

1 A bill to be entitled
2 An act relating to transportation; creating s.
3 334.066, F.S.; establishing the Implementing Solutions
4 from Transportation Research and Evaluating Emerging
5 Technologies Living Lab (I-STREET) within the
6 University of Florida; specifying the duties of I-
7 STREET; requiring I-STREET to annually provide the
8 Governor and the Legislature with a certain report;
9 requiring the creation of a certain advisory board;
10 specifying the composition of the board; amending s.
11 337.025, F.S.; providing that the Department of
12 Transportation's program for innovative transportation
13 projects may include progressive design-build
14 contracts; authorizing the department to enter into a
15 progressive design-build contract if it makes a
16 certain determination; providing procedures and
17 requirements for progressive design-build contracts;
18 revising contracts exempt from a specified annual
19 monetary cap on contracts; amending s. 337.107, F.S.;
20 authorizing landowners, under a department-issued
21 permit, to remove vegetation under specified
22 circumstances; amending s. 337.11, F.S.; revising the
23 department's authority relating to design-build
24 contracts; revising rulemaking authority; requiring
25 specified department contracts to contain specified

26 insurance provisions; amending s. 337.1101, F.S.;

27 revising the calculation of a certain settlement paid

28 to a nonselected responsive bidder; amending s.

29 337.14, F.S.; revising a dollar limit of proposed

30 budget estimates of construction contracts for which

31 an applying contractor may submit certain financial

32 statements; revising procedures relating to

33 certificates of qualification issued by the department

34 to construction contractors seeking certification to

35 bid on certain contracts; exempting progressive

36 design-build prequalifications from a certain

37 restriction on contractors and their affiliates;

38 amending s. 337.168, F.S.; deleting a public records

39 exemption for certain documents revealing the identity

40 of a potential bidder; amending s. 338.165, F.S.;

41 revising the frequency with which the department must

42 make toll rate adjustments for inflation;

43 reestablishing the Greater Miami Expressway Agency;

44 amending s. 348.0301, F.S.; revising a short title;

45 repealing s. 348.0302, F.S., relating to

46 applicability; amending s. 348.0303, F.S.; deleting

47 the term "county"; revising the definition of the term

48 "expressway system"; defining the term "Miami-Dade

49 County Expressway Authority"; creating s. 348.03031,

50 F.S.; providing legislative findings and intent;

51 amending s. 348.0304, F.S.; revising the area served
52 by the agency to include specified portions of Monroe
53 County; revising requirements for membership of the
54 agency's governing body; revising requirements for
55 initial appointments; amending s. 348.0306, F.S.;
56 authorizing, rather than requiring, the agency to
57 construct expressways; conforming provisions to
58 changes made by the act; amending s. 348.0307, F.S.;
59 revising the date by which the agency must develop and
60 implement a certain toll rebate program; revising
61 persons who are eligible for the program; amending s.
62 348.0309, F.S.; conforming a provision to changes made
63 by the act; amending s. 348.0315, F.S.; revising the
64 date by which, and the entities to which, the agency
65 must begin submitting certain annual reports relating
66 to tolls; amending s. 348.0318, F.S.; conforming a
67 provision to changes made by the act; providing a
68 directive to the Division of Law Revision; providing
69 effective dates.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. Section 334.066, Florida Statutes, is created
74 to read:

75 334.066 Implementing Solutions from Transportation

76 Research and Evaluating Emerging Technologies Living Lab.—

77 (1) The Implementing Solutions from Transportation
 78 Research and Evaluating Emerging Technologies Living Lab (I-
 79 STREET) is established within the University of Florida.

80 (2) At a minimum, I-STREET shall:

81 (a) Conduct and facilitate research on issues related to
 82 innovative transportation mobility and safety technology
 83 development and deployment in this state and serve as an
 84 information exchange and depository for the most current
 85 information pertaining to transportation research, education,
 86 workforce development, and related issues.

87 (b) Be a continuing resource for the Legislature, the
 88 department, local governments, the nation's metropolitan
 89 regions, and the private sector in the area of transportation
 90 and related research.

91 (c) Promote intercampus transportation and related
 92 research activities among Florida universities to enhance the
 93 ability of these universities to attract federal and private
 94 sector funding for transportation and related research.

