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LEGISLATIVE ACTION

Senate

.

House

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Senator Diaz moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(2)

(b) The commission shall:



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- 12 1. Recommend major transportation policies for the
13 Governor's approval and assure that approved policies and any
14 revisions are properly executed.
- 15 2. Periodically review the status of the state
16 transportation system including highway, transit, rail, seaport,
17 intermodal development, and aviation components of the system
18 and recommend improvements to the Governor and the Legislature.
- 19 3. Perform an in-depth evaluation of the annual department
20 budget request, the Florida Transportation Plan, and the
21 tentative work program for compliance with all applicable laws
22 and established departmental policies. Except as specifically
23 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
24 not consider individual construction projects, but shall
25 consider methods of accomplishing the goals of the department in
26 the most effective, efficient, and businesslike manner.
- 27 4. Monitor the financial status of the department on a
28 regular basis to assure that the department is managing revenue
29 and bond proceeds responsibly and in accordance with law and
30 established policy.
- 31 5. Monitor on at least a quarterly basis, the efficiency,
32 productivity, and management of the department using performance
33 and production standards developed by the commission pursuant to
34 s. 334.045.
- 35 6. Perform an in-depth evaluation of the factors causing
36 disruption of project schedules in the adopted work program and
37 recommend to the Governor and the Legislature methods to
38 eliminate or reduce the disruptive effects of these factors.
- 39 7. Recommend to the Governor and the Legislature
40 improvements to the department's organization in order to



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

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

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

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

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



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

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

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

82 212.055 Discretionary sales surtaxes; legislative intent;
83 authorization and use of proceeds.—It is the legislative intent
84 that any authorization for imposition of a discretionary sales
85 surtax shall be published in the Florida Statutes as a
86 subsection of this section, irrespective of the duration of the
87 levy. Each enactment shall specify the types of counties
88 authorized to levy; the rate or rates which may be imposed; the
89 maximum length of time the surtax may be imposed, if any; the
90 procedure which must be followed to secure voter approval, if
91 required; the purpose for which the proceeds may be expended;
92 and such other requirements as the Legislature may provide.

93 Taxable transactions and administrative procedures shall be as
94 provided in s. 212.054.

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

97 (d) 1. Except as set forth in subparagraph 2., proceeds from
98 the surtax shall be applied to as many or as few of the uses



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99 enumerated below in whatever combination the county commission
100 deems appropriate:

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

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

118 ~~3.~~ ~~Used by the county for the development, construction,~~
119 ~~operation, and maintenance of roads and bridges in the county;~~
120 ~~for the expansion, operation, and maintenance of bus and fixed~~
121 ~~guideway systems; for the expansion, operation, and maintenance~~
122 ~~of on-demand transportation services; and for the payment of~~
123 ~~principal and interest on bonds issued for the construction of~~
124 ~~fixed guideway rapid transit systems, bus systems, roads, or~~
125 ~~bridges; and such proceeds may be pledged by the governing body~~
126 ~~of the county for bonds issued to refinance existing bonds or~~
127 ~~new bonds issued for the construction of such fixed guideway~~



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128 ~~rapid transit systems, bus systems, roads, or bridges and no~~
129 ~~more than 25 percent used for nontransit uses; and~~

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

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



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

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

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

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

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

176 (VI) For operations and maintenance on projects where
177 service is initiated after October 1, 2019, and which are
178 funded, in whole or in part, by federal or state funds.

179 b. To the extent not prohibited by contracts or bond
180 covenants in effect on October 1, 2022, no more than 25 percent
181 of the surtax proceeds may be distributed to municipalities in
182 total in a county as defined in s. 125.011(1). Such
183 municipalities may use the surtax proceeds to plan, develop,
184 construct, operate, and maintain roads and bridges in the
185 municipality and to pay the principal and interest on bonds



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186 issued to construct roads or bridges. The governing body of the
187 municipality may pledge the proceeds for bonds issued to
188 refinance existing bonds or new bonds issued to construct such
189 roads or bridges. Additionally, each such municipality may use
190 surtax proceeds for transit systems within the municipality.

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



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215 Section 5. Notwithstanding the repeal of section 319.141,
216 Florida Statutes, which occurred on July 1, 2018, that section
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 a
223 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 rebuilder's 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 ~~operators,~~ ~~including the~~
238 ~~continued use of private facilities,~~ ~~the cost impact to~~
239 ~~consumers,~~ ~~and the potential savings to the department.~~

240 (3) Upon selection by the department, each participant
241 shall enter into ~~The department shall establish~~ a memorandum of
242 understanding with the department that allows such participant
243 ~~private parties participating in the pilot program~~ to conduct



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

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

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

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



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

293 (c) Have and maintain garage liability with a minimum of
294 \$100,000 single-limit liability coverage including bodily injury
295 and property damage protection and any other insurance required
296 by the department.

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



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302 felony in the previous 10 years.

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

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

310 (6)~~(5)~~ A participant in the program shall access vehicle
311 and title information and enter inspection results through an
312 electronic filing system authorized by the department and shall
313 maintain records of each rebuilt vehicle inspection processed at
314 such facility for at least 5 years.

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

318 (8)~~(6)~~ The department shall conduct an onsite facility
319 inspection at least once per quarter and shall immediately
320 terminate any participant ~~operator~~ from the program who fails to
321 meet the minimum eligibility requirements specified in
322 subsection (4). Before a change in ownership of a rebuilt
323 inspection facility, the current operator must give the
324 department 45 days' written notice of the intended sale or
325 transfer. The prospective owner must meet the eligibility
326 requirements of this section and execute a new memorandum of
327 understanding with the department before operating the facility.

328 (9) The department may adopt rules pursuant to ss.
329 120.536(1) and 120.54 to implement and enforce this section.

330 (10) On or before July 1, 2021, the department shall submit



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331 a written report to the President of the Senate and the Speaker
332 of the House of Representatives evaluating the effectiveness of
333 the program and whether to expand the program to other counties.

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

336 Section 6. Section 334.175, Florida Statutes, is amended to
337 read:

338 334.175 Certification of project design plans and surveys.—

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

345 (2) For portions of transportation projects on, under, or
346 over a department-owned right-of-way, and regardless of funding
347 source, the department shall review the project's design plans
348 for compliance with departmental design standards.

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

351 337.025 Innovative transportation ~~highway~~ projects;
352 department to establish program.—

353 (1) The department may ~~is authorized to~~ establish a program
354 for transportation ~~highway~~ projects demonstrating innovative
355 techniques of highway and bridge design, construction,
356 maintenance, and finance which have the intended effect of
357 measuring resiliency and structural integrity and controlling
358 time and cost increases on construction projects. Such
359 techniques may include, but are not limited to, state-of-the-art



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

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

379 338.165 Continuation of tolls.—

380 (2) If the revenue-producing project is on the State
381 Highway System, any remaining toll revenue shall be used for the
382 construction, maintenance, or improvement of any road on the
383 State Highway System within the county or counties in which the
384 revenue-producing project is located, ~~except as provided in s.~~
385 ~~348.0004.~~

386 (5) If the revenue-producing project is on the county road
387 system, any remaining toll revenue shall be used for the
388 construction, maintenance, or improvement of any other state or



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389 county road within the county or counties in which the revenue-
390 producing project is located, ~~except as provided in s. 348.0004.~~

391 Section 9. Paragraph (d) of subsection (3) and paragraph
392 (f) of subsection (6) of section 339.175, Florida Statutes, are
393 amended to read:

394 339.175 Metropolitan planning organization.—

395 (3) VOTING MEMBERSHIP.—

396 (d) Any other provision of this section to the contrary
397 notwithstanding, any county as defined in s. 125.011(1)
398 ~~chartered under s. 6(e), Art. VIII of the State Constitution~~ may
399 elect to have its county commission serve as the M.P.O., if the
400 M.P.O. jurisdiction is wholly contained within the county. Any
401 charter county that elects to exercise the provisions of this
402 paragraph shall so notify the Governor in writing. Upon receipt
403 of such notification, the Governor must designate the county
404 commission as the M.P.O. The Governor must appoint four
405 additional voting members to the M.P.O., one of whom must be an
406 elected official representing a municipality within the county,
407 one of whom must be an expressway authority member, one of whom
408 must be a person who does not hold elected public office and who
409 resides in the unincorporated portion of the county, and one of
410 whom must be a school board member.

411 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
412 privileges, and authority of an M.P.O. are those specified in
413 this section or incorporated in an interlocal agreement
414 authorized under s. 163.01. Each M.P.O. shall perform all acts
415 required by federal or state laws or rules, now and subsequently
416 applicable, which are necessary to qualify for federal aid. It
417 is the intent of this section that each M.P.O. shall be involved



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418 in the planning and programming of transportation facilities,
419 including, but not limited to, airports, intercity and high-
420 speed rail lines, seaports, and intermodal facilities, to the
421 extent permitted by state or federal law.

