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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development)

A bill to be entitled

An act relating to transportation; amending s. 20.23, F.S.; conforming provisions to changes made by the act; amending s. 112.3144, F.S.; deleting an obsolete provision; requiring members of certain authorities to comply with certain financial disclosure requirements; amending s. 215.68, F.S.; conforming provisions to changes made by the act; reviving, reenacting, and amending s. 319.141, F.S.; redefining the term "rebuilt inspection services"; revising requirements related to the Pilot Rebuilt motor vehicle inspection program; providing requirements for participants; providing rulemaking authority; providing reporting requirements; providing for future repeal of the program; amending s. 334.175, F.S.; requiring the Department of Transportation to approve design plans for all transportation projects relating to department-owned rights-of-way under certain circumstances; amending s. 337.025, F.S.; authorizing the department to establish a program for transportation projects that demonstrate certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; providing requirements for proposed projects; amending s. 338.165, F.S.; deleting cross-references; amending s. 338.166, F.S.; limiting the



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27 toll rate for high-occupancy toll lanes or express  
28 lanes in certain counties; requiring a certain report;  
29 amending s. 339.175, F.S.; revising the membership of  
30 the metropolitan planning organization in certain  
31 counties; prohibiting the metropolitan planning  
32 organization in such counties from charging a certain  
33 fee; amending s. 343.1003, F.S.; revising a cross-  
34 reference; repealing part I of chapter 348, F.S.,  
35 relating to the creation and operation of the Florida  
36 Expressway Authority Act; creating part I of Ch. 348,  
37 F.S.; titled "Greater Miami Expressway Agency";  
38 creating s. 348.0301, F.S.; providing a short title;  
39 creating s. 348.0302, F.S.; providing applicability;  
40 creating s. 348.0303, F.S.; providing definitions;  
41 creating s. 348.0304, F.S.; creating the Greater Miami  
42 Expressway Agency; providing for membership on the  
43 governing body of the agency; providing restrictions  
44 on membership; providing for executive officers;  
45 providing quorum requirements; requiring the initial  
46 meeting of the governing body by a date certain;  
47 requiring an oath of office; authorizing certain  
48 employees; authorizing the delegation of certain  
49 functions; providing that members of the agency are  
50 not entitled to compensation, but are entitled to  
51 specified expenses; creating 348.0305, F.S.; providing  
52 ethics requirements for the agency; providing that a  
53 specified chapter in law is applicable; prohibiting  
54 lobbyists from serving on the governing body;  
55 prohibiting persons with certain interests from being



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56 appointed to the governing body; providing certain  
57 prohibitions for members and employees of the agency;  
58 providing certain post-employment restrictions;  
59 requiring an ethics officer; prohibiting the use of  
60 specified positions for certain purposes; providing  
61 disclosure requirements; requiring specified policies  
62 and training; providing applicability; providing  
63 penalties; creating s 348.0306, F.S.; providing agency  
64 purposes and powers; requiring the construction of  
65 expressways; providing specified powers of the agency;  
66 prohibiting an increase in toll rates until a  
67 specified date; requiring a supermajority vote for an  
68 increase in toll rates; providing a limit to  
69 administrative costs; requiring the Florida  
70 Transportation Commission to determine average  
71 administrative costs; requiring a minimum distance  
72 between tolling points; providing that the change in  
73 distances may be revenue neutral; providing  
74 reimbursement and refund requirements; providing  
75 requirements for agency projects; requiring certain  
76 written consent for the use or pledge of county  
77 gasoline tax funds; providing requirements for the  
78 filing of certain reports or documentation;  
79 prohibiting construction by the agency under certain  
80 circumstances; requiring an annual financial audit and  
81 audit report, subject to certain requirements;  
82 creating s. 348.0307, F.S.; creating the Florida  
83 Sunshine Rebate Program; requiring the agency to  
84 provide specified rebates to specified SunPass



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85 holders; providing for automatic eligibility;  
86 providing for an opt-out provision; creating s.  
87 348.0308, F.S.; providing a legislative declaration;  
88 authorizing the agency to enter into certain public-  
89 private partnership agreements; authorizing  
90 solicitation or receipt of certain proposals;  
91 providing rulemaking authority; providing approval  
92 requirements; requiring certain costs to be borne by  
93 the private entity; providing notice requirements for  
94 requests for proposals; providing for ranking and  
95 negotiation of proposals; requiring the agency to  
96 regulate tolls on certain facilities; requiring  
97 compliance with specified laws, rules, and conditions;  
98 providing for development, construction, operation,  
99 and maintenance of transportation projects by the  
100 agency or private entities; providing construction;  
101 creating s. 348.0309, F.S.; authorizing the agency to  
102 have bonds issued as provided in the State Bond Act;  
103 authorizing the agency to issue its own bonds;  
104 providing requirements for the issuance of such bonds;  
105 requiring the sale of bonds at a public sale;  
106 providing an exception; requiring Legislative approval  
107 of certain indebtedness; creating s. 348.0310, F.S.;  
108 providing the Department of Transportation may be  
109 appointed as an agent of the agency for construction;  
110 requiring the agency to provide specified documents to  
111 the department; creating s. 348.0311, F.S.;

112 authorizing the authority to acquire land and  
113 property; authorizing specified persons to enter upon



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114 specified properties; providing for eminent domain  
115 authority; prohibiting certain liability of the  
116 agency; authorizing certain interagency agreements  
117 between the agency and the Department of Environmental  
118 Protection; creating s. 348.0312, F.S.; authorizing  
119 cooperation with other units of government and  
120 individuals; creating s. 348.0313, F.S.; providing a  
121 covenant of the state that it will not change certain  
122 laws; creating s. 348.0314, F.S.; providing an  
123 exemption from taxation; creating s. 348.0315, F.S.;  
124 requiring specified documents to be posted on the  
125 agency's website; requiring a certain report; creating  
126 s. 348.0316, F.S.; providing that specified bonds or  
127 obligations are eligible investments for certain  
128 purposes; creating s. 348.0317, F.S.; providing that  
129 specified pledges are enforceable by bondholders;  
130 creating s. 348.0318, F.S.; providing additional  
131 authority; transferring the assets and liabilities of  
132 the Miami-Dade County Expressway Authority to the  
133 Greater Miami Expressway Agency; providing terms of  
134 the transfer; providing that the agency succeeds to  
135 all powers of the authority; providing that revenues  
136 collected on the expressway system are agency  
137 revenues; requiring the agency, in consultation with  
138 the Division of Bond Finance, to review certain  
139 documents of the agency; providing terms and  
140 conditions of the transfer; providing for the  
141 dissolution of the Miami-Dade County Expressway  
142 Authority; creating ss. 348.635 and 348.7605, F.S.;



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143 providing a legislative declaration; authorizing the  
144 Tampa-Hillsborough County Expressway Authority and the  
145 Central Florida Expressway Authority, respectively, to  
146 enter into public-private partnership agreements;  
147 authorizing solicitation or receipt of certain  
148 proposals; providing rulemaking authority; providing  
149 approval requirements; requiring certain costs to be  
150 borne by the private entity; providing notice  
151 requirements for requests for proposals; providing for  
152 ranking and negotiation of proposals; requiring the  
153 authorities to regulate tolls on certain facilities;  
154 requiring compliance with specified laws, rules, and  
155 conditions; providing for development, construction,  
156 operation, and maintenance of transportation projects  
157 by the authorities or private entities; providing  
158 construction; repealing part V of ch. 348, F.S.,  
159 relating to the Osceola County Expressway Authority  
160 Law; requiring the Office of Program Policy Analysis  
161 and Government Accountability to submit a certain  
162 report; providing effective dates.

163  
164 Be It Enacted by the Legislature of the State of Florida:

165  
166 Section 1. Paragraph (b) of subsection (2) of section  
167 20.23, Florida Statutes, is amended to read:

168 20.23 Department of Transportation.—There is created a  
169 Department of Transportation which shall be a decentralized  
170 agency.

