

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Avila offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Paragraph (b) of subsection (2) of section
7 20.23, Florida Statutes, is amended to read:

8 20.23 Department of Transportation.—There is created a
9 Department of Transportation which shall be a decentralized
10 agency.

11 (2)

12 (b) The commission shall:

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

16 2. Periodically review the status of the state

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

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

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

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

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

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

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

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

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

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

65 (1)(a) An officer who is required by s. 8, Art. II of the
66 State Constitution to file a full and public disclosure of his

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

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

80 Section 3. Effective October 1, 2022, paragraph (d) of
81 subsection (1) of section 212.055, Florida Statutes, is amended
82 to read:

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

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92 required; the purpose for which the proceeds may be expended;
93 and such other requirements as the Legislature may provide.
94 Taxable transactions and administrative procedures shall be as
95 provided in s. 212.054.

96 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM
97 SURTAX.—

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

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

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

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117 such proceeds may be pledged for bonds issued to refinance
118 existing bonds or new bonds issued for the construction of such
119 roads or bridges;

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

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

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

155 2.a. To the extent not prohibited by contracts or bond
156 covenants in effect on that date, a county as defined in s.
157 125.011(1) shall use proceeds from the surtax only for the
158 following purposes:

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

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

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

169 (IV) The payment of principal and interest on bonds
170 previously issued related to fixed guideway rapid transit
171 systems or bus systems.

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

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

188 c. In a county as defined in s. 125.011(1), proceeds from
189 the surtax may not be used for salaries or other personnel
190 expenses of the county transportation department.

191 Section 4. Subsection (2) of section 215.68, Florida

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192 Statutes, is amended to read:

193 215.68 Issuance of bonds; form; maturity date, execution,
194 sale.—

195 (2) Such bonds may:

196 (a) Be issued in either coupon form or registered form or
197 both;

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

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

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

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

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

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

215 Section 5. Notwithstanding the repeal of section 319.141,
216 Florida Statutes, which occurred on July 1, 2018, that section

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217 is revived, reenacted, and amended to read:

218 319.141 Pilot Rebuilt motor vehicle inspection program.—

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

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

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

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

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242 (3) Upon selection, each participant shall enter into The
243 department shall establish a memorandum of understanding with
244 the department that allows such participant private parties
245 participating in the pilot program to conduct rebuilt motor
246 vehicle inspections and specifies requirements for oversight,
247 bonding and insurance, procedures, and forms and requires the
248 electronic transmission of documents. The department may examine
249 all records pertaining to any inspection or related service
250 performed under the pilot rebuilt motor vehicle inspection
251 program.

252 (4) Before a participant an applicant is authorized to
253 perform such rebuilt inspection services approved, the
254 department shall ensure that the participant applicant meets
255 basic criteria designed to protect the public. At a minimum, the
256 participant applicant shall meet all of the following
257 requirements:

258 (a) Have and maintain a surety bond or irrevocable letter
259 of credit in the amount of \$100,000 executed in favor of the
260 department. Such surety bond or letter of credit shall be issued
261 by entities licensed to do business in this state by the
262 applicant.

263 (b) Secure and maintain a facility at a permanent fixed
264 structure, as evidenced by proof of ownership or written lease
265 at an address identified by a county-issued tax folio number and
266 recognized by the United States Postal Service where the only

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267 services provided on such property are rebuilt inspection
268 services. The facility must have permanent signage which
269 advertises that only private rebuilt inspection services are
270 provided at that location, posted business hours, a designated
271 office area and customer waiting area, a rebuilt inspection area
272 separate and visually obstructed from any area accessible to the
273 customer, surveillance cameras with recording capabilities for
274 the rebuilt inspection areas, and sufficient onsite customer
275 parking. The location must be large enough to accommodate all of
276 the vehicles being inspected and have a covered area to
277 accommodate at least two vehicles during inclement weather. The
278 participant ~~operator of a facility~~ shall annually attest that he
279 or she ~~does not have a direct or indirect interest in any motor~~
280 vehicle that a facility has inspected or proposes to inspect; he
281 or she is not employed by or does not have an ownership interest
282 in or other financial arrangement with the owner, operator,
283 manager, or employee of a motor vehicle repair shop as defined
284 in s. 559.903, a motor vehicle dealer as defined in s.
285 320.27(1)(c), a towing company, a vehicle storage company, a
286 vehicle auction, an insurance company, a salvage yard, a metal
287 retailer, or a metal rebuilder, from which he or she receives
288 remuneration, directly or indirectly, for the referral of
289 customers for rebuilt inspection services; there have been no
290 changes to the ownership structure of the approved facility; and
291 that the only services being provided by such participant at the

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292 facility are rebuilt inspection services. Only a participant
293 selected and approved by the department may charge or receive a
294 fee for providing or facilitating such services.

295 (c) Have and maintain garage liability with a minimum of
296 \$100,000 single-limit liability coverage including bodily injury
297 and property damage protection and any other insurance required
298 by the department.

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

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

307 (5) A participant may not conduct an inspection of a
308 vehicle in complete rebuilt condition without prior approval by
309 the department. A person or entity other than the department or
310 a participant authorized by the department may not conduct
311 rebuilt inspection services.

312 (6)-(5) A participant in the program shall access vehicle
313 and title information and enter inspection results through an
314 electronic filing system authorized by the department and shall
315 maintain records of each rebuilt vehicle inspection processed at
316 such facility for at least 5 years.

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317 (7) A vehicle owner who fails an initial rebuilt
318 inspection may only have that vehicle reinspected by the
319 department or the facility that conducted the original
320 inspection.

321 (8)(6) The department shall conduct an onsite facility
322 inspection at least once per quarter and shall immediately
323 terminate any participant operator from the program who fails to
324 meet the minimum eligibility requirements specified in
325 subsection (4). Before a change in ownership of a rebuilt
326 inspection facility, the current operator must give the
327 department 45 days' written notice of the intended sale or
328 transfer. The prospective owner must meet the eligibility
329 requirements of this section and execute a new memorandum of
330 understanding with the department before operating the facility.

331 (9) The department may adopt rules pursuant to ss.
332 120.536(1) and 120.54 to implement and enforce this section.

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

338 (11)(7) This section is repealed on July 1, 2022 2018,
339 unless saved from repeal through reenactment by the Legislature.

340 Section 6. Section 334.175, Florida Statutes, is amended
341 to read:

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342 334.175 Certification of project design plans and
343 surveys.—

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

350 (2) For all transportation projects on, under, over, or
351 abutting a department-owned right-of-way and regardless of
352 funding source, the department shall approve the design plans
353 for such projects if such design plans meet department design
354 standards.

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

357 337.025 Innovative transportation ~~highway~~ projects;
358 department to establish program.—

359 (1) The department may ~~is authorized to~~ establish a
360 program for transportation ~~highway~~ projects demonstrating
361 innovative techniques of highway and bridge design,
362 construction, maintenance, and finance which have the intended
363 effect of measuring resiliency and structural integrity and
364 controlling time and cost increases on construction projects.
365 Such techniques may include, but are not limited to, state-of-
366 the-art technology for pavement, safety, and other aspects of

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367 highway and bridge design, construction, and maintenance;
368 innovative bidding and financing techniques; accelerated
369 construction procedures; and those techniques that have the
370 potential to reduce project life cycle costs. To the maximum
371 extent practical, the department must use the existing process
372 to award and administer construction and maintenance contracts.
373 When specific innovative techniques are to be used, the
374 department is not required to adhere to those provisions of law
375 that would prevent, preclude, or in any way prohibit the
376 department from using the innovative technique. However, before
377 ~~prior to~~ using an innovative technique that is inconsistent with
378 another provision of law, the department must document in
379 writing the need for the exception and identify what benefits
380 the traveling public and the affected community are anticipated
381 to receive. The department may enter into no more than \$120
382 million in contracts annually for the purposes authorized by
383 this section.

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

386 338.165 Continuation of tolls.—

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

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392 ~~348.0004.~~

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

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

402 338.166 High-occupancy toll lanes or express lanes.—

403 (5) To the extent not prohibited by contracts or bond
404 covenants in effect on July 1, 2019, and notwithstanding any
405 other provision of law to the contrary, in a county as defined
406 in s. 125.011(1), a toll for a high-occupancy toll lane or
407 express lane may not exceed \$1.25 per mile.

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

416 (9)(7) Except for subsections (5) and (8), this section

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417 does not apply to the turnpike system as defined under the
418 Florida Turnpike Enterprise Law.