422 (f)1. The department shall allocate to each M.P.O., for the
423 purpose of accomplishing its transportation planning and
424 programming duties, an appropriate amount of federal
425 transportation planning funds.

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

429 Section 10. Subsection (6) of section 343.1003, Florida
430 Statutes, is amended to read:

431 343.1003 Northeast Florida Regional Transportation
432 Commission.—

433 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(e)~~,
434 members of the board shall file a statement of financial
435 interests ~~interest~~ with the Commission on Ethics pursuant to s.
436 112.3145.

437 Section 11. Part I of chapter 348, Florida Statutes,
438 consisting of sections 348.0001, 348.0002, 348.0003, 348.0004,
439 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,
440 348.00115, and 348.0012, is repealed.

441 Section 12. Part I of chapter 348, Florida Statutes,
442 consisting of sections 348.0301, 348.0302, 348.0303, 348.0304,
443 348.0305, 348.0306, 348.0307, 348.0308, 348.0309, 348.0310,
444 348.0311, 348.0312, 348.0313, 348.0314, 348.0315, 348.0316,
445 348.0317, and 348.0318, Florida Statutes, is created to read:

446 CHAPTER 348



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EXPRESSWAY AND BRIDGE AUTHORITIES

PART I

GREATER MIAMI EXPRESSWAY AGENCY

348.0301 Short title.—This part may be cited as the
“Greater Miami Expressway Agency Act.”

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

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

(1) “Agency” means the body politic, corporate, and agency
of the state created by this part.

(2) “Agency of the state” means and includes the state and
any department of, or corporation, agency, or instrumentality
created, designated, or established by, the state.

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

(4) “County” means a county as defined in s. 125.011(1).

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

(6) “Department” means the Department of Transportation.

(7) “Express written consent” means prior express written
consent given in the form of a resolution adopted by a board of
county commissioners.



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476 (8) "Expressway" means a street or highway especially
477 designed for through traffic and over, from, or to which owners
478 or occupants of abutting land or other persons have no right or
479 easement or only a limited right or easement of access, light,
480 air, or view by reason of the fact that their property abuts
481 upon such limited access facility or for any other reason. An
482 expressway may be a facility from which trucks, buses, and other
483 commercial vehicles are excluded or may be a facility open to
484 use by all customary forms of street and highway traffic.

485 (9) "Expressway system" means any and all expressways not
486 owned by the department which fall within the geographic
487 boundaries of the agency established pursuant to this act and
488 appurtenant facilities thereto, including but not limited to,
489 all approaches, roads, bridges, and avenues of access for such
490 expressway. The term includes a public transportation facility.

491 (10) "Federal agency" means and includes the United States,
492 the President of the United States, and any department of, or
493 corporation, agency, or instrumentality created, designated, or
494 established by, the United States.

495 (11) "Members" means the governing body of the agency, and
496 the term "member" means one of the individuals constituting such
497 governing body.

498 (12) "Public transportation facility" means real and
499 personal property, structures, improvements, buildings,
500 personnel, equipment, plants, vehicle parking or other
501 facilities, rights-of-way, or any combination thereof used or
502 useful for the purposes of transporting passengers by means of a
503 street railway, elevated railway or guideway, subway, motor
504 vehicle, motor bus, or any bus or other means of conveyance



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505 operating as a common carrier.

506 348.0304 Greater Miami Expressway Agency.—

507 (1) There is hereby created and established a body politic
508 and corporate, an agency of the state, to be known as the
509 “Greater Miami Expressway Agency.”

510 (2) (a) The governing body of the agency shall consist of
511 nine voting members. Except for the district secretary of the
512 department, each member must be a permanent resident of the
513 county and may not hold, or have held in the previous 2 years,
514 elected or appointed office in the county. Each member may only
515 serve two terms of 4 years each. Three members shall be
516 appointed by the Governor. Two members, who must be residents of
517 an unincorporated portion of the county residing within 15 miles
518 of an area with the highest amount of agency toll roads, shall
519 be appointed by the board of county commissioners of the county.
520 Three members, who must be residents of incorporated
521 municipalities within the county, shall be appointed by the
522 metropolitan planning organization for the county. The district
523 secretary of the department serving in the district that
524 contains the county shall serve as an ex officio voting member
525 of the governing body.

526 (b) Initial appointments to the governing body of the
527 agency shall be made by July 31, 2019. For the initial
528 appointments:

529 1. The Governor shall appoint one member for a term of 2
530 years, one member for a term of 3 years, and one member for a
531 term of 4 years.

532 2. The board of county commissioners shall appoint one
533 member for a term of 1 year and one member for a term of 3



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534 years.

535 3. The metropolitan planning organization shall appoint one
536 member for a term of 1 year, one member for a term of 2 years,
537 and one member for a term of 4 years.

538 (c) Persons who, on or after July 1, 2009, were members of
539 the governing body or employees of the former Miami-Dade County
540 Expressway Authority may not be appointed members of the
541 governing body of the agency. This paragraph does not apply to
542 appointments to the governing body of the agency made by the
543 Governor or to the district secretary of the department serving
544 in an ex officio role pursuant to paragraph (a).

545 (3) (a) The governing body of the agency shall elect one of
546 its members as chair and shall elect a secretary and a treasurer
547 who need not be members of the governing body. The chair,
548 secretary, and treasurer shall hold their offices at the will of
549 the governing body. A simple majority of the governing body
550 constitutes a quorum, and the vote of a majority of those
551 members present is necessary for the governing body to take any
552 action. A vacancy shall not impair the right of a quorum of the
553 governing body to exercise all of the rights and perform all of
554 the duties of the governing body.

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

560 (c) Each member of the governing body of the agency, before
561 entering upon his or her official duties, shall take and
562 subscribe to an oath before some official authorized by law to



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563 administer oaths that he or she will honestly, faithfully, and
564 impartially perform the duties devolving upon him or her in
565 office as a member of the governing body and that he or she will
566 not neglect any duties imposed upon him or her by this part.

567 (4) (a) The governing body of the agency may employ an
568 executive secretary, an executive director, its own counsel and
569 legal staff, technical experts, and such engineers and
570 employees, permanent or temporary, as it may require and shall
571 determine the qualifications and fix the compensation of such
572 persons, firms, or corporations. The governing body may employ a
573 fiscal agent or agents; however, the governing body must solicit
574 sealed proposals from at least three persons, firms, or
575 corporations for the performance of any services as fiscal
576 agents. The governing body may delegate to one or more of its
577 agents or employees such of its power as it deems necessary to
578 carry out the purposes of this act, subject always to the
579 supervision and control of the governing body. Members of the
580 governing body may be removed from office by the Governor for
581 misconduct, malfeasance, misfeasance, or nonfeasance in office.

582 (b) Employees of the agency shall serve at the pleasure of
583 the governing body of the agency. The governing body of the
584 agency shall review the employment of all employees of the
585 former Miami-Dade County Expressway Authority to determine
586 whether each employee will continue employment with the agency.
587 In the hiring of an executive director of the agency, the
588 governing body of the agency shall conduct a nationwide search
589 in order to identify the most qualified candidate.

590 (5) The members of the governing body of the agency shall
591 not be entitled to compensation but shall be entitled to receive



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592 per diem and travel expenses as provided in s. 112.061.
593 348.0305 Ethics requirements.—
594 (1) Notwithstanding any other provision of law to the
595 contrary, members and employees of the agency are subject to
596 part III of chapter 112. As used in this section, the term:
597 (a) "Agency" means the Greater Miami Expressway Agency.
598 (b) "Lobby" means to seek to influence the agency, on
599 behalf of another person, with respect to a decision of the
600 agency in an area of policy or procurement or to attempt to
601 obtain the goodwill of an officer, employee, or consultant of
602 the agency. The term does not include representing a client in
603 any stage of applying for or seeking approval of any
604 administrative action, or opposition to such action, provided
605 such action does not require legislative discretion and is
606 subject to judicial review by petitioning for writ of
607 certiorari.
608 (c) "Lobbyist" means a person who is employed and receives
609 payment, or who contracts for economic consideration, to lobby
610 or a person who is principally employed for governmental affairs
611 by another person or entity to lobby on behalf of such person or
612 entity. The term does not include a person who:
613 1. Represents a client in a judicial proceeding or in a
614 formal administrative proceeding before the agency.
615 2. Is an officer or employee of any governmental entity
616 acting in the normal course of his or her duties.
617 3. Consults under contract with the agency and communicates
618 with the agency regarding issues related to the scope of
619 services in his or her contract.
620 4. Is an expert witness who is retained or employed by an



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621 employer, principal, or client to provide only scientific,
622 technical, or other specialized information provided in agenda
623 materials or testimony only in public hearings, provided the
624 expert identifies such employer, principal, or client at such
625 hearing.

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

628 (d) "Officer" means a member of the governing body of the
629 agency.

