

Economic Infrastructure Subcommittee

Tuesday, March 25, 2025
9:00 AM – 11:30 AM
Reed Hall (102 HOB)

Daniel Perez
Speaker

Chip LaMarca
Chair

The Florida House of Representatives

Commerce Committee

Economic Infrastructure Subcommittee

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Meeting Agenda

Tuesday, March 25, 2025
9:00am – 11:30am
Reed Hall (102 HOB)

I. Call to Order

II. Roll Call

III. Welcome and Opening Remarks

IV. Consideration of the following bill(s):
- HB 313 Toll Exemptions for Purple Heart Medal Recipients by Fabricio
- HB 567 Transportation by McFarland
- HB 1123 Sewer Collection Systems by Cassel, Woodson
- HB 1239 Energy Infrastructure Investment by Kincart Jonsson
- HB 7009 OGSR/Public Safety Communication Systems by Government Operations Subcommittee, Conerly

V. Consideration of the following proposed committee substitute(s):
- PCS for HB 1397 – Transportation

VI. Closing Remarks

VII. Adjournment

HB 313

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 313	**COMPANION BILL:** SB 574 (Collins)
TITLE: Toll Exemptions for Purple Heart Medal Recipients	**LINKED BILLS:** None
SPONSOR(S): Fabricio	**RELATED BILLS:** None

Committee References

Transportation & Economic Development Budget 14 Y, 0 N	➤ Economic Infrastructure	➤ Budget

SUMMARY

Effect of the Bill:

The bill exempts individuals driving a motor vehicle with a Purple Heart license plate from the payment of tolls.

Fiscal or Economic Impact:

The bill is estimated to have a recurring negative impact of $500,000 to the State Transportation Trust Fund and Florida Turnpike trust funds. The bill is also estimated to have a $300,000 recurring negative impact to various local trust funds.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill revises the eligibility for toll exemptions by providing that individuals driving a motor vehicle with a Purple Heart specialty license plate, or a motorcycle with a Purple Heart special motorcycle license plate, are exempt from the payment of tolls on toll facilities. (Section 1).

The effective date of the bill is July 1, 2025. (Section 2).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The Revenue Estimating Conference (REC) met on February 14, 2025, and estimated that the bill will have a recurring negative impact of $500,000 to the State Transportation Trust Fund and Florida Turnpike trust funds.[1]

The REC included in their analysis that the U.S. Department of Veteran Affairs Florida Summary shows that veterans (and thus Purple Heart tags) are more represented in north Florida, where there are fewer toll facilities than south and central Florida. The bill could potentially encourage more individuals to get Purple Heart tags. The impacted population group is more likely to be older, retired, or disabled, thus less likely to be driving.[2]

The Department of Transportation reports that there will be necessary system modifications and an indeterminate fiscal impact associated with operations, maintenance, management and billings against eligible accounts. There

[1] Office of Economic & Demographic Research, *Revenue Estimating Conference*, (February 14, 2025), https://edr.state.fl.us/Content/conferences/revenueimpact/index.cfm (last visited March 14, 2025).
[2] Office of Economic & Demographic Research, *Revenue Estimating Conference*, (February 14, 2025), https://edr.state.fl.us/Content/conferences/revenueimpact/index.cfm (last visited March 14, 2025).

could also be upfront expenditures for providing transponders to recipients at no cost though this is not required under the bill.

LOCAL GOVERNMENT:

The REC estimates that the bill will have a recurring negative impact of $300,000 to various local trust funds from exempting customers with Purple Heart Plates from paying tolls.[3]

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Toll Facilities

The Florida Turnpike Mainline runs 312 miles through 11 counties in the state's peninsula, and the Turnpike Extension is 47 miles long. Florida's Turnpike System includes those two roadways along with the Sawgrass Expressway, the Seminole Expressway, the Beachline Expressway, the Southern Connector Extension of the Central Florida GreeneWay, the Veterans Expressway, the Suncoast Parkway, the Polk Parkway, the Western Beltway, the I-4 Connector and the First Coast Expressway. Highway infrastructure requires routine maintenance, updating and sometimes replacement. Tolls enable projects to be planned and built years before enough tax dollars could be collected to keep up with demand. All revenue from Florida's Turnpike System is reinvested into projects like building new highways or making improvements to existing highways on a statewide basis. Customers who use Florida's Turnpike System are charged based on the number of axles on the vehicles they drive and the distances they travel. The tolls collected generate the revenue to build, operate and maintain the roadways.[4]

In 2024, Florida's turnpike system generated $1.29 billion in toll revenues.[5]

Toll Payment Exemptions

Currently, s. 338.155, F.S., provides the following exemptions from paying a toll while using a toll facility:

- Employees of the agency operating the toll facility when using the facility on official state business;
- State military personnel while on official military business;
- A person with a disability who has a valid driver license, who operates a vehicle specially equipped for use by persons with disabilities, and who is certified by a physician as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that substantially impair the person's ability to deposit coins in toll baskets;
- A person exempt from toll payment by the authorizing resolution for the bonds used to finance the facility;
- A person using the facility as a temporary detour route;
- Any law enforcement officer operating an official vehicle while on official law enforcement business;
- A person operating a fire vehicle while on official business or a rescue vehicle while on official business;
- A person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty; and
- If tolls have been suspended due to an emergency evacuation.

[3] Office of Economic & Demographic Research, *Revenue Estimating Conference*, (February 14, 2025), https://edr.state.fl.us/Content/conferences/revenueimpact/index.cfm (last visited March 14, 2025).
[4] Florida's Turnpike, *Frequently Asked Questions*, (2020), https://floridasturnpike.com/about/frequently-asked-questions/#1552928026401-9ecfee9c-7932 (last visited March 14, 2025).
[5] Florida's Turnpike, *Florida's Turnpike System FY 2025 and FY 2024 Transactions and Revenue*, (2025), Fhttps://floridasturnpike.com/wp-content/uploads/2024/07/FY24-Turnpike-System_Jul-May_TR.pdfY24-Turnpike-System_Jul-May_TR.pdf (last visited March 14, 2025).

Purple Heart

The Purple Heart is one of the most recognized and respected medals that can be awarded to members of the U.S. Armed Forces. It is a distinguished military decoration, awarded in the name of the President, to those eligible service members who have suffered a wound as a result of enemy action.[6]

Specialty License Plates

Florida offers over 100 different specialty license plates for various organizations in support of the causes they represent. The money raised from the sale of these license plates goes directly to the organization. Since the inception of specialty license plates, millions of dollars have been raised for the organizations.[7]

The Purple Heart specialty license plate falls within the Special Military Services category.[8] To be eligible for a specialty military plate, an individual can apply with the following documentation: a completed Application for Military Service Related License Plates (Form HSMV 83034) or Application for U.S. Reserve or Florida National Guard License Plate (Form HSMV 83030). Further proof of eligibility must also be provided, pursuant to s. 320.089, F.S., and individuals must pay the standard vehicle registration and license plate fee.[9]

Section 320.089, F.S., provides that revenues from the sale of the plate are deposited into the Operations and Maintenance Trust Fund within the Department of Veterans' Affairs and used to support program operations that benefit veterans or the operation, maintenance, or construction of domiciliary and nursing homes for veterans.

There were 9,644 Purple Heart specialty plate registrations in 2024, and 10,182 in 2023.[10]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Transportation & Economic Development Budget Subcommittee	14 Y, 0 N	3/19/2025	Davis	Andeara
Economic Infrastructure Subcommittee			Keating	Bauldree
Budget Committee				

[6] Wounded Warrior Marines, *Purple Heart,* WWR Fact Sheet (December 11, 2017), https://www.woundedwarrior.marines.mil/Portals/213/Docs/WWR%20Fact%20Sheets/Purple%20Heart%20Fact%20Sheet%20(Benefit)%20-%20Released%2012112017.pdf?ver=2017-12-12-110210-387 (last visited March 14, 2025).

[7] Florida Highway Safety and Motor Vehicles, *Personalized and Specialty License Plates*, (2025), https://www.flhsmv.gov/motor-vehicles-tags-titles/personalized-specialty-license-plates/ (last visited March 14, 2025).

[8] Florida Highway Safety and Motor Vehicles, *Florida License Plates,* (February 2025), https://www.flhsmv.gov/pdf/specialtyplates/tagbrochure.pdf (last visited March 14, 2025).

[9] Florida Department of Motor Vehicles, *Special License Plates in Florida*, (2025), https://www.dmv.org/fl-florida/special-license-plates.php (last visited March 14, 2025).

[10] Florida Highway Safety and Motor Vehicles, *Florida Military License Plates*, (January 2025), https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf (last visited March 14, 2025).

A bill to be entitled

An act relating to toll exemptions for Purple Heart medal recipients; amending s. 338.155, F.S.; revising eligibility for toll exemptions to include operators displaying a Purple Heart specialty license plate or a Purple Heart special motorcycle license plate; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 338.155, Florida Statutes, is amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—

(1)(a) A person may not use a toll facility without payment of tolls, except:

1. An employee of the agency operating the toll project when using the toll facility on official state business.

2. State military personnel while on official military business.

3. A person with a disability as provided in subsection (3).

4. A person exempt from toll payment by the authorizing resolution for bonds issued to finance the facility.

5. A person exempt on a temporary basis where use of such

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

toll facility is required as a detour route.

6. A law enforcement officer operating an official vehicle while on official law enforcement business.

7. A person operating a fire vehicle while on official business or a rescue vehicle while on official business.

8. A person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty.

9. A person operating a motor vehicle displaying a Purple Heart specialty license plate or a motorcycle displaying a Purple Heart special motorcycle license plate.

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

HB 567

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 567	**COMPANION BILL:** SB 462 (DiCeglie)
TITLE: Transportation	**LINKED BILLS:** None
SPONSOR(S): McFarland	**RELATED BILLS:** None

Committee References

Economic Infrastructure ➤ Transportation & Economic Development Budget ➤ Commerce

SUMMARY

Effect of the Bill:

The bill addresses numerous changes related to the Florida Department of Transportation (DOT) and Florida transportation policy. The bill includes, among other things, changes in the following areas:

- The distribution of sales tax revenues related to electric vehicle charging,
- Expectant mother parking permits,
- DOT contracting authority and practices,
- Utility facilities relocation,
- Metropolitan Planning Organizations,
- DOT district boundaries, and
- The Sarasota Manatee Airport Authority.

The effective date of the bill is July 1, 2025.

Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on state government.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Distribution of Sales Tax Revenues (Section 1)

The bill directs the Department of Revenue to distribute 6 cents per kilowatt hour of electricity used at public electric vehicle charging stations to the State Transportation Trust Fund. These funds are derived from the 6 percent tax levied on each taxable transaction for the sale of electrical power or energy.

Under the bill, this provision is repealed effective June 20, 2030.

County Transportation Project Data (Section 2)

The bill creates a new requirement that each county must annually provide the Florida Department of Transportation (DOT) with uniform project data. For each county, this data must match up to the county's fiscal year and must include, but is not limited to:

- Details on transportation revenues by source of taxes or fees,
- Expenditure of such revenues for projects that were funded, and
- The unexpended balance of such revenues.

The bill requires that the project details must include, but are not limited to cost, location, and scope. The scope of each project must be categorized broadly, such as road widening, repair and rehabilitation, addition of sidewalks, or any similarly broad categorization. The bill requires revenues not dedicated to specific projects to be detailed as to what programs the revenues are supporting.

Under the bill, DOT must communicate to each county the method and format for submitting the data. DOT must compile the data and publish it on the DOT website.

Expectant Mother Parking (Section 3)

Under the bill, the Florida Department of Highway Safety and Motor Vehicles (DHSMV) must issue expectant mother parking permit placards or decals to an expectant mother who submits an application. Such placards and decals are valid for 1 year after the date of issuance.

The bill provides that DHSMV must, by rule, provide for the design, size, color, and placement of the expectant mother parking permit placard or decal. DHSMV must ensure that the placard or decal conspicuously displays the expiration date.

Under the bill, the application for an expectant mother parking permit must include, but is not limited to:

- Certification by a licensed physician that the applicant is an expectant mother.
- The certifying physician's certification number.
- The following statement in bold letters: "An expectant mother parking permit may be issued only to an expectant mother and is valid for up to 1 year after the date of issuance."
- The signatures of the certifying physician, the applicant, and the employee of DHSMV processing the application.

The bill provides that notwithstanding any other provision of law, an expectant mother who is issued a permit under this section may park a motor vehicle in a parking space designated for persons who have disabilities as provided in s. 553.5041, F.S.

Eminent Domain Authority (Section 5)

The bill restates DOT's ability to purchase property or property rights in advance to preserve a corridor for future proposed improvements.

Center for Urban Transportation Research (Section 6)

The bill alters the composition of the advisory board for the Center for Urban Transportation Research (CUTR). The bill adds the following members to the advisory board.

- A member appointed by the President of the Senate,
- A member appointed by the Speaker of the House of Representatives,
- The Secretary of Transportation or his or her designee, and
- The Secretary of Commerce or his or her designee.

The bill also limits the number of remaining members nominated by the University of South Florida to four.

Project Concept Studies (Section 7)

Under the bill, all project concept studies and project development and environmental studies for capacity improvement projects on limited-access facilities[1] must include the evaluation of alternatives that provide transportation capacity using elevated roadways above existing lanes. Additionally, project development and

[1] Section 338.01, F.S., allows DOT to establish limited-access facilities, the primary function of which is to allow high-speed and high-volume traffic movements within the state.

environmental studies for new alignment projects and new capacity improvement projects must be completed within 18 months after commencement.

DOT Contracting

Contracting Authority (Section 8)

The bill states that a contractor entering into a construction and maintenance contract with DOT provides a service to DOT.

Awarding Contracts (Section 8)

The bill requires DOT to award proposed construction and maintenance work to the lowest responsive responsible bidder, as long as DOT's estimate is $100 million or less.

The bill states that if DOT receives bids outside the award criteria set forth by DOT, DOT must arrange an in-person meeting with the lowest responsive and responsible bidder in order to ascertain the reasons for the bids being over DOT's estimate. DOT may subsequently:

- Award the contract to the lowest responsive and responsible bidder,
- Reject all bids and rebid the work, or
- Invite all responsive and responsible bidders to provide their best and final offers without filing a protest or posting a bond as required under current law.

The bill states that if DOT thereafter awards the contract, the award must be to the bidder who produces the best and final offer.

If DOT intends to reject all bids on any project after announcing, but before posting, official notice of its intent, the bill requires DOT to provide to the lowest responsive, responsible bidder the opportunity to negotiate the scope of work, with a corresponding reduction in price, to provide its best and final offer without filing a protest or posting a bond. Upon reaching a decision regarding the lowest bidder's best and final offer, DOT must post notice of final agency action to either reject all bids or accept the best and final offer.

This does not prohibit any bidder from filing a protest or alter the statutory deadlines related to bid protests found in s. 120.57(3), F.S.

The bill provides that notwithstanding s. 120.57(3)(c), F.S., relating to bid protests, and s. 287.057(25), F.S., relating to a disclosure on the procurement of solicitations, upon receipt of a timely-filed formal written protest, DOT may continue the process for awarding contracts with a DOT estimate of $100 million or less, but it may not take final agency action as to the lowest responsive and responsible bidder except as part its final agency action in the protest or upon the protesting party's dismissal of the protest.

Phased Design-Build Contracts (Section 8)

The bill states that for design-build contracts, DOT must receive at least three letters of interest. From those letters of interest, DOT must request proposals from no fewer than three of the design-build firms submitting such letters. If a design-build firm withdraws from consideration after DOT requests proposals, DOT may continue if at least two proposals are received.

For phased design-build projects, the bill requires DOT to competitively award the contract to a qualified firm, provided that DOT receives at least three statements of qualification from qualified firms. If during phase one of a project, DOT elects, based upon qualifications, to enter into contracts with more than one design-build firm, DOT must competitively award the phase-two contract to a single design-build firm. For phase two, the design-build firm may independently perform portions of the work and shall competitively bid construction trade subcontractor packages. Based upon the design-build firm's estimates of its independently performed work and

these bids, it may negotiate with DOT a guaranteed maximum price that meets the project's previously advertised budget and scope.

Marine General Liability Insurance (Section 8)

The bill requires for a contract let by DOT on or after July 1, 2025, work requiring a contractor to have marine general liability insurance, must include protection and indemnity coverage. The contractor may receive this additional coverage by an endorsement on its marine general liability insurance policy or from a separate insurance policy.

Settlement of Protests (Section 9)

The bill provides that DOT may not, through the settlement of a protest of the award of a contract being procured or related to the purchase of commodities or contractual services, create a new contract unless it competitively procures the new contract.

Applications for Qualification (Section 10)

The bill authorizes DOT to waive its prequalification requirements for contracts of $1 million or less which have a diverse scope of work that may or may not be performed. The bill provides that these contracts are typically known as push-button or task work order contracts.

Contractor Certification (Section 10)

The bill increases the maximum contract amount for which DOT may waive bond requirements from $150,000 to $250,000.

Maintenance Contracts (Section 10)

The bill requires a contractor seeking to bid on a maintenance contract that predominately includes repair and replacement of safety appurtenances, including, but not limited to, guardrails, attenuators, traffic signals, and striping, to possess the prescribed qualifications, equipment, record, and experience to perform such repair and replacement.

State Arbitration Board (Section 11)

The bill states that a contractor may submit a claim between $250,000 to $1 million per contract, or if agreed upon by the parties, a claim greater than $2 million per contract to be arbitrated by the State Arbitration Board. Additionally, the bill states that at a subsequent de novo trial, only sworn testimony in connection with an arbitration hearing may be used for any purpose otherwise permitted by the Florida evidence code.

Under the bill, an arbitration request may not be made to the Board before final acceptance but must be made to the Board within 360 days after written notice by DOT of a claim related to a written warranty or defect after final acceptance.

Suits By and Against DOT (Section 12)

The bill provides that suits may be commenced within 360 days after written notice by DOT of a claim related to a written warranty or defect after final acceptance.

Utility Relocation (Section 13 and 14)

Electronic Detection of Utility Facilities

The bill requires that utility owners make all new, replaced, or relocated underground facilities within the right-of-way (ROW) electronically detectable using techniques approved by DOT.

Damages

Under the bill, a utility owner must pay the ROW authority reasonable damages resulting from the utility owner's failure or refusal to timely remove or relocate its utility lines located in the ROW.

Additionally, the bill states that the issuance of permits for new installation of utilities within the authority's ROW may be subject to reimbursement of any costs incurred by the authority due to the failure of the utility owner to timely relocate utilities pursuant to an approved work schedule or due to work performed by the utility owner which damages existing infrastructure and causes a roadway failure.

As-Built Plans

The bill defines the term "as-built plans" to mean plans that include all changes and modifications that occur during the construction phase of a project. The bill requires an authority and a utility owner to agree in writing to an approved depth of as-built plans in accordance with the project's scope.

The bill requires a utility owner to submit its as built plans within 20 business days after completing the utility work. The as-built plans must show actual final surface and subsurface utilities, including location alignment profile, depth, and geodetic datum[2] of each structure. The utility owner must provide as-built plans in an electronic format that is compatible with DOT's software and meets DOT-provided technical specifications or in an electronic format determined by the utility industry to meet industry standards. DOT may, by written agreement, make exceptions to the electronic format requirement.

The bill requires that before any relocation costs are reimbursed, the utility must submit to the authority its as-built plans.

Utility Relocation Reimbursement

For utility relocations on the federal-aid interstate system, the bill authorizes DOT to reimburse:

- Up to 50 percent of the costs for publicly regulated utility facilities and municipally owned or county owned utility facilities, and
- One hundred percent of the costs of relocation of municipally or county owned utility facilities located in a rural area of opportunity on the State Highway System.[3]

This reimbursement amount is calculated by deducting any increase in the value of a new facility and any salvage value derived from the old facility. The reimbursement may be made upon a determination that it is in the public's best interest and necessary to expedite the construction. The utility owner may opt out of the reimbursement and bear the costs of relocation.

Reimbursement Procedures

[2] A geodetic datum or reference frame is an abstract coordinate system with a reference surface (such as sea level) that serves to provide known locations to begin surveys and create maps. https://geodesy.noaa.gov/datums/index.shtml (last visited Mar. 20, 2025).

[3] S. 337.403(1)(h), F.S., authorizes DOT to pay all or a part of any utility work necessitated by a DOT project on the state highway system for a municipally owned utility or county-owned utility in a rural area of opportunity if DOT determines that the utility is unable, and will not be able within the next 10 years, to pay the cost of such work.

Under the bill, before DOT provides notice to the utility to initiate utility work, DOT and the utility owner must follow DOT's rules and procedures, which shall include, but are not limited to, the following:

- DOT must provide the utility owner a letter and a set of preliminary plans for the proposed highway improvement project, and the utility owner must provide DOT with written acknowledgement of receipt of such plans.
- The utility owner must submit to DOT plans showing existing and proposed locations of facilities within a reasonable timeframe as specified by DOT in the previously required letter. The timeframe specified by DOT may not be sooner than 30 days or as agreed on by both parties. If the utility owner fails to submit plans to DOT within 120 days, DOT is no longer required to participate in the costs, may withhold any amount due to the utility owner on other projects, and may withhold issuance of any other permits within the state's rights-of-way.
- The utility owner's submission of plans must include a utility relocation schedule in a manner and timeframe established by DOT's written procedures and instructions for approval by DOT.
- If the Governor declares a state of emergency,[4] the utility is entitled to receive an extension to its utility relocation schedule which must be at least equal to any extension DOT granted to its contractor. The utility owner must notify DOT of additional delays associated with causes beyond the utility owner's control, including, but not limited to, participation in recovery work under a mutual aid agreement. This notification to DOT must occur within 10 calendar days after the commencement of the delay and provide a reasonably complete description of the cause and nature of the delay and the possible impacts to the utility relocation schedule. Within 10 calendar days after the cause of the delay ends, the utility owner must submit, for DOT's approval, a revised utility relocation schedule. DOT may not unreasonably withhold, delay, or condition its approval of the revised utility relocation schedule.
- If the utility owner does not initiate work in accordance with the utility relocation schedule, DOT must provide the utility owner with a final notice directing the utility owner to initiate the work within 10 calendar days after it receives the final notice. If the utility owner has begun such work but fails to complete the work in accordance with the utility relocation schedule, DOT is not required to participate in the work, may withhold any amount due to the utility owner, and may exercise its right to obtain injunctive relief.[5]
- If, after the letting date of a highway improvement project, it is found that additional utility relocation work is necessary, the utility must provide a revised utility relocation schedule within 30 calendar days after becoming aware of the need for such additional utility work or upon receiving DOT's written notification advising the utility of the need for additional utility work. DOT must review the revised utility relocation schedule and approve the revised utility relocation schedule if certain conditions are met.
- The utility owner is liable to DOT for documented damages resulting from the utility's failure to comply with the utility relocation schedule, including any DOT-approved delay costs incurred by the contractor. Within 45 days after receiving DOT's written notification that the utility is liable for damages, the utility owner must pay DOT the amount for which the utility owner is liable or request mediation.

Mediation Boards

The bill requires DOT to establish mediation boards to resolve disputes between DOT and utilities concerning:

- A utility relocation schedule or revised utility relocation schedule that the utility has submitted, but DOT has not approved;
- A contractor's claim for delay costs or other damages related to the utility's work; or
- Any matter related to the removal, relocation, or adjustment of the utility's facilities.

The bill requires DOT to establish mediation board procedures, which must provide that:

- Each mediation board is composed of one DOT-designated mediator, one utility owner- designated mediator, and a third mediator mutually accepted by the other two mediators, who serves as the board's presiding officer.

[4] The Governor may declare states of emergency pursuant to s. 252.36, F.S.
[5] Injunctive relief is pursuant to s. 120.69, F.S.

- The mediation board must hold a hearing for each dispute submitted to it. The board must provide notice of the hearing to each party involved in the dispute and afford each involved party an opportunity to present evidence at the hearing.
- Decisions on issues presented to the mediation board are made by a majority vote of the mediators.
- The mediation board must issue a written final decision for each submitted dispute and serve a copy of its final decision on each party to the dispute.
- The mediation board's final decisions are subject to de novo review in the Second Judicial Circuit in and for Leon County by way of a petition for judicial review, which DOT or the utility owner may file within 30 days after service of notice of the final decision.

The bill authorizes DOT to establish a list of qualified mediators and adopt rules to administer its mediation boards, including procedures for mediating contested cases.

The bill also adds the word "owner" after the word "utility" in several statutory provisions relating to utility relocation.

Metropolitan Planning Organizations (Sections 4 and 15)

The bill removes the duty of Space Florida[6] to partner with the Metropolitan Planning Organization Advisory Council to coordinate and specify how aerospace planning and programming will be part of the state's cooperative transportation planning process.

The bill modifies the legislative intent related to the establishment of Metropolitan Planning Organizations (M.P.O.s) to emphasize:
- The development of multimodal transportation systems, instead of surface transportation systems; and
- Serving the mobility needs of people and freight and fostering economic growth and development within and through urbanized areas of this state while balancing conservation of natural resources.

Under the bill, no additional M.P.O.'s may be designated after July 1, 2025, except in urbanized areas, as defined by the United States Bureau of the Census, where the urbanized area boundary is not contiguous to an urbanized area designated before the 2020 census. The bill removes requirements that new M.P.O.s designated within an existing urbanized area must meet.

The bill revises the items that each M.P.O. must consider when developing its long-range transportation plan (LRTP) and Transportation Improvement Program (TIP) to include projects and strategies that will conserve natural resources and reduce traffic and congestion where feasible.

The bill eliminates an obsolete provision that required by December 31, 2023, the M.P.O.'s serving Hillsborough, Pasco, and Pinellas Counties to submit a report on the feasibility of consolidation into a single M.P.O.

The bill requires DOT, at least annually, to convene M.P.O.s of similar size for the purpose of exchanging best practices and allows M.P.O.s to develop committees or working groups as needed to accomplish this purpose. This replaces the provision of law that allows M.O.O.s the discretion and flexibility to coordinate as they see fit with other M.P.O.s and political subdivisions.

The bill provides that training for new M.P.O. governing board members must be provided by DOT and by either CUTR or by the Implementing Solutions from Transportation Research and Evaluation of Emerging Technologies Program (I-STREET).

The bill revises the requirements for an M.P.O.'s LRTP by:

[6] Section 331.302, F.S., establishes Space Florida as an independent special district, a body politic and corporate, and a subdivision of the State, to foster the growth and development of a sustainable and world-leading aerospace industry in this state. Space Florida promotes aerospace business development by facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs.

- Removing the provision that requires the Metropolitan Planning Organization Advisory Council to review the LRTPs of certain M.P.O.s.
- Allowing, in the financial plan requirement, public-private partnerships to be included as an innovative financing technique to be used to fund needed projects and programs.
- Revising the list of proposed transportation enhancement activities that an M.P.O. must indicate, as appropriate, to include integration of advanced air mobility and integration of autonomous, electric, and alternative-fuel vehicles, electric bicycles, and motorized scooters used for freight, commuter, or micromobility purposes. The list of such activities is no longer required to indicate historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.

The bill creates the following M.P.O. accountability and transparency provisions:

- Allows each M.P.O. to execute a written agreement with DOT, which must be reviewed and updated as necessary every 5 years, which clearly establishes the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law. Roles, responsibilities, and expectations for accomplishing consistency with federal and state requirements and priorities must be described and formalized in the agreement. The agreement must describe and formalize the M.P.O.'s responsibility, in collaboration with DOT, to identify, prioritize, and present to DOT a complete list of multimodal transportation projects consistent with the needs of the metropolitan planning area. It is DOT's responsibility to program projects in the Statewide Transportation Improvement Program (STIP).
- Requires DOT to establish, in collaboration with the M.P.O.'s, quality performance metrics such as safety, infrastructure condition, congestion relief, and mobility. Each M.P.O. must, as part of its LRTP, in direct coordination with DOT, develop targets for each performance measure within the metropolitan planning area boundary. The performance targets must support efficient and safe movement of people and goods both within the metropolitan planning area and between regions. Each M.P.O. must report progress toward establishing performance targets for each measure annually in its TIP. DOT must evaluate and post on its website whether each M.P.O. has made significant progress toward its target for the applicable reporting period.

The bill repeals the Metropolitan Planning Organization Advisory Council (MPOAC).

Strategic Intermodal System Highway Corridors (Section 16)

The bill requires DOT, in its Strategic Intermodal System (SIS) highway corridors plan of projects, to prioritize projects addressing gaps in a corridor so that the corridor becomes contiguous.

Funding for Florida College System Equipment Simulators (Section 17)

The bill authorizes DOT in the fiscal years 2025-2026 through 2029-2030 to expend up to $5 million per fiscal year for grants to Florida College System institutions and high schools for the purchase of equipment simulators with authentic original equipment manufacturer controls.

Under the bill, each grant recipient must offer an elective course in heavy civil construction, the curriculum of which is specifically designed to use the simulator and other instructional aides to, at a minimum, provide the student with OSHA 10 Construction certification and an equipment simulator certification.

The bill requires that in awarding such grants, DOT must give priority to Florida College System institutions and high schools in rural communities.[7]

[7] The term "rural communities" is defined in s. 288.0656(2), F.S.

Widening of Interstate 4 (Section 21)

The bill states that the Legislature finds that the widening of the portion of Interstate 4 (I-4) between U.S. Highway 27 in Polk County and Interstate 75 in Hillsborough County is in the public and strategic interest of the region to improve the movement of people and goods.

The bill directs DOT to develop a report that includes, but is not limited to, detailed costs for project development and environmental studies, design, acquisition of rights-of-way, and construction and a schedule to complete the widening as expeditiously as possible. The bill requires the report to identify funding shortfalls and strategies to address such shortfalls, including but not limited to, using express lane toll revenues generated on the I-4 corridor and other available DOT funds for public-private partnerships.

Under the bill, DOT must submit the report by December 31, 2025, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

DOT District Boundaries (Section 22)

The bill directs DOT to submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives by October 31, 2025, that provides a comprehensive review of the boundaries of each of DOT's districts and whether any district's boundaries need to be redrawn as a result of population growth and increased urban density.

Sarasota Manatee Airport Authority (Sections 23 and 24)

The bill establishes a pilot program at the Sarasota Manatee Airport Authority (SMAA) in order to determine long-term feasibility of alternative airport permitting procedures.

Airport Master Plan

Under the bill, the SMAA must prepare and adopt an airport master plan in accordance with 49 U.S.C. s. 4701, which is subject to review and acceptance by the Federal Aviation Administration (FAA).

The airport master plan must address public facilities and services including roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and public transportation. For each facility or service, the plan must:

- Identify the level-of-service standard established by the host local government.
- Identify the entity that will provide the service to the SMAA.
- Describe any financial arrangements between the SMAA and other entities relating to the provision of the facility or service.

The bill also requires the plan to determine the impact of existing and proposed airport development reasonably expected over the term of the airport master plan on each service or facility and any deficiencies in such service or facility which the development will create or to which it will contribute.

The bill states that before adopting an airport master plan, the SMAA must send the plan to the host local governments who will have 90 days to conduct a review and provide comments to the SMAA. Within 10 days after the SMAA sends the plan to the host local governments, the SMAA must advertise the commencement of the review period in a newspaper of general circulation. Under the bill, the SMAA must also hold an informal informational session for public participation, which shall be announced in the advertisement at least 10 days in advance. Following receipt and consideration of all comments, the SMAA must hold a public hearing, after which it may adopt the airport master plan as originally drafted or revised based on comments. The airport master plan must be published on the SMAA's website and updated at least every 10 years.

Consistency with Comprehensive Plan

Under the bill, before commencing construction of a new or expanded airport improvement that will create significant impact on the public facilities for which the host local government has maintenance responsibilities, the SMAA must submit a written request for determination of consistency with the local government's comprehensive plan to the local government. Within 45 days of receipt of such a request, the local government must determine, in writing, whether the proposed improvement is consistent with its comprehensive plan. Failure of the host local government to make a determination, in writing, within the 45-day period will be deemed an affirmative determination of consistency.

The bill states that if it is determined that the construction is in accordance with the local government's comprehensive plan, construction may commence and further approval from the host local government is not required. To the extent that further review by the host local government is required due to inconsistency with the local government's comprehensive plan, standards and conditions may not be imposed which conflict with those established in the airport master plan or the Florida Building Code.

The bill states that the airport master plan may not conflict with the comprehensive plan of the host local government adopted under part II of chapter 163 or with the state comprehensive plan. However, an existing or proposed airport development that is consistent with the airport master plan may not be deemed inconsistent with the host local government comprehensive plan or the state comprehensive plan based solely on the development's design and layout, or its location, intensity, scale, building size, mass, bulk, height and orientation, lot coverage, lot size or configuration, architecture, screening, buffers, setbacks, signage, lighting, internal traffic circulation patterns, loading area locations, operation hours, noise, odor, or other factors of compatibility.

Expansion of SMAA Boundaries

The bill states that if the SMAA proposes to expand the boundaries of the airport site, it must notify the applicable host governments in writing, in which case the host local governments may impose reasonable development standards and conditions on new development within the expanded land area. These reasonable development standards and conditions may only address the impacts of the new improvement on public facilities for which the host local government has maintenance responsibilities. Additionally, these standards and conditions may not be imposed in conflict with the Florida Building Code or those established by this section.

SMAA Jurisdiction

Under the bill, the SMAA is the exclusive local enforcement agency under part IV of chapter 553, F.S., and has jurisdiction within the lands subject to the airport master plan to conduct plan reviews, issue permits, and make inspections of buildings and to enforce the Florida Building Code and the Florida Fire Prevention Code.

The bill states that the SMAA must use personnel or contract providers appropriately certified under part XII of chapter 468, F.S., to conduct the plan reviews and make the inspections required by such codes. Developments are exempt from all other state building codes and county and municipal land development regulations, building codes, permitting requirements, plan reviews, or inspection fees, except as provided in s. 553.80, F.S.

DOT Rules, Report, and Repeal

Under the bill, DOT must adopt rules as necessary to implement the pilot program.

The bill directs DOT, by December 1, 2027, to submit a report to the Governor, President of the Senate, and the Speaker of the House of Representatives regarding any recommendations as to how to expand the pilot program to additional airports or whether to make legislative changes to the pilot program to increase the program's effectiveness or to terminate the program.

The bill provides a repeal date for the SMAA pilot program of June 30, 2028, unless reviewed and reenacted by the Legislature.

The bill contains a section on airport authorities created as an independent special district that is duplicative of these provisions. (Section 23)

The bill updates cross references in accordance with the provisions of the bill. (Sections 18, 19, and 20)

The bill provides an effective date of July 1, 2025. (Section 25)

RULEMAKING:

The bill authorizes DHSMV to provide, by rule, for the design, size, color, and placement of the expectant mother parking permit placard or decal.

The bill provides that DOT may develop rules and procedures governing mediation boards intended to resolve utility relocation disputes.

The bill authorizes DOT to adopt rules necessary to implement the SMAA pilot program.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate negative impact on state government expenditures.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Distribution of Sales Tax Revenues

Florida levies a six percent tax on the retail sale of most tangible personal property, admissions, transient lodgings and motor vehicles.[8] However, the sales tax rate for non-residential electric services is 4.35 percent.[9] The Department of Revenue (DOR) distributes state sales tax proceeds to various state trust funds and local governments, with any remaining sales tax proceeds distributed to the General Revenue Fund.[10]

Under Florida law, utility companies charge sales tax on sales of electricity to non-utility companies, including those providing electric vehicle (EV) charging. For tax purposes, entities selling EV charging are not considered to be selling electricity but are considered to be licensing the use of real property,[11] and taxed as such.[12]

County Transportation Project Data

Annually, each county and municipality must provide DOT with uniform program data. Uniform program data must include, but is not limited to, details on transportation receipts and expenditures, and on the number of miles of road under the local governmental entity's jurisdiction. DOT must compile this data and, upon request, furnish its compilation to any interested person.[13]

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[8] Office of Economic and Demographic Research, *2024 Florida Tax Handbook*, p. 166. https://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2024.pdf (last visited Mar. 18, 2025).
[9] *Id.* at 171. S. 212.05(1)(e).1.c., F.S.
[10] *Id.* at 173. S. 212.20(6), F.S.
[11] Analysis of Senate Bill 462 (2025), Florida Senate, p.2 (Mar. 18, 2025).
[12] S. 212.031, F.S., provides the statues on the tax on rental or license fees for the use of real property.
[13] S. 218.322, F.S.

Expectant Mother Parking

Section 320.0848, F.S. authorizes DHSMV and its agents to issue disabled parking permits to persons with impaired mobility. Upon application and receipt of the fee,[14] a person with a long-term mobility impairment is issued a disabled parking permit for a period of up to four years. Similarly, a person with a temporary mobility impairment is issued a temporary disabled parking permit for a period of up to six months.[15]

A certificate of disability is required for a disabled parking permit and must be provided by a licensed physician, podiatrist, optometrist, advanced registered nurse practitioner, physician's assistant, or a similarly licensed physician from another state.[16]

While current law does not explicitly contemplate whether an expectant mother would qualify for a temporary disabled parking permit, there are circumstances under which an expectant mother with temporary mobility issues could qualify so long as the expectant mother presents certification of disability from a physician as required by law.[17]

Eminent Domain Authority

Eminent domain refers to the government's power to take private property and convert it into public use.[18] The Fifth Amendment of the United States Constitution provides that the government taking of property under the power of eminent domain must include just compensation for property owners.[19]

Similarly, Article X, section 6(a) of the Florida Constitution provides that "[n]o private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner."[20]

DOT may acquire, by eminent domain, all property or property rights, whether public or private, which it determines necessary to perform its duties or execute its powers.[21]

DOT has the statutory authority to condemn all necessary lands and property, whether public or private, for the purpose of securing and utilizing transportation rights-of-way, including a DOT-designated transportation corridor.[22] Florida's statutory definition of the term "transportation corridor" includes all property or property interests necessary for future transportation facilities for the purpose of securing and utilizing future transportation rights-of-way.[23]

Center for Urban Transportation Research

Florida law establishes the Florida Center for Urban Transportation Research (CUTR) at the University of South Florida, to be administered by the Board of Governors of the State University System.[24] CUTR is responsible for conducting and facilitating research on issues related to urban transportation problems in this state and serving as an information exchange and depository for the most current information pertaining to urban transportation and

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[14] There is no charge for a "permanent" disabled parking permit. A temporary parking permit is $15; however, no person will be required to pay a fee for a disabled parking permit more than once in a 12-month period. S. 320.0848(1)(a), F.S.
[15] S. 320.0848(1)(a), F.S.
[16] S. 320.0848(1)(b), F.S.
[17] Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, RE: Question on HB 567 (Mar. 20, 2025).
[18] Cornell Law School, Legal Information Institute, *Eminent Domain,* https://www.law.cornell.edu/wex/eminent_domain#:~:text=Eminent%20domain%20refers%20to%20the,compensation%20to%20the%20property%20owners. (last visited Mar. 18, 2025).
[19] U.S. Const. amend. V.
[20] Florida's eminent domain laws are codified in chapters 73 and 74, F.S.
[21] S. 334.044(6), F.S.
[22] S. 337.27(1), F.S.
[23] S. 334.03(29)(b), F.S.
[24] S. 334.065(1), F.S.

related issues.[25] Additionally, CUTR is responsible for the promotion of intercampus transportation and related research activities among Florida's universities in order to enhance the ability of these universities to attract federal and private sector funding for transportation and related research.[26]

Under Florida law, an advisory board is created to periodically and objectively review and advise CUTR concerning its research program. The membership of the board must consist of nine experts in transportation-related areas, including the secretaries of the DOT, the Department of Environmental Protection, and the Department Commerce, or their designees, and a member of the Florida Transportation Commission (FTC). The nomination of the remaining members of the board must be made to the President of the University of South Florida by the College of Engineering at the University of South Florida, and the appointment of these members must be reviewed and approved by the FTC and confirmed by the Board of Governors.[27]

Project Concept Studies

The term "project concept study" is not defined in federal or state law.

DOT conducts Project Development and Environment (PD&E) studies to meet federal National Environmental Policy Act[28] requirements. During these studies, DOT determines the location and conceptual design of feasible build alternatives for roadway improvements and the social, economic, and environmental effects of such improvements. Throughout the study, a no-build alternative, where roads are left in their present state with routine maintenance, remains a viable alternative. A PD&E study is finalized when the Federal Highway Administration reviews the study's documentation and recommendations and provides a Location and Design Concept Acceptance.[29]

DOT Contracting Authority

DOT may enter into contracts for the construction and maintenance of all roads on the State Highway System, the State Park Road System, or any other road under its supervision. DOT may also enter into contracts for the construction and maintenance of rest areas, weigh stations, and other structures used in connection with such facilities. However, these contracts do not create third-party beneficiary rights in any person that is not a party to the contract.[30]

Awarding DOT Contracts

DOT may award a contract for proposed construction and maintenance work to the lowest responsible bidder, or with a time-plus-money contract, the lowest evaluated responsible bidder, or it may reject all bids and rebid the work or otherwise perform the work.[31]

Phased Design-Build Contracts

DOT may enter into phased-design build contracts, where contract selection and award is done with a two-phase process. For phase one, DOT competitively awards the contract, based upon qualifications, to a design-build firm. For phase two, the design-build firm competitively bids construction trade subcontractor packages and based upon these bids, negotiates with DOT a price that meets the project's budget and scope.[32]

Marine General Liability Insurance

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[25] *Id.*
[26] S. 334.065(2), F.S.
[27] S. 334.065(3), F.S.
[28] Pub. L. 91-190; 83 State. 852.
[29] DOT District 7, *What is a PD&E Study,* https://www.fdotd7studies.com/projects/what-is-a-pde-study/. (last visited Mar. 18, 2025).
[30] S. 337.11(1), F.S.
[31] S. 337.11(4), F.S.
[32] S. 337.11(7)(b), F.S. The project's budget and scope are as advertised in the request for qualifications.

