
1009 comprehensive plans; the agency's rules, policies, procedures,
1010 and standards for transportation facilities; and any other
1011 conditions that the agency determines to be in the public's best
1012 interest.

1013 (6) The agency may exercise any power possessed by it,
1014 including eminent domain, to facilitate the development and
1015 construction of transportation projects pursuant to this
1016 section. The agency may pay all or part of the cost of operating
1017 and maintaining the facility or may provide services to the
1018 private entity for which it receives full or partial
1019 reimbursement for services rendered.

1020 (7) Except as herein provided, this section is not intended
1021 to amend existing laws by granting additional powers to or
1022 further restricting the governmental entities from regulating
1023 and entering into cooperative arrangements with the private
1024 sector for the planning, construction, and operation of
1025 transportation facilities.



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1026 Section 23. Section 348.0309, Florida Statutes, is created
1027 to read:

1028 348.0309 Bonds.—

1029 (1) Bonds may be issued on behalf of the agency as provided
1030 by the State Bond Act.

1031 (2) (a) Pursuant to this part, the agency may issue bonds
1032 that do not pledge the full faith and credit of the state in
1033 such principal amount as, in the opinion of the agency, is
1034 necessary to provide sufficient moneys for achieving its
1035 corporate purposes.

1036 (b) Such bonds, on original issuance or refunding, must be
1037 authorized by resolution of the agency, after approval of the
1038 issuance of the bonds at a public hearing, and may be either
1039 term or serial bonds, must bear such date or dates, mature at
1040 such time or times, bear interest at such rate or rates, be
1041 payable semiannually, be in such denominations, be in such form,
1042 either coupon or fully registered, shall carry such
1043 registration, exchangeability and interchangeability privileges,
1044 be payable in such medium of payment and at such place or
1045 places, be subject to such terms of redemption and be entitled
1046 to such priorities on the revenues, rates, fees, rentals, or
1047 other charges or receipts of the agency including any county
1048 gasoline tax funds received by an agency pursuant to the terms
1049 of any interlocal or lease-purchase agreement between the agency
1050 or a county, as such resolution or any resolution subsequent
1051 thereto may provide. The bonds must be executed by such officers
1052 as the agency determines under the requirements of s. 279.06.

1053 (c) The bonds shall be sold by the agency at public sale by
1054 competitive bid. However, if the agency, after receipt of a



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1055 written recommendation from a financial adviser, determines by
1056 official action after public hearing by a two-thirds vote of all
1057 voting members that a negotiated sale of the bonds is in the
1058 best interest of the agency, the agency may negotiate for sale
1059 of the bonds with the underwriter or underwriters designated by
1060 the agency and the county in which the agency exists. The agency
1061 shall provide specific findings in a resolution as to the
1062 reasons requiring the negotiated sale, which resolution must
1063 incorporate and have attached thereto the written recommendation
1064 of the financial adviser required by this subsection.

1065 (d) Any such resolution authorizing any bonds that do not
1066 pledge the full faith and credit of the state may contain
1067 provisions that are part of the contract with the holders of the
1068 bonds, as the agency determines appropriate. In addition, the
1069 agency may enter into trust indentures or other agreements with
1070 its fiscal agent, or with any bank or trust company within or
1071 without the state, as security for such bonds, and may, under
1072 the agreements, assign and pledge the revenues, rates, fees,
1073 rentals, tolls, or other charges or receipts of the agency,
1074 including any county gasoline tax funds received by the agency.

1075 (e) Any bonds issued pursuant to this part are negotiable
1076 instruments and have all the qualities and incidents of
1077 negotiable instruments under the law merchant and the negotiable
1078 instruments law of the state.

1079 (f) Each project, building, or facility that has been or
1080 will be financed by the issuance of bonds or other evidence of
1081 indebtedness and that does not pledge the full faith and credit
1082 of the state under this part, and any refinancing thereof, is
1083 subject to review and approval by the Legislative Budget



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1084 Commission.

1085 Section 24. Section 348.0310, Florida Statutes, is created
1086 to read:

1087 348.0310 Department may be appointed agent of agency for
1088 construction.—The department may be appointed by the agency as
1089 its agent for the purpose of constructing improvements and
1090 extensions to an expressway system and for the completion
1091 thereof. In such event, the agency shall provide the department
1092 with complete copies of all documents, agreements, resolutions,
1093 contracts, and instruments relating thereto; shall request the
1094 department to do such construction work, including the planning,
1095 surveying, and actual construction of the completion,
1096 extensions, and improvements to the expressway system; and shall
1097 transfer to the credit of an account of the department in the
1098 State Treasury the funds therefor. The department then shall
1099 proceed with such construction and use the funds for such
1100 purpose in the same manner as it is now authorized to use the
1101 funds otherwise provided by law for its use in the construction
1102 of roads and bridges.

1103 Section 25. Section 348.0311, Florida Statutes, is created
1104 to read:

1105 348.0311 Acquisition of lands and property.—

1106 (1) For the purposes of this act, the agency may acquire
1107 such rights, title, or interest in private or public property
1108 and such property rights, including easements, rights of access,
1109 air, view, and light, by gift, devise, purchase, or condemnation
1110 by eminent domain proceedings, as the agency may deem necessary
1111 for any of the purposes of this act, including, but not limited
1112 to, any lands reasonably necessary for securing applicable



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1113 permits, areas necessary for management of access, borrow pits,
1114 drainage ditches, water retention areas, rest areas, replacement
1115 access for landowners whose access is impaired due to the
1116 construction of an expressway system, and replacement rights-of-
1117 way for relocated rail and utility facilities; for existing,
1118 proposed, or anticipated transportation facilities on the
1119 expressway system or in a transportation corridor designated by
1120 the agency; or for the purposes of screening, relocation,
1121 removal, or disposal of junkyards and scrap metal processing
1122 facilities. The agency also may condemn any material and
1123 property necessary for such purposes.

1124 (2) The agency and its authorized agents, contractors, and
1125 employees may enter upon any lands, waters, and premises, upon
1126 giving reasonable notice to the landowner, for the purpose of
1127 making surveys, soundings, drillings, appraisals, environmental
1128 assessments including phase I and phase II environmental
1129 surveys, archaeological assessments, and such other examinations
1130 as are necessary for the acquisition of private or public
1131 property and property rights, including rights of access, air,
1132 view, and light, by gift, devise, purchase, or condemnation by
1133 eminent domain proceedings or as are necessary for the agency to
1134 perform its duties and functions; and any such entry shall not
1135 be deemed a trespass or an entry that would constitute a taking
1136 in an eminent domain proceeding. The agency shall make
1137 reimbursement for any actual damage to such lands, water, and
1138 premises as a result of such activities. Any entry authorized by
1139 this subsection shall be in compliance with the premises
1140 protections and landowner liability provisions contained in s.
1141 472.029.



1142 (3) The right of eminent domain conferred by this act must
1143 be exercised by the agency in the manner provided by law.

1144 (4) When an agency acquires property for an expressway
1145 system or in a transportation corridor as defined in s. 334.03,
1146 it is not subject to any liability imposed by chapter 376 or
1147 chapter 403 for preexisting soil or groundwater contamination
1148 due solely to its ownership. This subsection does not affect the
1149 rights or liabilities of any past or future owners of the
1150 acquired property nor does it affect the liability of any
1151 governmental entity for the results of its actions which create
1152 or exacerbate a pollution source. The agency and the Department
1153 of Environmental Protection may enter into interagency
1154 agreements for the performance, funding, and reimbursement of
1155 the investigative and remedial acts necessary for property
1156 acquired by the agency.

1157 Section 26. Section 348.0312, Florida Statutes, is created
1158 to read:

1159 348.0312 Cooperation with other units, boards, agencies,
1160 and individuals.—Express authority and power is given and
1161 granted to any county, municipality, drainage district, road and
1162 bridge district, school district, or other political
1163 subdivision, board, commission, or individual in or of this
1164 state to enter into contracts, leases, conveyances, or other
1165 agreements with the agency within the provisions and purposes of
1166 this part. For the purposes of implementing and administering
1167 this part, the agency may enter into contracts, leases,
1168 conveyances, and other agreements with any political
1169 subdivision, agency, or instrumentality of the state and any and
1170 all federal agencies, corporations, and individuals, to the



1171 extent consistent with chapters 334, 335, 338, and 339 and other
1172 law and with 23 U.S.C. ss. 101 et seq.

1173 Section 27. Section 348.0313, Florida Statutes, is created
1174 to read:

1175 348.0313 Covenant of the state.—The state hereby pledges
1176 to, and agrees with, any person, firm, corporation, or federal
1177 or state agency subscribing to or acquiring the bonds to be
1178 issued by the agency for the purposes of this part that the
1179 state will not limit or alter the rights hereby vested in the
1180 agency and the department until all bonds at any time issued,
1181 together with the interest thereon, are fully paid and
1182 discharged, insofar as the same affects the rights of the
1183 holders of bonds issued hereunder. The state does further pledge
1184 to, and agrees with, the United States that, in the event any
1185 federal agency constructs, or contributes any funds for the
1186 completion, extension, or improvement of an expressway system or
1187 any part or portion thereof, the state will not alter or limit
1188 the rights and powers of the agency and the department in a
1189 manner that would be inconsistent with the continued maintenance
1190 and operation of the expressway system or the completion,
1191 extension, or improvement thereof, or that would be inconsistent
1192 with the due performance of any agreement between the agency and
1193 any such federal agency, and the agency and the department shall
1194 continue to have and may exercise all powers granted so long as
1195 necessary or desirable for carrying out the purposes of this act
1196 and the purposes of the United States in the completion,
1197 extension, or improvement of the expressway system or any part
1198 or portion thereof.

1199 Section 28. Section 348.0314, Florida Statutes, is created



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1200 to read:

1201 348.0314 Exemption from taxation.—The effectuation of the
1202 authorized purposes of the agency is in all respects for the
1203 benefit of the people of this state, for the increase of their
1204 commerce and prosperity, and for the improvement of their health
1205 and living conditions. Therefore, the agency is not required to
1206 pay any taxes or assessments of any kind upon any property
1207 acquired by it or used by it for such purposes or upon any
1208 revenues at any time received by it. The bonds issued by or on
1209 behalf of the agency, their transfer, and the income therefrom,
1210 including any profits made on the sale thereof, are exempt from
1211 taxation of any kind by the state or by any political
1212 subdivision or other taxing agency or instrumentality thereof.
1213 The exemption granted by this section does not apply to any tax
1214 imposed under chapter 220 on interest, income, or profits on
1215 debt obligations owned by corporations.

1216 Section 29. Section 348.0315, Florida Statutes, is created
1217 to read:

1218 348.0315 Public accountability.—

1219 (1) The agency shall post the following information on its
1220 website:

1221 (a) Audited financial statements and any interim financial
1222 reports.

1223 (b) Board and committee meeting agendas, meeting packets,
1224 and minutes.

1225 (c) Bond covenants for any outstanding bond issues.

1226 (d) Agency budgets.

1227 (e) Agency contracts. For purposes of this paragraph, the
1228 term "contract" means a written agreement or purchase order



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1229 issued for the purchase of goods or services or a written
1230 agreement for the receipt of state or federal financial
1231 assistance.

1232 (f) Agency expenditure data, which must include the name of
1233 the payee, the date of the expenditure, and the amount of the
1234 expenditure. Such data must be searchable by name of the payee,
1235 name of the paying agency, and fiscal year and must be
1236 downloadable in a format that allows offline analysis.

1237 (g) Information relating to current, recently completed,
1238 and future projects on authority facilities.

1239 (2) Beginning October 1, 2020, and annually thereafter, the
1240 agency shall submit to the board of county commissioners of the
1241 county and the metropolitan planning organization for that
1242 county a report providing information regarding the amount of
1243 tolls collected and how those tolls were used in the authority's
1244 previous fiscal year. The report shall be posted on the agency's
1245 website.

1246 Section 30. Section 348.0316, Florida Statutes, is created
1247 to read:

1248 348.0316 Eligibility for investments and security.—Any
1249 bonds or other obligations issued pursuant to this part are and
1250 constitute legal investments for banks, savings banks, trustees,
1251 executors, administrators, and all other fiduciaries, and for
1252 all state, municipal and other public funds and also are and
1253 constitute securities eligible for deposit as security for all
1254 state, municipal, or other public funds, notwithstanding any
1255 other law to the contrary.

1256 Section 31. Section 348.0317, Florida Statutes, is created
1257 to read:



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1258 348.0317 Pledges enforceable by bondholders.—It is the
1259 express intention of this part that any pledge by the department
1260 of rates, fees, revenues, county gasoline tax funds or other
1261 funds, as rentals, to the agency, or any covenants or agreements
1262 relative thereto, are enforceable in any court of competent
1263 jurisdiction against the agency or directly against the
1264 department by any holder of bonds issued by agency.

1265 Section 32. Section 348.0318, Florida Statutes, is created
1266 to read:

1267 348.0318 Additional authority.—

1268 (1) The powers conferred by this part are in addition and
1269 supplemental to the existing powers of the board and the
1270 department, and this part may not be construed as repealing any
1271 of the provisions, of any other law, general, special, or local,
1272 but to supersede such other laws in the exercise of the powers
1273 provided in this part, and to provide a complete method for the
1274 exercise of the powers granted in this part. The extension and
1275 improvement of the expressway system, and the issuance of bonds
1276 pursuant to this part to finance all or part of the cost of the
1277 system, may be accomplished upon compliance with this part
1278 without regard to or necessity for compliance with the
1279 provisions, limitations, or restrictions contained in any other
1280 general, special, or local law, including, but not limited to,
1281 s. 215.821, and no approval of any bonds issued under this part
1282 by the qualified electors or qualified electors who are
1283 freeholders in the state or in Miami-Dade County, or in any
1284 other political subdivision of the state, is required for the
1285 issuance of such bonds pursuant to this part, including, but not
1286 limited to s. 215.821.



1287 (2) This part does not repeal, rescind, or modify any other
1288 law relating to the State Board of Administration, the
1289 Department of Transportation, or the Division of Bond Finance of
1290 the State Board of Administration, but supersedes any law that
1291 is inconsistent with this part, including, but not limited to,
1292 s. 215.821.

1293 Section 33. (1) Effective upon this act becoming a law, the
1294 governance and control of the Miami-Dade County Expressway
1295 Authority is transferred to the Greater Miami Expressway Agency
1296 pursuant to the terms of this section. The assets, facilities,
1297 tangible and intangible property and any rights in such
1298 property, and any other legal rights of the authority, including
1299 the expressway system operated by the authority, are transferred
1300 to the agency. The agency succeeds to all powers of the
1301 authority, and the operations and maintenance of the expressway
1302 system is under the control of the agency. Revenues collected on
1303 the expressway system are considered agency revenues but are
1304 subject to the lien of the trust indentures securing the Miami-
1305 Dade County Expressway Authority bonds. The agency also assumes
1306 all liability for bonds of the authority pursuant to subsection
1307 (2) and the satisfaction of any judgment against the authority
1308 that may ultimately become due as a result of litigation
1309 commenced prior to the effective date of this act. The agency
1310 shall, in consultation with the Division of Bond Finance, review
1311 all other contracts, financial obligations, and contractual
1312 relationships and liabilities of the authority, and the agency
1313 may assume responsibility for the obligations that are
1314 determined to be necessary or desirable for the continued
1315 operation of the expressway system. Employees, officers, and



1316 members of the authority may not sell, dispose, encumber,
1317 transfer, or expend the assets of the authority as existed and
1318 reflected in the authority's financial statements for the fiscal
1319 year ended June 30, 2018, other than in the ordinary course of
1320 business. For purposes of this section, incurring debt or
1321 issuing bonds for projects contained in the 5-year work program
1322 approved and adopted by the authority on December 5, 2018, is
1323 not considered the ordinary course of business. Notwithstanding
1324 the foregoing, this part does not prevent the authority from
1325 designing and planning projects contained in the 5-year work
1326 program approved and adopted by the authority on December 5,
1327 2018.

1328 (2) The transfer pursuant to this section is subject to all
1329 terms and covenants provided for the protection of the holders
1330 of the Miami-Dade County Expressway Authority bonds in the trust
1331 indentures or resolutions adopted in connection with the
1332 issuance of such bonds. Further, the transfer does not impair
1333 the terms of the contract between the authority and the
1334 bondholders, does not act to the detriment of the bondholders,
1335 and does not diminish the security for the bonds. After the
1336 transfer, the agency shall operate and maintain the expressway
1337 system and any other facilities of the authority in accordance
1338 with the terms, conditions, and covenants contained in the trust
1339 indentures or bond resolutions securing such bonds. The agency
1340 shall collect toll revenues and apply them to the payment of
1341 debt service as provided in the trust indentures or bond
1342 resolutions securing such bonds and expressly assumes all
1343 obligations relating to the bonds to ensure that the transfer of
1344 the authority will not have any adverse impact on the security



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1345 for the bonds of the authority.

1346 Section 34. The Miami-Dade County Expressway Authority is
1347 dissolved.

1348 Section 35. Section 348.635, Florida Statutes, is created
1349 to read:

1350 348.635 Public-private partnership.—The Legislature
1351 declares that there is a public need for the rapid construction
1352 of safe and efficient transportation facilities for traveling
1353 within the state and that it is in the public's interest to
1354 provide for public-private partnership agreements to effectuate
1355 the construction of additional safe, convenient, and economical
1356 transportation facilities.

1357 (1) Notwithstanding any other provision of this part, the
1358 authority may receive or solicit proposals and enter into
1359 agreements with private entities, or consortia thereof, for the
1360 building, operation, ownership, or financing of authority
1361 transportation facilities or new transportation facilities
1362 within the jurisdiction of the authority which increase
1363 transportation capacity. The authority may not sell or lease any
1364 transportation facility owned by the authority without providing
1365 the analysis required in s. 334.30(6)(e)2. to the Legislative
1366 Budget Commission created pursuant to s. 11.90 for review and
1367 approval before awarding a contract on a lease of an existing
1368 toll facility. The authority may adopt rules to implement this
1369 section and shall establish by rule an application fee for the
1370 submission of unsolicited proposals under this section. The fee
1371 must be sufficient to pay the costs of evaluating the proposals.
1372 The authority may engage private consultants to assist in the
1373 evaluation. Before approval, the authority must determine that a



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1374 proposed project:

1375 (a) Is in the public's best interest.

1376 (b) Would not require state funds to be used unless the
1377 project is on or provides increased mobility on the State
1378 Highway System.

1379 (c) Would have adequate safeguards to ensure that no
1380 additional costs or service disruptions would be realized by the
1381 traveling public and residents of the state in the event of
1382 default or the cancellation of the agreement by the authority.

1383 (d) Would have adequate safeguards in place to ensure that
1384 the department, the authority, or the private entity has the
1385 opportunity to add capacity to the proposed project and other
1386 transportation facilities serving similar origins and
1387 destinations.

1388 (e) Would be owned by the authority upon completion or
1389 termination of the agreement.

1390 (2) The authority shall ensure that all reasonable costs to
1391 the state which are related to transportation facilities that
1392 are not part of the State Highway System are borne by the
1393 private entity. The authority also shall ensure that all
1394 reasonable costs to the state and substantially affected local
1395 governments and utilities related to the private transportation
1396 facility are borne by the private entity for transportation
1397 facilities that are owned by private entities. For projects on
1398 the State Highway System, the department may use state resources
1399 to participate in funding and financing the project as provided
1400 for under the department's enabling legislation.

1401 (3) The authority may request proposals for public-private
1402 transportation projects or, if it receives an unsolicited



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1403 proposal, it must publish a notice in the Florida Administrative
1404 Register and a newspaper of general circulation in the county in
1405 which it is located at least once a week for 2 weeks stating
1406 that it has received the proposal and will accept, for 60 days
1407 after the initial date of publication, other proposals for the
1408 same project purpose. A copy of the notice must be mailed to
1409 each local government in the affected areas. After the public
1410 notification period has expired, the authority shall rank the
1411 proposals in order of preference. In ranking the proposals, the
1412 authority shall consider professional qualifications, general
1413 business terms, innovative engineering or cost-reduction terms,
1414 finance plans, and the need for state funds to deliver the
1415 proposal. If the authority is not satisfied with the results of
1416 the negotiations, it may, at its discretion, terminate
1417 negotiations with the proposer. If these negotiations are
1418 unsuccessful, the authority may go to the second and lower-
1419 ranked firms, in order, using the same procedure. If only one
1420 proposal is received, the authority may negotiate in good faith,
1421 and, if it is not satisfied with the results, may, at its sole
1422 discretion, terminate negotiations with the proposer. The
1423 authority may, at its discretion, reject all proposals at any
1424 point in the process up to completion of a contract with the
1425 proposer.

1426 (4) Agreements entered into pursuant to this section may
1427 authorize the public-private entity to impose tolls or fares for
1428 the use of the facility. However, the amount and use of toll or
1429 fare revenues must be regulated by the authority to avoid
1430 unreasonable costs to users of the facility.

1431 (5) Each public-private transportation facility constructed



1432 pursuant to this section shall comply with all requirements of
1433 federal, state, and local laws; state, regional, and local
1434 comprehensive plans; the authority's rules, policies,
1435 procedures, and standards for transportation facilities; and any
1436 other conditions that the authority determines to be in the
1437 public's best interest.

1438 (6) The authority may exercise any power possessed by it,
1439 including eminent domain, to facilitate the development and
1440 construction of transportation projects pursuant to this
1441 section. The authority may pay all or part of the cost of
1442 operating and maintaining the facility or may provide services
1443 to the private entity for which it receives full or partial
1444 reimbursement for services rendered.

1445 (7) Except as herein provided, this section is not intended
1446 to amend existing laws by granting additional powers to or
1447 further restricting the governmental entities from regulating
1448 and entering into cooperative arrangements with the private
1449 sector for the planning, construction, and operation of
1450 transportation facilities.

1451 Section 36. Section 348.7605, Florida Statutes, is created
1452 to read:

1453 348.7605 Public-private partnership.—The Legislature
1454 declares that there is a public need for the rapid construction
1455 of safe and efficient transportation facilities for traveling
1456 within the state and that it is in the public's interest to
1457 provide for public-private partnership agreements to effectuate
1458 the construction of additional safe, convenient, and economical
1459 transportation facilities.

1460 (1) Notwithstanding any other provision of this part, the



1461 authority may receive or solicit proposals and enter into
1462 agreements with private entities, or consortia thereof, for the
1463 building, operation, ownership, or financing of authority
1464 transportation facilities or new transportation facilities
1465 within the jurisdiction of the authority which increase
1466 transportation capacity. The authority may not sell or lease any
1467 transportation facility owned by the authority without providing
1468 the analysis required in s. 334.30(6)(e)2. to the Legislative
1469 Budget Commission created pursuant to s. 11.90 for review and
1470 approval before awarding a contract on a lease of an existing
1471 toll facility. The authority may adopt rules to implement this
1472 section and shall, by rule, establish an application fee for the
1473 submission of unsolicited proposals under this section. The fee
1474 must be sufficient to pay the costs of evaluating the proposals.
1475 The authority may engage private consultants to assist in the
1476 evaluation. Before approval, the authority must determine that a
1477 proposed project:

1478 (a) Is in the public's best interest.

1479 (b) Would not require state funds to be used unless the
1480 project is on or provides increased mobility on the State
1481 Highway System.

1482 (c) Would have adequate safeguards to ensure that no
1483 additional costs or service disruptions would be realized by the
1484 traveling public and residents of the state in the event of
1485 default or the cancellation of the agreement by the authority.