95 (d) Provide by July 1, 2023, and each July 1 thereafter,
 96 to the Governor, the President of the Senate, and the Speaker of
 97 the House of Representatives a comprehensive report that
 98 outlines its clearly defined goals and its efforts and progress
 99 on reaching those goals.

100 (3) An advisory board shall be created to periodically

101 review and advise I-STREET concerning its research program. The
 102 board shall consist of nine members with expertise in
 103 transportation-related areas, as follows:

104 (a) A member appointed by the President of the Senate.

105 (b) A member appointed by the Speaker of the House of
 106 Representatives.

107 (c) The Secretary of Transportation or his or her
 108 designee.

109 (d) The Secretary of Economic Opportunity or his or her
 110 designee.

111 (e) A member of the Florida Transportation Commission.

112 (f) Four members nominated by the University of Florida's
 113 College of Engineering and approved by the university's
 114 president. The College of Engineering's nominees may include
 115 representatives of the University of Florida, other academic and
 116 research institutions, or private entities.

117 Section 2. Section 337.025, Florida Statutes, is amended
 118 to read:

119 337.025 Innovative transportation projects; department to
 120 establish program.—

121 (1) The department may establish a program for
 122 transportation projects demonstrating innovative techniques of
 123 highway and bridge design, construction, maintenance, and
 124 finance which have the intended effect of measuring resiliency
 125 and structural integrity and controlling time and cost increases

126 on construction projects. Such techniques may include, but are
127 not limited to, state-of-the-art technology for pavement,
128 safety, and other aspects of highway and bridge design,
129 construction, and maintenance; innovative bidding and financing
130 techniques; progressive design-build contracts as specified in
131 subsection (2); accelerated construction procedures; and those
132 techniques that have the potential to reduce project life cycle
133 costs. To the maximum extent practical, the department must use
134 the existing process to award and administer construction and
135 maintenance contracts. When specific innovative techniques are
136 to be used, the department is not required to adhere to those
137 provisions of law that would prevent, preclude, or in any way
138 prohibit the department from using the innovative technique.
139 However, before using an innovative technique that is
140 inconsistent with another provision of law, the department must
141 document in writing the need for the exception and identify what
142 benefits the traveling public and the affected community are
143 anticipated to receive. The department may enter into no more
144 than \$120 million in contracts awarded annually for the purposes
145 authorized by this section.

146 (2) If the department determines that it is in the best
147 interests of the public, the department may combine the design
148 and construction phases of a project into a single contract and
149 select the design-build firm in the early stages of a project to
150 ensure that the design-build firm is part of the collaboration

151 and development of the design as part of a step-by-step
 152 progression through construction. Such contract is referred to
 153 as a progressive design-build contract. For progressive design-
 154 build contracts, the selection and award processes must include
 155 a two-phase process. For phase one, the department shall
 156 competitively award the contract to a design-build firm based
 157 upon qualifications. For phase two, the design-build firm shall
 158 competitively bid construction trade subcontractor packages and,
 159 based upon these bids, negotiate with the department a fixed
 160 firm price or guaranteed maximum price that meets the project
 161 budget and scope as advertised in the request for
 162 qualifications.

163 (3)~~(2)~~ The annual cap on contracts provided in subsection
 164 (1) does not apply to:

165 (a) Turnpike enterprise projects.

166 (b) Progressive ~~Low-bid~~ design-build ~~milling and~~
 167 ~~resurfacing~~ contracts for complex, high-risk projects with a
 168 minimum contract value of \$400 million.

169 Section 3. Section 337.107, Florida Statutes, is amended
 170 to read:

171 337.107 Contracts for right-of-way services.—

172 (1) The department may enter into contracts pursuant to s.
 173 287.055 for right-of-way services on transportation corridors
 174 and transportation facilities. Right-of-way services include
 175 negotiation and acquisition services, appraisal services,

176 demolition and removal of improvements, and asbestos-abatement
177 services.

178 (2) For a construction project funded in the first 3 years
179 of the department's adopted work program, a landowner with land
180 contiguous to a limited access facility may be allowed, under a
181 department-issued permit, to remove vegetation designated to be
182 removed as part of the construction project on a department
183 right-of-way in an area associated with a limited access
184 facility, within the same limits of removal as identified in the
185 final plans of the project.

