

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
6 and agencies to comply with certain financial
7 disclosure requirements; amending s. 212.055, F.S.;
8 revising the authorized uses of proceeds from charter
9 county and regional transportation system surtaxes;
10 requiring certain counties to use surtax proceeds for
11 purposes related to fixed guideway rapid transit
12 systems, bus systems, and development of dedicated
13 facilities for autonomous vehicles; authorizing the
14 use of surtax proceeds for the purchase of rights-of-
15 way under certain circumstances; authorizing the use
16 of surtax proceeds for refinancing existing bonds;
17 authorizing the use of surtax proceeds for operations
18 and maintenance on specified projects initiated after
19 a certain date; authorizing a percentage of surtax
20 proceeds to be distributed to certain municipalities
21 to be used for certain purposes; amending s. 215.68,
22 F.S.; conforming provisions to changes made by the
23 act; reviving, reenacting, and amending s. 319.141,
24 F.S.; revising the definition of the term "rebuilt
25 inspection services"; revising provisions relating to

26 | the rebuilt motor vehicle inspection program; revising
27 | participant duties and responsibilities; revising
28 | location and insurance requirements; authorizing the
29 | Department of Highway Safety and Motor Vehicles to
30 | adopt rules; requiring a report to the Legislature;
31 | amending s. 334.175, F.S.; requiring the
32 | Department of Transportation to approve design plans
33 | for all transportation projects relating to
34 | department-owned rights-of-way under certain
35 | circumstances; amending s. 337.025, F.S.; authorizing
36 | the department to establish a program for
37 | transportation projects that demonstrate certain
38 | innovative techniques for measuring resiliency and
39 | structural integrity and controlling time and cost
40 | increases; amending s. 338.165, F.S.; deleting cross-
41 | references; amending s. 338.166, F.S.; requiring the
42 | department to submit an annual report to a certain
43 | metropolitan planning organization relating to
44 | collection and use of tolls; amending s. 339.175,
45 | F.S.; revising the membership of the metropolitan
46 | planning organization in certain counties; prohibiting
47 | the metropolitan planning organization in such
48 | counties from assessing certain fees; amending s.
49 | 343.1003, F.S.; revising a cross-reference; repealing
50 | part I of chapter 348, F.S., relating to the creation

51 and operation of the Florida Expressway Authority Act;
52 creating part I of ch. 348, F.S., titled "Greater
53 Miami Expressway Agency"; creating s. 348.0301, F.S.;
54 providing a short title; creating s. 348.0302, F.S.;
55 providing applicability; creating s. 348.0303, F.S.;
56 providing definitions; creating s. 348.0304, F.S.;
57 creating the Greater Miami Expressway Agency;
58 providing for membership on the governing body of the
59 agency; requiring the initial meeting of the governing
60 body by a date certain; requiring an oath of office;
61 authorizing the governing body to employ certain
62 officers and staff; authorizing the delegation of
63 certain functions; providing requirements for
64 employment with the agency; requiring the governing
65 body to conduct a nationwide search in the hiring of
66 an executive director of the agency; providing that
67 members of the governing body are not entitled to
68 compensation but are entitled to per diem and travel
69 expenses; creating s. 348.0305, F.S.; providing ethics
70 requirements for the agency; providing applicability
71 of certain provisions; providing definitions;
72 prohibiting certain persons from being appointed to
73 the governing body of the agency; providing certain
74 prohibitions for members and employees of the agency
75 after vacation of their positions; providing

76 disclosure requirements; providing that violation of
77 certain provisions are considered violation of
78 official, employment, or contractual duties; requiring
79 certain ethics training; providing application and
80 enforcement; creating s. 348.0306, F.S.; providing
81 agency purposes and powers; requiring the agency to
82 construct expressways; providing construction
83 requirements; prohibiting an increase in toll rates
84 until a specified date; requiring the Department of
85 Transportation to review the financial viability of
86 specified projects; requiring a supermajority vote for
87 an increase in toll rates; providing a limit to
88 administrative costs; requiring the Florida
89 Transportation Commission to determine average
90 administrative costs; requiring a minimum distance
91 between tolling points; authorizing establishment of
92 specified toll rates; providing agency
93 responsibilities regarding reimbursement of certain
94 county gasoline tax funds; providing project approval
95 requirements; requiring an annual financial audit of
96 the agency; creating s. 348.0307, F.S.; creating the
97 Florida Sunshine Rebate Program; requiring the agency
98 to provide specified rebates to specified SunPass
99 holders; providing a goal for the amount of rebates;
100 requiring review and adjustment of such rebate;

101 creating s. 348.0308, F.S.; providing a legislative
102 declaration; authorizing the agency to enter into
103 public-private partnership agreements; authorizing
104 solicitation or receipt of certain proposals;
105 providing rulemaking authority; providing approval
106 requirements; requiring certain costs to be borne by
107 the private entity; providing notice requirements for
108 requests for proposals; providing for ranking and
109 negotiation of proposals; requiring the agency to
110 regulate tolls on certain facilities; requiring
111 compliance with specified laws, rules, and conditions;
112 providing for development, construction, operation,
113 and maintenance of transportation projects by the
114 agency or private entities; providing construction;
115 creating s. 348.0309, F.S.; authorizing the agency to
116 have bonds issued as provided in the State Bond Act;
117 authorizing the agency to issue its own bonds;
118 providing requirements for the issuance of such bonds;
119 requiring the sale of bonds at a public sale;
120 providing an exception; providing that bonds are
121 negotiable instruments under certain provisions of
122 law; requiring approval by the Legislative Budget
123 Commission for certain projects, buildings, or
124 facilities and any refinancing thereof; creating s.
125 348.0310, F.S.; authorizing the department to be

126 appointed as an agent of the agency for construction
127 purposes; requiring the agency to provide specified
128 documents and funding to the department; creating s.
129 348.0311, F.S.; authorizing the agency to acquire
130 lands and property; authorizing specified persons to
131 enter upon specified properties; providing notice
132 requirements; requiring the agency to make
133 reimbursement for damages to such properties;
134 requiring such entry to comply with certain
135 provisions; providing for eminent domain authority;
136 providing construction; authorizing interagency
137 agreements with the Department of Environmental
138 Protection for certain purposes; creating s. 348.0312,
139 F.S.; authorizing agency cooperation with other units
140 of government and individuals; creating s. 348.0313,
141 F.S.; providing a covenant of the state that it will
142 not limit certain rights or powers; creating s.
143 348.0314, F.S.; exempting the agency from taxation;
144 providing an exception; creating s. 348.0315, F.S.;
145 requiring specified information to be posted on the
146 agency's website; requiring a report; creating s.
147 348.0316, F.S.; providing that specified bonds or
148 obligations are eligible investments for certain
149 purposes; creating s. 348.0317, F.S.; providing that
150 specified pledges are enforceable by bondholders;

151 creating s. 348.0318, F.S.; providing that certain
152 provisions constitute complete and additional
153 authority; providing construction; transferring the
154 assets and liabilities of the Miami-Dade County
155 Expressway Authority to the Greater Miami Expressway
156 Agency; providing terms of the transfer; providing
157 that the agency succeeds to all powers of the
158 authority; providing that revenues collected on the
159 expressway system are agency revenues; requiring the
160 agency, in consultation with the Division of Bond
161 Finance, to review certain documents of the authority;
162 providing terms and conditions of the transfer;
163 requiring a financial report by the Auditor General;
164 authorizing consultation with bond counsel for
165 specified purposes; providing for the dissolution of
166 the Miami-Dade County Expressway Authority; creating
167 ss. 348.635 and 348.7605, F.S.; providing a
168 legislative declaration; authorizing the Tampa-
169 Hillsborough County Expressway Authority and the
170 Central Florida Expressway Authority to enter into
171 public-private partnership agreements; authorizing
172 solicitation or receipt of certain proposals;
173 providing rulemaking authority; providing approval
174 requirements; requiring certain costs to be borne by
175 the private entity; providing notice requirements for

176 requests for proposals; providing for ranking and
 177 negotiation of proposals; requiring the authorities to
 178 regulate tolls on certain facilities; requiring
 179 compliance with specified laws, rules, and conditions;
 180 providing for development, construction, operation,
 181 and maintenance of transportation projects by the
 182 authorities or private entities; providing
 183 construction; repealing part V of ch. 348, F.S.,
 184 relating to the Osceola County Expressway Authority
 185 Law; providing effective dates.

186

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

188

189 Section 1. Paragraph (b) of subsection (2) of section
 190 20.23, Florida Statutes, is amended to read:

191 20.23 Department of Transportation.—There is created a
 192 Department of Transportation which shall be a decentralized
 193 agency.

194 (2)

195 (b) The commission shall:

196 1. Recommend major transportation policies for the
 197 Governor's approval and assure that approved policies and any
 198 revisions are properly executed.

199 2. Periodically review the status of the state
 200 transportation system including highway, transit, rail, seaport,

201 intermodal development, and aviation components of the system
202 and recommend improvements to the Governor and the Legislature.

203 3. Perform an in-depth evaluation of the annual department
204 budget request, the Florida Transportation Plan, and the
205 tentative work program for compliance with all applicable laws
206 and established departmental policies. Except as specifically
207 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
208 not consider individual construction projects, but shall
209 consider methods of accomplishing the goals of the department in
210 the most effective, efficient, and businesslike manner.

211 4. Monitor the financial status of the department on a
212 regular basis to assure that the department is managing revenue
213 and bond proceeds responsibly and in accordance with law and
214 established policy.

215 5. Monitor on at least a quarterly basis, the efficiency,
216 productivity, and management of the department using performance
217 and production standards developed by the commission pursuant to
218 s. 334.045.

219 6. Perform an in-depth evaluation of the factors causing
220 disruption of project schedules in the adopted work program and
221 recommend to the Governor and the Legislature methods to
222 eliminate or reduce the disruptive effects of these factors.

