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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2019	.	
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The Committee on Infrastructure and Security (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

(2)



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



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

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

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

61 112.3144 Full and public disclosure of financial
62 interests.—

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



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69 112.3142 must certify on his or her full and public disclosure
70 of financial interests that he or she has completed the required
71 training.

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

77 Section 3. Paragraph (d) of subsection (1) of section
78 212.055, Florida Statutes, is amended to read:

79 212.055 Discretionary sales surtaxes; legislative intent;
80 authorization and use of proceeds.—It is the legislative intent
81 that any authorization for imposition of a discretionary sales
82 surtax shall be published in the Florida Statutes as a
83 subsection of this section, irrespective of the duration of the
84 levy. Each enactment shall specify the types of counties
85 authorized to levy; the rate or rates which may be imposed; the
86 maximum length of time the surtax may be imposed, if any; the
87 procedure which must be followed to secure voter approval, if
88 required; the purpose for which the proceeds may be expended;
89 and such other requirements as the Legislature may provide.
90 Taxable transactions and administrative procedures shall be as
91 provided in s. 212.054.

92 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM
93 SURTAX.—

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



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

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

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



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

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

154 (I) The planning, design, engineering, or construction of
155 fixed guideway rapid transit systems and bus systems, including



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156 bus rapid transit systems, and for the development of dedicated
157 facilities for autonomous vehicles as defined in s. 316.003.

158 (II) The acquisition of rights-of-way for fixed guideway
159 rapid transit systems and bus systems, including bus rapid
160 transit systems, and for the development of dedicated facilities
161 for autonomous vehicles as defined in s. 316.003.

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

164 (IV) The payment of principal and interest on bonds
165 previously issued related to fixed guideway rapid transit
166 systems or bus systems.

167 (V) As security by the governing body of the county to
168 refinance existing bonds or to issue new bonds for the planning,
169 design, engineering, or construction of fixed guideway rapid
170 transit systems, bus rapid transit systems, or bus systems.

171 b. Effective October 1, 2022, to the extent not prohibited
172 by contracts or bond covenants in effect on that date, not more
173 than 25 percent of the surtax proceeds may be distributed to
174 municipalities in total in a county as defined in s. 125.011(1).

175 Such municipalities may use the surtax proceeds to plan,
176 develop, construct, operate, and maintain roads and bridges in
177 the municipality and to pay the principal and interest on bonds
178 issued to construct roads or bridges. The governing body of the
179 municipality may pledge the proceeds for bonds issued to
180 refinance existing bonds or new bonds issued to construct such
181 roads or bridges. Additionally, each such municipality may use
182 surtax proceeds for transit systems within the municipality.

183 c. Effective October 1, 2022, in a county as defined in s.
184 125.011(1), proceeds from the surtax may not be used for



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185 salaries or other personnel expenses of the county
186 transportation department.

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

189 215.68 Issuance of bonds; form; maturity date, execution,
190 sale.—

191 (2) Such bonds may:

192 (a) Be issued in either coupon form or registered form or
193 both;

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

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

199 (d) Have such provisions for registration of coupon bonds
200 and conversion and reconversion of bonds from coupon to
201 registered form or from registered form to coupon form;

202 (e) Have such provisions for payment at maturity and
203 redemption before ~~prior to~~ maturity at such time or times and at
204 such price or prices; and

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

207

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

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



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214 319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.—

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

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

218 (b) "Rebuilt inspection services" means an examination of a
219 rebuilt vehicle and a properly endorsed certificate of title,
220 salvage certificate of title, or manufacturer's statement of
221 origin and an application for a rebuilt certificate of title, a
222 builder's affidavit, a photograph of the junk or salvage
223 vehicle taken before repairs began, receipts or invoices for all
224 major component parts, as defined in s. 319.30, and repairs
225 which were changed, and proof that notice of rebuilding of the
226 vehicle has been reported to the National Motor Vehicle Title
227 Information System.

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

234 (3) The department shall establish a memorandum of
235 understanding that allows private parties participating in the
236 ~~pilot~~ program to conduct rebuilt motor vehicle inspections and
237 specifies requirements for oversight, bonding and insurance,
238 procedures, and forms and requires the electronic transmission
239 of documents.