1486 (d) Would have adequate safeguards in place to ensure that
1487 the department, the authority, or the private entity has the
1488 opportunity to add capacity to the proposed project and other
1489 transportation facilities serving similar origins and



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1490 destinations.

1491 (e) Would be owned by the authority upon completion or
1492 termination of the agreement.

1493 (2) The authority shall ensure that all reasonable costs to
1494 the state which are related to transportation facilities that
1495 are not part of the State Highway System are borne by the
1496 private entity. The authority shall also ensure that all
1497 reasonable costs to the state and substantially affected local
1498 governments and utilities related to the private transportation
1499 facility are borne by the private entity for transportation
1500 facilities that are owned by private entities. For projects on
1501 the State Highway System, the department may use state resources
1502 to participate in funding and financing the project as provided
1503 for under the department's enabling legislation.

1504 (3) The authority may request proposals for public-private
1505 transportation projects or, if it receives an unsolicited
1506 proposal, it must publish a notice in the Florida Administrative
1507 Register and a newspaper of general circulation in the county in
1508 which it is located at least once a week for 2 weeks stating
1509 that it has received the proposal and will accept, for 60 days
1510 after the initial date of publication, other proposals for the
1511 same project purpose. A copy of the notice must be mailed to
1512 each local government in the affected areas. After the public
1513 notification period has expired, the authority shall rank the
1514 proposals in order of preference. In ranking the proposals, the
1515 authority shall consider professional qualifications, general
1516 business terms, innovative engineering or cost-reduction terms,
1517 finance plans, and the need for state funds to deliver the
1518 proposal. If the authority is not satisfied with the results of



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1519 the negotiations, it may, at its sole discretion, terminate
1520 negotiations with the proposer. If these negotiations are
1521 unsuccessful, the authority may go to the second and lower-
1522 ranked firms, in order, using the same procedure. If only one
1523 proposal is received, the authority may negotiate in good faith,
1524 and if it is not satisfied with the results, it may, at its sole
1525 discretion, terminate negotiations with the proposer. The
1526 authority may, at its discretion, reject all proposals at any
1527 point in the process up to completion of a contract with the
1528 proposer.

1529 (4) Agreements entered into pursuant to this section may
1530 authorize the public-private entity to impose tolls or fares for
1531 the use of the facility. However, the amount and use of toll or
1532 fare revenues shall be regulated by the authority to avoid
1533 unreasonable costs to users of the facility.

1534 (5) Each public-private transportation facility constructed
1535 pursuant to this section shall comply with all requirements of
1536 federal, state, and local laws; state, regional, and local
1537 comprehensive plans; the authority's rules, policies,
1538 procedures, and standards for transportation facilities; and any
1539 other conditions that the authority determines to be in the
1540 public's best interest.

1541 (6) The authority may exercise any power possessed by it,
1542 including eminent domain, to facilitate the development and
1543 construction of transportation projects pursuant to this
1544 section. The authority may pay all or part of the cost of
1545 operating and maintaining the facility or may provide services
1546 to the private entity for which it receives full or partial
1547 reimbursement for services rendered.



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1548 (7) Except as herein provided, this section is not intended
1549 to amend existing laws by granting additional powers to or
1550 further restricting the governmental entities from regulating
1551 and entering into cooperative arrangements with the private
1552 sector for the planning, construction, and operation of
1553 transportation facilities.

1554 Section 37. Pursuant to section 20 of chapter 2014-171,
1555 Laws of Florida, part V of chapter 348, Florida Statutes,
1556 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
1557 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
1558 348.9961, is repealed.

1559 Section 38. The Office of Program Policy Analysis and
1560 Government Accountability shall conduct a feasibility analysis
1561 of the Florida Turnpike Enterprise conducting a rebate program
1562 for SunPass users. The office shall submit a report of its
1563 finding and recommendations to the Governor, the President of
1564 the Senate, and the Speaker of the House of Representatives no
1565 later than December 1, 2019.

1566 Section 39. Except as otherwise expressly provided in this
1567 act and except for this section, which shall take effect upon
1568 this act becoming a law, this act shall take effect July 1,
1569 2019.

1570
1571 ===== T I T L E A M E N D M E N T =====

1572 And the title is amended as follows:

1573 Delete everything before the enacting clause
1574 and insert:

1575 A bill to be entitled

1576 An act relating to transportation; amending s. 20.23,



1577 F.S.; conforming provisions to changes made by the
1578 act; amending s. 112.3144, F.S.; deleting an obsolete
1579 provision; requiring members of certain authorities to
1580 comply with certain financial disclosure requirements;
1581 amending s. 212.055, F.S.; revising the authorized
1582 uses of proceeds from charter county and regional
1583 transportation system surtaxes; requiring certain
1584 counties to use surtax proceeds for purposes related
1585 to fixed guideway rapid transit systems, bus systems,
1586 and development of dedicated facilities for autonomous
1587 vehicles; authorizing the use of surtax proceeds for
1588 the purchase of rights-of-way under certain
1589 circumstances; authorizing the use of surtax proceeds
1590 for refinancing existing bonds; authorizing a
1591 percentage of surtax proceeds to be distributed to
1592 certain municipalities to be used for certain
1593 purposes; prohibiting the use of such proceeds for
1594 certain purposes; amending s. 215.68, F.S.; conforming
1595 provisions to changes made by the act; reviving,
1596 reenacting, and amending s. 319.141, F.S.; redefining
1597 the term "rebuilt inspection services"; revising
1598 requirements related to the Pilot Rebuilt motor
1599 vehicle inspection program; providing requirements for
1600 participants; providing rulemaking authority;
1601 providing reporting requirements; providing for future
1602 repeal of the program; amending s. 334.175, F.S.;
1603 requiring the Department of Transportation to approve
1604 design plans for all transportation projects relating
1605 to department-owned rights-of-way under certain



1606 circumstances; amending s. 337.025, F.S.; authorizing
1607 the department to establish a program for
1608 transportation projects that demonstrate certain
1609 innovative techniques for measuring resiliency and
1610 structural integrity and controlling time and cost
1611 increases; providing requirements for proposed
1612 projects; amending s. 338.165, F.S.; deleting cross-
1613 references; amending s. 338.166, F.S.; limiting the
1614 toll rate for high-occupancy toll lanes or express
1615 lanes in certain counties; requiring a certain report;
1616 amending s. 338.231, F.S.; requiring the department to
1617 commit all net toll collections attributable to users
1618 of turnpike facilities in certain counties to projects
1619 and bond finance commitments in each respective
1620 county; amending s. 339.175, F.S.; revising the
1621 membership of the metropolitan planning organization
1622 in certain counties; prohibiting the metropolitan
1623 planning organization in such counties from charging a
1624 certain fee; amending s. 343.1003, F.S.; revising a
1625 cross-reference; repealing part I of chapter 348,
1626 F.S., relating to the creation and operation of the
1627 Florida Expressway Authority Act; creating part I of
1628 Ch. 348, F.S.; titled "Greater Miami Expressway
1629 Agency"; creating s. 348.0301, F.S.; providing a short
1630 title; creating s. 348.0302, F.S.; providing
1631 applicability; creating s. 348.0303, F.S.; providing
1632 definitions; creating s. 348.0304, F.S.; creating the
1633 Greater Miami Expressway Agency; providing for
1634 membership on the governing body of the agency;



544834

1635 providing restrictions on membership; providing for
1636 executive officers; providing quorum requirements;
1637 requiring the initial meeting of the governing body by
1638 a date certain; requiring an oath of office;
1639 authorizing certain employees; authorizing the
1640 delegation of certain functions; prohibiting certain
1641 persons from being executive director of the agency;
1642 requiring the appointment of an interim executive
1643 director by a date certain; providing that members of
1644 the agency are not entitled to compensation, but are
1645 entitled to specified expenses; creating 348.0305,
1646 F.S.; providing ethics requirements for the agency;
1647 providing that a specified chapter in law is
1648 applicable; prohibiting lobbyists from serving on the
1649 governing body; prohibiting persons with certain
1650 interests from being appointed to the governing body;
1651 providing certain prohibitions for members and
1652 employees of the agency; providing certain post-
1653 employment restrictions; requiring an ethics officer;
1654 prohibiting the use of specified positions for certain
1655 purposes; providing disclosure requirements; requiring
1656 specified policies and training; providing
1657 applicability; providing penalties; creating s
1658 348.0306, F.S.; providing agency purposes and powers;
1659 requiring the construction of expressways; providing
1660 specified powers of the agency; prohibiting an
1661 increase in toll rates until a specified date;
1662 requiring a supermajority vote for an increase in toll
1663 rates; providing a limit to administrative costs;



1664 requiring the Florida Transportation Commission to
1665 determine average administrative costs; requiring a
1666 minimum distance between tolling points; providing
1667 that the change in distances may be revenue neutral;
1668 providing reimbursement and refund requirements;
1669 providing requirements for agency projects; requiring
1670 certain written consent for the use or pledge of
1671 county gasoline tax funds; providing requirements for
1672 the filing of certain reports or documentation;
1673 prohibiting construction by the agency under certain
1674 circumstances; requiring an annual financial audit and
1675 audit report, subject to certain requirements;
1676 creating s. 348.0307, F.S.; creating the Florida
1677 Sunshine Rebate Program; requiring the agency to
1678 provide specified rebates to specified SunPass
1679 holders; providing for automatic eligibility;
1680 providing for an opt-out provision; creating s.
1681 348.0308, F.S.; providing a legislative declaration;
1682 authorizing the agency to enter into certain public-
1683 private partnership agreements; authorizing
1684 solicitation or receipt of certain proposals;
1685 providing rulemaking authority; providing approval
1686 requirements; requiring certain costs to be borne by
1687 the private entity; providing notice requirements for
1688 requests for proposals; providing for ranking and
1689 negotiation of proposals; requiring the agency to
1690 regulate tolls on certain facilities; requiring
1691 compliance with specified laws, rules, and conditions;
1692 providing for development, construction, operation,



1693 and maintenance of transportation projects by the
1694 agency or private entities; providing construction;
1695 creating s. 348.0309, F.S.; authorizing the agency to
1696 have bonds issued as provided in the State Bond Act;
1697 authorizing the agency to issue its own bonds;
1698 providing requirements for the issuance of such bonds;
1699 requiring the sale of bonds at a public sale;
1700 providing an exception; requiring Legislative approval
1701 of certain indebtedness; creating s. 348.0310, F.S.;
1702 providing the Department of Transportation may be
1703 appointed as an agent of the agency for construction;
1704 requiring the agency to provide specified documents to
1705 the department; creating s. 348.0311, F.S.;
1706 authorizing the authority to acquire land and
1707 property; authorizing specified persons to enter upon
1708 specified properties; providing for eminent domain
1709 authority; prohibiting certain liability of the
1710 agency; authorizing certain interagency agreements
1711 between the agency and the Department of Environmental
1712 Protection; creating s. 348.0312, F.S.; authorizing
1713 cooperation with other units of government and
1714 individuals; creating s. 348.0313, F.S.; providing a
1715 covenant of the state that it will not change certain
1716 laws; creating s. 348.0314, F.S.; providing an
1717 exemption from taxation; creating s. 348.0315, F.S.;
1718 requiring specified documents to be posted on the
1719 agency's website; requiring a certain report; creating
1720 s. 348.0316, F.S.; providing that specified bonds or
1721 obligations are eligible investments for certain



1722 purposes; creating s. 348.0317, F.S.; providing that
1723 specified pledges are enforceable by bondholders;
1724 creating s. 348.0318, F.S.; providing additional
1725 authority; transferring the assets and liabilities of
1726 the Miami-Dade County Expressway Authority to the
1727 Greater Miami Expressway Agency; providing terms of
1728 the transfer; providing that the agency succeeds to
1729 all powers of the authority; providing that revenues
1730 collected on the expressway system are agency
1731 revenues; requiring the agency, in consultation with
1732 the Division of Bond Finance, to review certain
1733 documents of the agency; providing terms and
1734 conditions of the transfer; providing for the
1735 dissolution of the Miami-Dade County Expressway
1736 Authority; creating ss. 348.635 and 348.7605, F.S.;
1737 providing a legislative declaration; authorizing the
1738 Tampa-Hillsborough County Expressway Authority and the
1739 Central Florida Expressway Authority, respectively, to
1740 enter into public-private partnership agreements;
1741 authorizing solicitation or receipt of certain
1742 proposals; providing rulemaking authority; providing
1743 approval requirements; requiring certain costs to be
1744 borne by the private entity; providing notice
1745 requirements for requests for proposals; providing for
1746 ranking and negotiation of proposals; requiring the
1747 authorities to regulate tolls on certain facilities;
1748 requiring compliance with specified laws, rules, and
1749 conditions; providing for development, construction,
1750 operation, and maintenance of transportation projects



544834

1751 by the authorities or private entities; providing
1752 construction; repealing part V of ch. 348, F.S.,
1753 relating to the Osceola County Expressway Authority
1754 Law; requiring the Office of Program Policy Analysis
1755 and Government Accountability to submit a certain
1756 report; providing effective dates.



684970

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Taddeo) recommended the following:

1 **Senate Amendment to Amendment (544834) (with title**
2 **amendment)**

3
4 Delete lines 78 - 188.

5 Delete lines 633 - 638.

6
7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete lines 1581 - 1594

10 and insert:



684970

11 amending s. 215.68, F.S.; conforming
12 Delete lines 1640 - 1643
13 and insert:
14 delegation of certain functions; providing that
15 members of



912376

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Diaz) recommended the following:

1 **Senate Amendment to Amendment (544834) (with title**
2 **amendment)**

3
4 Delete lines 421 - 453.

5
6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Delete lines 1616 - 1620

9 and insert:



912376

10

amending s. 339.175, F.S.; revising the



733374

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Taddeo) recommended the following:

Senate Amendment to Amendment (544834)

Delete lines 579 - 588
and insert:

(2) (a) The governing body of the agency shall consist of seven voting members, each of whom must be a permanent resident of the county and may not hold elected office. Each member may serve only two 4-year terms. The Miami-Dade County Commission shall appoint four members, of which two members must live in the unincorporated areas of Miami-Dade County within 15 miles of



733374

11 the area with the highest amount of toll roads. The other two
12 members must live in municipalities of Miami-Dade County, but
13 cannot be from the same municipality. The Governor shall appoint
14 three members living in Miami-Dade County, but such members
15 cannot be from the same municipality.



433646

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/08/2019	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Diaz) recommended the following:

Senate Amendment to Amendment (544834)

Delete lines 582 - 586

and insert:

serve only two 4-year terms. All seven members shall be appointed by the Governor, subject to confirmation by the Senate. The district secretary of the department serving in

By the Committee on Infrastructure and Security; and Senator
Diaz

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 rights-of-way under certain circumstances; amending s.
31 337.025, F.S.; authorizing the department to establish
32 a program for transportation projects that demonstrate
33 certain innovative techniques for measuring resiliency
34 and structural integrity and controlling time and cost
35 increases; amending s. 338.165, F.S.; conforming
36 provisions to changes made by the act; amending s.
37 338.166, F.S.; limiting the toll rate for high-
38 occupancy toll lanes or express lanes in certain
39 counties; amending s. 338.231, F.S.; requiring the
40 department to commit all net toll collections
41 attributable to users of turnpike facilities in
42 certain counties to projects and bond finance
43 commitments in each respective county; creating s.
44 338.271, F.S.; requiring the department to assume the
45 assets and liabilities of the former Miami-Dade County
46 Expressway Authority; requiring the department to
47 continue tolls on certain facilities until bond
48 obligations are fully discharged; prohibiting certain
49 toll increases on former authority facilities;
50 requiring specified fees to be deposited in a
51 specified trust fund to be used for specified
52 purposes; providing for the use of excess revenues;
53 prohibiting facilities of the former authority from
54 becoming facilities of the Florida Turnpike
55 Enterprise; providing that such facilities are not
56 subject to the Florida Turnpike Enterprise Law;
57 amending s. 343.1003, F.S.; revising a cross-
58 reference; repealing part I of chapter 348, F.S.,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 relating to the creation and operation of the Florida
60 Expressway Authority Act; transferring the assets and
61 liabilities of the Miami-Dade County Expressway
62 Authority to the department; providing terms of the
63 transfer; providing that the department succeeds to
64 all powers of the authority; providing that revenues
65 collected on the expressway system are department
66 revenues; requiring the department, in consultation
67 with the Division of Bond Finance, to review certain
68 documents of the authority; providing terms and
69 conditions of the transfer; providing requirements for
70 the use of cost savings and unencumbered cash
71 balances; requiring the department to display certain
72 signs; requiring an annual report to the Miami-Dade
73 County Board of County Commissioners and the Miami-
74 Dade County Transportation Planning Organization;
75 creating ss. 348.635 and 348.7605, F.S.; providing a
76 legislative declaration; authorizing the Tampa-
77 Hillsborough County Expressway Authority and the
78 Central Florida Expressway Authority, respectively, to
79 enter into public-private partnership agreements;
80 authorizing solicitation or receipt of certain
81 proposals; providing rulemaking authority; providing
82 approval requirements; requiring certain costs to be
83 borne by the private entity; providing notice
84 requirements for requests for proposals; providing for
85 ranking and negotiation of proposals; requiring the
86 authorities to regulate tolls on certain facilities;
87 requiring compliance with specified laws, rules, and

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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88 conditions; providing for development, construction,
89 operation, and maintenance of transportation projects
90 by the authorities or private entities; providing
91 construction; repealing part V of ch. 348, F.S.,
92 relating to the Osceola County Expressway Authority
93 Law; providing effective dates.
94

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

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

99 20.23 Department of Transportation.—There is created a
100 Department of Transportation which shall be a decentralized
101 agency.

102 (2)

103 (b) The commission shall:

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

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

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

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117 consider methods of accomplishing the goals of the department in
118 the most effective, efficient, and businesslike manner.

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

123 5. Monitor on at least a quarterly basis, the efficiency,
124 productivity, and management of the department using performance
125 and production standards developed by the commission pursuant to
126 s. 334.045.

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

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

142 8. Monitor the efficiency, productivity, and management of
143 the authorities created under chapters 348 and 349, ~~including~~
144 ~~any authority formed using part I of chapter 348;~~ the Mid-Bay
145 Bridge Authority re-created pursuant to chapter 2000-411, Laws

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146 of Florida; and any authority formed under chapter 343. The
147 commission shall also conduct periodic reviews of each
148 authority's operations and budget, acquisition of property,
149 management of revenue and bond proceeds, and compliance with
150 applicable laws and generally accepted accounting principles.

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

153 112.3144 Full and public disclosure of financial
154 interests.—

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

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

169 Section 3. Paragraph (d) of subsection (1) of section
170 212.055, Florida Statutes, is amended to read:

171 212.055 Discretionary sales surtaxes; legislative intent;
172 authorization and use of proceeds.—It is the legislative intent
173 that any authorization for imposition of a discretionary sales
174 surtax shall be published in the Florida Statutes as a

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

184 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM
 185 SURTAX.—

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

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

195 b.2- Remitted by the governing body of the county to an
 196 expressway, transit, or transportation authority created by law
 197 to be used, at the discretion of such authority, for the
 198 development, construction, operation, or maintenance of roads or
 199 bridges in the county, for the operation and maintenance of a
 200 bus system, for the operation and maintenance of on-demand
 201 transportation services, for the payment of principal and
 202 interest on existing bonds issued for the construction of such
 203 roads or bridges, and, upon approval by the county commission,

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204 such proceeds may be pledged for bonds issued to refinance
 205 existing bonds or new bonds issued for the construction of such
 206 roads or bridges;

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

219 c.4- Used by the county for the planning, development,
 220 construction, operation, and maintenance of roads and bridges in
 221 the county; for the planning, development, expansion, operation,
 222 and maintenance of bus and fixed guideway systems; for the
 223 planning, development, construction, expansion, operation, and
 224 maintenance of on-demand transportation services; and for the
 225 payment of principal and interest on bonds issued for the
 226 construction of fixed guideway rapid transit systems, bus
 227 systems, roads, or bridges; and such proceeds may be pledged by
 228 the governing body of the county for bonds issued to refinance
 229 existing bonds or new bonds issued for the construction of such
 230 fixed guideway rapid transit systems, bus systems, roads, or
 231 bridges. Pursuant to an interlocal agreement entered into
 232 pursuant to chapter 163, the governing body of the county may

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233 distribute proceeds from the tax to a municipality, or an
 234 expressway or transportation authority created by law to be
 235 expended for the purpose authorized by this paragraph. Any
 236 county that has entered into interlocal agreements for
 237 distribution of proceeds to one or more municipalities in the
 238 county shall revise such interlocal agreements no less than
 239 every 5 years in order to include any municipalities that have
 240 been created since the prior interlocal agreements were
 241 executed.

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

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

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

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

256 (IV) The payment of principal and interest on bonds
 257 previously issued related to fixed guideway rapid transit
 258 systems or bus systems.

259 (V) As security by the governing body of the county to
 260 refinance existing bonds or to issue new bonds for the planning,
 261 design, engineering, or construction of fixed guideway rapid

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262 transit systems, bus rapid transit systems, or bus systems.

263 b. Effective October 1, 2022, to the extent not prohibited
 264 by contracts or bond covenants in effect on that date, not more
 265 than 25 percent of the surtax proceeds may be distributed to
 266 municipalities in total in a county as defined in s. 125.011(1).
 267 Such municipalities may use the surtax proceeds to plan,
 268 develop, construct, operate, and maintain roads and bridges in
 269 the municipality and to pay the principal and interest on bonds
 270 issued to construct roads or bridges. The governing body of the
 271 municipality may pledge the proceeds for bonds issued to
 272 refinance existing bonds or new bonds issued to construct such
 273 roads or bridges. Additionally, each such municipality may use
 274 surtax proceeds for transit systems within the municipality.

275 c. Effective October 1, 2022, in a county as defined in s.
 276 125.011(1), proceeds from the surtax may not be used for
 277 salaries or other personnel expenses of the county
 278 transportation department.

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

281 215.68 Issuance of bonds; form; maturity date, execution,
 282 sale.—

283 (2) Such bonds may:

284 (a) Be issued in either coupon form or registered form or
 285 both;

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

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

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291 (d) Have such provisions for registration of coupon bonds
 292 and conversion and reconversion of bonds from coupon to
 293 registered form or from registered form to coupon form;

294 (e) Have such provisions for payment at maturity and
 295 redemption ~~before~~ prior to maturity at such time or times and at
 296 such price or prices; and

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

299

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

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

306 319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.—

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

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

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

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

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

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

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

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

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349 remuneration, directly or indirectly, for the referral of
350 customers for rebuilt inspection services.

351 (c) Have and maintain garage liability and other insurance
352 required by the department.

353 (d) Have completed criminal background checks of the
354 owners, partners, and corporate officers and the inspectors
355 employed by the facility.

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

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

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

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

373 Section 6. Section 334.175, Florida Statutes, is amended to
374 read:

375 334.175 Certification of project design plans and surveys.-

376 (1) All design plans and surveys prepared by or for the
377 department shall be signed, sealed, and certified by the

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378 professional engineer or surveyor or architect or landscape
379 architect in responsible charge of the project work. Such
380 professional engineer, surveyor, architect, or landscape
381 architect must be duly registered in this state.

382 (2) For all transportation projects on, under, over, or
383 abutting a department-owned right-of-way and regardless of
384 funding source, the department shall approve the design plans
385 for such projects if such design plans meet department design
386 standards.