223 7. Recommend to the Governor and the Legislature
224 improvements to the department's organization in order to
225 streamline and optimize the efficiency of the department. In

226 reviewing the department's organization, the commission shall
227 determine if the current district organizational structure is
228 responsive to this state's changing economic and demographic
229 development patterns. The initial report by the commission must
230 be delivered to the Governor and the Legislature by December 15,
231 2000, and each year thereafter, as appropriate. The commission
232 may retain experts as necessary to carry out this subparagraph,
233 and the department shall pay the expenses of the experts.

234 8. Monitor the efficiency, productivity, and management of
235 the agencies and authorities created under chapters 348 and 349~~7~~
236 ~~including any authority formed using part I of chapter 348~~; the
237 Mid-Bay Bridge Authority re-created pursuant to chapter 2000-
238 411, Laws of Florida; and any authority formed under chapter
239 343. The commission shall also conduct periodic reviews of each
240 agency's and authority's operations and budget, acquisition of
241 property, management of revenue and bond proceeds, and
242 compliance with applicable laws and generally accepted
243 accounting principles.

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

246 112.3144 Full and public disclosure of financial
247 interests.—

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

251 file that disclosure with the Florida Commission on Ethics.
252 Additionally, ~~beginning January 1, 2015,~~ an officer who is
253 required to complete annual ethics training pursuant to s.
254 112.3142 must certify on his or her full and public disclosure
255 of financial interests that he or she has completed the required
256 training.

257 (b) A member of an expressway authority, transportation
258 authority, bridge authority, toll authority, or expressway
259 agency created pursuant to chapter 343, chapter 348, or any
260 other general law shall comply with the applicable financial
261 disclosure requirements of s. 8, Art. II of the State
262 Constitution.

263 Section 3. Effective October 1, 2022, paragraph (d) of
264 subsection (1) of section 212.055, Florida Statutes, is amended
265 to read:

266 212.055 Discretionary sales surtaxes; legislative intent;
267 authorization and use of proceeds.—It is the legislative intent
268 that any authorization for imposition of a discretionary sales
269 surtax shall be published in the Florida Statutes as a
270 subsection of this section, irrespective of the duration of the
271 levy. Each enactment shall specify the types of counties
272 authorized to levy; the rate or rates which may be imposed; the
273 maximum length of time the surtax may be imposed, if any; the
274 procedure which must be followed to secure voter approval, if
275 required; the purpose for which the proceeds may be expended;

276 | and such other requirements as the Legislature may provide.
 277 | Taxable transactions and administrative procedures shall be as
 278 | provided in s. 212.054.

279 | (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM
 280 | SURTAX.—

281 | (d) 1. Except as set forth in subparagraph 2., proceeds
 282 | from the surtax shall be applied to as many or as few of the
 283 | uses enumerated below in whatever combination the county
 284 | commission deems appropriate:

285 | a.1. Deposited by the county in the trust fund and shall
 286 | be used for the purposes of development, construction,
 287 | equipment, maintenance, operation, supportive services,
 288 | including a countywide bus system, on-demand transportation
 289 | services, and related costs of a fixed guideway rapid transit
 290 | system;

291 | b.2. Remitted by the governing body of the county to an
 292 | expressway, transit, or transportation authority created by law
 293 | to be used, at the discretion of such authority, for the
 294 | development, construction, operation, or maintenance of roads or
 295 | bridges in the county, for the operation and maintenance of a
 296 | bus system, for the operation and maintenance of on-demand
 297 | transportation services, for the payment of principal and
 298 | interest on existing bonds issued for the construction of such
 299 | roads or bridges, and, upon approval by the county commission,
 300 | such proceeds may be pledged for bonds issued to refinance

301 existing bonds or new bonds issued for the construction of such
302 roads or bridges;

303 ~~3. Used by the county for the development, construction,~~
304 ~~operation, and maintenance of roads and bridges in the county;~~
305 ~~for the expansion, operation, and maintenance of bus and fixed~~
306 ~~guideway systems; for the expansion, operation, and maintenance~~
307 ~~of on-demand transportation services; and for the payment of~~
308 ~~principal and interest on bonds issued for the construction of~~
309 ~~fixed guideway rapid transit systems, bus systems, roads, or~~
310 ~~bridges; and such proceeds may be pledged by the governing body~~
311 ~~of the county for bonds issued to refinance existing bonds or~~
312 ~~new bonds issued for the construction of such fixed guideway~~
313 ~~rapid transit systems, bus systems, roads, or bridges and no~~
314 ~~more than 25 percent used for nontransit uses; and~~

315 c.4. Used by the county for the planning, development,
316 construction, operation, and maintenance of roads and bridges in
317 the county; for the planning, development, expansion, operation,
318 and maintenance of bus and fixed guideway systems; for the
319 planning, development, construction, expansion, operation, and
320 maintenance of on-demand transportation services; and for the
321 payment of principal and interest on bonds issued for the
322 construction of fixed guideway rapid transit systems, bus
323 systems, roads, or bridges; and such proceeds may be pledged by
324 the governing body of the county for bonds issued to refinance
325 existing bonds or new bonds issued for the construction of such

326 fixed guideway rapid transit systems, bus systems, roads, or
327 bridges. Pursuant to an interlocal agreement entered into
328 pursuant to chapter 163, the governing body of the county may
329 distribute proceeds from the tax to a municipality, or an
330 expressway or transportation authority created by law to be
331 expended for the purpose authorized by this paragraph. Any
332 county that has entered into interlocal agreements for
333 distribution of proceeds to one or more municipalities in the
334 county shall revise such interlocal agreements no less than
335 every 5 years in order to include any municipalities that have
336 been created since the prior interlocal agreements were
337 executed.

338 2.a. To the extent not prohibited by contracts or bond
339 covenants in effect on that date, a county as defined in s.
340 125.011(1) shall use proceeds from the surtax only for the
341 following purposes:

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

346 (II) The acquisition of rights-of-way for fixed guideway
347 rapid transit systems and bus systems, including bus rapid
348 transit systems, and for the development of dedicated facilities
349 for autonomous vehicles as defined in s. 316.003.

350 (III) The purchase of buses or other capital costs for bus

351 systems, including bus rapid transit systems.

352 (IV) The payment of principal and interest on bonds
353 previously issued related to fixed guideway rapid transit
354 systems or bus systems.

355 (V) As security by the governing body of the county to
356 refinance existing bonds or to issue new bonds for the planning,
357 design, engineering, or construction of fixed guideway rapid
358 transit systems, bus rapid transit systems, or bus systems.

359 (VI) For operations and maintenance on projects initiated
360 after October 1, 2022, which are funded, in whole or in part, by
361 federal or state funds.

362 b. To the extent not prohibited by contracts or bond
363 covenants in effect on October 1, 2022, no more than 25 percent
364 of the surtax proceeds may be distributed to municipalities in
365 total in a county as defined in s. 125.011(1). Such
366 municipalities may use the surtax proceeds to plan, develop,
367 construct, operate, and maintain roads and bridges in the
368 municipality and to pay the principal and interest on bonds
369 issued to construct roads or bridges. The governing body of the
370 municipality may pledge the proceeds for bonds issued to
371 refinance existing bonds or new bonds issued to construct such
372 roads or bridges. Additionally, each such municipality may use
373 surtax proceeds for transit systems within the municipality.

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

376 215.68 Issuance of bonds; form; maturity date, execution,
 377 sale.—

378 (2) Such bonds may:

379 (a) Be issued in either coupon form or registered form or
 380 both;

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

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

386 (d) Have such provisions for registration of coupon bonds
 387 and conversion and reconversion of bonds from coupon to
 388 registered form or from registered form to coupon form;

389 (e) Have such provisions for payment at maturity and
 390 redemption before ~~prior to~~ maturity at such time or times and at
 391 such price or prices; and

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

394

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

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

401 319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.—

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

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

405 (b) "Rebuilt inspection services" means an examination of
406 a rebuilt vehicle and a properly endorsed certificate of title,
407 salvage certificate of title, or manufacturer's statement of
408 origin and an application for a rebuilt certificate of title, a
409 rebuilder's affidavit, a photograph of the junk or salvage
410 vehicle taken before repairs began, if available, a photograph
411 of the interior driver and passenger sides of the vehicle if
412 airbags were previously deployed and replaced, receipts or
413 invoices for all major component parts, as defined in s. 319.30,
414 and repairs which were changed, and proof that notice of
415 rebuilding of the vehicle has been reported to the National
416 Motor Vehicle Title Information System.

417 (2) By October 1, 2019 ~~July 1, 2015,~~ the department shall
418 implement ~~oversee~~ a ~~pilot~~ program in Miami-Dade County ~~to~~
419 ~~evaluate alternatives~~ for rebuilt inspection services offered by
420 existing private sector participants ~~operators,~~ including the
421 ~~continued use of private facilities, the cost impact to~~
422 ~~consumers, and the potential savings to the department.~~

423 (3) Upon selection by the department, each participant
424 shall enter into ~~The department shall establish~~ a memorandum of
425 understanding with the department that allows such participant

426 ~~private parties participating in the pilot program~~ to conduct
427 rebuilt motor vehicle inspections and specifies requirements for
428 oversight, bonding and insurance, procedures, and forms and
429 requires the electronic transmission of documents. The
430 department may examine all records pertaining to any inspection
431 or related service performed under the rebuilt motor vehicle
432 inspection program.

