


# Economic Infrastructure Subcommittee

**Wednesday, March 12, 2025**
**10:15 AM - 12:15 PM**
**Reed Hall (102 HOB)**

**Daniel Perez**
**Speaker**

**Chip LaMarca**
**Chair**

# The Florida House of Representatives

**Commerce Committee**

**Economic Infrastructure Subcommittee**

**Daniel Perez**
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## Meeting Agenda

Wednesday, March 12, 2025
10:15 am – 12:15 pm
Reed Hall (102 HOB)

I. Call to Order

II. Roll Call

III. Welcome and Opening Remarks

IV. Consideration of the following bill(s):
- HB 703 Utility Relocation by Robinson, W.
- HB 867 Indemnification and Insurance Obligations of Commuter Rail Transportation Providers by Lopez, V.
- HB 1137 Preemption Over Utility Service Restrictions by Shoaf
- HB 1523 Utility Services by Busatta

Consideration of the following proposed committee substitute(s):
- PCS for HB 987 -- Transportation Facilities Designation

V. Closing Remarks

VI. Adjournment

**HB 703**

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

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| **BILL #:** HB 703 | **COMPANION BILL:** SB 818 (McClain) |
| **TITLE:** Utility Relocation | **LINKED BILLS:** None |
| **SPONSOR(S):** Robinson, W. | **RELATED BILLS:** None |

**Committee References**

Economic Infrastructure ➤ Commerce

## SUMMARY

**Effect of the Bill:**

The bill modifies the process under which utility owners must relocate facilities located in a public right-of-way by:

- Requiring utility owners, within 30 days after written notice from a public right-of-way authority, to submit a "reasonable" schedule for relocation of their facilities located within the right-of-way;
- Extending the time allowed for utility owners to begin relocation work from 30 days to 60 days; and
- For relocation of utilities used to provide broadband Internet, cable, and video service, shifting cost responsibility from the utility owner to the right-of-way authority that requires such relocation.

**Fiscal or Economic Impact:**

The bill will have an indeterminate but likely significant negative impact on state and local government expenditures.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

## ANALYSIS

**EFFECT OF THE BILL:**

The bill modifies the process under which utilities located within the right-of-way (ROW) limits of any public road or publicly owned rail corridor must be relocated upon request of the government entity that has jurisdiction and control over the road or rail corridor. These government entities, referred to as "authorities," include the Department of Transportation and local governments.

Specifically, the bill requires a utility owner, within 30 days after written notice from an authority that the utility is interfering with the use, maintenance, improvement, extension, or expansion of a public road or rail corridor, to provide the authority with a reasonable relocation schedule to expedite completion of the authority's construction of maintenance project. The bill extends the time allowed for a utility owner to initiate work to alleviate the interference from 30 days after written notice to 60 days after written notice from the authority.

The bill also creates an exception to the general requirement that the utility owner is responsible for the expense of relocating its utilities. If an authority requires a provider of broadband Internet[1], cable, or video service[2] to relocate a utility used to provide such service, the bill provides that the utility owner must perform the necessary work but that the authority must pay the entire expense attributable to the work. (Section 1)

The bill amends a cross-reference to conform to these changes. (Section 2)

[1] The bill provides that "broadband Internet service" has the same meaning as provided in s. 288.9961(2), F.S., which defines the term as "a service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 25 megabits per second downstream and 3 megabits per second upstream."

[2] The bill provides that "cable service provider" and "video service provider" have the same meaning as provided in s, 610.103, F.S.

The effective date of the bill is July 1, 2025. (Section 3)

**FISCAL OR ECONOMIC IMPACT:**

STATE GOVERNMENT:

The bill will have an indeterminate but likely significant negative impact on state government expenditures associated with transportation projects due to the transfer of cost responsibility for relocation of broadband Internet, cable, and video service facilities located within the right-of-way limits of roads and rail corridors under the jurisdiction and control of the Department of Transportation.[3]

LOCAL GOVERNMENT:

The bill will have an indeterminate but likely significant negative impact on local government expenditures associated with transportation projects due to the transfer of cost responsibility for relocation of broadband Internet, cable, and video service facilities located within the right-of-way limits of roads and rail corridors under the jurisdiction and control of local government entities.

PRIVATE SECTOR:

The bill will eliminate facility relocation costs for providers of broadband Internet, cable, and video service when such facilities are located within the right-of-way limits of roads and rail corridors under the jurisdiction and control of the Department of Transportation or a local government entity.

## RELEVANT INFORMATION

**SUBJECT OVERVIEW:**

Utility Use of the Public Right-of-Way

The Department of Transportation (DOT) and each local government that has jurisdiction and control of public roads or publicly owned rail corridors is authorized to prescribe and enforce reasonable rules or regulations related to placing and maintaining utility facilities across, on, or within the right-of-way (ROW) limits of any road or publicly owned rail corridors under its jurisdiction. Each of these types of government entities is individually referred to as an "authority" when acting in this capacity.[4]

Each ROW authority may authorize any person who is a resident of this state, or any corporation organized under the laws of this state or licensed to do business within this state, to use a public ROW for a utility in accordance with the authority's rules or regulations. For purposes of obtaining such use, a "utility" includes:

- Electric transmission lines
- Voice, telegraph, data, or other communications services lines
- Wireless facilities
- Poles and pole lines
- Railways
- Ditches
- Sewers
- Water, heat, or gas mains
- Pipelines
- Fences
- Gasoline tanks and pumps
- Any other structures referred to in ss. 337.401–337.404, F.S.[5]

[3] An agency analysis of this bill was requested from the Department of Transportation on March 4, 2025, and as of the date of publication has not been received.
[4] S. 337.401(1), F.S.
[5] *Id.*

A utility may not be installed, located, or relocated within a public ROW unless authorized by a written permit. However, for public roads or publicly owned rail corridors under DOT's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit.[6]

If a public ROW authority finds that a utility placed within the ROW limits of a public road or publicly owned rail corridor is unreasonably interfering in any way with the use, maintenance, improvement, extension, or expansion of the road or rail corridor, it must notify the utility or its agent in writing. Within 30 days of such notice, the utility owner must initiate the work necessary to alleviate the interference at its own expense.[7] The work must be completed within a reasonable time as stated in the notice or a time agreed to by the authority and utility owner.[8]

Additional Relevant Information

Art. VII, s. 18(a), of the Florida Constitution states that a county or municipality is not bound by a general law that requires the county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and:

- Funds are appropriated to cover the estimated expenditure;
- The legislature provides authority for the county or municipality, by a simply majority vote, to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate funds to cover the estimated expenditure;
- The law requiring the expenditure is approved by two-thirds of the membership in each house of the legislature;
- The expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or
- The law is required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Economic Infrastructure Subcommittee | | | Keating | Bauldree |
| Commerce Committee | | | | |

[6] S. 337.401(2), F.S.
[7] S. 337.401(1), F.S. This law provides a list of specific scenarios in which responsibility for relocation expenses is modified.
[8] *Id.*

A bill to be entitled

An act relating to utility relocation; amending s. 337.403, F.S.; requiring utility owners to provide a certain authority with utility relocation schedules within a certain timeframe to expedite work; revising the timeframe within which a utility owner must initiate work; requiring a service provider to perform work under specific circumstances; requiring the authority to pay relocation expenses in certain instances; amending s. 125.42, F.S.; conforming a cross-reference; providing an effective date.

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

**Section 1. Subsection (1) of section 337.403, Florida Statutes, is amended to read:**

337.403 Interference caused by utility; expenses.—

(1) If a utility that is placed upon, under, over, or within the right-of-way limits of any public road or publicly owned rail corridor is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor, the utility owner shall, within 30 days after ~~upon 30 days'~~ written notice to the utility or its agent by the authority, provide the



CODING: Words ~~stricken~~ are deletions; words underlined are additions.

authority a reasonable utility relocation schedule to expedite the completion of the authority's construction or maintenance project identified in the notice, and, within 60 days after the written notice from the authority, initiate the work necessary to alleviate the interference at its own expense except as provided in paragraphs (a)-(k) ~~(a)-(j)~~. The work must be completed within such reasonable time as stated in the notice or such time as agreed to by the authority and the utility owner.

(a) If the relocation of utility facilities, as referred to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 84-627, is necessitated by the construction of a project on the federal-aid interstate system, including extensions thereof within urban areas, and the cost of the project is eligible and approved for reimbursement by the Federal Government to the extent of 90 percent or more under the Federal-Aid Highway Act, or any amendment thereof, then in that event the utility owning or operating such facilities shall perform any necessary work upon notice from the department, and the state shall pay the entire expense properly attributable to such work after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility.

(b) When a joint agreement between the department and the utility is executed for utility work to be accomplished as part of a contract for construction of a transportation facility, the department may participate in those utility work costs that

exceed the department's official estimate of the cost of the work by more than 10 percent. The amount of such participation is limited to the difference between the official estimate of all the work in the joint agreement plus 10 percent and the amount awarded for this work in the construction contract for such work. The department may not participate in any utility work costs that occur as a result of changes or additions during the course of the contract.

(c) When an agreement between the department and utility is executed for utility work to be accomplished in advance of a contract for construction of a transportation facility, the department may participate in the cost of clearing and grubbing necessary to perform such work.

(d) If the utility facility was initially installed to exclusively serve the authority or its tenants, or both, the authority shall bear the costs of the utility work. However, the authority is not responsible for the cost of utility work related to any subsequent additions to that facility for the purpose of serving others. For a county or municipality, if such utility facility was installed in the right-of-way as a means to serve a county or municipal facility on a parcel of property adjacent to the right-of-way and if the intended use of the county or municipal facility is for a use other than transportation purposes, the obligation of the county or municipality to bear the costs of the utility work shall extend

only to utility work on the parcel of property on which the facility of the county or municipality originally served by the utility facility is located.

(e) If, under an agreement between a utility and the authority entered into after July 1, 2009, the utility conveys, subordinates, or relinquishes a compensable property right to the authority for the purpose of accommodating the acquisition or use of the right-of-way by the authority, without the agreement expressly addressing future responsibility for the cost of necessary utility work, the authority shall bear the cost of removal or relocation. This paragraph does not impair or restrict, and may not be used to interpret, the terms of any such agreement entered into before July 1, 2009.

(f) If the utility is an electric facility being relocated underground in order to enhance vehicular, bicycle, and pedestrian safety and in which ownership of the electric facility to be placed underground has been transferred from a private to a public utility within the past 5 years, the department shall incur all costs of the necessary utility work.

(g) An authority may bear the costs of utility work required to eliminate an unreasonable interference when the utility is not able to establish that it has a compensable property right in the particular property where the utility is located if:

1. The utility was physically located on the particular

property before the authority acquired rights in the property;

2. The utility demonstrates that it has a compensable property right in adjacent properties along the alignment of the utility or, after due diligence, certifies that the utility does not have evidence to prove or disprove that it has a compensable property right in the particular property where the utility is located; and

3. The information available to the authority does not establish the relative priorities of the authority's and the utility's interests in the particular property.

(h) If a municipally owned utility or county-owned utility is located in a rural area of opportunity, as defined in s. 288.0656(2), and the department determines that the utility is unable, and will not be able within the next 10 years, to pay for the cost of utility work necessitated by a department project on the State Highway System, the department may pay, in whole or in part, the cost of such utility work performed by the department or its contractor.

