

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 21 — Transportation Facility Designations

by Infrastructure Strategies Committee; Transportation and Modals Subcommittee; and Rep. Sirois and others (CS/CS/CS/SB 96 by Fiscal Policy Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; Transportation Committee; and Senator DiCeglie)

The bill creates a number of honorary designations of transportation facilities around the state and directs the Florida Department of Transportation to erect suitable markers for each of the following designations:

- I-275 between mile markers 30 and 31 in Pinellas County as “Deputy Sheriff Michael Hartwick Memorial Highway.”
- S.R. 87 between E. Bay Boulevard and Bob Tolbert Road in Santa Rosa County as “Sgt. Maj. Thomas Richard ‘Ric’ Landreth Memorial Highway.”
- Alternate U.S. 19/Bayshore Boulevard between Orange Street and Michigan Boulevard in Pinellas County as “SPC Zachary L. Shannon Memorial Highway.”
- S.R. 105/Heckscher Drive between New Berlin Road East and Orahoad Lane in Duval County as “Officer Scott Eric Bell Highway.”
- S.R. 9A/East Beltway 295 between Gate Parkway and Baymeadows Road in Duval County as “Officer Christopher Michael Kane Highway.”
- The bridge on Howell Drive over the Ribault River in Duval County as “Coach Gwendolyn Maxwell Bridge to Ribault.”
- Upon completion of construction, the new NASA Causeway Bridge on S.R. 405 over the Indian River in Brevard County as “Dr. Sally Ride Memorial Bridge.”
- I-95 between mile markers 380 and 381 in Nassau County as “Corporal James McWhorter Memorial Highway.”
- Cortez Boulevard between U.S. 41 and S.R. 50/50A in Hernando County as “Rush Limbaugh Way.”
- I-10 between mile markers 222 and 228 in Jefferson County as “Senior Inspector Rita Jane Hall Memorial Highway.”
- U.S. 19 between C.R. 361/Beach Road and C.R. 30/Foley Road in Taylor County as “Michael Scott Williams Parkway.”
- S.R. 435 between Conroy Road and Vineland Road in Orange County as “Officer Kevin Valencia Memorial Highway.”
- S.R. 46 between East Lake Mary Boulevard in Seminole County and the Brevard County line as “Deputy Sheriff Eugene ‘Stetson’ Gregory Memorial Highway.”
- S.R. 70/Okeechobee Road between Ideal Holding Road and C.R. 613/Carlton Road in St. Lucie County as “Kyle Lee Patterson Memorial Way.”
- S.R. 518/Eau Gallie Boulevard between Wickham Road and John Rodes Boulevard in Brevard County as “Deputy Sheriff Barbara Ann Pill Memorial Highway.”
- S.W. 22nd Avenue between Kirk Street and Tigertail Avenue in Miami-Dade County as “Mama Elsa Street.”

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- The intersection at S.R. 121 North and C.R. 23D in Baker County as “Deputy Sheriff Morris Fish Memorial Intersection.”
- The bridge on S.R. 3 over the Canaveral Barge Canal in Brevard County as “Christa McAuliffe Bridge.”
- S.R. 823/South Flamingo Road between Southwest 52nd Street and Southwest 55th Street in Broward County as “Archbishop Edward A. McCarthy High School Way.”
- U.S. 98 between Tarpine Drive in Wakulla County and Alligator Drive in Franklin County as “SSgt. Carl Philippe Enis Memorial Highway.”
- S.R. 289/North Ninth Avenue between S.R. 196/Bayfront Parkway and U.S. 90/East Cervantes Street in Escambia County as “Lewis Bear, Jr., Memorial Highway.”
- Glades Road between Dixie Highway and Federal Highway in the Pearl City Neighborhood of Boca Raton in Palm Beach County as “Lois D. Martin Way.”

The bill also revises a 1991 designation for “Armand Keith Lovell Memorial Highway” in Marion County to read “Armand and Perry Lovell Memorial Highway.”