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

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

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

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

638 (c) A person may not be appointed or serve as an officer if
639 that person has in the previous 4 years done business, or been
640 an employee of a person or entity that has done business, with
641 the agency or the former Miami-Dade County Expressway Authority.

642 (d) A person may not be appointed or serve as an officer if
643 that person has in the previous 2 years been an employee of the
644 agency.

645 (3) An officer, employee, or consultant of the agency or of
646 the former Miami-Dade County Expressway Authority may not, for a
647 period of 4 years after vacation of his or her position with the
648 agency:

649 (a) Lobby the agency.



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650 (b) Have an employment or contractual relationship with a
651 business entity in connection with a contract in which the
652 officer, employee, or consultant personally and substantially
653 participated through decision, approval, disapproval,
654 recommendation, rendering of advice, or investigation while he
655 or she was an officer, employee, or consultant of the agency.
656 When an agency employee's position is eliminated and his or her
657 former duties are performed by the business entity, this
658 paragraph does not prohibit him or her from employment or a
659 contractual relationship with the business entity if the
660 employee's participation in the contract was limited to
661 recommendation, rendering of advice, or investigation and if the
662 executive director of the agency determines that the best
663 interests of the agency will be served thereby and provides
664 prior written approval for the particular employee.

665 (c) Have or hold any employment or contractual relationship
666 with a business entity in connection with any contract for
667 contractual services which was within his or her responsibility
668 while an officer, employee, or consultant. If an agency
669 employee's position is eliminated and his or her former duties
670 are performed by the business entity, this paragraph may be
671 waived by the executive director of the agency through prior
672 written approval for the particular employee if the executive
673 director determines that the best interests of the agency will
674 be served thereby.

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

677 (a) Every relationship that may create a conflict between
678 his or her private interests and the performance of his or her



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679 duties to the agency or that would impede the full and faithful
680 discharge of his or her duties to the agency.

681 (b) Any relative and any employment or contractual
682 relationship of such relative which, if held by the officer,
683 employee, or consultant, would violate any provision of s.
684 112.313.

685 (c) Any relative who is a lobbyist and such lobbyist's
686 principal.

687 (d) Any direct or indirect interest in real property and
688 such interest of any relative if such property is located within
689 one-half mile of any actual or prospective agency project. The
690 executive director of the agency shall provide a corridor map
691 and a property ownership list reflecting the ownership of all
692 real property within the disclosure area, or an alignment map
693 with a list of associated owners, to all officers, employees,
694 and consultants.

695 (5) The disclosures required under subsection (4) must be
696 filed with the agency general counsel in the manner specified by
697 the general counsel. When the disclosure is filed by the general
698 counsel, a copy must be provided to the executive director of
699 the agency.

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

703 (7) Officers, employees, and consultants of the agency
704 shall be adequately informed and trained on the provisions of
705 this section and the state code of ethics and shall receive
706 ongoing ethics training.

707 (8) The state code of ethics shall apply to officers,



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708 employees, and consultants of the agency, and this section shall
709 be enforced by the Commission on Ethics as part of the state
710 code of ethics.

711 348.0306 Purposes and powers.—

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

715 (b) The agency, in the construction of an expressway
716 system, shall construct expressways. Construction of an
717 expressway system may be completed in segments, phases, or
718 stages in a manner that will permit the expansion of these
719 segments, phases, or stages to the desired expressway
720 configuration. The agency, in the construction of an expressway
721 system, may construct any extensions of, additions to, or
722 improvements to the expressway system or appurtenant facilities,
723 including all necessary approaches, roads, bridges, and avenues
724 of access, with such changes, modifications, or revisions of the
725 project that are deemed desirable and proper. For new capacity
726 projects, the agency shall use the department's design standards
727 and, to the maximum extent practicable, design facilities such
728 as the department would for high-speed limited access
729 facilities. The agency may only add additional expressways to an
730 expressway system, under the terms and conditions set forth in
731 this act, with the prior express written consent of the board of
732 county commissioners of the county, and only if such additional
733 expressways lack adequate committed funding for implementation,
734 are financially feasible, and are compatible with the existing
735 plans, projects, and programs of the agency.

736 (2) The agency may exercise all powers necessary,



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737 appurtenant, convenient, or incidental to the carrying out of
738 its purposes, including, but not limited to, the following
739 rights and powers:

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

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

743 (c) To acquire, purchase, hold, lease as lessee, and use
744 any franchise or property, real, personal, or mixed, tangible or
745 intangible, or any interest therein necessary or desirable for
746 carrying out the purposes of the agency and to sell, lease as
747 lessor, transfer, and dispose of any property or interest
748 therein at any time acquired by it.

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

752 (e) To fix, alter, charge, establish, and collect tolls,
753 rates, fees, rentals, and other charges for the services and
754 facilities system, which tolls, rates, fees, rentals, and other
755 charges must always be sufficient to comply with any covenants
756 made with the holders of any bonds secured by the net revenues
757 of the expressway system, including any additions, extensions,
758 or improvements thereof. However, such right and power may be
759 assigned or delegated by the agency to the department.

760 1. Notwithstanding any other provision of law to the
761 contrary, the agency may not increase its toll rates until July
762 1, 2029, including any increase to the extent necessary to
763 adjust for inflation pursuant to the procedure for toll rate
764 adjustments provided in s. 338.165, except:

765 a. As may be necessary to comply with covenants in the



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766 trust indentures or resolutions adopted in connection with the
767 agency's bonds secured by the net revenues of the expressway
768 system; or

769 b. On or after July 1, 2024, as approved by a supermajority
770 vote of the governing body of the agency.

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

773 3. The amount of toll revenues used for administrative
774 costs by the agency may not be greater than 10 percent above the
775 annual state average of administrative costs determined as
776 provided in this subparagraph. The Florida Transportation
777 Commission shall determine the annual state average of
778 administrative costs based on the annual administrative costs of
779 all the expressway authorities in this state. For purposes of
780 this subparagraph, administrative costs include, but are not
781 limited to, employee salaries and benefits, small business
782 outreach, insurance, professional service contracts not directly
783 related to the operation and maintenance of the expressway
784 system, and other overhead costs.

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

790 (f) To borrow money, make and issue negotiable notes,
791 bonds, refund bonds, and other evidence of indebtedness of the
792 agency, which bonds or other evidence of indebtedness may be
793 issued pursuant to the State Bond Act or, in the alternative,
794 pursuant to s. 348.0309(2) to finance or refinance additions,



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795 extensions, or improvements to the expressway system within the
796 geographic boundaries of the agency, and to provide for the
797 security of the bonds or other evidence of indebtedness and the
798 rights and remedies of the holders of the bonds or other
799 evidence of indebtedness. Any bonds or other evidence of
800 indebtedness pledging the full faith and credit of the state may
801 only be issued pursuant to the State Bond Act.

802 1. The agency shall reimburse the county in which it exists
803 for any sums expended from any county gasoline tax funds used
804 for payment of such obligations. Any county gasoline tax funds
805 so disbursed shall be repaid in accordance with the terms of any
806 lease-purchase or interlocal agreement with any county or the
807 department together with interest, at the rate agreed to in such
808 agreement. In no event shall any county gasoline tax funds be
809 more than a secondary pledge of revenues for repayment of any
810 obligations issued pursuant to this part.

811 2. The agency may refund any bonds previously issued, to
812 the extent allowable by federal tax laws, to finance or
813 refinance an expressway system located within the geographic
814 boundaries of the agency regardless of whether the bonds being
815 refunded were issued by such agency, an agency of the state, or
816 a county.

817 (g) To enter contracts and to execute all instruments
818 necessary or convenient for the carrying on of its business.
819 Notwithstanding any other provision of law to the contrary, the
820 agency is subject to the procurement and contracting
821 requirements applicable to the department contained in chapters
822 287 and 337.

823 (h) Without limitation of the foregoing, to borrow money



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824 and accept grants from, and to enter into contracts, leases, or
825 other transactions with, any federal agency, the state, any
826 agency of the state, any county, or any other public body of the
827 state.

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

830 (j) To pledge, hypothecate, or otherwise encumber all or
831 any part of the revenues, tolls, rates, fees, rentals, or other
832 charges or receipts of the agency, including all or any portion
833 of county gasoline tax funds received by the agency pursuant to
834 the terms of any lease-purchase agreement between the agency and
835 the department, as security for all or any of the obligations of
836 the agency.

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

840 (3) Notwithstanding any other provision of law to the
841 contrary, the consent of any municipality is not necessary for
842 any project of the agency, regardless of whether the project
843 lies in whole or in part within the boundaries of the
844 municipality, if the project is consistent with the locally
845 adopted comprehensive plan. However, if a project is
846 inconsistent with the affected municipal comprehensive plan, the
847 project may not proceed without a hearing pursuant to ss.
848 120.569 and 120.57 at which it is determined that the project is
849 consistent with the adopted metropolitan planning organization
850 transportation improvement plan, if any, and the applicable
851 strategic regional plan, and at which regional interests are
852 determined to clearly override the interests of the



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853 municipality.

