

**Tab 1**    **SB 462 by DiCeglie;** Compare to H 00567 Department of Transportation

728576	D	S	RS	TR, DiCeglie	Delete everything after	03/20 08:57 AM
816070	SD	S	RCS	TR, DiCeglie	Delete everything after	03/20 08:57 AM

**Tab 2**    **SB 666 by Jones;** Identical to H 00523 Specialty License Plates/Miami Northwestern Alumni Association

582656	A	S	RCS	TR, Jones	Delete L.25:	03/19 03:03 PM
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**Tab 3**    **SB 824 by Pizzo;** Similar to H 00605 Specialty License Plates/Supporting FHP Troopers

443118	A	S	RCS	TR, Pizzo	Delete L.40 - 88.	03/19 03:03 PM
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**Tab 4**    **SB 916 by Rodriguez;** Similar to CS/H 00867 Indemnification of Commuter Rail Transportation Providers

300296	A	S	RCS	TR, Rodriguez	Delete L.37:	03/19 05:05 PM
977382	A	S	RCS	TR, Rodriguez	Delete L.295 - 305:	03/19 05:05 PM

**Tab 5**    **SB 1024 by Burgess;** Identical to H 00049 Specialty License Plates/United States Naval Academy

124328	A	S	RCS	TR, Burgess	Delete L.22 - 33:	03/19 05:20 PM
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**Tab 6**    **SB 1290 by Collins;** Similar to H 01075 Department of Highway Safety and Motor Vehicles

854786	A	S	RCS	TR, Collins	Delete L.321 - 716:	03/19 05:20 PM
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**Tab 7**    **SB 1292 by Collins;** Similar to H 01077 Public Records/E-mail Addresses/DHSMV

**Tab 8**    **SB 1408 by Collins (CO-INTRODUCERS) Martin;** Similar to H 00697 Transportation Facility Designations

**Tab 9**    **SB 1502 by Collins;** Similar to H 01165 Special Mobile Equipment

423002	A	S	RCS	TR, Collins	Delete L.51 - 54:	03/19 05:01 PM
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**TRANSPORTATION**  
**Senator Collins, Chair**  
**Senator Avila, Vice Chair**

**MEETING DATE:** Wednesday, March 19, 2025  
**TIME:** 9:00—11:00 a.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Building

**MEMBERS:** Senator Collins, Chair; Senator Avila, Vice Chair; Senators Arrington, Davis, Jones, Martin, McClain, Truenow, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Discussion of Aggregate Supply Issues		Discussed
1	<b>SB 462</b> DiCeglie (Compare H 567, H 1397, S 1662)	Department of Transportation; Requiring the Department of Revenue to distribute certain amounts monthly to the State Transportation Trust Fund beginning on a certain date; authorizing the department to acquire property or property rights in advance to preserve a corridor for future proposed improvements; authorizing the department to waive contractor certification requirements for certain projects; limiting the period in which a suit by or against the department may be commenced for a claim related to a written warranty or defect for a contract entered into on or after a certain date; authorizing the department to reimburse a certain percentage of costs for relocation of certain utility facilities, etc.  TR 03/19/2025 Fav/CS RI FP	Fav/CS Yeas 6 Nays 3
2	<b>SB 666</b> Jones (Identical H 523)	Specialty License Plates/Miami Northwestern Alumni Association; Directing the Department of Highway Safety and Motor Vehicles to develop a Miami Northwestern Alumni Association license plate; specifying design elements for the plate, etc.  TR 03/19/2025 Fav/CS ATD FP	Fav/CS Yeas 9 Nays 0
3	<b>SB 824</b> Pizzo (Similar H 605)	Specialty License Plates/Supporting FHP Troopers; Directing the Department of Highway Safety and Motor Vehicles to develop a Supporting FHP Troopers license plate; exempting the plate from minimum presale voucher requirements and minimum valid registration requirements, respectively, etc.  TR 03/19/2025 Fav/CS ATD FP	Fav/CS Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Wednesday, March 19, 2025, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 916</b> Rodriguez (Similar CS/H 867)	Indemnification of Commuter Rail Transportation Providers; Creating the "Coastal Link Commuter Rail Service Act"; authorizing an agency to assume the obligation to protect, defend, indemnify, and hold harmless certain entities from and against certain liabilities, costs, and expenses in certain circumstances; providing that an employee of an operator is not a coastal link corridor invitee of such operator in certain circumstances; specifying the circumstances under which certain passengers are coastal link corridor invitees of certain operators; requiring that the allocation of liability between certain agencies be allocated as agreed and limited by certain provisions, etc.  TR 03/19/2025 Fav/CS JU FP	Fav/CS Yeas 9 Nays 0
5	<b>SB 1024</b> Burgess (Identical H 49)	Specialty License Plates/United States Naval Academy; Directing the Department of Highway Safety and Motor Vehicles to develop a United States Naval Academy license plate, etc.  TR 03/19/2025 Fav/CS ATD FP	Fav/CS Yeas 9 Nays 0
6	<b>SB 1290</b> Collins (Similar H 1075, Compare H 1077, Linked S 1292)	Department of Highway Safety and Motor Vehicles; Requiring licensure in lieu of registration of motor carriers operating certain qualified motor vehicles; requiring motor carriers to obtain fuel use decals in lieu of identifying devices; revising due dates for motor fuel use tax returns submitted by licensed motor carriers; requiring vehicle registration applicants to provide a Florida address; defining the term "economically disadvantaged area", etc.  TR 03/19/2025 Fav/CS FT AP	Fav/CS Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Wednesday, March 19, 2025, 9:00—11:00 a.m.

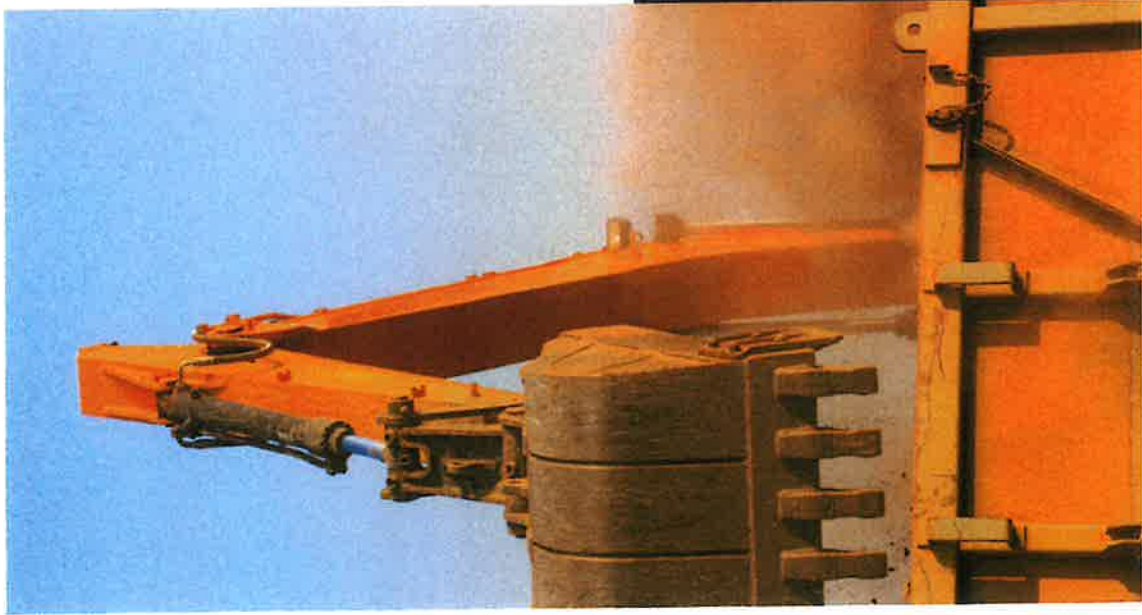
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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>SB 1292</b> Collins (Similar H 1077, Compare H 1075, Linked S 1290)	Public Records/E-mail Addresses/DHSMV; Expanding an exemption from public records requirements for e-mail addresses collected by the Department of Highway Safety and Motor Vehicles for providing renewal notices to include e-mail addresses collected for use as a method of notification generally and not only for the purpose of providing renewal notices; expanding the exemption to include e-mail addresses collected for use as a method of notification related to vessel registrations; providing retroactive applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.  TR 03/19/2025 Favorable FT AP	Favorable Yeas 9 Nays 0
8	<b>SB 1408</b> Collins (Similar H 697, Compare CS/H 987)	Transportation Facility Designations; Providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers, etc.  TR 03/19/2025 Favorable ATD FP	Favorable Yeas 9 Nays 0
9	<b>SB 1502</b> Collins (Similar H 1165)	Special Mobile Equipment; Revising the definition of the term "special mobile equipment"; authorizing the Department of Transportation to issue a mobile crane special blanket permit for certain purposes, etc.  TR 03/19/2025 Fav/CS CA RC	Fav/CS Yeas 9 Nays 0

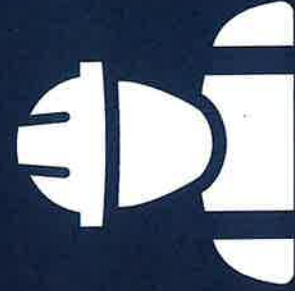
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Other Related Meeting Documents

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# AGGREGATE SUPPLY UPDATE



**HOWIE MOSELEY, P.E.**  
FDOT STATE MATERIALS ENGINEER

SENATE COMMITTEE ON TRANSPORTATION

MARCH 19, 2025



# STATE MATERIALS OFFICE



**QUALITY ASSURANCE**  
**POLICY & PROCEDURES**  
**RESEARCH & INNOVATION**





# WHAT IS AGGREGATE?

ESSENTIAL MATERIAL USED IN THE CONSTRUCTION AND MAINTENANCE OF FLORIDA'S TRANSPORTATION NETWORK.

## 2 MOST COMMON TYPES OF AGGREGATE:



### CRUSHED STONE

USED IN ASPHALT MIXTURES, CONCRETE MIXTURES, ROADWAY BASE, RIPRAP



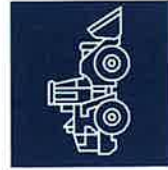
### SAND

USED IN CONCRETE MIXTURES, ASPHALT MIXTURES, AND OTHER CONSTRUCTION APPLICATIONS





# AGGREGATE USAGE



## 197 MILLION TONS OF AGGREGATE USED IN FLORIDA IN 2023

Approximately 136 million was crushed stone and 61 million was construction sand.

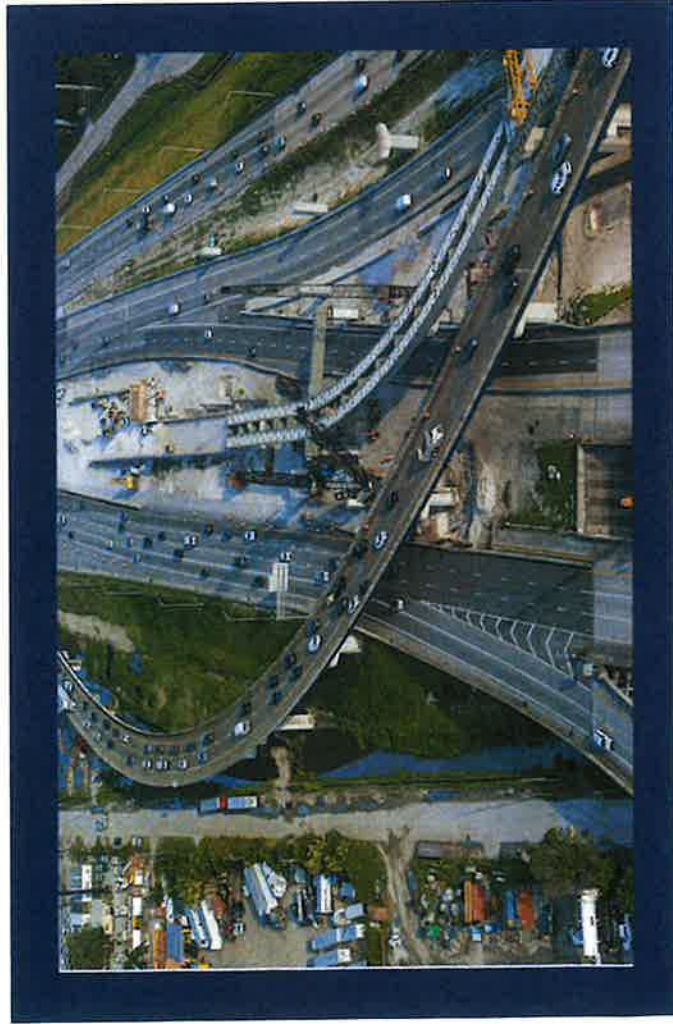


## FLORIDA MINED 128 MILLION TONS OF CONSTRUCTION AGGREGATE IN 2023

This construction aggregate was worth an average of \$16.35 a ton before shipping costs.



# WHERE DOES IT COME FROM?



SAND & CRUSHED STONE FOR BASE



MINES ACROSS FLORIDA

CRUSHED STONE FOR ASPHALT, CONCRETE, & RIPRAP



MIAMI-DADE COUNTY LAKE BELT MINES



ALABAMA



GEORGIA



CANADA



HONDURAS

# HOW DOES IT GET HERE?

- **Only 4 ways to move aggregate:**
  - Mine to Plant by **Rail**
  - Mine to Plant by **Truck**
  - Mine to Terminal by **Rail** – Terminal to Plant by **Truck**
  - Mine to Port Terminal by **Ship** – Port to Plant by **Truck**

Railroads servicing aggregate mines in Georgia & Alabama:

- CSX
- Norfolk Southern
- Intrastate transfer connections with FEC and short lines



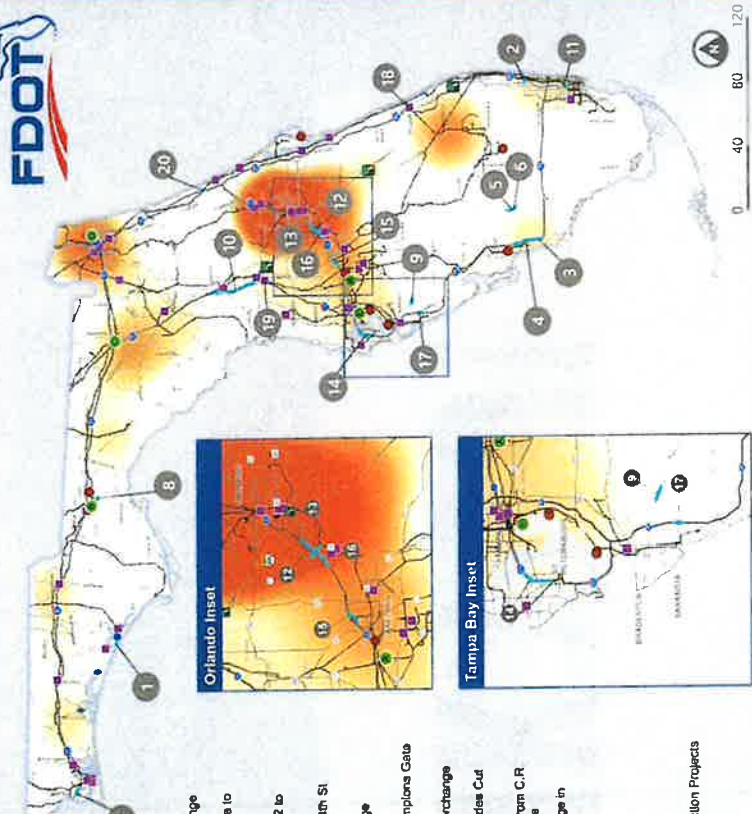
# SOLUTION ORIENTED

## AGGREGATE GRANT PROGRAM (FY 2024-25)

Moving Florida Forward Projects

- 1 U.S. 98 from R. Jackson Blvd to Highway Bridge
- 2 SW 10th St
- 3 I-75 at Pine Ridge Rd Interchange
- 4 I-75 from Golden Gate Pkwy. to Corkscrew Rd
- 5 S.R. 29 from C.R. 646 E to New Market Rd
- 6 S.R. 28 from New Market Rd to S.R. 82
- 7 I-10 from Eastbound weigh station to Nine Mile Rd.
- 8 S.R. 263 from S.R. 61 to C.R. 2203
- 9 S.R. 70 from Bourneville Blvd. to Waterbury Rd
- 10 I-75 Auxiliary Lanes from S.R. 44 to S.R. 325
- 11 Golden Glades Interchange
- 12 I-4 from Champions Gate to Osceola Pkwy
- 13 Pompano Parkway Exp. Connector from C.F. 552 to S.R. 428
- 14 I-275 from 38th Ave. to 4th St
- 15 I-4 at S.R. 33 Interchange
- 16 I-4 from U.S. 27 to Champions Gate
- 17 I-75 at Fruitville Rd. interchange
- 18 W Midway Rd. from Glades Cut Off Rd. to Jenkins Rd
- 19 U.S. 301 Realignment from C.R. 478 to Florida's Turnpike
- 20 I-65 at U.S. 1 Interchange in Volusia Co

- Awarded Applications**
- CSX (Plant City Terminal)
  - Capital Asphalt Terminal
  - Florida Gulf & Atlantic RR (Luka City Terminal)
  - JAXPORT (POLB Rail Expansion)
  - Port Tampa Bay Berth 219
  - Other Applications
- Terminals**
- Rail Terminal
  - Ship Terminal
  - Barge Terminal
  - Railroads
- Cost of Active Construction Projects**
- High
  - Low



2024 Aggregate Grant Awards: First of \$100M to be invested over the next 5 years under the current law.





**THANK YOU!**



**JACK ROGERS**  
LEGISLATIVE AFFAIRS DIRECTOR  
[JACK.ROGERS@DOT.STATE.FL.US](mailto:JACK.ROGERS@DOT.STATE.FL.US)  
(850) 414-4147



The Florida Senate

**APPEARANCE RECORD**

**Aggregate Supply Issues**

03/19/25

Meeting Date

Transportation

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Howard "Howie" Moseley**

Phone **850-414-4147**

Address **605 Suwanee St.**

Email **jack.rogers@dot.state.fl.us**

Street

**Tallahassee**

**Florida**

**32399**

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 462

INTRODUCER: Transportation Committee and Senator DiCeglie

SUBJECT: Transportation

DATE: March 20, 2025      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	<b>Fav/CS</b>
2.	_____	_____	RI	_____
3.	_____	_____	FP	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 462 addresses various provisions relating to transportation. The bill:

- Distributes \$4.167 million monthly in sales tax revenues to the State Transportation Trust Fund to account for the impact of electric and hybrid vehicles.
- Requires each county to annually submit specified transportation project data to FDOT.
- Increases maximum allowable speed limits on certain highways by five miles per hour.
- Authorizes public use airports to participate in the federal Airport Investment Partnership Program and make such airports eligible for certain state funds.
- Authorizes the Florida Department of Transportation (FDOT) to use eminent domain to preserve a corridor for future proposed improvements.
- Authorizes FDOT to provide workforce development grants to state colleges and school districts to fund elective courses in heavy civil construction.
- Requires certain studies regarding capacity improvements on limited access facilities to evaluate the use of elevated roadways.
- Requires certain project development and environmental studies to be completed within 18 months.
- Specifies that contractors who enter into construction and maintenance contracts with FDOT are providing a service to FDOT.
- Provides requirements for FDOT to obtain best and final officers from bidders, and for rebidding certain contracts.
- Revises provisions related to phased design-build contracts.

- Provides additional insurance requirements for bridge-related contracts over navigable waters.
- Prohibits FDOT, through the settlement of a bid protest, from creating a new contract unless the new contract is competitively procured.
- Authorizes FDOT to waive prequalification for certain contracts of \$1 million or less.
- Requires contractors seeking to bid on certain FDOT maintenance contracts to possess the qualifications and equipment needed to perform such work.
- Increases threshold amounts for contract disputes resolved by the State Arbitration Board.
- Requires lawsuits related to warranty and construction defect claims made after final acceptance, must be made within 360 days after notification of the claim.
- Requires certain underground utility facilities to be electronically detectable.
- Requires utility owners to pay authorities (FDOT and local jurisdictions) reasonable damages for failure to or refusal to timely remove or relocate a utility.
- Provides requirements for the use of as-built plans as it relates to utility work in the right-of-way.
- Authorizes FDOT, if certain conditions are met, to reimburse a utility owner for a portion of its relocation costs.
- Provides procedures for FDOT and the utility owner to follow related to notice requirements, the submission of relocation plans, and the need for additional work.
- Requires FDOT to establish mediation boards to resolve utility-related disputes and provides requirements for such boards.
- Revises provisions regarding metropolitan planning organizations, including requiring the exchange of best practices, and accountability and transparency requirements.
- Repeals the Metropolitan Planning Organization Advisory Council.
- Requires FDOT to develop and submit a report regarding the widening of Interstate 4.

The bill has a potential fiscal impact on state and local governmental entities. *See* section V, “Fiscal Impact Statement” for details.

The bill takes effect July 1, 2025.

## II. Present Situation:

For ease of organization and readability, the present situation is discussed below with the effect of proposed changes.

## III. Effect of Proposed Changes:

### Distribution of Sales Tax Revenues (Section 1)

#### *Present Situation*

Florida levies a six percent tax on the retail sale of most tangible personal property, admissions, transient lodgings and motor vehicles.<sup>1</sup> However, the sales tax rate for non-residential electric

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<sup>1</sup> 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 January 28, 2025).

services is 4.35 percent.<sup>2</sup> 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.<sup>3</sup>

### *Effect of Proposed Changes*

The bill provides that to account for the impact of electric and hybrid vehicles on the State Highway System and the use of taxes collected from motorists when charging such vehicles, beginning July 2025, and reassessed every 5 fiscal years, the Department of Revenue must distribute \$4.167 million monthly to the State Transportation Trust Fund (STTF). This distribution must take place on or before the 25<sup>th</sup> day of each month.

## **County Transportation Project Data (Section 2)**

### *Present Situation*

Annually, each county and municipality must provide FDOT 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. FDOT must compile this data and, upon request, furnish its compilation to any interested person.<sup>4</sup>

### *Effect of Proposed Changes*

The bill requires each county to annually provide FDOT with uniform project data. Such data must conform to the county's fiscal year and include details on transportation revenues by source of taxes or fees, expenditure of such revenues for projects that were funded, and any unexpended balance for the fiscal year. The data must also include project details, including the project cost, location, and scope. The scope of the project must be categorized broadly using a category, such as widening, repair and rehabilitation, or sidewalks. The data must specify which projects the revenues not dedicated to specific projects are supporting. FDOT must inform each county of the method and format for submitting its data. FDOT must compile this data and publish its compilation on its website.

## **Speed Limits (Sections 3 and 4)**

### *Present Situation*

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.<sup>5</sup>

Florida law also establishes minimum speed limits. On all highways on the National System of Interstate and Defense and have four or more lanes, the minimum speed is 40 miles per hour,

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<sup>2</sup> *Id.* at 171. Section 212.05(1)(e).1.c., F.S.

<sup>3</sup> *Id.* at 173. Section 212.20(6), F.S.

<sup>4</sup> Section 218.322, F.S.

<sup>5</sup> Section 316.183(1), F.S.



except that when the posted speed limit is 70 miles per hour, then the minimum speed is 50 miles per hour.<sup>6</sup> Florida law establishes the following maximum allowable speed limits:

- On limited access highways - 70 miles per hour.<sup>7</sup>
- On divided highways outside an urban area of 5,000 or more persons, with at least four lanes - 65 miles per hour.<sup>8</sup>
- On other FDOT roadways - as FDOT deems safe and advisable, but not to exceed 60 miles per hour.<sup>9</sup>

Speeding violations are noncriminal traffic infractions, punishable as moving violations.<sup>10</sup> 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<sup>11</sup>

### ***Effect of Proposed Changes***

The bill requires FDOT to determine the safe and advisable minimum speed on all highways on the National System of Interstate and Defense Highways that have at least four lanes.

The bill increases maximum allowable speed limits as follows:

- For limited-access highways from 70 to 75 miles per hour.
- For other highways outside an urban area that has at least four lanes and is a divided highway from 65 to 70 miles per hour.
- For other roadways under FDOT's jurisdiction from 60 to 65 miles per hour.

### **Florida Airport Development and Assistance Act (Sections 6-8)**

#### ***Present Situation***

The federal Airport Investment Partnership Program,<sup>12</sup> 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 to be used exclusively for airport purposes.<sup>13</sup>

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<sup>6</sup> Section 316.183(2), F.S.

<sup>7</sup> Section 316.187(2)(a), F.S.

<sup>8</sup> Section 316.187(2)(b), F.S.

<sup>9</sup> Section 316.187(2)(c), F.S.

<sup>10</sup> Sections 316.183(7) and 316.187(3), F.S., Penalties are as provided in ch. 318, F.S.

<sup>11</sup> Section 318.18(3)(b), F.S. In addition to these penalties, there Florida law imposes or authorizes additional fees and surcharges.

<sup>12</sup> 49 U.S.C. s. 47134, the program was previously known as the Airport Privatization Pilot Program.

<sup>13</sup> Federal Aviation Administration, *Airport Investment Partnership Program, formerly Airport Privatization Pilot Program*, [https://www.faa.gov/airports/airport\\_compliance/privatization](https://www.faa.gov/airports/airport_compliance/privatization) (last visit March 18, 2025).

For purposes of the Florida Airport Development and Assistance Act,<sup>14</sup> the term “public-use airport” means any publicly owned airport which is used or to be used for public purposes.<sup>15</sup>

The term “eligible agency” means a political subdivision of the state or an authority which owns or seeks to develop a public-use airport.<sup>16</sup>

FDOT is given certain statutory duties regarding aviation development and assistance, including providing financial and technical assistance to airports,<sup>17</sup> and to encourage the maximum allocation of federal funds to local airport projects.<sup>18</sup>

FDOT’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. FDOT must prioritize funding to 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.<sup>19</sup>

Section 332.007, F.S., authorizes FDOT 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.

### *Effect of Proposed Changes*

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 FAA’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, FDOT may provide for improvements to a municipality,

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<sup>14</sup> Sections 332.003-332.007, F.S.

<sup>15</sup> Section 332.004(14), F.S.

<sup>16</sup> Section 332.004(7), F.S.

<sup>17</sup> Section 332.006(4), F.S.

<sup>18</sup> Section 332.006(8), F.S.

<sup>19</sup> Section 332.007(4)(a), F.S.

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.

### **FDOT - Eminent Domain Authority (Section 9)**

#### ***Present Situation***

Eminent domain refers to the government's power to take private property and convert it into public use. The Fifth Amendment of the United States Constitution provides that the government may only exercise the power of eminent domain if it provides just compensation to the property owners.<sup>20</sup>

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.”<sup>21</sup>

FDOT 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.<sup>22</sup>

FDOT 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 FDOT-designated transportation corridor.<sup>23</sup> 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.<sup>24</sup>

#### ***Effect of Proposed Changes***

The bill authorizes FDOT to use its eminent domain authority in advance to preserve a transportation corridor for future proposed improvements.

### **FDOT - Workforce Development (Section 9)**

#### ***Present Situation***

Florida law authorizes FDOT to provide a construction workforce development program, in consultation with affected stakeholders, to deliver projects in FDOT's work program.<sup>25</sup> FDOT must annually allocate \$5 million to this program.<sup>26</sup>

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<sup>20</sup> 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](https://www.law.cornell.edu/wex/eminent_domain#:~:text=Eminent%20domain%20refers%20to%20the,compensation%20to%20the%20property%20owners). (last visited February 3, 2025).

<sup>21</sup> Florida's eminent domain laws are codified in chs. 73 and 74, F.S.

<sup>22</sup> Section 334.044(6), F.S.

<sup>23</sup> Section 337.27(1), F.S.

<sup>24</sup> Section 334.03(29)(b), F.S.

<sup>25</sup> Section 334.044(35), F.S. FDOT's work program is developed pursuant to s. 339.135, F.S.

<sup>26</sup> Section 339.84, F.S. This is beginning in the 2023-2024 fiscal year and for five years thereafter. These funds are from the STTF.

***Effect of Proposed Changes***

The bill authorizes FDOT to annually expend, in fiscal years 2025-2026 through 2029-2030, up to \$5 million, from the STTF, for grants to state colleges and school districts, prioritizing colleges and school districts located in counties in rural communities.<sup>27</sup> These grants may be used to purchase equipment simulators and a companion curriculum, and to support offering an elective course in heavy civil construction. The course must, at a minimum, provide the student with OSHA certification and fill equipment simulator certification.

**Center for Urban Transportation Research (Section 10)*****Present Situation***

The Center for Urban Transportation Research (CUTR) is established at the University of South Florida (USF). CUTR's responsibilities include conducting and facilitating research on issues related to Florida's urban transportation problems and serving as an information exchange and depository for the most current information pertaining to urban transportation and related issues.<sup>28</sup>

CUTR's advisory board reviews and advises CUTR concerning its research program. Except for projects mandated by law, CUTR may not undertake state-funded projects without advisory board approval. CUTR's advisory board consists of nine transportation-related experts, including:

- The Secretary of Transportation or his or her designee.
- The Secretary of Environmental Protection or his or her designee.
- The Secretary of Commerce or his or her designees.
- A member of the Florida Transportation Commission.

The nomination of the remaining board members is made to USF's President by the USF College of Engineering. The appointments of these members are reviewed and approved by the Florida Transportation Commission and confirmed by the Board of Governors.<sup>29</sup>

***Effect of Proposed Changes***

The bill amends CUTR's advisory board to consist of 10 transportation experts including the following:

- 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.
- The Secretary of Commerce or his or her designee.

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<sup>27</sup> Section 288.0656(2)(e), F.S., defines the term "rural community" to mean a county with a population of 75,000 or fewer; a county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer; a municipality within a county above; or an unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors and verified by the Department of Commerce.

<sup>28</sup> Section 334.065(1), F.S.

<sup>29</sup> Section 334.065(3), F.S.

- A member of the Florida Transportation Commission.
- Five members recommended to the President of USF by USF's College of Engineering, whose appointments must be reviewed and approved by the Florida Transportation Commission and confirmed by the Board of Governors.

## **FDOT – Project Concept Studies (Section 11)**

### ***Present Situation***

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

FDOT conducts Project Development and Environment (PD&E) studies to meet federal National Environmental Policy Act<sup>30</sup> requirements. During these studies, FDOT 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.<sup>31</sup>

### ***Effect of Proposed Changes***

The bill requires project concept studies and PD&E studies for capacity improvement projects on limited access facilities<sup>32</sup> to evaluate alternatives providing transportation capacity using elevated roadways above existing lanes.

The bill also requires PD&E studies for new alignment projects and capacity improvement projects to be completed within 18 months after the date of commencement.

## **FDOT Contracting Authority (Section 12)**

### ***Present Situation***

FDOT 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. FDOT 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.<sup>33</sup>

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<sup>30</sup> Pub. L. 91-190; 83 State. 852

<sup>31</sup> FDOT District 7, *What is a PD&E Study*, <https://www.fdotd7studies.com/projects/what-is-a-pde-study/>. (last visited February 7, 2025).

<sup>32</sup> Section 334.044(12), F.S., defines the term “limited access facility” to mean a street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be facilities from which trucks, buses, and other commercial vehicles are excluded; or they may be facilities open to use by all customary forms of street and highway traffic.

<sup>33</sup> Section 337.11(1), F.S.

***Effect of Proposed Changes***

The bill stipulates a contractor entering into a construction and maintenance contract with FDOT provides a service to FDOT.

**Awarding of FDOT Contracts (Section 12)*****Present Situation***

FDOT 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.<sup>34</sup>

***Effect of Proposed Changes***

If FDOT receives bids, outside of its criteria for an automatic contract award, the bill requires FDOT to:

- Arrange an in-person meeting with the lowest responsive, responsible bidder to determine why the bids are over FDOT's estimate. FDOT may, at its discretion, subsequently award the contract to the lowest responsive, responsible bidder;
- Reject all bids and rebid the work; or
- Invite all responsive, responsible bidders to provide their best and final offers without filing a protest or posting a bond. Thereafter, if FDOT awards the contract, it must be awarded to the bidder that presents the lowest best and final offer.

If FDOT intends to reject all bids on any project after announcing, but before posting official notice of its intent, the bill requires FDOT to provide to the lowest responsive, responsible bidder the opportunity to negotiate the scope of work with a corresponding reduction in price, as provided in the bid, 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, FDOT 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 of a protest or altering the statutory deadlines related to bid protests.<sup>35</sup>

The bill provides that notwithstanding ss. 120.57(3)(c), F.S., relating to bid protests and 287.057(25), F.S., relating to a disclosure on the procurement of solicitations, upon receipt of a timely-filed formal written protest, FDOT may continue this process, but it may not take final agency action as to the lowest bidder except as part its final agency action in the protest or upon the protesting party's dismissal of the protest.

**FDOT Phased Design-Build Contracts (Section 12)*****Present Situation***

FDOT may enter into phased-design build contracts, where contract selection and award is done with a two-phase process. For phase one, FDOT competitively awards the contract, based upon

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<sup>34</sup> Section 337.11(4), F.S.

<sup>35</sup> The statutory deadlines relating to bid protests are in s. 120.57(3), F.S.

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 FDOT a price that meets the project's budget and scope.<sup>36</sup>

### *Effect of Proposed Changes*

The bill requires FDOT, for phased design-build projects, to competitively award the contract to a qualified firm, provided that FDOT receives at least three statements of qualification from qualified firms. If during phase one, FDOT elects, based upon qualifications, to enter into contracts with more than one design-build firm, FDOT must competitively award the phase-two contract to a single design-build firm.

The bill authorizes the design-build firm to self-perform portions of the project's work and use estimates related to this self-performance to negotiate with FDOT.

### **Marine General Liability Insurance (Section 12)**

#### *Present Situation*

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.<sup>37</sup>

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.<sup>38</sup>

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.<sup>39</sup>

Each contract let by FDOT to perform bridge construction or maintenance over navigable waters must require marine general liability insurance, in an amount determined by FDOT, to cover third-party personal injury and property damage caused by vessels used by the contractor in the performance of the work.<sup>40</sup>

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<sup>36</sup> Section 337.11(7)(b), F.S. The project's budget and scope are as advertised in the request for qualifications.

<sup>37</sup> 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 February 12, 2025).

<sup>38</sup> *Id.* at Sections 7-13.2, 7-13.3, and 7-13.4.

<sup>39</sup> 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 February 12, 2025).

<sup>40</sup> Section 337.11(15), F.S.

### *Effect of Proposed Changes*

The bill requires a contract let by FDOT on or after July 1, 2025, for work requiring a contractor to have marine general liability insurance, that such insurance includes 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 Agreements (Section 13)**

#### *Present Situation*

Agencies subject to the Administrative Procedures Act,<sup>41</sup> including FDOT, must resolve protests arising from the contract solicitation or award process using uniform rules of procedure.<sup>42</sup>

FDOT's contracting statute provides additional information regarding its settlement of bid protests. When FDOT determines that it is in the public's best interest to resolve a bid protest through a settlement agreement, and the agreement requires FDOT 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 FDOT's work program, or any amount paid pursuant to any other law, FDOT 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 FDOT will acquire or retain with such settlement, and the specific appropriation that FDOT 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 FDOT 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.<sup>43</sup>

### *Effect of Proposed Changes*

The bill provides that FDOT 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.

### **Application for Qualification (Section 14)**

#### *Present Situation*

Under Florida law any contractor desiring to bid on a construction contract in excess of \$250,000 must be certified as qualified by FDOT.<sup>44</sup> FDOT's contractor certification rules address these

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<sup>41</sup> Chapter 120, F.S.

<sup>42</sup> Section 120.57(3), F.S. The Uniform Rules of Procedure relating to bid protests are contained in Rule 28-110, F.A.C.