186 Section 4. Subsections (15) and (16) of section 337.11,
187 Florida Statutes, are renumbered as subsections (16) and (17),
188 respectively, a new subsection (15) is added to that section,
189 and paragraphs (a) and (b) of subsection (7) of that section are
190 amended, to read:

191 337.11 Contracting authority of department; bids;
192 emergency repairs, supplemental agreements, and change orders;
193 combined design and construction contracts; progress payments;
194 records; requirements of vehicle registration.—

195 (7)(a) If the department determines that it is in the best
196 interests of the public, the department may combine the design
197 and construction phases of a ~~building, a major bridge, a limited~~
198 ~~access facility, or a rail corridor~~ project into a single
199 contract. Such contract is referred to as a design-build
200 contract. Design-build contracts may be advertised and awarded

201 notwithstanding the requirements of paragraph (3)(c). However,
 202 construction activities may not begin on any portion of such
 203 projects for which the department has not yet obtained title to
 204 the necessary rights-of-way and easements for the construction
 205 of that portion of the project has vested in the state or a
 206 local governmental entity and all railroad crossing and utility
 207 agreements have been executed. Title to rights-of-way shall be
 208 deemed to have vested in the state when the title has been
 209 dedicated to the public or acquired by prescription.

210 (b) The department shall adopt by rule procedures for
 211 administering design-build contracts, including progressive
 212 design-build contracts. Such procedures shall include, but not
 213 be limited to:

- 214 1. Prequalification requirements.
- 215 2. Public announcement procedures.
- 216 3. Scope of service requirements.
- 217 4. Letters of interest requirements.
- 218 5. Short-listing criteria and procedures.
- 219 6. Bid proposal requirements.
- 220 7. Technical review committee.
- 221 8. Selection and award processes.
- 222 9. Stipend requirements.

223 (15) Each contract let by the department for performance
 224 of bridge construction or maintenance over navigable waters must
 225 contain a provision requiring general liability insurance, in an

226 amount to be determined by the department, that covers third-
227 party personal injury and property damage caused by vessels used
228 by the contractor in the performance of the work.

229 Section 5. Subsection (1) of section 337.1101, Florida
230 Statutes, is amended to read:

231 337.1101 Contracting and procurement authority of the
232 department; settlements; notification required.—

233 (1) When the department, or any entity or enterprise
234 within the department, determines that it is in the best
235 interest of the public to resolve a protest filed in accordance
236 with s. 120.57(3) of the award of a contract being procured
237 pursuant to s. 337.11 or related to the purchase of personal
238 property or contractual services being procured pursuant to s.
239 287.057, through a settlement that requires the department to
240 pay a nonselected responsive bidder a total sum of \$1 million or
241 more, including any amount paid pursuant to s. 334.049, any
242 amount paid pursuant to s. 337.11(8) which is not included in
243 the department's work program approved by the Legislature as
244 part of the General Appropriations Act, or any amount paid
245 pursuant to any other law, the department must:

246 (a) Document in a written memorandum by the secretary the
247 specific reasons that such settlement and payment to a
248 nonselected responsive bidder is in the best interest of the
249 state. The written memorandum must be included and maintained in
250 the department's permanent files concerning the procurement and

251 must include:

252 1. A description of the property rights, patent rights,
253 copyrights, trademarks, or the engineering design or other
254 design work that the department will acquire or retain as a
255 result of such settlement; and

256 2. The specific appropriation in the existing General
257 Appropriations Act which the department intends to use to
258 provide such payment.

259 (b) Provide prior written notification to the President of
260 the Senate, the Speaker of the House of Representatives, the
261 Senate and House of Representatives minority leaders, the chair
262 and vice chair of the Legislative Budget Commission, and the
263 Attorney General at least 5 business days, or as soon thereafter
264 as practicable, before the department makes the settlement
265 agreement final. Such written notification must include the
266 written memorandum required pursuant to paragraph (a).

267 (c) Provide, at the time settlement discussions regarding
268 any such payment have begun in earnest, written notification of
269 such discussions to the President of the Senate, the Speaker of
270 the House of Representatives, the Senate and House of
271 Representatives minority leaders, the chair and vice chair of
272 the Legislative Budget Commission, and the Attorney General.