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

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

862 (6) Notwithstanding subsection (3) or any other provision
863 of law to the contrary, the agency may not undertake any
864 construction that is not consistent with both the metropolitan
865 planning organization's transportation improvement program and
866 the county's comprehensive plan.

867 (7) The agency may finance or refinance the planning,
868 design, acquisition, construction, extension, rehabilitation,
869 equipping, preservation, maintenance, or improvement of a public
870 transportation facility or transportation facilities owned or
871 operated by such county, an intermodal facility or facilities,
872 multimodal corridor or corridors, including, but not limited to,
873 bicycle facilities or greenways that will improve transportation
874 services within the county, or any programs or projects that
875 will improve the levels of service on an expressway system,
876 subject to approval of the governing body of the county after
877 public hearing.

878 (8) The governing body of the county may enter into an
879 interlocal agreement with the agency pursuant to s. 163.01 for
880 the joint performance or performance by either governmental
881 entity of any corporate function of the county or agency



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882 necessary or appropriate to enable the agency to fulfill the
883 powers and purposes of this part and promote the efficient and
884 effective transportation of persons and goods in such county.

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

889 348.0307 Greater Miami Toll Rebate Program.—There is
890 created by the agency the Greater Miami Toll Rebate Program.

891 (1) The agency shall develop and implement a monthly rebate
892 program for the month beginning January 1, 2020, subject to:

893 (a) Compliance with any covenants made with the holders of
894 the agency's bonds which are in the trust indentures or
895 resolutions adopted in connection with the issuance of the
896 agency's bonds;

897 (b) Consideration of the financial feasibility of such a
898 program as reported by the Auditor General as required by this
899 act; and

900 (c) Consideration of the impact of such a program to the
901 financial feasibility of prioritized projects that have been
902 allocated funds for a project development and an environmental
903 study but are not contained in the 5-year work program on July
904 1, 2019.

905 (2) Monthly rebates shall be credited to the account of
906 each SunPass holder who incurs \$12.50 or more in tolls on the
907 expressway system each month and whose SunPass is registered to
908 a motor vehicle registered to an address in the county.

909 (3) In developing its rebate program, the agency shall have
910 a goal of rebating 25 percent of tolls paid by eligible SunPass



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911 holders. Following initiation of the program, the agency, once
912 every 5 years, shall review the amount of the toll rebate and
913 may adjust the amount of the toll rebate.

914 (4) The agency may not impose additional requirements for
915 receipt of the toll rebate.

916 348.0308 Public-private partnership.—The Legislature
917 declares that there is a public need for the rapid construction
918 of safe and efficient transportation facilities for traveling
919 within the state and that it is in the public's interest to
920 provide for public-private partnership agreements to effectuate
921 the construction of additional safe, convenient, and economical
922 transportation facilities.

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



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940 (a) Is in the public's best interest.
941 (b) Would not require state funds to be used unless the
942 project is on or provides increased mobility on the State
943 Highway System.
944 (c) Would have adequate safeguards to ensure that no
945 additional costs or service disruptions would be realized by the
946 traveling public and residents of the state in the event of
947 default or the cancellation of the agreement by the agency.
948 (d) Would have adequate safeguards in place to ensure that
949 the department, the agency, or the private entity has the
950 opportunity to add capacity to the proposed project and other
951 transportation facilities serving similar origins and
952 destinations.
953 (e) Would be owned by the agency upon completion or
954 termination of the agreement.
955 (2) The agency shall ensure that all reasonable costs to
956 the state which are related to transportation facilities that
957 are not part of the State Highway System are borne by the
958 private entity. The agency shall also ensure that all reasonable
959 costs to the state and substantially affected local governments
960 and utilities related to the private transportation facility are
961 borne by the private entity for transportation facilities that
962 are owned by private entities. For projects on the State Highway
963 System, the department may use state resources to participate in
964 funding and financing the project as provided for under the
965 department's enabling legislation.
966 (3) The agency may request proposals for public-private
967 transportation projects or, if it receives an unsolicited
968 proposal, it must publish a notice in the Florida Administrative



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969 Register and a newspaper of general circulation in the county in
970 which it is located at least once a week for 2 weeks stating
971 that it has received the proposal and will accept, for 60 days
972 after the initial date of publication, other proposals for the
973 same project purpose. A copy of the notice must be mailed to
974 each local government in the affected areas. After the public
975 notification period has expired, the agency shall rank the
976 proposals in order of preference. In ranking the proposals, the
977 agency shall consider professional qualifications, general
978 business terms, innovative engineering or cost-reduction terms,
979 finance plans, and the need for state funds to deliver the
980 proposal. If the agency is not satisfied with the results of the
981 negotiations, it may, at its sole discretion, terminate
982 negotiations with the proposer. If these negotiations are
983 unsuccessful, the agency may go to the second and lower-ranked
984 firms, in order, using the same procedure. If only one proposal
985 is received, the agency may negotiate in good faith, and if it
986 is not satisfied with the results, it may, at its sole
987 discretion, terminate negotiations with the proposer. The agency
988 may, at its discretion, reject all proposals at any point in the
989 process up to completion of a contract with the proposer.

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

995 (5) Each public-private transportation facility constructed
996 pursuant to this section shall comply with all requirements of
997 federal, state, and local laws; state, regional, and local



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998 comprehensive plans; the agency's rules, policies, procedures,
999 and standards for transportation facilities; and any other
1000 conditions that the agency determines to be in the public's best
1001 interest.

1002 (6) The agency may exercise any power possessed by it,
1003 including eminent domain, to facilitate the development and
1004 construction of transportation projects pursuant to this
1005 section. The agency may pay all or part of the cost of operating
1006 and maintaining the facility or may provide services to the
1007 private entity for which it receives full or partial
1008 reimbursement for services rendered.

1009 (7) Except as herein provided, this section is not intended
1010 to amend existing laws by granting additional powers to or
1011 further restricting the governmental entities from regulating
1012 and entering into cooperative arrangements with the private
1013 sector for the planning, construction, and operation of
1014 transportation facilities.

1015 348.0309 Bonds.—

1016 (1) Bonds may be issued on behalf of the agency as provided
1017 by the State Bond Act.

1018 (2) (a) The agency may issue bonds pursuant to this part
1019 which do not pledge the full faith and credit of the state in
1020 such principal amount as, in the opinion of the agency, is
1021 necessary to provide sufficient moneys for achieving its
1022 corporate purposes.

1023 (b) The bonds of the agency issued pursuant to this part,
1024 whether on original issuance or refunding, must be authorized by
1025 resolution of the agency after approval of the issuance of the
1026 bonds at a public hearing and may be either term or serial



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1027 bonds, shall bear such date or dates, mature at such time or
1028 times, bear interest at such rate or rates, be payable
1029 semiannually, be in such denominations, be in such form, either
1030 coupon or fully registered, shall carry such registration,
1031 exchangeability, and interchangeability privileges, be payable
1032 in such medium of payment and at such place or places, be
1033 subject to such terms of redemption, and be entitled to such
1034 priorities on the revenues, rates, fees, rentals, or other
1035 charges or receipts of the agency, including any county gasoline
1036 tax funds received by the agency pursuant to the terms of any
1037 interlocal or lease-purchase agreement between the agency or a
1038 county, as such resolution or any resolution subsequent thereto
1039 may provide. The bonds must be executed by such officers as the
1040 agency determines under s. 279.06.

1041 (c) Such bonds shall be sold by the agency at public sale
1042 by competitive bid. However, if the agency, after receipt of a
1043 written recommendation from a financial adviser, determines by
1044 official action after public hearing by a two-thirds vote of all
1045 voting members of the agency that a negotiated sale of the bonds
1046 is in the best interest of the agency, the agency may negotiate
1047 for sale of the bonds with the underwriter or underwriters
1048 designated by the agency and the county in which the agency
1049 exists. The agency shall provide specific findings in a
1050 resolution as to the reasons requiring the negotiated sale,
1051 which resolution shall incorporate and have attached thereto the
1052 written recommendation of the financial adviser required by this
1053 subsection.

1054 (d) Any such resolution or resolutions authorizing any
1055 bonds hereunder which do not pledge the full faith and credit of



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1056 the state may contain provisions that are part of the contract
1057 with the holders of the bonds, as the agency determines proper.
1058 In addition, the agency may enter into trust indentures or other
1059 agreements with its fiscal agent, or with any bank or trust
1060 company within or without the state, as security for such bonds,
1061 and may, under the agreements, assign and pledge the revenues,
1062 rates, fees, rentals, tolls, or other charges or receipts of the
1063 agency, including any county gasoline tax funds received by the
1064 agency.

1065 (e) Any of the bonds issued pursuant to this part are
1066 negotiable instruments and have all the qualities and incidents
1067 of negotiable instruments under the law merchant and the
1068 negotiable instruments law of the state.