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

422 338.231 Turnpike tolls, fixing; pledge of tolls and other
423 revenues.—The department shall at all times fix, adjust, charge,
424 and collect such tolls and amounts for the use of the turnpike
425 system as are required in order to provide a fund sufficient
426 with other revenues of the turnpike system to pay the cost of
427 maintaining, improving, repairing, and operating such turnpike
428 system; to pay the principal of and interest on all bonds issued
429 to finance or refinance any portion of the turnpike system as
430 the same become due and payable; and to create reserves for all
431 such purposes.

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

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442 ~~each respective county as compared to total net toll collections~~
443 ~~attributable to users of the turnpike system.~~ This paragraph
444 ~~subsection~~ does not apply when the application of such
445 requirements would violate any covenant established in a
446 resolution or trust indenture relating to the issuance of
447 turnpike bonds. The department may at any time for economic
448 considerations establish lower temporary toll rates for a new or
449 existing toll facility for a period not to exceed 1 year, after
450 which the toll rates adopted pursuant to s. 120.54 shall become
451 effective.

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

455 339.175 Metropolitan planning organization.—

456 (3) VOTING MEMBERSHIP.—

457 (d) Any other provision of this section to the contrary
458 notwithstanding, any county as defined in s. 125.011(1)
459 ~~chartered under s. 6(e), Art. VIII of the State Constitution~~ may
460 elect to have its county commission serve as the M.P.O., if the
461 M.P.O. jurisdiction is wholly contained within the county. Any
462 charter county that elects to exercise the provisions of this
463 paragraph shall so notify the Governor in writing. Upon receipt
464 of such notification, the Governor must designate the county
465 commission as the M.P.O. The Governor must appoint three ~~four~~
466 additional voting members to the M.P.O., one of whom must be an

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467 elected official representing a municipality within the county,
468 one of whom must be a member of the governing body from the
469 agency created in part I of chapter 348 ~~an expressway authority~~
470 ~~member, one of whom must be a person who does not hold elected~~
471 ~~public office and who resides in the unincorporated portion of~~
472 ~~the county,~~ and one of whom must be a school board member.

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

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

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

491 Section 12. Subsection (6) of section 343.1003, Florida

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492 Statutes, is amended to read:

493 343.1003 Northeast Florida Regional Transportation
494 Commission.—

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

499 Section 13. Part I of chapter 348, Florida Statutes,
500 consisting of sections 348.0001, 348.0002, 348.0003, 348.0004,
501 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,
502 348.00115, and 348.0012, is repealed.

503 Section 14. Part I of chapter 348, Florida Statutes,
504 consisting of sections 348.0301, 348.0302, 348.0303, 348.0304,
505 348.0305, 348.0306, 348.0307, 348.0308, 348.0309, 348.0310,
506 348.0311, 348.0312, 348.0313, 348.0314, 348.0315, 348.0316,
507 348.0317, and 348.0318, Florida Statutes, is created to read:

508 CHAPTER 348

509 EXPRESSWAY AND BRIDGE AUTHORITIES

510 PART I

511 GREATER MIAMI EXPRESSWAY AGENCY

512 348.0301 Short title.—This part may be cited as the
513 "Greater Miami Expressway Agency Act."

514 348.0302 Applicability.—This part applies only to a county
515 as defined in s. 125.011(1).

516 348.0303 Definitions.—As used in the this part, the term:

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517 (1) "Agency" means the body politic, corporate, and agency
518 of the state created by this part.

519 (2) "Agency of the state" means and includes the state and
520 any department of, or corporation, agency, or instrumentality
521 created, designated, or established by, the state.

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

526 (4) "County" means a county as defined in s. 125.011(1).

527 (5) "County gasoline tax funds" means all of the 80-
528 percent surplus gasoline tax funds accruing in each year to the
529 department for use within the geographic boundaries of the
530 agency under s. 9, Art. XII of the State Constitution, after the
531 deduction of any amounts of such gasoline tax funds heretofore
532 pledged by the department or a county for outstanding
533 obligations.

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

535 (7) "Express written consent" means prior express written
536 consent given in the form of a resolution adopted by a board of
537 county commissioners.

538 (8) "Expressway" means a street or highway especially
539 designed for through traffic and over, from, or to which owners
540 or occupants of abutting land or other persons have no right or
541 easement or only a limited right or easement of access, light,

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542 air, or view by reason of the fact that their property abuts
543 upon such limited access facility or for any other reason. An
544 expressway may be a facility from which trucks, buses, and other
545 commercial vehicles are excluded or may be a facility open to
546 use by all customary forms of street and highway traffic.

547 (9) "Expressway system" means any and all expressways
548 within the geographic boundaries of the agency established
549 pursuant to this act and appurtenant facilities thereto,
550 including, but not limited to, all approaches, roads, bridges,
551 and avenues of access for such expressway. An expressway system
552 includes a public transportation facility.

553 (10) "Federal agency" means and includes the United
554 States, the President of the United States, and any department
555 of, or corporation, agency, or instrumentality created,
556 designated, or established by, the United States.

557 (11) "Members" means the governing body of the agency, and
558 the term "member" means one of the individuals constituting such
559 governing body.

560 (12) "Public transportation facility" means real and
561 personal property, structures, improvements, buildings,
562 personnel, equipment, plants, vehicle parking or other
563 facilities, rights-of-way, or any combination thereof used or
564 useful for the purposes of transporting passengers by means of a
565 street railway, elevated railway or guideway, subway, motor

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566 vehicle, motor bus, or any bus or other means of conveyance
567 operating as a common carrier.

568 348.0304 Greater Miami Expressway Agency.-

569 (1) There is hereby created and established a body politic
570 and corporate, an agency of the state, to be known as the
571 "Greater Miami Expressway Agency."

572 (2) (a) The governing body of the agency shall consist of
573 seven voting members. Each member must be a permanent resident
574 of the county and may not hold elected office. Each member may
575 only serve two terms of 4 years each. Six members shall be
576 appointed by the Governor, and one member shall be appointed by
577 the metropolitan planning organization for such county. The
578 district secretary of the department serving in the district
579 that contains such county shall serve as a nonvoting advisor to
580 the governing body.

581 (b) Initial appointments to the governing body of the
582 agency shall be made by July 31, 2019. For the initial
583 appointments made by the Governor, one appointment shall be for
584 a term of 1 year, two appointments shall be for a term of 2
585 years, one appointment shall be for a term of 3 years, and two
586 appointments shall be for a term of 4 years. Persons who were
587 members of the governing body of the former Miami-Dade County
588 Expressway Authority may not be appointed members of the
589 governing body of the agency.

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590 (3) (a) The governing body of the agency shall elect one of
591 its members as chair and shall elect a secretary and a treasurer
592 who need not be members of the governing body. The chair,
593 secretary, and treasurer shall hold their offices at the will of
594 the governing body. A simple majority of the governing body
595 constitutes a quorum, and the vote of a majority of those
596 members present is necessary for the governing body to take any
597 action. A vacancy shall not impair the right of a quorum of the
598 governing body to exercise all of the rights and perform all of
599 the duties of the governing body.

600 (b) Upon the effective date of his or her appointment, or
601 as soon thereafter as practicable, each member of the governing
602 body of the agency shall enter upon his or her duties. The
603 governing body's initial board meeting must take place within 15
604 days after the initial appointments.

605 (c) Each member of the governing body of the agency,
606 before entering upon his or her official duties, shall take and
607 subscribe to an oath before some official authorized by law to
608 administer oaths that he or she will honestly, faithfully, and
609 impartially perform the duties devolving upon him or her in
610 office as a member of the governing body and that he or she will
611 not neglect any duties imposed upon him or her by this part.

612 (4) (a) The governing body of the agency may employ an
613 executive secretary, an executive director, its own counsel and
614 legal staff, technical experts, and such engineers and

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615 employees, permanent or temporary, as it may require and shall
616 determine the qualifications and fix the compensation of such
617 persons, firms, or corporations. The governing body may employ a
618 fiscal agent or agents; however, the governing body must solicit
619 sealed proposals from at least three persons, firms, or
620 corporations for the performance of any services as fiscal
621 agents. The governing body may delegate to one or more of its
622 agents or employees such of its power as it deems necessary to
623 carry out the purposes of this act, subject always to the
624 supervision and control of the governing body. Members of the
625 governing body may be removed from office by the Governor for
626 misconduct, malfeasance, misfeasance, or nonfeasance in office.

627 (b) A current or former executive director of the former
628 Miami-Dade County Expressway Authority may not serve as the
629 agency's executive director. Before July 31, 2019, the Governor
630 shall appoint an interim executive director for the agency who
631 shall hold office for 6 months while the agency hires a
632 permanent executive director. This paragraph does not preclude
633 the interim executive director from applying for the position of
634 executive director of the agency.

635 (5) The members of the governing body of the agency shall
636 not be entitled to compensation but shall be entitled to receive
637 per diem and travel expenses as provided in s. 112.061.