273 Section 6. Subsections (1), (4), and (7) of section
274 337.14, Florida Statutes, are amended to read:

275 337.14 Application for qualification; certificate of

276 | qualification; restrictions; request for hearing.—

277 | (1) Any contractor desiring to bid for the performance of
278 | any construction contract in excess of \$250,000 which the
279 | department proposes to let must first be certified by the
280 | department as qualified pursuant to this section and rules of
281 | the department. The rules of the department must address the
282 | qualification of contractors to bid on construction contracts in
283 | excess of \$250,000 and must include requirements with respect to
284 | the equipment, past record, experience, financial resources, and
285 | organizational personnel of the applying contractor which are
286 | necessary to perform the specific class of work for which the
287 | contractor seeks certification. Any contractor who desires to
288 | bid on contracts in excess of \$50 million and who is not
289 | qualified and in good standing with the department as of January
290 | 1, 2019, must first be certified by the department as qualified
291 | and must have satisfactorily completed two projects, each in
292 | excess of \$15 million, for the department or for any other state
293 | department of transportation. The department may limit the
294 | dollar amount of any contract upon which a contractor is
295 | qualified to bid or the aggregate total dollar volume of
296 | contracts such contractor is allowed to have under contract at
297 | any one time. Each applying contractor seeking qualification to
298 | bid on construction contracts in excess of \$250,000 shall
299 | furnish the department a statement under oath, on such forms as
300 | the department may prescribe, setting forth detailed information

301 as required on the application. Each application for
302 certification must be accompanied by audited, certified
303 financial statements prepared in accordance with generally
304 accepted accounting principles and auditing standards by a
305 certified public accountant licensed in this state or another
306 state. The audited, certified financial statements must be for
307 the applying contractor and must have been prepared within the
308 immediately preceding 12 months. The department may not consider
309 any financial information of the parent entity of the applying
310 contractor, if any. The department may not certify as qualified
311 any applying contractor who fails to submit the audited,
312 certified financial statements required by this subsection. If
313 the application or the annual financial statement shows the
314 financial condition of the applying contractor more than 4
315 months before the date on which the application is received by
316 the department, the applicant must also submit interim audited,
317 certified financial statements prepared in accordance with
318 generally accepted accounting principles and auditing standards
319 by a certified public accountant licensed in this state or
320 another state. The interim financial statements must cover the
321 period from the end date of the annual statement and must show
322 the financial condition of the applying contractor no more than
323 4 months before the date that the interim financial statements
324 are received by the department. However, upon the request of the
325 applying contractor, an application and accompanying annual or

326 interim financial statement received by the department within 15
327 days after either 4-month period under this subsection shall be
328 considered timely. An applying contractor desiring to bid
329 exclusively for the performance of construction contracts with
330 proposed budget estimates of less than \$2 ~~\$1~~ million may submit
331 reviewed annual or reviewed interim financial statements
332 prepared by a certified public accountant. The information
333 required by this subsection is confidential and exempt from s.
334 119.07(1). The department shall act upon the application for
335 qualification within 30 days after the department determines
336 that the application is complete. The department may waive the
337 requirements of this subsection for projects having a contract
338 price of \$500,000 or less if the department determines that the
339 project is of a noncritical nature and the waiver will not
340 endanger public health, safety, or property.

341 (4) If the applicant is found to possess the prescribed
342 qualifications, the department shall issue to him or her a
343 certificate of qualification that, unless thereafter revoked by
344 the department for good cause, will be valid for a period of 18
345 months after the date of the applicant's financial statement or
346 such shorter period as the department prescribes. Submission of
347 an application does ~~and subsequent approval do~~ not affect
348 expiration of the certificate of qualification, ~~the ability~~
349 ~~factor of the applicant, or the maximum capacity rating of the~~
350 ~~applicant.~~ An applicant may submit a written request with a

351 timely submitted application to keep an existing certificate of
352 qualification in place until the expiration date. If the request
353 is approved by the department, the current maximum capacity
354 rating of the applicant must remain in place until expiration of
355 the current certificate of qualification. If the department
356 finds that an application is incomplete or contains inadequate
357 information or information that cannot be verified, the
358 department may request in writing that the applicant provide the
359 necessary information to complete the application or provide the
360 source from which any information in the application may be
361 verified. If the applicant fails to comply with the initial
362 written request within a reasonable period of time as specified
363 therein, the department shall request the information a second
364 time. If the applicant fails to comply with the second request
365 within a reasonable period of time as specified therein, the
366 application shall be denied.