433 (4) Before a participant ~~an applicant~~ is authorized to
434 perform such rebuilt inspection services ~~approved~~, the
435 department shall ensure that the participant ~~applicant~~ meets
436 basic criteria designed to protect the public. At a minimum, the
437 participant ~~applicant~~ shall meet all of the following
438 requirements:

439 (a) Have and maintain a surety bond or irrevocable letter
440 of credit in the amount of \$100,000 executed in favor of the
441 department. Such surety bond or letter of credit shall be issued
442 by entities licensed to do business in this state ~~by the~~
443 ~~applicant.~~

444 (b) Secure and maintain a facility at a permanent fixed
445 structure, as evidenced by proof of ownership or written lease
446 at an address recognized by the United States Postal Service
447 where the only services provided on such property are rebuilt
448 inspection services. The facility must have permanent signage
449 which advertises that only private rebuilt inspection services
450 are provided at that location, posted business hours, a

451 designated office area and customer waiting area, a rebuilt
452 inspection area separate and visually obstructed from any area
453 accessible to the customer, surveillance cameras with recording
454 capabilities for the rebuilt inspection areas, and sufficient
455 onsite customer parking. The location must be large enough to
456 accommodate all of the vehicles being inspected and have a
457 covered area to accommodate at least two vehicles during
458 inclement weather. The participant ~~operator of a facility~~ shall
459 annually attest that he or she does not have a direct or
460 indirect interest in any motor vehicle that a facility has
461 inspected or proposes to inspect; he or she is not employed by
462 or does not have an ownership interest in or other financial
463 arrangement with the owner, operator, manager, or employee of a
464 motor vehicle repair shop as defined in s. 559.903, a motor
465 vehicle dealer as defined in s. 320.27(1)(c), a towing company,
466 a vehicle storage company, a vehicle auction, an insurance
467 company, a salvage yard, a metal retailer, or a metal rebuilder,
468 from which he or she receives remuneration, directly or
469 indirectly, for the referral of customers for rebuilt inspection
470 services; there have been no changes to the ownership structure
471 of the approved facility; and the only services being provided
472 by such participant at the facility are rebuilt inspection
473 services. Only a participant selected and approved by the
474 department may charge or receive a fee for providing or
475 facilitating such services.

476 (c) Have and maintain garage liability with a minimum of
477 \$100,000 single-limit liability coverage including bodily injury
478 and property damage protection and any other insurance required
479 by the department.

480 (d) Have completed criminal background checks of the
481 owners, partners, and corporate officers and the inspectors
482 employed by the facility that demonstrate that such persons have
483 not have been convicted of a felony, pled guilty to a felony,
484 pled nolo contendere to a felony, or been incarcerated for a
485 felony in the previous 10 years.

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

488 (5) A participant may not conduct an inspection of a
489 vehicle in complete rebuilt condition without prior approval by
490 the department. A person or entity other than the department or
491 a participant authorized by the department may not conduct
492 rebuilt inspection services.

493 (6)-(5) A participant in the program shall access vehicle
494 and title information and enter inspection results through an
495 electronic filing system authorized by the department and shall
496 maintain records of each rebuilt vehicle inspection processed at
497 such facility for at least 5 years.

498 (7) A vehicle owner who fails an initial rebuilt
499 inspection may only have that vehicle reinspected by the
500 department or the facility that conducted the original

501 inspection.

502 (8)~~(6)~~ The department shall conduct an onsite facility
503 inspection at least once per quarter and shall immediately
504 terminate any participant ~~operator~~ from the program who fails to
505 meet the minimum eligibility requirements specified in
506 subsection (4). Before a change in ownership of a rebuilt
507 inspection facility, the current operator must give the
508 department 45 days' written notice of the intended sale or
509 transfer. The prospective owner must meet the eligibility
510 requirements of this section and execute a new memorandum of
511 understanding with the department before operating the facility.

512 (9) The department may adopt rules pursuant to ss.
513 120.536(1) and 120.54 to implement and enforce this section.

514 (10) On or before July 1, 2021, the department shall
515 submit a written report to the President of the Senate and the
516 Speaker of the House of Representatives evaluating the
517 effectiveness of the program and whether to expand the program
518 to other counties.

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

521 Section 6. Section 334.175, Florida Statutes, is amended
522 to read:

523 334.175 Certification of project design plans and
524 surveys.—

525 (1) All design plans and surveys prepared by or for the

526 department shall be signed, sealed, and certified by the
527 professional engineer or surveyor or architect or landscape
528 architect in responsible charge of the project work. Such
529 professional engineer, surveyor, architect, or landscape
530 architect must be duly registered in this state.

531 (2) For all transportation projects on, under, over, or
532 abutting a department-owned right-of-way and regardless of
533 funding source, the department shall approve the design plans
534 for such projects if such design plans meet department design
535 standards.

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

538 337.025 Innovative transportation ~~highway~~ projects;
539 department to establish program.—

540 (1) The department may ~~is authorized to~~ establish a
541 program for transportation ~~highway~~ projects demonstrating
542 innovative techniques of highway and bridge design,
543 construction, maintenance, and finance which have the intended
544 effect of measuring resiliency and structural integrity and
545 controlling time and cost increases on construction projects.
546 Such techniques may include, but are not limited to, state-of-
547 the-art technology for pavement, safety, and other aspects of
548 highway and bridge design, construction, and maintenance;
549 innovative bidding and financing techniques; accelerated
550 construction procedures; and those techniques that have the

551 potential to reduce project life cycle costs. To the maximum
552 extent practical, the department must use the existing process
553 to award and administer construction and maintenance contracts.
554 When specific innovative techniques are to be used, the
555 department is not required to adhere to those provisions of law
556 that would prevent, preclude, or in any way prohibit the
557 department from using the innovative technique. However, before
558 ~~prior to~~ using an innovative technique that is inconsistent with
559 another provision of law, the department must document in
560 writing the need for the exception and identify what benefits
561 the traveling public and the affected community are anticipated
562 to receive. The department may enter into no more than \$120
563 million in contracts annually for the purposes authorized by
564 this section.

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

567 338.165 Continuation of tolls.—

568 (2) If the revenue-producing project is on the State
569 Highway System, any remaining toll revenue shall be used for the
570 construction, maintenance, or improvement of any road on the
571 State Highway System within the county or counties in which the
572 revenue-producing project is located, ~~except as provided in s.~~
573 ~~348.0004.~~

574 (5) If the revenue-producing project is on the county road
575 system, any remaining toll revenue shall be used for the

576 construction, maintenance, or improvement of any other state or
 577 county road within the county or counties in which the revenue-
 578 producing project is located, ~~except as provided in s. 348.0004.~~

579 Section 9. Present subsection (7) of section 338.166,
 580 Florida Statutes, is renumbered as subsection (8) and amended,
 581 and a new subsection (7) is added to that section, to read:

582 338.166 High-occupancy toll lanes or express lanes.—

583 (7) Beginning on October 1, 2020, and annually thereafter,
 584 for a county as defined in s. 125.011(1), the department,
 585 including the Florida Turnpike Enterprise, shall submit to the
 586 metropolitan planning organization for that county a report
 587 providing information regarding the amount of tolls collected in
 588 that county and how those tolls were used in the previous fiscal
 589 year.

590 (8)(7) Except for subsection (7), this section does not
 591 apply to the turnpike system as defined under the Florida
 592 Turnpike Enterprise Law.

593 Section 10. Paragraph (d) of subsection (3) and paragraph
 594 (f) of subsection (6) of section 339.175, Florida Statutes, are
 595 amended to read:

596 339.175 Metropolitan planning organization.—

597 (3) VOTING MEMBERSHIP.—

598 (d) Any other provision of this section to the contrary
 599 notwithstanding, any county as defined in s. 125.011(1)
 600 ~~chartered under s. 6(c), Art. VIII of the State Constitution may~~

601 elect to have its county commission serve as the M.P.O., if the
602 M.P.O. jurisdiction is wholly contained within the county. Any
603 charter county that elects to exercise the provisions of this
604 paragraph shall so notify the Governor in writing. Upon receipt
605 of such notification, the Governor must designate the county
606 commission as the M.P.O. The Governor must appoint two ~~four~~
607 additional voting members to the M.P.O., one of whom must be an
608 elected official representing a municipality within the county,
609 ~~one of whom must be an expressway authority member, one of whom~~
610 ~~must be a person who does not hold elected public office and who~~
611 ~~resides in the unincorporated portion of the county,~~ and one of
612 whom must be a school board member. A member of the governing
613 body of the agency created in part I of chapter 348 shall serve
614 as a nonvoting advisor to the M.P.O.

615 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
616 privileges, and authority of an M.P.O. are those specified in
617 this section or incorporated in an interlocal agreement
618 authorized under s. 163.01. Each M.P.O. shall perform all acts
619 required by federal or state laws or rules, now and subsequently
620 applicable, which are necessary to qualify for federal aid. It
621 is the intent of this section that each M.P.O. shall be involved
622 in the planning and programming of transportation facilities,
623 including, but not limited to, airports, intercity and high-
624 speed rail lines, seaports, and intermodal facilities, to the
625 extent permitted by state or federal law.

626 (f)1. The department shall allocate to each M.P.O., for
 627 the purpose of accomplishing its transportation planning and
 628 programming duties, an appropriate amount of federal
 629 transportation planning funds.

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

633 Section 11. Subsection (6) of section 343.1003, Florida
 634 Statutes, is amended to read:

635 343.1003 Northeast Florida Regional Transportation
 636 Commission.—

637 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(c)~~,
 638 members of the board shall file a statement of financial
 639 interests ~~interest~~ with the Commission on Ethics pursuant to s.
 640 112.3145.

641 Section 12. Part I of chapter 348, Florida Statutes,
 642 consisting of sections 348.0001, 348.0002, 348.0003, 348.0004,
 643 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,
 644 348.00115, and 348.0012, is repealed.

645 Section 13. Part I of chapter 348, Florida Statutes,
 646 consisting of sections 348.0301, 348.0302, 348.0303, 348.0304,
 647 348.0305, 348.0306, 348.0307, 348.0308, 348.0309, 348.0310,
 648 348.0311, 348.0312, 348.0313, 348.0314, 348.0315, 348.0316,
 649 348.0317, and 348.0318, Florida Statutes, is created to read:

650 CHAPTER 348

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.

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

677 (7) "Express written consent" means prior express written
 678 consent given in the form of a resolution adopted by a board of
 679 county commissioners.

680 (8) "Expressway" means a street or highway especially
 681 designed for through traffic and over, from, or to which owners
 682 or occupants of abutting land or other persons have no right or
 683 easement or only a limited right or easement of access, light,
 684 air, or view by reason of the fact that their property abuts
 685 upon such limited access facility or for any other reason. An
 686 expressway may be a facility from which trucks, buses, and other
 687 commercial vehicles are excluded or may be a facility open to
 688 use by all customary forms of street and highway traffic.