638 348.0305 Ethics requirements.-

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639 (1) Notwithstanding any other provision of law to the
640 contrary, members and employees of the agency are subject to
641 part III of chapter 112. As used in this section, the term:

642 (a) "Agency" means the Greater Miami Expressway Agency.

643 (b) "Lobby" means to seek to influence the agency, on
644 behalf of another person, with respect to a decision of the
645 agency in an area of policy or procurement or to attempt to
646 obtain the goodwill of an officer, employee, or consultant of
647 the agency. The term does not include representing a client in
648 any stage of applying for or seeking approval of any
649 administrative action, or opposition to such action, provided
650 such action does not require legislative discretion and is
651 subject to judicial review by petitioning for writ of
652 certiorari.

653 (c) "Lobbyist" means a person who is employed and receives
654 payment, or who contracts for economic consideration, to lobby
655 or a person who is principally employed for governmental affairs
656 by another person or entity to lobby on behalf of such person or
657 entity. The term does not include a person who:

658 1. Represents a client in a judicial proceeding or in a
659 formal administrative proceeding before the agency.

660 2. Is an officer or employee of any governmental entity
661 acting in the normal course of his or her duties.

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662 3. Consults under contract with the agency and
663 communicates with the agency regarding issues related to the
664 scope of services in his or her contract.

665 4. Is an expert witness who is retained or employed by an
666 employer, principal, or client to provide only scientific,
667 technical, or other specialized information provided in agenda
668 materials or testimony only in public hearings, provided the
669 expert identifies such employer, principal, or client at such
670 hearing.

671 5. Seeks to procure a contract that is less than \$20,000
672 or a contract pursuant s. 287.056.

673 (d) "Officer" means a member of the governing body of the
674 agency.

675 (e) "Principal" has the same meaning as in s. 112.3215.

676 (f) "Relative" has the same meaning as in s. 112.312.

677 (2) (a) A lobbyist may not be appointed or serve as a
678 member of the governing body of the agency.

679 (b) A person may not be appointed or serve as an officer
680 if that person currently represents or has in the previous 4
681 years lobbied the agency or the former Miami-Dade County
682 Expressway Authority.

683 (c) A person may not be appointed or serve as an officer
684 if that person has in the previous 4 years done business, or
685 been an employee of a person or entity that has done business,

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686 with the agency or the former Miami-Dade County Expressway
687 Authority.

688 (d) A person may not be appointed or serve as an officer
689 if that person has in the previous 2 years been an employee of
690 the agency or the former Miami-Dade County Expressway Authority.

691 (3) An officer, employee, or consultant of the agency or
692 of the former Miami-Dade County Expressway Authority may not,
693 after vacation of his or her position with the agency:

694 (a) Lobby the agency for a period of 2 years.

695 (b) Have an employment or contractual relationship with a
696 business entity in connection with a contract in which the
697 officer, employee, or consultant personally and substantially
698 participated through decision, approval, disapproval,
699 recommendation, rendering of advice, or investigation while he
700 or she was an officer, employee, or consultant of the agency.
701 When an agency employee's position is eliminated and his or her
702 former duties are performed by the business entity, this
703 paragraph does not prohibit him or her from employment or a
704 contractual relationship with the business entity if the
705 employee's participation in the contract was limited to
706 recommendation, rendering of advice, or investigation and if the
707 executive director of the agency determines that the best
708 interests of the agency will be served thereby and provides
709 prior written approval for the particular employee.

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710 (c) Have or hold any employment or contractual
711 relationship with a business entity in connection with any
712 contract for contractual services which was within his or her
713 responsibility while an officer, employee, or consultant. If an
714 agency employee's position is eliminated and his or her former
715 duties are performed by the business entity, this paragraph may
716 be waived by the executive director of the agency through prior
717 written approval for the particular employee if the executive
718 director determines that the best interests of the agency will
719 be served thereby.

720 (4) Each officer, employee, and consultant of the agency
721 must promptly disclose:

722 (a) Every relationship that may create a conflict between
723 his or her private interests and the performance of his or her
724 duties to the agency or that would impede the full and faithful
725 discharge of his or her duties to the agency.

726 (b) Any relative and any employment or contractual
727 relationship of such relative which, if held by the officer,
728 employee, or consultant, would violate any provision of s.
729 112.313.

730 (c) Any relative who is a lobbyist and such lobbyist's
731 principal.

732 (d) Any direct or indirect interest in real property and
733 such interest of any relative if such property is located within
734 1/2 mile of any actual or prospective agency project. The

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735 executive director of the agency shall provide a corridor map
736 and a property ownership list reflecting the ownership of all
737 real property within the disclosure area, or an alignment map
738 with a list of associated owners, to all officers, employees,
739 and consultants.

740 (5) The disclosures required under subsection (4) must be
741 filed with the agency general counsel in the manner specified by
742 the general counsel. When the disclosure is filed by the general
743 counsel, a copy must be provided to the executive director of
744 the agency.

745 (6) A violation of this section shall be considered a
746 violation of the violator's official, employment, or contractual
747 duties to the agency.

748 (7) Officers, employees, and consultants of the agency
749 shall be adequately informed and trained on the provisions of
750 this section and the state code of ethics and shall receive
751 ongoing ethics training.

752 (8) The state code of ethics shall apply to officers,
753 employees, and consultants of the agency, and this section shall
754 be enforced by the Commission on Ethics as part of the state
755 code of ethics.

756 348.0306 Purposes and powers.—

757 (1) (a) The agency created and established pursuant to this
758 act may acquire, hold, construct, improve, maintain, operate,
759 and own an expressway system.

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760 (b) The agency, in the construction of an expressway
761 system, shall construct expressways. Construction of an
762 expressway system may be completed in segments, phases, or
763 stages in a manner that will permit the expansion of these
764 segments, phases, or stages to the desired expressway
765 configuration. The agency, in the construction of an expressway
766 system, may construct any extensions of, additions to, or
767 improvements to the expressway system or appurtenant facilities,
768 including all necessary approaches, roads, bridges, and avenues
769 of access, with such changes, modifications, or revisions of the
770 project that are deemed desirable and proper. For new capacity
771 projects, the agency shall use the department's design standards
772 and, to the maximum extent practicable, design facilities such
773 as the department would for high-speed limited access
774 facilities. The agency may only add additional expressways to an
775 expressway system, under the terms and conditions set forth in
776 this act, with the prior express written consent of the board of
777 county commissioners of the county, and only if such additional
778 expressways lack adequate committed funding for implementation,
779 are financially feasible, and are compatible with the existing
780 plans, projects, and programs of the agency.

781 (2) The agency may exercise all powers necessary,
782 appurtenant, convenient, or incidental to the carrying out of
783 its purposes, including, but not limited to, the following
784 rights and powers:

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785 (a) To sue and be sued, implead and be impleaded, and
786 complain and defend in all courts.

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

788 (c) To acquire, purchase, hold, lease as lessee, and use
789 any franchise or property, real, personal, or mixed, tangible or
790 intangible, or any interest therein necessary or desirable for
791 carrying out the purposes of the agency and to sell, lease as
792 lessor, transfer, and dispose of any property or interest
793 therein at any time acquired by it.

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

797 (e) To fix, alter, charge, establish, and collect tolls,
798 rates, fees, rentals, and other charges for the services and
799 facilities system, which tolls, rates, fees, rentals, and other
800 charges must always be sufficient to comply with any covenants
801 made with the holders of any bonds secured by the net revenues
802 of the expressway system, including any additions, extensions,
803 or improvements thereof. However, such right and power may be
804 assigned or delegated by the agency to the department.

805 1. Notwithstanding any other provision of law to the
806 contrary, the agency may not increase its toll rates until July
807 1, 2029, including any increase to the extent necessary to
808 adjust for inflation pursuant to the procedure for toll rate
809 adjustments provided in s. 338.165, except as may be necessary

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810 to comply with covenants in the trust indentures or resolutions
811 adopted in connection with the agency's bonds secured by the net
812 revenues of the expressway system.

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

815 3. The amount of toll revenues used for administrative
816 costs by the agency may not be greater than 10 percent above the
817 annual state average of administrative costs determined as
818 provided in this subparagraph. The Florida Transportation
819 Commission shall determine the annual state average of
820 administrative costs based on the annual administrative costs of
821 all the expressway authorities in this state. For purposes of
822 this subparagraph, administrative costs include, but are not
823 limited to, employee salaries and benefits, small business
824 outreach, insurance, professional service contracts not directly
825 related to the operation and maintenance of the expressway
826 system, and other overhead costs.