171 (2)



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- 172 (b) The commission shall:
- 173 1. Recommend major transportation policies for the
- 174 Governor's approval and assure that approved policies and any
- 175 revisions are properly executed.
- 176 2. Periodically review the status of the state
- 177 transportation system including highway, transit, rail, seaport,
- 178 intermodal development, and aviation components of the system
- 179 and recommend improvements to the Governor and the Legislature.
- 180 3. Perform an in-depth evaluation of the annual department
- 181 budget request, the Florida Transportation Plan, and the
- 182 tentative work program for compliance with all applicable laws
- 183 and established departmental policies. Except as specifically
- 184 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
- 185 not consider individual construction projects, but shall
- 186 consider methods of accomplishing the goals of the department in
- 187 the most effective, efficient, and businesslike manner.
- 188 4. Monitor the financial status of the department on a
- 189 regular basis to assure that the department is managing revenue
- 190 and bond proceeds responsibly and in accordance with law and
- 191 established policy.
- 192 5. Monitor on at least a quarterly basis, the efficiency,
- 193 productivity, and management of the department using performance
- 194 and production standards developed by the commission pursuant to
- 195 s. 334.045.
- 196 6. Perform an in-depth evaluation of the factors causing
- 197 disruption of project schedules in the adopted work program and
- 198 recommend to the Governor and the Legislature methods to
- 199 eliminate or reduce the disruptive effects of these factors.
- 200 7. Recommend to the Governor and the Legislature



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201 improvements to the department's organization in order to  
202 streamline and optimize the efficiency of the department. In  
203 reviewing the department's organization, the commission shall  
204 determine if the current district organizational structure is  
205 responsive to this state's changing economic and demographic  
206 development patterns. The initial report by the commission must  
207 be delivered to the Governor and the Legislature by December 15,  
208 2000, and each year thereafter, as appropriate. The commission  
209 may retain experts as necessary to carry out this subparagraph,  
210 and the department shall pay the expenses of the experts.

211 8. Monitor the efficiency, productivity, and management of  
212 the agencies and authorities created under chapters 348 and 349,  
213 ~~including any authority formed using part I of chapter 348~~; the  
214 Mid-Bay Bridge Authority re-created pursuant to chapter 2000-  
215 411, Laws of Florida; and any authority formed under chapter  
216 343. The commission shall also conduct periodic reviews of each  
217 authority's operations and budget, acquisition of property,  
218 management of revenue and bond proceeds, and compliance with  
219 applicable laws and generally accepted accounting principles.

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

222 112.3144 Full and public disclosure of financial  
223 interests.—

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





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230 112.3142 must certify on his or her full and public disclosure  
231 of financial interests that he or she has completed the required  
232 training.

233 (b) A member of an expressway authority, transportation  
234 authority, bridge authority, toll authority, or transportation  
235 agency created pursuant to chapter 343, chapter 348, or any  
236 other general law shall comply with the applicable financial  
237 disclosure requirements of s. 8, Art. II of the State  
238 Constitution.

239 Section 3. Subsection (2) of section 215.68, Florida  
240 Statutes, is amended to read:

241 215.68 Issuance of bonds; form; maturity date, execution,  
242 sale.—

243 (2) Such bonds may:

244 (a) Be issued in either coupon form or registered form or  
245 both;

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

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

251 (d) Have such provisions for registration of coupon bonds  
252 and conversion and reconversion of bonds from coupon to  
253 registered form or from registered form to coupon form;

254 (e) Have such provisions for payment at maturity and  
255 redemption before ~~prior to~~ maturity at such time or times and at  
256 such price or prices; and

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



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

Section 4. Notwithstanding the repeal of section 319.141, Florida Statutes, which occurred on July 1, 2018, that section is revived, reenacted, and amended, to read:

319.141 Pilot Rebuilt motor vehicle inspection program.—

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

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

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

(2) By October 1, 2019 ~~July 1, 2015,~~ the department shall implement ~~oversee~~ a pilot program in Miami-Dade County ~~to evaluate alternatives~~ for rebuilt inspection services offered by existing private sector participants. The department may select up to four applicants who are deemed, at its discretion, to be most qualified operators, ~~including the continued use of private~~



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288 ~~facilities, the cost impact to consumers, and the potential~~  
289 ~~savings to the department.~~

290 (3) Upon selection, each participant shall enter into The  
291 ~~department shall establish~~ a memorandum of understanding with  
292 the department which that allows the participant private parties  
293 ~~participating in the pilot program~~ to conduct rebuilt motor  
294 vehicle inspections; and specifies requirements for oversight,  
295 bonding and insurance, procedures, and forms; and requires the  
296 electronic transmission of documents. The department may examine  
297 all records pertaining to any inspection or related service  
298 performed under the pilot program.

299 (4) Before a participant an applicant is allowed to furnish  
300 such rebuilt inspection program approved, the department must  
301 ~~shall~~ ensure that the participant applicant meets basic criteria  
302 designed to protect the public. At a minimum, the applicant  
303 shall meet all of the following requirements:

304 (a) Have and maintain a surety bond or irrevocable letter  
305 of credit in the amount of \$100,000 executed in favor of the  
306 department. Such surety bond or letter of credit must be issued  
307 by entities licensed to do business in this state by the  
308 ~~applicant.~~

309 (b) Secure and maintain a facility at a permanent fixed  
310 structure, as evidenced by proof of ownership or written lease  
311 at an address identified by a county-issued tax folio number and  
312 recognized by the United States Postal Service where the only  
313 services provided on such property are rebuilt inspection  
314 services. The facility must have permanent signage that  
315 advertises that only private rebuilt inspection services are  
316 provided at that location and must have posted business hours, a



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317 designated office area and customer waiting area, a rebuilt  
318 inspection area separate and visually obstructed from any area  
319 accessible to the customer, surveillance cameras with recording  
320 capabilities for the rebuilt inspection areas, and sufficient  
321 on-site customer parking. The location must be large enough to  
322 accommodate all of the vehicles being inspected and must have a  
323 covered area to accommodate at least two vehicles during  
324 inclement weather. The participant ~~operator of a facility~~ shall  
325 annually attest that he or she is not employed by or does not  
326 have an ownership interest in or other financial arrangement  
327 with the owner, operator, manager, or employee of a motor  
328 vehicle repair shop as defined in s. 559.903, a motor vehicle  
329 dealer as defined in s. 320.27(1)(c), a towing company, a  
330 vehicle storage company, a vehicle auction, an insurance  
331 company, a salvage yard, a metal retailer, or a metal rebuilder,  
332 from which he or she receives remuneration, directly or  
333 indirectly, for the referral of customers for rebuilt inspection  
334 services; he or she does not have a direct or indirect interest  
335 in any motor vehicle that a facility has inspected or proposes  
336 to inspect; there have been no changes to the ownership  
337 structure of the approved facility; and the only services being  
338 provided by such participant at the facility are rebuilt  
339 inspection services. Only a participant selected and approved by  
340 the department may charge or receive a fee for providing or  
341 facilitating such services.

342 (c) Have and maintain garage liability insurance coverage  
343 with at least \$100,000 single-limit liability coverage that  
344 includes bodily injury and property damage protection, and any  
345 other insurance required by the department.



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346 (d) Have completed criminal background checks of the  
347 owners, partners, and corporate officers and the inspectors  
348 employed by the facility which demonstrate that such persons  
349 have not pled guilty or nolo contendere to or been convicted of  
350 a felony, or been incarcerated for a felony in the last 10  
351 years.

352 (e) A participant may not conduct an inspection of a  
353 vehicle in complete rebuilt condition without prior approval by  
354 the department. No person or entity, other than the department  
355 or participant authorized by the department, may conduct rebuilt  
356 inspection services.

357 (f) ~~(e)~~ Meet any additional criteria the department  
358 determines necessary to conduct proper inspections.

359 (5) A participant in the program shall access vehicle and  
360 title information and enter inspection results through an  
361 electronic filing system authorized by the department and shall  
362 maintain records of each rebuilt vehicle inspection processed at  
363 such facility for at least 5 years.

364 (6) An applicant that fails an initial rebuilt inspection  
365 may only have that vehicle re-inspected by the department or the  
366 facility that conducted the original inspection.

367 (7) ~~(6)~~ The department shall conduct an on-site facility  
368 inspection at least once per quarter and shall immediately  
369 terminate any participant operator from the program who fails to  
370 meet the minimum eligibility requirements specified in  
371 subsection (4). Before a change in ownership of a rebuilt  
372 inspection facility, the current operator must give the  
373 department 45 days' written notice of the intended sale or  
374 transfer. The prospective owner must meet the eligibility



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375 requirements of this section and execute a new memorandum of  
376 understanding with the department before operating the facility.

377 (8) The department may adopt rules pursuant to ss.  
378 120.536(1) and 120.54 to implement and enforce this section. The  
379 department shall also have the nonexclusive power to define by  
380 rule, any term, whether or not used in this section, insofar as  
381 the definition is not inconsistent with this section.

382 (9) On or before July 1, 2021, the department shall submit  
383 a written report to the President of the Senate and the Speaker  
384 of the House of Representatives evaluating the effectiveness of  
385 the program and recommending whether to expand the program into  
386 other counties.

387 (10)~~(7)~~ This section is repealed on July 1, 2022 ~~2018~~,  
388 unless saved from repeal through reenactment by the Legislature.

389 Section 5. Section 334.175, Florida Statutes, is amended to  
390 read:

391 334.175 Certification of project design plans and surveys.—

392 (1) All design plans and surveys prepared by or for the  
393 department shall be signed, sealed, and certified by the  
394 professional engineer or surveyor or architect or landscape  
395 architect in responsible charge of the project work. Such  
396 professional engineer, surveyor, architect, or landscape  
397 architect must be duly registered in this state.