240 (4) Before an applicant is approved, the department shall
241 ensure that the applicant meets basic criteria designed to
242 protect the public. At a minimum, the applicant shall meet all



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243 of the following requirements:

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

246 (b) Secure and maintain a facility at a permanent structure
247 at an address recognized by the United States Postal Service
248 where the only services provided on such property are rebuilt
249 inspection services. The operator of a facility shall annually
250 attest that he or she is not employed by or does not have an
251 ownership interest in or other financial arrangement with the
252 owner, operator, manager, or employee of a motor vehicle repair
253 shop as defined in s. 559.903, a motor vehicle dealer as defined
254 in s. 320.27(1)(c), a towing company, a vehicle storage company,
255 a vehicle auction, an insurance company, a salvage yard, a metal
256 retailer, or a metal rebuilder, from which he or she receives
257 remuneration, directly or indirectly, for the referral of
258 customers for rebuilt inspection services.

259 (c) Have and maintain garage liability and other insurance
260 required by the department.

261 (d) Have completed criminal background checks of the
262 owners, partners, and corporate officers and the inspectors
263 employed by the facility.

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

266 (5) A participant in the program shall access vehicle and
267 title information and enter inspection results through an
268 electronic filing system authorized by the department and shall
269 maintain records of each rebuilt vehicle inspection processed at
270 such facility for at least 5 years.

271 (6) The department shall immediately terminate any operator



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272 from the program who fails to meet the minimum eligibility
273 requirements specified in subsection (4). Before a change in
274 ownership of a rebuilt inspection facility, the current operator
275 must give the department 45 days' written notice of the intended
276 sale. The prospective owner must meet the eligibility
277 requirements of this section and execute a new memorandum of
278 understanding with the department before operating the facility.

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

281 Section 6. Section 334.175, Florida Statutes, is amended to
282 read:

283 334.175 Certification of project design plans and surveys.—

284 (1) All design plans and surveys prepared by or for the
285 department shall be signed, sealed, and certified by the
286 professional engineer or surveyor or architect or landscape
287 architect in responsible charge of the project work. Such
288 professional engineer, surveyor, architect, or landscape
289 architect must be duly registered in this state.

290 (2) For all transportation projects on, under, over, or
291 abutting a department-owned right-of-way and regardless of
292 funding source, the department shall approve the design plans
293 for such projects if such design plans meet department design
294 standards.

295 Section 7. Section 337.025, Florida Statutes, is amended to
296 read:

297 337.025 Innovative transportation ~~highway~~ projects;
298 department to establish program.—

299 (1) The department may ~~is authorized to~~ establish a program
300 for transportation ~~highway~~ projects demonstrating innovative



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301 techniques of highway and bridge design, construction,
302 maintenance, and finance which have the intended effect of
303 measuring resiliency and structural integrity and controlling
304 time and cost increases on construction projects. Such
305 techniques may include, but are not limited to, state-of-the-art
306 technology for pavement, safety, and other aspects of highway
307 and bridge design, construction, and maintenance; innovative
308 bidding and financing techniques; accelerated construction
309 procedures; and those techniques that have the potential to
310 reduce project life cycle costs. To the maximum extent
311 practical, the department must use the existing process to award
312 and administer construction and maintenance contracts. When
313 specific innovative techniques are to be used, the department is
314 not required to adhere to those provisions of law that would
315 prevent, preclude, or in any way prohibit the department from
316 using the innovative technique. However, before ~~prior to~~ using
317 an innovative technique that is inconsistent with another
318 provision of law, the department must document in writing the
319 need for the exception and identify what benefits the traveling
320 public and the affected community are anticipated to receive.
321 The department may enter into no more than \$120 million in
322 contracts annually for the purposes authorized by this section.

323 (2) The annual cap on contracts provided in subsection (1)
324 shall not apply to:

325 (a) Turnpike enterprise projects, and turnpike enterprise
326 projects shall not be counted toward the department's annual
327 cap.

328 (b) Transportation projects funded by the American Recovery
329 and Reinvestment Act of 2009.