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

Vote: Senate 36-2; House 87-25

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/SB 106 — Florida Shared-Use Nonmotorized Trail Network

by Appropriations Committee and Senators Brodeur and Stewart

The bill (Chapter 2023-20, L.O.F.) expands the existing Shared-Use Nonmotorized (SUN) Trail Network and enhances coordination of the state’s trail system with the Florida Wildlife Corridor. Specifically, the bill:

- Prioritizes the development of “regionally significant trails” which are defined as trails crossing multiple counties; serving economic and ecotourism development; showcasing the state’s wildlife areas, ecology, and natural resources; and serving as main corridors for trail connectedness across the state.
- Enhances the planning, coordination, and marketing of the state’s bicycle and pedestrian trail system and the Wildlife Corridor.
- Stipulates that trails developed within the Wildlife Corridor maximize the use of previously disturbed lands, such as abandoned roads and railroads, canal corridors, and drainage berms, and be compatible with applicable land use provisions.
- Requires the Florida Department of Transportation (FDOT) to erect uniform signage identifying trails that are part of the SUN Trail Network and to submit a periodic report on the status of the SUN Trail Network.
- Authorizes the FDOT and local governments to enter into sponsorship agreements for trails and to use associated revenues for maintenance, signage, and related amenities.
- Recognizes “trail town” communities and directs specified entities to promote the use of trails as economic assets, including the promotion of trail-based tourism.
- Adds to the Florida Department of Environmental Protection’s Florida Greenways and Trails Council a member from the Board of the Florida Wildlife Corridor Foundation.
- Adds a member representing nature-based tourism to the Florida Tourism Industry Marketing Corporation (VISIT Florida) board of directors.

The bill increases recurring funding for the SUN Trail Network from \$25 million to \$50 million and provides a non-recurring appropriation of \$200 million to plan, design, and construct the SUN Trail Network. The bill does not disrupt the currently planned projects in the FDOT 5-Year Work Program for the SUN Trail Network, but specifically directs the new funds to be used to add new projects to the Work Program or to move up work on projects currently planned.

These provisions were approved by the Governor and take effect July 1, 2023.

Vote: Senate 40-0; House 113-0

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/HB 155 — Tampa Bay Area Regional Transit Authority

by Transportation and Modals Subcommittee and Rep. Holcomb and others (CS/SB 198 by Transportation Committee and Senator DiCeglie)

The bill repeals ch. 343, part III, F.S., relating to the creation and operation of the Tampa Bay Area Regional Transit Authority (TBARTA). The TBARTA is dissolved effective July 1, 2024.

The bill directs the TBARTA to:

- Provide for the discharge of its liabilities. Any liabilities in excess of its assets must be assumed by each county represented on the TBARTA board in proportion to each county's contribution to the TBARTA in the 2021-2022 fiscal year;
- Settle and close its affairs, and transfer any pending activities, including but not limited to, the administration of its vanpool program;
- Close and appropriately dispense any applicable federal or state grants or funds;
- Provide for distribution of its remaining assets, if any, such that each county represented on its board receives an amount in proportion to each entity's contribution to the TBARTA in the 2021-2022 fiscal year;
- Provide written notice of final dissolution to the Department of Economic Opportunity and each entity represented on the TBARTA board; and
- Forward its records to the Department of State upon final dissolution.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 40-0; House 108-0

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/CS/HB 425 — Transportation

by Infrastructure Strategies Committee; Infrastructure and Tourism Appropriations Subcommittee; Transportation and Modals Subcommittee; and Reps. Esposito, Andrade, and others (CS/CS/CS/SB 64 by Fiscal Policy Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; Transportation Committee; and Senator Hooper)

The bill contains the following transportation-related provisions:

- Effective January 1, 2024, adds three additional situations to Florida’s Move Over Law, requiring motorists to move over for a disabled motor vehicle that is stopped and displaying warning lights or hazard lights; is stopped and is using emergency flares or posting emergency signage; or is stopped and one or more persons are visibly present.
- Requires the Florida Department of Transportation (FDOT) to coordinate with specified entities to establish standards by which the State Highway System (SHS) roads will be graded according to their compatibility with the operation of autonomous vehicles and requires incorporation of the grading standards into standards for specified transportation projects.
- Revises provisions regarding airport land use compatibility zoning regulations and noise studies at airports, including providing for consideration of mitigation, rather than prohibition, of certain potential incompatible uses when a noise study is not conducted.
- Revises the FDOT’s duty to provide a workforce development program and requires the FDOT to allocate \$5 million from the State Transportation Trust Fund to the workforce development program beginning in the 2023-24 fiscal year and annually thereafter for five years.
- Codifies the existing Implementing Solutions from Transportation Research and Evaluation of Emerging Technologies Living Lab within the University of Florida, provides its minimal duties, requires a specified annual report, and creates an advisory board.
- Prohibits a producer from representing that an aggregate is certified for use unless such shipment is in compliance with the FDOT’s rules, and requires a local government to accept electronic proof of delivery as an official record for a material delivery on the local governmental entity’s transportation project.
- Requires each contract let by the FDOT for performance of bridge construction or maintenance over navigable waters to contain a provision requiring marine general liability insurance, as specified.
- Requires the FDOT to implement strategies to reduce the cost of all project phases while ensuring the design and construction of the project meet applicable federal and state standards, and to track such strategies and the projected savings to be realized therefrom.
- Authorizes the FDOT to share a portion of the construction cost savings realized due to a change in the construction contract design and scope, initiated after execution of the contract, with a design services consultant or a construction engineering and inspection services consultant to the extent that the consultant’s input and involvement contributed to such savings, not to exceed ten percent of the construction cost savings realized.

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- Clarifies that stipends paid by the FDOT to non-selected design-build firms that have submitted responsive proposals for construction contracts contained in the FDOT's legislatively approved work program are not subject to existing documentation and notification requirements for stipend payments made by the FDOT to resolve a bid protest through a settlement.
- Revises authorization for an applying contractor who desires to bid exclusively on construction contracts with proposed budget estimates of \$2 million (rather than \$1 million) to submit reviewed (rather than audited, certified) annual or reviewed interim financial statements prepared by a certified public accountant.
- Authorizes an applicant for an FDOT contractor certificate of qualification to submit with a timely submitted application a request to keep an existing certificate, with the current maximum capacity rating, in place until the expiration date.
- Repeals temporary confidential and exempt status from public records requirements for a document that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by the FDOT.
- Increases the allowable height of modular news racks, including advertising thereon, from 56 inches to 105 inches, but retains the limitation on total advertising space of 56 square feet.
- Repeals a provision prohibiting the FDOT from requesting legislative approval of a proposed turnpike project until the design phase of that project is at least thirty percent complete.
- Requires increased coordination and consultation between Metropolitan Planning Organizations (MPOs); prohibits an MPO from performing project production or delivery for capital improvement projects on the SHS; revises various provisions to apply to contiguous urbanized metropolitan areas; requires certain MPOs to consider proportional representation of the area's population when selecting technical advisory committee membership; abolishes the Chairs Coordinating Committee and requires the MPOs serving specified counties to submit a feasibility report by December 31, 2023, exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area, with specified goals; and revises provisions relating to the MPO Advisory Council.
- Requires up to \$20 million from the State Transportation Trust Fund for seaport and rail line and rail facility projects that meet the public purpose of providing increased capacity and capability to move and store construction aggregate; provides project selection criteria; authorizes the FDOT to adopt rules; and repeals these provisions on July 1, 2028.
- Revises multiple provisions relating to railroad special officers.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except as otherwise provided.

Vote: Senate 40-0; House 113-0

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 637 — Motor Vehicle Dealers, Manufacturers, Importers, and Distributors

by Commerce Committee; Civil Justice Subcommittee; and Rep. Shoaf and others
(CS/CS/CS/SB 712 by Rules Committee; Commerce and Tourism Committee; Transportation Committee; and Senators Avila and Garcia)

The bill revises various provisions related to the licensure of, and contractual agreements between, dealers and licensees, including:

- Expands the prohibitions on direct-to-consumer motor vehicle sales, and dealer ownership, by licensees that have established dealers.
- Prohibits new franchise agreements with licensees that do not include all “line-makes.”
- Expands the actions which a licensee is prohibited from taking to include:
 - o Reserving or incentivizing the sale or lease of a motor vehicle.
 - o Requiring or incentivizing dealers to sell or lease vehicles at a specified price or profit margin, or restricting the price that a dealer may sell or lease a motor vehicle.
 - o Engaging in certain motor vehicle dealer activities.
 - o Refusing to provide a dealer with an “equitable supply” of new vehicles by model, mix, or color as it offers or allocates to dealers.
 - o Using the number of motor vehicles pre-ordered or reserved by consumers when determining allocations to dealers.
 - o Controlling by contract, agreement, or otherwise a dealership for any “line-make” which is or has been offered for sale in Florida by a franchise agreement with an “independent person.”
- Authorizes licensees to sell certain motor vehicle features or improvements through remote electronic transmission, and requires the licensee to pay the dealer at least eight percent of the gross payment received from the sale of a motor vehicle feature or improvement through remote electronic transmission if it is made within two years after the sale or lease of the new vehicle and the ownership of the vehicle has not changed.
- Provides that neither a distributor nor an affiliate thereof may be licensed as a motor vehicle dealer or own or operate a dealership that sells or services motor vehicles of the line-make of motor vehicles distributed by the distributor.
- Creates a timeline and process for DHSMV to conduct an inquiry of a licensee relating to a written complaint alleging a violation of the Act, when such complaint is made by a franchised motor vehicle dealer or a motor vehicle dealer association with at least one member with a current franchise agreement issued by the manufacturer.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

Vote: Senate 40-0; House 113-2

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 645 — Unmanned Aircraft Systems Act

by Infrastructure Strategies Committee; Transportation and Modals Subcommittee; and Rep. Brackett and others (CS/CS/SB 908 by Military and Veterans Affairs, Space, and Domestic Security Committee; Transportation Committee; and Senator Rodriguez)

The bill amends Florida’s Unmanned Aircraft Systems Act to add the following items to the state’s definition of “critical infrastructure facility”:

- A water intake structure, water treatment facility, wastewater treatment plant, or pump stations;
- A refinery;
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;
- A seaport listed in s. 311.09(1), F.S., which need not be completely enclosed by a fence or other physical barrier, or be marked with a sign or signs indicating that entry is forbidden;
- An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport;
- An airport as defined in s. 330.27, F.S.;
- A spaceport territory as defined in s. 331.303(18), F.S.;
- A military installation as defined in 10 U.S.C. s. 2801(c)(4);
- An armory as defined in s. 250.01, F.S.; and
- A dam as defined in s. 373.403(1), F.S., or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waters.

The bill also modifies existing items under the definition, to include any liquid natural gas or propane gas terminal or storage facility, regardless of size, and any power generation or transmission facility, station, or electrical control center. Except for the specified deepwater ports, the revised and added structures and facilities must be completely enclosed by a fence or other physical barrier or be clearly marked with a sign or signs that indicate that entry is forbidden, which must be posted on the property in a manner reasonably likely to come to the attention of intruders.

Any person who knowingly and willfully operates a drone over the specified additional facilities and structures is subject to a definite term of imprisonment not exceeding 60 days, plus a possible additional \$500 fine, except for those actions committed by the identified entities, agencies, or persons to which these provisions do not apply.

In addition, the bill removes the current provision mirroring federal law, requiring a person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates to apply to the Federal Aviation Administration (FAA) for the designation pursuant to s. 2209 of the FAA Extension, Safety, and Security Act of 2016.

The bill also strikes the provision making the definition of “critical infrastructure facility” inapplicable to a drone operating in transit for commercial purposes in compliance with FAA regulations, authorizations, or exemptions. Operation of these drones would be restricted as provided in state law unless the state law conflicts with a federal definition of what constitutes a “fixed-site facility” or with any other federal law, regulation, or authorization.

The bill provides that effective on the same date that CS/CS/SB 264 takes effect (that date being July 1, 2023) the definition of “critical infrastructure facility,” if the facility employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons, will also include:

- A chemical manufacturing facility;
- An electrical power plant as defined in s. 403.031(20), F.S.;
- A liquid natural gas terminal;
- A telecommunications central switching office;
- A seaport list in s. 311.09, F.S.; and
- An airport as defined in s. 333.01, F.S.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023, except as otherwise provided.