398 (2) Regardless of their funding source, the department  
399 shall approve the design plans for all transportation projects  
400 on, under, over, or abutting a department-owned right-of-way  
401 which meet the department's design standards.

402 Section 6. Section 337.025, Florida Statutes, is amended to  
403 read:



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404           337.025 Innovative transportation ~~highway~~ projects;  
405 department to establish program.—

406           (1) The department may ~~is authorized to~~ establish a program  
407 for transportation ~~highway~~ projects demonstrating innovative  
408 techniques of highway and bridge design, construction,  
409 maintenance, and finance which have the intended effect of  
410 measuring resiliency and structural integrity and controlling  
411 time and cost increases on construction projects. Such  
412 techniques may include, but are not limited to, state-of-the-art  
413 technology for pavement, safety, and other aspects of highway  
414 and bridge design, construction, and maintenance; innovative  
415 bidding and financing techniques; accelerated construction  
416 procedures; and those techniques that have the potential to  
417 reduce project life cycle costs. To the maximum extent  
418 practical, the department must use the existing process to award  
419 and administer construction and maintenance contracts. When  
420 specific innovative techniques are to be used, the department is  
421 not required to adhere to those provisions of law that would  
422 prevent, preclude, or in any way prohibit the department from  
423 using the innovative technique. However, before ~~prior to~~ using  
424 an innovative technique that is inconsistent with another  
425 provision of law, the department must document in writing the  
426 need for the exception and identify what benefits the traveling  
427 public and the affected community are anticipated to receive.  
428 The department may enter into no more than \$120 million in  
429 contracts annually for the purposes authorized by this section.  
430 All proposed projects, including all different alternatives,  
431 must be designed and constructed using the English system of  
432 units. The proposed design speed must be 70 miles per hour. The



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433 plans and specifications must be prepared in accordance with the  
434 department's most recent design standards, Plans Preparation  
435 Manual, and drainage manual, Flexible Pavement Design Manual,  
436 the American Association of State Highway Transportation  
437 Officials, and all current department memorandums.

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

440 (a) Turnpike enterprise projects, and turnpike enterprise  
441 projects shall not be counted toward the department's annual  
442 cap.

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

445 Section 7. Subsections (2) and (5) of section 338.165,  
446 Florida Statutes, are amended to read:

447 338.165 Continuation of tolls.—

448 (2) If the revenue-producing project is on the State  
449 Highway System, any remaining toll revenue shall be used for the  
450 construction, maintenance, or improvement of any road on the  
451 State Highway System within the county or counties in which the  
452 revenue-producing project is located, ~~except as provided in s.~~  
453 ~~348.0004.~~

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

459 Section 8. Subsections (5) and (6) of section 338.166,  
460 Florida Statutes, are renumbered as subsections (6) and (7),  
461 respectively, present subsection (7) of that section is





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462 renumbered as subsection (9) and amended, and new subsection (5)  
463 and subsection (8) are added to that section, to read:

464 338.166 High-occupancy toll lanes or express lanes.—

465 (5) Notwithstanding any other provision of law to the  
466 contrary, in a county as defined in s. 125.011(1), a toll for a  
467 high-occupancy toll lane or express lane may not exceed \$1.25  
468 per mile.

469 (8) Beginning on October 1, 2020, and annually thereafter,  
470 the department, including the Florida Turnpike Enterprise, shall  
471 submit to the board of county commissioners of a county as  
472 defined in s. 125.011(1) and to the metropolitan planning  
473 organization for that county a report providing information  
474 regarding the amount of tolls collected in that county and how  
475 those tolls were used in the previous fiscal year.

476 (9) ~~(7)~~ Except for subsections (5) and (8), this section  
477 does not apply to the turnpike system as defined under the  
478 Florida Turnpike Enterprise Law.

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

482 339.175 Metropolitan planning organization.—

483 (3) VOTING MEMBERSHIP.—

484 (d) Any other provision of this section to the contrary  
485 notwithstanding, any county as defined in s. 125.011(1)  
486 ~~chartered under s. 6(e), Art. VIII of the State Constitution~~ may  
487 elect to have its county commission serve as the M.P.O., if the  
488 M.P.O. jurisdiction is wholly contained within the county. Any  
489 charter county that elects to exercise the provisions of this  
490 paragraph shall so notify the Governor in writing. Upon receipt



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491 of such notification, the Governor must designate the county  
492 commission as the M.P.O. The Governor must appoint three ~~four~~  
493 additional voting members to the M.P.O., one of whom must be an  
494 elected official representing a municipality within the county,  
495 one of whom must be a member of the governing body from the  
496 agency created in part I of chapter 348, an expressway authority  
497 ~~member, one of whom must be a person who does not hold elected~~  
498 ~~public office and who resides in the unincorporated portion of~~  
499 ~~the county,~~ and one of whom must be a school board member.

500 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,  
501 privileges, and authority of an M.P.O. are those specified in  
502 this section or incorporated in an interlocal agreement  
503 authorized under s. 163.01. Each M.P.O. shall perform all acts  
504 required by federal or state laws or rules, now and subsequently  
505 applicable, which are necessary to qualify for federal aid. It  
506 is the intent of this section that each M.P.O. shall be involved  
507 in the planning and programming of transportation facilities,  
508 including, but not limited to, airports, intercity and high-  
509 speed rail lines, seaports, and intermodal facilities, to the  
510 extent permitted by state or federal law.

511 (f)1. The department shall allocate to each M.P.O., for the  
512 purpose of accomplishing its transportation planning and  
513 programming duties, an appropriate amount of federal  
514 transportation planning funds.

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

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



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520 343.1003 Northeast Florida Regional Transportation  
521 Commission.—

522 (6) Notwithstanding s. 112.3144(1)(b) ~~s. 348.0003(4)(e)~~,  
523 members of the board shall file a statement of financial  
524 interests ~~interest~~ with the Commission on Ethics pursuant to s.  
525 112.3145.

526 Section 11. Sections 348.0001, 348.0002, 348.0003,  
527 348.0004, 348.0005, 348.0007, 348.0008, 348.0009, 348.0010,  
528 348.0011, 348.00115, and 348.0012, Florida Statutes, are  
529 repealed.

530 Section 12. Part I of chapter 348, Florida Statutes, is  
531 redesignated as "Greater Miami Expressway Agency" and the  
532 following sections are created within that part: ss. 348.0301,  
533 348.0302, 348.0303, 348.0304, 38.0305, 348.0306, 348.0307,  
534 348.0308, 348.0309, 348.0310, 348.0311, 348.0312, 348.0313,  
535 348.0314, 348.0315, 343.0316, 343.0317, and 343.0318, Florida  
536 Statutes.

537 Section 13. Section 348.0301, Florida Statutes, is created  
538 to read:

539 348.0301 Short title.—This part may be cited as the  
540 "Greater Miami Expressway Agency Act."

541 Section 14. Section 348.0302, Florida Statutes, is created  
542 to read:

543 348.0302 Applicability.—This part applies only to a county  
544 as defined in s. 125.011(1).

545 Section 15. Section 348.0303, Florida Statutes, is created  
546 to read:

547 348.0303 Definitions.—As used in the this part, the term:  
548 (1) "Agency" means the Greater Miami Expressway Agency.



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549       (2) "Agency of the state" means and includes the state and  
550 any department of, or corporation, agency, or instrumentality  
551 created, designated, or established by, the state.

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

556       (4) "County" means a county as defined in s. 125.011(1),  
557 F.S.

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

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

566       (7) "Express written consent" means prior express written  
567 consent given in the form of a resolution adopted by a board of  
568 county commissioners.

569       (8) "Expressway" means a street or highway especially  
570 designed for through traffic and over, from, or to which owners  
571 or occupants of abutting land or other persons have no right or  
572 easement or only a limited right or easement of access, light,  
573 air, or view by reason of the fact that their property abuts  
574 upon such limited access facility or for any other reason. Such  
575 highways or streets may be facilities from which trucks, buses,  
576 and other commercial vehicles are excluded; or they may be  
577 facilities open to use by all customary forms of street and



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578 highway traffic.

579 (9) "Expressway system" means any and all expressways  
580 within the geographic boundaries of the agency and any  
581 appurtenant facilities, including, but not limited to, all  
582 approaches, roads, bridges, and avenues of access for such  
583 expressway. An expressway system includes a public  
584 transportation facility.

585 (10) "Federal agency" means and includes the United States,  
586 the President of the United States, and any department of, or  
587 corporation, agency, or instrumentality created, designated, or  
588 established by, the United States.

589 (11) "Members" means the membership of the governing body  
590 of the agency.

