Transportation & Economic Development Budget Subcommittee

Thursday, April 10, 2025
11:30am
Mashburn Hall (314 HOB)

Daniel Perez
Speaker

Jason Shoaf
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Transportation & Economic Development Budget Subcommittee

Start Date and Time: Thursday, April 10, 2025 11:30 AM

End Date and Time: Thursday, April 10, 2025 01:30 PM

Location: Mashburn Hall (314 HOB)

Duration: 2.00 hrs

Consideration of the following bill(s):

CS/HB 561 Manufacturing by Housing, Agriculture & Tourism Subcommittee, Cobb, Redondo
CS/HB 563 Fees/Florida Manufacturing Promotional Campaign by Housing, Agriculture & Tourism Subcommittee, Cobb
CS/HB 567 Transportation by Economic Infrastructure Subcommittee, McFarland
HB 827 Statewide Study on Automation and Workforce Impact by Spencer
CS/HB 1535 Emergencies by Natural Resources & Disasters Subcommittee, McFarland

NOTICE FINALIZED on 04/08/2025 4:43PM by SKB

CS/HB 561

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 #: CS/HB 561	**COMPANION BILL:** None
TITLE: Manufacturing	**LINKED BILLS:** CS/HB 563 Cobb
SPONSOR(S): Cobb, Redondo	**RELATED BILLS:** CS/SB 600 (Truenow)

Committee References

Housing, Agriculture & Tourism	➤	Transportation & Economic Development Budget	➤	Commerce
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SUMMARY

Effect of the Bill:

The bill:

- Designates the Chief Manufacturing Officer among the Department of Commerce senior leadership to support, promote, and coordinate manufacturing statewide;
- Creates the Florida Manufacturer's Workforce Development Grant Program, which is subject to appropriation, to fund projects supporting small manufacturers in the deployment of new technologies or cybersecurity infrastructure and to provide workforce training; and
- Creates the voluntary Florida Manufacturing Promotional Campaign to increase consumer awareness of manufacturing activities in Florida and expand market exposure for products and goods manufactured in Florida.

Fiscal or Economic Impact:

The bill appears to have an indeterminate impact on state expenditures. However, the Department of Commerce should be able to manage these new responsibilities within existing resources.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill expands the Department of Commerce's (Department) responsibilities to encourage and oversee manufacturing in the state in coordination with the Chief Manufacturing Officer (CMO). The CMO serves at the pleasure of the Secretary of the Department. Duties of the CMO include:

- Serving as the subject-matter expert on manufacturing;
- Promoting and coordinating manufacturing efforts in the state and identifying gaps across state-supported activities;
- Provide strategic direction for interagency and cross-disciplinary activities to support manufacturing;
- Working with federal, state, regional, and local governmental entities and nongovernmental entities to align manufacturing priorities; and
- Engaging with state agencies and water management districts to innovate processes, programs, decision frameworks, and reporting mechanisms intended to support manufacturing in the state. (Section 1).

The bill requires all state and local governmental entities to assist the CMO to the extent is consistent with law and with budgetary constraints. (Section 1).

The bill requires that the Department must prepare a report on manufacturing efforts in the state, and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2026, and every two years thereafter. (Section 1).

Florida Manufacturer's Workforce Development Grant Program (Grant Program)
The bill establishes the Grant Program within the Department, under the CMO's direction, to fund proposed projects, subject to appropriation by the Legislature, that support small manufacturers in deploying new technologies or cybersecurity infrastructure and providing training support to the workforce. (Section 2).

The Department, in coordination with the CMO and the state Manufacturing Extension Partnership, must review applicants and select projects for awards that create strategic investments in workforce training to facilitate the deployment of new technologies or cybersecurity infrastructure. Priority must be given to projects with innovative projects focusing on workforce development for small manufacturers across the state. Final grant awards are made at the sole discretion of the Department. (Section 2).

Grants awarded under the program must be administered by the Department from the Economic Development Trust Fund. Applicants are authorized to seek workforce development and operations funding. However, grant funding may not be used to pay salary, benefits, or general business or office expenses. (Section 2).

Each year, the Department must provide the public with a list of all awarded projects, detailing how each project benefits the program's goals and objectives and the project's current status, and it must be included in the Department's annual incentives report. (Section 2).

Florida Manufacturing Promotional Campaign (Campaign)
The Legislature finds that there is a need for the Campaign to:

- Increase consumer awareness of manufacturing;
- Expand market exposure for manufactured products and goods; and
- Inspire future generations of entrepreneurs, fabricators, and skilled workers to build and grow domestic businesses and manufacturing operations. (Section 4).

The Legislature also finds that the Campaign is a partnership between industry and the state to promote and advertise such products efficiently. (Section 4).

The bill defines the following terms:

- Campaign;
- Department;
- Manufactured product; and
- Person. (Section 5).

The bill establishes the Campaign within the Department, under the Officer's supervision and in coordination with the state Manufacturing Extension Partnership. The Campaign serves as a voluntary marketing program to promote manufacturing products and businesses in Florida, including:

- Developing logos for the campaign and authorize the use of such logos as provided by rule;
- Registering campaign participants;
- Collecting rental receipts for industry promotions;
- Developing in-kind advertising programs; and
- Contracting with media representatives to disperse promotional materials. (Section 6).

The bill establishes that the Campaign's participants must register annually with the Department in a form and manner as prescribed by the Department. (Section 7).

The bill authorizes the Department to adopt rules to adopt any other necessary rules to ensure compliance with the provision, including, but not limited to, logos, rules governing participant registration, registration renewal, membership classes, application forms, and other forms and enforcement measures. (Section 8).

The bill provides an effective date of July 1, 2025. (Section 9).

RULEMAKING:

The bill provides the Department of Commerce with rulemaking authority to implement and administer the Florida Manufacturers' Workforce Development Grant Program and the Florida Manufacturing Promotional Campaign.

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 designates a Chief Manufacturing Officer among the Department senior leadership to promote manufacturing statewide. According to the Department, they would require two full-time equivalent positions to administer the responsibilities under the bill. However, the Department currently has approximately 237 vacant positions and should be able to manage this workload within existing resources.

The Campaign created by this bill is funded by a fee authorized in CS/SB 602, a linked bill.

PRIVATE SECTOR:

The fiscal impact to the private sector is indeterminate. Manufacturing businesses may benefit from receiving a Florida Manufacturers' Workforce Development Grant or participating in the Manufacturing Promotional Campaign.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Manufacturing

Florida has over 422,000 manufacturing jobs and ranks as the nation's 10th largest manufacturing employer.[1] Since 2014, Florida has increased manufacturing employment by 23.3 percent, which outpaced the other 11 states in the top 12 for manufacturing.[2] Manufacturing jobs generally pay higher wages than those in other industries. In 2022, the average annual wage for manufacturing jobs was over $74,000, a 6.6 percent increase from 2021.[3]

The North American Industry Classification System (NAICS) is the standard used by federal statistical agencies to classify businesses by industry type for the purpose of statistical data collection and analysis related to the U.S. economy.[4] NAICS Sector Codes 311-339 include unique manufacturing industries in Florida that have outpaced the nation in job growth, which include, but are not limited to, the following:[5]

- Food manufacturing
- Beverage and tobacco product manufacturing
- Textile mills and textile product mills
- Apparel manufacturing
- Leather and allied product manufacturing
- Wood product and paper manufacturing
- Printing and related support activities
- Petroleum and coal products manufacturing

[1] Department of Commerce, *2023 Florida Manufacturing,* https://www.floridajobs.org/docs/default-source/communicationsfiles/2023-florida-manufacturing-report.pdf (last visited Apr. 7, 2025).
[2] *Id.* at 2.
[3] *Id.* at 10.
[4] United States Census Bureau, *North American Industry Classification System (NAICS)*, https://www.census.gov/naics/ (last visited Apr. 7, 2025).
[5] Department of Commerce, *2023 Florida Manufacturing,* https://www.floridajobs.org/docs/default-source/communicationsfiles/2023-florida-manufacturing-report.pdf (last visited Apr. 7, 2025).

- Chemical manufacturing
- Plastics and rubber products manufacturing
- Nonmetallic mineral product manufacturing
- Primary metal manufacturing
- Fabricated metal product manufacturing
- Machinery manufacturing
- Computer and electronic product manufacturing
- Electrical equipment and appliances
- Transportation equipment manufacturing
- Furniture and related product manufacturing
- Miscellaneous manufacturing

Additionally, manufacturing sectors with a high value-added component, such as aviation and aerospace, defense, microelectronics, medical devices and equipment, marine, fabricated metal products, and industrial machinery, have helped Florida's small and mid-size manufacturers grow quickly.[6]

Under the Local Manufacturing Development Program, a local government may adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for developing or expanding sites operated by manufacturers.[7] Local governments may establish procedures for a manufacturing development program that allows manufacturers to submit and, upon approval of a master development plan, proceed with development without requiring additional local approvals, except for building permits.[8] The approval process must be coordinated with the Department.[9] Additionally, the Department has developed a model local manufacturing development program ordinance to guide local governments that intend to establish a local manufacturing development program.[10] Currently, only Manatee and Volusia County have adopted an ordinance.[11]

Workforce Training Programs

CareerSource Florida, a not-for-profit corporation administratively housed within the Department,[12] is the statewide workforce policy and investment board comprised of business and government leaders that helps Floridians enter, remain in, and advance in the workplace so that they may become more highly skilled and successful. The program also connects employers with qualified and skilled employees.[13] Workforce training is administered through the 21 local workforce development boards.[14]

The Florida Job Growth Grant Fund is an economic development program that improves public infrastructure and workforce training across the state.[15] Proposals are reviewed by the Department and chosen by the Governor to meet the demand for workforce or infrastructure needs in the communities they are awarded to.[16]

Manufacturing Extension Partnership (MEP)

The MEP National Network is a public-private partnership that delivers comprehensive solutions to U.S. manufacturers, fueling growth and advancing U.S. manufacturing.[17] MEP is part of the U.S. Department of

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[6] *Id*. at 47
[7] S. 163.3252, F.S.
[8] S. 163.3252(3), F.S.
[9] S. 163.3253, F.S.
[10] S. 163.3252, F.S.
[11] Department of Commerce, *Manufacturing Competitiveness Act Development Approval Program,* available at https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/manufacturing-competitiveness-act-development-approval-program (last visited Apr. 7, 2025).
[12] S. 445.004(1), F.S.
[13] *See* CareerSource Florida, *About Us,* available at https://careersourceflorida.com/ (last visited Apr. 7, 2025).
[14] Florida Commerce, *Local Workforce Development Boards,* https://www.floridajobs.org/local-workforce-development-board-resources/workforce-development-boards/local-workforce-development-boards (last visited Apr. 7, 2025).
[15] S. 288.101(1), F.S.
[16] *See* s. 288.101(2), F.S.

Commerce's National Institute of Standards and Technology (NIST).[18] The MEP National Network, the mission of which is to strengthen and empower U.S. manufacturers, is comprised of NIST's Manufacturing Extension Partnership (NIST MEP), the 51 MEP Centers located in all 50 states and Puerto Rico, the MEP Advisory Board, MEP Center boards, and the Foundation for Manufacturing Excellence, as well as over 1,440 trusted advisors and experts at approximately 460 MEP service locations, providing any U.S. manufacturer with access to resources they need to succeed.[19] FloridaMakes is the official representative of the MEP National Network and NIST MEP in the state of Florida.[20]

The Department collaborates with FloridaMakes to promote and support the growth of Florida's manufacturing sector by providing resources, data, and partnership opportunities to manufacturers, often highlighting the industry's economic impact through initiatives like the "Florida Manufacturing Report" which is developed jointly by both entities.[21]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	14 Y, 0 N, As CS	4/1/2025	Curtin	Rodriguez
THE CHANGES ADOPTED BY THE COMMITTEE:	The PCS: • Removed the provision that created the Statewide Office of Manufacturing. • Clarified that participation in the Florida Manufacturing Promotional Campaign is voluntary.			
Transportation & Economic Development Budget Subcommittee			Davis	McAuliffe
Commerce Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

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[17] National Institute of Standards and Technology (NIST), *MEP National Network,* https://www.nist.gov/mep/mep-national-network (last visited Apr. 7, 2025).
[18] *Id.*
[19] *Id.*
[20] FloridaMakes, *About us,* https://www.floridamakes.com/about-us/how-we-help (last visited Apr. 7, 2025).
[21] FloridaMakes, *News, Blogs & Events,* https://www.floridamakes.com/blogs/frances-nevill/2024/06/04/spotlight-on-floridas-inaugural-manfucturing-repor (last visited Apr. 7, 2025).

A bill to be entitled

An act relating to manufacturing; amending s. 20.60, F.S.; revising the duties of the Department of Commerce; creating s. 20.6051, F.S.; establishing the Chief Manufacturing Officer among the senior leadership of the department; providing that the Chief Manufacturing Officer is appointed by and serves at the pleasure of the Secretary of Commerce; providing responsibilities for the Chief Manufacturing Officer; directing all state and local governmental entities to assist the Chief Manufacturing Officer; requiring the department to prepare a report regarding manufacturing efforts in this state; requiring the department to submit its report on a specified date and biennially thereafter to the Governor and the Legislature; requiring that the report include certain information; creating s. 288.103, F.S.; creating the Florida Manufacturers' Workforce Development Grant Program; providing that the grant program is created within the department and under the direction of the Chief Manufacturing Officer in consultation with the state's Manufacturing Extension Partnership; providing a specified purpose for the grant program; requiring the department, in coordination with the Chief Manufacturing Officer and the state's Manufacturing

Extension Partnership, to review applications submitted to the grant program and to select specified projects for grant awards; providing that the department has sole discretion in awarding final grants to projects; requiring that priority be given to projects that meet certain criteria; authorizing applicants to seek funding for a specified purpose; requiring the department to administer the grant awards from the Economic Development Trust Fund; requiring the department to include certain information in its annual incentives report; authorizing the department to adopt rules; creating s. 288.1031, F.S.; providing legislative findings; creating s. 288.1032, F.S.; providing definitions; creating s. 288.1033, F.S.; creating the Florida Manufacturing Promotional Campaign within the department; providing the purpose of the campaign; requiring the department to take certain actions in promoting the campaign; creating s. 288.1034, F.S.; requiring persons that participate in the campaign to register annually with the department; creating s. 288.1036, F.S.; authorizing the department to adopt rules; authorizing the department to establish, by rule, the logos or product identifiers to be depicted for use in the campaign; providing an effective date.

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

Section 1. Paragraph (m) is added to subsection (4) of section 20.60, Florida Statutes, to read:

20.60 Department of Commerce; creation; powers and duties.—

(4) The purpose of the department is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians. The department is the state's chief agency for business recruitment and expansion and economic development. To accomplish such purposes, the department shall:

(m) Encourage and oversee manufacturing in this state in coordination with the Chief Manufacturing Officer.

Section 2. Section 20.6051, Florida Statutes, is created to read:

20.6051 Chief Manufacturing Officer.—

(1) There shall be designated among the senior leadership of the Department of Commerce a Chief Manufacturing Officer for the purpose of supporting the manufacturing ecosystem statewide. The Chief Manufacturing Officer is appointed by and serves at the pleasure of the Secretary of Commerce.

(2) The Chief Manufacturing Officer shall:

(a) Serve as a subject-matter expert for the state on issues related to manufacturing.

(b) Be responsible for promoting and coordinating manufacturing efforts in this state and identifying gaps across state-supported activities.

(c) Provide strategic direction for interagency and cross-disciplinary initiatives to promote and support manufacturing in this state.

(d) Work with federal, state, regional, and local governmental entities and nongovernmental entities to align manufacturing priorities in this state.

(e) Engage with state agencies and water management districts to innovate processes, programs, decision frameworks, and reporting mechanisms intended to support manufacturing in this state.

(3) All state and local governmental entities shall assist the Chief Manufacturing Officer to the extent such assistance is consistent with law and with budgetary constraints.

(4) The department shall prepare a report, in consultation with the Chief Manufacturing Officer and the state Manufacturing Extension Partnership, regarding manufacturing efforts in this state. The department shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2026, and every 2 years

thereafter. The report must include information regarding the strength and economic importance of the manufacturing industry in this state.

Section 3. Section 288.103, Florida Statutes, is created to read:

288.103 Florida Manufacturers' Workforce Development Grant Program.—

(1) The Florida Manufacturers' Workforce Development Grant Program is created within the Department of Commerce, under the direction of the Chief Manufacturing Officer and in consultation with the state Manufacturing Extension Partnership, to fund proposed projects, subject to appropriation by the Legislature, which support small manufacturers in this state with the deployment of new technologies or cybersecurity infrastructure and to provide training support to the workforce.

(2) The department, in coordination with the Chief Manufacturing Officer and the state Manufacturing Extension Partnership, shall review applications submitted and select projects for awards which create strategic investments in workforce training to facilitate the deployment of new technologies or cybersecurity infrastructure. Final grant awards are made at the sole discretion of the department.

(3) Priority must be given to projects with innovative plans, advanced technologies, and development strategies that focus on workforce development for small manufacturers across

this state.

(4) Applicants may seek funding for workforce development and operations, but grant funding awarded under this section may not be used to pay salary and benefits or general business or office expenses. Grants awarded under the program shall be administered by the department from the Economic Development Trust Fund established in s. 288.095.

(5) The department shall annually provide a list to the public of each project awarded a grant, the benefit of each project in meeting the goals and objectives of the program, and the current status of each project. The department shall include such information in its annual incentives report required under s. 288.0065.

(6) The department may adopt rules to implement this section.

Section 4. Section 288.1031, Florida Statutes, is created to read:

288.1031 Legislative findings.—The Legislature finds that there is a need for the Florida Manufacturing Promotional Campaign, established in s. 288.1033, to increase consumer awareness of manufacturing activities in this state, to expand market exposure for manufactured products and goods in this state, and to inspire future generations of entrepreneurs, fabricators, and skilled workers to build and grow domestic businesses and manufacturing operations in this state. The

Legislature further finds that a campaign that creates a partnership between industry and this state is necessary to promote and advertise such products efficiently.

Section 5. Section 288.1032, Florida Statutes, is created to read:

288.1032 Definitions.—As used in ss. 288.1031-288.1036, the term:

(1) "Campaign" means the Florida Manufacturing Promotional Campaign.

(2) "Department" means the Department of Commerce.

(3) "Manufactured product" means any tangible personal property that has been fabricated or produced, often through industrial or mechanical processes. The term includes items sold or leased to consumers.

(4) "Person" means an individual, a firm, a partnership, a corporation, an association, a business, a trust, a legal representative, or any other business unit.

Section 6. Section 288.1033, Florida Statutes, is created to read:

288.1033 Florida Manufacturing Promotional Campaign; purpose; duties of the department.—There is created within the department, under the supervision of the Chief Manufacturing Officer and in coordination with the state Manufacturing Extension Partnership, the Florida Manufacturing Promotional Campaign. The purpose of the campaign is to serve as a voluntary

marketing program to promote manufacturing products and businesses in this state. In promoting the campaign, the department shall do all of the following:

(1) Develop logos for the campaign and authorize the use of such logos as provided by rule.

(2) Register campaign participants.

(3) Collect rental receipts for industry promotions.

(4) Develop in-kind advertising programs.

(5) Contract with media representatives for the purpose of dispersing promotional materials.

Section 7. Section 288.1034, Florida Statutes, is created to read:

288.1034 Registration.—A person that participates in the Florida Manufacturing Promotional Campaign must register annually with the department in a form and manner as prescribed by the department.

Section 8. Section 288.1036, Florida Statutes, is created to read:

288.1036 Rulemaking authority.—The department may adopt rules to implement and administer the Florida Manufacturing Promotional Campaign. By rule, the department may establish the logos or product identifiers to be depicted for use in the campaign for advertising, publicizing, and promoting the sale of manufactured products in this state. The department may also adopt any other rules deemed necessary to ensure compliance with

the Florida Manufacturing Promotional Campaign, including, but not limited to, rules governing participant registration, renewal of registration, classes of membership, application forms, and other forms and enforcement measures.

Section 9. This act shall take effect July 1, 2025.

Amendment No.

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: Transportation & Economic Development Budget Subcommittee

Representative Cobb offered the following:

Amendment (with title amendment)

Remove lines 104-140

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

Remove lines 17-37 and insert:

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CS/HB 563

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 #: CS/HB 563
TITLE: Fees/Florida Manufacturing Promotional Campaign
SPONSOR(S): Cobb

COMPANION BILL: None
LINKED BILLS: CS/HB 561 Cobb, Redondo
RELATED BILLS: CS/SB 602 (Truenow)

Committee References

Housing, Agriculture & Tourism	➤	Transportation & Economic Development Budget	➤	Commerce
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SUMMARY

Effect of the Bill:

Requires the Department of Commerce to assess an annual fee, not exceeding $100, from those who register to participate in the voluntary Florida Manufacturing Promotional Campaign; fees must be deposited into the Economic Development Trust Fund and used solely for administering the campaign.

Fiscal or Economic Impact:

The bill appears to have a net zero fiscal impact on state revenues and expenditures.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill requires the Department of Commerce (Department) to assess and collect an annual fee not to exceed $100 per registrant to fund the costs of administering the voluntary Florida Manufacturing Promotional Campaign (Campaign). The fees must be deposited into the Economic Development Trust Fund to be used solely for administering the campaign. (Section 1).

The bill shall take effect on the same date as CS/HB 561 or similar legislation, if adopted in the same legislative session or an extension thereof. (Section 2).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill appears to have a net zero fiscal impact on state revenues and expenditures. There could be an indeterminate, positive fiscal impact on state revenues deposited in the Economic Development Trust Fund from private sector business participants. State expenditures to administer the Florida Manufacturing Promotional Campaign, however, should meet but not exceed such collections.

PRIVATE SECTOR:

Those businesses who register to participate in the Florida Manufacturing Promotional Campaign may experience increased market exposure and additional business. These registrants will also pay an annual fee not to exceed $100 to support the Campaign.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Manufacturing

Florida has over 422,000 manufacturing jobs and ranks as the nation's 10th largest manufacturing employer.[1] Since 2014, Florida has increased manufacturing employment by 23.3 percent, which outpaced the other 11 states in the top 12 for manufacturing.[2] Manufacturing jobs generally pay higher wages than those in other industries. In 2022, the average annual wage for manufacturing jobs was over $74,000, a 6.6 percent increase from 2021.[3]

The North American Industry Classification System (NAICS) is the standard used by federal statistical agencies to classify businesses by industry type for the purpose of statistical data collection and analysis related to the U.S. economy.[4] NAICS Sector Codes 311-339 include unique manufacturing industries in Florida that have outpaced the nation in job growth, which include, but are not limited to, the following:[5]

- Food manufacturing
- Beverage and tobacco product manufacturing
- Textile mills and textile product mills
- Apparel manufacturing
- Leather and allied product manufacturing
- Wood product and paper manufacturing
- Printing and related support activities
- Petroleum and coal products manufacturing
- Chemical manufacturing
- Plastics and rubber products manufacturing
- Nonmetallic mineral product manufacturing
- Primary metal manufacturing
- Fabricated metal product manufacturing
- Machinery manufacturing
- Computer and electronic product manufacturing
- Electrical equipment and appliances
- Transportation equipment manufacturing
- Furniture and related product manufacturing
- Miscellaneous manufacturing

Additionally, manufacturing sectors with a high value-added component, such as aviation and aerospace, defense, microelectronics, medical devices and equipment, marine, fabricated metal products, and industrial machinery, have helped Florida's small and mid-size manufacturers grow quickly.[6]

Under the Local Manufacturing Development Program, a local government may adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for developing or expanding sites operated by manufacturers.[7] Local governments may establish procedures for a manufacturing development program that allows manufacturers to submit and, upon approval of a master development plan, proceed with development without requiring additional local approvals, except for building permits.[8] The approval process must be coordinated with the Department.[9] Additionally, the Department

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[1] Department of Commerce, *2023 Florida Manufacturing,* https://www.floridajobs.org/docs/default-source/communicationsfiles/2023-florida-manufacturing-report.pdf (last visited Apr. 7, 2025).
[2] *Id.* at 2.
[3] *Id.* at 10.
[4] United States Census Bureau, *North American Industry Classification System (NAICS)*, https://www.census.gov/naics/ (last visited Apr. 7, 2025).
[5] Department of Commerce, *2023 Florida Manufacturing,* https://www.floridajobs.org/docs/default-source/communicationsfiles/2023-florida-manufacturing-report.pdf (last visited Apr. 7, 2025).
[6] *Id*. at 47
[7] S. 163.3252, F.S.
[8] S. 163.3252(3), F.S.

has developed a model local manufacturing development program ordinance to guide local governments that intend to establish a local manufacturing development program.[10] Currently, only Manatee and Volusia County have adopted an ordinance.[11]

Workforce Training Programs

CareerSource Florida, a not-for-profit corporation administratively housed within the Department,[12] is the statewide workforce policy and investment board comprised of business and government leaders that helps Floridians enter, remain in, and advance in the workplace so that they may become more highly skilled and successful. The program also connects employers with qualified and skilled employees.[13] Workforce training is administered through the 21 local workforce development boards.[14]

The Florida Job Growth Grant Fund is an economic development program that improves public infrastructure and workforce training across the state.[15] Proposals are reviewed by the Department and chosen by the Governor to meet the demand for workforce or infrastructure needs in the communities they are awarded to.[16]

Manufacturing Extension Partnership (MEP)

The MEP National Network is a public-private partnership that delivers comprehensive solutions to U.S. manufacturers, fueling growth and advancing U.S. manufacturing.[17] MEP is part of the U.S. Department of Commerce's National Institute of Standards and Technology (NIST).[18] The MEP National Network, the mission of which is to strengthen and empower U.S. manufacturers, is comprised of NIST's Manufacturing Extension Partnership (NIST MEP), the 51 MEP Centers located in all 50 states and Puerto Rico, the MEP Advisory Board, MEP Center boards, and the Foundation for Manufacturing Excellence, as well as over 1,440 trusted advisors and experts at approximately 460 MEP service locations, providing any U.S. manufacturer with access to resources they need to succeed.[19] FloridaMakes is the official representative of the MEP National Network and NIST MEP in the state of Florida.[20]

The Department collaborates with FloridaMakes to promote and support the growth of Florida's manufacturing sector by providing resources, data, and partnership opportunities to manufacturers, often highlighting the industry's economic impact through initiatives like the "Florida Manufacturing Report" which is developed jointly by both entities.[21]

State Constitution

Section 19 of Article VII of the State Constitution requires a "state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject." A "fee" is defined by the Florida Constitution to mean "any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service."[22] Section 19 of Article VII of the State Constitution also requires that a tax or fee raised by the Legislature must be approved by two-thirds of the membership of each house of the Legislature.