689 (9) "Expressway system" means any and all expressways
 690 within the geographic boundaries of the agency established
 691 pursuant to this act and appurtenant facilities thereto,
 692 including, but not limited to, all approaches, roads, bridges,
 693 and avenues of access for such expressway. An expressway system
 694 includes a public transportation facility.

695 (10) "Federal agency" means and includes the United
 696 States, the President of the United States, and any department
 697 of, or corporation, agency, or instrumentality created,
 698 designated, or established by, the United States.

699 (11) "Members" means the governing body of the agency, and
 700 the term "member" means one of the individuals constituting such

701 governing body.

702 (12) "Public transportation facility" means real and
703 personal property, structures, improvements, buildings,
704 personnel, equipment, plants, vehicle parking or other
705 facilities, rights-of-way, or any combination thereof used or
706 useful for the purposes of transporting passengers by means of a
707 street railway, elevated railway or guideway, subway, motor
708 vehicle, motor bus, or any bus or other means of conveyance
709 operating as a common carrier.

710 348.0304 Greater Miami Expressway Agency.-

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

714 (2) (a) The governing body of the agency shall consist of
715 nine voting members. Except for the district secretary of the
716 department, each member must be a permanent resident of the
717 county and may not hold, or have held in the previous 2 years,
718 elected or appointed office in the county. Each member may only
719 serve two terms of 4 years each. Three members shall be
720 appointed by the Governor. Two members, who must be residents of
721 an unincorporated portion of the county, shall be appointed by
722 the board of county commissioners of the county. Three members,
723 who must be residents of incorporated municipalities within the
724 county, shall be appointed by the metropolitan planning
725 organization for the county. The district secretary of the

726 department serving in the district that contains the county
727 shall serve as an ex officio voting member of the governing
728 body.

729 (b) Initial appointments to the governing body of the
730 agency shall be made by July 31, 2019. For the initial
731 appointments:

732 1. The Governor shall appoint one member for a term of 2
733 years, one member for a term of 3 years, and one member for a
734 term of 4 years.

735 2. The board of county commissioners shall appoint one
736 member for a term of 1 year and one member for a term of 3
737 years.

738 3. The metropolitan planning organization shall appoint
739 one member for a term of 1 year, one member for a term of 2
740 years, and one member for a term of 4 years.

741 (c) Persons who were members of the governing body or
742 employees of the former Miami-Dade County Expressway Authority
743 may not be appointed members of the governing body of the
744 agency.

745 (3) (a) The governing body of the agency shall elect one of
746 its members as chair and shall elect a secretary and a treasurer
747 who need not be members of the governing body. The chair,
748 secretary, and treasurer shall hold their offices at the will of
749 the governing body. A simple majority of the governing body
750 constitutes a quorum, and the vote of a majority of those

751 members present is necessary for the governing body to take any
752 action. A vacancy shall not impair the right of a quorum of the
753 governing body to exercise all of the rights and perform all of
754 the duties of the governing body.

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

760 (c) Each member of the governing body of the agency,
761 before entering upon his or her official duties, shall take and
762 subscribe to an oath before some official authorized by law to
763 administer oaths that he or she will honestly, faithfully, and
764 impartially perform the duties devolving upon him or her in
765 office as a member of the governing body and that he or she will
766 not neglect any duties imposed upon him or her by this part.

767 (4) (a) The governing body of the agency may employ an
768 executive secretary, an executive director, its own counsel and
769 legal staff, technical experts, and such engineers and
770 employees, permanent or temporary, as it may require and shall
771 determine the qualifications and fix the compensation of such
772 persons, firms, or corporations. The governing body may employ a
773 fiscal agent or agents; however, the governing body must solicit
774 sealed proposals from at least three persons, firms, or
775 corporations for the performance of any services as fiscal

776 agents. The governing body may delegate to one or more of its
777 agents or employees such of its power as it deems necessary to
778 carry out the purposes of this act, subject always to the
779 supervision and control of the governing body. Members of the
780 governing body may be removed from office by the Governor for
781 misconduct, malfeasance, misfeasance, or nonfeasance in office.

782 (b) Employees of the agency shall serve at the pleasure of
783 the governing body of the agency. The governing body of the
784 agency shall review the employment of all employees of the
785 former Miami-Dade County Expressway Authority to determine
786 whether each employee will continue employment with the agency.
787 In the hiring of an executive director of the agency, the
788 governing body of the agency shall conduct a nationwide search
789 in order to identify the most qualified candidate.

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

793 348.0305 Ethics requirements.—

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

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

798 (b) "Lobby" means to seek to influence the agency, on
799 behalf of another person, with respect to a decision of the
800 agency in an area of policy or procurement or to attempt to

801 obtain the goodwill of an officer, employee, or consultant of
802 the agency. The term does not include representing a client in
803 any stage of applying for or seeking approval of any
804 administrative action, or opposition to such action, provided
805 such action does not require legislative discretion and is
806 subject to judicial review by petitioning for writ of
807 certiorari.

808 (c) "Lobbyist" means a person who is employed and receives
809 payment, or who contracts for economic consideration, to lobby
810 or a person who is principally employed for governmental affairs
811 by another person or entity to lobby on behalf of such person or
812 entity. The term does not include a person who:

813 1. Represents a client in a judicial proceeding or in a
814 formal administrative proceeding before the agency.

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

817 3. Consults under contract with the agency and
818 communicates with the agency regarding issues related to the
819 scope of services in his or her contract.

820 4. Is an expert witness who is retained or employed by an
821 employer, principal, or client to provide only scientific,
822 technical, or other specialized information provided in agenda
823 materials or testimony only in public hearings, provided the
824 expert identifies such employer, principal, or client at such
825 hearing.

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

828 (d) "Officer" means a member of the governing body of the
829 agency.

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

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

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

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

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

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

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

850 (a) Lobby the agency.

851 (b) Have an employment or contractual relationship with a
852 business entity in connection with a contract in which the
853 officer, employee, or consultant personally and substantially
854 participated through decision, approval, disapproval,
855 recommendation, rendering of advice, or investigation while he
856 or she was an officer, employee, or consultant of the agency.
857 When an agency employee's position is eliminated and his or her
858 former duties are performed by the business entity, this
859 paragraph does not prohibit him or her from employment or a
860 contractual relationship with the business entity if the
861 employee's participation in the contract was limited to
862 recommendation, rendering of advice, or investigation and if the
863 executive director of the agency determines that the best
864 interests of the agency will be served thereby and provides
865 prior written approval for the particular employee.

866 (c) Have or hold any employment or contractual
867 relationship with a business entity in connection with any
868 contract for contractual services which was within his or her
869 responsibility while an officer, employee, or consultant. If an
870 agency employee's position is eliminated and his or her former
871 duties are performed by the business entity, this paragraph may
872 be waived by the executive director of the agency through prior
873 written approval for the particular employee if the executive
874 director determines that the best interests of the agency will
875 be served thereby.

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

878 (a) Every relationship that may create a conflict between
879 his or her private interests and the performance of his or her
880 duties to the agency or that would impede the full and faithful
881 discharge of his or her duties to the agency.

882 (b) Any relative and any employment or contractual
883 relationship of such relative which, if held by the officer,
884 employee, or consultant, would violate any provision of s.
885 112.313.

886 (c) Any relative who is a lobbyist and such lobbyist's
887 principal.

888 (d) Any direct or indirect interest in real property and
889 such interest of any relative if such property is located within
890 1/2 mile of any actual or prospective agency project. The
891 executive director of the agency shall provide a corridor map
892 and a property ownership list reflecting the ownership of all
893 real property within the disclosure area, or an alignment map
894 with a list of associated owners, to all officers, employees,
895 and consultants.

896 (5) The disclosures required under subsection (4) must be
897 filed with the agency general counsel in the manner specified by
898 the general counsel. When the disclosure is filed by the general
899 counsel, a copy must be provided to the executive director of
900 the agency.

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

904 (7) Officers, employees, and consultants of the agency
905 shall be adequately informed and trained on the provisions of
906 this section and the state code of ethics and shall receive
907 ongoing ethics training.

908 (8) The state code of ethics shall apply to officers,
909 employees, and consultants of the agency, and this section shall
910 be enforced by the Commission on Ethics as part of the state
911 code of ethics.

912 348.0306 Purposes and powers.—

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

916 (b) The agency, in the construction of an expressway
917 system, shall construct expressways. Construction of an
918 expressway system may be completed in segments, phases, or
919 stages in a manner that will permit the expansion of these
920 segments, phases, or stages to the desired expressway
921 configuration. The agency, in the construction of an expressway
922 system, may construct any extensions of, additions to, or
923 improvements to the expressway system or appurtenant facilities,
924 including all necessary approaches, roads, bridges, and avenues
925 of access, with such changes, modifications, or revisions of the

926 project that are deemed desirable and proper. For new capacity
927 projects, the agency shall use the department's design standards
928 and, to the maximum extent practicable, design facilities such
929 as the department would for high-speed limited access
930 facilities. The agency may only add additional expressways to an
931 expressway system, under the terms and conditions set forth in
932 this act, with the prior express written consent of the board of
933 county commissioners of the county, and only if such additional
934 expressways lack adequate committed funding for implementation,
935 are financially feasible, and are compatible with the existing
936 plans, projects, and programs of the agency.

937 (2) The agency may exercise all powers necessary,
938 appurtenant, convenient, or incidental to the carrying out of
939 its purposes, including, but not limited to, the following
940 rights and powers:

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

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

944 (c) To acquire, purchase, hold, lease as lessee, and use
945 any franchise or property, real, personal, or mixed, tangible or
946 intangible, or any interest therein necessary or desirable for
947 carrying out the purposes of the agency and to sell, lease as
948 lessor, transfer, and dispose of any property or interest
949 therein at any time acquired by it.

