A bill to be entitled
An act relating to transportation; amending s. 20.23, F.S.; conforming provisions to changes made by the act; amending s. 112.3144, F.S.; deleting an obsolete provision; requiring members of certain authorities to comply with certain financial disclosure requirements; amending s. 212.055, F.S.; limiting the time period for which charter county and regional transportation system surtaxes may be levied; providing for extension under certain circumstances; revising the authorized uses of proceeds from such surtaxes; amending s. 215.68, F.S.; conforming provisions to changes made by the act; reviving, reenacting, and amending s. 319.141, F.S.; deleting obsolete provisions; amending s. 334.175, F.S.; requiring the Department of Transportation to approve design plans for all transportation projects relating to department-owned rights-of-way under certain circumstances; amending s. 337.025, F.S.; authorizing the department to establish a program for transportation projects that demonstrate certain innovative techniques for measuring resiliency and structural integrity and controlling time and cost increases; amending s. 338.165, F.S.; prohibiting the department from collecting tolls on facilities of the former Miami-Dade County Expressway Authority after
the discharge of bond obligations; deleting cross-
references; requiring the department to acquire the
assets and assume the liabilities of the authority;
providing construction; amending s. 338.231, F.S.;
requiring the department to commit all net toll
collections attributable to users of turnpike
facilities in certain counties to projects and bond
finance commitments in each respective county;
amending s. 339.175, F.S.; revising the membership of
the metropolitan planning organization in a certain
county; repealing s. 339.176, F.S., relating to voting
membership for certain metropolitan planning
organizations; amending s. 343.1003, F.S.; deleting a
cross-reference; repealing part I of chapter 348,
F.S., relating to the creation and operation of the
Florida Expressway Authority Act; transferring the
assets and liabilities of the Miami-Dade County
Expressway Authority to the department; creating ss.
348.635 and 348.7605, F.S.; providing a legislative
declaration; authorizing the Tampa-Hillsborough County
Expressway Authority and the Central Florida
Expressway Authority to enter into public-private
partnership agreements; authorizing solicitation or
receipt of certain proposals; providing rulemaking
authority; providing approval requirements; requiring
certain costs to be borne by the private entity;
providing notice requirements for requests for
proposals; providing for ranking and negotiation of
proposals; requiring the authorities to regulate tolls
on certain facilities; requiring compliance with
specified laws, rules, and conditions; providing for
development, construction, operation, and maintenance
of transportation projects by the authorities or
private entities; providing construction; repealing
part V of ch. 348, F.S., relating to the Osceola
County Expressway Authority Law; providing effective
dates.

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

Section 1. Paragraph (b) of subsection (2) of section
20.23, Florida Statutes, is amended to read:
20.23 Department of Transportation.—There is created a
Department of Transportation which shall be a decentralized
agency.
(2)
(b) The commission shall:
1. Recommend major transportation policies for the
Governor's approval and assure that approved policies and any
revisions are properly executed.

CODING: Words stricken are deletions; words underlined are additions.
2. Periodically review the status of the state transportation system including highway, transit, rail, seaport, intermodal development, and aviation components of the system and recommend improvements to the Governor and the Legislature.

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

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

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

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

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

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

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

112.3144 Full and public disclosure of financial interests.—

(1)(a) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his
or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics. Additionally, beginning January 1, 2015, an officer who is required to complete annual ethics training pursuant to s. 112.3142 must certify on his or her full and public disclosure of financial interests that he or she has completed the required training.

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

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

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

Taxable transactions and administrative procedures shall be as provided in s. 212.054.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Such bonds may:

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

(b) Have such date or dates of issue and such maturities, not exceeding in any event 40 years from the date of issuance thereof;
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(c) Bear interest at a rate or rates not exceeding the interest rate limitation set forth in s. 215.84(3);
(d) Have such provisions for registration of coupon bonds and conversion and reconversion of bonds from coupon to registered form or from registered form to coupon form;
(e) Have such provisions for payment at maturity and redemption before prior to maturity at such time or times and at such price or prices; and
(f) Be payable at such place or places within or without the state as the board shall determine by resolution.

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

Section 5. Notwithstanding the repeal of section 319.141, Florida Statutes, which occurred on July 1, 2018, that section is revived, reenacted, and amended to read:
319.141 Pilot Rebuilt motor vehicle inspection program.—
(1) As used in this section, the term:
(a) "Facility" means a rebuilt motor vehicle inspection facility authorized and operating under this section.
(b) "Rebuilt inspection services" means an examination of a rebuilt vehicle and a properly endorsed certificate of title, salvage certificate of title, or manufacturer's statement of origin and an application for a rebuilt certificate of title, a
rebuilder's affidavit, a photograph of the junk or salvage vehicle taken before repairs began, receipts or invoices for all major component parts, as defined in s. 319.30, and repairs which were changed, and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System.

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

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

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

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

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

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

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

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

(5) A participant in the program shall access vehicle and title information and enter inspection results through an electronic filing system authorized by the department and shall maintain records of each rebuilt vehicle inspection processed at such facility for at least 5 years.
(6) The department shall immediately terminate any operator from the program who fails to meet the minimum eligibility requirements specified in subsection (4). Before a change in ownership of a rebuilt inspection facility, the current operator must give the department 45 days' written notice of the intended sale. The prospective owner must meet the eligibility requirements of this section and execute a new memorandum of understanding with the department before operating the facility.

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

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

334.175 Certification of project design plans and surveys.—

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

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

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

337.025 Innovative transportation highway projects;

department to establish program.—

(1) The department may be authorized to establish a program for transportation highway projects demonstrating innovative techniques of highway and bridge design,

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

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

338.165  Continuation of tolls.—

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

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

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

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

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

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

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

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

339.175 Metropolitan planning organization.—

(3) VOTING MEMBERSHIP.—

(d) Notwithstanding any other provision of this section to the contrary, in a county as defined in s. 125.011(1), the
Governor shall appoint as the M.P.O. seven county commissioners and one representative from each municipality with a population of 65,000 or more. Except for a representative of the department serving as a nonvoting advisor, the M.P.O. may not have any additional voting members or nonvoting advisors. Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

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

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

343.1003 Northeast Florida Regional Transportation Commission.
(6) Notwithstanding s. 348.0003(4)(c), Members of the board shall file a statement of financial interest with the Commission on Ethics pursuant to s. 112.3145.


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

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

348.635 Public-private partnership.—The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.
(1) Notwithstanding any other provision of this part, the authority may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of authority transportation facilities or new transportation facilities within the jurisdiction of the authority which increase transportation capacity. The authority may not sell or lease any transportation facility owned by the authority without providing the analysis required in s. 334.30(6)(e)2. to the Legislative Budget Commission created pursuant to s. 11.90 for review and approval before awarding a contract on a lease of an existing toll facility. The authority may adopt rules to implement this section and shall, by rule, establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The authority may engage private consultants to assist in the evaluation. Before approval, the authority must determine that a proposed project:

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

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

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

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

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

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

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

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

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

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

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

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

348.7605 Public-private partnership.—The Legislature
declares that there is a public need for the rapid construction
of safe and efficient transportation facilities for traveling
within the state and that it is in the public's interest to
provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

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

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

(b) Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.
(c) Would have adequate safeguards to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or the cancellation of the agreement by the authority.

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

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

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

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

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

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

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

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

Section 17. Pursuant to section 20 of chapter 2014-171, Laws of Florida, part V of chapter 348, Florida Statutes, consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
Section 18. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.