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[9] S. 163.3253, F.S.
[10] S. 163.3252, F.S.
[11] Department of Commerce, *Manufacturing Competitiveness Act Development Approval Program,* available at https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/manufacturing-competitiveness-act-development-approval-program (last visited Apr. 7, 2025).
[12] S. 445.004(1), F.S.
[13] *See* CareerSource Florida, *About Us,* available at https://careersourceflorida.com/ (last visited Apr. 7, 2025).
[14] Florida Commerce, *Local Workforce Development Boards,* https://www.floridajobs.org/local-workforce-development-board-resources/workforce-development-boards/local-workforce-development-boards? (last visited Apr. 7, 2025).
[15] S. 288.101(1), F.S.
[16] *See* s. 288.101(2), F.S.
[17] National Institute of Standards and Technology (NIST), *MEP National Network,* https://www.nist.gov/mep/mep-national-network? (last visited Apr. 7, 2025).
[18] *Id.*
[19] *Id.*
[20] FloridaMakes, *About us,* https://www.floridamakes.com/about-us/how-we-help (last visited Apr. 7, 2025).
[21] FloridaMakes, *News, Blogs & Events,* https://www.floridamakes.com/blogs/frances-nevill/2024/06/04/spotlight-on-floridas-inaugural-manfucturing-repor (last visited Apr. 7, 2025).
[22] FLA. CONST. art. VII, s. 19(d)(1).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	14 Y, 0 N, As CS	4/1/2025	Curtin	Rodriguez
THE CHANGES ADOPTED BY THE COMMITTEE:	The PCS: • Removed rulemaking authority from the Department to establish registration and renewal fees to fund the cost of administering the Florida Manufacturing Promotional Campaign. • Established that the Department shall assess and collect an annual registration fee not exceeding $100 per registrant, which will be used to fund the costs associated with administering the voluntary Florida Manufacturing Promotional Campaign.			
Transportation & Economic Development Budget Subcommittee			Davis	McAuliffe
Commerce Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

A bill to be entitled

An act relating to fees; creating s. 288.1035, F.S.; requiring the Department of Commerce to assess and collect a specified annual fee sufficient to fund the costs of administering the voluntary Florida Manufacturing Promotional Campaign; requiring that such fees be deposited into the Economic Development Trust Fund for a specified purpose; providing a contingent effective date.

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

Section 1. Section 288.1035, Florida Statutes, is created to read:

288.1035 Fees.—

(1) The department shall assess and collect an annual registration fee not to exceed $100 per registrant to fund the costs of administering the voluntary Florida Manufacturing Promotional Campaign.

(2) Fees must be deposited into the Economic Development Trust Fund established in s. 288.095 to be used solely for administering the campaign.

Section 2. This act shall take effect on the same date that HB 561 or other similar legislation takes effect, if such legislation is adopted in the same legislative session or an

extension thereof and becomes a law.

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

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

Committee References

Economic Infrastructure	➤	Transportation & Economic Development Budget	➤	Commerce
16 Y, 0 N, As CS				

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,
- The Next-generation Traffic Signal Modernization Program,
- 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 will have a significant negative impact on the General Revenue Fund as the bill redirects $4.167 million to the State Transportation Trust Fund from the collection of sales tax on electrical power. The bill creates new responsibilities and requirements for DOT, however, the fiscal impact of these provisions is indeterminate. This bill contains no appropriations and it is anticipated that any workload or need for increased expenditures will be absorbed within existing Work Program or other operational resources.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill addresses numerous changes related to the Florida Department of Transportation (DOT) and Florida transportation policy.

Distribution of Sales Tax Revenues (Section 1)

The bill states that beginning July 1, 2025, the Department of Revenue must distribute $4.167 million to the State Transportation Trust Fund. These funds are derived from the tax levied on each taxable transaction for the sale of electrical power or energy.

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.

Traffic Signal Modernization Program (Section 3)

The bill directs DOT to implement the Next-generation Traffic Signal Modernization Program (Next-gen Program). Under the bill, the Next-gen Program will consist of:

- Retrofitting existing traffic signals and controllers, and
- Providing a communication backbone for remote operations and management of such signals on the State Highway System and nonstate highway system.

The bill requires DOT to prioritize such signal upgrades based on average annual daily traffic and the impact of adding to an existing interconnected system.

Under the bill, the program must consist of an advanced traffic management platform that uses radar-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, the program must provide real-time traffic optimization to improve flow and enhance safety.

The bill requires the program to be compliant with leading cybersecurity standards, such as SOC 2 and ISO 27001, in order to ensure robust data protection.

Speed Limits (Sections 4 and 5)

The bill authorizes DOT to determine the safe and available minimum speed limit on all highways that are a part of the National System of Interstate and Defense Highways and have at least four lanes.

The bill increases the maximum allowable speed limit as follows:

- The maximum allowable speed limit on limited access highways is 75 miles per hour.
- The maximum allowable speed limit on any other highway that is outside of an urban area and has at least four lanes divided by a median strip is 70 miles per hour.
- DOT may set the maximum speed limit for travel over other roadways not to exceed a maximum speed limit of 65 miles per hour.

Electric Bicycles, Motorized Scooters, and Mircomobility Devices (Sections 6 and 7)

The bill further specifies the authority of local governments over electric bicycles, motorized scooters, and micromobility devices to expressly include the authority to:

- Adopt an ordinance providing one or more minimum age requirements for such devices.
- Adopt an ordinance requiring an operator of such devices to possess a government-issued photographic identification.

- Provide training on safe operation of such devices and compliance with the traffic laws of this state which are applicable to such devices.

Expectant Mother Parking (Section 8)

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.

Florida Airport Development and Assistance Act (Sections 10, 11, and 12)

The bill amends the Florida Airport Development and Assistance Act to change various references to airports to "public-use" airports.

The bill amends the definition of the term "eligible agency" to include a public-private partnership through a lease or agreement under s. 255.065, F.S., with a political subdivision of the state or an authority, which owns or seeks to develop a public-use airport.

The bill authorizes a municipality, county, or authority that owns a public-use airport to participate in the Federal Aviation Administration's Airport Investment Partnership Program 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, DOT may provide for improvements to a municipality, county, or authority that has a private partner under the federal Airport Investment Partnership Program for capital costs of a discretionary improvement project at a public-use airport.

Eminent Domain Authority (Section 13)

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 14)

The bill removes statutory language requiring the Center for Urban Transportation Research (CUTR) to be administered by the Board of Governors of the State University System and alters the composition of the advisory board for 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 and removes a requirement that these remaining members must be reviewed and approved by the Florida Transportation Commission and confirmed by the Board of Governors of the State University System .

Project Concept Studies (Section 15)

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 environmental studies for new alignment projects and new capacity improvement projects must be completed to the maximum extent possible within 18 months after commencement.

DOT Contracting

Awarding Contracts (Section 16)

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 16)

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

[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.

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 16)

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 17)

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 18)

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 18)

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

Maintenance Contracts (Section 18)

The bill requires 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, to possess the prescribed qualifications, equipment, record, and experience to perform such repair and replacement.

State Arbitration Board (Section 19)

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 20)

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 21 and 22)

Electronic Detection of Utility Facilities

The bill requires that an entity that places, replaces, or relocates underground utilities within the right-of-way (ROW) must make such underground utilities electronically detectable using techniques approved by DOT.

Damages

Under the bill, the owner of an electric utility as defined in s. 366.02, F.S., the owner of a natural gas utility as defined in s. 366.04(3), F.S., or the owner of a water or wastewater utility must pay the ROW authority actual 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 placement of utilities within the authority's ROW 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 work schedule or for damage done to existing infrastructure by the utility owner.

As-Built Plans

The bill defines the term "as-built plans" to mean plans that depict the actual location, depth, and physical configuration of utilities placed within a ROW at a location which crosses a navigable waterway or deeper than 10 feet beneath the proposed ground surface. The bill requires an authority and a utility owner to agree in writing to an approved level of detail of as-built plans.

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 Incentive

The bill authorizes DOT to provide an incentive to the owner of an electric utility as defined in s. 366.02, F.S., the owner of a natural gas utility as defined in s. 366.04(3), F.S., or the owner of a water or wastewater utility to facilitate the accelerated completion of utility relocation.

Relocation Procedures

Under the bill, before DOT provides notice to the utility owner to initiate utility work, DOT and the owner of an electric utility as defined in s. 366.02, F.S., the owner of a natural gas utility as defined in s. 366.04(3), F.S., or the owner of a water or wastewater utility 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 notice of a period that begins 30 days and ends within 120 days after receipt of the notice within which the utility owner must submit specified plans to DOT. The utility owner must provide DOT with written acknowledgement of receipt of the preliminary plans.

[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).

- The utility owner must submit to DOT plans showing existing and proposed locations of facilities within the period provided by DOT. If the utility owner fails to submit plans to DOT within the period provided by DOT, then DOT is no longer required to participate in the costs, may withhold any amount due to the utility owner on other projects within the ROWs of the same district of DOT, and may withhold issuance of any other permits within the same district of DOT's ROW.
- The utility owner's submission of plans must include a utility relocation schedule for approval by DOT. The utility relocation schedule must include a duration and completion date for the work and must meet the timeframe requirements established by DOT.
- If the Governor declares a state of emergency,[3] 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 begin 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 for projects within the ROW of the same district of DOT, and may exercise its right to obtain injunctive relief.[4]
- 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 for compliance with the form and timeframe requirements of DOT and must approve the revised relocation schedule if such requirements 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.

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

Metropolitan Planning Organizations (Sections 9 and 23)

The bill removes the duty of Space Florida[5] 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.

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

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:

- 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 24)

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 25)

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.[6]

Widening of Interstate 4 (Section 29)

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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 30)

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 (Section 31)

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.

The bill directs DOT to adopt rules as necessary to implement the program.

Under the bill, DOT must submit recommendations to the President of the Senate and the Speaker of the House of Representatives about how to expand the pilot program to additional airports, amend the pilot program to increase effectiveness, or terminate the pilot 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 updates cross references in accordance with the provisions of the bill. (Sections 26, 27, and 28)

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

The bill provides an effective date of July 1, 2025. (Section 32)

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 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 will have a significant negative impact on the General Revenue Fund as the bill redirects $4.167 million to the State Transportation Trust Fund from the collection of sales tax on electrical power. The bill creates new responsibilities and requirements for DOT, however, the fiscal impact of these provisions is indeterminate.

The bill authorizes, but does not necessarily require, additional funding within the Work Program or other existing department operational resources. The bill uses permissive language allowing DOT to: provide an incentive to the owners of certain utilities to facilitate the accelerated completion of utility relocation; and, expend up to $5 million per fiscal year for grants to Florida College System institutions and high schools for the purchase of equipment simulators.

The bill requires DOT to implement the Next-generation Traffic Signal Modernization Program which would require DOT to retrofit all existing traffic signals and controllers on the State Highway System and nonstate highway system. The fiscal impact of this provision on the department is indeterminant but likely significant. However, there is no completion date established in the bill so it is likely the DOT can make these improvements through the Work Program gradually, thus leveling out expenditures over a period of time. The DOT will also incur indeterminate costs to develop a report regarding the widening of I-4 as required by the bill. The bill establishes a pilot program regarding alternative permitting procedures at the Sarasota Manatee Airport Authority and requires DOT to adopt rules to implement the program and submit recommendations to the Legislature. This bill contains no appropriations and it is anticipated that any workload or need for increased expenditures will be absorbed within existing Work Program or other operational resources.

The DOT has not provided a fiscal impact or policy analysis for this bill

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.[7] However, the sales tax rate for non-residential electric services is 4.35 percent.[8] 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.[9]

[7] 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).
[8] *Id.* at 171. S. 212.05(1)(e).1.c., F.S.
[9] *Id.* at 173. S. 212.20(6), F.S.

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,[10] and taxed as such.[11]

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.[12]

Traffic Signals

DOT is required by Florida law to adopt a uniform system of traffic control devices for use on the streets and highways of the state.[13] To meet this requirement, it has adopted the U.S. Department of Transportation, Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD).[14] 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.

Section 316.075, F.S., details the guidelines for traffic signal control devices.

Speed Limits

Florida law prohibits a person from driving a vehicle on a highway at a speed greater than what is reasonable and prudent under current conditions and with regard to actual and potential hazard.[15]

Florida law also establishes minimum speed limits. On all highways on the National System of Interstate and Defense that have four or more lanes, the minimum speed is 40 miles per hour, except that when the posted speed limit is 70 miles per hour, then the minimum speed is 50 miles per hour.[16] Current law establishes the following maximum allowable speed limits:

- On limited access highways - 70 miles per hour.[17]
- On divided highways outside an urban area of 5,000 or more persons, with at least four lanes - 65 miles per hour.[18]
- On other DOT roadways - as DOT deems safe and advisable, but not to exceed 60 miles per hour.[19]

Speeding violations are noncriminal traffic infractions, punishable as moving violations.[20] The statutory fines, based on the miles per hour above the speed limit are as follows:

- 1-5 mph -Warning
- 6-9 mph - $25
- 10-14 mph - $100
- 15-19 mph - $150
- 20-29 mph - $175
- 30 mph and above - $250[21]

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[10] Analysis of Senate Bill 462 (2025), Florida Senate, p.2 (Mar. 18, 2025).
[11] S. 212.031, F.S., provides the statues on the tax on rental or license fees for the use of real property.
[12] S. 218.322, F.S.
[13] S. 316.0745(1), F.S.
[14] R. 14-15.010, F.A.C.
[15] S. 316.183(1), F.S.
[16] S. 316.183(2), F.S.
[17] S. 316.187(2)(a), F.S.
[18] S. 316.187(2)(b), F.S.
[19] S. 316.187(2)(c), F.S.
[20] S. 316.183(7) and 316.187(3), F.S., Penalties are as provided in ch. 318, F.S.

Electric Bicycles, Motorized Scooters, and Micromobility Devices

Under Florida law, the operator of an electric bicycle or motorized scooter has all of the rights, privileges, and duties applicable to the rider of a bicycle.[22] These devices are defined in Florida law as follows:

- Electric bicycle:[23] A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:
  - "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
  - "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
  - "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.
- Motorized scooter:[24] Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.
- Micromobility device:[25] Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in ch. 316, F.S.

An electric bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.[26]

An operator of an electric bicycle, motorized scooter, or micromobility device is not required to register the device with the Department of Highway Safety and Motor Vehicles (DHSMV), carry minimum insurance, or have a driver license to operate a motorized scooter.[27] Helmets are required for operators under the age of 16.[28]

Local governments have authority to regulate electric bicycles, motorized scooters and micromobility devices, including authority to:

- Enact an ordinance to permit, control, or regulate the operation of electric bicycles and motorized scooters on sidewalks or sidewalk areas when such use is permissible under federal law.[29] The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.[30]
- Adopt an ordinance governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network; or to

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[21] S. 318.18(3)(b), F.S. In addition to these penalties, there Florida law imposes or authorizes additional fees and surcharges.
[22] Ss. 316.20655 and 316.2128, F.S.
[23] S. 316.003(23), F.S.
[24] S. 316.003(48), F.S.
[25] S. 316.003(41), F.S.
[26] S. 316.20655(6), F.S.
[27] Ss. 316.20655(2) and 316.2128(2)&(3), F.S.
[28] S. 316.2065(3)(d), F.S.
[29] S. 316.008(7)(a), F.S.
[30] *Id*.

prevent a municipality, county, or agency of the state having jurisdiction over a beach or a dune from restricting or prohibiting the operation of an electric bicycle on such beach or dune.[31]

- Adopt an ordinance governing the operation of motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction.[32]

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,[33] 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.[34]

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.[35]

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.[36]

Florida Airport Development and Assistance Act

The federal Airport Investment Partnership Program,[37] authorizes private companies to own, manage, lease, and develop public airports. Public airport sponsors and private operators may jointly manage an airport. The airport owner or leaseholder may be exempt from repayment of federal grants, return of property acquired with federal assistance, and the use of proceeds from the airport's sale or lease exclusively for airport purposes.[38]

For purposes of the Florida Airport Development and Assistance Act,[39] the term "public-use airport" means any publicly owned airport which is used or to be used for public purposes.[40]

The term "eligible agency" means a political subdivision of the state or an authority which owns or seeks to develop a public-use airport.[41]

DOT is given certain statutory duties regarding aviation development and assistance, including providing financial and technical assistance to airports[42] and to encourage the maximum allocation of federal funds to local airport projects.[43]

DOT's annual legislative budget request for aviation and airport development projects is based on the funding required for development projects in its aviation and airport work program. DOT must prioritize funding to

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[31] S. 316.2128(1), F.S.
[32] S. 316.2128(1), F.S.
[33] 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.
[34] S. 320.0848(1)(a), F.S.
[35] S. 320.0848(1)(b), F.S.
[36] Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, RE: Question on HB 567 (Mar. 20, 2025).
[37] 49 U.S.C. s. 47134, the program was previously known as the Airport Privatization Pilot Program.
[38] Federal Aviation Administration, *Airport Investment Partnership Program, formerly Airport Privatization Pilot Program*, https://www.faa.gov/airports/airport_compliance/privatization (last visit March 28, 2025).
[39] Ss. 332.003-332.007, F.S.
[40] S. 332.004(14), F.S.
[41] S. 332.004(7), F.S.
[42] S. 332.006(4), F.S.
[43] S. 332.006(8), F.S.

support the planning, design, and construction of proposed projects by local sponsors, 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.[44]

Section 332.007, F.S., authorizes DOT to fund certain aviation and airport-related projects. The statute provides requirements and limits on airport funding from the STTF. Requirements can be based on the airport type, availability of federal funds, project type, and size of the airport.

Section 255.065, F.S., authorizes local jurisdictions, including counties, municipalities, and special districts to enter into public-private partnerships for qualifying projects, which include airport facilities, for a public purpose. That statute provides legislative findings and intent, requirements for project approval, a project qualification process, the requirements for agreements related to the partnership, powers and duties of the private entity, and other related provisions.

Eminent Domain Authority

Eminent domain refers to the government's power to take private property and convert it into public use.[45] 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.[46]

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."[47]

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.[48]

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.[49] 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.[50]

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.[51] 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 related issues.[52] 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.[53]

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[44] S. 332.007(4)(a), F.S.
[45] 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).
[46] U.S. Const. amend. V.
[47] Florida's eminent domain laws are codified in chapters 73 and 74, F.S.
[48] S. 334.044(6), F.S.
[49] S. 337.27(1), F.S.
[50] S. 334.03(29)(b), F.S.
[51] S. 334.065(1), F.S.
[52] *Id.*
[53] S. 334.065(2), F.S.

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.[54]

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[55] 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.[56]

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.[57]

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.[58]

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.[59]

Marine General Liability Insurance

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.[60]

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[54] S. 334.065(3), F.S.
[55] Pub. L. 91-190; 83 State. 852.
[56] DOT District 7, *What is a PD&E Study,* https://www.fdotd7studies.com/projects/what-is-a-pde-study/. (last visited Mar. 18, 2025).
[57] S. 337.11(1), F.S.
[58] S. 337.11(4), F.S.
[59] S. 337.11(7)(b), F.S. The project's budget and scope are as advertised in the request for qualifications.
[60] 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).

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.[61]

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.[62]

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.[63]

Settlement of Protests

Agencies subject to the Administrative Procedures Act,[64] including DOT, must resolve protests arising from the contract solicitation or award process using uniform rules of procedure.[65]

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.[66]

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.[67] DOT's contractor certification rules address these qualifications and provide requirements regarding a contractor's equipment, past record, experience, financial resources, and organizational personnel.[68]

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.[69]

Contractor Certification

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[61] *Id.* at Sections 7-13.2, 7-13.3, and 7-13.4.
[62] 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).
[63] S. 337.11(15), F.S.
[64] Ch. 120, F.S.
[65] S. 120.57(3), F.S. The Uniform Rules of Procedure relating to bid protests are contained in Rule 28-110, F.A.C.
[66] S. 337.1101(1), F.S.
[67] Certification for qualification is pursuant to s. 337.14, F.S., and DOT rules.
[68] S. 337.14(1), F.S.
[69] S. 337.14(1), F.S.

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.[70]

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.[71]

The contractor[72] may submit a claim[73] 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.[74]

Parties may not make an arbitration request prior to DOT's final acceptance of the project;[75] but such requests must be made within 820 days after final acceptance.[76]

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.[77]

Utility Relocation

Current law authorizes an authority, defined as DOT and local governmental entities,[78] 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.[79]

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[70] S. 337.14(2), F.S.
[71] S. 337.185(1), F.S.
[72] 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.
[73] 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.
[74] S. 337.185(4), F.S.
[75] 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.
[76] S. 337.185(5), F.S.
[77] S. 337.19 (1) and (2), F.S.
[78] 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.
[79] S. 337.401 (1)(a), F.S

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.[80]

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.[81]

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.[82]

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.[83]

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,[84] 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.[85]

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.[86]

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.[87] 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.[88]

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[80] *Id.*
[81] S. 337.401(2), F.S.
[82] S. 337.403(1), F.S.
[83] S. 337.403(1), F.S. Paragraphs (a)-(j) provide various scenarios regarding utility relocation.
[84] Pub, L, No. 84-627.
[85] S. 337.403(1)(a), F.S.
[86] S. 337.403(1)(b), F.S.
[87] S. 339.175(1), F.S.
[88] *Id.*

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.[89] As seen below, Florida has 27 M.P.O.s, and each have their own geographical boundary and board of voting members.[90]

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.[91]

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.[92]

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),[93] and M.P.O.s responsible for coordinating regional long-range transportation plans.[94] The M.P.O.s develop their Long Range Transportation Plan (LRTP) to implement national and state goals for their metropolitan area.[95] Projects are developed and must be included in the LRTP to be considered for funding.[96] 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).[97] An M.P.O.'s TIP includes a listing of projects planned for the next five fiscal years.[98] 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).[99] To be eligible for federal funding, projects must be

[89] 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).
[90] 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).
[91] S. 339.175(2), F.S.
[92] S. 339.175(6)(j), F.S.
[93] 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).
[94] DOT, *supra* note 90.
[95] *Id.*
[96] *Id.*
[97] *Id.*
[98] DOT, *STIP Information*, https://www.fdot.gov/workprogram/federal/stip-mpostip.shtm (last visited Mar. 21, 2025).
[99] DOT, *supra* note 90.

included in the LRTP, TIP, and STIP.[100] The projects included in an M.P.O.'s TIP are funded and completed through the Work Program (WP).[101]

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.[102]

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 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.[103]

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[100] *Id.*
[101] *Id.*
[102] S. 339.175(6)(b), F.S.
[103] S. 339.175(7), F.S.

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. [104]

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.[105]

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.[106] The council consists of one representative from each M.P.O. and annually elects a chairperson from its membership.[107]

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.[108]

The council may also enter into contracts to support its duties.[109]

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.[110] DOT must plan and develop SIS highway corridors to allow for high-speed and high-volume.[111] 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.

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[104] *Id.*
[105] S. 339.175(6)(i), F.S.
[106] S. 339.175(11)(a), F.S.
[107] S. 339.175(11)(b), F.S.
[108] S. 339.175(11)(c), F.S.
[109] S. 339.175(11)(d), F.S.
[110] DOT, *Strategic Intermodal System,* https://www.fdot.gov/planning/systems/sis (last visited Mar. 21, 2025).
[111] S. 339.65(1), F.S.

existing interregional and intercity arterial highways meeting certain standards, and new limited access facilities necessary to complete a balanced statewide system.[112]

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.[113]

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.[114]

Rural Areas of Opportunity

A Rural Area of Opportunity (RAO) is a rural community,[115] 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.[116] An area may also be designated as an RAO if it presents a unique economic development opportunity of regional impact.[117] 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.[118]

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.[119]

DOT District Boundaries

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.[120]

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.[121]

Sarasota Manatee Airport Authority

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[112] S. 339.65(2), F.S.
[113] S. 339.65(4), F.S.
[114] Florida College System, Florida Department of Education, https://www.fldoe.org/schools/higher-ed/fl-college-system/ (last visited Mar. 22, 2025).
[115] S. 288.0656(2)(e), F.S.
[116] S. 288.0656(2)(d), F.S.
[117] *Id.*
[118] S. 288.0656(7)(b), F.S.
[119] DOT, *Moving I-4 Forward*, https://movingi4forward.com/ (last visited Mar. 21, 2025).
[120] DOT, *Districts*, https://www.fdot.gov/agencyresources/districts/index.shtm (last visited Mar. 21, 2025).
[121] *Id*.

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.[122]

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Economic Infrastructure Subcommittee	16 Y, 0 N, As CS	3/27/2025	Keating	Bauldree
THE CHANGES ADOPTED BY THE COMMITTEE:	• Clarified the method of distribution of certain tax proceeds to the STTF. • Required DOT to implement the Next-Generation Traffic Signal Modernization Program. • Required DOT to determine the safe and available minimum speed limit on specified highways. • Increased the maximum allowable speed limits on specified highways and roadways. • Amended the Florida Airport Development and Assistance Act to change various references to airports to "public-use" airports. • Removed language that provided that contractors provide a service to DOT, • Removed a provision related to projects for which DOT's estimate is $100 million or less. • Revised provisions related to utility use of the public ROW, including provisions related to the relocation of utility facilities. • Clarified training provisions for metropolitan planning organizations. • Streamlined provisions that create a pilot program for the Sarasota Manatee Airport Authority and removes duplicative provisions. • Authorized local governments to adopt ordinances pertaining to the operation of electric bicycles, motorized scooters, or micromobility devices. • Authorized local governments to provide training on the safe operation of any of electric bicycles, motorized scooters, or micromobility devices and on compliance with applicable state traffic laws.			
Transportation & Economic Development Budget Subcommittee			Davis	McAuliffe
Commerce Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

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[122] 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; 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. 316.00832, F.S.; requiring the Department of Highway Safety and Motor Vehicles to create the Next-generation Traffic Signal Modernization Program; providing requirements for such program; amending s. 316.183, F.S.; requiring the department to determine certain speed limits; amending s. 316.187, F.S.; increasing certain speed limits; 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; creating s. 320.0849, F.S.; requiring the department 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. 332.004, F.S.; revising definitions; amending s. 332.006, F.S.; requiring the Department of Transportation to provide financial and technical assistance to public agencies that own, rather than operate, public-use airports; amending s. 332.007, F.S.; revising the administration and financing of aviation and airport programs and projects; authorizing a municipality, a county, or an authority that owns a public-use airport to participate in the Airport Investment Partnership Program under the Federal Aviation Administration under certain circumstances; authorizing the department to provide for improvements, subject to the availability of appropriated funds, to a municipality, a county, or an authority under certain circumstances; amending s. 334.044, F.S.; revising conditions under which the department 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.; 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; 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 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; providing purpose of the pilot program; requiring the department 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 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 Next-generation Traffic Signal Modernization Program.—

(1) The department shall implement the Next-generation Traffic Signal Modernization Program. The Next-generation Traffic Signal Modernization Program shall consist of retrofitting existing traffic signals and controllers and providing a communication backbone for remote operations and management of such signals on the State Highway System and nonstate highway system. Such signal upgrades shall be prioritized based on average annual daily traffic and the impact of adding to an existing interconnected system.

