

1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; conforming provisions to changes made by the
4 act; amending s. 112.3144, F.S.; deleting an obsolete
5 provision; requiring members of certain authorities to
6 comply with certain financial disclosure requirements;
7 amending s. 212.055, F.S.; limiting the time period
8 for which charter county and regional transportation
9 system surtaxes may be levied; providing for extension
10 under certain circumstances; revising the authorized
11 uses of proceeds from such surtaxes; amending s.
12 215.68, F.S.; conforming provisions to changes made by
13 the act; reviving, reenacting, and amending s.
14 319.141, F.S.; deleting obsolete provisions; amending
15 s. 334.175, F.S.; requiring the Department of
16 Transportation to approve design plans for all
17 transportation projects relating to department-owned
18 rights-of-way under certain circumstances; amending s.
19 337.025, F.S.; authorizing the department to establish
20 a program for transportation projects that demonstrate
21 certain innovative techniques for measuring resiliency
22 and structural integrity and controlling time and cost
23 increases; amending s. 338.165, F.S.; prohibiting the
24 department from collecting tolls on facilities of the
25 former Miami-Dade County Expressway Authority after

26 | the discharge of bond obligations; deleting cross-
27 | references; requiring the department to acquire the
28 | assets and assume the liabilities of the authority;
29 | providing construction; amending s. 338.231, F.S.;
30 | requiring the department to commit all net toll
31 | collections attributable to users of turnpike
32 | facilities in certain counties to projects and bond
33 | finance commitments in each respective county;
34 | amending s. 339.175, F.S.; revising the membership of
35 | the metropolitan planning organization in a certain
36 | county; repealing s. 339.176, F.S., relating to voting
37 | membership for certain metropolitan planning
38 | organizations; amending s. 343.1003, F.S.; deleting a
39 | cross-reference; repealing part I of chapter 348,
40 | F.S., relating to the creation and operation of the
41 | Florida Expressway Authority Act; transferring the
42 | assets and liabilities of the Miami-Dade County
43 | Expressway Authority to the department; creating ss.
44 | 348.635 and 348.7605, F.S.; providing a legislative
45 | declaration; authorizing the Tampa-Hillsborough County
46 | Expressway Authority and the Central Florida
47 | Expressway Authority to enter into public-private
48 | partnership agreements; authorizing solicitation or
49 | receipt of certain proposals; providing rulemaking
50 | authority; providing approval requirements; requiring

51 certain costs to be borne by the private entity;
52 providing notice requirements for requests for
53 proposals; providing for ranking and negotiation of
54 proposals; requiring the authorities to regulate tolls
55 on certain facilities; requiring compliance with
56 specified laws, rules, and conditions; providing for
57 development, construction, operation, and maintenance
58 of transportation projects by the authorities or
59 private entities; providing construction; repealing
60 part V of ch. 348, F.S., relating to the Osceola
61 County Expressway Authority Law; providing effective
62 dates.

63
64 Be It Enacted by the Legislature of the State of Florida:

65
66 Section 1. Paragraph (b) of subsection (2) of section
67 20.23, Florida Statutes, is amended to read:

68 20.23 Department of Transportation.—There is created a
69 Department of Transportation which shall be a decentralized
70 agency.

71 (2)

72 (b) The commission shall:

73 1. Recommend major transportation policies for the
74 Governor's approval and assure that approved policies and any
75 revisions are properly executed.

76 2. Periodically review the status of the state
77 transportation system including highway, transit, rail, seaport,
78 intermodal development, and aviation components of the system
79 and recommend improvements to the Governor and the Legislature.

80 3. Perform an in-depth evaluation of the annual department
81 budget request, the Florida Transportation Plan, and the
82 tentative work program for compliance with all applicable laws
83 and established departmental policies. Except as specifically
84 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
85 not consider individual construction projects, but shall
86 consider methods of accomplishing the goals of the department in
87 the most effective, efficient, and businesslike manner.

88 4. Monitor the financial status of the department on a
89 regular basis to assure that the department is managing revenue
90 and bond proceeds responsibly and in accordance with law and
91 established policy.