(i) If the relocation of utility facilities is necessitated by the construction of a commuter rail service project or an intercity passenger rail service project and the cost of the project is eligible and approved for reimbursement by the Federal Government, then in that event the utility owning or operating such facilities located by permit on a department-owned rail corridor shall perform any necessary utility

relocation work upon notice from the department, and the department shall pay the expense properly attributable to such utility relocation work in the same proportion as federal funds are expended on the commuter rail service project or an intercity passenger rail service project after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility. In no event shall the state be required to use state dollars for such utility relocation work. This paragraph does not apply to any phase of the Central Florida Commuter Rail project, known as SunRail.

(j) If a utility is lawfully located within an existing and valid utility easement granted by recorded plat, regardless of whether such land was subsequently acquired by the authority by dedication, transfer of fee, or otherwise, the authority must bear the cost of the utility work required to eliminate an unreasonable interference. The authority shall pay the entire expense properly attributable to such work after deducting any increase in the value of a new facility and any salvage value derived from an old facility.

(k) If the authority requires a provider of broadband Internet service as defined in s. 288.9961(2), or a cable service provider or video service provider as defined in s. 610.103, to relocate a facility used to provide such service, the service provider owning or operating such facility shall perform any necessary work upon notice from the authority, and

the authority requiring such relocation shall pay the entire expense properly attributable to such work.

**Section 2. Subsection (5) of section 125.42, Florida Statutes, is amended to read:**

125.42 Water, sewage, gas, power, telephone, other utility, and television lines within the right-of-way limits of county roads and highways.—

(5) In the event of widening, repair, or reconstruction of any such road, the licensee shall move or remove such water, sewage, gas, power, telephone, and other utility lines and television lines at no cost to the county should they be found by the county to be unreasonably interfering, except as provided in s. 337.403(1)(d)-(k) ~~s. 337.403(1)(d)-(j)~~.

**Section 3.** This act shall take effect July 1, 2025.

**HB 867**

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

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| **BILL #:** HB 867<br>**TITLE:** Indemnification and Insurance Obligations of Commuter Rail Transportation Providers<br>**SPONSOR(S):** Lopez, V. | **COMPANION BILL:** SB 916 (Rodriguez)<br>**LINKED BILLS:** None<br>**RELATED BILLS:** None |

**Committee References**

Economic Infrastructure ➤ Civil Justice & Claims ➤ Commerce

## SUMMARY


**Effect of the Bill:**

The bill establishes the Coastal Link Commuter Rail Service Act. Under the bill, a state, county, municipality, district, authority, or other separate unit of government that has entered into an agreement with Brightline to operate commuter rail service on the Coastal Link corridor may assume indemnification and insurance obligations in certain circumstances.

**Fiscal or Economic Impact:**

None.



JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY


## ANALYSIS

**EFFECT OF THE BILL:**

The bill creates s. 343.811, F.S., entitling it the Coastal Link Commuter Rail Service Act. (Section 1). Under the bill, a state, county, municipality, district, authority, or other separate unit of government that has entered into an agreement with Brightline to operate commuter rail service on the Coastal Link corridor may assume indemnification and insurance obligations in certain circumstances.

**Assumption of Obligations** (Section 2)

The bill provides that in association with the development or operation of a commuter rail service on the Coastal Link corridor, an agency may assume certain obligations.

The bill states that an agency may assume obligations by contract to protect, defend, indemnify, and hold harmless both Florida East Coast Railway (FECR), Brightline, and either entity's officers, agents, and employees from and against:

- Any liability, cost, and expense, including, but not limited to, the agency's passengers and other rail corridor invitees on the Coastal Link corridor, regardless of whether the loss, damage, destruction, injury, or death is caused in whole or in part by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of such freight rail operator or Brightline, its successors, or its officer, agents, and employees, or any other person.
- Any loss, injury, or damage incurred by other rail corridor invitees up to a self-insurance retention amount of $5 million with respect to limited covered accidents caused by the agency.

The bill provides that an agency may not contract to assume liability in any instance that exceeds the following parameters of allocation of risk:

- The agency may be solely responsible for any loss, injury, or damage to the agency's passengers, or rail corridor invitees, third parties, or trespassers, regardless of circumstances or cause, subject to the other provisions of the bill.
- In the event of a limited covered accident caused by FECR or Brightline, the authority of an agency to protect, defend, and indemnify FECR or Brightline for all liability, cost, and expense, including punitive or exemplary damages, in excess of the self-insurance retention amount exists only if FECR or Brightline agrees, with respect to such accident, to protect, defend, and indemnify the agency for the amount of the self-insurance retention amount.

Under the bill, when only one train is involved in an incident, including an incident with trespassers or at-grade crossings, and the train is an agency train, the agency may be solely responsible for any loss, injury, or damage. When only one train is involved in an incident and the train belongs to either FECR or Brightline, the owning entity is solely responsible for any loss, injury, or damage, except for the agency's passengers and other rail corridor invitees, which are the responsibility of the agency. The entity's passengers and other rail corridor invitees are the responsibility of the entity.

The bill states that when an incident involves more than one operator, each operator is responsible for:
- Its property, passengers, employees (excluding employees who are, at the time of the incident, rail corridor invitees of another operator), and other rail corridor invitees.
- Its proportionate share of any loss or damage to the joint infrastructure.
- Its proportionate share of any loss, injury, or damage to rail corridor invitees who are not rail corridor invitees of operators[1] and trespassers or third parties outside the Coastal Link corridor as a result of the incident.

Under the bill, any contractual duty of an agency to protect, defend, indemnify, and hold harmless FECR or Brightline with respect to claims by rail passengers must expressly include a cap which may not exceed $323 million per occurrence, unless legislative approval is provided. This amount must be adjusted in accordance with the federal limitation on rail passenger transportation liability, 49 U.S. Code § 28103, or any successor provision.

The bill states that the liabilities of the agency to the state or any other agency shall be as set forth in an agreement among such entities and limited by s. 768.28(19), F.S.

**Purchase of Insurance** (Section 2)

Additionally, the bill provides that in association with the development or operation of a commuter rail service on the Costal Link corridor, an agency may purchase liability insurance.

Under the bill, if an agency purchases liability insurance, the insured amount may not exceed $323 million per occurrence. This amount will be adjusted in accordance with the aggregate allowable award to all rail passengers, against all defendants, for all claims, including punitive damages, arising from a single accident or incident under the federal limitation on rail passenger transportation liability, 49 U.S. Code § 28103, and any successor provisions.

The bill provides that an agency may also establish a self-insurance retention fund for the purpose of paying the deductible limit for the insurance policies the agency may obtain, including coverage for a county agency, freight rail operators that access the Coastal Link corridor pursuant to a contract with FECR, Brightline, commuter rail service providers, governmental entities, or any ancillary development. The bill provides that any self-insurance retention fund or deductible may not exceed the self-insurance retention amount of $5 million.

The bill states that if an agency elects to purchase liability insurance, such insurance and self-insurance retention fund may provide coverage for all damages, including, but not limited to compensatory, special, and exemplary damages. The insurance and self-insurance retention fund may be maintained to provide adequate funds to cover

[1] The bill provides that the agency shall always be responsible for its passengers and its rail corridor invitees regardless of whether the agency was involved in the incident.

claims and liabilities for loss, injury, or damage arising out of or connected with the ownership, operation, maintenance, and management of the Coastal Link corridor.

Any self-insured retention account obtained in accordance with the provisions of the bill must be a segregated account of the agency and must be subject to the same conditions, restrictions, exclusions, obligations, and duties included in any and all of the policies of liability insurance purchased under the bill.

**Sovereign Immunity** (Section 2)

The bill provides that the purchase of insurance, the establishment of a self-insurance retention fund, and the assumption by contract to protect, defend, indemnify, and hold harmless may not be deemed a waiver of any defense of sovereign immunity for tort claims or deemed to increase the limits of the agency's liability for tort claims provided under current law.

**Definitions** (Section 2)

The bill defines "agency" as a state, county, municipality, district, authority, or other separate unit of government created or established by law which has entered into an agreement with Brightline allowing the government entity to operate commuter rail service on the Coastal link corridor.

Under the bill, "Brightline" means Brightline Trains Florida, LLC, or its successors and assigns, or any of its affiliates that is a party to an agreement with an agency in connection with the Coastal Link corridor. The bill states that for the purposes of its status as an indemnitee, "Brightline" include Florida East Coast Dispatch, LLC.

The bill defines the "Coastal Link corridor" as the rail transit system, including the intercity passenger rail service stations and vehicle maintenance facilities, located on or adjacent to the Florida East Coast Railway (FECR) and Brightline rail corridor in Miami-Dade County, Broward County, and Palm Beach County.[2]

Under the bill, "commuter rail service" means the operation of a train transporting passengers[3] and making frequent stops within urban areas and the immediate suburbs along the rail corridor for the purpose of transporting passengers, including boarding and alighting and the nonrevenue movement of passenger trains for storage, maintenance, or repairs. The bill states that the term does not include the operation of trains by Brightline transporting passengers in intercity passenger rail service between Brightline stations[4].

Under the bill, "FECR" means the Florida East Coast Railway, LLC, or its successors and assigns. For the purposes of its status as an indemnitee, the term "FECR" includes Florida East Coast Dispatch, LLC, or its successors and assigns.

The bill defines "intercity passenger rail service" as all passenger service on the Coastal Link corridor other than commuter rail service and is characterized by trains making less frequent stops along the Coastal Link corridor that the commuter rail service makes.

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[2] The bill states that the "Coastal Link corridor" includes structures essential to railroad operations, including land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, rail stations, any ancillary development, and any other facilities or equipment used for the purpose of construction, operation, or maintenance of a railroad that provides rail service.

[3] The bill states that, with respect to intercity passenger rail service or commuter rail service, "passenger" means a person, ticketed or unticketed, using the rail service on the Costal Link corridor:

- Onboard trains, locomotives, rail cars, or rail equipment employed in such intercity passenger rail service or commuter rail service or boarding or alighting therefrom;
- On or about the Coastal Link corridor for any purpose related to such intercity passenger rail service or commuter rail service, including parking or purchasing tickets therefor and coming to, waiting for, and leaving from locomotives, rail cars, or rail equipment; or
- Meeting, assisting, or in the company of a person described in subparagraph 1. or subparagraph 2.

[4] For the purpose of the "commuter rail service" definition, the bill states that "Brightline stations" means the Brightline-owned intercity passenger rail service stations in Miami located near Aventura, Fort Lauderdale, Boca Raton, and West Palm Beach, as well as any future stations developed by Brightline in connection with its intercity passenger rail service.

Under the bill, "joint infrastructure" means any portion or segment of the Coastal Link corridor which does not contain tracks or infrastructure designated for the exclusive use of one operator.[5]

"Limited covered accident" is defined in the bill as a collision directly between the trains, locomotives, rail cars, or rail equipment of more than one operator on the Costal Link corridor, where the collision is caused by or arising from the willful misconduct of one of the responsible operators[6], as adjudicated pursuant to a final and unappealable court order, or if punitive damages or exemplary damages are awarded due to the conduct of the responsible operator, as adjudicated pursuant to a final and unappealable court order.

