

CHAPTER 2023-70

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 1305

An act relating to the Department of Transportation; amending s. 206.46, F.S.; increasing the maximum amount of debt service coverage that may be transferred from the State Transportation Trust Fund to the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 215.616, F.S., increasing the maximum term of state bonds for federal aid highway construction; amending s. 288.9606, F.S.; authorizing Florida Development Finance Corporation revenue bonds to finance acquisition or construction of certain transportation facilities; amending s. 311.101, F.S.; authorizing the department to provide up to 100 percent of project costs for certain eligible projects in rural areas of opportunity; amending s. 316.0777, F.S.; defining the term “law enforcement agency”; authorizing installation of an automated license plate recognition system within the right-of-way of a road on the State Highway System for a specified purpose; prohibiting use of such system for certain purposes; requiring such installation to be in accordance with placement and installation guidelines developed by the department; requiring removal of such system within a specified timeframe upon notification by the department; exempting the department from liability for damages resulting from operation of such system; providing for a maximum period of retention of certain records generated through the use of such system; amending s. 330.27, F.S.; revising the definition of the term “temporary airport”; amending s. 330.30, F.S.; requiring certain documentation to be submitted to the Department of Transportation for temporary airport site approval and temporary airport registration; requiring a temporary airport to obtain registration before operation of aircraft to or from the airport; prohibiting the department from requiring that an applicant for airport site approval provide a written memorandum of understanding or letter of agreement with other airport sites except under specified circumstances; requiring the department to publish certain notice of receipt of a temporary airport registration application; specifying the period during which such application may be approved or denied; requiring the department to issue registration concurrent with site approval; providing that certain registrations are considered approved under specified conditions; requiring written notice to the department’s agency clerk before an applicant takes action based on such default registration; removing a condition for licensure or registration as a temporary airport; prohibiting approval of subsequent registration applications under certain circumstances; revising an exemption from certain provisions for an airport used for aerial application or spraying of crops; amending s. 332.007, F.S.; authorizing the department, subject to the availability of appropriated funds, to fund up to 100 percent of eligible project costs of certain projects at specified publicly owned, publicly operated airports with no scheduled commercial service; providing prioritization criteria;

providing for allocation of any remaining funds; amending s. 334.044, F.S.; authorizing the department to purchase certain promotional items; authorizing the department to expend funds for certain training, testing, and licensing; amending s. 337.025, F.S.; revising the annual cap for contracts awarded for specified purposes; deleting the exemption from such cap for low-bid design-build milling and resurfacing contracts; amending s. 337.11, F.S.; revising the amount of construction and maintenance contracts the department may enter into without advertising and receiving competitive bids; revising requirements for design-build contracts; authorizing the department to enter into phased design-build contracts under certain circumstances; providing requirements for phased design-build contracts; requiring the department to adopt rules for administering phased design-build contracts; amending s. 339.175, F.S.; abolishing the Chairs Coordinating Committee; requiring metropolitan planning organizations serving specified counties to submit a certain feasibility report by a specified date, with certain goals; amending s. 341.052, F.S.; requiring public transit block grant program providers to establish plans consistent with certain long-range transportation plans; amending s. 341.061, F.S.; requiring the department to adopt by rule minimum safety standards for certain fixed-guideway transportation systems; requiring the department to conduct certain structural inspections and follow certain safety protocols during such inspections; amending s. 341.071, F.S.; revising requirements for public transit provider reports and publication thereof; transferring control of the Santa Rosa Bay Bridge Authority to the department; transferring all remaining assets, rights, powers, and duties of the authority to the department; authorizing the department to transfer all or a portion of the bridge system to the turnpike system; repealing part IV of ch. 348, F.S., relating to the creation and operation of the Santa Rosa Bay Bridge Authority; reestablishing the Greater Miami Expressway Agency; amending s. 348.0301, F.S.; revising a short title; repealing s. 348.0302, F.S., relating to applicability; amending s. 348.0303, F.S.; deleting the term “county”; revising the definition of the term “expressway system”; defining the term “Miami-Dade County Expressway Authority”; creating s. 348.03031, F.S.; providing legislative findings and intent; amending s. 348.0304, F.S.; providing legislative intent; revising the area served by the agency to include specified portions of Monroe County; revising requirements for membership of the agency’s governing body; revising requirements for initial appointments; amending s. 348.0306, F.S.; authorizing, rather than requiring, the agency to construct expressways; conforming provisions to changes made by the act; amending s. 348.0309, F.S.; conforming a provision to changes made by the act; amending s. 348.0315, F.S.; revising the date by which, and the entities to which, the agency must begin submitting certain annual reports relating to tolls; amending s. 348.0318, F.S.; conforming a provision to changes made by the act; amending s. 189.072, F.S.; providing applicability; providing a directive to the Division of Law Revision; providing an effective date.