<sup>43</sup> Section 337.1101(1), F.S.

<sup>44</sup> Certification for qualification is pursuant to s. 337.14, F.S., and FDOT rules.



qualifications and provide requirements regarding a contractor's equipment, past record, experience, financial resources, and organizational personnel.<sup>45</sup>

FDOT may waive prequalification for projects of \$500,000 or less if FDOT determines that the project is of a noncritical nature and the waiver will not endanger public health, safety, or property.<sup>46</sup>

### *Effect of Proposed Changes*

The bill authorizes FDOT 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. These contracts are typically known as push-button or task work order contracts.

## **FDOT Contractor Certification (Section 14)**

### *Present Situation*

Certification by FDOT 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. FDOT may waive all or a portion of the bonding requirement for contracts of \$150,000 or less.<sup>47</sup>

### *Effect of Proposed Changes*

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

## **FDOT Maintenance Contracts (Section 14)**

### *Present Situation*

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

### *Effect of Proposed Changes*

The bill amends s. 337.14(8), F.S., requiring a contractor seeking to bid on a maintenance contract that predominately includes repair and replacement of safety appurtenances, including, but not limited to, guardrails, attenuators, traffic signals, and striping, to possess the prescribed qualifications equipment, record, and experience to perform such repair and replacement.

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<sup>45</sup> Section 337.14(1), F.S.

<sup>46</sup> Section 337.14(1), F.S.

<sup>47</sup> Section 337.14(2), F.S.

## **State Arbitration Board (Section 15)**

### ***Present Situation***

The State Arbitration Board (Board), within FDOT, facilitates the prompt resolution of claims arising out of or in connection with FDOT's construction or maintenance contract.<sup>48</sup>

The contractor<sup>49</sup> may submit a claim<sup>50</sup> 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.<sup>51</sup>

Parties may not make an arbitration request prior to FDOT's final acceptance of the project;<sup>52</sup> but such requests must be made within 820 days after final acceptance.<sup>53</sup>

### ***Effect of Proposed Changes***

The bill authorizes the State Arbitration Board to arbitrate a claim of up to \$2 million, instead of the current \$1 million or, upon agreement, claims greater than \$2 million.

The bill provides that an arbitration request related to a written warranty or defect claim must be made within 360 days after FDOT provides written notice of such claim. This applies when the claim is made after FDOT's final acceptance of the project.

## **Suits By and Against FDOT (Section 16)**

### ***Present Situation***

Under Florida law, suits may be brought by and against FDOT for certain contract-related claims, which must commence within 820 days of FDOT's final acceptance of the work.<sup>54</sup>

### ***Effect of Proposed Changes***

The bill provides that for contracts entered into on or after July 1, 2025, suits regarding claims related to a written warranty or defect and must commence within 360 days after FDOT's written notice of such claim. This applies to claims made after FDOT's final acceptance of the work.

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<sup>48</sup> Section 337.185(1), F.S.

<sup>49</sup> 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.

<sup>50</sup> 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.

<sup>51</sup> Section 337.185(4), F.S.

<sup>52</sup> 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.

<sup>53</sup> Section 337.185(5), F.S.

<sup>54</sup> Section 337.19(1) and (2), F.S.

## Utility Relocation (Sections 17-18)

### *Present Situation*

Florida law authorizes an authority, defined as FDOT and local governmental entities,<sup>55</sup> 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.<sup>56</sup>

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.<sup>57</sup>

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 FDOT’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.<sup>58</sup>

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.<sup>59</sup>

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.<sup>60</sup>

When FDOT and the utility execute a joint agreement for utility work as part of a contract to construct a transportation facility, FDOT may participate in the cost of utility work exceeding 10 percent of FDOT's official estimated cost of the utility work. FDOT’s cost participation is

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<sup>55</sup> 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.

<sup>56</sup> Section 337.401(1)(a), F.S.

<sup>57</sup> *Id.*

<sup>58</sup> Section 337.401(2), F.S.

<sup>59</sup> Section 337.403(1), F.S.

<sup>60</sup> Section 337.403(1), F.S. Paragraphs (a)-(j) provide various scenarios regarding utility relocation.

limited to the difference between its official estimate plus 10 percent and the amount awarded for this work in the construction contract. FDOT may not participate in any utility work costs that occur due to changes or additions during the course of the contract.<sup>61</sup>

### *Effect of Proposed Changes*

#### *Electronically Detectable*

The bill requires an entity that places, replaces, or relocates underground utilities within a right-of-way to make such underground utilities electronically detectable using FDOT-approved techniques.

#### *Damage Responsibility*

The bill requires a utility permit or relocation agreement require that the permit holder or party to the agreement is responsible for any damage resulting from the required work. The utility owner must pay the authority reasonable damages resulting from its failure or refusal to timely remove or relocate a utility. An authority's issuance of permits for new utility placements within its right-of-way may be subject to payment of any of the authority's actual costs: due to the utility owner's failure to timely relocate utilities, pursuant to an approved utility work schedule; for damage done to existing infrastructure by the utility owner; and roadway failures caused by work performed by the utility owner.

#### *As-Built Plans*

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

The bill requires the 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<sup>62</sup> of each structure. The utility owner must provide as-built plans in an electronic format that is compatible with FDOT's software and meets FDOT-provided technical specifications or in an electronic format determined by the utility industry to meet industry standards. FDOT may, by written agreement, make exceptions to the electronic format requirement.

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

#### *FDOT Reimbursement*

The bill authorizes FDOT to reimburse:

- Up to 50 percent of the costs for relocation of publicly regulated utility facilities and municipally owned or county owned utility facilities; and

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<sup>61</sup> Section 337.403(1)(b), F.S.

<sup>62</sup> 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 March 13, 2025)

- One hundred percent of the costs of relocation of municipally or county owned utility facilities located in a rural area of opportunity on the State Highway System.<sup>63</sup>

This reimbursement is after deducting any increase in the value of a new facility and any salvage value derived from the old facility. The reimbursement is upon a determination that it is in the public's best interest and necessary to expedite the project's construction and that the utility owner has relocated the facility at least 5 percent ahead of the time allocated for relocation per the latest approved utility relocation schedule.

#### *Procedures*

The bill provides that before FDOT provides notice to the utility to initiate work, FDOT and the utility owner must follow the following procedure:

- FDOT must provide the utility owner with its preliminary plans for a proposed highway project and notice of a period of between 30 and 120 days after the utility owner receives the notice, within which the utility owner must submit the required plans to FDOT. The utility owner must provide FDOT with written acknowledgement of its receipt of FDOT's preliminary plans.
- The utility owner must submit to FDOT, within the FDOT-provided time period, plans showing the existing and proposed locations of its utility facilities. If the utility owner fails to submit the plans within FDOT's specified the time period, FDOT 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 FDOT district, and may withhold the issuance of any other permits for work within rights-of-way of the same FDOT district.
- The utility owner's submitted plans must include, for FDOT's approval, a utility relocation schedule, which meets FDOT's rules regarding form and timeframes.
- If the Governor declares a state of emergency,<sup>64</sup> the utility is entitled to receive an extension to its utility relocation schedule which must be at least equal to any extension FDOT granted to its contractor. The utility owner must notify FDOT 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 FDOT 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 FDOT's approval, a revised utility relocation schedule. FDOT 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, FDOT must provide the utility owner with a final notice directing the utility owner to initiate the work within 10 calendar days after it receives the final notice or, the utility owner having begun such work, fails to complete the work in accordance with the utility relocation schedule, FDOT is not required to participate in the work, may withhold any amount due to

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<sup>63</sup> Section 337.403(1)(h), F.S., authorizes FDOT to pay, all or a part of any utility work necessitated by a FDOT project on the state highway system for a municipally owned utility or county-owned utility in a rural area of opportunity if FDOT determines that the utility is unable, and will not be able within the next 10 years, to pay the cost of such work.

<sup>64</sup> The Governor may declare states of emergency pursuant to s. 252.36, F.S.

the utility owner for projects within the rights-of-way of the same FDOT district, and may exercise its right to obtain injunctive relief.<sup>65</sup>

- If, after the letting date of a highway improvement project, it is found that additional utility 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 FDOT's written notification advising the utility of the need additional utility work. FDOT must review the revised utility relocation schedule and, if form and timeframes are met, FDOT must approve the revised utility relocation schedule.
- The utility owner is liable to FDOT for documented damages resulting from the utility's failure to comply with the utility relocation schedule, including any FDOT-approved delay costs incurred by the contractor. Within 45 days after receiving FDOT's written notification that the utility is liable for damages, the utility owner must pay FDOT the amount for which the utility owner is liable or request mediation.

#### *Mediation Boards*

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

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

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

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

The bill requires members of mediation boards to receive compensation for the performance of their duties. This compensation will be from deposits made by the parties, based on an estimate of compensation by the mediation board. All deposits are held in escrow by the board chair in advance of the hearing. Each board member is compensated at \$200 per hour, up to a maximum of \$1,500 per day. A board member must also be reimbursed for his or her actual travel

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<sup>65</sup> Injunctive relief is pursuant to s. 120.69, F.S.

expenses. The board may allocate funds for clerical and other administrative services. This is the same compensation rate currently provided for members of the state arbitration board.<sup>66</sup>

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

The bill also adds the word “owner” after the word “utility” in several locations in provisions relating to utility relocation.

### **Metropolitan Planning Organizations (Sections 19)**

A metropolitan planning organization (MPO) is a policy board created and designated to carry out the metropolitan transportation planning process.<sup>67</sup> MPOs are required to represent localities in all urbanized areas with populations over 50,000, as determined by the U.S. Census.<sup>68</sup> Currently, Florida has 27 MPOs, the largest number of MPOs in the nation.<sup>69</sup>

Federal law and regulations give MPOs, in coordination with FDOT and others, significant transportation planning responsibility. Federal law requires MPOs to be designated for each urbanized area with a population of more than 50,000 individuals by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the affected population, including the largest incorporated city; or in accordance with procedures established by applicable state or local law.<sup>70</sup>

#### ***MPO Purpose/Intent***

##### *Present Situation*

Florida law provides legislative intent 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 the state’s urbanized while minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan transportation planning processes.<sup>71</sup>

To accomplish these objectives, MPOs must develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. These plans and programs must provide for the development and integrated management and operation of transportation systems and facilities that will function as an intermodal transportation system for the metropolitan area.<sup>72</sup>

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<sup>66</sup> Section 337.185(10), F.S.

<sup>67</sup> 23 C.F.R. § 450.104.

<sup>68</sup> Federal Transit Administration, *Metropolitan Planning Organization*, <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/metropolitan-planning-organization-mpo> (last visited March 17, 2025).

<sup>69</sup> A list and a map of Florida’s MPOs is available at: <https://www.mpoac.org/mpo/> (last visited March 19, 2025).

<sup>70</sup> 23 U.S.C., § 134(d)(1)

<sup>71</sup> Section 339.175(1), F.S.

<sup>72</sup> *Id.*

*Effect of Proposed Changes*

The bill amends legislative intent regarding MPOs to emphasize:

- Developing multimodal transportation systems, instead of surface transportation systems; and
- Serving the mobility needs of people and freight and fostering economic growth and development throughout the urbanized areas of this state while balancing conservation of natural resources.

***MPO Designation****Present Situation*

An MPO must be designated for each urbanized area of the state. However, an individual MPO is not required to be designated for each urbanized area. MPO designation is done by agreement between the Governor and the general-purpose local governments representing at least 75 percent of the urbanized area's population. However, the general-purpose local government representing the central city or cities within the MPO must be a party to the agreement.<sup>73</sup>

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

- Consult with every other MPO designated for the urbanized area and the state to coordinate plans and transportation improvement programs.
- 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.<sup>74</sup>

MPO boundaries are determined by agreement between the Governor and the MPO. The MPO's boundaries must include at least the metropolitan planning area but may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.<sup>75</sup>

*Effect of Proposed Changes*

The bill provides that after July 1, 2025, no additional MPOs may be designated in Florida except in urbanized areas<sup>76</sup> where the urbanized area is not contiguous to an urbanized area designated before the 2020 census.

The bill repeals the requirement that when there is more than one MPO in an urbanized area, the MPOs must consult with every other MPO in the urbanized area and the state to coordinate plans and transportation improvement programs and to ensure consistency in data used in the planning process.

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<sup>73</sup> Section 339.175(2)(a)1., F.S.

<sup>74</sup> Section 339.175(2)(a)2., F.S.

<sup>75</sup> Section 339.175(2)(a)3, F.S.

<sup>76</sup> This is as defined by the United States Bureau of the Census.



## ***MPO Powers, Duties, and Responsibilities***

### *Present Situation*

Each MPO must perform all acts necessary to qualify for federal aid, and each MPO must be involved in transportation planning and programming to the extent permitted by state or federal law. However, an MPO may not perform project production or delivery for capital improvement projects on the State Highway System.<sup>77</sup>

In developing its long-range transportation plan (LRTP)<sup>78</sup> and the transportation improvement program (TIP),<sup>79</sup> each MPO must consider 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.
- Improve the resilience of transportation infrastructure.<sup>80</sup>
- To more fully accomplish the MPOs purposes, MPOs must develop coordination mechanisms with one another to expand and improve transportation within the state.<sup>81</sup>

### *Effect of Proposed Changes*

The bill amends the considerations required by each MPO in developing its LRTP and TIP to include conserving natural resources, instead of promoting energy conservation. Additionally, MPOs must consider projects and strategies to reduce traffic and congestion.

The bill requires that FDOT to at least annually, convene MPOs of similar size, based on population served, to exchange best practices.

The bill authorizes MPOs to develop committees or working groups as needed to accomplish such purpose. At FDOT's discretion, training for new MPO governing board members must be provided by FDOT, an entity pursuant to a contract with FDOT, by the Center for Urban Transportation Research at the University of South Florida, or b Implementing Solutions for Transportation Research and Evaluation of Emerging Technologies (I-STREET) Living Lab at the University of Florida.

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<sup>77</sup> Section 339.175(6), F.S.

<sup>78</sup> The long-range transportation plan is developed pursuant to s. 339.175(7), F.S.

<sup>79</sup> The transportation improvement program is developed pursuant to s. 339.175(8), F.S.

<sup>80</sup> Section 339.175(6)(b), F.S.

<sup>81</sup> Section 339.175(6)(j)1., F.S.

### ***MPO Consolidation Report***

#### *Present Situation*

By December 31, 2023, the MPOs serving Hillsborough, Pasco, and Pinellas counties were required to 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 MPO serving the contiguous urbanized area, the goals of which would be to:

- Coordinate transportation projects deemed to be regionally significant.
- Review the impact of regionally significant land use decisions on the region.
- Review all proposed regionally significant transportation projects in the transportation improvement programs.<sup>82</sup>

#### *Effect of Proposed Changes*

The bill repeals this obsolete report requirement.

### ***MPO Long-Range Transportation Plans***

#### *Present Situation*

Each MPO must develop a long-range transportation plan (LRTP) addressing at least a 20-year planning horizon. The LRTP must include both long-range and short-range strategies. The prevailing principles to be considered in the LRTP are preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility.<sup>83</sup>

The LRTP 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 local government within the MPO. Each MPO is encouraged to consider strategies integrating transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. Local governments must consider LRTPs in developing transportation elements in local government comprehensive plans.<sup>84</sup>

In developing its LRTP, each MPO must provide the public and other interested parties with a reasonable opportunity to comment. The MPO must approve its LRTP.<sup>85</sup>

#### *Effect of Proposed Changes*

The bill revises provisions relating to MPO LRTP's by removing the requirement that multiple MPOs within a contiguous urbanized area to coordinate the development of LRTPs to be reviewed by the MPOAC.

The bill includes public-private partnerships in the list of innovative financing techniques that MPOs may consider.

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<sup>82</sup> Section 339.175(6)(i), F.S.

<sup>83</sup> Section 339.175(7), F.S.

<sup>84</sup> Section 339.175(7), F.S.

<sup>85</sup> Section 339.175(7), F.S., flush left.

Regarding transportation enhancement activities, the bill includes the integration of advanced air mobility and integration of autonomous and electric vehicles, electric bicycles, and motorized scooters used for freight, commuter or micromobility purposes. The bill removes historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising as potential transportation enhancement activities.

### ***MPO Agreements and Accountability***

#### *Present Situation*

Currently, there are no MPO-specific statutory accountability provisions.

#### *Effect of Proposed Changes*

The bill authorizes each MPO to execute a written agreement with FDOT, which must be reviewed, and updated as necessary, every five years, which clearly establishes the cooperative relationship essential to accomplish state and federal transportation planning requirements. 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 MPO's responsibility, in collaboration with FDOT, to identify, prioritize, and present a complete list of multimodal transportation projects consistent with the metropolitan planning area's needs. It is FDOT's responsibility to provide projects in the state transportation improvement plan.

The bill requires FDOT to establish, in collaboration with each MPO, quality performance metrics such as safety, infrastructure condition, congestion relief, and mobility. Each MPO, as part of its LRTP, in direct coordination with FDOT, develop targets for each performance measure within the metropolitan planning area. The performance targets must support efficient and safe movement of people and goods both within the metropolitan planning area and between regions. Each MPO must report progress toward establishing performance targets for each measure annually in its transportation improvement plan. FDOT must evaluate and post on its website whether each MPO has made significant progress toward its target for the applicable reporting period.

### **Metropolitan Planning Organization Advisory Council (Section 4)**

#### *Present Situation*

The Metropolitan Planning Organization Advisory Council (MPOAC), consisting of one representative from each MPO was established, to augment, and not supplant, the individual MPO's role in the cooperative transportation planning process.<sup>86</sup>

The MPOAC's powers and duties are to:

- Establish bylaws providing procedural rules to guide its proceedings and consideration of matters before MPOAC, or, alternatively, adopt rules to implement provisions of law conferring powers or duties upon it.

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<sup>86</sup> Sections 339.175(11)(a) and (b), F.S.

- Assist MPOs 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 MPOs 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. The MPOAC must annually report to the Florida Transportation Commission on the alignment of MPO LRTPs with the Florida Transportation Plan.
- Employ an executive director and such other staff as necessary to adequately perform adequately its functions.<sup>87</sup>
- Deliver training on federal and state program requirements and procedures to MPO board members and MPO staff.
- Adopt a strategic plan, prioritizing steps it will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directives.<sup>88</sup>

The MPOAC may enter into contracts to support the activities described above. Lobbying and the acceptance of funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources are prohibited.<sup>89</sup>

#### *Effect of Proposed Changes*

The bill repeals the MPOAC.

### **Strategic Intermodal System Highway Corridors (Section 20)**

#### ***Present Situation***

Florida's Strategic Intermodal System (SIS) is its high priority network of transportation facilities important to the state's economy and mobility.<sup>90</sup> FDOT must plan and develop SIS highway corridors to allow for high-speed and high-volume.<sup>91</sup> SIS highway corridors include facilities on State Highway System that meet FDOT-adopted criteria, including Interstate highways, the Florida Turnpike System, interregional and intercity limited access facilities, existing interregional and intercity arterial highways meeting certain standards, and new limited access facilities necessary to complete a balanced statewide system.<sup>92</sup>

FDOT 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.<sup>93</sup>

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<sup>87</sup> The MPOAC is assigned to the Office of the Secretary of Transportation for fiscal and accountability purposes, otherwise function independently of FDOT's control and direction.

<sup>88</sup> Section 339.175(11)(c), F.S.

<sup>89</sup> Section 339.175(11)(d), F.S.

<sup>90</sup> FDOT, *Strategic Intermodal System*, <https://www.fdot.gov/planning/systems/sis> (last visited February 7, 2025).

<sup>91</sup> Section 339.65(1), F.S.

<sup>92</sup> Section 339.65(2), F.S.

<sup>93</sup> Section 339.65(4), F.S.

### ***Effect of Proposed Changes***

The bill requires FDOT, in its SIS highway corridors plan of projects, to prioritize projects affecting gaps in a corridor so that the corridor becomes contiguous in its functional characteristics.

### **Interstate 4 Widening (Section 26)**

#### ***Present Situation***

Included in FDOT's Moving Florida Forward Initiative, is the acceleration of the addition of two new express lanes in each direction along Interstate 4 (I-4) from west of U.S. 27 in Polk County to east of World Center Drive (S.R. 536) in Orange County. FDOT is also accelerating the construction of two new congestion relief lanes, one in each direction, between U.S. 27 and east of World Drive.<sup>94</sup>

#### ***Effect of Proposed Changes***

The bill provides legislative findings that widening I-4 from U.S. 27 in Polk County to I-75 in Hillsborough County is in the state's public interest and the region's strategic interest to improve the movement of people and goods.

The bill requires FDOT to develop a report on the efficient widening I-4 from U.S. 27 in Polk County to I-75 in Hillsborough County. The report must include, but is not limited to, detailed cost projections and schedules for project development and environmental studies, design, acquisition of rights-of-way, and construction. The report must identify funding shortfalls and provide strategies to address such shortfalls, including, but not limited to, the use of express lanes toll revenues<sup>95</sup> generated on the I-4 corridor and FDOT funds available for public-private partnerships.<sup>96</sup> By December 31, 2025, FDOT must submit its report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

### **Conforming Changes (Sections 5, 21-25)**

The bill repeals s. 331.3051(14), F.S., requiring Space Florida to partner with the MPOAC regarding aerospace planning and programming in Florida's cooperative planning process. This is to conform to the repeal of the MPOAC.

The bill amends ss. 125.42, 220.20, 331.310 and 610.106, F.S., conforming cross-references.

The bill reenacts s. 332.115, F.S., incorporating a change made to s. 332.004, F.S.

### **Effective Date (Section 27)**

The bill takes effect July 1, 2025.

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<sup>94</sup> FDOT, Moving I-4 Forward, <https://movingi4forward.com/> (last visited February 14, 2025).

<sup>95</sup> Tolls on express lanes are authorized in s. 338.166, F.S.

<sup>96</sup> Public-private partnerships are authorized in s. 334.30, F.S.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

The bill (section 1) allocates to the STTF, \$4.167 million monthly in sales tax revenues which are currently allocated to the General Revenue Fund.

## B. Private Sector Impact:

The bill will collectively have an indeterminate negative fiscal impact on the private sector as follows:

- Increased insurance costs for FDOT contactors performing certain work over navigable waters (section 12).
- Costs for making underground utilities electronically detectable (section 17).
- Costs for utility owners to pay reasonable damages for failure or refusal to timely relocate a utility (section 17)

However, utility owners may experience a reduction in costs if FDOT pays a portion of their utility relocation costs (section 18).

## C. Government Sector Impact:

The bill (section 1) allocates \$4.167 million monthly of the sales tax revenue currently allocated to General Revenue to the STTF.

The bill (section 2) requires each county to annually submit transportation project data to FDOT. Counties will incur indeterminate costs to compile and provide this data. FDOT will also incur costs associated with compiling this data and publishing it on its website.

The bill (section 9) authorizes FDOT to expend up to \$5 million per fiscal year, from the STTF, in grants to state colleges and school districts to support offering elective courses in heavy civil construction. This provision authorizes transfer of state transportation funds to state colleges and school districts.

The bill (section 17) requires certain underground utilities to be electronically detectable. Government entities may incur costs to comply with this provision.

The bill (section 17) requires utility owners to pay an authority actual damages for failure or refusal to timely relocate a utility. Since the authority is a public entity, it may receive damages from utility owners. However, some utility owners are government entities and may be required to pay another government entity such damages.

The bill (section 18) authorizes FDOT to reimburse utility owners a portion of certain utility relocation costs. FDOT may experience an indeterminate, but likely significant, negative fiscal impact associated with paying these costs.

The bill (section 18) requires FDOT to establish mediation boards to resolve certain disputes related to utility relocation disputes. FDOT may incur costs to operate these boards, including compensating board members and paying their travel expenditures.

The bill (section 25) requires FDOT to develop a report regarding the widening of I-4. FDOT will incur indeterminate costs to develop this report.

#### **VI. Technical Deficiencies:**

The bill (section 18) uses to the term “publicly regulated utility facilities.” However, that term is not defined in either the bill or existing law and it is unclear what that term is meant to include.

#### **VII. Related Issues:**

The bill (section 18) requires FDOT to establish mediation boards to resolve disputes related to certain utility relocation issues; however, the bill describes an arbitration process. The bill requires mediation board members to be compensated from deposits based on estimates of compensation; however, the bill does not specify how such estimate would be determined.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 212.20, 220.20, 316.183, 316.187, 331.3051, 331.3051, 331.310 332.004, 332.006, 332.007, 334.044, 334.065, 337.11, 337.1101, 337.14, 337.185, 337.19, 337.401, 337.403, 339.175, 339.65, and 610.106.

This bill creates the following sections of the Florida Statutes: 218.3215 and 334.63.

This bill reenacts s. 332.115 of the Florida Statutes.

This bill creates one undesignated section of Florida Statutes.

## IX. Additional Information:

### A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

#### **CS by Transportation on March 19, 2025:**

- Revises the monthly distribution of sales tax revenues to the STTF to \$4.167 million.
- Increases maximum allowable highway speed limits on certain highways by 5 miles per hour.
- Authorizes public-use airports to participate in the FAA’s Airport Investment Partnership Program and to contract with a private partner to operate the airport under lease or agreement.
- Makes airports operating under public-private partnership agreements eligible for certain aviation-related funding.
- Revises the membership of the board for the Center for Urban Transportation Research at the University of South Florida.
- Revises provisions regarding the FDOT’s requirements if it receives bids outside of its criteria to automatically award the bid.
- Requires the utility owner to pay actual, instead of reasonable, damages and costs associated with its failure or refusal to timely relocate utilities.
- Authorizes FDOT to reimburse the utility owner for a portion of its utility relocation costs if certain conditions are met.
- Authorizes FDOT to withhold amounts due to a utility owner or withhold the issuance of new permits to the utility owner in the same FDOT district where the utility relocation is located, if the utility owner is not meeting certain obligations.
- Provides that the members of FDOT’s mediation boards are compensated for their services.
- Revises provisions relating to MPOs, including requiring the exchange of best practices, and accountability and transparency requirements, and the repeal of the MPOAC.
- Clarifies the scope of FDOT’s report on the widening of I-4.
- Makes other technical and conforming changes.

### B. Amendments:

None.





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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/20/2025	.	
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The Committee on Transportation (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (e) is added to subsection (6) of  
section 212.20, Florida Statutes, 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.



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11 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:  
12 (e) To account for the impact of electric and hybrid  
13 vehicles on the state highway system and the use of taxes  
14 collected from motorists when charging such vehicles, beginning  
15 July 2025, and reassessed every 5 fiscal years, on or before the  
16 25th day of each month thereafter, of the portion of the  
17 proceeds of the tax imposed under s. 212.05(1)(e)1.c., the  
18 department shall distribute \$4.167 million to the State  
19 Transportation Trust Fund.

20 Section 2. Section 218.3215, Florida Statutes, is created  
21 to read:

22 218.3215 County transportation project data.—Each county  
23 shall annually provide the Department of Transportation with  
24 uniform project data. The data must conform to the county's  
25 fiscal year and must include details on transportation revenues  
26 by source of taxes or fees, expenditure of such revenues for  
27 projects that were funded, and any unexpended balance for the  
28 fiscal year. The data must also include project details,  
29 including the project cost, location, and scope. The scope of  
30 the project must be categorized broadly using a category, such  
31 as widening, repair and rehabilitation, or sidewalks. The data  
32 must specify which projects the revenues not dedicated to  
33 specific projects are supporting. The Department of  
34 Transportation shall inform each county of the method and  
35 required format for submitting the data. The Department of  
36 Transportation shall compile the data and publish such  
37 compilation on its website.

38 Section 3. Subsections (6) and (35) of section 334.044,  
39 Florida Statutes, are amended to read:



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40 334.044 Powers and duties of the department.—The department  
41 shall have the following general powers and duties:

42 (6) To acquire, by the exercise of the power of eminent  
43 domain as provided by law, all property or property rights,  
44 whether public or private, which it may determine are necessary  
45 to the performance of its duties and the execution of its  
46 powers, including, but not limited to, in advance to preserve a  
47 corridor for future proposed improvements.

48 (35) To expend funds for ~~provide~~ a construction workforce  
49 development program, in consultation with affected stakeholders,  
50 for delivery of projects designated in the department's work  
51 program. The department may annually expend up to \$5 million  
52 from the State Transportation Trust Fund for fiscal years 2025-  
53 2026 through 2029-2030 in grants to state colleges and school  
54 districts, with priority given to state colleges and school  
55 districts in counties that are rural communities as defined in  
56 s. 288.0656(2), for the purchase of equipment simulators with  
57 authentic original equipment manufacturer controls and a  
58 companion curriculum, for the purchase of instructional aids for  
59 use in conjunction with the equipment simulators, and to support  
60 offering an elective course in heavy civil construction which  
61 must, at a minimum, provide the student with an Occupational  
62 Safety and Health Administration 10-hour certification and a  
63 fill equipment simulator certification.

64 Section 4. Section 334.63, Florida Statutes, is created to  
65 read:

66 334.63 Project concept studies and project development and  
67 environment studies.—

68 (1) Project concept studies and project development and



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69 environment studies for capacity improvement projects on limited  
70 access facilities must include the evaluation of alternatives  
71 that provide transportation capacity using elevated roadway  
72 above existing lanes.

73 (2) Project development and environment studies for new  
74 alignment projects and capacity improvement projects must be  
75 completed within 18 months after the date of commencement.

76 Section 5. Subsections (1) and (4), paragraph (b) of  
77 subsection (7), and subsection (15) of section 337.11, Florida  
78 Statutes, are amended to read:

79 337.11 Contracting authority of department; bids; emergency  
80 repairs, supplemental agreements, and change orders; combined  
81 design and construction contracts; progress payments; records;  
82 requirements of vehicle registration.-

83 (1) The department shall have authority to enter into  
84 contracts for the construction and maintenance of all roads  
85 designated as part of the State Highway System or the State Park  
86 Road System or of any roads placed under its supervision by law.  
87 The department shall also have authority to enter into contracts  
88 for the construction and maintenance of rest areas, weigh  
89 stations, and other structures, including roads, parking areas,  
90 supporting facilities and associated buildings used in  
91 connection with such facilities. A contractor who enters into  
92 such a contract with the department provides a service to the  
93 department, and such contract does not ~~However, no such contract~~  
94 ~~shall~~ create any third-party beneficiary rights in any person  
95 not a party to the contract.

96 (4) (a) Except as provided in paragraph (b), the department  
97 may award the proposed construction and maintenance work to the



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98 lowest responsible bidder, or in the instance of a time-plus-  
99 money contract, the lowest evaluated responsible bidder, or it  
100 may reject all bids and proceed to rebid the work in accordance  
101 with subsection (2) or otherwise perform the work.

102 (b) Notwithstanding any other provision of law to the  
103 contrary:

104 1. If the department receives bids outside the award  
105 criteria set forth by the department, the department must:

106 a. Arrange an in-person meeting with the lowest responsive,  
107 responsible bidder to determine why the bids are over the  
108 department's estimate and may subsequently award the contract to  
109 the lowest responsive, responsible bidder at its discretion;

110 b. Reject all bids and proceed to rebid the work in  
111 accordance with subsection (2); or

112 c. Invite all responsive, responsible bidders to provide  
113 best and final offers without filing a protest or posting a bond  
114 under paragraph (5)(a). If the department thereafter awards the  
115 contract, the award must be to the bidder that presents the  
116 lowest best and final offer.

117 2. If the department intends to reject all bids on any  
118 project after announcing, but before posting official notice of,  
119 such intent, the department must provide to the lowest  
120 responsive, responsible bidder the opportunity to negotiate the  
121 scope of work with a corresponding reduction in price, as  
122 provided in the bid, to provide a best and final offer without  
123 filing a protest or posting a bond under paragraph (5)(a). Upon  
124 reaching a decision regarding the lowest bidder's best and final  
125 offer, the department must post notice of final agency action to  
126 either reject all bids or accept the best and final offer.



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127        (c) This subsection does not prohibit the filing of a  
128 protest by any bidder or alter the deadlines provided in s.  
129 120.57.

130        (d) Notwithstanding the requirements of ss. 120.57(3)(c)  
131 and 287.057(25), upon receipt of a formal written protest that  
132 is timely filed, the department may continue the process  
133 provided in this subsection but may not take final agency action  
134 as to the lowest bidder except as part of the department's final  
135 agency action in the protest or upon dismissal of the protest by  
136 the protesting party.

137        (7)

138        (b) If the department determines that it is in the best  
139 interests of the public, the department may combine the design  
140 and construction phases of a project fully funded in the work  
141 program into a single contract and select the design-build firm  
142 in the early stages of a project to ensure that the design-build  
143 firm is part of the collaboration and development of the design  
144 as part of a step-by-step progression through construction. Such  
145 a contract is referred to as a phased design-build contract. For  
146 phased design-build contracts, selection and award must include  
147 a two-phase process. For phase one, the department shall  
148 competitively award the contract to a design-build firm based  
149 upon qualifications, provided that the department receives at  
150 least three statements of qualifications from qualified design-  
151 build firms. If during phase one the department elects to enter  
152 into contracts with more than one design-build firm based upon  
153 qualifications, the department must competitively award the  
154 contract for phase two to a single design-build firm. For phase  
155 two, the design-build firm may self-perform portions of the work



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156 and shall competitively bid construction trade subcontractor  
157 packages and, based upon the design-build firm's estimates of  
158 the self-performed work and these bids, negotiate with the  
159 department a fixed firm price or guaranteed maximum price that  
160 meets the project budget and scope as advertised in the request  
161 for qualifications.

162 (15) Each contract let by the department for performance of  
163 bridge construction or maintenance over navigable waters must  
164 contain a provision requiring marine general liability  
165 insurance, in an amount to be determined by the department,  
166 which covers third-party personal injury and property damage  
167 caused by vessels used by the contractor in the performance of  
168 the work. For a contract let by the department on or after July  
169 1, 2025, such insurance must include protection and indemnity  
170 coverage, which may be covered by endorsement on the marine  
171 general liability insurance policy or may be a separate policy.

172 Section 6. Subsection (3) is added to section 337.1101,  
173 Florida Statutes, to read:

174 337.1101 Contracting and procurement authority of the  
175 department; settlements; notification required.—

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

182 Section 7. Subsections (1), (2), and (8) of section 337.14,  
183 Florida Statutes, are amended to read:

184 337.14 Application for qualification; certificate of



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185 qualification; restrictions; request for hearing.-

186 (1) Any contractor desiring to bid for the performance of  
187 any construction contract in excess of \$250,000 which the  
188 department proposes to let must first be certified by the  
189 department as qualified pursuant to this section and rules of  
190 the department. The rules of the department must address the  
191 qualification of contractors to bid on construction contracts in  
192 excess of \$250,000 and must include requirements with respect to  
193 the equipment, past record, experience, financial resources, and  
194 organizational personnel of the applying contractor which are  
195 necessary to perform the specific class of work for which the  
196 contractor seeks certification. Any contractor who desires to  
197 bid on contracts in excess of \$50 million and who is not  
198 qualified and in good standing with the department as of January  
199 1, 2019, must first be certified by the department as qualified  
200 and must have satisfactorily completed two projects, each in  
201 excess of \$15 million, for the department or for any other state  
202 department of transportation. The department may limit the  
203 dollar amount of any contract upon which a contractor is  
204 qualified to bid or the aggregate total dollar volume of  
205 contracts such contractor is allowed to have under contract at  
206 any one time. Each applying contractor seeking qualification to  
207 bid on construction contracts in excess of \$250,000 shall  
208 furnish the department a statement under oath, on such forms as  
209 the department may prescribe, setting forth detailed information  
210 as required on the application. Each application for  
211 certification must be accompanied by audited, certified  
212 financial statements prepared in accordance with generally  
213 accepted accounting principles and auditing standards by a





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214 certified public accountant licensed in this state or another  
215 state. The audited, certified financial statements must be for  
216 the applying contractor and must have been prepared within the  
217 immediately preceding 12 months. The department may not consider  
218 any financial information of the parent entity of the applying  
219 contractor, if any. The department may not certify as qualified  
220 any applying contractor who fails to submit the audited,  
221 certified financial statements required by this subsection. If  
222 the application or the annual financial statement shows the  
223 financial condition of the applying contractor more than 4  
224 months before the date on which the application is received by  
225 the department, the applicant must also submit interim audited,  
226 certified financial statements prepared in accordance with  
227 generally accepted accounting principles and auditing standards  
228 by a certified public accountant licensed in this state or  
229 another state. The interim financial statements must cover the  
230 period from the end date of the annual statement and must show  
231 the financial condition of the applying contractor no more than  
232 4 months before the date that the interim financial statements  
233 are received by the department. However, upon the request of the  
234 applying contractor, an application and accompanying annual or  
235 interim financial statement received by the department within 15  
236 days after either 4-month period under this subsection are ~~shall~~  
237 ~~be~~ considered timely. An applying contractor desiring to bid  
238 exclusively for the performance of construction contracts with  
239 proposed budget estimates of less than \$2 million may submit  
240 reviewed annual or reviewed interim financial statements  
241 prepared by a certified public accountant. The information  
242 required by this subsection is confidential and exempt from s.