387 Section 7. Section 337.025, Florida Statutes, is amended to
388 read:

389 337.025 Innovative transportation highway projects;
390 department to establish program.-

391 (1) The department ~~may is authorized to~~ establish a program
392 for transportation highway projects demonstrating innovative
393 techniques of highway and bridge design, construction,
394 maintenance, and finance which have the intended effect of
395 measuring resiliency and structural integrity and controlling
396 time and cost increases on construction projects. Such
397 techniques may include, but are not limited to, state-of-the-art
398 technology for pavement, safety, and other aspects of highway
399 and bridge design, construction, and maintenance; innovative
400 bidding and financing techniques; accelerated construction
401 procedures; and those techniques that have the potential to
402 reduce project life cycle costs. To the maximum extent
403 practical, the department must use the existing process to award
404 and administer construction and maintenance contracts. When
405 specific innovative techniques are to be used, the department is
406 not required to adhere to those provisions of law that would

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407 prevent, preclude, or in any way prohibit the department from
 408 using the innovative technique. However, ~~before~~ ~~prior to~~ using
 409 an innovative technique that is inconsistent with another
 410 provision of law, the department must document in writing the
 411 need for the exception and identify what benefits the traveling
 412 public and the affected community are anticipated to receive.
 413 The department may enter into no more than \$120 million in
 414 contracts annually for the purposes authorized by this section.

415 (2) The annual cap on contracts provided in subsection (1)
 416 shall not apply to:

417 (a) Turnpike enterprise projects, and turnpike enterprise
 418 projects shall not be counted toward the department's annual
 419 cap.

420 (b) Transportation projects funded by the American Recovery
 421 and Reinvestment Act of 2009.

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

424 338.165 Continuation of tolls.—

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

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

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

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

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

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

446 338.231 Turnpike tolls, fixing; pledge of tolls and other
 447 revenues.—The department shall at all times fix, adjust, charge,
 448 and collect such tolls and amounts for the use of the turnpike
 449 system as are required in order to provide a fund sufficient
 450 with other revenues of the turnpike system to pay the cost of
 451 maintaining, improving, repairing, and operating such turnpike
 452 system; to pay the principal of and interest on all bonds issued
 453 to finance or refinance any portion of the turnpike system as
 454 the same become due and payable; and to create reserves for all
 455 such purposes.

456 (3) (a) ~~For the period July 1, 1998, through June 30, 2027,~~
 457 The department shall, ~~to the maximum extent feasible,~~ program
 458 sufficient funds in the tentative work program such that all of
 459 the percentage of turnpike toll and bond financed commitments in
 460 Miami-Dade County, Broward County, and Palm Beach County as
 461 compared to total turnpike toll and bond financed commitments
 462 shall be at least 90 percent of the share of net toll
 463 collections attributable to users of the turnpike facilities
 464 system in Miami-Dade County, Broward County, and Palm Beach

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465 County are committed to projects and bond finance commitments in
 466 each respective county as compared to total net toll collections
 467 attributable to users of the turnpike system. This paragraph
 468 subsection does not apply when the application of such
 469 requirements would violate any covenant established in a
 470 resolution or trust indenture relating to the issuance of
 471 turnpike bonds. The department may at any time for economic
 472 considerations establish lower temporary toll rates for a new or
 473 existing toll facility for a period not to exceed 1 year, after
 474 which the toll rates adopted pursuant to s. 120.54 shall become
 475 effective.

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

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

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

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

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

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

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494 covenants.

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

497 1. Reimburse outstanding contractual obligations.

498 2. Operate and maintain the highways and toll facilities,
 499 including reconstruction and restoration, such that these
 500 facilities are maintained to department standards.

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

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

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

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

516 343.1003 Northeast Florida Regional Transportation
 517 Commission.-

518 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(e),~~
 519 members of the board shall file a statement of financial
 520 interests ~~interest~~ with the Commission on Ethics pursuant to s.
 521 112.3145.

522 Section 13. Part I of chapter 348, Florida Statutes,

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523 consisting of sections 348.0001, 348.0002, 348.0003, 348.0004,
 524 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,
 525 348.00115, and 348.0012, is repealed.

526 Section 14. (1) Effective upon this act becoming a law, the
 527 governance and control of the Miami-Dade County Expressway
 528 Authority is transferred to the Department of Transportation
 529 pursuant to the terms of this section. The assets, facilities,
 530 tangible and intangible property and any rights in such
 531 property, and any other legal rights of the authority, including
 532 the expressway system operated by the authority, are transferred
 533 to the department. The department succeeds to all powers of the
 534 authority, and the operations and maintenance of the expressway
 535 system shall be under the control of the department. Revenues
 536 collected on the expressway system shall be considered
 537 department revenues but shall be subject to the lien of the
 538 trust indentures securing the Miami-Dade County Expressway
 539 Authority bonds. The department also assumes all liability for
 540 bonds of the authority pursuant to subsection (2). The
 541 department shall, in consultation with the Division of Bond
 542 Finance, review all other contracts, financial obligations, and
 543 contractual relationships and liabilities of the authority, and
 544 the department may assume responsibility for the obligations
 545 that are determined to be necessary or desirable for the
 546 continued operation of the expressway system. Employees,
 547 officers, and members of the authority may not sell, dispose,
 548 encumber, transfer, or expend the assets of the authority as
 549 existed and reflected in the authority's financial statements
 550 for the fiscal year ended June 30, 2018, other than in the
 551 ordinary course of business. For purposes of this section,

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552 incurring debt or issuing bonds for projects contained in the 5-
 553 year work program approved and adopted by the authority on
 554 December 5, 2018, is not considered the ordinary course of
 555 business. Notwithstanding the foregoing, nothing contained
 556 herein shall prevent the authority from designing and planning
 557 projects contained in the 5-year work program approved and
 558 adopted by the authority on December 5, 2018.

559 (2) The transfer pursuant to this section is subject to all
 560 terms and covenants provided for the protection of the holders
 561 of the Miami-Dade County Expressway Authority bonds in the trust
 562 indentures or resolutions adopted in connection with the
 563 issuance of such bonds. Further, the transfer does not impair
 564 the terms of the contract between the authority and the
 565 bondholders, does not act to the detriment of the bondholders,
 566 and does not diminish the security for the bonds. After the
 567 transfer, the department shall operate and maintain the
 568 expressway system and any other facilities of the authority in
 569 accordance with the terms, conditions, and covenants contained
 570 in the trust indentures or bond resolutions securing such bonds.
 571 The department shall collect toll revenues and apply them to the
 572 payment of debt service as provided in the trust indentures or
 573 bond resolutions securing such bonds and expressly assumes all
 574 obligations relating to the bonds to ensure that the transfer of
 575 the authority will have no adverse impact on the security for
 576 the bonds of the authority.

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

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581

rates.

582

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

590

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

593

(6) By October 1 of each year beginning in 2020, the department shall provide a report to the Miami-Dade County Board of County Commissioners and the Miami-Dade County Transportation Planning Organization detailing the toll collections, costs, and net revenues collected from the expressway system and turnpike operations in Miami-Dade County. The report shall include details on projects funded and scheduled to be funded by toll revenues, including revenues of the Florida Turnpike Enterprise, in Miami-Dade County.

602

Section 15. Section 348.635, Florida Statutes, is created to read:

604

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

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610

transportation facilities.

611

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

629

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

630

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

633

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

637

(d) Would have adequate safeguards in place to ensure that the department, the authority, or the private entity has the

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639 opportunity to add capacity to the proposed project and other
 640 transportation facilities serving similar origins and
 641 destinations.

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

644 (2) The authority shall ensure that all reasonable costs to
 645 the state which are related to transportation facilities that
 646 are not part of the State Highway System are borne by the
 647 private entity. The authority shall also ensure that all
 648 reasonable costs to the state and substantially affected local
 649 governments and utilities related to the private transportation
 650 facility are borne by the private entity for transportation
 651 facilities that are owned by private entities. For projects on
 652 the State Highway System, the department may use state resources
 653 to participate in funding and financing the project as provided
 654 for under the department's enabling legislation.

655 (3) The authority may request proposals for public-private
 656 transportation projects or, if it receives an unsolicited
 657 proposal, it must publish a notice in the Florida Administrative
 658 Register and a newspaper of general circulation in the county in
 659 which it is located at least once a week for 2 weeks stating
 660 that it has received the proposal and will accept, for 60 days
 661 after the initial date of publication, other proposals for the
 662 same project purpose. A copy of the notice must be mailed to
 663 each local government in the affected areas. After the public
 664 notification period has expired, the authority shall rank the
 665 proposals in order of preference. In ranking the proposals, the
 666 authority shall consider professional qualifications, general
 667 business terms, innovative engineering or cost-reduction terms,

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668 finance plans, and the need for state funds to deliver the
 669 proposal. If the authority is not satisfied with the results of
 670 the negotiations, it may, at its sole discretion, terminate
 671 negotiations with the proposer. If these negotiations are
 672 unsuccessful, the authority may go to the second and lower-
 673 ranked firms, in order, using the same procedure. If only one
 674 proposal is received, the authority may negotiate in good faith,
 675 and if it is not satisfied with the results, it may, at its sole
 676 discretion, terminate negotiations with the proposer. The
 677 authority may, at its discretion, reject all proposals at any
 678 point in the process up to completion of a contract with the
 679 proposer.

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

685 (5) Each public-private transportation facility constructed
 686 pursuant to this section shall comply with all requirements of
 687 federal, state, and local laws; state, regional, and local
 688 comprehensive plans; the authority's rules, policies,
 689 procedures, and standards for transportation facilities; and any
 690 other conditions that the authority determines to be in the
 691 public's best interest.

692 (6) The authority may exercise any power possessed by it,
 693 including eminent domain, to facilitate the development and
 694 construction of transportation projects pursuant to this
 695 section. The authority may pay all or part of the cost of
 696 operating and maintaining the facility or may provide services

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697 to the private entity for which it receives full or partial
 698 reimbursement for services rendered.

699 (7) Except as herein provided, this section is not intended
 700 to amend existing laws by granting additional powers to or
 701 further restricting the governmental entities from regulating
 702 and entering into cooperative arrangements with the private
 703 sector for the planning, construction, and operation of
 704 transportation facilities.

705 Section 16. Section 348.7605, Florida Statutes, is created
 706 to read:

707 348.7605 Public-private partnership.—The Legislature
 708 declares that there is a public need for the rapid construction
 709 of safe and efficient transportation facilities for traveling
 710 within this state and that it is in the public's interest to
 711 provide for public-private partnership agreements to effectuate
 712 the construction of additional safe, convenient, and economical
 713 transportation facilities.

714 (1) Notwithstanding any other provision of this part, the
 715 authority may receive or solicit proposals and enter into
 716 agreements with private entities, or consortia thereof, for the
 717 building, operation, ownership, or financing of authority
 718 transportation facilities or new transportation facilities
 719 within the jurisdiction of the authority which increase
 720 transportation capacity. The authority may not sell or lease any
 721 transportation facility owned by the authority without providing
 722 the analysis required in s. 334.30(6)(e)2. to the Legislative
 723 Budget Commission created pursuant to s. 11.90 for review and
 724 approval before awarding a contract on a lease of an existing
 725 toll facility. The authority may adopt rules to implement this

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726 section and shall, by rule, establish an application fee for the
 727 submission of unsolicited proposals under this section. The fee
 728 must be sufficient to pay the costs of evaluating the proposals.
 729 The authority may engage private consultants to assist in the
 730 evaluation. Before approval, the authority must determine that a
 731 proposed project:

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

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

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

740 (d) Would have adequate safeguards in place to ensure that
 741 the department, the authority, or the private entity has the
 742 opportunity to add capacity to the proposed project and other
 743 transportation facilities serving similar origins and
 744 destinations.

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

747 (2) The authority shall ensure that all reasonable costs to
 748 the state which are related to transportation facilities that
 749 are not part of the State Highway System are borne by the
 750 private entity. The authority shall also ensure that all
 751 reasonable costs to the state and substantially affected local
 752 governments and utilities related to the private transportation
 753 facility are borne by the private entity for transportation
 754 facilities that are owned by private entities. For projects on

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

758 (3) The authority may request proposals for public-private
 759 transportation projects or, if it receives an unsolicited
 760 proposal, it must publish a notice in the Florida Administrative
 761 Register and a newspaper of general circulation in the county in
 762 which it is located at least once a week for 2 weeks stating
 763 that it has received the proposal and will accept, for 60 days
 764 after the initial date of publication, other proposals for the
 765 same project purpose. A copy of the notice must be mailed to
 766 each local government in the affected areas. After the public
 767 notification period has expired, the authority shall rank the
 768 proposals in order of preference. In ranking the proposals, the
 769 authority shall consider professional qualifications, general
 770 business terms, innovative engineering or cost-reduction terms,
 771 finance plans, and the need for state funds to deliver the
 772 proposal. If the authority is not satisfied with the results of
 773 the negotiations, it may, at its sole discretion, terminate
 774 negotiations with the proposer. If these negotiations are
 775 unsuccessful, the authority may go to the second and lower-
 776 ranked firms, in order, using the same procedure. If only one
 777 proposal is received, the authority may negotiate in good faith,
 778 and if it is not satisfied with the results, it may, at its sole
 779 discretion, terminate negotiations with the proposer. The
 780 authority may, at its discretion, reject all proposals at any
 781 point in the process up to completion of a contract with the
 782 proposer.

783 (4) Agreements entered into pursuant to this section may

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784 authorize the public-private entity to impose tolls or fares for
 785 the use of the facility. However, the amount and use of toll or
 786 fare revenues shall be regulated by the authority to avoid
 787 unreasonable costs to users of the facility.

788 (5) Each public-private transportation facility constructed
 789 pursuant to this section shall comply with all requirements of
 790 federal, state, and local laws; state, regional, and local
 791 comprehensive plans; the authority's rules, policies,
 792 procedures, and standards for transportation facilities; and any
 793 other conditions that the authority determines to be in the
 794 public's best interest.

795 (6) The authority may exercise any power possessed by it,
 796 including eminent domain, to facilitate the development and
 797 construction of transportation projects pursuant to this
 798 section. The authority may pay all or part of the cost of
 799 operating and maintaining the facility or may provide services
 800 to the private entity for which it receives full or partial
 801 reimbursement for services rendered.

802 (7) Except as herein provided, this section is not intended
 803 to amend existing laws by granting additional powers to or
 804 further restricting the governmental entities from regulating
 805 and entering into cooperative arrangements with the private
 806 sector for the planning, construction, and operation of
 807 transportation facilities.

808 Section 17. Pursuant to section 20 of chapter 2014-171,
 809 Laws of Florida, part V of chapter 348, Florida Statutes,
 810 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
 811 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
 812 348.9961, is repealed.

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813 Section 18. Except as otherwise expressly provided in this
814 act and except for this section, which shall take effect upon
815 this act becoming a law, this act shall take effect July 1,
816 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

04/04/2019
Meeting Date

898
Bill Number (if applicable)

544834
Amendment Barcode (if applicable)

Topic Transportation

Name Carl Mikyska

Job Title Executive Director

Address 605 Suwannee St
Street

Phone 850/414-4062

Tallahassee, FL 32399
City State Zip

Email carl.mikyska@mpoac.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL MPO Advisory Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

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898

Meeting Date _____

Bill Number (if applicable) _____

Topic _____

Amendment Barcode (if applicable) _____

Name JESS MCCARTY

Job Title ASSISTANT COUNTY ATTORNEY

Address 111 NW 1ST STREET, SUITE 2810

Phone 305-979-7110

Street

MIAMI

FL

33128

Email JMM2@MIAMIDADE.GOV

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

9-4-19

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898

Meeting Date

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name CARLOS A. GIMENEZ

Job Title MAYOR MIAMI-DADE COUNTY

Address 111 NW 1st ST 2810

Phone 305-375-5071

Street MIAMI State FL Zip 33120

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/CS/SB 932 (688210)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Infrastructure and Security Committee; and Senator Brandes

SUBJECT: Autonomous Vehicles

DATE: April 8, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 932 revises various provisions of law relating to autonomous vehicles. The bill deems an automated driving system to be the operator of an autonomous vehicle while operating in autonomous mode, regardless of whether a person is physically present in the vehicle.

The bill authorizes operation of a fully autonomous vehicle on Florida roads regardless of whether a human operator is physically present in the vehicle. Under the bill, a licensed human operator is not required to operate a fully autonomous vehicle. The bill authorizes an autonomous vehicle or a fully autonomous vehicle equipped with a teleoperation system to operate without a human operator physically present in the vehicle when the teleoperation system is engaged.

The bill exempts fully autonomous vehicles operating with the automated driving system engaged from certain duties under ch. 316, F.S., such as the duty to give information and render aid, in the event of an accident. Provisions relating to unattended motor vehicles or property are also deemed inapplicable to such fully autonomous vehicles. The bill amends other provisions related to video displays, use of wireless communications devices, and other statutes to incorporate exemptions for autonomous vehicles.

Additionally, the bill applies provisions relating to the operation of transportation network companies (TNCs) and vehicles to on-demand autonomous vehicle networks. The bill requires a

fully autonomous vehicle with the automated driving system engaged in an on-demand autonomous vehicle network to have certain insurance policies and coverages.

The bill authorizes the Florida Department of Transportation (FDOT), in consultation with the Department of Highway Safety and Motor Vehicles, to explore the efficient implementation of innovative transportation technologies, including, but not limited to, vehicle electrification, shared vehicle use, automated vehicles, and other mobility technologies that provide transportation options intended to increase personal mobility, facilitate shorter urban trips, or provide connections to other modes of transportation. The FDOT must prepare an annual report outlining undertaken programs.

The bill authorizes the Florida Turnpike Enterprise (Turnpike Enterprise) within the FDOT to enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected innovative transportation technology solutions for specified purposes.

The bill expresses legislative intent to provide for uniformity of laws governing autonomous vehicles throughout the state and prohibits a local government from imposing any tax, fee, for-hire vehicle requirement, or other requirement on automated driving systems, autonomous vehicles, or on a person who operates an autonomous vehicle. See Section IV.

To the extent that the FDOT or the Florida Turnpike Enterprise implement programs or enter into agreements as allowed under the bill, the fiscal impact on the entities is indeterminate. Otherwise, the bill does not have an impact to state revenues or expenditures.

The bill takes effect July 1, 2019.

II. Present Situation:

Federal Policy and Guidance

According to the United States Department of Transportation (USDOT), an estimated 37,133 lives were lost on U.S. roads in 2017. Ninety-four percent of all serious motor vehicle crashes involved human error and other driver-related factors, such as impaired driving, distracted driving, and speeding or illegal maneuvers.¹ The USDOT views automated vehicles as an important innovation in transportation: “Automated vehicles that accurately detect, recognize, anticipate, and respond to the movements of all transportation system users could lead to breakthrough gains in transportation safety... Their potential to reduce deaths and injuries on the Nation’s roadways cannot be overstated.”²

While multiple definitions for levels of vehicle automation exist, as part of previously-issued voluntary federal guidance and for overall awareness and to ensure consistency in taxonomy

¹ See USDOT, *Automated Vehicles 3.0, Preparing for the Future of Transportation*, at p.1, available at <https://www.transportation.gov/av/3> (last viewed March 25, 2019).

² *Id.*

usage, the National Highway Traffic Safety Administration (NHTSA)³ adopted SAE International's⁴ Levels of Automation and other applicable terminology.⁵ The SAE International Standard J3016⁶ focuses on automated driving systems that function at Levels 3, 4, and 5 of driving automation and, along with related terminology, specifies the following six levels of driving automation:

- Level 0: The human driver performs all driving tasks, even when enhanced by warning or intervention systems. (No automation.)
- Level 1: The automated driving system assists the human driver by a driver-assistance system of either steering or acceleration/deceleration using information about the driving environment, with the expectation that the human driver performs all remaining aspects of the driving task. (Driver assistance.)
- Level 2: The automated driving system executes one or more driver assistance systems of both steering and acceleration/deceleration using information about the driving environment, with the expectation that the human driver performs all remaining aspects of the driving task. (Partial automation.)
- Level 3: The automated driving system performs all aspects of the driving task, with the expectation that a human driver will respond appropriately to a request to intervene. (Conditional automation.)
- Level 4: The automated driving system performs all aspects of the driving task, even if a human driver does not respond appropriately to a request to intervene. (High automation.)
- Level 5: The automated driving system performs all aspects of the driving task at all times under all roadway and environmental conditions that can be managed by a human driver. (Full automation.)

In October of 2018, the USDOT released new federal guidance for automated driving systems, building on previous policy and expanding the scope to all surface on-road transportation systems. The new guidance is structured around three key areas: advancing multi-modal safety, reducing policy uncertainty, and outlining a process for working with the USDOT.⁷

Additionally, to prevent confusion and support consistent terminology, the USDOT encourages state legislators to use terminology already being developed through voluntary, consensus-based, technical standards, such as SAE terminology.⁸ The USDOT recommends that state legislatures follow best practices, such as providing a technology-neutral environment, licensing and registration procedures, and reporting and communications methods for public safety officials.

³ NHTSA, the National Highway Traffic Safety Administration, is a part of the USDOT. See USDOT, *Our Administrations*, updated January 29, 2018, available at <https://www.transportation.gov/administrations> (last viewed March 25, 2019).

⁴ The SAE's website describes itself as follows: "SAE International is a global association of more than 128,000 engineers and related technical experts in the aerospace, automotive and commercial-vehicle industries. [SAE International's] core competencies are life-long learning and voluntary consensus standards development." See SAE, *About SAE International*, available at <http://www.sae.org/about/> (last viewed March 25, 2019).

⁵ See USDOT, *Automated Driving Systems 2.0, A Vision for Safety*, at p. 1, available at https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13069a-ads2.0_090617_v9a_tag.pdf (last viewed March 25, 2019).

⁶ See the SAE International Standard J3016, *Taxonomy and Definitions for Terms Related to Driving Automation Systems of On-Road Motor Vehicles*, (Revised June 2018) at p. 19 (Copy on file with the Senate Infrastructure and Security Committee).

⁷ *Supra* note 1 at pp. viii – x.

⁸ *Id.* at p. 20.

States should consider reviewing and potentially modifying traffic laws and regulations that may be barriers to automated vehicles.⁹

For ease of organization and readability, the present situation for each issue in the bill is discussed below in conjunction with the effect of proposed changes.

III. Effect of Proposed Changes:

Definitions (Section 3)

Present Situation

Section 316.003, F.S., provides definitions relating to uniform traffic control. Specifically, with respect to autonomous vehicles, that section defines:

- “Autonomous vehicle” to mean “any vehicle equipped with autonomous technology.”
- “Autonomous technology” to mean “technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator.”^{10, 11}

Effect of Proposed Changes

Section 3 of the bill revises the definitions related to autonomous vehicles:

- Automated driving system: “The hardware and software that are collectively capable of performing the entire dynamic driving task of an autonomous vehicle on a sustained basis, regardless of whether it is limited to a specific operational design domain.” This definition is identical to the SAE definition, except that the SAE definition expressly provides that the term is used specifically to describe a level 3, 4, or 5 driving automation system.¹²
- Autonomous vehicle: “Any vehicle equipped with an automated driving system.” The existing definitions of “autonomous vehicle” and “autonomous technology” are repealed from current law.
- Dynamic driving task: “All of the real-time operational and tactical functions required to operate a vehicle in on-road traffic within its specific operational design domain, if any, excluding strategic functions such as trip scheduling and selection of destination and waypoints.” This definition is similar, but not identical to the SAE definition of the term.¹³
- Fully autonomous vehicle: “A vehicle equipped with an automated driving system designed to function without a human operator.” The SAE standard does not define this term.

⁹ *Id.* at p. 19.