(2) The program shall consist of an advanced traffic management platform that uses radar-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, the program shall provide real-time traffic optimization to improve flow and enhance safety. The program 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 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 5. 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. 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.

Section 8. 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 9. 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 10. 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 ~~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.

(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 a public-private partnership through a lease or agreement under s. 255.065 with a political subdivision of the state or an 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 11. 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 12. Paragraphs (a) and (c) of subsection (4), subsection (6), paragraphs (a) and (d) of subsection (7), and subsections (8) and (10) of section 332.007, Florida Statutes, are amended, and subsection (11) is added to that section, 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) A ~~No~~ single public-use airport may not ~~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 ~~public~~ 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.

(b) The department may retroactively reimburse cities, counties, or airport authorities up to 50 percent of the nonfederal share for land acquisition when such land is needed for airport safety, expansion, tall structure control, clear zone protection, or noise impact reduction. No land purchased prior to July 1, 1990, or purchased prior to executing the required department agreements shall be eligible for reimbursement.

(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.

(d) The department is authorized to fund up to 100 percent of the cost of an eligible project that is statewide in scope or that involves more than one county where no other governmental entity or appropriate jurisdiction exists.

(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 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 provision of law, a municipality, a county, or an authority that owns a public-use airport may participate in the Airport Investment Partnership Program under the Federal Aviation Administration by contracting with a private partner to operate the public-use 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, a 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 13. 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 14. Subsections (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 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 15. 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 16. Subsections (4), (7), and (15) of section 337.11, Florida Statutes, are amended to read:

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

(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 provided 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 that 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 ss. 120.57(3)(c) and 287.057(25), upon receipt of a timely filed formal written protest, the department may continue with the process provided for in this subsection 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.~~

(c)~~(d)~~ The department shall adopt by rule procedures for administering design-build and phased design-build contracts.

Such procedures shall include, but not be limited to:

1. Prequalification requirements.

2. Public announcement procedures.

3. Scope of service requirements.

4. Letters of interest requirements.

5. Short-listing criteria and procedures.

6. Bid proposal requirements.

7. Technical review committee.

8. Selection and award processes.

9. Stipend requirements.

(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 17. 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 18. 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 19. 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 20. 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 21. 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 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 section, 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. Such plans must be provided in an electronic format compatible with department software and meet 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) ~~(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 22. Subsections (2) and (3) of section 337.403, Florida Statutes, are renumbered as subsections (4) and (5), respectively, subsection (1) is 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)-(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 the incentives identified in paragraph (b). 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 the utility owner preliminary plans for the 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 acknowledgment 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.

Section 23. 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) ~~(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 24. 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 25. 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 26. 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 27. 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 28. 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 29. 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 30. 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 31. 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. 553.80, 1013.30, 1013.33, 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 pilot program to additional airports, amend the pilot program to increase its effectiveness, or terminate the pilot program.

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

Section 32. This act shall take effect July 1, 2025.

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: Transportation & Economic Development Budget Subcommittee
Representative McFarland offered the following:

Amendment (with title amendment)

Remove lines 148-2110 and insert:

Section 1. Section 218.3215, Florida Statutes, is created to read:

218.3215 County transportation projects.—

(1) Each county shall annually by January 15 report to the Office of Economic and Demographic Research the following information, by county fiscal year, for revenues received pursuant to s. 212.055(1), for the previous county fiscal year:

(a) The total proceeds from the surtax received by the county.

(b) The amount allocated by the county for road and bridge

projects. The Office of Economic and Demographic Research, in consultation with the Department of Transportation, must establish and define broad categories for reporting this information, including, but not limited to, widening, repair and rehabilitation, sidewalks, or payment or pledge of bonds for the construction of roads and bridges.

(c) The total expenditures for road and bridge projects, including by category established pursuant to paragraph (b).

(d) The unexpended balances of funds allocated to road and bridge projects by category.

(e) A list of current road and bridge projects, including the project cost, location, and scope.

(f) The amount allocated by the county to all other authorized uses of the proceeds from the surtax, excluding road and bridge projects and the payment or pledge of bonds for the construction of roads and bridges.

(2) Each county shall report the information required in subsection (1) in the format specified by the Office of Economic and Demographic Research. The Office of Economic and Demographic Research shall compile the information from each county into a report and submit the report to the President of the Senate, the Speaker of the House of Representatives, and the Department of Transportation.

Section 2. 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 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 3. 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 4. 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 5. 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.

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 7. 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 8. 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. Subsections (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 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 within 18 months after commencement to the

maximum extent possible.

Section 11. Subsections (4), (7), and (15) of section 337.11, Florida Statutes, are amended to read:

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

(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 intends to reject all bids on any project after announcing but before posting official notice of such intent, 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 reduced bid without filing a protest or posting a bond under paragraph (5)(a). Upon reaching a decision regarding such bidder's reduced bid, the department must post notice of final agency action to either reject all bids or accept the reduced bid.

2. This subsection does not prohibit the filing of a

protest by any bidder or alter the deadlines in s. 120.57.

3. Notwithstanding ss. 120.57(3)(c) and 287.057(25), upon receipt of a timely filed formal written protest, the department may continue with the process provided for in this subsection 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 select a single design-build firm to perform the work associated with phase two. 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.~~

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

1. Prequalification requirements.
2. Public announcement procedures.
3. Scope of service requirements.
4. Letters of interest requirements.
5. Short-listing criteria and procedures.
6. Bid proposal requirements.
7. Technical review committee.
8. Selection and award processes.
9. Stipend requirements.

(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 12. 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 push-button contract or a task work order contract that 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 13. 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 $2 million ~~$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 within 820 days after final acceptance or within 360 days after written notice by the department of a claim related to a written warranty or defect after final acceptance, whichever is later.

Section 14. 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, whichever is later. ~~This section shall apply to all contracts entered into after June 30, 1993.~~

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 in accordance with the department's mission statement ~~while 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) ~~(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 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 schedule projects in the state transportation improvement program, in collaboration with the M.P.O.'s, considering the annual M.P.O. list of priority projects, as available funding allows.

(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, in collaboration with each M.P.O., 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 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 18. Section 339.85, Florida Statutes, is created to read:

339.85 Next-generation Traffic Signal Modernization Program.—

(1) The department shall implement the Next-generation Traffic Signal Modernization Program. The Next-generation

Traffic Signal Modernization Program shall consist of retrofitting existing traffic signals and controllers and providing a communication backbone for remote operations and management of such signals on the State Highway System and the nonstate highway system. Such signal upgrades shall be prioritized based on average annual daily traffic and the impact of adding to an existing interconnected system.

(2) The program shall consist of an advanced traffic management platform that uses radar-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, the program shall provide real-time traffic optimization to improve flow and enhance safety. The program must comply with leading cybersecurity standards, such as SOC 2 and ISO 27001, ensuring robust data protection.

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. 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 21. 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 22. 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. 553.80, 1013.30, 1013.33, 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 pilot program to additional airports, amend the pilot program to increase its effectiveness, or terminate the pilot program.

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

Section 23. Paragraph (a) of subsection (3) of section 348.0304, Florida Statutes, is amended to read:

348.0304 Greater Miami Expressway Agency.—

(3)(a) The governing body of the agency shall consist of nine voting members. Except for the district secretary of the department, each member must be a permanent resident of a county served by the agency and may not hold, or have held in the previous 2 years, elected or appointed office in such county, except that this paragraph does not apply to any initial appointment under paragraph (b) or to any member who previously served on the governing body of the former Greater Miami Expressway Agency. Each member may only serve two terms of 4 years each, except that there is no restriction on the term of the department's district secretary. Four members, each of whom must be a permanent resident of Miami-Dade County, shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature. Refusal or failure of the Senate to confirm an appointment shall create a vacancy. Appointments made by the Governor and board of county commissioners of Miami-Dade County shall reflect the state's interests in the transportation sector and represent the intent, duties, and purpose of the Greater Miami Expressway Agency, and have at least 3 years of professional experience in one or more of the following areas: finance; land use planning; tolling industry; or transportation engineering. Two members, who must be residents of an unincorporated portion of the geographic area described in subsection (1) and residing within 15 miles of an ~~area with the highest amount of~~ agency toll road ~~roads~~, shall be

appointed by the board of county commissioners of Miami-Dade County. Two members, who must be residents of incorporated municipalities within a county served by the agency, shall be appointed by the metropolitan planning organization for a county served by the agency. The district secretary of the department serving in the district that contains Miami-Dade County shall serve as an ex officio voting member of the governing body.

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

Remove lines 2-143 and insert:

An act relating to transportation; creating s. 218.3215, F.S.; requiring counties to annually by a date certain provide the Office of Economic and Demographic Research with certain information; requiring counties to report such information in the format specified by the office; requiring the office to compile the information into a report and submit the report to the Legislature and the Department of Transportation; amending s. 316.183, F.S.; requiring the Department of Highway Safety and Motor Vehicles to determine certain speed limits; amending s. 316.187, F.S.; increasing certain speed limits; 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; creating s. 320.0849, F.S.; requiring the department 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.; 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. 337.14, 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 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; providing that the department is responsible for scheduling projects in the state transportation improvement program in collaboration with the M.P.O.'s; 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, in collaboration with each M.P.O., 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; creating s. 339.85, F.S.; requiring the department to implement the Next-generation Traffic Signal Modernization Program; providing requirements for such program; amending s. 331.310, F.S.; conforming a cross-reference; 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; providing purpose of the pilot program; requiring the department 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; amending s. 348.0304, F.S.; revising membership of the governing body of the Greater Miami Expressway Agency;

Amendment No.

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: Transportation & Economic Development Budget Subcommittee

Representative Alvarez, D. offered the following:

Amendment to Amendment (879435) by Representative McFarland

Remove lines 799-803 of the amendment and insert:

(2) The program shall consist of an advanced traffic management platform that uses state-of-the-art technology to deliver accurate detection in all weather conditions, offering fully integrated stop bar and advance detection management to improve safety and vehicle movement at intersections, including pedestrian protection. In addition to supporting time-

Amendment No.

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: Transportation & Economic Development Budget Subcommittee

Representative Cross offered the following:

Amendment to Amendment (879435) by Representative McFarland (with title amendment)

Between lines 95 and 96 of the amendment, insert:

Section 6. Section 316.88, Florida Statutes, is created to read:

316.88 Creation of a wake on streets or highways.—A person may not operate a motor vehicle, vessel, or any other conveyance at a speed that creates an excessive wake on a flooded or inundated street or highway.

Section 7. Subsection (109) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(109) VEHICLE.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks.

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

Between lines 921 and 922 of the amendment, insert:

s. 316.88, F.S., prohibiting excessive wakes under certain circumstances; amending s. 316.003, F.S.; relating to definitions; creating

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 827	**COMPANION BILL:** SB 936 (Davis)
TITLE: Statewide Study on Automation and Workforce Impact	**LINKED BILLS:** None
SPONSOR(S): Spencer	**RELATED BILLS:** None

Committee References

Careers & Workforce	➤	Transportation & Economic Development Budget	➤	Education & Employment
17 Y, 0 N				

SUMMARY

Effect of the Bill:

The bill requires the Bureau of Workforce Statistics and Economic Research (WSER) to study the economic impact of automation, artificial intelligence (AI), and robotics on employment in Florida, focusing on job losses and gains due to AI and automation. The study will analyze projected job displacement, vulnerable geographic regions, at-risk demographics, wage impacts, economic benefits, workforce training, policy recommendations, and the rate and scale of job loss caused by AI compared to other forms of automation.

The bill authorizes WSER to consult with business, academic, and local economic experts to complete the study. Additionally, the bill requires WSER to submit a report to the Governor, Senate President, and House Speaker by December 1, 2025, with updates every three years.

Fiscal or Economic Impact:

The fiscal impact of the bill is indeterminate, but the cost of the study will be absorbed within the existing resources of the Department of Commerce.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill requires the Bureau of Workforce Statistics and Economic Research (WSER) of the Department of Commerce to study the economic impact of automation, artificial intelligence (AI), and robotics on employment in the state, with a specific focus on job losses and gains due to AI and automation.

The bill requires the study to analyze:

- Industries most affected and projected job displacement over the next 10 years, particularly due to use of AI.
- Geographic regions within the state most vulnerable to job loss or displacement.
- Demographics of workers most at risk.
- Impact on wages and job quality in key job sectors.
- Economic benefits, including productivity growth and job creation.
- Workforce training programs addressing job loss or displacement.
- Policy recommendations for workforce resilience, including education and retraining investments.
- The rate and scale of job loss or displacement caused specifically by AI compared to other forms of automation.

The bill authorizes the WSER to consult with:

- Business and industry representatives.

- Academic institutions with labor economics expertise.
- Local economic councils and chambers of commerce.
- Any groups the WSER deems necessary to complete the study.

The bill requires the WSER submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2025, and every 3 years thereafter. The WSER must conduct the study every 3 years to assess the impact of automation on the workforce and update policy recommendations.

The bill incorporates the federal definition for AI.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The fiscal impact of the bill is indeterminate, but the cost of the study will be absorbed within the existing resources of the Department of Commerce.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Bureau of Workforce Statistics and Economic Research (WSER)

The WSER operates within the Florida Department of Commerce. The mission of WSER is to produce, analyze and deliver economic data to improve decision-making. WSER collects and reports Florida's key economic indicators, including labor force statistics, employment trends, and unemployment rates. Using employer surveys, econometric modeling, and administrative records, WSER provides accurate and comparable data. WSER also provides economic research services, including customized reports, GIS mapping, economic impact analysis, and training resources to support workforce and business development.[1]

Artificial Intelligence (AI)
AI refers to computer systems capable of performing complex tasks that historically only a human could do, such as reasoning, decision-making, or problem-solving. AI encompasses a broad range of technologies that power everyday services and products, from recommendation apps to real-time customer support chatbots.[2]

Federal law defines AI to mean a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments. Artificial intelligence systems use machine and human-based inputs to:[3]

- perceive real and virtual environments;
- abstract such perceptions into models through analysis in an automated manner; and
- use model inference to formulate options for information or action.

OTHER RESOURCES:

McKinsey Global Institute: Workforce Transitions In A Time Of Automation (2017)
The SREB Region's Economic Outlook – The Potential Impact of Automation and AI

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[1] Florida Commerce, Bureau of Workforce Statistics and Economic Research (WSER), *About WSER*, https://www.floridajobs.org/wser-home/about-wser (last visited Mar. 20, 2025). *See also*, s. 20.60, F.S.
[2] Coursera, *What is Artificial Intelligence? Definition, Uses, and Types*, https://www.coursera.org/articles/what-is-artificial-intelligence (last visited Mar. 30, 2025).
[3] 15 U.S.C. s. 9401(3).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Careers & Workforce Subcommittee	17 Y, 0 N	3/31/2025	Kiner	Dixon
Transportation & Economic Development Budget Subcommittee			Davis	Davis
Education & Employment Committee				

A bill to be entitled

An act relating to a statewide study on automation and workforce impact; defining the term "artificial intelligence"; requiring the Bureau of Workforce Statistics and Economic Research of the Department of Commerce to study the economic impact of automation, artificial intelligence, and robotics on employment in the state; specifying contents of the study; authorizing the bureau to consult with specified entities to complete the study; requiring the bureau to submit to the Governor and Legislature a report by a specified date; requiring the bureau to conduct this study at specified intervals of time; providing an effective date.

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

Section 1. Statewide Study on Automation and Workforce Impact.—

(1) As used in this section, the term "artificial intelligence" or "AI" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. An artificial intelligence system uses machine and human-based inputs to:

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

(a) Perceive real and virtual environments.

(b) Abstract perceptions into models through analysis in an automated manner.

(c) Model inferences to formulate options for information or action.

(2) The Bureau of Workforce Statistics and Economic Research of the Department of Commerce shall study the economic impact of automation, AI, and robotics on employment in the state, with a specific focus on job losses and gains due to AI and automation.

(3) The study shall analyze:

(a) Industries most affected and projected job displacement over the next 10 years, particularly due to use of AI.

(b) Geographic regions within the state most vulnerable to job loss or displacement.

(c) Demographics of workers that are most at risk.

(d) Impact on wages and job quality in key job sectors.

(e) Economic benefits, including productivity growth and job creation.

(f) Workforce training programs addressing job loss or displacement.

(g) Policy recommendations for workforce resilience, including education and retraining investments.

(h) The rate and scale of job loss or displacement caused

specifically by AI compared to other forms of automation.

(4) The bureau may consult with:

(a) Business and industry representatives.

(b) Academic institutions with labor economics expertise.

(c) Local economic councils and chambers of commerce.

(d) Any groups the bureau deems necessary to complete the study.

(5) The bureau must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report of its findings and recommendations by December 1, 2025, and every 3 years thereafter pursuant to subsection (6).

(6) The bureau must conduct the study every 3 years to assess automation's impact on the workforce and to update its policy recommendations.

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 #: CS/HB 1535	**COMPANION BILL:** CS/SB 180 (DiCeglie)
TITLE: Emergencies	**LINKED BILLS:** None
SPONSOR(S): McFarland	**RELATED BILLS:** None

Committee References

Natural Resources & Disasters
17 Y, 0 N, As CS
➤
Transportation & Economic Development Budget
➤
State Affairs

SUMMARY

Effect of the Bill:

The bill amends various provisions related to emergency management to improve the state's ability to respond to and recover from natural emergencies, including hurricanes. The bill requires each county and municipality to post certain information pertaining to storm preparation and recovery online, including a post-storm permitting plan and recovery guide. It requires local government personnel who perform key post-disaster response activities to complete a training every two years. The bill requires the Division of Emergency Management (DEM) to assist local governments by creating a template for emergency management plans and guidance on the creation of mutual aid agreements. The bill creates new provisions relating to debris removal, including requiring DEM to assist fiscally constrained counties with debris removal from roadways. The bill amends various provisions related to shelters to ensure shelter needs are addressed at the county level. The bill prohibits certain local government actions post-hurricane that place a moratorium or other restrictions on development and creates a statewide substantial improvement lookback period for purposes of the National Flood Insurance Program. The bill creates crane safety procedures to prepare for hurricane impacts. The bill also updates emergency election procedures, including provisions relating to early voting, voting-by-mail, ballot intake stations, and poll worker requirements.

Fiscal or Economic Impact:

This bill creates new responsibilities and requirements for DEM, the Department of State, the Department of Transportation, local governments, and Supervisors of Elections relating to emergency preparedness and response. The impact of these provisions is indeterminate. This bill contains no appropriations and it is anticipated that any workload or need for increased expenditures will be absorbed within existing department or local operational resources.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Emergency Management

The bill amends various provisions related to emergency management. Specifically, the bill requires the Division of Emergency Management (DEM) to:

- Develop a template for comprehensive emergency management plans, including plans for natural disasters, and guidance on the development of mutual aid agreements as part of its efforts to assist local governments in preparing for emergencies. (Section 11)
- Complete an inventory of disaster response equipment, including portable generators, owned by the state and local governments. (Section 11)
- Take steps to maximize the availability and expedite the distribution of financial assistance from the federal government to state and local agencies. (Section 15)

The bill requires each county and municipality to post certain information related to emergency response and preparation on its publicly accessible website, including:

- A frequently asked questions related to natural emergency response, emergency preparedness, and public relief for residents following an emergency.
- A disaster supply list and a list of emergency shelters.
- Links to information about flood zones.
- A checklist for residents explaining the next steps to take during post-disaster recovery. (Section 20)

Beginning October 1, 2025, the bill requires the emergency management personnel of each county or municipality and individuals who perform key roles in post-disaster response to complete training provided by DEM every two years. (Section 20)

To facilitate coordination with DEM, the bill requires each agency emergency coordination officer and each local government emergency contact, which includes the county emergency management director, to be identified by May 1 annually. (Sections 14 and 18)

The bill requires all state and local government contracts for goods or services related to emergency response entered into, renewed, or amended on or after July 1, 2025, include a provision that, upon breach during an emergency recovery period, the contractor is required to pay actual and consequential damages and a $5,000 penalty. The bill defines "emergency recovery period" as the one-year period that begins on the date that the Governor initially declared a state of emergency for a natural emergency. (Section 23)

Debris Management

The bill creates several new provisions related to debris management. Specifically, the bill:

- Requires DEM to coordinate with fiscally constrained counties included within a declared state of emergency for a natural emergency and the Department of Transportation to remove debris from roadways, including roadways that are publicly accessible but not maintained by the county. (Section 21)
- Encourages local governments to add an addendum to existing solid waste contracts or franchise agreements for the collection of storm-generated debris. (Section 25)
- Requires each county and municipality to apply to the Department of Environmental Protection (DEP) for authorization for at least one debris management site and annually seek preauthorization for such site. The bill allows a municipality to jointly apply with a county or an adjacent municipality if the parties develop and approve a memorandum of understanding. (Section 25)

Hoisting Equipment and Crane Safety

When a tower or mobile crane is on a worksite, the bill requires a hurricane preparedness plan for that crane to be available for inspection. The bill provides emergency procedures and practices for hoisting devices and tower cranes that must occur 24 hours before the anticipated impacts of a hurricane. Finally, it provides that a contractor who violates these safety provisions is subject to discipline by the Department of Business and Professional Regulation (DBPR). (Section 26)

Rebuild and Repair

The bill lays out several new provisions that address repair and rebuilding after a natural disaster. The bill:

- Requires each county and municipality to develop a post-storm permitting plan to expedite recovery and rebuilding by providing for special building permit and inspection procedures after a hurricane or tropical storm. The plan must ensure sufficient personnel are prepared and available for building inspection, permitting, and enforcement tasks; account for multiple or alternate locations where building permit services may be offered; and specify a protocol to expedite permits and, if practicable, for the waiver or reduction of fees. (Section 20)
- Requires each county and municipality to publish a hurricane and tropical storm recovery permitting guide to assist homeowners in determining the types of post-storm repairs that require a permit, the types of repairs that do not require a permit, and the permitting process. (Section 20)
- Prohibits a county or municipality within an area where a state of emergency for a hurricane or tropical storm has been declared from increasing a building permit or inspection fee for 180 days. (Section 20)

- Requires DEM to consult with local governments, DBPR, DEP, and any other appropriate agencies to develop recommendations for statutory changes necessary to streamline the permitting process for repairing and rebuilding structures damaged during natural emergencies. These recommendations must be presented to the President of the Senate and the Speaker of the House of Representatives by July 1, 2026. (Section 27)
- Prevents a local government, school district, or special district from assessing an impact fee for the reconstruction or replacement of a previously existing structure if the replacement structure is of the same land use as the original structure. However, if a jurisdiction uses a tiered scale to assess, it may assess an impact fee equal to the impact fee for the replacement structure less the impact fee for the original structure. (Section 7)
- Requires each county and municipality directly impacted by a natural emergency to use its best efforts to open a permitting office as soon as reasonably possible where residents can access government services for at least 40 hours per week. (Section 20)
- Requires each county and municipality to provide an online option for receiving, reviewing, and accessing substantial damage and substantial improvement letters. The county or municipality must allow a homeowner to provide an email address to obtain these digital copies. (Section 20)

For homestead property assessments for homes that have been damaged or destroyed by misfortune or calamity, the bill provides that maintenance or repair of the homestead property, including roof or window replacement, may not be considered a change, an addition, or an improvement. It also provides that the assessment should remain at the property's assessed value as of the January 1 immediately before the date on which the property was damaged or destroyed when the square footage as changed or improved does not exceed 130 percent of the square footage before the damage or destruction or the total square footage does not exceed 2,000 square feet, rather than 110 percent and 1,500 square feet. (Section 8)

For a local government that is participating in the National Flood Insurance Program (NFIP), the bill provides that the local government may not adopt a cumulative substantial improvement period (also known as "lookback" period") that is longer than one year. The bill defines "cumulative substantial improvement period" as the period during which an aggregate of improvements or repairs are considered for purposes of determining substantial improvement. (Section 6)

For two years after a hurricane makes landfall, the bill prohibits a local government located entirely or partially within 100 miles of a hurricane's track from proposing or adopting:
- A moratorium on construction, reconstruction, or redevelopment of any property;
- A more restrictive or burdensome amendment to its comprehensive plan or land development regulations; or
- A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order. (Section 22)

If these provisions are not followed, the bill provides a procedure for a person to file suit against a local government for declaratory and injunctive relief. Before a plaintiff can sue, however, the plaintiff must provide the local government 14 days to withdraw or revoke the action or otherwise declare it void. Ultimately, if the matter is resolved after a suit, the prevailing plaintiff is entitled to reasonable attorney fees and costs. (Section 22)

For Hurricane Debby, Hurricane Helene, and Hurricane Milton, the bill provides similar prohibitions on construction moratoriums and burdensome or restrictive comprehensive plan amendments. The provisions apply until October 1, 2027, and are applied retroactively to August 1, 2024. (Section 28)

Shelters

The bill provides that for purposes of the Hurricane Loss Mitigation Program, DEM must prioritize the use of funds for shelters located in counties, rather than regional planning councils, that have a shelter deficit, and for projects that are publicly owned, other than schools. (Section 9)

The bill requires the state comprehensive emergency management plan to include a shelter component that, at a minimum, contains strategies to ensure the availability of adequate public shelter space in each county, rather than in each region of the state. (Section 11)

The bill adds the Department of Veterans' Affairs to the list of entities that must provide registry information to their special needs clients or caregivers. (Section 12)