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243 119.07(1). The department shall act upon the application for  
244 qualification within 30 days after the department determines  
245 that the application is complete. The department may waive the  
246 requirements of this subsection for projects having a contract  
247 price of \$1 million or less which have diverse scopes of work  
248 that may or may not be performed or \$500,000 or less if the  
249 department determines that the project is of a noncritical  
250 nature and the waiver will not endanger public health, safety,  
251 or property. Contracts for projects that have diverse scopes of  
252 work that may or may not be performed are typically referred to  
253 as push-button or task work order contracts.

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

261 (8) This section does not apply to maintenance contracts.  
262 Notwithstanding any provision of law to the contrary, a  
263 contractor seeking to bid on a maintenance contract that  
264 predominantly includes repair and replacement of safety  
265 appurtenances, including, but not limited to, guardrails,  
266 attenuators, traffic signals, and striping, must possess the  
267 prescribed qualifications, equipment, record, and experience to  
268 perform such repair and replacement.

269 Section 8. Subsections (4) and (5) of section 337.185,  
270 Florida Statutes, are amended to read:

271 337.185 State Arbitration Board.—



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

287 (5) An arbitration request may not be made to the board  
288 before final acceptance but must be made to the board within 820  
289 days after final acceptance or within 360 days after written  
290 notice by the department of a claim related to a written  
291 warranty or defect after final acceptance.

292 Section 9. Subsection (2) of section 337.19, Florida  
293 Statutes, is amended to read:

294 337.19 Suits by and against department; limitation of  
295 actions; forum.—

296 (2) For contracts entered into on or after June 30, 1993,  
297 suits by or ~~and~~ against the department under this section must  
298 ~~shall~~ be commenced within 820 days of the final acceptance of  
299 the work. For contracts entered into on or after July 1, 2025,  
300 suits by or against the department under this section must be



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301 commenced within 820 days of the final acceptance of the work or  
302 within 360 days after written notice by the department of a  
303 claim related to a written warranty or defect after final  
304 acceptance ~~This section shall apply to all contracts entered~~  
305 ~~into after June 30, 1993.~~

306 Section 10. Present subsections (3) through (9) of section  
307 337.401, Florida Statutes, are redesignated as subsections (4)  
308 through (10), respectively, paragraph (c) is added to subsection  
309 (1) and new subsection (3) is added to that section, and  
310 paragraph (b) of subsection (1), subsection (2), paragraphs (a),  
311 (c), and (g) of present subsection (3), present subsection (5),  
312 paragraph (e) of present subsection (6), and paragraphs (d) and  
313 (h) of present subsection (7) of that section are amended, to  
314 read:

315 337.401 Use of right-of-way for utilities subject to  
316 regulation; permit; fees.—

317 (1)

318 (b) For aerial and underground electric utility  
319 transmission lines designed to operate at 69 or more kilovolts  
320 which ~~that~~ are needed to accommodate the additional electrical  
321 transfer capacity on the transmission grid resulting from new  
322 base-load generating facilities, the department's rules shall  
323 provide for placement of and access to such transmission lines  
324 adjacent to and within the right-of-way of any department-  
325 controlled public roads, including longitudinally within limited  
326 access facilities where there is no other practicable  
327 alternative available, to the greatest extent allowed by federal  
328 law, if compliance with the standards established by such rules  
329 is achieved. Without limiting or conditioning the department's



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330 jurisdiction or authority described in paragraph (a), with  
331 respect to limited access right-of-way, such rules may include,  
332 but need not be limited to, that the use of the right-of-way for  
333 longitudinal placement of electric utility transmission lines is  
334 reasonable based upon a consideration of economic and  
335 environmental factors, including, without limitation, other  
336 practicable alternative alignments, utility corridors and  
337 easements, impacts on adjacent property owners, and minimum  
338 clear zones and other safety standards, and further provide that  
339 placement of the electric utility transmission lines within the  
340 department's right-of-way does not interfere with operational  
341 requirements of the transportation facility or planned or  
342 potential future expansion of such transportation facility. If  
343 the department approves longitudinal placement of electric  
344 utility transmission lines in limited access facilities,  
345 compensation for the use of the right-of-way is required. Such  
346 consideration or compensation paid by the ~~electric~~ utility owner  
347 in connection with the department's issuance of a permit does  
348 not create any property right in the department's property  
349 regardless of the amount of consideration paid or the  
350 improvements constructed on the property by the utility owner.  
351 Upon notice by the department that the property is needed for  
352 expansion or improvement of the transportation facility, the  
353 electric utility transmission line will be removed or relocated  
354 at the utility owner's ~~electric utility's~~ sole expense. The  
355 ~~electric~~ utility owner shall pay to the department reasonable  
356 damages resulting from the utility owner's ~~utility's~~ failure or  
357 refusal to timely remove or relocate its transmission lines. The  
358 rules to be adopted by the department may also address the



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359 compensation methodology and removal or relocation. As used in  
360 this subsection, the term "base-load generating facilities"  
361 means electric power plants that are certified under part II of  
362 chapter 403.

363 (c) An entity that places, replaces, or relocates  
364 underground utilities within a right-of-way must make such  
365 underground utilities electronically detectable using techniques  
366 approved by the department.

367 (2) The authority may grant to any person who is a resident  
368 of this state, or to any corporation that ~~which~~ is organized  
369 under the laws of this state or licensed to do business within  
370 this state, the use of a right-of-way for the utility in  
371 accordance with such rules or regulations as the authority may  
372 adopt. A utility may not be installed, located, or relocated  
373 unless authorized by a written permit issued by the authority.  
374 However, for public roads or publicly owned rail corridors under  
375 the jurisdiction of the department, a utility relocation  
376 schedule and relocation agreement may be executed in lieu of a  
377 written permit. The permit or relocation agreement must require  
378 the permitholder or party to the agreement to be responsible for  
379 any damage resulting from the work required. The utility owner  
380 shall pay to the authority actual damages resulting from a  
381 failure or refusal to timely remove or relocate a utility.  
382 Issuance of permits for new placement of utilities within the  
383 authority's rights-of-way may be subject to payment of actual  
384 costs incurred by the authority due to the failure of the  
385 utility owner to timely relocate utilities pursuant to an  
386 approved utility work schedule, for damage done to existing  
387 infrastructure by the utility owner, and for roadway failures



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

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

400 (b) The authority and utility owner shall agree in writing  
401 to an approved depth of as-built plans in accordance with the  
402 scope of a project.

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

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

416 (4) ~~(3)~~ (a) Because of the unique circumstances applicable to



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417 providers of communications services, including, but not limited  
418 to, the circumstances described in paragraph (e) and the fact  
419 that federal and state law require the nondiscriminatory  
420 treatment of providers of telecommunications services, and  
421 because of the desire to promote competition among providers of  
422 communications services, it is the intent of the Legislature  
423 that municipalities and counties treat providers of  
424 communications services in a nondiscriminatory and competitively  
425 neutral manner when imposing rules or regulations governing the  
426 placement or maintenance of communications facilities in the  
427 public roads or rights-of-way. Rules or regulations imposed by a  
428 municipality or county relating to providers of communications  
429 services placing or maintaining communications facilities in its  
430 roads or rights-of-way must be generally applicable to all  
431 providers of communications services, taking into account the  
432 distinct engineering, construction, operation, maintenance,  
433 public works, and safety requirements of the provider's  
434 facilities, and, notwithstanding any other law, may not require  
435 a provider of communications services to apply for or enter into  
436 an individual license, franchise, or other agreement with the  
437 municipality or county as a condition of placing or maintaining  
438 communications facilities in its roads or rights-of-way. In  
439 addition to other reasonable rules or regulations that a  
440 municipality or county may adopt relating to the placement or  
441 maintenance of communications facilities in its roads or rights-  
442 of-way under this subsection or subsection (8) ~~(7)~~, a  
443 municipality or county may require a provider of communications  
444 services that places or seeks to place facilities in its roads  
445 or rights-of-way to register with the municipality or county. To





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446 register, a provider of communications services may be required  
447 only to provide its name; the name, address, and telephone  
448 number of a contact person for the registrant; the number of the  
449 registrant's current certificate of authorization issued by the  
450 Florida Public Service Commission, the Federal Communications  
451 Commission, or the Department of State; a statement of whether  
452 the registrant is a pass-through provider as defined in  
453 subparagraph (7)(a)1. ~~(6)(a)1.~~; the registrant's federal  
454 employer identification number; and any required proof of  
455 insurance or self-insuring status adequate to defend and cover  
456 claims. A municipality or county may not require a registrant to  
457 renew a registration more frequently than every 5 years but may  
458 require during this period that a registrant update the  
459 registration information provided under this subsection within  
460 90 days after a change in such information. A municipality or  
461 county may not require the registrant to provide an inventory of  
462 communications facilities, maps, locations of such facilities,  
463 or other information by a registrant as a condition of  
464 registration, renewal, or for any other purpose; provided,  
465 however, that a municipality or county may require as part of a  
466 permit application that the applicant identify at-grade  
467 communications facilities within 50 feet of the proposed  
468 installation location for the placement of at-grade  
469 communications facilities. A municipality or county may not  
470 require a provider to pay any fee, cost, or other charge for  
471 registration or renewal thereof. It is the intent of the  
472 Legislature that the placement, operation, maintenance,  
473 upgrading, and extension of communications facilities not be  
474 unreasonably interrupted or delayed through the permitting or



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475 other local regulatory process. Except as provided in this  
476 chapter or otherwise expressly authorized by chapter 202,  
477 chapter 364, or chapter 610, a municipality or county may not  
478 adopt or enforce any ordinance, regulation, or requirement as to  
479 the placement or operation of communications facilities in a  
480 right-of-way by a communications services provider authorized by  
481 state or local law to operate in a right-of-way; regulate any  
482 communications services; or impose or collect any tax, fee,  
483 cost, charge, or exaction for the provision of communications  
484 services over the communications services provider's  
485 communications facilities in a right-of-way.

486 (c) Any municipality or county that, as of January 1, 2019,  
487 elected to require permit fees from any provider of  
488 communications services that uses or occupies municipal or  
489 county roads or rights-of-way pursuant to former paragraph (c)  
490 or former paragraph (j), Florida Statutes 2018, may continue to  
491 require and collect such fees. A municipality or county that  
492 elected as of January 1, 2019, to require permit fees may elect  
493 to forego such fees as provided herein. A municipality or county  
494 that elected as of January 1, 2019, not to require permit fees  
495 may not elect to impose permit fees. All fees authorized under  
496 this paragraph must be reasonable and commensurate with the  
497 direct and actual cost of the regulatory activity, including  
498 issuing and processing permits, plan reviews, physical  
499 inspection, and direct administrative costs; must be  
500 demonstrable; and must be equitable among users of the roads or  
501 rights-of-way. A fee authorized under this paragraph may not be  
502 offset against the tax imposed under chapter 202; include the  
503 costs of roads or rights-of-way acquisition or roads or rights-



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

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

529 2. If a noncharter county elects to not require permit  
530 fees, the total rate for the local communications services tax  
531 as computed under s. 202.20 for that noncharter county may be  
532 increased by ordinance or resolution by an amount not to exceed



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533 a rate of 0.24 percent, to replace the revenue the noncharter  
534 county would otherwise have received from permit fees for  
535 providers of communications services.

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



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

570 (6)~~(5)~~ This section, except subsections (1) and (2) and  
571 paragraph (4) (g) ~~(3) (g)~~, does not apply to the provision of pay  
572 telephone service on public, municipal, or county roads or  
573 rights-of-way.

574 (7)~~(6)~~

575 (e) This subsection does not alter any provision of this  
576 section or s. 202.24 relating to taxes, fees, or other charges  
577 or impositions by a municipality or county on a dealer of  
578 communications services or authorize that any charges be  
579 assessed on a dealer of communications services, except as  
580 specifically set forth herein. A municipality or county may not  
581 charge a pass-through provider any amounts other than the  
582 charges under this subsection as a condition to the placement or  
583 maintenance of a communications facility in the roads or rights-  
584 of-way of a municipality or county by a pass-through provider,  
585 except that a municipality or county may impose permit fees on a  
586 pass-through provider consistent with paragraph (4) (c) ~~(3) (e)~~.

587 (8)~~(7)~~

588 (d) An authority may require a registration process and  
589 permit fees in accordance with subsection (4) ~~(3)~~. An authority  
590 shall accept applications for permits and shall process and



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591 issue permits subject to the following requirements:

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

597 2. An applicant may not be required to provide more  
598 information to obtain a permit than is necessary to demonstrate  
599 the applicant's compliance with applicable codes for the  
600 placement of small wireless facilities in the locations  
601 identified in the application. An applicant may not be required  
602 to provide inventories, maps, or locations of communications  
603 facilities in the right-of-way other than as necessary to avoid  
604 interference with other at-grade or aerial facilities located at  
605 the specific location proposed for a small wireless facility or  
606 within 50 feet of such location.

607 3. An authority may not:

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

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

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

617 d. Require compliance with an authority's provisions  
618 regarding placement of small wireless facilities or a new  
619 utility pole used to support a small wireless facility in



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620 rights-of-way under the control of the department unless the  
621 authority has received a delegation from the department for the  
622 location of the small wireless facility or utility pole, or  
623 require such compliance as a condition to receive a permit that  
624 is ancillary to the permit for collocation of a small wireless  
625 facility, including an electrical permit;

626 e. Require a meeting before filing an application;

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

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

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

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

639 4. Subject to paragraph (r), an authority may not limit the  
640 placement, by minimum separation distances, of small wireless  
641 facilities, utility poles on which small wireless facilities are  
642 or will be collocated, or other at-grade communications  
643 facilities. However, within 14 days after the date of filing the  
644 application, an authority may request that the proposed location  
645 of a small wireless facility be moved to another location in the  
646 right-of-way and placed on an alternative authority utility pole  
647 or support structure or placed on a new utility pole. The  
648 authority and the applicant may negotiate the alternative



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649 location, including any objective design standards and  
650 reasonable spacing requirements for ground-based equipment, for  
651 30 days after the date of the request. At the conclusion of the  
652 negotiation period, if the alternative location is accepted by  
653 the applicant, the applicant must notify the authority of such  
654 acceptance and the application shall be deemed granted for any  
655 new location for which there is agreement and all other  
656 locations in the application. If an agreement is not reached,  
657 the applicant must notify the authority of such nonagreement and  
658 the authority must grant or deny the original application within  
659 90 days after the date the application was filed. A request for  
660 an alternative location, an acceptance of an alternative  
661 location, or a rejection of an alternative location must be in  
662 writing and provided by electronic mail.

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

674         6. The installation by a communications services provider  
675 of a utility pole in the public rights-of-way, other than a  
676 utility pole used to support a small wireless facility, is  
677 subject to authority rules or regulations governing the





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678 placement of utility poles in the public rights-of-way.

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

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

696         9. An authority must notify the applicant of approval or  
697 denial by electronic mail. An authority shall approve a complete  
698 application unless it does not meet the authority's applicable  
699 codes. If the application is denied, the authority must specify  
700 in writing the basis for denial, including the specific code  
701 provisions on which the denial was based, and send the  
702 documentation to the applicant by electronic mail on the day the  
703 authority denies the application. The applicant may cure the  
704 deficiencies identified by the authority and resubmit the  
705 application within 30 days after notice of the denial is sent to  
706 the applicant. The authority shall approve or deny the revised



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707 application within 30 days after receipt or the application is  
708 deemed approved. The review of a revised application is limited  
709 to the deficiencies cited in the denial. If an authority  
710 provides for administrative review of the denial of an  
711 application, the review must be complete and a written decision  
712 issued within 45 days after a written request for review is  
713 made. A denial must identify the specific code provisions on  
714 which the denial is based. If the administrative review is not  
715 complete within 45 days, the authority waives any claim  
716 regarding failure to exhaust administrative remedies in any  
717 judicial review of the denial of an application.

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

726       11. An authority may deny an application to collocate a  
727 small wireless facility or place a utility pole used to support  
728 a small wireless facility in the public rights-of-way if the  
729 proposed small wireless facility or utility pole used to support  
730 a small wireless facility:

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

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

735           c. Materially interferes with compliance with the Americans



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736 with Disabilities Act or similar federal or state standards  
737 regarding pedestrian access or movement.

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

741 e. Fails to comply with applicable codes.

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

744 12. An authority may adopt by ordinance provisions for  
745 insurance coverage, indemnification, force majeure, abandonment,  
746 authority liability, or authority warranties. Such provisions  
747 must be reasonable and nondiscriminatory. An authority may  
748 require a construction bond to secure restoration of the  
749 postconstruction rights-of-way to the preconstruction condition.  
750 However, such bond must be time-limited to not more than 18  
751 months after the construction to which the bond applies is  
752 completed. For any financial obligation required by an authority  
753 allowed under this section, the authority shall accept a letter  
754 of credit or similar financial instrument issued by any  
755 financial institution that is authorized to do business within  
756 the United States, provided that a claim against the financial  
757 instrument may be made by electronic means, including by  
758 facsimile. A provider of communications services may add an  
759 authority to any existing bond, insurance policy, or other  
760 relevant financial instrument, and the authority must accept  
761 such proof of coverage without any conditions other than consent  
762 to venue for purposes of any litigation to which the authority  
763 is a party. An authority may not require a communications  
764 services provider to indemnify it for liabilities not caused by



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765 the provider, including liabilities arising from the authority's  
766 negligence, gross negligence, or willful conduct.

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

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

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

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

783 Section 11. Present subsections (2) and (3) of section  
784 337.403, Florida Statutes, are redesignated as subsections (4)  
785 and (5), respectively, new subsections (2) and (3) are added to  
786 that section, and subsection (1) of that section is amended, to  
787 read:

788 337.403 Interference caused by utility; expenses.—

789 (1) If a utility that is placed upon, under, over, or  
790 within the right-of-way limits of any public road or publicly  
791 owned rail corridor is found by the authority to be unreasonably  
792 interfering in any way with the convenient, safe, or continuous  
793 use, or the maintenance, improvement, extension, or expansion,



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794 of such public road or publicly owned rail corridor, the utility  
795 owner shall, upon 30 days' written notice to the utility or its  
796 agent by the authority, initiate the work necessary to alleviate  
797 the interference at its own expense except as provided in  
798 paragraphs (a)-(k) ~~(a)-(j)~~. The work must be completed within  
799 such reasonable time as stated in the notice or such time as  
800 agreed to by the authority and the utility owner.

801 (a) If the relocation of utility facilities, as referred to  
802 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
803 84-627, is necessitated by the construction of a project on the  
804 federal-aid interstate system, including extensions thereof  
805 within urban areas, and the cost of the project is eligible and  
806 approved for reimbursement by the Federal Government to the  
807 extent of 90 percent or more under the Federal-Aid Highway Act,  
808 or any amendment thereof, ~~then in that event~~ the utility owning  
809 or operating such facilities must ~~shall~~ perform any necessary  
810 work upon notice from the department, and the state must ~~shall~~  
811 pay the entire expense properly attributable to such work after  
812 deducting therefrom any increase in the value of a new facility  
813 and any salvage value derived from an old facility.

814 (b) The department may reimburse up to 50 percent of the  
815 costs for relocation of publicly regulated utility facilities  
816 and municipally owned or county-owned utility facilities, and  
817 100 percent of the costs for relocation of municipally owned or  
818 county-owned utility facilities located in a rural area of  
819 opportunity as defined in s. 288.0656(2), on the state highway  
820 system after deducting therefrom any increase in the value of a  
821 new facility and any salvage value derived from an old facility  
822 upon determining that such reimbursement is in the best



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823 interests of the public and necessary to expedite the  
824 construction of the project and that the utility owner has  
825 relocated their facility at least 5 percent ahead of the time  
826 allotted for relocation per the latest approved utility  
827 relocation schedule.

828 (c)~~(b)~~ When a joint agreement between the department and  
829 the utility is executed for utility work to be accomplished as  
830 part of a contract for construction of a transportation  
831 facility, the department may participate in those utility work  
832 costs that exceed the department's official estimate of the cost  
833 of the work by more than 10 percent in addition to any costs  
834 identified in paragraph (a). The amount of such participation is  
835 limited to the difference between the official estimate of all  
836 the work in the joint agreement plus 10 percent and the amount  
837 awarded for this work in the construction contract for such  
838 work. The department may not participate in any utility work  
839 costs that occur as a result of changes or additions during the  
840 course of the contract.

841 (d)~~(e)~~ When an agreement between the department and utility  
842 is executed for utility work to be accomplished in advance of a  
843 contract for construction of a transportation facility, the  
844 department may participate in the cost of clearing and grubbing  
845 necessary to perform such work.

846 (e)~~(d)~~ If the utility facility was initially installed to  
847 exclusively serve the authority or its tenants, or both, the  
848 authority must ~~shall~~ bear the costs of the utility work.  
849 However, the authority is not responsible for the cost of  
850 utility work related to any subsequent additions to that  
851 facility for the purpose of serving others. For a county or



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852 municipality, if such utility facility was installed in the  
853 right-of-way as a means to serve a county or municipal facility  
854 on a parcel of property adjacent to the right-of-way and if the  
855 intended use of the county or municipal facility is for a use  
856 other than transportation purposes, the obligation of the county  
857 or municipality to bear the costs of the utility work extends  
858 ~~shall extend~~ only to utility work on the parcel of property on  
859 which the facility of the county or municipality originally  
860 served by the utility facility is located.

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

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

877 (h)~~(g)~~ An authority may bear the costs of utility work  
878 required to eliminate an unreasonable interference when the  
879 utility is not able to establish that it has a compensable  
880 property right in the particular property where the utility is



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881 located if:

882 1. The utility was physically located on the particular  
883 property before the authority acquired rights in the property;

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

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

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

901 (j)~~(i)~~ If the relocation of utility facilities is  
902 necessitated by the construction of a commuter rail service  
903 project or an intercity passenger rail service project and the  
904 cost of the project is eligible and approved for reimbursement  
905 by the Federal Government, ~~then~~ in that event the utility owning  
906 or operating such facilities located by permit on a department-  
907 owned rail corridor must ~~shall~~ perform any necessary utility  
908 relocation work upon notice from the department, and the  
909 department must ~~shall~~ pay the expense properly attributable to





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910 such utility relocation work in the same proportion as federal  
911 funds are expended on the commuter rail service project or an  
912 intercity passenger rail service project after deducting  
913 therefrom any increase in the value of a new facility and any  
914 salvage value derived from an old facility. In no event is shall  
915 the state ~~be~~ required to use state dollars for such utility  
916 relocation work. This paragraph does not apply to any phase of  
917 the Central Florida Commuter Rail project, known as SunRail.

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

927 (2) Before the notice to initiate the work, the department  
928 and the utility owner shall follow a procedure that includes all  
929 of the following:

930 (a) The department shall provide to the utility owner  
931 preliminary plans for a proposed highway improvement project and  
932 notice of a period that begins 30 days and ends within 120 days  
933 after receipt of the notice within which the utility owner shall  
934 submit to the department the plans required in accordance with  
935 paragraph (b). The utility owner shall provide to the department  
936 written acknowledgement of receipt of the preliminary plans.

937 (b) The utility owner shall submit to the department plans  
938 showing existing and proposed locations of utility facilities



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939 within the period provided by the department. If the utility  
940 owner fails to submit the plans to the department within the  
941 period, the department is not required to participate in the  
942 work, may withhold any amount due to the utility owner on other  
943 projects within the rights-of-way of the same district of the  
944 department, and may withhold issuance of any other permits for  
945 work within the rights-of-way of the same district of the  
946 department.

947 (c) The plans submitted by the utility owner must include a  
948 utility relocation schedule for approval by the department. The  
949 utility relocation schedule must meet form and timeframe  
950 requirements established by department rule.

951 (d) If a state of emergency is declared by the Governor,  
952 the utility is entitled to receive an extension to the utility  
953 relocation schedule which is at least equal to any extension  
954 granted to the contractor by the department. The utility owner  
955 shall notify the department of any additional delays associated  
956 with causes beyond the utility owner's control, including, but  
957 not limited to, participation in recovery work under a mutual  
958 aid agreement. The notification must occur within 10 calendar  
959 days after commencement of the delay and provide a reasonably  
960 complete description of the cause and nature of the delay and  
961 the possible impacts to the utility relocation schedule. Within  
962 10 calendar days after the cause of the delay ends, the utility  
963 owner shall submit a revised utility relocation schedule for  
964 approval by the department. The department may not unreasonably  
965 withhold, delay, or condition such approval.

966 (e) If the utility owner does not initiate work in  
967 accordance with the utility relocation schedule, the department



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968 must provide the utility owner a final notice directing the  
969 utility owner to initiate work within 10 calendar days. If the  
970 utility owner does not begin work within 10 calendar days after  
971 receipt of the final notice or, having so begun work, thereafter  
972 fails to complete the work in accordance with the utility  
973 relocation schedule, the department is not required to  
974 participate in the work, may withhold any amount due to the  
975 utility owner for projects within the rights-of-way of the same  
976 district of the department, and may exercise its right to obtain  
977 injunctive relief under s. 120.69.

978 (f) If additional utility work is found necessary after the  
979 letting date of a highway improvement project, the utility must  
980 provide a revised utility relocation schedule within 30 calendar  
981 days after becoming aware of the need for such additional work  
982 or upon receipt of the department's written notification  
983 advising of the need for such additional work. The department  
984 shall review the revised utility relocation schedule for  
985 compliance with the form and timeframe requirements of the  
986 department and must approve the revised utility relocation  
987 schedule if such requirements are met.

988 (g) The utility owner is liable to the department for  
989 documented damages resulting from the utility's failure to  
990 comply with the utility relocation schedule, including any delay  
991 costs incurred by the contractor and approved by the department.  
992 Within 45 days after receipt of written notification from the  
993 department that the utility owner is liable for damages, the  
994 utility owner must pay to the department the amount for which  
995 the utility owner is liable or request mediation pursuant to  
996 subsection (3).



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997       (3) (a) The department shall establish mediation boards to  
998 resolve disputes that arise between the department and utilities  
999 concerning any of the following:

1000       1. A utility relocation schedule or revised utility  
1001 relocation schedule that has been submitted by the utility owner  
1002 but not approved by the department.

1003       2. A contractor's claim, approved by the department, for  
1004 delay costs or other damages related to the utility's work.

1005       3. Any matter related to the removal, relocation, or  
1006 adjustment of the utility's facilities pursuant to this section.

1007       (b) The department shall establish mediation board  
1008 procedures, which must include all of the following:

1009       1. Each mediation board shall be composed of one mediator  
1010 designated by the department, one mediator designated by the  
1011 utility owner, and one mediator mutually selected by the  
1012 department's designee and the utility owner's designee who shall  
1013 serve as the presiding officer of the mediation board.

1014       2. The mediation board shall hold a hearing for each  
1015 dispute submitted to the mediation board for resolution. The  
1016 mediation board shall provide notice of the hearing to each  
1017 party involved in the dispute and afford each party an  
1018 opportunity to present evidence at the hearing.

1019       3. Decisions on issues presented to the mediation board  
1020 must be made by a majority vote of the mediators.

1021       4. The mediation board shall issue a final decision in  
1022 writing for each dispute submitted to the mediation board for  
1023 resolution and shall serve a copy of the final decision on each  
1024 party to the dispute.

1025       5. Final decisions of the mediation board are subject to de



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1026 novo review in the Second Judicial Circuit Court in and for Leon  
1027 County by way of a petition for judicial review filed by the  
1028 department or the utility owner within 30 days after service of  
1029 the final decision.

1030 (c) The members of the mediation board shall receive  
1031 compensation for the performance of their duties from deposits  
1032 made by the parties based on an estimate of compensation by the  
1033 mediation board. All deposits will be held in escrow by the  
1034 chair in advance of the hearing. Each member shall be  
1035 compensated at \$200 per hour, up to a maximum of \$1,500 per day.  
1036 A member shall be reimbursed for the actual cost of his or her  
1037 travel expenses. The mediation board may allocate funds for  
1038 clerical and other administrative services.

1039 (d) The department may establish a list of qualified  
1040 mediators and adopt rules to administer this subsection,  
1041 including procedures for the mediation of a contested case.

1042 Section 12. Subsection (4) of section 339.65, Florida  
1043 Statutes, is amended to read:

1044 339.65 Strategic Intermodal System highway corridors.—

1045 (4) The department shall develop and maintain a plan of  
1046 Strategic Intermodal System highway corridor projects that are  
1047 anticipated to be let to contract for construction within a time  
1048 period of at least 20 years. The department shall prioritize  
1049 projects affecting gaps in a corridor so that the corridor  
1050 becomes contiguous in its functional characteristics across the  
1051 corridor. The plan must ~~shall~~ also identify when segments of the  
1052 corridor will meet the standards and criteria developed pursuant  
1053 to subsection (5).

1054 Section 13. Subsection (5) of section 125.42, Florida



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1055 Statutes, is amended to read:

1056 125.42 Water, sewage, gas, power, telephone, other utility,  
1057 and television lines within the right-of-way limits of county  
1058 roads and highways.—

1059 (5) In the event of widening, repair, or reconstruction of  
1060 any such road, the licensee shall move or remove such water,  
1061 sewage, gas, power, telephone, and other utility lines and  
1062 television lines at no cost to the county should they be found  
1063 by the county to be unreasonably interfering, except as provided  
1064 in s. 337.403(1)(e)-(k) ~~s. 337.403(1)(d)-(j)~~.

1065 Section 14. Paragraph (b) of subsection (2) of section  
1066 202.20, Florida Statutes, is amended to read:

1067 202.20 Local communications services tax conversion rates.—

1068 (2)

1069 (b) Except as otherwise provided in this subsection,  
1070 “replaced revenue sources,” as used in this section, means the  
1071 following taxes, charges, fees, or other impositions to the  
1072 extent that the respective local taxing jurisdictions were  
1073 authorized to impose them prior to July 1, 2000.

1074 1. With respect to municipalities and charter counties and  
1075 the taxes authorized by s. 202.19(1):

1076 a. The public service tax on telecommunications authorized  
1077 by former s. 166.231(9).

1078 b. Franchise fees on cable service providers as authorized  
1079 by 47 U.S.C. s. 542.

1080 c. The public service tax on prepaid calling arrangements.

1081 d. Franchise fees on dealers of communications services  
1082 which use the public roads or rights-of-way, up to the limit set  
1083 forth in s. 337.401. For purposes of calculating rates under



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1084 this section, it is the legislative intent that charter counties  
1085 be treated as having had the same authority as municipalities to  
1086 impose franchise fees on recurring local telecommunication  
1087 service revenues prior to July 1, 2000. However, the Legislature  
1088 recognizes that the authority of charter counties to impose such  
1089 fees is in dispute, and the treatment provided in this section  
1090 is not an expression of legislative intent that charter counties  
1091 actually do or do not possess such authority.

1092 e. Actual permit fees relating to placing or maintaining  
1093 facilities in or on public roads or rights-of-way, collected  
1094 from providers of long-distance, cable, and mobile  
1095 communications services for the fiscal year ending September 30,  
1096 1999; however, if a municipality or charter county elects the  
1097 option to charge permit fees pursuant to s. 337.401(4)(c) ~~s.~~  
1098 ~~337.401(3)(e)~~, such fees shall not be included as a replaced  
1099 revenue source.

1100 2. With respect to all other counties and the taxes  
1101 authorized in s. 202.19(1), franchise fees on cable service  
1102 providers as authorized by 47 U.S.C. s. 542.

1103 Section 15. Section 610.106, Florida Statutes, is amended  
1104 to read:

1105 610.106 Franchise fees prohibited.—Except as otherwise  
1106 provided in this chapter, the department may not impose any  
1107 taxes, fees, charges, or other impositions on a cable or video  
1108 service provider as a condition for the issuance of a state-  
1109 issued certificate of franchise authority. No municipality or  
1110 county may impose any taxes, fees, charges, or other exactions  
1111 on certificateholders in connection with use of public right-of-  
1112 way as a condition of a certificateholder doing business in the



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1113 municipality or county, or otherwise, except such taxes, fees,  
1114 charges, or other exactions permitted by chapter 202, s.  
1115 337.401(7) ~~s. 337.401(6)~~, or s. 610.117.

1116 Section 16. (1) The Legislature finds that the widening of  
1117 Interstate 4, from U.S. 27 in Polk County to Interstate 75 in  
1118 Hillsborough County, is in the public interest and the strategic  
1119 interest of the region to improve the movement of people and  
1120 goods.

1121 (2) The Department of Transportation shall develop a report  
1122 on widening Interstate 4, from U.S. 27 in Polk County to  
1123 Interstate 75 in Hillsborough County, as efficiently as possible  
1124 which includes, but is not limited to, detailed cost projections  
1125 and schedules for project development and environmental studies,  
1126 design, acquisition of rights-of-way, and construction. The  
1127 report must identify funding shortfalls and provide strategies  
1128 to address such shortfalls, including, but not limited to, the  
1129 use of express lanes toll revenues generated on the Interstate 4  
1130 corridor and available department funds for public-private  
1131 partnerships. The Department of Transportation shall submit the  
1132 report by December 31, 2025, to the Governor, the President of  
1133 the Senate, and the Speaker of the House of Representatives.