DOT requires each contractor to indemnify and hold harmless DOT and its officers and employees from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the contractor and persons employed or utilized by the contractor in the performance of the construction contract.[33]

DOT also requires each contractor to carry commercial general liability insurance that provides continuous coverage for all work and operations provided under the contract. Additional requirements exist for construction adjacent to railroad tracks and certain utility facilities.[34]

Since commercial general liability insurance policies exclude marine work, marine general liability insurance is designed to protect against claims of liability for bodily injury, property damage, and personal injury for those who work on or near the water. These classes include ship repairers, marina operators, charterers, stevedores, and terminal operators.[35]

Each contract let by DOT to perform bridge construction or maintenance over navigable waters must require marine general liability insurance, in an amount determined by DOT, to cover third-party personal injury and property damage caused by vessels used by the contractor in the performance of the work.[36]

Settlement of Protests

Agencies subject to the Administrative Procedures Act,[37] including DOT, must resolve protests arising from the contract solicitation or award process using uniform rules of procedure.[38]

DOT's contracting statue provides additional information regarding its settlement of bid protests. When DOT determines that it is in the public's best interest to resolve a bid protest through a settlement agreement, and the agreement requires DOT to pay a nonselected responsive bidder $1 million or more, any stipend paid to a non-selected design-build firm, which is not included in DOT's work program, or any amount paid pursuant to any other law, DOT must:

- Document the specific reasons that such settlement and payment is in the best interest of the state. Such documentation must include a description of any rights or designs that DOT will acquire or retain with such settlement, and the specific appropriation that DOT intends to use to provide such payment.
- Provide prior written notification to the President of the Senate, the Speaker of the House of Representatives, the Senate and House of Representatives minority leaders, the chair and vice chair of the Legislative Budget Commission, and the Attorney General before DOT makes the settlement agreement final.
- Provide written notification of settlement discussions to the President of the Senate, the Speaker of the House of Representatives, the Senate and House of Representatives minority leaders, the chair and vice chair of the Legislative Budget Commission, and the Attorney General.[39]

[33] DOT Specs Book (January 2017) at Section 7-12.1, https://www.fdot.gov/docs/default-source/programmanagement/implemented/specbooks/january2017/files/007-117.pdf (last visited Mar. 20, 2025).
[34] *Id.* at Sections 7-13.2, 7-13.3, and 7-13.4.
[35] Kelly White and Associates Insurance, LLC, *Marine General Liability Insurance*, https://kwhiteinsurance.com/marine-insurance/#:~:text=Marine%20General%20Liability%20protects%20against,%2C%20stevedores%2C%20and%20terminal%20operators (last visited Mar. 20, 2025).
[36] S. 337.11(15), F.S.
[37] Ch. 120, F.S.
[38] S. 120.57(3), F.S. The Uniform Rules of Procedure relating to bid protests are contained in Rule 28-110, F.A.C.
[39] S. 337.1101(1), F.S.

Applications for Qualification

Under Florida law any contractor desiring to bid on a construction contract in excess of $250,000 must be certified as qualified by DOT.[40] DOT's contractor certification rules address these qualifications and provide requirements regarding a contractor's equipment, past record, experience, financial resources, and organizational personnel.[41]

DOT may waive prequalification for projects of $500,000 or less if DOT determines that the project is of a noncritical nature and the waiver will not endanger public health, safety, or property.[42]

Contractor Certification

Certification by DOT is required in order for a contractor to bid on a road, bridge, or public transportation construction contract of more than $250,000. However, prior to the award of the contract, the successful bidder must furnish a contract bond. DOT may waive all or a portion of the bonding requirement for contracts of $150,000 or less.[43]

Maintenance Contracts

Section 337.14(8), F.S., provides that that section, which relates to the applications for qualification and certificates of qualification for DOT contractors does not apply to maintenance contracts.

State Arbitration Board

The State Arbitration Board (Board), within DOT, facilitates the prompt resolution of claims arising out of or in connection with DOT's construction or maintenance contract.[44]

The contractor[45] may submit a claim[46] of greater than $250,000 up to $1 million per contract or, upon agreement of the parties, up to $2 million per contract for arbitration by the board. A board-issued award is final, unless a request for a trial de novo is filed within certain time frames.[47]

Parties may not make an arbitration request prior to DOT's final acceptance of the project;[48] but such requests must be made within 820 days after final acceptance.[49]

Suits By and Against DOT

Under current law, suits may be brought by and against DOT for certain contract-related claims, which must commence within 820 days of DOT's final acceptance of the work.[50]

Utility Relocation

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[40] Certification for qualification is pursuant to s. 337.14, F.S., and DOT rules.
[41] S. 337.14(1), F.S.
[42] S. 337.14(1), F.S.
[43] S. 337.14(2), F.S.
[44] S. 337.185(1), F.S.
[45] Section 337.185(2)(b), F.S., defines the term "contractor" means a person or firm having a contract for rendering services to the department relating to the construction or maintenance of a transportation facility.
[46] Section 337.185(2)(a), F.S., defines the term "claim" to mean the aggregate of all outstanding written requests for additional monetary compensation, time, or other adjustments to the contract, the entitlement or impact of which is disputed by the department and could not be resolved by negotiation between the department and the contractor.
[47] S. 337.185(4), F.S.
[48] Section 337.185(2)(c), F.S., defines the term "final acceptance" to mean that the contractor has completely performed the work provided for under the contract, the department or its agent has determined that the contractor has satisfactorily completed the work provided for under the contract, and the department or its agent has submitted written notice of final acceptance to the contractor.
[49] S. 337.185(5), F.S.
[50] S. 337.19 (1) and (2), F.S.

Current law authorizes an authority, defined as DOT and local governmental entities,[51] with jurisdiction and control of public roads or publicly-owned rail corridors to prescribe and enforce reasonable rules or regulations regarding the placement and maintenance of utilities within their rights-of-way.[52]

For this purpose, the term "utility" is defined to mean electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures.[53]

An authority may grant a utility the use of its right-of-way in accordance with its rules or regulations. A utility may not be installed, located, or relocated unless authorized by an authority-issued permit. However, for roads or rail corridors under DOT's jurisdiction, in lieu of a written permit, a utility relocation schedule and relocation agreement may be executed. A utility permit must require that the permitholder is responsible for any damage resulting from the issuance of such permit.[54]

In most cases, if the authority finds that a utility in its right-of-way is unreasonably interfering with the public road or publicly owned rail corridor, the utility must, upon 30 days' written notice, initiate the work necessary, at its own expense, to alleviate the interference. The work must be completed within such reasonable time as stated in the notice or at such time as agreed to by the authority and the utility owner.[55]

Section 337.403, F.S., relates to interference caused by a utility. Under that statute, if the authority finds that a utility within the right-of-way limits of any public road or publicly owned rail corridor to be unreasonably interfering in any way with such public road or publicly owned rail corridor, the utility owner must, upon 30 days' written notice, initiate the work necessary to alleviate the interference at its own expense except as provided in various scenarios. The work must be completed within such a reasonable time as stated in the notice, or at such time as agreed to by the authority and the utility owner.[56]

Among these scenarios, Florida law provides that if the relocation is needed due to a construction project on the federal-aid interstate system, and the project's costs are eligible and approved for federal reimbursement of 90 percent or more under the Federal-Aid Highway Act,[57] the utility owning or operating such facilities must perform any necessary work upon receiving notice from DOT. The amount the state pays for such work is after deducting any increase in the value of a new facility and any salvage value derived from an old facility.[58]

When DOT and the utility execute a joint agreement for utility work as part of a contract to construct a transportation facility, DOT may participate in the cost of utility work exceeding 10 percent of DOT's official estimated cost of the utility work. DOT's cost participation is limited to the difference between its official estimate plus 10 percent and the amount awarded for this work in the construction contract. DOT may not participate in any utility work costs that occur due to changes or additions during the course of the contract.[59]

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[51] Section 334.03(13), F.S., defines the term "local governmental entity" to mean a unit of government with less than statewide jurisdiction, or any officially designated public agency or authority of such a unit of government, that has the responsibility for planning, construction, operation, or maintenance of, or jurisdiction over, a transportation facility; the term includes, but is not limited to, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.
[52] S. 337.401 (1)(a), F.S
[53] *Id.*
[54] S. 337.401(2), F.S.
[55] S. 337.403(1), F.S.
[56] S. 337.403(1), F.S. Paragraphs (a)-(j) provide various scenarios regarding utility relocation.
[57] Pub, L, No. 84-627.
[58] S. 337.403(1)(a), F.S.
[59] S. 337.403(1)(b), F.S.

Metropolitan Planning Organizations

M.P.O.s and Primary Functions

Florida law provides that it is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas of this state while minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan transportation planning processes.[60] To achieve this intent or objective, Florida law provides that M.P.O.s, must develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas.[61]

M.P.O.s are entities comprised of representatives from local governments and transportation authorities that are responsible for regional transportation planning in urbanized areas with populations of over 50,000 as determined by the U.S. Census.[62] As seen below, Florida has 27 M.P.O.s, and each have their own geographical boundary and board of voting members.[63]

M.P.O. Designation

To the extent possible, only one M.P.O. is designated for each urbanized area or group of contiguous urbanized areas. More than one M.P.O. may be designated within an existing urbanized area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing urbanized area makes the designation of more than one M.P.O. for the area appropriate, in which case each M.P.O. designated for the area must:

- Consult with every other M.P.O. designated for the urbanized area and the state to coordinate plans and transportation improvement programs; and
- Ensure, to the maximum extent practicable, the consistency of data used in the planning process, including data used in forecasting travel demand within the urbanized area.[64]

Coordination with other M.P.O.s and Political Subdivisions

M.P.O.s are required to develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.s may vary depending upon the project involved and given local and regional needs. Consequently, discretion is used by M.P.O.s to coordinate with other M.P.O.s and appropriate political subdivisions as circumstances demand.[65]

M.P.O.s and Transportation Planning

DOT and M.P.O.s are partners in the transportation planning, with DOT responsible for coordinating the state's long-range transportation goals, the Florida Transportation Plan (FTP),[66] and M.P.O.s responsible for coordinating

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[60] S. 339.175(1), F.S.
[61] *Id.*
[62] Federal Transit Administration, *Metropolitan Planning Organization (MPO),* https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/metropolitan-planning-organization-mpo#:~:text=Planning%20Organization%20(MPO)-,Overview,determined%20by%20the%20U.S.%20Census. (last visited Mar. 22, 2025).
[63] DOT, *Metropolitan Planning Organization Subject Brief, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/planning/policy/briefing-sheets/briefing_sheet_mpo_102720.pdf?sfvrsn=b17ab46b_2* (last visited Mar. 22, 2025).
[64] S. 339.175(2), F.S.
[65] S. 339.175(6)(j), F.S.
[66] The FTP is a policy document updated at least once every five years and developed in compliance with requirements in s. 339.155, F.S. The FTP establishes and defines the state's long-range transportation goals and objectives to be accomplished over a period of at least 20 years. S. 339.155(1), F.S. It is based upon the prevailing principles of preserving the existing transportation infrastructure, enhancing Florida's economic competitiveness, improving travel choices to ensure mobility, and expanding the state's role as a hub for trade and investment. *Id*. The FTP is the single overarching plan guiding Florida's transportation future. DOT, *Florida Transportation Plan*, https://www.fdot.gov/planning/ftp/default.shtm (last visited Mar. 22, 2025).

regional long-range transportation plans.[67] The M.P.O.s develop their Long Range Transportation Plan (LRTP) to implement national and state goals for their metropolitan area.[68] Projects are developed and must be included in the LRTP to be considered for funding.[69] An M.P.O. must also develop its List of Priority Projects (LOPP), which must be consistent with the LRTP and is used to inform the development of the Transportation Improvement Program (TIP).[70] An M.P.O.'s TIP includes a listing of projects planned for the next five fiscal years.[71] TIPs from all 27 M.P.O.s are combined together, along with DOT's other non-metropolitan statewide projects to form the Statewide Transportation Improvement Program (STIP).[72] To be eligible for federal funding, projects must be included in the LRTP, TIP, and STIP.[73] The projects included in an M.P.O.'s TIP are funded and completed through the Work Program (WP).[74]

In developing the LRTP and the TIP, each M.P.O. must provide for consideration projects and strategies that will:

- Support the economic vitality of the contiguous urbanized metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- Increase the safety and security of the transportation system for motorized and nonmotorized users;
- Increase the accessibility and mobility options available to people and for freight;
- Protect and enhance the environment, promote energy conservation, and improve quality of life;
- Enhance the integration and connectivity of the transportation system, across and between modes and contiguous urbanized metropolitan areas, for people and freight;
- Promote efficient system management and operation;
- Emphasize the preservation of the existing transportation system; and
- Improve the resilience of transportation infrastructure.[75]

The LRTP must, at a minimum:

- Identify transportation facilities that will function as an integrated metropolitan transportation system.
    - The LRTP must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the FTP.
    - If a project is located within the boundaries of more than one M.P.O., the M.P.O.s must coordinate plans regarding the project in the LRTP. Multiple M.P.O.s within a contiguous urbanized area must coordinate the development of LRTPs to be reviewed by the Metropolitan Planning Organization Advisory Council.
- Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs.
    - The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted LRTP if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the LRTP, the M.P.O. and DOT must cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.
- Assess capital investment and other measures necessary to:
    - Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and
    - Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are

[67] DOT, *supra* note 63.
[68] *Id.*
[69] *Id.*
[70] *Id.*
[71] DOT, *STIP Information*, https://www.fdot.gov/workprogram/federal/stip-mpostip.shtm (last visited Mar. 21, 2025).
[72] DOT, *supra* note 63.
[73] *Id.*
[74] *Id.*
[75] S. 339.175(6)(b), F.S.

not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems and other developments.

- Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, trails or facilities that are regionally significant or critical linkages for the Florida Shared-Use Nonmotorized Trail Network, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.
- Coordinate, in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the development of the LRTP with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.[76]

In the development of its LRTP, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the LRTP. The LRTP must be approved by the M.P.O. [77]

Feasibility Studies on Consolidation of Select M.P.O.s

The M.P.O.s serving Hillsborough, Pasco, and Pinellas Counties were required to submit, by December 31, 2023, a feasibility report to the Governor, the President of the Senate, and the Speaker of the House of Representatives exploring the benefits, costs, and process of consolidation into a single M.P.O. serving the contiguous urbanized area, the goal of which was to:

- Coordinate transportation projects deemed to be regionally significant;
- Review the impact of regionally significant land use decisions on the region; and
- Review all proposed regionally significant transportation projects in the TIPs.[78]

Metropolitan Planning Organization Advisory Council (MPOAC)

Under Florida law, the MPOAC was established with the purpose to augment, and not supplant, the role of the individual M.P.O.s in the cooperative transportation planning process.[79] The council consists of one representative from each M.P.O. and annually elects a chairperson from its membership.[80]

The main powers and duties of the council are to:

- Establish bylaws by action of its governing board providing procedural rules to guide its proceedings and consideration of matters before the council, or, alternatively, adopt rules to implement provisions of law conferring powers or duties upon the council;
- Assist M.P.O.s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion;
- Serve as a clearinghouse for review and comment by M.P.O.s on the FTP and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes;
- Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations;
- Deliver training on federal and state program requirements and procedures to M.P.O. board members and M.P.O. staff; and
- Adopt an agency strategic plan that prioritizes steps the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directives.[81]

[76] S. 339.175(7), F.S.
[77] *Id.*
[78] S. 339.175(6)(i), F.S.
[79] S. 339.175(11)(a), F.S.
[80] S. 339.175(11)(b), F.S.
[81] S. 339.175(11)(c), F.S.

The council may also enter into contracts to support its duties.[82]

Strategic Intermodal System Highway Corridors

Florida's Strategic Intermodal System (SIS) is its high priority network of transportation facilities important to the state's economy and mobility.[83] DOT must plan and develop SIS highway corridors to allow for high-speed and high-volume.[84] SIS highway corridors include facilities on State Highway System that meet DOT-adopted criteria, including Interstate highways, the Florida Turnpike System, interregional and intercity limited access facilities. existing interregional and intercity arterial highways meeting certain standards, and new limited access facilities necessary to complete a balanced statewide system.[85]

DOT must develop and maintain a plan of SIS highway corridor projects that it anticipates, to contract for construction within at least 20 the next years. This plan must also identify when SIS Highway Corridor segments will SIS standards and criteria.[86]

Funding for Florida College System Equipment Simulators

Florida College System

The Florida College System provides higher education for Floridians, including recent high school graduates and returning adult students. The 28-member colleges of the Florida College System respond quickly and efficiently to meet the demand of employers by aligning certificate and degree programs with regional workforce needs. With an array of programs and services, our colleges serve individuals, communities and the state with low-cost, high-quality education opportunities.[87]

Rural Areas of Opportunity

A Rural Area of Opportunity (RAO) is a rural community,[88] or region comprised of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster.[89] An area may also be designated as an RAO if it presents a unique economic development opportunity of regional impact.[90] The designation of an RAO must be agreed upon by the Department of Commerce, as well as the county and municipal governments to be included in the RAO.[91]

Widening of Interstate 4

Included in DOT's Moving Florida Forward Initiative, is the acceleration of the addition of two new express lanes in each direction along I-4 from west of U.S. 27 in Polk County to east of World Center Drive (S.R. 536) in Orange County. DOT is also accelerating the construction of two new congestion relief lanes, one in each direction, between U.S. 27 and east of World Drive.[92]

DOT District Boundaries

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[82] S. 339.175(11)(d), F.S.
[83] DOT, *Strategic Intermodal System,* https://www.fdot.gov/planning/systems/sis (last visited Mar. 21, 2025).
[84] S. 339.65(1), F.S.
[85] S. 339.65(2), F.S.
[86] S. 339.65(4), F.S.
[87] Florida College System, Florida Department of Education, https://www.fldoe.org/schools/higher-ed/fl-college-system/ (last visited Mar. 22, 2025).
[88] S. 288.0656(2)(e), F.S.
[89] S. 288.0656(2)(d), F.S.
[90] *Id.*
[91] S. 288.0656(7)(b), F.S.
[92] DOT, *Moving I-4 Forward*, https://movingi4forward.com/ (last visited Mar. 21, 2025).

DOT is a decentralized agency divided up into geographic districts. There are currently seven DOT districts: Southwest Florida, Northeast Florida, Northwest Florida, Southeast Florida, Central Florida, South Florida, and West Central Florida. DOT's headquarters is in Tallahassee, and each of the seven districts have at least one office in the district.[93]

Each DOT district varies in organizational structure, but in general, each has major divisions for Administration, Planning, Production, and Operations. Additionally, each district has a Public Information Office that reports to the District Secretary and a District Chief Counsel who reports to the DOT General Counsel in Tallahassee.[94]

Sarasota Manatee Airport Authority

The Sarasota Manatee Airport Authority was created as a public agency by the State of Florida to operate and manage the Sarasota Bradenton International Airport. The Authority has six Commissioners appointed by the Governor, each serving four-year terms. Three Commissioners reside in Manatee County and three reside in Sarasota County.[95]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee			Keating	Bauldree
Transportation & Economic Development Budget Subcommittee				
Commerce Committee				

[93] DOT, *Districts*, https://www.fdot.gov/agencyresources/districts/index.shtm (last visited Mar. 21, 2025).
[94] *Id*.
[95] Airport Authority, Sarasota Manatee Airport Authority, https://flysrq.com/airport-authority (last visited Mar. 22, 2025).

A bill to be entitled

An act relating to transportation; amending s. 212.20, F.S.; requiring the Department of Revenue to make monthly distributions from certain tax proceeds to the State Transportation Trust Fund; providing for future repeal; creating s. 218.3211, F.S.; requiring counties to annually provide the Department of Transportation with certain project data; providing requirements for such data; providing duties of the department; creating s. 320.0849, F.S.; requiring the Department of Highway Safety and Motor Vehicles to issue expectant mother parking permits; specifying the validity period thereof; providing design requirements for expectant mother parking permit placards or decals; providing application requirements; authorizing such permitholders to park in certain spaces; amending s. 331.3051, F.S.; conforming provisions to changes made by the act; amending s. 334.044, F.S.; revising conditions under which the Department of Transportation may acquire property through eminent domain; amending s. 334.065, F.S.; revising membership of the Center for Urban Transportation Research advisory board; creating s. 334.63, F.S.; providing requirements for certain project concept studies and project development and

environmental studies; amending s. 337.11, F.S.; specifying that certain contractors provide a service to the department; revising advertisement requirements for certain construction contracts; providing competitive bidding and award requirements for contracts for certain projects; providing construction; revising requirements for requests for proposals for design-build contracts; revising requirements for selection and award of phased design-build contracts; removing provisions relating to design-build and phased design-build contracts and construction; requiring contracts to contain protection and indemnity coverage; amending s. 337.1101, F.S.; prohibiting the department from creating a new contract that is not competitively procured; amending s. 337.14, F.S.; authorizing the department to waive certain requirements for push-button or task work order contracts; revising the amount of contracts for which the department may waive bonding requirements; requiring a contractor seeking to bid on a certain maintenance contract to possess certain qualifications; amending s. 337.185, F.S.; revising the amount of a contract that may be subject to arbitration; revising the timeframe in which arbitration requests must be made to the State

Arbitration Board; amending s. 337.19, F.S.; revising the timeframe in which certain suits by and against the department must commence; removing an obsolete provision; amending s. 337.401, F.S.; requiring certain underground utilities to be electronically detectable by specified techniques; revising requirements for the installation, removal, or relocation of utilities; requiring the utility owner to pay certain reasonable damages and reimburse certain costs; defining the term "as-built plans"; requiring as-built plans to be submitted within a certain timeframe with specific requirements; requiring as-built plans to be submitted for reimbursement of certain costs; amending s. 337.403, F.S.; authorizing the department to reimburse a portion of utility relocation costs under certain circumstances; providing requirements for department rules and procedures for engaging with utility owners; requiring utility owners to submit utility relocation schedules to the department; requiring the department to grant an extension to the utility relocation schedule during a state of emergency; authorizing the department to give final notice if the utility owner does not initiate work within a specified timeframe; authorizing the department to withhold amounts due or

exercise injunctive relief under certain circumstances; requiring a supplementary utility relocation schedule under certain circumstances; providing that the utility owner is liable to the department for certain damages; specifying utility relocation procedures; providing for mediation between the department and the utility owner; authorizing the department to develop certain mediation rules and procedures; amending s. 339.175, F.S.; revising legislative intent; revising requirements for the designation of additional M.P.O.'s; revising projects and strategies to be considered in developing an M.P.O.'s long-range transportation plan and transportation improvement program; removing obsolete provisions; requiring the department to convene M.P.O.'s of similar size to exchange best practices; authorizing such M.P.O.'s to develop committees or working groups; requiring training for new M.P.O. governing board members to be provided by the department or another specified entity; removing provisions relating to M.P.O. coordination mechanisms; including public-private partnerships in authorized financing techniques; revising proposed transportation enhancement activities that must be indicated by the long-range transportation plan; authorizing each

M.P.O. to execute a written agreement with the department regarding state and federal transportation planning requirements; requiring the department and M.P.O.'s to establish certain quality performance metrics and develop certain performance targets; requiring the department to evaluate and post on its website whether each M.P.O. has made significant progress toward such targets; removing provisions relating to the Metropolitan Planning Organization Advisory Council; amending s. 339.65, F.S.; requiring the department to prioritize certain Strategic Intermodal System highway corridor projects; amending s. 339.84, F.S.; authorizing the department to expend certain funds for grants for the purchase of certain equipment within a specified timeframe; providing requirements for grant recipients; requiring the department to give certain priority in awarding grants; amending ss. 202.20, 331.310, and 610.106, F.S.; conforming cross-references; providing legislative findings regarding widening of a certain roadway; requiring the department to develop and submit to the Governor and Legislature a report with certain specifications; requiring the department to submit to the Governor and Legislature a report regarding department districts; creating s. 332.135,

F.S.; providing definitions; providing construction; requiring airport authorities to prepare and adopt an airport master plan; requiring such plans to address specified public facilities and services; requiring such plans to make a specified determination; requiring an airport authority to send such plan to host local governments; requiring host local governments to review such plan and provide comments within a specified timeframe; requiring an airport authority to advertise such review period and hold an informal informational session for public participation; requiring an airport authority to hold a public hearing, after which it may adopt such plan; requiring an airport authority to post the adopted plan on its website and update such website at a specified time; requiring an airport authority to submit to a host local government a written request for a determination of consistency with the host local government comprehensive plan; requiring such host local government to make such determination within a specified timeframe; providing an assumption if such host local government fails to make such determination; providing that the airport master plan may not conflict with the host local government comprehensive plan; requiring notice to host local

governments for proposals to expand the boundaries of the airport site; authorizing host local governments to impose reasonable development standards and conditions within the expanded area; providing that an airport authority is the exclusive local enforcement agency and has certain jurisdiction; creating s. 332.136, F.S.; establishing an airport pilot program at the Sarasota Manatee Airport Authority; requiring such authority to prepare and adopt an airport master plan; requiring such plan to address specified public facilities and services; requiring such plan to make a specified determination; requiring such authority to send such plan to host local governments; requiring host local governments to review such plan and provide comments within a specified timeframe; requiring such authority to advertise the review period and hold an informal informational session; requiring such authority to hold a public hearing, after which it may adopt such plan; requiring such authority to post the adopted plan on its website and update such website at a specified time; requiring such authority to submit to a host local government a written request for a determination of consistency with the host local government comprehensive plan; requiring the host local government to make such determination within a

specified timeframe; providing an assumption if the host local government fails to make such determination; providing that the airport master plan may not conflict with the host local government comprehensive plan; requiring notice to host local governments for proposals to expand the boundaries of the airport site; authorizing host local governments to impose reasonable development standards and conditions within such expanded area; providing that the SMAA is the exclusive local enforcement agency and has certain jurisdiction; requiring the Department of Transportation to adopt rules; requiring the department, by a specified date, to submit a report to the Governor and the Legislature for specified purposes; providing for repeal on a specified date; providing an effective date.

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

Section 1. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and

ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.9744 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.0966 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and

3., 2.0810 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3653 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal

year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute $166,667 monthly to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified

applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.1162(5) or s. 288.11621(3).

c. The department shall distribute up to $83,333 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to $166,667 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 20 years to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise or not more than 25 years to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

d. The department shall distribute $15,333 monthly to the State Transportation Trust Fund.

e.(I) On or before July 25, 2021, August 25, 2021, and

September 25, 2021, the department shall distribute $324,533,334 in each of those months to the Unemployment Compensation Trust Fund, less an adjustment for refunds issued from the General Revenue Fund pursuant to s. 443.131(3)(e)3. before making the distribution. The adjustments made by the department to the total distributions shall be equal to the total refunds made pursuant to s. 443.131(3)(e)3. If the amount of refunds to be subtracted from any single distribution exceeds the distribution, the department may not make that distribution and must subtract the remaining balance from the next distribution.

(II) Beginning July 2022, and on or before the 25th day of each month, the department shall distribute $90 million monthly to the Unemployment Compensation Trust Fund.

(III) If the ending balance of the Unemployment Compensation Trust Fund exceeds $4,071,519,600 on the last day of any month, as determined from United States Department of the Treasury data, the Office of Economic and Demographic Research shall certify to the department that the ending balance of the trust fund exceeds such amount.

(IV) This sub-subparagraph is repealed, and the department shall end monthly distributions under sub-sub-subparagraph (II), on the date the department receives certification under sub-sub-subparagraph (III).

f. Beginning July 1, 2023, in each fiscal year, the department shall distribute $27.5 million to the Florida

Agricultural Promotional Campaign Trust Fund under s. 571.26, for further distribution in accordance with s. 571.265.

g. Beginning October 1, 2025, and on or before the 25th day of each month thereafter, the department shall distribute 6 cents per kilowatt hour of electricity used at public electric vehicle charging stations to the State Transportation Trust Fund from the proceeds of the tax imposed under s. 212.05(1)(e)1.c. This sub-subparagraph is repealed June 20, 2030.

7. All other proceeds must remain in the General Revenue Fund.

Section 2. Section 218.3211, Florida Statutes, is created to read:

218.3211 County transportation project data.—Each county must annually provide the Department of Transportation with uniform project data. The data must conform to the county's fiscal year and must include, but need not be limited to, details on transportation revenues by source of taxes or fees, expenditure of such revenues for projects that were funded, and the unexpended balance of such revenues. The details of projects must include, but need not be limited to, the cost, location, and scope of each project. The scope of each project must be categorized broadly, such as road widening, repair and rehabilitation, addition of sidewalks, or any similarly broad categorization. Revenues not dedicated to specific projects must be detailed as to what programs the revenues are supporting. The

Department of Transportation must inform each county of the method and format for submitting the data. The Department of Transportation shall compile the data and publish the compilation of data on its website.

Section 3. Section 320.0849, Florida Statutes, is created to read:

320.0849 Expectant mother parking permits.—

(1)(a) The department or its authorized agents shall, upon application, issue an expectant mother parking permit placard or decal to an expectant mother. The placard or decal is valid for up to 1 year after the date of issuance.

(b) The department shall, by rule, provide for the design, size, color, and placement of the expectant mother parking permit placard or decal. The placard or decal must be designed to conspicuously display the expiration date of the permit.

(2) An application for an expectant mother parking permit must include, but need not be limited to:

(a) Certification provided by a physician licensed under chapter 458 or chapter 459 that the applicant is an expectant mother.

(b) The certifying physician's name and address.

(c) The physician's certification number.

(d) The following statement in bold letters: "An expectant mother parking permit may be issued only to an expectant mother and is valid for up to 1 year after the date of issuance."

(e) The signatures of:

1. The certifying physician.

2. The applicant.

3. The employee of the department processing the application.

(3) Notwithstanding any other provision of law, an expectant mother who is issued an expectant mother parking permit under this section may park a motor vehicle in a parking space designated for persons who have disabilities as provided in s. 553.5041.

Section 4. Subsection (14) of section 331.3051, Florida Statutes, is amended to read:

331.3051 Duties of Space Florida.—Space Florida shall:

~~(14) Partner with the Metropolitan Planning Organization Advisory Council to coordinate and specify how aerospace planning and programming will be part of the state's cooperative transportation planning process.~~

Section 5. Subsection (6) of section 334.044, Florida Statutes, is amended to read:

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

(6) To acquire, by the exercise of the power of eminent domain as provided by law, all property or property rights, whether public or private, which it may determine are necessary to the performance of its duties and the execution of its

powers, including advance purchase of property or property rights to preserve a corridor for future proposed improvements.

Section 6. Subsection (3) of section 334.065, Florida Statutes, is amended to read:

334.065 Center for Urban Transportation Research.—

(3) An advisory board shall be created to periodically and objectively review and advise the center concerning its research program. Except for projects mandated by law, state-funded base projects shall not be undertaken without approval of the advisory board. The membership of the board shall consist of nine experts in transportation-related areas, as follows:

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

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

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

(d) The Secretary of Commerce or his or her designee. ~~including the secretaries of the Department of Transportation, the Department of Environmental Protection, and the Department of Commerce, or their designees, and~~

(e) A member of the Florida Transportation Commission.

(f) The nomination of the remaining four members of the board shall be made to the President of the University of South Florida by the College of Engineering at the University of South Florida.~~, and~~ The appointment of these members must be reviewed

and approved by the Florida Transportation Commission and confirmed by the Board of Governors.

Section 7. Section 334.63, Florida Statutes, is created to read:

334.63 Project concept studies; project development and environmental studies.—

(1) All project concept studies and project development and environmental studies for capacity improvement projects on limited-access facilities must include the evaluation of alternatives that provide transportation capacity using elevated roadways above existing lanes.

(2) All project development and environmental studies for new alignment projects and new capacity improvement projects must be completed within 18 months after commencement.

Section 8. Paragraphs (d) and (e) of subsection (7) of section 337.11, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, and subsection (1), paragraph (a) of subsection (3), subsection (4), present paragraphs (a), (b), (c), and (e) of subsection (7), and subsection (15) of that section are amended to read:

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

(1) The department shall have authority to enter into

contracts for the construction and maintenance of all roads designated as part of the State Highway System or the State Park Road System or of any roads placed under its supervision by law. The department shall also have authority to enter into contracts for the construction and maintenance of rest areas, weigh stations, and other structures, including roads, parking areas, supporting facilities and associated buildings used in connection with such facilities. Contractors under contract with the department for such projects provide a service to the department, and ~~However,~~ no such contract shall create any third-party beneficiary rights in any person not a party to the contract.

(3)(a) On all construction contracts of $250,000 or less, and any construction contract ~~of less than $500,000~~ for which the department has waived prequalification under s. 337.14, the department shall advertise for bids in a newspaper having general circulation in the county where the proposed work is located. Publication shall be at least once a week for no less than 2 consecutive weeks, and the first publication shall be no less than 14 days before ~~prior to~~ the date on which bids are to be received.

(4)(a) The department may award the proposed construction and maintenance work to the lowest responsible bidder, or in the instance of a time-plus-money contract, the lowest evaluated responsible bidder, or it may reject all bids and proceed to

rebid the work in accordance with subsection (2) or otherwise perform the work.

(b)1. Notwithstanding any other provision of law to the contrary, on projects for which the department's estimate is $100 million or less, the department shall award the proposed construction and maintenance work to the lowest responsive and responsible bidder. If the department receives bids outside the award criteria set forth by the department, the department must arrange an in-person meeting with the lowest responsive and responsible bidder to ascertain reasons for the bids being over the department's estimate. The department may subsequently award the contract to the lowest responsive and responsible bidder, may reject all bids and proceed to rebid the work, or may invite all responsive and responsible bidders to provide best and final offers without filing a protest or posting a bond under paragraph (5)(a). If the department thereafter awards the contract, the award must be to the bidder who provides the best and final offer.

2. If the department intends to reject all bids on a project after announcing but before posting official notice of its intent to reject all bids, the department must provide to the lowest responsive and responsible bidder the opportunity to negotiate the scope of work with the corresponding reduction in price, as provided in the bid, to provide a best and final offer without filing a protest or posting a bond under paragraph

(5)(a). Upon reaching a decision regarding such bidder's best and final offer, the department must post notice of final agency action to either reject all bids or accept the best and final offer.

3. This subsection does not prohibit the filing of a protest by any bidder or alter the deadlines in s. 120.57.

4. Notwithstanding s. 120.57(3)(c) and s. 287.057(25), upon receipt of a timely filed formal written protest, the department may continue with the process provided for in this section but may not take final agency action as to the lowest responsive and responsible bidder, except as part of the department's final agency action in the protest or if the protesting party dismisses the protest.

(7)(a) If the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a project into a single contract. Such contract is referred to as a design-build contract. For design-build contracts, the department must receive at least three letters of interest, and the department shall request proposals from no fewer than three of the design-build firms submitting such letters of interest. If a design-build firm withdraws from consideration after the department requests proposals, the department may continue if at least two proposals are received.

(b) If the department determines that it is in the best

interests of the public, the department may combine the design and construction phases of a project fully funded in the work program into a single contract and select the design-build firm in the early stages of a project to ensure that the design-build firm is part of the collaboration and development of the design as part of a step-by-step progression through construction. Such a contract is referred to as a phased design-build contract. For phased design-build contracts, selection and award must include a two-phase process. For phase one, the department shall competitively award the contract to a design-build firm based upon qualifications, provided that the department has received at least three statements of qualifications from qualified design-build firms. If the department elects, during phase one, to enter into contracts with more than one design-build firm based on qualifications, the department shall competitively award the contract for phase two to a single design-build firm. For phase two, the design-build firm may independently perform portions of the work and shall competitively bid construction trade subcontractor packages and, based upon the design-build firm's estimates of its independently performed work and these bids, negotiate with the department a ~~fixed firm price or~~ guaranteed maximum price that meets the project budget and scope as advertised in the request for qualifications.

~~(c) Design-build contracts and phased design-build contracts may be advertised and awarded notwithstanding the~~

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

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

(15) Each contract let by the department for performance of bridge construction or maintenance on ~~over~~ navigable waters must contain a provision requiring marine general liability insurance, including protection and indemnity coverage, in an amount to be determined by the department, which covers third-party personal injury and property damage caused by vessels used by the contractor in the performance of the work. Protection and indemnity coverage may be covered by endorsement on the marine

general liability insurance policy or may be a separate policy.

Section 9. Subsection (3) is added to section 337.1101, Florida Statutes, to read:

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

(3) The department may not, through a settlement of a protest filed in accordance with s. 120.57(3) of the award of a contract being procured pursuant to s. 337.11 or related to the purchase of personal property or contractual services being procured pursuant to s. 287.057, create a new contract unless the new contract is competitively procured.

Section 10. Subsections (1), (2), and (8) of section 337.14, Florida Statutes, are amended to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(1)(a) A ~~Any~~ contractor desiring to bid for the performance of a ~~any~~ construction contract in excess of $250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department must address the qualification of contractors to bid on construction contracts in excess of $250,000 and must include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applying contractor which are necessary to perform the specific class of work for which the

contractor seeks certification.

(b) A ~~Any~~ contractor who desires to bid on contracts in excess of $50 million and who is not qualified and in good standing with the department as of January 1, 2019, must first be certified by the department as qualified and must have satisfactorily completed two projects, each in excess of $15 million, for the department or for any other state department of transportation.

(c) The department may limit the dollar amount of any contract upon which a contractor is qualified to bid or the aggregate total dollar volume of contracts such contractor is allowed to have under contract at any one time.

(d)1. Each applying contractor seeking qualification to bid on construction contracts in excess of $250,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application.

2. Each application for certification must be accompanied by audited, certified financial statements prepared in accordance with generally accepted accounting principles and auditing standards by a certified public accountant licensed in this state or another state. The audited, certified financial statements must be for the applying contractor and must have been prepared within the immediately preceding 12 months.

3. The department may not consider any financial

information of the parent entity of the applying contractor, if any.

4. The department may not certify as qualified any applying contractor who fails to submit the audited, certified financial statements required by this subsection.

5. If the application or the annual financial statement shows the financial condition of the applying contractor more than 4 months before the date on which the application is received by the department, the applicant must also submit interim audited, certified financial statements prepared in accordance with generally accepted accounting principles and auditing standards by a certified public accountant licensed in this state or another state. The interim financial statements must cover the period from the end date of the annual statement and must show the financial condition of the applying contractor no more than 4 months before the date that the interim financial statements are received by the department. However, upon the request of the applying contractor, an application and accompanying annual or interim financial statement received by the department within 15 days after either 4-month period under this subsection shall be considered timely.

6. An applying contractor desiring to bid exclusively for the performance of construction contracts with proposed budget estimates of less than $2 million may submit reviewed annual or reviewed interim financial statements prepared by a certified

public accountant.

(e) The information required by this subsection is confidential and exempt from s. 119.07(1).

(f) The department shall act upon the application for qualification within 30 days after the department determines that the application is complete.

(g) The department may waive the requirements of this subsection for:

1. A project with a diverse set of scopes of work that may be performed under the project, typically referred to as a "push-button contract" or a "task work order contract," which has a contract price of $1 million or less; or

2. A project that has ~~projects having~~ a contract price of $500,000 or less if the department determines that the project is of a noncritical nature and the waiver will not endanger public health, safety, or property.

(2) Certification shall be necessary in order to bid on a road, bridge, or public transportation construction contract of more than $250,000. However, the successful bidder on any construction contract must furnish a contract bond before ~~prior to~~ the award of the contract. The department may waive the requirement for all or a portion of a contract bond for contracts of $250,000 ~~$150,000~~ or less under s. 337.18(1).

(8) This section does not apply to maintenance contracts. Notwithstanding any other provision of law, a contractor seeking

to bid on a maintenance contract that predominantly includes repair and replacement of safety appurtenances, including, but not limited to, guardrails, attenuators, traffic signals, and striping, must possess the prescribed qualifications, equipment, past record, and experience required to perform such work.