827 4. There must be a distance of at least 5 miles between
828 main through-lane tolling points. The distance requirement of
829 this subparagraph does not apply to entry and exit ramps.
830 However, the agency may establish toll rates such that the toll
831 rate per mile is equal to the rates in effect on July 1, 2019.

832 (f) To borrow money, make and issue negotiable notes,
833 bonds, refund bonds, and other evidence of indebtedness of the
834 agency, which bonds or other evidence of indebtedness may be

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835 issued pursuant to the State Bond Act or, in the alternative,
836 pursuant to s. 348.0309(2) to finance or refinance additions,
837 extensions, or improvements to the expressway system within the
838 geographic boundaries of the agency, and to provide for the
839 security of the bonds or other evidence of indebtedness and the
840 rights and remedies of the holders of the bonds or other
841 evidence of indebtedness. Any bonds or other evidence of
842 indebtedness pledging the full faith and credit of the state may
843 only be issued pursuant to the State Bond Act.

844 1. The agency shall reimburse the county in which it
845 exists for any sums expended from any county gasoline tax funds
846 used for payment of such obligations. Any county gasoline tax
847 funds so disbursed shall be repaid in accordance with the terms
848 of any lease-purchase or interlocal agreement with any county or
849 the department together with interest, at the rate agreed to in
850 such agreement. In no event shall any county gasoline tax funds
851 be more than a secondary pledge of revenues for repayment of any
852 obligations issued pursuant to this part.

853 2. The agency may refund any bonds previously issued, to
854 the extent allowable by federal tax laws, to finance or
855 refinance an expressway system located within the geographic
856 boundaries of the agency regardless of whether the bonds being
857 refunded were issued by such agency, an agency of the state, or
858 a county.

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859 (g) To enter contracts and to execute all instruments
860 necessary or convenient for the carrying on of its business.
861 Notwithstanding any other provision of law to the contrary, the
862 agency is subject to the procurement and contracting
863 requirements applicable to the department contained in chapters
864 287 and 337.

865 (h) Without limitation of the foregoing, to borrow money
866 and accept grants from, and to enter into contracts, leases, or
867 other transactions with, any federal agency, the state, any
868 agency of the state, any county, or any other public body of the
869 state.

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

872 (j) To pledge, hypothecate, or otherwise encumber all or
873 any part of the revenues, tolls, rates, fees, rentals, or other
874 charges or receipts of the agency, including all or any portion
875 of county gasoline tax funds received by the agency pursuant to
876 the terms of any lease-purchase agreement between the agency and
877 the department, as security for all or any of the obligations of
878 the agency.

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

882 (3) Notwithstanding any other provision of law to the
883 contrary, the consent of any municipality is not necessary for

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884 any project of the agency, regardless of whether the project
885 lies in whole or in part within the boundaries of the
886 municipality, if the project is consistent with the locally
887 adopted comprehensive plan. However, if a project is
888 inconsistent with the affected municipal comprehensive plan, the
889 project may not proceed without a hearing pursuant to ss.
890 120.569 and 120.57 at which it is determined that the project is
891 consistent with the adopted metropolitan planning organization
892 transportation improvement plan, if any, and the applicable
893 strategic regional plan, and at which regional interests are
894 determined to clearly override the interests of the
895 municipality.

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

900 (5) The agency shall comply with all statutory
901 requirements of general application which relate to the filing
902 of any report or documentation required by law, including the
903 requirements of ss. 189.015, 189.016, 189.051, and 189.08.

904 (6) Notwithstanding subsection (3) or any other provision
905 of law to the contrary, the agency may not undertake any
906 construction that is not consistent with both the metropolitan
907 planning organization's transportation improvement program and
908 the county's comprehensive plan.

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909 (7) The agency may finance or refinance the planning,
910 design, acquisition, construction, extension, rehabilitation,
911 equipping, preservation, maintenance, or improvement of a public
912 transportation facility or transportation facilities owned or
913 operated by such county, an intermodal facility or facilities,
914 multimodal corridor or corridors, including, but not limited to,
915 bicycle facilities or greenways that will improve transportation
916 services within the county, or any programs or projects that
917 will improve the levels of service on an expressway system,
918 subject to approval of the governing body of the county after
919 public hearing.

920 (8) The governing body of the county may enter into an
921 interlocal agreement with the agency pursuant to s. 163.01 for
922 the joint performance or performance by either governmental
923 entity of any corporate function of the county or agency
924 necessary or appropriate to enable the agency to fulfill the
925 powers and purposes of this part and promote the efficient and
926 effective transportation of persons and goods in such county.

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

931 348.0307 Florida Sunshine Rebate Program.—There is created
932 by the agency the Florida Sunshine Rebate Program. Subject to
933 compliance with any covenants made with the holders of the

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934 agency's bonds that are in the trust indentures or resolutions
935 adopted in connection with the issuance of the agency's bonds,
936 the agency, at the time that any toll is incurred, shall provide
937 a 25-percent rebate to all SunPass holders whose SunPass is
938 registered to a motor vehicle registered in the county. An
939 eligible SunPass holder shall be automatically enrolled in such
940 rebate program; however, the agency shall be provided a
941 mechanism to allow eligible SunPass holders to opt out of the
942 program. The agency may not impose additional requirements for
943 receipt of the reduced toll amount.

944 348.0308 Public-private partnership.—The Legislature
945 declares that there is a public need for the rapid construction
946 of safe and efficient transportation facilities for traveling
947 within the state and that it is in the public's interest to
948 provide for public-private partnership agreements to effectuate
949 the construction of additional safe, convenient, and economical
950 transportation facilities.

951 (1) The agency may receive or solicit proposals and enter
952 into agreements with private entities, or consortia thereof, for
953 the building, operation, ownership, or financing of agency
954 transportation facilities or new transportation facilities
955 within the jurisdiction of the agency which increase
956 transportation capacity. The agency may not sell or lease any
957 transportation facility owned by the agency without providing
958 the analysis required in s. 334.30(6)(e)2. to the Legislative

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959 Budget Commission created pursuant to s. 11.90 for review and
960 approval before awarding a contract on a lease of an existing
961 toll facility. The agency may adopt rules to implement this
962 section and shall, by rule, establish an application fee for the
963 submission of unsolicited proposals under this section. The fee
964 must be sufficient to pay the costs of evaluating the proposals.
965 The agency may engage private consultants to assist in the
966 evaluation. Before approval, the agency must determine that a
967 proposed project:

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

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

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

976 (d) Would have adequate safeguards in place to ensure that
977 the department, the agency, or the private entity has the
978 opportunity to add capacity to the proposed project and other
979 transportation facilities serving similar origins and
980 destinations.

981 (e) Would be owned by the agency upon completion or
982 termination of the agreement.

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983 (2) The agency shall ensure that all reasonable costs to
984 the state which are related to transportation facilities that
985 are not part of the State Highway System are borne by the
986 private entity. The agency shall also ensure that all reasonable
987 costs to the state and substantially affected local governments
988 and utilities related to the private transportation facility are
989 borne by the private entity for transportation facilities that
990 are owned by private entities. For projects on the State Highway
991 System, the department may use state resources to participate in
992 funding and financing the project as provided for under the
993 department's enabling legislation.

994 (3) The agency may request proposals for public-private
995 transportation projects or, if it receives an unsolicited
996 proposal, it must publish a notice in the Florida Administrative
997 Register and a newspaper of general circulation in the county in
998 which it is located at least once a week for 2 weeks stating
999 that it has received the proposal and will accept, for 60 days
1000 after the initial date of publication, other proposals for the
1001 same project purpose. A copy of the notice must be mailed to
1002 each local government in the affected areas. After the public
1003 notification period has expired, the agency shall rank the
1004 proposals in order of preference. In ranking the proposals, the
1005 agency shall consider professional qualifications, general
1006 business terms, innovative engineering or cost-reduction terms,
1007 finance plans, and the need for state funds to deliver the

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1008 proposal. If the agency is not satisfied with the results of the
1009 negotiations, it may, at its sole discretion, terminate
1010 negotiations with the proposer. If these negotiations are
1011 unsuccessful, the agency may go to the second and lower-ranked
1012 firms, in order, using the same procedure. If only one proposal
1013 is received, the agency may negotiate in good faith, and if it
1014 is not satisfied with the results, it may, at its sole
1015 discretion, terminate negotiations with the proposer. The agency
1016 may, at its discretion, reject all proposals at any point in the
1017 process up to completion of a contract with the proposer.

1018 (4) Agreements entered into pursuant to this section may
1019 authorize the public-private entity to impose tolls or fares for
1020 the use of the facility. However, the amount and use of toll or
1021 fare revenues shall be regulated by the agency to avoid
1022 unreasonable costs to users of the facility.