Under the bill, the term "operator" includes:

- Brightline, including any passenger rail operators that access the Coastal Link corridor pursuant to a contract with Brightline, other than an agency;
- FECR, including Amtrak or any freight rail operators that access the Coastal Link corridor pursuant to a contract with FERC;
- An agency, including any commuter rail operators that access the Coastal Link corridor pursuant to a contract with an agency; or
- The South Florida Regional Transportation Authority (SFRTA), with respect to its operation contemplated under s. 343.545, F.S.

The bill defines "proportionate share" as, with respect to a loss, injury, or damage for which operators share responsibility, a percentage in proportion to the number of operators involved in the relevant incident.

- When one or more agencies are jointly operating a commuter rail service, such agencies are considered a single operator for the purposes of computing and assessing the proportionate share.
- When two operators are involved in the incident, each is responsible for one-half of such loss, injury, or damage; when three operators are involved in the incident, each is responsible for one-third, and so on.
- When more than one agency shares responsibility with respect to loss, injury, or damage, each agency is considered a separate entity for purposes of determining its proportionate share.

Under the bill, "rail corridor invitee" means a passenger who is on or about the Coastal Link corridor or a person otherwise present on the Coastal Link corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of an operator. The bill states that this term does not include patrons at any station who are not also passengers, commercial or residential tenants at any station or the developments in and around the stations or their invitees, or third parties performing work at a station or in the Coastal Link corridor, including any utilities or fiber optic companies.

- A rail corridor invitee of an agency may not be considered an invitee of Brightline or FECR.
- A rail corridor invitee of Brightline or FECR may not be considered an invitee of an agency.
- An employee of an operator is not a rail corridor invitee of such operator at any time the employee is a passenger or is otherwise present on the Coastal Link corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of another operator.
- When a passenger is transferring from the service of one operator to another, the passenger is a rail corridor invitee of the first operator until the passenger has left the first operator's platform, at which time the passenger is then a rail corridor invitee of the other operator.

The bill reenacts existing law, s. 341.302(17), F.S., for the purpose of incorporating changes made by the bill. (Section 3).

The effective date of the bill is July 1, 2025. (Section 4).

[5] Train stations, including, but not limited to, pedestrian bridges, stairs, or conveyance systems, do not constitute part of the joint infrastructure.

[6] The bill states that for the purpose of the definition of "limited covered accident," "responsible operator" means an operator or its subsidiaries, agents, licenses, employees, officers, or directors which has caused a collision as a result of willful misconduct.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

Rail Service in Florida

The Florida Department of Transportation (DOT) must develop and implement a rail program designed to ensure its proper maintenance, safety, revitalization, and expansion to assure its continued and increased availability, and to respond to statewide mobility needs. DOT's statutory rail requirements include:

- Providing the overall leadership, coordination, and financial and technical assistance necessary to assure the effective responses of the state's rail system to mobility needs.
- Promoting and facilitating the implementation of advanced rail systems.
- Developing and administering state standards concerning the safety and performance of rail systems.[7]

Most of Florida's rail mileage is owned by freight railroads. Roughly 60 percent of the rail mileage in the state is owned by CSX Transportation, Inc., (CSX) and Florida East Coast Railway (FECR). The remaining rail mileage in the state is owned by Norfolk Southern Railway, short lines railroads, and the state of Florida.[8] In 1988, DOT and CSX entered into an agreement whereby DOT purchased approximately 81 miles of CSX track and right-of-way[9] in order to operate commuter rail in South Florida.[10] The commuter rail system (Tri-Rail) serves Miami-Dade, Broward, and Palm Beach counties.[11]

Brightline

Brightline Trains Florida (Brightline) is the only privately owned and operated intercity railroad in the United States.[12] Brightline operates hourly intercity passenger rail service on a 235-mile corridor between Miami and Orlando.[13] Brightline is also actively planning a further extension from Orlando to Tampa.[14] As of July 2024, Brightline offers sixteen daily round trips between South Florida and Orlando, departing from the Orlando International Airport and ending in Miami with stops in West Palm Beach, Boca Raton, Fort Lauderdale, and Aventura.[15]

FECR

FECR is a regional railroad in Florida which owns all 351-mile mainline track from Jacksonville to Miami. The railway connects to the national railway system in Jacksonville, allowing it to provide rail service in and out of Georgia, Tennessee, South Carolina, and North Carolina. FECR is the exclusive rail provider for PortMiami, Port Everglades, and Port of Palm Beach.[16]

DOT Rail Liability

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[7] S. 341.302, F.S.
[8] *Florida Rail System Plan, Executive Summary* (Nov. 2023) at 3, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/rail/plans/rail/rail-system-plan-2023/rsp-october-version/fdot_rsp_ch-1_ada-(nov).pdf?sfvrsn=606135b_4 (last visited Mar. 11, 2025).
[9] Commonly known as the South Florida Rail Corridor. Florida Department of Transportation, 2006 Florida Freight & Passenger Rail Plan, 2-1 n. 1, http://www.fdot.gov/rail/Publications/Plans/2006/flrail06.pdf (last visited Mar. 11, 2025).
[10] Florida Department of Transportation, 2006 Florida Freight & Passenger Rail Plan, 5-34 http://www.fdot.gov/rail/Publications/Plans/2006/flrail06.pdf (last visited Mar. 11, 2025).
[11] Tri-Rail, System Map, https://www.tri-rail.com/ (last visited Mar. 11, 2025).
[12] Brightline, *About Us*, https://www.gobrightline.com/about (last visited Mar. 11, 2025).
[13] Florida Rail System Plan, Executive Summary (Nov. 2023) at 5, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/rail/plans/rail/rail-system-plan-2023/rsp-october-version/fdot_rsp_ch-1_ada-(nov).pdf?sfvrsn=606135b_4 (last visited Mar. 11, 2025).
[14] *Id*. at 6.
[15] Megan Dubois, *Taking the Brightline Train from Orlando to Boca Raton: Here's What It's Like*, Condé Nast Traveler (July 18, 2024), https://www.cntraveler.com/story/brightline-train-orlando-to-boca-raton (last visited Mar. 11, 2025).
[16] Florida East Coast Railway, *Who We Are*, https://fecrwy.com/ (last visited Mar. 11, 2025).

DOT is authorized to implement a statewide rail program.[17] In the event of an accident in a DOT-owned rail corridor, DOT may assume detailed obligations to specific parties who may be involved.[18] These provisions relate to DOT trains, the National Railroad Passenger Corporation (AMTRAK) trains, and freight trains. DOT may agree to assume the obligations to indemnify and insure, pursuant to s. 343.545, F.S., freight rail service, intercity passenger rail service, and commuter rail service on a DOT-owned rail corridor, whether the ownership is in fee or by easement, or on a rail corridor where DOT has the right to operate.[19]

DOT's duty to indemnify a freight rail operator or Amtrak is capped at $200 million.[20] DOT is required to purchase up to $200 million in liability insurance and establish a self-insurance retention fund to cover any deductible, provided that any parties covered under the insurance must pay a reasonable monetary contribution to cover the cost of the insurance.[21] The self-insurance fund or deductible is capped at $10 million.[22] Neither the purchase of insurance nor the establishment of a self-insurance retention fund constitutes a waiver of sovereign immunity.[23]

## Sovereign Immunity

Sovereign immunity is a principle under which a government cannot be sued without its consent.[24] Article X, section 13 of the Florida Constitution allows the Legislature to waive this immunity. In accordance with article X, section 13 of the Florida Constitution, Florida law allows for suits in tort against the state and its agencies and subdivisions for damages resulting from the negligence of government employees acting in the scope of employment.[25] This liability exists only where a private person would be liable for the same conduct. The waiver of sovereign immunity provided under s. 768.28, F.S., applies only to "injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee's office or employment."[26]

Section 768.28(5), F.S., caps tort recovery from a governmental entity at $200,000 per person and $300,000 per incident.[27] Although a court may enter an excess judgment, a claimant may not collect more than the caps provide, absent a claim bill passed by the Legislature.[28]

Individual government employees, officers, or agents are immune from suit or liability for damages caused by any action taken in the scope of employment, unless the damages result from the employee's acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.[29] A government entity is not liable for any damages resulting from actions by an employee outside the scope of his or her employment and is not liable for damages resulting from actions committed by the employee in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.[30]

## Federal Limitation on Rail Passenger Transportation Liability

In the event of conduct giving rise to a claim for damages or liability arising from or in connection with the provision of rail passenger transportation, federal law provides a monetary cap on awards to all rail passengers.

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[17] S. 341.302, F.S.
[18] S. 341.302(17), F.S.
[19] S. 341.302(17)(d), F.S.
[20] S. 341.302(17)(a)6., F.S.
[21] *Id*.
[22] S. 341.302(17)(b), F.S.
[23] S. 341.302(17), F.S.
[24] *Sovereign immunity*, Legal Information Institute, https://www.law.cornell.edu/wex/sovereign_immunity (last visited Mar. 7, 2025).
[25] s. 768.28(1), F.S.
[26] *City of Pembroke Pines v. Corrections Corp. of America, Inc.*, 274 So. 3d 1105, 1112 (Fla. 4th DCA 2019) (quoting s. 768.28(1), F.S.) (internal punctuation omitted).
[27] S. 768.28(5), F.S.
[28] *Breaux v. City of Miami Beach*, 899 So. 2d 1059 (Fla. 2005).
[29] S. 768.28(9)(a), F.S.
[30] *Id*.

Under 49 U.S. Code § 28103 the aggregate allowable award to all rail passengers, against all defendants, for all claims, including punitive damages, arising from a single accident or incident may not exceed $200,000,00.[31] In 2021, this cap was adjusted in accordance with inflation to $322,864,228.[32]

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Economic Infrastructure Subcommittee | | | Keating | Bauldree |
| Civil Justice & Claims Subcommittee | | | | |
| Commerce Committee | | | | |

[31] 49 U.S.C. § 28103 (1997).
[32] Adjustment to Rail Passenger Transportation Liability Cap, 86 Fed. Reg. 11571 (Feb. 22, 2021) (amending 49 U.S.C. § 28103).

A bill to be entitled

An act relating to indemnification and insurance obligations of commuter rail transportation providers; creating part III of ch. 343, F.S., entitled "Coastal Link Commuter Rail Service Act,"; creating s. 343.811, F.S.; providing a short title; providing definitions; authorizing agencies, in conjunction with the operation of certain commuter rail services, to assume certain indemnification and insurance obligations, subject to certain requirements; providing construction; reenacting s. 341.302(17)(d), F.S., relating to the rail program and duties and responsibilities of the Department of Transportation, to incorporate the enactment of part III of ch. 343, F.S., in a reference thereto; providing an effective date.

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

**Section 1.** Part III of chapter 343, Florida Statutes, consisting of section 343.811, is created and entitled "Coastal Link Commuter Rail Service Act."

**Section 2. Section 343.811, Florida Statutes, is created to read:**

343.811 Power to assume indemnification and insurance



CODING: Words stricken are deletions; words underlined are additions.

obligations.—

(1) SHORT TITLE.—This section may be cited as the "Coastal Link Commuter Rail Service Act."