367 (7) A "contractor" as defined in s. 337.165(1)(d) or his
368 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
369 the department under this section may not also qualify under s.
370 287.055 or s. 337.105 to provide testing services, construction,
371 engineering, and inspection services to the department. This
372 limitation does not apply to any design-build, including
373 progressive design-build, prequalification under s. 337.11(7)
374 and does not apply when the department otherwise determines by
375 written order entered at least 30 days before advertisement that

376 the limitation is not in the best interests of the public with
 377 respect to a particular contract for testing services,
 378 construction, engineering, and inspection services. This
 379 subsection does not authorize a contractor to provide testing
 380 services, or provide construction, engineering, and inspection
 381 services, to the department in connection with a construction
 382 contract under which the contractor is performing any work.
 383 Notwithstanding any other provision of law to the contrary, for
 384 a project that is wholly or partially funded by the department
 385 and administered by a local governmental entity, except for a
 386 seaport listed in s. 311.09 or an airport as defined in s.
 387 332.004, the entity performing design and construction
 388 engineering and inspection services may not be the same entity.

389 Section 7. Subsection (2) of section 337.168, Florida
 390 Statutes, is amended to read:

391 337.168 Confidentiality of official estimates, ~~identities~~
 392 ~~of potential bidders,~~ and bid analysis and monitoring system.-

393 ~~(2) A document that reveals the identity of a person who~~
 394 ~~has requested or obtained a bid package, plan, or specifications~~
 395 ~~pertaining to any project to be let by the department is~~
 396 ~~confidential and exempt from the provisions of s. 119.07(1) for~~
 397 ~~the period that begins 2 working days before the deadline for~~
 398 ~~obtaining bid packages, plans, or specifications and ends with~~
 399 ~~the letting of the bid. A document that reveals the identity of~~
 400 ~~a person who has requested or obtained a bid package, plan, or~~

401 ~~specifications pertaining to any project to be let by the~~
 402 ~~department before the 2 working days before the deadline for~~
 403 ~~obtaining bid packages, plans, or specifications remains a~~
 404 ~~public record subject to s. 119.07(1).~~

405 Section 8. Subsection (3) of section 338.165, Florida
 406 Statutes, is amended to read:

407 338.165 Continuation of tolls.—

408 (3) Notwithstanding any other provision of law, the
 409 department, including the turnpike enterprise, shall index toll
 410 rates on existing toll facilities to the annual Consumer Price
 411 Index or similar inflation indicators. Toll rate adjustments for
 412 inflation under this subsection may be made no more frequently
 413 than once a year and must be made no less frequently than once
 414 every 10 ~~5~~ years ~~as necessary to accommodate cash toll rate~~
 415 ~~schedules~~. Toll rates may be increased beyond these limits as
 416 directed by bond documents, covenants, or governing body
 417 authorization or pursuant to department administrative rule.

418 Section 9. Effective upon this act becoming a law, the
 419 Greater Miami Expressway Agency created by chapter 2019-169,
 420 Laws of Florida, is reestablished subject to the revised powers
 421 and duties set forth herein.

422 Section 10. Effective upon this act becoming a law,
 423 section 348.0301, Florida Statutes, is amended to read:

424 348.0301 Short title.—This part may be cited as the
 425 "Greater Miami Expressway Agency Act of 2022."

426 Section 11. Effective upon this act becoming a law,
 427 section 348.0302, Florida Statutes, is repealed.

428 Section 12. Effective upon this act becoming a law,
 429 subsections (5) through (11) of section 348.0303, Florida
 430 Statutes, are renumbered as subsections (4) through (10),
 431 respectively, present subsections (4) and (9) are amended, and a
 432 new subsection (11) is added to that section, to read:

433 348.0303 Definitions.—As used in the this part, the term:

434 ~~(4) "County" means a county as defined in s. 125.011(1).~~

435 (8)-(9) "Expressway system" means any and all expressways
 436 not owned by the department which fall within the geographic
 437 boundaries of the agency established pursuant to this act and
 438 appurtenant facilities thereto, including but not limited to,
 439 all approaches, roads, bridges, and avenues of access for such
 440 expressway. The term includes a public transportation facility.

441 (11) "Miami-Dade County Expressway Authority" means the
 442 state agency previously existing and originally established
 443 under the Florida Expressway Authority Act and subsequently
 444 dissolved by the Greater Miami Expressway Agency Act.

