

1                   A bill to be entitled  
2           An act relating to transportation; amending s. 20.23,  
3           F.S.; conforming provisions to changes made by the  
4           act; amending s. 112.3144, F.S.; deleting an obsolete  
5           provision; requiring members of certain authorities to  
6           comply with certain financial disclosure requirements;  
7           amending s. 212.055, F.S.; revising the authorized  
8           uses of proceeds from charter county and regional  
9           transportation system surtaxes; requiring certain  
10          counties, beginning on a specified date, to use surtax  
11          proceeds for purposes related to fixed guideway rapid  
12          transit systems, bus systems, and development of  
13          dedicated facilities for autonomous vehicles;  
14          authorizing the use of surtax proceeds for the  
15          purchase of rights-of-way under certain circumstances;  
16          authorizing the use of surtax proceeds for refinancing  
17          existing bonds; authorizing municipalities in certain  
18          counties, beginning on a specified date, to use surtax  
19          proceeds for certain purposes; prohibiting the use of  
20          such proceeds for certain purposes; amending s.  
21          215.68, F.S.; conforming provisions to changes made by  
22          the act; reviving, reenacting, and amending s.  
23          319.141, F.S.; deleting obsolete provisions; amending  
24          s. 334.175, F.S.; requiring the Department of  
25          Transportation to approve design plans for all

26 transportation projects relating to department-owned  
27 rights-of-way under certain circumstances; amending s.  
28 337.025, F.S.; authorizing the department to establish  
29 a program for transportation projects that demonstrate  
30 certain innovative techniques for measuring resiliency  
31 and structural integrity and controlling time and cost  
32 increases; amending s. 338.165, F.S.; deleting cross-  
33 references; amending s. 338.231, F.S.; requiring the  
34 department to commit all net toll collections  
35 attributable to users of turnpike facilities in  
36 certain counties to projects and bond finance  
37 commitments in each respective county; creating s.  
38 338.271, F.S.; requiring the department to assume the  
39 assets and liabilities of the former Miami-Dade County  
40 Expressway Authority; requiring the department to  
41 continue tolls on certain facilities until bond  
42 obligations are fully discharged; prohibiting certain  
43 toll increases on former authority facilities;  
44 requiring specified fees to be deposited in a  
45 specified trust fund to be used for specified  
46 purposes; providing for the use of excess revenues;  
47 prohibiting facilities of the former authority from  
48 becoming facilities of the Florida Turnpike  
49 Enterprise; providing that such facilities are not  
50 subject to the Florida Turnpike Enterprise Law;

51 | amending s. 339.175, F.S.; revising the membership of  
52 | the metropolitan planning organization in a certain  
53 | county; repealing s. 339.176, F.S., relating to voting  
54 | membership for certain metropolitan planning  
55 | organizations; amending s. 343.1003, F.S.; revising a  
56 | cross-reference; repealing part I of chapter 348,  
57 | F.S., relating to the creation and operation of the  
58 | Florida Expressway Authority Act; transferring the  
59 | assets and liabilities of the Miami-Dade County  
60 | Expressway Authority to the department; providing  
61 | terms of the transfer; providing that the department  
62 | succeeds to all powers of the authority; providing  
63 | that revenues collected on the expressway system are  
64 | department revenues; requiring the department, in  
65 | consultation with the Division of Bond Finance, to  
66 | review certain documents of the authority; providing  
67 | terms and conditions of the transfer; creating ss.  
68 | 348.635 and 348.7605, F.S.; providing a legislative  
69 | declaration; authorizing the Tampa-Hillsborough County  
70 | Expressway Authority and the Central Florida  
71 | Expressway Authority to enter into public-private  
72 | partnership agreements; authorizing solicitation or  
73 | receipt of certain proposals; providing rulemaking  
74 | authority; providing approval requirements; requiring  
75 | certain costs to be borne by the private entity;

76 providing notice requirements for requests for  
 77 proposals; providing for ranking and negotiation of  
 78 proposals; requiring the authorities to regulate tolls  
 79 on certain facilities; requiring compliance with  
 80 specified laws, rules, and conditions; providing for  
 81 development, construction, operation, and maintenance  
 82 of transportation projects by the authorities or  
 83 private entities; providing construction; repealing  
 84 part V of ch. 348, F.S., relating to the Osceola  
 85 County Expressway Authority Law; providing effective  
 86 dates.