1023 (5) Each public-private transportation facility
1024 constructed pursuant to this section shall comply with all
1025 requirements of federal, state, and local laws; state, regional,
1026 and local comprehensive plans; the agency's rules, policies,
1027 procedures, and standards for transportation facilities; and any
1028 other conditions that the agency determines to be in the
1029 public's best interest.

1030 (6) The agency may exercise any power possessed by it,
1031 including eminent domain, to facilitate the development and
1032 construction of transportation projects pursuant to this

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1033 section. The agency may pay all or part of the cost of operating
1034 and maintaining the facility or may provide services to the
1035 private entity for which it receives full or partial
1036 reimbursement for services rendered.

1037 (7) Except as herein provided, this section is not
1038 intended to amend existing laws by granting additional powers to
1039 or further restricting the governmental entities from regulating
1040 and entering into cooperative arrangements with the private
1041 sector for the planning, construction, and operation of
1042 transportation facilities.

1043 348.0309 Bonds.-

1044 (1) Bonds may be issued on behalf of the agency as
1045 provided by the State Bond Act.

1046 (2) (a) The agency may issue bonds pursuant to this part
1047 which do not pledge the full faith and credit of the state in
1048 such principal amount as, in the opinion of the agency, is
1049 necessary to provide sufficient moneys for achieving its
1050 corporate purposes.

1051 (b) The bonds of the agency issued pursuant to this part,
1052 whether on original issuance or refunding, must be authorized by
1053 resolution of the agency after approval of the issuance of the
1054 bonds at a public hearing and may be either term or serial
1055 bonds, shall bear such date or dates, mature at such time or
1056 times, bear interest at such rate or rates, be payable
1057 semiannually, be in such denominations, be in such form, either

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1058 coupon or fully registered, shall carry such registration,
1059 exchangeability, and interchangeability privileges, be payable
1060 in such medium of payment and at such place or places, be
1061 subject to such terms of redemption, and be entitled to such
1062 priorities on the revenues, rates, fees, rentals, or other
1063 charges or receipts of the agency, including any county gasoline
1064 tax funds received by the agency pursuant to the terms of any
1065 interlocal or lease-purchase agreement between the agency or a
1066 county, as such resolution or any resolution subsequent thereto
1067 may provide. The bonds must be executed by such officers as the
1068 agency determines under s. 279.06.

1069 (c) Such bonds shall be sold by the agency at public sale
1070 by competitive bid. However, if the agency, after receipt of a
1071 written recommendation from a financial adviser, determines by
1072 official action after public hearing by a two-thirds vote of all
1073 voting members of the agency that a negotiated sale of the bonds
1074 is in the best interest of the agency, the agency may negotiate
1075 for sale of the bonds with the underwriter or underwriters
1076 designated by the agency and the county in which the agency
1077 exists. The agency shall provide specific findings in a
1078 resolution as to the reasons requiring the negotiated sale,
1079 which resolution shall incorporate and have attached thereto the
1080 written recommendation of the financial adviser required by this
1081 subsection.

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1082 (d) Any such resolution or resolutions authorizing any
1083 bonds hereunder which do not pledge the full faith and credit of
1084 the state may contain provisions that are part of the contract
1085 with the holders of the bonds, as the agency determines proper.
1086 In addition, the agency may enter into trust indentures or other
1087 agreements with its fiscal agent, or with any bank or trust
1088 company within or without the state, as security for such bonds,
1089 and may, under the agreements, assign and pledge the revenues,
1090 rates, fees, rentals, tolls, or other charges or receipts of the
1091 agency, including any county gasoline tax funds received by the
1092 agency.

1093 (e) Any of the bonds issued pursuant to this part are
1094 negotiable instruments and have all the qualities and incidents
1095 of negotiable instruments under the law merchant and the
1096 negotiable instruments law of the state.

1097 (f) Each project, building, or facility that has been or
1098 will be financed by the issuance of bonds or other evidence of
1099 indebtedness and that does not pledge the full faith and credit
1100 of the state under this part and any refinancing thereof are
1101 subject to review and approval by the Legislative Budget
1102 Commission.

1103 348.0310 Department may be appointed agent of agency for
1104 construction.—The department may be appointed by the agency as
1105 its agent for the purpose of constructing improvements and
1106 extensions to an expressway system and for the completion

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1107 thereof. In such event, the agency shall provide the department
1108 with complete copies of all documents, agreements, resolutions,
1109 contracts, and instruments relating thereto; shall request the
1110 department to do such construction work, including the planning,
1111 surveying, and actual construction of the completion of and
1112 extensions and improvements to the expressway system; and shall
1113 transfer to the credit of an account of the department in the
1114 State Treasury the necessary funds therefor. The department
1115 shall thereupon proceed with such construction and use the funds
1116 for such purpose in the same manner as it is now authorized to
1117 use the funds otherwise provided by law for its use in the
1118 construction of roads and bridges.

1119 348.0311 Acquisition of lands and property.-

1120 (1) For the purposes of this act, the agency may acquire
1121 such rights, title, or interest in private or public property
1122 and such property rights, including easements, rights of access,
1123 air, view, and light, by gift, devise, purchase, or condemnation
1124 by eminent domain proceedings, as the agency may deem necessary
1125 for any of the purposes of this act, including, but not limited
1126 to, any lands reasonably necessary for securing applicable
1127 permits, areas necessary for management of access, borrow pits,
1128 drainage ditches, water retention areas, rest areas, replacement
1129 access for landowners whose access is impaired due to the
1130 construction of an expressway system, and replacement rights-of-
1131 way for relocated rail and utility facilities; for existing,

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1132 proposed, or anticipated transportation facilities on the
1133 expressway system or in a transportation corridor designated by
1134 the agency; or for the purposes of screening, relocation,
1135 removal, or disposal of junkyards and scrap metal processing
1136 facilities. The agency may also condemn any material and
1137 property necessary for such purposes.

1138 (2) The agency and its authorized agents, contractors, and
1139 employees are authorized to enter upon any lands, waters, and
1140 premises, upon giving reasonable notice to the landowner, for
1141 the purpose of making surveys, soundings, drillings, appraisals,
1142 environmental assessments including phase I and phase II
1143 environmental surveys, archaeological assessments, and such
1144 other examinations as are necessary for the acquisition of
1145 private or public property and property rights, including rights
1146 of access, air, view, and light, by gift, devise, purchase, or
1147 condemnation by eminent domain proceedings or as are necessary
1148 for the agency to perform its duties and functions, and any such
1149 entry shall not be deemed a trespass or an entry that would
1150 constitute a taking in an eminent domain proceeding. The agency
1151 shall make reimbursement for any actual damage to such lands,
1152 water, and premises as a result of such activities. Any entry
1153 authorized by this subsection shall be in compliance with the
1154 premises protections and landowner liability provisions
1155 contained in s. 472.029.

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1156 (3) The right of eminent domain conferred by this act must
1157 be exercised by the agency in the manner provided by law.

1158 (4) When the agency acquires property for an expressway
1159 system or in a transportation corridor as defined in s. 334.03,
1160 it is not subject to any liability imposed by chapter 376 or
1161 chapter 403 for preexisting soil or groundwater contamination
1162 due solely to its ownership. This subsection does not affect the
1163 rights or liabilities of any past or future owners of the
1164 acquired property, nor does it affect the liability of any
1165 governmental entity for the results of its actions which create
1166 or exacerbate a pollution source. The agency and the Department
1167 of Environmental Protection may enter into interagency
1168 agreements for the performance, funding, and reimbursement of
1169 the investigative and remedial acts necessary for property
1170 acquired by the agency.

1171 348.0312 Cooperation with other units, boards, agencies,
1172 and individuals.—Express authority and power is given and
1173 granted to any county, municipality, drainage district, road and
1174 bridge district, school district, or other political
1175 subdivision, board, commission, or individual in or of this
1176 state to enter into contracts, leases, conveyances, or other
1177 agreements within the provisions and purposes of this act with
1178 the agency. The agency may enter into contracts, leases,
1179 conveyances, and other agreements, to the extent consistent with
1180 chapters 334, 335, 338, and 339 and other provisions of the laws

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1181 of the state and with 23 U.S.C. ss. 101 et seq., with any
1182 political subdivision, agency, or instrumentality of the state
1183 and any and all federal agencies, corporations, and individuals
1184 for the purpose of carrying out the provisions of this act.