445 Section 13. Effective upon this act becoming a law,
 446 section 348.03031, Florida Statutes, is created to read:

447 348.03031 Legislative findings, intent, and declaration.—

448 (1) The Legislature finds the need to clarify the legal
 449 status, ownership, and control of the roads that constitute the
 450 expressway system in Miami-Dade County and portions of northeast

451 Monroe County, following Miami-Dade County's attempt to abolish
452 the Greater Miami Expressway Agency in Miami-Dade Ordinance 21-
453 35 (May 4, 2021).

454 (2) The Legislature recognizes that the original
455 expressway system previously operated by the former Miami-Dade
456 County Expressway Authority is owned by the department. The
457 transfer agreement dated December 10, 1996, entered into by the
458 department and the former Miami-Dade County Expressway
459 Authority, transferred only operational and financial control of
460 the expressways owned by the department.

461 (3) The Legislature recognizes the Miami-Dade County
462 Expressway Authority was dissolved by chapter 2019-169, Laws of
463 Florida, and all assets, employees, contracts, rights, and
464 liabilities were purportedly transferred to the Greater Miami
465 Expressway Agency. All assets, employees, contracts, rights, and
466 liabilities previously owned or controlled by the former Miami-
467 Dade County Expressway Authority, including, without limitation,
468 those previously transferred to the Greater Miami Expressway
469 Agency, are transferred back to the reestablished Greater Miami
470 Expressway Agency created in s. 348.0304 on the effective date
471 of this act.

472 (4) It is the intent of the Legislature to confirm that
473 the Greater Miami Expressway Agency that was created by chapter
474 2019-169, Laws of Florida, is hereby reestablished. The Greater
475 Miami Expressway Agency is the state agency that shall govern

476 the expressway system within the geographical boundaries of
 477 Miami-Dade County and the portion of northeast Monroe County
 478 which includes County Road 94 and the portion of Monroe County
 479 bounded on the north and east by the borders of Monroe County
 480 and on the south and west by County Road 94. It is further the
 481 express intent of the Legislature that the Greater Miami
 482 Expressway Agency created by this law is an agency of the state
 483 and not subject to any county's home rule powers.

484 Section 14. Effective upon this act becoming a law,
 485 subsection (1) and paragraphs (a) and (b) of subsection (2) of
 486 section 348.0304, Florida Statutes, are amended to read:

487 348.0304 Greater Miami Expressway Agency.—

488 (1) There is hereby created and established a body politic
 489 and corporate, an agency of the state, to be known as the
 490 "Greater Miami Expressway Agency." The agency shall serve the
 491 area within the geographical boundaries of Miami-Dade County and
 492 the portion of northeast Monroe County including County Road 94
 493 and the portion of Monroe County bounded on the north and east
 494 by the borders of Monroe County and on the south and west by
 495 County Road 94.

496 (2) (a) The governing body of the agency shall consist of
 497 nine voting members. Except for the district secretary of the
 498 department, each member must be a permanent resident of a the
 499 county served by the agency and may not hold, or have held in
 500 the previous 2 years, elected or appointed office in such the

501 county, except this provision does not apply to any initial
 502 appointment under paragraph (b) or to any member who previously
 503 served on the governing body of the former Greater Miami
 504 Expressway Agency. Each member may only serve two terms of 4
 505 years each, except there is no restriction on the term of the
 506 department's district secretary for the district serving Miami-
 507 Dade County. Four members shall be appointed by the Governor,
 508 one of whom must be a member of the metropolitan planning
 509 organization for Miami-Dade ~~the~~ County. Two members, who must be
 510 residents of an unincorporated portion of the geographic area
 511 described in subsection (1) and residing within 15 miles of an
 512 area with the highest amount of agency toll roads, shall be
 513 appointed by the board of county commissioners of Miami-Dade
 514 ~~County residing within 15 miles of an area with the highest~~
 515 ~~amount of agency toll roads, shall be appointed by the board of~~
 516 ~~county commissioners of the county.~~ Two members, who must be
 517 residents of incorporated municipalities within a county served
 518 by the agency, shall be appointed by the metropolitan planning
 519 organization for a county served by the agency ~~the county, shall~~
 520 ~~be appointed by the metropolitan planning organization for the~~
 521 ~~county.~~ The district secretary of the department serving in the
 522 district that contains Miami-Dade ~~the~~ County shall serve as an
 523 ex officio voting member of the governing body.

