

By Senator Diaz

36-00542A-19

2019898__

1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; conforming provisions to changes made by the
4 act; amending s. 212.055, F.S.; revising the
5 authorized uses of proceeds from charter county and
6 regional transportation system surtaxes; amending s.
7 215.68, F.S.; conforming provisions to changes made by
8 the act; reviving, reenacting, and amending s.
9 319.141, F.S.; requiring the Department of Highway
10 Safety and Motor Vehicles to oversee a program for
11 authorization of alternatives to private-sector
12 rebuilt motor vehicle inspection services; deleting
13 obsolete provisions; amending s. 334.046, F.S.;
14 revising the preservation goals of the Department of
15 Transportation to include ensuring that all work on
16 the State Highway System meets department standards;
17 amending s. 334.175, F.S.; requiring the department to
18 approve design plans for all transportation projects
19 relating to department-owned rights-of-way under
20 certain circumstances; amending s. 337.025, F.S.;
21 authorizing the department to establish a program for
22 transportation projects that demonstrate certain
23 innovative techniques for measuring resiliency and
24 structural integrity and controlling time and cost
25 increases; amending s. 337.25, F.S.; providing
26 conditions for repurchase by the previous property
27 owner of certain real or personal property acquired by
28 the department; providing for disposal of such
29 property under certain circumstances; amending s.

36-00542A-19

2019898__

30 338.165, F.S.; prohibiting the department from
31 collecting tolls on facilities of the former Miami-
32 Dade County Expressway Authority after the discharge
33 of bond obligations; deleting cross-references;
34 requiring the department to acquire the assets and
35 assume the liabilities of the authority; providing
36 construction; amending s. 338.166, F.S.; prohibiting
37 the department from using toll revenues from high-
38 occupancy toll lanes or express lanes to offset
39 certain funding; limiting tolls on high-occupancy toll
40 lanes or express lanes in certain counties; amending
41 s. 338.231, F.S.; requiring the department to commit
42 all net toll collections attributable to users of
43 turnpike facilities in certain counties to projects
44 and bond finance commitments in such counties;
45 amending s. 339.175, F.S.; revising the membership
46 criteria of the metropolitan planning organization in
47 certain counties; repealing s. 339.176, F.S., relating
48 to voting membership for certain metropolitan planning
49 organizations; amending s. 343.1003, F.S.; deleting a
50 cross-reference; repealing part I of ch. 348, F.S.,
51 relating to the creation and operation of the Florida
52 Expressway Authority Act; transferring the assets and
53 liabilities of the Miami-Dade County Expressway
54 Authority to the department; creating ss. 348.635 and
55 348.7605, F.S.; providing a legislative declaration;
56 authorizing the Tampa-Hillsborough County Expressway
57 Authority and the Central Florida Expressway Authority
58 to enter into public-private partnership agreements;

36-00542A-19

2019898__

59 authorizing solicitation or receipt of certain
60 proposals; providing rulemaking authority; providing
61 approval requirements; requiring certain costs to be
62 borne by the private entity; providing notice
63 requirements for requests for proposals; providing for
64 ranking and negotiation of proposals; requiring the
65 authorities to regulate tolls on certain facilities;
66 requiring compliance with specified laws, rules, and
67 conditions; providing for development, construction,
68 operation, and maintenance of transportation projects
69 by the authorities or private entities; providing
70 construction; repealing part V of ch. 348, F.S.,
71 relating to the Osceola County Expressway Authority
72 Law; providing effective dates.

73

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

75

76 Section 1. Paragraph (b) of subsection (2) of section
77 20.23, Florida Statutes, is amended to read:

78 20.23 Department of Transportation.—There is created a
79 Department of Transportation which shall be a decentralized
80 agency.

81 (2)

82 (b) The commission shall:

83 1. Recommend major transportation policies for the
84 Governor's approval and assure that approved policies and any
85 revisions are properly executed.

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

36-00542A-19

2019898__

88 intermodal development, and aviation components of the system
89 and recommend improvements to the Governor and the Legislature.

90 3. Perform an in-depth evaluation of the annual department
91 budget request, the Florida Transportation Plan, and the
92 tentative work program for compliance with all applicable laws
93 and established departmental policies. Except as specifically
94 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
95 not consider individual construction projects, but shall
96 consider methods of accomplishing the goals of the department in
97 the most effective, efficient, and businesslike manner.

98 4. Monitor the financial status of the department on a
99 regular basis to assure that the department is managing revenue
100 and bond proceeds responsibly and in accordance with law and
101 established policy.