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

332 338.165 Continuation of tolls.—

333 (2) If the revenue-producing project is on the State
334 Highway System, any remaining toll revenue shall be used for the
335 construction, maintenance, or improvement of any road on the
336 State Highway System within the county or counties in which the
337 revenue-producing project is located, ~~except as provided in s.~~
338 ~~348.0004.~~

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

344 Section 9. Present subsections (5), (6), and (7) of section
345 338.166, Florida Statutes, are redesignated as subsections (6),
346 (7), and (8), respectively, and a new subsection (5) is added to
347 that section, to read:

348 338.166 High-occupancy toll lanes or express lanes.—

349 (5) A toll on a high-occupancy toll lane or express lane
350 located in a county as defined in s. 125.011(1) may not exceed
351 \$5 per trip.

352 Section 10. Paragraph (a) of subsection (3) of section
353 338.231, Florida Statutes, is amended to read:

354 338.231 Turnpike tolls, fixing; pledge of tolls and other
355 revenues.—The department shall at all times fix, adjust, charge,
356 and collect such tolls and amounts for the use of the turnpike
357 system as are required in order to provide a fund sufficient
358 with other revenues of the turnpike system to pay the cost of



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359 maintaining, improving, repairing, and operating such turnpike
360 system; to pay the principal of and interest on all bonds issued
361 to finance or refinance any portion of the turnpike system as
362 the same become due and payable; and to create reserves for all
363 such purposes.

364 (3) (a) ~~For the period July 1, 1998, through June 30, 2027,~~
365 The department shall, ~~to the maximum extent feasible,~~ program
366 sufficient funds in the tentative work program such that all of
367 ~~the percentage of turnpike toll and bond financed commitments in~~
368 ~~Miami-Dade County, Broward County, and Palm Beach County as~~
369 ~~compared to total turnpike toll and bond financed commitments~~
370 ~~shall be at least 90 percent of the share of net toll~~
371 ~~collections attributable to users of the turnpike facilities~~
372 ~~system~~ in Miami-Dade County, Broward County, and Palm Beach
373 County are committed to projects and bond finance commitments in
374 each respective county as compared to total net toll collections
375 ~~attributable to users of the turnpike system.~~ This paragraph
376 ~~subsection~~ does not apply when the application of such
377 requirements would violate any covenant established in a
378 resolution or trust indenture relating to the issuance of
379 turnpike bonds. The department may at any time for economic
380 considerations establish lower temporary toll rates for a new or
381 existing toll facility for a period not to exceed 1 year, after
382 which the toll rates adopted pursuant to s. 120.54 shall become
383 effective.

384 Section 11. Effective upon this act becoming a law, section
385 338.271, Florida Statutes, is created to read:

386 338.271 Facilities of the former Miami-Dade County
387 Expressway Authority.-



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388 (1) The department shall assume the assets and liabilities
389 of the Miami-Dade County Expressway Authority.

390 (2) (a) The department shall continue the system of tolls of
391 the facilities for the former Miami-Dade County Expressway
392 Authority until any outstanding bond obligations related to a
393 facility on the former Miami-Dade County Expressway System are
394 fully discharged.

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

399 (3) Notwithstanding s. 338.165(3), the department may not
400 increase toll rates on facilities of the former Miami-Dade
401 County Expressway Authority except as required by bond
402 covenants.

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

405 1. Reimburse outstanding contractual obligations.

406 2. Operate and maintain the highways and toll facilities,
407 including reconstruction and restoration, such that these
408 facilities are maintained to department standards.

409 3. Pay for projects funded by toll revenues from the former
410 Miami-Dade County Expressway Authority which are contained in
411 the 5-year work program adopted by the Miami-Dade County
412 Expressway Authority on December 5, 2018.

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



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417 (5) Notwithstanding any other provision of law to the
418 contrary, the facilities of the former Miami-Dade County
419 Expressway Authority may not become part of the Florida Turnpike
420 Enterprise and are not subject to the Florida Turnpike
421 Enterprise Law.

422 Section 12. Subsection (6) of section 343.1003, Florida
423 Statutes, is amended to read:

424 343.1003 Northeast Florida Regional Transportation
425 Commission.—

426 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(e)~~,
427 members of the board shall file a statement of financial
428 interests ~~interest~~ with the Commission on Ethics pursuant to s.
429 112.3145.

430 Section 13. Part I of chapter 348, Florida Statutes,
431 consisting of sections 348.0001, 348.0002, 348.0003, 348.0004,
432 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,
433 348.00115, and 348.0012, is repealed.