The bill requires DEM to submit a shelter report to the Governor and Legislature annually, rather than biennially, that projects the shelter needs of the state for the next five years. It requires the Department of Health and the Agency for Persons with Disabilities to assist DEM with the report in determining the estimated need for special needs shelter space, including space to accommodate persons with developmental disabilities such as autism. (Section 19)

Hazard Mitigation Grant Program

The bill provides that DEM must administer the Hazard Mitigation Grant Program as authorized and described by the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act. The bill provides that DEM may not retain more than 25 percent of the total federal allocation of funds received. A minimum of 75 percent of the funds must be distributed to the subrecipients in the counties specified in the Presidential Disaster Declaration for that disaster. However, the bill allows a subrecipient to elect to share some or all of its allocation with DEM to be used for projects benefiting the region. The bill provides that DEM and subrecipients must prioritize projects that reduce shelter space deficits; mitigate impacts to public infrastructure; mitigate impacts to school facilities; retrofit regional and local emergency management or operations centers; or that are identified by DEM rule. (Section 16)

Financing

The bill provides that if DEM intends to accept or apply for federal funds for a DEM-administered program that is new, that will be implemented in a manner that is innovative or significantly different from the manner in which the program is typically administered, or that will require a state match for which DEM will be required to seek new budget authority, DEM must notify the Legislature of its intent to accept or apply for the federal funds. (Section 15)

Audits

The bill amends provisions relating to audits of emergency management expenditures. The bill requires all contracts executed to support the response to a declared state of emergency to be posted on the secure contract tracking system. It also requires DEM, annually by January 15, to report to the Legislature on the expenditures related to emergencies incurred over the past year, including a summary of the event, detailed expenditures, and an accounting of all inventory and assets purchased. (Section 13)

Medical Officer Authorization

The bill provides that a servicemember trained to provide medical care who is assigned to a military duty position and authorized by the Florida National Guard to provide medical care may provide such care to military personnel and civilians within the state. (Section 10)

Access to Unusable Property

The bill provides that when a rented premise is damaged or destroyed so that the enjoyment of the premise is substantially impaired, other than by wrongful or negligent act of the tenant, the tenant must be given an opportunity to collect his or her belongings or notice of a date by which the tenant will be able to do so. (Section 1)

Emergency Elections Procedures

The bill provides additional flexibility to county supervisors of elections (supervisors) in responding to a natural emergency that occurs within 60 days of an election. If the Governor declares a state of emergency for a natural emergency within that period, the bill provides that a supervisor within an affected area, as designated in the declaration, may take the following actions as needed:

- Change the location of designated early voting sites; the supervisor must notify the Division of Elections (division) within the Department of State of the new address of each early voting site and the hours during which early voting will occur at each site.
- Request approval from the Secretary of State to designate early voting sites at a location type not specifically authorized in law.
- Allow early voting to occur the day before the election.
- Allow election day voting to occur at early voting sites.
- Designate additional secure ballot intake stations; the supervisor must immediately notify the division of the location of the additional secure ballot intake stations.
- Send a vote-by-mail (VBM) ballot to a voter who requests a ballot:
    - By a written request that lacks a voter's signature or by a method other than the voter's written request.
    - To an address other than the address listed in the statewide voter registration system.
    - By forwardable mail (instead of the current requirement that it be by non-forwardable mail).
    - As soon as practicable, rather than within two business days after receiving a request.
- Appoint poll workers who have not met the standard poll worker training requirements if the supervisor finds that a shortage of poll workers exists within the county and each available poll worker received, at a minimum, the requisite training within two years preceding the election.
- Suspend the requirement that each poll worker be a registered (or preregistered) voter of the county in which the member is appointed, and allow supervisors to appoint poll workers who are registered voters of the state but not of the impacted county. (Section 3)

The bill requires the supervisor to use any method necessary to inform affected voters of changes to elections made under the emergency powers granted in the bill. (Section 3)

The bill modifies the statewide election emergency contingency plan to specifically include procedures for responding to emergencies generally, rather than just procedures addressing the suspension or delay of an election. The bill reorganizes but maintains the provisions of current law related to election procedures after the suspension, delay, or rescheduling of an election and adds the following requirements for the contingency plan:

- Ensure that necessary parties are notified of any changes impacting an election that has been affected by an emergency.
- Ensure that an election that has been affected by an emergency is conducted in a safe and orderly manner.
- Determine the safety of existing polling places or designated additional polling places in coordination with the appropriate emergency management officials.
- Release and certify returns to the division for elections affected by an emergency.
- Coordinate efforts between supervisors in affected and unaffected counties to ensure voting opportunities for affected voters, including ensuring the delivery of VBM ballots to law enforcement officers, military personnel, first responders, and utility line workers. (Section 4)

The bill also requires each supervisor to develop, in consultation with local emergency management officials, a local election emergency contingency plan. The plan must be submitted to the division by May 1 of every odd-numbered year and the division must determine whether each plan is sufficient by May 30. (Section 4)

The bill requires the Secretary of State, in coordination with the supervisors, to develop an election emergency training program; the training must be updated at least once every four years. This training is required for newly elected or appointed supervisors and any critical staff, as determined by the supervisor. Additionally, the bill requires the Secretary of State to convene a workgroup to create a list of best practices for conducting an election during an emergency by June 1 of every odd-numbered year. The workgroup must include at least 10 current supervisors and, to aid in the development of the best practices, must participate in tabletop simulation exercises[1] involving election emergency scenarios. (Section 5)

[1] This bill defines "tabletop exercise" as "a session in which participants are guided through possible scenarios and discuss their roles and responsibilities if such a scenario occurs, as well as how they would respond to such a scenario."

Using the best practices developed by the workgroup, the Secretary of State must incorporate practices applicable to all counties into the statewide election emergency contingency plan and recommend practices applicable to specific counties to the appropriate supervisor for inclusion in the supervisor's local election emergency contingency plan. (Section 5)

Effective Date
The bill will take effect upon becoming a law. (Section 30)

RULEMAKING:

The bill requires the Department of State to adopt rules to develop criteria to determine whether a local election emergency contingency plan is sufficient.

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 requires DEM to develop a template for comprehensive emergency management plans, including plans for natural disasters, and guidance on the development of mutual aid agreements as part of its efforts to assist local governments in preparing for emergencies. The fiscal impact of this provision is indeterminate but is expected to be absorbed within existing department resources. The bill also requires DEM to complete an inventory of disaster response equipment owned by the state and local governments in addition to portable generators which DEM is currently required to inventory. To the extent DEM does not have a record of its equipment, the division must complete this inventory. While the impact of this workload is indeterminate it is expected to be absorbed within existing resources. The DEM has not provided a fiscal impact or policy analysis for this bill.

The bill requires the Department of Transportation to assist with the removal of debris from roadways, including roadways that are publicly accessible but not county maintained. The impact of this provision is indeterminate and likely significant. However, the state has borne the cost of debris removal for some local governments after storms in recent years so this provision may not necessarily increase state expenditures beyond current spending practices. The FDOT has not provided a fiscal impact or policy analysis for this bill.

The bill prescribes additional responsibilities for the Department of State including: developing an election emergency training program and convening a workgroup to create a list of best practices for conducting an election during an emergency. The impact of these provisions is indeterminate but expected to be absorbed within existing operational resources. The DOS has not provided a fiscal impact or policy analysis for this bill.

LOCAL GOVERNMENT:

The bill will have an indeterminate fiscal impact on local government expenditures. The bill requires emergency management training and increased transparency by local governments for emergency response activities. Local governments may have to absorb the costs of upgrading databases to comply with the requirements of the bill. The bill also requires local governments to develop a post-storm permitting plan to expedite recovery. The bill also directs DEM to establish maximum rates for debris removal services, which may lower the costs paid by local governments for such services. For fiscally constrained counties, the bill requires DEM and the Department of Transportation to assist with the removal of debris from roadways, including roadways that are publicly accessible but not county maintained. The bill also requires each supervisor to develop a local election emergency contingency plan.

PRIVATE SECTOR:

The bill may have a positive, yet indeterminate fiscal impact on private sector businesses that engage in construction related services. The bill encourages streamlining of permitting, transparency, and access to permit locations post-storm, and prohibits certain local government development restrictions.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Emergency Management

The State Emergency Management Act (act) governs emergency management and establishes the legal framework for the state's emergency management activities. The act confers upon the Governor, the Division of Emergency Management (DEM), and the governing body of each county and municipality certain emergency powers in the event of emergencies and disasters resulting from natural, technological, or human causes to ensure preparations of the state will be adequate to deal with, reduce vulnerability to, and recover from such emergencies and disasters; to provide for the common defense and to protect the public peace, health, and safety; and to preserve the lives and property of the people of the state.[2]

The act authorizes the Governor to assume or delegate direct operational control over all or any part of emergency management functions in the event of an emergency.[3] This authority includes issuing executive orders, proclamations, and rules that have the force and effect of law.[4] The act specifically authorizes the Governor to use all resources of state government and each political subdivision of the state as reasonably necessary to cope with the emergency.[5] In addition, the act authorizes the Governor to:

- Suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business or the orders or rules of any state agency, if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency.
- Transfer the direction, personnel, or functions of state departments and agencies or units thereof to perform or facilitate emergency services.
- Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles; however, the Governor may not seize, take, or confiscate firearms that are lawfully possessed, unless a person is engaged in the commission of a criminal act.
- Make provision for the availability and use of temporary emergency housing.
- Take effective measures for limiting or suspending lighting devices and appliances, gas and water mains, electric power distribution, and all other utility services in the general public interest.
- Take measures concerning the conduct of civilians, the movement and cessation of movement of pedestrian and vehicular traffic at certain times, the calling of public meetings and gatherings, and the evacuation and reception of the civilian population, as provided in the emergency management plan of the state and counties and municipalities.
- Authorize businesses and their employees who sell commodities to exceed the times of curfews for ensuring that the supply of commodities is made available to the public and direct local law enforcement to assist and accommodate those businesses and their employees in ensuring that commodities are available in coping with the emergency.[6]

The Governor must delegate emergency responsibilities to officers and agencies of the state and to counties and municipalities prior to an emergency or threat of an emergency and must use the services and facilities of existing officers and agencies of the state and of the political subdivisions thereof as the primary emergency management forces of the state. All such officers and agencies must cooperate with and extend their services and facilities to DEM, as it may require.[7]

Division of Emergency Management

DEM is responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities and emergency powers under the act. DEM must administer programs to rapidly apply all available

[2] S. 252.32, F.S.
[3] S. 252.36(1)(a), F.S.
[4] S. 252.36(1)(b), F.S.
[5] S. 252.36(6), F.S.
[6] *Id.*
[7] S. 252.36(9), F.S.

aid to communities stricken by an emergency.[8] DEM must maintain the statewide comprehensive plan for emergency management and coordinate efforts of the Federal Government with state and local government and private agencies.[9] In addition, DEM is responsible for:

- Adopting standards and requirements for county emergency management plans, assisting counties and municipalities in preparing and maintaining the plans, and periodically reviewing the plans for consistency with state standards.
- Cooperating with the President, the heads of the Armed Forces, and various federal emergency management agencies.
- Implementing training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. The training must include a continuous training program for agencies and individuals that will be called on to perform key roles in state and local post-disaster response and recovery efforts and for local government personnel on federal and state post-disaster response and recovery strategies and procedures.
- Prioritizing technical assistance and training to fiscally constrained counties on aspects of safety measures, preparedness, prevention, response, recovery, and mitigation relating to natural disasters and emergencies.
- Planning for and either procuring supplies, medicines, materials, and equipment or entering into a memorandum of agreement or open purchase orders to ensure the availability of such supplies.
- Reporting biennially to the Governor and Legislature on the status of emergency management capabilities of the state and its political subdivisions.
- Creating, implementing, administering, adopting, amending, and rescinding rules, programs, and plans needed to carry out emergency management.
- Doing other things necessary, incidental, or appropriate for implementing emergency management.[10]

Counties and Municipalities

Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each county and municipality of the state. Counties and municipalities have certain duties and responsibilities to provide effective and orderly governmental control and coordination of emergency operations, including a requirement that counties adopt an emergency management plan that is coordinated and consistent with the state's comprehensive emergency management plan and program.[11]

Counties must establish a local emergency management agency that serves the entire county. The director of the local emergency management agency must coordinate emergency management activities, services, and programs within the county and must serve as liaison to DEM and other local emergency management agencies. Each local emergency management agency must perform emergency management functions within the county in accordance with state and county emergency management plans and pursuant to the act.[12]

Counties and municipalities have the authority to declare a state of local emergency if an emergency affects only one political subdivision, which triggers the ability to request state assistance or invoke emergency-related mutual-aid assistance. The duration of a local state of emergency is seven days, but may be extended in seven-day increments as necessary.[13]

Counties and municipalities may make, amend, and rescind orders and rules as are necessary for emergency management purposes that are not inconsistent with any orders or rules adopted by DEM or by any state agency exercising a power delegated to it by the Governor or DEM.[14] All orders and rules adopted by any county or municipality have the full force and effect of law when filed in the office of the clerk or recorder of the political subdivision; however, any order or rule inconsistent with the act or the Florida Emergency Planning and

[8] S. 252.35(2), F.S.
[9] S. 252.35(1), F.S.
[10] S. 253.35, F.S.
[11] S. 253.38, F.S.
[12] S. 253.38(1), F.S.
[13] S. 252.38(3)(a)5, F.S.
[14] S. 252.46(1), F.S.

Community Right-to-Know Act will be suspended to the extent that such conflict exists.[15] Furthermore, any person violating any rule or order issued pursuant to either act is guilty of a second-degree misdemeanor and may be punished by a term of up to 60 days in jail and fines up to $500.[16]

To carry out these emergency functions, counties and municipalities can receive advanced training for comprehensive approaches to managing emergency and disaster incidents from DEM or from the Federal Emergency Management Agency (FEMA). In addition, last year, the Legislature created minimum education, experience, and training standards for all county emergency directors.[17] Specifically, by June 30, 2026, each county emergency management director must meet the following minimum training and education qualifications:

- Fifty hours of training in business or public administration, business or public management, or emergency management or preparedness. A bachelor's degree may be substituted for this training requirement.
- Four years of verifiable experience in comprehensive emergency management services, including improving preparedness for emergency and disaster protection, prevention, mitigation, response, and recovery. This must include direct supervisory responsibility for at least one emergency or disaster.[18]
- Completion of 150 hours of comprehensive emergency management training provided through or approved by FEMA or its successor, including completion of the specified National Incident Management System (NIMS) courses.[19] All required training must be completed no earlier than 10 years preceding a person's appointment as a county director, regardless of whether it is an initial appointment or a reappointment.
- A valid driver license. If the license is not issued by Florida, the director must obtain a Florida driver license within 30 days after being appointed as director.[20]

Shelters

DEM must prepare a Statewide Emergency Shelter Plan (SESP) by January 31 of each even-numbered year.[21] The SESP must identify the general location and square footage of existing general population and special needs shelter space, by regional planning council region, and projected space needs during the next five years.[22] DEM also maintains a special needs registry; individuals can register through a website maintained by the Department of Health.[23]

Hurricane Loss Mitigation Program

In 1999, the Legislature created the Hurricane Loss Mitigation Program within DEM to fund programs for improving the wind resistance of residences and mobile homes.[24] The program is funded by an annual appropriation of $10 million from the Florida Hurricane Catastrophe Fund.[25] Of that money, $3 million must be directed toward retrofitting existing facilities used as public hurricane shelters. DEM must prioritize the use of the funds for projects included in the annual shelter retrofit report. On January 1 of each year, DEM must submit an

[15] S. 252.46(2), F.S.
[16] S. 252.50, F.S.
[17] CS/CS/HB 1567 (2024), which was codified in s. 252.38, F.S.
[18] A master's degree in one or more certain specified fields may be substituted for two years of the required experience, but not for the required supervisory experience. Alternatively, a valid accreditation as a Certified Master Exercise Practitioner by FEMA, a Certified Emergency Manager, or a Florida Professional Emergency Manager may substitute for the required experience but the accreditation must be kept in good standing until the actual time and experience requirements may be satisfied.
[19] The Emergency Management Institute, run by FEMA, is the primary center for developing and delivering emergency management training nationally, emphasizing programs such as NIMS. NIMS is intended to apply across all jurisdictional levels and functional disciplines for the management of all potential incidents, hazards, and impacts regardless of size, location, or complexity.
[20] S. 252.38, F.S.
[21] S. 252.385(2)(b), F.S.
[22] *Id.*
[23] S. 252.355, F.S.
[24] Chapter 99-305, L.O.F.; codified as s. 215.559, F.S.
[25] S. 215.559, F.S.

annual report and accounting of activities under the program and an evaluation of the activities. The program expires on June 30, 2032.[26]

Audits

When an emergency exceeds 90 days, contracts executed by the Executive Office of the Governor or the appropriate agency to support the response to the declared state of emergency must be submitted to the Legislature within 72 hours.[27] For contracts executed within the first 90 days of the emergency being declared, such contracts must be submitted to the Legislature within 120 days of the declaration. The Executive Office of the Governor or the appropriate agency must submit monthly reports to the Legislature of all state expenditures, revenues received, and funds transferred by an agency during the previous month to support the emergency. Once an emergency exceeds one year, the Auditor General must conduct a financial audit of all associated expenditures and a compliance audit of all associated contracts entered into during the declared emergency. The audit must be updated annually until the emergency has ended.[28]

Elections

The Division of Elections (division) within the Department of State (DOS) provides "administrative support to the Secretary of State, Florida's Chief Election Officer, to ensure that Florida has fair and accurate elections." Through its bureaus, it ensures compliance with the election laws, provides statewide coordination of election administration, and promotes public participation in the electoral process. The division also provides support to county supervisors of elections (supervisors) in their duties, including providing technical support.[29]

Each supervisor is responsible for registering eligible voters and maintaining the voter rolls.[30] The supervisor is also responsible for managing the logistics of general, primary, and special elections.[31] These duties include:

- Providing recommendations to the board of county commissioners in drawing election precincts for the county and transmitting information to the Department of State.[32]
- Ensuring the security and maintenance of voting equipment.[33]
- Publishing a sample ballot in a newspaper of general circulation.[34]
- Appointing poll workers to serve as clerks or inspectors for each precinct of the county.[35]
- Conducting training for inspectors, clerks, and deputy sheriffs in their duties and responsibilities as election officials.[36]
- Informing the clerk of each polling location about the area in which soliciting is unlawful.[37]
- Creating the form for tabulation of votes and proclamation of results.[38]
- Serving as a member of the county canvassing board.[39]
- Presenting the certification of election to the winning candidate.[40]

On the local level, among other elections-related duties, supervisors (and municipal clerks) are authorized to request that the Governor suspend or delay an election. The supervisor or municipal clerk should communicate

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[26] *Id.*
[27] S. 252.3611, F.S.
[28] *Id.*
[29] Florida Department of State, About Us, *available at* https://dos.fl.gov/elections/about-us/ (last visited Mar. 3, 2025).
[30] S. 98.015, F.S.
[31] See generally Chapter 102, F.S.
[32] S. 101.001, F.S.
[33] Ss. 101.015 and 101.5612, F.S.
[34] S. 101.20, F.S.
[35] S. 102.012(1)(a), F.S.
[36] S. 102.014(1), F.S.
[37] S. 102.031(4)(c), F.S. "Soliciting" includes, but is not limited to, seeking votes, facts, opinions, or contributions; distributing political or campaign materials, leaflets, and handouts; conducting an unauthorized poll; seeking signatures on a petition; and selling any item. S. 102.031(4)(b), F.S.
[38] S. 102.071, F.S.
[39] S. 102.141, F.S.
[40] S. 102.155, F.S.

with their county emergency management agency the need to suspend or delay an election in order to expedite a decision request to the Governor to suspend or delay.[41]

The Elections Emergency Act

Primary and general elections occur in August and November of every even-numbered year, respectively. The peak of the Atlantic hurricane season is mid-August to mid-October.[42] As Florida is particularly vulnerable to hurricanes given its location, it is certain that these two events — elections and hurricanes coincide. Such confluence has occurred twice in recent history: in 2018, Hurricane Michael made landfall less than a month before the scheduled general election, while in 2022, Hurricane Ian made landfall a little more than a month before the election. The COVID-19 pandemic presented an emergency of an entirely different kind, but one that also affected imminent elections.

In 1992, Florida voters approved Amendment 2 to the Florida Constitution that specifically allows a general election[43] to be suspended or delayed due to a state of emergency or impending emergency.[44] The amendment requires any such suspension or delay to be conducted pursuant to general law. The Florida Legislature implemented the amendment by creating the Elections Emergency Act (EEA), which sets forth the parameters for when and how an election may be suspended or delayed. The EEA permits the Governor, upon issuance of an executive order declaring a state of emergency, to suspend or delay an election. Such an election must then be rescheduled within either 10 days of the original date of the election or as soon as practicable. Notice of the election must be provided to the public on certain websites or through newspaper publication or public service announcements.[45]

DOS must, under the EEA, promulgate an Elections Emergency Contingency Plan (Plan) to prescribe procedures to state and local officials when an election has been suspended or delayed due to an emergency.[46] The Plan provides direction to such officials in certain critical areas, such as:

- *Conduct of rescheduled election*: Requires supervisors to report certain information to DOS to facilitate assistance and coordination.
- *Polling places and early voting sites*: Requires supervisors to determine if existing polling places and early voting sites can be used, as well as the need and availability for alternates.
- *Poll workers*: Allows supervisors to appoint and train any registered Florida voter as a poll worker, as opposed to current law that requires the poll worker to be a resident of the county he or she is serving.
- *Vote-by-mail (VBM) ballots*:
    - Allows supervisors to establish temporary VBM sites in the affected areas or any place in the county or city and requires such sites to be publicized through public service announcements.
    - Allows any registered voter who is a resident of the affected area or who is in the affected area providing emergency assistance to request and obtain a VBM ballot on Election Day without having to execute an Election Day VBM Ballot Delivery Affidavit.
    - Allows VBM ballots to be faxed or emailed to those from other jurisdictions providing emergency assistance on Election Day; however, such VBM ballots may only be returned by fax.[47]

Current law also allows supervisors to temporarily change polling places[48,49] if an emergency occurs in any precinct during an election. For example, a supervisor may utilize this provision if a fire or flood occurs in a

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[41] Rule 1S-9.004, F.A.C.
[42] National Hurricane Center, *Tropical Cyclone Climatology*, available at https://www.nhc.noaa.gov/climo/ (last visited Feb. 25, 2025).
[43] "General election" means an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law. S. 97.021(17), F.S.
[44] Article VI, s. 5(a), FLA. CONST.
[45] S. 101.733, F.S.
[46] S. 101.733(3), F.S.
[47] Chapter 1S-9, F.A.C.
[48] S. 101.733(3)(b), F.S.
[49] "Polling place" is the building which contains the polling room where ballots are casts. S. 97.021(29), F.S.

precinct.

Hurricanes Michael and Ian

When Hurricanes Michael and Ian hit the state, elections were already underway. In both of these instances, no elections were suspended or delayed pursuant to the EEA. Rather, through executive order, certain provisions of the Florida Election Code were suspended and then supplemented with provisions modifying election procedures.

COVID-19 Public Health Emergency

On March 9, 2020, the Governor issued an executive order declaring that a state of emergency existed regarding COVID-19 and issued multiple related orders throughout the weeks that followed. Municipal elections were scheduled to occur on April 14, 2020, in certain cities in Pasco County. Invoking the emergency powers and the EEA, Governor DeSantis issued Executive Order 20-97, which *delayed* those municipal elections.[50] Subsequently, he issued Executive Order 20-124, which *rescheduled* the elections for June 30, 2020.[51]

Additionally, on June 17, 2020, another executive order was issued to address a different election component: canvassing VBM ballots. Due to an anticipation of increased VBM participation, Executive Order 20-149 authorized county canvassing boards to begin canvassing VBM ballots earlier, by waiving current law prohibiting canvassing VBM ballots before 7 a.m. on the 22nd day before the election, and allowing such canvassing to begin upon completion of the public testing of tabulation machines—which may occur as early as 40 days before an election.[52,53] Further, Executive Order 20-149 also acted similar to actions taken under the Hurricane Ian Executive Order two years later—concerning poll workers, suspending an administrative rule to authorize administrative leave for state employees to serve as poll workers in their respective county, as well as created conditions for such administrative leave. The executive order also addressed polling locations, encouraging all K-12 schools to be used as precinct polling locations for both the Primary Election Day and the General Election Day.[54]

National Flood Insurance Program

As most property insurance policies do not cover flooding damage, people need another way to protect their homes, businesses, and possessions from floods. To fill this gap, the National Flood Insurance Program (NFIP) is a FEMA-managed program where property owners and renters in participating communities can purchase insurance against flood losses in exchange for those communities adopting and enforcing regulations to reduce flood damage.[55] When the NFIP is looking to estimate repair costs for a damaged facility, it compares the cost of the repair to the facility's estimated market value before the damage occurred.

There are two assessments made by local governments for the NIFP's determination:

- *Substantial Damage*: "Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred."
- *Substantial Improvement*: "Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction'' of the improvement. This term includes structures that have incurred 'substantial damage,' regardless of the actual repair work performed. The term does not, however, include either:
    - Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or

[50] Fla. Exec. Order No. 20-97 (Apr. 8, 2020).
[51] Fla. Exec. Order No. 20-124 (May 15, 2020).
[52] N.B. The Legislature changed the law in 2021 to allow for VBM ballots to be canvassed as early as 40 days before an election. *See* CS/CS/CS/SB 90 (2021).
[53] Fla. Exec. Order No. 20-149 (Jun. 17, 2020).
[54] *Id.*
[55] FEMA and NFIP, National Flood Insurance Program Media Toolkit, *available at* https://agents.floodsmart.gov/sites/default/files/fema-nfip-media-toolkit-10-2024.pdf (last visited Feb. 28, 2025).

- Any alteration of a 'historic structure,' provided that the alteration will not preclude the structure's continued designation as a 'historic structure.'"[56]

To make the 50 percent determination, the local government compares the cost to improve or repair to the market value of the building (excluding land, accessory structures, and landscaping).[57] If the resulting ratio equals or exceeds 50 percent, the existing building must be brought into compliance with current local floodplain management standards, state standards, and NFIP requirements for new construction (New Standards).[58]

$$\frac{\text{Cost of Improvement or Cost to Repair to Pre-Damage Condition}}{\text{Market Value of Building}} \geq 50\%$$

[59]

In addition to estimated market value, local governments can enact their own substantial improvement periods (also known as "look back periods"), which are set periods of time where they "look back" at the amount of permitted improvements and work on a facility when calculating its estimated market value for the 50 percent threshold discussed above.[60] If repairs or permitted work is done during a "look back period," then the cost of that work decreases the amount of money needed to reach the 50 percent rule. For example, if a home is valued at $200,000 with no permitted work, its repair costs for the NFIP would have to exceed $100,000 in order to be forced to be brought up to these New Standards. On the other hand, if it was in a city with a "look back period" and the homeowners had $25,000 worth of permitted work during that "look back period," the homeowners would only have had to spend $75,000 to trigger the 50 percent rule.