Vote: Senate 36-0; House 114-0

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 657 — Enforcement of School Zone Speed Limits

by Infrastructure Strategies Committee; Transportation and Modals Subcommittee; and Rep. Koster and others (CS/CS/CS/SB 588 by Fiscal Policy Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; Transportation Committee; and Senator Rodriguez)

The bill authorizes a county or municipality to place or install, or contract with a vendor to place or install, an automated speed detection system on a street or highway under its jurisdiction or a state road if permitted by the Florida Department of Transportation (FDOT). The system may only be used to enforce speed limits in school zones within 30 minutes before a regularly scheduled breakfast program or school session, during the entirety of a regularly scheduled school session, and within 30 minutes after the end of a regularly scheduled school session. The bill:

- Defines the term “speed detection system” and requires a county or municipality to enact an ordinance authorizing the placement or installation of speed detection systems and to make a determination that the location of such system warrants additional enforcement.
- Requires signage warning motorists that speed detection systems are in use.
- Requires a 30-day public awareness campaign prior to commencing enforcement of school zone speed limits with speed detection systems.
- Requires the governing body of a county or municipality operating such system to hold public meetings regarding system provider contracts and data reported to the Department of Highway Safety and Motor Vehicles (DHSMV).
- Creates a School Crossing Guard Recruitment and Retention Program, funded through retention of \$5 from each citation enforced through school zone speed detection systems.
- Requires speed detection systems to be installed according to FDOT specifications.
- Provides requirements for issuing a notice of violation or a uniform traffic citation.
- Establishes a \$100 penalty for each violation and provides for the distribution of the proceeds to state and local government, including \$60 from each citation for the local government to administer the speed detection system and other public safety initiatives and \$12 from each citation for county school districts, to be shared proportionately with charter schools, for school security initiatives, student transportation, or improve student walking conditions.
- Provides defenses for persons who receive a notice of violation or uniform traffic citation and procedures for hearings regarding violations.
- Provides requirements for the retention and destruction of data obtained from speed detection systems.
- Requires annual reporting by counties and municipalities that implement speed detection system programs in school zones and requires an annual summary report by DHSMV.
- Exempts speed detection systems from DHSMV’s requirements for radar or lidar units, while requiring a speed detection system to perform self-tests as to its detection accuracy.

- Prohibits points being imposed for a violation if unlawful speed in a school zone enforced by a speed detection system and prohibits such violations from being used for purposes of setting motor vehicle insurance rates.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 35-3; House 95-6

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/SB 766 — Enforcement of School Bus Passing Infractions

by Fiscal Policy Committee; Transportation Committee; and Senators Burgess and Berman

The bill authorizes a school district to install and maintain school bus infraction detection systems. The school district may contract with a private vendor or manufacturer to provide a school bus infraction detection system on each school bus in its fleet. The system uses electronic traffic enforcement technology to record traffic violations when drivers fail to stop for a school bus displaying a stop signal.

In order to use a school bus infraction detection system, the bill requires:

- The school district to enter into an interlocal agreement with a law enforcement agency authorized to enforce school bus stop signal violations within the school district.
- The systems meet specifications established by the State Board of Education.
- School districts make a public announcement and conduct a 30-day public awareness campaign before commencing initial enforcement using such systems.
- School buses with such operational systems have high-visibility reflective signage on the rear of the school bus indicating system use.

The bill requires the school district, or a private vendor or manufacturer contracting with a school district, to submit specific information regarding alleged violations to the law enforcement agency authorized to enforce school bus stop signal violations in the school district. The information must be submitted within 30 days after the alleged violation is captured and include a copy of the recorded image showing the motor vehicle; the license plate number and state of issuance; and the date, time, and place of the alleged violation.

If the law enforcement agency determines a violation occurred, the agency must send a notice of violation, within 30 days, by first-class mail to the vehicle's registered owner. The notice must include information detailing how to pay the civil penalty, review the evidence, request a hearing to contest the violation, or submit an affidavit providing a defense to the violation. If the owner does not contest, pay the civil penalty, or submit an affidavit within 30 days after receiving the notice of violation, he or she will be issued a uniform traffic citation.