¹⁰ Further, autonomous technology “excludes a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without active control or monitoring by a human operator.”

¹¹ “Operator” is currently defined as “any person who is in actual physical control of a motor vehicle upon the highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.” Section 316.003(48), F.S.

¹² Under the SAE definitions, “driving automation system” is a generic term that refers to any level 1-5 system or feature that performs part of all of the dynamic driving task on a sustained basis. The SAE guidelines advise that this term should be distinguished from the term “automated driving system” which more specifically refers to levels 3-5. *Supra* note 6 at p. 3.

¹³ *Supra* note 6 at p. 6.

However, the standard assumes that the automated driving system performs the entire dynamic driving task, while engaged, for levels 3, 4, and 5 of driving automation.¹⁴

- Operational design domain: “A description of the specific operating domain in which an automated driving system is designed to properly operate, including, but not limited to, roadway types, speed ranges, environmental conditions such as weather and time of day, and other domain constraints.” This definition is not identical to that contained in the SAE standard but the SAE definition appears to use different words to define the same term: “Operating conditions under which a given driving automation system or feature thereof is specifically designed to function, including, but not limited to, environmental, geographical, and time-of-day restrictions, and/or the requisite presence or absence of certain traffic or roadway characteristics.”¹⁵

The bill also defines the term “on-demand autonomous vehicle network,” to mean “a passenger transportation network that uses a software application or other digital means to connect passengers to fully autonomous vehicles, exclusively or in addition to other vehicles, for transportation, including for-hire transportation and transportation for compensation.”

The bill defines the term “teleoperation system” to mean “the hardware and software installed in a motor vehicle which allow a remote human operator to supervise or perform aspects of, or the entirety of, the dynamic driving task. The term ‘remote human operator’ means a natural person who is not physically present in a vehicle equipped with an automated driving system who engages or monitors the vehicle from a remote location. A remote human operator may have the ability to perform aspects of, or the entirety of, the dynamic driving task for the vehicle or cause the vehicle to achieve a minimal risk condition.”

Uniform Traffic Control Duties (Sections 4 – 7)

Present Situation

Various provisions of ch. 316, F.S., impose certain duties relating to vehicle operation on a *driver*¹⁶ in ch. 316, F.S. Among those duties, in general, are:

- Section 316.062, F.S., requires the driver of any vehicle involved in a crash resulting in any person’s injury or death, or property damage to any vehicle or other property which is driven or attended by any person, to provide personal and vehicle identification information and to render reasonable assistance to any injured person.
- Section 316.063, F.S., requires the driver of any vehicle involved in a crash with any *unattended* vehicle or other property, resulting in damage to the vehicle or property, to stop, locate, and notify the operator or owner of the vehicle or property to provide personal and vehicle identification information; and to notify the nearest police authority.
- Section 316.065(1), F.S., requires the driver of a vehicle involved in a crash resulting in any person’s injury or death, or damage to any vehicle or other property apparently exceeding \$500, to give notice of the crash to the appropriate law enforcement office.

¹⁴ *Supra* note 6 at p. 19.

¹⁵ *Supra* note 6 at p. 14.

¹⁶ “Driver” is currently defined as “any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.” Section 316.003(20), F.S.

- Section 316.1975, F.S., prohibits a person driving or in charge of any motor vehicle from letting the vehicle stand unattended without first stopping the engine, locking the ignition, and removing the key; and stand unattended on any perceptible grade without stopping the engine, setting the brake, and turning the front wheels to the curb or side of the street.

Effect of Proposed Changes

Sections 4, 5, and 6 amend ss. 316.062, 316.063, and 316.065, F.S., to provide in each that the duties described above do not apply to a fully autonomous vehicle operating with the automated driving system engaged in the event of a crash involving the vehicle if the vehicle owner, or a person on behalf of the owner, promptly contacts a law enforcement agency to report the crash or if the fully autonomous vehicle has the capability of alerting a law enforcement agency to the crash.

Section 7 amends s. 316.1975, F.S., to provide that section does not apply to a fully autonomous vehicle operating with the automated driving system engaged.

The bill excludes application of these duties to a fully autonomous vehicle equipped with an automated driving system designed to function without a human operator.

Electronic Displays in Vehicles/Wireless Communication Devices (Sections 8 and 9)

Present Situation:

Section 316.303, F.S., prohibits operation of a motor vehicle on the highways if the vehicle is actively displaying moving television broadcast or pre-recorded video entertainment content that is visible from the driver's seat while the vehicle is in motion, unless the vehicle is equipped with autonomous technology and is being operated in autonomous mode.

However, the use of an electronic display by an operator of a vehicle equipped with autonomous technology is not prohibited.

Section 316.305(3), F.S., generally contains provisions prohibiting a person from operating a motor vehicle while using a wireless communications device for texting, emailing, or instant messaging. However the prohibition does not apply to a motor vehicle operator who is, among other items, operating an autonomous vehicle in autonomous mode.

Effect of Proposed Changes

Section 8 amends s. 316.303, F.S., to incorporate the new definition for autonomous vehicles. A vehicle being operating with the "automated driving system" engaged is not prohibited from operating with displays visible to the driver when the car is in motion.

Section 9 amends s. 316.305, F.S., to revise a statutory reference to the new definition of "autonomous vehicle," and revise the exclusion from the prohibitions against using a wireless communications device for texting, emailing, or instant messaging to an autonomous vehicle operating with the automated driving system engaged. This revision excludes autonomous vehicles, *i.e.*, those equipped with any "automated driving system," from the prohibitions against use of a wireless communications device.

Autonomous Vehicle “Operator” and Driver Licensing (Sections 10 and 12)

Present Situation

Section 316.85, F.S., requires a person to possess a valid driver license to operate an autonomous vehicle on Florida roads. Under the statute, unless the context otherwise requires, a person is deemed to be the operator of an autonomous vehicle operating in autonomous mode when the person causes the vehicle’s autonomous technology to engage, regardless of whether the person is physically present in the vehicle while the vehicle is operating in autonomous mode.

Effect of Proposed Changes

Section 10 amends s. 316.85, F.S., to provide that a licensed human operator is not required to operate a “fully autonomous vehicle.” Additionally, the bill authorizes a fully autonomous vehicle to operate in Florida regardless of whether a human operator is physically present in the vehicle. Unless otherwise provided by law, applicable traffic or motor vehicle laws of this state may not be construed to:

- Prohibit the automated driving system from being deemed the operator of an autonomous vehicle operating with the automated driving system engaged.
- Require a licensed human operator to operate a fully autonomous vehicle.

These revisions allow autonomous vehicles equipped with automated driving systems designed to function without a human operator to self-operate, with or without a licensed human occupant, or any occupant.

Unless the context otherwise requires, the bill deems the automated driving system, when engaged, to be the operator of an autonomous vehicle, regardless of whether a person is physically present in the vehicle while the vehicle is operating with the automated driving system engaged. While liability for actionable events relating to a “traditional” motor vehicle rests with that vehicle’s owner or operator, the bill places responsibility for actionable events related to an autonomous vehicle with an engaged automated driving system on the automated driving system, potentially including the owner, manufacturer, or seller of the system.¹⁷

Section 12 creates s. 322.015, F.S., to exempt a fully autonomous vehicle operated with the automated driving system engaged and without a human operator from ch. 322, F.S., relating to driver licenses, to conform to the revisions in the bill.

¹⁷ Section 316.86, F.S., currently provides that “the original manufacturer of a vehicle converted by a third party into an autonomous vehicle is not liable in, and shall have a defense to and be dismissed from, any legal action brought against the original manufacturer by any person injured due to an alleged vehicle defect caused by the conversion of the vehicle, or by equipment installed by the converter, unless the alleged defect was present in the vehicle as originally manufactured.” The bill does not amend this provision.

Autonomous Vehicle Compliance with Motor Vehicle and Traffic Laws and Vehicle Alerts

Present Situation

Section 319.145, F.S., requires an autonomous vehicle registered in this state to continue to meet applicable federal standards and regulations for such vehicle. Additionally, the vehicle must:

- Have a system to safely alert the operator if an autonomous technology failure is detected while the technology is engaged. When an alert is given, the system must:
 - Require the operator to take control of the autonomous vehicle; or
 - If the operator does not or is not able to take control, be capable of bringing the vehicle to a complete stop.
- Have a means inside the vehicle to visually indicate when the vehicle is operating in autonomous mode.
- Be capable of being operated in compliance with applicable Florida traffic and motor vehicle laws.

In recognition of the potential for federal preemption of state laws relating to autonomous vehicles, current law provides that NHTSA regulations supersede s. 319.145, F.S., when found to be in conflict with those regulations.

Federal regulations in 49 C.F.R. part 567 generally require each motor vehicle manufacturer to affix a certification label to each vehicle that contains specified information that assists consumers in determining which federal motor vehicle safety standards apply to the vehicle.¹⁸ There are no provisions specific to autonomous vehicles, and the regulations apply only to the extent that such regulations can be applied to autonomous vehicles. In its most recent federal guidance, the USDOT announced its intention, through the NHTSA

to reconsider the necessity and appropriateness of its current safety standards as applied to ADS-equipped vehicles. In an upcoming rulemaking, NHTSA plans to seek comment on proposed changes to particular safety standards to accommodate automated vehicle technologies and the possibility of setting exceptions to certain standards – that are relevant only when human drivers are present – for ADS-equipped vehicles.¹⁹

Effect of Proposed Changes

Section 11 of the bill amends s. 319.145, F.S., to require an autonomous vehicle registered in this state to meet all of the following requirements:

- When required by federal law, the vehicle must:
 - Have been certified in accordance with federal regulations in 49 C.F.R. part 567 as being in compliance with applicable federal safety standards.
 - Bear the required certification label or labels, including reference to any exemption granted under applicable federal law.

¹⁸ 49 C.F.R. s. 567.1.

¹⁹ *Supra* note 1 at p. 7. “ADS-equipped vehicles” are vehicles equipped with automated driving systems.

- The vehicle must be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state, regardless of whether the vehicle is operating with the automated driving system engaged.

Under current federal regulations, it appears a manufacturer may not be able to receive an exemption from one or more safety standards currently applicable to “traditional” motor vehicles. However, should such regulations be adopted, as announced by the USDOT, to accommodate automated vehicle technologies through exceptions to certain standards, the federal regulations would apply and supersede Florida law to the extent of any conflict.

In addition, if the autonomous vehicle is not fully autonomous, the bill requires the vehicle to have a system to safely alert a licensed human operator physically present in the vehicle if an automated driving system failure is detected while the automated driving system is engaged. When an alert is given, the system must require the licensed human operator to take control of the autonomous vehicle or achieve a “minimal risk condition.”

If the vehicle is fully autonomous, the vehicle must be able to achieve a minimal risk condition if a failure of the system occurs which renders it unable to perform the entire dynamic driving task relevant to its intended operational design domain. The bill defines “minimal risk condition” to mean a reasonably safe state, such as bringing the vehicle to a complete stop and activating the vehicle’s hazard lamps.²⁰

On-Demand Autonomous Vehicle Networks (Sections 1 and 10)

Present Situation

Current law does not contain any provisions addressing on-demand autonomous vehicle networks.

Effect of Proposed Changes

Section 3 of the bill amends s. 316.003, F.S., to create a definition for the term “on-demand autonomous vehicle network,” which is defined to mean “a passenger transportation network that uses a software application or other digital means to connect passengers to fully autonomous vehicles, exclusively or in addition to other vehicles, for transportation, including for-hire transportation and transportation for compensation.”

This section of the bill also creates a definition for the term “teleoperation system,” meaning “the hardware and software installed in a motor vehicle which allow a remote human operator to supervise or perform aspects of, or the entirety of, the dynamic driving task. The term ‘remote human operator’ means a natural person who is not physically present in a vehicle equipped with an automated driving system who engages or monitors the vehicle from a remote location. A

²⁰ The SAE standard defines this term as “[a] condition to which a user or an ADS may bring a vehicle after performing the DDT fallback in order to reduce the risk of a crash when a given trip cannot or should not be completed.” The SAE standard defines the term “DDT fallback” (dynamic driving task fallback) as “[t]he response by the user to either perform the DDT or achieve a minimal risk condition after occurrence of a DDT performance-relevant system failure(s) or upon operational design domain (ODD) exit, or the response by an ADS to achieve minimal risk condition, given the same circumstances.” Supra note 6 at pp. 7 and 11.

remote human operator may have the ability to perform aspects of, or the entirety of, the dynamic driving task for the vehicle or cause the vehicle to achieve a minimal risk condition.”

Section 10 of the bill amends s. 316.85, F.S., to authorize these networks to operate pursuant to state laws governing the operation of transportation network companies (TNC) and TNC vehicles as defined in s. 627.748, F.S. The bill provides that any provision of s. 627.748, F.S., that reasonably applies only to a human driver does not apply to the operation of a fully autonomous vehicle, *i.e.*, one equipped with an automated driving system designed to function without a human operator, with the automated driving system engaged in an on-demand autonomous vehicle network.

On-demand autonomous vehicle networks will be subject to the same regulations and requirements (other than those that would reasonably only apply to a human driver) as TNCs under s. 627.748, F.S. Some of those requirements include:

- Designating and maintaining an agent for service of process in Florida,
- Providing identification of the vehicle’s license plate number and certain disclosures to passengers related to the collection of fares,
- Maintaining varying levels of automobile insurance and ride records, and
- Submitting specified examination reports to the Department of Financial Services.

The bill requires a fully autonomous vehicle with the automated driving system engaged in an on-demand autonomous vehicle network to meet certain insurance requirements.

Section 13 creates s. 627.749, F.S., to set insurance requirements for a fully autonomous vehicle with the automated driving system engaged in an on-demand autonomous vehicle network. The vehicle must be covered by an automobile insurance policy that includes:

- Primary liability coverage of at least \$1 million for death, bodily injury, and property damage;
- Personal injury protection benefits that meet the minimum coverage amounts of Florida’s no fault insurance laws;²¹ and
- Uninsured and underinsured vehicle coverage.²²

The insurance can be maintained by either the owner of the vehicle, the on-demand autonomous vehicle network, or a combination by both.

²¹ See ss. 627.730 – 627.7405, F.S. The personal injury protection (PIP) must provide a minimum benefit of \$10,000 for bodily injury to any one person who sustains an emergency medical condition, which is reduced to a \$2,500 limit for medical benefits if a treating medical provider does not determine an emergency medical condition existed. PIP coverage provides reimbursement for 80 percent of reasonable medical expenses, 60 percent of loss of income, and 100 percent of replacement services, for bodily injury sustained in a motor vehicle accident, without regard to fault. The property damage liability coverage must provide a \$10,000 minimum benefit. A \$5,000 death benefit is also provided. Senate Bill Analysis and Fiscal Impact Statement for CS/SB 1052, March 29, 2018, available at <http://www.flsenate.gov/Session/Bill/2019/1052/Analyses/2019s01052.bi.PDF> (last viewed April 5, 2019).

²² Section 627.727, F.S.

Regulation of Autonomous Vehicles (Section 10)

Effect of Proposed Changes

Section 10 of the bill amends s. 316.85, F.S., to express legislative intent to provide for uniformity of laws governing autonomous vehicles throughout the state. The bill prohibits a local government from imposing a tax, fee, for-hire vehicle requirement, or other requirement on automated driving systems or autonomous vehicles or on a person who operates an autonomous vehicle, including, but not limited to, a person who operates an autonomous vehicle for purposes of providing passenger transportation services. To the extent that any local government currently imposes such a tax, fee, or other requirement on such systems, vehicles, or persons, the tax, fee, or other requirement would be prohibited.

Innovative Transportation Technologies (Sections 1, 2, and 10)

Present Situation

The FDOT is currently broadly charged in s. 334.044, F.S., with the responsibility and duty to conduct research studies and to collect data necessary for the improvement of the state transportation system, to cooperate with and assist local governments in the development of a statewide transportation system and in the development of the individual components of the system, and to conduct research and demonstration projects relative to innovative transportation technologies.²³ As an example, the FDOT's Assistant Secretary's Division for Strategic Development is comprised of offices and personnel that, among other functions:

- Provide the foundation for programming and project delivery through innovative planning and effective outreach to strategically advance the best transportation solutions at the right time;
- Oversee the alignment of information and operational technologies for the FDOT, with responsibility for the strategy and operations of the FDOT's technology environment; and
- Oversee the FDOT's research program and contracts with state universities and other research service providers to conduct research in all areas of transportation.²⁴

The FDOT also produces innovative technology publications designed to be resources for transportation entities in researching both traditional and emerging technologies. For example, the FDOT in 2018 published its *Transit Technology Primer*, noting “the challenges of deciding which emerging technology to pursue, whether to be an early adopter, or how the new technology will affect service delivery.”²⁵ The report is described as “a synthesis of the policy and regulatory framework surrounding transit technology; past and ongoing research, prototype, and pilot efforts; commercially available products; and the experiences of transit agencies.”²⁶

²³ Section 334.044(20), (21), and (22), F.S.

²⁴ Florida Department of Transportation, *Strategic Development*, available at <https://www.fdot.gov/strategicdevelopment/default.shtm> (last visited March 21, 2019).

²⁵ Florida Department of Transportation, *Transit Technology Primer*, available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/transit/documents/transittechnologyprimer.pdf?sfvrsn=cf0c955a_2 (last visited March 25, 2019).

²⁶ *Id.*

Additionally, s. 338.2215, F.S., expresses the legislative intent that the Turnpike Enterprise maximize the advantages obtainable through fully leveraging the turnpike system asset, and that the additional powers and authority granted to the Turnpike Enterprise will provide it with the autonomy and flexibility to enable it to more easily pursue innovations and best practices found in the private sector in, among other items, operations. Section 338.2216(1)(d), F.S., directs the Turnpike Enterprise in part to “pursue and implement new technologies and processes in its operations.”

As an example of such efforts, the Turnpike Enterprise and other entities are participating in a project called SunTrax. According to the project website, “located off I-4 between Orlando and Tampa, SunTrax is a large-scale facility dedicated to the research, development, and testing of emerging transportation technologies in safe and controlled environments.”²⁷ Site construction began in June 2017. The site covers 400 acres containing a multi-lane 2.25-mile long oval track and a 200-acre infield designed specifically for development and testing of automated driving systems.²⁸ The first phase is expected to open in April of 2019, with a design that accommodates an urban area with shipping containers used to replicate buildings, a suburban area, and an airport pickup/drop off area, “all designed to challenge autonomous vehicles.”²⁹

Effect of Proposed Changes

Section 1 of the bill creates s. 316.0899, F.S., entitled “innovative transportation technology pilot or demonstration programs,” more specifically authorizing the FDOT, in consultation with the Department of Highway Safety and Motor Vehicles (DHSMV), to conduct pilot or demonstration programs to explore the efficient implementation of innovative transportation technologies, including, but not limited to, vehicle electrification, shared vehicle use, automated vehicles, and other mobility technologies that provide transportation options intended to increase personal mobility, facilitate shorter urban trips, or provide connections to other modes of transportation. Such pilot or demonstration projects may include innovative transportation technologies that improve delivery of transportation disadvantaged services.³⁰ The bill directs the FDOT to prepare an annual report for submission to the Governor, the President of the Senate, and the Speaker of the House of Representatives outlining any undertaken programs and any findings or recommendations the FDOT deems necessary for future implementation.

Section 2 amends s. 338.2216, F.S., to authorize the Turnpike Enterprise to enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected innovative transportation technologies for the purpose of improving safety and decreasing congestion for the traveling public. The agreements may include terms that authorize

²⁷ For more information, see the SunTrax website at <http://www.suntraxfl.com/#about-us> (last viewed March 25, 2019).

²⁸ See the SunTrax Brochure, available at <http://www.suntraxfl.com/wp-content/uploads/2017/11/SunTrax-Brochure-.pdf>. (last viewed March 25, 2019).

²⁹ SunTrax, *First phase of SunTrax to open in less than a year*, available at <http://www.suntraxfl.com/first-phase-of-suntrax-to-open-in-less-than-a-year/> (last viewed March 25, 2019).

³⁰ The Transportation Disadvantaged Program coordinates a network of local and state programs providing transportation services for elderly, disabled, and low-income citizens. The program assists the transportation disadvantaged; that is, a person who, because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities. The program also assists children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S. Section 427.011(1), F.S.

a private entity to sell or provide products or business opportunities at the facilities which benefit the traveling public, provide additional revenue, or otherwise advance the Turnpike Enterprise's objectives provided in the Florida Transportation Code.³¹

Technical Revisions (Sections 13-18)

Effect of Proposed Changes

Sections 14, 15, 16, and 17 amend ss. 339.175, 339.64, 339.83, and 627.0653, F.S., respectively, to replace each occurrence of the phrase “autonomous technology,” “autonomous vehicle technology,” and “autonomous driving technology” with the phrase “automated driving system” to incorporate the new definition of the latter term.

Section 18 amends s. 655.690, F.S., to update a cross reference.

Effective Date

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds or that limit their ability to raise revenue or receive state tax revenue.

Subsection (b) of Art. VII, s. 18 of the Florida Constitution provides that, except upon approval by each house of the Legislature by two-thirds vote of its membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate. However, these requirements do not apply to laws that have an insignificant fiscal impact on local governments, which for Fiscal Year 2018-2019 is forecast at slightly over \$2 million.^{32, 33, 34}

The bill prohibits local governments from imposing a tax, fee, for-hire vehicle requirement, or other requirement on automated driving systems or autonomous vehicles or on a person who operates an autonomous vehicle, including, but not limited to, a person who operates an autonomous vehicle for purposes of providing passenger transportation services. At this time, the extent to which any local government currently

³¹ Chapters 334-339, 341, 348, and 349 and ss. 332.003-332.007, 351.35, 351.36, 351.37, and 861.011 may be cited as the “Florida Transportation Code.” Section 334.01, F.S.

³² FLA. CONST. art. VII, s. 18(d).

³³ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf>

³⁴ Based on the Florida Demographic Estimating Conference's November 5, 2018 population forecast for 2019 of 21,170,399. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf>

imposes the prohibited taxes, fees, or other requirements, or the amounts imposed is unknown. Thus, whether the bill would reduce the authority of municipalities or counties to raise in the aggregate revenue exceeding the “insignificant impact” ceiling is unknown.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Section 10 of the bill prohibits a local government from imposing a tax, fee, for-hire vehicle requirement, or other requirement on automated driving systems or autonomous vehicles or on a person who operates an autonomous vehicle, including, but not limited to, a person who operates an autonomous vehicle for purposes of providing passenger transportation services. To the extent that any local government currently imposes such a tax, fee, or other requirement on such systems, vehicles, or persons, the tax, fee, or other requirement would be prohibited.

B. Private Sector Impact:

The traveling public may benefit from reduced congestion and commute times, increased mobility, and potential reductions in fatalities and injuries to the extent that the bill facilitates growth in the number and safe operation of autonomous vehicles on the road.

Insurance companies may benefit from increased sales resulting from application of insurance requirements to on-demand autonomous vehicle networks as provided in sections 10 and 13 of the bill.

Manufacturers and distributors of autonomous vehicles and automated driving systems may benefit from the provisions in sections 1 and 2 of the bill authorizing the FDOT and the Turnpike Enterprise to conduct pilot or demonstration programs; to enter into one or more agreements to fund, construct, and operate test facilities, which may include private entity sales to the public; and to undertake research and development projects. The same entities may benefit to the extent that the bill facilitates growth of the number of autonomous vehicles on the road.