92 5. Monitor on at least a quarterly basis, the efficiency,
93 productivity, and management of the department using performance
94 and production standards developed by the commission pursuant to
95 s. 334.045.

96 6. Perform an in-depth evaluation of the factors causing
97 disruption of project schedules in the adopted work program and
98 recommend to the Governor and the Legislature methods to
99 eliminate or reduce the disruptive effects of these factors.

100 7. Recommend to the Governor and the Legislature

101 improvements to the department's organization in order to
102 streamline and optimize the efficiency of the department. In
103 reviewing the department's organization, the commission shall
104 determine if the current district organizational structure is
105 responsive to this state's changing economic and demographic
106 development patterns. The initial report by the commission must
107 be delivered to the Governor and the Legislature by December 15,
108 2000, and each year thereafter, as appropriate. The commission
109 may retain experts as necessary to carry out this subparagraph,
110 and the department shall pay the expenses of the experts.

111 8. Monitor the efficiency, productivity, and management of
112 the authorities created under chapters 348 and 349, ~~including~~
113 ~~any authority formed using part I of chapter 348~~; the Mid-Bay
114 Bridge Authority re-created pursuant to chapter 2000-411, Laws
115 of Florida; and any authority formed under chapter 343. The
116 commission shall also conduct periodic reviews of each
117 authority's operations and budget, acquisition of property,
118 management of revenue and bond proceeds, and compliance with
119 applicable laws and generally accepted accounting principles.

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

122 112.3144 Full and public disclosure of financial
123 interests.—

124 (1) (a) An officer who is required by s. 8, Art. II of the
125 State Constitution to file a full and public disclosure of his

126 or her financial interests for any calendar or fiscal year shall
127 file that disclosure with the Florida Commission on Ethics.
128 Additionally, ~~beginning January 1, 2015,~~ an officer who is
129 required to complete annual ethics training pursuant to s.
130 112.3142 must certify on his or her full and public disclosure
131 of financial interests that he or she has completed the required
132 training.

133 (b) A member of an expressway authority, transportation
134 authority, bridge authority, or toll authority created pursuant
135 to chapter 343, chapter 348, or any other general law shall
136 comply with the applicable financial disclosure requirements of
137 s. 8, Art. II of the State Constitution.

138 Section 3. Effective July 1, 2022, paragraphs (d) and (e)
139 of subsection (1) of section 212.055, Florida Statutes, are
140 amended to read:

141 212.055 Discretionary sales surtaxes; legislative intent;
142 authorization and use of proceeds.—It is the legislative intent
143 that any authorization for imposition of a discretionary sales
144 surtax shall be published in the Florida Statutes as a
145 subsection of this section, irrespective of the duration of the
146 levy. Each enactment shall specify the types of counties
147 authorized to levy; the rate or rates which may be imposed; the
148 maximum length of time the surtax may be imposed, if any; the
149 procedure which must be followed to secure voter approval, if
150 required; the purpose for which the proceeds may be expended;

151 and such other requirements as the Legislature may provide.
152 Taxable transactions and administrative procedures shall be as
153 provided in s. 212.054.

154 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM
155 SURTAX.—

156 (d) If the surtax is levied pursuant to a referendum held
157 after July 1, 2022, the surtax may not be levied for more than
158 20 years after its effective date. The levy of such surtax may
159 be extended only by approval of a supermajority of the electors
160 of the county voting in a referendum on the surtax. Proceeds
161 ~~from the surtax shall be applied to as many or as few of the~~
162 ~~uses enumerated below in whatever combination the county~~
163 ~~commission deems appropriate:~~

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

169 2. ~~Remitted by the governing body of the county to an~~
170 ~~expressway, transit, or transportation authority created by law~~
171 ~~to be used, at the discretion of such authority, for the~~
172 ~~development, construction, operation, or maintenance of roads or~~
173 ~~bridges in the county, for the operation and maintenance of a~~
174 ~~bus system, for the operation and maintenance of on-demand~~
175 ~~transportation services, for the payment of principal and~~

176 ~~interest on existing bonds issued for the construction of such~~
177 ~~roads or bridges, and, upon approval by the county commission,~~
178 ~~such proceeds may be pledged for bonds issued to refinance~~
179 ~~existing bonds or new bonds issued for the construction of such~~
180 ~~roads or bridges;~~