Finally, these determinations are memorialized in substantial damage and substantial improvement letters written by the assessing local government and may be needed for claims under NFIP.[61]

Hoisting Equipment and Crane Safety

Presently, the state preempts any local law or regulation, including, but not limited to, a local building code or building permit requirement that pertains to hoisting equipment, including power-operated cranes, derricks, hoists, elevators, and conveyors used in construction, demolition, or excavation work that the Occupational Safety and Health Administration does not already preempt under 29 C.F.R. parts 1910 and 1926. This includes, but is not limited to, local worksite regulation regarding hurricane preparedness or public safety.[62,63]

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[56] FEMA, *Substantial Improvement/Substantial Damage Desk Reference* at Appendix D (May 2010), *available at* https://www.fema.gov/sites/default/files/documents/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf (last visited Feb. 25, 2025).
[57] *Id.*
[58] *See* FEMA, *Substantial Damage Quick Guide* (Jan. 21, 2025), *available at* https://www.fema.gov/fact-sheet/substantial-damage-quick-guide (last visited Feb. 25, 2025) and FEMA, *Substantial Improvement/Substantial Damage Desk Reference* at 6-3 (May 2010), *available at* https://www.fema.gov/sites/default/files/documents/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf (last visited Feb. 25, 2025).
[59] *Id.* at Appendix D.
[60] These "look back periods" are set by each local jurisdiction and can range in time.
[61] *Substantial Improvement/Substantial Damage Desk Reference* at 5-16 (May 2010), *available at* https://www.fema.gov/sites/default/files/documents/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf (last visited Feb. 25, 2025).
[62] This subsection does not apply to the regulation of elevators under Chapter 399, F.S. (Elevator Safety) or to airspace height restrictions in Chapter 333, F.S. (Airport Zoning) *See* s. 489.113(11), F.S.
[63] S. 489.113(11), F.S.

Impact Fees

Local governments impose impact fees to fund infrastructure[64] needed to expand local services to meet the demands of population growth caused by new growth.[65] Impact fees must meet the following minimum criteria when adopted:

- The fee must be calculated using the most recent and localized data.[66]
- The local government adopting the impact fee must account for and report impact fee collections and expenditures. If the fee is imposed for a specific infrastructure need, the local government must account for those revenues and expenditures in a separate accounting fund.[67]
- Charges imposed for the collection of impact fees must be limited to the actual costs.[68]
- All local governments must give notice of a new or increased impact fee at least 90 days before the new or increased fee takes effect, but need not wait 90 days before decreasing, suspending, or eliminating an impact fee. Unless the result reduces total mitigation costs or impact fees on an applicant, new or increased impact fees may not apply to current or pending applications submitted before the effective date of an ordinance or resolution imposing a new or increased impact fee.[69]
- A local government may not require payment of the impact fee before the date of issuing a building permit for the property that is subject to the fee.[70]
- The impact fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.[71]
- The impact fee must be reasonably connected to, or have a rational nexus with, the expenditures of the revenues generated and the benefits accruing to the new residential or commercial construction.[72]
- The local government must specifically earmark revenues generated by the impact fee to acquire, construct, or improve capital facilities to benefit new users.[73]
- The local government may not use revenues generated by the impact fee to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.[74]

The types of impact fees charged and the timing of their collection after issuing a building permit are within the discretion of the local government or special district authorities choosing to impose the fees.[75] In general, a building permit must be obtained before the construction, erection, modification, repair, or demolition of any building.[76] A development permit pertains to any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.[77] Local governments providing an exception or waiver of impact fees for the development or construction of affordable housing are not required to use any revenues to offset the impact of such development.[78]

Local governments must credit against impact fee collections any contribution related to public facilities or infrastructure on a dollar-for-dollar basis at fair market value for the general category or class of public facilities

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[64] "Infrastructure" means the fixed capital expenditure or outlay for the construction, reconstruction, or improvement of public facilities with a life expectancy of five or more years, together with specific other costs required to bring the public facility into service but excluding the costs of repairs or maintenance. The term also includes specific equipment. S. 163.31801(3), F.S.
[65] S. 163.31801(2), F.S. Water and sewer connection fees are not impact fees. S. 163.31801(12), F.S.
[66] S. 163.31801(4)(a), F.S.
[67] S. 163.31801(4)(b), F.S.
[68] S. 163.31801(4)(c), F.S.
[69] S. 163.31801(4)(d), F.S.
[70] S. 163.31801(4)(e), F.S.
[71] S. 163.31801(4)(f), F.S.
[72] S. 163.31801(4)(g), F.S.
[73] S. 163.31801(4)(h), F.S.
[74] S. 163.31801(4)(i), F.S.
[75] *See* s. 163.31801(2), F.S.
[76] S. 553.79(1)(a), F.S.
[77] S. 163.3164(16), F.S.
[78] S. 163.31801(11), F.S.

or infrastructure for which the contribution was made. If no impact fee is collected for that category of public facility or infrastructure for which the contribution is made, no credit may be applied.[79] Credits for impact fees may be assigned or transferred at any time once established, from one development or parcel to another within the same impact fee zone or district or within an adjoining impact fee zone or district within the same local government jurisdiction.[80]

Property Assessments

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of a property as of January 1 of each year. The property appraiser annually determines the "just value" of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value." The State Constitution prohibits the state from levying ad valorem taxes and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.

In general, changes, additions, or improvements to real property are assessed at just value as of the first January 1 after they are substantially completed.[81] However, when property is damaged or destroyed by calamity or misfortune, the property may be repaired or replaced without the change, addition, or improvement being assessed at just value; rather, the change, addition, or improvement is assigned the taxable value and other tax characteristics that the damaged or replaced property had before being damaged or destroyed. For homestead property, there are two limitations: 1) the change, addition, or improvement may not exceed 110 percent of the square footage of the property before it was damaged or destroyed; or 2) the total square footage of the property as changed or improved may not exceed 1,500 square feet.[82] Any square footage greater than 110 percent of the replaced property or beyond a total of 1,500 square feet is assessed at just value.

Florida National Guard Medical Officer Authorization

The Florida National Guard (FLNG) is the organized militia of the state.[83] Its mission includes maintaining readiness to support national and state security efforts, as well as leading or assisting in humanitarian and logistical operations, including hurricane preparation and recovery. Current law provides that physicians holding an active license to practice medicine in any other state, a U.S. territory, or the District of Columbia, while serving as medical officers in the FLNG pursuant to federal or state orders, may practice medicine on military personnel or civilians during an emergency, declared disaster, or during federal military training.[84]

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/HB 1567	Grant	Collins	This bill became a law on July 1, 2024.
2023	CS/CS/SB 250	Giallombardo	Martin	This bill became a law on July 1, 2023.

OTHER RESOURCES:

Federal Emergency Management Agency's Substantial Improvement/Substantial Damage Desk Reference

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[79] S. 163.31801(5), F.S.
[80] S. 163.31801(10), F.S. In an action challenging an impact fee or a failure to provide proper credits, the local government has the burden of proof to establish the imposition of the fee or the credit complies with the statute, and the court may not defer to the decision or expertise of the government. S. 163.31801(9), F.S.
[81] Ss. 193.155(4)(a), 193.1554(6)(a), and 193.1555(6)(a), F.S.
[82] S. 193.155(4)(b), F.S.
[83] S. 250.02(2), F.S.
[84] S. 250.375, F.S.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Natural Resources & Disasters Subcommittee	17 Y, 0 N, As CS	3/18/2025	Moore	Moore
THE CHANGES ADOPTED BY THE COMMITTEE:	• Required local governments to post information related to poststorm permitting online. • Required DEM to conduct an inventory of disaster response equipment. • Required shelter deficiencies to be considered at the county level. • Prohibited building permit and inspection fees from being increased 180 days poststorm. • Increased the size that a rebuilt homestead may be before triggering an increase in the property's assessed value. • Prohibited local governments impacted by Hurricanes Debby, Helene, or Milton from adopting or enforcing certain regulations related to construction or development that are more restrictive or burdensome.			
Transportation & Economic Development Budget Subcommittee			Davis	McAuliffe
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

A bill to be entitled

An act relating to emergencies; amending s. 83.63, F.S.; requiring certain tenants to be given specified opportunities or notice; amending s. 101.733, F.S.; removing provisions relating to an elections emergency contingency plan; creating s. 101.7325, F.S.; authorizing certain supervisors of elections to take specified actions under certain circumstances; requiring such supervisors to use specified methods to inform affected voters of election changes; creating s. 101.735, F.S.; requiring the Division of Elections to develop a statewide election emergency contingency plan for a specified purpose; requiring such plan to include certain procedures; requiring supervisors of elections to develop a local election emergency contingency plan in consultation with certain officials; requiring the plan to be submitted to the division for approval by a certain date; requiring the division to make a certain determination by a specified date; requiring the division to adopt rules; creating s. 101.736, F.S.; defining the term "tabletop exercise"; requiring the Secretary of State, in coordination with supervisors of elections, to develop an election emergency training program; requiring the Secretary of State to convene a workgroup for a

certain purpose by a specified date of every odd-numbered year; providing requirements for the workgroup; requiring the results of the workgroup to be used in a specified manner; creating s. 163.31795, F.S.; defining the terms "cumulative substantial improvement period" and "local government"; requiring local governments that are participating in a specified insurance program to adopt certain cumulative substantial improvement periods; amending s. 163.31801, F.S.; prohibiting certain entities from assessing impact fees for specified replacement structures; providing an exception; amending s. 193.155, F.S.; providing that repair and maintenance of specified property is not a change, an addition, or an improvement under certain circumstances; revising the square footage limitations for certain changes, additions, and improvements to damaged property; amending s. 215.559, F.S.; removing a reference to a certain report; revising public hurricane shelter funding prioritization requirements for the Division of Emergency Management; amending s. 250.375, F.S.; authorizing certain servicemembers to provide medical care in specified circumstances; amending s. 252.35, F.S.; revising requirements for the state comprehensive emergency management plan; requiring

such plan to include an update on the status of certain emergency management capabilities; requiring the division to collaborate with the Department of Health; revising responsibilities of the division; requiring the division to develop a certain template; revising items required to be included in a specified inventory; removing a specified reporting requirement; amending s. 252.355, F.S.; authorizing the Department of Veterans' Affairs to provide certain information to specified clients or their caregivers; amending s. 252.3611, F.S.; directing specified entities to submit specified contracts and reports to the Legislature under specified conditions; requiring that such contracts be posted on a specified secure contract system; requiring the division to report annually to the Legislature specified information on expenditures relating to emergencies; providing requirements for such report; amending s. 252.365, F.S.; requiring agency heads to notify the Governor and the division of the person designated as the emergency coordination officer annually by a specified date; amending s. 252.37, F.S.; requiring the division to notify the Legislature of its intent to accept or apply for federal funds under certain circumstances; requiring the division to take steps to maximize the

availability and expedite the distribution of financial assistance from the Federal Government to state and local agencies; requiring that such steps include the standardization and streamlining of the application process for federal financial assistance and the provision of assistance to applicants for a specified purpose; requiring the division to use certain federal funds to implement such requirements; creating s. 252.3713, F.S.; requiring the division to administer the Hazard Mitigation Grant Program; authorizing the division to retain a specified percentage of the funds for use within this state; requiring that the remaining percentage be distributed for use by certain recipients; authorizing subrecipients to make a certain election for a specified use; requiring the prioritization of certain projects; authorizing the division to coordinate with specified entities under certain circumstances; requiring the division to ensure that certain requirements are met and certain projects are funded; authorizing fiscally constrained counties to request that the division administer the grant for such a county; authorizing such counties to request certain assistance from the division; requiring the division to adopt rules; amending s. 252.373, F.S.; conforming

a cross-reference; amending s. 252.38, F.S.; requiring political subdivisions to annually provide specified notification to the division before a specified date; creating s. 252.381, F.S.; requiring counties and municipalities to post certain information on their websites; requiring counties and municipalities to develop a poststorm permitting plan; providing requirements for such plan; requiring counties and municipalities to publish on their websites a specified storm recovery guide and updates to such guide; prohibiting certain counties and municipalities from increasing building permit or inspection fees within a specified timeframe; requiring certain counties and municipalities to use their best efforts to open a permitting office for a minimum number of hours per week; requiring entities allow individuals to receive specified letters electronically; requiring specified individuals to complete certain training every 2 years beginning on a specified date; amending s. 252.385, F.S.; revising reporting requirements for the division; revising requirements for a specified list; requiring the Department of Health and the Agency for Persons with Disabilities to assist the division with certain determinations; creating s. 252.421, F.S.; requiring the division to coordinate

with certain counties for a specified purpose; creating s. 252.422, F.S.; defining the term "impacted local government"; prohibiting impacted local governments from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe; authorizing the enforcement of certain amendments, plans, permits, and orders under certain circumstances; authorizing any person to file suit to enforce specified provisions; authorizing counties and municipalities to request a specified determination by a court; prohibiting counties and municipalities from taking certain actions until the court has issued a preliminary or final judgment; requiring plaintiffs to provide certain notification before filing suit; requiring impacted local governments to take certain actions upon receipt of such notification or a suit may be filed; providing for reasonable attorney fees and costs; authorizing the use of a certain summary procedure; requiring the court to advance the cause on the calendar; creating s. 252.505, F.S.; requiring certain contracts to include a specified provision; defining the term "emergency recovery period"; amending s. 400.063, F.S.; conforming a cross-reference; amending s. 403.7071, F.S.; providing that local governments are authorized and encouraged to add

certain addendums to certain contracts and agreements; requiring counties and municipalities to apply to the Department of Environmental Protection for authorization to designate at least one debris management site; authorizing municipalities to apply jointly with a county or adjacent municipality for authorization of a debris management site if such entities approve a memorandum of understanding; providing requirements for such memorandum; creating s. 489.1132, F.S.; providing definitions; requiring a hurricane preparedness plan to be available for inspection at certain worksites; requiring certain equipment to be secured in a specified manner no later than 24 hours before the impacts of a hurricane are anticipated to begin; providing penalties; requiring the division to consult with specified entities to develop certain recommendations and provide a report to the Legislature by a specified date; prohibiting certain counties from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe; declaring that such moratoriums, amendments, or procedures are null and void; providing for retroactive application; authorizing the enforcement of certain amendments, plans, permits, and orders under certain circumstances; authorizing

certain residents and business owners to bring a civil action for declaratory and injunctive relief against a county or municipality that violates specified provisions; providing for reasonable attorney fees and costs under specified circumstances; providing for future expiration; providing a directive to the Division of Law Revision; providing an effective date.

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

Section 1. Section 83.63, Florida Statutes, is amended to read:

83.63 Casualty damage.—If the premises are damaged or destroyed other than by the wrongful or negligent acts of the tenant so that the enjoyment of the premises is substantially impaired:~~,~~

(1) The tenant may terminate the rental agreement and immediately vacate the premises. The tenant may vacate the part of the premises rendered unusable by the casualty, in which case the tenant's liability for rent shall be reduced by the fair rental value of that part of the premises damaged or destroyed. If the rental agreement is terminated, the landlord shall comply with s. 83.49(3).

(2) The tenant must be given:

(a) The opportunity to collect his or her belongings from

the premises when it is safe to do so; or

(b) Notice of the date by which the tenant will be able to collect his or her belongings from the premises, which must occur within a reasonable time.

Section 2. Subsection (3) of section 101.733, Florida Statutes, is amended to read:

101.733 Emergency suspension or delay of an election ~~emergency; purpose; elections emergency contingency plan~~.—Because of the existing and continuing possibility of an emergency or common disaster occurring before or during a regularly scheduled or special election, and in order to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to exercise their right to vote, generally to minimize to whatever degree possible a person's exposure to danger during declared states of emergency, and to protect the integrity of the electoral process, it is hereby found and declared to be necessary to designate a procedure for the emergency suspension or delay and rescheduling of elections.

~~(3) The Division of Elections of the Department of State shall adopt, by rule, an elections emergency contingency plan, which shall contain goals and policies that give specific direction to state and local elections officials when an election has been suspended or delayed due to an emergency. The contingency plan shall be statewide in scope and shall address,~~

~~but not be limited to, the following concerns:~~

~~(a) Providing a procedure for state and local elections officials to follow when an election has been suspended or delayed to ensure notice of the suspension or delay to the proper authorities, the electorate, the communications media, poll workers, and the custodians of polling places.~~

~~(b) Providing a procedure for the orderly conduct of a rescheduled election, whether municipal, county, district, or statewide in scope; coordinating those efforts with the appropriate elections official, and the members of the governing body holding such election, if appropriate; and working with the appropriate emergency management officials in determining the safety of existing polling places or designating additional polling places.~~

~~(c) Providing a procedure for the release and certification of election returns to the department for elections suspended or delayed and subsequently rescheduled under the provisions of ss. 101.731-101.74.~~

Section 3. Section 101.7325, Florida Statutes, is created to read:

101.7325 Election emergency.—

(1) If the Governor declares a state of emergency for a natural emergency, as defined in s. 252.34, fewer than 60 days before an election, the supervisor of a county designated as affected by such declaration may take any of the following

actions necessary while the declaration continues to designate the area as an affected area:

(a) Notwithstanding the designation deadline in s. 101.657(1)(b), change the location of designated early voting sites. The supervisor must immediately notify the division of the new address of each early voting site and the hours during which early voting will occur at each site.

(b) Request approval from the Secretary of State to designate early voting sites at locations not specifically authorized under s. 101.657(1). The request must set forth sufficient facts to establish that a sufficient number of early voting sites that were designated, or that may be designated under paragraph (a), are unavailable due to the emergency. For purposes of this paragraph, reasons that early voting sites may be unavailable include, but are not limited to, the site is no longer safe for occupancy, the site is located in an area that is currently dangerous to travel to and from, or the site does not have adequate utilities. The Secretary of State must approve or deny the request within 36 hours after receipt. An early voting site designated under this paragraph must, to the maximum extent practicable, be geographically located so as to provide all voters in the area with an equal opportunity to cast a ballot.

(c) Notwithstanding s. 101.657(1)(d), allow early voting to occur the day before an election.

(d) Notwithstanding ss. 101.657 and 101.71, request approval from the Secretary of State to allow election day voting at early voting sites. The request must set forth sufficient facts to establish that a sufficient number of early voting sites that were designated, or that may be designated under paragraph (a), are unavailable due to the emergency. For purposes of this paragraph, reasons that a polling place may be unavailable include, but are not limited to, the polling place is no longer safe for occupancy, the polling place is located in an area that is currently dangerous to travel to and from, or the polling place does not have adequate utilities. The Secretary of State must approve or deny the request within 36 hours after receipt. An early voting site designated as a polling place under this paragraph must, to the maximum extent practicable, be geographically located so as to provide all voters in the area with an equal opportunity to cast a ballot.

(e) Notwithstanding the designation deadline in s. 101.69(2)(b), designate additional secure ballot intake stations. The supervisor must immediately notify the division of the location of the additional secure ballot intake stations.

(f) Send a vote-by-mail ballot to a voter who has requested such ballot:

1. By forwardable mail or to an address other than the address listed for the voter in the statewide voter registration system.

2. Notwithstanding s. 101.62(1)(a) and (b), without the voter's written request or if a written request is not signed.

3. Notwithstanding s. 101.62(3)(c), as soon as practicable.

(g) If the supervisor determines that a poll worker shortage exists, appoint poll workers who have not met the training requirements in s. 102.014. However, such poll workers must have received the required training within the previous 2 years.

(h) Notwithstanding s. 102.012(2), appoint inspectors and clerks who are registered qualified electors of this state but who are not registered qualified electors of the applicable county.

(2) The supervisor shall use print and broadcast media, social media, Internet websites, polling place signage, and any other method necessary to inform affected voters of any changes to elections made under this section.

Section 4. Section 101.735, Florida Statutes, is created to read:

101.735 Election emergency contingency plans.—

(1) The division shall adopt by rule a statewide election emergency contingency plan to provide specific direction in the event an emergency occurs preceding or during an election. The contingency plan shall include, at minimum, procedures to:

(a) Ensure that necessary parties are notified of any

changes impacting an election that has been suspended, delayed, rescheduled, or otherwise affected by an emergency. As used in this paragraph, necessary parties include proper authorities, the electorate, the media, poll workers, and polling place custodians.

(b) Ensure that an election that has been suspended, delayed, rescheduled, or otherwise affected by an emergency is conducted in a safe and orderly manner. The procedures must include a plan to coordinate the actions of the division, supervisors, county canvassing boards, and, if appropriate, members of the governing body holding such election.

(c) Determine the safety of existing polling places or designate additional polling places in coordination with the appropriate emergency management officials.

(d) Release and certify returns to the division for elections suspended, delayed, rescheduled, or otherwise affected by an emergency.

(e) Coordinate efforts between supervisors in affected and unaffected counties to ensure voting opportunities for affected voters, including ensuring the delivery of vote-by-mail ballots to law enforcement officers, military personnel, first responders, and utility line workers.

(2) Each supervisor shall develop, in consultation with local emergency management officials, a local election emergency contingency plan. The contingency plan must be submitted to the

division for approval by May 1 of every odd-numbered year. The division must determine whether the local election emergency contingency plan is sufficient no later than May 30. The division shall adopt rules to implement this subsection, including the creation of standard criteria for determining the sufficiency of local election emergency contingency plans.

Section 5. Section 101.736, Florida Statutes, is created to read:

101.736 Election emergency training; best practices.—

(1) As used in this section, the term "tabletop exercise" means a session in which participants are guided through possible scenarios and discuss their roles and responsibilities if such a scenario occurs, as well as how they would respond to such a scenario.

(2) The Secretary of State, in coordination with supervisors, shall develop an election emergency training program. The training is required for newly elected or appointed supervisors and any critical staff, as determined by a supervisor. The Secretary of State shall update such training at least once every 4 years.

(3) By June 1 of every odd-numbered year, the Secretary of State shall convene a workgroup to create a list of best practices for conducting an election during an emergency.

(a) The workgroup must include at least 10 current supervisors.

(b) The workgroup must participate in tabletop exercises involving election emergencies.

(4) Using the list created in subsection (3), the Secretary of State must:

(a) Incorporate practices applicable to all counties into the statewide election emergency contingency plan under s. 101.735(1).

(b) Recommend practices applicable to specific counties to the applicable supervisor for inclusion in the supervisor's local election emergency contingency plan under s. 101.735(2).

Section 6. Section 163.31795, Florida Statutes, is created to read:

163.31795 Participation in the National Flood Insurance Program.—

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

(a) "Cumulative substantial improvement period" means the period during which an aggregate of improvements or repairs are considered for purposes of determining substantial improvement as defined in s. 161.54(12).

(b) "Local government" has the same meaning as in s. 163.2514.

(2) A local government that is participating in the National Flood Insurance Program may not adopt a cumulative substantial improvement period that is longer than 1 year.

Section 7. Subsection (14) is added to section 163.31801,

Florida Statutes, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(14) A local government, school district, or special district may not assess an impact fee for the reconstruction or replacement of a previously existing structure if the replacement structure is of the same land use as the original structure. However, a local government, school district, or special district that uses a tiered scale to assess impact fees may assess an impact fee equal to the impact fee for the replacement structure less the impact fee for the original structure.

Section 8. Paragraphs (a) and (b) of subsection (4) of section 193.155, Florida Statutes, are amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(4)(a) Except as provided in paragraph (b) and s. 193.624, changes, additions, or improvements to homestead property shall be assessed at just value as of the first January 1 after the changes, additions, or improvements are substantially completed. Maintenance or repair of the homestead property, including roof

or window replacement, may not be considered to be a change, an addition, or an improvement under this subsection.

(b)1. Changes, additions, or improvements that replace all or a portion of homestead property, including ancillary improvements, damaged or destroyed by misfortune or calamity shall be assessed upon substantial completion as provided in this paragraph. Such assessment must be calculated using the homestead property's assessed value as of the January 1 immediately before the date on which the damage or destruction was sustained, subject to the assessment limitations in subsections (1) and (2), when:

a. The square footage of the homestead property as changed or improved does not exceed 130 ~~110~~ percent of the square footage of the homestead property before the damage or destruction; or

b. The total square footage of the homestead property as changed or improved does not exceed 2,000 ~~1,500~~ square feet.

2. The homestead property's assessed value must be increased by the just value of that portion of the changed or improved homestead property which is in excess of 130 ~~110~~ percent of the square footage of the homestead property before the damage or destruction or of that portion exceeding 2,000 ~~1,500~~ square feet.

3. Homestead property damaged or destroyed by misfortune or calamity which, after being changed or improved, has a square

footage of less than 100 percent of the homestead property's total square footage before the damage or destruction shall be assessed pursuant to subsection (5).

4. Changes, additions, or improvements assessed pursuant to this paragraph must be reassessed pursuant to subsection (1) in subsequent years. This paragraph applies to changes, additions, or improvements commenced within 5 years after the January 1 following the damage or destruction of the homestead.

Section 9. Paragraph (b) of subsection (1) of section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss Mitigation Program is established in the Division of Emergency Management.

(1) The Legislature shall annually appropriate $10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the division for the purposes set forth in this section. Of the amount:

(b) Three million dollars in funds shall be used to construct or retrofit facilities used as public hurricane shelters. Each year the division shall prioritize the use of these funds for projects included in the annual report ~~of the Shelter Development Report~~ prepared in accordance with s. 252.385(3). The division shall ~~must~~ give funding priority to projects located in counties ~~regional planning council regions~~

that have shelter deficits, projects that are publicly owned, other than schools, and ~~to~~ projects that maximize the use of state funds.

Section 10. Section 250.375, Florida Statutes, is amended to read:

250.375 Medical officer authorization.—A servicemember trained to provide medical care who is assigned to a military duty position and authorized by the Florida National Guard to provide medical care by virtue of such duty position may provide such medical care to military personnel and civilians within this state ~~physician who holds an active license to practice medicine in any state, a United States territory, or the District of Columbia,~~ while serving ~~as a medical officer~~ with or in support of the Florida National Guard, pursuant to federal or state orders, ~~may practice medicine on military personnel or civilians~~ during an emergency or declared disaster ~~or during federal military training~~.