102 5. Monitor on at least a quarterly basis, the efficiency,
103 productivity, and management of the department using performance
104 and production standards developed by the commission pursuant to
105 s. 334.045.

106 6. Perform an in-depth evaluation of the factors causing
107 disruption of project schedules in the adopted work program and
108 recommend to the Governor and the Legislature methods to
109 eliminate or reduce the disruptive effects of these factors.

110 7. Recommend to the Governor and the Legislature
111 improvements to the department's organization in order to
112 streamline and optimize the efficiency of the department. In
113 reviewing the department's organization, the commission shall
114 determine if the current district organizational structure is
115 responsive to this state's changing economic and demographic
116 development patterns. The initial report by the commission must

36-00542A-19

2019898__

117 be delivered to the Governor and the Legislature by December 15,
118 2000, and each year thereafter, as appropriate. The commission
119 may retain experts as necessary to carry out this subparagraph,
120 and the department shall pay the expenses of the experts.

121 8. Monitor the efficiency, productivity, and management of
122 the authorities created under chapters 348 and 349, ~~including~~
123 ~~any authority formed using part I of chapter 348~~; the Mid-Bay
124 Bridge Authority re-created pursuant to chapter 2000-411, Laws
125 of Florida; and any authority formed under chapter 343. The
126 commission shall also conduct periodic reviews of each
127 authority's operations and budget, acquisition of property,
128 management of revenue and bond proceeds, and compliance with
129 applicable laws and generally accepted accounting principles.

130 Section 2. Effective July 1, 2022, paragraphs (d) and (e)
131 of subsection (1) of section 212.055, Florida Statutes, are
132 amended to read:

133 212.055 Discretionary sales surtaxes; legislative intent;
134 authorization and use of proceeds.—It is the legislative intent
135 that any authorization for imposition of a discretionary sales
136 surtax shall be published in the Florida Statutes as a
137 subsection of this section, irrespective of the duration of the
138 levy. Each enactment shall specify the types of counties
139 authorized to levy; the rate or rates which may be imposed; the
140 maximum length of time the surtax may be imposed, if any; the
141 procedure which must be followed to secure voter approval, if
142 required; the purpose for which the proceeds may be expended;
143 and such other requirements as the Legislature may provide.
144 Taxable transactions and administrative procedures shall be as
145 provided in s. 212.054.

36-00542A-19

2019898__

146 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM
 147 SURTAX.—

148 (d) To the extent not prohibited by contracts or bond
 149 covenants, proceeds from the surtax shall be used only for the
 150 following purposes:

151 1. The planning, design, engineering, or construction of,
 152 or the acquisition of rights-of-way for, fixed-guideway rapid
 153 transit systems and bus systems, including bus rapid transit
 154 systems, and for the development of dedicated facilities for
 155 autonomous vehicles as defined in s. 316.003.

156 2. The purchase of buses or other capital costs for bus
 157 systems, including bus rapid transit systems.

158 3. The payment of principal and interest on bonds
 159 previously issued related to fixed-guideway rapid transit
 160 systems or bus systems.

161 4. As security by the governing body of the county to
 162 refinance existing bonds or to issue new bonds for the planning,
 163 design, engineering, or construction of fixed-guideway rapid
 164 transit systems, bus rapid transit systems, or bus systems.

165
 166 Proceeds from the surtax may not be used for salaries or other
 167 personnel expenses for any governmental entity receiving these
 168 funds. ~~shall be applied to as many or as few of the uses~~
 169 ~~enumerated below in whatever combination the county commission~~
 170 ~~deems appropriate:~~

171 ~~1. Deposited by the county in the trust fund and shall be~~
 172 ~~used for the purposes of development, construction, equipment,~~
 173 ~~maintenance, operation, supportive services, including a~~
 174 ~~countywide bus system, on-demand transportation services, and~~

36-00542A-19

2019898__

175 ~~related costs of a fixed guideway rapid transit system;~~

176 ~~2. Remitted by the governing body of the county to an~~
177 ~~expressway, transit, or transportation authority created by law~~
178 ~~to be used, at the discretion of such authority, for the~~
179 ~~development, construction, operation, or maintenance of roads or~~
180 ~~bridges in the county, for the operation and maintenance of a~~
181 ~~bus system, for the operation and maintenance of on-demand~~
182 ~~transportation services, for the payment of principal and~~
183 ~~interest on existing bonds issued for the construction of such~~
184 ~~roads or bridges, and, upon approval by the county commission,~~
185 ~~such proceeds may be pledged for bonds issued to refinance~~
186 ~~existing bonds or new bonds issued for the construction of such~~
187 ~~roads or bridges;~~