Section 11. Subsections (4) and (5) of section 337.185, Florida Statutes, are amended to read:

337.185 State Arbitration Board.—

(4) The contractor may submit a claim greater than $250,000 up to $1 million per contract or, upon agreement of the parties, greater than ~~up to~~ $2 million per contract to be arbitrated by the board. An award issued by the board pursuant to this subsection is final if a request for a trial de novo is not filed within the time provided by Rule 1.830, Florida Rules of Civil Procedure. At the trial de novo, the court may not admit evidence that there has been an arbitration proceeding, the nature or amount of the award, or any other matter concerning the conduct of the arbitration proceeding, except that sworn testimony given in connection with ~~at~~ an arbitration hearing may be used for any purpose otherwise permitted by the Florida Evidence Code. If a request for trial de novo is not filed within the time provided, the award issued by the board is final and enforceable by a court of law.

(5) An arbitration request may not be made to the board before final acceptance but must be made to the board:

(a) Within 820 days after final acceptance; or

(b) Within 360 days after written notice by the department of a claim related to a written warranty or defect after final acceptance.

Section 12. Subsection (2) of section 337.19, Florida Statutes, is amended to read:

337.19 Suits by and against department; limitation of actions; forum.—

(2) Suits by and against the department under this section shall be commenced within 820 days after ~~of~~ the final acceptance of the work or within 360 days after written notice by the department of a claim related to a written warranty or defect after final acceptance. ~~This section shall apply to all contracts entered into after June 30, 1993.~~

Section 13. Subsections (3) through (9) of section 337.401, Florida Statutes, are renumbered as subsections (4) through (10), respectively, subsections (1) and (2), paragraphs (a), (c), and (g) of present subsection (3), present subsection (5), paragraph (e) of present subsection (6), and paragraphs (d) and (n) of present subsection (7) are amended, and a new subsection (3) is added to that section, to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1)(a) The department and local governmental entities, referred to in this section and in ss. 337.402-337.404 as the

"authority," that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section and in ss. 337.402-337.404 as the "utility." The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(4).

(b) For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited

access facilities where there is no other practicable alternative available, to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Without limiting or conditioning the department's jurisdiction or authority described in paragraph (a), with respect to limited access right-of-way, such rules may include, but need not be limited to, that the use of the right-of-way for longitudinal placement of electric utility transmission lines is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department's right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right-of-way is required. Such consideration or compensation paid by the ~~electric~~ utility owner in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility owner.

Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will be removed or relocated at the utility owner's ~~electric utility's~~ sole expense. The ~~electric~~ utility owner shall pay to the department reasonable damages resulting from the utility owner's ~~utility's~~ failure or refusal to timely remove or relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and removal or relocation. As used in this subsection, the term "base-load generating facilities" means electric power plants that are certified under part II of chapter 403.

(c) The utility owner shall make all new, replaced, or relocated underground facilities within the right-of-way electronically detectable using techniques approved by the department.

(2) The authority may grant to any person who is a resident of this state, or to any corporation that ~~which~~ is organized under the laws of this state or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may adopt. A utility may not be installed, located, or relocated unless authorized by a written permit issued by the authority. However, for public roads or publicly owned rail corridors under the jurisdiction of the department, a ~~utility~~

~~relocation schedule and~~ relocation agreement may be executed in lieu of a written permit. The permit or relocation agreement must require the utility owner ~~permitholder~~ to be responsible for any damage resulting from the work required ~~issuance of such permit~~. The utility owner shall also pay to the authority reasonable damages resulting from the utility owner's failure or refusal to timely remove or relocate its utility lines. Issuance of permits for new installation of utilities within the authority's rights-of-way may be subject to reimbursement of any costs incurred by the authority due to the failure of the utility owner to timely relocate utilities pursuant to an approved utility work schedule or due to work performed by the utility owner which damages existing infrastructure and causes a roadway failure. The authority may initiate injunctive proceedings as provided in s. 120.69 to enforce ~~provisions of~~ this subsection or any rule or order issued or entered into pursuant to this subsection ~~thereto~~. A permit application required under this subsection by a county or municipality having jurisdiction and control of the right-of-way of any public road must be processed and acted upon in accordance with the timeframes provided in subparagraphs (8)(d)7., 8., and 9. ~~(7)(d)7., 8., and 9.~~

(3)(a) As used in this section, the term "as-built plans" means plans that include all changes and modifications that occur during the construction phase of a project. The authority

and the utility owner shall agree in writing to an approved installation depth of the as-built plans according to the project scope.

(b) The utility owner shall submit as-built plans within 20 business days after completion of the utility work which show actual final surface and subsurface utilities, including location, alignment, profile, installation depth, and geodetic datum of each structure. Such plans shall be in an electronic format compatible with department software. Exceptions to this electronic submission requirement must be agreed upon by the department in writing.

(c) Submission of the as-built plans is a condition precedent to any reimbursement of costs by the authority pursuant to s. 337.403(1)(a).

(4)(a) ~~(3)(a)~~ Because of the unique circumstances applicable to providers of communications services, including, but not limited to, the circumstances described in paragraph (e) and the fact that federal and state law require the nondiscriminatory treatment of providers of telecommunications services, and because of the desire to promote competition among providers of communications services, it is the intent of the Legislature that municipalities and counties treat providers of communications services in a nondiscriminatory and competitively neutral manner when imposing rules or regulations governing the placement or maintenance of communications facilities in the

public roads or rights-of-way. Rules or regulations imposed by a municipality or county relating to providers of communications services placing or maintaining communications facilities in its roads or rights-of-way must be generally applicable to all providers of communications services, taking into account the distinct engineering, construction, operation, maintenance, public works, and safety requirements of the provider's facilities, and, notwithstanding any other law, may not require a provider of communications services to apply for or enter into an individual license, franchise, or other agreement with the municipality or county as a condition of placing or maintaining communications facilities in its roads or rights-of-way. In addition to other reasonable rules or regulations that a municipality or county may adopt relating to the placement or maintenance of communications facilities in its roads or rights-of-way under this subsection or subsection (8) ~~(7)~~, a municipality or county may require a provider of communications services that places or seeks to place facilities in its roads or rights-of-way to register with the municipality or county. To register, a provider of communications services may be required only to provide its name; the name, address, and telephone number of a contact person for the registrant; the number of the registrant's current certificate of authorization issued by the Florida Public Service Commission, the Federal Communications Commission, or the Department of State; a statement of whether

the registrant is a pass-through provider as defined in subparagraph (7)(a)1. ~~(6)(a)1.~~; the registrant's federal employer identification number; and any required proof of insurance or self-insuring status adequate to defend and cover claims. A municipality or county may not require a registrant to renew a registration more frequently than every 5 years but may require during this period that a registrant update the registration information provided under this subsection within 90 days after a change in such information. A municipality or county may not require the registrant to provide an inventory of communications facilities, maps, locations of such facilities, or other information by a registrant as a condition of registration, renewal, or for any other purpose; provided, however, that a municipality or county may require as part of a permit application that the applicant identify at-grade communications facilities within 50 feet of the proposed installation location for the placement of at-grade communications facilities. A municipality or county may not require a provider to pay any fee, cost, or other charge for registration or renewal thereof. It is the intent of the Legislature that the placement, operation, maintenance, upgrading, and extension of communications facilities not be unreasonably interrupted or delayed through the permitting or other local regulatory process. Except as provided in this chapter or otherwise expressly authorized by chapter 202,

chapter 364, or chapter 610, a municipality or county may not adopt or enforce any ordinance, regulation, or requirement as to the placement or operation of communications facilities in a right-of-way by a communications services provider authorized by state or local law to operate in a right-of-way; regulate any communications services; or impose or collect any tax, fee, cost, charge, or exaction for the provision of communications services over the communications services provider's communications facilities in a right-of-way.

(c) Any municipality or county that, as of January 1, 2019, elected to require permit fees from any provider of communications services that uses or occupies municipal or county roads or rights-of-way pursuant to former paragraph (c) or former paragraph (j), Florida Statutes 2018, may continue to require and collect such fees. A municipality or county that elected as of January 1, 2019, to require permit fees may elect to forego such fees as provided herein. A municipality or county that elected as of January 1, 2019, not to require permit fees may not elect to impose permit fees. All fees authorized under this paragraph must be reasonable and commensurate with the direct and actual cost of the regulatory activity, including issuing and processing permits, plan reviews, physical inspection, and direct administrative costs; must be demonstrable; and must be equitable among users of the roads or rights-of-way. A fee authorized under this paragraph may not be

offset against the tax imposed under chapter 202; include the costs of roads or rights-of-way acquisition or roads or rights-of-way rental; include any general administrative, management, or maintenance costs of the roads or rights-of-way; or be based on a percentage of the value or costs associated with the work to be performed on the roads or rights-of-way. In an action to recover amounts due for a fee not authorized under this paragraph, the prevailing party may recover court costs and attorney fees at trial and on appeal. In addition to the limitations set forth in this section, a fee levied by a municipality or charter county under this paragraph may not exceed $100. However, permit fees may not be imposed with respect to permits that may be required for service drop lines not required to be noticed under s. 556.108(5) or for any activity that does not require the physical disturbance of the roads or rights-of-way or does not impair access to or full use of the roads or rights-of-way, including, but not limited to, the performance of service restoration work on existing facilities, extensions of such facilities for providing communications services to customers, and the placement of micro wireless facilities in accordance with subparagraph (8)(e)3. ~~(7)(e)3.~~

1. If a municipality or charter county elects to not require permit fees, the total rate for the local communications services tax as computed under s. 202.20 for that municipality

or charter county may be increased by ordinance or resolution by an amount not to exceed a rate of 0.12 percent.

2. If a noncharter county elects to not require permit fees, the total rate for the local communications services tax as computed under s. 202.20 for that noncharter county may be increased by ordinance or resolution by an amount not to exceed a rate of 0.24 percent, to replace the revenue the noncharter county would otherwise have received from permit fees for providers of communications services.

(g) A municipality or county may not use its authority over the placement of facilities in its roads and rights-of-way as a basis for asserting or exercising regulatory control over a provider of communications services regarding matters within the exclusive jurisdiction of the Florida Public Service Commission or the Federal Communications Commission, including, but not limited to, the operations, systems, equipment, technology, qualifications, services, service quality, service territory, and prices of a provider of communications services. A municipality or county may not require any permit for the maintenance, repair, replacement, extension, or upgrade of existing aerial wireline communications facilities on utility poles or for aerial wireline facilities between existing wireline communications facility attachments on utility poles by a communications services provider. However, a municipality or county may require a right-of-way permit for work that involves

excavation, closure of a sidewalk, or closure of a vehicular lane or parking lane, unless the provider is performing service restoration to existing facilities. A permit application required by an authority under this section for the placement of communications facilities must be processed and acted upon consistent with the timeframes provided in subparagraphs (8)(d)7., 8., and 9. ~~(7)(d)7., 8., and 9.~~ In addition, a municipality or county may not require any permit or other approval, fee, charge, or cost, or other exaction for the maintenance, repair, replacement, extension, or upgrade of existing aerial lines or underground communications facilities located on private property outside of the public rights-of-way. As used in this section, the term "extension of existing facilities" includes those extensions from the rights-of-way into a customer's private property for purposes of placing a service drop or those extensions from the rights-of-way into a utility easement to provide service to a discrete identifiable customer or group of customers.

(6) ~~(5)~~ This section, except subsections (1) and (2) and paragraph (4)(g) ~~(3)(g)~~, does not apply to the provision of pay telephone service on public, municipal, or county roads or rights-of-way.

(7) ~~(6)~~

(e) This subsection does not alter any provision of this section or s. 202.24 relating to taxes, fees, or other charges

or impositions by a municipality or county on a dealer of communications services or authorize that any charges be assessed on a dealer of communications services, except as specifically set forth herein. A municipality or county may not charge a pass-through provider any amounts other than the charges under this subsection as a condition to the placement or maintenance of a communications facility in the roads or rights-of-way of a municipality or county by a pass-through provider, except that a municipality or county may impose permit fees on a pass-through provider consistent with paragraph (4)(c) ~~(3)(c)~~.

(8)~~(7)~~

(d) An authority may require a registration process and permit fees in accordance with subsection (4) ~~(3)~~. An authority shall accept applications for permits and shall process and issue permits subject to the following requirements:

1. An authority may not directly or indirectly require an applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the authority, including reserving fiber, conduit, or pole space for the authority.

2. An applicant may not be required to provide more information to obtain a permit than is necessary to demonstrate the applicant's compliance with applicable codes for the placement of small wireless facilities in the locations identified in the application. An applicant may not be required

to provide inventories, maps, or locations of communications facilities in the right-of-way other than as necessary to avoid interference with other at-grade or aerial facilities located at the specific location proposed for a small wireless facility or within 50 feet of such location.

3. An authority may not:

a. Require the placement of small wireless facilities on any specific utility pole or category of poles;

b. Require the placement of multiple antenna systems on a single utility pole;

c. Require a demonstration that collocation of a small wireless facility on an existing structure is not legally or technically possible as a condition for granting a permit for the collocation of a small wireless facility on a new utility pole except as provided in paragraph (i);

d. Require compliance with an authority's provisions regarding placement of small wireless facilities or a new utility pole used to support a small wireless facility in rights-of-way under the control of the department unless the authority has received a delegation from the department for the location of the small wireless facility or utility pole, or require such compliance as a condition to receive a permit that is ancillary to the permit for collocation of a small wireless facility, including an electrical permit;

e. Require a meeting before filing an application;

f. Require direct or indirect public notification or a public meeting for the placement of communication facilities in the right-of-way;

g. Limit the size or configuration of a small wireless facility or any of its components, if the small wireless facility complies with the size limits in this subsection;

h. Prohibit the installation of a new utility pole used to support the collocation of a small wireless facility if the installation otherwise meets the requirements of this subsection; or

i. Require that any component of a small wireless facility be placed underground except as provided in paragraph (i).

4. Subject to paragraph (r), an authority may not limit the placement, by minimum separation distances, of small wireless facilities, utility poles on which small wireless facilities are or will be collocated, or other at-grade communications facilities. However, within 14 days after the date of filing the application, an authority may request that the proposed location of a small wireless facility be moved to another location in the right-of-way and placed on an alternative authority utility pole or support structure or placed on a new utility pole. The authority and the applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request. At

the conclusion of the negotiation period, if the alternative location is accepted by the applicant, the applicant must notify the authority of such acceptance and the application shall be deemed granted for any new location for which there is agreement and all other locations in the application. If an agreement is not reached, the applicant must notify the authority of such nonagreement and the authority must grant or deny the original application within 90 days after the date the application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.

5. An authority shall limit the height of a small wireless facility to 10 feet above the utility pole or structure upon which the small wireless facility is to be collocated. Unless waived by an authority, the height for a new utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, other than a utility pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the authority shall limit the height of the utility pole to 50 feet.

6. The installation by a communications services provider of a utility pole in the public rights-of-way, other than a utility pole used to support a small wireless facility, is

subject to authority rules or regulations governing the placement of utility poles in the public rights-of-way.

7. Within 14 days after receiving an application, an authority must determine and notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the authority must specifically identify the missing information. An application is deemed complete if the authority fails to provide notification to the applicant within 14 days.

8. An application must be processed on a nondiscriminatory basis. A complete application is deemed approved if an authority fails to approve or deny the application within 60 days after receipt of the application. If an authority does not use the 30-day negotiation period provided in subparagraph 4., the parties may mutually agree to extend the 60-day application review period. The authority shall grant or deny the application at the end of the extended period. A permit issued pursuant to an approved application shall remain effective for 1 year unless extended by the authority.

9. An authority must notify the applicant of approval or denial by electronic mail. An authority shall approve a complete application unless it does not meet the authority's applicable codes. If the application is denied, the authority must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the

documentation to the applicant by electronic mail on the day the authority denies the application. The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days after notice of the denial is sent to the applicant. The authority shall approve or deny the revised application within 30 days after receipt or the application is deemed approved. The review of a revised application is limited to the deficiencies cited in the denial. If an authority provides for administrative review of the denial of an application, the review must be complete and a written decision issued within 45 days after a written request for review is made. A denial must identify the specific code provisions on which the denial is based. If the administrative review is not complete within 45 days, the authority waives any claim regarding failure to exhaust administrative remedies in any judicial review of the denial of an application.

10. An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority may, at the applicant's discretion, file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities. If the application includes multiple small wireless facilities, an authority may separately address small wireless facility collocations for which incomplete information has been received or which are denied.

11. An authority may deny an application to collocate a

small wireless facility or place a utility pole used to support a small wireless facility in the public rights-of-way if the proposed small wireless facility or utility pole used to support a small wireless facility:

a. Materially interferes with the safe operation of traffic control equipment.

b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.

c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.

d. Materially fails to comply with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.

e. Fails to comply with applicable codes.

f. Fails to comply with objective design standards authorized under paragraph (r).

12. An authority may adopt by ordinance provisions for insurance coverage, indemnification, force majeure, abandonment, authority liability, or authority warranties. Such provisions must be reasonable and nondiscriminatory. An authority may require a construction bond to secure restoration of the postconstruction rights-of-way to the preconstruction condition. However, such bond must be time-limited to not more than 18 months after the construction to which the bond applies is

completed. For any financial obligation required by an authority allowed under this section, the authority shall accept a letter of credit or similar financial instrument issued by any financial institution that is authorized to do business within the United States, provided that a claim against the financial instrument may be made by electronic means, including by facsimile. A provider of communications services may add an authority to any existing bond, insurance policy, or other relevant financial instrument, and the authority must accept such proof of coverage without any conditions other than consent to venue for purposes of any litigation to which the authority is a party. An authority may not require a communications services provider to indemnify it for liabilities not caused by the provider, including liabilities arising from the authority's negligence, gross negligence, or willful conduct.

13. Collocation of a small wireless facility on an authority utility pole does not provide the basis for the imposition of an ad valorem tax on the authority utility pole.

14. An authority may reserve space on authority utility poles for future public safety uses. However, a reservation of space may not preclude collocation of a small wireless facility. If replacement of the authority utility pole is necessary to accommodate the collocation of the small wireless facility and the future public safety use, the pole replacement is subject to make-ready provisions and the replaced pole shall accommodate

the future public safety use.

15. A structure granted a permit and installed pursuant to this subsection shall comply with chapter 333 and federal regulations pertaining to airport airspace protections.

(n) This subsection does not affect provisions relating to pass-through providers in subsection (7) ~~(6)~~.

Section 14. Subsections (2) and (3) of section 337.403, Florida Statutes, are renumbered as subsections (4) and (5), respectively, paragraphs (a), (b), (e), and (h) of subsection (1) are amended, and new subsections (2) and (3) are added to that section, 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, upon 30 days' written notice to the utility or its agent by the authority, initiate the work necessary to alleviate the interference at its own expense except as provided in paragraphs (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. The department may reimburse up to 50 percent of the costs for relocation of publicly regulated utility facilities and municipally owned utility facilities or county-owned utility facilities, and 100 percent of the costs for relocation of municipally owned utility facilities or county-owned utility facilities located in a rural area of opportunity, as defined in s. 288.0656(2), on the state highway system after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility when the department has made the determination that such reimbursement is in the best interests of the public and necessary to expedite the construction of the project. The utility owner may opt out of such reimbursement and solely bear the costs of relocation.

(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 in addition to the costs identified in paragraph (a). 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.

(e) If, under an agreement between a utility owner and the authority entered into after July 1, 2009, the utility owner 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.

(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 owner 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.

(2) Before the notice to initiate the work, the department and the utility owner shall adhere to the department's rules and procedures, which shall include, but are not limited to, the following:

(a) The department shall provide the utility owner a letter and a set of preliminary plans for the proposed highway improvement project. The utility owner must provide the department with written acknowledgment of receipt of such plans.

(b) The utility owner shall submit to the department plans showing existing and proposed locations of facilities within a reasonable timeframe as specified by the department in the letter as required under paragraph (a). However, the timeframe specified by the department may not be sooner than 30 days or as agreed on by both parties. If the utility owner fails to submit to the department the plans within 120 days, the department is no longer required to participate in the costs, may withhold any amount due to the utility owner on other projects, and may withhold issuance of any other permits within this state's rights-of-way.

(c) The utility owner's submission shall include with the plans a utility relocation schedule in a manner and timeframe established by the department's written procedures and instructions for approval by the department.

(d) In the event the Governor declares a state of emergency, the utility owner shall receive an extension to the utility relocation schedule that is at least equal to the time extension granted to the contractor by the department. The utility owner shall notify the department of any additional delays associated with causes beyond its control, including, but not limited to, participation in recovery work as a result of mutual aid agreements, within 10 days after the commencement of such delay and shall provide a reasonably complete description as to the cause and nature of the delay and the possible impacts to the approved utility relocation schedule. Ten calendar days after the elimination of the delay, the utility owner shall submit a revised utility relocation schedule for approval by the department. Such approval may not be unreasonably withheld, delayed, or conditioned.

(e) If the utility owner does not initiate work within the time specified in the utility relocation schedule, the department may give the utility owner a final notice directing the utility owner to initiate work within 10 calendar days. If the utility owner does not, within 10 days after receipt of such final notice, begin work, or, having begun work, fails to

complete the work within the time specified in the utility relocation schedule, the department is no longer required to participate in the work, may withhold any amount due to the utility owner, or may exercise its right to obtain injunctive relief as provided in s. 120.69.

(f) If additional utility work is found necessary after the letting date of the highway improvement project, the utility owner shall provide a supplementary utility relocation schedule within 30 calendar days after becoming aware of such additional work, or upon receipt of the department's written notification advising of such work. The utility owner's revised utility relocation schedule must be reviewed and approved by the department to ensure compliance.

(g) The utility owner is responsible for and liable to the department for documented damages resulting from the utility owner's failure to comply with requirements of the utility relocation schedule, including any delay costs incurred by the contractor and approved by the department. Upon notification in writing by the department that the utility owner is liable for damages, including delay costs, the utility owner has 45 days after receipt of such notification to either pay the stated amount to the department or request mediation as provided in subsection (3).

(3)(a) The department's utility relocation procedures shall include, in addition to those set forth in subsection (2),

provisions for the establishment of mediation boards to hear and resolve disputes that may arise between the department and the utility owner concerning:

1. A utility relocation schedule or revised utility relocation schedule that has been submitted by the utility owner but not approved by the department;

2. A contractor's claim for delay costs or other damages related to the utility owner's work; or

3. Any other matter related to the removal, relocation, or adjustment of the utility owner's facilities pursuant to this section.

(b) Such procedures shall include, but not be limited to, the following:

1. Each mediation board shall consist of one mediator designated by the department, one mediator designated by the utility owner, and an independent mediator mutually selected by the department's designee and the utility owner's designee who shall serve as the presiding officer of the mediation board.

2. The mediators shall hold a hearing with regard to each dispute that is submitted to the mediation board for resolution, shall provide notice of the hearing to each party involved in the dispute, and shall afford each party an opportunity to present evidence at the hearing.

3. The mediators shall resolve each issue presented to the mediation board by a majority vote of the mediators.

4. The mediators shall issue a final decision in writing with regard to each dispute that is submitted to the mediation board for resolution and shall serve a copy of the final decision on each party involved in the dispute.

5. All final decisions of the mediation board shall be subject to de novo review in the Second Judicial Circuit Court in Leon County by way of a petition for judicial review filed by the department or the utility owner within 30 days after service of the final decision.

(c) The department may develop rules and procedures governing the mediation, including the mediation of a contested case and the creation of a list of qualified mediators.

Section 15. Subsection (10) of section 339.175, Florida Statutes, is renumbered as subsection (11), subsection (1), paragraph (a) of subsection (2), paragraphs (b), (i), and (j) of subsection (6), paragraphs (a), (b), and (d) of subsection (7), and present subsection (11) are amended, and a new subsection (10) is added to that section, to read:

339.175 Metropolitan planning organization.—

(1) PURPOSE.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of multimodal ~~surface~~ transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas of this state while balancing conservation of

natural resources ~~minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan transportation planning processes identified in this section~~. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic

Intermodal System designated under s. 339.63 and facilities for which projects have been identified pursuant to s. 339.2819(4).

(2) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. To the extent possible, only one M.P.O. shall be designated for each urbanized area or group of contiguous urbanized areas. More than one M.P.O. may be designated within an existing urbanized area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing urbanized area makes the designation of more than one M.P.O. for the area appropriate. After July 1, 2025, no additional M.P.O.'s may be designated in this state except in urbanized areas, as defined by the United States Bureau of the Census, where the urbanized area boundary is not contiguous to an urbanized area designated before the 2020 census~~, in which case each M.P.O. designated for the area must:~~

~~a. Consult with every other M.P.O. designated for the urbanized area and the state to coordinate plans and transportation improvement programs.~~

~~b. Ensure, to the maximum extent practicable, the consistency of data used in the planning process, including data used in forecasting travel demand within the urbanized area~~.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

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

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and

strategies that will:

1. Support the economic vitality of the contiguous urbanized metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.

2. Increase the safety and security of the transportation system for motorized and nonmotorized users.

3. Increase the accessibility and mobility options available to people and for freight.

4. Protect and enhance the environment, conserve natural resources ~~promote energy conservation~~, and improve quality of life.

5. Enhance the integration and connectivity of the transportation system, across and between modes and contiguous urbanized metropolitan areas, for people and freight.

6. Promote efficient system management and operation.

7. Emphasize the preservation of the existing transportation system.

8. Improve the resilience of transportation infrastructure.

9. Reduce traffic and congestion.

~~(i) By December 31, 2023, the M.P.O.'s serving Hillsborough, Pasco, and Pinellas Counties must submit a feasibility report to the Governor, the President of the Senate, and the Speaker of the House of Representatives exploring the benefits, costs, and process of consolidation into a single~~

~~M.P.O. serving the contiguous urbanized area, the goal of which would be to:~~

~~1. Coordinate transportation projects deemed to be regionally significant.~~

~~2. Review the impact of regionally significant land use decisions on the region.~~

~~3. Review all proposed regionally significant transportation projects in the transportation improvement programs.~~

(i)1.~~(j)1.~~ To more fully accomplish the purposes for which M.P.O.'s have been mandated, the department shall, at least annually, convene M.P.O.'s of similar size, based on the size of population served, for the purpose of exchanging best practices. M.P.O.'s may ~~shall~~ develop committees or working groups as needed to accomplish such purpose. At the discretion of the department, training for new M.P.O. governing board members shall be provided by the department, by an entity pursuant to a contract with the department, by the Florida Center for Urban Transportation Research, or by the Implementing Solutions from Transportation Research and Evaluation of Emerging Technologies (I-STREET) living lab ~~coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible~~

~~methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand~~.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provides the purpose for which the entity is created; provides the duration of the agreement and the entity and specifies how the agreement may be terminated, modified, or rescinded; describes the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provides the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provides the manner in which funds may be paid to and disbursed from the

entity; and provides how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. Multiple M.P.O.'s may merge, combine, or otherwise join together as a single M.P.O.

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in

the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan. ~~Multiple M.P.O.'s within a contiguous urbanized area must coordinate the development of long-range transportation plans to be reviewed by the Metropolitan Planning Organization Advisory Council.~~

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan

if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, public-private partnerships, the use of value capture financing, or the use of value pricing. Multiple M.P.O.'s within a contiguous urbanized area must ensure, to the maximum extent possible, the consistency of data used in the planning process.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, trails or facilities that are regionally significant or critical linkages for the Florida Shared-Use Nonmotorized Trail Network, scenic easements, landscaping, integration of advanced air mobility, and integration of autonomous and electric vehicles, electric bicycles, and motorized scooters used for freight, commuter, or micromobility purposes ~~historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising~~.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies,

representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(10) AGREEMENTS; ACCOUNTABILITY.—

(a) Each M.P.O. may execute a written agreement with the department, which shall be reviewed, and updated as necessary, every 5 years, which clearly establishes the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law. Roles, responsibilities, and expectations for accomplishing consistency with federal and state requirements and priorities must be set forth in the agreement. In addition, the agreement must set forth the M.P.O.'s responsibility, in collaboration with the department, to identify, prioritize, and present to the department a complete list of multimodal transportation projects consistent with the needs of the metropolitan planning area. It is the department's responsibility to program projects in the state transportation improvement program.

(b) The department must establish, in collaboration with each M.P.O., quality performance metrics such as safety, infrastructure condition, congestion relief, and mobility. Each

M.P.O. must, as part of its long-range transportation plan, in direct coordination with the department, develop targets for each performance measure within the metropolitan planning area boundary. The performance targets must support efficient and safe movement of people and goods both within the metropolitan planning area and between regions. Each M.P.O. must report progress toward establishing performance targets for each measure annually in its transportation improvement plan. The department shall evaluate and post on its website whether each M.P.O. has made significant progress toward its target for the applicable reporting period.

~~(11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.~~

~~(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.~~

~~(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.~~

~~(c) The powers and duties of the Metropolitan Planning~~

~~Organization Advisory Council are to:~~

~~1. Establish bylaws by action of its governing board providing procedural rules to guide its proceedings and consideration of matters before the council, or, alternatively, adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.~~

~~2. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.~~

~~3. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155. The council must also report annually to the Florida Transportation Commission on the alignment of M.P.O. long-range transportation plans with the Florida Transportation Plan.~~

~~4. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the~~

~~department.~~

~~5. Deliver training on federal and state program requirements and procedures to M.P.O. board members and M.P.O. staff.~~

~~6. Adopt an agency strategic plan that prioritizes steps the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directives.~~

~~(d) The Metropolitan Planning Organization Advisory Council may enter into contracts in accordance with chapter 287 to support the activities described in paragraph (c). Lobbying and the acceptance of funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources are prohibited.~~

Section 16. Subsection (4) of section 339.65, Florida Statutes, is amended to read:

339.65 Strategic Intermodal System highway corridors.—

(4) The department shall develop and maintain a plan of Strategic Intermodal System highway corridor projects that are anticipated to be let to contract for construction within a time period of at least 20 years. The department shall prioritize projects that address gaps in a corridor so that the corridor becomes contiguous. The plan shall also identify when segments of the corridor will meet the standards and criteria developed pursuant to subsection (5).

Section 17. Section 339.84, Florida Statutes, is amended to read:

339.84 Workforce development.—

(1) Beginning in the 2023-2024 fiscal year and annually thereafter for 5 years, $5 million shall be allocated from the State Transportation Trust Fund to the workforce development program as provided in s. 334.044(35) to promote career paths in Florida's road and bridge industry.

(2) In fiscal years 2025-2026 through 2029-2030, the department may expend up to $5 million each fiscal year for grants to Florida College System institutions and high schools for the purchase of equipment simulators with authentic original equipment manufacturer controls. Each grant recipient must offer an elective course in heavy civil construction the curriculum of which is specifically designed to use the simulator and other instructional aides to, at a minimum, provide the student with OSHA 10 Construction certification and an equipment simulator certification. In awarding such grants, the department shall give priority to Florida College System institutions and high schools in rural communities as defined in s. 288.0656(2).

Section 18. Paragraph (b) of subsection (2) of section 202.20, Florida Statutes, is amended to read:

202.20 Local communications services tax conversion rates.—

(2)

(b) Except as otherwise provided in this subsection, "replaced revenue sources," as used in this section, means the following taxes, charges, fees, or other impositions to the extent that the respective local taxing jurisdictions were authorized to impose them prior to July 1, 2000.

1. With respect to municipalities and charter counties and the taxes authorized by s. 202.19(1):

a. The public service tax on telecommunications authorized by former s. 166.231(9).

b. Franchise fees on cable service providers as authorized by 47 U.S.C. s. 542.

c. The public service tax on prepaid calling arrangements.

d. Franchise fees on dealers of communications services which use the public roads or rights-of-way, up to the limit set forth in s. 337.401. For purposes of calculating rates under this section, it is the legislative intent that charter counties be treated as having had the same authority as municipalities to impose franchise fees on recurring local telecommunication service revenues prior to July 1, 2000. However, the Legislature recognizes that the authority of charter counties to impose such fees is in dispute, and the treatment provided in this section is not an expression of legislative intent that charter counties actually do or do not possess such authority.

e. Actual permit fees relating to placing or maintaining facilities in or on public roads or rights-of-way, collected

from providers of long-distance, cable, and mobile communications services for the fiscal year ending September 30, 1999; however, if a municipality or charter county elects the option to charge permit fees pursuant to s. 337.401(4)(c) ~~s. 337.401(3)(c)~~, such fees shall not be included as a replaced revenue source.

2. With respect to all other counties and the taxes authorized in s. 202.19(1), franchise fees on cable service providers as authorized by 47 U.S.C. s. 542.

Section 19. Paragraph (e) of subsection (2) of section 331.310, Florida Statutes, is amended to read:

331.310 Powers and duties of the board of directors.—

(2) The board of directors shall:

(e) Prepare an annual report of operations as a supplement to the annual report required under s. 331.3051(15) ~~s. 331.3051(16)~~. The report must include, but not be limited to, a balance sheet, an income statement, a statement of changes in financial position, a reconciliation of changes in equity accounts, a summary of significant accounting principles, the auditor's report, a summary of the status of existing and proposed bonding projects, comments from management about the year's business, and prospects for the next year.

Section 20. Section 610.106, Florida Statutes, is amended to read:

610.106 Franchise fees prohibited.—Except as otherwise

provided in this chapter, the department may not impose any taxes, fees, charges, or other impositions on a cable or video service provider as a condition for the issuance of a state-issued certificate of franchise authority. No municipality or county may impose any taxes, fees, charges, or other exactions on certificateholders in connection with use of public right-of-way as a condition of a certificateholder doing business in the municipality or county, or otherwise, except such taxes, fees, charges, or other exactions permitted by chapter 202, s. 337.401(7) ~~s. 337.401(6)~~, or s. 610.117.

Section 21. The Legislature finds that the widening of that portion of Interstate 4 between U.S. Highway 27 in Polk County and Interstate 75 in Hillsborough County is in the public interest and in the strategic interest of the region to improve the movement of people and goods. The Department of Transportation shall develop a report that includes, but is not limited to, detailed costs for project development and environmental studies, design, acquisition of rights-of-way, and construction and a schedule to complete the widening as expeditiously as possible. Such report shall identify funding shortfalls and strategies to address such shortfalls, including, but not limited to, using express lane toll revenues generated on the Interstate 4 corridor and other available department funds for public-private partnerships. The department shall submit the report by December 31, 2025, to the Governor, the

President of the Senate, and the Speaker of the House of Representatives.

Section 22. By October 31, 2025, the Department of Transportation shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that provides a comprehensive review of the boundaries of each of the department's districts and whether any district's boundaries should be redrawn as a result of population growth and increased urban density.

Section 23. Section 332.135, Florida Statutes, is created to read:

332.135 Airport authorities created as independent special districts; master plans.—

(1) For purposes of this section, the term:

(a) "Airport authority" means a multicounty airport authority created as an independent special district.

(b) "Airport development" means the construction, reconstruction, conversion, structural alteration, relocation, enlargement, or demolition of a structure on property owned by an airport authority, whether undertaken by the airport authority itself or by one of its tenants.

(c) "Host local government" means:

1. The municipality or county that would, in the absence of the exemption provided by this section, exercise jurisdiction to enforce permitting requirements, plan reviews, building and

zoning requirements, and inspection fees for existing and proposed airport development; or

2. A unit of local government that is responsible for maintaining public facilities serving an airport.

(2) This section is not mandatory, but serves as an alternative to compliance by an airport authority with local government land development regulations. However, any airport authority invoking its authority under this section shall comply with the requirements of this section.

(3)(a) An airport authority invoking its authority under this section shall prepare and adopt an airport master plan in accordance with 49 U.S.C. s. 47101, which shall be subject to review and acceptance by the Federal Aviation Administration.

(b) The airport master plan must address public facilities and services including roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and public transportation. For each such facility or service, the plan shall:

1. Identify the level-of-service standard established by the host local government.

2. Identify the entity that will provide the service to the airport.

3. Describe any financial arrangements between the airport authority and other entities relating to the provision of the facility or service.

The plan shall also determine the impact of existing and proposed airport development reasonably expected over the term of the airport master plan on each service or facility and any deficiencies in such service or facility which the development will create or to which it will contribute.

(c) Before adopting an airport master plan, the airport authority shall send a draft of the plan to the host local governments who shall have 90 days to conduct a review and provide comments to the airport authority. Within 10 days thereafter, the airport authority shall advertise the commencement of the review period in a newspaper of general circulation. The airport authority shall also hold an informal informational session for public participation, which shall be announced in the advertisement at least 10 days in advance. Following receipt and consideration of all comments, the airport authority shall hold a public hearing, after which it may adopt the airport master plan as originally drafted or as it might be revised based on the comments received from the host local governments and members of the public. The airport master plan shall be posted on the airport authority's website and updated at least every 10 years.

(4)(a) Before commencing construction of a new or expanded airport improvement that will create significant impact on the public facilities for which the host local government has

maintenance responsibilities, the airport authority shall submit to the host local government a written request for a determination of consistency with its comprehensive plan. Within 45 days after receipt of such request, the host local government shall determine, in writing, whether the proposed improvement is consistent with its comprehensive plan. If the determination is affirmative, construction may commence, and further local government review or approval is not required.

(b) Failure of the host local government to make a determination in writing within the 45-day period shall be deemed an affirmative determination of consistency. To the extent further review by the host local government is required due to a determination of inconsistency, standards and conditions may not be imposed which conflict with those established in the airport master plan or the Florida Building Code.

(5) An airport master plan may not conflict with the comprehensive plan of the host local government adopted under part II of chapter 163 or with the state comprehensive plan. However, an existing or proposed airport development that is consistent with the airport master plan may not be deemed inconsistent with the host local government's comprehensive plan or the state's comprehensive plan based solely on the development's design and layout, or its location, intensity, scale, building size, mass, bulk, height and orientation, lot

coverage, lot size or configuration, architecture, screening, buffers, setbacks, signage, lighting, internal traffic circulation patterns, loading area locations, operation hours, noise, odor, or other factors of compatibility.

(6) If the airport authority proposes to expand the boundaries of the airport site, it shall notify the applicable host local governments, in writing, in which case the host local governments may impose reasonable development standards and conditions on new development within the expanded land area, but only to address the impacts of the new improvement on public facilities for which the host local government has maintenance responsibilities. Standards and conditions may not be imposed which conflict with those established in this section or the Florida Building Code.

(7) An airport authority that has adopted an airport master plan pursuant to this section is the exclusive local enforcement agency under part IV of chapter 553 and has jurisdiction within the lands subject to the airport master plan to conduct plan reviews, issue permits, and make inspections of buildings and to enforce the Florida Building Code and the Florida Fire Prevention Code. The airport authority must use personnel or contract providers certified under part XII of chapter 468 to conduct the plan reviews and make the inspections required by such codes. Developments are exempt from all other state building codes and all county and municipal land

development regulations, building codes, permitting requirements, plan reviews, or inspection fees, except as provided in s. 553.80.

Section 24. Section 332.136, Florida Statutes, is created to read:

332.136 Sarasota Manatee Airport Authority; airport pilot program.—

(1) There is established an airport pilot program at the Sarasota Manatee Airport Authority (SMAA). The purpose of the pilot program is to determine long-term feasibility of alternative airport permitting procedures.

(2)(a) The SMAA shall prepare and adopt an airport master plan in accordance with 49 U.S.C. s. 47101, which shall be subject to review and acceptance by the Federal Aviation Administration.

(b) The airport master plan must address public facilities and services including roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and public transportation. For each such facility or service, the plan shall:

1. Identify the level-of-service standard established by the host local government.

2. Identify the entity that will provide the service to the SMAA.

3. Describe any financial arrangements between the SMAA

and other entities relating to the provision of the facility or service.

The plan shall also determine the impact of existing and proposed airport development reasonably expected over the term of the airport master plan on each service or facility and any deficiencies in such service or facility which the development will create or to which it will contribute.

(c) Before adopting an airport master plan, the SMAA shall send the plan to the host local governments who shall have 90 days to conduct a review and provide comments to the SMAA. Within 10 days thereafter, the SMAA shall advertise the commencement of the review period in a newspaper of general circulation. The SMAA shall also hold an informal informational session for public participation, which shall be announced in the advertisement at least 10 days in advance. Following receipt and consideration of all comments, the SMAA shall hold a public hearing, after which it may adopt the airport master plan as originally drafted or as it might be revised based on the comments received from the host local governments and members of the public. The airport master plan shall be published on the SMAA's website and updated at least every 10 years.

(3)(a) Before commencing construction of a new or expanded airport improvement that will create significant impact on the public facilities for which the host local government has

maintenance responsibilities, the SMAA shall submit to the host local government a written request for a determination of consistency with its comprehensive plan. Within 45 days after receipt of such request, the host local government shall determine, in writing, whether the proposed improvement is consistent with its comprehensive plan. If the determination is affirmative, construction may commence, and further host local government review or approval is not required.

(b) Failure of the host local government to make a determination, in writing, within the 45-day period shall be deemed an affirmative determination of consistency. To the extent further review by the host local government is required due to a determination of inconsistency, standards and conditions may not be imposed which conflict with those established in the airport master plan or the Florida Building Code.