1069 (f) Each project, building, or facility that has been or
1070 will be financed by the issuance of bonds or other evidence of
1071 indebtedness and that does not pledge the full faith and credit
1072 of the state under this part and any refinancing thereof are
1073 subject to review and approval by the Legislative Budget
1074 Commission.

1075 348.0310 Department may be appointed agent of agency for
1076 construction.—The department may be appointed by the agency as
1077 its agent for the purpose of constructing improvements and
1078 extensions to an expressway system and for the completion
1079 thereof. In such event, the agency shall provide the department
1080 with complete copies of all documents, agreements, resolutions,
1081 contracts, and instruments relating thereto; shall request the
1082 department to do such construction work, including the planning,
1083 surveying, and actual construction of the completion of and
1084 extensions and improvements to the expressway system; and shall



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1085 transfer to the credit of an account of the department in the
1086 State Treasury the necessary funds therefor. The department
1087 shall thereupon proceed with such construction and use the funds
1088 for such purpose in the same manner as it is now authorized to
1089 use the funds otherwise provided by law for its use in the
1090 construction of roads and bridges.

1091 348.0311 Acquisition of lands and property.-

1092 (1) For the purposes of this act, the agency may acquire
1093 such rights, title, or interest in private or public property
1094 and such property rights, including easements, rights of access,
1095 air, view, and light, by gift, devise, purchase, or condemnation
1096 by eminent domain proceedings, as the agency may deem necessary
1097 for any of the purposes of this act, including, but not limited
1098 to, any lands reasonably necessary for securing applicable
1099 permits, areas necessary for management of access, borrow pits,
1100 drainage ditches, water retention areas, rest areas, replacement
1101 access for landowners whose access is impaired due to the
1102 construction of an expressway system, and replacement rights-of-
1103 way for relocated rail and utility facilities; for existing,
1104 proposed, or anticipated transportation facilities on the
1105 expressway system or in a transportation corridor designated by
1106 the agency; or for the purposes of screening, relocation,
1107 removal, or disposal of junkyards and scrap metal processing
1108 facilities. The agency may also condemn any material and
1109 property necessary for such purposes.

1110 (2) The agency and its authorized agents, contractors, and
1111 employees are authorized to enter upon any lands, waters, and
1112 premises, upon giving reasonable notice to the landowner, for
1113 the purpose of making surveys, soundings, drillings, appraisals,



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1114 environmental assessments including phase I and phase II
1115 environmental surveys, archaeological assessments, and such
1116 other examinations as are necessary for the acquisition of
1117 private or public property and property rights, including rights
1118 of access, air, view, and light, by gift, devise, purchase, or
1119 condemnation by eminent domain proceedings or as are necessary
1120 for the agency to perform its duties and functions, and any such
1121 entry shall not be deemed a trespass or an entry that would
1122 constitute a taking in an eminent domain proceeding. The agency
1123 shall make reimbursement for any actual damage to such lands,
1124 water, and premises as a result of such activities. Any entry
1125 authorized by this subsection shall be in compliance with the
1126 premises protections and landowner liability provisions
1127 contained in s. 472.029.

1128 (3) The right of eminent domain conferred by this act must
1129 be exercised by the agency in the manner provided by law.

1130 (4) When the agency acquires property for an expressway
1131 system or in a transportation corridor as defined in s. 334.03,
1132 it is not subject to any liability imposed by chapter 376 or
1133 chapter 403 for preexisting soil or groundwater contamination
1134 due solely to its ownership. This subsection does not affect the
1135 rights or liabilities of any past or future owners of the
1136 acquired property, nor does it affect the liability of any
1137 governmental entity for the results of its actions which create
1138 or exacerbate a pollution source. The agency and the Department
1139 of Environmental Protection may enter into interagency
1140 agreements for the performance, funding, and reimbursement of
1141 the investigative and remedial acts necessary for property
1142 acquired by the agency.



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1143 348.0312 Cooperation with other units, boards, agencies,
1144 and individuals.—Express authority and power is given and
1145 granted to any county, municipality, drainage district, road and
1146 bridge district, school district, or other political
1147 subdivision, board, commission, or individual in or of this
1148 state to enter into contracts, leases, conveyances, or other
1149 agreements within the provisions and purposes of this act with
1150 the agency. The agency may enter into contracts, leases,
1151 conveyances, and other agreements, to the extent consistent with
1152 chapters 334, 335, 338, and 339 and other provisions of the laws
1153 of the state and with 23 U.S.C. ss. 101 et seq., with any
1154 political subdivision, agency, or instrumentality of the state
1155 and any and all federal agencies, corporations, and individuals
1156 for the purpose of carrying out the provisions of this act.

1157 348.0313 Covenant of the state.—The state does hereby
1158 pledge to, and agrees with, any person, firm, corporation, or
1159 federal or state agency subscribing to or acquiring the bonds to
1160 be issued by the agency for the purposes of this act that the
1161 state will not limit or alter the rights hereby vested in the
1162 agency and the department until all bonds at any time issued,
1163 together with the interest thereon, are fully paid and
1164 discharged, insofar as the same affects the rights of the
1165 holders of bonds issued hereunder. The state does further pledge
1166 to, and agrees with, the United States that, in the event any
1167 federal agency constructs, or contributes any funds for the
1168 completion, extension, or improvement of, an expressway system
1169 or any part or portion thereof, the state will not alter or
1170 limit the rights and powers of the agency and the department in
1171 any manner which would be inconsistent with the continued



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1172 maintenance and operation of the expressway system or the
1173 completion, extension, or improvement thereof or which would be
1174 inconsistent with the due performance of any agreement between
1175 the agency and any such federal agency, and the agency and the
1176 department shall continue to have and may exercise all powers
1177 granted so long as the same shall be necessary or desirable for
1178 carrying out the purposes of this act and the purposes of the
1179 United States in the completion, extension, or improvement of
1180 the expressway system or any part or portion thereof.

1181 348.0314 Exemption from taxation.—The effectuation of the
1182 authorized purposes of the agency is in all respects for the
1183 benefit of the people of the state, for the increase of their
1184 commerce and prosperity, and for the improvement of their health
1185 and living conditions. For this reason, the agency is not
1186 required to pay any taxes or assessments of any kind or nature
1187 whatsoever upon any property acquired by it or used by it for
1188 such purposes or upon any revenues at any time received by it.
1189 The bonds issued by or on behalf of the agency, their transfer,
1190 and the income therefrom, including any profits made on the sale
1191 thereof, are exempt from taxation of any kind by the state or by
1192 any political subdivision or other taxing agency or
1193 instrumentality thereof. The exemption granted by this section
1194 does not apply to any tax imposed under chapter 220 on interest,
1195 income, or profits on debt obligations owned by corporations.

1196 348.0315 Public accountability.—

1197 (1) The agency shall post the following information on its
1198 website:

1199 (a) Audited financial statements and any interim financial
1200 reports.



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1201 (b) Board and committee meeting agendas, meeting packets,
1202 and minutes.

1203 (c) Bond covenants for any outstanding bond issues.

1204 (d) Agency budgets.

1205 (e) Agency contracts. For purposes of this paragraph, the
1206 term "contract" means a written agreement or purchase order
1207 issued for the purchase of goods or services or a written
1208 agreement for the receipt of state or federal financial
1209 assistance.

1210 (f) Agency expenditure data, which must include the name of
1211 the payee, the date of the expenditure, and the amount of the
1212 expenditure. Such data must be searchable by name of the payee,
1213 name of the paying agency, and fiscal year and must be
1214 downloadable in a format that allows offline analysis.

1215 (g) Information relating to current, recently completed,
1216 and future projects on agency facilities.

1217 (2) Beginning October 1, 2020, and annually thereafter, the
1218 agency shall submit to the metropolitan planning organization
1219 for the county a report providing information regarding the
1220 amount of tolls collected and how those tolls were used in the
1221 agency's previous fiscal year. The report shall be posted on the
1222 agency's website.

1223 348.0316 Eligibility for investments and security.—Any
1224 bonds or other obligations issued pursuant to this part shall be
1225 and constitute legal investments for banks, savings banks,
1226 trustees, executors, administrators, and all other fiduciaries
1227 and for all state, municipal, and other public funds and shall
1228 also be and constitute securities eligible for deposit as
1229 security for all state, municipal, or other public funds,



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1230 notwithstanding the provisions of any other law or laws to the
1231 contrary.

1232 348.0317 Pledges enforceable by bondholders.—It is the
1233 express intention of this part that any pledge by the department
1234 of rates, fees, revenues, county gasoline tax funds, or other
1235 funds, as rentals, to the agency, or any covenants or agreements
1236 relative thereto, may be enforceable in any court of competent
1237 jurisdiction against the agency or directly against the
1238 department by any holder of bonds issued by the agency.