87

88 Be It Enacted by the Legislature of the State of Florida:

89

90 Section 1. Paragraph (b) of subsection (2) of section  
 91 20.23, Florida Statutes, is amended to read:

92 20.23 Department of Transportation.—There is created a  
 93 Department of Transportation which shall be a decentralized  
 94 agency.

95 (2)

96 (b) The commission shall:

97 1. Recommend major transportation policies for the  
 98 Governor's approval and assure that approved policies and any  
 99 revisions are properly executed.

100 2. Periodically review the status of the state

101 transportation system including highway, transit, rail, seaport,  
102 intermodal development, and aviation components of the system  
103 and recommend improvements to the Governor and the Legislature.

104 3. Perform an in-depth evaluation of the annual department  
105 budget request, the Florida Transportation Plan, and the  
106 tentative work program for compliance with all applicable laws  
107 and established departmental policies. Except as specifically  
108 provided in s. 339.135(4)(c)2., (d), and (f), the commission may  
109 not consider individual construction projects, but shall  
110 consider methods of accomplishing the goals of the department in  
111 the most effective, efficient, and businesslike manner.

112 4. Monitor the financial status of the department on a  
113 regular basis to assure that the department is managing revenue  
114 and bond proceeds responsibly and in accordance with law and  
115 established policy.

116 5. Monitor on at least a quarterly basis, the efficiency,  
117 productivity, and management of the department using performance  
118 and production standards developed by the commission pursuant to  
119 s. 334.045.

120 6. Perform an in-depth evaluation of the factors causing  
121 disruption of project schedules in the adopted work program and  
122 recommend to the Governor and the Legislature methods to  
123 eliminate or reduce the disruptive effects of these factors.

124 7. Recommend to the Governor and the Legislature  
125 improvements to the department's organization in order to

126 streamline and optimize the efficiency of the department. In  
127 reviewing the department's organization, the commission shall  
128 determine if the current district organizational structure is  
129 responsive to this state's changing economic and demographic  
130 development patterns. The initial report by the commission must  
131 be delivered to the Governor and the Legislature by December 15,  
132 2000, and each year thereafter, as appropriate. The commission  
133 may retain experts as necessary to carry out this subparagraph,  
134 and the department shall pay the expenses of the experts.

135 8. Monitor the efficiency, productivity, and management of  
136 the authorities created under chapters 348 and 349, ~~including~~  
137 ~~any authority formed using part I of chapter 348;~~ the Mid-Bay  
138 Bridge Authority re-created pursuant to chapter 2000-411, Laws  
139 of Florida; and any authority formed under chapter 343. The  
140 commission shall also conduct periodic reviews of each  
141 authority's operations and budget, acquisition of property,  
142 management of revenue and bond proceeds, and compliance with  
143 applicable laws and generally accepted accounting principles.

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

146 112.3144 Full and public disclosure of financial  
147 interests.—

148 (1) (a) An officer who is required by s. 8, Art. II of the  
149 State Constitution to file a full and public disclosure of his  
150 or her financial interests for any calendar or fiscal year shall

151 file that disclosure with the Florida Commission on Ethics.  
152 Additionally, ~~beginning January 1, 2015,~~ an officer who is  
153 required to complete annual ethics training pursuant to s.  
154 112.3142 must certify on his or her full and public disclosure  
155 of financial interests that he or she has completed the required  
156 training.

157 (b) A member of an expressway authority, transportation  
158 authority, bridge authority, or toll authority created pursuant  
159 to chapter 343, chapter 348, or any other general law shall  
160 comply with the applicable financial disclosure requirements of  
161 s. 8, Art. II of the State Constitution.

162 Section 3. Paragraph (d) of subsection (1) of section  
163 212.055, Florida Statutes, is amended to read:

164 212.055 Discretionary sales surtaxes; legislative intent;  
165 authorization and use of proceeds.—It is the legislative intent  
166 that any authorization for imposition of a discretionary sales  
167 surtax shall be published in the Florida Statutes as a  
168 subsection of this section, irrespective of the duration of the  
169 levy. Each enactment shall specify the types of counties  
170 authorized to levy; the rate or rates which may be imposed; the  
171 maximum length of time the surtax may be imposed, if any; the  
172 procedure which must be followed to secure voter approval, if  
173 required; the purpose for which the proceeds may be expended;  
174 and such other requirements as the Legislature may provide.  
175 Taxable transactions and administrative procedures shall be as

176 provided in s. 212.054.