C. Government Sector Impact:

Section 1 of the bill authorizes the FDOT, in consultation with the DHSMV, to conduct pilot or demonstration programs to explore the efficient implementation of innovative transportation technologies. Section 2 of the bill also authorizes the Turnpike Enterprise to enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected transportation technologies, which agreements may include authorizing a private entity to sell or provide products or business opportunities at the facilities. This revision may produce additional revenue to the Turnpike Enterprise.

The FDOT and Turnpike Enterprise are not required to enter into contracts or implement new programs. However, if the entities do decide to implement these bill provisions, the fiscal impact is indeterminate because the number and terms of any such agreements is unknown but would be subject to available appropriations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 316.003, 316.062, 316.063, 316.065, 316.1975, 316.303, 316.305, 316.85, 319.145, 338.2216, 339.175, 339.64, 339.83, 627.0653, and 655.960.

This bill creates the following sections of the Florida Statutes: 316.0899, 322.015, and 627.749.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 4, 2019:

The committee substitute:

- Removes a provision from section 10 of the bill that was duplicative of section 2 of the bill related to allowing the Florida Turnpike Enterprise to undertake research and development projects related to autonomous and connected innovative transportation technology solutions.
- Creates insurance requirements for a fully autonomous vehicle with the automated driving system engaged in an on-demand autonomous vehicle network.

CS by Infrastructure and Security on March 20, 2019:

The committee substitute:

- Creates a definition for each of the terms “teleoperation system” and “remote human operator,” in relation to on-demand autonomous vehicle networks.
- Authorizes the FDOT, in consultation with the Department of Highway Safety and Motor Vehicles, to explore the efficient implementation of innovative transportation technologies, and requires the FDOT to submit an annual report outlining undertaken programs.
- Authorizes the Turnpike Enterprise to enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected technologies, which agreements may include terms that authorize a private entity to sell or provide products or business opportunities at the facilities.
- Authorizes the Turnpike Enterprise to fund, construct, and operate test facilities and undertake research and development projects for the advancement of autonomous, connected, and innovative transportation technology solutions.

B. Amendments:

None.



267362

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 249 - 302

and insert:

Section 10. Section 316.85, Florida Statutes, is amended to read:

316.85 Autonomous vehicles; operation; compliance with traffic and motor vehicle laws; preemption.—

(1) Notwithstanding any other law, a licensed human operator is not required to operate a fully autonomous vehicle A



267362

11 ~~person who possesses a valid driver license may operate an~~
12 ~~autonomous vehicle in autonomous mode on roads in this state if~~
13 ~~the vehicle is equipped with autonomous technology, as defined~~
14 ~~in s. 316.003(3) s. 316.003.~~

15 (2) A fully autonomous vehicle may operate in this state,
16 regardless of whether a human operator is physically present in
17 the vehicle.

18 (3) (a) ~~(2)~~ For purposes of this chapter, unless the context
19 otherwise requires, the automated driving system, when engaged,
20 a person shall be deemed to be the operator of an autonomous
21 vehicle operating in autonomous mode when the person causes the
22 vehicle's autonomous technology to engage, regardless of whether
23 a the person is physically present in the vehicle while the
24 vehicle is operating with the automated driving system engaged
25 in autonomous mode.

26 (b) Unless otherwise provided by law, applicable traffic or
27 motor vehicle laws of this state may not be construed to:

28 1. Prohibit the automated driving system from being deemed
29 the operator of an autonomous vehicle operating with the
30 automated driving system engaged.

31 2. Require a licensed human operator to operate a fully
32 autonomous vehicle.

33 (4) An on-demand autonomous vehicle network must operate
34 pursuant to state laws governing the operation of transportation
35 network companies and transportation network company vehicles as
36 those terms are defined in s. 627.748, except that any provision
37 of s. 627.748 which reasonably applies only to a human driver
38 does not apply to the operation of a fully autonomous vehicle
39 with the automated driving system engaged in an on-demand



267362

40 autonomous vehicle network. A fully autonomous vehicle with the
41 automated driving system engaged in an on-demand autonomous
42 vehicle network must meet the insurance requirements in s.
43 627.749.

44 (5) Notwithstanding any other provision of this chapter, an
45 autonomous vehicle or a fully autonomous vehicle equipped with a
46 teleoperation system may operate without a human operator
47 physically present in the vehicle when the teleoperation system
48 is engaged. A vehicle that is subject to this subsection must
49 meet the requirements of s. 319.145 and is considered a vehicle
50 that meets the definition of s. 316.003(3)(c) for the purposes
51 of ss. 316.062(5), 316.063(4), 316.065(5), 316.1975(3), and
52 316.303(1).

53 (6) It is the intent of the Legislature to provide for

54
55 ===== T I T L E A M E N D M E N T =====

56 And the title is amended as follows:

57 Delete lines 34 - 37

58 and insert:

59 construction; providing requirements for



783644

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/08/2019	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Thurston) recommended the following:

Senate Amendment (with title amendment)

Delete lines 355 - 359

and insert:

(5) Notwithstanding s. 324.021 or any other provision of law, the owner of an autonomous vehicle is fully liable for damages caused by the autonomous vehicle while operating in autonomous mode if the automated driving system failed to perform like a reasonably prudent human operator would under similar circumstances. Nothing in this chapter may be construed



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11 to limit or diminish any right to recover damages caused by
12 autonomous vehicles under Florida statutory or common law.

13 Section 12. Section 322.015, Florida Statutes, is created
14 to read:

15 322.015 Exemption.—This chapter does not apply when a fully
16 autonomous vehicle is operated with the automated driving system
17 engaged and without a human operator.

18 Section 13. Section 324.033, Florida Statutes, is created
19 to read:

20 324.033 Manner of proving financial responsibility;
21 autonomous vehicles.—

22 (1) All fully autonomous vehicles must have uninsured and
23 underinsured motorist coverage as required by s. 627.727,
24 personal injury protection coverage as required by s. 627.736,
25 and liability coverage insuring the owner of the vehicle in the
26 amount of at least \$500,000 for combined bodily injury liability
27 and property damage liability or:

28 (a) At least \$100,000 for bodily injury to or the death of
29 one person in any one accident;

30 (b) Subject to such limits for one person, at least
31 \$300,000 for bodily injury to or the death of two or more
32 persons in any one accident; and

33 (c) At least \$50,000 for damage to or destruction of the
34 property of others in any one accident.

35 (2) Notwithstanding subsection (1), the owner or operator
36 of an autonomous vehicle used commercially for the pickup or
37 delivery of passengers or goods or for providing other services
38 for compensation, except as provided in s. 627.749, must be
39 insured by a motor vehicle liability policy that provides all of



783644

40 the following:

41 (a) Primary liability coverage that insures the owner in
42 the amount of at least \$2 million for combined bodily injury
43 liability and property damage liability.

44 (b) Personal injury protection benefits that meet the
45 minimum coverage amounts required under ss. 627.730-627.7405.

46 (c) Uninsured and underinsured motorist coverage as
47 required by s. 627.727.

48

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

50 And the title is amended as follows:

51 Delete lines 51 - 52

52 and insert:

53 this state; providing construction; creating s.
54 322.015, F.S.; providing applicability; creating s.
55 324.033, F.S.; providing insurance requirements for
56 fully autonomous vehicles; providing insurance
57 requirements for a certain owner or operator of an
58 autonomous vehicle used commercially for the pickup or
59 delivery of passengers or goods or for providing other
60 services for compensation; amending ss. 339.175,
61 339.64, 339.83,



646158

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 359 and 360

insert:

Section 13. Section 627.749, Florida Statutes, is created
to read:

627.749 On-demand autonomous vehicle networks.-

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

(a) "Automated driving system" has the same meaning as in

s. 316.003.



646158

11 (b) "Fully autonomous vehicle" has the same meaning as
12 provided in s. 316.003(3).

13 (c) "On-demand autonomous vehicle network" has the same
14 meaning as provided in s. 316.003.

15 (2) INSURANCE REQUIREMENTS.-

16 (a) A fully autonomous vehicle with the automated driving
17 system engaged in an on-demand autonomous vehicle network must
18 be covered by a policy of automobile insurance which provides:

19 1. Primary liability coverage of at least \$1 million for
20 death, bodily injury, and property damage;

21 2. Personal injury protection benefits that meet the
22 minimum coverage amounts required under ss. 627.730-627.7405;
23 and

24 3. Uninsured and underinsured vehicle coverage as required
25 by s. 627.727.

26 (b) The coverage requirements of paragraph (a) may be
27 satisfied by any of the following:

28 1. Automobile insurance maintained by the owner of a fully
29 autonomous vehicle with the automated driving system engaged in
30 an on-demand autonomous vehicle network;

31 2. Automobile insurance maintained by the on-demand
32 autonomous vehicle network; or

33 3. A combination of subparagraphs 1. and 2.

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete line 52

38 and insert:

39 applicability; creating s. 627.749, F.S.; defining



646158

40 terms; providing insurance requirements for a fully
41 autonomous vehicle with the automated driving system
42 engaged in an on-demand autonomous vehicle network;
43 amending ss. 339.175, 339.64, 339.83,

By the Committee on Infrastructure and Security; and Senator Brandes

596-03288-19

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1 A bill to be entitled
 2 An act relating to autonomous vehicles; creating s.
 3 316.0899, F.S.; authorizing the Department of
 4 Transportation, in consultation with the Department of
 5 Highway Safety and Motor Vehicles, to conduct pilot or
 6 demonstration programs to explore the efficient
 7 implementation of innovative transportation
 8 technologies; requiring the Department of
 9 Transportation to submit a certain annual report to
 10 the Governor and the Legislature; amending s.
 11 338.2216, F.S.; authorizing the Florida Turnpike
 12 Enterprise to enter into one or more agreements to
 13 fund, construct, and operate facilities for the
 14 advancement of autonomous and connected innovative
 15 transportation technologies for certain purposes;
 16 amending s. 316.003, F.S.; revising and providing
 17 definitions; amending ss. 316.062, 316.063, 316.065,
 18 and 316.1975, F.S.; providing applicability; amending
 19 s. 316.303, F.S.; exempting a vehicle being operated
 20 with the automated driving system engaged from a
 21 prohibition on the active display of television or
 22 video; amending s. 316.305, F.S.; exempting a motor
 23 vehicle operator who is operating an autonomous
 24 vehicle from a prohibition on the use of wireless
 25 communications devices; amending s. 316.85, F.S.;
 26 providing that a licensed human operator is not
 27 required to operate a fully autonomous vehicle;
 28 authorizing a fully autonomous vehicle to operate in
 29 this state regardless of whether a human operator is

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30 physically present in the vehicle; requiring the
 31 automated driving system to be deemed to be the
 32 operator of an autonomous vehicle operating with the
 33 automated driving system engaged; providing
 34 construction; authorizing the Florida Turnpike
 35 Enterprise to fund, construct, and operate certain
 36 test facilities and undertake certain research and
 37 development projects; providing requirements for
 38 operation of on-demand autonomous vehicle networks;
 39 authorizing an autonomous vehicle or fully autonomous
 40 vehicle equipped with a teleoperation system to
 41 operate without a human operator physically present in
 42 the vehicle when the teleoperation system is engaged;
 43 providing requirements for such vehicles; providing
 44 construction; providing legislative intent;
 45 prohibiting a local government from imposing any tax,
 46 fee, for-hire vehicle requirement, or other
 47 requirement on automated driving systems or autonomous
 48 vehicles or on a person who operates an autonomous
 49 vehicle; amending s. 319.145, F.S.; revising
 50 requirements for autonomous vehicles registered in
 51 this state; creating s. 322.015, F.S.; providing
 52 applicability; amending ss. 339.175, 339.64, 339.83,
 53 and 627.0653, F.S.; conforming provisions to changes
 54 made by the act; amending s. 655.960, F.S.; conforming
 55 a cross-reference; providing an effective date.

56
 57 Be It Enacted by the Legislature of the State of Florida:
 58

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59 Section 1. Section 316.0899, Florida Statutes, is created
60 to read:

61 316.0899 Innovative transportation technology pilot or
62 demonstration programs.—The Department of Transportation, in
63 consultation with the department, may conduct pilot or
64 demonstration programs to explore the efficient implementation
65 of innovative transportation technologies, including, but not
66 limited to, vehicle electrification, shared vehicle use,
67 automated vehicles, and other mobility technologies that provide
68 transportation options intended to increase personal mobility,
69 to facilitate shorter urban trips, or to provide connections to
70 other modes of transportation. Such pilot or demonstration
71 programs may also include innovative transportation technologies
72 that improve the delivery of transportation disadvantaged
73 services. The Department of Transportation shall prepare an
74 annual report outlining the programs undertaken pursuant to this
75 section. The report may include any findings or recommendations
76 the department deems necessary for future implementation. The
77 report must be submitted to the Governor, the President of the
78 Senate, and the Speaker of the House of Representatives.

79 Section 2. Paragraph (f) is added to subsection (1) of
80 section 338.2216, Florida Statutes, to read:

81 338.2216 Florida Turnpike Enterprise; powers and
82 authority.—

83 (1)

84 (f) The Florida Turnpike Enterprise may enter into one or
85 more agreements to fund, construct, and operate facilities for
86 the advancement of autonomous and connected innovative
87 transportation technologies for the purposes of improving safety

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88 and decreasing congestion for the traveling public. Such
89 agreements may include terms that authorize a private entity to
90 sell or provide products or business opportunities at the
91 facilities which benefit the traveling public, provide
92 additional revenue, or otherwise advance the enterprise's
93 objectives as provided in the Florida Transportation Code.

94 Section 3. Present subsections (48) through (86) of section
95 316.003, Florida Statutes, are redesignated as subsections (49)
96 through (87), respectively, present subsections (87) through
97 (101) of section 316.003, Florida Statutes, are redesignated as
98 subsections (89) through (103), respectively, new subsections
99 (48) and (88) are added to that section, and subsection (3) and
100 present subsection (59) of that section are amended, to read:

101 316.003 Definitions.—The following words and phrases, when
102 used in this chapter, shall have the meanings respectively
103 ascribed to them in this section, except where the context
104 otherwise requires:

105 (3) AUTOMATED DRIVING SYSTEM AUTONOMOUS VEHICLE.—The
106 hardware and software that are collectively capable of
107 performing the entire dynamic driving task of an autonomous
108 vehicle on a sustained basis, regardless of whether it is
109 limited to a specific operational design domain. The term:

110 (a) "Autonomous vehicle" means any vehicle equipped with an
111 automated driving system.

112 (b) "Dynamic driving task" means all of the real-time
113 operational and tactical functions required to operate a vehicle
114 in on-road traffic within its specific operational design
115 domain, if any, excluding strategic functions such as trip
116 scheduling and selection of destinations and waypoints.

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117 (c) "Fully autonomous vehicle" means a vehicle equipped
 118 with an automated driving system designed to function without
 119 autonomous technology. The term "autonomous technology" means
 120 technology installed on a motor vehicle that has the capability
 121 to drive the vehicle on which the technology is installed
 122 without the active control or monitoring by a human operator.
 123 The term excludes a motor vehicle enabled with active safety
 124 systems or driver assistance systems, including, without
 125 limitation, a system to provide electronic blind spot
 126 assistance, crash avoidance, emergency braking, parking
 127 assistance, adaptive cruise control, lane keep assistance, lane
 128 departure warning, or traffic jam and queuing assistant, unless
 129 any such system alone or in combination with other systems
 130 enables the vehicle on which the technology is installed to
 131 drive without active control or monitoring by a human operator.
 132 (d) "Operational design domain" means a description of the
 133 specific operating domain in which an automated driving system
 134 is designed to properly operate, including, but not limited to,
 135 roadway types, speed ranges, environmental conditions such as
 136 weather and time of day, and other domain constraints.
 137 (48) ON-DEMAND AUTONOMOUS VEHICLE NETWORK.—A passenger
 138 transportation network that uses a software application or other
 139 digital means to connect passengers to fully autonomous
 140 vehicles, exclusively or in addition to other vehicles, for
 141 transportation, including for-hire transportation and
 142 transportation for compensation.
 143 (60)(59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 144 provided in paragraph (82)(b) (81)(b), any privately owned way
 145 or place used for vehicular travel by the owner and those having

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146 express or implied permission from the owner, but not by other
 147 persons.
 148 (88) TELEOPERATION SYSTEM.—The hardware and software
 149 installed in a motor vehicle which allow a remote human operator
 150 to supervise or perform aspects of, or the entirety of, the
 151 dynamic driving task. The term "remote human operator" means a
 152 natural person who is not physically present in a vehicle
 153 equipped with an automated driving system who engages or
 154 monitors the vehicle from a remote location. A remote human
 155 operator may have the ability to perform aspects of, or the
 156 entirety of, the dynamic driving task for the vehicle or cause
 157 the vehicle to achieve a minimal risk condition.
 158 Section 4. Subsection (5) is added to section 316.062,
 159 Florida Statutes, to read:
 160 316.062 Duty to give information and render aid.—
 161 (5) This section does not apply to a fully autonomous
 162 vehicle, operating with the automated driving system engaged, in
 163 the event of a crash involving the vehicle if the vehicle owner,
 164 or a person on behalf of the vehicle owner, promptly contacts a
 165 law enforcement agency to report the crash or if the fully
 166 autonomous vehicle has the capability of alerting a law
 167 enforcement agency to the crash.
 168 Section 5. Subsection (4) is added to section 316.063,
 169 Florida Statutes, to read:
 170 316.063 Duty upon damaging unattended vehicle or other
 171 property.—
 172 (4) This section does not apply to a fully autonomous
 173 vehicle, operating with the automated driving system engaged, in
 174 the event of a crash involving the vehicle if the vehicle owner,

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175 or a person on behalf of the vehicle owner, promptly contacts a
 176 law enforcement agency to report the crash or if the fully
 177 autonomous vehicle has the capability of alerting a law
 178 enforcement agency to the crash.

179 Section 6. Subsection (5) is added to section 316.065,
 180 Florida Statutes, to read:

181 316.065 Crashes; reports; penalties.—

182 (5) Subsection (1) does not apply to a fully autonomous
 183 vehicle, operating with the automated driving system engaged, in
 184 the event of a crash involving the vehicle if the vehicle owner,
 185 or a person on behalf of the vehicle owner, promptly contacts a
 186 law enforcement agency to report the crash or if the fully
 187 autonomous vehicle has the capability of alerting a law
 188 enforcement agency to the crash.

189 Section 7. Subsection (3) is added to section 316.1975,
 190 Florida Statutes, to read:

191 316.1975 Unattended motor vehicle.—

192 (3) This section does not apply to a fully autonomous
 193 vehicle operating with the automated driving system engaged.

194 Section 8. Section 316.303, Florida Statutes, is amended to
 195 read:

196 316.303 Television receivers.—

197 (1) ~~A~~ No motor vehicle may not be operated on the highways
 198 of this state if the vehicle is actively displaying moving
 199 television broadcast or pre-recorded video entertainment content
 200 that is visible from the driver's seat while the vehicle is in
 201 motion, unless the vehicle is ~~equipped with autonomous~~
 202 ~~technology, as defined in s. 316.003(3), and is being operated~~
 203 with the automated driving system engaged in autonomous mode, as

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204 ~~provided in s. 316.85(2).~~

205 (2) This section does not prohibit the use of television-
 206 type receiving equipment used exclusively for safety or law
 207 enforcement purposes, provided such use is approved by the
 208 department.

209 (3) This section does not prohibit the use of an electronic
 210 display used in conjunction with a vehicle navigation system; an
 211 electronic display used by an operator of an autonomous a
 212 ~~vehicle equipped with autonomous technology~~, as defined in s.
 213 316.003(3); or an electronic display used by an operator of a
 214 vehicle equipped and operating with driver-assistive truck
 215 platooning technology, as defined in s. 316.003.

216 (4) A violation of this section is a noncriminal traffic
 217 infraction, punishable as a nonmoving violation as provided in
 218 chapter 318.

219 Section 9. Paragraph (b) of subsection (3) of section
 220 316.305, Florida Statutes, is amended to read:

221 316.305 Wireless communications devices; prohibition.—

222 (3)

223 (b) Paragraph (a) does not apply to a motor vehicle
 224 operator who is:

225 1. Performing official duties as an operator of an
 226 authorized emergency vehicle as defined in s. 322.01, a law
 227 enforcement or fire service professional, or an emergency
 228 medical services professional.

229 2. Reporting an emergency or criminal or suspicious
 230 activity to law enforcement authorities.

231 3. Receiving messages that are:

232 a. Related to the operation or navigation of the motor

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233 vehicle;

234 b. Safety-related information, including emergency,

235 traffic, or weather alerts;

236 c. Data used primarily by the motor vehicle; or

237 d. Radio broadcasts.

238 4. Using a device or system for navigation purposes.

239 5. Conducting wireless interpersonal communication that

240 does not require manual entry of multiple letters, numbers, or

241 symbols, except to activate, deactivate, or initiate a feature

242 or function.

243 6. Conducting wireless interpersonal communication that

244 does not require reading text messages, except to activate,

245 deactivate, or initiate a feature or function.

246 7. Operating an autonomous vehicle, as defined in s.

247 316.003(3) s. 316.003, with the automated driving system engaged

248 in autonomous mode.

249 Section 10. Section 316.85, Florida Statutes, is amended to

250 read:

251 316.85 Autonomous vehicles; operation; compliance with

252 traffic and motor vehicle laws; testing; preemption.-

253 (1) Notwithstanding any other law, a licensed human

254 operator is not required to operate a fully autonomous vehicle A

255 person who possesses a valid driver license may operate an

256 autonomous vehicle in autonomous mode on roads in this state if

257 the vehicle is equipped with autonomous technology, as defined

258 in s. 316.003(3) s. 316.003.

259 (2) A fully autonomous vehicle may operate in this state

260 regardless of whether a human operator is physically present in

261 the vehicle.

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262 (3) ~~(a)(2)~~ For purposes of this chapter, unless the context

263 otherwise requires, the automated driving system, when engaged,

264 ~~a person~~ shall be deemed to be the operator of an autonomous

265 vehicle ~~operating in autonomous mode when the person causes the~~

266 ~~vehicle's autonomous technology to engage,~~ regardless of whether

267 ~~a~~ the person is physically present in the vehicle while the

268 vehicle is operating with the automated driving system engaged

269 ~~in autonomous mode.~~

270 (b) Unless otherwise provided by law, applicable traffic or

271 motor vehicle laws of this state may not be construed to:

272 1. Prohibit the automated driving system from being deemed

273 the operator of an autonomous vehicle operating with the

274 automated driving system engaged.

275 2. Require a licensed human operator to operate a fully

276 autonomous vehicle.

277 (4) The Florida Turnpike Enterprise may fund, construct,

278 and operate test facilities and undertake research and

279 development projects for the advancement of autonomous and

280 connected innovative transportation technology solutions for the

281 purposes of improving safety and decreasing congestion for the

282 traveling public and to otherwise advance the objectives of the

283 Florida Turnpike Enterprise as set forth in the Florida

284 Transportation Code.

285 (5) An on-demand autonomous vehicle network may operate

286 pursuant to state laws governing the operation of transportation

287 network companies and transportation network company vehicles as

288 defined in s. 627.748, except that any provision of s. 627.748

289 which reasonably applies only to a human driver does not apply

290 to the operation of a fully autonomous vehicle with the

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291 automated driving system engaged in an on-demand autonomous
 292 vehicle network.