1239 348.0318 This part complete and additional authority.—

1240 (1) The powers conferred by this part are in addition and
1241 supplemental to the existing powers of the department and the
1242 governing body of the agency, and this part may not be construed
1243 as repealing any of the provisions of any other law, general,
1244 special, or local, but to supersede such other laws in the
1245 exercise of the powers provided in this part and to provide a
1246 complete method for the exercise of the powers granted in this
1247 part. The extension and improvement of the expressway system,
1248 and the issuance of bonds pursuant to this part to finance all
1249 or part of the cost of the system, may be accomplished upon
1250 compliance with the provisions of this part without regard to or
1251 necessity for compliance with the provisions, limitations, or
1252 restrictions contained in any other general, special, or local
1253 law, including, but not limited to, s. 215.821, and no approval
1254 of any bonds issued under this part by the qualified electors or
1255 qualified electors who are freeholders in the state or in Miami-
1256 Dade County, or in any other political subdivision of the state,
1257 is required for the issuance of such bonds pursuant to this
1258 part, including, but not limited to, s. 215.821.



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1259 (2) This part does not repeal, rescind, or modify any other
1260 law relating to the State Board of Administration, the
1261 Department of Transportation, or the Division of Bond Finance of
1262 the State Board of Administration, but supersedes any law that
1263 is inconsistent with the provisions of this part, including, but
1264 not limited to, s. 215.821.

1265 Section 13. (1) Effective upon this act becoming a law, the
1266 governance and control of the Miami-Dade County Expressway
1267 Authority is transferred to the Greater Miami Expressway Agency
1268 pursuant to the terms of this section. The assets, facilities,
1269 tangible and intangible property and any rights in such
1270 property, and any other legal rights of the authority, including
1271 the expressway system operated by the authority, are transferred
1272 to the agency. The agency succeeds to all powers of the
1273 authority, and the operations and maintenance of the expressway
1274 system shall be under the control of the agency. Revenues
1275 collected on the expressway system shall be considered agency
1276 revenues but shall be subject to the lien of the trust
1277 indentures securing the Miami-Dade County Expressway Authority
1278 bonds. The agency also assumes all liability for bonds of the
1279 authority pursuant to subsection (2) and the satisfaction of any
1280 judgment against the authority that may ultimately become due as
1281 a result of litigation commenced before the effective date of
1282 this act. The agency shall, in consultation with the Division of
1283 Bond Finance, review all other contracts, financial obligations,
1284 and contractual relationships and liabilities of the authority,
1285 and the agency may assume responsibility for the obligations
1286 that are determined to be necessary or desirable for the
1287 continued operation of the expressway system. Employees,



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1288 officers, and members of the authority may not sell, dispose,
1289 encumber, transfer, or expend the assets of the authority as
1290 existed and reflected in the authority's financial statements
1291 for the fiscal year ended June 30, 2018, other than in the
1292 ordinary course of business. For purposes of this section,
1293 incurring debt or issuing bonds for projects contained in the 5-
1294 year work program approved and adopted by the authority on
1295 December 5, 2017, is not considered the ordinary course of
1296 business. Notwithstanding the foregoing, nothing contained
1297 herein shall prevent the authority from designing and planning
1298 projects contained in the 5-year work program approved and
1299 adopted by the authority on December 5, 2017. The S.R.
1300 836/Dolphin Expressway Southwest Extension to 136th Street,
1301 commonly referred to as the Kendall Parkway, shall be a priority
1302 for planning and design.

1303 (2) The transfer pursuant to this section is subject to all
1304 terms and covenants provided for the protection of the holders
1305 of the Miami-Dade County Expressway Authority bonds in the trust
1306 indentures or resolutions adopted in connection with the
1307 issuance of such bonds. Further, the transfer does not impair
1308 the terms of the contract between the authority and the
1309 bondholders, does not act to the detriment of the bondholders,
1310 and does not diminish the security for the bonds. After the
1311 transfer, the agency shall operate and maintain the expressway
1312 system and any other facilities of the authority in accordance
1313 with the terms, conditions, and covenants contained in the trust
1314 indentures or bond resolutions securing such bonds. The agency
1315 shall collect toll revenues and apply them to the payment of
1316 debt service as provided in the trust indentures or bond



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1317 resolutions securing such bonds and expressly assumes all
1318 obligations relating to the bonds to ensure that the transfer of
1319 the authority will have no adverse impact on the security for
1320 the bonds of the authority.

1321 Section 14. Before October 1, 2019, the Auditor General
1322 shall submit a report to the Governor, the President of the
1323 Senate, and the Speaker of the House of Representatives
1324 assessing the financial situation of the Greater Miami
1325 Expressway Agency, including its assets, liabilities, revenues,
1326 operating expenses, and bonding capacity; the financial
1327 feasibility of the toll rebate program established in s.
1328 348.0307; and the financial feasibility of a toll rate
1329 reduction. In determining the financial feasibility of a toll
1330 rate reduction, the Auditor General may consult with the
1331 agency's bond counsel, and such counsel shall have the
1332 opportunity to respond to such report.

1333 Section 15. The Miami-Dade County Expressway Authority is
1334 hereby dissolved.

1335 Section 16. Section 348.635, Florida Statutes, is created
1336 to read:

1337 348.635 Public-private partnership.—The Legislature
1338 declares that there is a public need for the rapid construction
1339 of safe and efficient transportation facilities for traveling
1340 within the state and that it is in the public's interest to
1341 provide for public-private partnership agreements to effectuate
1342 the construction of additional safe, convenient, and economical
1343 transportation facilities.

1344 (1) Notwithstanding any other provision of this part, the
1345 authority may receive or solicit proposals and enter into



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1346 agreements with private entities, or consortia thereof, for the
1347 building, operation, ownership, or financing of authority
1348 transportation facilities or new transportation facilities
1349 within the jurisdiction of the authority which increase
1350 transportation capacity. The authority may not sell or lease any
1351 transportation facility owned by the authority without providing
1352 the analysis required in s. 334.30(6)(e)2. to the Legislative
1353 Budget Commission created pursuant to s. 11.90 for review and
1354 approval before awarding a contract on a lease of an existing
1355 toll facility. The authority may adopt rules to implement this
1356 section and shall, by rule, establish an application fee for the
1357 submission of unsolicited proposals under this section. The fee
1358 must be sufficient to pay the costs of evaluating the proposals.
1359 The authority may engage private consultants to assist in the
1360 evaluation. Before approval, the authority must determine that a
1361 proposed project:

1362 (a) Is in the public's best interest.

1363 (b) Would not require state funds to be used unless the
1364 project is on or provides increased mobility on the State
1365 Highway System.

1366 (c) Would have adequate safeguards to ensure that no
1367 additional costs or service disruptions would be realized by the
1368 traveling public and residents of the state in the event of
1369 default or the cancellation of the agreement by the authority.

1370 (d) Would have adequate safeguards in place to ensure that
1371 the department, the authority, or the private entity has the
1372 opportunity to add capacity to the proposed project and other
1373 transportation facilities serving similar origins and
1374 destinations.



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1375 (e) Would be owned by the authority upon completion or
1376 termination of the agreement.

1377 (2) The authority shall ensure that all reasonable costs to
1378 the state which are related to transportation facilities that
1379 are not part of the State Highway System are borne by the
1380 private entity. The authority shall also ensure that all
1381 reasonable costs to the state and substantially affected local
1382 governments and utilities related to the private transportation
1383 facility are borne by the private entity for transportation
1384 facilities that are owned by private entities. For projects on
1385 the State Highway System, the department may use state resources
1386 to participate in funding and financing the project as provided
1387 for under the department's enabling legislation.

1388 (3) The authority may request proposals for public-private
1389 transportation projects or, if it receives an unsolicited
1390 proposal, it must publish a notice in the Florida Administrative
1391 Register and a newspaper of general circulation in the county in
1392 which it is located at least once a week for 2 weeks stating
1393 that it has received the proposal and will accept, for 60 days
1394 after the initial date of publication, other proposals for the
1395 same project purpose. A copy of the notice must be mailed to
1396 each local government in the affected areas. After the public
1397 notification period has expired, the authority shall rank the
1398 proposals in order of preference. In ranking the proposals, the
1399 authority shall consider professional qualifications, general
1400 business terms, innovative engineering or cost-reduction terms,
1401 finance plans, and the need for state funds to deliver the
1402 proposal. If the authority is not satisfied with the results of
1403 the negotiations, it may, at its sole discretion, terminate



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1404 negotiations with the proposer. If these negotiations are
1405 unsuccessful, the authority may go to the second and lower-
1406 ranked firms, in order, using the same procedure. If only one
1407 proposal is received, the authority may negotiate in good faith,
1408 and if it is not satisfied with the results, it may, at its sole
1409 discretion, terminate negotiations with the proposer. The
1410 authority may, at its discretion, reject all proposals at any
1411 point in the process up to completion of a contract with the
1412 proposer.

1413 (4) Agreements entered into pursuant to this section may
1414 authorize the public-private entity to impose tolls or fares for
1415 the use of the facility. However, the amount and use of toll or
1416 fare revenues shall be regulated by the authority to avoid
1417 unreasonable costs to users of the facility.