591 (12) "Public transportation facility" means real and  
592 personal property, structures, improvements, buildings,  
593 personnel, equipment, plant, vehicle parking or other  
594 facilities, rights-of-way, or any combination thereof used or  
595 useful for the purposes of transporting passengers by means of a  
596 street railway, elevated railway or guideway, subway, motor  
597 vehicle, motor bus, or any bus or other means of conveyance  
598 operating as a common carrier.

599 Section 16. Section 348.0304, Florida Statutes, is created  
600 to read:

601 348.0304 Greater Miami Expressway Agency.-

602 (1) The Greater Miami Expressway Agency is created as a  
603 body politic and corporate and an agency of the state.

604 (2) (a) The governing body of the agency shall consist of  
605 seven voting members, each of whom must be a permanent resident  
606 of the county and may not hold elected office. Each member may



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607 serve only two 4-year terms. The Miami-Dade County Commission  
608 shall appoint four members, of which two members must live in  
609 the unincorporated areas of Miami-Dade County within 15 miles of  
610 the area with the highest amount of toll roads. The other two  
611 members must live in municipalities of Miami-Dade County, but  
612 cannot be from the same municipality. The Governor shall appoint  
613 three members living in Miami-Dade County, but such members  
614 cannot be from the same municipality.

615 (b) Initial appointments to the governing body of the  
616 agency must be made by July 31, 2019. For the purpose of  
617 establishing staggered terms, of the initial appointments made  
618 by the Governor, one shall serve for a term of 1 year, one shall  
619 serve for a term of 2 years, one shall serve for a term of 3  
620 years, and one shall serve for a term of four years. A person  
621 who served as a member of the governing body of the former  
622 Miami-Dade County Expressway Authority may not be appointed to  
623 the governing body of the agency.

624 (3) (a) The governing body of the agency shall elect one of  
625 its members as its chair and shall elect a secretary and a  
626 treasurer, who need not be members of the agency. The chair, the  
627 secretary, and the treasurer serve at the will of the agency. A  
628 simple majority of the governing body of the agency constitutes  
629 a quorum, and the vote of a majority of those members present is  
630 necessary for the governing body to take any action. A vacancy  
631 does not impair the right of a quorum of the agency to exercise  
632 all of the rights and perform all of the duties of the agency.

633 (b) Upon the effective date of his or her appointment, or  
634 as soon thereafter as practicable, each member of the agency  
635 shall begin to perform his or her duties. The governing body's



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636 initial board meeting must take place within 15 days after  
637 completion of the initial appointments to the board.

638 (c) Each member of the agency, before entering upon his or  
639 her official duties, shall take and subscribe to an oath before  
640 some official authorized by law to administer oaths that he or  
641 she will honestly, faithfully, and impartially perform his or  
642 her duties as a member of the governing body of the agency and  
643 that he or she will not neglect any duties imposed upon him or  
644 her by this part.

645 (4) The agency may employ an executive secretary, an  
646 executive director, its own counsel and legal staff, technical  
647 experts, and such engineers and employees, permanent or  
648 temporary, as it may require and shall determine the  
649 qualifications and fix the compensation of such persons, firms,  
650 or corporations. The agency may employ a fiscal agent or agents;  
651 however, the agency must solicit sealed proposals from at least  
652 three persons, firms, or corporations for the performance of any  
653 services as fiscal agents. The agency may delegate to one or  
654 more of its agents or employees such authority as it deems  
655 necessary to carry out the purposes of this act, subject always  
656 to the supervision and control of the agency. Members of the  
657 agency may be removed from office by the Governor for  
658 misconduct, malfeasance, misfeasance, or nonfeasance in office.

659 (5) The members of the agency are not entitled to  
660 compensation but are entitled to receive their travel and other  
661 necessary expenses as provided in s. 112.061.

662 Section 17. Section 348.0305, Florida Statutes, is created  
663 to read:

664 348.0305 Ethics requirements-



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665 (1) Notwithstanding any other law to the contrary, members  
666 and employees of the agency are subject to part III of chapter  
667 112.

668 (2) (a) A lobbyist, as defined in s. 112.3215, may not be  
669 appointed or serve as a member of the governing body of the  
670 agency.

671 (b) A person may not be appointed to or serve as a member  
672 of the governing body of the agency if that person represents,  
673 or within the previous 4 years has represented, any client for  
674 compensation before the agency or the former Miami-Dade County  
675 Expressway Authority.

676 (c) A person may not be appointed to or serve as a member  
677 of the governing body of the agency if that person represents,  
678 or within the previous 4 years has represented, any person or  
679 entity that is doing business, or in the previous 4 years has  
680 done business, with the agency or the former Miami-Dade County  
681 Expressway Authority.

682 (3) A member or an employee of the agency, including  
683 employees of the former Miami-Dade County Expressway Authority,  
684 may not:

685 (a) Personally represent another person or entity for  
686 compensation before the agency for a period of 2 years after  
687 vacating his or her position.

688 (b) After retirement or termination of employment, have an  
689 employment or contractual relationship with a business entity  
690 other than an agency, as defined in s. 112.312, in connection  
691 with a contract in which the member or employee personally and  
692 substantially participated through decision, approval,  
693 disapproval, recommendation, rendering of advice, or





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694 investigation while he or she was a member or employee of the  
695 agency.

696 (4) The agency's general counsel shall serve as the  
697 agency's ethics officer.

698 (5) Agency members, employees, and consultants who hold  
699 positions that may influence agency decisions shall refrain from  
700 engaging in any relationship that may adversely affect their  
701 judgment in carrying out agency business. To prevent such  
702 conflicts of interest and preserve the integrity and  
703 transparency of the agency to the public, the following  
704 disclosures must be made annually on a disclosure form:

705 (a) Any relationship that a member, employee, or consultant  
706 has which affords a current or future financial benefit to such  
707 board member, employee, or consultant, or to a relative or  
708 business associate of such member, employee, or consultant, and  
709 which a reasonable person would conclude has the potential to  
710 create a prohibited conflict of interest. As used in this  
711 section, the term "relative" has the same meaning as provided in  
712 s. 112.312.

713 (b) Whether a relative of board member, employee, or  
714 consultant is a registered lobbyist and, if so, the names of  
715 such lobbyist's clients. Such names shall be provided in writing  
716 to the ethics officer.

717 (c) Any and all interests in real property that such  
718 member, employee, or consultant has, or that an immediate family  
719 member of such member, employee, or consultant has, if such real  
720 property is located in, or within a 1/2-mile radius of, any  
721 actual or prospective agency project. The executive director  
722 shall provide a corridor map and a property ownership list



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723 reflecting the ownership of all real property within the  
724 disclosure area, or an alignment map with a list of associated  
725 owners, to all members, employees, and consultants.

726 (6) The disclosure forms filed as required under subsection  
727 (5) must be reviewed by the ethics officer or, if a form is  
728 filed by the ethics officer, by the executive director.

729 (7) The conflict of interest policy must be stated in the  
730 agency's code of ethics.

731 (8) Agency employees and consultants are prohibited from  
732 serving on the governing body of the agency while employed by or  
733 under contract with the agency and for a period of 2 years  
734 following termination of employment or his or her consultant  
735 contract.

736 (9) The code of ethics must be reviewed and updated by the  
737 ethics officer and presented for approval by the governing body  
738 of the agency at least once every 2 years.

739 (10) Members and employees of the agency must be adequately  
740 informed and trained on the code of ethics of the agency and  
741 shall participate in ongoing ethics training.

742 (11) The requirements of subsections (4)-(10) are in  
743 addition to the requirements imposed on the members and the  
744 employees of the agency under part III of chapter 112.

745 (12) Violations of paragraphs (4), (6), and (9) are  
746 punishable as provided in s. 112.317.

747 (13) A finding of a violation of this section or part III  
748 of chapter 112, or failure to comply within 90 days after  
749 receiving a notice of failure to comply with financial  
750 disclosure requirements pursuant to s. 112.3144, shall result in  
751 immediate termination by the agency.



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752       (14) In the event that part III of chapter 112 conflicts  
753 with this section, the stricter of the provisions prevails.  
754 Nothing herein prevents the agency from imposing ethics policies  
755 that are stricter than those imposed by this subsection or  
756 chapter 112.

757       Section 18. Section 348.0306, Florida Statutes, is created  
758 to read:

759       348.0306 Purposes and powers.—

760       (1) (a) The agency may acquire, hold, construct, improve,  
761 maintain, operate, and own an expressway system.