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

Section 1. Subsection (2) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(2) Notwithstanding any other law, from the revenues deposited into the State Transportation Trust Fund a maximum of 7 percent in each fiscal year shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605, as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be issued under ss. 215.605 and 337.276 or at a minimum amount sufficient to pay for the debt service coverage requirements of outstanding bonds. Notwithstanding the 7 percent annual transfer authorized in this subsection, the annual amount transferred under this subsection may not exceed an amount necessary to provide the required debt service coverage levels for a maximum debt service not to exceed ~~\$425~~ \$350 million. Such transfer shall be payable primarily from the motor and diesel fuel taxes transferred to the State Transportation Trust Fund from the Fuel Tax Collection Trust Fund.

Section 2. Subsection (3) of section 215.616, Florida Statutes, is amended to read:

215.616 State bonds for federal aid highway construction.—

(3) The term of the bonds may ~~shall~~ not exceed a term of 18 ~~12~~ years. Before ~~Prior to~~ the issuance of bonds, the Department of Transportation must ~~shall~~ determine that annual debt service on all bonds issued pursuant to this section does not exceed 10 percent of annual apportionments to the department for federal highway aid in accordance with the provisions of Title 23 of the United States Code.

Section 3. Subsection (6) of section 288.9606, Florida Statutes, is amended, and paragraph (d) is added to subsection (7) of that section, to read:

288.9606 Issue of revenue bonds.—

(6) The proceeds of any bonds of the corporation may not be used, in any manner, to acquire any building or facility that will be, during the pendency of the financing, used by, occupied by, leased to, or paid for by any state, county, or municipal agency or entity. This subsection does not prohibit the use of proceeds of bonds of the corporation for the purpose of financing the acquisition or construction of a transportation facility under a public-private partnership agreement authorized by s. 334.30.

(7) Notwithstanding any provision of this section, the corporation in its corporate capacity may, without authorization from a public agency under s. 163.01(7), issue revenue bonds or other evidence of indebtedness under this section to:

(d) Finance the costs of acquisition or construction of a transportation facility by a private entity or consortium of private entities under a public-private partnership agreement authorized by s. 334.30.

Section 4. Subsection (6) of section 311.101, Florida Statutes, is amended to read:

311.101 Intermodal Logistics Center Infrastructure Support Program.

(6) The department shall provide up to 50 percent of project costs for eligible projects. For eligible projects in rural areas of opportunity designated in accordance with s. 288.0656(7)(a), the department may provide up to 100 percent of project costs.

Section 5. Subsections (2), (3), and (4) of section 316.0777, Florida Statutes, are renumbered as subsections (3), (4), and (5), respectively, and a new subsection (2) is added to that section to read:

316.0777 Automated license plate recognition systems; installation within rights-of-way of State Highway System; public records exemption.

(2)(a) As used in this subsection, the term “law enforcement agency” means an agency that has a primary mission of preventing and detecting crime and enforcing state penal, criminal, traffic, and motor vehicle laws and, in furtherance of that mission, employs law enforcement officers as defined in s. 943.10(1).