Section 11. Paragraphs (y) through (dd) of subsection (2) of section 252.35, Florida Statutes, are redesignated as paragraphs (x) through (cc), respectively, and paragraphs (a), (c), and (s) and present paragraph (x) of that subsection are amended to read:

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the

provisions of ss. 252.31-252.90. In performing its duties, the division shall:

(a) Prepare a state comprehensive emergency management plan, which must ~~shall~~ be integrated into and coordinated with the emergency management plans and programs of the Federal Government. The division shall adopt the plan as a rule in accordance with chapter 120. The plan must be implemented by a continuous, integrated comprehensive emergency management program. The plan must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters, and the division shall work closely with local governments and agencies and organizations with emergency management responsibilities in preparing and maintaining the plan. The state comprehensive emergency management plan must be operations oriented and:

1. Include an evacuation component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of evacuation activities. This component must, at a minimum: contain guidelines for lifting tolls on state highways; ensure coordination pertaining to evacuees crossing county lines; set forth procedures for directing people caught on evacuation routes to safe shelter; establish strategies for ensuring sufficient, reasonably priced fueling locations along evacuation routes; and establish policies and strategies for emergency medical evacuations.

2. Include a shelter component that includes specific regional and interregional planning provisions and promotes coordination of shelter activities between the public, private, and nonprofit sectors. This component must, at a minimum: contain strategies to ensure the availability of adequate public shelter space in each county ~~region of the state~~; establish strategies for refuge-of-last-resort programs; provide strategies to assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and security personnel; provide for a postdisaster communications system for public shelters; establish model shelter guidelines for operations, registration, inventory, power generation capability, information management, and staffing; and set forth policy guidance for sheltering people with special needs.

3. Include a postdisaster response and recovery component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of postdisaster response and recovery activities. This component must provide for postdisaster response and recovery strategies according to whether a disaster is minor, major, or catastrophic. The postdisaster response and recovery component must, at a minimum: establish the structure of the state's postdisaster response and recovery organization; establish procedures for activating the state's plan; set forth policies

used to guide postdisaster response and recovery activities; describe the chain of command during the postdisaster response and recovery period; describe initial and continuous postdisaster response and recovery actions; identify the roles and responsibilities of each involved agency and organization; provide for a comprehensive communications plan; establish procedures for monitoring mutual aid agreements; provide for rapid impact assessment teams; ensure the availability of an effective statewide urban search and rescue program coordinated with the fire services; ensure the existence of a comprehensive statewide medical care and relief plan administered by the Department of Health; and establish systems for coordinating volunteers and accepting and distributing donated funds and goods.

4. Include additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the division.

5. Address the need for coordinated and expeditious deployment of state resources, including the Florida National Guard. In the case of an imminent major disaster, procedures should address predeployment of the Florida National Guard, and, in the case of an imminent catastrophic disaster, procedures should address predeployment of the Florida National Guard and the United States Armed Forces.

6. Establish a system of communications and warning to

ensure that the state's population and emergency management agencies are warned of developing emergency situations, including public health emergencies, and can communicate emergency response decisions.

7. Establish guidelines and schedules for annual exercises that evaluate the ability of the state and its political subdivisions to respond to minor, major, and catastrophic disasters and support local emergency management agencies. Such exercises shall be coordinated with local governments and, to the extent possible, the Federal Government.

8. Assign lead and support responsibilities to state agencies and personnel for emergency support functions and other support activities.

9. Include the public health emergency plan developed by the Department of Health pursuant to s. 381.00315.

10. Include an update on the status of the emergency management capabilities of the state and its political subdivisions. The update must include the emergency management capabilities related to public health emergencies, as determined in collaboration with the Department of Health.

The complete state comprehensive emergency management plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on February 1 of every even-numbered year.

(c) Assist political subdivisions in preparing and maintaining emergency management plans. Such assistance must include the development of a template for comprehensive emergency management plans, including plans for natural disasters, and guidance on the development of mutual aid agreements.

(s) Complete an inventory of disaster response equipment, including portable generators owned by the state and local governments which are capable of operating during a major disaster. The inventory must identify, at a minimum, the location of each generator, the number of generators stored at each specific location, the agency to which each generator belongs, the primary use of the generator by the owner agency, and the names, addresses, and telephone numbers of persons having the authority to loan the stored generators as authorized by the division during a declared emergency.

~~(x) Report biennially to the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the Governor, no later than February 1 of every odd-numbered year, the status of the emergency management capabilities of the state and its political subdivisions. This report must include the emergency management capabilities related to public health emergencies, as determined in collaboration with the Department of Health.~~

Section 12. Paragraph (b) of subsection (2) of section

252.355, Florida Statutes, is amended to read:

252.355 Registry of persons with special needs; notice; registration program.—

(2) In order to ensure that all persons with special needs may register, the division shall develop and maintain a special needs shelter registration program. During a public health emergency in which physical distancing is necessary, as determined by the State Health Officer, the division must maintain information on special needs shelter options that mitigate the threat of the spread of infectious diseases.

(b) To assist in identifying persons with special needs, home health agencies, hospices, nurse registries, home medical equipment providers, the Department of Veterans' Affairs, the Department of Children and Families, the Department of Health, the Agency for Health Care Administration, the Department of Education, the Agency for Persons with Disabilities, the Department of Elderly Affairs, and memory disorder clinics shall, and any physician licensed under chapter 458 or chapter 459 and any pharmacy licensed under chapter 465 may, annually provide registration information to all of their special needs clients or their caregivers. The division shall develop a brochure that provides information regarding special needs shelter registration procedures. The brochure must be easily accessible on the division's website. All appropriate agencies and community-based service providers, including aging and

disability resource centers, memory disorder clinics, home health care providers, hospices, nurse registries, and home medical equipment providers, shall, and any physician licensed under chapter 458 or chapter 459 may, assist emergency management agencies by annually registering persons with special needs for special needs shelters, collecting registration information for persons with special needs as part of the program intake process, and establishing programs to educate clients about the registration process and disaster preparedness safety procedures. A client of a state-funded or federally funded service program who has a physical, mental, or cognitive impairment or sensory disability and who needs assistance in evacuating, or when in a shelter, must register as a person with special needs. The registration program shall give persons with special needs the option of preauthorizing emergency response personnel to enter their homes during search and rescue operations if necessary to ensure their safety and welfare following disasters.

Section 13. Subsection (2) of section 252.3611, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

252.3611 Transparency; audits.—

(2) If ~~When~~ the duration of a declaration of a state of ~~an~~ emergency issued by the Governor exceeds 90 days:

(a)1. The Executive Office of the Governor or the

appropriate agency, within 72 hours after ~~of~~ executing a contract executed with moneys authorized for expenditure to support the response to the declared state of emergency, must ~~the Executive Office of the Governor or the appropriate agency shall~~ submit a copy of such contract to the Legislature. For contracts executed during the first 90 days of the declared state of emergency, the Executive Office of the Governor or the appropriate agency shall submit a copy to the Legislature within the first 120 days of the declared state of emergency.

2. All contracts executed to support the response to a declared state of emergency, including contracts executed before a declared state of emergency to secure resources or services in advance or anticipation of an emergency, must be posted on the secure contract tracking system required under s. 215.985(14).

(b) The Executive Office of the Governor or the appropriate agency shall submit monthly reports to the Legislature of all state expenditures, revenues received, and funds transferred by an agency during the previous month to support the declared state of emergency.

(5) Annually, by January 15, the division shall report to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriations committee of each house of the Legislature on expenditures related to emergencies incurred over the year from November 1 of the previous year. The report must include:

(a) A separate summary of each emergency event, whether complete or ongoing, and key actions taken by the division.

(b) Details of expenditures, separated by emergency event and agency, for preparing for, responding to, or recovering from the event. The report must specify detailed expenditures for the entire report time period; specify total expenditures for the event; and indicate amounts that are being or are anticipated to be reimbursed by the Federal Emergency Management Agency or other federal entity, amounts ineligible for reimbursement, and any amounts deobligated by the Federal Emergency Management Agency or other federal entity for reimbursement. The division shall review expenditures by state agencies to ensure that efforts, purchases, contracts, or expenditures are not duplicated.

(c) An accounting of all inventory and assets purchased, separated by emergency event and agency, for preparing for, responding to, or recovering from the event, including motor vehicles, boats, computers, and other equipment, and the current status of such assets, including divestment, sale, or donation by the state. The report must include a detailed accounting for the entire report time period and specify a total for the event.

Section 14. Subsection (4) of section 252.365, Florida Statutes, is amended to read:

252.365 Emergency coordination officers; disaster-preparedness plans.—

(4) On or before May 1 of each year, the head of each agency shall notify the Governor and the division in writing of the person initially designated as the emergency coordination officer for such agency and her or his alternate and of any changes in persons so designated thereafter.

Section 15. Present paragraphs (c) and (d) of subsection (5) of section 252.37, Florida Statutes, are redesignated as paragraphs (d) and (e), respectively, a new paragraph (c) is added to that subsection, and subsection (7) is added to that section, to read:

252.37 Financing.—

(5) Unless otherwise specified in the General Appropriations Act:

(c) If the division intends to accept or apply for federal funds for a division-administered program that is new, that will be implemented in a manner that is innovative or significantly different from the manner in which the program is typically administered, or that will require a state match for which the division will be required to seek new budget authority, the division must notify the Legislature of its intent to accept or apply for the federal funds. The notice must detail the federal program under which the funds will be accepted or applied for, the intended purpose and use of the funds, and the amount of funds, including the estimated state match.

(7) The division shall take steps to maximize the

availability and expedite the distribution of financial assistance from the Federal Government to state and local agencies. Such steps must include the standardization and streamlining of the application process for financial assistance through the federal Public Assistance Program and provision of assistance to applicants in order to mitigate the risk of noncompliance with federal program requirements. The division shall use federal funds allocated as management costs or other funds as appropriated to implement this subsection.

Section 16. Section 252.3713, Florida Statutes, is created to read:

252.3713 Hazard Mitigation Grant Program.—

(1) The division shall administer the Hazard Mitigation Grant Program as authorized and described in s. 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by Pub. L. No. 103-181, Pub. L. No. 103-337, and Pub. L. No. 106-390.

(2) The division may retain no more than 25 percent of the total federal allocation of funds received for use within the state. A minimum of 75 percent of any funds received pursuant to a declared disaster must be distributed for use by the subrecipients in the counties specified in the Presidential Disaster Declaration for that disaster. However, a subrecipient may elect to share some or all of its allocation with the division to be used for projects benefiting the region in which

the subrecipient is located.

(3) The division and subrecipients shall prioritize projects that fulfill the following purposes when adopting mitigation strategies and plans and applying for funds under the grant program:

(a) Reducing shelter space deficits through retrofitting of existing shelters and hardening of public buildings that are not schools. Reducing deficits in shelter space intended to accommodate individuals with special needs must be prioritized before addressing deficits in other types of shelter space.

(b) Mitigating impacts to public infrastructure, including roads, bridges, and stormwater, water, and sewer systems, to enhance resistance to natural hazards and prevent and reduce losses.

(c) Mitigating impacts to school facilities which will reduce future disaster losses and make the facilities more resistant to natural hazards.

(d) Retrofitting of regional and local emergency management or operations centers.

(e) Other projects that the division may define by rule.

(4) The division may coordinate with other state agencies and political subdivisions to develop and implement innovative approaches to funding mitigation projects using grants under the Hazard Mitigation Grant Program, including, but not limited to, combining funding received from multiple federal and state

programs. The division, in cooperation with other state agencies that administer federal grant programs, shall ensure that:

(a) Projects funded through multiple programs comply with all applicable federal and state requirements of the respective programs under which funding was received.

(b) Funding is used for projects in the geographic areas specified in the grant of funding.

(5) A fiscally constrained county may request that the division administer the grant for such county. A fiscally constrained county may request additional assistance from the division in preparing applications for grants and developing a structure for implementing, monitoring the execution of, and closing out projects.

(6) The division shall adopt rules to implement this section.

Section 17. Paragraph (a) of subsection (2) of section 252.373, Florida Statutes, is amended to read:

252.373 Allocation of funds; rules.—

(2) The division shall allocate funds from the Emergency Management, Preparedness, and Assistance Trust Fund to local emergency management agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a local emergency management agency either:

1. Have a program director who works at least 40 hours a week in that capacity; or

2. If the county has fewer than 75,000 population or is party to an interjurisdictional emergency management agreement entered into pursuant to s. 252.38(3)(c) ~~s. 252.38(3)(b)~~, that is recognized by the Governor by executive order or rule, have an emergency management coordinator who works at least 20 hours a week in that capacity.

Section 18. Present paragraphs (a) and (b) of subsection (3) of section 252.38, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and paragraph (a) of subsection (1) is amended, to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) COUNTIES.—

(a) In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies within the scope of ss. 252.31-252.90, each county within this state shall be within the jurisdiction of, and served by, the division. Except as otherwise provided in ss. 252.31-252.90, each local emergency management agency shall have jurisdiction over and serve an entire county. Unless part of an

interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(c) ~~(3)(b)~~ which is recognized by the Governor by executive order or rule, each county must establish and maintain such an emergency management agency and shall develop a county emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program. Counties that are part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(c) ~~(3)(b)~~ which is recognized by the Governor by executive order or rule shall cooperatively develop an emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program.

(3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—

(a) Each political subdivision shall notify the division on or before May 1 each year of the person designated as the emergency contact for the political subdivision and his or her alternate and of any changes in persons so designated thereafter. For a county, the emergency contact must be the county emergency management director.

Section 19. Section 252.381, Florida Statutes, is created to read:

252.381 Information related to natural emergencies; poststorm county and municipal permitting; operations.—

(1) Each county and municipality must post on its publicly

accessible website:

(a) A frequently asked questions web page related to natural emergency response, emergency preparedness, and public relief for residents following an emergency. The web page must answer questions concerning resident evacuations; safety tips; generator, food and drinking water, and wastewater and stormwater safety; damage assessment; debris cleanup; accessing assistance through the Federal Emergency Management Agency and this state; building recovery; natural emergency guidance; applicable laws; and what to do before, during, and after an emergency.

(b) A disaster supply list and a list of emergency shelters.

(c) Links to information about flood zones.

(d) A checklist for residents explaining next steps to take during postdisaster recovery.

(2) Each county and municipality shall develop a poststorm permitting plan to expedite recovery and rebuilding by providing for special building permit and inspection procedures after a hurricane or tropical storm. The plan must, at a minimum:

(a) Ensure sufficient personnel are prepared and available to expeditiously manage postdisaster building inspection, permitting, and enforcement tasks. The plan must anticipate conditions that would necessitate supplemental personnel for such tasks and address methods for fulfilling such personnel

needs, including through mutual aid agreements as authorized in s. 252.40, other arrangements, such as those with private sector contractors, or supplemental state or federal funding. The plan must include training requirements and protocols for supplemental personnel to ensure compliance with local floodplain management requirements that apply within the county or municipality.

(b) Account for multiple or alternate locations where building permit services may be offered in person to the public following a hurricane or tropical storm during regular business hours.

(c) Specify a protocol to expedite permitting procedures and, if practicable, for the waiver or reduction of applicable fees in accordance with and in addition to the procedures and waivers provided for under s. 553.7922. The plan must identify the types of permits that are frequently requested following a hurricane or tropical storm and methods to expedite the processing of such permits.

(d) Specify procedures and resources necessary to promote expeditious debris removal following a hurricane or tropical storm.

(3)(a) Each county and municipality shall publish on its website a hurricane and tropical storm recovery permitting guide for residential and commercial property owners. The guide must describe:

1. The types of poststorm repairs that require a permit and applicable fees.

2. The types of poststorm repairs that do not require a permit.

3. The poststorm permit application process and specific modifications the county or municipality commonly makes to expedite the process, including the physical locations where permitting services will be offered.

4. Local requirements for rebuilding specific to the county or municipality, including elevation requirements following substantial damage and substantial improvement pursuant to the National Flood Insurance Program (NFIP) and any local amendments to the building code.

(b) As soon as practicable following a hurricane or tropical storm, a county or municipality within the area for which a state of emergency pursuant to s. 252.36 for such hurricane or tropical storm is declared shall publish updates on its website to the information required under paragraph (a) which are specific to such storm, including any permitting fee waivers or reductions.

(4) For 180 days after a state of emergency is declared pursuant to s. 252.36 for a hurricane or tropical storm, a county or municipality within the area for which the state of emergency is declared may not increase building permit or inspection fees.

(5) Each county and municipality must provide an online option for receiving, reviewing, and accessing substantial damage and substantial improvement letters. The county or municipality must allow homeowners to provide an e-mail address where they can receive digital copies of such letters.

(6) As soon as reasonably possible, each county and municipality that has experienced a direct impact from a natural emergency must use its best efforts to open a permitting office at which residents can access government services for at least 40 hours per week.

(7) Beginning October 1, 2025, emergency management personnel of a county or municipality, and individuals who perform key roles in postdisaster response for a county or municipality, must complete the training provided pursuant to s. 252.35 every 2 years.

Section 20. Subsections (2) and (3) of section 252.385, Florida Statutes, are amended to read:

252.385 Public shelter space; public records exemption.—

(2)~~(a)~~ The division shall administer a program to survey existing schools, universities, community colleges, and other state-owned, municipally owned, and county-owned public buildings and any private facility that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter to identify those that are appropriately designed and located to serve as such shelters. The owners of the facilities

must be given the opportunity to participate in the surveys. The state university boards of trustees, district school boards, community college boards of trustees, and the Department of Education are responsible for coordinating and implementing the survey of public schools, universities, and community colleges with the division or the local emergency management agency.

~~(b) By January 31 of each even-numbered year, the division shall prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval, subject to the requirements for approval in s. 1013.37(2). The emergency shelter plan must project, for each of the next 5 years, the hurricane shelter needs of the state, including periods of time during which a concurrent public health emergency may necessitate more space for each individual to accommodate physical distancing. In addition to information on the general shelter needs throughout this state, the plan must identify the general location and square footage of special needs shelters, by regional planning council region. The plan must also include information on the availability of shelters that accept pets. The Department of Health shall assist the division in determining the estimated need for special needs shelter space and the adequacy of facilities to meet the needs of persons with special needs based on information from the registries of persons with special needs and other information.~~

(3)(a) The division shall annually provide by October 15

to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that includes~~, and the Governor~~ a list of facilities recommended to be retrofitted using state funds. State funds should be maximized and targeted to projects in counties ~~regional planning council regions~~ with hurricane evacuation shelter deficits. Additionally, the division shall prioritize on the list of recommended facilities other state-owned, municipal-owned, and county-owned public buildings, other than schools, for retrofitting using state funds. The owner or lessee of a public hurricane evacuation shelter that is included on the list of facilities recommended for retrofitting is not required to perform any recommended improvements.

(b) The report required in paragraph (a) must include a statewide emergency shelter plan that must project, for each of the next 5 years, the hurricane shelter needs of the state. In addition to information on the general shelter needs throughout this state, the plan must identify, by county, the general location and square footage of special needs shelters. The plan must also include information on the availability of shelters that accept pets. The Department of Health and the Agency for Persons with Disabilities shall assist the division in determining the estimated need for special needs shelter space, the estimated need for general shelter space to accommodate persons with developmental disabilities, including, but not

limited to, autism, and the adequacy of facilities to meet the needs of persons with special needs based on information from the registries of persons with special needs and other information.

Section 21. Section 252.421, Florida Statutes, is created to read:

252.421 Management of roadway debris related to natural emergencies.—The division shall coordinate with fiscally constrained counties, as described in s. 218.67(1), included in a declared state of emergency for a natural emergency and the Department of Transportation to provide such counties with state resources to remove debris from roadways, including roadways that are publicly accessible but not maintained by the county.

Section 22. Section 252.422, Florida Statutes, is created to read:

252.422 Restrictions on county or municipal regulations after a hurricane.—

(1) As used in this section, the term "impacted local government" means a county or municipality located entirely or partially within 100 miles of the track of a storm declared to be a hurricane by the National Hurricane Center. The term only includes such local governments within 100 miles of the track while the storm was categorized as a hurricane.

(2) For 2 years after a hurricane makes landfall, an impacted local government may not propose or adopt:

(a) A moratorium on construction, reconstruction, or redevelopment of any property.

(b) A more restrictive or burdensome amendment to its comprehensive plan or land development regulations.

(c) A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined in s. 163.3164.

(3) Notwithstanding paragraph (a), a comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by an impacted local government before or after the effective date of this act may be enforced if:

(a) The associated application is initiated by a private party other than the impacted local government.

(b) The property that is the subject of the application is owned by the initiating private party.

(4)(a) Any person may file suit against any impacted local government for declaratory and injunctive relief to enforce this section.

(b) A county or municipality may request a determination by a court of competent jurisdiction as to whether such action violates this section. Upon such a request, the county or municipality may not enforce the action until the court has issued a preliminary or final judgment determining whether the

action violates this section.

(c) Before a plaintiff may file suit, the plaintiff shall notify the impacted local government by setting forth the facts upon which the complaint or petition is based and the reasons the impacted local government's action violates this section. Upon receipt of the notice, the impacted local government shall have 14 days to withdraw or revoke the action at issue or otherwise declare it void. If the impacted local government does not withdraw or revoke the action at issue within the time prescribed, the plaintiff may file suit. The plaintiff shall be entitled to entry of a preliminary injunction to prevent the impacted local government from implementing the challenged action during pendency of the litigation. In any action instituted pursuant to this paragraph, the prevailing plaintiff shall be entitled to reasonable attorney fees and costs.

(d) In any case brought under this section, any party is entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on the calendar.

Section 23. Section 252.505, Florida Statutes, is created to read:

252.505 Breach of contract during emergency recovery periods for natural emergencies.—Each state or local government contract for goods or services related to emergency response for a natural emergency entered into, renewed, or amended on or after July 1, 2025, must include a provision that requires a

vendor or service provider that breaches such contract during an emergency recovery period to pay actual and consequential damages and a $5,000 penalty. As used in this section, the term "emergency recovery period" means a 1-year period that begins on the date that the Governor initially declared a state of emergency for a natural emergency.

Section 24. Subsection (1) of section 400.063, Florida Statutes, is amended to read:

400.063 Resident protection.—

(1) The Health Care Trust Fund shall be used for the purpose of collecting and disbursing funds generated from the license fees and administrative fines as provided for in ss. 393.0673(5), 400.062(3), 400.121(2), and 400.23(8). Such funds shall be for the sole purpose of paying for the appropriate alternate placement, care, and treatment of residents who are removed from a facility licensed under this part or a facility specified in s. 393.0678(1) in which the agency determines that existing conditions or practices constitute an immediate danger to the health, safety, or security of the residents. If the agency determines that it is in the best interest of the health, safety, or security of the residents to provide for an orderly removal of the residents from the facility, the agency may utilize such funds to maintain and care for the residents in the facility pending removal and alternative placement. The maintenance and care of the residents shall be under the

direction and control of a receiver appointed pursuant to s. 393.0678(1) or s. 400.126(1). However, funds may be expended in an emergency upon a filing of a petition for a receiver, upon the declaration of a state of local emergency pursuant to s. 252.38(3)(b)5. ~~s. 252.38(3)(a)5.~~, or upon a duly authorized local order of evacuation of a facility by emergency personnel to protect the health and safety of the residents.

Section 25. Subsection (7) of section 403.7071, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

403.7071 Management of storm-generated debris.—Solid waste generated as a result of a storm event that is the subject of an emergency order issued by the department may be managed as follows:

(7) Unless otherwise specified in a contract or franchise agreement between a local government and a private solid waste or debris management service provider, a private solid waste or debris management service provider is not required to collect storm-generated yard trash. Local governments are authorized and encouraged to add an addendum to existing contracts or franchise agreements for collection of storm-generated debris.

(8)(a) Each county and municipality shall apply to the department for authorization of at least one debris management site as described in subsection (2) and shall annually seek preauthorization for any previously approved debris management

sites, as allowed by the department.

(b) A municipality may jointly apply for authorization of a debris management site with a county or at least one adjacent municipality, if the parties develop and approve a memorandum of understanding. Such memorandum must clearly outline the capacity of the debris management site and location of the site relative to each party. The memorandum of understanding must be approved annually as part of the preauthorization process described in paragraph (a).

Section 26. Section 489.1132, Florida Statutes, is created to read:

489.1132 Regulation of hoisting equipment used in construction, demolition, or excavation work during a hurricane.—

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

(a) "Hoisting equipment" means power-operated cranes, derricks, and hoists used in construction, demolition, or excavation work that are regulated by the Occupational Safety and Health Administration under 29 C.F.R. 66 parts 1910.66 and 1926.66.

(b) "Mobile crane" means a type of hoisting equipment incorporating a cable-suspended latticed boom or hydraulic telescoping boom designed to be moved between operating locations by transport over a roadway. The term does not include a mobile crane with a boom length of less than 25 feet or a

maximum rated load capacity of less than 15,000 pounds.

(c) "Tower crane" means a type of hoisting equipment using a vertical mast or tower to support a working boom in an elevated position if the working boom can rotate to move loads laterally either by rotating at the top of the mast or tower or by the rotation of the mast or tower itself, whether the mast or tower base is fixed in one location or ballasted and moveable between locations.

(2)(a) When a tower crane or mobile crane is located on a worksite, a hurricane preparedness plan for the crane must be available for inspection at the worksite.

(b) In preparation for a hurricane, hoisting equipment must be secured in the following manner no later than 24 hours before the impacts of the hurricane are anticipated to begin:

1. All hoisting equipment must be secured in compliance with manufacturer recommendations relating to hurricane and high-wind events, including any recommendations relating to the placement, use, and removal of advertising banners and rigging.

2. Tower crane turntables must be lubricated before the event.

3. Fixed booms on mobile cranes must be laid down whenever feasible.

4. Booms on hydraulic cranes must be retracted and stored.

5. The counterweights of any hoists must be locked below the top tie-in.

6. Tower cranes must be set in the weathervane position.

7. All rigging must be removed from hoist blocks.

8. All power at the base of tower cranes must be disconnected.

(3) A person licensed under this part who intentionally violates this section is subject to discipline under ss. 455.227 and 489.129.