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

780       (2) The agency may exercise all rights and authority



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781 necessary, appurtenant, convenient, or incidental to the  
782 carrying out of its purposes, including, but not limited to, the  
783 following rights and authority:

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

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

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

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

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

804 1. Notwithstanding any other law to the contrary, the  
805 agency may not increase its toll rates until July 1, 2029,  
806 including any increase to the extent necessary to adjust for  
807 inflation pursuant to the procedure for toll rate adjustments  
808 provided in s. 338.165, except as may be necessary to comply  
809 with covenants in the trust indentures or resolutions adopted in



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810 connection with the agency's bonds secured by the net revenues  
811 of the expressway system.

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

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

826 4. There must be a distance of at least 5 miles between  
827 main through-lane tolling points. The distance requirement of  
828 this subparagraph does not apply to entry and exit ramps.  
829 However, the toll rates may be such that toll rates per mile are  
830 revenue neutral as compared to the toll rates of the former  
831 Miami-Dade County Expressway Authority as of July 1, 2019.

832 (f) To borrow money, make and issue negotiable notes,  
833 bonds, refund bonds and other evidence of indebtedness of the  
834 agency, which bonds or other evidence of indebtedness may be  
835 issued pursuant to the State Bond Act or, in the alternative,  
836 pursuant to s. 348.0309(2), to finance or refinance additions,  
837 extensions, or improvements to the expressway system within the  
838 geographic boundaries of the agency, and to provide for the



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839 security of the bonds or other evidence of indebtedness and the  
840 rights and remedies of the holders of the bonds or other  
841 evidence of indebtedness. Any bonds or other evidence of  
842 indebtedness pledging the full faith and credit of the state may  
843 be issued only pursuant to the State Bond Act.

844 1. The agency shall reimburse the county in which it exists  
845 for any sums expended from any county gasoline tax funds used  
846 for payment of such obligations. Any county gasoline tax funds  
847 so disbursed shall be repaid in accordance with the terms of any  
848 lease-purchase or interlocal agreement with any county or the  
849 department together with interest, at the rate agreed to in such  
850 agreement. Any county gasoline tax funds may not be more than a  
851 secondary pledge of revenues for repayment of any obligations  
852 issued pursuant to this part.

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

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

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



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868 agency of the state, county, or any other public body of the  
869 state.

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

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

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

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

895 (4) The use or pledge of all or any portion of county  
896 gasoline tax funds may not be made without the prior express



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897 written consent of the board of county commissioners of each  
898 county located within the geographic boundaries of the agency.

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

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

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

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





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

930       Section 19. Section 348.0307, Florida Statutes, is created  
931 to read:

932       348.0307 Florida Sunshine Rebate Program-The Florida  
933 Sunshine Rebate Program is created within the agency. Subject to  
934 compliance with any covenants made with the holders of the  
935 agency's bonds which are in the trust indentures or resolutions  
936 adopted in connection with the issuance of the agency's bonds,  
937 the agency, at the time that any toll is incurred, shall provide  
938 a 25 percent rebate to all SunPass holders whose SunPass is  
939 registered to a motor vehicle registered in such county. An  
940 eligible SunPass holder must be automatically enrolled in such  
941 rebate program; however, the agency must be provided a mechanism  
942 to allow eligible SunPass holders to opt-out of the program. The  
943 agency may not impose additional requirements for receipt of the  
944 reduced toll amount.

945       Section 20. Section 348.0308, Florida Statutes, is created  
946 to read:

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

954       (1) The agency may receive or solicit proposals and enter



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955 into agreements with private entities, or consortia thereof, for  
956 the building, operation, ownership, or financing of agency  
957 transportation facilities or new transportation facilities  
958 within the jurisdiction of the agency which increase  
959 transportation capacity. An agency may not sell or lease any  
960 transportation facility owned by the agency without providing  
961 the analysis required in s. 334.30(6)(e)2. for review and  
962 approval by the Legislative Budget Commission created pursuant  
963 to s. 11.90 prior to awarding a contract on a lease of an  
964 existing toll facility. The agency is authorized to adopt rules  
965 to implement this section and shall establish by rule an  
966 application fee for the submission of unsolicited proposals  
967 under this section. The fee must be sufficient to pay the costs  
968 of evaluating the proposals. The agency may engage private  
969 consultants to assist in the evaluation. Before approval, the  
970 agency must determine that a proposed project:

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

972 (b) Would not require state funds to be used unless the  
973 project is on, or provides increased mobility on, the State  
974 Highway System.

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

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



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

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

997 (3) The agency may request proposals for public-private  
998 transportation projects or, if it receives an unsolicited  
999 proposal, must publish a notice in the Florida Administrative  
1000 Register and a newspaper of general circulation in the county in  
1001 which it is located at least once a week for 2 weeks, stating  
1002 that it has received the proposal and will accept, for 60 days  
1003 after the initial date of publication, other proposals for the  
1004 same project purpose. A copy of the notice must be mailed to  
1005 each local government in the affected areas. After the public  
1006 notification period has expired, the agency shall rank the  
1007 proposals in order of preference. In ranking the proposals, the  
1008 agency shall consider professional qualifications, general  
1009 business terms, innovative engineering or cost-reduction terms,  
1010 finance plans, and the need for state funds to deliver the  
1011 proposal. If the agency is not satisfied with the results of the  
1012 negotiations, it may, at its sole discretion, terminate



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1013 negotiations with the proposer. If these negotiations are  
1014 unsuccessful, the agency may go to the second and lower-ranked  
1015 firms, in order, using the same procedure. If only one proposal  
1016 is received, the agency may negotiate in good faith, and if it  
1017 is not satisfied with the results, may, at its sole discretion,  
1018 terminate negotiations with the proposer. The agency may, at its  
1019 discretion, reject all proposals at any point in the process up  
1020 to completion of a contract with the proposer.

1021 (4) Agreements entered into pursuant to this section may  
1022 authorize the public-private entity to impose tolls or fares for  
1023 the use of the facility. However, the amount and use of toll or  
1024 fare revenues must be regulated by the agency to avoid  
1025 unreasonable costs to users of the facility.

1026 (5) Each public-private transportation facility constructed  
1027 pursuant to this section shall comply with all requirements of  
1028 federal, state, and local laws; state, regional, and local  
1029 comprehensive plans; the agency's rules, policies, procedures,  
1030 and standards for transportation facilities; and any other  
1031 conditions that the agency determines to be in the public's best  
1032 interest.

1033 (6) The agency may exercise any power possessed by it,  
1034 including eminent domain, to facilitate the development and  
1035 construction of transportation projects pursuant to this  
1036 section. The agency may pay all or part of the cost of operating  
1037 and maintaining the facility or may provide services to the  
1038 private entity for which it receives full or partial  
1039 reimbursement for services rendered.

1040 (7) Except as herein provided, this section is not intended  
1041 to amend existing laws by granting additional powers to or



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1042 further restricting the governmental entities from regulating  
1043 and entering into cooperative arrangements with the private  
1044 sector for the planning, construction, and operation of  
1045 transportation facilities.

1046 Section 21. Section 348.0309, Florida Statutes, is created  
1047 to read:

1048 348.0309 Bonds.—

1049 (1) Bonds may be issued on behalf of the agency as provided  
1050 by the State Bond Act.

1051 (2) (a) Pursuant to this part, the agency may issue bonds  
1052 that do not pledge the full faith and credit of the state in  
1053 such principal amount as, in the opinion of the agency, is  
1054 necessary to provide sufficient moneys for achieving its  
1055 corporate purposes.

1056 (b) Such bonds, on original issuance or refunding, must be  
1057 authorized by resolution of the agency, after approval of the  
1058 issuance of the bonds at a public hearing, and may be either  
1059 term or serial bonds, must bear such date or dates, mature at  
1060 such time or times, bear interest at such rate or rates, be  
1061 payable semiannually, be in such denominations, be in such form,  
1062 either coupon or fully registered, shall carry such  
1063 registration, exchangeability and interchangeability privileges,  
1064 be payable in such medium of payment and at such place or  
1065 places, be subject to such terms of redemption and be entitled  
1066 to such priorities on the revenues, rates, fees, rentals, or  
1067 other charges or receipts of the agency including any county  
1068 gasoline tax funds received by an agency pursuant to the terms  
1069 of any interlocal or lease-purchase agreement between the agency  
1070 or a county, as such resolution or any resolution subsequent



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1071 thereto may provide. The bonds must be executed by such officers  
1072 as the agency determines under the requirements of s. 279.06.

1073 (c) The bonds shall be sold by the agency at public sale by  
1074 competitive bid. However, if the agency, after receipt of a  
1075 written recommendation from a financial adviser, determines by  
1076 official action after public hearing by a two-thirds vote of all  
1077 voting members that a negotiated sale of the bonds is in the  
1078 best interest of the agency, the agency may negotiate for sale  
1079 of the bonds with the underwriter or underwriters designated by  
1080 the agency and the county in which the agency exists. The agency  
1081 shall provide specific findings in a resolution as to the  
1082 reasons requiring the negotiated sale, which resolution must  
1083 incorporate and have attached thereto the written recommendation  
1084 of the financial adviser required by this subsection.

