

CHAMBER ACTION

1 The Committee on Transportation recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to transportation; amending s. 20.23,
7 F.S.; authorizing the secretary of the Department of
8 Transportation to appoint an additional assistant
9 secretary and deputy assistant secretaries or directors;
10 revising the organization of the department to specify
11 areas of program responsibility; authorizing the secretary
12 to reorganize offices within the department in
13 consultation with the Executive Office of the Governor;
14 amending s. 95.361, F.S.; providing that certain filed
15 claims shall not affect rights of certain utilities;
16 amending s. 110.205, F.S.; conforming provisions relating
17 to career service to changes made by the act; amending s.
18 334.30, F.S.; revising provisions for public-private
19 construction of transportation facilities; providing
20 procedures for requests for proposals and receipt of
21 unsolicited proposals by the department; providing for use
22 of certain funds under described conditions; amending s.
23 337.401, F.S.; exempting certain electric utilities from

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24 | the application of certain permit-delegation agreements
25 | between the department and other governmental entities;
26 | amending s. 348.0004, F.S.; revising purposes and powers
27 | of expressway authorities; providing legislative
28 | declaration of public need; removing an obsolete provision
29 | related to expressway authorities entering into public-
30 | private transportation partnerships; providing for
31 | expressway authorities to enter into partnerships with
32 | private entities; providing procedures for requests for
33 | proposals and receipt of unsolicited proposals;
34 | authorizing expressway authorities to adopt rules
35 | concerning public-private partnerships; specifying public
36 | notice requirements; providing criteria for project
37 | approval; requiring certain costs be borne by the private
38 | entity; authorizing the department to loan funds from the
39 | Toll Facilities Revolving Loan Trust Fund under certain
40 | conditions; authorizing public-private entities to impose
41 | tolls; providing for regulation of the amount and use of
42 | the tolls by the expressway authority; specifying project
43 | requirements; authorizing the expressway authority to
44 | facilitate partnership projects; providing legislative
45 | intent concerning existing laws and powers of expressway
46 | authorities; providing an effective date.

47

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

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50 Section 1. Paragraph (d) of subsection (1), subsection
51 (3), and paragraph (b) of subsection (4) of section 20.23,
52 Florida Statutes, are amended to read:

53 20.23 Department of Transportation.--There is created a
54 Department of Transportation which shall be a decentralized
55 agency.

56 (1)

57 (d) The secretary may ~~shall~~ appoint up to three ~~two~~
58 assistant secretaries who shall be directly responsible to the
59 secretary and who shall perform such duties as are assigned by
60 the secretary. The secretary may delegate to any assistant
61 secretary the authority to act in the absence of the secretary.

62 (3)(a) The central office shall establish departmental
63 policies, rules, procedures, and standards and shall monitor the
64 implementation of such policies, rules, procedures, and
65 standards in order to ensure uniform compliance and quality
66 performance by the districts and central office units that
67 implement transportation programs. Major transportation policy
68 initiatives or revisions shall be submitted to the commission
69 for review.

70 ~~(b) The secretary shall appoint an Assistant Secretary for~~
71 ~~Transportation Development and Operations and an Assistant~~
72 ~~Secretary for Transportation Support.~~

73 (b)(e) The secretary may appoint positions at the level of
74 deputy assistant secretary or director which the secretary deems
75 necessary to accomplish the mission and goals of the department,
76 including, but not limited to, the areas of program
77 responsibility provided in this paragraph ~~following offices are~~

78 ~~established and shall be headed by a manager,~~ each of whom shall
 79 be appointed by and serve at the pleasure of the secretary. The
 80 secretary may combine, separate, or abolish offices as needed in
 81 consultation with the Executive Office of the Governor. The
 82 department's areas of program responsibility include, but are
 83 not limited to ~~positions shall be classified at a level equal to~~
 84 ~~a division director:~~

- 85 1. ~~The Office of Administration.~~;
- 86 2. ~~The Office of Planning and Environmental Management;~~
- 87 3. Public transportation.
- 88 4.3. The Office of Design.;
- 89 5.4. The Office of Highway operations.;
- 90 6.5. The Office of Right-of-way.;
- 91 7.6. The Office of Toll operations.;
- 92 8.7. The Office of Information systems.;
- 93 9.8. The Office of Motor carrier compliance.;
- 94 10.9. The Office of Management and budget.;
- 95 11.10. The Office of Comptroller.;
- 96 12.11. The Office of Construction.;
- 97 13.12. The Office of Maintenance.; and
- 98 14.13. The Office of Materials.
- 99 (c)(d) Other offices may be established in accordance with
- 100 s. 20.04(7). The heads of such offices are exempt from part II
- 101 of chapter 110. ~~No office or organization shall be created at a~~
- 102 ~~level equal to or higher than a division without specific~~
- 103 ~~legislative authority.~~

104 ~~(d)(e)~~ The secretary shall appoint an inspector general
 105 pursuant to s. 20.055 who shall be directly responsible to the
 106 secretary and shall serve at the pleasure of the secretary.