950 (d) To enter into and make leases, either as lessee or as

951 lessor, in order to carry out the right to lease as set forth in
952 this act.

953 (e) To fix, alter, charge, establish, and collect tolls,
954 rates, fees, rentals, and other charges for the services and
955 facilities system, which tolls, rates, fees, rentals, and other
956 charges must always be sufficient to comply with any covenants
957 made with the holders of any bonds secured by the net revenues
958 of the expressway system, including any additions, extensions,
959 or improvements thereof. However, such right and power may be
960 assigned or delegated by the agency to the department.

961 1.a. Notwithstanding any other provision of law to the
962 contrary, the agency may not increase its toll rates until July
963 1, 2029, including any increase to the extent necessary to
964 adjust for inflation pursuant to the procedure for toll rate
965 adjustments provided in s. 338.165, except as may be necessary
966 to comply with covenants in the trust indentures or resolutions
967 adopted in connection with the agency's bonds secured by the net
968 revenues of the expressway system.

969 b. Before the agency may begin a project that would result
970 in an increase in toll revenues, the agency shall request that
971 the department conduct a review of the project in order to
972 determine the financial viability of the project. After
973 receiving a request for review, the department shall have 30
974 days to issue its findings to the agency.

975 2. A toll rate increase must be approved by a two-thirds

976 vote of the members of the governing body of the agency.

977 3. The amount of toll revenues used for administrative
978 costs by the agency may not be greater than 10 percent above the
979 annual state average of administrative costs determined as
980 provided in this subparagraph. The Florida Transportation
981 Commission shall determine the annual state average of
982 administrative costs based on the annual administrative costs of
983 all the expressway authorities in this state. For purposes of
984 this subparagraph, administrative costs include, but are not
985 limited to, employee salaries and benefits, small business
986 outreach, insurance, professional service contracts not directly
987 related to the operation and maintenance of the expressway
988 system, and other overhead costs.

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

994 (f) To borrow money, make and issue negotiable notes,
995 bonds, refund bonds, and other evidence of indebtedness of the
996 agency, which bonds or other evidence of indebtedness may be
997 issued pursuant to the State Bond Act or, in the alternative,
998 pursuant to s. 348.0309(2) to finance or refinance additions,
999 extensions, or improvements to the expressway system within the
1000 geographic boundaries of the agency, and to provide for the

1001 security of the bonds or other evidence of indebtedness and the
 1002 rights and remedies of the holders of the bonds or other
 1003 evidence of indebtedness. Any bonds or other evidence of
 1004 indebtedness pledging the full faith and credit of the state may
 1005 only be issued pursuant to the State Bond Act.

1006 1. The agency shall reimburse the county in which it
 1007 exists for any sums expended from any county gasoline tax funds
 1008 used for payment of such obligations. Any county gasoline tax
 1009 funds so disbursed shall be repaid in accordance with the terms
 1010 of any lease-purchase or interlocal agreement with any county or
 1011 the department together with interest, at the rate agreed to in
 1012 such agreement. In no event shall any county gasoline tax funds
 1013 be more than a secondary pledge of revenues for repayment of any
 1014 obligations issued pursuant to this part.

1015 2. The agency may refund any bonds previously issued, to
 1016 the extent allowable by federal tax laws, to finance or
 1017 refinance an expressway system located within the geographic
 1018 boundaries of the agency regardless of whether the bonds being
 1019 refunded were issued by such agency, an agency of the state, or
 1020 a county.

1021 (g) To enter contracts and to execute all instruments
 1022 necessary or convenient for the carrying on of its business.
 1023 Notwithstanding any other provision of law to the contrary, the
 1024 agency is subject to the procurement and contracting
 1025 requirements applicable to the department contained in chapters

1026 287 and 337.

1027 (h) Without limitation of the foregoing, to borrow money
 1028 and accept grants from, and to enter into contracts, leases, or
 1029 other transactions with, any federal agency, the state, any
 1030 agency of the state, any county, or any other public body of the
 1031 state.

1032 (i) To have the power of eminent domain, including the
 1033 procedural powers granted under chapters 73 and 74.

1034 (j) To pledge, hypothecate, or otherwise encumber all or
 1035 any part of the revenues, tolls, rates, fees, rentals, or other
 1036 charges or receipts of the agency, including all or any portion
 1037 of county gasoline tax funds received by the agency pursuant to
 1038 the terms of any lease-purchase agreement between the agency and
 1039 the department, as security for all or any of the obligations of
 1040 the agency.

1041 (k) To do all acts and things necessary or convenient for
 1042 the conduct of its business and the general welfare of the
 1043 agency in order to carry out the powers granted to it by law.

1044 (3) Notwithstanding any other provision of law to the
 1045 contrary, the consent of any municipality is not necessary for
 1046 any project of the agency, regardless of whether the project
 1047 lies in whole or in part within the boundaries of the
 1048 municipality, if the project is consistent with the locally
 1049 adopted comprehensive plan. However, if a project is
 1050 inconsistent with the affected municipal comprehensive plan, the

1051 project may not proceed without a hearing pursuant to ss.
1052 120.569 and 120.57 at which it is determined that the project is
1053 consistent with the adopted metropolitan planning organization
1054 transportation improvement plan, if any, and the applicable
1055 strategic regional plan, and at which regional interests are
1056 determined to clearly override the interests of the
1057 municipality.

1058 (4) The use or pledge of all or any portion of county
1059 gasoline tax funds may not be made without the prior express
1060 written consent of the board of county commissioners of each
1061 county located within the geographic boundaries of the agency.

1062 (5) The agency shall comply with all statutory
1063 requirements of general application which relate to the filing
1064 of any report or documentation required by law, including the
1065 requirements of ss. 189.015, 189.016, 189.051, and 189.08.

1066 (6) Notwithstanding subsection (3) or any other provision
1067 of law to the contrary, the agency may not undertake any
1068 construction that is not consistent with both the metropolitan
1069 planning organization's transportation improvement program and
1070 the county's comprehensive plan.

1071 (7) The agency may finance or refinance the planning,
1072 design, acquisition, construction, extension, rehabilitation,
1073 equipping, preservation, maintenance, or improvement of a public
1074 transportation facility or transportation facilities owned or
1075 operated by such county, an intermodal facility or facilities,

1076 multimodal corridor or corridors, including, but not limited to,
1077 bicycle facilities or greenways that will improve transportation
1078 services within the county, or any programs or projects that
1079 will improve the levels of service on an expressway system,
1080 subject to approval of the governing body of the county after
1081 public hearing.

1082 (8) The governing body of the county may enter into an
1083 interlocal agreement with the agency pursuant to s. 163.01 for
1084 the joint performance or performance by either governmental
1085 entity of any corporate function of the county or agency
1086 necessary or appropriate to enable the agency to fulfill the
1087 powers and purposes of this part and promote the efficient and
1088 effective transportation of persons and goods in such county.

1089 (9) The agency must have an annual financial audit
1090 conducted by an independent certified public accountant licensed
1091 pursuant to chapter 473, and the audit report must be made
1092 available on the agency's website.

1093 348.0307 Florida Sunshine Rebate Program.—There is created
1094 by the agency the Florida Sunshine Rebate Program.

1095 (1) Subject to compliance with any covenants made with the
1096 holders of the agency's bonds that are in the trust indentures
1097 or resolutions adopted in connection with the issuance of the
1098 agency's bonds, the agency shall provide an annual rebate to
1099 each SunPass holder who incurs \$150 or more in tolls on the
1100 expressway system in a calendar year and whose SunPass is

1101 registered to a motor vehicle registered to an address in the
 1102 county. Rebates shall be mailed annually to the SunPass holder.
 1103 The agency may not impose additional requirements for receipt of
 1104 the toll rebate.

1105 (2) In developing its rebate program, the agency shall
 1106 have a goal of rebating 25 percent of tolls paid by eligible
 1107 SunPass holders. Following the initiation of the program, the
 1108 agency, once every 5 years, shall review the amount of the toll
 1109 rebate and may adjust the amount of the toll rebate.

1110 348.0308 Public-private partnership.—The Legislature
 1111 declares that there is a public need for the rapid construction
 1112 of safe and efficient transportation facilities for traveling
 1113 within the state and that it is in the public's interest to
 1114 provide for public-private partnership agreements to effectuate
 1115 the construction of additional safe, convenient, and economical
 1116 transportation facilities.

1117 (1) The agency may receive or solicit proposals and enter
 1118 into agreements with private entities, or consortia thereof, for
 1119 the building, operation, ownership, or financing of agency
 1120 transportation facilities or new transportation facilities
 1121 within the jurisdiction of the agency which increase
 1122 transportation capacity. The agency may not sell or lease any
 1123 transportation facility owned by the agency without providing
 1124 the analysis required in s. 334.30(6)(e)2. to the Legislative
 1125 Budget Commission created pursuant to s. 11.90 for review and

1126 approval before awarding a contract on a lease of an existing
1127 toll facility. The agency may adopt rules to implement this
1128 section and shall, by rule, establish an application fee for the
1129 submission of unsolicited proposals under this section. The fee
1130 must be sufficient to pay the costs of evaluating the proposals.
1131 The agency may engage private consultants to assist in the
1132 evaluation. Before approval, the agency must determine that a
1133 proposed project:

1134 (a) Is in the public's best interest.

1135 (b) Would not require state funds to be used unless the
1136 project is on or provides increased mobility on the State
1137 Highway System.

1138 (c) Would have adequate safeguards to ensure that no
1139 additional costs or service disruptions would be realized by the
1140 traveling public and residents of the state in the event of
1141 default or the cancellation of the agreement by the agency.

1142 (d) Would have adequate safeguards in place to ensure that
1143 the department, the agency, or the private entity has the
1144 opportunity to add capacity to the proposed project and other
1145 transportation facilities serving similar origins and
1146 destinations.

1147 (e) Would be owned by the agency upon completion or
1148 termination of the agreement.