188 ~~3. Used by the county for the development, construction,~~
189 ~~operation, and maintenance of roads and bridges in the county;~~
190 ~~for the expansion, operation, and maintenance of bus and fixed~~
191 ~~guideway systems; for the expansion, operation, and maintenance~~
192 ~~of on-demand transportation services; and for the payment of~~
193 ~~principal and interest on bonds issued for the construction of~~
194 ~~fixed guideway rapid transit systems, bus systems, roads, or~~
195 ~~bridges; and such proceeds may be pledged by the governing body~~
196 ~~of the county for bonds issued to refinance existing bonds or~~
197 ~~new bonds issued for the construction of such fixed guideway~~
198 ~~rapid transit systems, bus systems, roads, or bridges and no~~
199 ~~more than 25 percent used for nontransit uses; and~~

200 ~~4. Used by the county for the planning, development,~~
201 ~~construction, operation, and maintenance of roads and bridges in~~
202 ~~the county; for the planning, development, expansion, operation,~~
203 ~~and maintenance of bus and fixed guideway systems; for the~~

36-00542A-19

2019898__

204 ~~planning, development, construction, operation, and maintenance~~
205 ~~of on-demand transportation services; and for the payment of~~
206 ~~principal and interest on bonds issued for the construction of~~
207 ~~fixed guideway rapid transit systems, bus systems, roads, or~~
208 ~~bridges; and such proceeds may be pledged by the governing body~~
209 ~~of the county for bonds issued to refinance existing bonds or~~
210 ~~new bonds issued for the construction of such fixed guideway~~
211 ~~rapid transit systems, bus systems, roads, or bridges. Pursuant~~
212 ~~to an interlocal agreement entered into pursuant to chapter 163,~~
213 ~~the governing body of the county may distribute proceeds from~~
214 ~~the tax to a municipality, or an expressway or transportation~~
215 ~~authority created by law to be expended for the purpose~~
216 ~~authorized by this paragraph. Any county that has entered into~~
217 ~~interlocal agreements for distribution of proceeds to one or~~
218 ~~more municipalities in the county shall revise such interlocal~~
219 ~~agreements no less than every 5 years in order to include any~~
220 ~~municipalities that have been created since the prior interlocal~~
221 ~~agreements were executed.~~

222 ~~(c) As used in this subsection, the term "on-demand~~
223 ~~transportation services" means transportation provided between~~
224 ~~flexible points of origin and destination selected by individual~~
225 ~~users with such service being provided at a time that is agreed~~
226 ~~upon by the user and the provider of the service and that is not~~
227 ~~fixed-schedule or fixed-route in nature.~~

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

230 215.68 Issuance of bonds; form; maturity date, execution,
231 sale.—

232 (2) Such bonds may:

36-00542A-19

2019898__

233 (a) Be issued in either coupon form or registered form or
 234 both;

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

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

240 (d) Have such provisions for registration of coupon bonds
 241 and conversion and reconversion of bonds from coupon to
 242 registered form or from registered form to coupon form;

243 (e) Have such provisions for payment at maturity and
 244 redemption before ~~prior to~~ maturity at such time or times and at
 245 such price or prices; and

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

248

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

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

255 319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.—

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

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

259 (b) "Rebuilt inspection services" means an examination of a
 260 rebuilt vehicle and a properly endorsed certificate of title,
 261 salvage certificate of title, or manufacturer's statement of

36-00542A-19

2019898__

262 origin and an application for a rebuilt certificate of title, a
263 rebuilder's affidavit, a photograph of the junk or salvage
264 vehicle taken before repairs began, receipts or invoices for all
265 major component parts, as defined in s. 319.30, and repairs
266 which were changed, and proof that notice of rebuilding of the
267 vehicle has been reported to the National Motor Vehicle Title
268 Information System.

269 (2) ~~By July 1, 2015,~~ The department shall oversee a pilot
270 program in which the department authorizes ~~Miami-Dade County to~~
271 ~~evaluate alternatives to the for~~ rebuilt inspection services
272 currently provided by private-sector ~~offered by existing private~~
273 ~~sector~~ operators. Such authorization must be based on, ~~including~~
274 the continued use of private facilities, the cost impact to
275 consumers, and the potential savings to the department.

276 (3) The department shall establish a memorandum of
277 understanding that allows private parties participating in the
278 ~~pilot~~ program to conduct rebuilt motor vehicle inspections and
279 specifies requirements for oversight, bonding and insurance,
280 procedures, and forms and requires the electronic transmission
281 of documents.