1418 (5) Each public-private transportation facility constructed
1419 pursuant to this section shall comply with all requirements of
1420 federal, state, and local laws; state, regional, and local
1421 comprehensive plans; the authority's rules, policies,
1422 procedures, and standards for transportation facilities; and any
1423 other conditions that the authority determines to be in the
1424 public's best interest.

1425 (6) The authority may exercise any power possessed by it,
1426 including eminent domain, to facilitate the development and
1427 construction of transportation projects pursuant to this
1428 section. The authority may pay all or part of the cost of
1429 operating and maintaining the facility or may provide services
1430 to the private entity for which it receives full or partial
1431 reimbursement for services rendered.

1432 (7) Except as herein provided, this section is not intended



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1433 to amend existing laws by granting additional powers to or
1434 further restricting the governmental entities from regulating
1435 and entering into cooperative arrangements with the private
1436 sector for the planning, construction, and operation of
1437 transportation facilities.

1438 Section 17. Section 348.7605, Florida Statutes, is created
1439 to read:

1440 348.7605 Public-private partnership.—The Legislature
1441 declares that there is a public need for the rapid construction
1442 of safe and efficient transportation facilities for traveling
1443 within the state and that it is in the public's interest to
1444 provide for public-private partnership agreements to effectuate
1445 the construction of additional safe, convenient, and economical
1446 transportation facilities.

1447 (1) Notwithstanding any other provision of this part, the
1448 authority may receive or solicit proposals and enter into
1449 agreements with private entities, or consortia thereof, for the
1450 building, operation, ownership, or financing of authority
1451 transportation facilities or new transportation facilities
1452 within the jurisdiction of the authority which increase
1453 transportation capacity. The authority may not sell or lease any
1454 transportation facility owned by the authority without providing
1455 the analysis required in s. 334.30(6)(e)2. to the Legislative
1456 Budget Commission created pursuant to s. 11.90 for review and
1457 approval before awarding a contract on a lease of an existing
1458 toll facility. The authority may adopt rules to implement this
1459 section and shall, by rule, establish an application fee for the
1460 submission of unsolicited proposals under this section. The fee
1461 must be sufficient to pay the costs of evaluating the proposals.



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1462 The authority may engage private consultants to assist in the
1463 evaluation. Before approval, the authority must determine that a
1464 proposed project:

1465 (a) Is in the public's best interest.

1466 (b) Would not require state funds to be used unless the
1467 project is on or provides increased mobility on the State
1468 Highway System.

1469 (c) Would have adequate safeguards to ensure that no
1470 additional costs or service disruptions would be realized by the
1471 traveling public and residents of the state in the event of
1472 default or the cancellation of the agreement by the authority.

1473 (d) Would have adequate safeguards in place to ensure that
1474 the department, the authority, or the private entity has the
1475 opportunity to add capacity to the proposed project and other
1476 transportation facilities serving similar origins and
1477 destinations.

1478 (e) Would be owned by the authority upon completion or
1479 termination of the agreement.

1480 (2) The authority shall ensure that all reasonable costs to
1481 the state which are related to transportation facilities that
1482 are not part of the State Highway System are borne by the
1483 private entity. The authority shall also ensure that all
1484 reasonable costs to the state and substantially affected local
1485 governments and utilities related to the private transportation
1486 facility are borne by the private entity for transportation
1487 facilities that are owned by private entities. For projects on
1488 the State Highway System, the department may use state resources
1489 to participate in funding and financing the project as provided
1490 for under the department's enabling legislation.



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1491 (3) The authority may request proposals for public-private
1492 transportation projects or, if it receives an unsolicited
1493 proposal, it must publish a notice in the Florida Administrative
1494 Register and a newspaper of general circulation in the county in
1495 which it is located at least once a week for 2 weeks stating
1496 that it has received the proposal and will accept, for 60 days
1497 after the initial date of publication, other proposals for the
1498 same project purpose. A copy of the notice must be mailed to
1499 each local government in the affected areas. After the public
1500 notification period has expired, the authority shall rank the
1501 proposals in order of preference. In ranking the proposals, the
1502 authority shall consider professional qualifications, general
1503 business terms, innovative engineering or cost-reduction terms,
1504 finance plans, and the need for state funds to deliver the
1505 proposal. If the authority is not satisfied with the results of
1506 the negotiations, it may, at its sole discretion, terminate
1507 negotiations with the proposer. If these negotiations are
1508 unsuccessful, the authority may go to the second and lower-
1509 ranked firms, in order, using the same procedure. If only one
1510 proposal is received, the authority may negotiate in good faith,
1511 and if it is not satisfied with the results, it may, at its sole
1512 discretion, terminate negotiations with the proposer. The
1513 authority may, at its discretion, reject all proposals at any
1514 point in the process up to completion of a contract with the
1515 proposer.

1516 (4) Agreements entered into pursuant to this section may
1517 authorize the public-private entity to impose tolls or fares for
1518 the use of the facility. However, the amount and use of toll or
1519 fare revenues shall be regulated by the authority to avoid



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1520 unreasonable costs to users of the facility.

1521 (5) Each public-private transportation facility constructed
1522 pursuant to this section shall comply with all requirements of
1523 federal, state, and local laws; state, regional, and local
1524 comprehensive plans; the authority's rules, policies,
1525 procedures, and standards for transportation facilities; and any
1526 other conditions that the authority determines to be in the
1527 public's best interest.

1528 (6) The authority may exercise any power possessed by it,
1529 including eminent domain, to facilitate the development and
1530 construction of transportation projects pursuant to this
1531 section. The authority may pay all or part of the cost of
1532 operating and maintaining the facility or may provide services
1533 to the private entity for which it receives full or partial
1534 reimbursement for services rendered.

1535 (7) Except as herein provided, this section is not intended
1536 to amend existing laws by granting additional powers to or
1537 further restricting the governmental entities from regulating
1538 and entering into cooperative arrangements with the private
1539 sector for the planning, construction, and operation of
1540 transportation facilities.

1541 Section 18. Pursuant to section 20 of chapter 2014-171,
1542 Laws of Florida, part V of chapter 348, Florida Statutes,
1543 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
1544 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
1545 348.9961, is repealed.

1546 Section 19. Except as otherwise expressly provided in this
1547 act and except for this section, which shall take effect upon
1548 this act becoming a law, this act shall take effect July 1,



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1549 2019.

1550

1551 ===== T I T L E A M E N D M E N T =====

1552 And the title is amended as follows:

1553 Delete everything before the enacting clause

1554 and insert:

1555 A bill to be entitled

1556 An act relating to transportation; amending s. 20.23,
1557 F.S.; conforming provisions to changes made by the
1558 act; amending s. 112.3144, F.S.; deleting an obsolete
1559 provision; requiring members of certain authorities
1560 and agencies to comply with certain financial
1561 disclosure requirements; amending s. 212.055, F.S.;
1562 revising the authorized uses of proceeds from charter
1563 county and regional transportation system surtaxes;
1564 requiring certain counties to use surtax proceeds only
1565 for purposes related to fixed guideway rapid transit
1566 systems, rail systems, bus systems, development of
1567 dedicated facilities for autonomous vehicles, and
1568 certain projects; authorizing the use of surtax
1569 proceeds for the purchase of rights-of-way under
1570 certain circumstances; authorizing the use of surtax
1571 proceeds for the payment of principal and interest on,
1572 refinancing of, and issuance of certain bonds;
1573 authorizing the use of surtax proceeds for operations
1574 and maintenance on specified projects initiated after
1575 a certain date; authorizing a percentage of surtax
1576 proceeds to be distributed to certain municipalities
1577 to be used for certain purposes; amending s. 215.68,



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1578 F.S.; conforming provisions to changes made by the
1579 act; reviving, reenacting, and amending s. 319.141,
1580 F.S.; revising the definition of the term "rebuilt
1581 inspection services"; revising provisions relating to
1582 the rebuilt motor vehicle inspection program; revising
1583 participant duties and responsibilities; revising
1584 location and insurance requirements; authorizing the
1585 Department of Highway Safety and Motor Vehicles to
1586 adopt rules; requiring a report to the Legislature
1587 within a certain timeframe; amending s. 334.175, F.S.;
1588 requiring the Department of Transportation to review
1589 design plans for transportation projects relating to
1590 department-owned rights-of-way under certain
1591 circumstances; amending s. 337.025, F.S.; authorizing
1592 the department to establish a program for
1593 transportation projects that demonstrate certain
1594 innovative techniques for measuring resiliency and
1595 structural integrity and controlling time and cost
1596 increases; amending s. 338.165, F.S.; deleting cross-
1597 references; amending s. 339.175, F.S.; authorizing
1598 certain counties to elect to have their county
1599 commissions serve as the metropolitan planning
1600 organizations under certain circumstances; prohibiting
1601 metropolitan planning organizations in certain
1602 counties from assessing certain fees; amending s.
1603 343.1003, F.S.; revising a cross-reference; repealing
1604 part I of ch. 348, F.S., relating to the creation and
1605 operation of the Florida Expressway Authority Act;
1606 creating part I of ch. 348, F.S., titled "Greater