1085 (d) Any such resolution authorizing any bonds that do not  
1086 pledge the full faith and credit of the state may contain  
1087 provisions that are part of the contract with the holders of the  
1088 bonds, as the agency determines appropriate. In addition, the  
1089 agency may enter into trust indentures or other agreements with  
1090 its fiscal agent, or with any bank or trust company within or  
1091 without the state, as security for such bonds, and may, under  
1092 the agreements, assign and pledge the revenues, rates, fees,  
1093 rentals, tolls, or other charges or receipts of the agency,  
1094 including any county gasoline tax funds received by the agency.

1095 (e) Any bonds issued pursuant to this part are negotiable  
1096 instruments and have all the qualities and incidents of  
1097 negotiable instruments under the law merchant and the negotiable  
1098 instruments law of the state.

1099 (f) Each project, building, or facility that has been or



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1100 will be financed by the issuance of bonds or other evidence of  
1101 indebtedness and that does not pledge the full faith and credit  
1102 of the state under this part, and any refinancing thereof, is  
1103 subject to review and approval by the Legislative Budget  
1104 Commission.

1105 Section 22. Section 348.0310, Florida Statutes, is created  
1106 to read:

1107 348.0310 Department may be appointed agent of agency for  
1108 construction.—The department may be appointed by the agency as  
1109 its agent for the purpose of constructing improvements and  
1110 extensions to an expressway system and for the completion  
1111 thereof. In such event, the agency shall provide the department  
1112 with complete copies of all documents, agreements, resolutions,  
1113 contracts, and instruments relating thereto; shall request the  
1114 department to do such construction work, including the planning,  
1115 surveying, and actual construction of the completion,  
1116 extensions, and improvements to the expressway system; and shall  
1117 transfer to the credit of an account of the department in the  
1118 State Treasury the funds therefor. The department then shall  
1119 proceed with such construction and use the funds for such  
1120 purpose in the same manner as it is now authorized to use the  
1121 funds otherwise provided by law for its use in the construction  
1122 of roads and bridges.

1123 Section 23. Section 348.0311, Florida Statutes, is created  
1124 to read:

1125 348.0311 Acquisition of lands and property.—

1126 (1) For the purposes of this act, the agency may acquire  
1127 such rights, title, or interest in private or public property  
1128 and such property rights, including easements, rights of access,



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1129 air, view, and light, by gift, devise, purchase, or condemnation  
1130 by eminent domain proceedings, as the agency may deem necessary  
1131 for any of the purposes of this act, including, but not limited  
1132 to, any lands reasonably necessary for securing applicable  
1133 permits, areas necessary for management of access, borrow pits,  
1134 drainage ditches, water retention areas, rest areas, replacement  
1135 access for landowners whose access is impaired due to the  
1136 construction of an expressway system, and replacement rights-of-  
1137 way for relocated rail and utility facilities; for existing,  
1138 proposed, or anticipated transportation facilities on the  
1139 expressway system or in a transportation corridor designated by  
1140 the agency; or for the purposes of screening, relocation,  
1141 removal, or disposal of junkyards and scrap metal processing  
1142 facilities. The agency also may condemn any material and  
1143 property necessary for such purposes.

1144 (2) The agency and its authorized agents, contractors, and  
1145 employees may enter upon any lands, waters, and premises, upon  
1146 giving reasonable notice to the landowner, for the purpose of  
1147 making surveys, soundings, drillings, appraisals, environmental  
1148 assessments including phase I and phase II environmental  
1149 surveys, archaeological assessments, and such other examinations  
1150 as are necessary for the acquisition of private or public  
1151 property and property rights, including rights of access, air,  
1152 view, and light, by gift, devise, purchase, or condemnation by  
1153 eminent domain proceedings or as are necessary for the agency to  
1154 perform its duties and functions; and any such entry shall not  
1155 be deemed a trespass or an entry that would constitute a taking  
1156 in an eminent domain proceeding. The agency shall make  
1157 reimbursement for any actual damage to such lands, water, and





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1158 premises as a result of such activities. Any entry authorized by  
1159 this subsection shall be in compliance with the premises  
1160 protections and landowner liability provisions contained in s.  
1161 472.029.

1162 (3) The right of eminent domain conferred by this act must  
1163 be exercised by the agency in the manner provided by law.

1164 (4) When an agency acquires property for an expressway  
1165 system or in a transportation corridor as defined in s. 334.03,  
1166 it is not subject to any liability imposed by chapter 376 or  
1167 chapter 403 for preexisting soil or groundwater contamination  
1168 due solely to its ownership. This subsection does not affect the  
1169 rights or liabilities of any past or future owners of the  
1170 acquired property nor does it affect the liability of any  
1171 governmental entity for the results of its actions which create  
1172 or exacerbate a pollution source. The agency and the Department  
1173 of Environmental Protection may enter into interagency  
1174 agreements for the performance, funding, and reimbursement of  
1175 the investigative and remedial acts necessary for property  
1176 acquired by the agency.

1177 Section 24. Section 348.0312, Florida Statutes, is created  
1178 to read:

1179 348.0312 Cooperation with other units, boards, agencies,  
1180 and individuals.—Express authority and power is given and  
1181 granted to any county, municipality, drainage district, road and  
1182 bridge district, school district, or other political  
1183 subdivision, board, commission, or individual in or of this  
1184 state to enter into contracts, leases, conveyances, or other  
1185 agreements with the agency within the provisions and purposes of  
1186 this part. For the purposes of implementing and administering



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1187 this part, the agency may enter into contracts, leases,  
1188 conveyances, and other agreements with any political  
1189 subdivision, agency, or instrumentality of the state and any and  
1190 all federal agencies, corporations, and individuals, to the  
1191 extent consistent with chapters 334, 335, 338, and 339 and other  
1192 law and with 23 U.S.C. ss. 101 et seq.

1193 Section 25. Section 348.0313, Florida Statutes, is created  
1194 to read:

1195 348.0313 Covenant of the state.—The state hereby pledges  
1196 to, and agrees with, any person, firm, corporation, or federal  
1197 or state agency subscribing to or acquiring the bonds to be  
1198 issued by the agency for the purposes of this part that the  
1199 state will not limit or alter the rights hereby vested in the  
1200 agency and the department until all bonds at any time issued,  
1201 together with the interest thereon, are fully paid and  
1202 discharged, insofar as the same affects the rights of the  
1203 holders of bonds issued hereunder. The state does further pledge  
1204 to, and agrees with, the United States that, in the event any  
1205 federal agency constructs, or contributes any funds for the  
1206 completion, extension, or improvement of an expressway system or  
1207 any part or portion thereof, the state will not alter or limit  
1208 the rights and powers of the agency and the department in a  
1209 manner that would be inconsistent with the continued maintenance  
1210 and operation of the expressway system or the completion,  
1211 extension, or improvement thereof, or that would be inconsistent  
1212 with the due performance of any agreement between the agency and  
1213 any such federal agency, and the agency and the department shall  
1214 continue to have and may exercise all powers granted so long as  
1215 necessary or desirable for carrying out the purposes of this act



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1216 and the purposes of the United States in the completion,  
1217 extension, or improvement of the expressway system or any part  
1218 or portion thereof.

1219 Section 26. Section 348.0314, Florida Statutes, is created  
1220 to read:

1221 348.0314 Exemption from taxation.—The effectuation of the  
1222 authorized purposes of the agency is in all respects for the  
1223 benefit of the people of this state, for the increase of their  
1224 commerce and prosperity, and for the improvement of their health  
1225 and living conditions. Therefore, the agency is not required to  
1226 pay any taxes or assessments of any kind upon any property  
1227 acquired by it or used by it for such purposes or upon any  
1228 revenues at any time received by it. The bonds issued by or on  
1229 behalf of the agency, their transfer, and the income therefrom,  
1230 including any profits made on the sale thereof, are exempt from  
1231 taxation of any kind by the state or by any political  
1232 subdivision or other taxing agency or instrumentality thereof.  
1233 The exemption granted by this section does not apply to any tax  
1234 imposed under chapter 220 on interest, income, or profits on  
1235 debt obligations owned by corporations.

1236 Section 27. Section 348.0315, Florida Statutes, is created  
1237 to read:

1238 348.0315 Public accountability.—

1239 (1) The agency shall post the following information on its  
1240 website:

1241 (a) Audited financial statements and any interim financial  
1242 reports.

1243 (b) Board and committee meeting agendas, meeting packets,  
1244 and minutes.