282 (4) Before an applicant is approved, the department shall
283 ensure that the applicant meets basic criteria designed to
284 protect the public. At a minimum, the applicant shall meet all
285 of the following requirements:

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

288 (b) Secure and maintain a facility at a permanent structure
289 at an address recognized by the United States Postal Service
290 where the only services provided on such property are rebuilt

36-00542A-19

2019898__

291 inspection services. The operator of a facility shall annually
292 attest that he or she is not employed by or does not have an
293 ownership interest in or other financial arrangement with the
294 owner, operator, manager, or employee of a motor vehicle repair
295 shop as defined in s. 559.903, a motor vehicle dealer as defined
296 in s. 320.27(1)(c), a towing company, a vehicle storage company,
297 a vehicle auction, an insurance company, a salvage yard, a metal
298 retailer, or a metal rebuilder, from which he or she receives
299 remuneration, directly or indirectly, for the referral of
300 customers for rebuilt inspection services.

301 (c) Have and maintain garage liability and other insurance
302 required by the department.

303 (d) Have completed criminal background checks of the
304 owners, partners, and corporate officers and the inspectors
305 employed by the facility.

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

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

313 (6) The department shall immediately terminate any operator
314 from the program who fails to meet the minimum eligibility
315 requirements specified in subsection (4). Before a change in
316 ownership of a rebuilt inspection facility, the current operator
317 must give the department 45 days' written notice of the intended
318 sale. The prospective owner must meet the eligibility
319 requirements of this section and execute a new memorandum of

36-00542A-19

2019898__

320 understanding with the department before operating the facility.

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

323 Section 5. Paragraph (a) of subsection (4) of section
324 334.046, Florida Statutes, is amended to read:

325 334.046 Department mission, goals, and objectives.—

326 (4) At a minimum, the department's goals shall address the
327 following prevailing principles.

328 (a) *Preservation.*—Protecting the state's transportation
329 infrastructure investment. Preservation includes:

330 1. Ensuring that 80 percent of the pavement on the State
331 Highway System meets department standards.~~†~~

332 2. Ensuring that 90 percent of department-maintained
333 bridges meet department standards.~~†~~ and

334 3. Ensuring that the department achieves 100 percent of the
335 acceptable maintenance standard on the State Highway System.

336 4. Ensuring that all work on the State Highway System meets
337 department standards.

338 Section 6. Section 334.175, Florida Statutes, is amended to
339 read:

340 334.175 Certification of project design plans and surveys.—

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

347 (2) For all transportation projects on, under, over, or
348 abutting a department-owned right-of-way, and regardless of

36-00542A-19

2019898__

349 funding source, the department shall approve the design plans
350 for such projects if such design plans meet department design
351 standards.

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

354 337.025 Innovative transportation ~~highway~~ projects;
355 department to establish program.-

356 (1) The department may ~~is authorized to~~ establish a program
357 for transportation ~~highway~~ projects demonstrating innovative
358 techniques of highway and bridge design, construction,
359 maintenance, and finance which have the intended effect of
360 measuring resiliency and structural integrity and controlling
361 time and cost increases on construction projects. Such
362 techniques may include, but are not limited to, state-of-the-art
363 technology for pavement, safety, and other aspects of highway
364 and bridge design, construction, and maintenance; innovative
365 bidding and financing techniques; accelerated construction
366 procedures; and those techniques that have the potential to
367 reduce project life cycle costs. To the maximum extent
368 practical, the department must use the existing process to award
369 and administer construction and maintenance contracts. When
370 specific innovative techniques are to be used, the department is
371 not required to adhere to those provisions of law that would
372 prevent, preclude, or in any way prohibit the department from
373 using the innovative technique. However, before ~~prior to~~ using
374 an innovative technique that is inconsistent with another
375 provision of law, the department must document in writing the
376 need for the exception and identify what benefits the traveling
377 public and the affected community are anticipated to receive.

36-00542A-19

2019898__

378 The department may enter into no more than \$120 million in
379 contracts annually for the purposes authorized by this section.