1185 348.0313 Covenant of the state.—The state does hereby
1186 pledge to, and agrees with, any person, firm, corporation, or
1187 federal or state agency subscribing to or acquiring the bonds to
1188 be issued by the agency for the purposes of this act that the
1189 state will not limit or alter the rights hereby vested in the
1190 agency and the department until all bonds at any time issued,
1191 together with the interest thereon, are fully paid and
1192 discharged, insofar as the same affects the rights of the
1193 holders of bonds issued hereunder. The state does further pledge
1194 to, and agrees with, the United States that, in the event any
1195 federal agency constructs, or contributes any funds for the
1196 completion, extension, or improvement of, an expressway system
1197 or any part or portion thereof, the state will not alter or
1198 limit the rights and powers of the agency and the department in
1199 any manner which would be inconsistent with the continued
1200 maintenance and operation of the expressway system or the
1201 completion, extension, or improvement thereof or which would be
1202 inconsistent with the due performance of any agreement between
1203 the agency and any such federal agency, and the agency and the
1204 department shall continue to have and may exercise all powers
1205 granted so long as the same shall be necessary or desirable for

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1206 carrying out the purposes of this act and the purposes of the
1207 United States in the completion, extension, or improvement of
1208 the expressway system or any part or portion thereof.

1209 348.0314 Exemption from taxation.—The effectuation of the
1210 authorized purposes of the agency is in all respects for the
1211 benefit of the people of the state, for the increase of their
1212 commerce and prosperity, and for the improvement of their health
1213 and living conditions. For this reason, the agency is not
1214 required to pay any taxes or assessments of any kind or nature
1215 whatsoever upon any property acquired by it or used by it for
1216 such purposes or upon any revenues at any time received by it.
1217 The bonds issued by or on behalf of the agency, their transfer,
1218 and the income therefrom, including any profits made on the sale
1219 thereof, are exempt from taxation of any kind by the state or by
1220 any political subdivision or other taxing agency or
1221 instrumentality thereof. The exemption granted by this section
1222 does not apply to any tax imposed under chapter 220 on interest,
1223 income, or profits on debt obligations owned by corporations.

1224 348.0315 Public accountability.—

1225 (1) The agency shall post the following information on its
1226 website:

1227 (a) Audited financial statements and any interim financial
1228 reports.

1229 (b) Board and committee meeting agendas, meeting packets,
1230 and minutes.

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- 1231 (c) Bond covenants for any outstanding bond issues.
- 1232 (d) Agency budgets.
- 1233 (e) Agency contracts. For purposes of this paragraph, the
1234 term "contract" means a written agreement or purchase order
1235 issued for the purchase of goods or services or a written
1236 agreement for the receipt of state or federal financial
1237 assistance.
- 1238 (f) Agency expenditure data, which must include the name
1239 of the payee, the date of the expenditure, and the amount of the
1240 expenditure. Such data must be searchable by name of the payee,
1241 name of the paying agency, and fiscal year and must be
1242 downloadable in a format that allows offline analysis.
- 1243 (g) Information relating to current, recently completed,
1244 and future projects on agency facilities.
- 1245 (2) Beginning October 1, 2020, and annually thereafter,
1246 the agency shall submit to the board of county commissioners of
1247 the county and the metropolitan planning organization for the
1248 county a report providing information regarding the amount of
1249 tolls collected and how those tolls were used in the agency's
1250 previous fiscal year. The report shall be posted on the agency's
1251 website.
- 1252 348.0316 Eligibility for investments and security.—Any
1253 bonds or other obligations issued pursuant to this part shall be
1254 and constitute legal investments for banks, savings banks,
1255 trustees, executors, administrators, and all other fiduciaries

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1256 and for all state, municipal, and other public funds and shall
1257 also be and constitute securities eligible for deposit as
1258 security for all state, municipal, or other public funds,
1259 notwithstanding the provisions of any other law or laws to the
1260 contrary.

1261 348.0317 Pledges enforceable by bondholders.—It is the
1262 express intention of this part that any pledge by the department
1263 of rates, fees, revenues, county gasoline tax funds, or other
1264 funds, as rentals, to the agency, or any covenants or agreements
1265 relative thereto, may be enforceable in any court of competent
1266 jurisdiction against the agency or directly against the
1267 department by any holder of bonds issued by the agency.

1268 348.0318 This part complete and additional authority.—

1269 (1) The powers conferred by this part are in addition and
1270 supplemental to the existing powers of the department and the
1271 governing body of the agency, and this part may not be construed
1272 as repealing any of the provisions of any other law, general,
1273 special, or local, but to supersede such other laws in the
1274 exercise of the powers provided in this part and to provide a
1275 complete method for the exercise of the powers granted in this
1276 part. The extension and improvement of the expressway system,
1277 and the issuance of bonds pursuant to this part to finance all
1278 or part of the cost of the system, may be accomplished upon
1279 compliance with the provisions of this part without regard to or
1280 necessity for compliance with the provisions, limitations, or

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1281 restrictions contained in any other general, special, or local
1282 law, including, but not limited to, s. 215.821, and no approval
1283 of any bonds issued under this part by the qualified electors or
1284 qualified electors who are freeholders in the state or in Miami-
1285 Dade County, or in any other political subdivision of the state,
1286 is required for the issuance of such bonds pursuant to this
1287 part, including, but not limited to, s. 215.821.

1288 (2) This part does not repeal, rescind, or modify any
1289 other law relating to the State Board of Administration, the
1290 Department of Transportation, or the Division of Bond Finance of
1291 the State Board of Administration, but supersedes any law that
1292 is inconsistent with the provisions of this part, including, but
1293 not limited to, s. 215.821.

1294 Section 15. (1) Effective upon this act becoming a law,
1295 the governance and control of the Miami-Dade County Expressway
1296 Authority is transferred to the Greater Miami Expressway Agency
1297 pursuant to the terms of this section. The assets, facilities,
1298 tangible and intangible property and any rights in such
1299 property, and any other legal rights of the authority, including
1300 the expressway system operated by the authority, are transferred
1301 to the agency. The agency succeeds to all powers of the
1302 authority, and the operations and maintenance of the expressway
1303 system shall be under the control of the agency. Revenues
1304 collected on the expressway system shall be considered agency
1305 revenues but shall be subject to the lien of the trust

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1306 indentures securing the Miami-Dade County Expressway Authority
1307 bonds. The agency also assumes all liability for bonds of the
1308 authority pursuant to subsection (2) and the satisfaction of any
1309 judgment against the authority that may ultimately become due as
1310 a result of litigation commenced before the effective date of
1311 this act. The agency shall, in consultation with the Division of
1312 Bond Finance, review all other contracts, financial obligations,
1313 and contractual relationships and liabilities of the authority,
1314 and the agency may assume responsibility for the obligations
1315 that are determined to be necessary or desirable for the
1316 continued operation of the expressway system. Employees,
1317 officers, and members of the authority may not sell, dispose,
1318 encumber, transfer, or expend the assets of the authority as
1319 existed and reflected in the authority's financial statements
1320 for the fiscal year ended June 30, 2018, other than in the
1321 ordinary course of business. For purposes of this section,
1322 incurring debt or issuing bonds for projects contained in the 5-
1323 year work program approved and adopted by the authority on
1324 December 5, 2018, is not considered the ordinary course of
1325 business. Notwithstanding the foregoing, nothing contained
1326 herein shall prevent the authority from designing and planning
1327 projects contained in the 5-year work program approved and
1328 adopted by the authority on December 5, 2018.

1329 (2) The transfer pursuant to this section is subject to
1330 all terms and covenants provided for the protection of the

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1331 holders of the Miami-Dade County Expressway Authority bonds in
1332 the trust indentures or resolutions adopted in connection with
1333 the issuance of such bonds. Further, the transfer does not
1334 impair the terms of the contract between the authority and the
1335 bondholders, does not act to the detriment of the bondholders,
1336 and does not diminish the security for the bonds. After the
1337 transfer, the agency shall operate and maintain the expressway
1338 system and any other facilities of the authority in accordance
1339 with the terms, conditions, and covenants contained in the trust
1340 indentures or bond resolutions securing such bonds. The agency
1341 shall collect toll revenues and apply them to the payment of
1342 debt service as provided in the trust indentures or bond
1343 resolutions securing such bonds and expressly assumes all
1344 obligations relating to the bonds to ensure that the transfer of
1345 the authority will have no adverse impact on the security for
1346 the bonds of the authority.

1347 Section 16. The Miami-Dade County Expressway Authority is
1348 hereby dissolved.

1349 Section 17. Section 348.635, Florida Statutes, is created
1350 to read:

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

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1356 the construction of additional safe, convenient, and economical
1357 transportation facilities.