(4) An airport master plan may not conflict with the comprehensive plan of the host local government adopted under part II of chapter 163 or with the state comprehensive plan. However, an existing or proposed airport development that is consistent with the airport master plan may not be deemed inconsistent with the host local government comprehensive plan or the state comprehensive plan based solely on the development's design and layout, or its location, intensity, scale, building size, mass, bulk, height and orientation, lot

coverage, lot size of configuration, architecture, screening, buffers, setbacks, signage, lighting, internal traffic circulation patterns, loading area locations, operation hours, noise, odor, or other factors of compatibility.

(5) If the SMAA proposes to expand the boundaries of the airport site, it shall notify the applicable host local governments, in writing, in which case the host local governments may impose reasonable development standards and conditions on new development within the expanded land area, but only to address the impacts of the new improvement on public facilities for which the host local government has maintenance responsibilities. Standards and conditions may not be imposed which conflict with those established in this section or the Florida Building Code.

(6) The SMAA is the exclusive local enforcement agency under part IV of chapter 553 and has jurisdiction within the lands subject to the airport master plan to conduct plan reviews, issue permits, and make inspections of buildings and to enforce the Florida Building Code and the Florida Fire Prevention Code. The SMAA must use personnel or contract providers appropriately certified under part XII of chapter 468 to conduct the plan reviews and make the inspections required by such codes. Developments are exempt from all other state building codes and county and municipal land development regulations, building codes, permitting requirements, plan

reviews, or inspection fees, except as provided in s. 553.80.

(7) The Department of Transportation shall adopt rules as necessary to implement the pilot program.

(8) By December 1, 2027, the Department of Transportation shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding any recommendations as to how to expand the pilot program to additional airports or whether to make legislative changes to the pilot program to increase the pilot program's effectiveness or to terminate the pilot program.

(9) This section is repealed on June 30, 2028, unless reviewed and saved from appeal through reenactment by the Legislature.

Section 25. This act shall take effect July 1, 2025.

Economic Infrastructure Subcommittee
HB 567
Transportation

AMENDMENT SUMMARY
March 25, 2025

Amendment 1 by McFarland (strike-all):

- Clarifies the method of distribution of certain tax proceeds to the State Transportation Trust Fund.
- Creates the Traffic Signal Modernization Program within the Florida Department of Transportation (FDOT).
- Requires FDOT to determine the safe and available minimum speed limit on specified highways.
- Increases the maximum allowable speed limits on limited access highways, other highways, and other roadways.
- Removes language providing that contractors provide a service to FDOT.
- Removes a provision related to projects for which FDOT's estimate is $100 million or less.
- Removes provisions related to utility use of the public right-of-way and relocation of utility facilities.
- Clarifies training provisions for metropolitan planning organizations.
- Streamlines provisions that create a pilot program for the Sarasota Manatee Airport Authority and removes duplicative provisions.
- Revises language for clarity throughout the bill.

Amendment a1 by McFarland (line):

- Introduces revised provisions related to utility use of the public right-of-way, including provisions related to relocation of utility facilities.

Amendment a2 by Lopez, V. (line 219):

- Authorizes local governments to adopt ordinances that:
  - Provide one or more minimum age requirements for the operation of an electric bicycle, motorized scooter, or micromobility device; and
  - Require an operator of any of these transportation devices to possess a government-issued photo ID while operating the device.
- Authorizes local governments to provide training on the safe operation of any of these transportation devices and on compliance with applicable state traffic laws.

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 McFarland offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.9744 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.0966 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0810 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3653 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-

existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute $166,667 monthly to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise

provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.1162(5) or s. 288.11621(3).

c. The department shall distribute up to $83,333 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to $166,667 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 20 years to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise or not more than 25 years to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

d. The department shall distribute $15,333 monthly to the State Transportation Trust Fund.

e.(I) On or before July 25, 2021, August 25, 2021, and September 25, 2021, the department shall distribute $324,533,334 in each of those months to the Unemployment Compensation Trust Fund, less an adjustment for refunds issued from the General

Revenue Fund pursuant to s. 443.131(3)(e)3. before making the distribution. The adjustments made by the department to the total distributions shall be equal to the total refunds made pursuant to s. 443.131(3)(e)3. If the amount of refunds to be subtracted from any single distribution exceeds the distribution, the department may not make that distribution and must subtract the remaining balance from the next distribution.

(II) Beginning July 2022, and on or before the 25th day of each month, the department shall distribute $90 million monthly to the Unemployment Compensation Trust Fund.

(III) If the ending balance of the Unemployment Compensation Trust Fund exceeds $4,071,519,600 on the last day of any month, as determined from United States Department of the Treasury data, the Office of Economic and Demographic Research shall certify to the department that the ending balance of the trust fund exceeds such amount.

(IV) This sub-subparagraph is repealed, and the department shall end monthly distributions under sub-sub-subparagraph (II), on the date the department receives certification under sub-sub-subparagraph (III).

f. Beginning July 1, 2023, in each fiscal year, the department shall distribute $27.5 million to the Florida Agricultural Promotional Campaign Trust Fund under s. 571.26, for further distribution in accordance with s. 571.265.

g. Beginning July 1, 2025, and reassessed on or before the 25th day of each month, the department shall distribute $4.167 million from the proceeds of the tax imposed under s. 212.05(1)(e)1.c. to the State Transportation Trust Fund to account for the impact of electric and hybrid vehicles on the state highway system.

7. All other proceeds must remain in the General Revenue Fund.

Section 2. Section 218.3211, Florida Statutes, is created to read:

218.3211 County transportation project data.—Each county must annually provide the Department of Transportation with uniform project data. The data must conform to the county's fiscal year and must include, but need not be limited to, details on transportation revenues by source of taxes or fees, expenditure of such revenues for projects that were funded, and the unexpended balance of such revenues. The details of projects must include, but need not be limited to, the cost, location, and scope of each project. The scope of each project must be categorized broadly, such as road widening, repair and rehabilitation, addition of sidewalks, or any similarly broad categorization. Revenues not dedicated to specific projects must be detailed as to what programs the revenues are supporting. The Department of Transportation must inform each county of the method and format for submitting the data. The Department of

Transportation shall compile the data and publish the compilation of data on its website.

Section 3. Section 316.00832, Florida Statutes, is created to read:

316.00832 Traffic Signal Modernization Program -

(1) The department shall implement a Next-Generation Traffic Signal Modernization Program. The Next-Generation Traffic Signal Modernization Program consists of retrofitting existing traffic signals and controllers and providing communication backbone for remote operations and management of such signals on Florida's State Highway System and non-State Highway System. Such signal upgrades shall be prioritized based on average annual daily traffic and/or adding to an existing interconnected system.

(2) Such program shall consist of an advanced traffic management platform that utilizes radar and camera fusion to deliver accurate detection in all weather conditions, offering fully integrated stop bar and advance detection, alongside dilemma zone and pedestrian protection. In addition to supporting time-of-day signal timing plans, it shall provide real-time traffic optimization to improve flow and enhance safety. Such system must be compliant with leading cybersecurity standards, such as SOC 2 and ISO 27001, ensuring robust data protection.

Section 4. Subsection (2) of section 316.183, Florida

Statutes, is amended to read:

316.183 Unlawful speed.—

(2) On all streets or highways, the maximum speed limits for all vehicles must be 30 miles per hour in business or residence districts, and 55 miles per hour at any time at all other locations. However, with respect to a residence district, a county or municipality may set a maximum speed limit of 20 or 25 miles per hour on local streets and highways after an investigation determines that such a limit is reasonable. It is not necessary to conduct a separate investigation for each residence district. The Department of Transportation shall determine the safe and available minimum speed limit on all highways that are ~~comprise a~~ part of the National System of Interstate and Defense Highways and have at least ~~not fewer than~~ four lanes ~~is 40 miles per hour, except that when the posted speed limit is 70 miles per hour, the minimum speed limit is 50 miles per hour~~.

Section 4. Subsection (2) of section 316.187, Florida Statutes, is amended to read:

316.187 Establishment of state speed zones.—

(2)(a) The maximum allowable speed limit on limited access highways is 75 ~~70~~ miles per hour.

(b) The maximum allowable speed limit on any other highway that ~~which~~ is outside an urban area of 5,000 or more persons and that ~~which~~ has at least four lanes divided by a median strip is

70 ~~65~~ miles per hour.

(c) The Department of Transportation is authorized to set such maximum and minimum speed limits for travel over other roadways under its authority as it deems safe and advisable, not to exceed as a maximum limit 65 ~~60~~ miles per hour.

Section 6. Section 320.0849, Florida Statutes, is created to read:

320.0849 Expectant mother parking permits.—

(1)(a) The department or its authorized agents shall, upon application, issue an expectant mother parking permit placard or decal to an expectant mother. The placard or decal is valid for up to 1 year after the date of issuance.

(b) The department shall, by rule, provide for the design, size, color, and placement of the expectant mother parking permit placard or decal. The placard or decal must be designed to conspicuously display the expiration date of the permit.

(2) An application for an expectant mother parking permit must include, but need not be limited to:

(a) Certification provided by a physician licensed under chapter 458 or chapter 459 that the applicant is an expectant mother.

(b) The certifying physician's name and address.

(c) The physician's certification number.

(d) The following statement in bold letters: "An expectant mother parking permit may be issued only to an expectant mother and is valid for up to 1 year after the date of issuance."

(e) The signatures of:

1. The certifying physician.

2. The applicant.

3. The employee of the department processing the application.

(3) Notwithstanding any other provision of law, an expectant mother who is issued an expectant mother parking permit under this section may park a motor vehicle in a parking space designated for persons who have disabilities as provided in s. 553.5041.

Section 5. Subsection (14) of section 331.3051, Florida Statutes, is amended to read:

331.3051 Duties of Space Florida.—Space Florida shall:

~~(14) Partner with the Metropolitan Planning Organization Advisory Council to coordinate and specify how aerospace planning and programming will be part of the state's cooperative transportation planning process.~~

Section 6. Subsections (4), (5), (7), and (8) of section 332.004, Florida Statutes, are amended to read:

332.004 Definitions of terms used in ss. 332.003-332.007.—As used in ss. 332.003-332.007, the term:

(4) "Airport or aviation development project" or

"development project" means any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, including, but not limited to: the purchase of equipment; the acquisition of land, including land required as a condition of a federal, state, or local permit or agreement for environmental mitigation; off-airport noise mitigation projects; the removal, lowering, relocation, marking, and lighting of airport hazards; the installation of navigation aids used by aircraft in landing at or taking off from a public use airport; the installation of safety equipment required by rule or regulation for certification of the airport under s. 612 of the Federal Aviation Act of 1958, and amendments thereto; and the improvement of access to the airport by road or rail system which is on airport property and which is consistent, to the maximum extent feasible, with the approved local government comprehensive plan of the units of local government in which the airport is located.

(5) "Airport or aviation discretionary capacity improvement projects" or "discretionary capacity improvement projects" means capacity improvements which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government in which the public use airport is located, and which enhance intercontinental capacity at airports which:

(a) Are international airports with United States Bureau of Customs and Border Protection;

(b) Had one or more regularly scheduled intercontinental flights during the previous calendar year or have an agreement in writing for installation of one or more regularly scheduled intercontinental flights upon the commitment of funds for stipulated airport capital improvements; and

(c) Have available or planned public ground transportation between the airport and other major transportation facilities.

(7) "Eligible agency" means a political subdivision of the state or an authority or public-private partnership through a lease or agreement under s. 255.065, with a political subdivision of the state or authority which owns or seeks to develop a public-use airport.

(8) "Federal aid" means funds made available from the Federal Government for the accomplishment of public use airport or aviation development projects.

Section 7. Subsections (4) and (8) of section 332.006, Florida Statutes, are amended to read:

332.006 Duties and responsibilities of the Department of Transportation.—The Department of Transportation shall, within the resources provided pursuant to chapter 216:

(4) Upon request, provide financial and technical assistance to public agencies which own ~~operate~~ public-use airports by making department personnel and department-owned

facilities and equipment available on a cost-reimbursement basis to such agencies for special needs of limited duration. The requirement relating to reimbursement of personnel costs may be waived by the department in those cases in which the assistance provided by its personnel was of a limited nature or duration.

(8) Encourage the maximum allocation of federal funds to local public use airport projects in this state.

Section 8. Paragraphs (a) and (c) of subsection (4), paragraphs (a) and (c) of subsection (6), paragraphs (a) and (d) of subsection (7), and subsections (8) and (10) of section 332.007, Florida Statutes, are amended and new subsection (11) is created to read:

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

(4)(a) The annual legislative budget request for aviation and airport development projects shall be based on the funding required for development projects in the aviation and airport work program. The department shall provide priority funding in support of the planning, design, and construction of proposed projects by local sponsors of public use airports, with special emphasis on projects for runways and taxiways, including the painting and marking of runways and taxiways, lighting, other related airside activities, and airport access transportation facility projects on airport property.

(c) No single public use airport shall secure airport or aviation development project funds in excess of 25 percent of the total airport or aviation development project funds available in any given budget year. However, any public use airport which receives discretionary capacity improvement project funds in a given fiscal year shall not receive greater than 10 percent of total aviation and airport development project funds appropriated in that fiscal year.

(6) Subject to the availability of appropriated funds, the department may participate in the capital cost of eligible public use airport and aviation development projects in accordance with the following rates, unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act:

(a) The department may fund up to 50 percent of the portion of eligible project costs which are not funded by the Federal Government, except that the department may initially fund up to 75 percent of the cost of land acquisition for a new airport or for the expansion of an existing public use airport which is owned and operated by a municipality, a county, or an authority, and shall be reimbursed to the normal statutory project share when federal funds become available or within 10 years after the date of acquisition, whichever is earlier. Due to federal budgeting constraints, the department may also

initially fund the federal portion of eligible project costs subject to:

1. The department receiving adequate assurance from the Federal Government or local sponsor that this amount will be reimbursed to the department; and

2. The department having adequate funds in the work program to fund the project.

Such projects must be contained in the Federal Government's Airport Capital Improvement Program, and the Federal Government must fund, or have funded, the first year of the project.

(c) When federal funds are not available, the department may fund up to 80 percent of master planning and eligible aviation development projects at public use airports that are publicly owned~~, publicly operated airports~~. If federal funds are available, the department may fund up to 80 percent of the nonfederal share of such projects. Such funding is limited to general aviation airports, or commercial service airports that have fewer than 100,000 passenger boardings per year as determined by the Federal Aviation Administration.

(7) Subject to the availability of appropriated funds in addition to aviation fuel tax revenues, the department may participate in the capital cost of eligible public airport and aviation discretionary capacity improvement projects. The annual legislative budget request shall be based on the funding

required for discretionary capacity improvement projects in the aviation and airport work program.

(a) The department shall provide priority funding in support of:

1. Land acquisition which provides additional capacity at the qualifying international airport or at that airport's supplemental air carrier airport.

2. Runway and taxiway projects that add capacity or are necessary to accommodate technological changes in the aviation industry.

3. Public use airport ~~Airport~~ access transportation projects that improve direct airport access and are approved by the airport sponsor.

4. International terminal projects that increase international gate capacity.

(d) The department may fund up to 50 percent of the portion of eligible project costs which are not funded by the Federal Government except that the department may initially fund up to 75 percent of the cost of land acquisition for a new public use airport or for the expansion of an existing public use airport which is owned ~~and operated~~ by a municipality, a county, or an authority, and shall be reimbursed to the normal statutory project share when federal funds become available or within 10 years after the date of acquisition, whichever is earlier.

(8) The department may also fund eligible projects performed by not-for-profit organizations that represent a majority of public airports in this state. Eligible projects may include activities associated with aviation master planning, professional education, safety and security planning, enhancing economic development and efficiency at airports in this state, or other planning efforts to improve the viability of public use airports in this state.

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

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

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

(11) Notwithstanding any other provisions of law, a municipality, county, or an authority that owns a public use airport may participate in the Federal Aviation Administration Airport Investment Partnership Program under Federal law by

contracting with a private partner to operate the airport under lease or agreement. Subject to the availability of appropriated funds from aviation fuel tax revenues, the department may provide for improvements under this section to a municipality, county, or an authority that has a private partner under the Airport Investment Partnership Program for the capital cost of a discretionary improvement project at a public use airport.

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

Section 11. Subsection (6) of section 334.044, Florida Statutes, is amended to read:

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

(6) To acquire, by the exercise of the power of eminent domain as provided by law, all property or property rights, whether public or private, which it may determine are necessary to the performance of its duties and the execution of its powers, including advance purchase of property or property rights to preserve a corridor for future proposed improvements.

Section 9. Subsection (1) and (3) of section 334.065, Florida Statutes, are amended to read:

334.065 Center for Urban Transportation Research.—

(1) There is established within ~~at~~ the University of South Florida the Florida Center for Urban Transportation Research~~, to~~

~~be administered by the Board of Governors of the State University System~~. The responsibilities of the center include, but are not limited to, conducting and facilitating research on issues related to urban transportation problems in this state and serving as an information exchange and depository for the most current information pertaining to urban transportation and related issues.

(3) An advisory board shall be created to periodically ~~and objectively~~ review and advise the center concerning its research program. ~~Except for projects mandated by law, state-funded base projects shall not be undertaken without approval of the advisory board.~~ The membership of the board shall consist of nine experts in transportation-related areas, as follows:

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

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

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

(d) The Secretary of Commerce or his or her designee. ~~including the secretaries of the Department of Transportation, the Department of Environmental Protection, and the Department of Commerce, or their designees, and~~

(e) A member of the Florida Transportation Commission.

(f) Four members nominated by the University of South Florida's College of Engineering and approved by the

university's president. ~~The nomination of the remaining four members of the board shall be made to the President of the University of South Florida by the College of Engineering at the University of South Florida., and The appointment of these members must be reviewed and approved by the Florida Transportation Commission and confirmed by the Board of Governors.~~

Section 10. Section 334.63, Florida Statutes, is created to read:

334.63 Project concept studies; project development and environmental studies.—

(1) All project concept studies and project development and environmental studies for capacity improvement projects on limited-access facilities must include the evaluation of alternatives that provide transportation capacity using elevated roadways above existing lanes.

(2) All project development and environmental studies for new alignment projects and new capacity improvement projects must be completed, to the maximum extent possible, within 18 months after commencement.

Section 11. Paragraphs (d) and (e) of subsection (7) of section 337.11, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, and subsection (1), paragraph (a) of subsection (3), subsection (4), present paragraphs (a), (b),

(c), and (e) of subsection (7), and subsection (15) of that section are amended to read:

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

(1) The department shall have authority to enter into contracts for the construction and maintenance of all roads designated as part of the State Highway System or the State Park Road System or of any roads placed under its supervision by law. The department shall also have authority to enter into contracts for the construction and maintenance of rest areas, weigh stations, and other structures, including roads, parking areas, supporting facilities and associated buildings used in connection with such facilities. However, no such contract shall create any third-party beneficiary rights in any person not a party to the contract.

(3)(a) On all construction contracts of $250,000 or less, and any construction contract of less than $500,000 for which the department has waived prequalification under s. 337.14, the department shall advertise for bids in a newspaper having general circulation in the county where the proposed work is located. Publication shall be at least once a week for no less than 2 consecutive weeks, and the first publication shall be no less than 14 days before ~~prior to~~ the date on which bids are to

be received.

(4)(a) The department may award the proposed construction and maintenance work to the lowest responsible bidder, or in the instance of a time-plus-money contract, the lowest evaluated responsible bidder, or it may reject all bids and proceed to rebid the work in accordance with subsection (2) or otherwise perform the work.

(b)1. Notwithstanding any other provision of law to the contrary, if the department receives bids outside the award criteria set forth by the department, the department must arrange an in-person meeting with the lowest responsive and responsible bidder to ascertain reasons for the bids being over the department's estimate. The department may subsequently award the contract to the lowest responsive and responsible bidder, may reject all bids and proceed to rebid the work, or may invite all responsive and responsible bidders to provide best and final offers without filing a protest or posting a bond under paragraph (5)(a). If the department thereafter awards the contract, the award must be to the bidder who provides the best and final offer.

2. If the department intends to reject all bids on a project after announcing but before posting official notice of its intent to reject all bids, the department must provide to the lowest responsive and responsible bidder the opportunity to negotiate the scope of work with the corresponding reduction in

price, as provided in the bid, to provide a best and final offer without filing a protest or posting a bond under paragraph (5)(a). Upon reaching a decision regarding such bidder's best and final offer, the department must post notice of final agency action to either reject all bids or accept the best and final offer.

3. This subsection does not prohibit the filing of a protest by any bidder or alter the deadlines in s. 120.57.

4. Notwithstanding s. 120.57(3)(c) and s. 287.057(25), upon receipt of a timely filed formal written protest, the department may continue with the process provided for in this section but may not take final agency action as to the lowest responsive and responsible bidder, except as part of the department's final agency action in the protest or if the protesting party dismisses the protest.

(7)(a) If the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a project into a single contract. Such contract is referred to as a design-build contract. For design-build contracts, the department must receive at least three letters of interest, and the department shall request proposals from no fewer than three of the design-build firms submitting such letters of interest. If a design-build firm withdraws from consideration after the department requests proposals, the department may continue if at least two proposals

are received.

(b) If the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a project fully funded in the work program into a single contract and select the design-build firm in the early stages of a project to ensure that the design-build firm is part of the collaboration and development of the design as part of a step-by-step progression through construction. Such a contract is referred to as a phased design-build contract. For phased design-build contracts, selection and award must include a two-phase process. For phase one, the department shall competitively award the contract to a design-build firm based upon qualifications, provided that the department has received at least three statements of qualifications from qualified design-build firms. If the department elects, during phase one, to enter into contracts with more than one design-build firm based on qualifications, the department shall competitively award the contract for phase two to a single design-build firm. For phase two, the design-build firm may independently perform portions of the work and shall competitively bid construction trade subcontractor packages and, based upon the design-build firm's estimates of its independently performed work and these bids, negotiate with the department a ~~fixed firm price or~~ guaranteed maximum price that meets the project budget and scope as advertised in the request for qualifications.

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

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

(15) Each contract let by the department for performance of bridge construction or maintenance on ~~over~~ navigable waters must contain a provision requiring marine general liability insurance, including protection and indemnity coverage, in an amount to be determined by the department, which covers third-party personal injury and property damage caused by vessels used

by the contractor in the performance of the work. Protection and indemnity coverage may be covered by endorsement on the marine general liability insurance policy or may be a separate policy.

Section 12. Subsection (3) is added to section 337.1101, Florida Statutes, to read:

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

(3) The department may not, through a settlement of a protest filed in accordance with s. 120.57(3) of the award of a contract being procured pursuant to s. 337.11 or related to the purchase of personal property or contractual services being procured pursuant to s. 287.057, create a new contract unless the new contract is competitively procured.

Section 13. Subsections (1), (2), and (8) of section 337.14, Florida Statutes, are amended to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(1)(a) A ~~Any~~ contractor desiring to bid for the performance of a ~~any~~ construction contract in excess of $250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department must address the qualification of contractors to bid on construction contracts in excess of $250,000 and must include requirements with respect to the equipment, past record, experience, financial resources, and

organizational personnel of the applying contractor which are necessary to perform the specific class of work for which the contractor seeks certification.

(b) A ~~Any~~ contractor who desires to bid on contracts in excess of $50 million and who is not qualified and in good standing with the department as of January 1, 2019, must first be certified by the department as qualified and must have satisfactorily completed two projects, each in excess of $15 million, for the department or for any other state department of transportation.

(c) The department may limit the dollar amount of any contract upon which a contractor is qualified to bid or the aggregate total dollar volume of contracts such contractor is allowed to have under contract at any one time.

(d)1. Each applying contractor seeking qualification to bid on construction contracts in excess of $250,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application.

2. Each application for certification must be accompanied by audited, certified financial statements prepared in accordance with generally accepted accounting principles and auditing standards by a certified public accountant licensed in this state or another state. The audited, certified financial statements must be for the applying contractor and must have

been prepared within the immediately preceding 12 months.

3. The department may not consider any financial information of the parent entity of the applying contractor, if any.

4. The department may not certify as qualified any applying contractor who fails to submit the audited, certified financial statements required by this subsection.

5. If the application or the annual financial statement shows the financial condition of the applying contractor more than 4 months before the date on which the application is received by the department, the applicant must also submit interim audited, certified financial statements prepared in accordance with generally accepted accounting principles and auditing standards by a certified public accountant licensed in this state or another state. The interim financial statements must cover the period from the end date of the annual statement and must show the financial condition of the applying contractor no more than 4 months before the date that the interim financial statements are received by the department. However, upon the request of the applying contractor, an application and accompanying annual or interim financial statement received by the department within 15 days after either 4-month period under this subsection shall be considered timely.

6. An applying contractor desiring to bid exclusively for the performance of construction contracts with proposed budget

estimates of less than $2 million may submit reviewed annual or reviewed interim financial statements prepared by a certified public accountant.

(e) The information required by this subsection is confidential and exempt from s. 119.07(1).

(f) The department shall act upon the application for qualification within 30 days after the department determines that the application is complete.

(g) The department may waive the requirements of this subsection for:

1. A project with a diverse set of scopes of construction work that may be performed under the project, typically referred to as a "push-button contract" or a "task work order contract," which has a contract price of $1 million or less; or

2. A project that has ~~projects having~~ a contract price of $500,000 or less if the department determines that the project is of a noncritical nature and the waiver will not endanger public health, safety, or property.

(2) Certification shall be necessary in order to bid on a road, bridge, or public transportation construction contract of more than $250,000. However, the successful bidder on any construction contract must furnish a contract bond before ~~prior to~~ the award of the contract. The department may waive the requirement for all or a portion of a contract bond for contracts of $250,000 ~~$150,000~~ or less under s. 337.18(1).

(8) This section does not apply to maintenance contracts. Notwithstanding any other provision of law, a contractor seeking to bid on a maintenance contract for which the majority of the work includes repair and replacement of safety appurtenances, including, but not limited to, guardrails, attenuators, traffic signals, and striping, must possess the prescribed qualifications, equipment, past record, and experience required to perform such work.

Section 14. Subsections (4) and (5) of section 337.185, Florida Statutes, are amended to read:

337.185 State Arbitration Board.—

(4) The contractor may submit a claim greater than $250,000 up to $1 million per contract or, upon agreement of the parties, greater than ~~up to~~ $2 million per contract to be arbitrated by the board. An award issued by the board pursuant to this subsection is final if a request for a trial de novo is not filed within the time provided by Rule 1.830, Florida Rules of Civil Procedure. At the trial de novo, the court may not admit evidence that there has been an arbitration proceeding, the nature or amount of the award, or any other matter concerning the conduct of the arbitration proceeding, except that sworn testimony given in connection with ~~at~~ an arbitration hearing may be used for any purpose otherwise permitted by the Florida Evidence Code. If a request for trial de novo is not filed within the time provided, the award issued by the board is

760 final and enforceable by a court of law.
761 (5) An arbitration request may not be made to the board
762 before final acceptance but must be made to the board:
763 (a) Within 820 days after final acceptance; or
764 (b) Within 360 days after written notice by the department
765 of a claim related to a written warranty or defect after final
766 acceptance.
767 **Section 15. Subsection (2) of section 337.19, Florida**
768 **Statutes, is amended to read:**
769 337.19 Suits by and against department; limitation of
770 actions; forum.—
771 (2) Suits by and against the department under this section
772 shall be commenced within 820 days after ~~of~~ the final acceptance
773 of the work or within 360 days after written notice by the
774 department of a claim related to a written warranty or defect
775 after final acceptance. ~~This section shall apply to all~~
776 ~~contracts entered into after June 30, 1993.~~
777 **Section 16. Subsection (10) of section 339.175, Florida**
778 **Statutes, is renumbered as subsection (11), subsection (1),**
779 **paragraph (a) of subsection (2), paragraphs (b), (i), and (j) of**
780 **subsection (6), paragraphs (a), (b), and (d) of subsection (7),**
781 **and present subsection (11) are amended, and a new subsection**
782 **(10) is added to that section, to read:**
783 339.175 Metropolitan planning organization.—
784 (1) PURPOSE.—It is the intent of the Legislature to

encourage and promote the safe and efficient management, operation, and development of multimodal ~~surface~~ transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas of this state while balancing conservation of natural resources ~~minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan transportation planning processes identified in this section~~. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that

identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic Intermodal System designated under s. 339.63 and facilities for which projects have been identified pursuant to s. 339.2819(4).

(2) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. To the extent possible, only one M.P.O. shall be designated for each urbanized area or group of contiguous urbanized areas. More than one M.P.O. may be designated within an existing urbanized area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing urbanized area makes the designation of more than one M.P.O. for the area appropriate. After July 1, 2025, no additional M.P.O.'s

may be designated in this state except in urbanized areas, as defined by the United States Bureau of the Census, where the urbanized area boundary is not contiguous to an urbanized area designated before the 2020 census~~, in which case each M.P.O. designated for the area must:~~

~~a. Consult with every other M.P.O. designated for the urbanized area and the state to coordinate plans and transportation improvement programs.~~

~~b. Ensure, to the maximum extent practicable, the consistency of data used in the planning process, including data used in forecasting travel demand within the urbanized area~~.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

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

perform project production or delivery for capital improvement projects on the State Highway System.

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the contiguous urbanized metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.

2. Increase the safety and security of the transportation system for motorized and nonmotorized users.

3. Increase the accessibility and mobility options available to people and for freight.

4. Protect and enhance the environment, conserve natural resources ~~promote energy conservation~~, and improve quality of life.

5. Enhance the integration and connectivity of the transportation system, across and between modes and contiguous urbanized metropolitan areas, for people and freight.

6. Promote efficient system management and operation.

7. Emphasize the preservation of the existing transportation system.

8. Improve the resilience of transportation infrastructure.

9. Reduce traffic and congestion.

~~(i) By December 31, 2023, the M.P.O.'s serving Hillsborough, Pasco, and Pinellas Counties must submit a feasibility report to the Governor, the President of the Senate, and the Speaker of the House of Representatives exploring the benefits, costs, and process of consolidation into a single M.P.O. serving the contiguous urbanized area, the goal of which would be to:~~

~~1. Coordinate transportation projects deemed to be regionally significant.~~

~~2. Review the impact of regionally significant land use decisions on the region.~~

~~3. Review all proposed regionally significant transportation projects in the transportation improvement programs.~~

(i)1.~~(j)1.~~ To more fully accomplish the purposes for which M.P.O.'s have been mandated, the department shall, at least annually, convene M.P.O.'s of similar size, based on the size of population served, for the purpose of exchanging best practices. M.P.O.'s may ~~shall~~ develop committees or working groups as needed to accomplish such purpose. Training for new M.P.O. governing board members shall be provided by the department, or, at the discretion of the department, by an entity pursuant to a contract with the department, by the Florida Center for Urban Transportation Research, or by the Implementing Solutions from Transportation Research and Evaluation of Emerging Technologies

(I-STREET) living lab ~~coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand~~.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provides the purpose for which the entity is created; provides the duration of the agreement and the entity and specifies how the agreement may be terminated, modified, or rescinded; describes the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the

relative voting strength is for each constituent M.P.O. or political subdivision; provides the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provides the manner in which funds may be paid to and disbursed from the entity; and provides how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. Multiple M.P.O.'s may merge, combine, or otherwise join together as a single M.P.O.

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government

located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan. ~~Multiple M.P.O.'s within a contiguous urbanized area must coordinate the development of long-range transportation plans to be reviewed by the Metropolitan Planning Organization Advisory Council.~~

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and

private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, public-private partnerships, the use of value capture financing, or the use of value pricing. Multiple M.P.O.'s within a contiguous urbanized area must ensure, to the maximum extent possible, the consistency of data used in the planning process.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, trails or facilities that are regionally significant or critical linkages for the Florida Shared-Use Nonmotorized Trail Network, scenic easements, landscaping, integration of advanced air mobility, and integration of autonomous and electric vehicles, electric bicycles, and motorized scooters used for freight, commuter, or micromobility purposes ~~historic preservation, mitigation of~~

~~water pollution due to highway runoff, and control of outdoor advertising~~.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(10) AGREEMENTS; ACCOUNTABILITY.—

(a) Each M.P.O. may execute a written agreement with the department, which shall be reviewed, and updated as necessary, every 5 years, which clearly establishes the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law. Roles, responsibilities, and expectations for accomplishing consistency with federal and state requirements and priorities must be set forth in the agreement. In addition, the agreement must set forth the M.P.O.'s responsibility, in collaboration with the department, to identify, prioritize, and present to the department a complete list of multimodal transportation projects consistent with the needs of the metropolitan planning area. It is the

department's responsibility to program projects in the state transportation improvement program.

(b) The department must establish, in collaboration with each M.P.O., quality performance metrics such as safety, infrastructure condition, congestion relief, and mobility. Each M.P.O. must, as part of its long-range transportation plan, in direct coordination with the department, develop targets for each performance measure within the metropolitan planning area boundary. The performance targets must support efficient and safe movement of people and goods both within the metropolitan planning area and between regions. Each M.P.O. must report progress toward establishing performance targets for each measure annually in its transportation improvement plan. The department shall evaluate and post on its website whether each M.P.O. has made significant progress toward its target for the applicable reporting period.

~~(11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.~~

~~(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.~~

~~(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative.~~

~~Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.~~

~~(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:~~

~~1. Establish bylaws by action of its governing board providing procedural rules to guide its proceedings and consideration of matters before the council, or, alternatively, adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.~~

~~2. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.~~

~~3. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155. The council must also report annually to the Florida Transportation Commission on the alignment of M.P.O. long-range transportation plans with the Florida Transportation Plan.~~

~~4. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff~~

~~are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.~~

~~5. Deliver training on federal and state program requirements and procedures to M.P.O. board members and M.P.O. staff.~~

~~6. Adopt an agency strategic plan that prioritizes steps the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directives.~~

~~(d) The Metropolitan Planning Organization Advisory Council may enter into contracts in accordance with chapter 287 to support the activities described in paragraph (c). Lobbying and the acceptance of funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources are prohibited.~~

Section 17. Subsection (4) of section 339.65, Florida Statutes, is amended to read:

339.65 Strategic Intermodal System highway corridors.—

(4) The department shall develop and maintain a plan of Strategic Intermodal System highway corridor projects that are anticipated to be let to contract for construction within a time

period of at least 20 years. The department shall prioritize projects that address gaps in a corridor so that the corridor becomes contiguous. The plan shall also identify when segments of the corridor will meet the standards and criteria developed pursuant to subsection (5).

Section 18. Section 339.84, Florida Statutes, is amended to read:

339.84 Workforce development.—

(1) Beginning in the 2023-2024 fiscal year and annually thereafter for 5 years, $5 million shall be allocated from the State Transportation Trust Fund to the workforce development program as provided in s. 334.044(35) to promote career paths in Florida's road and bridge industry.

(2) In fiscal years 2025-2026 through 2029-2030, the department may expend up to $5 million each fiscal year for grants to Florida College System institutions and high schools for the purchase of equipment simulators with authentic original equipment manufacturer controls. Each grant recipient must offer an elective course in heavy civil construction the curriculum of which is specifically designed to use an equipment simulator and other instructional aides to, at a minimum, provide the student with OSHA 10 Construction certification and an equipment simulator certification. In awarding such grants, the department shall give priority to Florida College System institutions and high schools in rural communities as defined in s. 288.0656(2).

Section 19. Paragraph (b) of subsection (2) of section 202.20, Florida Statutes, is amended to read:

202.20 Local communications services tax conversion rates.—

(2)

(b) Except as otherwise provided in this subsection, "replaced revenue sources," as used in this section, means the following taxes, charges, fees, or other impositions to the extent that the respective local taxing jurisdictions were authorized to impose them prior to July 1, 2000.

1. With respect to municipalities and charter counties and the taxes authorized by s. 202.19(1):

a. The public service tax on telecommunications authorized by former s. 166.231(9).

b. Franchise fees on cable service providers as authorized by 47 U.S.C. s. 542.

c. The public service tax on prepaid calling arrangements.

d. Franchise fees on dealers of communications services which use the public roads or rights-of-way, up to the limit set forth in s. 337.401. For purposes of calculating rates under this section, it is the legislative intent that charter counties be treated as having had the same authority as municipalities to impose franchise fees on recurring local telecommunication service revenues prior to July 1, 2000. However, the Legislature recognizes that the authority of charter counties to impose such

fees is in dispute, and the treatment provided in this section is not an expression of legislative intent that charter counties actually do or do not possess such authority.

e. Actual permit fees relating to placing or maintaining facilities in or on public roads or rights-of-way, collected from providers of long-distance, cable, and mobile communications services for the fiscal year ending September 30, 1999; however, if a municipality or charter county elects the option to charge permit fees pursuant to s. 337.401(4)(c) ~~s. 337.401(3)(c)~~, such fees shall not be included as a replaced revenue source.

2. With respect to all other counties and the taxes authorized in s. 202.19(1), franchise fees on cable service providers as authorized by 47 U.S.C. s. 542.

Section 20. Paragraph (e) of subsection (2) of section 331.310, Florida Statutes, is amended to read:

331.310 Powers and duties of the board of directors.—

(2) The board of directors shall:

(e) Prepare an annual report of operations as a supplement to the annual report required under s. 331.3051(15) ~~s. 331.3051(16)~~. The report must include, but not be limited to, a balance sheet, an income statement, a statement of changes in financial position, a reconciliation of changes in equity accounts, a summary of significant accounting principles, the auditor's report, a summary of the status of existing and

proposed bonding projects, comments from management about the year's business, and prospects for the next year.

Section 21. Section 610.106, Florida Statutes, is amended to read:

610.106 Franchise fees prohibited.—Except as otherwise provided in this chapter, the department may not impose any taxes, fees, charges, or other impositions on a cable or video service provider as a condition for the issuance of a state-issued certificate of franchise authority. No municipality or county may impose any taxes, fees, charges, or other exactions on certificateholders in connection with use of public right-of-way as a condition of a certificateholder doing business in the municipality or county, or otherwise, except such taxes, fees, charges, or other exactions permitted by chapter 202, s. 337.401(7) ~~s. 337.401(6)~~, or s. 610.117.

Section 22. The Legislature finds that the widening of that portion of Interstate 4 between U.S. Highway 27 in Polk County and Interstate 75 in Hillsborough County is in the public interest and in the strategic interest of the region to improve the movement of people and goods. The Department of Transportation shall develop a report that includes, but is not limited to, detailed costs for project development and environmental studies, design, acquisition of rights-of-way, and construction and a schedule to complete the widening as expeditiously as possible. Such report shall identify funding

shortfalls and strategies to address such shortfalls, including, but not limited to, using express lane toll revenues generated on the Interstate 4 corridor and other available department funds for public-private partnerships. The department shall submit the report by December 31, 2025, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 23. By October 31, 2025, the Department of Transportation shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that provides a comprehensive review of the boundaries of each of the department's districts and whether any district's boundaries should be redrawn as a result of population growth and increased urban density.

Section 24. Section 332.136, Florida Statutes, is created to read:

332.136 Sarasota Manatee Airport Authority; airport pilot program.—

(1) There is established at the Sarasota Manatee Airport Authority (SMAA) an airport pilot program. The purpose of the pilot program is to determine the long-term feasibility of alternative airport permitting procedures such as those provided in ss. 1013.30, 10133.33 and 553.80, and 1013.371.

(2) The Department shall adopt rules as necessary to implement the pilot program.

(3) By December 1, 2027, the Department shall submit recommendations to the President of the Senate and the Speaker of the House of Representatives about how to expand the program to additional airports, or terminate or amend the pilot program which would increase its effectiveness.

(4) This section shall stand repealed on June 30, 2028, unless reviewed and saved from appeal through reenactment by the Legislature.