1134 Section 17. This act shall take effect July 1, 2025.

1135  
1136 ===== T I T L E A M E N D M E N T =====

1137 And the title is amended as follows:

1138 Delete everything before the enacting clause  
1139 and insert:

1140 A bill to be entitled

1141 An act relating to transportation; amending s. 212.20,





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1142 F.S.; requiring the Department of Revenue to  
1143 distribute from the proceeds of a specified tax a  
1144 specified amount monthly to the State Transportation  
1145 Trust Fund beginning on a certain date; creating s.  
1146 218.3215, F.S.; requiring each county to provide the  
1147 Department of Transportation with uniform project  
1148 data; providing requirements for such data; requiring  
1149 the department to compile the data and publish it on  
1150 its website; amending s. 334.044, F.S.; authorizing  
1151 the department to acquire property or property rights  
1152 in advance to preserve a corridor for future proposed  
1153 improvements; authorizing the department to expend  
1154 from the State Transportation Trust Fund a certain  
1155 amount of grant funds annually to state colleges and  
1156 school districts for certain construction workforce  
1157 development programs; requiring that priority be given  
1158 to certain colleges and school districts; creating s.  
1159 334.63, F.S.; providing requirements for certain  
1160 project concept studies and project development and  
1161 environment studies; amending s. 337.11, F.S.;  
1162 clarifying a provision related to third-party  
1163 beneficiary rights; revising the bidding and award  
1164 process for contracts for road construction and  
1165 maintenance projects; revising the circumstances in  
1166 which the department must competitively award a phased  
1167 design-build contract for phase one; authorizing a  
1168 design-build firm to self-perform portions of work  
1169 under a contract; requiring that contracts let by the  
1170 department on or after a certain date for bridge



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1171 construction or maintenance over navigable waters  
1172 include protection and indemnity coverage; amending s.  
1173 337.1101, F.S.; prohibiting the department from  
1174 creating a new contract in certain circumstances  
1175 unless the contract is competitively procured;  
1176 amending s. 337.14, F.S.; authorizing the department  
1177 to waive contractor certification requirements for  
1178 certain projects; reducing the threshold value of  
1179 contracts for which the department may waive a  
1180 contract bond requirement; requiring that a contractor  
1181 seeking to bid on certain maintenance contracts  
1182 possess certain qualifications; amending s. 337.185,  
1183 F.S.; increasing the limits of claims per contract  
1184 which a contractor may submit to the State Arbitration  
1185 Board; limiting the period in which an arbitration  
1186 request may be made for a claim related to a written  
1187 warranty or defect; amending s. 337.19, F.S.; limiting  
1188 the period in which a suit by or against the  
1189 department may be commenced for a claim related to a  
1190 written warranty or defect for a contract entered into  
1191 on or after a certain date; amending s. 337.401, F.S.;  
1192 revising construction; requiring that the removal or  
1193 relocation of an electric utility transmission line be  
1194 at the utility owner's expense, rather than the  
1195 electric utility's expense; requiring certain entities  
1196 to make underground utilities within a right-of-way  
1197 electronically detectable; requiring a utility owner  
1198 to pay the authority actual damages in certain  
1199 circumstances; conditioning the issuance of permits



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1200 for certain utility placements on the payment of  
1201 certain costs; defining the term "as-built plans";  
1202 providing submission requirements for as-built plans;  
1203 requiring the submission of as-built plans before  
1204 reimbursement of certain costs; amending s. 337.403,  
1205 F.S.; authorizing the department to reimburse a  
1206 certain percentage of costs for relocation of certain  
1207 utility facilities; revising the costs considered in  
1208 determining whether the department may participate in  
1209 utility work costs; revising the agreements under  
1210 which the authority must bear the cost of utility  
1211 removal or relocation; revising a determination that,  
1212 if made by the department, authorizes the department  
1213 to pay the cost of certain utility work; requiring the  
1214 department and a utility owner to adhere to certain  
1215 rules and procedures before the notice to initiate  
1216 work; requiring the department to provide to a utility  
1217 owner preliminary plans and certain notice; requiring  
1218 the utility owner to submit certain plans to the  
1219 department; authorizing the department to withhold  
1220 certain amounts due to a utility owner and the  
1221 issuance of certain work permits under certain  
1222 circumstances; requiring that the plans include a  
1223 utility relocation schedule; providing for extensions  
1224 and revisions to a utility relocation schedule in  
1225 certain circumstances; providing that a utility owner  
1226 is liable to the department for certain damages;  
1227 requiring the department to establish mediation boards  
1228 to resolve certain disputes between the department and



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1229 a utility; providing mediation board requirements and  
1230 procedures; providing for compensation of members of  
1231 the mediation board; authorizing rulemaking; amending  
1232 s. 339.65, F.S.; requiring the department to  
1233 prioritize certain Strategic Intermodal System highway  
1234 corridor projects; amending ss. 125.42, 202.20, and  
1235 610.106, F.S.; conforming cross-references; providing  
1236 a legislative finding; requiring the department to  
1237 develop a report on widening Interstate 4; providing  
1238 requirements for the report; requiring the department  
1239 to submit the report to the Governor and the  
1240 Legislature by a specified date; providing an  
1241 effective date.



816070

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2025	.	
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The Committee on Transportation (DiCeglie) recommended the following:

1           **Senate Substitute for Amendment (728576) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Paragraph (d) of subsection (6) of section  
7 212.20, Florida Statutes, is amended to read:

8           212.20 Funds collected, disposition; additional powers of  
9 department; operational expense; refund of taxes adjudicated  
10 unconstitutionally collected.—



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11           (6) Distribution of all proceeds under this chapter and ss.  
12 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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

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

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

32           3. After the distribution under subparagraphs 1. and 2.,  
33 0.0966 percent shall be transferred to the Local Government  
34 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
35 to s. 218.65.

36           4. After the distributions under subparagraphs 1., 2., and  
37 3., 2.0810 percent of the available proceeds shall be  
38 transferred monthly to the Revenue Sharing Trust Fund for  
39 Counties pursuant to s. 218.215.



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40           5. After the distributions under subparagraphs 1., 2., and  
41 3., 1.3653 percent of the available proceeds shall be  
42 transferred monthly to the Revenue Sharing Trust Fund for  
43 Municipalities pursuant to s. 218.215. If the total revenue to  
44 be distributed pursuant to this subparagraph is at least as  
45 great as the amount due from the Revenue Sharing Trust Fund for  
46 Municipalities and the former Municipal Financial Assistance  
47 Trust Fund in state fiscal year 1999-2000, no municipality shall  
48 receive less than the amount due from the Revenue Sharing Trust  
49 Fund for Municipalities and the former Municipal Financial  
50 Assistance Trust Fund in state fiscal year 1999-2000. If the  
51 total proceeds to be distributed are less than the amount  
52 received in combination from the Revenue Sharing Trust Fund for  
53 Municipalities and the former Municipal Financial Assistance  
54 Trust Fund in state fiscal year 1999-2000, each municipality  
55 shall receive an amount proportionate to the amount it was due  
56 in state fiscal year 1999-2000.

57           6. Of the remaining proceeds:

58           a. In each fiscal year, the sum of \$29,915,500 shall be  
59 divided into as many equal parts as there are counties in the  
60 state, and one part shall be distributed to each county. The  
61 distribution among the several counties must begin each fiscal  
62 year on or before January 5th and continue monthly for a total  
63 of 4 months. If a local or special law required that any moneys  
64 accruing to a county in fiscal year 1999-2000 under the then-  
65 existing provisions of s. 550.135 be paid directly to the  
66 district school board, special district, or a municipal  
67 government, such payment must continue until the local or  
68 special law is amended or repealed. The state covenants with



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69 holders of bonds or other instruments of indebtedness issued by  
70 local governments, special districts, or district school boards  
71 before July 1, 2000, that it is not the intent of this  
72 subparagraph to adversely affect the rights of those holders or  
73 relieve local governments, special districts, or district school  
74 boards of the duty to meet their obligations as a result of  
75 previous pledges or assignments or trusts entered into which  
76 obligated funds received from the distribution to county  
77 governments under then-existing s. 550.135. This distribution  
78 specifically is in lieu of funds distributed under s. 550.135  
79 before July 1, 2000.

80       b. The department shall distribute \$166,667 monthly to each  
81 applicant certified as a facility for a new or retained  
82 professional sports franchise pursuant to s. 288.1162. Up to  
83 \$41,667 shall be distributed monthly by the department to each  
84 certified applicant as defined in s. 288.11621 for a facility  
85 for a spring training franchise. However, not more than \$416,670  
86 may be distributed monthly in the aggregate to all certified  
87 applicants for facilities for spring training franchises.  
88 Distributions begin 60 days after such certification and  
89 continue for not more than 30 years, except as otherwise  
90 provided in s. 288.11621. A certified applicant identified in  
91 this sub-subparagraph may not receive more in distributions than  
92 expended by the applicant for the public purposes provided in s.  
93 288.1162(5) or s. 288.11621(3).

94       c. The department shall distribute up to \$83,333 monthly to  
95 each certified applicant as defined in s. 288.11631 for a  
96 facility used by a single spring training franchise, or up to  
97 \$166,667 monthly to each certified applicant as defined in s.





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98 288.11631 for a facility used by more than one spring training  
99 franchise. Monthly distributions begin 60 days after such  
100 certification or July 1, 2016, whichever is later, and continue  
101 for not more than 20 years to each certified applicant as  
102 defined in s. 288.11631 for a facility used by a single spring  
103 training franchise or not more than 25 years to each certified  
104 applicant as defined in s. 288.11631 for a facility used by more  
105 than one spring training franchise. A certified applicant  
106 identified in this sub-subparagraph may not receive more in  
107 distributions than expended by the applicant for the public  
108 purposes provided in s. 288.11631(3).

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

111       e.(I) On or before July 25, 2021, August 25, 2021, and  
112 September 25, 2021, the department shall distribute \$324,533,334  
113 in each of those months to the Unemployment Compensation Trust  
114 Fund, less an adjustment for refunds issued from the General  
115 Revenue Fund pursuant to s. 443.131(3)(e)3. before making the  
116 distribution. The adjustments made by the department to the  
117 total distributions shall be equal to the total refunds made  
118 pursuant to s. 443.131(3)(e)3. If the amount of refunds to be  
119 subtracted from any single distribution exceeds the  
120 distribution, the department may not make that distribution and  
121 must subtract the remaining balance from the next distribution.

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

125       (III) If the ending balance of the Unemployment  
126 Compensation Trust Fund exceeds \$4,071,519,600 on the last day



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127 of any month, as determined from United States Department of the  
128 Treasury data, the Office of Economic and Demographic Research  
129 shall certify to the department that the ending balance of the  
130 trust fund exceeds such amount.

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

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

139 g. To account for the impact of electric and hybrid  
140 vehicles on the state highway system and the use of taxes  
141 collected from motorists when charging such vehicles, beginning  
142 July 2025, and reassessed every 5 fiscal years, on or before the  
143 25th day of each month thereafter, of the portion of the  
144 proceeds of the tax imposed under s. 212.05(1)(e)1.c., the  
145 department shall distribute \$4.167 million to the State  
146 Transportation Trust Fund.

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

149 Section 2. Section 218.3215, Florida Statutes, is created  
150 to read:

151 218.3215 County transportation project data.—Each county  
152 shall annually provide the Department of Transportation with  
153 uniform project data. The data must conform to the county's  
154 fiscal year and must include details on transportation revenues  
155 by source of taxes or fees, expenditure of such revenues for



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156 projects that were funded, and any unexpended balance for the  
157 fiscal year. The data must also include project details,  
158 including the project cost, location, and scope. The scope of  
159 the project must be categorized broadly using a category, such  
160 as widening, repair and rehabilitation, or sidewalks. The data  
161 must specify which projects the revenues not dedicated to  
162 specific projects are supporting. The Department of  
163 Transportation shall inform each county of the method and  
164 required format for submitting the data. The Department of  
165 Transportation shall compile the data and publish such  
166 compilation on its website.

167 Section 3. Subsection (2) of section 316.183, Florida  
168 Statutes, is amended to read:

169 316.183 Unlawful speed.—

170 (2) On all streets or highways, the maximum speed limits  
171 for all vehicles must be 30 miles per hour in business or  
172 residence districts, and 55 miles per hour at any time at all  
173 other locations. However, with respect to a residence district,  
174 a county or municipality may set a maximum speed limit of 20 or  
175 25 miles per hour on local streets and highways after an  
176 investigation determines that such a limit is reasonable. It is  
177 not necessary to conduct a separate investigation for each  
178 residence district. The Department of Transportation shall  
179 determine the safe and advisable minimum speed limit on all  
180 highways that comprise a part of the National System of  
181 Interstate and Defense Highways and have at least ~~not fewer than~~  
182 four lanes is ~~40 miles per hour, except that when the posted~~  
183 ~~speed limit is 70 miles per hour, the minimum speed limit is 50~~  
184 ~~miles per hour.~~



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

187 316.187 Establishment of state speed zones.—

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

190 (b) The maximum allowable speed limit on any other highway  
191 that ~~which~~ is outside an urban area of 5,000 or more persons and  
192 that ~~which~~ has at least four lanes divided by a median strip is  
193 70 ~~65~~ miles per hour.

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

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

200 331.3051 Duties of Space Florida.—Space Florida shall:

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

205 Section 6. Subsections (4), (5), (7), and (8) of section  
206 332.004, Florida Statutes, are amended to read:

207 332.004 Definitions of terms used in ss. 332.003-332.007.—  
208 As used in ss. 332.003-332.007, the term:

209 (4) "Airport or aviation development project" or  
210 "development project" means any activity associated with the  
211 design, construction, purchase, improvement, or repair of a  
212 public-use airport or portion thereof, including, but not  
213 limited to: the purchase of equipment; the acquisition of land,



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214 including land required as a condition of a federal, state, or  
215 local permit or agreement for environmental mitigation; off-  
216 airport noise mitigation projects; the removal, lowering,  
217 relocation, marking, and lighting of airport hazards; the  
218 installation of navigation aids used by aircraft in landing at  
219 or taking off from a public-use ~~public~~ airport; the installation  
220 of safety equipment required by rule or regulation for  
221 certification of the airport under s. 612 of the Federal  
222 Aviation Act of 1958, and amendments thereto; and the  
223 improvement of access to the airport by road or rail system  
224 which is on airport property and which is consistent, to the  
225 maximum extent feasible, with the approved local government  
226 comprehensive plan of the units of local government in which the  
227 airport is located.

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

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

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

242 (c) Have available or planned public ground transportation



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243 between the airport and other major transportation facilities.

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

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

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

254 332.006 Duties and responsibilities of the Department of  
255 Transportation.—The Department of Transportation shall, within  
256 the resources provided pursuant to chapter 216:

257 (4) Upon request, provide financial and technical  
258 assistance to public agencies that own ~~which operate~~ public-use  
259 airports by making department personnel and department-owned  
260 facilities and equipment available on a cost-reimbursement basis  
261 to such agencies for special needs of limited duration. The  
262 requirement relating to reimbursement of personnel costs may be  
263 waived by the department in those cases in which the assistance  
264 provided by its personnel was of a limited nature or duration.

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

267 Section 8. Paragraphs (a) and (c) of subsection (4),  
268 subsection (6), paragraphs (a) and (d) of subsection (7), and  
269 subsections (8) and (10) of section 332.007, Florida Statutes,  
270 are amended, and subsection (11) is added to that section, to  
271 read:



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272           332.007 Administration and financing of aviation and  
273 airport programs and projects; state plan.—

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

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

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

298           (a) The department may fund up to 50 percent of the portion  
299 of eligible project costs which are not funded by the Federal  
300 Government, except that the department may initially fund up to



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301 75 percent of the cost of land acquisition for a new airport or  
302 for the expansion of an existing airport which is owned ~~and~~  
303 ~~operated~~ by a municipality, a county, or an authority, and shall  
304 be reimbursed to the normal statutory project share when federal  
305 funds become available or within 10 years after the date of  
306 acquisition, whichever is earlier. Due to federal budgeting  
307 constraints, the department may also initially fund the federal  
308 portion of eligible project costs subject to:

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

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

314  
315 Such projects must be contained in the Federal Government's  
316 Airport Capital Improvement Program, and the Federal Government  
317 must fund, or have funded, the first year of the project.

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

326 (c) When federal funds are not available, the department  
327 may fund up to 80 percent of master planning and eligible  
328 aviation development projects at public-use ~~publicly owned,~~  
329 ~~publicly operated~~ airports. If federal funds are available, the





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330 department may fund up to 80 percent of the nonfederal share of  
331 such projects. Such funding is limited to general aviation  
332 airports, or commercial service airports that have fewer than  
333 100,000 passenger boardings per year as determined by the  
334 Federal Aviation Administration.

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

339 (7) Subject to the availability of appropriated funds in  
340 addition to aviation fuel tax revenues, the department may  
341 participate in the capital cost of eligible public airport and  
342 aviation discretionary capacity improvement projects. The annual  
343 legislative budget request shall be based on the funding  
344 required for discretionary capacity improvement projects in the  
345 aviation and airport work program.

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

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

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

354 3. Public-use airport access transportation projects that  
355 improve direct airport access and are approved by the airport  
356 sponsor.

357 4. International terminal projects that increase  
358 international gate capacity.



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359 (d) The department may fund up to 50 percent of the portion  
360 of eligible project costs which are not funded by the Federal  
361 Government except that the department may initially fund up to  
362 75 percent of the cost of land acquisition for a new public-use  
363 airport or for the expansion of an existing public-use airport  
364 which is owned ~~and operated~~ by a municipality, a county, or an  
365 authority, and shall be reimbursed to the normal statutory  
366 project share when federal funds become available or within 10  
367 years after the date of acquisition, whichever is earlier.

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

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

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

387 (b) Economic development transportation projects pursuant



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388 to s. 339.2821.

389

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

392 (11) Notwithstanding any other provisions of law, a  
393 municipality, a county, or an authority that owns a public-use  
394 airport may participate in the Federal Aviation Administration  
395 Airport Investment Partnership Program under federal law by  
396 contracting with a private partner to operate the airport under  
397 lease or agreement. Subject to the availability of appropriated  
398 funds from aviation fuel tax revenues, the department may  
399 provide for improvements under this section to a municipality, a  
400 county, or an authority that has a private partner under the  
401 Airport Investment Partnership Program for the capital cost of a  
402 discretionary improvement project at a public-use airport.

403 Section 9. Subsections (6) and (35) of section 334.044,  
404 Florida Statutes, are amended to read:

405 334.044 Powers and duties of the department.—The department  
406 shall have the following general powers and duties:

407 (6) To acquire, by the exercise of the power of eminent  
408 domain as provided by law, all property or property rights,  
409 whether public or private, which it may determine are necessary  
410 to the performance of its duties and the execution of its  
411 powers, including, but not limited to, in advance to preserve a  
412 corridor for future proposed improvements.

413 (35) To expend funds for ~~provide~~ a construction workforce  
414 development program, in consultation with affected stakeholders,  
415 for delivery of projects designated in the department's work  
416 program. The department may annually expend up to \$5 million



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417 from the State Transportation Trust Fund for fiscal years 2025-  
418 2026 through 2029-2030 in grants to state colleges and school  
419 districts, with priority given to state colleges and school  
420 districts in counties that are rural communities as defined in  
421 s. 288.0656(2), for the purchase of equipment simulators with  
422 authentic original equipment manufacturer controls and a  
423 companion curriculum, for the purchase of instructional aids for  
424 use in conjunction with the equipment simulators, and to support  
425 offering an elective course in heavy civil construction which  
426 must, at a minimum, provide the student with an Occupational  
427 Safety and Health Administration 10-hour certification and a  
428 fill equipment simulator certification.

429 Section 10. Subsection (3) of section 334.065, Florida  
430 Statutes, is amended to read:

431 334.065 Center for Urban Transportation Research.—

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

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

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

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

444 (d) The Secretary of Commerce, or his or her designee.

445 ~~including the secretaries of the Department of Transportation,~~



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446 ~~the Department of Environmental Protection, and the Department~~  
447 ~~of Commerce, or their designees, and~~

448 (e) A member of the Florida Transportation Commission.

449 (f) The nomination of the remaining four members of the  
450 board shall be made to the President of the University of South  
451 Florida by the College of Engineering at the University of South  
452 Florida.~~and~~ The appointment of these members must be reviewed  
453 and approved by the Florida Transportation Commission and  
454 confirmed by the Board of Governors.

455 Section 11. Section 334.63, Florida Statutes, is created to  
456 read:

457 334.63 Project concept studies and project development and  
458 environment studies.-

459 (1) Project concept studies and project development and  
460 environment studies for capacity improvement projects on limited  
461 access facilities must include the evaluation of alternatives  
462 that provide transportation capacity using elevated roadway  
463 above existing lanes.

464 (2) Project development and environment studies for new  
465 alignment projects and capacity improvement projects must be  
466 completed within 18 months after the date of commencement.

467 Section 12. Subsections (1) and (4), paragraph (b) of  
468 subsection (7), and subsection (15) of section 337.11, Florida  
469 Statutes, are amended to read:

470 337.11 Contracting authority of department; bids; emergency  
471 repairs, supplemental agreements, and change orders; combined  
472 design and construction contracts; progress payments; records;  
473 requirements of vehicle registration.-

474 (1) The department shall have authority to enter into



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475 contracts for the construction and maintenance of all roads  
476 designated as part of the State Highway System or the State Park  
477 Road System or of any roads placed under its supervision by law.  
478 The department shall also have authority to enter into contracts  
479 for the construction and maintenance of rest areas, weigh  
480 stations, and other structures, including roads, parking areas,  
481 supporting facilities and associated buildings used in  
482 connection with such facilities. A contractor who enters into  
483 such a contract with the department provides a service to the  
484 department, and such contract does not ~~However, no such contract~~  
485 ~~shall~~ create any third-party beneficiary rights in any person  
486 not a party to the contract.

487 (4) (a) Except as provided in paragraph (b), the department  
488 may award the proposed construction and maintenance work to the  
489 lowest responsible bidder, or in the instance of a time-plus-  
490 money contract, the lowest evaluated responsible bidder, or it  
491 may reject all bids and proceed to rebid the work in accordance  
492 with subsection (2) or otherwise perform the work.

493 (b) Notwithstanding any other provision of law to the  
494 contrary:

495 1. If the department receives bids outside the award  
496 criteria set forth by the department, the department must:

497 a. Arrange an in-person meeting with the lowest responsive,  
498 responsible bidder to determine why the bids are over the  
499 department's estimate and may subsequently award the contract to  
500 the lowest responsive, responsible bidder at its discretion;

501 b. Reject all bids and proceed to rebid the work in  
502 accordance with subsection (2); or

503 c. Invite all responsive, responsible bidders to provide



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504 best and final offers without filing a protest or posting a bond  
505 under paragraph (5) (a). If the department thereafter awards the  
506 contract, the award must be to the bidder that presents the  
507 lowest best and final offer.

508 2. If the department intends to reject all bids on any  
509 project after announcing, but before posting official notice of,  
510 such intent, the department must provide to the lowest  
511 responsive, responsible bidder the opportunity to negotiate the  
512 scope of work with a corresponding reduction in price, as  
513 provided in the bid, to provide a best and final offer without  
514 filing a protest or posting a bond under paragraph (5) (a). Upon  
515 reaching a decision regarding the lowest bidder's best and final  
516 offer, the department must post notice of final agency action to  
517 either reject all bids or accept the best and final offer.

518 (c) This subsection does not prohibit the filing of a  
519 protest by any bidder or alter the deadlines provided in s.  
520 120.57.

521 (d) Notwithstanding the requirements of ss. 120.57(3) (c)  
522 and 287.057(25), upon receipt of a formal written protest that  
523 is timely filed, the department may continue the process  
524 provided in this subsection but may not take final agency action  
525 as to the lowest bidder except as part of the department's final  
526 agency action in the protest or upon dismissal of the protest by  
527 the protesting party.

528 (7)

529 (b) If the department determines that it is in the best  
530 interests of the public, the department may combine the design  
531 and construction phases of a project fully funded in the work  
532 program into a single contract and select the design-build firm



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533 in the early stages of a project to ensure that the design-build  
534 firm is part of the collaboration and development of the design  
535 as part of a step-by-step progression through construction. Such  
536 a contract is referred to as a phased design-build contract. For  
537 phased design-build contracts, selection and award must include  
538 a two-phase process. For phase one, the department shall  
539 competitively award the contract to a design-build firm based  
540 upon qualifications, provided that the department receives at  
541 least three statements of qualifications from qualified design-  
542 build firms. If during phase one the department elects to enter  
543 into contracts with more than one design-build firm based upon  
544 qualifications, the department must competitively award the  
545 contract for phase two to a single design-build firm. For phase  
546 two, the design-build firm may self-perform portions of the work  
547 and shall competitively bid construction trade subcontractor  
548 packages and, based upon these bids, negotiate with the  
549 department a fixed firm price or guaranteed maximum price that  
550 meets the project budget and scope as advertised in the request  
551 for qualifications.

552 (15) Each contract let by the department for performance of  
553 bridge construction or maintenance over navigable waters must  
554 contain a provision requiring marine general liability  
555 insurance, in an amount to be determined by the department,  
556 which covers third-party personal injury and property damage  
557 caused by vessels used by the contractor in the performance of  
558 the work. For a contract let by the department on or after July  
559 1, 2025, such insurance must include protection and indemnity  
560 coverage, which may be covered by endorsement on the marine  
561 general liability insurance policy or may be a separate policy.





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562 Section 13. Subsection (3) is added to section 337.1101,  
563 Florida Statutes, to read:

564 337.1101 Contracting and procurement authority of the  
565 department; settlements; notification required.-

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

572 Section 14. Subsections (1), (2), and (8) of section  
573 337.14, Florida Statutes, are amended to read:

574 337.14 Application for qualification; certificate of  
575 qualification; restrictions; request for hearing.-

576 (1) Any contractor desiring to bid for the performance of  
577 any construction contract in excess of \$250,000 which the  
578 department proposes to let must first be certified by the  
579 department as qualified pursuant to this section and rules of  
580 the department. The rules of the department must address the  
581 qualification of contractors to bid on construction contracts in  
582 excess of \$250,000 and must include requirements with respect to  
583 the equipment, past record, experience, financial resources, and  
584 organizational personnel of the applying contractor which are  
585 necessary to perform the specific class of work for which the  
586 contractor seeks certification. Any contractor who desires to  
587 bid on contracts in excess of \$50 million and who is not  
588 qualified and in good standing with the department as of January  
589 1, 2019, must first be certified by the department as qualified  
590 and must have satisfactorily completed two projects, each in



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591 excess of \$15 million, for the department or for any other state  
592 department of transportation. The department may limit the  
593 dollar amount of any contract upon which a contractor is  
594 qualified to bid or the aggregate total dollar volume of  
595 contracts such contractor is allowed to have under contract at  
596 any one time. Each applying contractor seeking qualification to  
597 bid on construction contracts in excess of \$250,000 shall  
598 furnish the department a statement under oath, on such forms as  
599 the department may prescribe, setting forth detailed information  
600 as required on the application. Each application for  
601 certification must be accompanied by audited, certified  
602 financial statements prepared in accordance with generally  
603 accepted accounting principles and auditing standards by a  
604 certified public accountant licensed in this state or another  
605 state. The audited, certified financial statements must be for  
606 the applying contractor and must have been prepared within the  
607 immediately preceding 12 months. The department may not consider  
608 any financial information of the parent entity of the applying  
609 contractor, if any. The department may not certify as qualified  
610 any applying contractor who fails to submit the audited,  
611 certified financial statements required by this subsection. If  
612 the application or the annual financial statement shows the  
613 financial condition of the applying contractor more than 4  
614 months before the date on which the application is received by  
615 the department, the applicant must also submit interim audited,  
616 certified financial statements prepared in accordance with  
617 generally accepted accounting principles and auditing standards  
618 by a certified public accountant licensed in this state or  
619 another state. The interim financial statements must cover the



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620 period from the end date of the annual statement and must show  
621 the financial condition of the applying contractor no more than  
622 4 months before the date that the interim financial statements  
623 are received by the department. However, upon the request of the  
624 applying contractor, an application and accompanying annual or  
625 interim financial statement received by the department within 15  
626 days after either 4-month period under this subsection shall be  
627 considered timely. An applying contractor desiring to bid  
628 exclusively for the performance of construction contracts with  
629 proposed budget estimates of less than \$2 million may submit  
630 reviewed annual or reviewed interim financial statements  
631 prepared by a certified public accountant. The information  
632 required by this subsection is confidential and exempt from s.  
633 119.07(1). The department shall act upon the application for  
634 qualification within 30 days after the department determines  
635 that the application is complete. The department may waive the  
636 requirements of this subsection for projects having a contract  
637 price of \$1 million or less which have diverse scopes of work  
638 that may or may not be performed or \$500,000 or less if the  
639 department determines that the project is of a noncritical  
640 nature and the waiver will not endanger public health, safety,  
641 or property. Contracts for projects that have diverse scopes of  
642 work that may or may not be performed are typically referred to  
643 as push-button or task work order contracts.

644 (2) Certification is ~~shall be~~ necessary in order to bid on  
645 a road, bridge, or public transportation construction contract  
646 of more than \$250,000. However, the successful bidder on any  
647 construction contract must furnish a contract bond before ~~prior~~  
648 ~~to~~ the award of the contract. The department may waive the



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649 requirement for all or a portion of a contract bond for  
650 contracts of \$250,000 ~~\$150,000~~ or less under s. 337.18(1).

651 (8) This section does not apply to maintenance contracts.

652 Notwithstanding any provision of law to the contrary, a  
653 contractor seeking to bid on a maintenance contract that  
654 predominantly includes repair and replacement of safety  
655 appurtenances, including, but not limited to, guardrails,  
656 attenuators, traffic signals, and striping, must possess the  
657 prescribed qualifications, equipment, record, and experience to  
658 perform such repair and replacement.

659 Section 15. Subsections (4) and (5) of section 337.185,  
660 Florida Statutes, are amended to read:

661 337.185 State Arbitration Board.—

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

677 (5) An arbitration request may not be made to the board



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678 before final acceptance but must be made to the board within 820  
679 days after final acceptance or within 360 days after written  
680 notice by the department of a claim related to a written  
681 warranty or defect after final acceptance.

682 Section 16. Subsection (2) of section 337.19, Florida  
683 Statutes, is amended to read:

684 337.19 Suits by and against department; limitation of  
685 actions; forum.—

686 (2) For contracts entered into on or after June 30, 1993,  
687 suits by or and against the department under this section must  
688 ~~shall~~ be commenced within 820 days of the final acceptance of  
689 the work. For contracts entered into on or after July 1, 2025,  
690 suits by or against the department under this section must be  
691 commenced within 820 days of the final acceptance of the work or  
692 within 360 days after written notice by the department of a  
693 claim related to a written warranty or defect after final  
694 acceptance ~~This section shall apply to all contracts entered~~  
695 ~~into after June 30, 1993.~~

696 Section 17. Present subsections (3) through (9) of section  
697 337.401, Florida Statutes, are redesignated as subsections (4)  
698 through (10), respectively, paragraph (c) is added to subsection  
699 (1) and a new subsection (3) is added to that section, and  
700 paragraph (b) of subsection (1), subsection (2), paragraphs (a),  
701 (c), and (g) of present subsection (3), present subsection (5),  
702 paragraph (e) of present subsection (6), and paragraphs (d) and  
703 (n) of present subsection (7) of that section are amended, to  
704 read:

705 337.401 Use of right-of-way for utilities subject to  
706 regulation; permit; fees.—



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707 (1)  
708 (b) For aerial and underground electric utility  
709 transmission lines designed to operate at 69 or more kilovolts  
710 which ~~that~~ are needed to accommodate the additional electrical  
711 transfer capacity on the transmission grid resulting from new  
712 base-load generating facilities, the department's rules shall  
713 provide for placement of and access to such transmission lines  
714 adjacent to and within the right-of-way of any department-  
715 controlled public roads, including longitudinally within limited  
716 access facilities where there is no other practicable  
717 alternative available, to the greatest extent allowed by federal  
718 law, if compliance with the standards established by such rules  
719 is achieved. Without limiting or conditioning the department's  
720 jurisdiction or authority described in paragraph (a), with  
721 respect to limited access right-of-way, such rules may include,  
722 but need not be limited to, that the use of the right-of-way for  
723 longitudinal placement of electric utility transmission lines is  
724 reasonable based upon a consideration of economic and  
725 environmental factors, including, without limitation, other  
726 practicable alternative alignments, utility corridors and  
727 easements, impacts on adjacent property owners, and minimum  
728 clear zones and other safety standards, and further provide that  
729 placement of the electric utility transmission lines within the  
730 department's right-of-way does not interfere with operational  
731 requirements of the transportation facility or planned or  
732 potential future expansion of such transportation facility. If  
733 the department approves longitudinal placement of electric  
734 utility transmission lines in limited access facilities,  
735 compensation for the use of the right-of-way is required. Such



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736 consideration or compensation paid by the ~~electric~~ utility owner  
737 in connection with the department's issuance of a permit does  
738 not create any property right in the department's property  
739 regardless of the amount of consideration paid or the  
740 improvements constructed on the property by the utility owner.  
741 Upon notice by the department that the property is needed for  
742 expansion or improvement of the transportation facility, the  
743 electric utility transmission line will be removed or relocated  
744 at the utility owner's ~~electric utility's~~ sole expense. The  
745 ~~electric~~ utility owner shall pay to the department reasonable  
746 damages resulting from the utility owner's ~~utility's~~ failure or  
747 refusal to timely remove or relocate its transmission lines. The  
748 rules to be adopted by the department may also address the  
749 compensation methodology and removal or relocation. As used in  
750 this subsection, the term "base-load generating facilities"  
751 means electric power plants that are certified under part II of  
752 chapter 403.

753 (c) An entity that places, replaces, or relocates  
754 underground utilities within a right-of-way must make such  
755 underground utilities electronically detectable using techniques  
756 approved by the department.

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



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765 the jurisdiction of the department, a utility relocation  
766 schedule and relocation agreement may be executed in lieu of a  
767 written permit. The permit or relocation agreement must require  
768 the permitholder or party to the agreement to be responsible for  
769 any damage resulting from the work required. The utility owner  
770 shall pay to the authority actual damages resulting from a  
771 failure or refusal to timely remove or relocate a utility.  
772 Issuance of permits for new placement of utilities within the  
773 authority's rights-of-way may be subject to payment of actual  
774 costs incurred by the authority due to the failure of the  
775 utility owner to timely relocate utilities pursuant to an  
776 approved utility work schedule, for damage done to existing  
777 infrastructure by the utility owner, and for roadway failures  
778 caused by work performed by the utility owner ~~issuance of such~~  
779 ~~permit~~. The authority may initiate injunctive proceedings as  
780 provided in s. 120.69 to enforce ~~provisions of~~ this subsection  
781 or any rule or order issued or entered into pursuant thereto. A  
782 permit application required under this subsection by a county or  
783 municipality having jurisdiction and control of the right-of-way  
784 of any public road must be processed and acted upon in  
785 accordance with the timeframes provided in subparagraphs  
786 (8) (d) 7., 8., and 9 ~~(7) (d) 7., 8., and 9.~~

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

790 (b) The authority and utility owner shall agree in writing  
791 to an approved depth of as-built plans in accordance with the  
792 scope of a project.

793 (c) The utility owner shall submit as-built plans within 20





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794 business days after completion of the utility work which show  
795 actual final surface and subsurface utilities, including  
796 location alignment profile, depth, and geodetic datum of each  
797 structure. As-built plans must be provided in an electronic  
798 format that is compatible with department software and meets  
799 technical specifications provided by the department or in an  
800 electronic format determined by the utility industry to be in  
801 accordance with industry standards. The department may by  
802 written agreement make exceptions to the electronic format  
803 requirement.