434 Section 14. (1) Effective upon this act becoming a law, the
435 governance and control of the Miami-Dade County Expressway
436 Authority is transferred to the Department of Transportation
437 pursuant to the terms of this section. The assets, facilities,
438 tangible and intangible property and any rights in such
439 property, and any other legal rights of the authority, including
440 the expressway system operated by the authority, are transferred
441 to the department. The department succeeds to all powers of the
442 authority, and the operations and maintenance of the expressway
443 system shall be under the control of the department. Revenues
444 collected on the expressway system shall be considered
445 department revenues but shall be subject to the lien of the



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446 trust indentures securing the Miami-Dade County Expressway
447 Authority bonds. The department also assumes all liability for
448 bonds of the authority pursuant to subsection (2). The
449 department shall, in consultation with the Division of Bond
450 Finance, review all other contracts, financial obligations, and
451 contractual relationships and liabilities of the authority, and
452 the department may assume responsibility for the obligations
453 that are determined to be necessary or desirable for the
454 continued operation of the expressway system. Employees,
455 officers, and members of the authority may not sell, dispose,
456 encumber, transfer, or expend the assets of the authority as
457 existed and reflected in the authority's financial statements
458 for the fiscal year ended June 30, 2018, other than in the
459 ordinary course of business. For purposes of this section,
460 incurring debt or issuing bonds for projects contained in the 5-
461 year work program approved and adopted by the authority on
462 December 5, 2018, is not considered the ordinary course of
463 business. Notwithstanding the foregoing, nothing contained
464 herein shall prevent the authority from designing and planning
465 projects contained in the 5-year work program approved and
466 adopted by the authority on December 5, 2018.

467 (2) The transfer pursuant to this section is subject to all
468 terms and covenants provided for the protection of the holders
469 of the Miami-Dade County Expressway Authority bonds in the trust
470 indentures or resolutions adopted in connection with the
471 issuance of such bonds. Further, the transfer does not impair
472 the terms of the contract between the authority and the
473 bondholders, does not act to the detriment of the bondholders,
474 and does not diminish the security for the bonds. After the



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475 transfer, the department shall operate and maintain the
476 expressway system and any other facilities of the authority in
477 accordance with the terms, conditions, and covenants contained
478 in the trust indentures or bond resolutions securing such bonds.
479 The department shall collect toll revenues and apply them to the
480 payment of debt service as provided in the trust indentures or
481 bond resolutions securing such bonds and expressly assumes all
482 obligations relating to the bonds to ensure that the transfer of
483 the authority will have no adverse impact on the security for
484 the bonds of the authority.

485 (3) After the transfer, the department shall consider
486 refinancing all or a portion of outstanding Miami-Dade County
487 Expressway Authority bonds if doing so would result in net cost
488 savings. Any resulting cost savings shall be used to reduce toll
489 rates.

490 (4) The department shall use the unencumbered cash balances
491 transferred under this section to prepay or defease outstanding
492 Miami-Dade County Expressway Authority bonds or debts to the
493 extent allowed by or consistent with the terms and covenants
494 provided for the protection of the holders of the Miami-Dade
495 County Expressway Authority bonds in the trust indentures or
496 resolutions adopted in connection with the issuance of such
497 bonds.

498 (5) The department must display signs showing the date on
499 or year in which the bonds will be paid. Such signs must be
500 placed near the roadway signage that displays the toll rates.

501 (6) By October 1 of each year beginning in 2020, the
502 department shall provide a report to the Miami-Dade County Board
503 of County Commissioners and the Miami-Dade County Transportation



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504 Planning Organization detailing the toll collections, costs, and
505 net revenues collected from the expressway system and turnpike
506 operations in Miami-Dade County. The report shall include
507 details on projects funded and scheduled to be funded by toll
508 revenues, including revenues of the Florida Turnpike Enterprise,
509 in Miami-Dade County.

510 Section 15. Section 348.635, Florida Statutes, is created
511 to read:

512 348.635 Public-private partnership.—The Legislature
513 declares that there is a public need for the rapid construction
514 of safe and efficient transportation facilities for traveling
515 within this state and that it is in the public's interest to
516 provide for public-private partnership agreements to effectuate
517 the construction of additional safe, convenient, and economical
518 transportation facilities.