524 (b) Initial appointments to the governing body of the
 525 agency shall be made by July 31, 2019. For the initial

526 | appointments:

527 | 1. The Governor shall appoint one member for a term of 1
528 | year, one member for a term of 2 years, one member for a term of
529 | 3 years, and one member for a term of 4 years.

530 | 2. The board of county commissioners of Miami-Dade County
531 | shall appoint one member for a term of 1 year and one member for
532 | a term of 3 years.

533 | 3. The metropolitan planning organization of Miami-Dade
534 | County shall appoint one member for a term of 2 years and one
535 | member for a term of 4 years.

536 | Section 15. Effective upon this act becoming a law,
537 | paragraph (b) of subsection (1), paragraph (f) of subsection
538 | (2), and subsections (6) and (8) of section 348.0306, Florida
539 | Statutes, are amended to read:

540 | 348.0306 Purposes and powers.—

541 | (1)

542 | (b) The agency, in the construction of an expressway
543 | system, may ~~shall~~ construct expressways. Construction of an
544 | expressway system may be completed in segments, phases, or
545 | stages in a manner that will permit the expansion of these
546 | segments, phases, or stages to the desired expressway
547 | configuration. The agency, in the construction of an expressway
548 | system, may construct any extensions of, additions to, or
549 | improvements to the expressway system or appurtenant facilities,
550 | including all necessary approaches, roads, bridges, and avenues

551 of access, with such changes, modifications, or revisions of the
 552 project that are deemed desirable and proper. For new capacity
 553 projects, the agency shall use the department's design standards
 554 and, to the maximum extent practicable, design facilities such
 555 as the department would for high-speed limited access
 556 facilities. The agency may only add additional expressways to an
 557 expressway system, under the terms and conditions set forth in
 558 this act, with the prior express written consent of the board of
 559 county commissioners of Miami-Dade ~~the County~~ or Monroe County,
 560 as applicable, and only if such additional expressways lack
 561 adequate committed funding for implementation, are financially
 562 feasible, and are compatible with the existing plans, projects,
 563 and programs of the agency.

564 (2) The agency may exercise all powers necessary,
 565 appurtenant, convenient, or incidental to the carrying out of
 566 its purposes, including, but not limited to, the following
 567 rights and powers:

568 (f) To borrow money, make and issue negotiable notes,
 569 bonds, refund bonds, and other evidence of indebtedness of the
 570 agency, which bonds or other evidence of indebtedness may be
 571 issued pursuant to the State Bond Act or, in the alternative,
 572 pursuant to s. 348.0309(2) to finance or refinance additions,
 573 extensions, or improvements to the expressway system within the
 574 geographic boundaries of the agency, and to provide for the
 575 security of the bonds or other evidence of indebtedness and the

576 | rights and remedies of the holders of the bonds or other
 577 | evidence of indebtedness. Any bonds or other evidence of
 578 | indebtedness pledging the full faith and credit of the state may
 579 | only be issued pursuant to the State Bond Act.

580 | 1. The agency shall reimburse the counties ~~county~~ in which
 581 | it exists for any sums expended from any county gasoline tax
 582 | funds used for payment of such obligations. Any county gasoline
 583 | tax funds so disbursed shall be repaid in accordance with the
 584 | terms of any lease-purchase or interlocal agreement with any
 585 | county or the department together with interest, at the rate
 586 | agreed to in such agreement. In no event shall any county
 587 | gasoline tax funds be more than a secondary pledge of revenues
 588 | for repayment of any obligations issued pursuant to this part.

589 | 2. The agency may refund any bonds previously issued, to
 590 | the extent allowable by federal tax laws, to finance or
 591 | refinance an expressway system located within the geographic
 592 | boundaries of the agency regardless of whether the bonds being
 593 | refunded were issued by such agency, an agency of the state, or
 594 | a county.

595 | (6) Notwithstanding subsection (3) or any other provision
 596 | of law to the contrary, the agency may not undertake any
 597 | construction that is not consistent with both the metropolitan
 598 | planning organization's transportation improvement program and
 599 | the county's comprehensive plan in an area served by the agency.

600 | (8) The governing body of a ~~the~~ county served by the

601 agency may enter into an interlocal agreement with the agency
 602 pursuant to s. 163.01 for the joint performance or performance
 603 by either governmental entity or any corporate function of the
 604 county or agency necessary or appropriate to enable the agency
 605 to fulfill the powers and purposes of this part and promote the
 606 efficient and effective transportation of persons and goods in
 607 such county.