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

806 (4) (a) ~~(3) (a)~~ Because of the unique circumstances applicable  
807 to providers of communications services, including, but not  
808 limited to, the circumstances described in paragraph (e) and the  
809 fact that federal and state law require the nondiscriminatory  
810 treatment of providers of telecommunications services, and  
811 because of the desire to promote competition among providers of  
812 communications services, it is the intent of the Legislature  
813 that municipalities and counties treat providers of  
814 communications services in a nondiscriminatory and competitively  
815 neutral manner when imposing rules or regulations governing the  
816 placement or maintenance of communications facilities in the  
817 public roads or rights-of-way. Rules or regulations imposed by a  
818 municipality or county relating to providers of communications  
819 services placing or maintaining communications facilities in its  
820 roads or rights-of-way must be generally applicable to all  
821 providers of communications services, taking into account the  
822 distinct engineering, construction, operation, maintenance,



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823 public works, and safety requirements of the provider's  
824 facilities, and, notwithstanding any other law, may not require  
825 a provider of communications services to apply for or enter into  
826 an individual license, franchise, or other agreement with the  
827 municipality or county as a condition of placing or maintaining  
828 communications facilities in its roads or rights-of-way. In  
829 addition to other reasonable rules or regulations that a  
830 municipality or county may adopt relating to the placement or  
831 maintenance of communications facilities in its roads or rights-  
832 of-way under this subsection or subsection (8) ~~(7)~~, a  
833 municipality or county may require a provider of communications  
834 services that places or seeks to place facilities in its roads  
835 or rights-of-way to register with the municipality or county. To  
836 register, a provider of communications services may be required  
837 only to provide its name; the name, address, and telephone  
838 number of a contact person for the registrant; the number of the  
839 registrant's current certificate of authorization issued by the  
840 Florida Public Service Commission, the Federal Communications  
841 Commission, or the Department of State; a statement of whether  
842 the registrant is a pass-through provider as defined in  
843 subparagraph (7)(a)1. ~~(6)(a)1.~~; the registrant's federal  
844 employer identification number; and any required proof of  
845 insurance or self-insuring status adequate to defend and cover  
846 claims. A municipality or county may not require a registrant to  
847 renew a registration more frequently than every 5 years but may  
848 require during this period that a registrant update the  
849 registration information provided under this subsection within  
850 90 days after a change in such information. A municipality or  
851 county may not require the registrant to provide an inventory of



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

876 (c) Any municipality or county that, as of January 1, 2019,  
877 elected to require permit fees from any provider of  
878 communications services that uses or occupies municipal or  
879 county roads or rights-of-way pursuant to former paragraph (c)  
880 or former paragraph (j), Florida Statutes 2018, may continue to



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881 require and collect such fees. A municipality or county that  
882 elected as of January 1, 2019, to require permit fees may elect  
883 to forego such fees as provided herein. A municipality or county  
884 that elected as of January 1, 2019, not to require permit fees  
885 may not elect to impose permit fees. All fees authorized under  
886 this paragraph must be reasonable and commensurate with the  
887 direct and actual cost of the regulatory activity, including  
888 issuing and processing permits, plan reviews, physical  
889 inspection, and direct administrative costs; must be  
890 demonstrable; and must be equitable among users of the roads or  
891 rights-of-way. A fee authorized under this paragraph may not be  
892 offset against the tax imposed under chapter 202; include the  
893 costs of roads or rights-of-way acquisition or roads or rights-  
894 of-way rental; include any general administrative, management,  
895 or maintenance costs of the roads or rights-of-way; or be based  
896 on a percentage of the value or costs associated with the work  
897 to be performed on the roads or rights-of-way. In an action to  
898 recover amounts due for a fee not authorized under this  
899 paragraph, the prevailing party may recover court costs and  
900 attorney fees at trial and on appeal. In addition to the  
901 limitations set forth in this section, a fee levied by a  
902 municipality or charter county under this paragraph may not  
903 exceed \$100. However, permit fees may not be imposed with  
904 respect to permits that may be required for service drop lines  
905 not required to be noticed under s. 556.108(5) or for any  
906 activity that does not require the physical disturbance of the  
907 roads or rights-of-way or does not impair access to or full use  
908 of the roads or rights-of-way, including, but not limited to,  
909 the performance of service restoration work on existing



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910 facilities, extensions of such facilities for providing  
911 communications services to customers, and the placement of micro  
912 wireless facilities in accordance with subparagraph (8)(e)3  
913 ~~(7)(e)3~~.

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

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

926 (g) A municipality or county may not use its authority over  
927 the placement of facilities in its roads and rights-of-way as a  
928 basis for asserting or exercising regulatory control over a  
929 provider of communications services regarding matters within the  
930 exclusive jurisdiction of the Florida Public Service Commission  
931 or the Federal Communications Commission, including, but not  
932 limited to, the operations, systems, equipment, technology,  
933 qualifications, services, service quality, service territory,  
934 and prices of a provider of communications services. A  
935 municipality or county may not require any permit for the  
936 maintenance, repair, replacement, extension, or upgrade of  
937 existing aerial wireline communications facilities on utility  
938 poles or for aerial wireline facilities between existing



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939 wireline communications facility attachments on utility poles by  
940 a communications services provider. However, a municipality or  
941 county may require a right-of-way permit for work that involves  
942 excavation, closure of a sidewalk, or closure of a vehicular  
943 lane or parking lane, unless the provider is performing service  
944 restoration to existing facilities. A permit application  
945 required by an authority under this section for the placement of  
946 communications facilities must be processed and acted upon  
947 consistent with the timeframes provided in subparagraphs  
948 (8) (d) 7., 8., and 9 ~~(7) (d) 7., 8., and 9.~~ In addition, a  
949 municipality or county may not require any permit or other  
950 approval, fee, charge, or cost, or other exaction for the  
951 maintenance, repair, replacement, extension, or upgrade of  
952 existing aerial lines or underground communications facilities  
953 located on private property outside of the public rights-of-way.  
954 As used in this section, the term "extension of existing  
955 facilities" includes those extensions from the rights-of-way  
956 into a customer's private property for purposes of placing a  
957 service drop or those extensions from the rights-of-way into a  
958 utility easement to provide service to a discrete identifiable  
959 customer or group of customers.

960 (6) ~~(5)~~ This section, except subsections (1) and (2) and  
961 paragraph (4) (g) ~~(3) (g)~~, does not apply to the provision of pay  
962 telephone service on public, municipal, or county roads or  
963 rights-of-way.

964 (7) ~~(6)~~

965 (e) This subsection does not alter any provision of this  
966 section or s. 202.24 relating to taxes, fees, or other charges  
967 or impositions by a municipality or county on a dealer of



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

977 | (8) ~~(7)~~

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

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

987 | 2. An applicant may not be required to provide more  
988 | information to obtain a permit than is necessary to demonstrate  
989 | the applicant's compliance with applicable codes for the  
990 | placement of small wireless facilities in the locations  
991 | identified in the application. An applicant may not be required  
992 | to provide inventories, maps, or locations of communications  
993 | facilities in the right-of-way other than as necessary to avoid  
994 | interference with other at-grade or aerial facilities located at  
995 | the specific location proposed for a small wireless facility or  
996 | within 50 feet of such location.



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- 997           3. An authority may not:
- 998           a. Require the placement of small wireless facilities on  
999 any specific utility pole or category of poles;
- 1000           b. Require the placement of multiple antenna systems on a  
1001 single utility pole;
- 1002           c. Require a demonstration that collocation of a small  
1003 wireless facility on an existing structure is not legally or  
1004 technically possible as a condition for granting a permit for  
1005 the collocation of a small wireless facility on a new utility  
1006 pole except as provided in paragraph (i);
- 1007           d. Require compliance with an authority's provisions  
1008 regarding placement of small wireless facilities or a new  
1009 utility pole used to support a small wireless facility in  
1010 rights-of-way under the control of the department unless the  
1011 authority has received a delegation from the department for the  
1012 location of the small wireless facility or utility pole, or  
1013 require such compliance as a condition to receive a permit that  
1014 is ancillary to the permit for collocation of a small wireless  
1015 facility, including an electrical permit;
- 1016           e. Require a meeting before filing an application;
- 1017           f. Require direct or indirect public notification or a  
1018 public meeting for the placement of communication facilities in  
1019 the right-of-way;
- 1020           g. Limit the size or configuration of a small wireless  
1021 facility or any of its components, if the small wireless  
1022 facility complies with the size limits in this subsection;
- 1023           h. Prohibit the installation of a new utility pole used to  
1024 support the collocation of a small wireless facility if the  
1025 installation otherwise meets the requirements of this





1026 subsection; or

1027       i. Require that any component of a small wireless facility  
1028 be placed underground except as provided in paragraph (i).

1029       4. Subject to paragraph (r), an authority may not limit the  
1030 placement, by minimum separation distances, of small wireless  
1031 facilities, utility poles on which small wireless facilities are  
1032 or will be collocated, or other at-grade communications  
1033 facilities. However, within 14 days after the date of filing the  
1034 application, an authority may request that the proposed location  
1035 of a small wireless facility be moved to another location in the  
1036 right-of-way and placed on an alternative authority utility pole  
1037 or support structure or placed on a new utility pole. The  
1038 authority and the applicant may negotiate the alternative  
1039 location, including any objective design standards and  
1040 reasonable spacing requirements for ground-based equipment, for  
1041 30 days after the date of the request. At the conclusion of the  
1042 negotiation period, if the alternative location is accepted by  
1043 the applicant, the applicant must notify the authority of such  
1044 acceptance and the application shall be deemed granted for any  
1045 new location for which there is agreement and all other  
1046 locations in the application. If an agreement is not reached,  
1047 the applicant must notify the authority of such nonagreement and  
1048 the authority must grant or deny the original application within  
1049 90 days after the date the application was filed. A request for  
1050 an alternative location, an acceptance of an alternative  
1051 location, or a rejection of an alternative location must be in  
1052 writing and provided by electronic mail.

1053       5. An authority shall limit the height of a small wireless  
1054 facility to 10 feet above the utility pole or structure upon



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1055 which the small wireless facility is to be collocated. Unless  
1056 waived by an authority, the height for a new utility pole is  
1057 limited to the tallest existing utility pole as of July 1, 2017,  
1058 located in the same right-of-way, other than a utility pole for  
1059 which a waiver has previously been granted, measured from grade  
1060 in place within 500 feet of the proposed location of the small  
1061 wireless facility. If there is no utility pole within 500 feet,  
1062 the authority shall limit the height of the utility pole to 50  
1063 feet.

1064         6. The installation by a communications services provider  
1065 of a utility pole in the public rights-of-way, other than a  
1066 utility pole used to support a small wireless facility, is  
1067 subject to authority rules or regulations governing the  
1068 placement of utility poles in the public rights-of-way.

1069         7. Within 14 days after receiving an application, an  
1070 authority must determine and notify the applicant by electronic  
1071 mail as to whether the application is complete. If an  
1072 application is deemed incomplete, the authority must  
1073 specifically identify the missing information. An application is  
1074 deemed complete if the authority fails to provide notification  
1075 to the applicant within 14 days.

1076         8. An application must be processed on a nondiscriminatory  
1077 basis. A complete application is deemed approved if an authority  
1078 fails to approve or deny the application within 60 days after  
1079 receipt of the application. If an authority does not use the 30-  
1080 day negotiation period provided in subparagraph 4., the parties  
1081 may mutually agree to extend the 60-day application review  
1082 period. The authority shall grant or deny the application at the  
1083 end of the extended period. A permit issued pursuant to an



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1084 approved application shall remain effective for 1 year unless  
1085 extended by the authority.

1086 9. An authority must notify the applicant of approval or  
1087 denial by electronic mail. An authority shall approve a complete  
1088 application unless it does not meet the authority's applicable  
1089 codes. If the application is denied, the authority must specify  
1090 in writing the basis for denial, including the specific code  
1091 provisions on which the denial was based, and send the  
1092 documentation to the applicant by electronic mail on the day the  
1093 authority denies the application. The applicant may cure the  
1094 deficiencies identified by the authority and resubmit the  
1095 application within 30 days after notice of the denial is sent to  
1096 the applicant. The authority shall approve or deny the revised  
1097 application within 30 days after receipt or the application is  
1098 deemed approved. The review of a revised application is limited  
1099 to the deficiencies cited in the denial. If an authority  
1100 provides for administrative review of the denial of an  
1101 application, the review must be complete and a written decision  
1102 issued within 45 days after a written request for review is  
1103 made. A denial must identify the specific code provisions on  
1104 which the denial is based. If the administrative review is not  
1105 complete within 45 days, the authority waives any claim  
1106 regarding failure to exhaust administrative remedies in any  
1107 judicial review of the denial of an application.

1108 10. An applicant seeking to collocate small wireless  
1109 facilities within the jurisdiction of a single authority may, at  
1110 the applicant's discretion, file a consolidated application and  
1111 receive a single permit for the collocation of up to 30 small  
1112 wireless facilities. If the application includes multiple small



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1113 wireless facilities, an authority may separately address small  
1114 wireless facility collocations for which incomplete information  
1115 has been received or which are denied.

1116 11. An authority may deny an application to collocate a  
1117 small wireless facility or place a utility pole used to support  
1118 a small wireless facility in the public rights-of-way if the  
1119 proposed small wireless facility or utility pole used to support  
1120 a small wireless facility:

1121 a. Materially interferes with the safe operation of traffic  
1122 control equipment.

1123 b. Materially interferes with sight lines or clear zones  
1124 for transportation, pedestrians, or public safety purposes.

1125 c. Materially interferes with compliance with the Americans  
1126 with Disabilities Act or similar federal or state standards  
1127 regarding pedestrian access or movement.

1128 d. Materially fails to comply with the 2017 edition of the  
1129 Florida Department of Transportation Utility Accommodation  
1130 Manual.

1131 e. Fails to comply with applicable codes.

1132 f. Fails to comply with objective design standards  
1133 authorized under paragraph (r).

1134 12. An authority may adopt by ordinance provisions for  
1135 insurance coverage, indemnification, force majeure, abandonment,  
1136 authority liability, or authority warranties. Such provisions  
1137 must be reasonable and nondiscriminatory. An authority may  
1138 require a construction bond to secure restoration of the  
1139 postconstruction rights-of-way to the preconstruction condition.  
1140 However, such bond must be time-limited to not more than 18  
1141 months after the construction to which the bond applies is



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1142 completed. For any financial obligation required by an authority  
1143 allowed under this section, the authority shall accept a letter  
1144 of credit or similar financial instrument issued by any  
1145 financial institution that is authorized to do business within  
1146 the United States, provided that a claim against the financial  
1147 instrument may be made by electronic means, including by  
1148 facsimile. A provider of communications services may add an  
1149 authority to any existing bond, insurance policy, or other  
1150 relevant financial instrument, and the authority must accept  
1151 such proof of coverage without any conditions other than consent  
1152 to venue for purposes of any litigation to which the authority  
1153 is a party. An authority may not require a communications  
1154 services provider to indemnify it for liabilities not caused by  
1155 the provider, including liabilities arising from the authority's  
1156 negligence, gross negligence, or willful conduct.

1157 13. Collocation of a small wireless facility on an  
1158 authority utility pole does not provide the basis for the  
1159 imposition of an ad valorem tax on the authority utility pole.

1160 14. An authority may reserve space on authority utility  
1161 poles for future public safety uses. However, a reservation of  
1162 space may not preclude collocation of a small wireless facility.  
1163 If replacement of the authority utility pole is necessary to  
1164 accommodate the collocation of the small wireless facility and  
1165 the future public safety use, the pole replacement is subject to  
1166 make-ready provisions and the replaced pole shall accommodate  
1167 the future public safety use.

1168 15. A structure granted a permit and installed pursuant to  
1169 this subsection shall comply with chapter 333 and federal  
1170 regulations pertaining to airport airspace protections.



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1171 (n) This subsection does not affect provisions relating to  
1172 pass-through providers in subsection (7) ~~(6)~~.

1173 Section 18. Present subsections (2) and (3) of section  
1174 337.403, Florida Statutes, are redesignated as subsections (4)  
1175 and (5), respectively, new subsections (2) and (3) are added to  
1176 that section, and subsection (1) of that section is amended, to  
1177 read:

1178 337.403 Interference caused by utility; expenses.—

1179 (1) If a utility that is placed upon, under, over, or  
1180 within the right-of-way limits of any public road or publicly  
1181 owned rail corridor is found by the authority to be unreasonably  
1182 interfering in any way with the convenient, safe, or continuous  
1183 use, or the maintenance, improvement, extension, or expansion,  
1184 of such public road or publicly owned rail corridor, the utility  
1185 owner shall, upon 30 days' written notice to the utility or its  
1186 agent by the authority, initiate the work necessary to alleviate  
1187 the interference at its own expense except as provided in  
1188 paragraphs (a)-(k) ~~(a)-(j)~~. The work must be completed within  
1189 such reasonable time as stated in the notice or such time as  
1190 agreed to by the authority and the utility owner.

1191 (a) If the relocation of utility facilities, as referred to  
1192 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
1193 84-627, is necessitated by the construction of a project on the  
1194 federal-aid interstate system, including extensions thereof  
1195 within urban areas, and the cost of the project is eligible and  
1196 approved for reimbursement by the Federal Government to the  
1197 extent of 90 percent or more under the Federal-Aid Highway Act,  
1198 or any amendment thereof, ~~then in that event~~ the utility owning  
1199 or operating such facilities must ~~shall~~ perform any necessary



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1200 work upon notice from the department, and the state must ~~shall~~  
1201 pay the entire expense properly attributable to such work after  
1202 deducting therefrom any increase in the value of a new facility  
1203 and any salvage value derived from an old facility.

1204 (b) The department may reimburse up to 50 percent of the  
1205 costs for relocation of publicly regulated utility facilities  
1206 and municipally owned or county-owned utility facilities, and  
1207 100 percent of the costs for relocation of municipally owned or  
1208 county-owned utility facilities located in a rural area of  
1209 opportunity as defined in s. 288.0656(2), on the state highway  
1210 system after deducting therefrom any increase in the value of a  
1211 new facility and any salvage value derived from an old facility  
1212 upon determining that such reimbursement is in the best  
1213 interests of the public and necessary to expedite the  
1214 construction of the project and that the utility owner has  
1215 relocated their facility at least 5 percent ahead of the time  
1216 allotted for relocation per the latest approved utility  
1217 relocation schedule.

1218 (c) ~~(b)~~ When a joint agreement between the department and  
1219 the utility is executed for utility work to be accomplished as  
1220 part of a contract for construction of a transportation  
1221 facility, the department may participate in those utility work  
1222 costs that exceed the department's official estimate of the cost  
1223 of the work by more than 10 percent in addition to any costs  
1224 identified in paragraph (a). The amount of such participation is  
1225 limited to the difference between the official estimate of all  
1226 the work in the joint agreement plus 10 percent and the amount  
1227 awarded for this work in the construction contract for such  
1228 work. The department may not participate in any utility work



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1229 costs that occur as a result of changes or additions during the  
1230 course of the contract.

1231 (d)~~(e)~~ When an agreement between the department and utility  
1232 is executed for utility work to be accomplished in advance of a  
1233 contract for construction of a transportation facility, the  
1234 department may participate in the cost of clearing and grubbing  
1235 necessary to perform such work.

1236 (e)~~(d)~~ If the utility facility was initially installed to  
1237 exclusively serve the authority or its tenants, or both, the  
1238 authority must ~~shall~~ bear the costs of the utility work.  
1239 However, the authority is not responsible for the cost of  
1240 utility work related to any subsequent additions to that  
1241 facility for the purpose of serving others. For a county or  
1242 municipality, if such utility facility was installed in the  
1243 right-of-way as a means to serve a county or municipal facility  
1244 on a parcel of property adjacent to the right-of-way and if the  
1245 intended use of the county or municipal facility is for a use  
1246 other than transportation purposes, the obligation of the county  
1247 or municipality to bear the costs of the utility work extends  
1248 ~~shall extend~~ only to utility work on the parcel of property on  
1249 which the facility of the county or municipality originally  
1250 served by the utility facility is located.

1251 (f)~~(e)~~ If, under an agreement between a utility owner and  
1252 the authority entered into after July 1, 2009, the utility  
1253 conveys, subordinates, or relinquishes a compensable property  
1254 right to the authority for the purpose of accommodating the  
1255 acquisition or use of the right-of-way by the authority, without  
1256 the agreement expressly addressing future responsibility for the  
1257 cost of necessary utility work, the authority must ~~shall~~ bear





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1258 the cost of removal or relocation. This paragraph does not  
1259 impair or restrict, and may not be used to interpret, the terms  
1260 of any such agreement entered into before July 1, 2009.

1261 (g)~~(f)~~ If the utility is an electric facility being  
1262 relocated underground in order to enhance vehicular, bicycle,  
1263 and pedestrian safety and in which ownership of the electric  
1264 facility to be placed underground has been transferred from a  
1265 private to a public utility within the past 5 years, the  
1266 department shall incur all costs of the necessary utility work.

1267 (h)~~(g)~~ An authority may bear the costs of utility work  
1268 required to eliminate an unreasonable interference when the  
1269 utility is not able to establish that it has a compensable  
1270 property right in the particular property where the utility is  
1271 located if:

1272 1. The utility was physically located on the particular  
1273 property before the authority acquired rights in the property;

1274 2. The utility demonstrates that it has a compensable  
1275 property right in adjacent properties along the alignment of the  
1276 utility or, after due diligence, certifies that the utility does  
1277 not have evidence to prove or disprove that it has a compensable  
1278 property right in the particular property where the utility is  
1279 located; and

1280 3. The information available to the authority does not  
1281 establish the relative priorities of the authority's and the  
1282 utility's interests in the particular property.

1283 (i)~~(h)~~ If a municipally owned utility or county-owned  
1284 utility is located in a rural area of opportunity, as defined in  
1285 s. 288.0656(2), and the department determines that the utility  
1286 owner is unable, and will not be able within the next 10 years,



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1287 to pay for the cost of utility work necessitated by a department  
1288 project on the State Highway System, the department may pay, in  
1289 whole or in part, the cost of such utility work performed by the  
1290 department or its contractor.

1291 (j)~~(i)~~ If the relocation of utility facilities is  
1292 necessitated by the construction of a commuter rail service  
1293 project or an intercity passenger rail service project and the  
1294 cost of the project is eligible and approved for reimbursement  
1295 by the Federal Government, ~~then~~ in that event the utility owning  
1296 or operating such facilities located by permit on a department-  
1297 owned rail corridor must ~~shall~~ perform any necessary utility  
1298 relocation work upon notice from the department, and the  
1299 department must ~~shall~~ pay the expense properly attributable to  
1300 such utility relocation work in the same proportion as federal  
1301 funds are expended on the commuter rail service project or an  
1302 intercity passenger rail service project after deducting  
1303 therefrom any increase in the value of a new facility and any  
1304 salvage value derived from an old facility. In no event is ~~shall~~  
1305 the state ~~be~~ required to use state dollars for such utility  
1306 relocation work. This paragraph does not apply to any phase of  
1307 the Central Florida Commuter Rail project, known as SunRail.

1308 (k)~~(j)~~ If a utility is lawfully located within an existing  
1309 and valid utility easement granted by recorded plat, regardless  
1310 of whether such land was subsequently acquired by the authority  
1311 by dedication, transfer of fee, or otherwise, the authority must  
1312 bear the cost of the utility work required to eliminate an  
1313 unreasonable interference. The authority shall pay the entire  
1314 expense properly attributable to such work after deducting any  
1315 increase in the value of a new facility and any salvage value



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1316 derived from an old facility.

1317 (2) Before the notice to initiate the work, the department  
1318 and the utility owner shall follow a procedure that includes all  
1319 of the following:

1320 (a) The department shall provide to the utility owner  
1321 preliminary plans for a proposed highway improvement project and  
1322 notice of a period that begins 30 days and ends within 120 days  
1323 after receipt of the notice within which the utility owner shall  
1324 submit to the department the plans required in accordance with  
1325 paragraph (b). The utility owner shall provide to the department  
1326 written acknowledgement of receipt of the preliminary plans.

1327 (b) The utility owner shall submit to the department plans  
1328 showing existing and proposed locations of utility facilities  
1329 within the period provided by the department. If the utility  
1330 owner fails to submit the plans to the department within the  
1331 period, the department is not required to participate in the  
1332 work, may withhold any amount due to the utility owner on other  
1333 projects within the rights-of-way of the same district of the  
1334 department, and may withhold issuance of any other permits for  
1335 work within the rights-of-way of the same district of the  
1336 department.

1337 (c) The plans submitted by the utility owner must include a  
1338 utility relocation schedule for approval by the department. The  
1339 utility relocation schedule must meet form and timeframe  
1340 requirements established by department rule.

1341 (d) If a state of emergency is declared by the Governor,  
1342 the utility is entitled to receive an extension to the utility  
1343 relocation schedule which is at least equal to any extension  
1344 granted to the contractor by the department. The utility owner



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1345 shall notify the department of any additional delays associated  
1346 with causes beyond the utility owner's control, including, but  
1347 not limited to, participation in recovery work under a mutual  
1348 aid agreement. The notification must occur within 10 calendar  
1349 days after commencement of the delay and provide a reasonably  
1350 complete description of the cause and nature of the delay and  
1351 the possible impacts to the utility relocation schedule. Within  
1352 10 calendar days after the cause of the delay ends, the utility  
1353 owner shall submit a revised utility relocation schedule for  
1354 approval by the department. The department may not unreasonably  
1355 withhold, delay, or condition such approval.

1356 (e) If the utility owner does not initiate work in  
1357 accordance with the utility relocation schedule, the department  
1358 must provide the utility owner a final notice directing the  
1359 utility owner to initiate work within 10 calendar days. If the  
1360 utility owner does not begin work within 10 calendar days after  
1361 receipt of the final notice or, having so begun work, thereafter  
1362 fails to complete the work in accordance with the utility  
1363 relocation schedule, the department is not required to  
1364 participate in the work, may withhold any amount due to the  
1365 utility owner for projects within the rights-of-way of the same  
1366 district of the department, and may exercise its right to obtain  
1367 injunctive relief under s. 120.69.

1368 (f) If additional utility work is found necessary after the  
1369 letting date of a highway improvement project, the utility must  
1370 provide a revised utility relocation schedule within 30 calendar  
1371 days after becoming aware of the need for such additional work  
1372 or upon receipt of the department's written notification  
1373 advising of the need for such additional work. The department



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1374 shall review the revised utility relocation schedule for  
1375 compliance with the form and timeframe requirements of the  
1376 department and must approve the revised utility relocation  
1377 schedule if such requirements are met.

1378 (g) The utility owner is liable to the department for  
1379 documented damages resulting from the utility's failure to  
1380 comply with the utility relocation schedule, including any delay  
1381 costs incurred by the contractor and approved by the department.  
1382 Within 45 days after receipt of written notification from the  
1383 department that the utility owner is liable for damages, the  
1384 utility owner must pay to the department the amount for which  
1385 the utility owner is liable or request mediation pursuant to  
1386 subsection (3).

1387 (3) (a) The department shall establish mediation boards to  
1388 resolve disputes that arise between the department and utilities  
1389 concerning any of the following:

1390 1. A utility relocation schedule or revised utility  
1391 relocation schedule that has been submitted by the utility owner  
1392 but not approved by the department.

1393 2. A contractor's claim, approved by the department, for  
1394 delay costs or other damages related to the utility's work.

1395 3. Any matter related to the removal, relocation, or  
1396 adjustment of the utility's facilities pursuant to this section.

1397 (b) The department shall establish mediation board  
1398 procedures, which must include all of the following:

1399 1. Each mediation board shall be composed of one mediator  
1400 designated by the department, one mediator designated by the  
1401 utility owner, and one mediator mutually selected by the  
1402 department's designee and the utility owner's designee who shall



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1403 serve as the presiding officer of the mediation board.

1404 2. The mediation board shall hold a hearing for each  
1405 dispute submitted to the mediation board for resolution. The  
1406 mediation board shall provide notice of the hearing to each  
1407 party involved in the dispute and afford each party an  
1408 opportunity to present evidence at the hearing.

1409 3. Decisions on issues presented to the mediation board  
1410 must be made by a majority vote of the mediators.

1411 4. The mediation board shall issue a final decision in  
1412 writing for each dispute submitted to the mediation board for  
1413 resolution and shall serve a copy of the final decision on each  
1414 party to the dispute.

1415 5. Final decisions of the mediation board are subject to de  
1416 novo review in the Second Judicial Circuit Court in and for Leon  
1417 County by way of a petition for judicial review filed by the  
1418 department or the utility owner within 30 days after service of  
1419 the final decision.

1420 (c) The members of the mediation board shall receive  
1421 compensation for the performance of their duties from deposits  
1422 made by the parties based on an estimate of compensation by the  
1423 mediation board. All deposits will be held in escrow by the  
1424 chair in advance of the hearing. Each member shall be  
1425 compensated at \$200 per hour, up to a maximum of \$1,500 per day.  
1426 A member shall be reimbursed for the actual cost of his or her  
1427 travel expenses. The mediation board may allocate funds for  
1428 clerical and other administrative services.

1429 (d) The department may establish a list of qualified  
1430 mediators and adopt rules to administer this subsection,  
1431 including procedures for the mediation of a contested case.



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1432           Section 19. Present subsection (10) of section 339.175,  
1433 Florida Statutes, is redesignated as subsection (11), a new  
1434 subsection (10) is added to that section, and subsection (1),  
1435 paragraph (a) of subsection (2), paragraphs (b), (i), and (j) of  
1436 subsection (6), paragraphs (a), (b), and (d) of subsection (7),  
1437 and present subsection (11) of that section are amended, to  
1438 read:

1439           339.175 Metropolitan planning organization.—

1440           (1) PURPOSE.—It is the intent of the Legislature to  
1441 encourage and promote the safe and efficient management,  
1442 operation, and development of multimodal ~~surface~~ transportation  
1443 systems that will serve the mobility needs of people and freight  
1444 and foster economic growth and development within and through  
1445 urbanized areas of this state while balancing conservation of  
1446 natural resources ~~minimizing transportation-related fuel~~  
1447 ~~consumption, air pollution, and greenhouse gas emissions through~~  
1448 ~~metropolitan transportation planning processes identified in~~  
1449 ~~this section~~. To accomplish these objectives, metropolitan  
1450 planning organizations, referred to in this section as M.P.O.'s,  
1451 shall develop, in cooperation with the state and public transit  
1452 operators, transportation plans and programs for metropolitan  
1453 areas. The plans and programs for each metropolitan area must  
1454 provide for the development and integrated management and  
1455 operation of transportation systems and facilities, including  
1456 pedestrian walkways and bicycle transportation facilities that  
1457 will function as an intermodal transportation system for the  
1458 metropolitan area, based upon the prevailing principles provided  
1459 in s. 334.046(1). The process for developing such plans and  
1460 programs shall provide for consideration of all modes of



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1461 transportation and shall be continuing, cooperative, and  
1462 comprehensive, to the degree appropriate, based on the  
1463 complexity of the transportation problems to be addressed. To  
1464 ensure that the process is integrated with the statewide  
1465 planning process, M.P.O.'s shall develop plans and programs that  
1466 identify transportation facilities that should function as an  
1467 integrated metropolitan transportation system, giving emphasis  
1468 to facilities that serve important national, state, and regional  
1469 transportation functions. For the purposes of this section,  
1470 those facilities include the facilities on the Strategic  
1471 Intermodal System designated under s. 339.63 and facilities for  
1472 which projects have been identified pursuant to s. 339.2819(4).

1473 (2) DESIGNATION.—

1474 (a)1. An M.P.O. shall be designated for each urbanized area  
1475 of the state; however, this does not require that an individual  
1476 M.P.O. be designated for each such area. Such designation shall  
1477 be accomplished by agreement between the Governor and units of  
1478 general-purpose local government representing at least 75  
1479 percent of the population of the urbanized area; however, the  
1480 unit of general-purpose local government that represents the  
1481 central city or cities within the M.P.O. jurisdiction, as  
1482 defined by the United States Bureau of the Census, must be a  
1483 party to such agreement.

1484 2. To the extent possible, only one M.P.O. shall be  
1485 designated for each urbanized area or group of contiguous  
1486 urbanized areas. More than one M.P.O. may be designated within  
1487 an existing urbanized area only if the Governor and the existing  
1488 M.P.O. determine that the size and complexity of the existing  
1489 urbanized area makes the designation of more than one M.P.O. for





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1490 the area appropriate. After July 1, 2025, no additional M.P.O.'s  
1491 may be designated in this state except in urbanized areas, as  
1492 defined by the United States Census Bureau, where the urbanized  
1493 area boundary is not contiguous to an urbanized area designated  
1494 before the 2020 census, in which case each M.P.O. designated for  
1495 the area must:

1496 ~~a. Consult with every other M.P.O. designated for the~~  
1497 ~~urbanized area and the state to coordinate plans and~~  
1498 ~~transportation improvement programs.~~

1499 ~~b. Ensure, to the maximum extent practicable, the~~  
1500 ~~consistency of data used in the planning process, including data~~  
1501 ~~used in forecasting travel demand within the urbanized area.~~

1502  
1503 Each M.P.O. required under this section must be fully operative  
1504 no later than 6 months following its designation.

1505 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,  
1506 privileges, and authority of an M.P.O. are those specified in  
1507 this section or incorporated in an interlocal agreement  
1508 authorized under s. 163.01. Each M.P.O. shall perform all acts  
1509 required by federal or state laws or rules, now and subsequently  
1510 applicable, which are necessary to qualify for federal aid. It  
1511 is the intent of this section that each M.P.O. be involved in  
1512 the planning and programming of transportation facilities,  
1513 including, but not limited to, airports, intercity and high-  
1514 speed rail lines, seaports, and intermodal facilities, to the  
1515 extent permitted by state or federal law. An M.P.O. may not  
1516 perform project production or delivery for capital improvement  
1517 projects on the State Highway System.

1518 (b) In developing the long-range transportation plan and



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1519 the transportation improvement program required under paragraph  
1520 (a), each M.P.O. shall provide for consideration of projects and  
1521 strategies that will:

1522 1. Support the economic vitality of the contiguous  
1523 urbanized metropolitan area, especially by enabling global  
1524 competitiveness, productivity, and efficiency.

1525 2. Increase the safety and security of the transportation  
1526 system for motorized and nonmotorized users.

1527 3. Increase the accessibility and mobility options  
1528 available to people and for freight.

1529 4. Protect and enhance the environment, conserve natural  
1530 resources ~~promote energy conservation~~, and improve quality of  
1531 life.

1532 5. Enhance the integration and connectivity of the  
1533 transportation system, across and between modes and contiguous  
1534 urbanized metropolitan areas, for people and freight.

1535 6. Promote efficient system management and operation.

1536 7. Emphasize the preservation of the existing  
1537 transportation system.

1538 8. Improve the resilience of transportation infrastructure.

1539 9. Reduce traffic and congestion.

1540 ~~(i) By December 31, 2023, the M.P.O.'s serving~~  
1541 ~~Hillsborough, Pasco, and Pinellas Counties must submit a~~  
1542 ~~feasibility report to the Governor, the President of the Senate,~~  
1543 ~~and the Speaker of the House of Representatives exploring the~~  
1544 ~~benefits, costs, and process of consolidation into a single~~  
1545 ~~M.P.O. serving the contiguous urbanized area, the goal of which~~  
1546 ~~would be to:~~

1547 ~~1. Coordinate transportation projects deemed to be~~



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1548 ~~regionally significant.~~

1549 ~~2. Review the impact of regionally significant land use~~  
1550 ~~decisions on the region.~~

1551 ~~3. Review all proposed regionally significant~~  
1552 ~~transportation projects in the transportation improvement~~  
1553 ~~programs.~~

1554 (i) 1. (j) 1. To more fully accomplish the purposes for which  
1555 M.P.O.'s have been mandated, the department shall, at least  
1556 annually, convene M.P.O.'s of similar size, based on the size of  
1557 population served, for the purpose of exchanging best practices.  
1558 M.P.O.'s may shall develop committees or working groups as  
1559 needed to accomplish such purpose. At the discretion of the  
1560 department, training for new M.P.O. governing board members  
1561 shall be provided by the department, by an entity pursuant to a  
1562 contract with the department, by the Florida Center for Urban  
1563 Transportation Research, or by the Implementing Solutions from  
1564 Transportation Research and Evaluation of Emerging Technologies  
1565 (I-STREET) living lab coordination mechanisms with one another  
1566 to expand and improve transportation within the state. The  
1567 appropriate method of coordination between M.P.O.'s shall vary  
1568 depending upon the project involved and given local and regional  
1569 needs. Consequently, it is appropriate to set forth a flexible  
1570 methodology that can be used by M.P.O.'s to coordinate with  
1571 other M.P.O.'s and appropriate political subdivisions as  
1572 circumstances demand.