Under the bill, a violation enforced by a school bus infraction detection system is subject to a \$225 civil penalty. The \$200 civil penalty collected must be provided to the school district in which the violation occurred, and must be used to install or maintain school bus infraction detection systems, for the administration and costs associated with enforcement of the violations, or for any other technology that increases the safety of the transportation of students. The additional \$25 collected is distributed to the Department of Health's Emergency Medical Services Trust Fund for payment to trauma centers.

The bill prohibits individuals from receiving any commission based on revenue collected, or a vendor or manufacturer receiving any fee based on the number of violations detected through use of the system.

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Each school district in consultation with the law enforcement agency with which it has interlocal agreements using the system must report quarterly information to the Department of Highway Safety and Motor Vehicles (DHSMV) beginning October 1, 2023. DHSMV must submit an annual summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives beginning December 31, 2024, providing specified information.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 35-5; House 108-6

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/SB 838 — Proceeds Funding Motorcycle Safety Education

by Appropriations Committee; Transportation Committee; and Senator Collins

The bill reallocates the \$2.50 annual fee provided to the Department of Highway Safety and Motor Vehicles (DHSMV) for motorcycle safety education to three Florida not-for-profit corporations that meet specified criteria.

The DHSMV must select qualified program administrators and enter into five-year contracts by October 1, 2023, for motorcycle safety and education programs. The bill authorizes such programs to include pamphlets, advertisements, public service announcements, digital media, social media, a website, participation at grassroots motorcycle events, advocacy, and reasonable administrative expenses. Additionally, the contracts must require that each program administrator show clear collaboration during and prior to implementation of motorcycle safety and education programs.

The program administrator must file an annual report with the Senate President and Speaker of the House of Representatives outlining the types of events the program administrator attended, the methods selected to distribute safety awareness and education materials, and an estimate of the number of individuals who were exposed to the program administrator's educational efforts.

Based on the current number of registered motorcycles, the bill may reallocate approximately \$1,626,675 annually from the DHSMV to the selected not-for-profit corporations.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 114-0

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 949 — Operation of a Golf Cart

by Local Administration Committee, Federal Affairs and Special Districts Subcommittee; Transportation and Modals Subcommittee; and Rep. Stevenson and others (CS/SB 1290 by Transportation Committee and Senators Grall and Perry)

The bill (Chapter 2023-67, L.O.F.) requires that a person operating a golf cart on a public road or street, as authorized by the responsible local government entity, must:

- If 18 years of age or older, possess a form of government-issued photographic identification; or
- If under 18 years of age, possess a valid learner's driver license or valid driver license.

The bill also authorizes water control districts to designate roads owned and maintained by the district for the operation of golf carts, provided the district receives approval from the county where the designated road is located.

These provisions were approved by the Governor and take effect October 1, 2023.

Vote: Senate 39-0; House 102-0

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

**CS/HB 965 — Driver License, Identification Card, and Motor Vehicle
Registration Applications**

by Infrastructure Strategies Committee and Reps. Gottlieb, Arrington, and others (CS/SB 996 by Transportation Committee and Senator Berman)

The bill makes the following changes relating to motor vehicles:

- Requires an option to make a voluntary contribution of \$1 to Best Buddies International be included on the application and renewal forms of a motor vehicle registration, driver license, and identification card.
- Exempts motor vehicle dealers from air pollution control equipment certification requirements if the motor vehicle purchaser is the current lessee of the motor vehicle and the motor vehicle is not in the possession of the dealer at the time of sale.
- Authorizes law enforcement agencies to release crash reports to other law enforcement agencies and their contracted service providers.
- Codifies in statute the number of vehicles that constitute a fleet for registration purposes, as a minimum of 100 motor vehicles or a minimum of 25 trailers or semitrailers.
- Defines the terms “control” and “motor vehicle dealer’s leasing or rental affiliate” for purposes of provisions relating to immunity from vicarious liability of a motor vehicle dealer, or of a motor vehicle dealer’s leasing or rental affiliate, who provides a temporary replacement vehicle to a service customer.
- Removes requirements that certain insurance coverage be noncancelable following reinstatement of a driver license.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect October 1, 2023.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 1123 — Commercial Service Airport Transparency and Accountability

by State Affairs Committee; Transportation and Modals Subcommittee; and Reps. Gossett-Seidman, Casello, and others (CS/SB 1646 by Transportation Committee and Senator Davis)