(b) At the discretion of the Department of Transportation, an automated license plate recognition system may be installed within the right-of-way, as defined in s. 334.03(21), of a road on the State Highway System when installed at the request of a law enforcement agency for the purpose of collecting active criminal intelligence information or active criminal investigative information as defined in s. 119.011(3). An automated license plate recognition system may not be used to issue a notice of violation for a traffic infraction or a uniform traffic citation. Such installation must be in accordance with placement and installation guidelines developed by the Department of Transportation. An automated license plate recognition system must be removed within 30 days after the Department of Transportation notifies the requesting law enforcement agency that such removal must occur.

(c) Installation and removal of an automated license plate recognition system are at the sole expense of the requesting law enforcement agency. The Department of Transportation is not liable for any damages caused to any person by the requesting law enforcement agency’s operation of such system.

(d) Records containing images and data generated through the use of an automated license plate recognition system may not be retained longer than the maximum period provided in the retention schedule established pursuant to s. 316.0778.

Section 6. Subsection (7) of section 330.27, Florida Statutes, is amended to read:

330.27 Definitions, when used in ss. 330.29-330.39.—

(7) “Temporary airport” means an any airport at which flight operations are conducted under visual flight rules established by the Federal Aviation Administration and which is that will be used for a period of less than 30 consecutive days with no more than 10 operations per day.

Section 7. Subsection (1), paragraphs (a) and (c) of subsection (2), and paragraph (e) of subsection (3) of section 330.30, Florida Statutes, are amended to read:

330.30 Approval of airport sites; registration and licensure of airports.

(1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of a any proposed airport shall, before ~~prior to~~ site acquisition or construction or establishment of the proposed airport, obtain approval of the airport site from the department. Applications for approval of a site shall be made in a form and manner prescribed by the department. The department shall grant the site approval if it is satisfied:

1. That the site has adequate area allocated for the airport as proposed.
2. That the proposed airport will conform to licensing or registration requirements and will comply with the applicable local government land development regulations or zoning requirements.
3. That all affected airports, local governments, and property owners have been notified and any comments submitted by them have been given adequate consideration.
4. That safe air-traffic patterns can be established for the proposed airport with all existing airports and approved airport sites in its vicinity.

(b) Site approval shall be granted for a public airport ~~airports~~ only after a favorable department inspection of the proposed site.

(c) Site approval shall be granted for a private airport ~~airports~~ only after receipt of documentation in a form and manner the department deems necessary to satisfy the conditions in paragraph (a).

(d) Site approval shall be granted for a temporary airport only after receipt of documentation in a form and manner the department deems necessary to satisfy the conditions in paragraph (a). Such documentation must be included with the application for a temporary airport registration.

(e) For the purpose of granting site approval, the department may not require an applicant to provide a written memorandum of understanding or letter of agreement with other airport sites regarding air traffic pattern separation procedures unless such memorandum or letter is required by the Federal Aviation Administration or is deemed necessary by the department.

(f)(d) Site approval may be granted subject to any reasonable conditions the department deems necessary to protect the public health, safety, or welfare.

(g)(e) Approval as a public airport or a private airport shall remain valid for 2 years after the date of issue, unless revoked by the department or unless a public airport license is issued or a private airport registration is completed pursuant to subsection (2) before prior to the expiration date.

(h)(f) The department may extend a public airport or private airport site approval for subsequent periods of 2 years per extension for good cause.

(i)(g) The department may revoke an airport a site approval if it determines:

1. That the site has been abandoned as an airport site;
2. That the site has not been developed as an airport within a reasonable time period or development does not comply with the conditions of the site approval;
3. That, except as required for in-flight emergencies, aircraft have operated on the site; or
4. That the site is no longer usable for aviation purposes due to physical or legal changes in conditions that were the subject of the approval granted.