(2) DEFINITIONS.—As used in this section, the term:

(a) "Agency" means a state, county, municipality, district, authority, or other separate unit of government created or established by law which has entered into an agreement with Brightline, which agreement permits it to operate commuter rail service on the Coastal Link corridor.

(b) "Brightline" means Brightline Trains Florida, LLC, or its successors and assigns, or any of its affiliates that is a party to an agreement with an agency in connection with the Coastal Link corridor. For the purposes of its status as an indemnitee, the term "Brightline" includes Florida East Coast Dispatch, LLC, or its successors or assigns.

(c) "Coastal Link corridor" means the rail transit system, including the intercity passenger rail service stations and vehicle maintenance facilities, located on or adjacent to FECR and Brightline rail corridor in Miami-Dade County, Broward County, and Palm Beach County. The term includes structures essential to railroad operations, including land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, rail stations, any ancillary development, and any other facilities or equipment used for the

purposes of construction, operation, or maintenance of a railroad that provides rail service.

(d) "Commuter rail service" means the operation of trains transporting passengers and making frequent stops within urban areas and the immediate suburbs along the rail corridor for the purpose of transporting passengers, including boarding and alighting and the nonrevenue movement of passenger trains for storage, maintenance, or repairs. The term does not include the operation of trains by Brightline transporting passengers in intercity passenger rail service between Brightline stations. As used in this paragraph, "Brightline stations" means the Brightline-owned intercity passenger rail service stations in Miami located near Aventura, Fort Lauderdale, Boca Raton, and West Palm Beach, as well as any future stations developed by Brightline in connection with its intercity passenger rail service.

(e) "FECR" means Florida East Coast Railway, LLC, or its successors and assigns. For the purposes of its status as an indemnitee, the term "FECR" includes Florida East Coast Dispatch, LLC, or its successors and assigns.

(f) "Intercity passenger rail service" means all passenger service on the Coastal Link corridor other than commuter rail service and is characterized by trains making less frequent stops along the Coastal Link corridor than the commuter rail service makes.

(g) "Joint infrastructure" means any portion or segment of the Coastal Link corridor which does not contain tracks or infrastructure designated for the exclusive use of an operator. Train stations, including, but not limited to, pedestrian bridges, stairs, or conveyance systems, do not constitute part of the joint infrastructure.

(h) "Limited covered accident" means a collision directly between the trains, locomotives, rail cars, or rail equipment of more than one operator on the Coastal Link corridor, where the collision is caused by or arising from the willful misconduct of one of the responsible operators, as adjudicated pursuant to a final and unappealable court order, or if punitive damages or exemplary damages are awarded due to the conduct of the responsible operator, as adjudicated pursuant to a final and unappealable court order. For purposes of this paragraph, "responsible operator" means an operator or its subsidiaries, agents, licensees, employees, officers, or directors which has caused a collision as a result of its willful misconduct.

(i) "Operator" means:

1. Brightline, including any passenger rail operators that access the Coastal Link corridor pursuant to a contract with Brightline, other than an agency;

2. FECR, including Amtrak or any freight rail operators that access the Coastal Link corridor pursuant to a contract with FECR;

3. An agency, including any commuter rail operators that access the Coastal Link corridor pursuant to a contract with an agency; or

4. SFRTA, with respect to its operations contemplated under s. 343.545.

(j) "Passenger" means, with respect to intercity passenger rail service or commuter rail service, a person, ticketed or unticketed, using the intercity passenger rail service or commuter rail service on the Coastal Link corridor:

1. Onboard trains, locomotives, rail cars, or rail equipment employed in such intercity passenger rail service or commuter rail service or boarding or alighting therefrom;

2. On or about the Coastal Link corridor for any purpose related to such intercity passenger rail service or commuter rail service, including parking or purchasing tickets therefor and coming to, waiting for, and leaving from locomotives, rail cars, or rail equipment; or

3. Meeting, assisting, or in the company of a person described in subparagraph 1. or subparagraph 2.

(k) "Proportionate share" means, with respect to a loss, injury, or damage for which operators share responsibility, a percentage in proportion to the number of operators involved in the relevant incident.

1. When one or more agencies are jointly operating a commuter rail service, such agencies are considered a single

operator for purposes of computing and assessing the proportionate share of such loss, injury, or damage.

2. When two operators are involved in the incident, each is responsible for one-half of such loss, injury, or damage; when three operators are involved in the incident, each is responsible for one-third of such loss, injury, or damage, and so on.

3. When more than one agency shares responsibility with respect to any loss, injury, or damage, each such agency is considered a separate entity for purposes of determining its proportionate share.

(l) "Rail corridor invitee" means a person who is on or about the Coastal Link corridor who is a passenger or who is otherwise present on the Coastal Link corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of an operator. The term does not include patrons at any station who are not also passengers, commercial or residential tenants at any station or the developments in and around the stations or their invitees, or third parties performing work at a station or in the Coastal Link corridor, including any utilities or fiber optic companies.

1. A rail corridor invitee of an agency may not be considered a rail corridor invitee of Brightline or FECR.

2. A rail corridor invitee of Brightline or FECR may not be considered a rail corridor invitee of an agency.

3. An employee of an operator is not a rail corridor invitee of such operator at any time the employee is a passenger or is otherwise present on the Coastal Link corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of another operator.

4. When a passenger is transferring from the service of one operator to another, the passenger is a rail corridor invitee of the first operator until the passenger has left the first operator's platform, at which time the passenger is then a rail corridor invitee of the other operator.

(m) "Self-insurance retention amount" means an amount equal to $5 million.

(n) "SFRTA" means the South Florida Regional Transportation Authority.

(3) ASSUMPTION OF OBLIGATIONS; PURCHASE OF INSURANCE.—In conjunction with the development or operation of a commuter rail service on the Coastal Link corridor, an agency may:

(a) Assume obligations pursuant to the following:

1.a. The agency may assume the obligation by contract to protect, defend, indemnify, and hold harmless FECR and its officers, agents, and employees from and against:

(I) Any liability, cost, and expense, including, but not limited to, the agency's passengers and other rail corridor invitees in, on, or about the Coastal Link corridor, regardless

of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of such freight rail operator, its successors, or its officers, agents, and employees, or any other person or persons whomsoever.

(II) Any loss, injury, or damage incurred by other rail corridor invitees up to the amount of the self-insurance retention amount with respect to limited covered accidents caused by the agency.

b. The agency may assume the obligation by contract to protect, defend, indemnify, and hold harmless Brightline and its officers, agents, and employees from and against:

(I) Any liability, cost, and expense, including, but not limited to, the agency's passengers and rail corridor invitees in the Coastal Link corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of Brightline, its successors, or its officers, agents, and employees, or any other person or persons whomsoever.

(II) Any loss, injury, or damage incurred by other rail corridor invitees up to the amount of the self-insurance

retention amount with respect to limited covered accidents caused by the agency.

2. The assumption of liability of the agency by contract pursuant to sub-subparagraph 1.a. or sub-subparagraph 1.b. may not in any instance exceed the following parameters of allocation of risk:

a. The agency may be solely responsible for any loss, injury, or damage to the agency's passengers, or rail corridor invitees, third parties, or trespassers, regardless of circumstances or cause, subject to sub-subparagraph b. and subparagraphs 3., 4., and 5.

b.(I) In the event of a limited covered accident caused by FECR, the authority of an agency to protect, defend, and indemnify FECR for all liability, cost, and expense, including punitive or exemplary damages, in excess of the self-insurance retention amount exists only if FECR agrees, with respect to such limited covered accident caused by FECR, to protect, defend, and indemnify the agency for the amount of the self-insurance retention amount.

(II) In the event of a limited covered accident caused by Brightline, the authority of an agency to protect, defend, and indemnify Brightline for all liability, cost, and expense, including punitive or exemplary damages, in excess of the self-insurance retention amount exists only if Brightline agrees, with respect to such limited covered accident, to protect,

defend, and indemnify the agency for the amount of the self-insurance retention amount.

3. When only one train is involved in an incident and:

a. The train is an agency's train, including an incident with trespassers or at-grade crossings, the agency may be solely responsible for any loss, injury, or damage.

b. The train is FECR's train, including an incident with trespassers or at-grade crossings, FECR is solely responsible for any loss, injury, or damage, except for the agency's passengers and other rail corridor invitees, which are the responsibility of the agency, and Brightline's passengers and other rail corridor invitees, which are the responsibility of Brightline.

c. The train is Brightline's train, including an incident with trespassers or at-grade crossings, Brightline is solely responsible for any loss, injury, or damage, except for the agency's passengers or rail corridor invitees, which are the responsibility of the agency, and FECR's rail corridor invitees, which are the responsibility of FECR.

4. When an incident involves more than one operator, each operator is responsible for:

a. Its property; passengers; employees, excluding employees who are, at the time of the incident, rail corridor invitees of another operator; and other rail corridor invitees.

b. Its proportionate share of any loss or damage to the

joint infrastructure.

c. Its proportionate share of any loss, injury, or damage to:

(I) Rail corridor invitees who are not rail corridor invitees of operators, provided that the agency shall always be responsible for its passengers and its rail corridor invitees regardless of whether the agency was involved in the incident.

(II) Trespassers or third parties outside the Coastal Link corridor as a result of the incident.

5. Any such contractual duty to protect, defend, indemnify, and hold harmless FECR or Brightline with respect to claims by rail passengers shall expressly include a specific cap on the amount of the contractual duty, which amount may not exceed $323 million per occurrence and shall be adjusted so that the per-occurrence insurance requirement is equal to the aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident in accordance with 49 U.S.C. s. 28103, or any successor provision, without prior legislative approval.

6. Notwithstanding any provision of this section to the contrary, the liabilities of the agency to the state or any other agency shall be as set forth in an agreement among such entities and limited by s. 768.28(19).

(b) Purchase liability insurance, which amount may not

exceed $323 million per occurrence, which amount shall be adjusted so that the per-occurrence insurance requirement is equal to the aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident in accordance with 49 U.S.C. s. 28103, or any successor provision, and establish a self-insurance retention fund for the purpose of paying the deductible limit established in the insurance policies it may obtain, including coverage for a county agency, any freight rail operator as described in paragraph (a), Brightline, commuter rail service providers, governmental entities, or any ancillary development, which self-insurance retention fund or deductible shall not exceed the self-insurance retention amount.

1. Such insurance and self-insurance retention fund may provide coverage for all damages, including, but not limited to, compensatory, special, and exemplary, and be maintained to provide an adequate fund to cover claims and liabilities for loss, injury, or damage arising out of or connected with the ownership, operation, maintenance, and management of the Coastal Link corridor.

2. Any self-insured retention account shall be a segregated account of the agency and shall be subject to the same conditions, restrictions, exclusions, obligations, and duties included in any and all of the policies of liability

insurance purchased under this paragraph.

Neither the assumption by contract to protect, defend, indemnify, and hold harmless; the purchase of insurance; nor the establishment of a self-insurance retention fund shall be deemed to be a waiver of any defense of sovereign immunity for tort claims or deemed to increase the limits of the agency's liability for tort claims as provided in s. 768.28.