1358 (1) Notwithstanding any other provision of this part, the
1359 authority may receive or solicit proposals and enter into
1360 agreements with private entities, or consortia thereof, for the
1361 building, operation, ownership, or financing of authority
1362 transportation facilities or new transportation facilities
1363 within the jurisdiction of the authority which increase
1364 transportation capacity. The authority may not sell or lease any
1365 transportation facility owned by the authority without providing
1366 the analysis required in s. 334.30(6)(e)2. to the Legislative
1367 Budget Commission created pursuant to s. 11.90 for review and
1368 approval before awarding a contract on a lease of an existing
1369 toll facility. The authority may adopt rules to implement this
1370 section and shall, by rule, establish an application fee for the
1371 submission of unsolicited proposals under this section. The fee
1372 must be sufficient to pay the costs of evaluating the proposals.
1373 The authority may engage private consultants to assist in the
1374 evaluation. Before approval, the authority must determine that a
1375 proposed project:

1376 (a) Is in the public's best interest.

1377 (b) Would not require state funds to be used unless the
1378 project is on or provides increased mobility on the State
1379 Highway System.

1380 (c) Would have adequate safeguards to ensure that no

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1381 additional costs or service disruptions would be realized by the
1382 traveling public and residents of the state in the event of
1383 default or the cancellation of the agreement by the authority.

1384 (d) Would have adequate safeguards in place to ensure that
1385 the department, the authority, or the private entity has the
1386 opportunity to add capacity to the proposed project and other
1387 transportation facilities serving similar origins and
1388 destinations.

1389 (e) Would be owned by the authority upon completion or
1390 termination of the agreement.

1391 (2) The authority shall ensure that all reasonable costs
1392 to the state which are related to transportation facilities that
1393 are not part of the State Highway System are borne by the
1394 private entity. The authority shall also ensure that all
1395 reasonable costs to the state and substantially affected local
1396 governments and utilities related to the private transportation
1397 facility are borne by the private entity for transportation
1398 facilities that are owned by private entities. For projects on
1399 the State Highway System, the department may use state resources
1400 to participate in funding and financing the project as provided
1401 for under the department's enabling legislation.

1402 (3) The authority may request proposals for public-private
1403 transportation projects or, if it receives an unsolicited
1404 proposal, it must publish a notice in the Florida Administrative
1405 Register and a newspaper of general circulation in the county in

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1406 which it is located at least once a week for 2 weeks stating
1407 that it has received the proposal and will accept, for 60 days
1408 after the initial date of publication, other proposals for the
1409 same project purpose. A copy of the notice must be mailed to
1410 each local government in the affected areas. After the public
1411 notification period has expired, the authority shall rank the
1412 proposals in order of preference. In ranking the proposals, the
1413 authority shall consider professional qualifications, general
1414 business terms, innovative engineering or cost-reduction terms,
1415 finance plans, and the need for state funds to deliver the
1416 proposal. If the authority is not satisfied with the results of
1417 the negotiations, it may, at its sole discretion, terminate
1418 negotiations with the proposer. If these negotiations are
1419 unsuccessful, the authority may go to the second and lower-
1420 ranked firms, in order, using the same procedure. If only one
1421 proposal is received, the authority may negotiate in good faith,
1422 and if it is not satisfied with the results, it may, at its sole
1423 discretion, terminate negotiations with the proposer. The
1424 authority may, at its discretion, reject all proposals at any
1425 point in the process up to completion of a contract with the
1426 proposer.

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

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1431 unreasonable costs to users of the facility.

1432 (5) Each public-private transportation facility
1433 constructed pursuant to this section shall comply with all
1434 requirements of federal, state, and local laws; state, regional,
1435 and local comprehensive plans; the authority's rules, policies,
1436 procedures, and standards for transportation facilities; and any
1437 other conditions that the authority determines to be in the
1438 public's best interest.

1439 (6) The authority may exercise any power possessed by it,
1440 including eminent domain, to facilitate the development and
1441 construction of transportation projects pursuant to this
1442 section. The authority may pay all or part of the cost of
1443 operating and maintaining the facility or may provide services
1444 to the private entity for which it receives full or partial
1445 reimbursement for services rendered.

1446 (7) Except as herein provided, this section is not
1447 intended to amend existing laws by granting additional powers to
1448 or further restricting the governmental entities from regulating
1449 and entering into cooperative arrangements with the private
1450 sector for the planning, construction, and operation of
1451 transportation facilities.

1452 Section 18. Section 348.7605, Florida Statutes, is created
1453 to read:

1454 348.7605 Public-private partnership.—The Legislature
1455 declares that there is a public need for the rapid construction

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1456 of safe and efficient transportation facilities for traveling
1457 within the state and that it is in the public's interest to
1458 provide for public-private partnership agreements to effectuate
1459 the construction of additional safe, convenient, and economical
1460 transportation facilities.

1461 (1) Notwithstanding any other provision of this part, the
1462 authority may receive or solicit proposals and enter into
1463 agreements with private entities, or consortia thereof, for the
1464 building, operation, ownership, or financing of authority
1465 transportation facilities or new transportation facilities
1466 within the jurisdiction of the authority which increase
1467 transportation capacity. The authority may not sell or lease any
1468 transportation facility owned by the authority without providing
1469 the analysis required in s. 334.30(6)(e)2. to the Legislative
1470 Budget Commission created pursuant to s. 11.90 for review and
1471 approval before awarding a contract on a lease of an existing
1472 toll facility. The authority may adopt rules to implement this
1473 section and shall, by rule, establish an application fee for the
1474 submission of unsolicited proposals under this section. The fee
1475 must be sufficient to pay the costs of evaluating the proposals.
1476 The authority may engage private consultants to assist in the
1477 evaluation. Before approval, the authority must determine that a
1478 proposed project:

1479 (a) Is in the public's best interest.

1480 (b) Would not require state funds to be used unless the

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1481 project is on or provides increased mobility on the State
1482 Highway System.

1483 (c) Would have adequate safeguards to ensure that no
1484 additional costs or service disruptions would be realized by the
1485 traveling public and residents of the state in the event of
1486 default or the cancellation of the agreement by the authority.

1487 (d) Would have adequate safeguards in place to ensure that
1488 the department, the authority, or the private entity has the
1489 opportunity to add capacity to the proposed project and other
1490 transportation facilities serving similar origins and
1491 destinations.

1492 (e) Would be owned by the authority upon completion or
1493 termination of the agreement.

1494 (2) The authority shall ensure that all reasonable costs
1495 to the state which are related to transportation facilities that
1496 are not part of the State Highway System are borne by the
1497 private entity. The authority shall also ensure that all
1498 reasonable costs to the state and substantially affected local
1499 governments and utilities related to the private transportation
1500 facility are borne by the private entity for transportation
1501 facilities that are owned by private entities. For projects on
1502 the State Highway System, the department may use state resources
1503 to participate in funding and financing the project as provided
1504 for under the department's enabling legislation.

1505 (3) The authority may request proposals for public-private

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1506 transportation projects or, if it receives an unsolicited
1507 proposal, it must publish a notice in the Florida Administrative
1508 Register and a newspaper of general circulation in the county in
1509 which it is located at least once a week for 2 weeks stating
1510 that it has received the proposal and will accept, for 60 days
1511 after the initial date of publication, other proposals for the
1512 same project purpose. A copy of the notice must be mailed to
1513 each local government in the affected areas. After the public
1514 notification period has expired, the authority shall rank the
1515 proposals in order of preference. In ranking the proposals, the
1516 authority shall consider professional qualifications, general
1517 business terms, innovative engineering or cost-reduction terms,
1518 finance plans, and the need for state funds to deliver the
1519 proposal. If the authority is not satisfied with the results of
1520 the negotiations, it may, at its sole discretion, terminate
1521 negotiations with the proposer. If these negotiations are
1522 unsuccessful, the authority may go to the second and lower-
1523 ranked firms, in order, using the same procedure. If only one
1524 proposal is received, the authority may negotiate in good faith,
1525 and if it is not satisfied with the results, it may, at its sole
1526 discretion, terminate negotiations with the proposer. The
1527 authority may, at its discretion, reject all proposals at any
1528 point in the process up to completion of a contract with the
1529 proposer.

1530 (4) Agreements entered into pursuant to this section may

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1531 authorize the public-private entity to impose tolls or fares for
1532 the use of the facility. However, the amount and use of toll or
1533 fare revenues shall be regulated by the authority to avoid
1534 unreasonable costs to users of the facility.

1535 (5) Each public-private transportation facility
1536 constructed pursuant to this section shall comply with all
1537 requirements of federal, state, and local laws; state, regional,
1538 and local comprehensive plans; the authority's rules, policies,
1539 procedures, and standards for transportation facilities; and any
1540 other conditions that the authority determines to be in the
1541 public's best interest.

1542 (6) The authority may exercise any power possessed by it,
1543 including eminent domain, to facilitate the development and
1544 construction of transportation projects pursuant to this
1545 section. The authority may pay all or part of the cost of
1546 operating and maintaining the facility or may provide services
1547 to the private entity for which it receives full or partial
1548 reimbursement for services rendered.