(2) LICENSES AND REGISTRATIONS; REQUIREMENTS, RENEWAL, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of an any airport in this state shall have either a public airport license, or private airport registration, or temporary airport registration before prior to the operation of aircraft to or from the airport facility. Application for a license or registration shall be made in a form and manner prescribed by the department. ~~Upon granting site approval:~~

1. For a public airport, upon granting site approval, the department shall issue a license after a final airport inspection finds the airport facility to be in compliance with all requirements for the license. The license may be subject to any reasonable conditions that the department deems ~~may deem~~ necessary to protect the public health, safety, or welfare.
2. For a private airport, upon granting site approval, the department shall provide controlled electronic access to the state aviation facility data

system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the department.

3. For a temporary airport, the department must publish notice of receipt of a completed registration application in the next available publication of the Florida Administrative Register and may not approve a registration application less than 14 days after the date of publication of the notice. The department must approve or deny a registration application within 30 days after receipt of a completed application and must issue the temporary airport registration concurrent with the airport site approval. A completed registration application that is not approved or denied within 30 days after the department receives the completed application is considered approved and shall be issued, subject to such reasonable conditions as are authorized by law. An applicant seeking to claim registration by default under this subparagraph must notify the agency clerk of the department, in writing, of the intent to rely upon the default registration provision of this subparagraph and may not take any action based upon the default registration until after receipt of such notice by the agency clerk.

~~(c) The department may license a public airport or a private airport may register as a temporary airport provided that the airport will not endanger the public health, safety, or welfare and the airport meets the temporary airport requirements established by the department. A temporary airport license or registration shall be valid for less than 30 days and is not renewable. The department may not approve a subsequent temporary airport registration application for the same general location if the purpose or effect is to evade otherwise applicable airport permitting or licensure requirements.~~

(3) EXEMPTIONS.—The provisions of this section do not apply to:

~~(e) An airport which meets the criteria of s. 330.27(7) used exclusively for aerial application or spraying of crops on a seasonal basis, not to include any licensed airport where permanent crop aerial application or spraying facilities are installed, if the period of operation does not exceed 30 days per calendar year and the frequency of operations does not exceed 10 operations per day. Such proposed airports, which will be located within 3 miles of existing airports or approved airport sites, shall establish safe air-traffic patterns with such existing airports or approved airport sites, by memorandums of understanding, or by letters of agreement between the parties representing the airports or sites.~~

Section 8. Subsection (10) is added to section 332.007, Florida Statutes, to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(10) Subject to the availability of appropriated funds, and unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, the department may fund up to 100 percent of eligible project costs of all of the following at a publicly owned, publicly operated airport located in a rural community as defined in s. 288.0656 which does not have any scheduled commercial service:

(a) The capital cost of runway and taxiway projects that add capacity. Such projects must be prioritized based on the amount of available nonstate matching funds.

(b) Economic development transportation projects pursuant to s. 339.2821.

Any remaining funds must be allocated for projects specified in subsection (6).

Section 9. Subsection (5) of section 334.044, Florida Statutes, is amended, and subsection (36) is added to that section, to read:

334.044 Powers and duties of the department.—The department shall have the following general powers and duties:

(5) To purchase, lease, or otherwise acquire property and materials, including the purchase of promotional items as part of public information and education campaigns for the promotion of scenic highways, traffic and train safety awareness, alternatives to single-occupant vehicle travel, and commercial motor vehicle safety, electric vehicle use and charging stations, autonomous vehicles, and context design for electric vehicles and autonomous vehicles; to purchase, lease, or otherwise acquire equipment and supplies; and to sell, exchange, or otherwise dispose of any property that is no longer needed by the department.

(36) To expend funds, within its discretion, for training, testing, and licensing for full-time employees of the department who are required to have a valid Class A or Class B commercial driver license as a condition of employment with the department.