107 ~~(e)(f)~~ The secretary shall appoint a general counsel who
 108 shall be directly responsible to the secretary. The general
 109 counsel is responsible for all legal matters of the department.
 110 The department may employ as many attorneys as it deems
 111 necessary to advise and represent the department in all
 112 transportation matters.

113 ~~(g) The secretary shall appoint a state transportation
 114 development administrator. This position shall be classified at
 115 a level equal to a deputy assistant secretary.~~

116 ~~(h) The secretary shall appoint a state transportation
 117 operations administrator. This position shall be classified at a
 118 level equal to a deputy assistant secretary.~~

119 ~~(i) The secretary shall appoint a state public
 120 transportation and modal administrator. This position shall be
 121 classified at a level equal to a deputy assistant secretary.~~

122 (4)

123 (b) Each district secretary may appoint up to three a
 124 district directors ~~director for transportation development, a~~
 125 ~~district director for transportation operations, and a district~~
 126 ~~director for transportation support~~ or, until July 1, 2005, each
 127 district secretary may appoint up to four a district directors
 128 ~~director for planning and programming, a district director for~~
 129 ~~production, a district director for operations, and a district~~
 130 ~~director for administration.~~ These positions are exempt from
 131 part II of chapter 110.

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132 Section 2. Section 95.361, Florida Statutes, is amended to
133 read:

134 95.361 Roads presumed to be dedicated.--

135 (1) When a road, constructed by a county, a municipality,
136 or the Department of Transportation, has been maintained or
137 repaired continuously and uninterruptedly for 4 years by the
138 county, municipality, or the Department of Transportation,
139 jointly or severally, the road shall be deemed to be dedicated
140 to the public to the extent in width that has been actually
141 maintained for the prescribed period, whether or not the road
142 has been formally established as a public highway. The
143 dedication shall vest all right, title, easement, and
144 appurtenances in and to the road in:

145 (a) The county, if it is a county road;

146 (b) The municipality, if it is a municipal street or road;

147 or

148 (c) The state, if it is a road in the State Highway System
149 or State Park Road System,

150
151 whether or not there is a record of a conveyance, dedication, or
152 appropriation to the public use.

153 (2) In those instances where a road has been constructed
154 by a nongovernmental entity, or where the road was not
155 constructed by the entity currently maintaining or repairing it,
156 or where it cannot be determined who constructed the road, and
157 when such road has been regularly maintained or repaired for the
158 immediate past 7 years by a county, a municipality, or the
159 Department of Transportation, whether jointly or severally, such

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160 road shall be deemed to be dedicated to the public to the extent
 161 of the width that actually has been maintained or repaired for
 162 the prescribed period, whether or not the road has been formally
 163 established as a public highway. This subsection shall not apply
 164 to an electric utility, as defined in s. 366.02(2). The
 165 dedication shall vest all rights, title, easement, and
 166 appurtenances in and to the road in:

- 167 (a) The county, if it is a county road;
- 168 (b) The municipality, if it is a municipal street or road;
- 169 or
- 170 (c) The state, if it is a road in the State Highway System
 171 or State Park Road System, whether or not there is a record of
 172 conveyance, dedication, or appropriation to the public use.

173 (3) The filing of a map in the office of the clerk of the
 174 circuit court of the county where the road is located showing
 175 the lands and reciting on it that the road has vested in the
 176 state, a county, or a municipality in accordance with subsection
 177 (1) or subsection (2) or by any other means of acquisition, duly
 178 certified by:

- 179 (a) The secretary of the Department of Transportation, or
 180 the secretary's designee, if the road is a road in the State
 181 Highway System or State Park Road System;
- 182 (b) The chair and clerk of the board of county
 183 commissioners of the county, if the road is a county road; or
- 184 (c) The mayor and clerk of the municipality, if the road
 185 is a municipal road or street,

186

187 shall be prima facie evidence of ownership of the land by the
188 state, county, or municipality, as the case may be.