1549 (7) Except as herein provided, this section is not
1550 intended to amend existing laws by granting additional powers to
1551 or further restricting the governmental entities from regulating
1552 and entering into cooperative arrangements with the private
1553 sector for the planning, construction, and operation of
1554 transportation facilities.

1555 Section 19. Pursuant to section 20 of chapter 2014-171,

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1556 Laws of Florida, part V of chapter 348, Florida Statutes,
1557 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
1558 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
1559 348.9961, is repealed.

1560 Section 20. Except as otherwise expressly provided in this
1561 act and except for this section, which shall take effect upon
1562 this act becoming a law, this act shall take effect July 1,
1563 2019.

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

1568

Remove everything before the enacting clause and insert:

1569

A bill to be entitled

1570

An act relating to transportation; amending s. 20.23,

1571

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

1572

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

1573

provision; requiring members of certain authorities

1574

and agencies to comply with certain financial

1575

disclosure requirements; amending s. 212.055, F.S.;

1576

revising the authorized uses of proceeds from charter

1577

county and regional transportation system surtaxes;

1578

requiring certain counties to use surtax proceeds for

1579

purposes related to fixed guideway rapid transit

1580

systems, bus systems, and development of dedicated

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Amendment No.

1581 facilities for autonomous vehicles; authorizing the
1582 use of surtax proceeds for the purchase of rights-of-
1583 way under certain circumstances; authorizing the use
1584 of surtax proceeds for refinancing existing bonds;
1585 authorizing a percentage of surtax proceeds to be
1586 distributed to certain municipalities to be used for
1587 certain purposes; prohibiting the use of such proceeds
1588 for certain purposes; amending s. 215.68, F.S.;
1589 conforming provisions to changes made by the act;
1590 reviving, reenacting, and amending s. 319.141, F.S.;
1591 revising the definition of the term "rebuilt
1592 inspection services"; revising provisions relating to
1593 the Pilot Rebuilt motor vehicle inspection program;
1594 revising participant selection requirements, duties,
1595 and responsibilities; revising location and insurance
1596 requirements; authorizing the Department of Highway
1597 Safety and Motor Vehicles to adopt rules; requiring a
1598 report to the Legislature; providing for future
1599 repeal; amending s. 334.175, F.S.; requiring the
1600 Department of Transportation to approve design plans
1601 for all transportation projects relating to
1602 department-owned rights-of-way under certain
1603 circumstances; amending s. 337.025, F.S.; authorizing
1604 the department to establish a program for
1605 transportation projects that demonstrate certain

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 385 (2019)

Amendment No.

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

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 385 (2019)

Amendment No.

1631 requiring the initial meeting of the governing body by
1632 a date certain; requiring an oath of office;
1633 authorizing the governing body to employ certain
1634 officers and staff; authorizing the delegation of
1635 certain functions; prohibiting certain persons from
1636 serving as executive director of the agency; requiring
1637 the appointment of an interim executive director by a
1638 date certain; providing that members of the governing
1639 body are not entitled to compensation but are entitled
1640 to per diem and travel expenses; creating s. 348.0305,
1641 F.S.; providing ethics requirements for the agency;
1642 providing applicability of certain provisions;
1643 providing definitions; prohibiting certain persons
1644 from being appointed to the governing body of the
1645 agency; providing certain prohibitions for members and
1646 employees of the agency after vacation of their
1647 positions; providing disclosure requirements;
1648 providing that violation of certain provisions are
1649 considered violation of official, employment, or
1650 contractual duties; requiring certain ethics training;
1651 providing application and enforcement; creating s.
1652 348.0306, F.S.; providing agency purposes and powers;
1653 requiring the agency to construct expressways;
1654 providing construction requirements; prohibiting an
1655 increase in toll rates until a specified date;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 385 (2019)

Amendment No.

1656 requiring a supermajority vote for an increase in toll
1657 rates; providing a limit to administrative costs;
1658 requiring the Florida Transportation Commission to
1659 determine average administrative costs; requiring a
1660 minimum distance between tolling points; authorizing
1661 establishment of specified toll rates; providing
1662 agency responsibilities regarding reimbursement of
1663 certain county gasoline tax funds; providing project
1664 approval requirements; requiring an annual financial
1665 audit of the agency; creating s. 348.0307, F.S.;
1666 creating the Florida Sunshine Rebate Program;
1667 requiring the agency to provide specified rebates to
1668 specified SunPass holders; providing for automatic
1669 eligibility; providing for an opt-out provision;
1670 creating s. 348.0308, F.S.; providing a legislative
1671 declaration; authorizing the agency to enter into
1672 public-private partnership agreements; authorizing
1673 solicitation or receipt of certain proposals;
1674 providing rulemaking authority; providing approval
1675 requirements; requiring certain costs to be borne by
1676 the private entity; providing notice requirements for
1677 requests for proposals; providing for ranking and
1678 negotiation of proposals; requiring the agency to
1679 regulate tolls on certain facilities; requiring
1680 compliance with specified laws, rules, and conditions;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 385 (2019)

Amendment No.

1681 providing for development, construction, operation,
1682 and maintenance of transportation projects by the
1683 agency or private entities; providing construction;
1684 creating s. 348.0309, F.S.; authorizing the agency to
1685 have bonds issued as provided in the State Bond Act;
1686 authorizing the agency to issue its own bonds;
1687 providing requirements for the issuance of such bonds;
1688 requiring the sale of bonds at a public sale;
1689 providing an exception; providing that bonds are
1690 negotiable instruments under certain provisions of
1691 law; requiring approval by the Legislative Budget
1692 Commission for certain projects, buildings, or
1693 facilities and any refinancing thereof; creating s.
1694 348.0310, F.S.; authorizing the department to be
1695 appointed as an agent of the agency for construction
1696 purposes; requiring the agency to provide specified
1697 documents and funding to the department; creating s.
1698 348.0311, F.S.; authorizing the agency to acquire
1699 lands and property; authorizing specified persons to
1700 enter upon specified properties; providing notice
1701 requirements; requiring the agency to make
1702 reimbursement for damages to such properties;
1703 requiring such entry to comply with certain
1704 provisions; providing for eminent domain authority;
1705 providing construction; authorizing interagency

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 385 (2019)

Amendment No.

1706 | agreements with the Department of Environmental
1707 | Protection for certain purposes; creating s. 348.0312,
1708 | F.S.; authorizing agency cooperation with other units
1709 | of government and individuals; creating s. 348.0313,
1710 | F.S.; providing a covenant of the state that it will
1711 | not limit certain rights or powers; creating s.
1712 | 348.0314, F.S.; exempting the agency from taxation;
1713 | providing an exception; creating s. 348.0315, F.S.;
1714 | requiring specified information to be posted on the
1715 | agency's website; requiring a report; creating s.
1716 | 348.0316, F.S.; providing that specified bonds or
1717 | obligations are eligible investments for certain
1718 | purposes; creating s. 348.0317, F.S.; providing that
1719 | specified pledges are enforceable by bondholders;
1720 | creating s. 348.0318, F.S.; providing that certain
1721 | provisions constitute complete and additional
1722 | authority; providing construction; transferring the
1723 | assets and liabilities of the Miami-Dade County
1724 | Expressway Authority to the Greater Miami Expressway
1725 | Agency; providing terms of the transfer; providing
1726 | that the agency succeeds to all powers of the
1727 | authority; providing that revenues collected on the
1728 | expressway system are agency revenues; requiring the
1729 | agency, in consultation with the Division of Bond
1730 | Finance, to review certain documents of the authority;

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Amendment No.

1731 providing terms and conditions of the transfer;
1732 providing for the dissolution of the Miami-Dade County
1733 Expressway Authority; creating ss. 348.635 and
1734 348.7605, F.S.; providing a legislative declaration;
1735 authorizing the Tampa-Hillsborough County Expressway
1736 Authority and the Central Florida Expressway Authority
1737 to enter into public-private partnership agreements;
1738 authorizing solicitation or receipt of certain
1739 proposals; providing rulemaking authority; providing
1740 approval requirements; requiring certain costs to be
1741 borne by the private entity; providing notice
1742 requirements for requests for proposals; providing for
1743 ranking and negotiation of proposals; requiring the
1744 authorities to regulate tolls on certain facilities;
1745 requiring compliance with specified laws, rules, and
1746 conditions; providing for development, construction,
1747 operation, and maintenance of transportation projects
1748 by the authorities or private entities; providing
1749 construction; repealing part V of ch. 348, F.S.,
1750 relating to the Osceola County Expressway Authority
1751 Law; providing effective dates.