Section 10. Section 337.025, Florida Statutes, is amended to read:

337.025 Innovative transportation projects; department to establish program.—

(1) The department may establish a program for transportation 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 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 ~~\$200~~ \$120 million in contracts awarded annually for the purposes authorized by this section.

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

- (a) turnpike enterprise projects.
- ~~(b) Low bid design build milling and resurfacing contracts.~~

Section 11. Paragraph (c) of subsection (6) and subsection (7) of section 337.11, Florida Statutes, are amended to read:

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

(6)

(c) When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations, or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the amount of ~~\$500,000~~ \$250,000, enter into contracts for construction and maintenance without advertising and receiving competitive bids. The department may enter into such contracts only upon a determination that the work is necessary for one of the following reasons:

1. To ensure timely completion of projects or avoidance of undue delay for other projects;
2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or
3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

The department shall make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract. The department shall give consideration to disadvantaged business enterprise participation. However, when the work exists within the limits of an existing contract, the department shall make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract.

(7)(a) If the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a building, a major bridge, a limited access facility, or a rail corridor project into a single contract. Such contract is referred to as a design-build contract.

(b) If the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a project fully funded in the work program into a single contract and select the design-build firm in the early stages of a project to ensure that the design-build firm is part of the collaboration and development of the design as part of a step-by-step progression through construction. Such a contract is referred to as a phased design-build contract. For phased design-build contracts, selection and award must include a two-phase process. For phase one, the department shall competitively award the contract to a design-build firm based upon qualifications. For phase two, the design-build firm shall competitively bid construction trade subcontractor packages and, based upon these bids, negotiate with the department a fixed firm price or guaranteed maximum price that meets the project budget and scope as advertised in the request for qualifications.

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

(d)(b) The department shall adopt by rule procedures for administering design-build and phased design-build contracts. Such procedures shall include, but not be limited to:

1. Prequalification requirements.
2. Public announcement procedures.
3. Scope of service requirements.
4. Letters of interest requirements.
5. Short-listing criteria and procedures.

- 6. Bid proposal requirements.
- 7. Technical review committee.
- 8. Selection and award processes.
- 9. Stipend requirements.

(e)(e) The department must receive at least three letters of interest in order to proceed with a request for proposals. The department shall request proposals from no fewer than three of the design-build firms submitting letters of interest. If a design-build firm withdraws from consideration after the department requests proposals, the department may continue if at least two proposals are received.

Section 12. Paragraph (i) of subsection (6) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

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

(i) By December 31, 2023, There is created the Chairs Coordinating Committee, composed of the M.P.O.'s serving Citrus, Hernando, Hillsborough, Manatee, Pasco, and Pinellas, Polk, and Sarasota Counties must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a feasibility report exploring the benefits, costs, and process of consolidation into a single M.P.O. serving the contiguous urbanized area, the goal of which is to. ~~The committee must, at a minimum:~~

- 1. Coordinate transportation projects deemed to be regionally significant ~~by the committee.~~
- 2. Review the impact of regionally significant land use decisions on the region.
- 3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs ~~which affect more than one of the M.P.O.'s represented on the committee.~~
- 4. ~~Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.~~

Section 13. Subsection (1) of section 341.052, Florida Statutes, is amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(1) There is created a public transit block grant program which shall be administered by the department. Block grant funds shall only be provided to “Section 9” providers and “Section 18” providers designated by the United States Department of Transportation and community transportation coordinators as defined in chapter 427. Eligible providers must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the provider is located and the long-range transportation plans of the metropolitan planning organization in which the provider is located. In developing public transportation development plans, eligible providers must solicit comments from local workforce development boards established under chapter 445. The development plans must address how the public transit provider will work with the appropriate local workforce development board to provide services to participants in the welfare transition program. Eligible providers must provide information to the local workforce development board serving the county in which the provider is located regarding the availability of transportation services to assist program participants.