380 Section 8. Subsection (4) of section 337.25, Florida
381 Statutes, is amended to read:

382 337.25 Acquisition, lease, and disposal of real and
383 personal property.—

384 (4) The department may convey, in the name of the state,
385 any land, building, or other property, real or personal, which
386 was acquired under subsection (1) and which the department has
387 determined is not needed for the construction, operation, and
388 maintenance of a transportation facility. Subject to the
389 requirements of paragraph (f), when such a determination has
390 been made, property may be disposed of through negotiations,
391 sealed competitive bids, auctions, or any other means the
392 department deems to be in its best interest, with due
393 advertisement for property valued by the department at greater
394 than \$10,000. A sale may not occur at a price less than the
395 department's current estimate of value, except as provided in
396 paragraphs (a)-(d). The department may afford a right of first
397 refusal to the local government or other political subdivision
398 in the jurisdiction in which the parcel is situated, except in a
399 conveyance transacted under paragraph (a), paragraph (c), ~~or~~
400 paragraph (e), or paragraph (f).

401 (a) If the property has been donated to the state for
402 transportation purposes and a transportation facility has not
403 been constructed for at least 5 years, plans have not been
404 prepared for the construction of such facility, and the property
405 is not located in a transportation corridor, the governmental
406 entity may authorize reconveyance of the donated property for no

36-00542A-19

2019898__

407 consideration to the original donor or the donor's heirs,
408 successors, assigns, or representatives.

409 (b) If the property is to be used for a public purpose, the
410 property may be conveyed without consideration to a governmental
411 entity.

412 (c) If the property was originally acquired specifically to
413 provide replacement housing for persons displaced by
414 transportation projects, the department may negotiate for the
415 sale of such property as replacement housing. As compensation,
416 the state shall receive at least its investment in such property
417 or the department's current estimate of value, whichever is
418 lower. It is expressly intended that this benefit be extended
419 only to persons actually displaced by the project. Dispositions
420 to any other person must be for at least the department's
421 current estimate of value.

422 (d) If the department determines that the property requires
423 significant costs to be incurred or that continued ownership of
424 the property exposes the department to significant liability
425 risks, the department may use the projected maintenance costs
426 over the next 10 years to offset the property's value in
427 establishing a value for disposal of the property, even if that
428 value is zero.

429 (e) If, at the discretion of the department, a sale to a
430 person other than an abutting property owner would be
431 inequitable, the property may be sold to the abutting owner for
432 the department's current estimate of value.

433 (f) If the property is valued by the department at greater
434 than \$1 million, the department must give the previous property
435 owner the opportunity to repurchase the property at fair market

36-00542A-19

2019898__

436 value. The previous property owner shall have 30 days to respond
437 to the department if he or she wishes to repurchase the
438 property. If the previous property owner wishes to repurchase
439 the property, the department must halt all other actions until
440 an agreement is reached with the previous property owner or
441 until it becomes evident that an agreement cannot be reached. If
442 an agreement is not reached, the property must be disposed of in
443 accordance with this subsection.

444 Section 9. Subsections (1), (2), and (5) of section
445 338.165, Florida Statutes, are amended, and subsection (12) is
446 added to that section, to read:

447 338.165 Continuation of tolls.—

448 (1) (a) The department, any transportation or expressway
449 authority, or, in the absence of an authority, a county or
450 counties may continue to collect the toll on a revenue-producing
451 project after the discharge of any bond indebtedness related to
452 such project and may increase such toll. All tolls so collected
453 shall first be used to pay the annual cost of the operation,
454 maintenance, and improvement of the toll project.

455 (b) Notwithstanding paragraph (a), the department may not
456 collect tolls on a facility of the former Miami-Dade County
457 Expressway Authority after the discharge of any outstanding bond
458 obligations related to such facility.

459 (2) If the revenue-producing project is on the State
460 Highway System, any remaining toll revenue shall be used for the
461 construction, maintenance, or improvement of any road on the
462 State Highway System within the county or counties in which the
463 revenue-producing project is located, ~~except as provided in s.~~
464 ~~348.0004.~~

36-00542A-19

2019898__

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

470 (12) The department shall acquire the assets and assume the
471 liabilities of the Miami-Dade County Expressway Authority. The
472 acquisition of the expressway authority by the department must
473 be subject to the terms and covenants of any outstanding bond of
474 the authority and may not act to the detriment of the
475 bondholders or decrease the quality of the bonds.

476 Section 10. Present subsections (5), (6), and (7) of
477 section 338.166, Florida Statutes, are renumbered as subsections
478 (7), (8), and (9), respectively, and new subsections (5) and (6)
479 are added to that section, to read:

480 338.166 High-occupancy toll lanes or express lanes.—

481 (5) The department may not use toll revenue from a high-
482 occupancy toll lane or an express lane to offset funding that
483 the facility would receive if the facility were not a high-
484 occupancy toll lane or express lane.