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

193 ~~4. Used by the county for the planning, development,~~
194 ~~construction, operation, and maintenance of roads and bridges in~~
195 ~~the county; for the planning, development, expansion, operation,~~
196 ~~and maintenance of bus and fixed guideway systems; for the~~
197 ~~planning, development, construction, operation, and maintenance~~
198 ~~of on-demand transportation services; and for the payment of~~
199 ~~principal and interest on bonds issued for the construction of~~
200 ~~fixed guideway rapid transit systems, bus systems, roads, or~~

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

215 (e) To the extent not prohibited by contracts or bond
216 covenants, proceeds from the surtax shall be used only for the
217 following purposes:

218 1. The planning, design, engineering, or construction of,
219 or the acquisition of rights-of-way for, fixed-guideway rapid
220 transit systems and bus systems, including bus rapid transit
221 systems, and for the development of dedicated facilities for
222 autonomous vehicles as defined in s. 316.003.

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

225 3. The payment of principal and interest on bonds

226 previously issued related to fixed-guideway rapid transit
227 systems or bus systems.

228 4. As security by the governing body of the county to
229 refinance existing bonds or to issue new bonds for the planning,
230 design, engineering, or construction of fixed-guideway rapid
231 transit systems, bus rapid transit systems, or bus systems.

232
233 Proceeds from the surtax may not be used for salaries or other
234 personnel expenses for any governmental entity receiving these
235 funds. ~~As used in this subsection, the term "on-demand~~
236 ~~transportation services" means transportation provided between~~
237 ~~flexible points of origin and destination selected by individual~~
238 ~~users with such service being provided at a time that is agreed~~
239 ~~upon by the user and the provider of the service and that is not~~
240 ~~fixed schedule or fixed route in nature.~~

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

243 215.68 Issuance of bonds; form; maturity date, execution,
244 sale.—

245 (2) Such bonds may:

246 (a) Be issued in either coupon form or registered form or
247 both;

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

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

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

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

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

261

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

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

268 319.141 Pilot Rebuilt motor vehicle inspection program.—

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

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

272 (b) "Rebuilt inspection services" means an examination of
273 a rebuilt vehicle and a properly endorsed certificate of title,
274 salvage certificate of title, or manufacturer's statement of
275 origin and an application for a rebuilt certificate of title, a

276 | rebuilder's affidavit, a photograph of the junk or salvage
277 | vehicle taken before repairs began, receipts or invoices for all
278 | major component parts, as defined in s. 319.30, and repairs
279 | which were changed, and proof that notice of rebuilding of the
280 | vehicle has been reported to the National Motor Vehicle Title
281 | Information System.

282 | (2) ~~By July 1, 2015,~~ The department shall oversee a pilot
283 | program in Miami-Dade County to evaluate alternatives to the for
284 | rebuilt inspection services currently provided ~~offered~~ by
285 | ~~existing~~ private sector operators, including the continued use
286 | of private facilities, the cost impact to consumers, and the
287 | potential savings to the department.

288 | (3) The department shall establish a memorandum of
289 | understanding that allows private parties participating in the
290 | pilot program to conduct rebuilt motor vehicle inspections and
291 | specifies requirements for oversight, bonding and insurance,
292 | procedures, and forms and requires the electronic transmission
293 | of documents.

294 | (4) Before an applicant is approved, the department shall
295 | ensure that the applicant meets basic criteria designed to
296 | protect the public. At a minimum, the applicant shall meet all
297 | of the following requirements:

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

300 | (b) Secure and maintain a facility at a permanent

301 structure at an address recognized by the United States Postal
302 Service where the only services provided on such property are
303 rebuilt inspection services. The operator of a facility shall
304 annually attest that he or she is not employed by or does not
305 have an ownership interest in or other financial arrangement
306 with the owner, operator, manager, or employee of a motor
307 vehicle repair shop as defined in s. 559.903, a motor vehicle
308 dealer as defined in s. 320.27(1)(c), a towing company, a
309 vehicle storage company, a vehicle auction, an insurance
310 company, a salvage yard, a metal retailer, or a metal rebuilder,
311 from which he or she receives remuneration, directly or
312 indirectly, for the referral of customers for rebuilt inspection
313 services.