Section 14. Paragraph (a) of subsection (1) of section 341.061, Florida Statutes, is amended to read:

341.061 Transit safety standards; inspections and system safety reviews.—

(1)(a) The department shall adopt by rule minimum safety standards for governmentally owned fixed-guideway transportation systems, ~~and privately owned or operated fixed-guideway transportation systems operating in this state which are financed wholly or partly by state funds, and any governmentally or privately owned fixed-guideway transportation systems operating in this state which are located within an independent special district created by local act which have boundaries within two contiguous counties~~. Standards must be site-specific for fixed-guideway transportation systems and shall be developed jointly by the department and representatives of the affected systems, giving full consideration to nationwide industry safety norms relating to the development and operation of fixed-guideway transportation systems. The department shall conduct structural safety inspections in adherence with s. 335.074 for any fixed-guideway transportation systems that are raised or have bridges, as appropriate. Inspectors shall follow departmental safety protocols during safety inspections, including requiring the suspension of system service to ensure the safety and welfare of inspectors and the traveling public during such inspections.

Section 15. Subsections (2) and (3) of section 341.071, Florida Statutes, are amended to read:

341.071 Transit productivity and performance measures; reports.—

(2) Each public transit provider shall establish productivity and performance measures, which must be approved by the department and which must be selected from measures developed pursuant to s. 341.041(3). Each provider shall, by January 31 of each year, report to the department relative to these measures. In approving these measures, the department shall give consideration to the goals and objectives of each system, the needs of the local area, and the role for public transit in the local area. The report shall ~~include the also specifically address potential enhancements to productivity and performance which would have the effect of increasing farebox recovery ratio.~~

(3) Each public transit provider shall publish ~~on its website in the local newspaper of its area~~ the productivity and performance measures established for the year and a report which provides quantitative data relative to the attainment of established productivity and performance measures.

Section 16. (1) Effective upon this act becoming a law, the governance and control of the Santa Rosa Bay Bridge Authority is transferred to the Department of Transportation.

(2) The authority's bridge system transferred to the department under the terms of the lease-purchase agreement between the department and the authority, effective as of the close of business on June 30, 2022. Any remaining assets, facilities, tangible and intangible property, and any rights in such property, and any other legal rights of the authority, are transferred to the department. The department succeeds to all powers of the authority. The department may review other contracts, financial obligations, and contractual obligations and liabilities of the authority and may assume legal liability for such obligations that are determined by the department to be necessary for the continued operation of the bridge system.

(3) The bridge system, or any portion thereof, may be transferred by the department and become part of the turnpike system under the Florida Turnpike Enterprise Law.

Section 17. Effective upon this act becoming a law, part IV of chapter 348, Florida Statutes, consisting of sections 348.965, 348.966, 348.967, 348.968, 348.969, 348.97, 348.971, 348.972, 348.973, 348.974, 348.9751, 348.9761, 348.9771, and 348.9781, is repealed.

Section 18. Effective upon this act becoming a law, the Greater Miami Expressway Agency created by chapter 2019-169, Laws of Florida, is reestablished subject to the revised powers and duties set forth herein.

Section 19. Effective upon this act becoming a law, section 348.0301, Florida Statutes, is amended to read:

348.0301 Short title.—This part may be cited as the “Greater Miami Expressway Agency Act of 2023.”

Section 20. Effective upon this act becoming a law, section 348.0302, Florida Statutes, is repealed.

Section 21. Effective upon this act becoming a law, subsections (5) through (11) of section 348.0303, Florida Statutes, are renumbered as subsections (4) through (10), respectively, present subsections (4) and (9) are amended, and a new subsection (11) is added to that section, to read:

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

(4) “County” means a county as defined in s. 125.011(1).

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

(11) “Miami-Dade County Expressway Authority” means the state agency previously existing and originally established under the Florida Expressway Authority Act and subsequently dissolved by the Greater Miami Expressway Agency Act.