Section 25. This act shall take effect July 1, 2025.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to transportation; amending s. 212.20, F.S.; requiring the Department of Revenue to make monthly distributions from certain tax proceeds to the State Transportation Trust Fund; providing for future repeal; creating s. 218.3211, F.S.; requiring counties to annually provide the Department of Transportation with certain project data; providing requirements for such data; providing duties of the department; creating s. 320.0849, F.S.; requiring the Department of Highway Safety and Motor Vehicles to issue expectant mother parking permits; specifying the

validity period thereof; providing design requirements for expectant mother parking permit placards or decals; providing application requirements; authorizing such permitholders to park in certain spaces; amending s. 331.3051, F.S.; conforming provisions to changes made by the act; amending s. 334.044, F.S.; revising conditions under which the Department of Transportation may acquire property through eminent domain; amending s. 334.065, F.S.; revising membership of the Center for Urban Transportation Research advisory board; creating s. 334.63, F.S.; providing requirements for certain project concept studies and project development and environmental studies; amending s. 337.11, F.S.; revising advertisement requirements for certain construction contracts; providing competitive bidding and award requirements for contracts for certain projects; providing construction; revising requirements for requests for proposals for design-build contracts; revising requirements for selection and award of phased design-build contracts; removing provisions relating to design-build and phased design-build contracts and construction; requiring contracts to contain protection and indemnity coverage; amending s. 337.1101, F.S.; prohibiting the department from

creating a new contract that is not competitively procured; amending s. 337.14, F.S.; authorizing the department to waive certain requirements for push-button or task work order contracts; revising the amount of contracts for which the department may waive bonding requirements; requiring a contractor seeking to bid on a certain maintenance contract to possess certain qualifications; amending s. 337.185, F.S.; revising the amount of a contract that may be subject to arbitration; revising the timeframe in which arbitration requests must be made to the State Arbitration Board; amending s. 337.19, F.S.; revising the timeframe in which certain suits by and against the department must commence; removing an obsolete provision; amending s. 339.175, F.S.; revising legislative intent; revising requirements for the designation of additional M.P.O.'s; revising projects and strategies to be considered in developing an M.P.O.'s long-range transportation plan and transportation improvement program; removing obsolete provisions; requiring the department to convene M.P.O.'s of similar size to exchange best practices; authorizing such M.P.O.'s to develop committees or working groups; requiring training for new M.P.O. governing board members to be provided by the

department or another specified entity; removing provisions relating to M.P.O. coordination mechanisms; including public-private partnerships in authorized financing techniques; revising proposed transportation enhancement activities that must be indicated by the long-range transportation plan; authorizing each M.P.O. to execute a written agreement with the department regarding state and federal transportation planning requirements; requiring the department and M.P.O.'s to establish certain quality performance metrics and develop certain performance targets; requiring the department to evaluate and post on its website whether each M.P.O. has made significant progress toward such targets; removing provisions relating to the Metropolitan Planning Organization Advisory Council; amending s. 339.65, F.S.; requiring the department to prioritize certain Strategic Intermodal System highway corridor projects; amending s. 339.84, F.S.; authorizing the department to expend certain funds for grants for the purchase of certain equipment within a specified timeframe; providing requirements for grant recipients; requiring the department to give certain priority in awarding grants; amending ss. 202.20, 331.310, and 610.106, F.S.; conforming cross-references; providing

legislative findings regarding widening of a certain roadway; requiring the department to develop and submit to the Governor and Legislature a report with certain specifications; requiring the department to submit to the Governor and Legislature a report regarding department districts; creating s. 332.136, F.S.; establishing an airport pilot program at the Sarasota Manatee Airport Authority; requiring such authority to prepare and adopt an airport master plan; requiring such plan to address specified public facilities and services; requiring such plan to make a specified determination; requiring such authority to send such plan to host local governments; requiring host local governments to review such plan and provide comments within a specified timeframe; requiring such authority to advertise the review period and hold an informal informational session; requiring such authority to hold a public hearing, after which it may adopt such plan; requiring such authority to post the adopted plan on its website and update such website at a specified time; requiring such authority to submit to a host local government a written request for a determination of consistency with the host local government comprehensive plan; requiring the host local government to make such determination within a

specified timeframe; providing an assumption if the host local government fails to make such determination; providing that the airport master plan may not conflict with the host local government comprehensive plan; requiring notice to host local governments for proposals to expand the boundaries of the airport site; authorizing host local governments to impose reasonable development standards and conditions within such expanded area; providing that the SMAA is the exclusive local enforcement agency and has certain jurisdiction; requiring the Department of Transportation to adopt rules; requiring the department, by a specified date, to submit a report to the Governor and the Legislature for specified purposes; providing for repeal on a specified date; providing an effective date.

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 McFarland offered the following:

Amendment to Amendment (649825) by Representative McFarland (with title amendment)

Between lines 776 and 777 of the amendment, insert:

Section 16. Present subsections (3) through (9) of section 337.401, Florida Statutes, are redesignated as subsections (4) through (10), respectively, paragraph (c) is added to subsection (1) and a new subsection (3) is added to that section, and paragraph (b) of subsection (1), subsection (2), paragraphs (a), (c), and (g) of present subsection (3), present subsection (5), paragraph (e) of present subsection (6), and paragraphs (d) and (n) of present subsection (7) of that section are amended, to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1)

(b) For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts which ~~that~~ are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited access facilities where there is no other practicable alternative available, to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Without limiting or conditioning the department's jurisdiction or authority described in paragraph (a), with respect to limited access right-of-way, such rules may include, but need not be limited to, that the use of the right-of-way for longitudinal placement of electric utility transmission lines is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the

department's right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right-of-way is required. Such consideration or compensation paid by the ~~electric~~ utility owner in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility owner. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will be removed or relocated at the utility owner's ~~electric utility's~~ sole expense. The ~~electric~~ utility owner shall pay to the department reasonable damages resulting from the utility owner's ~~utility's~~ failure or refusal to timely remove or relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and removal or relocation. As used in this subsection, the term "base-load generating facilities" means electric power plants that are certified under part II of chapter 403.

(c) An entity that places, replaces, or relocates underground utilities within a right-of-way must make such

underground utilities electronically detectable using techniques approved by the department.

(2) The authority may grant to any person who is a resident of this state, or to any corporation that ~~which~~ is organized under the laws of this state or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may adopt. A utility may not be installed, located, or relocated unless authorized by a written permit issued by the authority. However, for public roads or publicly owned rail corridors under the jurisdiction of the department, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit. The permit or relocation agreement must require the permitholder or party to the agreement to be responsible for any damage resulting from the work required. The owner of an electric utility as defined in s. 366.02, the owner of a natural gas utility as defined in s. 366.04(3), or the owner of a water or wastewater utility shall pay to the authority actual damages resulting from a failure or refusal to timely remove or relocate a utility. Issuance of permits for new placement of utilities within the authority's rights-of-way may be subject to payment of actual costs incurred by the authority due to the failure of the utility owner to timely relocate utilities pursuant to an approved utility work schedule or for damage done to existing infrastructure by the utility owner.

~~issuance of such permit~~. The authority may initiate injunctive proceedings as provided in s. 120.69 to enforce ~~provisions of~~ this subsection or any rule or order issued or entered into pursuant thereto. A permit application required under this subsection by a county or municipality having jurisdiction and control of the right-of-way of any public road must be processed and acted upon in accordance with the timeframes provided in subparagraphs (8)(d)7., 8., and 9 ~~(7)(d)7., 8., and 9~~.

(3)(a) As used in this subsection, the term "as-built plans" means plans that depict the actual location, depth, and physical configuration of utilities placed within a right-of-way at a location which crosses a navigable waterway or deeper than 10 feet beneath the proposed ground surface.

(b) The authority and utility owner shall agree in writing to an approved level of detail of as-built plans.

(c) The utility owner shall submit as-built plans within 20 business days after completion of the utility work which show actual final surface and subsurface utilities, including location alignment profile, depth, and geodetic datum of each structure. As-built plans must be provided in an electronic format that is compatible with department software and meets technical specifications provided by the department or in an electronic format determined by the utility industry to be in accordance with industry standards. The department may by

written agreement make exceptions to the electronic format requirement.

(d) As-built plans must be submitted before any costs may be reimbursed by the authority under subsection (2).

(4)(a) ~~(3)(a)~~ Because of the unique circumstances applicable to providers of communications services, including, but not limited to, the circumstances described in paragraph (e) and the fact that federal and state law require the nondiscriminatory treatment of providers of telecommunications services, and because of the desire to promote competition among providers of communications services, it is the intent of the Legislature that municipalities and counties treat providers of communications services in a nondiscriminatory and competitively neutral manner when imposing rules or regulations governing the placement or maintenance of communications facilities in the public roads or rights-of-way. Rules or regulations imposed by a municipality or county relating to providers of communications services placing or maintaining communications facilities in its roads or rights-of-way must be generally applicable to all providers of communications services, taking into account the distinct engineering, construction, operation, maintenance, public works, and safety requirements of the provider's facilities, and, notwithstanding any other law, may not require a provider of communications services to apply for or enter into an individual license, franchise, or other agreement with the

municipality or county as a condition of placing or maintaining communications facilities in its roads or rights-of-way. In addition to other reasonable rules or regulations that a municipality or county may adopt relating to the placement or maintenance of communications facilities in its roads or rights-of-way under this subsection or subsection (8) ~~(7)~~, a municipality or county may require a provider of communications services that places or seeks to place facilities in its roads or rights-of-way to register with the municipality or county. To register, a provider of communications services may be required only to provide its name; the name, address, and telephone number of a contact person for the registrant; the number of the registrant's current certificate of authorization issued by the Florida Public Service Commission, the Federal Communications Commission, or the Department of State; a statement of whether the registrant is a pass-through provider as defined in subparagraph (7)(a)1. ~~(6)(a)1.~~; the registrant's federal employer identification number; and any required proof of insurance or self-insuring status adequate to defend and cover claims. A municipality or county may not require a registrant to renew a registration more frequently than every 5 years but may require during this period that a registrant update the registration information provided under this subsection within 90 days after a change in such information. A municipality or county may not require the registrant to provide an inventory of

communications facilities, maps, locations of such facilities, or other information by a registrant as a condition of registration, renewal, or for any other purpose; provided, however, that a municipality or county may require as part of a permit application that the applicant identify at-grade communications facilities within 50 feet of the proposed installation location for the placement of at-grade communications facilities. A municipality or county may not require a provider to pay any fee, cost, or other charge for registration or renewal thereof. It is the intent of the Legislature that the placement, operation, maintenance, upgrading, and extension of communications facilities not be unreasonably interrupted or delayed through the permitting or other local regulatory process. Except as provided in this chapter or otherwise expressly authorized by chapter 202, chapter 364, or chapter 610, a municipality or county may not adopt or enforce any ordinance, regulation, or requirement as to the placement or operation of communications facilities in a right-of-way by a communications services provider authorized by state or local law to operate in a right-of-way; regulate any communications services; or impose or collect any tax, fee, cost, charge, or exaction for the provision of communications services over the communications services provider's communications facilities in a right-of-way.

(c) Any municipality or county that, as of January 1, 2019, elected to require permit fees from any provider of communications services that uses or occupies municipal or county roads or rights-of-way pursuant to former paragraph (c) or former paragraph (j), Florida Statutes 2018, may continue to require and collect such fees. A municipality or county that elected as of January 1, 2019, to require permit fees may elect to forego such fees as provided herein. A municipality or county that elected as of January 1, 2019, not to require permit fees may not elect to impose permit fees. All fees authorized under this paragraph must be reasonable and commensurate with the direct and actual cost of the regulatory activity, including issuing and processing permits, plan reviews, physical inspection, and direct administrative costs; must be demonstrable; and must be equitable among users of the roads or rights-of-way. A fee authorized under this paragraph may not be offset against the tax imposed under chapter 202; include the costs of roads or rights-of-way acquisition or roads or rights-of-way rental; include any general administrative, management, or maintenance costs of the roads or rights-of-way; or be based on a percentage of the value or costs associated with the work to be performed on the roads or rights-of-way. In an action to recover amounts due for a fee not authorized under this paragraph, the prevailing party may recover court costs and attorney fees at trial and on appeal. In addition to the

limitations set forth in this section, a fee levied by a municipality or charter county under this paragraph may not exceed $100. However, permit fees may not be imposed with respect to permits that may be required for service drop lines not required to be noticed under s. 556.108(5) or for any activity that does not require the physical disturbance of the roads or rights-of-way or does not impair access to or full use of the roads or rights-of-way, including, but not limited to, the performance of service restoration work on existing facilities, extensions of such facilities for providing communications services to customers, and the placement of micro wireless facilities in accordance with subparagraph (8)(e)3 ~~(7)(e)3~~.

1. If a municipality or charter county elects to not require permit fees, the total rate for the local communications services tax as computed under s. 202.20 for that municipality or charter county may be increased by ordinance or resolution by an amount not to exceed a rate of 0.12 percent.

2. If a noncharter county elects to not require permit fees, the total rate for the local communications services tax as computed under s. 202.20 for that noncharter county may be increased by ordinance or resolution by an amount not to exceed a rate of 0.24 percent, to replace the revenue the noncharter county would otherwise have received from permit fees for providers of communications services.

(g) A municipality or county may not use its authority over the placement of facilities in its roads and rights-of-way as a basis for asserting or exercising regulatory control over a provider of communications services regarding matters within the exclusive jurisdiction of the Florida Public Service Commission or the Federal Communications Commission, including, but not limited to, the operations, systems, equipment, technology, qualifications, services, service quality, service territory, and prices of a provider of communications services. A municipality or county may not require any permit for the maintenance, repair, replacement, extension, or upgrade of existing aerial wireline communications facilities on utility poles or for aerial wireline facilities between existing wireline communications facility attachments on utility poles by a communications services provider. However, a municipality or county may require a right-of-way permit for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane or parking lane, unless the provider is performing service restoration to existing facilities. A permit application required by an authority under this section for the placement of communications facilities must be processed and acted upon consistent with the timeframes provided in subparagraphs (8)(d)7., 8., and 9 ~~(7)(d)7., 8., and 9~~. In addition, a municipality or county may not require any permit or other approval, fee, charge, or cost, or other exaction for the

maintenance, repair, replacement, extension, or upgrade of existing aerial lines or underground communications facilities located on private property outside of the public rights-of-way. As used in this section, the term "extension of existing facilities" includes those extensions from the rights-of-way into a customer's private property for purposes of placing a service drop or those extensions from the rights-of-way into a utility easement to provide service to a discrete identifiable customer or group of customers.

(6) ~~(5)~~ This section, except subsections (1) and (2) and paragraph (4)(g) ~~(3)(g)~~, does not apply to the provision of pay telephone service on public, municipal, or county roads or rights-of-way.

(7) ~~(6)~~

(e) This subsection does not alter any provision of this section or s. 202.24 relating to taxes, fees, or other charges or impositions by a municipality or county on a dealer of communications services or authorize that any charges be assessed on a dealer of communications services, except as specifically set forth herein. A municipality or county may not charge a pass-through provider any amounts other than the charges under this subsection as a condition to the placement or maintenance of a communications facility in the roads or rights-of-way of a municipality or county by a pass-through provider,

except that a municipality or county may impose permit fees on a pass-through provider consistent with paragraph (4)(c) ~~(3)(c)~~.

(8)~~(7)~~

(d) An authority may require a registration process and permit fees in accordance with subsection (4) ~~(3)~~. An authority shall accept applications for permits and shall process and issue permits subject to the following requirements:

1. An authority may not directly or indirectly require an applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the authority, including reserving fiber, conduit, or pole space for the authority.

2. An applicant may not be required to provide more information to obtain a permit than is necessary to demonstrate the applicant's compliance with applicable codes for the placement of small wireless facilities in the locations identified in the application. An applicant may not be required to provide inventories, maps, or locations of communications facilities in the right-of-way other than as necessary to avoid interference with other at-grade or aerial facilities located at the specific location proposed for a small wireless facility or within 50 feet of such location.

3. An authority may not:

a. Require the placement of small wireless facilities on any specific utility pole or category of poles;

b. Require the placement of multiple antenna systems on a single utility pole;

c. Require a demonstration that collocation of a small wireless facility on an existing structure is not legally or technically possible as a condition for granting a permit for the collocation of a small wireless facility on a new utility pole except as provided in paragraph (i);

d. Require compliance with an authority's provisions regarding placement of small wireless facilities or a new utility pole used to support a small wireless facility in rights-of-way under the control of the department unless the authority has received a delegation from the department for the location of the small wireless facility or utility pole, or require such compliance as a condition to receive a permit that is ancillary to the permit for collocation of a small wireless facility, including an electrical permit;

e. Require a meeting before filing an application;

f. Require direct or indirect public notification or a public meeting for the placement of communication facilities in the right-of-way;

g. Limit the size or configuration of a small wireless facility or any of its components, if the small wireless facility complies with the size limits in this subsection;

h. Prohibit the installation of a new utility pole used to support the collocation of a small wireless facility if the

installation otherwise meets the requirements of this subsection; or

i. Require that any component of a small wireless facility be placed underground except as provided in paragraph (i).

4. Subject to paragraph (r), an authority may not limit the placement, by minimum separation distances, of small wireless facilities, utility poles on which small wireless facilities are or will be collocated, or other at-grade communications facilities. However, within 14 days after the date of filing the application, an authority may request that the proposed location of a small wireless facility be moved to another location in the right-of-way and placed on an alternative authority utility pole or support structure or placed on a new utility pole. The authority and the applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the applicant, the applicant must notify the authority of such acceptance and the application shall be deemed granted for any new location for which there is agreement and all other locations in the application. If an agreement is not reached, the applicant must notify the authority of such nonagreement and the authority must grant or deny the original application within 90 days after the date the application was

filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.

5. An authority shall limit the height of a small wireless facility to 10 feet above the utility pole or structure upon which the small wireless facility is to be collocated. Unless waived by an authority, the height for a new utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, other than a utility pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the authority shall limit the height of the utility pole to 50 feet.

6. The installation by a communications services provider of a utility pole in the public rights-of-way, other than a utility pole used to support a small wireless facility, is subject to authority rules or regulations governing the placement of utility poles in the public rights-of-way.

7. Within 14 days after receiving an application, an authority must determine and notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the authority must specifically identify the missing information. An application is

deemed complete if the authority fails to provide notification to the applicant within 14 days.

8. An application must be processed on a nondiscriminatory basis. A complete application is deemed approved if an authority fails to approve or deny the application within 60 days after receipt of the application. If an authority does not use the 30-day negotiation period provided in subparagraph 4., the parties may mutually agree to extend the 60-day application review period. The authority shall grant or deny the application at the end of the extended period. A permit issued pursuant to an approved application shall remain effective for 1 year unless extended by the authority.

9. An authority must notify the applicant of approval or denial by electronic mail. An authority shall approve a complete application unless it does not meet the authority's applicable codes. If the application is denied, the authority must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant by electronic mail on the day the authority denies the application. The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days after notice of the denial is sent to the applicant. The authority shall approve or deny the revised application within 30 days after receipt or the application is deemed approved. The review of a revised application is limited

to the deficiencies cited in the denial. If an authority provides for administrative review of the denial of an application, the review must be complete and a written decision issued within 45 days after a written request for review is made. A denial must identify the specific code provisions on which the denial is based. If the administrative review is not complete within 45 days, the authority waives any claim regarding failure to exhaust administrative remedies in any judicial review of the denial of an application.

10. An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority may, at the applicant's discretion, file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities. If the application includes multiple small wireless facilities, an authority may separately address small wireless facility collocations for which incomplete information has been received or which are denied.

11. An authority may deny an application to collocate a small wireless facility or place a utility pole used to support a small wireless facility in the public rights-of-way if the proposed small wireless facility or utility pole used to support a small wireless facility:

a. Materially interferes with the safe operation of traffic control equipment.

b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.

c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.

d. Materially fails to comply with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.

e. Fails to comply with applicable codes.

f. Fails to comply with objective design standards authorized under paragraph (r).

12. An authority may adopt by ordinance provisions for insurance coverage, indemnification, force majeure, abandonment, authority liability, or authority warranties. Such provisions must be reasonable and nondiscriminatory. An authority may require a construction bond to secure restoration of the postconstruction rights-of-way to the preconstruction condition. However, such bond must be time-limited to not more than 18 months after the construction to which the bond applies is completed. For any financial obligation required by an authority allowed under this section, the authority shall accept a letter of credit or similar financial instrument issued by any financial institution that is authorized to do business within the United States, provided that a claim against the financial instrument may be made by electronic means, including by

facsimile. A provider of communications services may add an authority to any existing bond, insurance policy, or other relevant financial instrument, and the authority must accept such proof of coverage without any conditions other than consent to venue for purposes of any litigation to which the authority is a party. An authority may not require a communications services provider to indemnify it for liabilities not caused by the provider, including liabilities arising from the authority's negligence, gross negligence, or willful conduct.

13. Collocation of a small wireless facility on an authority utility pole does not provide the basis for the imposition of an ad valorem tax on the authority utility pole.

14. An authority may reserve space on authority utility poles for future public safety uses. However, a reservation of space may not preclude collocation of a small wireless facility. If replacement of the authority utility pole is necessary to accommodate the collocation of the small wireless facility and the future public safety use, the pole replacement is subject to make-ready provisions and the replaced pole shall accommodate the future public safety use.

15. A structure granted a permit and installed pursuant to this subsection shall comply with chapter 333 and federal regulations pertaining to airport airspace protections.

(n) This subsection does not affect provisions relating to pass-through providers in subsection (7) ~~(6)~~.

Section 17. Present subsections (2) and (3) of section 337.403, Florida Statutes, are redesignated as subsections (3) and (), respectively, new subsection (2) is added to that section, and subsection (1) of that section 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, upon 30 days' written notice to the utility or its agent by 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 must ~~shall~~ perform any necessary work upon notice from the department, and the state must ~~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) The department may, at its discretion, provide an incentive to the owner of an electric utility as defined in s. 366.02, the owner of a natural gas utility as defined in s. 366.04(3), or the owner of a water or wastewater utility to facilitate the accelerated completion of utility relocation. Such incentive must be provided for via a joint agreement between the department and the utility.

(c)~~(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 in addition to any costs identified in paragraph (a). 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.

(d) ~~(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.

(e) ~~(d)~~ If the utility facility was initially installed to exclusively serve the authority or its tenants, or both, the authority must ~~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 extends ~~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.

(f) ~~(e)~~ If, under an agreement between a utility owner 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 must ~~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.

(g) ~~(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.

(h) ~~(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.

(i) ~~(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 owner 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.

(j) ~~(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 must ~~shall~~ perform any necessary utility relocation work upon notice from the department, and the department must ~~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 is ~~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.

(k) ~~(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.

(2) Before the notice to initiate the work, the department and the owner of an electric utility as defined in s. 366.02, the owner of a natural gas utility as defined in s. 366.04(3), and the owner of a water or wastewater utility shall follow a procedure that includes all of the following:

(a) The department shall provide to the utility owner preliminary plans for a proposed highway improvement project and notice of a period that begins 30 days and ends within 120 days after receipt of the notice within which the utility owner shall submit to the department the plans required in accordance with

paragraph (b). The utility owner shall provide to the department written acknowledgement of receipt of the preliminary plans.

(b) The utility owner shall submit to the department plans showing existing and proposed locations of utility facilities within the period provided by the department. If the utility owner fails to submit the plans to the department within the period, the department is not required to participate in the work, may withhold any amount due to the utility owner on other projects within the rights-of-way of the same district of the department, and may withhold issuance of any other permits for work within the rights-of-way of the same district of the department.

(c) The plans submitted by the utility owner must include a utility relocation schedule for approval by the department. The utility relocation schedule must include a duration and completion date for the work, and must meet form and timeframe requirements established by department rule.

(d) If a state of emergency is declared by the Governor, the utility is entitled to receive an extension to the utility relocation schedule which is at least equal to any extension granted to the contractor by the department. The utility owner shall notify the department of any additional delays associated with causes beyond the utility owner's control, including, but not limited to, participation in recovery work under a mutual aid agreement. The notification must occur within 10 calendar

days after commencement of the delay and provide a reasonably complete description of the cause and nature of the delay and the possible impacts to the utility relocation schedule. Within 10 calendar days after the cause of the delay ends, the utility owner shall submit a revised utility relocation schedule for approval by the department. The department may not unreasonably withhold, delay, or condition such approval.

(e) If the utility owner does not initiate work in accordance with the utility relocation schedule, the department must provide the utility owner a final notice directing the utility owner to initiate work within 10 calendar days. If the utility owner does not begin work within 10 calendar days after receipt of the final notice or, having so begun work, thereafter fails to complete the work in accordance with the utility relocation schedule, the department is not required to participate in the work, may withhold any amount due to the utility owner for projects within the rights-of-way of the same district of the department, and may exercise its right to obtain injunctive relief under s. 120.69.

(f) If additional utility work is found necessary after the letting date of a highway improvement project, the utility must provide a revised utility relocation schedule within 30 calendar days after becoming aware of the need for such additional work or upon receipt of the department's written notification advising of the need for such additional work. The

department shall review the revised utility relocation schedule for compliance with the form and timeframe requirements of the department and must approve the revised utility relocation schedule if such requirements are met.

(g) The utility owner is liable to the department for documented damages resulting from the utility's failure to comply with the utility relocation schedule, including any delay costs incurred by the contractor and approved by the department. Within 45 days after receipt of written notification from the department that the utility owner is liable for damages, the utility owner must pay to the department the amount for which the utility owner is liable.

T I T L E A M E N D M E N T

Remove line 1299 of the amendment and insert:
provision; amending s. 337.401, F.S.; requiring certain underground utilities to be electronically detectable by specified techniques; requiring the utility owner to pay certain reasonable damages and reimburse certain costs; defining the term "as-built plans"; amending s. 337.403, F.S.; authorizing the department to provide an incentive to specified utility owners under certain circumstances; providing requirements for department rules and procedures for

engaging with utility owners; requiring the department to grant an extension to the utility relocation schedule during a state of emergency; authorizing the department to give final notice if the utility owner does not initiate work within a specified timeframe; authorizing the department to withhold amounts due or exercise injunctive relief under certain circumstances; providing that the utility owner is liable to the department for certain damages; amending s. 339.175, F.S.; revising

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 to Amendment (649825) by Representative McFarland (with title amendment)

Between lines 219 and 220 of the amendment, insert:

Section 6. Subsections (8) and (9) are added to section 316.20655, Florida Statutes, to read:

316.20655 Electric bicycle regulations.—

(8) A local government may adopt an ordinance providing one or more minimum age requirements to operate an electric bicycle and may adopt an ordinance requiring an operator of an electric bicycle to possess a government-issued photographic identification while operating the electric bicycle.

(9) A local government may provide training on the safe operation of electric bicycles and compliance with the traffic laws of this state that apply to electric bicycles.

Section 7. Subsections (7) and (8) are added to section 316.2128, Florida Statutes, to read:

316.2128 Micromobility devices, motorized scooters, and miniature motorcycles; requirements.—

(7) A local government may adopt an ordinance providing one or more minimum age requirements to operate a motorized scooter or micromobility device and may adopt an ordinance requiring a person who operates a motorized scooter or micromobility device to possess a government-issued photographic identification while operating the motorized scooter or micromobility device.

(8) A local government may provide training on the safe operation of motorized scooters and micromobility devices and compliance with the traffic laws of this state that apply to motorized scooters and micromobility devices.

T I T L E A M E N D M E N T

Between lines 1256 and 1257 of the amendment, insert:

amending s. 316.20655, F.S.; authorizing a local government to adopt certain ordinances and provide certain training relating to the safe operation of

electric bicycles; amending s. 316.2128, F.S.; authorizing a local government to adopt certain ordinances and provide certain training relating to the safe operation of motorized scooters and micromobility devices;

HB 1123

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 1123	**COMPANION BILL:** SB 1784 (Pizzo)
TITLE: Sewer Collection Systems	**LINKED BILLS:** None
SPONSOR(S): Cassel	**RELATED BILLS:** None

Committee References

Intergovernmental Affairs (17 Y, 0 N) ➤ Economic Infrastructure ➤ State Affairs

SUMMARY

Effect of the Bill:

The bill authorizes a municipality that operates a sewer utility to use revenue generated by the municipality's operation of a central sewage system to expand the central sewage system.

Fiscal or Economic Impact:

None

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill authorizes a municipality that operates a sewer utility to use revenue generated by the municipality's operation of a central sewage system to expand the central sewage system. (Section 1)

The effective date of the bill is July 1, 2025. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Municipal Water and Sewer Utilities

General law authorizes municipalities to provide water and sewer utility services.[1] A municipality may use all of its corporate powers to provide water and sewer utility services, including to unincorporated areas outside of its municipal boundaries.[2] To begin initial construction or expansion of a water or sewer utility, the municipality must adopt an ordinance or resolution stating its purpose, the proposed area to be included, whether mortgage revenue certificates or debentures will be necessary to finance the project and the cost of those debt instruments, and any other provisions the city council deems necessary.[3] The municipality must pass a second ordinance or resolution at least 40 days after the first to authorize construction to begin.[4]

If the municipality is proposing the construction or extension of a central sewage system, the ordinance or resolution must contain a report that includes a study of available information from the Department of Environmental Protection (DEP) including:

[1] 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.
[2] S. 180.02(2), F.S.
[3] S. 180.03(1), F.S.
[4] S. 180.04, F.S.

- The history of onsite sewage treatment and disposal systems currently in use in the area;
- A comparison of the projected costs to the typical lot or parcel owner of connecting to and using the proposed central sewage system versus installing, operating, and properly maintaining an onsite sewage treatment and disposal system that is approved by the DEP and that provides for the comparable level of environmental and health protection as the proposed central sewerage system;
- Consideration of the municipality's obligations for water body cleanup and protection under state or federal programs, including requirements for water bodies in the Clean Water Act; and
- Any other factors the municipality deems relevant.[5]

Municipal Funding

Current law authorizes municipalities to raise the amounts of money necessary for the conduct of the municipal government.[6] 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. Municipalities routinely transfer a portion of their utility earnings to their general funds for non-utility purposes, though the amounts and percentages may vary widely among municipalities.[7] These transfers may be limited in some circumstances by ordinance, but they are not governed by state law.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee	17 Y, 0 N	3/19/2025	Darden	Darden
Economic Infrastructure Subcommittee			Keating	Garcia
State Affairs Committee				

[5] S. 180.03(3), F.S.
[6] S. 166.201, F.S.
[7] Presentation on *Florida Public Power* by Florida Municipal Electric Association to House Energy, Communications & Cybersecurity Subcommittee on Feb. 9, 2023, slide 6, (last visited Mar. 15, 2025).

A bill to be entitled

An act relating to the sewer collection systems; amending s. 180.03, F.S.; authorizing municipalities to use certain funds for a specified purpose; providing an effective date.

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

Section 1. Subsection (4) is added to section 180.03, Florida Statutes, to read:

180.03 Resolution or ordinance proposing construction or extension of utility; objections to same.—

(4) A municipality is authorized to utilize revenue generated by the municipality from operation of the municipality's central sewage system for expansion of the central sewage system.

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

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

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 1239	**COMPANION BILL:** SB 1574 (DiCeglie)
TITLE: Energy Infrastructure Investment	**LINKED BILLS:** None
SPONSOR(S): Kincart Jonsson	**RELATED BILLS:** None

Committee References

Economic Infrastructure ➤ Commerce

SUMMARY

Effect of the Bill:

The bill authorizes the Public Service Commission to create an experimental cost recovery mechanism to facilitate investment in certain gas infrastructure projects that collect, prepare, clean, process, transport, or inject gas as a transportation fuel or for pipeline distribution. For purposes of the bill, "gas " is defined as anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater – commonly referred to as renewable natural gas – which may be used as a transportation fuel or for pipeline distribution.

Fiscal or Economic Impact:

None

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill provides that the Public Service Commission (PSC), under its rate setting authority, may establish an experimental mechanism to facilitate energy infrastructure investments in gas consistent with the structure set forth in s. 366.96(7) and (8), F.S.,[1] and the intent of s. 366.91, F.S.[2] The bill provides that these investments may include only projects that collect, prepare, clean, process, transport, or inject gas as a transportation fuel or for pipeline distribution.

For purposes of this experimental mechanism, the bill defines "gas " is defined as anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater – commonly referred to as renewable natural gas[3] – which may be used as a transportation fuel or for pipeline distribution.

The bill requires the PSC to adopt rules to implement and administer the provisions of the bill and requires the PSC to propose such rules for adoption no later than January 1, 2026. (Section 1.)

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

[1] These statutory provisions establish the mechanism by which an investor-owned electric utility may recover, through a customer charge separate from the utility's base rates, its prudently incurred costs associated with PSC-approved storm protection plans. This mechanism requires an annual proceeding to determine prudently incurred cots, but the bill provides the PSC with discretion to determine whether or not to conduct the experimental mechanism authorized by the bill in an annual proceeding.

[2] This provision provides this legislative finding: "[I]t is in the public interest to promote the development of renewable energy resources in this state. Renewable energy resources have the potential to help diversify fuel types to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies."

[3] *See* s. 366.91(f), F.S.

RULEMAKING:

The bill requires the PSC to adopt rules to implement and administer the provisions of the bill and requires the PSC to propose such rules for adoption no later than January 1, 2026.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Rate Setting for Public Utilities

The Public Service Commission (PSC) has broad jurisdiction over the rates and service of public (investor-owned) electric and natural gas utilities in Florida.[4] Under this broad grant of authority, and through more specific grants of authority in chapter 366, F.S., the PSC sets rates for such utilities through various mechanisms, each of which is established in a separate administrative proceeding, typically a formal evidentiary hearing.

For natural gas utilities, the largest portions of these rates are comprised of base rates, which cover most of a utility's operations and maintenance expenses, recovery of its capital investment through depreciation expense, and a return on that investment, plus charges that reflect the utility's cost to procure natural gas. Base rates are adjusted as needed through general rate cases, while "purchased gas" charges are adjusted annually through a "cost recovery clause" proceeding. A much smaller portion of natural gas utility rates reflects the costs of energy conservation and efficiency programs.[5]

Similarly, the largest portions of electric utility rates are comprised of base rates plus annually adjusted "fuel and purchased power" charges that reflect the utility's costs to procure power plant fuel and to purchase wholesale electricity. Other portions of electric utility rates reflects the costs to comply with government-mandated environmental standards,[6] energy efficiency and conservation program costs,[7] storm protection plan costs,[8] and, on occasion, storm recovery costs. Each of these charges is set in an annual proceeding.

The PSC is also authorized to establish certain experimental rates.[9]

Renewable Natural Gas

Florida law provides that it is in the public interest to promote the development of renewable energy resources to help diversify fuel types for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.[10]

Renewable natural gas (RNG) is the gaseous product of the decomposition of organic matter, processed into a pipeline-quality gas that is fully interchangeable with conventional natural gas. Primary sources of RNG include landfills, livestock operations, and wastewater treatment facilities.[11]

In 2021, the Legislature added the term "renewable natural gas" to Florida law and defined it as "anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater

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[4] *See, e.g.,* ss. 366.01, 366.04(1), 366.041, 366.05(1), and 366.06, F.S.
[5] S. 366.82, F.S.
[6] S. 366.8255, F.S.
[7] S. 366.82, F.S.
[8] S. 366.96, F.S.
[9] S. 366.075, F.S.
[10] S. 366.91(1), F.S.
[11] Office of Energy Efficiency & Renewable Energy, *Alternative Fuels Data Center – Renewable Natural Gas Production*, U.S. Department of Energy, https://afdc.energy.gov/fuels/natural_gas_renewable.html (last visited Mar. 21, 2025).

which may be used as a transportation fuel or for electric generation or is of a quality capable of being injected into a natural gas pipeline." The legislation authorized the PSC to approve cost recovery for the purchase of RNG by natural gas public utilities, even if pricing exceeds the current market price of natural gas, if the PSC deems the purchase to be reasonable and prudent.[12]

Renewable Fuel Standard Program

Created as part of the Energy Policy Act of 2005, the Renewable Fuel Standard (RFS) program is a national program that requires a certain volume of renewable fuel to be used to replace or reduce the quantity of fossil fuel in transportation fuel, home heating oil, or jet fuel.[13] The program is administered by the U.S. Environmental Protection Agency (EPA). Refiners or importers of gasoline or diesel fuel are obligated under the RFS program to obtain and retire enough credits representing renewable fuel sufficient to meet annual volume targets established by formula.[14] These credits can be generated by renewable fuel producers, including renewable natural gas producers, and may be purchased by obligated refiners and importers to achieve compliance with the RFS program.[15]

Under the RFS program, a producer of renewable natural gas may generate credits reflecting the volume of such gas used as a transportation fuel and sell those credits to refiners and importers of gasoline or diesel fuel obligated to comply with the program.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/SB 480	Yeager	DiCeglie	Passed the Senate, but died in the House.
2023	CS/CS/SB 1162	Yeager	DiCeglie	Passed the Senate, but died in the House.

BILL HISTORY

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

[12] Ch. 2021-178, Laws of Fla., codified at s. 366.91(2)(f) and (9), F.S.
[13] *See* U.S. Environmental Protection Agency, *Overview of the Renewable Fuel Standard Program,* https://www.epa.gov/renewable-fuel-standard-program/overview-renewable-fuel-standard-program (last visited Mar. 21, 2025).
[14] *Id.*
[15] *Id.*

A bill to be entitled

An act relating to energy infrastructure investments; amending s. 366.075, F.S.; authorizing the Public Service Commission to establish an experimental mechanism that meets certain requirements to facilitate certain energy infrastructure investments in gas; providing requirements for gas infrastructure investments; authorizing the commission to make certain determinations regarding the experimental mechanism; defining the term "gas"; requiring the commission to adopt rules and propose such rules by a specified date; providing an effective date.

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

Section 1. Subsection (3) is added to section 366.075, Florida Statutes, to read:

366.075 Experimental and transitional rates; experimental mechanisms.—

(3) The commission may establish an experimental mechanism to facilitate energy infrastructure investments in gas consistent with the structure set forth in s. 366.96(7) and (8) and the intent of s. 366.91(1). Such gas infrastructure investments may include only such investments that collect, prepare, clean, process, transport, or inject gas as a

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

transportation fuel or for pipeline distribution. The commission shall have discretion to determine whether such mechanism is conducted in an annual proceeding. As used in this subsection, the term "gas" means anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater which may be used as a transportation fuel or pipeline distribution. The commission shall adopt rules to implement and administer this subsection and shall propose such rules for adoption as soon as practicable but no later than January 1, 2026.

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 7009 PCB GOS 25-04	**COMPANION BILL:** SB 7006
TITLE: OGSR/Public Safety Communication Systems	**LINKED BILLS:** None
SPONSOR(S): Government Operations Subcommittee, Conerly	**RELATED BILLS:** None

Committee References

Orig. Comm.: Government Operations (17 Y, 0 N) ➤ Economic Infrastructure ➤ State Affairs

SUMMARY

Effect of the Bill:

The bill saves from repeal the public record and public meeting exemptions that protect from disclosure documents used in the planning, building, and maintenance of 911, E911, and other public safety radio communication system infrastructure. The public record and public meeting exemptions will repeal on October 2, 2025, if this bill does not become law.

Fiscal or Economic Impact:

None.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill removes the scheduled repeal, created pursuant to the Open Government Sunset Review Act (OGSR Act), of the public record and public meeting exemptions that protect from disclosure certain records that identify the design, scope, and location of 911, E911, or public safety radio communication system infrastructure owned and operated by an agency. The exemptions will repeal on October 2, 2025, if the bill does not become a law. (Section 1)

The effective date of the bill is October 1, 2025. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSR Act)[1] sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.[2]

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.

[1] S. 119.15, F.S.
[2] S. 119.15(3), F.S.

- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.[3]

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.[4]

911 and E911

Since 1973, the state of Florida, in conjunction with Florida's counties, has funded technological advancements in statewide emergency number systems for emergency communications between citizens and visitors and emergency services.[5] Basic 911 service was established statewide in 1997.[6] In 2005, wireline enhanced 911 (E911) service was implemented in all of Florida's 67 counties to obtain a 911 caller's telephone number and address.[7] In 2007, Florida's wireless 911 board transitioned to the E911 Board with the intent of implementing enhanced 911 services.[8] Phase I of the enhanced services provided call back numbers and the location of cell sites utilized for making the call into 911; Phase II provided location information for the actual cellular caller. These enhancements were completed March 31, 2008.[9] Currently, Florida's counties are working on technical, funding, and deployment issues in an effort to provide statewide text-to-911 services. As of February 2025, 64 of Florida's 67 counties offer text-to-911 service.[10]

Public Record Exemption under Review

In 2020, the Legislature created a public record exemption for specific records that identify the design, scope, and location of 911, E911, or public safety radio communication system infrastructure owned and operated by an agency.[11] Specifically, the public record exemption provides that the following records are exempt[12] from disclosure:

- Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio communication services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency; and
- Geographical maps indicating the actual or proposed locations of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency.

The information may be disclosed in three circumstances, provided that any entity who receives the information must maintain its exempt status. First, it may be disclosed to another governmental entity if necessary for the receiving entity to perform its duties and responsibilities. Second, it may be disclosed to a licensed architect,

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[3] S. 119.15(6)(b), F.S.
[4] Art. I, s. 24(c), FLA. CONST.
[5] Department of Management Services, *Florida Emergency Communications Board* (last visited Mar. 14, 2025).
[6] *Id.*
[7] *Id.*
[8] *Id.*
[9] *Id.*
[10] Department of Management Services, *Florida Text-to-911 Status (by county)* (last visited Mar. 14, 2025).
[11] S. 119.071(3)(e), F.S.
[12] There is a difference between records the Legislature designates *exempt* from public record requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *See WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So.3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. *See* Op. Att'y Gen. Fla. 04- 09 (2004).

contractor, or engineer who is performing work on or related to the 911, E911, or public safety radio communication system infrastructure. Third, it may be disclosed upon a showing of good cause before a court of competent jurisdiction.

The Legislature also created a public meeting exemption for any portion of a meeting that would reveal the protected records.[13] All portions of a public meeting that are exempted must be recorded and transcribed. The recordings and transcripts are confidential and exempt from disclosure as public records except to the extent that any portion of the recording or transcript is determined by a court of competent jurisdiction, upon review, to reveal nonexempt data.