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1607 Miami Expressway Agency"; creating s. 348.0301, F.S.;

1608 providing a short title; creating s. 348.0302, F.S.;

1609 providing applicability; creating s. 348.0303, F.S.;

1610 providing definitions; creating s. 348.0304, F.S.;

1611 creating the Greater Miami Expressway Agency;

1612 providing for membership on the governing body of the

1613 agency; providing requirements for the governing body

1614 of the agency; requiring the initial meeting of the

1615 governing body by a certain date; requiring an oath of

1616 office; authorizing the governing body to employ

1617 certain officers, staff, and agents, subject to

1618 certain requirements; authorizing the delegation of

1619 certain functions; providing for the removal from

1620 office of members of the governing body under certain

1621 circumstances; providing requirements for employment

1622 with the agency; requiring the governing body to

1623 conduct a nationwide search in the hiring of an

1624 executive director of the agency; providing that

1625 members of the governing body are not entitled to

1626 compensation but are entitled to per diem and travel

1627 expenses; creating s. 348.0305, F.S.; providing ethics

1628 requirements for the agency; providing applicability

1629 of certain provisions; providing definitions;

1630 prohibiting certain persons from being appointed to

1631 the governing body of the agency; providing certain

1632 prohibitions for members and employees of the agency

1633 after vacation of their positions; providing

1634 disclosure requirements; providing that violation of

1635 certain provisions are considered violation of



1636 official, employment, or contractual duties; requiring
1637 certain ethics training; providing application and
1638 enforcement; creating s. 348.0306, F.S.; providing
1639 agency purposes and powers; requiring the agency to
1640 construct expressways; providing construction
1641 requirements; prohibiting an increase in toll rates
1642 until a specified date, subject to certain exceptions;
1643 requiring a supermajority vote for an increase in toll
1644 rates; providing a limit to administrative costs;
1645 requiring the Florida Transportation Commission to
1646 determine the annual state average of administrative
1647 costs; requiring a minimum distance between tolling
1648 points; authorizing establishment of specified toll
1649 rates; providing agency responsibilities regarding
1650 reimbursement of certain county gasoline tax funds;
1651 providing project approval requirements; providing
1652 agency requirements and restrictions; authorizing the
1653 governing body of a county to enter into an interlocal
1654 agreement with the agency for certain purposes;
1655 requiring an annual financial audit of the agency,
1656 subject to certain requirements; creating s. 348.0307,
1657 F.S.; creating the Greater Miami Toll Rebate Program;
1658 requiring the agency to develop and implement a
1659 monthly rebate program beginning on a specified date,
1660 subject to certain requirements; requiring monthly
1661 rebates to be credited to the account of certain
1662 SunPass holders; providing a goal for the amount of
1663 rebates; requiring review of the rebate within a
1664 specified period; authorizing adjustment of the rebate



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1665 upon such review; prohibiting the agency from imposing
1666 additional requirements for receipt of the toll
1667 rebate; creating s. 348.0308, F.S.; providing a
1668 legislative declaration; authorizing the agency to
1669 enter into certain public-private partnership
1670 agreements; authorizing solicitation or receipt of
1671 certain proposals; prohibiting the agency from selling
1672 or leasing any transportation facility owned by the
1673 agency without providing a certain analysis to the
1674 Legislative Budget Commission for review and approval;
1675 providing rulemaking authority; requiring the agency
1676 to establish a certain application fee by rule;
1677 providing approval requirements; requiring certain
1678 costs to be borne by the private entity; providing
1679 notice requirements for requests for proposals;
1680 providing for ranking and negotiation of proposals;
1681 requiring the agency to regulate tolls on certain
1682 facilities; requiring compliance with specified laws,
1683 rules, and conditions; authorizing certain powers for
1684 the development, construction, operation, and
1685 maintenance of transportation projects by the agency
1686 or private entities; providing construction; creating
1687 s. 348.0309, F.S.; authorizing the agency to have
1688 bonds issued as provided in the State Bond Act;
1689 authorizing the agency to issue its own bonds;
1690 providing requirements for the issuance of such bonds;
1691 requiring the sale of bonds at a public sale;
1692 providing an exception, subject to certain
1693 requirements; providing that resolutions authorizing



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1694 certain bonds may contain certain provisions;
1695 authorizing the agency to enter into certain trust
1696 indentures or other agreements with specified
1697 entities; providing that bonds are negotiable
1698 instruments under certain provisions of law; requiring
1699 approval by the Legislative Budget Commission for
1700 certain projects, buildings, or facilities and any
1701 refinancing thereof; creating s. 348.0310, F.S.;
1702 authorizing the department to be appointed as an agent
1703 of the agency for construction purposes; requiring the
1704 agency to provide specified documents and funding to
1705 the department; creating s. 348.0311, F.S.;
1706 authorizing the agency to acquire lands and property;
1707 authorizing the agency to condemn certain material and
1708 property; authorizing the agency and specified persons
1709 to enter upon lands, waters, and premises for certain
1710 purposes; providing notice requirements; requiring the
1711 agency to make reimbursement for damages to such
1712 lands, waters, and premises; requiring such entry to
1713 comply with certain provisions; providing requirements
1714 for the agency's exercise of the right eminent domain;
1715 exempting the agency from certain liability; providing
1716 construction; authorizing interagency agreements with
1717 the Department of Environmental Protection for certain
1718 purposes; creating s. 348.0312, F.S.; authorizing
1719 agency agreements with other units of government and
1720 individuals; creating s. 348.0313, F.S.; providing a
1721 covenant of the state that it will not limit certain
1722 rights or powers; creating s. 348.0314, F.S.;



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1723 exempting the agency from taxation; providing an
1724 exception; creating s. 348.0315, F.S.; requiring
1725 specified information to be posted on the agency's
1726 website; defining the term "contract"; requiring the
1727 agency to submit a certain annual report, beginning on
1728 a specified date, to the metropolitan planning
1729 organization for the county; creating s. 348.0316,
1730 F.S.; providing that specified bonds or obligations
1731 are legal investments and eligible securities for
1732 certain purposes; creating s. 348.0317, F.S.;
1733 providing that specified pledges are enforceable by
1734 bondholders; creating s. 348.0318, F.S.; providing
1735 that the powers conferred by certain provisions are in
1736 addition and supplemental to the existing powers of
1737 the Department of Transportation and the governing
1738 body of the agency; providing construction;
1739 transferring the governance, control, assets, and
1740 rights of the Miami-Dade County Expressway Authority
1741 to the Greater Miami Expressway Agency; providing that
1742 the agency succeeds to all powers of the authority;
1743 requiring the operations and maintenance of the
1744 expressway system to be under the control of the
1745 agency; providing that revenues collected on the
1746 expressway system are agency revenues, subject to
1747 certain liens; providing that the agency assumes
1748 certain liabilities; requiring the agency, in
1749 consultation with the Division of Bond Finance, to
1750 review all other contracts, financial obligations, and
1751 contractual relationships and liabilities of the



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1752 authority; authorizing the agency to assume
1753 responsibility for certain obligations; prohibiting
1754 employees, officers, and members of the authority from
1755 taking specified actions; providing terms and
1756 conditions of the transfer; requiring the Auditor
1757 General to submit a financial report to the Governor
1758 and the Legislature by a certain date; authorizing
1759 consultation with the agency's bond counsel for
1760 specified purposes; requiring such counsel to have the
1761 opportunity to respond to the report; providing for
1762 the dissolution of the Miami-Dade County Expressway
1763 Authority; creating ss. 348.635 and 348.7605, F.S.;
1764 providing a legislative declaration; authorizing the
1765 Tampa-Hillsborough County Expressway Authority and the
1766 Central Florida Expressway Authority to enter into
1767 certain public-private partnership agreements;
1768 authorizing solicitation or receipt of certain
1769 proposals; prohibiting the authorities from selling or
1770 leasing any transportation facility owned by the
1771 authorities without providing a certain analysis to
1772 the Legislative Budget Commission for review and
1773 approval; providing rulemaking authority; requiring
1774 the authorities to establish a certain application fee
1775 by rule; providing approval requirements; requiring
1776 certain costs to be borne by the private entity;
1777 providing notice requirements for requests for
1778 proposals; providing for ranking and negotiation of
1779 proposals; requiring the authorities to regulate tolls
1780 on certain facilities; requiring compliance with



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1781 specified laws, rules, and conditions; authorizing
1782 certain powers for the development, construction,
1783 operation, and maintenance of transportation projects
1784 by the authorities or private entities; providing
1785 construction; repealing part V of ch. 348, F.S.,
1786 relating to the Osceola County Expressway Authority
1787 Law; providing effective dates.