608 Section 16. Effective upon this act becoming a law,
 609 subsections (1) and (2) of section 348.0307, Florida Statutes,
 610 are amended to read:

611 348.0307 Greater Miami Toll Rebate Program.—There is
 612 created by the agency the Greater Miami Toll Rebate Program.

613 (1) The agency shall develop and implement a monthly
 614 rebate program for the month beginning January 1, 2023 ~~2020~~,
 615 subject to:

616 (a) Compliance with any covenants made with the holders of
 617 the agency's bonds which are in the trust indentures or
 618 resolutions adopted in connection with the issuance of the
 619 agency's bonds;

620 (b) Consideration of the financial feasibility of such a
 621 program as reported by the Auditor General as required by this
 622 act; and

623 (c) Consideration of the impact of such a program to the
 624 financial feasibility of prioritized projects that have been
 625 allocated funds for a project development and an environmental

626 study but are not contained in the 5-year work program on July
 627 1, 2019.

628 (2) Monthly rebates shall be credited to the account of
 629 each SunPass holder who incurs \$12.50 or more in tolls on the
 630 expressway system each month and whose SunPass is registered to
 631 a motor vehicle registered to an address in the geographic area
 632 described in s. 348.0304(1) county.

633 Section 17. Effective upon this act becoming a law,
 634 paragraph (c) of subsection (2) of section 348.0309, Florida
 635 Statutes, is amended to read:

636 348.0309 Bonds.—

637 (2)

638 (c) Such bonds shall be sold by the agency at public sale
 639 by competitive bid. However, if the agency, after receipt of a
 640 written recommendation from a financial adviser, determines by
 641 official action after public hearing by a two-thirds vote of all
 642 voting members of the agency that a negotiated sale of the bonds
 643 is in the best interest of the agency, the agency may negotiate
 644 for sale of the bonds with the underwriter or underwriters
 645 designated by the agency and the counties ~~county~~ in which the
 646 agency exists. The agency shall provide specific findings in a
 647 resolution as to the reasons requiring the negotiated sale,
 648 which resolution shall incorporate and have attached thereto the
 649 written recommendation of the financial adviser required by this
 650 subsection.

651 Section 18. Effective upon this act becoming a law,
 652 subsection (2) of section 348.0315, Florida Statutes, is amended
 653 to read:

654 348.0315 Public accountability.—

655 (2) Beginning October 1, 2023 ~~2020~~, and annually
 656 thereafter, the agency shall submit to the metropolitan planning
 657 organization for each ~~the~~ county served by the agency a report
 658 providing information regarding the amount of tolls collected
 659 and how those tolls were used in the agency's previous fiscal
 660 year. The report shall be posted on the agency's website.

661 Section 19. Effective upon this act becoming a law,
 662 subsection (1) of section 348.0318, Florida Statutes, is amended
 663 to read:

664 348.0318 This part complete and additional authority.—

665 (1) The powers conferred by this part are in addition and
 666 supplemental to the existing powers of the department and the
 667 governing body of the agency, and this part may not be construed
 668 as repealing any of the provisions of any other law, general,
 669 special, or local, but to supersede such other laws in the
 670 exercise of the powers provided in this part and to provide a
 671 complete method for the exercise of the powers granted in this
 672 part. The extension and improvement of the expressway system,
 673 and the issuance of bonds pursuant to this part to finance all
 674 or part of the cost of the system, may be accomplished upon
 675 compliance with the provisions of this part without regard to or

676 necessity for compliance with the provisions, limitations, or
677 restrictions contained in any other general, special, or local
678 law, including, but not limited to, s. 215.821, and no approval
679 of any bonds issued under this part by the qualified electors or
680 qualified electors who are freeholders in the state or in Miami-
681 Dade County, in Monroe County, or in any other political
682 subdivision of the state, is required for the issuance of such
683 bonds pursuant to this part, including, but not limited to, s.
684 215.821.

685 Section 20. The Division of Law Revision is directed to
686 replace the phrase "the effective date of this act" wherever it
687 occurs in this act with the date this act becomes a law.

688 Section 21. Except as otherwise expressly provided in this
689 act and except for this section, which shall take effect upon
690 this act becoming a law, this act shall take effect July 1,
691 2022.