485 (6) Any toll on a high-occupancy toll lane or an express
486 lane that is in a county as defined in s. 125.011(1) may not be
487 more than \$5.

488 Section 11. Paragraph (a) of subsection (3) of section
489 338.231, Florida Statutes, is amended to read:

490 338.231 Turnpike tolls, fixing; pledge of tolls and other
491 revenues.—The department shall at all times fix, adjust, charge,
492 and collect such tolls and amounts for the use of the turnpike
493 system as are required in order to provide a fund sufficient

36-00542A-19

2019898__

494 with other revenues of the turnpike system to pay the cost of
495 maintaining, improving, repairing, and operating such turnpike
496 system; to pay the principal of and interest on all bonds issued
497 to finance or refinance any portion of the turnpike system as
498 the same become due and payable; and to create reserves for all
499 such purposes.

500 (3) (a) ~~For the period July 1, 1998, through June 30, 2027,~~
501 The department shall, ~~to the maximum extent feasible,~~ program
502 sufficient funds in the tentative work program such that all of
503 ~~the percentage of turnpike toll and bond financed commitments in~~
504 ~~Miami Dade County, Broward County, and Palm Beach County as~~
505 ~~compared to total turnpike toll and bond financed commitments~~
506 ~~shall be at least 90 percent of the share of net toll~~
507 ~~collections attributable to users of the turnpike facilities~~
508 ~~system in Miami-Dade County, Broward County, and Palm Beach~~
509 Counties are committed to projects and bond finance commitments
510 in such counties ~~County as compared to total net toll~~
511 ~~collections attributable to users of the turnpike system.~~ This
512 paragraph subsection does not apply when the application of such
513 requirements would violate any covenant established in a
514 resolution or trust indenture relating to the issuance of
515 turnpike bonds. The department may at any time for economic
516 considerations establish lower temporary toll rates for a new or
517 existing toll facility for a period not to exceed 1 year, after
518 which the toll rates adopted pursuant to s. 120.54 shall become
519 effective.

520 Section 12. Paragraph (d) of subsection (3) of section
521 339.175, Florida Statutes, is amended to read:

522 339.175 Metropolitan planning organization.—

36-00542A-19

2019898__

523 (3) VOTING MEMBERSHIP.—

524 (d) Notwithstanding any other provision of this section to
 525 the contrary, a county as defined in s. 125.011(1) Any other
 526 ~~provision of this section to the contrary notwithstanding, any~~
 527 ~~county chartered under s. 6(c), Art. VIII of the State~~
 528 ~~Constitution~~ may elect to have its county commission serve as
 529 the M.P.O., if the M.P.O. jurisdiction is wholly contained
 530 within the county. Any ~~charter~~ county that elects to exercise
 531 the provisions of this paragraph shall so notify the Governor in
 532 writing. Upon receipt of such notification, the Governor must
 533 designate the county commission as the M.P.O. The Governor must
 534 appoint four additional voting members to the M.P.O., one of
 535 whom must be an elected official representing a municipality
 536 that has a population of 65,000 or more within the county, one
 537 of whom must be an expressway authority member, one of whom must
 538 be a person who does not hold elected public office and who
 539 resides in the unincorporated portion of the county, and one of
 540 whom must be a school board member.

541 Section 13. Section 339.176, Florida Statutes, is repealed.

542 Section 14. Subsection (6) of section 343.1003, Florida
 543 Statutes, is amended to read:

544 343.1003 Northeast Florida Regional Transportation
 545 Commission.—

546 (6) ~~Notwithstanding s. 348.0003(4)(c),~~ Members of the board
 547 shall file a statement of financial interests ~~interest~~ with the
 548 Commission on Ethics pursuant to s. 112.3145.

549 Section 15. Part I of chapter 348, Florida Statutes,
 550 consisting of sections 348.0001, 348.0002, 348.0003, 348.0004,
 551 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,

36-00542A-19

2019898__

552 348.00115, and 348.0012, is repealed.

553 Section 16. The Miami-Dade County Expressway Authority is
554 transferred by a type two transfer, pursuant to s. 20.06,
555 Florida Statutes, to the Department of Transportation. Any
556 binding contract or interagency agreement entered into between
557 the Miami-Dade County Expressway Authority or an agent of the
558 authority and any other agency, entity, or person shall continue
559 to be a binding contract or agreement of the Miami-Dade County
560 Expressway Authority for the remainder of the term of such
561 contract or agreement.