314 (c) Have and maintain garage liability and other insurance
315 required by the department.

316 (d) Have completed criminal background checks of the
317 owners, partners, and corporate officers and the inspectors
318 employed by the facility.

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

321 (5) A participant in the program shall access vehicle and
322 title information and enter inspection results through an
323 electronic filing system authorized by the department and shall
324 maintain records of each rebuilt vehicle inspection processed at
325 such facility for at least 5 years.

326 (6) The department shall immediately terminate any
327 operator from the program who fails to meet the minimum
328 eligibility requirements specified in subsection (4). Before a
329 change in ownership of a rebuilt inspection facility, the
330 current operator must give the department 45 days' written
331 notice of the intended sale. The prospective owner must meet the
332 eligibility requirements of this section and execute a new
333 memorandum of understanding with the department before operating
334 the facility.

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

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

339 334.175 Certification of project design plans and
340 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
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
357 program for transportation ~~highway~~ projects demonstrating
358 innovative techniques of highway and bridge design,
359 construction, maintenance, and finance which have the intended
360 effect of measuring resiliency and structural integrity and
361 controlling time and cost increases on construction projects.
362 Such techniques may include, but are not limited to, state-of-
363 the-art technology for pavement, safety, and other aspects of
364 highway and bridge design, construction, and maintenance;
365 innovative bidding and financing techniques; accelerated
366 construction procedures; and those techniques that have the
367 potential to reduce project life cycle costs. To the maximum
368 extent practical, the department must use the existing process
369 to award and administer construction and maintenance contracts.
370 When specific innovative techniques are to be used, the
371 department is not required to adhere to those provisions of law
372 that would prevent, preclude, or in any way prohibit the
373 department from using the innovative technique. However, before
374 ~~prior to~~ using an innovative technique that is inconsistent with
375 another provision of law, the department must document in

376 writing the need for the exception and identify what benefits
377 the traveling public and the affected community are anticipated
378 to receive. The department may enter into no more than \$120
379 million in contracts annually for the purposes authorized by
380 this section.

381 Section 8. Subsections (1), (2), and (5) of section
382 338.165, Florida Statutes, are amended, and subsection (12) is
383 added to that section, to read:

384 338.165 Continuation of tolls.—

385 (1) (a) The department, any transportation or expressway
386 authority, or, in the absence of an authority, a county or
387 counties may continue to collect the toll on a revenue-producing
388 project after the discharge of any bond indebtedness related to
389 such project and may increase such toll. All tolls so collected
390 shall first be used to pay the annual cost of the operation,
391 maintenance, and improvement of the toll project.

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

396 (2) If the revenue-producing project is on the State
397 Highway System, any remaining toll revenue shall be used for the
398 construction, maintenance, or improvement of any road on the
399 State Highway System within the county or counties in which the
400 revenue-producing project is located, ~~except as provided in s.~~

401 ~~348.0004.~~

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

407 (12) The department shall acquire the assets and assume
 408 the liabilities of the Miami-Dade County Expressway Authority.
 409 The acquisition of the expressway authority by the department
 410 shall be subject to the terms and covenants of any outstanding
 411 bond of the authority and shall not act to the detriment of the
 412 bondholders or decrease the quality of the bonds.

413 Section 9. Paragraph (a) of subsection (3) of section
 414 338.231, Florida Statutes, is amended to read:

415 338.231 Turnpike tolls, fixing; pledge of tolls and other
 416 revenues.—The department shall at all times fix, adjust, charge,
 417 and collect such tolls and amounts for the use of the turnpike
 418 system as are required in order to provide a fund sufficient
 419 with other revenues of the turnpike system to pay the cost of
 420 maintaining, improving, repairing, and operating such turnpike
 421 system; to pay the principal of and interest on all bonds issued
 422 to finance or refinance any portion of the turnpike system as
 423 the same become due and payable; and to create reserves for all
 424 such purposes.