177 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM  
 178 SURTAX.—

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

183 ~~a.1.~~ Deposited by the county in the trust fund and shall  
 184 be used for the purposes of development, construction,  
 185 equipment, maintenance, operation, supportive services,  
 186 including a countywide bus system, on-demand transportation  
 187 services, and related costs of a fixed guideway rapid transit  
 188 system;

189 ~~b.2.~~ Remitted by the governing body of the county to an  
 190 expressway, transit, or transportation authority created by law  
 191 to be used, at the discretion of such authority, for the  
 192 development, construction, operation, or maintenance of roads or  
 193 bridges in the county, for the operation and maintenance of a  
 194 bus system, for the operation and maintenance of on-demand  
 195 transportation services, for the payment of principal and  
 196 interest on existing bonds issued for the construction of such  
 197 roads or bridges, and, upon approval by the county commission,  
 198 such proceeds may be pledged for bonds issued to refinance  
 199 existing bonds or new bonds issued for the construction of such  
 200 roads or bridges;

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

213       c.4. Used by the county for the planning, development,  
214 construction, operation, and maintenance of roads and bridges in  
215 the county; for the planning, development, expansion, operation,  
216 and maintenance of bus and fixed guideway systems; for the  
217 planning, development, construction, expansion, operation, and  
218 maintenance of on-demand transportation services; and for the  
219 payment of principal and interest on bonds issued for the  
220 construction of fixed guideway rapid transit systems, bus  
221 systems, roads, or bridges; and such proceeds may be pledged by  
222 the governing body of the county for bonds issued to refinance  
223 existing bonds or new bonds issued for the construction of such  
224 fixed guideway rapid transit systems, bus systems, roads, or  
225 bridges, with no more than 25 percent used for nontransit

226 purposes. Pursuant to an interlocal agreement entered into  
227 pursuant to chapter 163, the governing body of the county may  
228 distribute proceeds from the tax to a municipality, or an  
229 expressway or transportation authority created by law to be  
230 expended for the purpose authorized by this paragraph. Any  
231 county that has entered into interlocal agreements for  
232 distribution of proceeds to one or more municipalities in the  
233 county shall revise such interlocal agreements no less than  
234 every 5 years in order to include any municipalities that have  
235 been created since the prior interlocal agreements were  
236 executed.

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

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

245 (II) The acquisition of rights-of-way for fixed guideway  
246 rapid transit systems and bus systems, including bus rapid  
247 transit systems, and for the development of dedicated facilities  
248 for autonomous vehicles as defined in s. 316.003.

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

251 (IV) The payment of principal and interest on bonds  
252 previously issued related to fixed guideway rapid transit  
253 systems or bus systems.

254 (V) As security by the governing body of the county to  
255 refinance existing bonds or to issue new bonds for the planning,  
256 design, engineering, or construction of fixed guideway rapid  
257 transit systems, bus rapid transit systems, or bus systems.

258 b. Effective October 1, 2022, each municipality in a  
259 county as defined in s. 125.011(1) may use the surtax proceeds  
260 to plan, develop, construct, operate, and maintain roads and  
261 bridges in the municipality and to pay the principal and  
262 interest on bonds issued to construct roads or bridges. The  
263 governing body of the municipality may pledge the proceeds for  
264 bonds issued to refinance existing bonds or new bonds issued to  
265 construct such roads or bridges. Additionally, each such  
266 municipality may use surtax proceeds for transit systems within  
267 the municipality.

268 c. Effective July 1, 2022, in a county as defined in s.  
269 125.011(1), proceeds from the surtax may not be used for  
270 salaries or other personnel expenses of the county  
271 transportation department.