**Section 3. For the purpose of incorporating the enactment of part III of chapter 343, Florida Statutes, in a reference thereto, paragraph (d) of subsection (17) of section 341.302, Florida Statutes, is reenacted to read:**

341.302 Rail program; duties and responsibilities of the department.—The department, in conjunction with other governmental entities, including the rail enterprise and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, and as authorized under federal law, the department shall:

(17) In conjunction with the acquisition, ownership, construction, operation, maintenance, and management of a rail corridor, have the authority to:

(d) Without altering any of the rights granted to the department under this section, agree to assume the obligations to indemnify and insure, pursuant to s. 343.545, freight rail service, intercity passenger rail service, and commuter rail service on a department-owned rail corridor, whether ownership is in fee or by easement, or on a rail corridor where the department has the right to operate.

Neither the assumption by contract to protect, defend, indemnify, and hold harmless; the purchase of insurance; nor the establishment of a self-insurance retention fund shall be deemed to be a waiver of any defense of sovereign immunity for torts nor deemed to increase the limits of the department's or the governmental entity's liability for torts as provided in s. 768.28. The requirements of s. 287.022(1) shall not apply to the purchase of any insurance under this subsection. The provisions of this subsection shall apply and inure fully as to any other governmental entity providing commuter rail service and constructing, operating, maintaining, or managing a rail corridor on publicly owned right-of-way under contract by the governmental entity with the department or a governmental entity designated by the department. Notwithstanding any law to the contrary, procurement for the construction, operation, maintenance, and management of any rail corridor described in this subsection, whether by the department, a governmental

entity under contract with the department, or a governmental entity designated by the department, shall be pursuant to s. 287.057 and shall include, but not be limited to, criteria for the consideration of qualifications, technical aspects of the proposal, and price. Further, any such contract for design-build shall be procured pursuant to the criteria in s. 337.11(7).

**Section 4.** This act shall take effect July 1, 2025.

# Economic Infrastructure Subcommittee
# HB 867
# Indemnification and Insurance Obligations of Commuter Rail Transportation Providers

## AMENDMENT SUMMARY
## March 12, 2025

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**Amendment 1 by Lopez, V. (line 301):**

- Clarifies that Florida East Coast Railway and Brightline, and their respective officers, agents, and employees, are not entitled to sovereign immunity under the bill.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

| | |
|---|---|
| ADOPTED | ___ (Y/N) |
| ADOPTED AS AMENDED | ___ (Y/N) |
| ADOPTED W/O OBJECTION | ___ (Y/N) |
| FAILED TO ADOPT | ___ (Y/N) |
| WITHDRAWN | ___ (Y/N) |
| OTHER | _____ |

Committee/Subcommittee hearing bill: Economic Infrastructure Subcommittee

Representative Lopez, V. offered the following:

**Amendment**

Between lines 301 and 302, insert:

3. Unless otherwise specifically provided by general law, FECR and Brightline, and their respective officers, agents, and employees, are not officers, agents, employees, or subdivisions of the state and are not entitled to sovereign immunity.

# HB 1137

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

| | |
|---|---|
| **BILL #:** HB 1137 | **COMPANION BILL:** SB 1002 (Truenow) |
| **TITLE:** Preemption Over Utility Service Restrictions | **LINKED BILLS:** None |
| **SPONSOR(S):** Shoaf | **RELATED BILLS:** None |

**Committee References**

Economic Infrastructure ➤ Intergovernmental Affairs ➤ Commerce

## SUMMARY

**Effect of the Bill:**

The bill adds "board, agency, commission, or authority of any county, municipal corporation, or political subdivision" to the list of entities that are expressly preempted from prohibiting certain types of fuel sources of energy production or the use of appliances that use these specified types or fuel sources of energy production.

**Fiscal or Economic Impact:**

None.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

## ANALYSIS

**EFFECT OF THE BILL:**

The bill adds "board, agency, commission, or authority of any county, municipal corporation, or political subdivision" to the list of entities expressly preempted from enacting or enforcing a resolution, ordinance, rule, code, or policy, or taking any other action that restricts or prohibits, or has the effect of restricting or prohibiting, the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the following entities to serve customers that these entities are authorized to serve:

- Investor-owned electric utilities;
- Municipal electric utilities;
- Rural electric cooperatives;
- Entities formed by interlocal agreement to generate, sell, and transmit electrical energy;
- Investor-owned gas utilities;
- Gas districts;
- Municipal natural gas utilities;
- Natural gas transmission companies; and
- Certain propane dealers, dispensers, and gas cylinder exchange operators. (Section 1).

The bill also adds ""board, agency, commission, or authority of any county, municipal corporation, or political subdivision" to the list of entities that may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits, or has the effect of restricting or prohibiting, the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production described above. (Section 1).

The bill adds that any "board, agency, commission, or authority of any county, municipal corporation, or political subdivision" action that violates the above preemptions over utility service restrictions and existed prior to July 1, 2021, is void. (Section 1).

The bill has an effective date of July 1, 2025. (Section 2).

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

Local Government Authority

The Florida Constitution grants county and municipal governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.[1] Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by vote of the electors.[2] Likewise, municipalities[3] have those governmental, corporate, and proprietary powers enabling them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.[4]

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.[5] Special districts are created by general law,[6] special act,[7] local ordinance,[8] or by rule of the Governor and Cabinet.[9] A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.[10] As of March 8, 2025, there are 603 active dependent[11] special districts and 1,442 active independent special districts in Florida.[12]

State Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature "has preempted a particular subject area" or (2) the local enactment conflicts with a state statute. State preemption precludes a local government from exercising authority in that particular area.[13]

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.[14] Express preemption of a field by the Legislature must be

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[1] Art. VIII, s. 1(f), Fla. Const.
[2] Art. VIII, s. 1(g), Fla. Const.
[3] A municipality is a local government entity created to perform functions and provide services for the particular benefit of the population within the municipality, in addition to those provided by the county. The term "municipality" may be used interchangeably with the terms "town," "city," and "village."
[4] Art. VIII, s. 2(b), Fla. Const. *See also* s. 166.021(1), F.S.
[5] *See Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).
[6] S. 189.031(3), F.S.
[7] *Id.*
[8] S. 189.02(1), F.S.
[9] S. 190.005(1), F.S. *See*, generally, s. 189.012(6), F.S.
[10] *Local Gov't Formation Manual,* p. 60, https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3304&Session=2025&DocumentType=General+Publications&FileName=Local+Government+Formation+Manual+%5b2024-2026%5d.pdf (last visited Mar. 8, 2025).
[11] Dependent special districts are under some control by a single county or municipality. S. 189.012(2), F.S. An independent special district is any district that is not a dependent special district. S. 189.012(3), F.S. A special district that includes more than one county is independent unless it lies wholly within the boundaries of a single municipality.
[12] Florida Department of Economic Opportunity, Official List of Special Districts Online, *State Totals*, available at https://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/official-list-of-special-districts (last visited Mar. 8, 2023).
[13] Wolf, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009), https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/ (last visited Mar. 8, 2025).
[14] *See City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).

accomplished by clear language stating that intent.[15] In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.[16] In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.[17]

Preemption Over Utility Service Restrictions

Section 366.032, F.S., expressly preempts the area of restricting utility services. It prohibits a municipality, county, special district, community development district, or other political subdivision of the state from enacting or enforcing a resolution, ordinance, rule, code, or policy, or taking any other action that restricts or prohibits, or has the effect of restricting or prohibiting, the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the following entities to serve customers that these entities are authorized to serve:

- Investor-owned electric utilities;
- Municipal electric utilities;
- Rural electric cooperatives;
- Entities formed by interlocal agreement to generate, sell, and transmit electrical energy;
- Investor-owned gas utilities;
- Gas districts;
- Municipal natural gas utilities;
- Natural gas transmission companies; and
- Certain propane dealers, dispensers, and gas cylinder exchange operators.[18]

An electric utility is an entity which owns, maintains, or operates an electric generation, transmission or distribution system. An electric utility can be investor-owned, municipally-owned, or a rural electric cooperative.[19] There are four investor-owned electric utilities in Florida: Florida Power & Light Company, Duke Energy Florida, Tampa Electric Company, and Florida Public Utilities Corporation.[20]

Additionally, there are thirty-five municipal electric utilities and eighteen rural electric cooperatives.[21] Further, the Florida Municipal Power Agency was created through a series of interlocal agreements under s. 163.01, F.S., to provide wholesale power supply to municipal electric utilities.[22] Fuels that Florida electric utilities use to generate electric power include, but are not limited to: natural gas, nuclear, coal, and renewables like solar and biomass.[23]

A natural gas utility is a utility that supplies natural or manufactured gas, or liquefied gas with air admixture, or a similar gaseous substance by pipeline, to or for the public. A natural gas utility can be an investor-owned utility, gas district, or municipal gas utility.[24] Currently, there are five investor-owned natural gas utilities, twenty-seven municipally owned natural gas utilities, and four gas districts.[25]

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[15] *Mulligan*, 934 So. 2d at 1243.
[16] *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).
[17] *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami,* 812 So.2d 504 (Fla. 3d DCA 2002).
[18] S. 366.032, F.S.
[19] S. 366.02, F.S.
[20] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry* (2024), p, 4, available at https://www.psc.state.fl.us/reports (last visited Mar. 8, 2025).
[21] *Id.* at 1.
[22] Currently, FMPA serves the following municipalities: Alachua, Bartow, Blountstown, Bushnell, Chattahoochee, Clewiston, Fort Meade, Fort Pierce, Gainesville, Green Cove Springs, Havana, Homestead, Jacksonville Beach, Key West, Kissimmee, Lake Worth Beach, Lakeland, Leesburg, Moore Haven, Mount Dora, New Smyrna Beach, Newberry, Ocala, Orlando, Quincy, St. Cloud, Starke, Tallahassee, Wauchula, Williston, and Winter Park. Florida Municipal Power Agency, *Members*, https://fmpa.com/members/ (last visited Mar. 8, 2025).
[23] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry*, *supra* at. n. 35, p. 2.
[24] S. 366.04(3)(c), F.S.
[25] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry*, *supra* at. n. 35, p. 14.

Liquified petroleum gas is any material which is composed predominately of any of the following hydrocarbons, or mixtures: propane, propylene, butanes, and butylenes.[26] A category I liquid petroleum gas dealer is someone who sells or offers to sell by delivery, or at a stationary location, any liquified petroleum gas to a consumer for industrial, commercial, or domestic use.[27] A category II liquefied petroleum gas dispenser is a person who operates a liquefied petroleum gas dispensing unit for the purpose of serving liquid products to the consumer for industrial, commercial, or domestic use, and who sells, or offers to sell or lease equipment for the use of liquified petroleum gas.[28] A category III liquified petroleum gas cylinder exchange operator is a person who operates a storage facility used for the purpose of storing filled propane cylinders of certain capacities while awaiting sale to the consumer, or a facility used for the storage of empty or filled containers which have been offered for exchange.[29]

Additionally, s. 366.032, F.S., prohibits a municipality, county, special district, community development district, or other political subdivision of the state from enacting or enforcing a resolution, ordinance, rule, code, or policy to take any action that restricts or prohibits, or has the effect of restricting or prohibiting, the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed above. Current law provides an exception for circumstances in which the political subdivision must enforce the Florida Building Code or the Florida Fire Prevention Code.