425 (3) (a) ~~For the period July 1, 1998, through June 30, 2027,~~

426 The department shall, ~~to the maximum extent feasible,~~ program
427 sufficient funds in the tentative work program such that all of
428 ~~the percentage of turnpike toll and bond financed commitments in~~
429 ~~Miami-Dade County, Broward County, and Palm Beach County as~~
430 ~~compared to total turnpike toll and bond financed commitments~~
431 ~~shall be at least 90 percent of the share of net toll~~
432 collections attributable to users of ~~the~~ turnpike facilities
433 ~~system~~ in Miami-Dade County, Broward County, and Palm Beach
434 County are committed to projects and bond finance commitments in
435 each respective county as compared to total net toll collections
436 ~~attributable to users of the turnpike system.~~ This paragraph
437 ~~subsection~~ does not apply when the application of such
438 requirements would violate any covenant established in a
439 resolution or trust indenture relating to the issuance of
440 turnpike bonds. The department may at any time for economic
441 considerations establish lower temporary toll rates for a new or
442 existing toll facility for a period not to exceed 1 year, after
443 which the toll rates adopted pursuant to s. 120.54 shall become
444 effective.

445 Section 10. Paragraph (d) of subsection (3) of section
446 339.175, Florida Statutes, is amended to read:

447 339.175 Metropolitan planning organization.—

448 (3) VOTING MEMBERSHIP.—

449 (d) Notwithstanding any other provision of this section to
450 the contrary, in a county as defined in s. 125.011(1), the

451 Governor shall appoint as the M.P.O. seven county commissioners
452 and one representative from each municipality with a population
453 of 65,000 or more. Except for a representative of the department
454 serving as a nonvoting advisor, the M.P.O. may not have any
455 additional voting members or nonvoting advisors Any other
456 ~~provision of this section to the contrary notwithstanding, any~~
457 ~~county chartered under s. 6(e), Art. VIII of the State~~
458 ~~Constitution may elect to have its county commission serve as~~
459 ~~the M.P.O., if the M.P.O. jurisdiction is wholly contained~~
460 ~~within the county. Any charter county that elects to exercise~~
461 ~~the provisions of this paragraph shall so notify the Governor in~~
462 ~~writing. Upon receipt of such notification, the Governor must~~
463 ~~designate the county commission as the M.P.O. The Governor must~~
464 ~~appoint four additional voting members to the M.P.O., one of~~
465 ~~whom must be an elected official representing a municipality~~
466 ~~within the county, one of whom must be an expressway authority~~
467 ~~member, one of whom must be a person who does not hold elected~~
468 ~~public office and who resides in the unincorporated portion of~~
469 ~~the county, and one of whom must be a school board member.~~

470 Section 11. Section 339.176, Florida Statutes, is
471 repealed.

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

474 343.1003 Northeast Florida Regional Transportation
475 Commission.—

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

479 Section 13. Part I of chapter 348, Florida Statutes,
480 consisting of sections 348.0001, 348.0002, 348.0003, 348.0004,
481 348.0005, 348.0007, 348.0008, 348.0009, 348.0010, 348.0011,
482 348.00115, and 348.0012, is repealed.

483 Section 14. The Miami-Dade County Expressway Authority is
484 transferred by a type two transfer pursuant to s. 20.06, Florida
485 Statutes, to the Department of Transportation. Any binding
486 contract or interagency agreement entered into between the
487 Miami-Dade County Expressway Authority or an agent of the
488 authority and any other agency, entity, or person shall continue
489 to be a binding contract or agreement of the Miami-Dade County
490 Expressway Authority for the remainder of the term of such
491 contract or agreement.

492 Section 15. Section 348.635, Florida Statutes, is created
493 to read:

494 348.635 Public-private partnership.—The Legislature
495 declares that there is a public need for the rapid construction
496 of safe and efficient transportation facilities for traveling
497 within the state and that it is in the public's interest to
498 provide for public-private partnership agreements to effectuate
499 the construction of additional safe, convenient, and economical
500 transportation facilities.