The 2020 public necessity statement[14] provided that:

> 911, E911, and public safety radio communication facilities, including towers and antennae, are a vital link in the chain of survival. Such critical infrastructure must be protected as any disruption during an active shooter or other terror event is very likely to result in greater loss of life and property damage. To function properly, towers and antennae need to be visible, increasing the security risk of such facilities. Because architectural and engineering plans reviewed and held by counties, municipalities, and other government agencies include information about towers, equipment, ancillary facilities, critical systems, and restricted areas, these plans could be used by criminals or terrorists to examine the physical plant for vulnerabilities. Information contained in these documents could aid in the planning of, training for, and execution of criminal actions, including cybercrime, arson, and terrorism. Consequently, the Legislature finds that it is a public necessity to exempt such information from public records requirements to reduce exposure to security threats and protect the public.[15]

Pursuant to the OGSR Act, the exemption will repeal on October 2, 2025, unless reenacted by the Legislature.

During the 2024 interim, House and Senate staff jointly sent a survey requesting information concerning the public record and public meeting exemptions to Florida's counties, law enforcement agencies, and 911 dispatchers. A total of 54 responses were received with the vast majority indicating that the exemptions be reenacted as is.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Government Operations Subcommittee	17 Y, 0 N	3/18/2025	Toliver	Lines
Economic Infrastructure Subcommittee			Keating	Keating
State Affairs Committee				

[13] S. 286.0113(4), F.S.
[14] Art. I, s. 24(c), FLA. CONST., requires each public record exemption to "state with specificity the public necessity justifying the exemption."
[15] Ch. 2020-13, L.O.F.

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public record requirements for certain documents which depict the structural elements of certain 911, E911, or public safety radio communication system infrastructure, structures, or facilities, as well as geographical maps indicating the actual or proposed locations of certain 911, E911, or public safety radio communication infrastructure, structures, or facilities; removing the scheduled repeal of the exemption; amending s. 286.0113, F.S., which provides an exemption from public meeting requirements for portions of meetings that would reveal certain documents depicting the structural elements of 911, E911, or public safety radio communication system infrastructure, structures, or facilities, or geographical maps indicating the locations or proposed locations of 911, E911, or public safety radio communication system infrastructure, structures, or facilities, as well an exemption from public record requirements for the recording and transcription of the exempt portion of such meetings; removing the scheduled repeal of the exemptions; providing an effective date.

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

Section 1. Paragraph (e) of subsection (3) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(3) SECURITY AND FIRESAFETY.—

(e)1.a. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, or public safety radio communication system infrastructure, including towers, antennas ~~antennae~~, equipment or facilities used to provide 911, E911, or public safety radio communication services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. Geographical maps indicating the actual or proposed locations of 911, E911, or public safety radio communication system infrastructure, including towers, antennas ~~antennae~~, equipment or facilities used to provide 911, E911, or public safety radio services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I

of the State Constitution.

2. This exemption applies to building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, or public safety radio communication system infrastructure or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency, and geographical maps indicating actual or proposed locations of 911, E911, or public safety radio communication system infrastructure or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency, before, on, or after the effective date of this act.

3. Information made exempt by this paragraph may be disclosed:

a. To another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities;

b. To a licensed architect, engineer, or contractor who is performing work on or related to the 911, E911, or public safety radio communication system infrastructure, including towers, antennas ~~antennae~~, equipment or facilities used to provide 911, E911, or public safety radio communication services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency; or

c. Upon a showing of good cause before a court of

competent jurisdiction.

4. The entities or persons receiving such information must maintain the exempt status of the information.

5. For purposes of this paragraph, the term "public safety radio" is defined as the means of communication between and among 911 public safety answering points, dispatchers, and first responder agencies using those portions of the radio frequency spectrum designated by the Federal Communications Commission under 47 C.F.R. part 90 for public safety purposes.

~~6. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. Paragraph (e) of subsection (4) of section 286.0113, Florida Statutes, is amended to read:

286.0113 General exemptions from public meetings.—

(4)

~~(e) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 3. This act shall take effect October 1, 2025.

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

Economic Infrastructure Subcommittee
HB 7009
OGSR/Public Safety Communication Systems

AMENDMENT SUMMARY
March 25, 2025

Amendment 1 by Conerly (Strike-All):

- Expands the public record and public meeting exemptions for 911 and other public safety communication infrastructure to include Next Generation 911, also known as NG911, systems.
- Extends the repeal date from 2025 to 2030, when these exemptions will next be subject to review.

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 Conerly offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (e) of subsection (3) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(3) SECURITY AND FIRESAFETY.—

(e)1.a. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, NG911, or public safety radio communication system infrastructure, including towers, antennas ~~antennae~~, equipment or facilities

used to provide 911, E911, NG911, or public safety radio communication services, or other 911, E911, NG911, or public safety radio communication structures or facilities owned and operated by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. Geographical maps indicating the actual or proposed locations of 911, E911, NG911, or public safety radio communication system infrastructure, including towers, antennas ~~antennae~~, equipment or facilities used to provide 911, E911, NG911, or public safety radio services, or other 911, E911, NG911, or public safety radio communication structures or facilities owned and operated by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. This exemption applies to building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, NG911, or public safety radio communication system infrastructure or other 911, E911, NG911, or public safety radio communication structures or facilities owned and operated by an agency, and geographical maps indicating actual or proposed locations of 911, E911, NG911, or public safety radio communication system infrastructure or other 911, E911, NG911, or public safety radio communication structures or facilities owned and operated by an agency, before, on, or after the effective date of this act.

3. Information made exempt by this paragraph may be disclosed:

a. To another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities;

b. To a licensed architect, engineer, or contractor who is performing work on or related to the 911, E911, NG911, or public safety radio communication system infrastructure, including towers, antennas ~~antennae~~, equipment or facilities used to provide 911, E911, NG911, or public safety radio communication services, or other 911, E911, NG911, or public safety radio communication structures or facilities owned and operated by an agency; or

c. Upon a showing of good cause before a court of competent jurisdiction.

4. The entities or persons receiving such information must maintain the exempt status of the information.

5. For purposes of this paragraph, the term "public safety radio" is defined as the means of communication between and among 911 public safety answering points, dispatchers, and first responder agencies using those portions of the radio frequency spectrum designated by the Federal Communications Commission under 47 C.F.R. part 90 for public safety purposes.

6. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed

on October 2, 2030 ~~2025~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Subsection (4) of section 286.0113, Florida Statutes, is amended to read:

286.0113 General exemptions from public meetings.—

(4)(a) Any portion of a meeting that would reveal building plans, blueprints, schematic drawings, or diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, NG911, or public safety radio communication system infrastructure, including towers, antennas ~~antennae~~, equipment or facilities used to provide 911, E911, NG911, or public safety radio communication services, or other 911, E911, NG911, or public safety radio communication structures or facilities made exempt by s. 119.071(3)(e)1.a. is exempt from s. 286.011 and s. 24, Art. I of the State Constitution.

(b) Any portion of a meeting that would reveal geographical maps indicating the actual or proposed locations of 911, E911, NG911, or public safety radio communication system infrastructure, including towers, antennas ~~antennae~~, equipment or facilities used to provide 911, E911, NG911, or public safety radio communication services, or other 911, E911, NG911, or public safety radio communication structures or facilities made exempt by s. 119.071(3)(e)1.b. is exempt from s. 286.011 and s. 24, Art. I of the State Constitution.

(c) No portion of an exempt meeting under paragraph (a) or paragraph (b) may be off the record. All exempt portions of such meeting shall be recorded and transcribed. Such recordings and transcripts are confidential and exempt from disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution unless a court of competent jurisdiction, after an in camera review, determines that the meeting was not restricted to the discussion of the information made exempt by s. 119.071(3)(e)1.a. or b. In the event of such a judicial determination, only that portion of the recording and transcript which reveals nonexempt information may be disclosed to a third party.

(d) For purposes of this subsection, the term "public safety radio" is defined as the means of communication between and among 911 public safety answering points, dispatchers, and first responder agencies using those portions of the radio frequency spectrum designated by the Federal Communications Commission under 47 C.F.R. part 90 for public safety purposes.

(e) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030 ~~2025~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. The Legislature finds that it is a public necessity that building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, NG911, or

public safety radio communication system infrastructure, including towers, antennas, equipment, or facilities used to provide 911, E911, NG911, or public safety radio communication services, and other 911, E911, NG911, or public safety radio communication structures or facilities owned and operated by an agency, and geographical maps indicating the actual or proposed locations of such communication system infrastructure, structures, or facilities be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution to ensure the security of emergency communication infrastructure, structures, and facilities. The Legislature finds that it is a public necessity that any portion of a meeting revealing such documents and maps held by an agency be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, received and held by counties, municipalities, and other governmental agencies which depict the structural elements of 911, E911, NG911, or public safety radio communication system infrastructure, structures, and facilities are currently subject to release as public records upon request. Similarly, geographical maps showing the present or proposed locations of such 911, E911, NG911, or public safety radio communication system infrastructure, structures, and facilities which are in the possession of counties, municipalities, and

other governmental agencies are also subject to release as public records upon request. Counties, municipalities, and other governmental agencies may review the building plans or geographical maps to ensure compliance with land development regulations, building codes, agency rules, and standards to protect the public health and safety. These building plans include diagrams and schematic drawings of emergency communication systems, electrical systems, and other physical plant and security details which depict the structural elements of such emergency communications facilities and structures. Such 911, E911, NG911, and public safety radio communication facilities, including towers and antennas, are a vital link in the chain of survival. This critical infrastructure must be protected because any disruption during an active shooter or other terror event is very likely to result in greater loss of life and property damage. To function properly, towers and antennas need to be visible, increasing the security risk of such facilities. Because architectural and engineering plans reviewed and held by counties, municipalities, and other government agencies include information about towers, equipment, ancillary facilities, critical systems, and restricted areas, these plans could be used by criminals or terrorists to examine the physical plant for vulnerabilities. Information contained in these documents could aid in the planning of, training for, and execution of criminal actions, including cybercrime, arson, and

terrorism. Consequently, the Legislature finds that it is a public necessity to exempt such information from public records and public meetings requirements to reduce exposure to security threats and to protect the public.

Section 4. This act shall take effect upon becoming a law.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert: An act relating to a review under the Open Government Sunset Review act; amending s. 119.071, F.S.; expanding an exemption from public records requirements for certain components of 911, E911, and public safety radio communication systems to include NG911 systems; extending the date for future legislative review and repeal of the exemption; amending s. 286.0113, F.S.; expanding an exemption from public meetings requirements for certain portions of meetings that would reveal certain components of 911, E911, and public safety radio communication systems to include NG911 systems; extending the date for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

PCS for HB 1397

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 1397	**COMPANION BILL:** SB 1662 (Collins)
TITLE: Transportation	**LINKED BILLS:** None
SPONSOR(S): Economic Infrastructure Subcommittee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Economic Infrastructure

SUMMARY

Effect of the Bill:

The bill addresses several matters related to the Florida Department of Transportation (FDOT) and state transportation policy, including:

- Organization, duties, and powers of FDOT and the Florida Transportation Commission.
- Seaport project funding, planning, and reporting.
- Development of advanced air mobility.
- Spaceport project funding.
- Use of airport property during a state of emergency.
- Airport project funding and commercial airport requirements.
- Allocation of transportation project funds for landscaping.
- Transportation workforce development.
- Contracting for transportation projects.
- Funding for certain small county support programs.
- Governance and duties of the Jacksonville Transportation Authority.

Fiscal or Economic Impact:

None

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill addresses several matters related to the Florida Department of Transportation (FDOT) and state transportation policy.

Organization of FDOT

The bill provides that the three assistant secretaries currently appointed by the FDOT Secretary shall serve under the titles of Chief Operations Officer, Chief Finance and Administration Officer, and Chief Strategic Development Officer. The bill also provides that the FDOT Secretary may appoint an Executive Director of Transportation Technology. Under the bill, each of these positions maintain Senior Management Status and are exempt from career service under s. 110.205(2), F.S.

The bill expands the areas of program responsibility for which the FDOT Secretary may appoint deputy assistance secretaries or directors to include "operational technology." The bill renames the "modal development" area as "supply chain and modal development" and renames the "information systems" area as "information technology." (Section 1)

FDOT Powers and Duties

The bill adds the following to DOT's power and duties:

- Purchasing, leasing, or acquiring promotional items as part of public information and education campaigns that promote environmental management, workforce development, or "context classification."
- Entering into contracts for insurance that FDOT is contractually and legally obligated to provide directly from local, national, or international insurance companies.
- Purchasing, leasing, or acquiring heavy equipment and motor vehicles for roadway operations and emergency response purposes without the need to remove or cease operation of any existing FDOT fleet motor vehicles or heavy equipment.
- Adopting rules to comply with requirements of 49 C.F.R. part 26 and applicable federal law, which addresses participation by disadvantaged business enterprises in financial assistance programs under the U.S. Department of Transportation. (Section 14)

The bill eliminates FDOT's power and duty to:

- Purchase, lease, or acquire promotional items as part of public information and education campaigns that promote alternatives to single-occupant vehicle travel, electric vehicle (EV) use and charging stations, autonomous vehicles, and design for EVs. (Section 14)

Florida Transportation Commission

The bill provides that at least three members of the nine-member Florida Transportation Commission (FTC) shall represent or have expertise in higher education, transportation, or workforce development. The bill eliminates requirements that each FTC member must be a registered voter and citizen of Florida and possess private sector business managerial experience. The bill removes the prohibition on FTC members having any interest in any contract, franchise, privilege, or other benefit granted or awarded by FDOT and replaces this prohibition with a requirement that each FTC member must follow the standards of conduct for public officers provided in s. 112.313, F.S.

The bill expands FTC's duties to include monitoring the efficiency, productivity, and management of any transit entity that is a recipient of funding from FDOT's public transit block grant program under s. 341.052, F.S. (Section 1)

Transportation Research and Innovation

The bill creates the Florida Transportation Research Institute (Institute) as a consortium of higher education professionals to "drive cutting-edge research , innovation, transformational technologies, and breakthrough solutions and to support workforce development efforts that contribute to the state's transportation system.

The bill provides that the Institute shall include membership from the University of Florida, Indian River State College, the University of Central Florida, and Florida International University. The bill requires FDOT to select a representative from one of these entities to serve as the Institute's administrative lead. The bill also requires FDOT to coordinate with these entities to adopt and approve policies establishing the Institute's executive committee and mission statement.

The bill requires the Institute to report to FDOT and requires the FDOT Secretary to appoint a member of FDOT to serve as the Institute's executive director. The bill requires FDOT to assess the performance of the administrative lead periodically to ensure accountability and assess the attainment of performance expectations. The bill does not specify how these performance expectations will be set.

The bill authorizes the Institute to award grants consistent with its mission. Grants may be directed to member and nonmember institutions that have a proven expertise relevant to the grant, including not-for-profit organizations and institutions of higher education. The bill authorizes the Institute to expend state funds as allocated by FDOT from the State Transportation Trust Fund (STTF) for the Institute's operations and programs.

The bill requires the Institute to submit an annual report to the FDOT Secretary's office and to the FTC containing performance metrics, including, but not limited to, expenditures of appropriated funds allocated by FDOT, ongoing and proposed research efforts, and the application and success of past research efforts. (Section 1)

Florida Seaport Transportation and Economic Development

The bill adds that the following port facilities or port transportation projects are eligible for funding under the Florida Seaport Transportation and Economic Development Program (FSTED):

- Spaceport or space-related planning or construction of facilities on seaport property which is necessary or useful to advance the space industry in this state when the project provides economic benefit to the community.
- Commercial shipbuilding and manufacturing facilities when such project provides economic benefit to the community. (Section 2)

Under the bill, the FSTED Council is directed to support the growth of the seaports of Florida through the review, development, and financing of port transportation and port facilities. (Section 3)

The bill directs the FSTED Council to include in the council's 5-year Florida Seaport Mission Plan specific recommendations for the construction of transportation facilities connecting any port to the space and aerospace industries. (Section 3)

Each port member of the FSTED Council is required by the bill to submit semiannual reports to FDOT relating to seaport operations and their support of this state's economic competitiveness and supply chain. Each of these reports must include information prescribed by DDOT and the Department of Commerce, including, but not limited to:

- Bulk break capacity,
- Liquid storage and capacity,
- Fuel storage and capacity,
- Container capacity, and
- Supply chain disruptions (Section 3)

Airport Operations and Funding

Private Airports of Public Interest

The bill defines a "private airport of public interest" as a private airport serving any of the following operations: air ambulance operation,[1] commercial air tour operation,[2] commuter operation,[3] on-demand operation,[4] public charter operation,[5] scheduled operation,[6] or supplemental operation.[7] The bill requires a private airport of public interest

[1] The bill defines "air ambulance operation" as a flight with a patient or medical personnel on board for the purpose of medical transportation.
[2] The bill defines "commercial air tour operation" as a flight conducted for compensation or hire in an aircraft when the purpose of the flight is sightseeing.
[3] The bill defines "commuter operation" as any scheduled operation conducted by a person operating an aircraft with a frequency of operations of at least five round trips per week on at least one route between two or more points according to the published flight schedule.
[4] The bill defines "on-demand operation" as any scheduled passenger-carrying operation for compensation or hire conducted by a person operating an aircraft with a frequency of operations of fewer than five round trips per week on at least one route between two or more points according to the published flight schedule.
[5] The bill defines "public charter operation" as a one-way or round-trip charter flight performed by one or more direct air carriers which is arranged and sponsored by a charter operator.
[6] The bill defines "scheduled operation" as any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial operator for which the certificateholder or its representative offers in advance the departure location, departure time, and arrival location.
[7] The bill defines "supplemental operation" as any common carriage operation for compensation or hire conducted with an aircraft for which the departure time, departure location, and arrival location are specifically negotiated with the customer or customer's representative.

to obtain a certificate from FDOT before allowing aircraft operations. FDOT may issue a certificate if FDOT finds after a final inspection that the airport is in compliance with all requirements for a certificate. The certificate may be subject to any reasonable conditions FDOT deems necessary to protect the public health, safety, or welfare.

A private airport that was engaged in operations associated with a private airport of public interest on or before July 1, 2025, may continue its operations but must obtain a certificate from FDOT before July 1, 2030. A certificate issued to a private airport of public interest expires five years after its effective date. (Sections 5, 6).

Advanced Air Mobility

The bill requires FDOT, within the resources provided in ch. 216, F.S, to carry out specific tasks related to the adoption of advanced air mobility (AAM) as a new mode of transportation. Specifically, the bill requires DOT to:

- Address the need for vertiports, AAM, and other advances in aviation technology in the statewide aviation plan and, as appropriate, in FDOT's work program.
- Designate a subject matter expert on AAM within FDOT to serve as a resource for local jurisdictions navigating advances in aviation technology.
- Conduct a review of airport hazard zone regulations.
- Work with the Department of Commerce to provide coordination and assistance for the development of a viable AAM system in the state and incorporate these plans in the statewide aviation system plan to develop and identify the statewide corridors of need and opportunities for growth of the industry. (Section 13)

The bill modifies the existing definitions of "aircraft" and "airport" and defines new terms[8] to account for the operations and infrastructure associated with AAM. The bill modifies the definition of "aircraft" to specifically include an airplane, autogyro, glider, gyrodyne, helicopter, lift and cruise, multicopter, paramotor, powered lift, seaplane, tiltrotor, ultralight, or vectored thrust. The bill modifies the definition of "airport" to specifically include an airpark, airport, gliderport, heliport, helistop, seaplane base, ultralight flightpark, vertiport, or vertistop. (Section 5)

Florida Airport Development and Accountability Act

The bill renames the Florida Airport Development and Assistance Act as the Florida Airport Development and Accountability Act (the Act). (Section 8)

Use of Airport Property During State of Emergency

As an exception to provisions of the Act that specifically prohibit FDOT from participating in or exercising control in the management and operation of a sponsor's airport, the bill requires that an airport must provide FDOT, at no cost, the opportunity to use any property not within the air navigation facility[9] for the staging of equipment and personnel to support emergency preparedness and response operations during a declared state of emergency issued by the Governor in response to a natural disaster. (Section 9)

FDOT Duties

The bill expands FDOT's duties under the Act to include developing, promoting, and distributing supporting information and education services, including, but not limited to, educational services which focus on the aviation industry workforce's retention and growth. (Section 10)

Administration and Funding of Airport Programs and Projects

[8] *See supra*, notes 1-7.

[9] An "air navigation facility" is any facility used in, available for use in, or designed for use in, aid of air navigation. Air navigation facilities include airports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, or restricted landing area, and any combination of any or all of such facilities. S. 332.01(4), F.S.

The bill requires each airport to submit annually to FDOT a comprehensive maintenance[10] program report. At a minimum, the report must include:

- A schedule of inspections.
- The locations being inspected.
- Any probable cause for such inspection.
- A list of the airport's required needs.
- Any remedial actions to be taken.
- Any required follow-up inspections and maintenance.

The bill also requires airports to retain all records of materials and equipment used for the airport's maintenance and repair work.

The bill allows FDOT to withhold state funds from any of the airport's capital expansion projects if it determines that, based on the annual comprehensive maintenance program, there is evidence an airport has failed to perform routine maintenance. The bill allows FDOT to withhold such funds until the airport corrects any deficiencies. (Section 11)

The bill also adds the following project priorities for FDOT funding:

- Terminal and parking expansion projects that increase the capacity of airports that provide commercial service in counties with a population of 500,000 or less.
- Projects that improve the safe and efficient operation of Florida airports.
- Emerging technology, workforce development projects, and projects that benefit the strategic intermodal system through intermodal connectivity.

The bill makes the following programs eligible to receive FDOT funding:

- Projects performed by postsecondary education institutions which support the training of pilots, air traffic control personnel, or aircraft maintenance technical personnel.
- Programs that support the transition of honorably discharged military personnel to the aviation industry.[11]
- Capital improvement programs that strategically position the state to maximize tourism opportunities.

Commercial Service Airports

The bill expands existing commercial service airport reporting requirements to include nonhub airports, as classified by the Federal Aviation Administration.[12] Based on data for 2023, Florida's nonhub commercial service airports include Daytona Beach International Airport, Gainesville Regional Airport, Melbourne International Airport, Tallahassee International Airport, and Vero Beach Regional Airport.[13]

The bill provides that information relating to the operation of a commercial service airport which must be posted on a website maintained by an airport's governing body[14] must remain on the website for 5 years or for as long as the information is actively in use by the entity. The bill expands the information that must be posted by a commercial service airport on its website to include copies of the airport's current Airport Master Plan and the immediately preceding Airport Master Plan. The bill requires that information related to employee positions and pay rates must be updated quarterly on the website.

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[10] For purposes of this section, the bill provides that "maintenance" includes any preventive and regular or recurring work that is necessary to preserve the airport infrastructure in good condition.
[11] The bill provides that FDOT may match funds provided by the Department of Commerce for such programs.
[12] A commercial service airport is classified as a "nonhub" airport if it receives less than 0.05 percent but more than 10,000 of the annual U.S. commercial enplanements. *See* Federal Aviation administration, *Airport Categories*, https://www.faa.gov/airports/planning_capacity/categories (last visited Mar. 22, 2025).
[13] Federal Aviation Administration, *CY 2023 Enplanements at All Commercial Service Airports*, https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/cy23_commercial_service_enplanements (last visited Mar. 22, 2025).
[14] The term "governing body" means the governing body of the county, municipality, or special district that operates a commercial service airport. S. 332.075(1)(d), F.S. The bill provides that this term includes an appointed board or oversight entity serving as the governing body on behalf of the county, municipality, or special district.

The bill also expands the type of information that a commercial service airport must provide to FDOT each year to include the most recent copy of the airport's strategic plan or plans and contracts related to financial awards received through federally funded grant programs for the preceding year.

The bill also requires commercial service airports to notify FDOT:

- Within 48 hours after receiving a communication or directive from a federal agency with respect to accommodating public health testing or the transfer of unauthorized aliens into the state.
- As soon as reasonably possible, but no later than 48 hours after discovery, of incidents including, but not limited to, those related to the safety of the public when traveling, potential breaches or security risks associated with cybersecurity, or other issues of statewide concern as defined by FDOT.

Spaceport Infrastructure Investment

The bill expands DOT's ability to fund spaceport discretionary capacity improvement projects by requiring projects to meet only one, rather than all, of the existing criteria for funding, which include:

- Important access and on-spaceport-territory space transportation capacity improvements are provided.
- Capital improvements that strategically position the state to maximize opportunities in international trade are achieved.
- Goals of an integrated intermodal transportation system for the state are achieved.
- Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.

The bill authorizes FDOT, in consultation with Department of Commerce and the Department of Environmental Protection to fund wastewater projects, stormwater projects, water capacity projects, or projects associated with critical infrastructure facilities as defined in s. 692.201, F.S., within or outside the jurisdictional boundary of a spaceport territory. The project must support aerospace or launch support facilities within an adjacent spaceport territory boundary. The named departments must coordinate to maximize and optimize available funding for such projects. (Section 7)

Noncompliance with Uniform System of Traffic Control Devices

The bill expands FDOT's power to enforce compliance by public agencies with FDOT's adopted uniform system of traffic control devices. Currently, state funds *for traffic control purposes* may be withheld if a public body or official is found to have installed a noncompliant traffic control device after the public agency has already been directed to remove a noncompliant device or bring it into compliance. The bill provides that *any* state funds may be withheld in this situation until the public body or official demonstrates to FDOT that it is in compliance. (Section 4)

Landscaping Requirements

The bill modifies requirements for the purchase of plant materials used for environmental quality, erosion control, and beautification purposes (i.e., landscaping) as part of transportation construction projects. Specifically, the bill:

- Provides that FDOT's allocation of funds for landscaping (currently, at least 1.5% of the amount contracted for construction projects) must be expanded to include a percentage of the total amount contracted for existing maintenance projects to enhance the rights-of-way and arterial facilities[15] of the state highway system.[16]
- Eliminates a prohibition on using such funds on projects that are limited to resurfacing of existing lanes.
- Requires FDOT to develop standards for landscaping materials that are native to a specific region of this state to reflect Florida's heritage and natural landscapes.

[15] "Arterial road" means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road. S. 334.03, F.S.

[16] "State Highway System" means the interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state's jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state's jurisdiction. These facilities are facilities to which access is regulated. S. 334.03, F.S.

- Requires that 0.5 percent of the total construction cost for a project over $500 million must be expended for landscaping in the fiscal year in which the project is planned for construction and that the remaining 1 percent be expended over the next 5 fiscal years.

The bill exempts projects constructed under the Moving Florida Forward Infrastructure Initiative from these funding requirements. (Section 14)

Access to and Use of the State Highway System

The bill provides that FDOT may modify or revoke an access permit for connection of a street, driveway, or other facility to the state highway system if the connection would jeopardize the safety of the public or have a negative impact on the operational characteristics of the highway. (Section 18)

The bill modifies the definition of "significant change" for purposes of establishing whether FDOT may require a permit for such a change to a previously unpermitted connection to the State Highway System, require modification of the connection, or modify or revoke an existing access permit. The modified definition includes development of the land or an expansion of the size of the property. The bill also creates a definition for the term "modification of a connection" as the "relocation, alteration, or closure of a connection." (Section 17)

The bill prohibits camping on any portion of the right-of-way of the State Highway System but provides an exception for persons actively navigating the Florida National Scenic Trail and who have obtained the associated permits. (Section 23)

Surety Bonds for Construction or Maintenance Contracts

The bill authorizes FDOT to require, at the discretion of the FDOT Secretary, that the amount of a surety bond or bonds for construction or maintenance contracts be less than the awarded contract price. Otherwise, the law requires that a successful bidder for a construction or maintenance contract is required to provide a surety bond in an amount equal to the awarded contract price, which may be split into incremental annual contract bonds for multiyear maintenance contracts or into multiple contract or payment bonds in succession that align with each phases of a phased design-build contract.[17] (Section 21)

Small County Funding Assistance

The bill increases the maximum annual funding amount for the Small County Road Assistance Program from $25 million to $50 million beginning in fiscal year 2025-2026. The bill provides that the minimum annual funding amount for the Small County Outreach Program is $50 million beginning in fiscal year 2025-2026. Funding for both programs comes from the State Transportation Trust Fund (STTF). (Sections 25 and 26)

Strategic Intermodal System

The bill authorizes FDOT to make funds available each year, from existing work program revenues, that meet the public purpose of providing increased capacity and enhanced capabilities to move and store transportation infrastructure-related materials. The bill removes an existing *requirement* that FDOT make up to $20 million available annually for such purposes (as well as for the purpose of moving and storing construction aggregate, as provided in current law), instead providing that FDOT *may* make up to $20 million available for these purposes. The bill makes this authority permanent. Applicants eligible for this type of project funding are seaports listed in s. 311.09, F.S., and rail lines and rail facilities.[18] (Section 28)

The bill provides that funds allocated to a project that qualifies for the New Starts Transit Program in the current fiscal year must be reallocated for the purpose of the Strategic Intermodal System for the next fiscal year if the transit project will not be ready for production by June 30. The bill removes a provision of current law which

[17] S. 337.18, F.S.
[18] S. 339.651(3), F.S.

provides that unallocated funds for the New Starts Transit Program remaining as of June 30, 2024, must be reallocated for the purpose of the Strategic Intermodal System, with an expiration of June 30, 2026. (Section 29)

Jacksonville Transportation Authority (JTA)

The bill modifies the seven-member governing board of JTA as follows:

- Eliminates the FDOT District 2 Secretary from the board.
- Increases the number of Governor's appointments from three to four, and provides that, of these four members, one must be a City of Jacksonville resident and the remaining three must be residents of Clay County, Duval County, or St. Johns County.
- Provides that the three members appointed by the mayor of the City of Jacksonville must be residents and qualified electors of Duval County.

The bill requires JTA to follow FDOT's small business program and establish protocols and systems in accordance with the statewide travel management system developed by the Department of Management Services (DMS), the publication of employee salary and pay information on a DMS-maintained website, and the publication of certain contract information on a website maintained by the state's Chief Financial Officer.

Florida Transportation Academy

The bill creates the Florida Transportation Academy in order to prioritize the continued need for transportation industry workforce development programs. The bill directs FDOT to work with state agencies, industry organizations, and private sector businesses to support, promote, and sustain workforce development efforts of the transportation sector.

Under the bill, FDOT may coordinate with all of the following entities:

- The Department of Corrections to identify and create certification and training opportunities for nonviolent inmates and create a process to allow the Department of Corrections to notify FDOT when a nonviolent inmate who is seeking employment has received a scheduled release date.
- The Department of Juvenile Justice and its educational partners to create certification and training opportunities for eligible youth.
- Veterans' organizations to encourage honorably discharged veterans to pursue opportunities within the transportation industry, including, but not limited to, employment as pilots, mechanics, and air traffic controllers.
- The Department of Commerce, CareerSource Florida, and regional business communities, within and outside of the transportation industry, to further understand recruitment and retention needs and job-seeker pipelines.
- The American Council of Engineering Companies and the Florida Transportation Builders Association to optimize workforce recruitment and retention and assess the future needs of the transportation industry and this state. (Section 16)

Prioritization of Small Businesses

The bill refocuses FDOT's priorities on small businesses by consistently replacing language throughout the Florida Transportation Code related to minority, socially and economically disadvantaged, and woman-owned business enterprises with language favoring small businesses. (Sections 15, 19, 20, 22, 24, 27, 30, 32)

The bill requires FDOT to adopting rules to comply with requirements of 49 C.F.R. part 26 and applicable federal law, which addresses participation by disadvantaged business enterprises in financial assistance programs under the U.S. Department of Transportation. (Section 14)

With regard to FDOT's authority to implement a business development program, the bill adjusts the definition for "small business" to include businesses with yearly average gross receipts of less than $25 million for road and bridge contracts and less than $10 million for professional and nonprofessional services contracts. (Section 19)

The bill repeals sections of current law related to:

- Participation by women, minorities, and socially and economically disadvantaged business enterprises in the design, development, construction, maintenance, and operation of spaceports;
- FDOT notice requirements for socially and economically disadvantaged business enterprises;
- Penalties for individuals that fraudulently represents an entity as a socially and economically disadvantaged business enterprise for purposes of qualifying for certification as such an enterprise under a program of FDOT designed to assist socially and economically disadvantaged business enterprises in the receipt of contracts with FDOT;
- FDOT developing and implementing activities to encourage the participation of disadvantaged business enterprises in the contracting process; and
- Providing contracting opportunities and financial assistance to certified disadvantaged business enterprises to remedy the effects of past economic disparity. (Section 32)

Repeals

The bill repeals provisions of current law related to high-occupancy-vehicle (HOV) lanes and obsolete provisions related to the development of an electric vehicle charging stations master plan. (Section 32)

The bill updates cross references and makes conforming changes to reflect the provisions of the bill. (Sections 33, 34, 35, 36, 37, 38)

The bill has an effective date of July 1, 2025. (Section 39)

RULEMAKING:

The bill authorizes FDOT to adopt rules to comply with the requirements of 49 C.F.R. part 26 and applicable federal law.

The bill modifies provisions related to surety bond requirements which FDOT has existing rulemaking authority to implement under s. 337,18(1), F.S.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill creates additional funding opportunities for various projects under various programs. This funding appears to be provided from existing resources.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

FDOT's mission is to provide a safe statewide transportation system that promotes the efficient movement of people and goods, supports the state's economic competitiveness, prioritizes Florida's environment and natural resources, and preserves the quality of life and connectedness of the state's communities.[19]

Organization of FDOT

The Secretary of FDOT is appointed by the Governor and subject to confirmation by the Senate. The Secretary may appoint up to three assistant secretaries.[20] Currently, these three assistant secretaries are the Assistant Secretary

[19] FDOT, *About DOT,* https://www.fdot.gov/agencyresources/aboutfdot.shtm (last visited Mar. 23, 2025).
[20] S. 20.23(1), F.S.

for Engineering and Operations, the Assistant Secretary for Finance and Administration, and the Assistant Secretary for Strategic Development.[21]

The Secretary may appoint positions at the level of deputy assistant secretary or director which the Secretary deems necessary to accomplish FDOT's mission and goals, including, but not limited to, specified areas of program responsibility.[22] The Secretary may combine, separate, or delete these offices as needed in consultation with the Executive Office of the Governor.[23]

Florida Transportation Commission

The FTC was created in 1987 to serve as an oversight board for FDOT. This oversight also includes Florida's expressway authorities and regional transportation authorities. In addition, its primary functions include reviewing major transportation policy initiatives or revisions and recommending major transportation policy to the Governor and Legislature.[24]

The FTC is assigned to FDOT for administrative and fiscal purposes, but functions independently of the control and direction of FDOT.[25]

The FTC is composed of nine Commissioners appointed by the Governor and confirmed by the Florida Senate for four-year terms. Members must be appointed in a manner that equitably represents all geographic areas of the state. Each member must be a registered voter and a citizen of the state and must possess business managerial experience in the private sector.[26] Members may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by FDOT during the term of his or her appointment and for two years after the termination of such appointment.[27]

Standard of Conduct for Public Officers

Part III of chapter 112, F.S., establishes a code of ethics for public officers and employees. Generally, this code prohibits public officers from soliciting or accepting anything of value to influence a vote or official action, using their official position to secure a special benefit, disclosing or using non-public information for personal benefit, soliciting gifts from lobbyists, and soliciting an honorarium from anyone or accepting an honorarium from a lobbyist. This code also establishes restrictions on public officers from doing business with one's own agency, having outside employment or contractual relationships that conflict with public duties, representing any party before one's agency for compensation for a specified time after leaving office, and employing relatives in the agency. Finally, this code requires that public officers to disclose voting conflicts when a vote would result in a special private gain or loss, file quarterly reports for certain gifts, file quarterly reports for receipt of honorarium related expenses from lobbyists, and disclose certain financial interests.[28]

Florida Seaport Transportation and Economic Development Program and Council

Section 311.07, F.S, creates the Florida Seaport Transportation and Economic Development (FSTED) Program within FDOT to finance port transportation or port facilities projects that will improve the movement and intermodal transportation of cargo or passengers in commerce and trade and support the interests, purposes, and requirements of each of the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port

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[21] FDOT, *Meet the Secretary and Executive Team*, https://www.fdot.gov/info/moredot/mission.shtm (last visited Mar. 23, 2025).
[22] These areas of program responsibility are listed in s. 20.23(3)(b), F.S.
[23] s. 20.23(3)(b), F.S.
[24] Florida Transportation Commission, *About Us*, http://www.ftc.state.fl.us/aboutus.shtm (last visited Mar. 23, 2025).
[25] S. 20.23(2), F.S.
[26] *Id.*
[27] *Id.*
[28] For a more thorough discussion of the Florida Code of Ethics for public officers and employees, see Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code Of Ethics for Public Officers and Employees*, https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf (last visited Mar. 23, 2025).

Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.[29]

The FSTED Council[30] staff, the FDOT, and the Florida Department of Commerce work in cooperation to review projects and allocate funds such that approved projects may be included in the annual development of the FDOT's tentative work program.[31] Generally, FSTED Program funds must be used to fund approved projects on a 50-50 matching basis with the specified ports. However, projects that involve rehabilitation of wharves, docks, berths, bulkheads, or similar structures require only a 25 percent match.[32]

Projects eligible for FSTED grant funding are limited to the following port facilities or port transportation projects:[33]

- Transportation facilities within the jurisdiction of the port.
- Dredging or deepening of channels, turning basins, or harbors.
- Construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.
- Acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.
- Acquisition of land to be used for port purposes.
- Acquisition, improvement, enlargement, or extension of existing port facilities.
- Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed in this paragraph.
- Transportation facilities[34] which are not otherwise part of the FDOT's adopted work program.
- Intermodal access projects.
- Construction or rehabilitation of port facilities,[35] excluding any park or recreational facilities, with operating revenues of $5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.
- Seaport master plan or strategic plan development or updates, including the purchase of data to support such plans.

A minimum of $25 million annually must be made available from the State Transportation Trust Fund within the FDOT to fund the FSTED Program,[36] and the FDOT is required to include at least $25 million in its annual legislative budget request for the program.[37]

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[29] S. 311.09(1), F.S.

[30] The FSTED Council consists of the port directors (or their designees), the FDOT secretary or designee, and the Florida Department of Commerce secretary or designee. S. 311.09(1), F.S.

[31] S. 311.07(2), F.S. Essentially, as the first year of the annually-adopted five-year work program is completed, the second year becomes the first year of the next adopted five-year work program, and a new fifth year is added based on projects in the tentative work program, which is the 5-year listing of all transportation projects planned for each fiscal year, developed by the FDOT central office based on the district work programs. S. 339.135, F.S.

[32] S. 311.07(3), F.S.

[33] S. 311.07(3)(b), F.S.

[34] Meaning any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place. S. 334.03(30), F.S.

[35] Defined to mean harbor, shipping, and port facilities, and improvements of every kind, nature, and description, including, but without limitation, channels, turning basins, jetties, breakwaters, public landings, wharves, docks, markets, parks, recreational facilities, structures, buildings, piers, storage facilities, including facilities that may be used for warehouse, storage, and distribution of cargo transported or to be transported through an airport or port facility, specified security measures, public buildings and plazas, anchorages, utilities, bridges, tunnels, roads, causeways, and any and all property and facilities necessary or useful in connection with the foregoing, and any one or more or any combination thereof and any extension, addition, betterment, or improvement of any thereof. S.315.02(6), F.S.