519 (1) Notwithstanding any other provision of this part, the
520 authority may receive or solicit proposals and enter into
521 agreements with private entities, or consortia thereof, for the
522 building, operation, ownership, or financing of authority
523 transportation facilities or new transportation facilities
524 within the jurisdiction of the authority which increase
525 transportation capacity. The authority may not sell or lease any
526 transportation facility owned by the authority without providing
527 the analysis required in s. 334.30(6)(e)2. to the Legislative
528 Budget Commission created pursuant to s. 11.90 for review and
529 approval before awarding a contract on a lease of an existing
530 toll facility. The authority may adopt rules to implement this
531 section and shall, by rule, establish an application fee for the
532 submission of unsolicited proposals under this section. The fee



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533 must be sufficient to pay the costs of evaluating the proposals.
534 The authority may engage private consultants to assist in the
535 evaluation. Before approval, the authority must determine that a
536 proposed project:

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

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

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

545 (d) Would have adequate safeguards in place to ensure that
546 the department, the authority, or the private entity has the
547 opportunity to add capacity to the proposed project and other
548 transportation facilities serving similar origins and
549 destinations.

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

552 (2) The authority shall ensure that all reasonable costs to
553 the state which are related to transportation facilities that
554 are not part of the State Highway System are borne by the
555 private entity. The authority shall also ensure that all
556 reasonable costs to the state and substantially affected local
557 governments and utilities related to the private transportation
558 facility are borne by the private entity for transportation
559 facilities that are owned by private entities. For projects on
560 the State Highway System, the department may use state resources
561 to participate in funding and financing the project as provided



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562 for under the department's enabling legislation.

563 (3) The authority may request proposals for public-private
564 transportation projects or, if it receives an unsolicited
565 proposal, it must publish a notice in the Florida Administrative
566 Register and a newspaper of general circulation in the county in
567 which it is located at least once a week for 2 weeks stating
568 that it has received the proposal and will accept, for 60 days
569 after the initial date of publication, other proposals for the
570 same project purpose. A copy of the notice must be mailed to
571 each local government in the affected areas. After the public
572 notification period has expired, the authority shall rank the
573 proposals in order of preference. In ranking the proposals, the
574 authority shall consider professional qualifications, general
575 business terms, innovative engineering or cost-reduction terms,
576 finance plans, and the need for state funds to deliver the
577 proposal. If the authority is not satisfied with the results of
578 the negotiations, it may, at its sole discretion, terminate
579 negotiations with the proposer. If these negotiations are
580 unsuccessful, the authority may go to the second and lower-
581 ranked firms, in order, using the same procedure. If only one
582 proposal is received, the authority may negotiate in good faith,
583 and if it is not satisfied with the results, it may, at its sole
584 discretion, terminate negotiations with the proposer. The
585 authority may, at its discretion, reject all proposals at any
586 point in the process up to completion of a contract with the
587 proposer.

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



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

593 (5) Each public-private transportation facility constructed
594 pursuant to this section shall comply with all requirements of
595 federal, state, and local laws; state, regional, and local
596 comprehensive plans; the authority's rules, policies,
597 procedures, and standards for transportation facilities; and any
598 other conditions that the authority determines to be in the
599 public's best interest.

600 (6) The authority may exercise any power possessed by it,
601 including eminent domain, to facilitate the development and
602 construction of transportation projects pursuant to this
603 section. The authority may pay all or part of the cost of
604 operating and maintaining the facility or may provide services
605 to the private entity for which it receives full or partial
606 reimbursement for services rendered.

607 (7) Except as herein provided, this section is not intended
608 to amend existing laws by granting additional powers to or
609 further restricting the governmental entities from regulating
610 and entering into cooperative arrangements with the private
611 sector for the planning, construction, and operation of
612 transportation facilities.

613 Section 16. Section 348.7605, Florida Statutes, is created
614 to read:

615 348.7605 Public-private partnership.—The Legislature
616 declares that there is a public need for the rapid construction
617 of safe and efficient transportation facilities for traveling
618 within this state and that it is in the public's interest to
619 provide for public-private partnership agreements to effectuate



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620 the construction of additional safe, convenient, and economical
621 transportation facilities.