189 (4) Any person, firm, corporation, or entity having or
190 claiming any interest in and to any of the property affected by
191 subsection (2) shall have and is hereby allowed a period of 1
192 year after the effective date of this subsection, or a period of
193 7 years after the initial date of regular maintenance or repair
194 of the road, whichever period is greater, to file a claim in
195 equity or with a court of law against the particular governing
196 authority assuming jurisdiction over such property to cause a
197 cessation of the maintenance and occupation of the property.
198 Such timely filed and adjudicated claim shall prevent the
199 dedication of the road to the public pursuant to subsection (2).

200 (5) Nothing in this section shall negate or affect the
201 rights of a public utility with facilities on the property
202 affected by this section.

203 Section 3. Paragraphs (j) and (m) of subsection (2) of
204 section 110.205, Florida Statutes, are amended to read:

205 110.205 Career service; exemptions.--

206 (2) EXEMPT POSITIONS.--The exempt positions that are not
207 covered by this part include the following:

208 (j) The appointed secretaries, assistant secretaries,
209 deputy secretaries, and deputy assistant secretaries of all
210 departments; the executive directors, assistant executive
211 directors, deputy executive directors, and deputy assistant
212 executive directors of all departments; the directors of all
213 divisions and those positions determined by the department to
214 have managerial responsibilities comparable to such positions,

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215 | which positions include, but are not limited to, program
 216 | directors, assistant program directors, district administrators,
 217 | deputy district administrators, the Director of Central
 218 | Operations Services of the Department of Children and Family
 219 | Services, the State Transportation Development Administrator,
 220 | State Public Transportation and Modal Administrator, district
 221 | secretaries, district directors of transportation development,
 222 | transportation operations, transportation support, and the
 223 | managers of the offices specified in s. 20.23(3)(b) ~~s.~~
 224 | ~~20.23(3)(e)~~, of the Department of Transportation. Unless
 225 | otherwise fixed by law, the department shall set the salary and
 226 | benefits of these positions in accordance with the rules of the
 227 | Senior Management Service; and the county health department
 228 | directors and county health department administrators of the
 229 | Department of Health.

230 | (m) All assistant division director, deputy division
 231 | director, and bureau chief positions in any department, and
 232 | those positions determined by the department to have managerial
 233 | responsibilities comparable to such positions, which positions
 234 | include, but are not limited to:

235 | 1. Positions in the Department of Health and the
 236 | Department of Children and Family Services that are assigned
 237 | primary duties of serving as the superintendent or assistant
 238 | superintendent of an institution.

239 | 2. Positions in the Department of Corrections that are
 240 | assigned primary duties of serving as the warden, assistant
 241 | warden, colonel, or major of an institution or that are assigned

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242 primary duties of serving as the circuit administrator or deputy
243 circuit administrator.

244 3. Positions in the Department of Transportation that are
245 assigned primary duties of serving as regional toll managers and
246 managers of offices as defined in s. 20.23(3)(b) ~~s. 20.23(3)(c)~~
247 and (4)(d), and captains and majors of the Office of Motor
248 Carrier Compliance.

249 4. Positions in the Department of Environmental Protection
250 that are assigned the duty of an Environmental Administrator or
251 program administrator.

252 5. Positions in the Department of Health that are assigned
253 the duties of Environmental Administrator, Assistant County
254 Health Department Director, and County Health Department
255 Financial Administrator.

256
257 Unless otherwise fixed by law, the department shall set the
258 salary and benefits of the positions listed in this paragraph in
259 accordance with the rules established for the Selected Exempt
260 Service.

261 Section 4. Section 334.30, Florida Statutes, is amended to
262 read:

263 334.30 Public-private ~~Private~~ transportation facilities.--
264 The Legislature hereby finds and declares that there is a public
265 need for rapid construction of safe and efficient transportation
266 facilities for the purpose of travel within the state, and that
267 it is in the public's interest to provide for the construction
268 of additional safe, convenient, and economical transportation
269 facilities.