501 (1) Notwithstanding any other provision of this part, the
502 authority may receive or solicit proposals and enter into
503 agreements with private entities, or consortia thereof, for the
504 building, operation, ownership, or financing of authority
505 transportation facilities or new transportation facilities
506 within the jurisdiction of the authority which increase
507 transportation capacity. The authority may not sell or lease any
508 transportation facility owned by the authority without providing
509 the analysis required in s. 334.30(6)(e)2. to the Legislative
510 Budget Commission created pursuant to s. 11.90 for review and
511 approval before awarding a contract on a lease of an existing
512 toll facility. The authority may adopt rules to implement this
513 section and shall, by rule, establish an application fee for the
514 submission of unsolicited proposals under this section. The fee
515 must be sufficient to pay the costs of evaluating the proposals.
516 The authority may engage private consultants to assist in the
517 evaluation. Before approval, the authority must determine that a
518 proposed project:

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

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

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

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

527 (d) Would have adequate safeguards in place to ensure that
528 the department, the authority, or the private entity has the
529 opportunity to add capacity to the proposed project and other
530 transportation facilities serving similar origins and
531 destinations.

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

534 (2) The authority shall ensure that all reasonable costs
535 to the state which are related to transportation facilities that
536 are not part of the State Highway System are borne by the
537 private entity. The authority shall also ensure that all
538 reasonable costs to the state and substantially affected local
539 governments and utilities related to the private transportation
540 facility are borne by the private entity for transportation
541 facilities that are owned by private entities. For projects on
542 the State Highway System, the department may use state resources
543 to participate in funding and financing the project as provided
544 for under the department's enabling legislation.

545 (3) The authority may request proposals for public-private
546 transportation projects or, if it receives an unsolicited
547 proposal, it must publish a notice in the Florida Administrative
548 Register and a newspaper of general circulation in the county in
549 which it is located at least once a week for 2 weeks stating
550 that it has received the proposal and will accept, for 60 days

551 after the initial date of publication, other proposals for the
552 same project purpose. A copy of the notice must be mailed to
553 each local government in the affected areas. After the public
554 notification period has expired, the authority shall rank the
555 proposals in order of preference. In ranking the proposals, the
556 authority shall consider professional qualifications, general
557 business terms, innovative engineering or cost-reduction terms,
558 finance plans, and the need for state funds to deliver the
559 proposal. If the authority is not satisfied with the results of
560 the negotiations, it may, at its sole discretion, terminate
561 negotiations with the proposer. If these negotiations are
562 unsuccessful, the authority may go to the second and lower-
563 ranked firms, in order, using the same procedure. If only one
564 proposal is received, the authority may negotiate in good faith,
565 and if it is not satisfied with the results, it may, at its sole
566 discretion, terminate negotiations with the proposer. The
567 authority may, at its discretion, reject all proposals at any
568 point in the process up to completion of a contract with the
569 proposer.

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

575 (5) Each public-private transportation facility

576 constructed pursuant to this section shall comply with all
577 requirements of federal, state, and local laws; state, regional,
578 and local comprehensive plans; the authority's rules, policies,
579 procedures, and standards for transportation facilities; and any
580 other conditions that the authority determines to be in the
581 public's best interest.

582 (6) The authority may exercise any power possessed by it,
583 including eminent domain, to facilitate the development and
584 construction of transportation projects pursuant to this
585 section. The authority may pay all or part of the cost of
586 operating and maintaining the facility or may provide services
587 to the private entity for which it receives full or partial
588 reimbursement for services rendered.

589 (7) Except as herein provided, this section is not
590 intended to amend existing laws by granting additional powers to
591 or further restricting the governmental entities from regulating
592 and entering into cooperative arrangements with the private
593 sector for the planning, construction, and operation of
594 transportation facilities.

595 Section 16. Section 348.7605, Florida Statutes, is created
596 to read:

597 348.7605 Public-private partnership.—The Legislature
598 declares that there is a public need for the rapid construction
599 of safe and efficient transportation facilities for traveling
600 within the state and that it is in the public's interest to

601 provide for public-private partnership agreements to effectuate
602 the construction of additional safe, convenient, and economical
603 transportation facilities.