622 (1) Notwithstanding any other provision of this part, the
623 authority may receive or solicit proposals and enter into
624 agreements with private entities, or consortia thereof, for the
625 building, operation, ownership, or financing of authority
626 transportation facilities or new transportation facilities
627 within the jurisdiction of the authority which increase
628 transportation capacity. The authority may not sell or lease any
629 transportation facility owned by the authority without providing
630 the analysis required in s. 334.30(6)(e)2. to the Legislative
631 Budget Commission created pursuant to s. 11.90 for review and
632 approval before awarding a contract on a lease of an existing
633 toll facility. The authority may adopt rules to implement this
634 section and shall, by rule, establish an application fee for the
635 submission of unsolicited proposals under this section. The fee
636 must be sufficient to pay the costs of evaluating the proposals.
637 The authority may engage private consultants to assist in the
638 evaluation. Before approval, the authority must determine that a
639 proposed project:

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

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

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

648 (d) Would have adequate safeguards in place to ensure that



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649 the department, the authority, or the private entity has the
650 opportunity to add capacity to the proposed project and other
651 transportation facilities serving similar origins and
652 destinations.

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

655 (2) The authority shall ensure that all reasonable costs to
656 the state which are related to transportation facilities that
657 are not part of the State Highway System are borne by the
658 private entity. The authority shall also ensure that all
659 reasonable costs to the state and substantially affected local
660 governments and utilities related to the private transportation
661 facility are borne by the private entity for transportation
662 facilities that are owned by private entities. For projects on
663 the State Highway System, the department may use state resources
664 to participate in funding and financing the project as provided
665 for under the department's enabling legislation.

666 (3) The authority may request proposals for public-private
667 transportation projects or, if it receives an unsolicited
668 proposal, it must publish a notice in the Florida Administrative
669 Register and a newspaper of general circulation in the county in
670 which it is located at least once a week for 2 weeks stating
671 that it has received the proposal and will accept, for 60 days
672 after the initial date of publication, other proposals for the
673 same project purpose. A copy of the notice must be mailed to
674 each local government in the affected areas. After the public
675 notification period has expired, the authority shall rank the
676 proposals in order of preference. In ranking the proposals, the
677 authority shall consider professional qualifications, general



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678 business terms, innovative engineering or cost-reduction terms,
679 finance plans, and the need for state funds to deliver the
680 proposal. If the authority is not satisfied with the results of
681 the negotiations, it may, at its sole discretion, terminate
682 negotiations with the proposer. If these negotiations are
683 unsuccessful, the authority may go to the second and lower-
684 ranked firms, in order, using the same procedure. If only one
685 proposal is received, the authority may negotiate in good faith,
686 and if it is not satisfied with the results, it may, at its sole
687 discretion, terminate negotiations with the proposer. The
688 authority may, at its discretion, reject all proposals at any
689 point in the process up to completion of a contract with the
690 proposer.

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

696 (5) Each public-private transportation facility constructed
697 pursuant to this section shall comply with all requirements of
698 federal, state, and local laws; state, regional, and local
699 comprehensive plans; the authority's rules, policies,
700 procedures, and standards for transportation facilities; and any
701 other conditions that the authority determines to be in the
702 public's best interest.

703 (6) The authority may exercise any power possessed by it,
704 including eminent domain, to facilitate the development and
705 construction of transportation projects pursuant to this
706 section. The authority may pay all or part of the cost of



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707 operating and maintaining the facility or may provide services
708 to the private entity for which it receives full or partial
709 reimbursement for services rendered.

710 (7) Except as herein provided, this section is not intended
711 to amend existing laws by granting additional powers to or
712 further restricting the governmental entities from regulating
713 and entering into cooperative arrangements with the private
714 sector for the planning, construction, and operation of
715 transportation facilities.

716 Section 17. Pursuant to section 20 of chapter 2014-171,
717 Laws of Florida, part V of chapter 348, Florida Statutes,
718 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
719 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
720 348.9961, is repealed.

721 Section 18. Except as otherwise expressly provided in this
722 act and except for this section, which shall take effect upon
723 this act becoming a law, this act shall take effect July 1,
724 2019.