1149 (2) The agency shall ensure that all reasonable costs to
1150 the state which are related to transportation facilities that

1151 are not part of the State Highway System are borne by the
1152 private entity. The agency shall also ensure that all reasonable
1153 costs to the state and substantially affected local governments
1154 and utilities related to the private transportation facility are
1155 borne by the private entity for transportation facilities that
1156 are owned by private entities. For projects on the State Highway
1157 System, the department may use state resources to participate in
1158 funding and financing the project as provided for under the
1159 department's enabling legislation.

1160 (3) The agency may request proposals for public-private
1161 transportation projects or, if it receives an unsolicited
1162 proposal, it must publish a notice in the Florida Administrative
1163 Register and a newspaper of general circulation in the county in
1164 which it is located at least once a week for 2 weeks stating
1165 that it has received the proposal and will accept, for 60 days
1166 after the initial date of publication, other proposals for the
1167 same project purpose. A copy of the notice must be mailed to
1168 each local government in the affected areas. After the public
1169 notification period has expired, the agency shall rank the
1170 proposals in order of preference. In ranking the proposals, the
1171 agency shall consider professional qualifications, general
1172 business terms, innovative engineering or cost-reduction terms,
1173 finance plans, and the need for state funds to deliver the
1174 proposal. If the agency is not satisfied with the results of the
1175 negotiations, it may, at its sole discretion, terminate

1176 negotiations with the proposer. If these negotiations are
1177 unsuccessful, the agency may go to the second and lower-ranked
1178 firms, in order, using the same procedure. If only one proposal
1179 is received, the agency may negotiate in good faith, and if it
1180 is not satisfied with the results, it may, at its sole
1181 discretion, terminate negotiations with the proposer. The agency
1182 may, at its discretion, reject all proposals at any point in the
1183 process up to completion of a contract with the proposer.

1184 (4) Agreements entered into pursuant to this section may
1185 authorize the public-private entity to impose tolls or fares for
1186 the use of the facility. However, the amount and use of toll or
1187 fare revenues shall be regulated by the agency to avoid
1188 unreasonable costs to users of the facility.

1189 (5) Each public-private transportation facility
1190 constructed pursuant to this section shall comply with all
1191 requirements of federal, state, and local laws; state, regional,
1192 and local comprehensive plans; the agency's rules, policies,
1193 procedures, and standards for transportation facilities; and any
1194 other conditions that the agency determines to be in the
1195 public's best interest.

1196 (6) The agency may exercise any power possessed by it,
1197 including eminent domain, to facilitate the development and
1198 construction of transportation projects pursuant to this
1199 section. The agency may pay all or part of the cost of operating
1200 and maintaining the facility or may provide services to the

1201 private entity for which it receives full or partial
 1202 reimbursement for services rendered.

1203 (7) Except as herein provided, this section is not
 1204 intended to amend existing laws by granting additional powers to
 1205 or further restricting the governmental entities from regulating
 1206 and entering into cooperative arrangements with the private
 1207 sector for the planning, construction, and operation of
 1208 transportation facilities.

1209 348.0309 Bonds.—

1210 (1) Bonds may be issued on behalf of the agency as
 1211 provided by the State Bond Act.

1212 (2) (a) The agency may issue bonds pursuant to this part
 1213 which do not pledge the full faith and credit of the state in
 1214 such principal amount as, in the opinion of the agency, is
 1215 necessary to provide sufficient moneys for achieving its
 1216 corporate purposes.

1217 (b) The bonds of the agency issued pursuant to this part,
 1218 whether on original issuance or refunding, must be authorized by
 1219 resolution of the agency after approval of the issuance of the
 1220 bonds at a public hearing and may be either term or serial
 1221 bonds, shall bear such date or dates, mature at such time or
 1222 times, bear interest at such rate or rates, be payable
 1223 semiannually, be in such denominations, be in such form, either
 1224 coupon or fully registered, shall carry such registration,
 1225 exchangeability, and interchangeability privileges, be payable

1226 in such medium of payment and at such place or places, be
1227 subject to such terms of redemption, and be entitled to such
1228 priorities on the revenues, rates, fees, rentals, or other
1229 charges or receipts of the agency, including any county gasoline
1230 tax funds received by the agency pursuant to the terms of any
1231 interlocal or lease-purchase agreement between the agency or a
1232 county, as such resolution or any resolution subsequent thereto
1233 may provide. The bonds must be executed by such officers as the
1234 agency determines under s. 279.06.

1235 (c) Such bonds shall be sold by the agency at public sale
1236 by competitive bid. However, if the agency, after receipt of a
1237 written recommendation from a financial adviser, determines by
1238 official action after public hearing by a two-thirds vote of all
1239 voting members of the agency that a negotiated sale of the bonds
1240 is in the best interest of the agency, the agency may negotiate
1241 for sale of the bonds with the underwriter or underwriters
1242 designated by the agency and the county in which the agency
1243 exists. The agency shall provide specific findings in a
1244 resolution as to the reasons requiring the negotiated sale,
1245 which resolution shall incorporate and have attached thereto the
1246 written recommendation of the financial adviser required by this
1247 subsection.

1248 (d) Any such resolution or resolutions authorizing any
1249 bonds hereunder which do not pledge the full faith and credit of
1250 the state may contain provisions that are part of the contract

1251 with the holders of the bonds, as the agency determines proper.
1252 In addition, the agency may enter into trust indentures or other
1253 agreements with its fiscal agent, or with any bank or trust
1254 company within or without the state, as security for such bonds,
1255 and may, under the agreements, assign and pledge the revenues,
1256 rates, fees, rentals, tolls, or other charges or receipts of the
1257 agency, including any county gasoline tax funds received by the
1258 agency.

1259 (e) Any of the bonds issued pursuant to this part are
1260 negotiable instruments and have all the qualities and incidents
1261 of negotiable instruments under the law merchant and the
1262 negotiable instruments law of the state.

1263 (f) Each project, building, or facility that has been or
1264 will be financed by the issuance of bonds or other evidence of
1265 indebtedness and that does not pledge the full faith and credit
1266 of the state under this part and any refinancing thereof are
1267 subject to review and approval by the Legislative Budget
1268 Commission.

1269 348.0310 Department may be appointed agent of agency for
1270 construction.—The department may be appointed by the agency as
1271 its agent for the purpose of constructing improvements and
1272 extensions to an expressway system and for the completion
1273 thereof. In such event, the agency shall provide the department
1274 with complete copies of all documents, agreements, resolutions,
1275 contracts, and instruments relating thereto; shall request the

1276 department to do such construction work, including the planning,
1277 surveying, and actual construction of the completion of and
1278 extensions and improvements to the expressway system; and shall
1279 transfer to the credit of an account of the department in the
1280 State Treasury the necessary funds therefor. The department
1281 shall thereupon proceed with such construction and use the funds
1282 for such purpose in the same manner as it is now authorized to
1283 use the funds otherwise provided by law for its use in the
1284 construction of roads and bridges.

1285 348.0311 Acquisition of lands and property.—

1286 (1) For the purposes of this act, the agency may acquire
1287 such rights, title, or interest in private or public property
1288 and such property rights, including easements, rights of access,
1289 air, view, and light, by gift, devise, purchase, or condemnation
1290 by eminent domain proceedings, as the agency may deem necessary
1291 for any of the purposes of this act, including, but not limited
1292 to, any lands reasonably necessary for securing applicable
1293 permits, areas necessary for management of access, borrow pits,
1294 drainage ditches, water retention areas, rest areas, replacement
1295 access for landowners whose access is impaired due to the
1296 construction of an expressway system, and replacement rights-of-
1297 way for relocated rail and utility facilities; for existing,
1298 proposed, or anticipated transportation facilities on the
1299 expressway system or in a transportation corridor designated by
1300 the agency; or for the purposes of screening, relocation,

1301 removal, or disposal of junkyards and scrap metal processing
1302 facilities. The agency may also condemn any material and
1303 property necessary for such purposes.

1304 (2) The agency and its authorized agents, contractors, and
1305 employees are authorized to enter upon any lands, waters, and
1306 premises, upon giving reasonable notice to the landowner, for
1307 the purpose of making surveys, soundings, drillings, appraisals,
1308 environmental assessments including phase I and phase II
1309 environmental surveys, archaeological assessments, and such
1310 other examinations as are necessary for the acquisition of
1311 private or public property and property rights, including rights
1312 of access, air, view, and light, by gift, devise, purchase, or
1313 condemnation by eminent domain proceedings or as are necessary
1314 for the agency to perform its duties and functions, and any such
1315 entry shall not be deemed a trespass or an entry that would
1316 constitute a taking in an eminent domain proceeding. The agency
1317 shall make reimbursement for any actual damage to such lands,
1318 water, and premises as a result of such activities. Any entry
1319 authorized by this subsection shall be in compliance with the
1320 premises protections and landowner liability provisions
1321 contained in s. 472.029.

1322 (3) The right of eminent domain conferred by this act must
1323 be exercised by the agency in the manner provided by law.

1324 (4) When the agency acquires property for an expressway
1325 system or in a transportation corridor as defined in s. 334.03,

1326 it is not subject to any liability imposed by chapter 376 or
1327 chapter 403 for preexisting soil or groundwater contamination
1328 due solely to its ownership. This subsection does not affect the
1329 rights or liabilities of any past or future owners of the
1330 acquired property, nor does it affect the liability of any
1331 governmental entity for the results of its actions which create
1332 or exacerbate a pollution source. The agency and the Department
1333 of Environmental Protection may enter into interagency
1334 agreements for the performance, funding, and reimbursement of
1335 the investigative and remedial acts necessary for property
1336 acquired by the agency.

1337 348.0312 Cooperation with other units, boards, agencies,
1338 and individuals.—Express authority and power is given and
1339 granted to any county, municipality, drainage district, road and
1340 bridge district, school district, or other political
1341 subdivision, board, commission, or individual in or of this
1342 state to enter into contracts, leases, conveyances, or other
1343 agreements within the provisions and purposes of this act with
1344 the agency. The agency may enter into contracts, leases,
1345 conveyances, and other agreements, to the extent consistent with
1346 chapters 334, 335, 338, and 339 and other provisions of the laws
1347 of the state and with 23 U.S.C. ss. 101 et seq., with any
1348 political subdivision, agency, or instrumentality of the state
1349 and any and all federal agencies, corporations, and individuals
1350 for the purpose of carrying out the provisions of this act.