Section 22. Effective upon this act becoming a law, section 348.03031, Florida Statutes, is created to read:

348.03031 Legislative findings, intent, and declaration.—

(1) The Legislature finds the need to clarify the legal status, ownership, and control of the roads that constitute the expressway system in Miami-Dade County and portions of northeast Monroe County, following Miami-Dade County’s attempt to abolish the Greater Miami Expressway Agency in Miami-Dade Ordinance 21- 35 (May 4, 2021).

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

(3) The Legislature recognizes the Miami-Dade County Expressway Authority was dissolved by chapter 2019-169, Laws of Florida, and all assets, employees, contracts, rights, and liabilities were purportedly transferred to the Greater Miami Expressway Agency. All assets, employees, contracts, rights, and liabilities previously owned or controlled by the former Miami-Dade County Expressway Authority, including, without limitation, those previously transferred to the Greater Miami Expressway

Agency, are transferred back to the reestablished Greater Miami Expressway Agency created in s. 348.0304 on the effective date of this act.

(4) It is the intent of the Legislature to confirm that the Greater Miami Expressway Agency that was created by chapter 2019-169, Laws of Florida, is hereby reestablished. The Greater Miami Expressway Agency is the state agency that shall govern the expressway system within the geographical boundaries of Miami-Dade County and the portion of northeast Monroe County which includes County Road 94 and the portion of Monroe County bounded on the north and east by the borders of Monroe County and on the south and west by County Road 94. It is further the express intent of the Legislature that the Greater Miami Expressway Agency created by this law is an agency of the state and not subject to any county's home rule powers.

Section 23. Effective upon this act becoming a law, subsections (1) through (5) of section 348.0304, Florida Statutes, are redesignated as subsections (2) through (6), respectively, a new subsection (1) is added to that section, and present subsections (1) and (2) of that section are amended, to read:

348.0304 Greater Miami Expressway Agency.—

(1) It is the intent of the Legislature that the Greater Miami Expressway Agency prioritizes the best interests of the toll payers of South Florida.

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

(3)(a)(2)(a) The governing body of the agency shall consist of nine voting members. Except for the district secretary of the department, each member must be a permanent resident of a the county served by the agency and may not hold, or have held in the previous 2 years, elected or appointed office in such the county, except that this paragraph does not apply to any initial appointment under paragraph (b) or to any member who previously served on the governing body of the former Greater Miami Expressway Agency. Each member may only serve two terms of 4 years each, except that there is no restriction on the term of the department's district secretary. Four members, each of whom must be a permanent resident of Miami-Dade County, shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature. Refusal or failure of the Senate to confirm an appointment shall create a vacancy one of whom must be a member of the metropolitan planning organization for the County. Appointments made by the Governor and board of county commissioners of Miami-Dade County shall reflect the state's interests in the transportation sector and represent the intent, duties, and purpose of the Greater Miami

Expressway Agency, and have at least 3 years of professional experience in one or more of the following areas: finance; land use planning; tolling industry; or transportation engineering. Two members, who must be residents of an unincorporated portion of the geographic area described in subsection (1) and residing within 15 miles of an area with the highest amount of agency toll roads, shall be appointed by the board of county commissioners of Miami-Dade County residing within 15 miles of an area with the highest amount of agency toll roads, shall be appointed by the board of county commissioners of the county. Two members, who must be residents of incorporated municipalities within a county served by the agency, shall be appointed by the metropolitan planning organization for a county served by the agency the county, shall be appointed by the metropolitan planning organization for the county. The district secretary of the department serving in the district that contains Miami-Dade the County shall serve as an ex officio voting member of the governing body.