293 (6) Notwithstanding any other provision of this chapter, an
 294 autonomous vehicle or a fully autonomous vehicle equipped with a
 295 teleoperation system may operate without a human operator
 296 physically present in the vehicle when the teleoperation system
 297 is engaged. A vehicle that is subject to this subsection must
 298 meet the requirements of s. 319.145 and is considered a vehicle
 299 that meets the definition of s. 316.003(3)(c) for the purposes
 300 of ss. 316.062(5), 316.063(4), 316.065(5), 316.1975(3), and
 301 316.303(1).

302 (7) It is the intent of the Legislature to provide for
 303 uniformity of laws governing autonomous vehicles throughout the
 304 state. A local government may not impose any tax, fee, for-hire
 305 vehicle requirement, or other requirement on automated driving
 306 systems or autonomous vehicles or on a person who operates an
 307 autonomous vehicle, including, but not limited to, a person who
 308 operates an autonomous vehicle for purposes of providing
 309 passenger transportation services.

310 Section 11. Section 319.145, Florida Statutes, is amended
 311 to read:

312 319.145 Autonomous vehicles.-

313 (1) An autonomous vehicle registered in this state must
 314 continue to meet all of the following requirements:

315 (a) When required by federal law:

316 1. Has been certified in accordance with federal
 317 regulations in 49 C.F.R. part 567 as being in compliance with
 318 applicable federal motor vehicle safety standards.

319 2. Bear the required certification label or labels,

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320 including reference to any exemption granted under applicable
 321 federal law.

322 (b) Be capable of being operated in compliance with the
 323 applicable traffic and motor vehicle laws of this state,
 324 regardless of whether the vehicle is operating with the
 325 automated driving system engaged.

326 (2) If the autonomous vehicle is not fully autonomous,
 327 ~~applicable federal standards and regulations for such motor~~
 328 ~~vehicle- the vehicle must+~~

329 ~~(a) have a system to safely alert a licensed human the~~
 330 ~~operator physically present in the vehicle if an automated~~
 331 ~~driving system autonomous technology failure is detected while~~
 332 ~~the automated driving system autonomous technology is engaged.~~
 333 ~~When an alert is given, the system must+~~

334 ~~1- require the licensed human operator to take control of~~
 335 ~~the autonomous vehicle or must achieve a minimal risk condition+~~
 336 ~~or~~

337 ~~2. If the operator does not, or is not able to, take~~
 338 ~~control of the autonomous vehicle, be capable of bringing the~~
 339 ~~vehicle to a complete stop.~~

340 ~~(b) Have a means, inside the vehicle, to visually indicate~~
 341 ~~when the vehicle is operating in autonomous mode.~~

342 ~~(c) Be capable of being operated in compliance with the~~
 343 ~~applicable traffic and motor vehicle laws of this state.~~

344 (3) If the autonomous vehicle is fully autonomous, it must
 345 be able to achieve a minimal risk condition if a failure of the
 346 automated driving system occurs which renders that system unable
 347 to perform the entire dynamic driving task relevant to its
 348 intended operational design domain. The term "minimal risk

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349 condition” means a reasonably safe state, such as bringing the
 350 vehicle to a complete stop and activating the vehicle’s hazard
 351 lamps.

352 ~~(4)(2)~~ Federal regulations promulgated by the National
 353 Highway Traffic Safety Administration shall supersede this
 354 section when found to be in conflict with this section.

355 Section 12. Section 322.015, Florida Statutes, is created
 356 to read:

357 322.015 Exemption.—This chapter does not apply when a fully
 358 autonomous vehicle is operated with the automated driving system
 359 engaged and without a human operator.

360 Section 13. Paragraph (c) of subsection (7) of section
 361 339.175, Florida Statutes, is amended to read:

362 339.175 Metropolitan planning organization.—

363 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
 364 develop a long-range transportation plan that addresses at least
 365 a 20-year planning horizon. The plan must include both long-
 366 range and short-range strategies and must comply with all other
 367 state and federal requirements. The prevailing principles to be
 368 considered in the long-range transportation plan are: preserving
 369 the existing transportation infrastructure; enhancing Florida’s
 370 economic competitiveness; and improving travel choices to ensure
 371 mobility. The long-range transportation plan must be consistent,
 372 to the maximum extent feasible, with future land use elements
 373 and the goals, objectives, and policies of the approved local
 374 government comprehensive plans of the units of local government
 375 located within the jurisdiction of the M.P.O. Each M.P.O. is
 376 encouraged to consider strategies that integrate transportation
 377 and land use planning to provide for sustainable development and

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378 reduce greenhouse gas emissions. The approved long-range
 379 transportation plan must be considered by local governments in
 380 the development of the transportation elements in local
 381 government comprehensive plans and any amendments thereto. The
 382 long-range transportation plan must, at a minimum:

383 (c) Assess capital investment and other measures necessary
 384 to:

- 385 1. Ensure the preservation of the existing metropolitan
 386 transportation system including requirements for the operation,
 387 resurfacing, restoration, and rehabilitation of major roadways
 388 and requirements for the operation, maintenance, modernization,
 389 and rehabilitation of public transportation facilities; and
- 390 2. Make the most efficient use of existing transportation
 391 facilities to relieve vehicular congestion, improve safety, and
 392 maximize the mobility of people and goods. Such efforts must
 393 include, but are not limited to, consideration of infrastructure
 394 and technological improvements necessary to accommodate advances
 395 in vehicle technology, such as automated driving systems
 396 ~~autonomous technology~~ and other developments.

397
 398 In the development of its long-range transportation plan, each
 399 M.P.O. must provide the public, affected public agencies,
 400 representatives of transportation agency employees, freight
 401 shippers, providers of freight transportation services, private
 402 providers of transportation, representatives of users of public
 403 transit, and other interested parties with a reasonable
 404 opportunity to comment on the long-range transportation plan.
 405 The long-range transportation plan must be approved by the
 406 M.P.O.

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407 Section 14. Paragraph (c) of subsection (3) and paragraph
408 (a) of subsection (4) of section 339.64, Florida Statutes, are
409 amended to read:

410 339.64 Strategic Intermodal System Plan.—

411 (3)

412 (c) The department shall coordinate with federal, regional,
413 and local partners, as well as industry representatives, to
414 consider infrastructure and technological improvements necessary
415 to accommodate advances in vehicle technology, such as automated
416 driving systems ~~autonomous technology~~ and other developments, in
417 Strategic Intermodal System facilities.

418 (4) The Strategic Intermodal System Plan shall include the
419 following:

420 (a) A needs assessment that must include, but is not
421 limited to, consideration of infrastructure and technological
422 improvements necessary to accommodate advances in vehicle
423 technology, such as automated driving systems ~~autonomous~~
424 ~~technology~~ and other developments.

425 Section 15. Section 339.83, Florida Statutes, is amended to
426 read:

427 339.83 Enrollment in federal pilot programs.—The Secretary
428 of Transportation may enroll the State of Florida in any federal
429 pilot program or project for the collection and study of data
430 for the review of federal or state roadway safety,
431 infrastructure sustainability, congestion mitigation,
432 transportation system efficiency, automated driving systems
433 ~~autonomous vehicle technology~~, or capacity challenges.

434 Section 16. Subsection (6) of section 627.0653, Florida
435 Statutes, is amended to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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436 627.0653 Insurance discounts for specified motor vehicle
437 equipment.—

438 (6) The Office of Insurance Regulation may approve a
439 premium discount to any rates, rating schedules, or rating
440 manuals for the liability, personal injury protection, and
441 collision coverages of a motor vehicle insurance policy filed
442 with the office if the insured vehicle is equipped with an
443 automated driving system ~~autonomous driving technology~~ or
444 electronic vehicle collision avoidance technology that is
445 factory installed or a retrofitted system and that complies with
446 National Highway Traffic Safety Administration standards.

447 Section 17. Subsection (1) of section 655.960, Florida
448 Statutes, is amended to read:

449 655.960 Definitions; ss. 655.960-655.965.—As used in this
450 section and ss. 655.961-655.965, unless the context otherwise
451 requires:

452 (1) "Access area" means any paved walkway or sidewalk which
453 is within 50 feet of any automated teller machine. The term does
454 not include any street or highway open to the use of the public,
455 as defined in s. 316.003(82)(a) ~~s. 316.003(81)(a)~~ or (b),
456 including any adjacent sidewalk, as defined in s. 316.003.

457 Section 18. This act shall take effect July 1, 2019.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

Committee Agenda Request

To: Senator Travis Hutson
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development

Subject: Committee Agenda Request

Date: March 21, 2019

I respectfully request that **Senate Bill #932**, relating to **Autonomous Vehicles**, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/14/19

Meeting Date

CS/SB-932

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name Diane Carr

Job Title Lobbyist

Address 537 E Park
Street

Phone 850.210.4024

Tall FL 32301
City State Zip

Email diane@teamjls.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Alliance of Automobile Manufacturers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4.4.19

Meeting Date

SB 932

Bill Number (if applicable)

Topic AUTONOMOUS VEHICLES

Amendment Barcode (if applicable)

Name MEGAN SIRYANE-SAMPLES

Job Title SOUTHEAST PUBLIC POLICY MANAGER

Address 1508 COOMBS DR

Phone 561-352-3388

Street

TALLAHASSEE FL 32308

City

State

Zip

Email MEGANS@LYFT.com

Speaking: [] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing LYFT INC.

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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04/04/19

Meeting Date

932

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name Cesar Fernandez

Job Title

Address 480 NE 30th ST, APT 802

Phone 786-262-6092

Street Miami FL 33137

Email Cesar@convergegov.com

City State Zip

Speaking: [] For [] Against [] Information

Waive Speaking: [x] In Support [] Against (The Chair will read this information into the record.)

Representing Starsky Robotics

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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4/4/19

Meeting Date

732

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name Andy Palmer

Job Title

Address 119 S. Monroe St. Ste 200

Phone 850 205 9000

Street

Tallahassee

FL

32309

City

State

Zip

Email andy.palmer@mhdfirm.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing General Motors

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/19

Meeting Date

SB 932

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name Stephanie Smith

Job Title _____

Address 80 SW 8th St

Phone _____

Street

Email smiths@uber.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Uber

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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Apr 4 2019

Meeting Date

932

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name Christopher Emmanuel

Job Title Policy Director

Address 136 S Bronough Street

Phone

City TLH State FL Zip 32301

Email

Speaking: [] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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04/04/2019

Meeting Date

932

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name Candice Ericks

Job Title Lobbyist

Address 110 SE Sixth Street, Suite 1500

Phone 954-648-1204

Street

Fort Lauderdale

FL

33301

Email candice@tsecgov.com

City

State

Zip

Speaking: For Against Information

~~Waive Speaking:~~ In Support Against
(The Chair will read this information into the record.)

Representing JM Family Enterprises

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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4-4-19

Meeting Date

932

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N. Adams St

Phone 224-7173

Street

TLH

FL

32301

Email bbevis@aif.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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4/4/19

Meeting Date

CS/SB 932

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name Dorene Barker

Job Title AARP ~~Florida~~ ^{Advocacy} - Associate State Director

Address 200 W. College Ave, Ste 304 A Phone 850-228-6387

Street

Dallahassee FL 32301

City

State

Zip

Email dobarker@aarpp.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AARP Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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4/9/19
Meeting Date

SB 932

Bill Number (if applicable)

~~SB 1044~~

Amendment Barcode (if applicable)

Topic Autonomous vehicles

Name JEFF SHARKEY

Job Title CEO, LAB

Address 156 E Colony Way
Street

Phone 224 1660

City T4 State FL Zip 32301

Email jeff@sharkey.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing TESLA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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4/4/19

Meeting Date

513 932

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name Fred Baggett

Job Title

Address 101 E. College Ave.

Phone 450 425 8512

Street

Tallahassee FL 32301

City

State

Zip

Email BaggettF@GTLaw.Com

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Ford Motor Company

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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4-4-19

Meeting Date

932

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name SAZ NUZZO

Job Title VP Policy

Address 100 N. Duval St

Phone 850-322-9941

City Tall State FL Zip 32301

Email

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing THE JAMES MADISON INST.

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4/4/19

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

932

Meeting Date

Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name Diego Echeverri

Job Title Director Coalitions

Address 200 W College Ave

Phone 813 767 2084

Street TLH

City FL

State FL

Zip

Email decheverri@cv4g.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Americans For Prosperity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/2019
Meeting Date

SB 932
Bill Number (if applicable)

Topic Autonomous Vehicles

Amendment Barcode (if applicable)

Name Alex Gillen

Job Title Attorney

Address 201 S. Orange Ave., Suite 1500

Phone _____

Orlando Florida 32801
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FJA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/2019
Meeting Date

SB 982
Bill Number (if applicable)

782644
Amendment Barcode (if applicable)

Topic Autonomous Vehicles

Name Alex Gillen

Job Title Attorney

Address 201 S. Orange St., Suite 1500

Phone (407) 648-5977

Orlando FL 32801
City State Zip

Email gillen@newsome.law.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FJA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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4/4/19
Meeting Date

SB 932
Bill Number (if applicable)

→ 783644
Amendment Barcode (if applicable)

Topic AUTONOMOUS VEHICLES

Name JEFF SHARKEY

Job Title CEO, CAS

Address 100 E College Ave

Street

City

State

32301
Zip

Phone 224 6660

Email jeff@sharkenergy.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing TESLA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/CS/SB 974 (141874)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Infrastructure and Security Committee and Senator Perry

SUBJECT: Damaged, Dismantled, Derelict, or Salvage Motor Vehicles

DATE: April 8, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 974 makes changes to the business of storing and selling or reselling damaged or dismantled motor vehicles.

The bill requires that when an insurance company notifies an independent entity in possession of a motor vehicle to release a vehicle, the insurance company must provide the independent entity a release statement authorizing release of the vehicle to the owner or *to the lienholder*.

The bill allows the independent entity's notice to the owner to be provided by a commercial delivery service that provides proof of delivery, in addition to certified mail. When the Department of Highway Safety and Motor Vehicles (DHSMV) does not have the owner's address on record, the bill allows the notice to be sent to the vehicle owner's address on file with the insurance company and on file with the vehicle's most recent titling jurisdiction.

The bill allows an independent entity in possession of a vehicle to apply for a certificate of destruction or a certificate of title if a vehicle is not claimed within 30 days after the attempted delivery of notice to the owner; at present, an application can be made only after delivery of the notice to the owner.

When applying for a certificate of destruction or salvage certificate of title, the bill requires the independent entity in possession of a vehicle to:

- Provide proof of all lien satisfactions or proof of a release on all liens on a vehicle;
- Provide an affidavit indicating a notice had been sent to all lienholders and 30 days has passed since the notice was delivered or delivery was attempted, in the event a lien satisfaction or a release of all liens on a vehicle cannot be obtained;
- Provide proof of notice delivery to the lienholder at the address on the certificate of title and, if the address is different than the one on file with the Department of State for the lienholder's registered agent, provide proof of notice delivery to that address.

Effective October 1, 2019, the bill allows a licensed salvage motor vehicle dealer or motor vehicle auction or insurance company that processes title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvaged vehicles to act as an electronic filing system agent of the DHSMV, if the entity does so in the normal course of business.

The bill does not have a significant fiscal impact to state and local government. See Section V.

The bill takes effect July 1, 2019.

II. Present Situation:

Notice of Possession

Pursuant to s. 319.30, F.S., an insurance company may notify an independent entity¹ that obtains possession of a damaged or dismantled motor vehicle (vehicle) to release the vehicle to the owner. The notice must include a release statement on a form prescribed by the Department of Highway Safety and Motor Vehicles (DHSMV) authorizing the independent entity to release the vehicle to the owner. The form must contain:

- The policy and claim number;
- The name and address of the insured;
- The vehicle identification number; and
- The signature of an authorized representative of the insurance company.

The independent entity in possession of the vehicle must send a notice by certified mail to the owner that the vehicle is available for pick up when it receives a release statement from the insurance company. It must inform the owner that he or she has 30 days after receipt of the notice to pick up the vehicle from the independent entity. If the vehicle is not claimed within 30 days after the owner receives the notice, the independent entity may apply for a certificate of destruction or a certificate of title.

¹ See s. 319.30(1)(g), F.S. ("Independent entity" means a business or entity that may temporarily store damaged or dismantled motor vehicles pursuant to an agreement with an insurance company and is engaged in the sale or resale of damaged or dismantled motor vehicles. The term does not include a wrecker operator, a towing company, or a repair facility.)

The independent entity must make a notification in the National Motor Vehicle Title Information System before releasing any damaged or dismantled motor vehicle to the owner or before applying for a certificate of destruction or salvage certificate of title.

Upon applying for a certificate of destruction or salvage certificate of title, the independent entity must provide a copy of the release statement from the insurance company, proof of providing the 30-day notice to the owner, proof of notification to the National Motor Vehicle Title Information System, and payment of any applicable fees.

Electronic Filing System (EFS)

In 2009, legislation was passed which established state jurisdiction over the EFS program,² which is a software application that interacts with the Florida Real-time Vehicle Information System (FRVIS) to securely process title and registration transactions, customer inquiries, and updates in real-time. Certified service providers build their own interface systems that link up with the EFS to provide transaction services to EFS agents (primarily motor vehicle dealers). The EFS agents provide title and registration processing services to customers when products are purchased. The EFS will also generate the appropriate DHSMV documents, including the vehicle registration, title application form, and in some cases the title certificate (printed from Tallahassee).³ At the end of the EFS transaction, the customer's vehicle is titled and registered without having to visit a tax collector or a DHSMV office.

The tax collector is responsible for reviewing and approving EFS title and registration transactions processed by participating EFS agents in the county. Access to the EFS by dealers and other organizations is provided through a certified service provider (CSP). There are currently five certified service providers participating in the EFS:

- CVR.
- Title Technologies Auto Data Direct, Inc.
- Decision Dynamics, Inc.
- DLRdmv.⁴

These certified service providers have over 2,400 EFS agents providing title and registration services throughout the state.⁵ However, EFS is an optional service for EFS agents. All 67 counties have the capability to offer EFS connections to agents, however, all agents do not participate.

² Chapter 2009-206, s. 3, Laws of Fla., preempted to the state jurisdiction over the system.

³ The Department of Highway Safety and Motor Vehicles, Electronic Filing System (EFS), available at <https://www.flhsmv.gov/motor-vehicles-tags-titles/electronic-lien-titles/electronic-filing-system-efs/> (last visited Mar. 14, 2019).

⁴ *Id.*

⁵ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, EFS Background - 765 (March 7, 2019) (on file with the Senate Infrastructure and Security Committee).

Electronic Filing System Rule Requirements

Florida Administrative Code Chapter 15C-16 prescribes and defines the DHSMV EFS and the participation requirements, certification of service providers, system requirements, and enforcement authority for noncompliance.

A tax collector must:

- Appoint an EFS agent to the county after the DHSMV notifies the tax collector that the entity is authorized;
- Review supporting documentation from EFS transactions processed in the county; and
- Receive funds collected electronically from EFS transactions from the CSP and remit funds to the State.⁶

EFS agents must sell products that can be titled and registered, provide title and registration services on behalf of customers, enter into a contract with a CSP, apply to the DHSMV to become an authorized EFS agent, have a satisfactory background check with no felony convictions in the last 7 years, have no state-initiated disciplinary actions within the last 2 years, and may only operate in the county for which they are authorized.⁷

The DHSMV has enforcement over the EFS agents. Violations can result in revocation of an EFS agent's ability to use the electronic filing system. Violations include unauthorized access of data by users, failing to execute electronic funds transfers, charging title and registration fees in excess of those allowed by law, and failing to correct errors or clear pending transactions as required by the DHSMV.⁸

Salvage Dealers and Metal Recyclers

Secondary metals recyclers⁹ must be licensed by the Department of Revenue¹⁰ and salvage motor vehicle dealers¹¹ must be licensed by the DHSMV.¹² Currently salvage dealers and metal recyclers initiating a certificate of destruction, salvage title, and derelict vehicle certificate transactions must, in person or by mail, process the request at the tax collector office or license plate agency as directed by the DHSMV and pay any applicable fees for the transaction.¹³ Application documents are reviewed by the tax collector or license plate agency and then processed or rejected. If the documents are approved, the tax collector or license plate agency processes the transaction, uploads the documents to FRVIS, and prints the certificate of destruction, salvage title, or derelict vehicle certificate. If the documents are rejected, the salvage

⁶ Rule 15C-16.009, F.A.C.

⁷ Rule 15C-16.010, F.A.C.

⁸ Rule 15C-16.013, F.A.C.

⁹ Secondary metals recycler is defined in s. 538.18(11) F.S.

¹⁰ Section 538.25, F.S.

¹¹ See s. 320.27(1)(c)5., F.S. ("Salvage motor vehicle dealer" means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.)

¹² *Id.*

¹³ Department of Highway Safety and Motor Vehicles, Division of Motorist Services, *Motor Vehicle Procedures Manual, Uninsured Motor Vehicles or Mobile Homes Declared Total Loss, Motor Vehicles Junked by Owners and Derelict Motor Vehicles* (December 18, 2014), available at <https://www3.flhsmv.gov/dmv/Proc/tl/tl-35.pdf> (last visited on Mar. 9, 2019).

dealers and metal recyclers must correct any errors in the documentation or application and start the process again.

III. Effect of Proposed Changes:

Section 1 amends s. 319.30(9), F.S., related to damaged or dismantled vehicles held by independent entities.

The insurance company is currently required to send the independent entity in possession of a vehicle a release statement that authorizes the independent entity to release the vehicle to the vehicle's owner. The bill requires the release statement to also authorize release to lienholders.

The bill allows the independent entity to provide the notice of pickup to the owner by another commercially available delivery service that provides proof of delivery in addition to the current option of sending the notice by certified mail. Under the bill the owner has 30 days *from the date of delivery or attempted delivery* of the notice to claim the vehicle, instead of 30 days *from the date of receipt* of the notice in current law.

Currently, the independent entity must deliver the notice to the owner's address that is in DHSMV records. Under the bill, if the DHSMV records do not contain the owner's address, then the independent entity must deliver the notice to the address in the release statement from the insurance company, as well as any address provided by the latest titling jurisdiction identified through the National Motor Vehicle Title Information System or an equivalent commercially available system.

All records related to the 30-day notice sent to the owner, the results of any searches of the National Motor Vehicle Title Information System or an equivalent commercially available system, and any notifications to the National Motor Vehicle Title Information System must be maintained for a minimum of three years by the independent entity.

The bill also adds a requirement that independent entities must provide proof of all lien satisfactions or proof of a release on all liens on a vehicle when applying for a certificate of destruction or salvage certificate of title. If the independent entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle, the independent entity must provide an affidavit stating that:

- Notice was sent to all lienholders that the motor vehicle was available for pickup,
- 30 days have passed since the notice was delivered or attempted to be delivered,
- Attempts have been made to obtain a release from all lienholders, and
- All such attempts have been to no avail.

The notice to lienholders and attempts to obtain a release from lienholders may be by written request delivered in person or by certified mail or another commercially available delivery service that provides proof of delivery to the lienholder at the lienholder's address as provided on the certificate of title. If the lienholder's address on the certificate of title is different than the one on file with the Department of State (DOS) for a financial institution's registered agent for

service of process, notice, levy, or demand,¹⁴ then the independent entity must deliver the notice to the address on file with the DOS.

Effective October 1, 2019, **Section 2** amends s. 320.03, F.S., to authorize a licensed salvage motor vehicle dealer or motor vehicle auction¹⁵ or insurance company that processes title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvaged vehicles physically located in Florida to be an ESF agent if the entity does so in the normal course of business. The DHSMV is granted rule making authority to administer these activities, including, but not limited to, rules establishing participation requirements, certification of service providers, electronic filing system requirements, disclosures, and enforcement authority for noncompliance.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁴ See s. 655.0201(2), F.S., which provides requirements for service of process, notice, levy, or demand on financial institutions.