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

274 215.68 Issuance of bonds; form; maturity date, execution,  
275 sale.—

- 276 (2) Such bonds may:
- 277 (a) Be issued in either coupon form or registered form or
- 278 both;
- 279 (b) Have such date or dates of issue and such maturities,
- 280 not exceeding in any event 40 years from the date of issuance
- 281 thereof;
- 282 (c) Bear interest at a rate or rates not exceeding the
- 283 interest rate limitation set forth in s. 215.84(3);
- 284 (d) Have such provisions for registration of coupon bonds
- 285 and conversion and reconversion of bonds from coupon to
- 286 registered form or from registered form to coupon form;
- 287 (e) Have such provisions for payment at maturity and
- 288 redemption before ~~prior to~~ maturity at such time or times and at
- 289 such price or prices; and
- 290 (f) Be payable at such place or places within or without
- 291 the state as the board shall determine by resolution.

292

293 ~~The foregoing terms and conditions do not supersede the~~

294 ~~limitations provided in chapter 348, part I, relating to the~~

295 ~~issuance of bonds.~~

296 Section 5. Notwithstanding the repeal of section 319.141,

297 Florida Statutes, which occurred on July 1, 2018, that section

298 is revived, reenacted, and amended to read:

299 319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.—

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

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

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

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

319 (3) The department shall establish a memorandum of  
320 understanding that allows private parties participating in the  
321 ~~pilot~~ program to conduct rebuilt motor vehicle inspections and  
322 specifies requirements for oversight, bonding and insurance,  
323 procedures, and forms and requires the electronic transmission  
324 of documents.

325 (4) Before an applicant is approved, the department shall

326 ensure that the applicant meets basic criteria designed to  
327 protect the public. At a minimum, the applicant shall meet all  
328 of the following requirements:

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

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

345 (c) Have and maintain garage liability and other insurance  
346 required by the department.

347 (d) Have completed criminal background checks of the  
348 owners, partners, and corporate officers and the inspectors  
349 employed by the facility.

350 (e) Meet any additional criteria the department determines

351 necessary to conduct proper inspections.

352 (5) A participant in the program shall access vehicle and  
353 title information and enter inspection results through an  
354 electronic filing system authorized by the department and shall  
355 maintain records of each rebuilt vehicle inspection processed at  
356 such facility for at least 5 years.

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

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

368 Section 6. Section 334.175, Florida Statutes, is amended  
369 to read:

370 334.175 Certification of project design plans and  
371 surveys.—

372 (1) All design plans and surveys prepared by or for the  
373 department shall be signed, sealed, and certified by the  
374 professional engineer or surveyor or architect or landscape  
375 architect in responsible charge of the project work. Such

376 professional engineer, surveyor, architect, or landscape  
 377 architect must be duly registered in this state.

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

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

385 337.025 Innovative transportation ~~highway~~ projects;  
 386 department to establish program.-

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

401 When specific innovative techniques are to be used, the  
402 department is not required to adhere to those provisions of law  
403 that would prevent, preclude, or in any way prohibit the  
404 department from using the innovative technique. However, before  
405 ~~prior to~~ using an innovative technique that is inconsistent with  
406 another provision of law, the department must document in  
407 writing the need for the exception and identify what benefits  
408 the traveling public and the affected community are anticipated  
409 to receive. The department may enter into no more than \$120  
410 million in contracts annually for the purposes authorized by  
411 this section.

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

414 338.165 Continuation of tolls.—

415 (2) If the revenue-producing project is on the State  
416 Highway System, any remaining toll revenue shall be used for the  
417 construction, maintenance, or improvement of any road on the  
418 State Highway System within the county or counties in which the  
419 revenue-producing project is located, ~~except as provided in s.~~  
420 ~~348.0004.~~

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

426 Section 9. Paragraph (a) of subsection (3) of section  
427 338.231, Florida Statutes, is amended to read:

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

438 (3) (a) ~~For the period July 1, 1998, through June 30, 2027,~~  
439 The department shall, ~~to the maximum extent feasible,~~ program  
440 sufficient funds in the tentative work program such that all of  
441 ~~the percentage of turnpike toll and bond financed commitments in~~  
442 ~~Miami-Dade County, Broward County, and Palm Beach County as~~  
443 ~~compared to total turnpike toll and bond financed commitments~~  
444 ~~shall be at least 90 percent of the share of net toll~~  
445 ~~collections attributable to users of the turnpike~~ facilities  
446 ~~system~~ in Miami-Dade County, Broward County, and Palm Beach  
447 County are committed to projects and bond finance commitments in  
448 each respective county as compared to total net toll collections  
449 ~~attributable to users of the turnpike system.~~ This paragraph  
450 ~~subsection~~ does not apply when the application of such

451 requirements would violate any covenant established in a  
452 resolution or trust indenture relating to the issuance of  
453 turnpike bonds. The department may at any time for economic  
454 considerations establish lower temporary toll rates for a new or  
455 existing toll facility for a period not to exceed 1 year, after  
456 which the toll rates adopted pursuant to s. 120.54 shall become  
457 effective.