1351 348.0313 Covenant of the state.—The state does hereby
1352 pledge to, and agrees with, any person, firm, corporation, or
1353 federal or state agency subscribing to or acquiring the bonds to
1354 be issued by the agency for the purposes of this act that the
1355 state will not limit or alter the rights hereby vested in the
1356 agency and the department until all bonds at any time issued,
1357 together with the interest thereon, are fully paid and
1358 discharged, insofar as the same affects the rights of the
1359 holders of bonds issued hereunder. The state does further pledge
1360 to, and agrees with, the United States that, in the event any
1361 federal agency constructs, or contributes any funds for the
1362 completion, extension, or improvement of, an expressway system
1363 or any part or portion thereof, the state will not alter or
1364 limit the rights and powers of the agency and the department in
1365 any manner which would be inconsistent with the continued
1366 maintenance and operation of the expressway system or the
1367 completion, extension, or improvement thereof or which would be
1368 inconsistent with the due performance of any agreement between
1369 the agency and any such federal agency, and the agency and the
1370 department shall continue to have and may exercise all powers
1371 granted so long as the same shall be necessary or desirable for
1372 carrying out the purposes of this act and the purposes of the
1373 United States in the completion, extension, or improvement of
1374 the expressway system or any part or portion thereof.

1375 348.0314 Exemption from taxation.—The effectuation of the

1376 authorized purposes of the agency is in all respects for the
1377 benefit of the people of the state, for the increase of their
1378 commerce and prosperity, and for the improvement of their health
1379 and living conditions. For this reason, the agency is not
1380 required to pay any taxes or assessments of any kind or nature
1381 whatsoever upon any property acquired by it or used by it for
1382 such purposes or upon any revenues at any time received by it.
1383 The bonds issued by or on behalf of the agency, their transfer,
1384 and the income therefrom, including any profits made on the sale
1385 thereof, are exempt from taxation of any kind by the state or by
1386 any political subdivision or other taxing agency or
1387 instrumentality thereof. The exemption granted by this section
1388 does not apply to any tax imposed under chapter 220 on interest,
1389 income, or profits on debt obligations owned by corporations.

1390 348.0315 Public accountability.-

1391 (1) The agency shall post the following information on its
1392 website:

1393 (a) Audited financial statements and any interim financial
1394 reports.

1395 (b) Board and committee meeting agendas, meeting packets,
1396 and minutes.

1397 (c) Bond covenants for any outstanding bond issues.

1398 (d) Agency budgets.

1399 (e) Agency contracts. For purposes of this paragraph, the
1400 term "contract" means a written agreement or purchase order

1401 issued for the purchase of goods or services or a written
1402 agreement for the receipt of state or federal financial
1403 assistance.

1404 (f) Agency expenditure data, which must include the name
1405 of the payee, the date of the expenditure, and the amount of the
1406 expenditure. Such data must be searchable by name of the payee,
1407 name of the paying agency, and fiscal year and must be
1408 downloadable in a format that allows offline analysis.

1409 (g) Information relating to current, recently completed,
1410 and future projects on agency facilities.

1411 (2) Beginning October 1, 2020, and annually thereafter,
1412 the agency shall submit to the metropolitan planning
1413 organization for the county a report providing information
1414 regarding the amount of tolls collected and how those tolls were
1415 used in the agency's previous fiscal year. The report shall be
1416 posted on the agency's website.

1417 348.0316 Eligibility for investments and security.—Any
1418 bonds or other obligations issued pursuant to this part shall be
1419 and constitute legal investments for banks, savings banks,
1420 trustees, executors, administrators, and all other fiduciaries
1421 and for all state, municipal, and other public funds and shall
1422 also be and constitute securities eligible for deposit as
1423 security for all state, municipal, or other public funds,
1424 notwithstanding the provisions of any other law or laws to the
1425 contrary.

1426 348.0317 Pledges enforceable by bondholders.—It is the
 1427 express intention of this part that any pledge by the department
 1428 of rates, fees, revenues, county gasoline tax funds, or other
 1429 funds, as rentals, to the agency, or any covenants or agreements
 1430 relative thereto, may be enforceable in any court of competent
 1431 jurisdiction against the agency or directly against the
 1432 department by any holder of bonds issued by the agency.

1433 348.0318 This part complete and additional authority.—

1434 (1) The powers conferred by this part are in addition and
 1435 supplemental to the existing powers of the department and the
 1436 governing body of the agency, and this part may not be construed
 1437 as repealing any of the provisions of any other law, general,
 1438 special, or local, but to supersede such other laws in the
 1439 exercise of the powers provided in this part and to provide a
 1440 complete method for the exercise of the powers granted in this
 1441 part. The extension and improvement of the expressway system,
 1442 and the issuance of bonds pursuant to this part to finance all
 1443 or part of the cost of the system, may be accomplished upon
 1444 compliance with the provisions of this part without regard to or
 1445 necessity for compliance with the provisions, limitations, or
 1446 restrictions contained in any other general, special, or local
 1447 law, including, but not limited to, s. 215.821, and no approval
 1448 of any bonds issued under this part by the qualified electors or
 1449 qualified electors who are freeholders in the state or in Miami-
 1450 Dade County, or in any other political subdivision of the state,

1451 is required for the issuance of such bonds pursuant to this
1452 part, including, but not limited to, s. 215.821.

1453 (2) This part does not repeal, rescind, or modify any
1454 other law relating to the State Board of Administration, the
1455 Department of Transportation, or the Division of Bond Finance of
1456 the State Board of Administration, but supersedes any law that
1457 is inconsistent with the provisions of this part, including, but
1458 not limited to, s. 215.821.

1459 Section 14. (1) Effective upon this act becoming a law,
1460 the governance and control of the Miami-Dade County Expressway
1461 Authority is transferred to the Greater Miami Expressway Agency
1462 pursuant to the terms of this section. The assets, facilities,
1463 tangible and intangible property and any rights in such
1464 property, and any other legal rights of the authority, including
1465 the expressway system operated by the authority, are transferred
1466 to the agency. The agency succeeds to all powers of the
1467 authority, and the operations and maintenance of the expressway
1468 system shall be under the control of the agency. Revenues
1469 collected on the expressway system shall be considered agency
1470 revenues but shall be subject to the lien of the trust
1471 indentures securing the Miami-Dade County Expressway Authority
1472 bonds. The agency also assumes all liability for bonds of the
1473 authority pursuant to subsection (2) and the satisfaction of any
1474 judgment against the authority that may ultimately become due as
1475 a result of litigation commenced before the effective date of

1476 this act. The agency shall, in consultation with the Division of
1477 Bond Finance, review all other contracts, financial obligations,
1478 and contractual relationships and liabilities of the authority,
1479 and the agency may assume responsibility for the obligations
1480 that are determined to be necessary or desirable for the
1481 continued operation of the expressway system. Employees,
1482 officers, and members of the authority may not sell, dispose,
1483 encumber, transfer, or expend the assets of the authority as
1484 existed and reflected in the authority's financial statements
1485 for the fiscal year ended June 30, 2018, other than in the
1486 ordinary course of business. For purposes of this section,
1487 incurring debt or issuing bonds for projects contained in the 5-
1488 year work program approved and adopted by the authority on
1489 December 5, 2017, is not considered the ordinary course of
1490 business. Notwithstanding the foregoing, nothing contained
1491 herein shall prevent the authority from designing and planning
1492 projects contained in the 5-year work program approved and
1493 adopted by the authority on December 5, 2017. The S.R.
1494 836/Dolphin Expressway Southwest Extension, commonly referred to
1495 as the Kendall Parkway, shall be prioritized for planning,
1496 design, and construction.

1497 (2) The transfer pursuant to this section is subject to
1498 all terms and covenants provided for the protection of the
1499 holders of the Miami-Dade County Expressway Authority bonds in
1500 the trust indentures or resolutions adopted in connection with

1501 the issuance of such bonds. Further, the transfer does not
1502 impair the terms of the contract between the authority and the
1503 bondholders, does not act to the detriment of the bondholders,
1504 and does not diminish the security for the bonds. After the
1505 transfer, the agency shall operate and maintain the expressway
1506 system and any other facilities of the authority in accordance
1507 with the terms, conditions, and covenants contained in the trust
1508 indentures or bond resolutions securing such bonds. The agency
1509 shall collect toll revenues and apply them to the payment of
1510 debt service as provided in the trust indentures or bond
1511 resolutions securing such bonds and expressly assumes all
1512 obligations relating to the bonds to ensure that the transfer of
1513 the authority will have no adverse impact on the security for
1514 the bonds of the authority.

1515 Section 15. Before October 1, 2019, the Auditor General
1516 shall submit a report to the Governor, the President of the
1517 Senate, and the Speaker of the House of Representatives
1518 assessing the financial situation of the Greater Miami
1519 Expressway Agency, including its assets, liabilities, revenues,
1520 operating expenses, and bonding capacity, and the financial
1521 feasibility of a toll rate reduction. In determining the
1522 financial feasibility of a toll rate reduction, the Auditor
1523 General may consult with the agency's bond counsel, and such
1524 counsel shall have the opportunity to respond to such report.

1525 Section 16. The Miami-Dade County Expressway Authority is

1526 hereby dissolved.

1527 Section 17. Section 348.635, Florida Statutes, is created
 1528 to read:

1529 348.635 Public-private partnership.—The Legislature
 1530 declares that there is a public need for the rapid construction
 1531 of safe and efficient transportation facilities for traveling
 1532 within the state and that it is in the public's interest to
 1533 provide for public-private partnership agreements to effectuate
 1534 the construction of additional safe, convenient, and economical
 1535 transportation facilities.