¹⁵ A “motor vehicle auction” is any person offering motor vehicles or recreational vehicles for sale to the highest bidder where buyers are licensed motor vehicle dealers. The person is prohibited from selling a vehicle to anyone other than a licensed motor vehicle dealer. Section 320.27(1)(c)4., F.S.

B. Private Sector Impact:

Salvage dealers, metal recyclers, and motor vehicle auctions may see a decrease in both processing time and cost for a certificate of destruction, salvage title, and derelict vehicle certificate transactions.

C. Government Sector Impact:

Tax collectors and license plate agency offices may see an indeterminate decrease in workload for processing a certificate of destruction, salvage title, and derelict vehicle certificate transaction.

The bill is not expected to impact revenues of the tax collectors and license plate agency offices for fees collected for use of the EFS. Transactions conducted by EFS agents include the collection of all required fees, which are paid to the tax collectors and license plate agency offices; the tax collectors and license plate agency offices are ultimately responsible for the final review and submittal of any electronic documents processed by EFS agents.

The changes made by the bill to the EFS will require the DHSMV to update its systems. The department estimates that 276 hours will be required for programming and implementation. These hours are estimated to have a fiscal impact to the department of \$9,660 in state employee and contracted resources which can be absorbed within existing resources.¹⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill authorizes the DHSMV to adopt rules to administer the EFS.

The bill allows the independent entity to apply for a certificate of destruction or certificate of title 30 days after the delivery or *attempted delivery* of the required notice to a vehicle owner. The bill does not define *attempted delivery* and does not allow this event to begin the time period for other required notices.

On lines 102 to 104, the bill requires the independent entity to provide an affidavit that states that “30 days have passed since the notice was delivered or attempted to be delivered pursuant to this section.” By referencing “this section,” it is unclear if the notice referred to is the one that must be provided to the owner or the one provided to all lienholders.

Additionally, the affidavit statement required on lines 101 to 102 of the bill is the first instance that requires notice to be sent to all lienholders stating that the vehicle is available for pickup. If

¹⁶ Email from DHSMV to Senate Transportation, Tourism, and Economic Development Appropriations Subcommittee staff on March 15, 2019 (on file with the subcommittee).

a 30-day notice must also be sent to all lienholders that a vehicle is available for pickup, then the requirement should be specifically stated prior to being required in the paragraph related to requirements for an application for certificate of destruction or salvage certificate of title.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 319.30 and 320.03.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 4, 2019:

The committee substitute:

- Authorizes an insurance company to notify an independent entity that has possession of a damaged or dismantled motor vehicle to release that vehicle to the lienholder as well as the owner.
- Allows a licensed salvage motor vehicle dealer, motor vehicle auction, or an insurance company to be an electronic filing system agent.

CS by Infrastructure and Security on March 12, 2019:

- The CS allows for the use of a commercially available system, in addition to the National Motor Vehicle Title Information System, by an independent entity to obtain a vehicle owner's address.
- The CS adds a requirement that independent entities must provide proof of all lien satisfactions or proof of a release on all liens on a vehicle when applying for a certificate of destruction or salvage certificate of title.
- The CS also requires that if the lienholder's address is different than the one on file with the DOS for a financial institution's registered agent or service, then the notice must also be provided to the address on file with the DOS.

B. Amendments:

None.



683772

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete line 46
and insert:
independent entity to release the vehicle to the owner or
lienholder. The form

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

And the title is amended as follows:

Between lines 3 and 4



683772

11 insert:
12 authorizing an insurance company to provide an
13 independent entity with a certain release statement
14 authorizing it to release a vehicle to the lienholder;



580332

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 136 - 141
and insert:
titled or registered or that, provides title and registration services on behalf of its consumers and a licensed salvage motor vehicle dealer or motor vehicle auction or insurance company that, pursuant to s. 319.30(2), (3), (7), or (8) and in the normal course of its business, processes title transactions, derelict motor vehicle certificates, or certificates of



580332

11 destruction for derelict or salvage motor vehicles physically
12 located in this state, any of which ~~and~~ meets all established
13 requirements, may be an authorized electronic filing system
14 agent
15

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

17 And the title is amended as follows:

18 Delete lines 28 - 31

19 and insert:

20 request; amending s. 320.03, F.S.; authorizing
21 specified entities that process certain transactions
22 or certificates for derelict or salvage motor vehicles
23 to be authorized electronic filing system agents;

By the Committee on Infrastructure and Security; and Senator
Perry

596-02975-19

2019974c1

1 A bill to be entitled
2 An act relating to damaged, dismantled, derelict, or
3 salvage motor vehicles; amending s. 319.30, F.S.;
4 authorizing a certain notice sent by certified mail
5 that a motor vehicle is available for pickup to be
6 sent by another commercially available delivery
7 service that provides proof of delivery; requiring the
8 notice to state that the owner has a specified period
9 during which to pick up the vehicle; authorizing an
10 independent entity to apply for a certificate of
11 destruction or a certificate of title if the vehicle
12 is not claimed within a specified time after the
13 delivery or attempted delivery of the notice;
14 specifying requirements for an independent entity if
15 the Department of Highway Safety and Motor Vehicles'
16 records do not contain the owner's address; requiring
17 an independent entity to maintain specified records
18 for a minimum period; requiring an independent entity
19 to provide proof of all lien satisfactions or proof of
20 a release of all liens on a motor vehicle upon
21 applying for a certificate of destruction or salvage
22 certificate of title; requiring an independent entity
23 to provide an affidavit with specified statements if
24 such entity is unable to obtain a lien satisfaction or
25 a release of all liens on the motor vehicle; providing
26 that notice to lienholders and attempts to obtain a
27 release from lienholders may be by certain written
28 request; amending s. 320.03, F.S.; authorizing an
29 entity that processes certain transactions or

Page 1 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02975-19

2019974c1

30 certificates for derelict or salvage motor vehicles to
31 be an authorized electronic filing system agent;
32 deleting obsolete provisions; authorizing the
33 department to adopt rules; providing effective dates.
34
35 Be It Enacted by the Legislature of the State of Florida:
36
37 Section 1. Subsection (9) of section 319.30, Florida
38 Statutes, is amended to read:
39 319.30 Definitions; dismantling, destruction, change of
40 identity of motor vehicle or mobile home; salvage.—
41 (9) (a) An insurance company may notify an independent
42 entity that obtains possession of a damaged or dismantled motor
43 vehicle to release the vehicle to the owner. The insurance
44 company shall provide the independent entity a release statement
45 on a form prescribed by the department authorizing the
46 independent entity to release the vehicle to the owner. The form
47 must shall, at a minimum, contain the following:
48 1. The policy and claim number.
49 2. The name and address of the insured.
50 3. The vehicle identification number.
51 4. The signature of an authorized representative of the
52 insurance company.
53 (b) The independent entity in possession of a motor vehicle
54 must send a notice to the owner that the vehicle is available
55 for pickup ~~pick-up~~ when it receives a release statement from the
56 insurance company. The notice shall be sent by certified mail or
57 by another commercially available delivery service that provides
58 proof of delivery to the owner at the owner's address contained

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596-02975-19

2019974c1

59 ~~reflected~~ in the department's records. The notice must state
 60 ~~inform the owner~~ that the owner has 30 days after delivery
 61 ~~receipt~~ of the notice to the owner at the owner's address to
 62 pick up the vehicle from the independent entity. If the motor
 63 vehicle is not claimed within 30 days after the delivery or
 64 attempted delivery of the owner receives the notice, the
 65 independent entity may apply for a certificate of destruction or
 66 a certificate of title.

67 (c) If the department's records do not contain the owner's
 68 address, the independent entity must do all of the following:

69 1. Send a notice that meets the requirements of paragraph
 70 (b) to the owner's address that is provided by the insurance
 71 company in the release statement.

72 2. Identify the latest titling jurisdiction of the vehicle
 73 through use of the National Motor Vehicle Title Information
 74 System or an equivalent commercially available system and
 75 attempt to obtain the owner's address from that jurisdiction. If
 76 the jurisdiction returns an address that is different from the
 77 owner's address provided by the insurance company, the
 78 independent entity must send a notice that meets the
 79 requirements of paragraph (b) to both addresses.

80 (d) The independent entity shall maintain for a minimum of
 81 3 years the records related to the 30-day notice sent to the
 82 owner, the results of searches of the National Motor Vehicle
 83 Title Information System or an equivalent commercially available
 84 system, and the notification to the National Motor Vehicle Title
 85 Information System made pursuant to paragraph (e).

86 ~~(e)(e)~~ The independent entity shall make the required
 87 notification to the National Motor Vehicle Title Information

596-02975-19

2019974c1

88 System before releasing any damaged or dismantled motor vehicle
 89 to the owner or before applying for a certificate of destruction
 90 or salvage certificate of title.

91 ~~(f)(d)~~ Upon applying for a certificate of destruction or
 92 salvage certificate of title, the independent entity shall
 93 provide a copy of the release statement from the insurance
 94 company to the independent entity, proof of providing the 30-day
 95 notice to the owner, proof of notification to the National Motor
 96 Vehicle Title Information System, proof of all lien
 97 satisfactions or proof of a release of all liens on the motor
 98 vehicle, and applicable fees. If the independent entity is
 99 unable to obtain a lien satisfaction or a release of all liens
 100 on the motor vehicle, the independent entity must provide an
 101 affidavit stating that notice was sent to all lienholders that
 102 the motor vehicle is available for pickup, 30 days have passed
 103 since the notice was delivered or attempted to be delivered
 104 pursuant to this section, attempts have been made to obtain a
 105 release from all lienholders, and all such attempts have been to
 106 no avail. The notice to lienholders and attempts to obtain a
 107 release from lienholders may be by written request delivered in
 108 person or by certified mail or another commercially available
 109 delivery service that provides proof of delivery to the
 110 lienholder at the lienholder's address as provided on the
 111 certificate of title and, if the address is different, as
 112 designated with the Department of State pursuant to s.
 113 655.0201(2).

114 ~~(g)(e)~~ The independent entity may not charge an owner of
 115 the vehicle storage fees or apply for a title under s. 713.585
 116 or s. 713.78.

596-02975-19

2019974c1

117 Section 2. Effective October 1, 2019, subsection (10) of
 118 section 320.03, Florida Statutes, is amended to read:
 119 320.03 Registration; duties of tax collectors;
 120 International Registration Plan.—
 121 (10) Jurisdiction over the electronic filing system for use
 122 by authorized electronic filing system agents to electronically
 123 title or register motor vehicles, vessels, mobile homes, or off-
 124 highway vehicles; process title transactions, derelict motor
 125 vehicle certificates, and certificates of destruction for
 126 derelict and salvage motor vehicles pursuant to s. 319.30(2),
 127 (3), (7), and (8); issue or transfer registration license plates
 128 or decals; electronically transfer fees due for the title and
 129 registration process; and perform inquiries for title,
 130 registration, and lienholder verification and certification of
 131 service providers is expressly preempted to the state, and the
 132 department shall have regulatory authority over the system. The
 133 electronic filing system shall be available for use statewide
 134 and applied uniformly throughout the state. An entity that, in
 135 the normal course of its business, sells products that must be
 136 titled or registered; provides title and registration services
 137 on behalf of its consumers; or processes title transactions,
 138 derelict motor vehicle certificates, or certificates of
 139 destruction for derelict or salvage motor vehicles pursuant to
 140 s. 319.30(2), (3), (7), or (8) and that meets all established
 141 requirements may be an authorized electronic filing system agent
 142 and is shall not be precluded from participating in the
 143 electronic filing system in any county. Upon request from a
 144 qualified entity, the tax collector shall appoint the entity as
 145 an authorized electronic filing system agent for that county.

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596-02975-19

2019974c1

146 ~~The department shall adopt rules in accordance with chapter 120~~
 147 ~~to replace the December 10, 2009, program standards and to~~
 148 ~~administer the provisions of this section, including, but not~~
 149 ~~limited to, establishing participation requirements,~~
 150 ~~certification of service providers, electronic filing system~~
 151 ~~requirements, and enforcement authority for noncompliance. The~~
 152 ~~December 10, 2009, program standards, excluding any standards~~
 153 ~~which conflict with this subsection, shall remain in effect~~
 154 ~~until the rules are adopted.~~ An authorized electronic filing
 155 system agent may charge a fee to the customer for use of the
 156 electronic filing system. The department may adopt rules to
 157 administer this subsection, including, but not limited to, rules
 158 establishing participation requirements, certification of
 159 service providers, electronic filing system requirements,
 160 disclosures, and enforcement authority for noncompliance.
 161 Section 3. Except as otherwise expressly provided in this
 162 act, this act shall take effect July 1, 2019.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

Committee Agenda Request

To: Senator Travis Hutson, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: March 13, 2019

I respectfully request that **Senate Bill #974**, relating to Damaged, Dismantled, Derelict, or Salvage Motor Vehicles, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink that reads "W. Keith Perry".

Senator Keith Perry
Florida Senate, District 8

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/19

Meeting Date

974

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Ron LaFace

Job Title

Address 101 E College Ave

Phone

Street

TLH

FL

32301

Email

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Insurance Auto Auctions

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/19
Meeting Date

SB 974
Bill Number (if applicable)

Topic SB 974 - Salvage Vehicles

Amendment Barcode (if applicable)

Name Nicole Gragnella

Job Title Gov. Consultant

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FADRA (FL Auto Dismantlers and Recyclers Association)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4 Apr 2019
Meeting Date

977
Bill Number (if applicable)

Topic Damaged + Salvage Vehicles

Amendment Barcode (if applicable)

Name Sandra Mortham

Job Title _____

Address 6675 Weeping Willow Way
Street
Tallahassee FL 32311
City State Zip

Phone 850-251-2283

Email smortham@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Independent Auto Dealers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/SB 1044 (434036)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic development; Infrastructure and Security Committee; and Senator Albritton

SUBJECT: Department of Transportation

DATE: April 8, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>McAuliffe</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1044 addresses various issues relating to the Florida Department of Transportation (FDOT). Specifically, the bill:

- Revises the FDOT's authorization for innovative highway projects to include innovative transportation projects demonstrating innovative techniques of bridge design.
- Prohibits a local government from adopting standards and specifications for aggregate materials that are contrary to the FDOT's standards or specifications.
- Prohibits a local government from adopting standards and specifications that are contrary to FDOT standards or specification for permissible use of reclaimed asphalt in construction.
- Prohibits a contractor who has not satisfactorily completed two projects, each in excess of \$25 million, from bidding on FDOT contracts in excess of \$50 million.
- Increases the dollar value of claim amounts for additional compensation arising out of a construction or maintenance contract that may be submitted to the State Arbitration Board to up to \$1 million per contract at the claimant's option or up to \$2 million per contract if the parties agree.

The bill has an indeterminate fiscal impact to FDOT expenditures.

The bill takes effect July 1, 2019.

II. Present Situation:

This bill revises various provisions relating to the FDOT. For ease of organization and readability, the Present Situation for the provisions in each section of the bill is discussed in conjunction with the Effect of Proposed Changes.

III. Effect of Proposed Changes:

FDOT Regulation of Construction Aggregate Materials

Present Situation

Construction aggregate materials are a critical need with respect to construction of the state's transportation system.¹ The FDOT has a standardized method for producers² of construction aggregate materials to apply for, receive, and maintain the FDOT's approval of construction aggregate sources for use on FDOT projects. According to the FDOT:

Source and product approval, and maintenance of an on-going effective Quality Control Program, as monitored by the Department, comprise the Department's primary methods of determining acceptability of aggregate on Department projects. The Quality Control Program requires producers of construction materials to be responsible for their products; to establish, maintain, and implement their own individualized process control system; and to certify to the Department compliance of their product with applicable standards and contract specifications.

In this context, "certify" means that the producer affixes the statement "CERTIFIED FOR FDOT" or "CERT. FOR FDOT" to a shipping ticket to attest that this specific aggregate shipment was produced and shipped under a Department approved Quality Control Program and for which Quality control tests indicate that the specific aggregate meets Department specifications and Department quality and uniformity requirements set out in Section 2.2 of the Construction Aggregates Manual.³

Currently, no provision in state law requires local governments to accept aggregates certified pursuant to the FDOT rules.⁴ The extent to which local governments have not allowed transportation contractors to use FDOT-approved aggregates in construction of local government transportation facilities is unknown.

¹ Section 337.0261, F.S., defines these materials as "crushed stone, limestone, dolomite, limerock, shell rock, cemented coquina, sand for use as a component of mortars, concrete, bituminous mixtures, or underdrain filters, and other mined resources providing the basic material for concrete, asphalt, and road base."

² A "producer" is any business or individual seeking to supply aggregate to the FDOT or to FDOT contractors. *See* the FDOT, 2019 Agency Legislative Bill Analysis of SB 1044, at p. 3 (On file in the Senate Infrastructure and Security Committee).

³ *Id.* The Manual is available at <https://www.fdot.gov/materials/administration/resources/library/publications/aggregates/index.shtm> (last viewed March 15, 2019).

⁴ Chapter 14-103, F.A.C.

Effect of Proposed Changes

Section 1 of the bill creates s. 334.179, F.S., to prohibit a local government from adopting standards or specifications that are contrary to the FDOT standards or specifications for permissible use of aggregate materials that have been certified for use. “Certified for use” means that the aggregate materials have been approved for use by the FDOT through its certification process. To the extent that a local government currently does not allow transportation contractors to use FDOT-approved aggregates in construction of local government transportation facilities, that practice would be prohibited by the bill.

Reclaimed Asphalt

Present Situation

Section 336.044, F.S., authorizes the FDOT to find alternative ways to use recyclable materials and to determine the feasibility of using certain recyclable materials such as ground tire rubber, ash residue, and construction steel as material in road construction. The statute directs the FDOT to review and revise bid procedures and specifications for the purchase or use of products and materials to eliminate any procedures and specifications that explicitly discriminate against such products. The statute also requires all agencies to cooperate with the FDOT in expanding the current use of recovered materials in road construction projects.

The number of local governments that have adopted standards or specifications for reclaimed asphalt in construction that are contrary to FDOT standards or specifications is unknown.

Effect of Proposed Changes

Section 2 of the bill amends s. 336.044, F.S., to prohibit a local government from adopting standards or specifications that are contrary to FDOT standards or specifications for permissible use of reclaimed asphalt in construction. The bill further provides that reclaimed asphalt may not be considered solid waste.

Innovative Transportation Projects and Techniques

Present Situation

Section 337.025, F.S., entitled *innovative highway projects*, authorizes the FDOT to establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance which controls 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 those techniques that have the potential to reduce project life cycle costs. The FDOT may annually enter into up to \$120 million in contracts for innovative transportation projects. However, the annual cap does not apply to turnpike enterprise projects and to certain transportation projects funded in the past by the federal government.

Effect of Proposed Changes

Section 3 of the bill amends s. 337.025, F.S., revising its title to innovative *transportation* projects and authorizing the FDOT to establish a program for such projects, including those demonstrating innovative techniques of bridge design (along with those of highway, construction, maintenance, and finance), to control time and cost increases and also measure resiliency and structural integrity.

Qualification to Bid on FDOT Contracts

Present Situation

Section 337.14(1), F.S., requires any person⁵ desiring to bid on any construction contract in excess of \$250,000 which the FDOT proposes to let to first be certified by the FDOT pursuant to s. 337.14, F.S., and applicable rules.⁶ The rules must address the qualification of persons to bid on construction contracts in excess of \$250,000 and must include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification. The FDOT may limit the dollar amount of any contract upon which a person is qualified to bid, or limit the aggregate total dollar volume of contracts such person is allowed to have under contract at any one time.

For purposes of ch. 337, F.S., relating to contracting by the FDOT, the term “contractor” is only defined in s. 337.165(1)(d), F.S., relating to contract crime. In that provision, the term “contractor” is defined as any person who bids or applies to bid on work let by the FDOT or any counterpart agency of any other state or of the federal government or who provides professional services to the FDOT or other such agency.

Effect of Proposed Changes

Section 4 of the bill amends s. 337.14(1), F.S., revising references to “person” to instead be references to “contractor.” The bill requires any contractor desiring to bid on contracts in excess of \$50 million to have satisfactorily completed two projects, each in excess of \$25 million, for the FDOT or for any other state department of transportation. The FDOT would be required to amend its rule with respect to contractors desiring to bid on contracts in excess of \$50 million to incorporate the bill’s revisions. Contractors who currently qualify to bid on such FDOT contracts but who have not satisfactorily completed two projects, each in excess of \$25 million for the FDOT or any other state department of transportation, will no longer be qualified to bid on FDOT construction contracts in excess of \$50 million.

⁵ Section 334.03(19), F.S., defines “person” to mean any person described in s. 1.01, F.S., or any unit of government in or outside the state. Section 1.01(3), F.S., provides that “person” includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

⁶ The FDOT’s rules regarding qualification to bid on highway projects are in Chapter 14-22, F.A.C.

State Arbitration Board

Present Situation

Section 337.185, F.S., establishes a State Arbitration Board to facilitate the prompt settlement of claims⁷ for additional compensation arising out of construction and maintenance contracts between the FDOT and the various contractors with whom it contracts. The statute requires every contractual claim in an amount up to \$250,000 per contract or, at the claimant's option, up to \$500,000 per contract or, upon agreement of the parties, up to \$1 million per contract that cannot be resolved by negotiation between the FDOT and the contractor be arbitrated by the board, with the exception that either party may request the claim be submitted to binding private arbitration. The process benefits both the FDOT and its contractors by facilitating prompt claim settlement and reducing or eliminating litigation costs. These claim amounts were last revised in 1999.⁸

Effect of Proposed Changes

Section 5 of the bill amends s. 337.185(1), F.S., increasing the dollar value of claims per contract that may be arbitrated using the State Arbitration Board. Under the bill, the board may arbitrate, at the claimant's option to up to \$1 million per contract or up to \$2 million per contract if the parties agree. The requirement that all claims of up to \$250,000 be arbitrated by the State Arbitration Board remains. These changes may increase the number of claims submitted to the board for arbitration.

Effective Date

The bill is effective July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

⁷ For the purpose of s. 337.185, F.S., the term "claim" means the aggregate of all outstanding claims by a party arising out of a construction or maintenance contract.

⁸ Section 22, ch. 99-385, L.O.F.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Section 5: To the extent that increasing the dollar value of claims per contract that may be arbitrated using the State Arbitration Board results in more claims being submitted to the Board, which claims are promptly settled, contractors may experience reduced or eliminated litigation costs.

C. Government Sector Impact:

Sections 1 and 2: The impact to local governments who may have previously adopted standards or specifications contrary to those of the FDOT is unknown. The impact of the bill on local governments is not known at this time.

Section 4: Requiring contractors to have completed two projects, each in excess of \$25 million, to be eligible to bid on FDOT contracts in excess of \$50 million may limit the pool of eligible contractors according to FDOT, thereby decreasing competition and potentially leading to increased costs.⁹ However, the number of contractors that would qualify to bid on projects in excess of \$50 million is unknown. Therefore, whether this provision will provide a more experienced pool of qualified bidders or limit competition cannot be determined.

Section 5: The FDOT advises that increasing the dollar value of claims per contract that may be arbitrated using the State Arbitration Board “may better align arbitration thresholds with current contract costs, but it does qualify more claims as able to go before the board.”¹⁰ To the extent that a higher number of claims submitted to the board are promptly settled, the FDOT may experience reduced or eliminated litigation costs.