458 Section 10. Section 338.271, Florida Statutes, is created  
459 to read:

460 338.271 Facilities of the former Miami-Dade County  
461 Expressway Authority.-

462 (1) Effective upon this act becoming a law, the department  
463 shall assume the assets and liabilities of the Miami-Dade County  
464 Expressway Authority.

465 (2)(a) The department shall continue the system of tolls  
466 of the facilities for the former Miami-Dade County Expressway  
467 Authority until any outstanding bond obligations related to a  
468 facility on the former Miami-Dade County Expressway System are  
469 fully discharged.

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

474 (3) Notwithstanding s. 338.165(3), the department may not  
475 increase toll rates on facilities of the former Miami-Dade

476 County Expressway Authority except as required by bond  
477 covenants.

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

480 1. Reimburse outstanding contractual obligations.

481 2. Operate and maintain the highways and toll facilities,  
482 including reconstruction and restoration, such that these  
483 facilities are maintained to department standards.

484 3. Pay for projects funded by toll revenues from the  
485 former Miami-Dade County Expressway Authority that are contained  
486 in the 5-year work program adopted by the Miami-Dade County  
487 Expressway Authority on December 5, 2018, the designing,  
488 planning, and construction of S.R. 836 Southwest Extension.

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

493 (5) Notwithstanding any other provision of law to the  
494 contrary, the facilities of the former Miami-Dade County  
495 Expressway Authority may not become part of the Florida Turnpike  
496 Enterprise and are not subject to the Florida Turnpike  
497 Enterprise Law.

498 Section 11. Paragraph (d) of subsection (3) of section  
499 339.175, Florida Statutes, is amended to read:

500 339.175 Metropolitan planning organization.—

501 (3) VOTING MEMBERSHIP.—

502 (d) Notwithstanding any other provision of this section to  
 503 the contrary, in a county as defined in s. 125.011(1), the  
 504 M.P.O. shall consist of the county commission and:

505 1. Three representatives from municipalities with a  
 506 population of 65,000 or more, who shall be appointed by the  
 507 Governor and serve on a 2-year rotational basis.

508 2. Three representatives from municipalities with a  
 509 population of less than 65,000, who shall be appointed by the  
 510 Governor and serve on a 2-year rotational basis.

511  
 512 Except for a representative from the department serving as a  
 513 nonvoting advisor, the M.P.O. may not have any additional voting  
 514 members or nonvoting advisors ~~Any other provision of this~~  
 515 ~~section to the contrary notwithstanding, any county chartered~~  
 516 ~~under s. 6(c), Art. VIII of the State Constitution may elect to~~  
 517 ~~have its county commission serve as the M.P.O., if the M.P.O.~~  
 518 ~~jurisdiction is wholly contained within the county. Any charter~~  
 519 ~~county that elects to exercise the provisions of this paragraph~~  
 520 ~~shall so notify the Governor in writing. Upon receipt of such~~  
 521 ~~notification, the Governor must designate the county commission~~  
 522 ~~as the M.P.O. The Governor must appoint four additional voting~~  
 523 ~~members to the M.P.O., one of whom must be an elected official~~  
 524 ~~representing a municipality within the county, one of whom must~~  
 525 ~~be an expressway authority member, one of whom must be a person~~

526 ~~who does not hold elected public office and who resides in the~~  
 527 ~~unincorporated portion of the county, and one of whom must be a~~  
 528 ~~school board member.~~

529 Section 12. Section 339.176, Florida Statutes, is  
 530 repealed.

531 Section 13. Subsection (6) of section 343.1003, Florida  
 532 Statutes, is amended to read:

533 343.1003 Northeast Florida Regional Transportation  
 534 Commission.—

535 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(e)~~,  
 536 members of the board shall file a statement of financial  
 537 interests ~~interest~~ with the Commission on Ethics pursuant to s.  
 538 112.3145.