Section 27. The Division of Emergency Management shall consult with local governments, the Department of Business and Professional Regulation, the Department of Environmental Protection, and any other appropriate agencies to develop recommendations for statutory changes necessary to streamline the permitting process for repairing and rebuilding structures damaged during natural emergencies. By July 1, 2026, the division shall provide a report containing such recommendations to the President of the Senate and the Speaker of the House of Representatives.

Section 28. (1) Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or

propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2027, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio. This subsection applies retroactively to August 1, 2024.

(2) Notwithstanding subsection (1), any comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by a county or municipality before or after the effective date of this act may be enforced if:

(a) The associated application is initiated by a private party other than the county or municipality.

(b) The property that is the subject of the application is owned by the initiating private party.

(3)(a) A resident of or the owner of a business in a county or municipality may bring a civil action for declaratory and injunctive relief against the county or municipality for a violation of this section. Pending adjudication of the action and upon filing of a complaint showing a violation of this section, the resident or business owner is entitled to a preliminary injunction against the county or municipality preventing implementation of the moratorium or the comprehensive

plan amendment, land development regulation, or procedure. If such civil action is successful, the resident or business owner is entitled to reasonable attorney fees and costs.

(b) Attorney fees and costs and damages may not be awarded pursuant to this subsection if:

1. The resident or business owner provides the governing body of the county or municipality written notice that a proposed or enacted moratorium, comprehensive plan amendment, land development regulation, or procedure is in violation of this section; and

2. The governing body of the county or municipality withdraws the proposed moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days; or, in the case of an adopted moratorium, comprehensive plan amendment, land development regulation, or procedure, the governing body of a county or municipality notices an intent to repeal within 14 days after receipt of the notice and repeals the moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days thereafter.

(4) This section expires June 30, 2028.

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

Section 30. This act shall take effect upon becoming a law.

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: Transportation & Economic Development Budget Subcommittee
Representative McFarland offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 83.63, Florida Statutes, is amended to read:

83.63 Casualty damage.—If the premises are damaged or destroyed other than by the wrongful or negligent acts of the tenant so that the enjoyment of the premises is substantially impaired:~~,~~

(1) The tenant may terminate the rental agreement and immediately vacate the premises. The tenant may vacate the part of the premises rendered unusable by the casualty, in which case the tenant's liability for rent shall be reduced by the fair

rental value of that part of the premises damaged or destroyed. If the rental agreement is terminated, the landlord shall comply with s. 83.49(3).

(2) The tenant must be given:

(a) The opportunity to collect his or her belongings from the premises when it is safe to do so; or

(b) Notice of the date by which the tenant will be able to collect his or her belongings from the premises, which must occur within a reasonable time.

Section 2. Subsection (3) of section 101.733, Florida Statutes, is amended to read:

101.733 Emergency suspension or delay of an election ~~emergency; purpose; elections emergency contingency plan~~.—Because of the existing and continuing possibility of an emergency or common disaster occurring before or during a regularly scheduled or special election, and in order to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to exercise their right to vote, generally to minimize to whatever degree possible a person's exposure to danger during declared states of emergency, and to protect the integrity of the electoral process, it is hereby found and declared to be necessary to designate a procedure for the emergency suspension or delay and rescheduling of elections.

~~(3) The Division of Elections of the Department of State shall adopt, by rule, an elections emergency contingency plan, which shall contain goals and policies that give specific direction to state and local elections officials when an election has been suspended or delayed due to an emergency. The contingency plan shall be statewide in scope and shall address, but not be limited to, the following concerns:~~

~~(a) Providing a procedure for state and local elections officials to follow when an election has been suspended or delayed to ensure notice of the suspension or delay to the proper authorities, the electorate, the communications media, poll workers, and the custodians of polling places.~~

~~(b) Providing a procedure for the orderly conduct of a rescheduled election, whether municipal, county, district, or statewide in scope; coordinating those efforts with the appropriate elections official, and the members of the governing body holding such election, if appropriate; and working with the appropriate emergency management officials in determining the safety of existing polling places or designating additional polling places.~~

~~(c) Providing a procedure for the release and certification of election returns to the department for elections suspended or delayed and subsequently rescheduled under the provisions of ss. 101.731-101.74.~~

Section 3. Section 101.7325, Florida Statutes, is created to read:

101.7325 Election emergency.—

(1) If the Governor declares a state of emergency for a natural emergency, as defined in s. 252.34, fewer than 60 days before an election, the supervisor of a county designated as affected by such declaration may request approval from the Secretary of State to take any of the following actions necessary while the declaration continues to designate the area as an affected area:

(a) Notwithstanding the designation deadline in s. 101.657(1)(b), change the location of designated early voting sites. The request must identify the new address of each early voting site and the hours during which early voting will occur at each site.

(b) Notwithstanding the early voting site locations authorized in s. 101.657(1), request early voting sites at locations not specifically authorized in law. The request must set forth sufficient facts to establish that a sufficient number of early voting sites that were designated, or that may be designated under paragraph (a), are unavailable due to the emergency. For purposes of this paragraph, reasons that early voting sites may be unavailable include, but are not limited to, the site is no longer safe for occupancy, the site is located in an area that is currently dangerous to travel to and from, or

the site does not have adequate utilities. An early voting site designated under this paragraph must, to the maximum extent practicable, be geographically located so as to provide all voters in the area with an equal opportunity to cast a ballot.

(c) Notwithstanding s. 101.657(1)(d), allow early voting to occur the day before an election.

(d) Notwithstanding ss. 101.657 and 101.71, allow election day voting at early voting sites. The request must set forth sufficient facts to establish that a sufficient number of early voting sites that were designated, or that may be designated under paragraph (a), are unavailable due to the emergency. For purposes of this paragraph, reasons that a polling place may be unavailable include, but are not limited to, the polling place is no longer safe for occupancy, the polling place is located in an area that is currently dangerous to travel to and from, or the polling place does not have adequate utilities. An early voting site designated as a polling place under this paragraph must, to the maximum extent practicable, be geographically located so as to provide all voters in the area with an equal opportunity to cast a ballot.

(e) Notwithstanding the designation deadline in s. 101.69(2)(b), designate additional secure ballot intake stations. The request must identify the location of the additional secure ballot intake stations.

(f) Send a vote-by-mail ballot to a voter who has requested such ballot:

1. By forwardable mail or to an address other than the address listed for the voter in the statewide voter registration system.

2. Notwithstanding s. 101.62(1)(a) and (b), without the voter's written request or if a written request is not signed.

3. Notwithstanding s. 101.62(3)(c), as soon as practicable.

(g) If the supervisor determines that a poll worker shortage exists, appoint poll workers who have not met the training requirements in s. 102.014. However, such poll workers must have received the required training within the previous 2 years.

(h) Notwithstanding s. 102.012(2), appoint inspectors and clerks who are registered qualified electors of this state but who are not registered qualified electors of the applicable county.

(2) Each supervisor of an affected area that submits a request pursuant to subsection (1) must submit all such requests at once. The Secretary of State must approve or deny the requests in writing within 36 hours after receipt. If the Secretary of State fails to approve or deny a request within the 36-hour period, the request is deemed approved. The Secretary of State must publish each response on the department’s website.

(3) The supervisor shall use print and broadcast media, social media, Internet websites, polling place signage, and any other method necessary to inform affected voters of any changes to elections made under this section.

Section 4. Section 101.735, Florida Statutes, is created to read:

101.735 Election emergency contingency plans.—

(1) The division shall adopt by rule a statewide election emergency contingency plan to provide specific direction in the event an emergency occurs preceding or during an election. The contingency plan shall include, at minimum, procedures to:

(a) Ensure that necessary parties are notified of any changes impacting an election that has been suspended, delayed, rescheduled, or otherwise affected by an emergency. As used in this paragraph, necessary parties include proper authorities, the electorate, the media, poll workers, and polling place custodians.

(b) Ensure that an election that has been suspended, delayed, rescheduled, or otherwise affected by an emergency is conducted in a safe and orderly manner. The procedures must include a plan to coordinate the actions of the division, supervisors, county canvassing boards, and, if appropriate, members of the governing body holding such election.

(c) Determine the safety of existing polling places or designate additional polling places in coordination with the appropriate emergency management officials.

(d) Release and certify returns to the division for elections suspended, delayed, rescheduled, or otherwise affected by an emergency.

(e) Coordinate efforts between supervisors in affected and unaffected counties to ensure voting opportunities for affected voters, including ensuring the delivery of vote-by-mail ballots to law enforcement officers, military personnel, first responders, and utility line workers.

(2) Each supervisor shall develop, in consultation with local emergency management officials, a local election emergency contingency plan. The contingency plan must be submitted to the division for approval by May 1 of every odd-numbered year. The division must determine whether the local election emergency contingency plan is sufficient no later than May 30. The division shall adopt rules to implement this subsection, including the creation of standard criteria for determining the sufficiency of local election emergency contingency plans.

Section 5. Section 101.736, Florida Statutes, is created to read:

101.736 Election emergency training; best practices.—

(1) As used in this section, the term "tabletop exercise" means a session in which participants are guided through

possible scenarios and discuss their roles and responsibilities if such a scenario occurs, as well as how they would respond to such a scenario.

(2) The Secretary of State, in coordination with supervisors, shall develop an election emergency training program. The training is required for newly elected or appointed supervisors and any critical staff, as determined by a supervisor. The Secretary of State shall update such training at least once every 4 years.

(3) By June 1 of every odd-numbered year, the Secretary of State shall convene a workgroup to create a list of best practices for conducting an election during an emergency.

(a) The workgroup must include at least 10 current supervisors.

(b) The workgroup must participate in tabletop exercises involving election emergencies.

(4) Using the list created in subsection (3), the Secretary of State must:

(a) Incorporate practices applicable to all counties into the statewide election emergency contingency plan under s. 101.735(1).

(b) Recommend practices applicable to specific counties to the applicable supervisor for inclusion in the supervisor's local election emergency contingency plan under s. 101.735(2).

Section 6. Section 163.31795, Florida Statutes, is created to read:

163.31795 Participation in the National Flood Insurance Program.—

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

(a) "Cumulative substantial improvement period" means the period during which an aggregate of improvements or repairs are considered for purposes of determining substantial improvement as defined in s. 161.54(12).

(b) "Local government" has the same meaning as in s. 163.2514.

(2) A local government that is participating in the National Flood Insurance Program may not adopt a cumulative substantial improvement period that is longer than 1 year.

Section 7. Subsection (14) is added to section 163.31801, Florida Statutes, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(14) A local government, school district, or special district may not assess an impact fee for the reconstruction or replacement of a previously existing structure if the replacement structure is of the same land use as the original structure and does not increase the impact on public facilities beyond that of the original structure. However, if the replacement structure increases the demand on public facilities

due to a significant increase in size, intensity, or capacity of use, a local government, school district, or special district may assess an impact fee in an amount proportional to the difference in the demand between the replacement structure and the original structure. Any such fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the reconstruction or replacement of a previously existing structure.

Section 8. Paragraphs (a) and (b) of subsection (4) of section 193.155, Florida Statutes, are amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(4)(a) Except as provided in paragraph (b) and s. 193.624, changes, additions, or improvements to homestead property shall be assessed at just value as of the first January 1 after the changes, additions, or improvements are substantially completed. Maintenance or repair of the homestead property, including roof or window replacement, may not be considered to be a change, an addition, or an improvement under this subsection.

(b)1. Changes, additions, or improvements that replace all or a portion of homestead property, including ancillary improvements, damaged or destroyed by misfortune or calamity shall be assessed upon substantial completion as provided in this paragraph. Such assessment must be calculated using the homestead property's assessed value as of the January 1 immediately before the date on which the damage or destruction was sustained, subject to the assessment limitations in subsections (1) and (2), when:

a. The square footage of the homestead property as changed or improved does not exceed 130 ~~110~~ percent of the square footage of the homestead property before the damage or destruction; or

b. The total square footage of the homestead property as changed or improved does not exceed 2,000 ~~1,500~~ square feet.

c. When a homestead property is elevated above the base flood elevation within a special flood hazard area, the square footage underneath the homestead property that is used only for parking, storage, or access is not included when determining the total square footage of the homestead property as changed or improved under this paragraph.

2. The homestead property's assessed value must be increased by the just value of that portion of the changed or improved homestead property which is in excess of 130 ~~110~~ percent of the square footage of the homestead property before

the damage or destruction or of that portion exceeding 2,000 ~~1,500~~ square feet.

3. Homestead property damaged or destroyed by misfortune or calamity which, after being changed or improved, has a square footage of less than 100 percent of the homestead property's total square footage before the damage or destruction shall be assessed pursuant to subsection (5).

4. Changes, additions, or improvements assessed pursuant to this paragraph must be reassessed pursuant to subsection (1) in subsequent years. This paragraph applies to changes, additions, or improvements commenced within 5 years after the January 1 following the damage or destruction of the homestead.

Section 9. Paragraph (b) of subsection (1) of section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss Mitigation Program is established in the Division of Emergency Management.

(1) The Legislature shall annually appropriate $10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the division for the purposes set forth in this section. Of the amount:

(b) Three million dollars in funds shall be used to construct or retrofit facilities used as public hurricane shelters. Each year the division shall prioritize the use of

these funds for projects included in the annual report ~~of the Shelter Development Report~~ prepared in accordance with s. 252.385(3). The division shall ~~must~~ give funding priority to projects located in counties ~~regional planning council regions~~ that have shelter deficits, projects that are publicly owned, other than schools, and ~~to~~ projects that maximize the use of state funds.

Section 10. Section 250.375, Florida Statutes, is amended to read:

250.375 Medical officer authorization.—A servicemember trained to provide medical care who is serving under the direction of the Florida National Guard State Surgeon and is assigned to a military duty position and authorized by the Florida National Guard to provide medical care within the scope of the servicemember's professional licensure by virtue of such duty position may provide such medical care to military personnel and civilians within this state ~~physician who holds an active license to practice medicine in any state, a United States territory, or the District of Columbia,~~ while serving ~~as a medical officer~~ with or in support of the Florida National Guard, pursuant to federal or state orders, ~~may practice medicine on military personnel or civilians~~ during an emergency or declared disaster ~~or during federal military training~~.

Section 11. Paragraphs (y) through (dd) of subsection (2) of section 252.35, Florida Statutes, are redesignated as

paragraphs (x) through (cc), respectively, and paragraphs (a), (c), and (s) and present paragraph (x) of that subsection are amended to read:

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties, the division shall:

(a) Prepare a state comprehensive emergency management plan, which must ~~shall~~ be integrated into and coordinated with the emergency management plans and programs of the Federal Government. The division shall adopt the plan as a rule in accordance with chapter 120. The plan must be implemented by a continuous, integrated comprehensive emergency management program. The plan must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters, and the division shall work closely with local governments and agencies and organizations with emergency management responsibilities in preparing and maintaining the plan. The state comprehensive emergency management plan must be operations oriented and:

1. Include an evacuation component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of evacuation activities. This component must, at a minimum: contain guidelines for lifting

tolls on state highways; ensure coordination pertaining to evacuees crossing county lines; set forth procedures for directing people caught on evacuation routes to safe shelter; establish strategies for ensuring sufficient, reasonably priced fueling locations along evacuation routes; and establish policies and strategies for emergency medical evacuations.

2. Include a shelter component that includes specific regional and interregional planning provisions and promotes coordination of shelter activities between the public, private, and nonprofit sectors. This component must, at a minimum: contain strategies to ensure the availability of adequate public shelter space in each county ~~region of the state~~; establish strategies for refuge-of-last-resort programs; provide strategies to assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and security personnel; provide for a postdisaster communications system for public shelters; establish model shelter guidelines for operations, registration, inventory, power generation capability, information management, and staffing; and set forth policy guidance for sheltering people with special needs.

3. Include a postdisaster response and recovery component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of postdisaster response and recovery activities. This component

must provide for postdisaster response and recovery strategies according to whether a disaster is minor, major, or catastrophic. The postdisaster response and recovery component must, at a minimum: establish the structure of the state's postdisaster response and recovery organization; establish procedures for activating the state's plan; set forth policies used to guide postdisaster response and recovery activities; describe the chain of command during the postdisaster response and recovery period; describe initial and continuous postdisaster response and recovery actions; identify the roles and responsibilities of each involved agency and organization; provide for a comprehensive communications plan; establish procedures for coordinating and monitoring statewide mutual aid agreements reimbursable under federal public disaster assistance programs; provide for rapid impact assessment teams; ensure the availability of an effective statewide urban search and rescue program coordinated with the fire services; ensure the existence of a comprehensive statewide medical care and relief plan administered by the Department of Health; and establish systems for coordinating volunteers and accepting and distributing donated funds and goods.

4. Include additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the division.

5. Address the need for coordinated and expeditious deployment of state resources, including the Florida National Guard. In the case of an imminent major disaster, procedures should address predeployment of the Florida National Guard, and, in the case of an imminent catastrophic disaster, procedures should address predeployment of the Florida National Guard and the United States Armed Forces.

6. Establish a system of communications and warning to ensure that the state's population and emergency management agencies are warned of developing emergency situations, including public health emergencies, and can communicate emergency response decisions.

7. Establish guidelines and schedules for annual exercises that evaluate the ability of the state and its political subdivisions to respond to minor, major, and catastrophic disasters and support local emergency management agencies. Such exercises shall be coordinated with local governments and, to the extent possible, the Federal Government.

8. Assign lead and support responsibilities to state agencies and personnel for emergency support functions and other support activities.

9. Include the public health emergency plan developed by the Department of Health pursuant to s. 381.00315.

10. Include an update on the status of the emergency management capabilities of the state and its political

subdivisions. The update must include the emergency management capabilities related to public health emergencies, as determined in collaboration with the Department of Health.

The complete state comprehensive emergency management plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on February 1 of every even-numbered year.

(c) Assist political subdivisions in preparing and maintaining emergency management plans. Such assistance must include the development of a template for comprehensive emergency management plans, including plans for natural disasters, and guidance on the development of mutual aid agreements.

(s) Complete an inventory of disaster response equipment, including portable generators owned by the state and local governments which are capable of operating during a major disaster. The inventory must identify, at a minimum, the location of each generator, the number of generators stored at each specific location, the agency to which each generator belongs, the primary use of the generator by the owner agency, and the names, addresses, and telephone numbers of persons having the authority to loan the stored generators as authorized by the division during a declared emergency.

~~(x) Report biennially to the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the Governor, no later than February 1 of every odd-numbered year, the status of the emergency management capabilities of the state and its political subdivisions. This report must include the emergency management capabilities related to public health emergencies, as determined in collaboration with the Department of Health.~~

Section 12. Subsection (4) is added, paragraph (b) of subsection (2) of section 252.355, Florida Statutes, is amended, and present subsection (4) is renumbered to subsection (5) to read:

252.355 Registry of persons with special needs; notice; registration program.—

(2) In order to ensure that all persons with special needs may register, the division shall develop and maintain a special needs shelter registration program. During a public health emergency in which physical distancing is necessary, as determined by the State Health Officer, the division must maintain information on special needs shelter options that mitigate the threat of the spread of infectious diseases.

(b) To assist in identifying persons with special needs, home health agencies, hospices, nurse registries, home medical equipment providers, the Department of Veterans' Affairs, the Department of Children and Families, the Department of Health,

the Agency for Health Care Administration, the Department of Education, the Agency for Persons with Disabilities, the Department of Elder ~~Elderly~~ Affairs, and memory disorder clinics shall, and any physician licensed under chapter 458 or chapter 459 and any pharmacy licensed under chapter 465 may, annually provide registration information to all of their special needs clients or their caregivers. The Florida Housing Finance Corporation shall enter into memoranda of understanding with the Department of Elder Affairs and with the Agency for Persons with Disabilities, to ensure special needs registry information is provided to residents of low income senior independent living properties, and independent living properties for persons with intellectual or developmental disabilities, funded by the Florida Housing Finance Corporation, respectively. The division shall develop a brochure that provides information regarding special needs shelter registration procedures. The brochure must be easily accessible on the division's website. All appropriate agencies and community-based service providers, including aging and disability resource centers, memory disorder clinics, home health care providers, hospices, nurse registries, and home medical equipment providers, shall, and any physician licensed under chapter 458 or chapter 459 may, assist emergency management agencies by annually registering persons with special needs for special needs shelters, collecting registration information for persons with special needs as part of the

program intake process, and establishing programs to educate clients about the registration process and disaster preparedness safety procedures. A client of a state-funded or federally funded service program who has a physical, mental, or cognitive impairment or sensory disability and who needs assistance in evacuating, or when in a shelter, must register as a person with special needs. The registration program shall give persons with special needs the option of preauthorizing emergency response personnel to enter their homes during search and rescue operations if necessary to ensure their safety and welfare following disasters.

(4) The caregiver of a person with special needs who is eligible for admission to a special needs shelter, and all persons for whom he or she is the caregiver, shall be allowed to shelter together in the special needs shelter. If a person with special needs is responsible for the care of individuals without special needs, those individuals shall be allowed to use the special needs shelter with the person with special needs.

Section 13. Section 252.395, Florida Statutes, is amended to read:

252.359 Ensuring availability of emergency supplies.—

(1) In order to meet the needs of residents affected during a declared emergency and to ensure the continuing economic resilience of communities impacted by disaster, the

division shall establish a statewide system to facilitate the transport and distribution of essentials in commerce.

(2) As used in this section, the term "essentials" means goods that are consumed or used as a direct result of a declared emergency, or that are consumed or used to preserve, protect, or sustain life, health, safety, or economic well-being. The term includes, but is not limited to, personal protective equipment used in the event of a public health emergency.

(3) The division, as a function of emergency preparation, response, and recovery, may facilitate ~~shall develop a system to certify each person who facilitates~~ the transport or distribution of essentials in commerce. The division ~~may not certify a person other than a person who routinely transports or distributes essentials. In developing the system, the division~~:

~~(a)~~ may provide for ~~a~~ preemergency or postemergency transportation of essentials ~~declaration certification~~.

~~(b) Shall allow the certification of an employer, if requested by the employer, to constitute a certification of the employer's employees.~~

~~(c) Shall create an easily recognizable indicium of certification to assist local officials' efforts in determining which persons have been certified under this subsection.~~

~~(d) Shall limit the duration of each certificate to no more than 1 year. Each certificate may be renewed so long as the criteria for certification are met.~~

(4) A person authorized to transport essentials ~~or employer certified~~ under subsection (3) is not required to obtain any additional certification or fulfill any additional requirement to transport or distribute essentials.

(5) Notwithstanding any curfew, restriction, road block, quarantine, or other limitation on access to an area, a person authorized ~~or employer certified~~ under subsection (3) to deliver essentials may enter or remain in the restricted ~~curfew~~ area for the limited purpose of facilitating the transport or distribution of essentials and may provide service that exceeds otherwise applicable hours of service maximums to the extent authorized by a duly executed declaration of a state of emergency. Local law enforcement shall cooperate with the division to ensure the availability of essentials under this section.

(6) This section does not prohibit a law enforcement officer from specifying the permissible route of ingress or egress for a person authorized ~~certified~~ under subsection (3). Notwithstanding this section, all state roadways are determined by the Florida Highway Patrol in coordination with the Department of Transportation.

Section 14. Subsection (2) of section 252.3611, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

252.3611 Transparency; audits.—

(2) If ~~When~~ the duration of a declaration of a state of ~~an~~ emergency issued by the Governor exceeds 90 days:

(a)1. The Executive Office of the Governor or the appropriate agency, within 72 hours after ~~of~~ executing a contract executed with moneys authorized for expenditure to support the response to the declared state of emergency, must ~~the Executive Office of the Governor or the appropriate agency shall~~ submit a copy of such contract to the Legislature. For contracts executed during the first 90 days of the declared state of emergency, the Executive Office of the Governor or the appropriate agency shall submit a copy to the Legislature within the first 120 days of the declared state of emergency.

2. All contracts executed to support the response to a declared state of emergency, including contracts executed before a declared state of emergency to secure resources or services in advance or anticipation of an emergency, must be posted on the secure contract tracking system required under s. 215.985(14).

(b) The Executive Office of the Governor or the appropriate agency shall submit monthly reports to the Legislature of all state expenditures, revenues received, and funds transferred by an agency during the previous month to support the declared state of emergency.

(5) Annually, by January 15, the division shall report to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriations committee

of each house of the Legislature on expenditures related to emergencies incurred over the year from November 1 of the previous year. The report must include:

(a) A separate summary of each emergency event, whether complete or ongoing, and key actions taken by the division.

(b) Details of expenditures, separated by emergency event and agency, for preparing for, responding to, or recovering from the event. The report must specify detailed expenditures for the entire report time period; specify total expenditures for the event; and indicate amounts that are being or are anticipated to be reimbursed by the Federal Emergency Management Agency or other federal entity, amounts ineligible for reimbursement, and any amounts deobligated by the Federal Emergency Management Agency or other federal entity for reimbursement. The division shall review expenditures by state agencies to ensure that efforts, purchases, contracts, or expenditures are not duplicated.

(c) An accounting of all inventory and assets purchased, separated by emergency event and agency, for preparing for, responding to, or recovering from the event, including motor vehicles, boats, computers, and other equipment, and the current status of such assets, including divestment, sale, or donation by the state. The report must include a detailed accounting for the entire report time period and specify a total for the event.

Section 15. Subsection (4) of section 252.365, Florida Statutes, is amended to read:

252.365 Emergency coordination officers; disaster-preparedness plans.—

(4) On or before May 1 of each year, the head of each agency shall notify the Governor and the division in writing of the person initially designated as the emergency coordination officer for such agency and her or his alternate and of any changes in persons so designated thereafter.

Section 16. Present paragraphs (c) and (d) of subsection (5) of section 252.37, Florida Statutes, are redesignated as paragraphs (d) and (e), respectively, a new paragraph (c) is added to that subsection, and subsection (7) is added to that section, to read:

252.37 Financing.—

(5) Unless otherwise specified in the General Appropriations Act:

(c) If the division intends to accept or apply for federal funds for a division-administered program that is new, that will be implemented in a manner that is innovative or significantly different from the manner in which the program is typically administered, or that will require a state match for which the division will be required to seek new budget authority, the division must notify the Legislature of its intent to accept or apply for the federal funds. The notice must detail the federal

program under which the funds will be accepted or applied for, the intended purpose and use of the funds, and the amount of funds, including the estimated state match.