VI. Technical Deficiencies:

None.

⁹ FDOT, 2019 Agency Legislative Bill Analysis: SB 1044, March 13, 2019, at p. 6 (On file in the Senate Infrastructure and Security Committee).

¹⁰ FDOT, 2019 Agency Legislative Bill Analysis: SB 1044, March 13, 2019, at p. 6 (On file in the Senate Infrastructure and Security Committee). The board’s expenses are covered by administrative fees received by the board through payment of fees to the board by the party requesting the arbitration, or as apportioned among the parties in accordance with the board’s finding of liability. Section 337.185(7), (8), and (9), F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 336.044, 337.025, 337.14, and 337.185.

This bill creates section 334.179 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 4, 2019:

The committee substitute:

- Removes the provisions in the bill repealing the Florida Transportation Commission's responsibility to nominate three persons for appointment by the Governor as secretary of the FDOT and requiring the FDOT secretary be a licensed professional engineer or, instead, to hold an advanced degree in an appropriate related discipline and have five years of relevant transportation experience; or to have ten years of relevant transportation experience.
- Amends s. 336.044, F.S., to prohibit local governments from adopting standards or specifications contrary to FDOT standards or specifications for permissible use of reclaimed asphalt.

CS by Infrastructure and Security on March 20, 2019:

The CS revises the bill's requirements relating to qualification for appointment by the Governor of the FDOT secretary and incorporates in the bill provisions revising the FDOT's current authorization for innovative highway projects to innovative transportation projects demonstrating innovative techniques of bridge design.

The CS also removes the following provisions of the bill:

- Requiring the FDOT to consist of a central office that establishes policies and procedures and districts that carry out projects as authorized under those policies and procedures.
- Requiring mileage for official state travel to be calculated using the most commonly used maps, instead of the FDOT's current highway map.
- Requiring that 80 percent of the pavement in each of the FDOT's districts (instead of statewide) meets the FDOT's standards by the end of Fiscal Year 2023.
- Requiring the liquidated damages schedule incorporated into FDOT construction and maintenance contracts to include a reduction of the daily liquidated damage charges to construction engineering and inspection costs when traffic is in its final configuration and the project is functional for its intended use.

- Prohibiting the FDOT from using toll revenue from a high-occupancy toll (HOT) lane or express lane to offset funding that the facility would receive if the facility were not a HOT lane or express lane.
- Requiring 75 percent of transportation capacity funds, with certain exceptions, to be spent on the Strategic Intermodal System.
- Requiring certain projects on Strategic Intermodal System Highway Corridors to be given priority based on high accident rates.

B. Amendments:

None.



605822

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Albritton) recommended the following:

Senate Amendment (with title amendment)

Delete lines 32 - 82.

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

And the title is amended as follows:

Delete lines 3 - 7

and insert:

creating s. 334.179,



639040

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Albritton) recommended the following:

Senate Amendment (with title amendment)

Between lines 93 and 94

insert:

Section 3. Present subsection (5) of section 336.044, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

336.044 Use of recyclable materials in construction.—

(5) Notwithstanding any law, rule, or ordinance to the contrary, local governmental entities may not adopt standards or



639040

11 specifications that are contrary to the departmental standards
12 or specifications for permissible use of reclaimed asphalt
13 pavement material in construction. Such material may not be
14 considered solid waste.

15

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

17 And the title is amended as follows:

18 Delete line 12

19 and insert:

20 defining the term "certified for use"; amending s.
21 336.044, F.S.; prohibiting local governmental entities
22 from adopting standards or specifications that are
23 contrary to the department standards or specifications
24 for permissible use of reclaimed asphalt pavement
25 material in construction; providing that such material
26 may not be considered solid waste; amending s.



778836

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/04/2019	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Albritton) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 181 and 182

insert:

(7) (a) A "contractor" as defined in s. 337.165(1)(d) or his or her "affiliate" as defined in s. 337.165(1)(a) qualified with the department under this section may not also qualify under s. 287.055 or s. 337.105 to provide testing services, construction, engineering, and inspection services to the department. This limitation does not apply to any design-build prequalification



778836

11 under s. 337.11(7) and does not apply when the department
12 otherwise determines by written order entered at least 30 days
13 before advertisement that the limitation is not in the best
14 interests of the public with respect to a particular contract
15 for testing services, construction, engineering, and inspection
16 services. This subsection does not authorize a contractor to
17 provide testing services, or provide construction, engineering,
18 and inspection services, to the department in connection with a
19 construction contract under which the contractor is performing
20 any work.

21 (b) Notwithstanding any other provision of law to the
22 contrary, on a project administered by a local government which
23 is entirely or partially funded by the Department of
24 Transportation, the entity performing design and the entity
25 performing construction, engineering, and inspection services
26 may not be the same.

27
28 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

29 And the directory clause is amended as follows:

30 Delete lines 122 - 123

31 and insert:

32 Section 4. Subsections (1) and (7) of section 337.14,
33 Florida Statutes, are amended to read:

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete line 24

38 and insert:

39 projects; prohibiting an entity from both performing



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40 design and performing construction, engineering, and
41 inspection services on a project administered by a
42 local government which is entirely or partially funded
43 by the department; amending s. 337.185, F.S. ;
44 increasing the

By the Committee on Infrastructure and Security; and Senator Albritton

596-03289-19

20191044c1

1 A bill to be entitled
 2 An act relating to the Department of Transportation;
 3 amending s. 20.23, F.S.; deleting the requirement that
 4 the Governor appoint the Secretary of Transportation
 5 from among three persons nominated by the Florida
 6 Transportation Commission; providing additional
 7 qualifications for the secretary; creating s. 334.179,
 8 F.S.; prohibiting local governments from adopting
 9 standards or specifications that are contrary to the
 10 department standards or specifications for permissible
 11 use of aggregates that have been certified for use;
 12 defining the term "certified for use"; amending s.
 13 337.025, F.S.; authorizing the department to establish
 14 a program for transportation projects that demonstrate
 15 certain innovative techniques for measuring resiliency
 16 and structural integrity and controlling time and cost
 17 increases; amending s. 337.14, F.S.; requiring that
 18 any contractor, instead of any person, desiring to bid
 19 for the performance of certain construction contracts
 20 first be certified by the department as qualified;
 21 conforming provisions to changes made by the act;
 22 requiring a contractor desiring to bid on certain
 23 contracts to have satisfactorily completed certain
 24 projects; amending s. 337.185, F.S.; increasing the
 25 maximum amounts per contract of certain contractual
 26 claims that must be arbitrated by the State
 27 Arbitration Board under certain circumstances;
 28 providing an effective date.
 29

Page 1 of 8

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596-03289-19

20191044c1

30 Be It Enacted by the Legislature of the State of Florida:

31
 32 Section 1. Subsection (1) of section 20.23, Florida
 33 Statutes, is amended to read:

34 20.23 Department of Transportation.—There is created a
 35 Department of Transportation which shall be a decentralized
 36 agency.

37 (1) (a) The head of the Department of Transportation is the
 38 Secretary of Transportation. The secretary is ~~shall be~~ appointed
 39 by the Governor, ~~from among three persons nominated by the~~
 40 ~~Florida Transportation Commission and shall be subject to~~
 41 confirmation by the Senate. The secretary shall serve at the
 42 pleasure of the Governor.

43 (b) The secretary must ~~shall~~ be a proven, effective
 44 administrator who, by a combination of education and experience,
 45 clearly possesses ~~shall clearly possess~~ a broad knowledge of the
 46 administrative, financial, and technical aspects of the
 47 development, operation, and regulation of transportation systems
 48 and facilities or comparable systems and facilities. The
 49 secretary must be a registered professional engineer in
 50 accordance with chapter 471 or the laws of another state, or, in
 51 lieu of professional engineer registration, must hold an
 52 advanced degree in an appropriate related discipline, such as a
 53 Master of Business Administration, and have 5 years of relevant
 54 transportation experience or must have 10 years of relevant
 55 transportation experience.

56 (c) The secretary shall provide to the Florida
 57 Transportation Commission or its staff, such assistance,
 58 information, and documents as are requested by the commission or

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596-03289-19

20191044c1

59 its staff to enable the commission to fulfill its duties and
60 responsibilities.

61 (d) The secretary may appoint up to three assistant
62 secretaries ~~who shall be~~ directly responsible to the secretary
63 ~~and~~ who shall perform ~~such~~ duties ~~as are~~ assigned by the
64 secretary. The secretary shall designate to an assistant
65 secretary the duties related to enhancing economic prosperity,
66 including, but not limited to, the responsibility of liaising
67 ~~liaison~~ with the head of economic development in the Executive
68 Office of the Governor. This ~~Such~~ assistant secretary is ~~shall~~
69 ~~be~~ directly responsible for providing the Executive Office of
70 the Governor with investment opportunities and transportation
71 projects that expand the state's role as a global hub for trade
72 and investment and enhance the supply chain system in the state
73 to process, assemble, and ship goods to markets throughout the
74 eastern United States, Canada, the Caribbean, and Latin America.
75 The secretary may delegate to any assistant secretary the
76 authority to act in the absence of the secretary.

77 (e) Any secretary appointed after July 5, 1989, and the
78 assistant secretaries are ~~shall be~~ exempt from ~~the provisions of~~
79 part III of chapter 110 and must ~~shall~~ receive compensation that
80 is commensurate with their qualifications and competitive with
81 compensation for comparable responsibility in the private
82 sector.

83 Section 2. Section 334.179, Florida Statutes, is created to
84 read:

85 334.179 Departmental standards or specifications for
86 permissible use of aggregates.—Notwithstanding any law, rule, or
87 ordinance to the contrary, a local government may not adopt

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20191044c1

88 standards or specifications that are contrary to the
89 departmental standards or specifications for permissible use of
90 aggregates that have been certified for use. For purposes of
91 this section, the term "certified for use" means that the
92 aggregates have been certified by the producer in accordance
93 with departmental rule.

94 Section 3. Subsection (1) of section 337.025, Florida
95 Statutes, is amended to read:

96 337.025 Innovative transportation ~~highway~~ projects;
97 department to establish program.—

98 (1) The department may ~~is authorized to~~ establish a program
99 for transportation ~~highway~~ projects demonstrating innovative
100 techniques of highway and bridge design, construction,
101 maintenance, and finance which have the intended effect of
102 measuring resiliency and structural integrity and controlling
103 time and cost increases on construction projects. Such
104 techniques may include, but are not limited to, state-of-the-art
105 technology for pavement, safety, and other aspects of highway
106 and bridge design, construction, and maintenance; innovative
107 bidding and financing techniques; accelerated construction
108 procedures; and those techniques that have the potential to
109 reduce project life cycle costs. To the maximum extent
110 practical, the department must use the existing process to award
111 and administer construction and maintenance contracts. When
112 specific innovative techniques are to be used, the department is
113 not required to adhere to those provisions of law that would
114 prevent, preclude, or in any way prohibit the department from
115 using the innovative technique. However, before ~~prior to~~ using
116 an innovative technique that is inconsistent with another

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117 provision of law, the department must document in writing the
 118 need for the exception and identify what benefits the traveling
 119 public and the affected community are anticipated to receive.
 120 The department may enter into no more than \$120 million in
 121 contracts annually for the purposes authorized by this section.

122 Section 4. Subsection (1) of section 337.14, Florida
 123 Statutes, is amended to read:

124 337.14 Application for qualification; certificate of
 125 qualification; restrictions; request for hearing.-

126 (1) Any contractor person desiring to bid for the
 127 performance of any construction contract in excess of \$250,000
 128 which the department proposes to let must first be certified by
 129 the department as qualified pursuant to this section and rules
 130 of the department. The rules of the department must shall
 131 address the qualification of contractors persons to bid on
 132 construction contracts in excess of \$250,000 and must shall
 133 include requirements with respect to the equipment, past record,
 134 experience, financial resources, and organizational personnel of
 135 the applying contractor which are applicant necessary to perform
 136 the specific class of work for which the contractor person seeks
 137 certification. Any contractor desiring to bid on contracts in
 138 excess of \$50 million must have satisfactorily completed two
 139 projects, each in excess of \$25 million, for the department or
 140 for any other state department of transportation. The department
 141 may limit the dollar amount of any contract upon which a
 142 contractor person is qualified to bid or the aggregate total
 143 dollar volume of contracts such contractor person is allowed to
 144 have under contract at any one time. Each applying contractor
 145 applicant seeking qualification to bid on construction contracts

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146 in excess of \$250,000 shall furnish the department a statement
 147 under oath, on such forms as the department may prescribe,
 148 setting forth detailed information as required on the
 149 application. Each application for certification must shall be
 150 accompanied by the latest annual financial statement of the
 151 applying contractor applicant completed within the last 12
 152 months. If the application or the annual financial statement
 153 shows the financial condition of the applying contractor
 154 applicant more than 4 months prior to the date on which the
 155 application is received by the department, ~~then~~ an interim
 156 financial statement and an updated application must be submitted
 157 and be accompanied by an updated application. The interim
 158 financial statement must cover the period from the end date of
 159 the annual statement and must show the financial condition of
 160 the applying contractor applicant no more than 4 months prior to
 161 the date that the interim financial statement is received by the
 162 department. However, upon the request of ~~by~~ the applying
 163 contractor applicant, an application and accompanying annual or
 164 interim financial statement received by the department within 15
 165 days after either 4-month period under this subsection shall be
 166 considered timely. Each required annual or interim financial
 167 statement must be audited and accompanied by the opinion of a
 168 certified public accountant. An applying contractor applicant
 169 desiring to bid exclusively for the performance of construction
 170 contracts with proposed budget estimates of less than \$1 million
 171 may submit reviewed annual or reviewed interim financial
 172 statements prepared by a certified public accountant. The
 173 information required by this subsection is confidential and
 174 exempt from ~~the provisions of~~ s. 119.07(1). The department shall

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20191044c1

175 act upon the application for qualification within 30 days after
 176 the department determines that the application is complete. The
 177 department may waive the requirements of this subsection for
 178 projects having a contract price of \$500,000 or less if the
 179 department determines that the project is of a noncritical
 180 nature and the waiver will not endanger public health, safety,
 181 or property.

182 Section 5. Subsection (1) of section 337.185, Florida
 183 Statutes, is amended to read:

184 337.185 State Arbitration Board.-

185 (1) To facilitate the prompt settlement of claims for
 186 additional compensation arising out of construction and
 187 maintenance contracts between the department and the various
 188 contractors with whom it transacts business, the Legislature
 189 does hereby establish the State Arbitration Board, referred to
 190 in this section as the "board." For the purpose of this section,
 191 the term "claim" means the aggregate of all outstanding claims
 192 by a party arising out of a construction or maintenance
 193 contract. Every contractual claim in an amount up to \$250,000
 194 per contract or, at the claimant's option, up to \$1 million
 195 ~~\$500,000~~ per contract or, upon agreement of the parties, up to
 196 \$2 million ~~\$1 million~~ per contract which that cannot be resolved
 197 by negotiation between the department and the contractor must
 198 ~~shall~~ be arbitrated by the board after acceptance of the project
 199 by the department. As an exception, either party to the dispute
 200 may request that the claim be submitted to binding private
 201 arbitration. A court of law may not consider the settlement of
 202 such a claim until the process established by this section has
 203 been exhausted.

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20191044c1

204 Section 6. This act shall take effect July 1, 2019.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-4-19

Meeting Date

1044

Bill Number (if applicable)

Topic Department of Transportation

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N. Adams St

Phone 224-7173

Street

TLH

City

FL

State

32301

Zip

Email bbevis@aif.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-4-19

Meeting Date

SB 1044

Bill Number (if applicable)

Topic Transportation

Amendment Barcode (if applicable)

Name KARI HERBANK

Job Title

Address 113 EAST COLLEGE, Suite 200

Phone 850-566-7824

Street

TALLAHASSEE

Email kari@wilsonmgmt.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Bermont Excavating, Florida Road Materials & Construction Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-4

1044

Meeting Date

Bill Number (if applicable)

Topic 1044

Amendment Barcode (if applicable)

Name Brad Burleson

Job Title lobbyist

Address 201 E. Park Ave

Phone 577-0444

Street

Tallahassee FL

Email brad@ballardflo.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Transportation Builders

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Travis Hutson, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: March 26, 2019

I respectfully request that **Senate Bill #1044**, relating to Department of Transportation, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Senator Ben Albritton
Florida Senate, District 26

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Appropriations Committee on Transportation, Tourism, and Economic Development

Judge:

Started: 4/4/2019 12:35:03 PM

Ends: 4/4/2019 1:56:17 PM Length: 01:21:15

12:35:05 PM Call to Order Sen. Hutson (Chair)
12:35:09 PM Roll call
12:35:26 PM Quorum Present
12:36:15 PM Tab 4 - CS/SB1044
12:36:23 PM Sen. Albritton
12:38:00 PM Sen. Hutson
12:38:07 PM AM. 605882
12:38:24 PM Sen. Albritton
12:38:29 PM Sen. Hutson
12:38:36 PM AM. 605882 approved
12:38:43 PM AM. 639040
12:38:49 PM Sen. Albritton
12:39:07 PM Sen. Hutson
12:39:09 PM Sen. Lee
12:39:38 PM Sen. Albritton
12:39:59 PM Sen. Lee
12:40:12 PM Sen. Albritton
12:40:52 PM AM. 639040 approved
12:40:57 PM CS/SB 1044
12:41:01 PM Brewster Bevis, Senior Vice President, Associated Industries of Florida (waive in support)
12:41:08 PM Kari Hebrank, Bermont Excavating (waive in support)
12:41:23 PM Brad Burleson, Florida Transportation Builders (waive in support)
12:41:34 PM Roll Call CS/SB1044
12:41:55 PM CS/SB 1044 voted favorable
12:42:09 PM Tab 2 - CS/SB 932
12:42:15 PM Sen. Brandes
12:43:37 PM AM. 267362
12:43:48 PM Sen. Brandes
12:44:03 PM Sen. Thurston
12:44:29 PM Am. 267362 voted favorable
12:44:35 PM AM. 646158
12:44:38 PM Sen. Brandes
12:45:24 PM Sen. Thurston
12:45:58 PM Sen. Brandes
12:46:45 PM Sen. Thurston
12:46:59 PM Sen. Brandes
12:47:15 PM Sen. Thurston
12:47:55 PM Sen. Hutson
12:47:59 PM Sen. Lee
12:49:56 PM Sen. Brandes
12:50:35 PM Sen. Lee
12:51:26 PM Sen. Brandes
12:52:35 PM Sen. Lee
12:53:09 PM Sen. Brandes
12:53:48 PM Sen. Thurston
12:54:37 PM Sen. Brandes
12:55:50 PM Sen. Hutson
12:55:57 PM AM. 646158 voted favorable
12:56:03 PM AM. 783644
12:56:10 PM Sen. Thurston
12:57:13 PM AM. 783644 Withdrawn
12:57:23 PM Sen. Lee

12:59:22 PM Sen. Brandes
12:59:45 PM Sen. Lee
1:00:45 PM Sen. Brandes
1:01:55 PM Sen. Lee
1:02:27 PM Sen. Brandes
1:02:31 PM Sen. Thurston (Chair)
1:02:42 PM Sen. Hutson (Chair)
1:02:45 PM Alex Gillan, Attorney, FJA
1:05:58 PM Sen. Perry
1:06:26 PM A. Gillan
1:07:12 PM Sen. Perry
1:07:35 PM A. Gillan
1:08:25 PM Sen. Perry
1:08:32 PM A. Gillan
1:09:24 PM Sen. Thurston
1:09:56 PM A. Gillan
1:10:43 PM Sen. Thurston
1:11:04 PM A. Gillan
1:11:33 PM Sen. Torres
1:11:50 PM A. Gillan
1:12:07 PM Sen. Torres
1:12:26 PM A. Gillan
1:12:53 PM Sen. Lee
1:16:02 PM A. Gillan
1:17:08 PM Sen. Hutson
1:17:19 PM Diego Echereri, Director Coalitions, Americans for Prosperity (waive in support)
1:17:27 PM Sal Nuzzo, VP Policy, The James Madison Institute (waive in support)
1:17:34 PM Fred Baggett, Ford Motor Company
1:17:42 PM Jeff Sharkey, CEO, CAF (waive in support)
1:17:49 PM Dorene Barker, Associate State Director, AARP Florida
1:17:56 PM Candace Ericks, Lobbyist, JM Family Enterprises (waive in support)
1:18:06 PM Christopher Emmanuel, Policy Director, Florida Chamber of Commerce (waive in support)
1:18:11 PM Stephanie Smith, Uber (waive in support)
1:18:20 PM Megan Sirjane-Samples, Southeast Public Policy Manager, Lyft (waive in support)
1:18:27 PM Diane Carr, lobbyist, Alliance of Automobile Manufacturers (waive in support)
1:18:37 PM Sen. Thurston
1:20:03 PM Sen. Torres
1:21:09 PM Sen. Brandes
1:22:23 PM Roll Call CS/SB 932
1:22:38 PM CS/SB 932 passed favorable
1:22:45 PM Tab 3 - CS/SB 974
1:22:54 PM Sen. Perry
1:23:18 PM AM. 683772
1:23:41 PM AM. 683772 approved
1:23:41 PM AM. 580332
1:23:46 PM Sen. Perry
1:24:03 PM AM. 580332 approved
1:24:06 PM CS/SB 974
1:24:11 PM Ron Laface, Insurance Auto Auctions (waive in support)
1:24:21 PM Nicole Gragmella, Government Consultant (waive in support)
1:24:29 PM Sandra Mortham, Florida Independent Auto Dealers (waive in support)
1:24:43 PM Roll Call CS/CS/SB 974
1:25:11 PM CS/CS/SB 974 recorded favorable
1:25:18 PM Tab 1 - CS/SB 898
1:25:21 PM Sen. Diaz
1:25:30 PM AM. 544834
1:29:12 PM Sen. Lee
1:30:04 PM Sen. Diaz
1:30:36 PM Sen. Lee
1:30:46 PM Sen. Diaz
1:30:51 PM Sen. Hutson
1:31:03 PM AM. 912376

1:31:14 PM Sen. Diaz
1:32:09 PM AM. 912376 favorable
1:32:11 PM AM. 433646
1:32:18 PM AM. 433646 withdrawn
1:32:47 PM AM. 684970
1:32:55 PM Sen. Taddeo
1:33:39 PM AM. 684970 favorable
1:33:47 PM AM. 733374
1:33:53 PM Sen. Taddeo
1:34:50 PM AM. 733374 favorable
1:35:03 PM AM. 544834
1:35:14 PM Carl Mikyska, ED, FL MPO Advisory Council
1:36:38 PM AM. 544834 Favorable
1:36:54 PM Jess McCarty, Assistant County Attorney, Miami Dade County
1:37:17 PM Carlos Gimenez, Mayor, Miami Dade County
1:41:07 PM Sen. Lee
1:41:33 PM C. Mikyska
1:43:14 PM Sen. Lee
1:44:07 PM C. Mikyska
1:47:47 PM Sen. Lee
1:48:11 PM C. Mikyska
1:49:34 PM Sen. Hutson
1:49:56 PM Sen. Thurston
1:50:23 PM C. Mikyska
1:51:06 PM Sen. Taddeo
1:52:29 PM Sen. Torres
1:53:39 PM Sen. Hutson
1:53:41 PM Sen. Diaz
1:55:23 PM Roll Call
1:55:44 PM CS/SB 898 Voted Favorable
1:55:56 PM Sen. Perry - Motion to Vote After - Affirmative on SB 1044
1:56:05 PM Sen. Lee moves to adjourn