1573 2. Any M.P.O. may join with any other M.P.O. or any  
1574 individual political subdivision to coordinate activities or to  
1575 achieve any federal or state transportation planning or  
1576 development goals or purposes consistent with federal or state



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1577 law. When an M.P.O. determines that it is appropriate to join  
1578 with another M.P.O. or any political subdivision to coordinate  
1579 activities, the M.P.O. or political subdivision shall enter into  
1580 an interlocal agreement pursuant to s. 163.01, which, at a  
1581 minimum, creates a separate legal or administrative entity to  
1582 coordinate the transportation planning or development activities  
1583 required to achieve the goal or purpose; provides the purpose  
1584 for which the entity is created; provides the duration of the  
1585 agreement and the entity and specifies how the agreement may be  
1586 terminated, modified, or rescinded; describes the precise  
1587 organization of the entity, including who has voting rights on  
1588 the governing board, whether alternative voting members are  
1589 provided for, how voting members are appointed, and what the  
1590 relative voting strength is for each constituent M.P.O. or  
1591 political subdivision; provides the manner in which the parties  
1592 to the agreement will provide for the financial support of the  
1593 entity and payment of costs and expenses of the entity; provides  
1594 the manner in which funds may be paid to and disbursed from the  
1595 entity; and provides how members of the entity will resolve  
1596 disagreements regarding interpretation of the interlocal  
1597 agreement or disputes relating to the operation of the entity.  
1598 Such interlocal agreement shall become effective upon its  
1599 recordation in the official public records of each county in  
1600 which a member of the entity created by the interlocal agreement  
1601 has a voting member. Multiple M.P.O.'s may merge, combine, or  
1602 otherwise join together as a single M.P.O.

1603 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must  
1604 develop a long-range transportation plan that addresses at least  
1605 a 20-year planning horizon. The plan must include both long-



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1606 range and short-range strategies and must comply with all other  
1607 state and federal requirements. The prevailing principles to be  
1608 considered in the long-range transportation plan are: preserving  
1609 the existing transportation infrastructure; enhancing Florida's  
1610 economic competitiveness; and improving travel choices to ensure  
1611 mobility. The long-range transportation plan must be consistent,  
1612 to the maximum extent feasible, with future land use elements  
1613 and the goals, objectives, and policies of the approved local  
1614 government comprehensive plans of the units of local government  
1615 located within the jurisdiction of the M.P.O. Each M.P.O. is  
1616 encouraged to consider strategies that integrate transportation  
1617 and land use planning to provide for sustainable development and  
1618 reduce greenhouse gas emissions. The approved long-range  
1619 transportation plan must be considered by local governments in  
1620 the development of the transportation elements in local  
1621 government comprehensive plans and any amendments thereto. The  
1622 long-range transportation plan must, at a minimum:

1623       (a) Identify transportation facilities, including, but not  
1624 limited to, major roadways, airports, seaports, spaceports,  
1625 commuter rail systems, transit systems, and intermodal or  
1626 multimodal terminals that will function as an integrated  
1627 metropolitan transportation system. The long-range  
1628 transportation plan must give emphasis to those transportation  
1629 facilities that serve national, statewide, or regional  
1630 functions, and must consider the goals and objectives identified  
1631 in the Florida Transportation Plan as provided in s. 339.155. If  
1632 a project is located within the boundaries of more than one  
1633 M.P.O., the M.P.O.'s must coordinate plans regarding the project  
1634 in the long-range transportation plan. ~~Multiple M.P.O.'s within~~



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1635 ~~a contiguous urbanized area must coordinate the development of~~  
1636 ~~long-range transportation plans to be reviewed by the~~  
1637 ~~Metropolitan Planning Organization Advisory Council.~~

1638 (b) Include a financial plan that demonstrates how the plan  
1639 can be implemented, indicating resources from public and private  
1640 sources which are reasonably expected to be available to carry  
1641 out the plan, and recommends any additional financing strategies  
1642 for needed projects and programs. The financial plan may  
1643 include, for illustrative purposes, additional projects that  
1644 would be included in the adopted long-range transportation plan  
1645 if reasonable additional resources beyond those identified in  
1646 the financial plan were available. For the purpose of developing  
1647 the long-range transportation plan, the M.P.O. and the  
1648 department shall cooperatively develop estimates of funds that  
1649 will be available to support the plan implementation. Innovative  
1650 financing techniques may be used to fund needed projects and  
1651 programs. Such techniques may include the assessment of tolls,  
1652 public-private partnerships, the use of value capture financing,  
1653 or the use of value pricing. Multiple M.P.O.'s within a  
1654 contiguous urbanized area must ensure, to the maximum extent  
1655 possible, the consistency of data used in the planning process.

1656 (d) Indicate, as appropriate, proposed transportation  
1657 enhancement activities, including, but not limited to,  
1658 pedestrian and bicycle facilities, trails or facilities that are  
1659 regionally significant or critical linkages for the Florida  
1660 Shared-Use Nonmotorized Trail Network, scenic easements,  
1661 landscaping, integration of advanced air mobility, and  
1662 integration of autonomous and electric vehicles, electric  
1663 bicycles, and motorized scooters used for freight, commuter, or



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1664 micromobility purposes ~~historic preservation, mitigation of~~  
1665 ~~water pollution due to highway runoff, and control of outdoor~~  
1666 ~~advertising.~~

1667  
1668 In the development of its long-range transportation plan, each  
1669 M.P.O. must provide the public, affected public agencies,  
1670 representatives of transportation agency employees, freight  
1671 shippers, providers of freight transportation services, private  
1672 providers of transportation, representatives of users of public  
1673 transit, and other interested parties with a reasonable  
1674 opportunity to comment on the long-range transportation plan.  
1675 The long-range transportation plan must be approved by the  
1676 M.P.O.

1677 (10) AGREEMENTS; ACCOUNTABILITY.—

1678 (a) Each M.P.O. may execute a written agreement with the  
1679 department, which shall be reviewed, and updated as necessary,  
1680 every 5 years, which clearly establishes the cooperative  
1681 relationship essential to accomplish the transportation planning  
1682 requirements of state and federal law. Roles, responsibilities,  
1683 and expectations for accomplishing consistency with federal and  
1684 state requirements and priorities must be set forth in the  
1685 agreement. In addition, the agreement must set forth the  
1686 M.P.O.'s responsibility, in collaboration with the department,  
1687 to identify, prioritize, and present to the department a  
1688 complete list of multimodal transportation projects consistent  
1689 with the needs of the metropolitan planning area. It is the  
1690 department's responsibility to program projects in the state  
1691 transportation improvement program.

1692 (b) The department must establish, in collaboration with



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1693 each M.P.O., quality performance metrics, such as safety,  
1694 infrastructure condition, congestion relief, and mobility. Each  
1695 M.P.O. must, as part of its long-range transportation plan, in  
1696 direct coordination with the department, develop targets for  
1697 each performance measure within the metropolitan planning area  
1698 boundary. The performance targets must support efficient and  
1699 safe movement of people and goods both within the metropolitan  
1700 planning area and between regions. Each M.P.O. must report  
1701 progress toward establishing performance targets for each  
1702 measure annually in its transportation improvement plan. The  
1703 department shall evaluate and post on its website whether each  
1704 M.P.O. has made significant progress toward its target for the  
1705 applicable reporting period.

1706 ~~(11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—~~

1707 ~~(a) A Metropolitan Planning Organization Advisory Council~~  
1708 ~~is created to augment, and not supplant, the role of the~~  
1709 ~~individual M.P.O.'s in the cooperative transportation planning~~  
1710 ~~process described in this section.~~

1711 ~~(b) The council shall consist of one representative from~~  
1712 ~~each M.P.O. and shall elect a chairperson annually from its~~  
1713 ~~number. Each M.P.O. shall also elect an alternate representative~~  
1714 ~~from each M.P.O. to vote in the absence of the representative.~~  
1715 ~~Members of the council do not receive any compensation for their~~  
1716 ~~services, but may be reimbursed from funds made available to~~  
1717 ~~council members for travel and per diem expenses incurred in the~~  
1718 ~~performance of their council duties as provided in s. 112.061.~~

1719 ~~(c) The powers and duties of the Metropolitan Planning~~  
1720 ~~Organization Advisory Council are to:~~

1721 ~~1. Establish bylaws by action of its governing board~~





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1722 ~~providing procedural rules to guide its proceedings and~~  
1723 ~~consideration of matters before the council, or, alternatively,~~  
1724 ~~adopt rules pursuant to ss. 120.536(1) and 120.54 to implement~~  
1725 ~~provisions of law conferring powers or duties upon it.~~  
1726 ~~2. Assist M.P.O.'s in carrying out the urbanized area~~  
1727 ~~transportation planning process by serving as the principal~~  
1728 ~~forum for collective policy discussion pursuant to law.~~  
1729 ~~3. Serve as a clearinghouse for review and comment by~~  
1730 ~~M.P.O.'s on the Florida Transportation Plan and on other issues~~  
1731 ~~required to comply with federal or state law in carrying out the~~  
1732 ~~urbanized area transportation and systematic planning processes~~  
1733 ~~instituted pursuant to s. 339.155. The council must also report~~  
1734 ~~annually to the Florida Transportation Commission on the~~  
1735 ~~alignment of M.P.O. long-range transportation plans with the~~  
1736 ~~Florida Transportation Plan.~~  
1737 ~~4. Employ an executive director and such other staff as~~  
1738 ~~necessary to perform adequately the functions of the council,~~  
1739 ~~within budgetary limitations. The executive director and staff~~  
1740 ~~are exempt from part II of chapter 110 and serve at the~~  
1741 ~~direction and control of the council. The council is assigned to~~  
1742 ~~the Office of the Secretary of the Department of Transportation~~  
1743 ~~for fiscal and accountability purposes, but it shall otherwise~~  
1744 ~~function independently of the control and direction of the~~  
1745 ~~department.~~  
1746 ~~5. Deliver training on federal and state program~~  
1747 ~~requirements and procedures to M.P.O. board members and M.P.O.~~  
1748 ~~staff.~~  
1749 ~~6. Adopt an agency strategic plan that prioritizes steps~~  
1750 ~~the agency will take to carry out its mission within the context~~



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1751 ~~of the state comprehensive plan and any other statutory mandates~~  
1752 ~~and directives.~~

1753 ~~(d) The Metropolitan Planning Organization Advisory Council~~  
1754 ~~may enter into contracts in accordance with chapter 287 to~~  
1755 ~~support the activities described in paragraph (c). Lobbying and~~  
1756 ~~the acceptance of funds, grants, assistance, gifts, or bequests~~  
1757 ~~from private, local, state, or federal sources are prohibited.~~

1758 Section 20. Subsection (4) of section 339.65, Florida  
1759 Statutes, is amended to read:

1760 339.65 Strategic Intermodal System highway corridors.—

1761 (4) The department shall develop and maintain a plan of  
1762 Strategic Intermodal System highway corridor projects that are  
1763 anticipated to be let to contract for construction within a time  
1764 period of at least 20 years. The department shall prioritize  
1765 projects affecting gaps in a corridor so that the corridor  
1766 becomes contiguous in its functional characteristics across the  
1767 corridor. The plan must ~~shall~~ also identify when segments of the  
1768 corridor will meet the standards and criteria developed pursuant  
1769 to subsection (5).

1770 Section 21. Subsection (5) of section 125.42, Florida  
1771 Statutes, is amended to read:

1772 125.42 Water, sewage, gas, power, telephone, other utility,  
1773 and television lines within the right-of-way limits of county  
1774 roads and highways.—

1775 (5) In the event of widening, repair, or reconstruction of  
1776 any such road, the licensee shall move or remove such water,  
1777 sewage, gas, power, telephone, and other utility lines and  
1778 television lines at no cost to the county should they be found  
1779 by the county to be unreasonably interfering, except as provided



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1780 in s. 337.403(1)(e)-(k) ~~s. 337.403(1)(d)-(j)~~.

1781 Section 22. Paragraph (b) of subsection (2) of section  
1782 202.20, Florida Statutes, is amended to read:

1783 202.20 Local communications services tax conversion rates.-  
1784 (2)

1785 (b) Except as otherwise provided in this subsection,  
1786 "replaced revenue sources," as used in this section, means the  
1787 following taxes, charges, fees, or other impositions to the  
1788 extent that the respective local taxing jurisdictions were  
1789 authorized to impose them prior to July 1, 2000.

1790 1. With respect to municipalities and charter counties and  
1791 the taxes authorized by s. 202.19(1):

1792 a. The public service tax on telecommunications authorized  
1793 by former s. 166.231(9).

1794 b. Franchise fees on cable service providers as authorized  
1795 by 47 U.S.C. s. 542.

1796 c. The public service tax on prepaid calling arrangements.

1797 d. Franchise fees on dealers of communications services  
1798 which use the public roads or rights-of-way, up to the limit set  
1799 forth in s. 337.401. For purposes of calculating rates under  
1800 this section, it is the legislative intent that charter counties  
1801 be treated as having had the same authority as municipalities to  
1802 impose franchise fees on recurring local telecommunication  
1803 service revenues prior to July 1, 2000. However, the Legislature  
1804 recognizes that the authority of charter counties to impose such  
1805 fees is in dispute, and the treatment provided in this section  
1806 is not an expression of legislative intent that charter counties  
1807 actually do or do not possess such authority.

1808 e. Actual permit fees relating to placing or maintaining



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1809 facilities in or on public roads or rights-of-way, collected  
1810 from providers of long-distance, cable, and mobile  
1811 communications services for the fiscal year ending September 30,  
1812 1999; however, if a municipality or charter county elects the  
1813 option to charge permit fees pursuant to s. 337.401(4)(c) ~~s.~~  
1814 ~~337.401(3)(c)~~, such fees shall not be included as a replaced  
1815 revenue source.

1816 2. With respect to all other counties and the taxes  
1817 authorized in s. 202.19(1), franchise fees on cable service  
1818 providers as authorized by 47 U.S.C. s. 542.

1819 Section 23. Paragraph (e) of subsection (2) of section  
1820 331.310, Florida Statutes, is amended to read:

1821 331.310 Powers and duties of the board of directors.—

1822 (2) The board of directors shall:

1823 (e) Prepare an annual report of operations as a supplement  
1824 to the annual report required under s. 331.3051(15) ~~s.~~  
1825 ~~331.3051(16)~~. The report must include, but not be limited to, a  
1826 balance sheet, an income statement, a statement of changes in  
1827 financial position, a reconciliation of changes in equity  
1828 accounts, a summary of significant accounting principles, the  
1829 auditor's report, a summary of the status of existing and  
1830 proposed bonding projects, comments from management about the  
1831 year's business, and prospects for the next year.

1832 Section 24. Section 610.106, Florida Statutes, is amended  
1833 to read:

1834 610.106 Franchise fees prohibited.—Except as otherwise  
1835 provided in this chapter, the department may not impose any  
1836 taxes, fees, charges, or other impositions on a cable or video  
1837 service provider as a condition for the issuance of a state-



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1838 issued certificate of franchise authority. No municipality or  
1839 county may impose any taxes, fees, charges, or other exactions  
1840 on certificateholders in connection with use of public right-of-  
1841 way as a condition of a certificateholder doing business in the  
1842 municipality or county, or otherwise, except such taxes, fees,  
1843 charges, or other exactions permitted by chapter 202, s.  
1844 337.401(7) ~~s. 337.401(6)~~, or s. 610.117.

1845 Section 25. For the purpose of incorporating the amendment  
1846 made by this act to section 332.004, Florida Statutes, in a  
1847 reference thereto, subsection (1) of section 332.115, Florida  
1848 Statutes, is reenacted to read:

1849 332.115 Joint project agreement with port district for  
1850 transportation corridor between airport and port facility.—

1851 (1) An eligible agency may acquire, construct, and operate  
1852 all equipment, appurtenances, and land necessary to establish,  
1853 maintain, and operate, or to license others to establish,  
1854 maintain, operate, or use, a transportation corridor connecting  
1855 an airport operated by such eligible agency with a port  
1856 facility, which corridor must be acquired, constructed, and used  
1857 for the transportation of persons between the airport and the  
1858 port facility, for the transportation of cargo, and for the  
1859 location and operation of lines for the transmission of water,  
1860 electricity, communications, information, petroleum products,  
1861 products of a public utility (including new technologies of a  
1862 public utility nature), and materials. However, any such  
1863 corridor may be established and operated only pursuant to a  
1864 joint project agreement between an eligible agency as defined in  
1865 s. 332.004 and a port district as defined in s. 315.02, and such  
1866 agreement must be approved by the Department of Transportation



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1867 and the Department of Commerce. Before the Department of  
1868 Transportation approves the joint project agreement, that  
1869 department must review the public purpose and necessity for the  
1870 corridor pursuant to s. 337.273(5) and must also determine that  
1871 the proposed corridor is consistent with the Florida  
1872 Transportation Plan. Before the Department of Commerce approves  
1873 the joint project agreement, that department must determine that  
1874 the proposed corridor is consistent with the applicable local  
1875 government comprehensive plans. An affected local government may  
1876 provide its comments regarding the consistency of the proposed  
1877 corridor with its comprehensive plan to the Department of  
1878 Commerce.

1879 Section 26. (1) The Legislature finds that the widening of  
1880 Interstate 4, from U.S. 27 in Polk County to Interstate 75 in  
1881 Hillsborough County, is in the public interest and the strategic  
1882 interest of the region to improve the movement of people and  
1883 goods.

1884 (2) The Department of Transportation shall develop a report  
1885 on widening Interstate 4, from U.S. 27 in Polk County to  
1886 Interstate 75 in Hillsborough County, as efficiently as possible  
1887 which includes, but is not limited to, detailed cost projections  
1888 and schedules for project development and environment studies,  
1889 design, acquisition of rights-of-way, and construction. The  
1890 report must identify funding shortfalls and provide strategies  
1891 to address such shortfalls, including, but not limited to, the  
1892 use of express lane toll revenues generated on the Interstate 4  
1893 corridor and available department funds for public-private  
1894 partnerships. The Department of Transportation shall submit the  
1895 report by December 31, 2025, to the Governor, the President of



1896 the Senate, and the Speaker of the House of Representatives.

1897 Section 27. This act shall take effect July 1, 2025.

1898

1899 ===== T I T L E A M E N D M E N T =====

1900 And the title is amended as follows:

1901 Delete everything before the enacting clause

1902 and insert:

1903 A bill to be entitled  
1904 An act relating to transportation; amending s. 212.20,  
1905 F.S.; requiring the Department of Revenue to  
1906 distribute from the proceeds of a specified tax a  
1907 specified amount monthly to the State Transportation  
1908 Trust Fund beginning on a certain date; creating s.  
1909 218.3215, F.S.; requiring each county to provide the  
1910 Department of Transportation with uniform project  
1911 data; providing requirements for such data; requiring  
1912 the department to compile the data and publish it on  
1913 its website; amending s. 316.183, F.S.; requiring the  
1914 department to determine the safe and advisable minimum  
1915 speed limit on certain highways; amending s. 316.187,  
1916 F.S.; raising the maximum allowable speed limit on  
1917 certain highways; revising the maximum allowable speed  
1918 limit on certain highways and roadways; amending s.  
1919 331.3051, F.S.; conforming provisions to changes made  
1920 by the act; amending s. 332.004, F.S.; revising  
1921 definitions; amending s. 332.006, F.S.; revising  
1922 duties and responsibilities of the department relating  
1923 to airports; amending s. 332.007, F.S.; revising  
1924 provisions relating to the administration and



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1925 financing of certain aviation and airport programs and  
1926 projects; authorizing certain airports to participate  
1927 in a specified federal program in a certain manner;  
1928 authorizing the department to provide for improvements  
1929 to certain entities for the capital cost of a  
1930 discretionary improvement project at a public-use  
1931 airport, subject to the availability of certain funds;  
1932 amending s. 334.044, F.S.; authorizing the department  
1933 to acquire property or property rights in advance to  
1934 preserve a corridor for future proposed improvements;  
1935 authorizing the department to expend from the State  
1936 Transportation Trust Fund a certain amount of grant  
1937 funds annually to state colleges and school districts  
1938 for certain construction workforce development  
1939 programs; requiring that priority be given to certain  
1940 colleges and school districts; amending s. 334.065,  
1941 F.S.; revising membership of the Center for Urban  
1942 Transportation Research advisory board; creating s.  
1943 334.63, F.S.; providing requirements for certain  
1944 project concept studies and project development and  
1945 environment studies; amending s. 337.11, F.S.;  
1946 clarifying a provision related to third-party  
1947 beneficiary rights; revising the bidding and award  
1948 process for contracts for road construction and  
1949 maintenance projects; revising the circumstances in  
1950 which the department must competitively award a phased  
1951 design-build contract for phase one; authorizing a  
1952 design-build firm to self-perform portions of work  
1953 under a contract; requiring that contracts let by the





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1954 department on or after a certain date for bridge  
1955 construction or maintenance over navigable waters  
1956 include protection and indemnity coverage; amending s.  
1957 337.1101, F.S.; prohibiting the department from  
1958 creating a new contract in certain circumstances  
1959 unless the contract is competitively procured;  
1960 amending s. 337.14, F.S.; authorizing the department  
1961 to waive contractor certification requirements for  
1962 certain projects; reducing the threshold value of  
1963 contracts for which the department may waive a  
1964 contract bond requirement; requiring that a contractor  
1965 seeking to bid on certain maintenance contracts  
1966 possess certain qualifications; amending s. 337.185,  
1967 F.S.; increasing the limits of claims per contract  
1968 which a contractor may submit to the State Arbitration  
1969 Board; limiting the period in which an arbitration  
1970 request may be made for a claim related to a written  
1971 warranty or defect; amending s. 337.19, F.S.; limiting  
1972 the period in which a suit by or against the  
1973 department may be commenced for a claim related to a  
1974 written warranty or defect for a contract entered into  
1975 on or after a certain date; amending s. 337.401, F.S.;  
1976 revising construction; requiring that the removal or  
1977 relocation of an electric utility transmission line be  
1978 at the utility owner's expense, rather than the  
1979 electric utility's expense; requiring certain entities  
1980 to make underground utilities within a right-of-way  
1981 electronically detectable; requiring a utility owner  
1982 to pay the authority actual damages in certain



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1983 circumstances; conditioning the issuance of permits  
1984 for certain utility placements on the payment of  
1985 certain costs; defining the term "as-built plans";  
1986 providing submission requirements for as-built plans;  
1987 requiring the submission of as-built plans before  
1988 reimbursement of certain costs; amending s. 337.403,  
1989 F.S.; authorizing the department to reimburse a  
1990 certain percentage of costs for relocation of certain  
1991 utility facilities; revising the costs considered in  
1992 determining whether the department may participate in  
1993 utility work costs; revising the agreements under  
1994 which the authority must bear the cost of utility  
1995 removal or relocation; revising a determination that,  
1996 if made by the department, authorizes the department  
1997 to pay the cost of certain utility work; requiring the  
1998 department and a utility owner to adhere to certain  
1999 rules and procedures before issuance of the notice to  
2000 initiate work; requiring the department to provide to  
2001 a utility owner preliminary plans and certain notice;  
2002 requiring the utility owner to submit certain plans to  
2003 the department; authorizing the department to withhold  
2004 certain amounts due a utility owner and the issuance  
2005 of certain work permits under certain circumstances;  
2006 requiring that the plans include a utility relocation  
2007 schedule; providing for extensions and revisions to a  
2008 utility relocation schedule in certain circumstances;  
2009 providing that a utility owner is liable to the  
2010 department for certain damages; requiring the  
2011 department to establish mediation boards to resolve



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2012 certain disputes between the department and a utility;  
2013 providing mediation board requirements and procedures;  
2014 providing for compensation of members of the mediation  
2015 board; authorizing rulemaking; amending s. 339.175,  
2016 F.S.; revising legislative intent; revising  
2017 requirements for the designation of additional  
2018 metropolitan planning organizations (M.P.O.'s);  
2019 revising projects and strategies to be considered in  
2020 developing an M.P.O.'s long-range transportation plan  
2021 and transportation improvement program; deleting  
2022 obsolete provisions; requiring the department to  
2023 convene M.P.O.'s of similar size to exchange best  
2024 practices at least annually; authorizing M.P.O.'s to  
2025 develop committees or working groups; requiring  
2026 training for new M.P.O. governing board members to be  
2027 provided by the department or another specified  
2028 entity; deleting provisions relating to M.P.O.  
2029 coordination mechanisms; including public-private  
2030 partnerships in authorized financing techniques;  
2031 revising proposed transportation enhancement  
2032 activities that must be indicated by the long-range  
2033 transportation plan; authorizing each M.P.O. to  
2034 execute a written agreement with the department  
2035 regarding state and federal transportation planning  
2036 requirements; requiring the department, in  
2037 collaboration with M.P.O.'s, to establish certain  
2038 quality performance metrics and develop certain  
2039 performance targets; requiring the department to  
2040 evaluate and post on its website whether each M.P.O.



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2041 has made significant progress toward such targets;  
2042 deleting provisions relating to the Metropolitan  
2043 Planning Organization Advisory Council; amending s.  
2044 339.65, F.S.; requiring the department to prioritize  
2045 certain Strategic Intermodal System highway corridor  
2046 projects; amending ss. 125.42, 202.20, 331.310, and  
2047 610.106, F.S.; conforming cross-references; reenacting  
2048 s. 332.115(1), F.S., relating to joint project  
2049 agreements with port districts for transportation  
2050 corridors between airports and port facilities, to  
2051 incorporate the amendment made to s. 332.004, F.S., in  
2052 a reference thereto; providing a legislative finding;  
2053 requiring the department to develop a report on  
2054 widening Interstate 4; providing requirements for the  
2055 report; requiring the department to submit the report  
2056 to the Governor and the Legislature by a specified  
2057 date; providing an effective date.

By Senator DiCeglie

18-00441-25

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1 A bill to be entitled  
 2 An act relating to the Department of Transportation;  
 3 amending s. 212.20, F.S.; requiring the Department of  
 4 Revenue to distribute certain amounts monthly to the  
 5 State Transportation Trust Fund beginning on a certain  
 6 date; providing for future repeal; creating s.  
 7 218.3215, F.S.; requiring each county to provide the  
 8 Department of Transportation with uniform project  
 9 data; providing requirements for such data; requiring  
 10 the department to compile the data and publish it on  
 11 its website; amending s. 334.044, F.S.; authorizing  
 12 the department to acquire property or property rights  
 13 in advance to preserve a corridor for future proposed  
 14 improvements; authorizing the department to expend a  
 15 certain amount of grant funds annually to state  
 16 colleges and high schools for certain construction  
 17 workforce development programs; requiring that  
 18 priority be given to certain colleges and high  
 19 schools; creating s. 334.63, F.S.; providing  
 20 requirements for certain project concept studies and  
 21 project development and environment studies; amending  
 22 s. 337.11, F.S.; clarifying a provision related to  
 23 third-party beneficiary rights; revising the bidding  
 24 and award process for contracts for road construction  
 25 and maintenance projects estimated to cost under a  
 26 specified amount; revising the circumstances in which  
 27 the department must competitively award a phased  
 28 design-build contract for phase one; authorizing a  
 29 design-build firm to self-perform portions of work

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

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30 under a contract; requiring that contracts let by the  
 31 department on or after a certain date for bridge  
 32 construction or maintenance over navigable waters  
 33 include protection and indemnity coverage; amending s.  
 34 337.1101, F.S.; prohibiting the department from  
 35 creating a new contract in certain circumstances  
 36 unless the contract is competitively procured;  
 37 amending s. 337.14, F.S.; authorizing the department  
 38 to waive contractor certification requirements for  
 39 certain projects; reducing the threshold value of  
 40 contracts for which the department may waive a  
 41 contract bond requirement; requiring a contractor  
 42 seeking to bid on certain maintenance contracts to  
 43 possess certain qualifications; amending s. 337.185,  
 44 F.S.; increasing the limits of claims per contract  
 45 which a contractor may submit to the State Arbitration  
 46 Board; limiting the period in which an arbitration  
 47 request may be made for a claim related to a written  
 48 warranty or defect; amending s. 337.19, F.S.; limiting  
 49 the period in which a suit by or against the  
 50 department may be commenced for a claim related to a  
 51 written warranty or defect for a contract entered into  
 52 on or after a certain date; amending s. 337.401, F.S.;  
 53 requiring certain entities to make underground  
 54 utilities within a right-of-way electronically  
 55 detectable; requiring a utility owner to pay the  
 56 authority reasonable damages in certain circumstances;  
 57 conditioning the issuance of permits for certain  
 58 utility placements on the payment of certain costs;

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59 defining the term "as-built plans"; providing  
 60 submission requirements for as-built plans; requiring  
 61 the submission of as-built plans before reimbursement  
 62 of certain costs; amending s. 337.403, F.S.;  
 63 authorizing the department to reimburse a certain  
 64 percentage of costs for relocation of certain utility  
 65 facilities; revising the costs considered in  
 66 determining whether the department may participate in  
 67 utility work costs; revising the agreements under  
 68 which the authority must bear the cost of utility  
 69 removal or relocation; revising a determination that,  
 70 if made by the department, authorizes the department  
 71 to pay the cost of certain utility work; requiring the  
 72 department and a utility owner to adhere to certain  
 73 rules and procedures before the notice to initiate  
 74 work; requiring the department to provide to a utility  
 75 owner preliminary plans and certain notice; requiring  
 76 the utility owner to submit certain plans to the  
 77 department; requiring that the plans include a utility  
 78 relocation schedule; providing for extensions and  
 79 revisions to a utility relocation schedule in certain  
 80 circumstances; providing that a utility owner is  
 81 liable to the department for certain damages;  
 82 requiring the department to establish mediation boards  
 83 to resolve certain disputes between the department and  
 84 a utility; providing mediation board requirements and  
 85 procedures; authorizing rulemaking; amending s.  
 86 339.65, F.S.; requiring the department to prioritize  
 87 certain Strategic Intermodal System highway corridor

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88 projects; amending ss. 443.191, 571.26, and 571.265,  
 89 F.S.; conforming cross-references; providing a  
 90 legislative finding; requiring the department to  
 91 develop a report on widening Interstate 4; providing  
 92 requirements for the report; requiring the department  
 93 to submit the report to the Governor and the  
 94 Legislature by a specified date; providing an  
 95 effective date.  
 96  
 97 Be It Enacted by the Legislature of the State of Florida:  
 98  
 99 Section 1. Paragraph (d) of subsection (6) of section  
 100 212.20, Florida Statutes, is amended to read:  
 101 212.20 Funds collected, disposition; additional powers of  
 102 department; operational expense; refund of taxes adjudicated  
 103 unconstitutionally collected.-  
 104 (6) Distribution of all proceeds under this chapter and ss.  
 105 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:  
 106 (d) The proceeds of all other taxes and fees imposed  
 107 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
 108 and (2)(b) shall be distributed as follows:  
 109 1. In any fiscal year, the greater of \$500 million, minus  
 110 an amount equal to 4.6 percent of the proceeds of the taxes  
 111 collected pursuant to chapter 201, or 5.2 percent of all other  
 112 taxes and fees imposed pursuant to this chapter or remitted  
 113 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
 114 monthly installments into the General Revenue Fund.  
 115 2. After the distribution under subparagraph 1., 8.9744  
 116 percent of the amount remitted by a sales tax dealer located

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117 within a participating county pursuant to s. 218.61 shall be  
 118 transferred into the Local Government Half-cent Sales Tax  
 119 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
 120 transferred shall be reduced by 0.1 percent, and the department  
 121 shall distribute this amount to the Public Employees Relations  
 122 Commission Trust Fund less \$5,000 each month, which shall be  
 123 added to the amount calculated in subparagraph 3. and  
 124 distributed accordingly.

125 3. After the distribution under subparagraphs 1. and 2.,  
 126 0.0966 percent shall be transferred to the Local Government  
 127 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
 128 to s. 218.65.

129 4. After the distributions under subparagraphs 1., 2., and  
 130 3., 2.0810 percent of the available proceeds shall be  
 131 transferred monthly to the Revenue Sharing Trust Fund for  
 132 Counties pursuant to s. 218.215.

133 5. After the distributions under subparagraphs 1., 2., and  
 134 3., 1.3653 percent of the available proceeds shall be  
 135 transferred monthly to the Revenue Sharing Trust Fund for  
 136 Municipalities pursuant to s. 218.215. If the total revenue to  
 137 be distributed pursuant to this subparagraph is at least as  
 138 great as the amount due from the Revenue Sharing Trust Fund for  
 139 Municipalities and the former Municipal Financial Assistance  
 140 Trust Fund in state fiscal year 1999-2000, no municipality shall  
 141 receive less than the amount due from the Revenue Sharing Trust  
 142 Fund for Municipalities and the former Municipal Financial  
 143 Assistance Trust Fund in state fiscal year 1999-2000. If the  
 144 total proceeds to be distributed are less than the amount  
 145 received in combination from the Revenue Sharing Trust Fund for

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146 Municipalities and the former Municipal Financial Assistance  
 147 Trust Fund in state fiscal year 1999-2000, each municipality  
 148 shall receive an amount proportionate to the amount it was due  
 149 in state fiscal year 1999-2000.

150 6. Of the remaining proceeds:

151 a. In each fiscal year, the sum of \$29,915,500 shall be  
 152 divided into as many equal parts as there are counties in the  
 153 state, and one part shall be distributed to each county. The  
 154 distribution among the several counties must begin each fiscal  
 155 year on or before January 5th and continue monthly for a total  
 156 of 4 months. If a local or special law required that any moneys  
 157 accruing to a county in fiscal year 1999-2000 under the then-  
 158 existing provisions of s. 550.135 be paid directly to the  
 159 district school board, special district, or a municipal  
 160 government, such payment must continue until the local or  
 161 special law is amended or repealed. The state covenants with  
 162 holders of bonds or other instruments of indebtedness issued by  
 163 local governments, special districts, or district school boards  
 164 before July 1, 2000, that it is not the intent of this  
 165 subparagraph to adversely affect the rights of those holders or  
 166 relieve local governments, special districts, or district school  
 167 boards of the duty to meet their obligations as a result of  
 168 previous pledges or assignments or trusts entered into which  
 169 obligated funds received from the distribution to county  
 170 governments under then-existing s. 550.135. This distribution  
 171 specifically is in lieu of funds distributed under s. 550.135  
 172 before July 1, 2000.

173 b. The department shall distribute \$166,667 monthly to each  
 174 applicant certified as a facility for a new or retained

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175 professional sports franchise pursuant to s. 288.1162. Up to  
 176 \$41,667 shall be distributed monthly by the department to each  
 177 certified applicant as defined in s. 288.11621 for a facility  
 178 for a spring training franchise. However, not more than \$416,670  
 179 may be distributed monthly in the aggregate to all certified  
 180 applicants for facilities for spring training franchises.  
 181 Distributions begin 60 days after such certification and  
 182 continue for not more than 30 years, except as otherwise  
 183 provided in s. 288.11621. A certified applicant identified in  
 184 this sub-subparagraph may not receive more in distributions than  
 185 expended by the applicant for the public purposes provided in s.  
 186 288.1162(5) or s. 288.11621(3).

187 c. The department shall distribute up to \$83,333 monthly to  
 188 each certified applicant as defined in s. 288.11631 for a  
 189 facility used by a single spring training franchise, or up to  
 190 \$166,667 monthly to each certified applicant as defined in s.  
 191 288.11631 for a facility used by more than one spring training  
 192 franchise. Monthly distributions begin 60 days after such  
 193 certification or July 1, 2016, whichever is later, and continue  
 194 for not more than 20 years to each certified applicant as  
 195 defined in s. 288.11631 for a facility used by a single spring  
 196 training franchise or not more than 25 years to each certified  
 197 applicant as defined in s. 288.11631 for a facility used by more  
 198 than one spring training franchise. A certified applicant  
 199 identified in this sub-subparagraph may not receive more in  
 200 distributions than expended by the applicant for the public  
 201 purposes provided in s. 288.11631(3).