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270 (1) The department may receive or solicit proposals and,
 271 ~~with legislative approval by a separate bill for each facility,~~
 272 enter into agreements with private entities, or consortia
 273 thereof, for the building, operation, ownership, or financing of
 274 transportation facilities. The department may adopt rules
 275 pursuant to ss. 120.536(1) and 120.54 to implement this section
 276 and shall by rule establish an application fee for the
 277 submission of proposals under this section. The fee must be
 278 sufficient to pay the costs of evaluating the proposals. The
 279 department may engage the services of private consultants to
 280 assist in the evaluation. Before ~~seeking legislative~~ approval,
 281 the department must determine that the proposed project:

282 (a) Is in the public's best interest;

283 (b) Would not require state funds to be used unless the
 284 project is on the State Highway System ~~there is an overriding~~
 285 ~~state interest;~~ and

286 (c) Would have adequate safeguards in place to ensure that
 287 no additional costs or service disruptions would be realized by
 288 the traveling public and citizens of the state in the event of
 289 default or cancellation of the agreement by the department.

290
 291 The department shall ensure that all reasonable costs to the
 292 state ~~and substantially affected local governments and~~
 293 ~~utilities,~~ related to the private transportation facilities that
 294 are not part of the State Highway System facility, are borne by
 295 the private entity. The department shall also ensure that all
 296 reasonable costs to the state and substantially affected local
 297 governments and utilities, related to the private transportation

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298 facility, are borne by the private entity for transportation
 299 facilities that are owned by private entities. For projects on
 300 the State Highway System, the department may use state resources
 301 to participate in funding and financing the project as provided
 302 for under the department's enabling legislation.

303 (2) Agreements entered into pursuant to this section may
 304 authorize the private entity to impose tolls or fares for the
 305 use of the facility. However, the amount and use of toll or fare
 306 revenues may be regulated by the department to avoid
 307 unreasonable costs to users of the facility.

308 (3) Each private transportation facility constructed
 309 pursuant to this section shall comply with all requirements of
 310 federal, state, and local laws; state, regional, and local
 311 comprehensive plans; department rules, policies, procedures, and
 312 standards for transportation facilities; and any other
 313 conditions which the department determines to be in the public's
 314 best interest.

315 (4) The department may exercise any power possessed by it,
 316 including eminent domain, with respect to the development and
 317 construction of state transportation projects to facilitate the
 318 development and construction of transportation projects pursuant
 319 to this section. The department may provide services to the
 320 private entity. Agreements for maintenance, law enforcement, and
 321 other services entered into pursuant to this section shall
 322 provide for full reimbursement for services rendered for
 323 projects not on the State Highway System.

324 (5) Except as herein provided, the provisions of this
 325 section are not intended to amend existing laws by granting

326 additional powers to, or further restricting, local governmental
 327 entities from regulating and entering into cooperative
 328 arrangements with the private sector for the planning,
 329 construction, and operation of transportation facilities.

330 (6) The department may request proposals from private
 331 entities for public-private transportation projects or, if the
 332 department receives an unsolicited proposal, the department
 333 shall publish a notice in the Florida Administrative Weekly and
 334 a newspaper of general circulation at least once a week for 2
 335 weeks stating that the department has received the proposal and
 336 will accept, for 60 days after the initial date of publication,
 337 other proposals for the same project purpose. A copy of the
 338 notice must be mailed to each local government in the affected
 339 area. The department shall employ the provisions of ss. 812.081
 340 and 815.045, as required and as appropriate to ensure a fair,
 341 competitive process during the public notification period. After
 342 the public notification period has expired, the department shall
 343 rank the proposals in order of preference. In ranking the
 344 proposals, the department may consider factors including, but
 345 not limited to, professional qualifications, general business
 346 terms, innovative engineering or cost-reduction terms, finance
 347 plans, and the need for state funds to deliver the project. If
 348 the department is not satisfied with the results of the
 349 negotiations, the department may, at its sole discretion,
 350 terminate negotiations with the proposer. If these negotiations
 351 are unsuccessful, the department may go to the second-ranked and
 352 lower-ranked firms, in order, using this same procedure. If only
 353 one proposal is received, the department may negotiate in good

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354 faith and, if the department is not satisfied with the results
355 of the negotiations, the department may, at its sole discretion,
356 terminate negotiations with the proposer. Notwithstanding this
357 subsection, the department may, at its discretion, reject all
358 proposals at any point in the process up to completion of a
359 contract with the proposer.