(7) The division shall take steps to maximize the availability and expedite the distribution of financial assistance from the Federal Government to state and local agencies. Such steps must include the standardization and streamlining of the application process for financial assistance through the federal Public Assistance Program and provision of assistance to applicants in order to mitigate the risk of noncompliance with federal program requirements. The division shall use federal funds allocated as management costs or other funds as appropriated to implement this subsection.

Section 17. Section 252.3713, Florida Statutes, is created to read:

252.3713 Hazard Mitigation Grant Program.—

(1) The division shall administer the Hazard Mitigation Grant Program as authorized and described in s. 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by Pub. L. No. 103-181, Pub. L. No. 103-337, and Pub. L. No. 106-390.

(2) The division may retain no more than 25 percent of the total federal allocation of funds received for use within the state. A minimum of 75 percent of any funds received pursuant to a declared disaster must be distributed for use by the

subrecipients in the counties specified in the Presidential Disaster Declaration for that disaster. However, a subrecipient may elect to share some or all of its allocation with the division to be used for projects benefiting the region in which the subrecipient is located.

(3) The division and subrecipients shall consider projects that fulfill the following purposes when adopting mitigation strategies and plans and applying for funds under the grant program:

(a) Reducing shelter space deficits through retrofitting of existing shelters and hardening of public buildings that are not schools. Reducing deficits in shelter space intended to accommodate individuals with special needs must be prioritized before addressing deficits in other types of shelter space. Additionally, general population shelters which are retrofitted must also account for federally accessibility standards and state accessibility standards in part I of ch. 553.

(b) Mitigating impacts to public infrastructure, including roads, bridges, and stormwater, water, and sewer systems, to enhance resistance to natural hazards and prevent and reduce losses.

(c) Mitigating impacts to school facilities which will reduce future disaster losses and make the facilities more resistant to natural hazards.

(d) Retrofitting of regional and local emergency management or operations centers.

(e) Other projects that the division may define by rule.

(4) The division may coordinate with other state agencies and political subdivisions to develop and implement innovative approaches to funding mitigation projects using grants under the Hazard Mitigation Grant Program, including, but not limited to, combining funding received from multiple federal and state programs. The division, in cooperation with other state agencies that administer federal grant programs, shall ensure that:

(a) Projects funded through multiple programs comply with all applicable federal and state requirements of the respective programs under which funding was received.

(b) Funding is used for projects in the geographic areas specified in the grant of funding.

(5) A fiscally constrained county may request that the division administer the grant for such county. A fiscally constrained county may request additional assistance from the division in preparing applications for grants and developing a structure for implementing, monitoring the execution of, and closing out projects.

(6) The division shall adopt rules to implement this section.

Section 18. Paragraph (a) of subsection (2) of section 252.373, Florida Statutes, is amended to read:

252.373 Allocation of funds; rules.—

(2) The division shall allocate funds from the Emergency Management, Preparedness, and Assistance Trust Fund to local emergency management agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a local emergency management agency either:

1. Have a program director who works at least 40 hours a week in that capacity; or

2. If the county has fewer than 75,000 population or is party to an interjurisdictional emergency management agreement entered into pursuant to s. 252.38(3)(c) ~~s. 252.38(3)(b)~~, that is recognized by the Governor by executive order or rule, have an emergency management coordinator who works at least 20 hours a week in that capacity.

Section 19. Present paragraphs (a) and (b) of subsection (3) of section 252.38, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and paragraph (a) of subsection (1) is amended, to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) COUNTIES.—

(a) In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies within the scope of ss. 252.31-252.90, each county within this state shall be within the jurisdiction of, and served by, the division. Except as otherwise provided in ss. 252.31-252.90, each local emergency management agency shall have jurisdiction over and serve an entire county. Unless part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(c) ~~(3)(b)~~ which is recognized by the Governor by executive order or rule, each county must establish and maintain such an emergency management agency and shall develop a county emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program. Counties that are part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(c) ~~(3)(b)~~ which is recognized by the Governor by executive order or rule shall cooperatively develop an emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program.

(3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—

(a) Each political subdivision shall notify the division on or before May 1 each year of the person designated as the emergency contact for the political subdivision and his or her

alternate and of any changes in persons so designated thereafter. For a county, the emergency contact must be the county emergency management director.

Section 20. Section 252.381, Florida Statutes, is created to read:

252.381 Information related to natural emergencies; poststorm county and municipal permitting; operations.—

(1) Each county and municipality must post on its publicly accessible website:

(a) A frequently asked questions web page related to natural emergency response, emergency preparedness, and public relief for residents following an emergency. The web page must answer questions concerning resident evacuations; safety tips; generator, food and drinking water, and wastewater and stormwater safety; damage assessment; debris cleanup; accessing assistance through the Federal Emergency Management Agency and this state; building recovery; natural emergency guidance; applicable laws; and what to do before, during, and after an emergency.

(b) A disaster supply list and a list of emergency shelters.

(c) Links to information about flood zones.

(d) A checklist for residents explaining next steps to take during postdisaster recovery.

(e) Information specific to persons with disabilities, including but not limited to, guidelines for special needs shelter registration; an explanation of how to register for special needs shelters and where to obtain assistance with that process; guidelines as to the level of care that is or is not provided at a special needs shelter as well as situations when either a general population shelter or hospital should be considered; and any other post disaster assistance or resources available to affected persons with disabilities impacted by a disaster.

(2) Each county and municipality shall develop a poststorm permitting plan to expedite recovery and rebuilding by providing for special building permit and inspection procedures after a hurricane or tropical storm. The plan must, at a minimum:

(a) Ensure sufficient personnel are prepared and available to expeditiously manage postdisaster building inspection, permitting, and enforcement tasks. The plan must anticipate conditions that would necessitate supplemental personnel for such tasks and address methods for fulfilling such personnel needs, including through mutual aid agreements as authorized in s. 252.40, other arrangements, such as those with private sector contractors, or supplemental state or federal funding. The plan must include training requirements and protocols for supplemental personnel to ensure compliance with local

floodplain management requirements that apply within the county or municipality.

(b) Account for multiple or alternate locations where building permit services may be offered in person to the public following a hurricane or tropical storm during regular business hours.

(c) Specify a protocol to expedite permitting procedures and, if practicable, for the waiver or reduction of applicable fees in accordance with and in addition to the procedures and waivers provided for under s. 553.7922. The plan must identify the types of permits that are frequently requested following a hurricane or tropical storm and methods to expedite the processing of such permits.

(d) Specify procedures and resources necessary to promote expeditious debris removal following a hurricane or tropical storm.

(3)(a) Each county and municipality shall publish on its website a hurricane and tropical storm recovery permitting guide for residential and commercial property owners. The guide must describe:

1. The types of poststorm repairs that require a permit and applicable fees.

2. The types of poststorm repairs that do not require a permit.

3. The poststorm permit application process and specific modifications the county or municipality commonly makes to expedite the process, including the physical locations where permitting services will be offered.

4. Local requirements for rebuilding specific to the county or municipality, including elevation requirements following substantial damage and substantial improvement pursuant to the National Flood Insurance Program (NFIP) and any local amendments to the building code.

(b) As soon as practicable following a hurricane or tropical storm, a county or municipality within the area for which a state of emergency pursuant to s. 252.36 for such hurricane or tropical storm is declared shall publish updates on its website to the information required under paragraph (a) which are specific to such storm, including any permitting fee waivers or reductions.

(4) For 180 days after a state of emergency is declared pursuant to s. 252.36 for a hurricane or tropical storm, a county or municipality within the area for which the state of emergency is declared may not increase building permit or inspection fees.

(5) No later than May 1, 2026, each county and municipality must provide an online option for receiving, reviewing, and accessing substantial damage and substantial improvement letters. The county or municipality must allow

homeowners to provide an e-mail address where they can receive digital copies of such letters.

(6) As soon as reasonably practicable following the landfall and passage of a hurricane or tropical storm, each county and municipality that has experienced a direct impact from a natural emergency must use its best efforts to open a permitting office at which residents can access government services for at least 40 hours per week.

(7) Beginning October 1, 2025, emergency management personnel of a county or municipality, and individuals who are designated to perform key roles in postdisaster response for a county or municipality, must complete the training provided by the division pursuant to s. 252.35 every 2 years.

Section 21. Subsections (2) and (3) of section 252.385, Florida Statutes, are amended to read:

252.385 Public shelter space; public records exemption.—

(2)~~(a)~~ The division shall administer a program to survey existing schools, universities, community colleges, and other state-owned, municipally owned, and county-owned public buildings and any private facility that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter to identify those that are appropriately designed and located to serve as such shelters. The owners of the facilities must be given the opportunity to participate in the surveys. The state university boards of trustees, district school boards,

community college boards of trustees, and the Department of Education are responsible for coordinating and implementing the survey of public schools, universities, and community colleges with the division or the local emergency management agency.

~~(b) By January 31 of each even-numbered year, the division shall prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval, subject to the requirements for approval in s. 1013.37(2). The emergency shelter plan must project, for each of the next 5 years, the hurricane shelter needs of the state, including periods of time during which a concurrent public health emergency may necessitate more space for each individual to accommodate physical distancing. In addition to information on the general shelter needs throughout this state, the plan must identify the general location and square footage of special needs shelters, by regional planning council region. The plan must also include information on the availability of shelters that accept pets. The Department of Health shall assist the division in determining the estimated need for special needs shelter space and the adequacy of facilities to meet the needs of persons with special needs based on information from the registries of persons with special needs and other information.~~

(3)(a) The division shall annually provide by October 15 to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that includes~~, and the~~

~~Governor~~ a list of facilities recommended to be retrofitted using state funds. State funds should be maximized and targeted to projects in counties ~~regional planning council regions~~ with hurricane evacuation shelter deficits. Additionally, the division shall prioritize on the list of recommended facilities other state-owned, municipal-owned, and county-owned public buildings, other than schools, for retrofitting using state funds. The owner or lessee of a public hurricane evacuation shelter that is included on the list of facilities recommended for retrofitting is not required to perform any recommended improvements.

(b) The report required in paragraph (a) must include a statewide emergency shelter plan that must project, for each of the next 5 years, the hurricane shelter needs of the state. In addition to information on the general shelter needs throughout this state, the plan must identify, by county, the general location and square footage of special needs shelters. The plan must also include information on the availability of shelters that accept pets. The Department of Health and the Agency for Persons with Disabilities shall assist the division in determining the estimated need for special needs shelter space, the estimated need for general shelter space to accommodate persons with developmental disabilities, including, but not limited to, autism, and the adequacy of facilities to meet the needs of persons with special needs based on information from

the registries of persons with special needs and other information.

Section 22. Section 252.421, Florida Statutes, is created to read:

252.421 Management of roadway debris related to natural emergencies.—The division shall coordinate with fiscally constrained counties, as described in s. 218.67(1), included in a declared state of emergency for a Category 3 or higher hurricane and the Department of Transportation to provide such counties with state resources to remove debris from roadways, including roadways that are publicly accessible but not maintained by the county.

Section 23. Section 252.422, Florida Statutes, is created to read:

252.422 Restrictions on county or municipal regulations after a hurricane.—

(1) As used in this section, the term "impacted local government" means a county listed in a federal disaster declaration, or a municipality located within such a county, located entirely or partially within 100 miles of the track of a storm declared to be a hurricane by the National Hurricane Center, while the storm was categorized as a hurricane.

(2) For 1 year after a hurricane makes landfall, an impacted local government may not propose or adopt:

(a) A moratorium on construction, reconstruction, or redevelopment of any property.

(b) A more restrictive or burdensome amendment to its comprehensive plan or land development regulations.

(c) A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined in s. 163.3164.

(3) Notwithstanding subsection (2), a comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by an impacted local government before or after the effective date of this act may be enforced if:

(a) The associated application is initiated by a private party other than the impacted local government and the property that is the subject of the application is owned by the initiating private party;

(b) The proposed comprehensive plan amendment was submitted to reviewing agencies pursuant to s. 163.3184 before landfall; or

(c) The proposed comprehensive plan amendment or land development regulation is approved by the state land planning agency pursuant to s. 380.05.

(4)(a) Any person may file suit against any impacted local government for declaratory and injunctive relief to enforce this section.

(b) A county or municipality may request a determination by a court of competent jurisdiction as to whether such action violates this section. Upon such a request, the county or municipality may not enforce the action until the court has issued a preliminary or final judgment determining whether the action violates this section.

(c) Before a plaintiff may file suit, the plaintiff shall notify the impacted local government by setting forth the facts upon which the complaint or petition is based and the reasons the impacted local government's action violates this section. Upon receipt of the notice, the impacted local government shall have 14 days to withdraw or revoke the action at issue or otherwise declare it void. If the impacted local government does not withdraw or revoke the action at issue within the time prescribed, the plaintiff may file suit. The plaintiff shall be entitled to entry of a preliminary injunction to prevent the impacted local government from implementing the challenged action during pendency of the litigation. In any action instituted pursuant to this paragraph, the prevailing plaintiff shall be entitled to reasonable attorney fees and costs.

(d) In any case brought under this section, any party is entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on the calendar.

Section 24. Section 252.505, Florida Statutes, is created to read:

252.505 Breach of contract during emergency recovery periods for natural emergencies.—Each state or local government contract for goods or services related to emergency response for a natural emergency entered into, renewed, or amended on or after July 1, 2025, must include a provision that requires a vendor or service provider that breaches such contract during an emergency recovery period to pay actual and consequential damages and a $5,000 penalty. As used in this section, the term "emergency recovery period" means a 1-year period that begins on the date that the Governor initially declared a state of emergency for a natural emergency.

Section 25. Subsection (1) of section 400.063, Florida Statutes, is amended to read:

400.063 Resident protection.—

(1) The Health Care Trust Fund shall be used for the purpose of collecting and disbursing funds generated from the license fees and administrative fines as provided for in ss. 393.0673(5), 400.062(3), 400.121(2), and 400.23(8). Such funds shall be for the sole purpose of paying for the appropriate alternate placement, care, and treatment of residents who are

removed from a facility licensed under this part or a facility specified in s. 393.0678(1) in which the agency determines that existing conditions or practices constitute an immediate danger to the health, safety, or security of the residents. If the agency determines that it is in the best interest of the health, safety, or security of the residents to provide for an orderly removal of the residents from the facility, the agency may utilize such funds to maintain and care for the residents in the facility pending removal and alternative placement. The maintenance and care of the residents shall be under the direction and control of a receiver appointed pursuant to s. 393.0678(1) or s. 400.126(1). However, funds may be expended in an emergency upon a filing of a petition for a receiver, upon the declaration of a state of local emergency pursuant to s. 252.38(3)(b)5. ~~s. 252.38(3)(a)5.~~, or upon a duly authorized local order of evacuation of a facility by emergency personnel to protect the health and safety of the residents.

Section 26. Subsection (7) of section 403.7071, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

403.7071 Management of storm-generated debris.—Solid waste generated as a result of a storm event that is the subject of an emergency order issued by the department may be managed as follows:

(7) Unless otherwise specified in a contract or franchise agreement between a local government and a private solid waste or debris management service provider, a private solid waste or debris management service provider is not required to collect storm-generated yard trash, debris, or waste. Local governments are authorized and encouraged to add an addendum to existing contracts or franchise agreements for collection of storm-generated debris.

(8)(a) Each county and municipality shall apply to the department for authorization of at least one debris management site as described in subsection (2) and shall annually seek preauthorization for any previously approved debris management sites, as allowed by the department.

(b) A municipality may jointly apply for authorization of a debris management site with a county or at least one adjacent municipality, if the parties develop and approve a memorandum of understanding. Such memorandum must clearly outline the capacity of the debris management site and location of the site relative to each party. The memorandum of understanding must be approved annually as part of the preauthorization process described in paragraph (a).

Section 27. Section 489.1132, Florida Statutes, is created to read:

489.1132 Regulation of hoisting equipment used in construction, demolition, or excavation work during a hurricane.—

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

(a) "Hoisting equipment" means power-operated cranes, derricks, and hoists used in construction, demolition, or excavation work that are regulated by the Occupational Safety and Health Administration.

(b) "Mobile crane" means a type of hoisting equipment incorporating a cable-suspended latticed boom or hydraulic telescoping boom designed to be moved between operating locations by transport over a roadway. The term does not include a mobile crane with a boom length of less than 25 feet or a maximum rated load capacity of less than 15,000 pounds.

(c) "Tower crane" means a type of hoisting equipment using a vertical mast or tower to support a working boom in an elevated position if the working boom can rotate to move loads laterally either by rotating at the top of the mast or tower or by the rotation of the mast or tower itself, whether the mast or tower base is fixed in one location or ballasted and moveable between locations.

(2)(a) When a tower crane or mobile crane is located on a worksite, a hurricane preparedness plan for the crane must be available for inspection at the worksite.

(b) In preparation for a hurricane, hoisting equipment must be secured in the following manner no later than 24 hours before the impacts of the hurricane are anticipated to begin:

1. All hoisting equipment must be secured in compliance with manufacturer recommendations relating to hurricane and high-wind events, including any recommendations relating to the placement, use, and removal of advertising banners and rigging.

2. Tower crane turntables must be lubricated before the event.

3. Fixed booms on mobile cranes must be laid down whenever feasible.

4. Booms on hydraulic cranes must be retracted and stored.

5. The counterweights of any hoists must be locked below the top tie-in.

6. Tower cranes must be set in the weathervane position.

7. All rigging must be removed from hoist blocks.

8. All power at the base of tower cranes must be disconnected.

(3) A person licensed under this part who intentionally violates this section is subject to discipline under ss. 455.227 and 489.129.

Section 28. Subsection (6) of section 553.902, Florida Statutes, is amended to read:

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

(6) "Renovated building" means a residential or nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, if the estimated cost of renovation exceeds 30 percent of the assessed value of the structure. However, if the alteration is a result of a natural disaster that is the subject of a declaration of a state of emergency by the Governor, the estimated cost of renovation must exceed 75 percent of the fair market value of the building prior to the natural disaster.

Section 29. The Division of Emergency Management shall consult with local governments, the Department of Business and Professional Regulation, the Department of Environmental Protection, and any other appropriate agencies to develop recommendations for statutory changes necessary to streamline the permitting process for repairing and rebuilding structures damaged during natural emergencies. By July 1, 2026, the division shall provide a report containing such recommendations to the President of the Senate and the Speaker of the House of Representatives.

Section 30. (1) Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or

redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2027, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio. This subsection applies retroactively to August 1, 2024.

(2) Notwithstanding subsection (1), any comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by a county or municipality before or after the effective date of this act may be enforced if:

(a) The associated application is initiated by a private party other than the county or municipality.

(b) The property that is the subject of the application is owned by the initiating private party.

(3)(a) A resident of or the owner of a business in a county or municipality may bring a civil action for declaratory and injunctive relief against the county or municipality for a violation of this section. Pending adjudication of the action and upon filing of a complaint showing a violation of this

section, the resident or business owner is entitled to a preliminary injunction against the county or municipality preventing implementation of the moratorium or the comprehensive plan amendment, land development regulation, or procedure. If such civil action is successful, the resident or business owner is entitled to reasonable attorney fees and costs.

(b) Attorney fees and costs and damages may not be awarded pursuant to this subsection if:

1. The resident or business owner provides the governing body of the county or municipality written notice that a proposed or enacted moratorium, comprehensive plan amendment, land development regulation, or procedure is in violation of this section; and

2. The governing body of the county or municipality withdraws the proposed moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days; or, in the case of an adopted moratorium, comprehensive plan amendment, land development regulation, or procedure, the governing body of a county or municipality notices an intent to repeal within 14 days after receipt of the notice and repeals the moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days thereafter.

(4) This section expires June 30, 2028.

Section 31. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

Section 32. 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 emergencies; amending s. 83.63, F.S.; requiring certain tenants to be given specified opportunities or notice; amending s. 101.733, F.S.; removing provisions relating to an elections emergency contingency plan; creating s. 101.7325, F.S.; authorizing certain supervisors of elections to submit a plan to request to take specified actions under certain circumstances; requiring such supervisors to use specified methods to inform affected voters of election changes; requiring the Secretary of State to approve or deny such requests within a specified period; creating s. 101.735, F.S.; requiring the Division of Elections to develop a statewide election emergency contingency plan for a specified purpose; requiring such plan to include certain procedures; requiring supervisors of elections to develop a local

election emergency contingency plan in consultation with certain officials; requiring the plan to be submitted to the division for approval by a certain date; requiring the division to make a certain determination by a specified date; requiring the division to adopt rules; creating s. 101.736, F.S.; defining the term "tabletop exercise"; requiring the Secretary of State, in coordination with supervisors of elections, to develop an election emergency training program; requiring the Secretary of State to convene a workgroup for a certain purpose by a specified date of every odd-numbered year; providing requirements for the workgroup; requiring the results of the workgroup to be used in a specified manner; creating s. 163.31795, F.S.; defining the terms "cumulative substantial improvement period" and "local government"; requiring local governments that are participating in a specified insurance program to adopt certain cumulative substantial improvement periods; amending s. 163.31801, F.S.; prohibiting certain entities from assessing impact fees for specified replacement structures; providing an exception; amending s. 193.155, F.S.; providing that repair and maintenance of specified property is not a change, an addition, or an improvement under certain

circumstances; revising the square footage limitations for certain changes, additions, and improvements to damaged property; amending s. 215.559, F.S.; removing a reference to a certain report; revising public hurricane shelter funding prioritization requirements for the Division of Emergency Management; amending s. 250.375, F.S.; authorizing certain servicemembers to provide medical care in specified circumstances; amending s. 252.35, F.S.; revising requirements for the state comprehensive emergency management plan; requiring such plan to include an update on the status of certain emergency management capabilities; requiring the division to collaborate with the Department of Health; revising responsibilities of the division; requiring the division to develop a certain template; revising items required to be included in a specified inventory; removing a specified reporting requirement; amending s. 252.355, F.S.; authorizing the Department of Veterans' Affairs to provide certain information to specified clients or their caregivers; requiring the Florida Housing Finance Corporation to enter into a memoranda of understanding with the Department of Elder Affairs and with the Agency for Persons with Disabilities to provide certain information to specified persons; amending s. 252.359,

F.S.; revising the manner in which the division facilitates transportation of essentials before and after an emergency; requiring local law enforcement to cooperate with the division to ensure the availability of essentials; amending s. 252.3611, F.S.; directing specified entities to submit specified contracts and reports to the Legislature under specified conditions; requiring that such contracts be posted on a specified secure contract system; requiring the division to report annually to the Legislature specified information on expenditures relating to emergencies; providing requirements for such report; amending s. 252.365, F.S.; requiring agency heads to notify the Governor and the division of the person designated as the emergency coordination officer annually by a specified date; amending s. 252.37, F.S.; requiring the division to notify the Legislature of its intent to accept or apply for federal funds under certain circumstances; requiring the division to take steps to maximize the availability and expedite the distribution of financial assistance from the Federal Government to state and local agencies; requiring that such steps include the standardization and streamlining of the application process for federal financial assistance and the provision of assistance

to applicants for a specified purpose; requiring the division to use certain federal funds to implement such requirements; creating s. 252.3713, F.S.; requiring the division to administer the Hazard Mitigation Grant Program; authorizing the division to retain a specified percentage of the funds for use within this state; requiring that the remaining percentage be distributed for use by certain recipients; authorizing subrecipients to make a certain election for a specified use; requiring the consideration of certain projects; authorizing the division to coordinate with specified entities under certain circumstances; requiring the division to ensure that certain requirements are met and certain projects are funded; authorizing fiscally constrained counties to request that the division administer the grant for such a county; authorizing such counties to request certain assistance from the division; requiring the division to adopt rules; amending s. 252.373, F.S.; conforming a cross-reference; amending s. 252.38, F.S.; requiring political subdivisions to annually provide specified notification to the division before a specified date; creating s. 252.381, F.S.; requiring counties and municipalities to post certain information on their websites; requiring

counties and municipalities to develop a poststorm permitting plan; providing requirements for such plan; requiring counties and municipalities to publish on their websites a specified storm recovery guide and updates to such guide; prohibiting certain counties and municipalities from increasing building permit or inspection fees within a specified timeframe; requiring certain counties and municipalities to use their best efforts to open a permitting office for a minimum number of hours per week; requiring entities allow individuals to receive specified letters electronically by a certain time; requiring specified individuals to complete certain training every 2 years beginning on a specified date; amending s. 252.385, F.S.; revising reporting requirements for the division; revising requirements for a specified list; requiring the Department of Health and the Agency for Persons with Disabilities to assist the division with certain determinations; creating s. 252.421, F.S.; requiring the division to coordinate with certain counties for a specified purpose; creating s. 252.422, F.S.; defining the term "impacted local government"; prohibiting impacted local governments from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe; authorizing the

enforcement of certain amendments, plans, permits, and orders under certain circumstances; authorizing any person to file suit to enforce specified provisions; authorizing counties and municipalities to request a specified determination by a court; prohibiting counties and municipalities from taking certain actions until the court has issued a preliminary or final judgment; requiring plaintiffs to provide certain notification before filing suit; requiring impacted local governments to take certain actions upon receipt of such notification or a suit may be filed; providing for reasonable attorney fees and costs; authorizing the use of a certain summary procedure; requiring the court to advance the cause on the calendar; creating s. 252.505, F.S.; requiring certain contracts to include a specified provision; defining the term "emergency recovery period"; amending s. 400.063, F.S.; conforming a cross-reference; amending s. 403.7071, F.S.; providing that local governments are authorized and encouraged to add certain addendums to certain contracts and agreements; requiring counties and municipalities to apply to the Department of Environmental Protection for authorization to designate at least one debris management site; authorizing municipalities to apply

jointly with a county or adjacent municipality for authorization of a debris management site if such entities approve a memorandum of understanding; providing requirements for such memorandum; creating s. 489.1132, F.S.; providing definitions; requiring a hurricane preparedness plan to be available for inspection at certain worksites; requiring certain equipment to be secured in a specified manner no later than 24 hours before the impacts of a hurricane are anticipated to begin; providing penalties; requiring the division to consult with specified entities to develop certain recommendations and provide a report to the Legislature by a specified date; prohibiting certain counties from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe; declaring that such moratoriums, amendments, or procedures are null and void; providing for retroactive application; authorizing the enforcement of certain amendments, plans, permits, and orders under certain circumstances; authorizing certain residents and business owners to bring a civil action for declaratory and injunctive relief against a county or municipality that violates specified provisions; providing for reasonable attorney fees and costs under specified circumstances; providing for

future expiration; amending s. 553.902, F.S.; amending a definition; providing a directive to the Division of Law Revision; providing an effective date.