Section s. 366.032(5), F.S., provides than any municipality, county, special district, community development district created pursuant to chapter 190, or political subdivision charter, resolution, ordinance, rule, code, policy, or action that violates the above preemptions over utility service restrictions and existed prior to July 1, 2021, is void.

**RECENT LEGISLATION:**

| YEAR | BILL # | HOUSE SPONSOR(S) | SENATE SPONSOR | OTHER INFORMATION |
|---|---|---|---|---|
| 2024 | CS/CS/HB 1645 | Payne | Collins | The bill became law on July 1, 2024. |
| 2023 | CS/CS/HB 1281 | Buchanan | Collins | The bill became law on July 1, 2023. |
| 2021 | CS/CS/HB 919 | Tomkow | Hutson | The bill became law on July 1, 2021. |

[26] S. 527.01(1), F.S.
[27] This category also includes "any person leasing or offering to lease, or exchanging or offering to exchange, any apparatus, appliances, and equipment for the use of liquefied petroleum gas; any person installing, servicing, altering, or modifying apparatus, piping, tubing, appliances, and equipment for the use of liquefied petroleum or natural gas; any person installing carburetion equipment; or any person requalifying cylinders." S. 527.01(6), F.S.
[28] S. 527.01(7), F.S.
[29] S. 527.01(8), F.S.

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Economic Infrastructure Subcommittee | | | Keating | Bauldree |
| Intergovernmental Affairs Subcommittee | | | | |
| Commerce Committee | | | | |

A bill to be entitled

An act relating to preemption over utility service restrictions; amending s. 366.032, F.S.; prohibiting boards, agencies, commissions, and any authority of any county, municipal corporation, or political subdivision from restricting or prohibiting fuel sources and appliances used to provide energy to consumers; revising retroactive applicability to include boards, agencies, commissions, and any authority of any county, municipal corporation, and political subdivision; providing an effective date.

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

**Section 1. Subsections (1), (2), and (5) of section 366.032, Florida Statutes, are amended to read:**

366.032 Preemption over utility service restrictions.—

(1) A municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or other political subdivision of the state may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the types or fuel sources of energy production which may be used,



CODING: Words stricken are deletions; words underlined are additions.

delivered, converted, or supplied by the following entities to serve customers that such entities are authorized to serve:

(a) A public utility or an electric utility as defined in this chapter;

(b) An entity formed under s. 163.01 that generates, sells, or transmits electrical energy;

(c) A natural gas utility as defined in s. 366.04(3)(c);

(d) A natural gas transmission company as defined in s. 368.103; or

(e) A Category I liquefied petroleum gas dealer or Category II liquefied petroleum gas dispenser or Category III liquefied petroleum gas cylinder exchange operator as defined in s. 527.01.

(2) Except to the extent necessary to enforce the Florida Building Code adopted pursuant to s. 553.73 or the Florida Fire Prevention Code adopted pursuant to s. 633.202, a municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or other political subdivision of the state may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered,

converted, or supplied by the entities listed in subsection (1). As used in this subsection, the term "appliance" means a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements.

(5) Any municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or political subdivision charter, resolution, ordinance, rule, code, policy, or action that is preempted by this act that existed before or on July 1, 2021, is void.

**Section 2.** This act shall take effect July 1, 2025.

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

| | |
|---|---|
| **BILL #:** HB 1523 | **COMPANION BILL:** SB 1704 (Calatayud) |
| **TITLE:** Utility Services | **LINKED BILLS:** None |
| **SPONSOR(S):** Busatta | **RELATED BILLS:** None |

**Committee References**

Economic Infrastructure ➤ Intergovernmental Affairs ➤ Commerce

## SUMMARY

**Effect of the Bill:**

The bill modifies the following provisions related to utility services:

- Requires certain public meetings and reporting for municipal utilities offering service to customers outside of the municipal boundaries.
- Limits the portion of municipal utility revenues earned from providing service to areas outside of municipal boundaries that may be used to fund non-utility related government functions.
- Limits the rates, fees, and charges that a municipal water or sewer utility may impose on customers outside its boundaries to no more than 25 percent above the amount the municipal utility charges customers within its own boundaries.
- Prohibits any surcharge if the municipality owns/operates a water or sewer treatment facility located within the boundaries of a separate municipality and serves customers within the separate municipality.
- Adds "board, agency, commission, or authority of any county, municipal corporation, or political subdivision" to the list of entities that are expressly preempted from prohibiting certain types or fuel sources of energy production or the use of appliances that use these specified types or fuel sources of energy production.

**Fiscal or Economic Impact:**

The bill may have an indeterminate negative impact on certain local government revenues. *See below*.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

## ANALYSIS

**EFFECT OF THE BILL:**

**FISCAL OR ECONOMIC IMPACT:**

LOCAL GOVERNMENT:

The bill will likely have a negative impact on revenues for some local governments that own and operate water or sewer utilities, as it reduces the maximum amount that municipal water and sewer utilities can charge customers outside the municipal boundaries.

PRIVATE SECTOR:

The bill may result in cost savings to municipal water and sewer utility customers located outside of municipal boundaries. A municipal water or sewer utility may increase rates for other customers to mitigate revenue impacts.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

Local Government Authority

Pursuant to s. 2(b), Art. VIII of the State Constitution, municipalities have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services. Municipalities may exercise any power for municipal purposes, except when expressly prohibited by law.[1] The legislative body of each municipality has the power to enact legislation on any subject upon which the state Legislature may act with certain exceptions.[2] Under their home rule power and as otherwise provided or limited by law or agreement, municipalities may provide utilities to citizens and entities within the municipality's corporate boundaries, in unincorporated areas, and even in other municipalities.

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.[3] Special districts are created by general law,[4] special act,[5] local ordinance,[6] or by rule of the Governor and Cabinet.[7] A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.[8] As of March 8, 2025, there are 603 active dependent[9] special districts and 1,442 active independent special districts in Florida.[10]

Local Government Utility Services

Many municipalities own and operate electric utilities and natural gas utilities and govern the operation of those utilities through ordinance, code, or policies. Currently, there are 35 municipal electric utilities in the state and 27 municipally owned natural gas utilities.[11] Municipal electric and natural gas utility rates are not directly regulated by the Florida Public Service Commission (PSC), however, the PSC does have jurisdiction over municipal electric utilities for matters related to rate structure, power plant transmission line site certification, general reporting jurisdiction, service territory and territory disputes, energy efficiency reporting, ten-year site plans, reporting on system hardening and resiliency, reporting on net metering, audits related to regulatory assessment fees, monitoring renewable energy, reporting on facilities inspection and vegetation management, and ensuring a

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[1] Section 166.021(2), F.S., provides that any activity or power which may be exercised by the state or its political subdivisions is considered a municipal purpose.
[2] Pursuant to s. 166.021(3), F.S., a municipality may not enact legislation on the following: the subjects of annexation, merger, and exercise of extraterritorial power, which require general law or special law; any subject expressly prohibited by the constitution; any subject expressly preempted to state or county government by the constitution or by general law; and any subject preempted to a county pursuant to a county charter adopted under the authority of the State constitution.
[3] *See Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).
[4] S. 189.031(3), F.S.
[5] *Id.*
[6] S. 189.02(1), F.S.
[7] S. 190.005(1), F.S. *See*, generally, s. 189.012(6), F.S.
[8] *Local Gov't Formation Manual,* p. 60, https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3304&Session=2025&DocumentType=General+Publications&FileName=Local+Government+Formation+Manual+%5b2024-2026%5d.pdf (last visited Mar. 8, 2025).
[9] Dependent special districts are under some control by a single county or municipality. S. 189.012(2), F.S. An independent special district is any district that is not a dependent special district. S. 189.012(3), F.S. A special district that includes more than one county is independent unless it lies wholly within the boundaries of a single municipality.
[10] Florida Department of Economic Opportunity, Official List of Special Districts Online, *State Totals*, available at https://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/official-list-of-special-districts (last visited Mar. 8, 2023).
[11] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry* (2024), p, 1, 12, available at https://www.psc.state.fl.us/reports (last visited Mar. 8, 2025).

reliable, coordinated power grid.[12] Many of these utilities provide service to customers located outside of the municipality's boundaries.

Municipalities are authorized by general law to provide water and sewer utility services.[13] With respect to public works projects, including water and sewer utility services,[14] municipalities may extend and execute their corporate powers outside of their corporate limits as "desirable or necessary for the promotion of the public health, safety and welfare."[15] A municipality may not extend or apply these corporate powers within the corporate limits of another municipality.[16] In general, however, local governments may enter into mutually advantageous agreements to provide services or facilities to other localities.[17] Further, the law specifically authorizes a municipality to permit any other municipality and the owners of lands outside its corporate limits or within the limits of another municipality to connect with its water and sewer utility facilities and use its services upon agreed terms and conditions.[18] Municipal water and sewer utility systems are exempt from PSC jurisdiction.

A municipality that operates a water or sewer utility outside of its municipal boundaries may impose higher rates, fees, and charges on customers receiving service outside of its corporate boundaries as compared to the rates, fees, and charges imposed on customers within its boundaries. The municipality can accomplish this in two ways:

- First, for customers outside of its boundaries, it may add a surcharge of up to 25 percent of the rates, fees, and charges imposed on customers within its boundaries. This mechanism does not require a public hearing.[19]
- Second, it may set separate rates, fees, and charges for customers outside its boundaries based on the same factors used to set rates for customers within its boundaries. It may add a surcharge of up to 25 percent of these charges, provided that the total of all such rates, fees, and charges for service to customers outside its boundaries may not exceed the total charges to customers within its boundaries by more than 50 percent for corresponding service. Rates set in this manner require a public hearing at which all users served or to be served by the water or sewer utilities and all other interested persons will have an opportunity to be heard concerning the proposed rates.[20]

There is no central repository for information concerning municipal water or sewer service rates that identifies municipalities that impose higher rates on customers outside of the municipal boundaries, the specific mechanism used by such municipalities to establish such rates, or the level of any additional charge or surcharge imposed.

Municipal Funding

Current law authorizes municipalities to raise amounts of money which are necessary for the conduct of the municipal government. A municipality may do so by taxation and licenses authorized by Florida's constitution or general law, or by user charges or fees authorized by ordinance.[21] Municipalities routinely transfer a portion of their utility earnings to their general funds for non-utility purposes, though the amounts and percentages may vary

[12] Presentation on *Florida Public Power*, Florida Municipal Electric Association (Feb. 9, 2023), slide 3, available at https://www.flhouse.gov/Sections/Documents/publications.aspx?CommitteeId=3226&PublicationType=Committees&DocumentType=All&SessionId=99 (last visited Mar. 8, 2025).
[13] Pursuant to s. 180.06, F.S., a municipality may "provide water and alternative water supplies;" "provide for the collection and disposal of sewage, including wastewater reuse, and other liquid wastes;" and "construct reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipelines, distribution systems, purification works, collection systems, treatment and disposal works" to accomplish these purposes.
[14] Other public works projects authorized under s. 180.06, F.S., include alternative water supplies, maintenance of water flow and bodies of water for sanitary purposes, garbage collection and disposal, airports, hospitals, jails, golf courses, gas plants and distribution systems, and related facilities.
[15] S. 180.02(2), F.S.
[16] *Id.*
[17] *See* s. 163.01, F.S.
[18] S. 180.19, F.S.
[19] S. 180.191(1)(a), F.S.
[20] S. 180.191(1)(b), F.S.
[21] S. 166.201, F.S.

widely among municipalities.[22] These transfers may be limited in some circumstances by ordinance, but they are not governed by state law.

State Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature "has preempted a particular subject area" or (2) the local enactment conflicts with a state statute. State preemption precludes a local government from exercising authority in that particular area.[23]

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.[24] Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.[25] In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.[26] In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.[27]

Preemption Over Utility Service Restrictions

Section 366.032, F.S., expressly preempts the area of restricting utility services. It prohibits a municipality, county, special district, community development district, or other political subdivision of the state from enacting or enforcing a resolution, ordinance, rule, code, or policy, or taking any other action that restricts or prohibits, or has the effect of restricting or prohibiting, the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the following entities to serve customers that these entities are authorized to serve:

- Investor-owned electric utilities;
- Municipal electric utilities;
- Rural electric cooperatives;
- Entities formed by interlocal agreement to generate, sell, and transmit electrical energy;
- Investor-owned gas utilities;
- Gas districts;
- Municipal natural gas utilities;
- Natural gas transmission companies; and
- Certain propane dealers, dispensers, and gas cylinder exchange operators.[28]

An electric utility is an entity which owns, maintains, or operates an electric generation, transmission or distribution system. An electric utility can be investor-owned, municipally-owned, or a rural electric cooperative.[29] There are four investor-owned electric utilities in Florida: Florida Power & Light Company, Duke Energy Florida, Tampa Electric Company, and Florida Public Utilities Corporation.[30]

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[22] Presentation on *Florida Public Power*, Florida Municipal Electric Association *supra* n. 13, slide 6.
[23] Wolf, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009), https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/ (last visited Mar. 8, 2025).
[24] *See City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).
[25] *Mulligan*, 934 So. 2d at 1243.
[26] *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).
[27] *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami,* 812 So.2d 504 (Fla. 3d DCA 2002).
[28] S. 366.032, F.S.
[29] S. 366.02, F.S.
[30] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry* (2024), p, 4, available at https://www.psc.state.fl.us/reports (last visited Mar. 8, 2025).

Additionally, there are thirty-five municipal electric utilities and eighteen rural electric cooperatives.[31] Further, the Florida Municipal Power Agency was created through a series of interlocal agreements under s. 163.01, F.S., to provide wholesale power supply to municipal electric utilities.[32] Fuels that Florida electric utilities use to generate electric power include, but are not limited to: natural gas, nuclear, coal, and renewables like solar and biomass.[33]

A natural gas utility is a utility that supplies natural or manufactured gas, or liquefied gas with air admixture, or a similar gaseous substance by pipeline, to or for the public. A natural gas utility can be an investor-owned utility, special district, or municipal gas utility.[34] Currently, there are five investor-owned natural gas utilities, twenty-seven municipally owned natural gas utilities, and four gas special districts.[35]

Liquified petroleum gas is any material which is composed predominately of any of the following hydrocarbons, or mixtures: propane, propylene, butanes, and butylenes.[36] A category I liquid petroleum gas dealer is someone who sells or offers to sell by delivery, or at a stationary location, any liquified petroleum gas to a customer for industrial, commercial, or domestic use.[37] A category II liquefied petroleum gas dispenser is a person who operates a liquefied petroleum gas dispensing unit for the purpose of serving liquid products to the customer for industrial, commercial, or domestic use, and who sells, or offers to sell or lease equipment for the use of liquified petroleum gas.[38] A category III liquified petroleum gas cylinder exchange operator is a person who operates a storage facility used for the purpose of storing filled propane cylinders of certain capacities while awaiting sale to the customer, or a facility used for the storage of empty or filled containers which have been offered for exchange.[39]

Additionally, s. 366.032, F.S., prohibits a municipality, county, special district, community development district, or other political subdivision of the state from enacting or enforcing a resolution, ordinance, rule, code, or policy to take any action that restricts or prohibits, or has the effect of restricting or prohibiting, the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed above. Current law provides an exception for circumstances in which the political subdivision must enforce the Florida Building Code or the Florida Fire Prevention Code.

Section s. 366.032(5), F.S., provides than any municipality, county, special district, community development district created pursuant to chapter 190, or political subdivision charter, resolution, ordinance, rule, code, policy, or action that violates the above preemptions over utility service restrictions and existed prior to July 1, 2021, is void.

Additional Relevant Information

Art. VII, s. 18(b), of the Florida Constitution states that the legislature may not enact any law that would reduce the authority municipalities or counties have to raise revenues in the aggregate, except upon approval of two-thirds of the membership of each house of the legislature.

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[31] *Id.* at 1.
[32] Currently, FMPA serves the following municipalities: Alachua, Bartow, Blountstown, Bushnell, Chattahoochee, Clewiston, Fort Meade, Fort Pierce, Gainesville, Green Cove Springs, Havana, Homestead, Jacksonville Beach, Key West, Kissimmee, Lake Worth Beach, Lakeland, Leesburg, Moore Haven, Mount Dora, New Smyrna Beach, Newberry, Ocala, Orlando, Quincy, St. Cloud, Starke, Tallahassee, Wauchula, Williston, and Winter Park. Florida Municipal Power Agency, *Members*, https://fmpa.com/members/ (last visited Mar. 8, 2025).
[33] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry*, *supra* at. n. 31, p. 2.
[34] S. 366.04(3)(c), F.S.
[35] Florida Public Service Commission, *Facts & Figures of the Florida Utility Industry*, *supra* at. n. 31, p. 14.
[36] S. 527.01(1), F.S.
[37] This category also includes "any person leasing or offering to lease, or exchanging or offering to exchange, any apparatus, appliances, and equipment for the use of liquefied petroleum gas; any person installing, servicing, altering, or modifying apparatus, piping, tubing, appliances, and equipment for the use of liquefied petroleum or natural gas; any person installing carburetion equipment; or any person requalifying cylinders." S. 527.01(6), F.S.
[38] S. 527.01(7), F.S.
[39] S. 527.01(8), F.S.

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Economic Infrastructure Subcommittee | | | Keating | Bauldree |
| Intergovernmental Affairs Subcommittee | | | | |
| Commerce Committee | | | | |

A bill to be entitled

An act relating to utility services; amending s. 180.19, F.S.; requiring certain public meetings as a condition precedent to the effectiveness of a new or an extended agreement under which a municipality will provide specified utility services in other municipalities or unincorporated areas; specifying the matters to be addressed at such public meetings; requiring such agreements to be written; requiring annual public customer meetings; defining the terms "appointed representative" and "governing body"; limiting the portion of certain utility revenues that a municipality may use to fund or finance general government functions; requiring excess revenues to be reinvested into the municipal utility or returned to customers; requiring municipalities that provide specified utility services to report certain information by a specified date to the Florida Public Service Commission on an annual basis; requiring the commission to compile certain information and submit a report containing such information to the Governor and the Legislature by a specified date; providing construction; amending s. 180.191, F.S.; revising provisions relating to permissible rates, fees, and charges imposed by municipal water and sewer utilities

on customers located outside the municipal boundaries; amending s. 366.032, F.S.; prohibiting boards, agencies, commissions, and authorities of any county, municipal corporation, or political subdivision from restricting or prohibiting fuel sources and appliances used to provide energy to consumers; revising retroactive applicability to include such boards, agencies, commissions, and authorities; providing an effective date.

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

**Section 1. Section 180.19, Florida Statutes, is amended to read:**

180.19 Use by other municipalities and by individuals outside corporate limits.—

(1) A municipality which constructs any works as are authorized by this chapter, may permit any other municipality and the owners or association of owners of lots or lands outside of its corporate limits or within the limits of any other municipality, to connect with or use the utilities mentioned in this chapter upon such terms and conditions as may be agreed between such municipalities, and the owners or association of owners of such outside lots or lands.

(2) Any private company or corporation organized to

accomplish the purposes set forth in this chapter, which has been granted a privilege or franchise by a municipality, may permit the owners or association of owners of lots or lands outside of the boundaries of said municipality granting said privilege or franchise, or other municipality, to connect with and use the utility operated by the said private company or corporation upon such terms as may be agreed between the said private company or corporation and the owners or association of owners of said lots or lands or the said municipality.

(3)(a) A new agreement, or an extension, renewal, or material amendment of an existing agreement, to provide electric, natural gas, water, or sewer utility service at retail pursuant to subsection (1) must be written and may not become effective before an appointed representative of the municipality that provides service or intends to provide the service, in conjunction with the governing body of each municipality and unincorporated area served or to be served, has participated in a public meeting, which is not required to be a separate public meeting, within each municipality and unincorporated area served or to be served for purposes of providing information and soliciting public input on:

1. The nature of the services to be provided or changes to the services being provided;

2. The rates, fees, and charges to be imposed for the services provided or intended to be provided, including any

differential with the rates, fees, and charges imposed for the same services on customers located within the boundaries of the serving municipality, the basis for the differential, and the length of time that the differential is expected to exist;

3. The extent to which revenues generated from the provision of the services will be used to fund or finance nonutility government functions or services; and

4. Any other matters deemed relevant by the parties to the agreement.

(b) Rates, fees, and charges imposed for water or sewer utility services provided pursuant to subsection (1) shall comply with s. 180.191.

(c) A representative of each municipality that provides electric, natural gas, water, or sewer utility services pursuant to subsection (1), in conjunction with the governing body of each municipality and unincorporated area in which it provides services, must annually conduct a public customer meeting, which is not required to be a separate public meeting, within each municipality and unincorporated area for purposes of soliciting public input on utility-related matters, including fees, rates, charges, and services.

(d) For purposes of this subsection, the term:

1. "Appointed representative" means an executive-level leadership employee of a municipality, or such municipality's related and separate utility authority, board, or commission,

specifically appointed by the governing body to serve as its representative for purposes of this subsection.

2. "Governing body" means a:

a. Governing body of a municipality in which services are provided or proposed to be extended.

b. Board of county commissioners of a county in which services are provided or proposed to be extended, if services are provided or proposed to be extended in an unincorporated area within the county.

(4) A municipality that generates revenue from the provision of electric, natural gas, water, or sewer utility services to locations beyond its corporate limits may not use more than 10 percent of the gross revenues generated from such services to fund or finance general government functions. After the transfer of such revenues to fund or finance general government functions, if any revenues generated from such services remain after payment of the municipal utility's costs to provide services, these excess revenues must be reinvested into the municipal utility or returned to customers who received service at locations beyond the municipality's corporate limits.

(5)(a) By November 1, 2025, and annually thereafter, each municipality that provides electric, natural gas, water, or sewer utility services pursuant to subsection (1) must provide a report to the Florida Public Service Commission that identifies, for each type of utility service provided by the municipality:

1. The number and percentage of customers that receive utility services provided by the municipality at a location outside the boundaries of the municipality;

2. The volume and percentage of sales made to such customers, and the gross revenues generated from such sales; and

3. Whether the rates, fees, and charges imposed on customers that receive services at a location outside the municipality's boundaries are different than the rates, fees, and charges imposed on customers within the boundaries of the municipality, and, if so, the amount and percentage of the differential.