562 Section 17. Section 348.635, Florida Statutes, is created
563 to read:

564 348.635 Public-private partnership.—The Legislature
565 declares that there is a public need for the rapid construction
566 of safe and efficient transportation facilities for traveling
567 within the state and that it is in the public's best interest to
568 provide for public-private partnership agreements to develop
569 additional safe, convenient, and economical transportation
570 facilities.

571 (1) Notwithstanding any other provision of this part, the
572 authority may receive or solicit proposals and enter into
573 agreements with private entities, or consortia thereof, for the
574 building, operation, ownership, or financing of authority
575 transportation facilities or new transportation facilities
576 within the jurisdiction of the authority which increase
577 transportation capacity. The authority may not sell or lease any
578 transportation facility it owns without providing the analysis
579 required in s. 334.30(6)(e)2. to the Legislative Budget
580 Commission created pursuant to s. 11.90 for review and approval.

36-00542A-19

2019898__

581 The authority may adopt rules to implement this section and
582 shall establish by rule an application fee for the submission of
583 unsolicited proposals under this section. The fee must be
584 sufficient to pay the costs of evaluating the proposals. The
585 authority may engage private consultants to assist in the
586 evaluation. Before approval, the authority must determine that a
587 proposed project meets all of the following requirements:

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

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

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

596 (d) Would have adequate safeguards in place to ensure that
597 the department, the authority, or the private entity has the
598 opportunity to add capacity to the proposed project and other
599 transportation facilities serving similar origins and
600 destinations.

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

603 (2) The authority shall ensure that all reasonable costs to
604 the state which are related to transportation facilities that
605 are not part of the State Highway System are borne by the
606 private entity. The authority shall also ensure that, for
607 transportation facilities that are owned by private entities,
608 all reasonable costs to the state and substantially affected
609 local governments and utilities related to the private

36-00542A-19

2019898__

610 transportation facility are borne by the private entity. For
611 projects on the State Highway System, the department may use
612 state resources to participate in funding and financing the
613 project as provided for under the department's enabling
614 legislation.

615 (3) The authority may request proposals for public-private
616 transportation projects. If the authority receives an
617 unsolicited proposal, it must publish a notice in the Florida
618 Administrative Register and a newspaper of general circulation
619 in the county in which the authority is located at least once a
620 week for 2 weeks stating that it has received the proposal and
621 that, for 60 days after the initial date of publication, it will
622 accept other proposals for the same project purpose. A copy of
623 the notice must be mailed to each local government in the
624 affected areas. After the public notification period has
625 expired, the authority shall rank the proposals in order of
626 preference. In ranking the proposals, the authority shall
627 consider professional qualifications, general business terms,
628 innovative engineering or cost-reduction terms, finance plans,
629 and the need for state funds to deliver the proposal. If the
630 authority is not satisfied with the results of the negotiations,
631 it may, at its sole discretion, terminate negotiations with the
632 proposer. If these negotiations are unsuccessful, the authority
633 may go to the second and lower-ranked firms, in order of their
634 rankings, using the same procedure. If only one proposal is
635 received, the authority may negotiate in good faith and, if it
636 is not satisfied with the results, may, at its sole discretion,
637 terminate negotiations with the proposer. The authority may, at
638 its discretion, reject all proposals at any point in the process

36-00542A-19

2019898__

639 up to completion of a contract with the proposer.

640 (4) Agreements entered into pursuant to this section may
641 authorize the public-private entity to impose tolls or fares for
642 the use of the facility. However, the amount and use of toll or
643 fare revenues must be regulated by the authority to avoid
644 unreasonable costs to users of the facility.

645 (5) Each public-private transportation facility constructed
646 pursuant to this section must comply with all requirements of
647 federal, state, and local laws; state, regional, and local
648 comprehensive plans; the authority's rules, policies,
649 procedures, and standards for transportation facilities; and any
650 other conditions that the authority determines to be in the
651 public's best interest.

652 (6) The authority may exercise any power it has, including
653 eminent domain, to facilitate the development and construction
654 of transportation projects pursuant to this section. The
655 authority may pay all or part of the cost of operating and
656 maintaining the facility or may provide services to the private
657 entity for which it receives full or partial reimbursement.

658 (7) Except as herein provided, this section is not intended
659 to amend existing laws by granting additional powers to or
660 further restricting the governmental entities from regulating
661 and entering into cooperative arrangements with the private
662 sector for the planning, construction, and operation of
663 transportation facilities.