1536 (1) Notwithstanding any other provision of this part, the
 1537 authority may receive or solicit proposals and enter into
 1538 agreements with private entities, or consortia thereof, for the
 1539 building, operation, ownership, or financing of authority
 1540 transportation facilities or new transportation facilities
 1541 within the jurisdiction of the authority which increase
 1542 transportation capacity. The authority may not sell or lease any
 1543 transportation facility owned by the authority without providing
 1544 the analysis required in s. 334.30(6)(e)2. to the Legislative
 1545 Budget Commission created pursuant to s. 11.90 for review and
 1546 approval before awarding a contract on a lease of an existing
 1547 toll facility. The authority may adopt rules to implement this
 1548 section and shall, by rule, establish an application fee for the
 1549 submission of unsolicited proposals under this section. The fee
 1550 must be sufficient to pay the costs of evaluating the proposals.

1551 The authority may engage private consultants to assist in the
1552 evaluation. Before approval, the authority must determine that a
1553 proposed project:

1554 (a) Is in the public's best interest.

1555 (b) Would not require state funds to be used unless the
1556 project is on or provides increased mobility on the State
1557 Highway System.

1558 (c) Would have adequate safeguards to ensure that no
1559 additional costs or service disruptions would be realized by the
1560 traveling public and residents of the state in the event of
1561 default or the cancellation of the agreement by the authority.

1562 (d) Would have adequate safeguards in place to ensure that
1563 the department, the authority, or the private entity has the
1564 opportunity to add capacity to the proposed project and other
1565 transportation facilities serving similar origins and
1566 destinations.

1567 (e) Would be owned by the authority upon completion or
1568 termination of the agreement.

1569 (2) The authority shall ensure that all reasonable costs
1570 to the state which are related to transportation facilities that
1571 are not part of the State Highway System are borne by the
1572 private entity. The authority shall also ensure that all
1573 reasonable costs to the state and substantially affected local
1574 governments and utilities related to the private transportation
1575 facility are borne by the private entity for transportation

1576 facilities that are owned by private entities. For projects on
1577 the State Highway System, the department may use state resources
1578 to participate in funding and financing the project as provided
1579 for under the department's enabling legislation.

1580 (3) The authority may request proposals for public-private
1581 transportation projects or, if it receives an unsolicited
1582 proposal, it must publish a notice in the Florida Administrative
1583 Register and a newspaper of general circulation in the county in
1584 which it is located at least once a week for 2 weeks stating
1585 that it has received the proposal and will accept, for 60 days
1586 after the initial date of publication, other proposals for the
1587 same project purpose. A copy of the notice must be mailed to
1588 each local government in the affected areas. After the public
1589 notification period has expired, the authority shall rank the
1590 proposals in order of preference. In ranking the proposals, the
1591 authority shall consider professional qualifications, general
1592 business terms, innovative engineering or cost-reduction terms,
1593 finance plans, and the need for state funds to deliver the
1594 proposal. If the authority is not satisfied with the results of
1595 the negotiations, it may, at its sole discretion, terminate
1596 negotiations with the proposer. If these negotiations are
1597 unsuccessful, the authority may go to the second and lower-
1598 ranked firms, in order, using the same procedure. If only one
1599 proposal is received, the authority may negotiate in good faith,
1600 and if it is not satisfied with the results, it may, at its sole

1601 discretion, terminate negotiations with the proposer. The
1602 authority may, at its discretion, reject all proposals at any
1603 point in the process up to completion of a contract with the
1604 proposer.

1605 (4) Agreements entered into pursuant to this section may
1606 authorize the public-private entity to impose tolls or fares for
1607 the use of the facility. However, the amount and use of toll or
1608 fare revenues shall be regulated by the authority to avoid
1609 unreasonable costs to users of the facility.

1610 (5) Each public-private transportation facility
1611 constructed pursuant to this section shall comply with all
1612 requirements of federal, state, and local laws; state, regional,
1613 and local comprehensive plans; the authority's rules, policies,
1614 procedures, and standards for transportation facilities; and any
1615 other conditions that the authority determines to be in the
1616 public's best interest.

1617 (6) The authority may exercise any power possessed by it,
1618 including eminent domain, to facilitate the development and
1619 construction of transportation projects pursuant to this
1620 section. The authority may pay all or part of the cost of
1621 operating and maintaining the facility or may provide services
1622 to the private entity for which it receives full or partial
1623 reimbursement for services rendered.

1624 (7) Except as herein provided, this section is not
1625 intended to amend existing laws by granting additional powers to

1626 or further restricting the governmental entities from regulating
1627 and entering into cooperative arrangements with the private
1628 sector for the planning, construction, and operation of
1629 transportation facilities.

1630 Section 18. Section 348.7605, Florida Statutes, is created
1631 to read:

1632 348.7605 Public-private partnership.—The Legislature
1633 declares that there is a public need for the rapid construction
1634 of safe and efficient transportation facilities for traveling
1635 within the state and that it is in the public's interest to
1636 provide for public-private partnership agreements to effectuate
1637 the construction of additional safe, convenient, and economical
1638 transportation facilities.

1639 (1) Notwithstanding any other provision of this part, the
1640 authority may receive or solicit proposals and enter into
1641 agreements with private entities, or consortia thereof, for the
1642 building, operation, ownership, or financing of authority
1643 transportation facilities or new transportation facilities
1644 within the jurisdiction of the authority which increase
1645 transportation capacity. The authority may not sell or lease any
1646 transportation facility owned by the authority without providing
1647 the analysis required in s. 334.30(6)(e)2. to the Legislative
1648 Budget Commission created pursuant to s. 11.90 for review and
1649 approval before awarding a contract on a lease of an existing
1650 toll facility. The authority may adopt rules to implement this

1651 section and shall, by rule, establish an application fee for the
1652 submission of unsolicited proposals under this section. The fee
1653 must be sufficient to pay the costs of evaluating the proposals.
1654 The authority may engage private consultants to assist in the
1655 evaluation. Before approval, the authority must determine that a
1656 proposed project:

1657 (a) Is in the public's best interest.

1658 (b) Would not require state funds to be used unless the
1659 project is on or provides increased mobility on the State
1660 Highway System.

1661 (c) Would have adequate safeguards to ensure that no
1662 additional costs or service disruptions would be realized by the
1663 traveling public and residents of the state in the event of
1664 default or the cancellation of the agreement by the authority.

1665 (d) Would have adequate safeguards in place to ensure that
1666 the department, the authority, or the private entity has the
1667 opportunity to add capacity to the proposed project and other
1668 transportation facilities serving similar origins and
1669 destinations.

1670 (e) Would be owned by the authority upon completion or
1671 termination of the agreement.

1672 (2) The authority shall ensure that all reasonable costs
1673 to the state which are related to transportation facilities that
1674 are not part of the State Highway System are borne by the
1675 private entity. The authority shall also ensure that all

1676 reasonable costs to the state and substantially affected local
1677 governments and utilities related to the private transportation
1678 facility are borne by the private entity for transportation
1679 facilities that are owned by private entities. For projects on
1680 the State Highway System, the department may use state resources
1681 to participate in funding and financing the project as provided
1682 for under the department's enabling legislation.

1683 (3) The authority may request proposals for public-private
1684 transportation projects or, if it receives an unsolicited
1685 proposal, it must publish a notice in the Florida Administrative
1686 Register and a newspaper of general circulation in the county in
1687 which it is located at least once a week for 2 weeks stating
1688 that it has received the proposal and will accept, for 60 days
1689 after the initial date of publication, other proposals for the
1690 same project purpose. A copy of the notice must be mailed to
1691 each local government in the affected areas. After the public
1692 notification period has expired, the authority shall rank the
1693 proposals in order of preference. In ranking the proposals, the
1694 authority shall consider professional qualifications, general
1695 business terms, innovative engineering or cost-reduction terms,
1696 finance plans, and the need for state funds to deliver the
1697 proposal. If the authority is not satisfied with the results of
1698 the negotiations, it may, at its sole discretion, terminate
1699 negotiations with the proposer. If these negotiations are
1700 unsuccessful, the authority may go to the second and lower-

1701 ranked firms, in order, using the same procedure. If only one
1702 proposal is received, the authority may negotiate in good faith,
1703 and if it is not satisfied with the results, it may, at its sole
1704 discretion, terminate negotiations with the proposer. The
1705 authority may, at its discretion, reject all proposals at any
1706 point in the process up to completion of a contract with the
1707 proposer.

1708 (4) Agreements entered into pursuant to this section may
1709 authorize the public-private entity to impose tolls or fares for
1710 the use of the facility. However, the amount and use of toll or
1711 fare revenues shall be regulated by the authority to avoid
1712 unreasonable costs to users of the facility.

1713 (5) Each public-private transportation facility
1714 constructed pursuant to this section shall comply with all
1715 requirements of federal, state, and local laws; state, regional,
1716 and local comprehensive plans; the authority's rules, policies,
1717 procedures, and standards for transportation facilities; and any
1718 other conditions that the authority determines to be in the
1719 public's best interest.

1720 (6) The authority may exercise any power possessed by it,
1721 including eminent domain, to facilitate the development and
1722 construction of transportation projects pursuant to this
1723 section. The authority may pay all or part of the cost of
1724 operating and maintaining the facility or may provide services
1725 to the private entity for which it receives full or partial

1726 reimbursement for services rendered.

1727 (7) Except as herein provided, this section is not
1728 intended to amend existing laws by granting additional powers to
1729 or further restricting the governmental entities from regulating
1730 and entering into cooperative arrangements with the private
1731 sector for the planning, construction, and operation of
1732 transportation facilities.

1733 Section 19. Pursuant to section 20 of chapter 2014-171,
1734 Laws of Florida, part V of chapter 348, Florida Statutes,
1735 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
1736 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
1737 348.9961, is repealed.

1738 Section 20. Except as otherwise expressly provided in this
1739 act and except for this section, which shall take effect upon
1740 this act becoming a law, this act shall take effect July 1,
1741 2019.