(b) The commission shall compile the information provided pursuant to paragraph (a) and submit a report containing this information to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2025, and annually thereafter.

(c) This subsection does not modify or extend the authority of the commission otherwise provided by law with respect to any municipal utility that is required to comply with paragraph (a).

**Section 2. Subsection (1) of section 180.191, Florida Statutes, is amended to read:**

180.191 Limitation on rates charged consumer outside city limits.—

(1) Any municipality within the state operating a water or

sewer utility outside of the boundaries of such municipality shall charge consumers outside the boundaries rates, fees, and charges determined in one of the following manners:

(a) It may charge the same rates, fees, and charges as consumers inside the municipal boundaries. ~~However, in addition thereto, the municipality may add a surcharge of not more than 25 percent of such rates, fees, and charges to consumers outside the boundaries.~~ Fixing of such rates, fees, and charges in this manner shall not require a public hearing except as may be provided for service to consumers inside the municipality.

(b)1. It may charge rates, fees, and charges that are just and equitable and which are based on the same factors used in fixing the rates, fees, and charges for consumers inside the municipal boundaries. ~~In addition thereto, the municipality may add a surcharge not to exceed 25 percent of such rates, fees, and charges for said services to consumers outside the boundaries. However, the total of all~~ Such rates, fees, and charges for the services to consumers outside the boundaries may ~~shall~~ not exceed 25 ~~be more than 50~~ percent ~~in excess~~ of the total amount the municipality charges consumers served within the municipality for corresponding service. No such rates, fees, and charges shall be fixed until after a public hearing at which all of the users of the water or sewer systems; owners, tenants, or occupants of property served or to be served thereby; and all others interested shall have an opportunity to be heard

concerning the proposed rates, fees, and charges. Any change or revision of such rates, fees, or charges may be made in the same manner as such rates, fees, or charges were originally established, but if such change or revision is to be made substantially pro rata as to all classes of service, both inside and outside the municipality, no hearing or notice shall be required.

2. Any municipality within this state operating a water or sewer utility that provides services to consumers within the boundaries of a separate municipality through the use of a water treatment plant or sewer treatment plant located within the boundaries of that separate municipality may charge consumers in the separate municipality no more than the rates, fees, and charges imposed on consumers inside its own municipal boundaries.

**Section 3. Subsections (1), (2), and (5) of section 366.032, Florida Statutes, are amended to read:**

366.032 Preemption over utility service restrictions.—

(1) A municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or other political subdivision of the state may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the

types or fuel sources of energy production which may be used, delivered, converted, or supplied by the following entities to serve customers that such entities are authorized to serve:

(a) A public utility or an electric utility as defined in this chapter;

(b) An entity formed under s. 163.01 that generates, sells, or transmits electrical energy;

(c) A natural gas utility as defined in s. 366.04(3)(c);

(d) A natural gas transmission company as defined in s. 368.103; or

(e) A Category I liquefied petroleum gas dealer or Category II liquefied petroleum gas dispenser or Category III liquefied petroleum gas cylinder exchange operator as defined in s. 527.01.

(2) Except to the extent necessary to enforce the Florida Building Code adopted pursuant to s. 553.73 or the Florida Fire Prevention Code adopted pursuant to s. 633.202, a municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or other political subdivision of the state may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the use of an appliance, including a stove or grill, which uses the types or

fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in subsection (1). As used in this subsection, the term "appliance" means a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements.

(5) Any municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or political subdivision charter, resolution, ordinance, rule, code, policy, or action that is preempted by this act that existed before or on July 1, 2021, is void.

**Section 4.** This act shall take effect July 1, 2026.

# Economic Infrastructure Subcommittee
# HB 1523
# Utility Services

## AMENDMENT SUMMARY
## March 12, 2025

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**Amendment 1 by Busatta (line 140):**

- Corrects a submission deadline for a report by the Florida Public Service Commission from January 31, 2025, to January 31, 2026.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

| | |
|---|---|
| ADOPTED | __ (Y/N) |
| ADOPTED AS AMENDED | __ (Y/N) |
| ADOPTED W/O OBJECTION | __ (Y/N) |
| FAILED TO ADOPT | __ (Y/N) |
| WITHDRAWN | __ (Y/N) |
| OTHER | _____ |

Committee/Subcommittee hearing bill: Economic Infrastructure Subcommittee

Representative Busatta offered the following:

**Amendment**

Remove line 140 and insert:

the Speaker of the House of Representatives by January 31, 2026,

# FLORIDA HOUSE OF REPRESENTATIVES
# BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

| | |
|---|---|
| **BILL #:** PCS for HB 987 | **COMPANION BILL:** None |
| **TITLE:** Transportation Facilities Designation | **LINKED BILLS:** None |
| **SPONSOR(S):** Economic Infrastructure Subcommittee | **RELATED BILLS:** HB 697, SB 654, SB 1408 |

**Committee References**

Orig. Comm.: Economic Infrastructure

## SUMMARY

**Effect of the Bill:**

The bill designates four transportation facilities across the state for memorial purposes and directs the Florida Department of Transportation (FDOT) to erect suitable markers for each designation.

**Fiscal or Economic Impact:**

The bill will have an insignificant negative impact on state government expenditures.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

## ANALYSIS

**EFFECT OF THE BILL:**

The bill requires FDOT to erect suitable markers for the following transportation facility designations: (Section 1)

Heroes Memorial Overpass
That portion of the overpass on S.R. 100 between S Temple Avenue and E South Street in Bradford County is designated as "Heroes Memorial Overpass."

Sergeant Elio Diaz Memorial Highway
That portion of U.S. 41 between Melbourne Street and Church Street in Charlotte County is designated as "Sergeant Elio Diaz Memorial Highway."

Palm Beach County Sheriff's Office (PBSO) Motorman Highway
That portion of Southern Boulevard between 18000 Southern Boulevard (Lion Country Safari Road) and Royal Palm Beach Boulevard in Palm Beach County is designated as "PBSO Motorman Highway."

Staff Sergeant Matthew Sitton Memorial Highway
That portion of S.R. 688/Ulmerton Road between 122nd Avenue N./125th Street and Walsingham Road in Pinellas County is designated as "Staff Sergeant Matthew Sitton Memorial Highway."

The bill has an effective date of July 1, 2025. (Section 2).

**FISCAL OR ECONOMIC IMPACT:**

STATE GOVERNMENT:

The bill will have an insignificant negative impact on state government expenditures. FDOT estimates a cost of $2,400 per designation for the appropriate markers, which provides for two signs per designation at $1,200 per

sign.[1] Therefore, the bill has an estimated negative fiscal impact of $9,600 to the State Transportation Trust Fund. This cost can be absorbed within existing FDOT resources.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

**Legislative Designation of Transportation Facilities**

The Legislature may designate a transportation facility, such as a bridge or a portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not officially change the existing names of facilities and do not require local governments or private parties to change street signs, mailing addresses, or 911 emergency telephone number system listings.[2]

Unless specifically provided by law, public facilities such as buildings, parks, roads, bridges, and other similar facilities may not be named for any living person.[3]

**Transportation Facility Markers**

Following a legislative designation, FDOT is required to place markers at the termini or intersections specified for each highway segment or bridge designated and may place other markers it deems as appropriate.[4] Before markers may be erected, the appropriate city or county commission must pass a resolution in support of the particular honorary designation. If the designated bridge or road segment is located in more than one city or county, there must be resolutions supporting the designation from each affected local government before markers may be erected.[5]

**Biographical Information**

Heroes Memorial Overpass
The Heroes Memorial Overpass recognizes the bravery, dedication, and sacrifice of military service members, first responders, and other heroes who have served to protect the City of Starke community.

Sergeant Elio Diaz Memorial Highway
On December 15, 2024, Sergeant Elio Diaz was shot and killed during a traffic stop in Charlotte Harbor. Sergeant Diaz had served with the Charlotte County Sheriff's Office for over 11 years.

Palm Beach County Sheriff's Office (PBSO) Motorman Highway
On November 2024, three motor deputies were killed in Palm Beach County after being struck by a car. This designation not only pays tribute to the three motormen, but it also recognizes the role of all first responders who serve the community.

Staff Sergeant Matthew Sitton Memorial Highway
On August 2, 2012, Staff Sergeant Matthew Sitton was killed in action in Kandahar, Afghanistan during Operation Enduring Freedom. A native of Largo, he served with distinction in the United States Army. Throughout his service, he earned numerous commendations, including the Bronze Star Medal, Purple Heart, Army Commendation Medal with oak leaf cluster, Army Achievement Medal, Army Good Conduct Medal with knot, National Defense Service Medal, Expert Infantryman Badge, and the Parachutist Badge.

[1] Email from Jack Rogers, Director of Legislative Affairs, Department of Transportation, RE: Road Designations Review (Feb. 13, 2025).
[2] S. 334.071(1), F.S.
[3] S. 267.062(1), F.S.
[4] S. 334.071(2), F.S.
[5] S. 334.071(3), F.S.

## BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|---|---|---|
| Orig. Comm.: Economic Infrastructure Subcommittee | | | Keating | Garcia |

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

**Section 1.** Transportation facility designations; Department of Transportation to erect suitable markers.

(1) That portion of the overpass on S.R. 100 between S Temple Avenue and E South Street in Bradford County is designated as "Heroes Memorial Overpass."

(2) That portion of U.S. 41 between Melbourne Street and Church Street in Charlotte County is designated as "Sergeant Elio Diaz Memorial Highway."

(3) That portion of Southern Boulevard between 18000 Southern Boulevard (Lion Country Safari Road) and Royal Palm Beach Boulevard in Palm Beach County is designated as "PBSO Motorman Highway."

(4) That portion of S.R. 688/Ulmerton Road between 122nd Avenue N./125th Street and Walsingham Road in Pinellas County is designated as "Staff Sergeant Matthew Sitton Memorial Highway."

(5) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.

**Section 2.** This act shall take effect July 1, 2025.

# Economic Infrastructure Subcommittee
# PCS for HB 987
# Transportation Facility Designations

## AMENDMENT SUMMARY
## March 12, 2025

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**Amendment 1 by Cobb (line 26):**

- Directs the Department of Transportation to erect suitable markers designating that portion of S.R. 19 and County Road 48 in Howey-In-The-Hills within Lake County as “Sheriff Gary S. Borders Memorial Highway.”

COMMITTEE/SUBCOMMITTEE ACTION

| | |
|---|---|
| ADOPTED | ___ (Y/N) |
| ADOPTED AS AMENDED | ___ (Y/N) |
| ADOPTED W/O OBJECTION | ___ (Y/N) |
| FAILED TO ADOPT | ___ (Y/N) |
| WITHDRAWN | ___ (Y/N) |
| OTHER | _____ |

Committee/Subcommittee hearing bill: Economic Infrastructure Subcommittee

Representative Cobb offered the following:

**Amendment**

Remove line 26 and insert:

(5) That portion of S.R. 19 and County Road 48 in Howey-In-The-Hills within Lake County is designated as "Sheriff Gary S. Borders Memorial Highway."

(6) The Department of Transportation is directed to erect