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1245           (c) Bond covenants for any outstanding bond issues.  
1246           (d) Agency budgets.  
1247           (e) Agency contracts. For purposes of this paragraph, the  
1248 term "contract" means a written agreement or purchase order  
1249 issued for the purchase of goods or services or a written  
1250 agreement for the receipt of state or federal financial  
1251 assistance.  
1252           (f) Agency expenditure data, which must include the name of  
1253 the payee, the date of the expenditure, and the amount of the  
1254 expenditure. Such data must be searchable by name of the payee,  
1255 name of the paying agency, and fiscal year and must be  
1256 downloadable in a format that allows offline analysis.  
1257           (g) Information relating to current, recently completed,  
1258 and future projects on authority facilities.  
1259           (2) Beginning October 1, 2020, and annually thereafter, the  
1260 agency shall submit to the board of county commissioners of the  
1261 county and the metropolitan planning organization for that  
1262 county a report providing information regarding the amount of  
1263 tolls collected and how those tolls were used in the authority's  
1264 previous fiscal year. The report shall be posted on the agency's  
1265 website.  
1266           Section 28. Section 348.0316, Florida Statutes, is created  
1267 to read:  
1268           348.0316 Eligibility for investments and security.—Any  
1269 bonds or other obligations issued pursuant to this part are and  
1270 constitute legal investments for banks, savings banks, trustees,  
1271 executors, administrators, and all other fiduciaries, and for  
1272 all state, municipal and other public funds and also are and  
1273 constitute securities eligible for deposit as security for all



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1274 state, municipal, or other public funds, notwithstanding any  
1275 other law to the contrary.

1276 Section 29. Section 348.0317, Florida Statutes, is created  
1277 to read:

1278 348.0317 Pledges enforceable by bondholders.—It is the  
1279 express intention of this part that any pledge by the department  
1280 of rates, fees, revenues, county gasoline tax funds or other  
1281 funds, as rentals, to the agency, or any covenants or agreements  
1282 relative thereto, are enforceable in any court of competent  
1283 jurisdiction against the agency or directly against the  
1284 department by any holder of bonds issued by agency.

1285 Section 30. Section 348.0318, Florida Statutes, is created  
1286 to read:

1287 348.0318 Additional authority.—

1288 (1) The powers conferred by this part are in addition and  
1289 supplemental to the existing powers of the board and the  
1290 department, and this part may not be construed as repealing any  
1291 of the provisions, of any other law, general, special, or local,  
1292 but to supersede such other laws in the exercise of the powers  
1293 provided in this part, and to provide a complete method for the  
1294 exercise of the powers granted in this part. The extension and  
1295 improvement of the expressway system, and the issuance of bonds  
1296 pursuant to this part to finance all or part of the cost of the  
1297 system, may be accomplished upon compliance with this part  
1298 without regard to or necessity for compliance with the  
1299 provisions, limitations, or restrictions contained in any other  
1300 general, special, or local law, including, but not limited to,  
1301 s. 215.821, and no approval of any bonds issued under this part  
1302 by the qualified electors or qualified electors who are



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1303 freeholders in the state or in Miami-Dade County, or in any  
1304 other political subdivision of the state, is required for the  
1305 issuance of such bonds pursuant to this part, including, but not  
1306 limited to s. 215.821.

1307 (2) This part does not repeal, rescind, or modify any other  
1308 law relating to the State Board of Administration, the  
1309 Department of Transportation, or the Division of Bond Finance of  
1310 the State Board of Administration, but supersedes any law that  
1311 is inconsistent with this part, including, but not limited to,  
1312 s. 215.821.

1313 Section 31. (1) Effective upon this act becoming a law, the  
1314 governance and control of the Miami-Dade County Expressway  
1315 Authority is transferred to the Greater Miami Expressway Agency  
1316 pursuant to the terms of this section. The assets, facilities,  
1317 tangible and intangible property and any rights in such  
1318 property, and any other legal rights of the authority, including  
1319 the expressway system operated by the authority, are transferred  
1320 to the agency. The agency succeeds to all powers of the  
1321 authority, and the operations and maintenance of the expressway  
1322 system is under the control of the agency. Revenues collected on  
1323 the expressway system are considered agency revenues but are  
1324 subject to the lien of the trust indentures securing the Miami-  
1325 Dade County Expressway Authority bonds. The agency also assumes  
1326 all liability for bonds of the authority pursuant to subsection  
1327 (2) and the satisfaction of any judgment against the authority  
1328 that may ultimately become due as a result of litigation  
1329 commenced prior to the effective date of this act. The agency  
1330 shall, in consultation with the Division of Bond Finance, review  
1331 all other contracts, financial obligations, and contractual



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1332 relationships and liabilities of the authority, and the agency  
1333 may assume responsibility for the obligations that are  
1334 determined to be necessary or desirable for the continued  
1335 operation of the expressway system. Employees, officers, and  
1336 members of the authority may not sell, dispose, encumber,  
1337 transfer, or expend the assets of the authority as existed and  
1338 reflected in the authority's financial statements for the fiscal  
1339 year ended June 30, 2018, other than in the ordinary course of  
1340 business. For purposes of this section, incurring debt or  
1341 issuing bonds for projects contained in the 5-year work program  
1342 approved and adopted by the authority on December 5, 2018, is  
1343 not considered the ordinary course of business. Notwithstanding  
1344 the foregoing, this part does not prevent the authority from  
1345 designing and planning projects contained in the 5-year work  
1346 program approved and adopted by the authority on December 5,  
1347 2018.

1348 (2) The transfer pursuant to this section is subject to all  
1349 terms and covenants provided for the protection of the holders  
1350 of the Miami-Dade County Expressway Authority bonds in the trust  
1351 indentures or resolutions adopted in connection with the  
1352 issuance of such bonds. Further, the transfer does not impair  
1353 the terms of the contract between the authority and the  
1354 bondholders, does not act to the detriment of the bondholders,  
1355 and does not diminish the security for the bonds. After the  
1356 transfer, the agency shall operate and maintain the expressway  
1357 system and any other facilities of the authority in accordance  
1358 with the terms, conditions, and covenants contained in the trust  
1359 indentures or bond resolutions securing such bonds. The agency  
1360 shall collect toll revenues and apply them to the payment of



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1361 debt service as provided in the trust indentures or bond  
1362 resolutions securing such bonds and expressly assumes all  
1363 obligations relating to the bonds to ensure that the transfer of  
1364 the authority will not have any adverse impact on the security  
1365 for the bonds of the authority.

1366 Section 32. The Miami-Dade County Expressway Authority is  
1367 dissolved.

1368 Section 33. Section 348.635, Florida Statutes, is created  
1369 to read:

1370 348.635 Public-private partnership.—The Legislature  
1371 declares that there is a public need for the rapid construction  
1372 of safe and efficient transportation facilities for traveling  
1373 within the state and that it is in the public's interest to  
1374 provide for public-private partnership agreements to effectuate  
1375 the construction of additional safe, convenient, and economical  
1376 transportation facilities.

1377 (1) Notwithstanding any other provision of this part, the  
1378 authority may receive or solicit proposals and enter into  
1379 agreements with private entities, or consortia thereof, for the  
1380 building, operation, ownership, or financing of authority  
1381 transportation facilities or new transportation facilities  
1382 within the jurisdiction of the authority which increase  
1383 transportation capacity. The authority may not sell or lease any  
1384 transportation facility owned by the authority without providing  
1385 the analysis required in s. 334.30(6)(e)2. to the Legislative  
1386 Budget Commission created pursuant to s. 11.90 for review and  
1387 approval before awarding a contract on a lease of an existing  
1388 toll facility. The authority may adopt rules to implement this  
1389 section and shall establish by rule an application fee for the





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1390 submission of unsolicited proposals under this section. The fee  
1391 must be sufficient to pay the costs of evaluating the proposals.  
1392 The authority may engage private consultants to assist in the  
1393 evaluation. Before approval, the authority must determine that a  
1394 proposed project:

1395 (a) Is in the public's best interest.

1396 (b) Would not require state funds to be used unless the  
1397 project is on or provides increased mobility on the State  
1398 Highway System.

1399 (c) Would have adequate safeguards to ensure that no  
1400 additional costs or service disruptions would be realized by the  
1401 traveling public and residents of the state in the event of  
1402 default or the cancellation of the agreement by the authority.

1403 (d) Would have adequate safeguards in place to ensure that  
1404 the department, the authority, or the private entity has the  
1405 opportunity to add capacity to the proposed project and other  
1406 transportation facilities serving similar origins and  
1407 destinations.

1408 (e) Would be owned by the authority upon completion or  
1409 termination of the agreement.

1410 (2) The authority shall ensure that all reasonable costs to  
1411 the state which are related to transportation facilities that  
1412 are not part of the State Highway System are borne by the  
1413 private entity. The authority also shall ensure that all  
1414 reasonable costs to the state and substantially affected local  
1415 governments and utilities related to the private transportation  
1416 facility are borne by the private entity for transportation  
1417 facilities that are owned by private entities. For projects on  
1418 the State Highway System, the department may use state resources



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1419 to participate in funding and financing the project as provided  
1420 for under the department's enabling legislation.