202 d. Beginning October 2025, and on or before the 25th day of  
 203 each month, from the proceeds of the tax imposed under s.

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204 212.05(1)(e)1.c., the department shall distribute 6 cents per  
 205 kWh of electricity used at public electric vehicle charging  
 206 stations to the State Transportation Trust Fund. This sub-  
 207 paragraph is repealed June 30, 2030.

208 e. The department shall distribute \$15,333 monthly to the  
 209 State Transportation Trust Fund.

210 ~~f.e-~~(I) On or before July 25, 2021, August 25, 2021, and  
 211 September 25, 2021, the department shall distribute \$324,533,334  
 212 in each of those months to the Unemployment Compensation Trust  
 213 Fund, less an adjustment for refunds issued from the General  
 214 Revenue Fund pursuant to s. 443.131(3)(e)3. before making the  
 215 distribution. The adjustments made by the department to the  
 216 total distributions shall be equal to the total refunds made  
 217 pursuant to s. 443.131(3)(e)3. If the amount of refunds to be  
 218 subtracted from any single distribution exceeds the  
 219 distribution, the department may not make that distribution and  
 220 must subtract the remaining balance from the next distribution.

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

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

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



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233 subparagraph (III).

234 ~~G.f.~~ Beginning July 1, 2023, in each fiscal year, the

235 department shall distribute \$27.5 million to the Florida

236 Agricultural Promotional Campaign Trust Fund under s. 571.26,

237 for further distribution in accordance with s. 571.265.

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

239 Fund.

240 Section 2. Section 218.3215, Florida Statutes, is created

241 to read:

242 218.3215 County transportation project data.—Each county

243 shall annually provide the Department of Transportation with

244 uniform project data. The data must conform to the local

245 governmental entity's fiscal year and must include details on

246 transportation revenues by source of taxes or fees, expenditure

247 of such revenues for projects that were funded, and any

248 unexpended balance for the fiscal year. The data must also

249 include project details, including the project cost, location,

250 and scope. The scope of the project must be categorized broadly

251 using a category, such as widening, repair and rehabilitation,

252 or sidewalks. The data must specify which projects the revenues

253 not dedicated to specific projects are supporting. The

254 Department of Transportation shall inform each local

255 governmental entity of the method and required format for

256 submitting the data. The Department of Transportation shall

257 compile the data and publish the compilation of data on its

258 website.

259 Section 3. Subsections (6) and (35) of section 334.044,

260 Florida Statutes, are amended to read:

261 334.044 Powers and duties of the department.—The department

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262 shall have the following general powers and duties:

263 (6) To acquire, by the exercise of the power of eminent

264 domain as provided by law, all property or property rights,

265 whether public or private, which it may determine are necessary

266 to the performance of its duties and the execution of its

267 powers, including, but not limited to, in advance to preserve a

268 corridor for future proposed improvements.

269 (35) To expend funds for ~~provide~~ a construction workforce

270 development program, in consultation with affected stakeholders,

271 for delivery of projects designated in the department's work

272 program. The department may annually expend up to \$5 million for

273 fiscal years 2025-2026 through 2029-2030 in grants to state

274 colleges and high schools, with priority given to colleges and

275 high schools in counties that are rural communities as defined

276 in s. 288.0656(2), for the purchase of equipment simulators with

277 authentic original equipment manufacturer controls and a

278 companion curriculum, for the purchase of instructional aids for

279 use in conjunction with the simulators, and to support offering

280 an elective course in heavy civil construction which must, at a

281 minimum, provide the student with an Occupational Safety and

282 Health Administration 10-hour certification and a fill equipment

283 simulator certification.

284 Section 4. Section 334.63, Florida Statutes, is created to

285 read:

286 334.63 Project concept studies and project development and

287 environment studies.—

288 (1) Project concept studies and project development and

289 environment studies for capacity improvement projects on limited

290 access facilities must include the evaluation of alternatives

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291 that provide transportation capacity using elevated roadway  
 292 above existing lanes.

293 (2) Project development and environment studies for new  
 294 alignment projects and capacity improvement projects must be  
 295 completed within 18 months after the date of commencement.

296 Section 5. Subsections (1) and (4), paragraph (b) of  
 297 subsection (7), and subsection (15) of section 337.11, Florida  
 298 Statutes, are amended to read:

299 337.11 Contracting authority of department; bids; emergency  
 300 repairs, supplemental agreements, and change orders; combined  
 301 design and construction contracts; progress payments; records;  
 302 requirements of vehicle registration.-

303 (1) The department shall have authority to enter into  
 304 contracts for the construction and maintenance of all roads  
 305 designated as part of the State Highway System or the State Park  
 306 Road System or of any roads placed under its supervision by law.  
 307 The department shall also have authority to enter into contracts  
 308 for the construction and maintenance of rest areas, weigh  
 309 stations, and other structures, including roads, parking areas,  
 310 supporting facilities and associated buildings used in  
 311 connection with such facilities. A contractor who enters into  
 312 such a contract with the department provides a service to the  
 313 department, and such contract does not ~~However, no such contract~~  
 314 ~~shall~~ create any third-party beneficiary rights in any person  
 315 not a party to the contract.

316 (4) (a) Except as provided in paragraph (b), the department  
 317 may award the proposed construction and maintenance work to the  
 318 lowest responsible bidder, or in the instance of a time-plus-  
 319 money contract, the lowest evaluated responsible bidder, or it

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320 may reject all bids and proceed to rebid the work in accordance  
 321 with subsection (2) or otherwise perform the work.

322 (b) Notwithstanding any other provision of law to the  
 323 contrary:

324 1. For a project where the department's estimate is \$100  
 325 million or less, the department shall award the proposed  
 326 construction and maintenance work to the lowest responsible  
 327 bidder when it receives:

328 a. Three or more bids and the lowest bid is within 20  
 329 percent of the department's estimate;

330 b. Two or more bids and the lowest bid is within 15 percent  
 331 of the department's estimate; or

332 c. One bid within 10 percent of the department's estimate.

333 2. If the department receives bids that do not require an  
 334 automatic award under subparagraph 1., the department must:

335 a. Arrange an in-person meeting with the lowest responsive,  
 336 responsible bidder to determine why the bids are over the  
 337 department's estimate and may subsequently award the contract to  
 338 the lowest responsive, responsible bidder at its discretion;

339 b. Reject all bids and proceed to rebid the work in  
 340 accordance with subsection (2); or

341 c. Invite all responsive, responsible bidders to provide  
 342 best and final offers without filing a protest or posting a bond  
 343 under paragraph (5)(a). If the department thereafter awards the  
 344 contract, the award must be to the bidder that presents the  
 345 lowest best and final offer.

346 3. If the department intends to reject all bids on any  
 347 project after announcing, but before posting official notice of,  
 348 such intent, the department must provide to the lowest

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 349 responsive, responsible bidder the opportunity to negotiate the  
 350 scope of work with a corresponding reduction in price, as  
 351 provided in the bid, to provide a best and final offer without  
 352 filing a protest or posting a bond under paragraph (5) (a). Upon  
 353 reaching a decision regarding the lowest bidder's best and final  
 354 offer, the department must post notice of final agency action to  
 355 either reject all bids or accept the best and final offer.

356 (c) This subsection does not prohibit the filing of a  
 357 protest by any bidder or alter the deadlines provided in s.  
 358 120.57.

359 (d) Notwithstanding the requirements of ss. 120.57(3) (c)  
 360 and 287.057(25), upon receipt of a formal written protest that  
 361 has been timely filed, the department may continue the process  
 362 provided in this subsection but may not take final agency action  
 363 as to the lowest bidder except as part of the department's final  
 364 agency action in the protest or upon dismissal of the protest by  
 365 the protesting party.

366 (7)

367 (b) If the department determines that it is in the best  
 368 interests of the public, the department may combine the design  
 369 and construction phases of a project fully funded in the work  
 370 program into a single contract and select the design-build firm  
 371 in the early stages of a project to ensure that the design-build  
 372 firm is part of the collaboration and development of the design  
 373 as part of a step-by-step progression through construction. Such  
 374 a contract is referred to as a phased design-build contract. For  
 375 phased design-build contracts, selection and award must include  
 376 a two-phase process. For phase one, the department shall  
 377 competitively award the contract to a design-build firm based

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 378 upon qualifications, provided that the department receives at  
 379 least three statements of qualifications from qualified design-  
 380 build firms. If during phase one the department elects to enter  
 381 into contracts with more than one design-build firm based upon  
 382 qualifications, the department must competitively award the  
 383 contract for phase two to a single design-build firm. For phase  
 384 two, the design-build firm may self-perform portions of the work  
 385 and shall competitively bid construction trade subcontractor  
 386 packages and, based upon the design-build firm's estimates of  
 387 the self-performed work and these bids, negotiate with the  
 388 department a fixed firm price or guaranteed maximum price that  
 389 meets the project budget and scope as advertised in the request  
 390 for qualifications.

391 (15) Each contract let by the department for performance of  
 392 bridge construction or maintenance over navigable waters must  
 393 contain a provision requiring marine general liability  
 394 insurance, in an amount to be determined by the department,  
 395 which covers third-party personal injury and property damage  
 396 caused by vessels used by the contractor in the performance of  
 397 the work. For a contract let by the department on or after July  
 398 1, 2025, such insurance must include protection and indemnity  
 399 coverage, which may be covered by endorsement on the marine  
 400 general liability insurance policy or may be a separate policy.

401 Section 6. Subsection (3) is added to section 337.1101,  
 402 Florida Statutes, to read:

403 337.1101 Contracting and procurement authority of the  
 404 department; settlements; notification required.—

405 (3) The department may not, through a settlement of a  
 406 protest filed in accordance with s. 120.57(3) of the award of a

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 407 contract being procured pursuant to s. 337.11 or related to the  
 408 purchase of commodities or contractual services being procured  
 409 pursuant to s. 287.057, create a new contract unless the new  
 410 contract is competitively procured.

411 Section 7. Subsections (1), (2), and (8) of section 337.14,  
 412 Florida Statutes, are amended to read:

413 337.14 Application for qualification; certificate of  
 414 qualification; restrictions; request for hearing.—

415 (1) Any contractor desiring to bid for the performance of  
 416 any construction contract in excess of \$250,000 which the  
 417 department proposes to let must first be certified by the  
 418 department as qualified pursuant to this section and rules of  
 419 the department. The rules of the department must address the  
 420 qualification of contractors to bid on construction contracts in  
 421 excess of \$250,000 and must include requirements with respect to  
 422 the equipment, past record, experience, financial resources, and  
 423 organizational personnel of the applying contractor which are  
 424 necessary to perform the specific class of work for which the  
 425 contractor seeks certification. Any contractor who desires to  
 426 bid on contracts in excess of \$50 million and who is not  
 427 qualified and in good standing with the department as of January  
 428 1, 2019, must first be certified by the department as qualified  
 429 and must have satisfactorily completed two projects, each in  
 430 excess of \$15 million, for the department or for any other state  
 431 department of transportation. The department may limit the  
 432 dollar amount of any contract upon which a contractor is  
 433 qualified to bid or the aggregate total dollar volume of  
 434 contracts such contractor is allowed to have under contract at  
 435 any one time. Each applying contractor seeking qualification to

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 436 bid on construction contracts in excess of \$250,000 shall  
 437 furnish the department a statement under oath, on such forms as  
 438 the department may prescribe, setting forth detailed information  
 439 as required on the application. Each application for  
 440 certification must be accompanied by audited, certified  
 441 financial statements prepared in accordance with generally  
 442 accepted accounting principles and auditing standards by a  
 443 certified public accountant licensed in this state or another  
 444 state. The audited, certified financial statements must be for  
 445 the applying contractor and must have been prepared within the  
 446 immediately preceding 12 months. The department may not consider  
 447 any financial information of the parent entity of the applying  
 448 contractor, if any. The department may not certify as qualified  
 449 any applying contractor who fails to submit the audited,  
 450 certified financial statements required by this subsection. If  
 451 the application or the annual financial statement shows the  
 452 financial condition of the applying contractor more than 4  
 453 months before the date on which the application is received by  
 454 the department, the applicant must also submit interim audited,  
 455 certified financial statements prepared in accordance with  
 456 generally accepted accounting principles and auditing standards  
 457 by a certified public accountant licensed in this state or  
 458 another state. The interim financial statements must cover the  
 459 period from the end date of the annual statement and must show  
 460 the financial condition of the applying contractor no more than  
 461 4 months before the date that the interim financial statements  
 462 are received by the department. However, upon the request of the  
 463 applying contractor, an application and accompanying annual or  
 464 interim financial statement received by the department within 15

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465 days after either 4-month period under this subsection are shall  
 466 ~~be~~ considered timely. An applying contractor desiring to bid  
 467 exclusively for the performance of construction contracts with  
 468 proposed budget estimates of less than \$2 million may submit  
 469 reviewed annual or reviewed interim financial statements  
 470 prepared by a certified public accountant. The information  
 471 required by this subsection is confidential and exempt from s.  
 472 119.07(1). The department shall act upon the application for  
 473 qualification within 30 days after the department determines  
 474 that the application is complete. The department may waive the  
 475 requirements of this subsection for projects having a contract  
 476 price of \$1 million or less which have diverse scopes of work  
 477 that may or may not be performed or \$500,000 or less if the  
 478 department determines that the project is of a noncritical  
 479 nature and the waiver will not endanger public health, safety,  
 480 or property. Contracts for projects that have diverse scopes of  
 481 work that may or may not be performed are typically referred to  
 482 as push-button or task work order contracts.

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

490 (8) This section does not apply to maintenance contracts.  
 491 Notwithstanding any provision of law to the contrary, a  
 492 contractor seeking to bid on a maintenance contract that  
 493 predominantly includes repair and replacement of safety

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494 appurtenances, including, but not limited to, guardrails,  
 495 attenuators, traffic signals, and striping, must possess the  
 496 prescribed qualifications, equipment, record, and experience to  
 497 perform such repair and replacement.

498 Section 8. Subsections (4) and (5) of section 337.185,  
 499 Florida Statutes, are amended to read:

500 337.185 State Arbitration Board.—

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

516 (5) An arbitration request may not be made to the board  
 517 before final acceptance but must be made to the board within 820  
 518 days after final acceptance or within 360 days after written  
 519 notice by the department of a claim related to a written  
 520 warranty or defect after final acceptance.

521 Section 9. Subsection (2) of section 337.19, Florida  
 522 Statutes, is amended to read:

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523 337.19 Suits by and against department; limitation of  
 524 actions; forum.-  
 525 (2) For contracts entered into on or after June 30, 1993,  
 526 suits by ~~or and~~ against the department under this section must  
 527 ~~shall~~ be commenced within 820 days of the final acceptance of  
 528 the work. For contracts entered into on or after July 1, 2025,  
 529 suits by or against the department under this section must be  
 530 commenced within 820 days of the final acceptance of the work or  
 531 within 360 days after written notice by the department of a  
 532 claim related to a written warranty or defect after final  
 533 acceptance This section shall apply to all contracts entered  
 534 into after June 30, 1993.

535 Section 10. Present subsections (8) and (9) of section  
 536 337.401, Florida Statutes, are redesignated as subsections (9)  
 537 and (10), respectively, paragraph (c) is added to subsection (1)  
 538 and new subsection (8) is added to that section, and subsection  
 539 (2) of that section is amended, to read:

540 337.401 Use of right-of-way for utilities subject to  
 541 regulation; permit; fees.-

542 (1)  
 543 (c) An entity that places, replaces, or relocates  
 544 underground utilities within a right-of-way must make such  
 545 underground utilities electronically detectable using techniques  
 546 approved by the department.

547 (2) The authority may grant to any person who is a resident  
 548 of this state, or to any corporation which is organized under  
 549 the laws of this state or licensed to do business within this  
 550 state, the use of a right-of-way for the utility in accordance  
 551 with such rules or regulations as the authority may adopt. A

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552 utility may not be installed, located, or relocated unless  
 553 authorized by a written permit issued by the authority. However,  
 554 for public roads or publicly owned rail corridors under the  
 555 jurisdiction of the department, a utility relocation schedule  
 556 and relocation agreement may be executed in lieu of a written  
 557 permit. The permit or relocation agreement must require the  
 558 permitholder or party to the agreement to be responsible for any  
 559 damage resulting from the work required. The utility owner shall  
 560 pay to the authority reasonable damages resulting from a failure  
 561 or refusal to timely remove or relocate a utility. Issuance of  
 562 permits for new placement of utilities within the authority's  
 563 rights-of-way may be subject to payment of any costs incurred by  
 564 the authority due to the failure of the utility owner to timely  
 565 relocate utilities pursuant to an approved utility work  
 566 schedule, for damage done to existing infrastructure by the  
 567 utility owner, and for roadway failures caused by work performed  
 568 by the utility owner issuance of such permit. The authority may  
 569 initiate injunctive proceedings as provided in s. 120.69 to  
 570 enforce ~~provisions of~~ this subsection or any rule or order  
 571 issued or entered into pursuant thereto. A permit application  
 572 required under this subsection by a county or municipality  
 573 having jurisdiction and control of the right-of-way of any  
 574 public road must be processed and acted upon in accordance with  
 575 the timeframes provided in subparagraphs (7)(d)7., 8., and 9.  
 576 (8)(a) As used in this subsection, the term "as-built  
 577 plans" means plans that include all changes and modifications  
 578 that occur during the construction phase of a project.  
 579 (b) The authority and utility owner shall agree in writing  
 580 to an approved depth of as-built plans in accordance with the

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581 scope of a project.

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

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

595 Section 11. Present subsections (2) and (3) of section  
 596 337.403, Florida Statutes, are redesignated as subsections (4)  
 597 and (5), respectively, new subsections (2) and (3) are added to  
 598 that section, and paragraphs (a), (b), (e), and (h) of  
 599 subsection (1) of that section are amended, to read:

600 337.403 Interference caused by utility; expenses.—

601 (1) If a utility that is placed upon, under, over, or  
 602 within the right-of-way limits of any public road or publicly  
 603 owned rail corridor is found by the authority to be unreasonably  
 604 interfering in any way with the convenient, safe, or continuous  
 605 use, or the maintenance, improvement, extension, or expansion,  
 606 of such public road or publicly owned rail corridor, the utility  
 607 owner shall, upon 30 days' written notice to the utility or its  
 608 agent by the authority, initiate the work necessary to alleviate  
 609 the interference at its own expense except as provided in

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610 paragraphs (a)-(j). The work must be completed within such  
 611 reasonable time as stated in the notice or such time as agreed  
 612 to by the authority and the utility owner.

613 (a) If the relocation of utility facilities, as referred to  
 614 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
 615 84-627, is necessitated by the construction of a project on the  
 616 federal-aid interstate system, including extensions thereof  
 617 within urban areas, and the cost of the project is eligible and  
 618 approved for reimbursement by the Federal Government to the  
 619 extent of 90 percent or more under the Federal-Aid Highway Act,  
 620 or any amendment thereof, ~~then in that event~~ the utility owning  
 621 or operating such facilities must shall perform any necessary  
 622 work upon notice from the department, and the state must shall  
 623 pay the entire expense properly attributable to such work after  
 624 deducting therefrom any increase in the value of a new facility  
 625 and any salvage value derived from an old facility. The  
 626 department may reimburse up to 50 percent of the costs for  
 627 relocation of publicly regulated utility facilities and  
 628 municipally owned or county-owned utility facilities, and 100  
 629 percent of the costs for relocation of municipally owned or  
 630 county-owned utility facilities located in a rural area of  
 631 opportunity as defined in s. 288.0656(2), on the state highway  
 632 system after deducting therefrom any increase in the value of a  
 633 new facility and any salvage value derived from an old facility  
 634 upon determining that such reimbursement is in the best  
 635 interests of the public and necessary to expedite the  
 636 construction of the project. The utility owner may decline such  
 637 reimbursement.

638 (b) When a joint agreement between the department and the

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 639 utility is executed for utility work to be accomplished as part  
 640 of a contract for construction of a transportation facility, the  
 641 department may participate in those utility work costs that  
 642 exceed the department's official estimate of the cost of the  
 643 work by more than 10 percent in addition to any costs identified  
 644 in paragraph (a). The amount of such participation is limited to  
 645 the difference between the official estimate of all the work in  
 646 the joint agreement plus 10 percent and the amount awarded for  
 647 this work in the construction contract for such work. The  
 648 department may not participate in any utility work costs that  
 649 occur as a result of changes or additions during the course of  
 650 the contract.

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

661 (h) If a municipally owned utility or county-owned utility  
 662 is located in a rural area of opportunity, as defined in s.  
 663 288.0656(2), and the department determines that the utility  
 664 owner is unable, and will not be able within the next 10 years,  
 665 to pay for the cost of utility work necessitated by a department  
 666 project on the State Highway System, the department may pay, in  
 667 whole or in part, the cost of such utility work performed by the

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 668 department or its contractor.

669 (2) Before the notice to initiate the work, the department  
 670 and the utility owner shall follow a procedure that includes all  
 671 of the following:

672 (a) The department shall provide to the utility owner  
 673 preliminary plans for a proposed highway improvement project and  
 674 notice of a period that begins 30 days and ends within 120 days  
 675 after receipt of the notice within which the utility owner must  
 676 submit to the department the plans required in accordance with  
 677 paragraph (b). The utility owner must provide to the department  
 678 written acknowledgement of receipt of the preliminary plans.

679 (b) The utility owner must submit to the department plans  
 680 showing existing and proposed locations of utility facilities  
 681 within the period provided by the department. If the utility  
 682 owner fails to submit the plans to the department within the  
 683 period, the department is not required to participate in the  
 684 work, may withhold any amount due to the utility owner on other  
 685 projects, and may withhold issuance of any other permits for  
 686 work within the state's rights-of-way.

687 (c) The utility owner's submitted plans must include a  
 688 utility relocation schedule for approval by the department. The  
 689 utility relocation schedule must meet form and timeframe  
 690 requirements established by department rule.

691 (d) If a state of emergency is declared by the Governor,  
 692 the utility is entitled to receive an extension to the utility  
 693 relocation schedule which is at least equal to any extension  
 694 granted to the contractor by the department. The utility owner  
 695 must notify the department of any additional delays associated  
 696 with causes beyond the utility owner's control, including, but



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697 not limited to, participation in recovery work under a mutual  
 698 aid agreement. The notification must occur within 10 calendar  
 699 days after commencement of the delay and provide a reasonably  
 700 complete description of the cause and nature of the delay and  
 701 the possible impacts to the utility relocation schedule. Within  
 702 10 calendar days after the cause of the delay ends, the utility  
 703 owner shall submit a revised utility relocation schedule for  
 704 approval by the department. The department may not unreasonably  
 705 withhold, delay, or condition such approval.

706 (e) If the utility owner does not initiate work in  
 707 accordance with the utility relocation schedule, the department  
 708 must provide the utility owner a final notice directing the  
 709 utility owner to initiate work within 10 calendar days. If the  
 710 utility owner does not begin work within 10 calendar days after  
 711 receipt of the final notice or, having so begun work, thereafter  
 712 fails to complete the work in accordance with the utility  
 713 relocation schedule, the department is not required to  
 714 participate in the work, may withhold any amount due to the  
 715 utility owner, and may exercise its right to obtain injunctive  
 716 relief under s. 120.69.

717 (f) If additional utility work is found necessary after the  
 718 letting date of a highway improvement project, the utility must  
 719 provide a revised utility relocation schedule within 30 calendar  
 720 days after becoming aware of the need for such additional work  
 721 or upon receipt of the department's written notification  
 722 advising of the need for such additional work. The department  
 723 shall review the revised utility relocation schedule for  
 724 compliance with the form and timeframe requirements of the  
 725 department and must approve the revised utility relocation

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726 schedule if such requirements are met.

727 (g) The utility owner is liable to the department for  
 728 documented damages resulting from the utility's failure to  
 729 comply with the utility relocation schedule, including any delay  
 730 costs incurred by the contractor and approved by the department.  
 731 Within 45 days after receipt of written notification from the  
 732 department that the utility owner is liable for damages, the  
 733 utility owner must pay to the department the amount for which  
 734 the utility owner is liable or request mediation pursuant to  
 735 subsection (3).

736 (3) (a) The department shall establish mediation boards to  
 737 resolve disputes that arise between the department and a utility  
 738 concerning any of the following:

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

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

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

746 (b) The department shall establish mediation board  
 747 procedures, which must include all of the following:

748 1. Each mediation board shall be composed of one mediator  
 749 designated by the department, one mediator designated by the  
 750 utility owner, and one mediator mutually selected by the  
 751 department's designee and the utility owner's designee who shall  
 752 serve as the presiding officer of the mediation board.

753 2. The mediation board shall hold a hearing for each  
 754 dispute submitted to the mediation board for resolution. The

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755 mediation board shall provide notice of the hearing to each  
 756 party involved in the dispute and afford each party an  
 757 opportunity to present evidence at the hearing.

758 3. Decisions on issues presented to the mediation board  
 759 must be made by a majority vote of the mediators.

760 4. The mediation board shall issue a final decision in  
 761 writing for each dispute submitted to the mediation board for  
 762 resolution and shall serve a copy of the final decision on each  
 763 party to the dispute.

764 5. Final decisions of the mediation board are subject to de  
 765 novo review in the Second Judicial Circuit Court in and for Leon  
 766 County by way of a petition for judicial review filed by the  
 767 department or the utility owner within 30 days after service of  
 768 the final decision.

769 (c) The department may establish a list of qualified  
 770 mediators and adopt rules to administer this subsection,  
 771 including procedures for the mediation of a contested case.

772 Section 12. Subsection (4) of section 339.65, Florida  
 773 Statutes, is amended to read:

774 339.65 Strategic Intermodal System highway corridors.—

775 (4) The department shall develop and maintain a plan of  
 776 Strategic Intermodal System highway corridor projects that are  
 777 anticipated to be let to contract for construction within a time  
 778 period of at least 20 years. The department shall prioritize  
 779 projects affecting gaps in a corridor so that the corridor  
 780 becomes contiguous in its functional characteristics across the  
 781 corridor. The plan ~~must~~ ~~shall~~ also identify when segments of the  
 782 corridor will meet the standards and criteria developed pursuant  
 783 to subsection (5).

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784 Section 13. Paragraph (h) of subsection (1) of section  
 785 443.191, Florida Statutes, is amended to read:

786 443.191 Unemployment Compensation Trust Fund; establishment  
 787 and control.—

788 (1) There is established, as a separate trust fund apart  
 789 from all other public funds of this state, an Unemployment  
 790 Compensation Trust Fund, which shall be administered by the  
 791 Department of Commerce exclusively for the purposes of this  
 792 chapter. The fund must consist of:

793 (h) All money deposited in this account as a distribution  
 794 pursuant to s. 212.20(6)(d)6.f. ~~s. 212.20(6)(d)6.e.~~

795  
 796 Except as otherwise provided in s. 443.1313(4), all moneys in  
 797 the fund must be mingled and undivided.

798 Section 14. Section 571.26, Florida Statutes, is amended to  
 799 read:

800 571.26 Florida Agricultural Promotional Campaign Trust  
 801 Fund.—There is hereby created the Florida Agricultural  
 802 Promotional Campaign Trust Fund within the Department of  
 803 Agriculture and Consumer Services to receive all moneys related  
 804 to the Florida Agricultural Promotional Campaign. Moneys  
 805 deposited in the trust fund shall be appropriated for the sole  
 806 purpose of implementing the Florida Agricultural Promotional  
 807 Campaign, except for money deposited in the trust fund pursuant  
 808 to s. 212.20(6)(d)6.g. ~~s. 212.20(6)(d)6.h.~~, which shall be held  
 809 separately and used solely for the purposes identified in s.  
 810 571.265.

811 Section 15. Subsection (2) of section 571.265, Florida  
 812 Statutes, is amended to read:

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813 571.265 Promotion of Florida thoroughbred breeding and of  
814 thoroughbred racing at Florida thoroughbred tracks; distribution  
815 of funds.—

816 (2) Funds deposited into the Florida Agricultural  
817 Promotional Campaign Trust Fund pursuant to s. 212.20(6)(d)6.g.  
818 ~~s. 212.20(6)(d)6.f.~~ shall be used by the department to encourage  
819 the agricultural activity of breeding thoroughbred racehorses in  
820 this state and to enhance thoroughbred racing conducted at  
821 thoroughbred tracks in this state as provided in this section.  
822 If the funds made available under this section are not fully  
823 used in any one fiscal year, any unused amounts shall be carried  
824 forward in the trust fund into future fiscal years and made  
825 available for distribution as provided in this section.

826 Section 16. (1) The Legislature finds that the widening of  
827 Interstate 4, from U.S. 27 in Polk County to Interstate 75 in  
828 Hillsborough County, is in the public interest and the strategic  
829 interest of the region to improve the movement of people and  
830 goods.

831 (2) The Department of Transportation shall develop a report  
832 on widening Interstate 4 as efficiently as possible which  
833 includes, but is not limited to, detailed cost projections and  
834 schedules for project development and environmental studies,  
835 design, acquisition of rights-of-way, and construction. The  
836 report must identify funding shortfalls and provide strategies  
837 to address such shortfalls, including, but not limited to, the  
838 use of express lanes toll revenues generated on the Interstate 4  
839 corridor and available department funds for public-private  
840 partnerships. The Department of Transportation shall submit the  
841 report by December 31, 2025, to the Governor, the President of

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

843 Section 17. This act shall take effect July 1, 2025.

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The Florida Senate

APPEARANCE RECORD

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3/19/25

Meeting Date

SB 462

Bill Number or Topic

Transportation

Committee

816070

Amendment Barcode (if applicable)

Name Tiffany King (Florida Airports Council) Phone 850-559-3451

Address 113 E College Ave Suite 208 Email tking@floridaairports.org

Street

Tallahassee FL 32301

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [x] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

Florida Airports Council

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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19 MAR 2025

Meeting Date

462

Bill Number or Topic

Transportation

Committee

816070

Amendment Barcode (if applicable)

Name Kahreem Golden

Phone 850-345-7108

Address 1035 S. Semoran Blvd, suite 2-2021B

Email kahreem.golden@tnc.org

Street

Winter Park

City

FL

State

32792

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

The Nature Conservancy

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

19 MAR 2025

Meeting Date

# The Florida Senate APPEARANCE RECORD

462

Bill Number or Topic

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Transportation

Committee

816070

Amendment Barcode (if applicable)

Name Kahreem Golden

Phone 850-345-7108

Address PO BOX 3544

Email kahreema.golden@tnc.org

Street

Tallahassee

City

FL

State

32315

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

The Nature Conservancy

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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3/19/2025

Meeting Date

Transportation

Committee

462

Bill Number or Topic

816070

Amendment Barcode (if applicable)

Name charles dudley

Phone 850-681-0024

Address 108 s monroe street

Email cdudley@flapartners.com

Street

tallahassee

fl

32301

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Florida Internet & Television Association**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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The Florida Senate

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Meeting Date

4162

Bill Number or Topic

TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name Casey Reed

Phone (850) 591-6002

Address 150 S. MONROE ST. Street

Email CR0243@ATT.com

Tallahassee FL 32301 City State Zip

Speaking: [ ] For [X] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing: AT & T

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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The Florida Senate

APPEARANCE RECORD

462

Bill Number or Topic

19 MAR 2025

Meeting Date

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TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name SARAH CATALA

Phone 239 651 9990

Address 1020 SANITATION ROAD

Email

Street

Immokalee

F

3442

City

State

Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flisenote.gov)

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S-001 (08/10/2021)

3/19/25  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 462  
Bill Number or Topic

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Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Malik Moore

Phone

Address Street

Email

City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:  
Cox Communications

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/19/2025

Meeting Date

SB 402

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Albie Kaminsky

Phone 407-310-9831

Address Street

Email Albert.Kaminsky@Charter.com

City

State

Zip

Speaking:  For  Against  Information

OR

Waive Speaking:  In Support  Against

But appreciate sponsor willingness to work with stakeholders

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Charter Communications

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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Meeting Date

462

Bill Number or Topic

TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name DAN HURTADO

Phone 850-566-0500

Address

Email

Street

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenote.gov\)](#)

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S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Transportation

---

BILL: CS/SB 666

INTRODUCER: Transportation Committee and Senator Jones

SUBJECT: Specialty License Plates/Miami Northwestern Alumni Association

DATE: March 19, 2025      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Fav/CS</b>
2.			ATD	
3.			FP	

---

**Please see Section IX. for Additional Information:**  
COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 666 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create a new specialty license plate for the Miami Northwestern Alumni Association. The annual use fee for the plate is \$25.

Proceeds of the sale of the Miami Northwestern Alumni Association specialty license plate will be distributed to the Miami Northwestern Alumni Association, Inc. to fund need-based scholarships, academic programs, and athletic programs for the benefit of Miami Northwestern Senior High School students and the Miami Northwestern Senior High School Performing and Visual Arts Center.

The DHSMV has not submitted a bill analysis for SB 666, but according to submitted analyses for the 2024-2025 Legislative Session, the fiscal impact associated with the implementation of new specialty license plates is \$8,280.

The bill takes effect October 1, 2025.

## II. Present Situation:

### **Miami Northwestern Alumni Association, Inc. and Miami Northwestern Senior High School**

Miami Northwestern Alumni Association, Inc. is a Florida not-for-profit corporation registered with the Florida Department of State.<sup>1</sup>

Miami Northwestern Senior High School is a four-year public high school with a student population of 1,425 students in grades 9-12 located in the Liberty City neighborhood of Miami.<sup>2</sup> The school's website provides that "Miami Northwestern Senior High is dedicated to assisting every student with authoring their page in the Bulls' rich legacy of pride, tradition, and excellence since 1955."<sup>3</sup>

The mission of the Performing and Visual Arts Program at Miami Northwestern Senior High School is to "assure that all students have the opportunity to develop their artistic, creative, and physical abilities research-based instructional strategies, technology-infused instruction, career path exploration, community service opportunities, real-world learning, enhanced parental involvement, and programs which include partnerships, talents, skill and abilities in a challenging, safe, and nurturing environment."<sup>4</sup>

### **Specialty License Plates**

According to DHSMV, as of February 2025, there are 133 specialty license plates authorized by the Legislature. Of these plates, 113 are available for immediate purchase and 20 are in the presale process. Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.<sup>5</sup> The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>6</sup>

In order to establish a specialty license plate (after the plate is approved by law) s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and

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<sup>1</sup> Florida Department of State: Division of Corporations, *Miami Northwestern Alumni Association, Inc.* Sunbiz.org, Document number N17000004247 (March 13, 2025).

<sup>2</sup> Miami Northwestern Senior High School., [Home - School Profile - Miami Northwestern Senior High School](#), (last visited March 13, 2025).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

<sup>6</sup> Section 320.08058, F.S.

- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.<sup>7</sup>

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers.<sup>8</sup> Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.<sup>9</sup>

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.<sup>10</sup>

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.<sup>11</sup>

#### *Use of Specialty License Plate Fees*

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.<sup>12</sup> Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.<sup>13</sup>

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless authorized by s. 320.08058, F.S.<sup>14</sup> Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.<sup>15</sup>

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<sup>7</sup> Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

<sup>8</sup> Section 320.08058(3), F.S., provides that any collegiate plate established after October 1, 2002, must comply with the requirements of s. 320.08053, F.S., other than the presale voucher requirements in s. 320.08053(2)(b), F.S., and be specifically authorized by the Legislature.

<sup>9</sup> Section 320.08053(2)(b), F.S.

<sup>10</sup> Section 320.08053(3)(a), F.S.