The FSTED Council is a public entity created by statute and charged with carrying out the state's economic development mission through implementation of seaport capital improvement projects at the local level. The FSTED Council consists of the port directors of the 16 publicly owned seaports (or his/her designees), the FDOT secretary or designee, and the Florida Department of Commerce secretary or designee.[38]

Under current law, the FSTED Council is required to prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan.[39]

Certification of Airports

Under Florida law, an owner or lessee of a proposed airport must, before site acquisition or construction or establishment of the proposed airport, obtain approval of the airport site from FDOT. Applications for approval of a site are made in a form and manner prescribed by FDOT.[40]

If the airport is public, then site approval must be granted after a favorable FDOT inspection of the proposed site.[41] If the airport is a private entity, then no inspection of the proposed site is required in order to receive approval.[42] Site approval may be granted subject to any reasonable conditions FDOT deems necessary to protect the public health, safety, or welfare.[43]

Approval as a public airport or a private airport must remain valid for 2 years after the date of issue unless revoked by FDOT or unless a public airport license is issued or a private airport registration is completed before the expiration date.[44]

FDOT must issue a license for a *public* airport if such airport was granted site approval and passes a final airport inspection by FDOT that determines if the airport is in compliance with all requirements for the license. The license may be subject to any reasonable conditions FDOT deems necessary to protect the public health, safety, or welfare.[45]

FDOT must issue a license for a *private* airport if such airport was granted site approval and completes the registration process. Registration must be completed upon self-certification by the registrant of operational and configuration data deemed necessary by FDOT.[46]

Advanced Air Mobility

Advanced Air Mobility (AAM) is an umbrella term for aircraft that are typically highly automated, electrically powered, and have vertical take-off and landing capability. Many of these aircraft fall into the powered-lift category and are often referred to as air taxis. As powered-lift aircraft, they have characteristics of both airplanes and helicopters. Their vertical take-off and landing capabilities and low speed flight are similar to a helicopter, while

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[36] S. 311.07(2), F.S. These funds are in addition to the annual appropriation of $15M in license tag fees to the FSTED Program required under s. 320.20, F.S., and in addition to any amounts not used for the payment of bonds from the annual $10 million to be used for any seaport project identified in the FDOT's adopted work program, known as the Seaport Investment Program, per section 339.0801(1)(f), F.S. The latter funding began in 2013-2014 and is currently required for 30 years thereafter.
[37] S. 311.09(9), F.S.
[38] S. 311.09(1), F.S.
[39] S. 311.09(3), F.S.
[40] S. 330.30(1)(a), F.S.
[41] S. 330.30(1)(b), F.S.
[42] S. 330.30(1)(c), F.S.
[43] S. 330.30(1)(f), F.S.
[44] S. 330.30(1)(g), F.S.
[45] S. 330.30(2)(a), F.S.
[46] *Id.*

they fly using a wing during cruise flight similar to an airplane. AAM aircraft could be used to transport cargo and passengers, help with firefighting, and provide search and rescue operations.[47]

Florida Airport Development and Assistance Act

The Florida Airport Development and Assistance Act sets forth a number of duties and responsibilities of the FDOT, including, but not limited to:

- Providing coordination and assistance for the development of a viable aviation system.
- Advising and assisting the Governor in all aviation matters.
- Providing financial and technical assistance to public agencies operating public-use airports[48] by making resources available on a cost-reimbursement basis to such agencies for special needs of limited duration.
- Participating in research and development programs relating to airports.
- Administering FDOT's participation in the program of aviation and airport grants.
- Developing, promoting, and distributing supporting information and education services.
- Encouraging the maximum allocation of federal funds to local airports in the state.

Administration and Funding of Airport Programs and Projects

Current law requires FDOT to continuously update an aviation and airport work program based on a collection of local sponsors'[49] proposed projects to be included in FDOT's work program. The airport work program must separately identify "development projects"[50] and "discretionary capacity improvement projects."[51] The aviation and airport work program must be consistent with the statewide aviation system plan[52] and, to the maximum extent feasible, with approved local government comprehensive plans. Projects involving funds administered by FDOT to be undertaken and implemented by the airport sponsor must be included in the aviation and airport work program, and assistance may only be provided for projects which are so included.[53]

The annual legislative budget request for aviation and airport development projects must be based on the funding required for development projects in the aviation and airport work program. FDOT must provide priority funding in support of the planning, design, and construction of proposed projects by local sponsors, with special emphasis

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[47] FAA, *Advanced Air Mobility | Air Taxis*, https://www.faa.gov/air-taxis (last visited Mar. 23, 2025).
[48] Section 332.004(14), F.S., defines the term "public-use airport" as any publicly owned airport which is used or to be used for public purposes.
[49] Section 332.004(15), F.S., defines the term "sponsor" as any eligible agency which, either individually or jointly with one or more eligible agencies, submits to FDOT an application for financial assistance for an airport development project. Federal funding of individual local airport projects is wholly between the local airport sponsors and the appropriate federal agencies; however, FDOT is authorized to receive federal grants for statewide projects when no local sponsor is available. S. 332.007(1), F.S.
[50] Section 332.004(4), F.S., defines the term "airport or aviation development project" or "development project" to mean any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, including, but not limited to: the purchase of equipment; the acquisition of land, including land required as a condition of a federal, state, or local permit or agreement for environmental mitigation; off-airport noise mitigation projects; the removal, lowering, relocation, marking, and lighting of airport hazards; the installation of navigation aids used by aircraft in landing at or taking off from a public airport; the installation of safety equipment required by rule or regulation for certification of the airport under s. 612 of the Federal Aviation Act of 1958, and amendments thereto; and the improvement of access to the airport by road or rail system which is on airport property and which is consistent, to the maximum extent feasible, with the approved local government comprehensive plan of the units of local government in which the airport is located.
[51] Section 332.004(5), F.S., defines the term "airport or aviation discretionary capacity improvement projects" or "discretionary capacity improvement projects" to mean capacity improvements which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government in which the airport is located, and which enhance intercontinental capacity at airports which: are international airports with United States Bureau of Customs and Border Protection; had one or more regularly scheduled intercontinental flights during the previous calendar year or have an agreement in writing for installation of one or more regularly scheduled intercontinental flights upon the commitment of funds for stipulated airport capital improvements; and have available or planned public ground transportation between the airport and other major transportation facilities.
[52] Pursuant to s. 332.006, F.S., FDOT is required to develop and periodically update a statewide aviation system plan that summarizes 5-year, 10-year, and 20-year airport and aviation needs within the state.
[53] S. 332.007(1)-(3), F.S.

on projects for runways and taxiways, including the painting and marking of runways and taxiways, lighting, other related airside activities, and airport access transportation facility projects on airport property.[54]

No single airport may receive airport or aviation development project funds in excess of 25 percent of the total airport or aviation development project funds available in any given budget year. However, any airport which receives discretionary capacity improvement project funds in a given fiscal year may not receive greater than ten percent of total aviation and airport development project funds appropriated in that fiscal year.[55]

Commercial Service Airports

Each governing body that operates a commercial service airport must establish and maintain a website to post information relating to the operation of a commercial service airport, including:

- All published notices of meetings and published meeting agendas of the governing body.
- The official minutes of each meeting of the governing body, which shall be posted within 7 business days after the date of the meeting in which the minutes were approved.
- The approved budget for the commercial service airport for the current fiscal year, which shall be posted within 7 business days after the date of adoption. Budgets must remain on the website for 2 years after the conclusion of the fiscal year for which they were adopted.
- A link to the Airport Master Plan for the commercial service airport on the commercial service airport's website.
- A link to all financial and statistical reports for the commercial service airport on the FAA's website.
- Any contract or contract amendment for the purchase of commodities or contractual services executed by or on behalf of the commercial service airport in excess of a specified threshold amount, which must be posted no later than 7 business days after the commercial service airport executes the contract or contract amendment, provided that a contract or contract amendment may not reveal information made confidential or exempt by law.
- Position and rate information for each employee of the commercial service airport, including, at a minimum, the employee's position title, position description, and annual or hourly salary. This information shall be updated annually.[56]

Each November 1, the governing body of each commercial service airport must submit the following information to FDOT:

- Its approved budget for the current fiscal year.
- Any financial reports submitted to the FAA during the previous calendar year.
- A link to its website.
- A verified statement that it has complied with part III of chapter 112, F.S., chapter 287, F.S., and the requirements of s. 332.0075, F.S.[57]

FDOT may not expend any funds allocated to a commercial service airport as contained in the adopted work program, unless pledged for debt service, until the commercial service airport demonstrates its compliance with these requirements and others in s. 332.0075, F.S.[58]

Strategic Space Infrastructure Investment

Under s. 331.371, F.S., FDOT is authorized to, in consultation with Space Florida,[59] fund spaceport discretionary capacity improvement projects[60] at up to 100 percent of the project's cost if:

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[54] S. 332.007(4)(a), F.S.
[55] S. 332.007(4)(c), F.S.
[56] S. 332.0075(2), F.S.
[57] S. 332.075(5), F.S.
[58] S. 332.075(6), F.S.
[59] Section 331.302, F.S., establishes Space Florida as an independent special district, a body politic and corporate, and a subdivision of the state, to foster the growth and development of a sustainable and world-leading aerospace industry in this state. Space Florida Promotes aerospace business development by facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs.

- Important access and on-spaceport-territory space transportation capacity improvements are provided;
- Capital improvements that strategically position the state to maximize opportunities in international trade are achieved;
- Goals of an integrated intermodal transportation system for the state are achieved; and
- Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.[61]

Uniform System of Traffic Control Devices

FDOT is required by Florida law to adopt a uniform system of traffic control devices for use on the streets and highways of the state.[62] To meet this requirement, it has adopted the U.S. Department of Transportation, Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD).[63] The MUTCD is a compilation of national standards for all traffic control devices, including road markings, highway signs, and traffic signals. The MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public travel.

Upon receipt and investigation of reported noncompliance with the MUTCD, FDOT is authorized to require removal of noncompliant devices. FDOT may withhold state funds for traffic control purposes if additional violations by a public body or official occur, until such violations are remedied.[64]

Landscaping Requirements

FDOT is required to provide for the enhancement of environmental benefits, including air and water quality, to prevent roadside erosion, to conserve the natural roadside growth and scenery, and to provide for the implementation and maintenance of roadside conservation, enhancement, and stabilization programs.[65]

To this end, Florida law requires that at least 1.5 percent of the amount contracted for construction projects must be allocated by FDOT on a statewide basis for the purchase of plant materials.[66] To the greatest extent practical, at least 50 percent of the funds allocated for the purchase of plant materials must be allocated for large plant materials and the remaining funds for other plant materials. Except as prohibited by applicable federal law or regulation, all plant materials must be purchased from Florida commercial nursery stock in this state on a uniform competitive bid basis. FDOT must develop grades and standards for landscaping materials purchased through this process.[67]

FDOT districts may not expend funds for landscaping in connection with any project that is limited to resurfacing existing lanes unless the expenditure has been approved by the FDOT Secretary or designee.[68]

Moving Florida Forward Infrastructure Initiative

In 2023, the Legislature passed the Moving Florida Forward Infrastructure Initiative. As part of the Initiative, FDOT identified a selection of critical needs on state-owned roadways. Additionally, FDOT identified previously approved projects with broad community support that only lacked funding to begin construction. Due to Florida's sound fiscal health, $4 billion from the General Revenue Surplus has been dedicated to the Initiative to advance

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[60] Section 331.303(18), F.S., defines "spaceport discretionary capacity improvement projects" as capacity improvements that enhance space transportation capacity at spaceports or on spaceport territory.
[61] S. 331.371, F.S.
[62] S. 316.0745(1), F.S.
[63] R. 14-15.010, F.A.C.
[64] S. 316.0745(7), F.S.
[65] S. 334,044(26), F.S.
[66] *Id.*
[67] *Id.*
[68] *Id.*

construction on these projects to address congestion, improve safety, ensure the resiliency of the transportation network, and enhance Florida's supply chain and economic growth.[69]

Small County Road Assistance Program

The Small County Road Assistance Program assists small county governments in resurfacing and reconstructing county roads.[70] Up to $25 million annually is available to be allocated for funding this program.[71] Available funds are allocated to FDOT's districts based on the number of eligible counties.[72]

For purposes of this program, the term "small county" means any county that has a population of 75,000 or less according to the 1990 Federal census data. Small counties are eligible to compete for funds that have been designated to the program for resurfacing or reconstruction projects on county roads that were part of the county road system on June 10, 1995. Capacity improvements on county roads are not eligible for funding under the program.[73]

Small County Outreach Program

The Small County Outreach Program assists small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstructing county roads, or constructing capacity or safety improvements to county roads.[74] Available funds are allocated to FDOT's districts based on the number of eligible counties.[75]

For purpose of this program, the term "small county" means any county that has a population 200,000 or less as determined by the most recent official estimate pursuant s . 186.901, F.S. Small counties are eligible to compete for funds that have been designated for the program for projects on county roads. FDOT must fund 75% of the cost of projects on county roads funded under the program.[76] Any initial bid costs or project overruns that exceed FDOT's participation are at the county's expense.[77]

Strategic Intermodal System

The Strategic Intermodal System (SIS) is Florida's high priority network of transportation facilities important to the state's economy and mobility. The SIS was established in 2003 to focus the state's limited transportation resources on the facilities most significant for interregional, interstate, and international travel. The SIS is the state's highest priority for transportation capacity investments and a primary focus for implementing the Florida Transportation Plan (FTP), the state's long-range transportation vision and policy plan.[78]

Jacksonville Transportation Authority

The Jacksonville Transportation Authority (JTA) is created as an agency of the state to serve the Jacksonville, Duval County, metropolitan area.[79] JTA designs and constructs bridges and highways and provides varied mass transit services. These include express and regular bus service, community shuttles for a neighborhood ride, a downtown

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[69] FDOT, *Moving Florida Forward Infrastructure Initiative*, https://www.fdot.gov/movingfloridaforward/landing (last visited Mar. 23, 2025).
[70] S. 339.2816, F.S.
[71] *Id.*
[72] FDOT, *Small County Road Assistance Program*, https://www.fdot.gov/programmanagement/LP/SCRAP/Default.shtm (last visited Mar. 23, 2025).
[73] S. 339.2816, F.S.
[74] S. 339.2818, F.S.
[75] FDOT, *Small County Outreach Program*, https://www.fdot.gov/programmanagement/lp/scop/default.shtm (last visited Mar. 23, 2025).
[76] S. 339.2818, F.S.
[77] *Supra*, note 75.
[78] FDOT, *Florida's Strategic Intermodal System (SIS)*, https://www.fdot.gov/planning/systems/sis (last visited Mar. 23, 2025).
[79] *See* ch. 349, F.S.

Skyway monorail, the St. Johns River Ferry, the Gameday Xpress for various sporting events at Everbank Stadium, Paratransit for the disabled and elderly, and Ride Request on-demand services.[80]

JTA's governing body consists of seven members. Three members are appointed by the Governor and confirmed by the Senate. Three members are appointed by the mayor of the City of Jacksonville subject to confirmation by the council of the City of Jacksonville. The seventh member is the district secretary of the Department of Transportation serving in the district that contains the City of Jacksonville. Except for the seventh member, members must be residents and qualified electors of Duval County.[81]

Small, Minority, Woman-Owned, and Disadvantaged Businesses in the Florida Transportation Code

Under current law, the Florida Transportation Code contemplates practices supporting minority and disadvantaged businesses in the following ways:

- The Florida Transportation Commission is required to measure and assess the performance of FDOT in disadvantaged business enterprise and minority business programs.[82]
- FDOT is required to give consideration to disadvantaged business enterprises when considering bids of qualified contractors.[83]
- FDOT and the Department of Management Services are required to implement an outreach program designed to enhance participation of minority persons and minority business enterprises in all contracts entered into for services related to the FDOT projects for the Strategic Intermodal System Plan developed under s. 339.64, F.S.[84]
- FDOT must ensure that small and minority businesses have equal access to participate in economic development transportation projects under s. 339.2821, F.S.[85]
- The Central Florida Expressway Authority is required to encourage the inclusion of local, small, minority, and women-owned businesses in procuring and contracting opportunities.[86]
- Space Florida is required to involve and utilize women, minorities, and socially and economically disadvantaged business enterprises in all phases of the design, development, construction, maintenance, and operation of spaceports.[87]
- FDOT must provide socially and economically disadvantaged business enterprises with certain notices with regard to contracting practices.[88]
- Penalties are provided for during the contracting process with FDOT when an individual that fraudulently represents an entity as a socially and economically disadvantaged business enterprise for purposes of qualifying for certification as such an enterprise under a program of FDOT designed to assist socially and economically disadvantaged business enterprises in the receipt of contracts with FDOT for the provision of goods or services.[89]
- FDOT must develop and implement activities to encourage the participation of disadvantaged business enterprises in the contracting process.[90]
- FDOT must provide contracting opportunities to certified disadvantaged business enterprises and expend funds in a way that provides such business enterprises with financial assistance in the form of bond guarantees, to primarily remedy the effects of past economic disparity.[91]

Under current law, FDOT is authorized to implement a business development program for highway projects which would assist small businesses.[92] For the purpose of this program, "small business" is defined as a business with

[80] Jacksonville Transportation Authority, *About JTA*, https://www.jtafla.com/about-jta/ (last visited Mar. 23, 2025).
[81] S. 349.03(2), F.S.
[82] S. 334.045(1)(f), F.S.
[83] S. 337.11(6)(c), F.S.
[84] S. 338.27(4), F.S.
[85] S. 339.2821(3)(b), F.S.
[86] S. 348.754(5), F.S.
[87] S. 331.351, F.S.
[88] S. 337.125, F.S.
[89] S. 337.135, F.S.
[90] S. 337.139, F.S.
[91] S. 339.0805, F.S.

yearly average gross receipts of less than $15 million for road and bridge contracts and less than $6.5 million for professional and nonprofessional services contracts. A business' average gross receipts is determined by averaging its annual gross receipts over the last 3 years, including the receipts of any affiliate as defined in s. 337.165, F.S.[93]

High-Occupancy Vehicle Lanes

Section 316.0741, F.S., lays out the guidelines for HOV lanes, which are generally meant for vehicles in which there is more than one occupant. Current law authorizes inherently low-emission vehicles and hybrid vehicles to use the HOV lanes under specified circumstances and requires all hybrid and other low-emission and energy-efficient vehicles that do not meet the minimum occupancy requirement and are driven in an HOV lane to comply with federally mandated minimum fuel economy standards.[94]

Electric Vehicle Charging Stations Master Plan

In 2020, the Legislature directed FDOT, in consultation with the Public Service Commission and the Office of Energy within the Department of Agriculture and Consumer Services, to develop and recommend a master plan for current and future plans for the development of EV charging station infrastructure along the State Highway System.[95] The plan was completed and submitted by the July 1, 2021, deadline provided by the law.[96] The law does not require further action beyond submission of the plan.

BILL HISTORY

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

[92] S. 337.027(1), F.S.
[93] S. 337.027(2), F.S.
[94] S. 316.0741, F.S.
[95] Ch. 2020-21, s. 3, Laws of Fla., codified at s. 339.287, F.S.
[96] FDOT, *EV Infrastructure Master Plan*, July 2021, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/emergingtechnologies/evprogram/fdotevmp.pdf?sfvrsn=b5888a_2 (last visited Mar. 23. 2025).

A bill to be entitled

An act relating to transportation; amending s. 20.23, F.S.; authorizing the Secretary of Transportation to appoint certain officers; providing that such officers maintain their Senior Management Service status; providing legislative findings; creating and providing membership of the Florida Transportation Research Institute; requiring the Department of Transportation to select an administrative lead for the Institute and periodically assess his or her performance; authorizing the Institute to award certain grants and expend certain funds; providing for the appointment of an executive director and establishing an executive committee; requiring the Institute to provide specified annual reports; requiring at least a specified number of members of the Florida Transportation Commission to represent or have expertise in certain industries; authorizing the commission to monitor certain transit entities; requiring members of the commission to follow specified standards of conduct; revising the department's areas of program responsibility; removing obsolete provisions; amending s. 311.07, F.S.; adding projects eligible for funding under the Florida Seaport Transportation and Economic Development

Program; amending s. 311.09, F.S.; revising the purpose of the Florida Seaport Transportation and Economic Development Council; revising the Florida Seaport Mission Plan; requiring council members to submit specified reports; amending s. 316.0745, F.S.; specifying that any state funds may be withheld under certain circumstances; amending s. 330.27, F.S.; revising and providing definitions; amending s. 330.30, F.S.; requiring a private airport of public interest to obtain a specified certificate; providing procedures for the issuance of, conditions for the renewal of, and the expiration periods of such certificates; grandfathering in certain airports, but requiring such airports to obtain a certificate by a specified date; amending s. 331.371, F.S.; authorizing the department, in consultation with other entities, to fund certain projects associated with critical infrastructure facilities; amending s. 332.003, F.S.; revising a short title; amending s. 332.005, F.S.; requiring an airport to provide support to the department during a declared state of emergency; amending s. 332.006, F.S.; revising and providing duties of the department; amending s. 332.007, F.S.; requiring airports to submit an annual comprehensive maintenance program report to the department;

providing reporting requirements; defining the term "maintenance"; requiring airports to retain certain records; authorizing the department to withhold certain state funds under certain circumstances; requiring the department to provide priority funding for certain projects and technology; authorizing the department to fund certain projects at postsecondary education institutions; authorizing the department to fund, and match funds provided by the Department of Commerce for, programs that help transition certain military personnel to the aviation industry; authorizing the Department of Transportation to fund strategic airport investment projects to maximize tourism opportunities; amending s. 332.0075, F.S.; revising definitions; requiring certain information to remain on a governing body's website for 5 years; requiring certain information to be updated quarterly rather than annually; revising the information that certain governing bodies must submit to the department; providing requirements for commercial service airports; creating s. 332.15, F.S.; providing requirements for the department relating to advanced air mobility; amending s. 334.044, F.S.; revising certain property and materials the department may purchase, lease, or acquire; requiring certain funds

to be annually allocated on a statewide basis; removing the prohibition on the expenditure of funds for certain landscaping without certain approval; requiring the department to develop standards for landscaping materials; requiring certain construction projects to expend a certain percentage of funds in a specified manner; providing an exemption; repealing such exemption upon completion of certain projects; authorizing the department to enter into contracts for insurance; authorizing the department to purchase or acquire heavy equipment and motor vehicles for certain purposes; requiring the department to adopt rules; amending s. 334.045, F.S.; conforming a provision to changes made by the act; creating s. 334.62, F.S.; providing legislative findings; creating the Florida Transportation Academy for a specified purpose; authorizing the department to work with certain entities to support, promote, and sustain certain workforce development efforts; authorizing the department to coordinate with specified entities for certain purposes; amending s. 335.182, F.S.; revising the definition of the term "significant change"; defining the term "modification of a connection"; amending s. 335.187, F.S.; revising the conditions under which the department may modify or revoke a

permit; amending s. 337.027, F.S.; revising the definition of the term "small business"; amending ss. 337.11 and 337.251, F.S.; conforming provisions to changes made by the act; amending s. 337.18, F.S.; authorizing the department to require the amount of certain bonds to be less than a certain price; amending s. 337.406, F.S.; providing an exception to the prohibition of camping on any portion of the right-of-way of the State Highway System; amending s. 338.227, F.S.; conforming a provision to changes made by the act; providing applicability; amending s. 339.2816, F.S.; increasing the required funding for the Small County Road Assistance Program; amending s. 339.2818, F.S.; revising the definition of the term "small county"; authorizing specified funding to be used to fund the Small County Outreach Program; amending s. 339.2821, F.S.; conforming provisions to changes made by the act; amending s. 339.651, F.S.; authorizing, rather than requiring, the department to make certain funds available each year for certain projects; removing a scheduled repeal; amending s. 341.051, F.S.; requiring the department to reallocate certain funds under certain circumstances; amending s. 348.754, F.S.; conforming a provision to changes made by the act; amending s. 349.03, F.S.; providing

appointment procedures for the governing body of the Jacksonville Transportation Authority; providing requirements for the authority; repealing ss. 316.0741, 331.351, 337.125, 337.135, 337.139, 339.0805, and 339.287, F.S., relating to high-occupancy-vehicle lanes; participation by women, minorities, and socially and economically disadvantaged business enterprises; notice requirements for socially and economically disadvantaged business enterprises; penalties for false representation of socially and economically disadvantaged business enterprises; awarding contracts to disadvantaged business enterprises; funds to be expended with certified disadvantaged business enterprises, the construction management development program, and the bond guarantee program; and infrastructure plan development for electric vehicle charging stations, respectively; amending ss. 110.205, 322.27, 365.172, 379.2293, 493.6101, and 493.6403, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsections (2) through (6) of section 20.23,

Florida Statutes, are renumbered as subsections (3) through (7), respectively, paragraph (d) of subsection (1), paragraphs (a), (b), and (g) of present subsection (2), and paragraph (b) of present subsection (3) are amended, and a new subsection (2) is added to that section, to read:

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

(1)

(d) The secretary may appoint up to three assistant secretaries who shall serve as the Chief Operations Officer, Chief Finance and Administration Officer, and Chief Strategic Development Officer; be directly responsible to the secretary; and ~~who shall~~ perform such duties as are assigned by the secretary. The secretary may also appoint an Executive Director of Transportation Technology. These assistant secretaries and the Executive Director of Transportation Technology shall maintain their Senior Management Service status and are exempt from career service under s. 110.205(2). The secretary shall designate to an assistant secretary the duties related to enhancing economic prosperity, including, but not limited to, the responsibility of liaison with the head of economic development in the Executive Office of the Governor. Such assistant secretary shall be directly responsible for providing the Executive Office of the Governor with investment

opportunities and transportation projects that expand the state's role as a global hub for trade and investment and enhance the supply chain system in the state to process, assemble, and ship goods to markets throughout the eastern United States, Canada, the Caribbean, and Latin America. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary.

(2) The Legislature finds that the transportation industry is critical to the economic future of this state and that the competitiveness of the industry in this state depends upon the development and maintenance of a qualified workforce and cutting-edge research and innovation. The Legislature further finds that the transportation industry in this state has varied and complex workforce needs ranging from technical and mechanical training to continuing education opportunities for workers with advanced degrees and certifications. The timely need also exists for coordinated research and innovation efforts to promote emerging technologies and innovative construction methods and tools and to address alternative funding mechanisms.

(a) The Florida Transportation Research Institute (the Institute) is created as a consortium of higher education professionals to drive cutting-edge research, innovation, transformational technologies, and breakthrough solutions and to support workforce development efforts that contribute to this state's transportation system.

(b) The Institute shall report to the department and include membership from the University of Florida, Indian River State College, the University of Central Florida, and Florida International University.

(c) The department shall select a representative from one of the entities referenced in paragraph (b) to serve as the administrative lead for the Institute. The department shall assess the performance of the administrative lead periodically to ensure accountability and assess the attainment of performance expectations.

(d) The Institute may award grants in alignment with its mission of furthering research and innovation and supporting workforce development in this state to support the needs of the transportation industry. Such grants may be directed to member and nonmember institutions that have a proven expertise relevant to the grant, including not-for-profit organizations and institutions of higher education.

(e) The Institute may expend state funds as allocated by the department from the State Transportation Trust Fund. Annual funding may be expended for the Institute's operations and programs to support research and innovation projects that provide solutions to this state's transportation needs.

(f) The secretary shall appoint a member of the department to serve as the executive director of the Institute. The department shall coordinate with the entities referenced in

paragraph (b) to adopt and approve additional policies establishing the Institute's executive committee and mission statement.

(g) The Institute shall submit an annual report to the Office of the Secretary and the commission containing performance metrics, including, but not limited to, expenditures of appropriated funds provided by the department, ongoing and proposed research efforts, and the application and success of past research efforts.

(3) ~~(2)~~ (a)1. The Florida Transportation Commission is hereby created and shall consist of nine members appointed by the Governor subject to confirmation by the Senate. Members of the commission shall serve terms of 4 years each.

2. Members shall be appointed in such a manner as to equitably represent all geographic areas of this ~~the~~ state. At least three members of the commission shall represent or have expertise in higher education, transportation, or workforce development ~~Each member must be a registered voter and a citizen of the state. Each member of the commission must also possess business managerial experience in the private sector~~.

3. A member of the commission shall represent the transportation needs of the state as a whole and may not subordinate the needs of the state to those of any particular area of the state.

4. The commission is assigned to the Office of the

Secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department.

(b) The commission shall:

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

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

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

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

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

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

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

8. Monitor the efficiency, productivity, and management of the agencies and authorities created under chapters 348 and 349; the Mid-Bay Bridge Authority re-created pursuant to chapter 2000-411, Laws of Florida; ~~and~~ any authority formed under chapter 343; and any transit entity that is a recipient of funding from the department's public transit block grant program

as created in s. 341.052. The commission shall also conduct periodic reviews of each agency's and authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

(g) A member of the commission shall follow standards of conduct for public officers as provided in s. 112.313 ~~may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the department~~ during the term of his or her appointment and for 2 years after the termination of such appointment.

(4) ~~(3)~~

(b) The secretary may appoint positions at the level of deputy assistant secretary or director which the secretary deems necessary to accomplish the mission and goals of the department, including, but not limited to, the areas of program responsibility provided in this paragraph, each of whom shall be appointed by and serve at the pleasure of the secretary. The secretary may combine, separate, or delete offices as needed in consultation with the Executive Office of the Governor. The department's areas of program responsibility include, but are not limited to, all of the following:

1. Administration.

2. Planning.

3. Supply chain and modal development.

4. Design.
5. Highway operations.
6. Right-of-way.
7. Toll operations.
8. Transportation technology.
9. Information technology ~~systems~~.
10. Motor carrier weight inspection.
11. Work program and budget.
12. Comptroller.
13. Construction.
14. Statewide corridors.
15. Maintenance.
16. Forecasting and performance.
17. Emergency management.
18. Safety.
19. Materials.
20. Infrastructure and innovation.
21. Permitting.
22. Traffic operations.
23. Operational technology.

Section 2. Paragraph (b) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(3)

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed in this paragraph.

8. Transportation facilities as defined in s. 334.03(30) which are not otherwise part of the Department of Transportation's adopted work program.

9. Intermodal access projects.

10. Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of $5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

11. Seaport master plan or strategic plan development or updates, including the purchase of data to support such plans.

12. Spaceport or space industry-related planning or construction of facilities on seaport property which is necessary or useful to advance the space industry in this state when such project provides economic benefit to the community.

13. Commercial shipbuilding and manufacturing facilities when such project provides economic benefit to the community.

Section 3. Subsections (1), (3), and (11) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation to support the growth of the seaports of this

state through the review, development, and financing of port transportation and port facilities. The council is composed ~~consists~~ of the following 18 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; and the secretary of the Department of Commerce or his or her designee.

(2) The council shall adopt bylaws governing the manner in which the business of the council will be conducted. The bylaws shall specify the procedure by which the chairperson of the council is elected.

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode, the construction of transportation facilities connecting any port to the space and aerospace industries, and ~~for~~ the efficient, cost-effective development of transportation

facilities or port facilities for the purpose of enhancing trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to this ~~the~~ state. The council shall develop a priority list of projects based on these recommendations annually and submit the list to the Department of Transportation. The council shall update the 5-year Florida Seaport Mission Plan annually and shall submit the plan no later than February 1 of each year to the President of the Senate, the Speaker of the House of Representatives, the Department of Commerce, and the Department of Transportation. The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of ~~minorities and~~ secondary school students in job skills associated with employment opportunities in the maritime industry, and report on progress and recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually. Each member of the council shall submit semiannual reports to the Department of Transportation relating to seaport operations and their support of this state's economic competitiveness and supply chain. Each report must include information prescribed by the Department of Transportation, in consultation with the Department of Commerce, including, but, not limited to:

(a) Bulk break capacity.

(b) Liquid storage and capacity.

(c) Fuel storage and capacity.

(d) Container capacity.

(e) Supply chain disruptions.

(11) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council may elect to provide an administrative staff to provide services to the council on matters relating to the Florida Seaport Transportation and Economic Development Program and the council. The cost for such administrative services shall be paid by all ports that receive funding from the Florida Seaport Transportation and Economic Development Program, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in its total amount by the recipient port upon execution by the port and the Department of Transportation of a joint participation agreement for each council-approved project, and such payment is in addition to the matching funds required to be paid by the recipient port. Except as otherwise exempted by law, all moneys derived from the Florida Seaport Transportation and Economic Development Program shall be expended in accordance with ~~the provisions of~~ s. 287.057. Seaports subject to competitive negotiation requirements of a local governing body shall abide by ~~the provisions of~~ s.

287.055.

Section 4. Subsection (7) of section 316.0745, Florida Statutes, is amended to read:

316.0745 Uniform signals and devices.—

(7) The Department of Transportation may, upon receipt and investigation of reported noncompliance and after hearing pursuant to 14 days' notice, direct the removal of any purported traffic control device that fails to meet the requirements of this section, wherever the device is located and without regard to assigned responsibility under s. 316.1895. The public agency erecting or installing the same shall immediately bring it into compliance with the requirements of this section or remove said device or signal upon the direction of the Department of Transportation and may not, for a period of 5 years, install any replacement or new traffic control devices paid for in part or in full with revenues raised by the state unless written prior approval is received from the Department of Transportation. Any additional violation by a public body or official shall be cause for the withholding of state funds ~~for traffic control purposes~~ until such public body or official demonstrates to the Department of Transportation that it is complying with this section.

Section 5. Section 330.27, Florida Statutes, is amended to read:

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

used in ss. 330.29-330.39, the term:

(1) "Air ambulance operation" means a flight with a patient or medical personnel on board for the purpose of medical transportation.

(2) ~~(1)~~ "Aircraft" means a powered or unpowered machine or device capable of atmospheric flight, including, but not limited to, an airplane, autogyro, glider, gyrodyne, helicopter, lift and cruise, multicopter, paramotor, powered lift, seaplane, tiltrotor, ultralight, or vectored thrust. The term does not include ~~except~~ a parachute or other such device used primarily as safety equipment.

(3) ~~(2)~~ "Airport" means a specific ~~an~~ area of land or water or a structure used for, or intended to be used for, ~~landing and takeoff of~~ aircraft operations, which may include ~~including~~ appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use. The term includes, but is not limited to, an airpark, airport, gliderport, heliport, helistop, seaplane base, ultralight flightpark, vertiport, or vertistop.

(4) "Commercial air tour operation" means a flight conducted for compensation or hire in an aircraft when the purpose of the flight is sightseeing.

(5) "Commuter operation" means any scheduled operation conducted by a person operating an aircraft with a frequency of operations of at least five round trips per week on at least one

route between two or more points according to the published flight schedule.

(6) ~~(3)~~ "Department" means the Department of Transportation.

(7) ~~(4)~~ "Limited airport" means any airport limited exclusively to the specific conditions stated on the site approval order or license.

(8) "On-demand operation" means any scheduled passenger-carrying operation for compensation or hire conducted by a person operating an aircraft with a frequency of operations of fewer than five round trips per week on at least one route between two or more points according to the published flight schedule.

(9) ~~(5)~~ "Private airport" means an airport, publicly or privately owned, which is not open or available for use by the public, but may be made available to others by invitation of the owner or manager.

(10) "Private airport of public interest" means a private airport serving any of the following operations: air ambulance operation, commercial air tour operation, commuter operation, on-demand operation, public charter operation, scheduled operation, or supplemental operation.

(11) ~~(6)~~ "Public airport" means an airport, publicly or privately owned, which is open for use by the public.

(12) "Public charter operation" means a one-way or round-

trip charter flight performed by one or more direct air carriers which is arranged and sponsored by a charter operator.

(13) "Scheduled operation" means any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial operator for which the certificateholder or its representative offers in advance the departure location, departure time, and arrival location.

(14) "Supplemental operation" means any common carriage operation for compensation or hire conducted with an aircraft for which the departure time, departure location, and arrival location are specifically negotiated with the customer or customer's representative.

(15)~~(7)~~ "Temporary airport" means an airport at which flight operations are conducted under visual flight rules established by the Federal Aviation Administration and which is used for less than 30 consecutive days with no more than 10 operations per day.

~~(8) "Ultralight aircraft" means any aircraft meeting the criteria established by part 103 of the Federal Aviation Regulations.~~

Section 6. Paragraphs (a) and (d) of subsection (2) and subsection (4) of section 330.30, Florida Statutes, are amended to read:

330.30 Approval of airport sites; registration, certification, and licensure of airports.—

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

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

1. For a public airport, upon granting site approval, the department shall issue a license after a final airport inspection finds that the airport is ~~to be~~ in compliance with all requirements for the license. The license may be subject to any reasonable conditions the department deems necessary to protect the public health, safety, or welfare.

2. For a private airport, upon granting site approval, the department shall provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the department.

3. For a temporary airport, the department must publish notice of receipt of a completed registration application in the next available publication of the Florida Administrative Register and may not approve a registration application less

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

4. A private airport of public interest as defined in s. 330.27 must obtain a certificate from the department before allowing aircraft operations. The department shall issue a certificate after a final inspection finds that the private airport of public interest is in compliance with all of the requirements for a certificate. The certificate is subject to any reasonable conditions that the department deems necessary to protect the health, safety, or welfare of the public. A private airport that was engaged in operations associated with a private airport of public interest on or before July 1, 2025, may continue its operations but must obtain a certificate from the

department before July 1, 2030.

(d)1. Each public airport license shall expire no later than 1 year after the effective date of the license, except that the expiration date of a license may be adjusted to provide a maximum license period of 18 months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency.

2. Registration for private airports shall remain valid provided specific elements of airport data, established by the department, are periodically recertified by the airport registrant. The ability to recertify private airport registration data shall be available at all times by electronic submittal. A private airport registration that has not been recertified in the 24-month period following the last certification shall expire, unless the registration period has been adjusted by the department for purposes of informing private airport owners of their registration responsibilities or promoting administrative efficiency. The expiration date of the current registration period will be clearly identifiable from the state aviation facility data system.

3. The effective date and expiration date shall be shown on public airport licenses. Upon receiving an application for renewal of an airport license in a form and manner prescribed by the department and receiving a favorable inspection report indicating compliance with all applicable requirements and

conditions, the department shall renew the license, subject to any conditions deemed necessary to protect the public health, safety, or welfare.

4. The department may require a new site approval for any airport if the license or registration has expired.

5. If the renewal application for a public airport license has not been received by the department or no private airport registration recertification has been accomplished within 15 days after the date of expiration, the department may revoke the airport license or registration.

6. After initial registration, the department may issue a certificate to a private airport of public interest if the airport is in compliance with all of the requirements for a certificate after a final inspection of the private airport of public interest. The certificate is subject to any reasonable conditions that the department deems necessary to protect the health, safety, or welfare of the public. A certificate issued to a private airport of public interest expires 5 years after the effective date of the certificate.

(4) EXCEPTIONS.—Private airports with 10 or more based aircraft may request to be inspected and licensed by the department. Private airports licensed according to this subsection shall be considered private airports as defined in s. 330.27 ~~s. 330.27(5)~~ in all other respects.

Section 7. Section 331.371, Florida Statutes, is amended

to read:

331.371 Strategic space infrastructure investment.—

(1) In consultation with Space Florida, the Department of Transportation may fund spaceport discretionary capacity improvement projects, as defined in s. 331.303, at up to 100 percent of the project's cost if:

(a) ~~(1)~~ Important access and on-spaceport-territory space transportation capacity improvements are provided.~~;~~

(b) ~~(2)~~ Capital improvements that strategically position the state to maximize opportunities in international trade are achieved.~~;~~

(c) ~~(3)~~ Goals of an integrated intermodal transportation system for the state are achieved.~~; and~~

(d) ~~(4)~~ Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.

(2) In consultation with the Department of Commerce and the Department of Environmental Protection, the Department of Transportation may fund wastewater projects, stormwater projects, water capacity projects, or projects associated with critical infrastructure facilities as defined in s. 692.201 within or outside the jurisdictional boundary of a spaceport territory so long as the project supports aerospace or launch support facilities within an adjacent spaceport territory boundary. The Department of Transportation shall coordinate with the Department of Commerce and the Department of Environmental

Protection in order to maximize and optimize available funding for such projects.

Section 8. Section 332.003, Florida Statutes, is amended to read:

332.003 Florida Airport Development and Accountability ~~Assistance~~ Act; short title.—Sections 332.003-332.007 may be cited as the "Florida Airport Development and Accountability ~~Assistance~~ Act."

Section 9. Section 332.005, Florida Statutes, is amended to read:

332.005 Restrictions on authority of Department of Transportation.—

(1) This act specifically prohibits the Department of Transportation from regulating commercial air carriers operating within the state pursuant to federal authority and regulations; from participating in or exercising control in the management and operation of a sponsor's airport, except when officially requested by the sponsor; or from expanding the design or operational capability of the department in the area of airport and aviation consultants' contract work, other than to provide technical assistance as requested.

(2) Notwithstanding subsection (1), upon the declaration of a state of emergency issued by the Governor in preparation for or in response to a natural disaster, an airport as defined in s. 332.004 must provide the department, at no cost, with the

opportunity to use any property not within the air navigation facility as defined in s. 332.01(4) for the staging of equipment and personnel to support emergency preparedness and response operations.

Section 10. Subsection (7) of section 332.006, Florida Statutes, is amended to read:

332.006 Duties and responsibilities of the Department of Transportation.—

The Department of Transportation shall, within the resources provided pursuant to chapter 216:

(7) Develop, promote, and distribute supporting information and educational services, including, but not limited to, educational services with a focus on retention and growth of the aviation industry workforce.

Section 11. Paragraph (a) of subsection (7), subsection (8), and paragraph (b) of subsection (9) of section 332.007, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

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

(2)

(c) Annually, each airport must submit to the department a comprehensive maintenance program report detailing the maintenance and inspection of such airport's infrastructure. At a minimum, the report must include a schedule of inspections,

the locations being inspected, any probable cause for such inspection, a list of the airport's required needs, any remedial actions to be taken, and any required follow-up inspections and maintenance. For purposes of this paragraph, the term "maintenance" includes any preventive and regular or recurring work that is necessary to preserve the airport infrastructure in good condition. Timely maintenance and repair, including routine maintenance, rehabilitation, and upgrading, are essential for the safe operation of airport infrastructure. An airport must retain all records of materials and equipment used for the airport's maintenance and repair work. If the department determines, based on the annual comprehensive maintenance program report, that there is evidence that an airport failed to perform routine maintenance, the department may withhold state funds for any of the airport's capital expansion projects until such airport corrects any deficiencies.