1421 (3) The authority may request proposals for public-private  
1422 transportation projects or, if it receives an unsolicited  
1423 proposal, it must publish a notice in the Florida Administrative  
1424 Register and a newspaper of general circulation in the county in  
1425 which it is located at least once a week for 2 weeks stating  
1426 that it has received the proposal and will accept, for 60 days  
1427 after the initial date of publication, other proposals for the  
1428 same project purpose. A copy of the notice must be mailed to  
1429 each local government in the affected areas. After the public  
1430 notification period has expired, the authority shall rank the  
1431 proposals in order of preference. In ranking the proposals, the  
1432 authority shall consider professional qualifications, general  
1433 business terms, innovative engineering or cost-reduction terms,  
1434 finance plans, and the need for state funds to deliver the  
1435 proposal. If the authority is not satisfied with the results of  
1436 the negotiations, it may, at its discretion, terminate  
1437 negotiations with the proposer. If these negotiations are  
1438 unsuccessful, the authority may go to the second and lower-  
1439 ranked firms, in order, using the same procedure. If only one  
1440 proposal is received, the authority may negotiate in good faith,  
1441 and, if it is not satisfied with the results, may, at its sole  
1442 discretion, terminate negotiations with the proposer. The  
1443 authority may, at its discretion, reject all proposals at any  
1444 point in the process up to completion of a contract with the  
1445 proposer.

1446 (4) Agreements entered into pursuant to this section may  
1447 authorize the public-private entity to impose tolls or fares for



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1448 the use of the facility. However, the amount and use of toll or  
1449 fare revenues must be regulated by the authority to avoid  
1450 unreasonable costs to users of the facility.

1451 (5) Each public-private transportation facility constructed  
1452 pursuant to this section shall comply with all requirements of  
1453 federal, state, and local laws; state, regional, and local  
1454 comprehensive plans; the authority's rules, policies,  
1455 procedures, and standards for transportation facilities; and any  
1456 other conditions that the authority determines to be in the  
1457 public's best interest.

1458 (6) The authority may exercise any power possessed by it,  
1459 including eminent domain, to facilitate the development and  
1460 construction of transportation projects pursuant to this  
1461 section. The authority may pay all or part of the cost of  
1462 operating and maintaining the facility or may provide services  
1463 to the private entity for which it receives full or partial  
1464 reimbursement for services rendered.

1465 (7) Except as herein provided, this section is not intended  
1466 to amend existing laws by granting additional powers to or  
1467 further restricting the governmental entities from regulating  
1468 and entering into cooperative arrangements with the private  
1469 sector for the planning, construction, and operation of  
1470 transportation facilities.

1471 Section 34. Section 348.7605, Florida Statutes, is created  
1472 to read:

1473 348.7605 Public-private partnership.—The Legislature  
1474 declares that there is a public need for the rapid construction  
1475 of safe and efficient transportation facilities for traveling  
1476 within the state and that it is in the public's interest to



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1477 provide for public-private partnership agreements to effectuate  
1478 the construction of additional safe, convenient, and economical  
1479 transportation facilities.

1480 (1) Notwithstanding any other provision of this part, the  
1481 authority may receive or solicit proposals and enter into  
1482 agreements with private entities, or consortia thereof, for the  
1483 building, operation, ownership, or financing of authority  
1484 transportation facilities or new transportation facilities  
1485 within the jurisdiction of the authority which increase  
1486 transportation capacity. The authority may not sell or lease any  
1487 transportation facility owned by the authority without providing  
1488 the analysis required in s. 334.30(6)(e)2. to the Legislative  
1489 Budget Commission created pursuant to s. 11.90 for review and  
1490 approval before awarding a contract on a lease of an existing  
1491 toll facility. The authority may adopt rules to implement this  
1492 section and shall, by rule, establish an application fee for the  
1493 submission of unsolicited proposals under this section. The fee  
1494 must be sufficient to pay the costs of evaluating the proposals.  
1495 The authority may engage private consultants to assist in the  
1496 evaluation. Before approval, the authority must determine that a  
1497 proposed project:

1498 (a) Is in the public's best interest.

1499 (b) Would not require state funds to be used unless the  
1500 project is on or provides increased mobility on the State  
1501 Highway System.

1502 (c) Would have adequate safeguards to ensure that no  
1503 additional costs or service disruptions would be realized by the  
1504 traveling public and residents of the state in the event of  
1505 default or the cancellation of the agreement by the authority.



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1506       (d) Would have adequate safeguards in place to ensure that  
1507 the department, the authority, or the private entity has the  
1508 opportunity to add capacity to the proposed project and other  
1509 transportation facilities serving similar origins and  
1510 destinations.

1511       (e) Would be owned by the authority upon completion or  
1512 termination of the agreement.

1513       (2) The authority shall ensure that all reasonable costs to  
1514 the state which are related to transportation facilities that  
1515 are not part of the State Highway System are borne by the  
1516 private entity. The authority shall also ensure that all  
1517 reasonable costs to the state and substantially affected local  
1518 governments and utilities related to the private transportation  
1519 facility are borne by the private entity for transportation  
1520 facilities that are owned by private entities. For projects on  
1521 the State Highway System, the department may use state resources  
1522 to participate in funding and financing the project as provided  
1523 for under the department's enabling legislation.

1524       (3) The authority may request proposals for public-private  
1525 transportation projects or, if it receives an unsolicited  
1526 proposal, it must publish a notice in the Florida Administrative  
1527 Register and a newspaper of general circulation in the county in  
1528 which it is located at least once a week for 2 weeks stating  
1529 that it has received the proposal and will accept, for 60 days  
1530 after the initial date of publication, other proposals for the  
1531 same project purpose. A copy of the notice must be mailed to  
1532 each local government in the affected areas. After the public  
1533 notification period has expired, the authority shall rank the  
1534 proposals in order of preference. In ranking the proposals, the



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1535 authority shall consider professional qualifications, general  
1536 business terms, innovative engineering or cost-reduction terms,  
1537 finance plans, and the need for state funds to deliver the  
1538 proposal. If the authority is not satisfied with the results of  
1539 the negotiations, it may, at its sole discretion, terminate  
1540 negotiations with the proposer. If these negotiations are  
1541 unsuccessful, the authority may go to the second and lower-  
1542 ranked firms, in order, using the same procedure. If only one  
1543 proposal is received, the authority may negotiate in good faith,  
1544 and if it is not satisfied with the results, it may, at its sole  
1545 discretion, terminate negotiations with the proposer. The  
1546 authority may, at its discretion, reject all proposals at any  
1547 point in the process up to completion of a contract with the  
1548 proposer.

1549 (4) Agreements entered into pursuant to this section may  
1550 authorize the public-private entity to impose tolls or fares for  
1551 the use of the facility. However, the amount and use of toll or  
1552 fare revenues shall be regulated by the authority to avoid  
1553 unreasonable costs to users of the facility.

1554 (5) Each public-private transportation facility constructed  
1555 pursuant to this section shall comply with all requirements of  
1556 federal, state, and local laws; state, regional, and local  
1557 comprehensive plans; the authority's rules, policies,  
1558 procedures, and standards for transportation facilities; and any  
1559 other conditions that the authority determines to be in the  
1560 public's best interest.

1561 (6) The authority may exercise any power possessed by it,  
1562 including eminent domain, to facilitate the development and  
1563 construction of transportation projects pursuant to this



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1564 section. The authority may pay all or part of the cost of  
1565 operating and maintaining the facility or may provide services  
1566 to the private entity for which it receives full or partial  
1567 reimbursement for services rendered.

1568 (7) Except as herein provided, this section is not intended  
1569 to amend existing laws by granting additional powers to or  
1570 further restricting the governmental entities from regulating  
1571 and entering into cooperative arrangements with the private  
1572 sector for the planning, construction, and operation of  
1573 transportation facilities.

1574 Section 35. Pursuant to section 20 of chapter 2014-171,  
1575 Laws of Florida, part V of chapter 348, Florida Statutes,  
1576 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,  
1577 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and  
1578 348.9961, is repealed.

1579 Section 36. The Office of Program Policy Analysis and  
1580 Government Accountability shall conduct a feasibility analysis  
1581 of the Florida Turnpike Enterprise conducting a rebate program  
1582 for SunPass users. The office shall submit a report of its  
1583 finding and recommendations to the Governor, the President of  
1584 the Senate, and the Speaker of the House of Representatives no  
1585 later than December 1, 2019.

1586 Section 37. Except as otherwise expressly provided in this  
1587 act and except for this section, which shall take effect upon  
1588 this act becoming a law, this act shall take effect July 1,  
1589 2019.