The bill revises legislation enacted in 2020 relating to commercial service airport transparency and accountability. The bill:

- Defines the term “consent agenda”;
- Revises the website location on which a commercial service airport must provide a link to its airport master plan;
- Amends the requirement for posting a contract to the airport’s website to provide that any contract or contract amendment in excess of \$325,000, increased from \$65,000, must be posted on the airport’s website, and to expressly limit the requirement to contracts for the purchase of commodities or contractual services;
- Requires that commercial service airports use competitive solicitation processes for purchases of commodities and contractual services that exceed the threshold amount of \$325,000, increased from \$65,000;
- Specifies that governing bodies of certain categories of commercial service airports must approve, award, or ratify any contract for commodities or contractual services, depending on the airport size and contract amount, as a separate line item on the governing body’s agenda with a reasonable opportunity for public comment; and prohibits approval, award, or ratification of such contracts as part of a consent agenda; and
- Makes technical and clarifying revisions.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

Vote: Senate 40-0; House 112-0

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 1191 — Use of Phosphogypsum

by Infrastructure Strategies Committee; Transportation and Modals Subcommittee; and Rep. McClure and others (CS/CS/SB 1258 by Fiscal Policy Committee; Transportation Committee; and Senators Trumbull, Burgess, Gruters, and Ingoglia)

The bill authorizes the Florida Department of Transportation (FDOT) to undertake demonstration projects using phosphogypsum from phosphate production in road construction aggregate material. The bill requires the FDOT to conduct a study to evaluate the suitability of using phosphogypsum as a construction aggregate material. The FDOT may consider any prior or ongoing studies of phosphogypsum's road suitability. The study and a determination of suitability must be completed by April 1, 2024.

Upon the FDOT's determination of suitability, the bill authorizes the use of phosphogypsum from phosphate production as a construction aggregate material in accordance with the conditions of the United States Environmental Protection Agency's (EPA's) approval for such use. Finally, the bill provides that phosphogypsum placed in a phosphogypsum stack system permitted by the EPA or used in accordance with an allowed use expressly specified in EPA regulations or pursuant to an express EPA approval for the specific use is not solid waste and is an allowable use in this state.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 34-4; House 81-25

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/CS/HB 1305 — Department of Transportation

by Infrastructure Strategies Committee; Infrastructure and Tourism Appropriations Subcommittee; Transportation and Modals Subcommittee; and Rep. Abbott (CS/CS/CS/SB 1250 by Fiscal Policy Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; Transportation Committee; and Senator DiCeglie)

The bill (Chapter 2023-70, L.O.F.) contains multiple provisions relating to the Florida Department of Transportation (FDOT), as well as other transportation-related issues. The bill:

- Increases the maximum amount of debt service coverage that may be transferred from the State Transportation Trust Fund to the Right-of-Way Acquisition and Bridge Construction Trust Fund, from \$350 million annually to \$425 annually, and increases the maximum term of state bonds using federal appropriations for federal aid highway construction, from 12 years to 18 years.
- Authorizes the Florida Development Finance Corporation to issue revenue bonds to finance the costs of acquisition or construction of a transportation facility by a private entity or a consortium of private entities under a specified public-private partnership.
- Authorizes the FDOT to fund up to 100 percent of project costs for eligible intermodal logistics center projects in rural areas of opportunity and, subject to the availability of appropriated funds, to fund up to 100 percent of eligible project costs for specified projects at certain publicly owned, publicly operated airports located in a rural community.
- Authorizes installation, as specified, of automated license plate recognition systems within the rights-of-way of the State Highway System at the discretion of the FDOT when installed at the request of a law enforcement agency for the purpose of collecting active criminal intelligence or investigative information.
- Prohibits the FDOT from requiring a site-approval applicant to provide a written agreement with other airport sites regarding traffic pattern separation procedures, except under specified conditions; requires the FDOT to publish a certain notice of receipt of a private temporary airport registration application; specifies the period during which such application may be approved or denied; requires the FDOT to issue registration concurrent with site approval; and provides for approval of an application by default.
- Authorizes the FDOT to purchase promotional items for the promotion of electric vehicle use and charging stations, autonomous vehicles, and context design for electric and autonomous vehicles.
- Authorizes the FDOT to expend funds, within its discretion, for training, testing, and licensing for full-time employees of the FDOT who are required to have a valid Class A or Class B commercial driver license as a condition of employment with the FDOT.
- Increases from \$120 million to \$200 million the FDOT's annual cap on the award of contracts using innovative techniques of highway and bridge design, construction, maintenance, and finance; and excludes low-bid design-build milling and resurfacing contracts from the annual cap.
- Increases from \$250,000 to \$500,000 the cap on entering into contracts for construction and maintenance without advertising and receiving competitive bids for reasons of public