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

727 And the title is amended as follows:

728 Delete everything before the enacting clause
729 and insert:

730 A bill to be entitled
731 An act relating to transportation; amending s. 20.23,
732 F.S.; conforming provisions to changes made by the
733 act; amending s. 112.3144, F.S.; deleting an obsolete
734 provision; requiring members of certain authorities to
735 comply with certain financial disclosure requirements;



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736 amending s. 212.055, F.S.; revising the required uses
737 of proceeds from charter county and regional
738 transportation system surtaxes; requiring certain
739 counties to use surtax proceeds for purposes related
740 to fixed guideway rapid transit systems, bus systems,
741 and development of dedicated facilities for autonomous
742 vehicles; authorizing the use of surtax proceeds for
743 the purchase of rights-of-way under certain
744 circumstances; authorizing the use of surtax proceeds
745 for refinancing existing or issuing new bonds;
746 authorizing a percentage of surtax proceeds to be
747 distributed to certain municipalities to be used for
748 certain purposes; prohibiting the use of such proceeds
749 for certain purposes; amending s. 215.68, F.S.;
750 conforming provisions to changes made by the act;
751 reviving, reenacting, and amending s. 319.141, F.S.;
752 requiring the Department of Highway Safety and Motor
753 Vehicles to oversee a program, rather than a pilot
754 program, to evaluate alternatives to certain rebuilt
755 inspection services; deleting obsolete provisions;
756 amending s. 334.175, F.S.; requiring the Department of
757 Transportation to approve design plans for all
758 transportation projects relating to department-owned
759 rights-of-way under certain circumstances; amending s.
760 337.025, F.S.; authorizing the department to establish
761 a program for transportation projects that demonstrate
762 certain innovative techniques for measuring resiliency
763 and structural integrity and controlling time and cost
764 increases; amending s. 338.165, F.S.; conforming



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765 provisions to changes made by the act; amending s.
766 338.166, F.S.; limiting the toll rate for high-
767 occupancy toll lanes or express lanes in certain
768 counties; amending s. 338.231, F.S.; requiring the
769 department to commit all net toll collections
770 attributable to users of turnpike facilities in
771 certain counties to projects and bond finance
772 commitments in each respective county; creating s.
773 338.271, F.S.; requiring the department to assume the
774 assets and liabilities of the former Miami-Dade County
775 Expressway Authority; requiring the department to
776 continue tolls on certain facilities until bond
777 obligations are fully discharged; prohibiting certain
778 toll increases on former authority facilities;
779 requiring specified fees to be deposited in a
780 specified trust fund to be used for specified
781 purposes; providing for the use of excess revenues;
782 prohibiting facilities of the former authority from
783 becoming facilities of the Florida Turnpike
784 Enterprise; providing that such facilities are not
785 subject to the Florida Turnpike Enterprise Law;
786 amending s. 343.1003, F.S.; revising a cross-
787 reference; repealing part I of chapter 348, F.S.,
788 relating to the creation and operation of the Florida
789 Expressway Authority Act; transferring the assets and
790 liabilities of the Miami-Dade County Expressway
791 Authority to the department; providing terms of the
792 transfer; providing that the department succeeds to
793 all powers of the authority; providing that revenues



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794 collected on the expressway system are department
795 revenues; requiring the department, in consultation
796 with the Division of Bond Finance, to review certain
797 documents of the authority; providing terms and
798 conditions of the transfer; providing requirements for
799 the use of cost savings and unencumbered cash
800 balances; requiring the department to display certain
801 signs; requiring an annual report to the Miami-Dade
802 County Board of County Commissioners and the Miami-
803 Dade County Transportation Planning Organization;
804 creating ss. 348.635 and 348.7605, F.S.; providing a
805 legislative declaration; authorizing the Tampa-
806 Hillsborough County Expressway Authority and the
807 Central Florida Expressway Authority, respectively, to
808 enter into public-private partnership agreements;
809 authorizing solicitation or receipt of certain
810 proposals; providing rulemaking authority; providing
811 approval requirements; requiring certain costs to be
812 borne by the private entity; providing notice
813 requirements for requests for proposals; providing for
814 ranking and negotiation of proposals; requiring the
815 authorities to regulate tolls on certain facilities;
816 requiring compliance with specified laws, rules, and
817 conditions; providing for development, construction,
818 operation, and maintenance of transportation projects
819 by the authorities or private entities; providing
820 construction; repealing part V of ch. 348, F.S.,
821 relating to the Osceola County Expressway Authority
822 Law; providing effective dates.