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

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

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

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

Section 24. Effective upon this act becoming a law, paragraph (b) of subsection (1), paragraph (f) of subsection (2), and subsections (6) and (8) of section 348.0306, Florida Statutes, are amended to read:

348.0306 Purposes and powers.—

(1)

(b) The agency, in the construction of an expressway system, may shall construct expressways. Construction of an expressway system may be completed in segments, phases, or stages in a manner that will permit the expansion of these segments, phases, or stages to the desired expressway configuration. The agency, in the construction of an expressway system, may construct any extensions of, additions to, or improvements to the expressway system or appurtenant facilities, including all necessary approaches, roads, bridges, and avenues of access, with such changes, modifications, or revisions of the project that are deemed desirable and proper. For new capacity projects, the agency shall use the department's design standards and, to the maximum extent practicable, design facilities such as the

department would for high-speed limited access facilities. The agency may only add additional expressways to an expressway system, under the terms and conditions set forth in this act, with the prior express written consent of the board of county commissioners of Miami-Dade the County or Monroe County, as applicable, and only if such additional expressways lack adequate committed funding for implementation, are financially feasible, and are compatible with the existing plans, projects, and programs of the agency.

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

(f) To borrow money, make and issue negotiable notes, bonds, refund bonds, and other evidence of indebtedness of the agency, which bonds or other evidence of indebtedness may be issued pursuant to the State Bond Act or, in the alternative, pursuant to s. 348.0309(2) to finance or refinance additions, extensions, or improvements to the expressway system within the geographic boundaries of the agency, and to provide for the security of the bonds or other evidence of indebtedness and the rights and remedies of the holders of the bonds or other evidence of indebtedness. Any bonds or other evidence of indebtedness pledging the full faith and credit of the state may only be issued pursuant to the State Bond Act.

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

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

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

(8) The governing body of ~~a the county~~ served by the agency may enter into an interlocal agreement with the agency pursuant to s. 163.01 for the joint performance or performance by either governmental entity of any corporate function of the county or agency necessary or appropriate to enable

the agency to fulfill the powers and purposes of this part and promote the efficient and effective transportation of persons and goods in such county.

Section 25. Effective upon this act becoming a law, paragraph (c) of subsection (2) of section 348.0309, Florida Statutes, is amended to read:

348.0309 Bonds.—

(2)

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

Section 26. Effective upon this act becoming a law, subsection (2) of section 348.0315, Florida Statutes, is amended to read:

348.0315 Public accountability.—

(2) Beginning October 1, ~~2024~~ 2020, and annually thereafter, the agency shall submit to the metropolitan planning organization for ~~each~~ the county ~~served by the agency~~ a report providing information regarding the amount of tolls collected and how those tolls were used in the agency's previous fiscal year. The report shall be posted on the agency's website.

Section 27. Effective upon this act becoming a law, subsection (1) of section 348.0318, Florida Statutes, is amended to read:

348.0318 This part complete and additional authority.—

(1) The powers conferred by this part are in addition and supplemental to the existing powers of the department and the governing body of the agency, and this part may not be construed as repealing any of the provisions of any other law, general, special, or local, but to supersede such other laws in the exercise of the powers provided in this part and to provide a complete method for the exercise of the powers granted in this part. The extension and improvement of the expressway system, and the issuance of bonds pursuant to this part to finance all or part of the cost of the system, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or local law, including, but not limited to, s. 215.821, and no approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in Miami-Dade County, in Monroe County, or in any other political

subdivision of the state, is required for the issuance of such bonds pursuant to this part, including, but not limited to, s. 215.821.

Section 28. Effective upon this act becoming a law, subsection (5) is added to section 189.072, Florida Statutes, to read:

189.072 Dissolution of an independent special district.—

(5) The provisions of this section do not apply to any entity created pursuant to the Florida Expressway Authority Act, derived from chapter 90-136, Laws of Florida, and subsequently repealed by chapter 2019-169, Laws of Florida.

Section 29. The Division of Law Revision is directed to replace the phrase “the effective date of this act” wherever it occurs in this act with the date this act becomes a law.

Section 30. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2023.

Approved by the Governor May 11, 2023.

Filed in Office Secretary of State May 11, 2023.