(7) Subject to the availability of appropriated funds in addition to aviation fuel tax revenues, the department may participate in the capital cost of eligible public airport and aviation discretionary capacity improvement projects. The annual legislative budget request shall be based on the funding required for discretionary capacity improvement projects in the aviation and airport work program.

(a) The department shall provide priority funding in support of:

1. Terminal and parking expansion projects that increase capacity at airports that provide commercial service in counties with a population of 500,000 or less.

2.~~1.~~ Land acquisition which provides additional capacity at the qualifying international airport or at that airport's supplemental air carrier airport.

3.~~2.~~ Runway and taxiway projects that add capacity or are necessary to accommodate technological changes in the aviation industry.

4.~~3.~~ Airport access transportation projects that improve direct airport access and are approved by the airport sponsor.

5.~~4.~~ International terminal projects that increase international gate capacity.

6. Projects that improve the safe and efficient operation of this state's airports.

7. Emerging technology, workforce development projects, and projects that benefit the strategic intermodal system through intermodal connectivity.

(8) The department may also fund eligible projects performed by not-for-profit organizations and postsecondary education institutions, as defined in s. 1008.47(1), which support the training of pilots, air traffic control personnel, or aircraft maintenance technical personnel ~~that represent a majority of public airports in this state~~. Eligible projects may include activities associated with aviation master planning,

professional education, safety and security planning, enhancing economic development and efficiency at airports in this state, or other planning efforts to improve the viability and safety of airports in this state. The department may also fund programs that support the transition of honorably discharged military personnel to the aviation industry. The department may match funds provided by the Department of Commerce for such programs.

(9) The department may fund strategic airport investment projects at up to 100 percent of the project's cost if:

(b) Capital improvements that strategically position the state to maximize opportunities in tourism, international trade, logistics, and the aviation industry are provided;

Section 12. Subsections (1), (2), and (5) of section 332.0075, Florida Statutes, are amended to read:

332.0075 Commercial service airports; transparency and accountability; penalty.—

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

(a) "Commercial service airport" means an airport providing commercial services, including large, medium, small, and nonhub airports as classified ~~a primary airport as defined in 49 U.S.C. s. 47102 which is classified as a large, medium, or small hub airport~~ by the Federal Aviation Administration.

(b) "Consent agenda" means an agenda which consists of items voted on collectively or as a group and which does not provide the opportunity for public comment on each such item

before approval or disapproval by the governing body.

(c) "Department" means the Department of Transportation.

(d) "Governing body" means the governing body of the county, municipality, or special district that operates a commercial service airport. The term includes an appointed board or oversight entity serving as the governing body on behalf of the county, municipality, or special district.

(2) Each governing body shall establish and maintain a website to post information relating to the operation of a commercial service airport, and such information must remain on the website for at least 5 years or for as long as the information is actively in use by the entity. Information that must be posted on the governing body's website includes ~~including~~:

(a) All published notices of meetings and published meeting agendas of the governing body.

(b) The official minutes of each meeting of the governing body, which must ~~shall~~ be posted within 7 business days after the date of the meeting in which the minutes were approved.

(c) The approved budget for the commercial service airport for the current fiscal year, which shall be posted within 7 business days after the date of adoption. Budgets must remain on the website for 5 ~~2~~ years after the conclusion of the fiscal year for which they were adopted.

(d) Copies of ~~A link to~~ the current Airport Master Plan

and the immediately preceding Airport Master Plan for the commercial service airport and a link to the current Airport Master Plan on the commercial service airport's website.

(e) A link to all financial and statistical reports for the commercial service airport on the Federal Aviation Administration's website.

(f) Any contract or contract amendment for the purchase of commodities or contractual services executed by or on behalf of the commercial service airport in excess of the threshold amount provided in s. 287.017 for CATEGORY FIVE, which must ~~shall~~ be posted no later than 7 business days after the commercial service airport executes the contract or contract amendment. However, a contract or contract amendment may not reveal information made confidential or exempt by law. Each commercial service airport must redact confidential or exempt information from each contract or contract amendment before posting a copy on its website.

(g) Position and rate information for each employee of the commercial service airport, including, at a minimum, the employee's position title, position description, and annual or hourly salary. This information must ~~shall~~ be updated quarterly ~~annually~~.

(5)(a) Each November 1, the governing body of each commercial service airport shall submit the following information to the department:

1. Its approved budget for the current fiscal year.

2. Any financial reports submitted to the Federal Aviation Administration during the previous calendar year.

3. A link to its website.

4. A statement, verified as provided in s. 92.525, that it has complied with part III of chapter 112, chapter 287, and this section.

5. The most recent copy of its strategic plan or plans.

6. Contracts related to financial awards received through federally funded grant programs for the preceding year.

(b) The department shall review the information submitted by the governing body of the commercial service airport and posted on the airport's website to determine the accuracy of such information. Each January 15, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing commercial service airport compliance with this section.

(c) In addition to the requirements of this section, a commercial service airport must:

1. Notify the department within 48 hours after receiving a communication or directive from a federal agency with respect to accommodating public health testing or the transfer of unauthorized aliens into this state.

2. Notify the department as soon as reasonably possible, but no later than 48 hours after discovery, of incidents

including, but not limited to, those related to the safety of the public when traveling, potential breaches or security risks associated with cybersecurity, or other issues of statewide concern as defined by the department.

Section 13. Section 332.15, Florida Statutes, is created to read:

332.15 Advanced air mobility.—The Department of Transportation shall, within the resources provided pursuant to chapter 216:

(1) Address the need for vertiports, advanced air mobility, and other advances in aviation technology in the statewide aviation system plan as required under s. 332.006(1) and, as appropriate, in the department's work program.

(2) Designate a subject matter expert on advanced air mobility within the department to serve as a resource for local jurisdictions navigating advances in aviation technology.

(3) Conduct a review of airport hazard zone regulations.

(4) Work with the Department of Commerce to provide coordination and assistance for the development of a viable advanced air mobility system in this state and incorporate those plans in the statewide aviation system plan as required under s. 332.006(1) in order to develop and identify the statewide corridors of need and opportunities for growth of the industry.

Section 14. Subsections (5) and (26) of section 334.044, Florida Statutes, are amended, and subsections (37), (38), and

(39) are added to that section, to read:

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

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

(26)(a) To provide for the enhancement of environmental benefits, including air and water quality; to prevent roadside erosion; to conserve the natural roadside growth and scenery; and to provide for the implementation and maintenance of roadside conservation, enhancement, and stabilization programs. For these purposes, the department shall annually allocate an amount equal to at least 1.5 percent of the total amount contracted for construction projects, including existing maintenance projects to enhance the rights-of-way and arterial facilities of the state highway system, ~~shall be allocated by~~

~~the department on a statewide basis~~ for the purchase of plant materials. Such funds must be allocated on a statewide basis.

1. ~~Department districts may not expend funds for landscaping in connection with any project that is limited to resurfacing existing lanes unless the expenditure has been approved by the department's secretary or the secretary's designee.~~ To the greatest extent practical, at least 50 percent of the funds allocated under this paragraph must ~~subsection shall~~ be allocated for large plant materials and the remaining funds for other plant materials.

2. Except as prohibited by applicable federal law or regulation, all plant materials shall be purchased from Florida commercial nursery stock in this state on a uniform competitive bid basis. The department shall develop grades and standards for landscaping materials purchased through this process, including standards for landscaping materials that are native to a specific region of this state to reflect Florida's heritage and natural landscapes.

(b) To increase cost predictability and increase programming needs, a project with a total contracted construction cost greater than $500 million must have 0.5 percent of the total construction cost expended in the fiscal year in which the project is planned for construction and the remaining 1 percent may be planned and expended over the next 5 fiscal years.

(c) Projects authorized in s. 215, chapter 2023-239, Laws of Florida, and in budget amendment EOG #2024-B0112, and subsequently adopted into the 5-year work program, are exempt from this subsection. This paragraph expires upon the completion of the authorized projects.

(37) Notwithstanding s. 287.022 or s. 287.025, to enter into contracts for insurance that the department is contractually and legally obligated to provide directly from local, national, or international insurance companies.

(38) Notwithstanding s. 287.14, to purchase, lease, or acquire heavy equipment and motor vehicles for roadway operations and emergency response purposes, regardless of whether the department has exchanged or ceased the operation of motor vehicles or heavy equipment already under the department's ownership.

(39) To adopt rules to comply with the requirements of 49 C.F.R. part 26 and applicable federal law ~~To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities~~.

Section 15. Paragraph (f) of subsection (1) of section 334.045, Florida Statutes, is amended to read:

334.045 Transportation performance and productivity standards; development; measurement; application.—

(1) The Florida Transportation Commission shall develop

and adopt measures for evaluating the performance and productivity of the department. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the department's control. The measures must, at a minimum, assess performance in the following areas:

(f) Small ~~Disadvantaged business enterprise and minority~~ business programs as established in s. 337.027.

Section 16. Section 334.62, Florida Statutes, is created to read:

334.62 Florida Transportation Academy.—

(1) The Legislature finds that the growth and sustainability of the transportation workforce industry is vital to the continued success and efficiency of this state's supply chain and economic competitiveness. In order to prioritize the continued need for transportation industry workforce development programs, the Florida Transportation Academy is established.

(2) In order to support, promote, and sustain workforce development efforts of the transportation sector, the department may work with state agencies referenced in this chapter, industry organizations, and private sector businesses, as appropriate.

(3) The department may coordinate with all of the following entities:

(a) The Department of Corrections to identify and create

certification and training opportunities for nonviolent inmates and create a process to allow the Department of Corrections to notify the department when a nonviolent inmate who is seeking employment has received a scheduled release date.

(b) The Department of Juvenile Justice and its educational partners to create certification and training opportunities for eligible youth.

(c) Veterans' organizations to encourage honorably discharged veterans to pursue opportunities within the transportation industry, including, but not limited to, employment as pilots, mechanics, and air traffic controllers.

(d) The Department of Commerce, CareerSource Florida, and regional business communities, within and outside of the transportation industry, to further understand recruitment and retention needs and job-seeker pipelines.

(e) The American Council of Engineering Companies and the Florida Transportation Builders Association to optimize workforce recruitment and retention and assess the future needs of the transportation industry and this state.

Section 17. Subsection (3) of section 335.182, Florida Statutes, is amended to read:

335.182 Regulation of connections to roads on State Highway System; definitions.—

(3) As used in this act, the term:

(a) "Connection" means driveways, streets, turnouts, or

other means of providing for the right of reasonable access to or from the State Highway System.

(b) "Modification of a connection" means relocation, alteration, or closure of a connection.

(c) ~~(b)~~ "Significant change" means:

1. A change in the use of the property, including development of the land, structures, or facilities; ~~,~~ or

2. An expansion of the size of the property, structures, or facilities causing an increase in the trip generation of the property exceeding 25 percent more trip generation, ~~(~~either peak hour or daily, ~~)~~ and exceeding 100 vehicles per day more than the existing use.

Section 18. Subsections (3) and (4) of section 335.187, Florida Statutes, are amended to read:

335.187 Unpermitted connections; existing access permits; nonconforming permits; modification and revocation of permits.—

(3) The department may issue a nonconforming access permit if denying ~~after finding that to deny~~ an access permit would leave the property without a reasonable means of access to the State Highway System. The department may specify limits on the maximum vehicular use of the connection and may impose conditions ~~be conditioned~~ on the availability of future alternative means of access for which access permits can be obtained.

(4) After written notice and the opportunity for a

hearing, as provided for in s. 120.60, the department may modify or revoke an access permit issued after July 1, 1988, by requiring modification ~~relocation, alteration, or closure~~ of an existing connection if:

(a) A significant change occurs in the use, design, or traffic flow of the connection; or

(b) The connection would jeopardize the safety of the public or have a negative impact on the operational characteristics of the highway.

Section 19. Subsection (2) of section 337.027, Florida Statutes, is amended to read:

337.027 Authority to implement a business development program.—

(2) For purposes of this section, the term "small business" means a business with yearly average gross receipts of less than $25 ~~$15~~ million for road and bridge contracts and less than $10 ~~$6.5~~ million for professional and nonprofessional services contracts. A business' average gross receipts is determined by averaging its annual gross receipts over the last 3 years, including the receipts of any affiliate as defined in s. 337.165.

Section 20. Subsection (6) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders;

combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(6)(a) If the secretary determines that an emergency in regard to the restoration or repair of any state transportation facility exists such that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, the provisions for competitive bidding do not apply; and the department may enter into contracts for restoration or repair without giving opportunity for competitive bidding on such contracts. Within 30 days after such determination and contract execution, the head of the department shall file with the Executive Office of the Governor a written statement of the conditions and circumstances constituting such emergency.

(b) If the secretary determines that delays on a contract for maintenance exist due to administrative challenges, bid protests, defaults or terminations and the further delay would reduce safety on the transportation facility or seriously hinder the department's ability to preserve the state's investment in that facility, competitive bidding provisions may be waived and the department may enter into a contract for maintenance on the facility. However, contracts for maintenance executed under the provisions of this paragraph shall be interim in nature and shall be limited in duration to a period of time not to exceed the length of the delay necessary to complete the competitive

bidding process and have the contract in place.

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

1. To ensure timely completion of projects or avoidance of undue delay for other projects;

2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or

3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

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

effort to negotiate and enter into a contract with the prime contractor on the existing contract.

Section 21. Paragraph (a) of subsection (1) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(1)(a) A surety bond shall be required of the successful bidder in an amount equal to the awarded contract price. However, the department may choose, in its discretion and applicable only to multiyear maintenance contracts, to allow for incremental annual contract bonds that cumulatively total the full, awarded, multiyear contract price. The department may also choose, in its discretion and applicable only to phased design-build contracts under s. 337.11(7)(b), to allow the issuance of multiple contract performance and payment bonds in succession to align with each phase of the contract to meet the bonding requirement in this subsection. Notwithstanding any bonding requirement under this section, the department may require, at the discretion of the secretary, that the amount of the surety bond or bonds be less than the contract price.

1. The department may waive the requirement for all or a portion of a surety bond if:

a. The contract price is $250,000 or less and the department determines that the project is of a noncritical

nature and that nonperformance will not endanger public health, safety, or property;

b. The prime contractor is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2); or

c. The prime contractor is using a subcontractor that is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2). However, the department may not waive more than the amount of the subcontract.

2. If the department determines that it is in the best interests of the department to reduce the bonding requirement for a project and that to do so will not endanger public health, safety, or property, the department may waive the requirement of a surety bond in an amount equal to the awarded contract price for a project having a contract price of $250 million or more and, in its place, may set a surety bond amount that is a portion of the total contract price and provide an alternate means of security for the balance of the contract amount that is not covered by the surety bond or provide for incremental surety bonding and provide an alternate means of security for the balance of the contract amount that is not covered by the surety bond. Such alternative means of security may include letters of credit, United States bonds and notes, parent company guarantees, and cash collateral. The department may require

alternate means of security if a surety bond is waived. The surety on such bond shall be a surety company authorized to do business in the state. All bonds shall be payable to the department and conditioned for the prompt, faithful, and efficient performance of the contract according to plans and specifications and within the time period specified, and for the prompt payment of all persons defined in s. 713.01 furnishing labor, material, equipment, and supplies for work provided in the contract; however, whenever an improvement, demolition, or removal contract price is $25,000 or less, the security may, in the discretion of the bidder, be in the form of a cashier's check, bank money order of any state or national bank, certified check, or postal money order. The department shall adopt rules to implement this subsection. Such rules shall include provisions under which the department shall refuse to accept bonds on contracts when a surety wrongfully fails or refuses to settle or provide a defense for claims or actions arising under a contract for which the surety previously furnished a bond.

Section 22. Subsection (3) of section 337.251, Florida Statutes, is amended to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(3) A proposal must be selected by the department based on competitive bidding, except that the department may consider other relevant factors specified in the request for proposals.

The department may consider such factors as the value of property exchanges, the cost of construction, and other recurring costs for the benefit of the department by the lessee in lieu of direct revenue to the department if such other factors are of equal value including innovative proposals to involve small ~~minority~~ businesses. The department may name a board of advisers which may be composed of accountants, real estate appraisers, design engineers, or other experts experienced in the type of development proposed. The board of advisers shall review the feasibility of the proposals, recommend acceptance or rejection of each proposal, and rank each feasible proposal in the order of technical feasibility and benefit provided to the department. The board of advisers shall be reasonably compensated for the services provided and all department costs for evaluating the proposals shall be reimbursed from a proposal application fee to be set by the department and paid by the applicants. The board of advisers shall not be subject to selection under the provisions of chapter 287.

Section 23. Subsection (4) of section 337.406, Florida Statutes, is amended to read:

337.406 Unlawful use of state transportation facility right-of-way; penalties.—

(4) Camping is prohibited on any portion of the right-of-way of the State Highway System. This subsection does not apply

to persons who are actively navigating the federally designated Florida National Scenic Trail as recognized in s. 260.012(6) and have acquired the associated permits ~~that is within 100 feet of a bridge, causeway, overpass, or ramp~~.

Section 24. Subsection (4) of section 338.227, Florida Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

(4) The Department of Transportation and the Department of Management Services shall create and implement an outreach program designed to enhance the participation of small ~~minority persons and minority~~ business enterprises in all contracts entered into on or after July 1, 2025, by their respective departments for services related to the financing of department projects for the Strategic Intermodal System Plan developed pursuant to s. 339.64. These services shall include, but are not limited to, bond counsel and bond underwriters.

Section 25. Subsection (3) of section 339.2816, Florida Statutes, is amended to read:

339.2816 Small County Road Assistance Program.—

(3) Beginning in ~~with~~ fiscal year 2025-2026 ~~1999-2000 until fiscal year 2009-2010, and beginning again with fiscal year 2012-2013~~, up to $50 ~~$25~~ million annually from the State Transportation Trust Fund may be used for the purposes of funding the Small County Road Assistance Program as described in this section.

Section 26. Subsections (2), (7), and (8) of section 339.2818, Florida Statutes, are amended to read:

339.2818 Small County Outreach Program.—

(2) For the purposes of this section, the term "small county" means any county that has a population of 200,000 or less as determined by the most recent official estimate pursuant to s. 186.901. The term includes:

(a) A municipality within a rural area of opportunity designated under s. 288.0656(7)(a), which may compete for the additional project funding using the criteria listed in paragraph (4)(c) at up to 100 percent of project costs, excluding capacity improvement projects.

(b) A local government either wholly or partially within the Everglades Agricultural Area as defined in s. 373.4592(15), the Peace River Basin, or the Suwannee River Basin, which may compete for additional funding using the criteria listed in paragraph (4)(c) at up to 100 percent of project costs on state or county roads used primarily as farm-to-market connections between rural agricultural areas and market distribution centers, excluding capacity improvement projects.

(7) Beginning in fiscal year 2025-2026, and annually thereafter, at least $50 million from the State Transportation Trust Fund may be used for the purposes of funding the Small County Outreach Program ~~Subject to a specific appropriation in addition to funds annually appropriated for projects under this~~

~~section, A municipality within a rural area of opportunity or a rural area of opportunity community designated under s. 288.0656(7)(a) may compete for the additional project funding using the criteria listed in subsection (4) at up to 100 percent of project costs, excluding capacity improvement projects~~.

~~(8) Subject to a specific appropriation in addition to funds appropriated for projects under this section, A local government either wholly or partially within the Everglades Agricultural Area as defined in s. 373.4592(15), the Peace River Basin, or the Suwannee River Basin may compete for additional funding using the criteria listed in paragraph (4)(c) at up to 100 percent of project costs on state or county roads used primarily as farm-to-market connections between rural agricultural areas and market distribution centers, excluding capacity improvement projects.~~

Section 27. Paragraph (b) of subsection (3) and paragraph (c) of subsection (4) of section 339.2821, Florida Statutes, are amended to read:

339.2821 Economic development transportation projects.—

(3)

(b) The department must ensure that it supports small businesses as defined in s. 337.027(2) ~~small and minority businesses have equal access to participate in transportation projects funded pursuant to this section~~.

(4) A contract between the department and a governmental

body for a transportation project must:

(c) Require that the governmental body provide the department with progress reports. Each progress report must contain:

1. A narrative description of the work completed and whether the work is proceeding according to the transportation project schedule.~~;~~

2. A description of each change order executed by the governmental body.~~;~~

3. A budget summary detailing planned expenditures compared to actual expenditures.~~; and~~

4. The identity of each small ~~or minority~~ business used as a contractor or subcontractor.

Section 28. Subsections (3) and (7) of section 339.651, Florida Statutes, are amended to read:

339.651 Strategic Intermodal System supply chain demands.—

(3) The department may ~~shall~~ make up to $20 million available each year ~~for fiscal years 2023-2024 through 2027-2028,~~ from existing work program revenues~~,~~ to fund projects that meet the public purpose of providing increased capacity and enhanced capabilities to move and store construction aggregate and transportation infrastructure-related materials. Applicants eligible for project funding under this section are seaports listed in s. 311.09 and rail lines and rail facilities.

~~(7) This section shall stand repealed on July 1, 2028.~~

Section 29. Paragraph (b) of subsection (6) of section 341.051, Florida Statutes, is amended to read:

341.051 Administration and financing of public transit and intercity bus service programs and projects.—

(6) ANNUAL APPROPRIATION.—

(b) If funds are allocated to projects that qualify for the New Starts Transit Program in the current fiscal year and a project will not be ready for production by June 30, the department must reallocate such funds for the purpose of the Strategic Intermodal System within the State Transportation Trust Fund for the next fiscal year ~~The remaining unallocated New Starts Transit Program funds as of June 30, 2024, shall be reallocated for the purpose of the Strategic Intermodal System within the State Transportation Trust Fund. This paragraph expires June 30, 2026~~.

For purposes of this section, the term "net operating costs" means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 30. Subsection (5) of section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.—

(5) The authority shall encourage the inclusion of local and small~~-, small-, minority-, and women-owned~~ businesses in its procurement and contracting opportunities.

Section 31. Subsection (2) of section 349.03, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

349.03 Jacksonville Transportation Authority.—

(2) The governing body of the authority shall consist of seven members. Four ~~Three~~ members shall be appointed by the Governor and confirmed by the Senate. Of the four members appointed by the Governor, one member must be a resident of the City of Jacksonville and the remaining three members must be residents of Clay County, Duval County, or St. Johns County. Three members shall be appointed by the mayor of the City of Jacksonville subject to confirmation by the council of the City of Jacksonville. All ~~The seventh member shall be the district secretary of the Department of Transportation serving in the district that contains the City of Jacksonville. Except for the seventh member,~~ members appointed by the mayor of the City of Jacksonville must ~~shall~~ be residents and qualified electors of Duval County.

(4) The authority shall:

(a) Follow the department's small business program as described in s. 337.027.

(b) Establish protocols and systems in accordance with the requirements established in s. 112.061(16) and s. 215.985(6) and (14) and post all related information on its publicly available website.

Section 32. Sections 316.0741, 331.351, 337.125, 337.135, 337.139, 339.0805, and 339.287, Florida Statutes, are repealed.

Section 33. Paragraphs (j) and (m) of subsection (2) of section 110.205, Florida Statutes, are amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(j) The appointed secretaries and the State Surgeon General, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Families, the State Transportation Development Administrator, the State Public Transportation and Modal Administrator, district secretaries, district directors of transportation development, transportation operations, transportation support, and the managers of the offices of the Department of Transportation specified in s. 20.23(4)(b) ~~s. 20.23(3)(b)~~. Unless otherwise fixed by law, the department shall

set the salary and benefits of these positions and the positions of county health department directors and county health department administrators of the Department of Health in accordance with the rules of the Senior Management Service.

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include, but are not limited to:

1. Positions in the Department of Health and the Department of Children and Families which are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in the Department of Corrections which are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in the Department of Transportation which are assigned primary duties of serving as regional toll managers and managers of offices, as specified in s. 20.23(4)(b) and (5)(c) ~~s. 20.23(3)(b) and (4)(c)~~.

4. Positions in the Department of Environmental Protection which are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in the Department of Health which are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

6. Positions in the Department of Highway Safety and Motor Vehicles which are assigned primary duties of serving as captains in the Florida Highway Patrol.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 34. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke driver license or identification card.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or

applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.

2. Leaving the scene of a crash resulting in property damage of more than $50—6 points.

3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash—6 points.

4. Passing a stopped school bus:

a. Not causing or resulting in serious bodily injury to or death of another—4 points.

b. Causing or resulting in serious bodily injury to or death of another—6 points.

c. Points may not be imposed for a violation of passing a stopped school bus as provided in s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant to s. 316.173. In addition, a violation of s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant to s. 316.173 may not be used for purposes of setting motor vehicle insurance rates.

5. Unlawful speed:

a. Not in excess of 15 miles per hour of lawful or posted

speed—3 points.

b. In excess of 15 miles per hour of lawful or posted speed—4 points.

c. Points may not be imposed for a violation of unlawful speed as provided in s. 316.1895 or s. 316.183 when enforced by a traffic infraction enforcement officer pursuant to s. 316.1896. In addition, a violation of s. 316.1895 or s. 316.183 when enforced by a traffic infraction enforcement officer pursuant to s. 316.1896 may not be used for purposes of setting motor vehicle insurance rates.

6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points. However, points may not be imposed for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer. In addition, a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.

7. Unlawfully driving a vehicle through a railroad-highway grade crossing—6 points.

8. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, points may not be imposed for a violation of ~~s. 316.0741 or~~ s.

316.2065(11); and points may be imposed for a violation of s. 316.1001 only when imposed by the court after a hearing pursuant to s. 318.14(5).

9. Any moving violation covered in this paragraph, excluding unlawful speed and unlawful use of a wireless communications device, resulting in a crash—4 points.

10. Any conviction under s. 403.413(6)(b)—3 points.

11. Any conviction under s. 316.0775(2)—4 points.

12. A moving violation covered in this paragraph which is committed in conjunction with the unlawful use of a wireless communications device within a school safety zone—2 points, in addition to the points assigned for the moving violation.

Section 35. Subsection (13) of section 365.172, Florida Statutes, is amended to read:

365.172 Emergency communications.—

(13) FACILITATING EMERGENCY COMMUNICATIONS SERVICE IMPLEMENTATION.—To balance the public need for reliable emergency communications services through reliable wireless systems and the public interest served by governmental zoning and land development regulations and notwithstanding any other law or local ordinance to the contrary, the following standards shall apply to a local government's actions, as a regulatory body, in the regulation of the placement, construction, or modification of a wireless communications facility. This subsection may not, however, be construed to waive or alter the

provisions of s. 286.011 or s. 286.0115. For the purposes of this subsection only, "local government" shall mean any municipality or county and any agency of a municipality or county only. The term "local government" does not, however, include any airport, as defined in s. 330.27 ~~by s. 330.27(2)~~, even if it is owned or controlled by or through a municipality, county, or agency of a municipality or county. Further, notwithstanding anything in this section to the contrary, this subsection does not apply to or control a local government's actions as a property or structure owner in the use of any property or structure owned by such entity for the placement, construction, or modification of wireless communications facilities. In the use of property or structures owned by the local government, however, a local government may not use its regulatory authority so as to avoid compliance with, or in a manner that does not advance, the provisions of this subsection.

(a) Colocation among wireless providers is encouraged by the state.

1.a. Colocations on towers, including nonconforming towers, that meet the requirements in sub-sub-subparagraphs (I), (II), and (III), are subject to only building permit review, which may include a review for compliance with this subparagraph. Such colocations are not subject to any design or placement requirements of the local government's land development regulations in effect at the time of the colocation

that are more restrictive than those in effect at the time of the initial antennae placement approval, to any other portion of the land development regulations, or to public hearing review. This sub-subparagraph may not preclude a public hearing for any appeal of the decision on the colocation application.

(I) The colocation does not increase the height of the tower to which the antennae are to be attached, measured to the highest point of any part of the tower or any existing antenna attached to the tower;

(II) The colocation does not increase the ground space area, commonly known as the compound, approved in the site plan for equipment enclosures and ancillary facilities; and

(III) The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable regulations, restrictions, or conditions, if any, applied to the initial antennae placed on the tower and to its accompanying equipment enclosures and ancillary facilities and, if applicable, applied to the tower supporting the antennae. Such regulations may include the design and aesthetic requirements, but not procedural requirements, other than those authorized by this section, of the local government's land development regulations in effect at the time the initial antennae placement was approved.

b. Except for a historic building, structure, site,

object, or district, or a tower included in sub-subparagraph a., colocations on all other existing structures that meet the requirements in sub-sub-subparagraphs (I)-(IV) shall be subject to no more than building permit review, and an administrative review for compliance with this subparagraph. Such colocations are not subject to any portion of the local government's land development regulations not addressed herein, or to public hearing review. This sub-subparagraph may not preclude a public hearing for any appeal of the decision on the colocation application.

(I) The colocation does not increase the height of the existing structure to which the antennae are to be attached, measured to the highest point of any part of the structure or any existing antenna attached to the structure;

(II) The colocation does not increase the ground space area, otherwise known as the compound, if any, approved in the site plan for equipment enclosures and ancillary facilities;

(III) The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with any applicable structural or aesthetic design requirements and any requirements for location on the structure, but not prohibitions or restrictions on the placement of additional colocations on the existing structure or procedural requirements, other than those authorized by this section, of the local government's land development regulations

in effect at the time of the colocation application; and

(IV) The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable restrictions or conditions, if any, that do not conflict with sub-sub-subparagraph (III) and were applied to the initial antennae placed on the structure and to its accompanying equipment enclosures and ancillary facilities and, if applicable, applied to the structure supporting the antennae.

c. Regulations, restrictions, conditions, or permits of the local government, acting in its regulatory capacity, that limit the number of colocations or require review processes inconsistent with this subsection do not apply to colocations addressed in this subparagraph.

d. If only a portion of the colocation does not meet the requirements of this subparagraph, such as an increase in the height of the proposed antennae over the existing structure height or a proposal to expand the ground space approved in the site plan for the equipment enclosure, where all other portions of the colocation meet the requirements of this subparagraph, that portion of the colocation only may be reviewed under the local government's regulations applicable to an initial placement of that portion of the facility, including, but not limited to, its land development regulations, and within the review timeframes of subparagraph (d)2., and the rest of the

colocation shall be reviewed in accordance with this subparagraph. A colocation proposal under this subparagraph that increases the ground space area, otherwise known as the compound, approved in the original site plan for equipment enclosures and ancillary facilities by no more than a cumulative amount of 400 square feet or 50 percent of the original compound size, whichever is greater, shall, however, require no more than administrative review for compliance with the local government's regulations, including, but not limited to, land development regulations review, and building permit review, with no public hearing review. This sub-subparagraph does not preclude a public hearing for any appeal of the decision on the colocation application.

2. If a colocation does not meet the requirements of subparagraph 1., the local government may review the application under the local government's regulations, including, but not limited to, land development regulations, applicable to the placement of initial antennae and their accompanying equipment enclosure and ancillary facilities.

3. If a colocation meets the requirements of subparagraph 1., the colocation may not be considered a modification to an existing structure or an impermissible modification of a nonconforming structure.

4. The owner of the existing tower on which the proposed antennae are to be colocated shall remain responsible for

compliance with any applicable condition or requirement of a permit or agreement, or any applicable condition or requirement of the land development regulations to which the existing tower had to comply at the time the tower was permitted, including any aesthetic requirements, provided the condition or requirement is not inconsistent with this paragraph.

5. An existing tower, including a nonconforming tower, may be structurally modified in order to permit colocation or may be replaced through no more than administrative review and building permit review, and is not subject to public hearing review, if the overall height of the tower is not increased and, if a replacement, the replacement tower is a monopole tower or, if the existing tower is a camouflaged tower, the replacement tower is a like-camouflaged tower. This subparagraph may not preclude a public hearing for any appeal of the decision on the application.

(b)1. A local government's land development and construction regulations for wireless communications facilities and the local government's review of an application for the placement, construction, or modification of a wireless communications facility shall only address land development or zoning issues. In such local government regulations or review, the local government may not require information on or evaluate a wireless provider's business decisions about its service, customer demand for its service, or quality of its service to or

from a particular area or site, unless the wireless provider voluntarily offers this information to the local government. In such local government regulations or review, a local government may not require information on or evaluate the wireless provider's designed service unless the information or materials are directly related to an identified land development or zoning issue or unless the wireless provider voluntarily offers the information. Information or materials directly related to an identified land development or zoning issue may include, but are not limited to, evidence that no existing structure can reasonably be used for the antennae placement instead of the construction of a new tower, that residential areas cannot be served from outside the residential area, as addressed in subparagraph 3., or that the proposed height of a new tower or initial antennae placement or a proposed height increase of a modified tower, replacement tower, or colocation is necessary to provide the provider's designed service. Nothing in this paragraph shall limit the local government from reviewing any applicable land development or zoning issue addressed in its adopted regulations that does not conflict with this section, including, but not limited to, aesthetics, landscaping, land use-based location priorities, structural design, and setbacks.

2. Any setback or distance separation required of a tower may not exceed the minimum distance necessary, as determined by the local government, to satisfy the structural safety or

aesthetic concerns that are to be protected by the setback or distance separation.

3. A local government may exclude the placement of wireless communications facilities in a residential area or residential zoning district but only in a manner that does not constitute an actual or effective prohibition of the provider's service in that residential area or zoning district. If a wireless provider demonstrates to the satisfaction of the local government that the provider cannot reasonably provide its service to the residential area or zone from outside the residential area or zone, the municipality or county and provider shall cooperate to determine an appropriate location for a wireless communications facility of an appropriate design within the residential area or zone. The local government may require that the wireless provider reimburse the reasonable costs incurred by the local government for this cooperative determination. An application for such cooperative determination may not be considered an application under paragraph (d).

4. A local government may impose a reasonable fee on applications to place, construct, or modify a wireless communications facility only if a similar fee is imposed on applicants seeking other similar types of zoning, land use, or building permit review. A local government may impose fees for the review of applications for wireless communications facilities by consultants or experts who conduct code compliance

review for the local government but any fee is limited to specifically identified reasonable expenses incurred in the review. A local government may impose reasonable surety requirements to ensure the removal of wireless communications facilities that are no longer being used.

5. A local government may impose design requirements, such as requirements for designing towers to support colocation or aesthetic requirements, except as otherwise limited in this section, but may not impose or require information on compliance with building code type standards for the construction or modification of wireless communications facilities beyond those adopted by the local government under chapter 553 and that apply to all similar types of construction.

(c) Local governments may not require wireless providers to provide evidence of a wireless communications facility's compliance with federal regulations, except evidence of compliance with applicable Federal Aviation Administration requirements under 14 C.F.R. part 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use, but may request the Federal Communications Commission to provide information as to a wireless provider's compliance with federal regulations, as authorized by federal law.

(d)1. A local government shall grant or deny each properly

completed application for a colocation under subparagraph (a)1. based on the application's compliance with the local government's applicable regulations, as provided for in subparagraph (a)1. and consistent with this subsection, and within the normal timeframe for a similar building permit review but in no case later than 45 business days after the date the application is determined to be properly completed in accordance with this paragraph.

2. A local government shall grant or deny each properly completed application for any other wireless communications facility based on the application's compliance with the local government's applicable regulations, including but not limited to land development regulations, consistent with this subsection and within the normal timeframe for a similar type review but in no case later than 90 business days after the date the application is determined to be properly completed in accordance with this paragraph.

3.a. An application is deemed submitted or resubmitted on the date the application is received by the local government. If the local government does not notify the applicant in writing that the application is not completed in compliance with the local government's regulations within 20 business days after the date the application is initially submitted or additional information resubmitted, the application is deemed, for administrative purposes only, to be properly completed and

properly submitted. However, the determination may not be deemed as an approval of the application. If the application is not completed in compliance with the local government's regulations, the local government shall so notify the applicant in writing and the notification must indicate with specificity any deficiencies in the required documents or deficiencies in the content of the required documents which, if cured, make the application properly completed. Upon resubmission of information to cure the stated deficiencies, the local government shall notify the applicant, in writing, within the normal timeframes of review, but in no case longer than 20 business days after the additional information is submitted, of any remaining deficiencies that must be cured. Deficiencies in document type or content not specified by the local government do not make the application incomplete. Notwithstanding this sub-subparagraph, if a specified deficiency is not properly cured when the applicant resubmits its application to comply with the notice of deficiencies, the local government may continue to request the information until such time as the specified deficiency is cured. The local government may establish reasonable timeframes within which the required information to cure the application deficiency is to be provided or the application will be considered withdrawn or closed.

b. If the local government fails to grant or deny a properly completed application for a wireless communications

facility within the timeframes set forth in this paragraph, the application shall be deemed automatically approved and the applicant may proceed with placement of the facilities without interference or penalty. The timeframes specified in subparagraph 2. may be extended only to the extent that the application has not been granted or denied because the local government's procedures generally applicable to all other similar types of applications require action by the governing body and such action has not taken place within the timeframes specified in subparagraph 2. Under such circumstances, the local government must act to either grant or deny the application at its next regularly scheduled meeting or, otherwise, the application is deemed to be automatically approved.

c. To be effective, a waiver of the timeframes set forth in this paragraph must be voluntarily agreed to by the applicant and the local government. A local government may request, but not require, a waiver of the timeframes by the applicant, except that, with respect to a specific application, a one-time waiver may be required in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities of the local government.

(e) The replacement of or modification to a wireless communications facility, except a tower, that results in a wireless communications facility not readily discernibly different in size, type, and appearance when viewed from ground

level from surrounding properties, and the replacement or modification of equipment that is not visible from surrounding properties, all as reasonably determined by the local government, are subject to no more than applicable building permit review.

(f) Any other law to the contrary notwithstanding, the Department of Management Services shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to state government-owned property not acquired for transportation purposes, and the Department of Transportation shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to property acquired for state rights-of-way. On property acquired for transportation purposes, leases shall be granted in accordance with s. 337.251. On other state government-owned property, leases shall be granted on a space available, first-come, first-served basis. Payments required by state government under a lease must be reasonable and must reflect the market rate for the use of the state government-owned property. The Department of Management Services and the Department of Transportation are authorized to adopt rules for the terms and conditions and granting of any such leases.

(g) If any person adversely affected by any action, or failure to act, or regulation, or requirement of a local government in the review or regulation of the wireless

communication facilities files an appeal or brings an appropriate action in a court or venue of competent jurisdiction, following the exhaustion of all administrative remedies, the matter shall be considered on an expedited basis.

Section 36. Subsection (2) of section 379.2293, Florida Statutes, is amended to read:

379.2293 Airport activities within the scope of a federally approved wildlife hazard management plan or a federal or state permit or other authorization for depredation or harassment.—

(2) An airport authority or other entity owning or operating an airport, as defined in s. 330.27 ~~s. 330.27(2)~~, is not subject to any administrative or civil penalty, restriction, or other sanction with respect to any authorized action taken in a non-negligent manner for the purpose of protecting human life or aircraft safety from wildlife hazards.

Section 37. Subsection (22) of section 493.6101, Florida Statutes, is amended to read:

493.6101 Definitions.—

(22) "Repossession" means the recovery of a motor vehicle as defined under s. 320.01(1), a mobile home as defined in s. 320.01(2), a motorboat as defined under s. 327.02, an aircraft as defined in s. 330.27 ~~s. 330.27(1)~~, a personal watercraft as defined in s. 327.02, an all-terrain vehicle as defined in s. 316.2074, farm equipment as defined under s. 686.402, or

industrial equipment, by an individual who is authorized by the legal owner, lienholder, or lessor to recover, or to collect money payment in lieu of recovery of, that which has been sold or leased under a security agreement that contains a repossession clause. As used in this subsection, the term "industrial equipment" includes, but is not limited to, tractors, road rollers, cranes, forklifts, backhoes, and bulldozers. The term "industrial equipment" also includes other vehicles that are propelled by power other than muscular power and that are used in the manufacture of goods or used in the provision of services. A repossession is complete when a licensed recovery agent is in control, custody, and possession of such repossessed property. Property that is being repossessed shall be considered to be in the control, custody, and possession of a recovery agent if the property being repossessed is secured in preparation for transport from the site of the recovery by means of being attached to or placed on the towing or other transport vehicle or if the property being repossessed is being operated or about to be operated by an employee of the recovery agency.

Section 38. Paragraph (c) of subsection (1) of section 493.6403, Florida Statutes, is amended to read:

493.6403 License requirements.—

(1) In addition to the license requirements set forth in this chapter, each individual or agency shall comply with the

following additional requirements:

(c) An applicant for a Class "E" license shall have at least 1 year of lawfully gained, verifiable, full-time experience in one, or a combination of more than one, of the following:

1. Repossession of motor vehicles as defined in s. 320.01(1), mobile homes as defined in s. 320.01(2), motorboats as defined in s. 327.02, aircraft as defined in s. 330.27 ~~s. 330.27(1)~~, personal watercraft as defined in s. 327.02, all-terrain vehicles as defined in s. 316.2074, farm equipment as defined under s. 686.402, or industrial equipment as defined in s. 493.6101(22).

2. Work as a Class "EE" licensed intern.

Section 39. This act shall take effect July 1, 2025.