360 (7) The department may lend funds from the Toll Facilities
361 Revolving Trust Fund as outlined in s. 338.251 or from the State
362 Infrastructure Bank as provided in s. 215.617 to private
363 entities that construct projects on the State Highway System
364 containing toll facilities that are approved under this section.
365 To be eligible, a private entity must comply with s. 338.251 and
366 must provide an indication from a nationally recognized rating
367 agency that the senior bonds for the project will be investment
368 grade or provide credit support, such as a letter of credit or
369 other means acceptable to the department, to ensure that the
370 loans will be fully repaid. The state's liability for funding of
371 a facility is limited to the amount approved for that specific
372 facility in the department's 5-year work program adopted
373 pursuant to s. 339.135.

374 (8)(6) A fixed-guideway transportation system authorized
375 by the department to be wholly or partially within the
376 department's right-of-way pursuant to a lease granted under s.
377 337.251 may operate at any safe speed.

378 Section 5. Subsection (1) of section 337.401, Florida
379 Statutes, is amended to read:

380 337.401 Use of right-of-way for utilities subject to
381 regulation; permit; fees.--

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382 (1) The department and local governmental entities,
 383 referred to in ss. 337.401-337.404 as the "authority," that have
 384 jurisdiction and control of public roads or publicly owned rail
 385 corridors are authorized to prescribe and enforce reasonable
 386 rules or regulations with reference to the placing and
 387 maintaining along, across, or on any road or publicly owned rail
 388 corridors under their respective jurisdictions any electric
 389 transmission, telephone, telegraph, or other communications
 390 services lines; pole lines; poles; railways; ditches; sewers;
 391 water, heat, or gas mains; pipelines; fences; gasoline tanks and
 392 pumps; or other structures hereinafter referred to as the
 393 "utility." The department may enter into a permit-delegation
 394 agreement with a governmental entity if issuance of a permit is
 395 based on requirements that the department finds will ensure the
 396 safety and integrity of facilities of the Department of
 397 Transportation; however, such permit-delegation agreement shall
 398 not apply to facilities of electric utilities as defined in s.
 399 366.02(2).

400 Section 6. Paragraph (m) of subsection (2) of section
 401 348.0004, Florida Statutes, is amended, and subsection (9) is
 402 added to said section, to read:

403 348.0004 Purposes and powers.--

404 (2) Each authority may exercise all powers necessary,
 405 appurtenant, convenient, or incidental to the carrying out of
 406 its purposes, including, but not limited to, the following
 407 rights and powers:

408 ~~(m) An expressway authority in any county as defined in s.~~
 409 ~~125.011(1) may consider any unsolicited proposals from private~~

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410 ~~entities and all factors it deems important in evaluating such~~
411 ~~proposals. Such an expressway authority shall adopt rules or~~
412 ~~policies in compliance with s. 334.30 for the receipt,~~
413 ~~evaluation, and consideration of such proposals in order to~~
414 ~~enter into agreements for the planning design, engineering,~~
415 ~~construction, operation, ownership, or financing of additional~~
416 ~~expressways in that county. Such rules must require~~
417 ~~substantially similar technical information as is required by~~
418 ~~rule 14-107.0011(3)(a)-(e), Florida Administrative Code. In~~
419 ~~accepting a proposal and entering into such an agreement, the~~
420 ~~expressway authority and the private entity shall for all~~
421 ~~purposes be deemed to have complied with chapters 255 and 287.~~
422 ~~Similar proposals shall be reviewed and acted on by the~~
423 ~~authority in the order in which they were received. An~~
424 ~~additional expressway may not be constructed under this section~~
425 ~~without the prior express written consent of the board of county~~
426 ~~commissioners of each county located within the geographical~~
427 ~~boundaries of the authority. The powers granted by this section~~
428 ~~are in addition to all other powers of the authority granted by~~
429 ~~this chapter.~~

430 (9) The Legislature declares that there is a public
431 need for rapid construction of safe and efficient
432 transportation facilities for travel within the state and that
433 it is in the public interest to provide for public-private
434 partnership agreements to effectuate the construction of
435 additional safe, convenient, and economical transportation
436 facilities.