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concern, economy, improved operations, or safety, and only when circumstances dictate rapid completion of the work.

- Revises requirements for design-build contracts, allowing the FDOT to combine the design and construction phases of any transportation project; authorizes the FDOT to enter into phased design-build contracts under specified conditions and following specified processes; provides requirements for such contracts; and includes phased design-build contracts in current provisions of law relating to advertising and awarding design-build contracts.
- Abolishes the Chairs Coordinating Committee and requires the metropolitan planning organizations (MPOs) serving specified counties to submit a feasibility report by December 31, 2023, exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area, with specified goals.
- Requires that public transit development plans of eligible providers of public transit block grants be consistent, to the maximum extent feasible, with the long-range transportation plans of the MPO in which the provider is located; and revises annual public transit provider reporting requirements.
- Requires the FDOT to adopt by rule minimum safety standards for certain fixed-guideway transportation systems operating in this state and to conduct structural safety inspections of such systems as specified.
- Effective upon becoming a law, reestablishes the Greater Miami Expressway Agency, subject to the revised powers, governance, jurisdiction, and duties contained in the bill.
- Effective upon becoming a law, repeals ch. 348, Part IV, F.S., relating to creation and operation of the Santa Rosa Bay Bridge Authority (SRBBA); transfers governance and control of the SRBBA, the bridge system, and any remaining SRBBA assets and rights to the FDOT; authorizes the FDOT to assume legal liability for contractual obligations determined to be necessary; and authorizes transfer of the bridge system to the turnpike system.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except as otherwise provided.

Vote: Senate 26-14; House 83-32

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/HB 1397 — Regional Transportation Planning

by Transportation and Modals Subcommittee and Rep. McClure and others (CS/SB 1532 by Transportation Committee and Senators Burgess and Collins)

The bill provides legislative intent to explore transformative changes to the policy management structure of the Hillsborough Area Regional Transit Authority (HART) to achieve organizational efficiencies with the goal of streamlining decision making, improving transparency, and enhancing the effectiveness of local and regional public transit service delivery.

The bill directs the Florida Department of Transportation (FDOT), or its consultant, to conduct a study reviewing aspects of HART's organizational structure and operation, including, but not limited to, the following:

- The HART charter to evaluate the authority's governance structure, including governing board membership, funding, representation, terms, powers, duties, and responsibilities;
- Financial assets and obligations;
- Facilities and operations;
- Issues, advantages, disadvantages, and actions required regarding the dissolution of HART as an agency and options to continue transit services in Hillsborough County in the absence of HART, including service delivery, funding, and asset management;
- Issues, advantages, disadvantages, and actions required regarding collaboration, consolidation, or merger with other transportation service providers in the Tampa Bay region within or adjacent to Hillsborough County, including service delivery, funding, and asset management;
- Policies adopted by the HART governing board and the proposal of amendments thereto related to governance, roles, and responsibilities of governing board officers, the executive administrator or chief executive officer, and the general counsel; and
- Any other matters the FDOT deems necessary or appropriate.

The bill requires the FDOT to submit a report detailing the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2024.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 38-1; House 114-0