604 (1) Notwithstanding any other provision of this part, the
605 authority may receive or solicit proposals and enter into
606 agreements with private entities, or consortia thereof, for the
607 building, operation, ownership, or financing of authority
608 transportation facilities or new transportation facilities
609 within the jurisdiction of the authority which increase
610 transportation capacity. The authority may not sell or lease any
611 transportation facility owned by the authority without providing
612 the analysis required in s. 334.30(6)(e)2. to the Legislative
613 Budget Commission created pursuant to s. 11.90 for review and
614 approval before awarding a contract on a lease of an existing
615 toll facility. The authority may adopt rules to implement this
616 section and shall, by rule, establish an application fee for the
617 submission of unsolicited proposals under this section. The fee
618 must be sufficient to pay the costs of evaluating the proposals.
619 The authority may engage private consultants to assist in the
620 evaluation. Before approval, the authority must determine that a
621 proposed project:

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

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

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

630 (d) Would have adequate safeguards in place to ensure that
631 the department, the authority, or the private entity has the
632 opportunity to add capacity to the proposed project and other
633 transportation facilities serving similar origins and
634 destinations.

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

637 (2) The authority shall ensure that all reasonable costs
638 to the state which are related to transportation facilities that
639 are not part of the State Highway System are borne by the
640 private entity. The authority shall also ensure that all
641 reasonable costs to the state and substantially affected local
642 governments and utilities related to the private transportation
643 facility are borne by the private entity for transportation
644 facilities that are owned by private entities. For projects on
645 the State Highway System, the department may use state resources
646 to participate in funding and financing the project as provided
647 for under the department's enabling legislation.

648 (3) The authority may request proposals for public-private
649 transportation projects or, if it receives an unsolicited
650 proposal, it must publish a notice in the Florida Administrative

651 Register and a newspaper of general circulation in the county in
652 which it is located at least once a week for 2 weeks stating
653 that it has received the proposal and will accept, for 60 days
654 after the initial date of publication, other proposals for the
655 same project purpose. A copy of the notice must be mailed to
656 each local government in the affected areas. After the public
657 notification period has expired, the authority shall rank the
658 proposals in order of preference. In ranking the proposals, the
659 authority shall consider professional qualifications, general
660 business terms, innovative engineering or cost-reduction terms,
661 finance plans, and the need for state funds to deliver the
662 proposal. If the authority is not satisfied with the results of
663 the negotiations, it may, at its sole discretion, terminate
664 negotiations with the proposer. If these negotiations are
665 unsuccessful, the authority may go to the second and lower-
666 ranked firms, in order, using the same procedure. If only one
667 proposal is received, the authority may negotiate in good faith,
668 and if it is not satisfied with the results, it may, at its sole
669 discretion, terminate negotiations with the proposer. The
670 authority may, at its discretion, reject all proposals at any
671 point in the process up to completion of a contract with the
672 proposer.

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

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

678 (5) Each public-private transportation facility
679 constructed pursuant to this section shall comply with all
680 requirements of federal, state, and local laws; state, regional,
681 and local comprehensive plans; the authority's rules, policies,
682 procedures, and standards for transportation facilities; and any
683 other conditions that the authority determines to be in the
684 public's best interest.

685 (6) The authority may exercise any power possessed by it,
686 including eminent domain, to facilitate the development and
687 construction of transportation projects pursuant to this
688 section. The authority may pay all or part of the cost of
689 operating and maintaining the facility or may provide services
690 to the private entity for which it receives full or partial
691 reimbursement for services rendered.

692 (7) Except as herein provided, this section is not
693 intended to amend existing laws by granting additional powers to
694 or further restricting the governmental entities from regulating
695 and entering into cooperative arrangements with the private
696 sector for the planning, construction, and operation of
697 transportation facilities.

698 Section 17. Pursuant to section 20 of chapter 2014-171,
699 Laws of Florida, part V of chapter 348, Florida Statutes,
700 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,

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701 | 348.9954, 348.9956, 348.9957, 348.9958, 348.9959, 348.9960, and
702 | 348.9961, is repealed.

703 | Section 18. Except as otherwise expressly provided in this
704 | act, this act shall take effect July 1, 2019.