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437 (a) Any expressway authority may receive or solicit
438 proposals and enter into agreements with private entities, or
439 consortia thereof, for the building, operation, ownership, or
440 financing of expressway authority transportation facilities or
441 new transportation facilities within the jurisdiction of the
442 expressway authority. An expressway authority is authorized to
443 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
444 this subsection and shall, by rule, establish an application fee
445 for the submission of unsolicited proposals under this
446 subsection. The fee must be sufficient to pay the costs of
447 evaluating the proposals. An expressway authority may engage
448 private consultants to assist in the evaluation. Before
449 approval, an expressway authority must determine that a proposed
450 project:

- 451 1. Is in the public's best interest.
452 2. Would not require state funds to be used unless the
453 project is on or provides increased mobility on the State
454 Highway System.
455 3. Would have adequate safeguards to ensure that no
456 additional costs or service disruptions would be realized by the
457 traveling public and citizens of the state in the event of
458 default or the cancellation of the agreement by the expressway
459 authority.

460 (b) The expressway authority shall ensure that all
461 reasonable costs to the state, related to transportation
462 facilities that are not part of the State Highway System, are
463 borne by the private entity. The expressway authority shall also
464 ensure that all reasonable costs to the state and substantially

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465 affected local governments and utilities, related to the private
466 transportation facility, are borne by the private entity for
467 transportation facilities that are owned by private entities.
468 For projects on the State Highway System, the department may use
469 state resources to participate in funding and financing the
470 project as provided for under the department's enabling
471 legislation.

472 (c) The expressway authority may request proposals for
473 public-private transportation projects or, if it receives an
474 unsolicited proposal, it must publish a notice in the Florida
475 Administrative Weekly and a newspaper of general circulation in
476 the county in which it is located at least once a week for 2
477 weeks stating that it has received the proposal and will accept,
478 for 60 days after the initial date of publication, other
479 proposals for the same project purpose. A copy of the notice
480 must be mailed to each local government in the affected areas.
481 The expressway authority shall employ the provisions of ss.
482 812.081 and 815.045 as required and as appropriate to ensure a
483 fair, competitive process during the public notification period.
484 After the public notification period has expired, the expressway
485 authority shall rank the proposals in order of preference. In
486 ranking the proposals, the expressway authority shall consider
487 professional qualifications, general business terms, innovative
488 engineering or cost-reduction terms, finance plans, and the need
489 for state funds to deliver the proposal. If the expressway
490 authority is not satisfied with the results of the negotiations,
491 it may, at its sole discretion, terminate negotiations with the
492 proposer. If these negotiations are unsuccessful, the expressway

493 authority may go the second and lower-ranked firms, in order,
 494 using the same procedure. If only one proposal is received, the
 495 expressway authority may negotiate in good faith and, if it is
 496 not satisfied with the results, it may, at its sole discretion,
 497 terminate negotiations with the proposer. Notwithstanding this
 498 paragraph, the expressway authority may, at its discretion,
 499 reject all proposals at any point in the process up to
 500 completion of a contract with the proposer.

501 (d) The department may lend funds from the Toll Facilities
 502 Revolving Trust Fund, as outlined in s. 338.251, to public-
 503 private partnerships. To be eligible, a private entity must
 504 comply with s. 338.251 and must provide an indication from a
 505 nationally recognized rating agency that the senior bonds for
 506 the project will be investment grade or provide credit support,
 507 such as a letter of credit or other means acceptable to the
 508 department, to ensure that the loans will be fully repaid.

509 (e) Agreements entered into pursuant to this subsection
 510 may authorize the public-private entity to impose tolls or fares
 511 for the use of the facility; however, the amount and use of toll
 512 or fare revenues may be regulated by the expressway authority to
 513 avoid unreasonable costs to users of the facility.

514 (f) Each public-private transportation facility
 515 constructed pursuant to this subsection shall comply with all
 516 requirements of federal, state, and local laws; state, regional,
 517 and local comprehensive plans; the expressway authority's rules,
 518 policies, procedures, and standards for transportation
 519 facilities; and any other conditions that the expressway
 520 authority determines to be in the public's best interest.

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521 (g) An expressway authority may exercise any power
522 possessed by it, including eminent domain, to facilitate the
523 development and construction of transportation projects pursuant
524 to this subsection. An expressway authority may pay all or part
525 of the cost of operating and maintaining the facility or may
526 provide services to the private entity for which it receives
527 full or partial reimbursement for services rendered.

528 (h) Except as otherwise provided in this subsection, this
529 subsection is not intended to amend existing laws by granting
530 additional powers to governmental entities for or further
531 restrict governmental entities from regulating transportation
532 facilities and entering into cooperative arrangements with the
533 private sector for the planning, construction, and operation of
534 transportation facilities.

535 Section 7. This act shall take effect upon becoming a law.