539 Section 14. Part I of chapter 348, Florida Statutes,  
 540 consisting of sections 348.0001, 348.0002, 348.0003, 348.0004,  
 541 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,  
 542 348.00115, and 348.0012, is repealed.

543 Section 15. (1) Effective upon this act becoming a law,  
 544 the governance and control of the Miami-Dade County Expressway  
 545 Authority is transferred to the Department of Transportation  
 546 pursuant to the terms of this section. The assets, facilities,  
 547 tangible and intangible property and any rights in such  
 548 property, and any other legal rights of the authority, including  
 549 the expressway system operated by the authority, are transferred  
 550 to the department. The department succeeds to all powers of the

551 authority, and the operations and maintenance of the expressway  
552 system shall be under the control of the department. Revenues  
553 collected on the expressway system shall be considered  
554 department revenues but shall be subject to the lien of the  
555 trust indentures securing the Miami-Dade County Expressway  
556 Authority bonds. The department also assumes all liability for  
557 bonds of the authority pursuant to subsection (2). The  
558 department shall, in consultation with the Division of Bond  
559 Finance, review all other contracts, financial obligations, and  
560 contractual relationships and liabilities of the authority, and  
561 the department may assume responsibility for the obligations  
562 that are determined to be necessary or desirable for the  
563 continued operation of the expressway system. Employees,  
564 officers, and members of the authority may not sell, dispose,  
565 encumber, transfer, or expend the assets of the authority as  
566 existed and reflected in the authority's financial statements  
567 for the fiscal year ended June 30, 2018, other than in the  
568 ordinary course of business. For purposes of this section,  
569 incurring debt or issuing bonds for projects contained in the 5-  
570 year work program approved and adopted by the authority on  
571 December 5, 2018, is not considered the ordinary course of  
572 business. Notwithstanding the foregoing, nothing contained  
573 herein shall prevent the authority from designing and planning  
574 the construction of S.R. 836 Southwest Extension or other  
575 projects contained in the 5-year work program approved and

576 adopted by the authority on December 5, 2018.

577 (2) The transfer pursuant to this section is subject to  
578 all terms and covenants provided for the protection of the  
579 holders of the Miami-Dade County Expressway Authority bonds in  
580 the trust indentures or resolutions adopted in connection with  
581 the issuance of such bonds. Further, the transfer does not  
582 impair the terms of the contract between the authority and the  
583 bondholders, does not act to the detriment of the bondholders,  
584 and does not diminish the security for the bonds. After the  
585 transfer, the department shall operate and maintain the  
586 expressway system and any other facilities of the authority in  
587 accordance with the terms, conditions, and covenants contained  
588 in the trust indentures or bond resolutions securing such bonds.  
589 The department shall collect toll revenues and apply them to the  
590 payment of debt service as provided in the trust indentures or  
591 bond resolutions securing such bonds and expressly assumes all  
592 obligations relating to the bonds to ensure that the transfer of  
593 the authority will have no adverse impact on the security for  
594 the bonds of the authority.

595 Section 16. Section 348.635, Florida Statutes, is created  
596 to read:

597 348.635 Public-private partnership.—The Legislature  
598 declares that there is a public need for the rapid construction  
599 of safe and efficient transportation facilities for traveling  
600 within the state and that it is in the public's interest to

601 provide for public-private partnership agreements to effectuate  
602 the construction of additional safe, convenient, and economical  
603 transportation facilities.

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

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

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

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

630 (d) Would have adequate safeguards in place to ensure that  
631 the department, the authority, or the private entity has the  
632 opportunity to add capacity to the proposed project and other  
633 transportation facilities serving similar origins and  
634 destinations.

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

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

648 (3) The authority may request proposals for public-private  
649 transportation projects or, if it receives an unsolicited  
650 proposal, it must publish a notice in the Florida Administrative