664 Section 18. Section 348.7605, Florida Statutes, is created
665 to read:

666 348.7605 Public-private partnership.—The Legislature
667 declares that there is a public need for the rapid construction

36-00542A-19

2019898__

668 of safe and efficient transportation facilities for traveling
669 within the state and that it is in the public's interest to
670 provide for public-private partnership agreements to develop
671 additional safe, convenient, and economical transportation
672 facilities.

673 (1) Notwithstanding any other provision of this part, the
674 authority may receive or solicit proposals and enter into
675 agreements with private entities, or consortia thereof, for the
676 building, operation, ownership, or financing of authority
677 transportation facilities or new transportation facilities
678 within the jurisdiction of the authority which increase
679 transportation capacity. The authority may not sell or lease any
680 transportation facility it owns without providing the analysis
681 required in s. 334.30(6)(e)2. to the Legislative Budget
682 Commission created pursuant to s. 11.90 for review and approval.
683 The authority may adopt rules to implement this section and
684 shall establish by rule an application fee for the submission of
685 unsolicited proposals under this section. The fee must be
686 sufficient to pay the costs of evaluating the proposals. The
687 authority may engage private consultants to assist in the
688 evaluation. Before approval, the authority must determine that a
689 proposed project meets all of the following requirements:

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

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

694 (c) Would have adequate safeguards to ensure that no
695 additional costs or service disruptions would be realized by the
696 traveling public and residents of the state in the event of

36-00542A-19

2019898__

697 default or the cancellation of the agreement by the authority.

698 (d) Would have adequate safeguards in place to ensure that
699 the department, the authority, or the private entity has the
700 opportunity to add capacity to the proposed project and other
701 transportation facilities serving similar origins and
702 destinations.

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

705 (2) The authority shall ensure that all reasonable costs to
706 the state which are related to transportation facilities that
707 are not part of the State Highway System are borne by the
708 private entity. The authority shall also ensure that all
709 reasonable costs to the state and substantially affected local
710 governments and utilities related to the private transportation
711 facility are borne by the private entity for transportation
712 facilities that are owned by private entities. For projects on
713 the State Highway System, the department may use state resources
714 to participate in funding and financing the project as provided
715 for under the department's enabling legislation.

716 (3) The authority may request proposals for public-private
717 transportation projects or, if it receives an unsolicited
718 proposal, it must publish a notice in the Florida Administrative
719 Register and a newspaper of general circulation in the county in
720 which it is located at least once a week for 2 weeks stating
721 that it has received the proposal and that, for 60 days after
722 the initial date of publication, it will accept other proposals
723 for the same project purpose. A copy of the notice must be
724 mailed to each local government in the affected areas. After the
725 public notification period has expired, the authority shall rank

36-00542A-19

2019898__

726 the proposals in order of preference. In ranking the proposals,
727 the authority shall consider professional qualifications,
728 general business terms, innovative engineering or cost-reduction
729 terms, finance plans, and the need for state funds to deliver
730 the proposal. If the authority is not satisfied with the results
731 of the negotiations, it may, at its sole discretion, terminate
732 negotiations with the proposer. If these negotiations are
733 unsuccessful, the authority may go to the second and lower-
734 ranked firms, in order of their rankings, using the same
735 procedure. If only one proposal is received, the authority may
736 negotiate in good faith, and if it is not satisfied with the
737 results, it may, at its sole discretion, terminate negotiations
738 with the proposer. The authority may, at its discretion, reject
739 all proposals at any point in the process up to completion of a
740 contract with the proposer.

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

746 (5) Each public-private transportation facility constructed
747 pursuant to this section must comply with all requirements of
748 federal, state, and local laws; state, regional, and local
749 comprehensive plans; the authority's rules, policies,
750 procedures, and standards for transportation facilities; and any
751 other conditions that the authority determines to be in the
752 public's best interest.

753 (6) The authority may exercise any power it has, including
754 eminent domain, to facilitate the development and construction

36-00542A-19

2019898__

755 of transportation projects pursuant to this section. The
756 authority may pay all or part of the cost of operating and
757 maintaining the facility or may provide services to the private
758 entity for which it receives full or partial reimbursement.

759 (7) Except as herein provided, this section is not intended
760 to amend existing laws by granting additional powers to or
761 further restricting the governmental entities from regulating
762 and entering into cooperative arrangements with the private
763 sector for the planning, construction, and operation of
764 transportation facilities.

765 Section 19. Pursuant to section 20 of chapter 2014-171,
766 Laws of Florida, part V of chapter 348, Florida Statutes,
767 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
768 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
769 348.9961, is repealed.

770 Section 20. Except as otherwise expressly provided in this
771 act, this act shall take effect July 1, 2019.