651 Register and a newspaper of general circulation in the county in  
652 which it is located at least once a week for 2 weeks stating  
653 that it has received the proposal and will accept, for 60 days  
654 after the initial date of publication, other proposals for the  
655 same project purpose. A copy of the notice must be mailed to  
656 each local government in the affected areas. After the public  
657 notification period has expired, the authority shall rank the  
658 proposals in order of preference. In ranking the proposals, the  
659 authority shall consider professional qualifications, general  
660 business terms, innovative engineering or cost-reduction terms,  
661 finance plans, and the need for state funds to deliver the  
662 proposal. If the authority is not satisfied with the results of  
663 the negotiations, it may, at its sole discretion, terminate  
664 negotiations with the proposer. If these negotiations are  
665 unsuccessful, the authority may go to the second and lower-  
666 ranked firms, in order, using the same procedure. If only one  
667 proposal is received, the authority may negotiate in good faith,  
668 and if it is not satisfied with the results, it may, at its sole  
669 discretion, terminate negotiations with the proposer. The  
670 authority may, at its discretion, reject all proposals at any  
671 point in the process up to completion of a contract with the  
672 proposer.

673 (4) Agreements entered into pursuant to this section may  
674 authorize the public-private entity to impose tolls or fares for  
675 the use of the facility. However, the amount and use of toll or

676 fare revenues shall be regulated by the authority to avoid  
677 unreasonable costs to users of the facility.

678 (5) Each public-private transportation facility  
679 constructed pursuant to this section shall comply with all  
680 requirements of federal, state, and local laws; state, regional,  
681 and local comprehensive plans; the authority's rules, policies,  
682 procedures, and standards for transportation facilities; and any  
683 other conditions that the authority determines to be in the  
684 public's best interest.

685 (6) The authority may exercise any power possessed by it,  
686 including eminent domain, to facilitate the development and  
687 construction of transportation projects pursuant to this  
688 section. The authority may pay all or part of the cost of  
689 operating and maintaining the facility or may provide services  
690 to the private entity for which it receives full or partial  
691 reimbursement for services rendered.

692 (7) Except as herein provided, this section is not  
693 intended to amend existing laws by granting additional powers to  
694 or further restricting the governmental entities from regulating  
695 and entering into cooperative arrangements with the private  
696 sector for the planning, construction, and operation of  
697 transportation facilities.

698 Section 17. Section 348.7605, Florida Statutes, is created  
699 to read:

700 348.7605 Public-private partnership.—The Legislature

701 declares that there is a public need for the rapid construction  
702 of safe and efficient transportation facilities for traveling  
703 within the state and that it is in the public's interest to  
704 provide for public-private partnership agreements to effectuate  
705 the construction of additional safe, convenient, and economical  
706 transportation facilities.

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

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

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

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

733 (d) Would have adequate safeguards in place to ensure that  
734 the department, the authority, or the private entity has the  
735 opportunity to add capacity to the proposed project and other  
736 transportation facilities serving similar origins and  
737 destinations.

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

740 (2) The authority shall ensure that all reasonable costs  
741 to the state which are related to transportation facilities that  
742 are not part of the State Highway System are borne by the  
743 private entity. The authority shall also ensure that all  
744 reasonable costs to the state and substantially affected local  
745 governments and utilities related to the private transportation  
746 facility are borne by the private entity for transportation  
747 facilities that are owned by private entities. For projects on  
748 the State Highway System, the department may use state resources  
749 to participate in funding and financing the project as provided  
750 for under the department's enabling legislation.

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

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

781        (5) Each public-private transportation facility  
782 constructed pursuant to this section shall comply with all  
783 requirements of federal, state, and local laws; state, regional,  
784 and local comprehensive plans; the authority's rules, policies,  
785 procedures, and standards for transportation facilities; and any  
786 other conditions that the authority determines to be in the  
787 public's best interest.

788        (6) The authority may exercise any power possessed by it,  
789 including eminent domain, to facilitate the development and  
790 construction of transportation projects pursuant to this  
791 section. The authority may pay all or part of the cost of  
792 operating and maintaining the facility or may provide services  
793 to the private entity for which it receives full or partial  
794 reimbursement for services rendered.

795        (7) Except as herein provided, this section is not  
796 intended to amend existing laws by granting additional powers to  
797 or further restricting the governmental entities from regulating  
798 and entering into cooperative arrangements with the private  
799 sector for the planning, construction, and operation of  
800 transportation facilities.

801           Section 18. Pursuant to section 20 of chapter 2014-171,  
802 Laws of Florida, part V of chapter 348, Florida Statutes,  
803 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,  
804 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and  
805 348.9961, is repealed.

806           Section 19. Except as otherwise expressly provided in this  
807 act, this act shall take effect July 1, 2019.