<sup>11</sup> Section 320.08053(3)(b), F.S.

<sup>12</sup> Section 320.08056(10)(a), F.S.

<sup>13</sup> Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.

<sup>14</sup> Section 320.08056(10)(a), F.S.

<sup>15</sup> Section 320.08056(11), F.S.

### *Discontinuance of Specialty Plates*

Prior to June 30, 2023, the DHSMV was required to discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter was mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations fell below 1,000 plates. Collegiate plates for Florida universities were exempt from the minimum specialty license plate requirement.<sup>16</sup> In addition, the DHSMV was authorized to discontinue any specialty license plate if the organization ceased to exist, stopped providing services that are funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.<sup>17</sup>

However, effective July 1, 2023, the requirement increased so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000, or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.<sup>18</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 320.08058, F.S., to authorize the DHSMV to create a new specialty license plate for the Miami Northwestern Alumni Association. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the DHSMV, with the word "Florida" at the top of the plate and the words "Miami Northwestern Alumni Association" at the bottom of the plate.

Proceeds of the sale of the Miami Northwestern Alumni Association specialty license plate will be distributed to the Miami Northwestern Alumni Association, Inc. The organization may use up to 10 percent of the proceeds for marketing and promotion of the plate. Thereafter, the annual use fees from the sale of the plate will be distributed to the Miami Northwestern Alumni Association, Inc., to fund need-based scholarships, academic programs, and athletic programs for the benefit of Miami Northwestern Senior High School students and the Miami Northwestern Senior High School Performing and Visual Arts Center.

The bill takes effect October 1, 2025.

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<sup>16</sup> Section 320.08056(8)(a), F.S.

<sup>17</sup> Section 320.08056(8)(b), F.S.

<sup>18</sup> Chapter 2020-181, s. 7, Laws of Fla.



**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

If the specialty license plate is produced, the Miami Northwestern Alumni Association, Inc. will receive annual use fees associated with sales of the plate.

## C. Government Sector Impact:

The DHSMV has not submitted a bill analysis for SB 666, but according to submitted analyses for the 2024-2025 Legislative Session, the fiscal impact associated with the implementation of new specialty license plates is \$8,280.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:****VIII. Statutes Affected:**

This bill amends section 320.08058 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on March 18, 2025:**

The committee substitute authorizes the Miami Northwestern Alumni Association, Inc. to use up to 10 percent of the funds from the sale of the plate for administrative and marketing costs.

- B. **Amendments:**

None.



582656

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
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The Committee on Transportation (Jones) recommended the following:

**Senate Amendment**

Delete line 25  
and insert:  
which may use up to 10 percent of such fees for administrative costs and marketing of the plate. The balance of the fees must be used by the Miami Northwestern Alumni Association, Inc., to fund need-based scholarships, academic programs, and

By Senator Jones

34-01074-25

2025666\_\_

1                                   A bill to be entitled  
2       An act relating to specialty license plates; amending  
3       s. 320.08058, F.S.; directing the Department of  
4       Highway Safety and Motor Vehicles to develop a Miami  
5       Northwestern Alumni Association license plate;  
6       specifying design elements for the plate; providing  
7       for distribution and use of fees collected from the  
8       sale of the plates; providing an effective date.  
9  
10    Be It Enacted by the Legislature of the State of Florida:  
11  
12           Section 1. Subsection (136) is added to section 320.08058,  
13    Florida Statutes, to read:  
14           320.08058 Specialty license plates.—  
15           (136) MIAMI NORTHWESTERN ALUMNI ASSOCIATION LICENSE  
16    PLATES.—  
17           (a) The department shall develop a Miami Northwestern  
18    Alumni Association license plate as provided in this section and  
19    s. 320.08053. The plate must bear the colors and design approved  
20    by the department. The word "Florida" must appear at the top of  
21    the plate, and the words "Miami Northwestern Alumni Association"  
22    must appear at the bottom of the plate.  
23           (b) The annual use fees from the sale of the plate must be  
24    distributed to the Miami Northwestern Alumni Association, Inc.,  
25    and used to fund need-based scholarships, academic programs, and  
26    athletic programs for the benefit of Miami Northwestern Senior  
27    High School students and the Miami Northwestern Senior High  
28    School Performing and Visual Arts Center.  
29           Section 2. This act shall take effect October 1, 2025.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 824

INTRODUCER: Transportation Committee and Senator Pizzo

SUBJECT: Specialty License Plates/Supporting FHP Troopers

DATE: March 19, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Fav/CS</b>
2.			ATD	
3.			FP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 824 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create a new specialty license plate for Supporting FHP Troopers. The annual use fee for the plate is \$25.

Proceeds of the sale of the Supporting FHP Troopers specialty license plate will be distributed to the Florida Highway Patrol Advisory Council, Inc., to fund scholarships for current members of the Florida Highway Patrol and their family members who are attending a vocational school, technical school, college or university.

The DHSMV has not submitted a bill analysis for SB 824, but according to submitted analyses for the 2024-2025 Legislative Session, the fiscal impact associated with the implementation of new specialty license plates is \$8,280.

The bill takes effect October 1, 2025.

## II. Present Situation:

### Florida Highway Patrol Advisory Council, Inc.

The Florida Highway Patrol Advisory Council, Inc., is a Florida not-for-profit corporation registered with the Florida Department of State.<sup>1</sup> The organization's website includes the following statement: "We Serve the Men & Women Who Are Dedicated to Keeping Our Streets Safe."<sup>2</sup>

The Florida Highway Patrol Advisory Council is comprised of business, professional, and community leaders throughout the state. Members of the Advisory Council provide assistance to the Director of the Florida Highway Patrol by offering input regarding the performance of the Patrol and the quality of service provided to the public. On an ongoing basis the Advisory Council provides financial and other support to the families of troopers and auxiliary troopers who lose their life or sustain life-threatening injuries in the line of duty. One hundred percent of the funding for the Advisory Council is through charitable contributions.<sup>3</sup>

### Specialty License Plates

According to DHSMV, as of February 2025, there are 133 specialty license plates authorized by the Legislature. Of these plates, 113 are available for immediate purchase and 20 are in the presale process. Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.<sup>4</sup> The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>5</sup>

In order to establish a specialty license plate (after the plate is approved by law) s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.<sup>6</sup>

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<sup>1</sup> Florida Department of State: Division of Corporations, *Florida Highway Patrol Advisory Council, Inc.* Sunbiz.org, Document number N99000003623 (March 13, 2025).

<sup>2</sup> Florida Highway Patrol Advisory Council, Inc., [About the FHP Advisory Council](#), (last visited March 13, 2025).

<sup>3</sup> *Id* at 1.

<sup>4</sup> Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

<sup>5</sup> Section 320.08058, F.S.

<sup>6</sup> Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers.<sup>7</sup> Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.<sup>8</sup>

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.<sup>9</sup>

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.<sup>10</sup>

### *Use of Specialty License Plate Fees*

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.<sup>11</sup> Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.<sup>12</sup>

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless authorized by s. 320.08058, F.S.<sup>13</sup> Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.<sup>14</sup>

### *Discontinuance of Specialty Plates*

Prior to June 30, 2023, the DHSMV was required to discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter was mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations fell below 1,000 plates. Collegiate plates for Florida universities were exempt from the minimum specialty

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<sup>7</sup> Section 320.08058(3), F.S., provides that any collegiate plate established after October 1, 2002, must comply with the requirements of s. 320.08053, F.S., other than the presale voucher requirements in s. 320.08053(2)(b), F.S., and be specifically authorized by the Legislature.

<sup>8</sup> Section 320.08053(2)(b), F.S.

<sup>9</sup> Section 320.08053(3)(a), F.S.

<sup>10</sup> Section 320.08053(3)(b), F.S.

<sup>11</sup> Section 320.08056(10)(a), F.S.

<sup>12</sup> Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.

<sup>13</sup> Section 320.08056(10)(a), F.S.

<sup>14</sup> Section 320.08056(11), F.S.

license plate requirement.<sup>15</sup> In addition, the DHSMV was authorized to discontinue any specialty license plate if the organization ceased to exist, stopped providing services that are funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.<sup>16</sup>

However, effective July 1, 2023, the requirement increased so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000, or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.<sup>17</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 320.08058, F.S., to authorize the DHSMV to create a new specialty license plate for Supporting FHP Troopers. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the DHSMV, with the word "Florida" at the top of the plate and the words "Supporting FHP Troopers" at the bottom of the plate.

Proceeds of the sale of the Supporting FHP Troopers specialty license plate will be distributed to the Florida Highway Patrol Advisory Council, Inc. The organization may use up to 10 percent of the proceeds for marketing and promotion of the plate. Thereafter, the annual use fees from the sale of the plate will be distributed to fund scholarships, based on the councils' established criteria, for current members of the Florida Highway Patrol and their family members who are attending a vocational school, technical school, college or university.

For the purposes of this plate, the term "family member" means a spouse, child, stepchild, or legally adopted child of the Florida Highway Patrol member or a child raised in the home and claimed by the Florida Highway Patrol member as a dependent under the federal income tax code before the child's 18<sup>th</sup> birthday.

The bill takes effect October 1, 2025.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>15</sup> Section 320.08056(8)(a), F.S.

<sup>16</sup> Section 320.08056(8)(b), F.S.

<sup>17</sup> Chapter 2020-181, s. 7, Laws of Fla.



**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

If the specialty license plate is produced, the Florida Highway Patrol Advisory Council, Inc., will receive annual use fees associated with sales of the plate.

**C. Government Sector Impact:**

The DHSMV has not submitted a bill analysis for SB 824, but according to submitted analyses for the 2024-2025 Legislative Session, the fiscal impact associated with the implementation of new specialty license plates is \$8,280.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 320.08058 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on March 18, 2025:**

The committee substitute removes the exemption in the bill related to the 3,000 pre-sale voucher requirement and the 3,000 annual registration requirement which are applicable to all new specialty license plates.

- B. **Amendments:**

None.



443118

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
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The Committee on Transportation (Pizzo) recommended the following:

1           **Senate Amendment (with title amendment)**

2

3           Delete lines 40 - 88.

4

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

6           And the title is amended as follows:

7           Delete lines 7 - 10

8           and insert:

9           of the plate; providing an effective

By Senator Pizzo

37-00391A-25

2025824\_\_

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Supporting FHP Troopers license plate; providing for distribution and use of fees collected from the sale of the plate; amending ss. 320.08053 and 320.08056, F.S.; exempting the plate from minimum presale voucher requirements and minimum valid registration requirements, respectively; providing an effective date.

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

Section 1. Subsection (136) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(136) SUPPORTING FHP TROOPERS LICENSE PLATES.—

(a) The department shall develop a Supporting FHP Troopers license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Supporting FHP Troopers" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Florida Highway Patrol Advisory Council, Inc., a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, which may use up to 10 percent of the fees for administrative costs and marketing of the plate. The

Page 1 of 4

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

37-00391A-25

2025824\_\_

Florida Highway Patrol Advisory Council, Inc., must use the remaining fees to fund scholarships, based on the council's established criteria, for current members of the Florida Highway Patrol and their family members who are attending a vocational school, technical school, college, or university. For purposes of this paragraph, the term "family member" means a spouse, child, stepchild, or legally adopted child of the Florida Highway Patrol member or a child raised in the home and claimed by the Florida Highway Patrol member as a dependent under the federal income tax code before the child's 18th birthday.

Section 2. Paragraph (b) of subsection (2) of section 320.08053, Florida Statutes, is amended to read:

320.08053 Establishment of specialty license plates.—

(2)

(b) Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the department a minimum of 3,000 voucher sales before manufacture of the license plate may commence. The department shall extend this presale period by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but has not recorded at least 3,000 voucher sales. If, at the conclusion of the presale period, the minimum sales requirement has not been met, the specialty plate is deauthorized, and the department shall discontinue development of the plate and discontinue issuance of the presale vouchers. Upon deauthorization of the license plate or if the plate has met the presale requirement but has not been issued, a purchaser of the license plate voucher may use the annual use fee collected as a

Page 2 of 4

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

37-00391A-25 2025824\_\_

59 credit towards any other specialty license plate or apply for a  
60 refund on a form prescribed by the department. This paragraph  
61 does not apply to the Supporting FHP Troopers license plate  
62 established under s. 320.08058(136).

63 Section 3. Paragraph (a) of subsection (8) of section  
64 320.08056, Florida Statutes, is amended to read:

65 320.08056 Specialty license plates.—

66 (8) (a) The department must discontinue the issuance of an  
67 approved specialty license plate if the number of valid  
68 specialty plate registrations falls below 3,000, or in the case  
69 of an out-of-state college or university license plate, 4,000,  
70 for at least 12 consecutive months. The department shall mail a  
71 warning letter to the sponsoring organization following the  
72 first month in which the total number of valid specialty plate  
73 registrations is below 3,000, or in the case of an out-of-state  
74 college or university license plate, 4,000. This paragraph does  
75 not apply to any of the following:

76 1. In-state collegiate license plates established under s.  
77 320.08058(3).~~r~~

78 2. License plates of institutions in and entities of the  
79 State University System.~~r~~

80 3. Specialty license plates that have statutory eligibility  
81 limitations for purchase.~~r~~

82 4. Specialty license plates for which annual use fees are  
83 distributed by a foundation for student and teacher leadership  
84 programs and teacher recruitment and retention.~~r~~~~or~~

85 5. Florida Professional Sports Team license plates  
86 established under s. 320.08058(9).

87 6. The Supporting FHP Troopers license plate established

Page 3 of 4

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

37-00391A-25 2025824\_\_

88 under s. 320.08058(136).

89 Section 4. This act shall take effect October 1, 2025.

Page 4 of 4

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

The Florida Senate

APPEARANCE RECORD

824

Bill Number or Topic

3/19/25

Meeting Date

Deliver both copies of this form to Senate professional staff conducting the meeting

TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH

Phone 305-333-4344

Address 300 E BREVARD ST. Street

Email WSMITH@FLPBA.ORG

TALLAHASSEE FL 32301 City State Zip

Speaking:  For  Against  Information

OR

Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 916

INTRODUCER: Transportation Committee and Senator Rodriguez

SUBJECT: Indemnification of Commuter Rail Transportation Providers

DATE: March 20, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.			JU	
3.			FP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 916 provides for the indemnification of commuter rail transportation providers on the Coastal Link Corridor. The bill creates the Coastal Link Commuter Rail Service Act and establishes parameters related to the indemnification of and insurance related to an agency providing commuter rail service on the corridor. The bill:

- Defines the terms: agency, authority, Brightline, Brightline station, coastal link corridor, coastal link corridor invitee, coastal link corridor limited covered accident, commuter rail service, Florida East Coast Railway, intercity passenger rail service, joint infrastructure, operator, passenger, proportionate share, and self-insurance retention amount.
- Names Brightline, Florida East Coast Railway (FECR), South Florida Regional Transportation Authority (SFRTA), and an agency as parties operating rail service the coastal link corridor.
- Authorizes an agency to assume certain obligations regarding rail liability on the coastal link corridor, subject to specified limitations.
- Provides parameters for which an agency's assumption of liability may not exceed.
- Provides an insurance coverage limit of \$323 million per occurrence, to be adjusted, without prior legislative approval, to changes in federal law.
- Requires an agency to establish a self-insurance retention amount of \$5 million.
- Provides for the allocation of liability on the rail corridor under various scenarios.
- Provides that the assumption of liability, the purchase of insurance, or the establishment of a self-insurance retention fund is not a waiver of sovereign immunity, nor does it increase an agency's limits on liability under sovereign immunity.

- Provides that FECR and Brightline are not entitled to sovereign immunity.

An agency associated with the Coastal Link Commuter Rail Corridor may incur costs associated with the purchase of liability insurance and the establishment of a self-insurance retention fund. See Section V., Fiscal Impact Statement for details.

This bill takes effect July 1, 2025.

## II. Present Situation:

### Rail Service in Florida

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

- Providing the overall leadership, coordination, and financial and technical assistance necessary to assure the effective responses of the state's rail system to mobility needs.
- Promoting and facilitating the implementation of advanced rail systems.
- Developing and administering state standards concerning the safety and performance of rail systems.<sup>1</sup>

Most of Florida's rail mileage is owned by private freight railroad companies. Roughly 60 percent of this rail mileage is owned by CSX Transportation, Inc. (CSX), and Florida East Coast Railway (FECR). The remaining rail mileage is owned by Norfolk Southern Railway, short lines railroads, and the state of Florida.<sup>2</sup>

In 1988, FDOT and CSX entered into an agreement whereby FDOT purchased approximately 81 miles of CSX track and right-of-way<sup>3</sup> in order to operate commuter rail in South Florida.<sup>4</sup> The commuter rail system, known as Tri-Rail, operates in Miami-Dade, Broward, and Palm Beach counties.<sup>5</sup>

In November 2011, FDOT acquired the Central Florida Rail Corridor from CSX in order to provide commuter rail service on that corridor, known as SunRail. SunRail operates in Volusia, Seminole, Orange, and Osceola counties.<sup>6</sup>

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<sup>1</sup> Section 341.302, F.S.

<sup>2</sup> Florida Department of Transportation (FDOT), *Florida Rail System Plan, Executive Summary*, November 2023 at 3. Available at: [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/rail/plans/rail/rail-system-plan-2023/rsp-october-version/fdot\\_rsp\\_ch-1\\_ada-\(nov\).pdf?sfvrsn=606135b\\_4](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/rail/plans/rail/rail-system-plan-2023/rsp-october-version/fdot_rsp_ch-1_ada-(nov).pdf?sfvrsn=606135b_4) (last visited March 12, 2025)

<sup>3</sup> This is commonly known as the South Florida Rail Corridor. FDOT *Florida Freight & Passenger Rail Plan*, 2-1 n. 1. Available at: [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/rail/publications/plans/rail/06visionplan/flrail06.pdf?sfvrsn=ce111160\\_0](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/rail/publications/plans/rail/06visionplan/flrail06.pdf?sfvrsn=ce111160_0) (last visited March 12, 2025).

<sup>4</sup> *Id.* at 5-34.

<sup>5</sup> Tri-Rail System Map; available at: <https://www.tri-rail.com/> (last visited March 12, 2025)

<sup>6</sup> SunRail, Transit Asset Management Plan, May 2023, section 1.1. SunRail History, [https://www.r2ctpo.org/wp-content/uploads/SunRail-TAM-Plan-R2\\_2023.pdf](https://www.r2ctpo.org/wp-content/uploads/SunRail-TAM-Plan-R2_2023.pdf) (last visited March 12, 2025) SunRail, *About SunRail*, <https://sunrail.com/agency-information/about-sunrail/>, (last visited March 12, 2025).



## Brightline

Brightline Trains Florida (Brightline) is the only privately owned and operated intercity railroad in the United States.<sup>7</sup> Brightline operates intercity passenger rail service on a 235-mile corridor between Miami and Orlando.<sup>8</sup> Brightline is planning a further extension from Orlando to Tampa.<sup>9</sup> As of July 2024, Brightline offers 16 daily round trips between Miami and the Orlando International Airport, with stops in West Palm Beach, Boca Raton, Fort Lauderdale, and Aventura.<sup>10</sup>

## Florida East Coast Railway

Florida East Coast Railway (FECR) is a regional railroad owning the 351-mile mainline track between Jacksonville and Miami. In Jacksonville, the railway connects to the national railway system, allowing FECR to provide rail service to and from Georgia, Tennessee, South Carolina, and North Carolina. FECR is the exclusive rail provider for PortMiami, Port Everglades, and Port of Palm Beach.<sup>11</sup>

## Florida Rail Liability Provisions

Florida law authorizes FDOT to implement a statewide rail program.<sup>12</sup> In the event of an accident in a FDOT-owned rail corridor, FDOT may assume detailed obligations to specific parties who may be involved.<sup>13</sup> These provisions relate to FDOT trains, the National Railroad Passenger Corporation (AMTRAK) trains, and freight trains. FDOT may agree to assume the obligations to indemnify and insure, pursuant to s. 343.545, F.S.,<sup>14</sup> freight rail service, intercity passenger rail service, and commuter rail service on a FDOT-owned rail corridor, whether the ownership is in fee or by easement, or on a rail corridor where FDOT has the right to operate.<sup>15</sup>

Florida law caps FDOT's duty to indemnify a freight rail operator or Amtrak at \$200 million.<sup>16</sup> FDOT is required to purchase up to \$200 million in liability insurance and establish a self-insurance retention fund to cover any deductible, provided that any parties covered under the insurance must pay a reasonable monetary contribution to cover the cost of the insurance.<sup>17</sup> The self-insurance retention fund or insurance deductible is capped at \$10 million.<sup>18</sup> Neither the purchase of insurance nor the establishment of a self-insurance retention fund constitutes a waiver of sovereign immunity.<sup>19</sup>

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<sup>7</sup> Brightline, *About Us*, <https://www.gobrightline.com/about> (last visited March 12, 2025).

<sup>8</sup> *Supra* note 2 at 5.

<sup>9</sup> *Id.* at 6.

<sup>10</sup> Megan Dubois, *Taking the Brightline Train from Orlando to Boca Raton: Here's What It's Like*, Condé Nast Traveler (July 18, 2024), available at <https://www.cntraveler.com/story/brightline-train-orlando-to-boca-raton> (last visited March 12, 2025).

<sup>11</sup> Florida East Coast Railway, *Who We Are*, available at: <https://fecrwy.com/> (last visited March 12, 2025).

<sup>12</sup> Section 341.302, F.S.

<sup>13</sup> Section 341.302(17), F.S.

<sup>14</sup> Section 343.545, F.S., is the indemnification statute for the South Florida Regional Transportation Authority.

<sup>15</sup> Section 341.302(17)(d), F.S.

<sup>16</sup> Section 341.302(17)(a)6., F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Section 341.302(17)(b), F.S.

<sup>19</sup> Section 341.302(17), F.S.

This indemnification relates to FDOT's acquisition of the Central Florida Rail Corridor from CSX for the purpose of SunRail operations.<sup>20</sup> In 2017, the South Florida Regional Transportation Authority (SFRTA) received similar indemnification for Tri-Rail, with a railroad liability insurance with a limit of \$295 million per occurrence, which amount is adjusted in accordance with applicable law, and a self-insurance retention fund of \$5 million.<sup>21</sup>

### **Sovereign Immunity**

Sovereign immunity is a principle under which a government cannot be sued without its consent.<sup>22</sup> Article X, section 13 of the Florida Constitution allows the Legislature to waive this immunity. In accordance with Article X, section 13 of the Florida Constitution, Florida law allows for suits in tort against the state and its agencies and subdivisions for damages resulting from the negligence of government employees acting in the scope of employment.<sup>23</sup> This liability exists only where a private person would be liable for the same conduct. The waiver of sovereign immunity provided under s. 768.28, F.S., applies only to "injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee's office or employment."<sup>24</sup>

Section 768.28(5), F.S., caps tort recovery from a governmental entity at \$200,000 per person and \$300,000 per incident.<sup>25</sup> Although a court may enter an excess judgment, a claimant may not collect more than the caps provide, absent a claim bill passed by the Legislature.<sup>26</sup>

Individual government employees, officers, or agents are immune from suit or liability for damages caused by any action taken in the scope of employment, unless the damages result from the employee's acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.<sup>27</sup> A government entity is not liable for any damages resulting from actions by an employee outside the scope of his or her employment and is not liable for damages resulting from actions committed by the employee in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.<sup>28</sup>

### **Federal Limitation on Rail Passenger Transportation Liability**

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

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<sup>20</sup> SunRail, *Transit Asset Management Plan*, May 2023, section 1.1 SunRail History, [https://www.r2ctpo.org/wp-content/uploads/SunRail-TAM-Plan-R2\\_2023.pdf](https://www.r2ctpo.org/wp-content/uploads/SunRail-TAM-Plan-R2_2023.pdf) (last visited March 3, 2025)

<sup>21</sup> Chapter 2007-138, Laws of Fla. Section 343.545, F.S.

<sup>22</sup> Cornell Law School, Legal Information Institute, *Sovereign immunity*. available at: [https://www.law.cornell.edu/wex/sovereign\\_immunity](https://www.law.cornell.edu/wex/sovereign_immunity) (last visited March 12, 2025).

<sup>23</sup> Section 768.28(1), F.S.

<sup>24</sup> *City of Pembroke Pines v. Corrections Corp. of America, Inc.*, 274 So. 3d 1105, 1112 (Fla. 4th DCA 2019) (quoting s. 768.28(1), F.S.) (internal punctuation omitted).

<sup>25</sup> Section 768.28(5), F.S.+

<sup>26</sup> *Breaux v. City of Miami Beach*, 899 So. 2d 1059 (Fla. 2005).

<sup>27</sup> Section 768.28(9), F.S.

<sup>28</sup> *Id.*

passengers, against all defendants, for all claims, including punitive damages, arising from a single accident or incident may not exceed \$200,000,00.<sup>29</sup> In 2021, this cap was adjusted in accordance with inflation to \$322,864,228.<sup>30</sup>

### **Coastal Link Commuter Rail Service**

Since 2021, FDOT and Broward County Transit have been evaluating the implementation of commuter rail along the FECR corridor from Aventura in Miami-Dade County into Broward County. This evaluation is a direct result of a previous study known as the “Coastal Link” that evaluated 85 miles of commuter rail in Miami-Dade, Broward, and Palm Beach counties.<sup>31</sup>

In August 2022, the Broward County Commission adopted a Locally Preferred Alternative for Broward Commuter Rail South (BCR South) to extend commuter rail service on the FECR corridor from Aventura north to Fort Lauderdale. The Broward County Commission directed its staff to pursue federal and state grant funding to support the project, and to coordinate, as appropriate, with other organizations in seeking grant funding.<sup>32</sup>

In December 2022, the Federal Transit Administration (FTA) announced that the BCR South project was accepted into the Project Development phase, making it eligible for federal funding and allows funds expended by Broward County Transit to be used towards local match requirements.<sup>33</sup>

In February 2023, the Broward Metropolitan Planning Organization voted to amend its Metropolitan Transportation Plan to include BCR South as a Priority I project within the fiscally constrained portion of the plan, with project development funding programmed and approved by both Broward County and FDOT in 2022.<sup>34</sup>

Miami-Dade County is also studying the implementation of commuter rail service in the FECR corridor from Downtown Miami to Aventura, known as the Northeast Corridor. The Northeast Corridor is in the Project Development phase with the FTA, which makes it eligible to compete for federal funding.<sup>35</sup>

The Northeast Corridor will establish a new rapid transit route from Miami Central Station in downtown Miami to West Aventura Station, utilizing the existing railroad corridor shared with Brightline and freight rail services. This project will utilize Brightline’s existing stations and add five additional stations.<sup>36</sup>

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<sup>29</sup> 49 U.S.C. § 28103 (1997).

<sup>30</sup> Adjustment to Rail Passenger Transportation Liability Cap, 86 Fed. Reg. 11571 (Feb. 22, 2021) (amending 49 U.S.C. § 28103). available at <https://www.federalregister.gov/documents/2021/02/25/2021-03886/adjustment-to-rail-passenger-transportation-liability-cap> (last visited March 5, 2025)

<sup>31</sup> Florida Department of Transportation, *Broward Commuter Rail South*, available at: <https://www.fdot.gov/projects/broward-commuter-rail-south/home> (last visited March 11, 2025)

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> Miami-Dade County, Northeast Corridor, available at: <https://www.miamidade.gov/global/transportation/smart-plan-northeast-corridor.page> (last visited March 11, 2025).

### III. Effect of Proposed Changes:

#### Short Title (Sections 1 and 2)

The bill creates part III of ch. 343, F.S., entitled “Coastal Link Commuter Rail Service” as authorizing indemnification and insurance for the Coastal Link Commuter Rail Corridor.

The bill creates s. 343.711, F.S., providing the short title of the “Coastal Link Commuter Rail Service Act.”

#### Powers to Assume Indemnification and Insurance Obligations (Section 3)

The bill creates s. 343.712, F.S., which authorizes the indemnification and insurance obligations on the Coastal Link Corridor. These obligations are similar to what is currently in place for SunRail and Tri-Rail.

#### Definitions

For purposes of this act, the bill defines the following terms:

- Agency - any state agency, county, municipality, district, authority, or other separate unit of government created or established by law which has entered into an agreement with Brightline which authorizes the agency, or a third party selected by the agency, to operate commuter rail service on the coastal link corridor.
- Authority - the South Florida Regional Transportation Authority.
- Brightline - Brightline Trains Florida LLC, or its successors or assigns, or any affiliate that is a party to an agreement with an agency in connection with the coastal link corridor.<sup>37</sup>
- Brightline station - any intercity passenger rail service station owned and operated by Brightline in the cities of Miami, Fort Lauderdale, Boca Raton, or West Palm Beach or near Aventura, as well as any future station developed by Brightline in connection with its intercity passenger rail service.
- Coastal link corridor - the rail transit system, including the intercity passenger rail service stations and vehicle maintenance facilities, located on or adjacent to a Brightline or Florida East Coast Railway corridor in Miami-Dade County, Broward County, or Palm Beach County<sup>38</sup>.
- Coastal link corridor invitee - any person who is on or about the coastal link corridor and who is a passenger or is otherwise present on the coastal link corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of, an operator.<sup>39</sup>

<sup>37</sup> For purposes of its Brightline’s as indemnitee, the term “Brightline” includes Florida East Coast Dispatch, LLC, or its successors or assigns.

<sup>38</sup> The term “coastal link corridor” includes structures essential to railroad operations, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, rail stations, ancillary developments, and any other facilities or equipment used for the purposes of construction, operation, or maintenance of a railroad that provides rail service

<sup>39</sup> The term “coastal link corridor invitee” does not include patrons at any station, except those patrons who are also the operator’s passengers; commercial or residential tenants at any station or the developments in and around the stations, or their invitees; or third parties performing work at a station or in the coastal link corridor, including any utilities or fiber optic companies.

- Coastal link corridor limited covered accident - a collision directly between the trains, locomotives, rail cars, or rail equipment of more than one operator on the coastal link corridor, where the collision is caused by or arising from the willful misconduct of one of the operators, as adjudicated pursuant to a final and unappealable court order, or, if punitive damages or exemplary damages are awarded due to the conduct of such operator, as adjudicated pursuant to a final and unappealable court order.
- Commuter rail service - the operation of an agency's trains transporting passengers and making frequent stops within urban areas and their immediate suburbs along the coastal link corridor for the purpose of passenger boarding and alighting, and the nonrevenue movement of passenger trains for storage, maintenance, or repairs.<sup>40</sup>
- Florida East Coast Railway or FECR - Florida East Coast Railway, LLC, or its successors and assigns.<sup>41</sup>
- Intercity passenger rail service - all passenger service on the rail corridor or coastal link corridor, as applicable, other than commuter rail service which is characterized by trains making less frequent stops along the rail corridor than are made by the commuter rail service.
- Joint infrastructure - any portion or segment of the coastal link corridor, except that the term does not include tracks or infrastructure designated for the exclusive use of an agency, the authority, Brightline, or FECR or portions of any Brightline station used by Brightline, the authority, or an agency, as applicable, including, but not limited to, pedestrian bridges, stairs, elevators, and escalators.
- Operator - Brightline, including any passenger rail operators that access the coastal link corridor pursuant to a contract with Brightline, other than an agency; FECR, including Amtrak or any freight rail operators that access the coastal link corridor pursuant to a contract with FECR; the authority, with respect to its operations contemplated under s. 343.545, F.S.; or an agency.
- Passenger - with respect to intercity passenger rail service or commuter rail service, any person, ticketed or unticketed, using the intercity passenger rail service or commuter rail service on the coastal link corridor:
  - On board trains, locomotives, rail cars, or rail equipment employed in such intercity passenger rail service or commuter rail service, or boarding or alighting therefrom;
  - On or about the coastal link corridor for any purpose related to such intercity passenger rail service or commuter rail service, including parking or purchasing tickets therefore and coming to, waiting for, and leaving from locomotives, rail cars, or rail equipment; or
  - Meeting, assisting, or in the company of any person described above.
- Proportionate share - with respect to any loss, injury, or damage for which operators share responsibility, a percentage in proportion to the number of operators involved in the relevant incident. When one or more agencies are jointly operating a commuter rail service, such agencies are considered a single operator for purposes of computing and assessing the proportionate share of such loss, injury, or damage.
- Self-insurance retention amount - an amount equal to \$5 million.

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<sup>40</sup> The term "commuter rail service" does not include the operation of trains by Brightline at Brightline stations in connection with Brightline's intercity passenger rail service.

<sup>41</sup> For purposes of its status as indemnitee, the term "FECR" includes Florida East Coast Dispatch, LLC, or its successors or assigns.

### *Assumption of Obligations*

The bill authorizes any agency, in conjunction with the development or operation of a commuter rail service on the coastal link corridor, to assume the obligation by contract to protect, defend, indemnify, and hold harmless, FECR, Brightline, and either entity's officers, agents, employees, and successors and assigns from and against:

- Any liability, cost, and expense, regardless of whether the loss, damage, destruction, injury, or death giving rise to such liability, cost, or expense is caused in whole or in part by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of FECR or Brightline, its successors and assigns, or its officers, agents, and employees, or any other person; and
- Any loss, injury, or damage incurred by FECR or Brightline, or allocated to FECR or Brightline, up to \$5 million with respect to coastal link corridor limited covered accidents caused by an agency.

The bill provides that an agency's assumption of liability by contract, as provided above, may not exceed the following parameters regarding its allocation of risk:

- An agency may assume sole responsibility for any liability, loss, or expense to its passengers, or rail corridor invitees, third parties, or trespassers, regardless of circumstance or cause.
- If FECR or Brightline, including either of their officers, agents, employees, or successors and assigns, causes a limited covered accident, an agency may not protect, defend, and indemnify FECR or Brightline for any liability, cost, or expense, including punitive or exemplary damages, in excess of the \$5 million self-insurance retention amount unless FECR or Brightline, agrees, with respect to the limited covered accident, to protect, defend, and indemnify an agency for the self-insurance retention amount.

When an incident occurs and only an agency train is involved, including an incident with a trespasser or an at-grade crossing, an agency may agree to be solely responsible for any loss, injury, or damage.

When an incident occurs with only an authority train involved, including an incident with a trespasser or an at-grade crossing, an agency is solely responsible for any loss of, or injury or damage to, the agency's property, passengers, and coastal link corridor invitees.

When an incident occurs and only an FECR train or a Brightline train is involved, including an incident with a trespasser or an at-grade crossing, FECR or Brightline, whichever train is involved, is solely responsible for any loss, injury, or damage, except that:

- An agency is responsible for any loss of, or injury or damage to, the agency's passengers and coastal link corridor invitees; and
- FECR or Brightline, whichever entity's train is not involved, is responsible for any loss of, or injury or damage to, Brightline's passengers and coastal link corridor invitees.

When an incident occurs involving two or more operators, the bill provides that each operator is responsible for all of the following, subject to the limits provided above:

- Its own property;
- Its own passengers, employees, excluding employees who are, at the time of the incident, coastal link corridor invitees of another operator; and other coastal link corridor invitees.
- Its proportionate share of any loss or damage to joint infrastructure; and

- Its proportionate share of any loss of, or injury or damage to, coastal link corridor invitees who are not coastal link corridor invitees of such operator and trespassers or third parties outside the coastal link corridor as a result of the incident, provided that an agency is responsible for its passengers and its coastal link corridor invitees regardless of whether the agency was involved in the incident.

The contractual duty, individually or jointly with another agency to the extent such agencies are jointly operating a commuter rail service, to protect, defend, indemnify, and hold harmless Brightline or FECR with respect to claims by rail passengers must expressly include a limitation on the amount of the contractual duty, which may not exceed \$323 million per occurrence.

However, this \$323 million limitation on liability must be adjusted so that the per occurrence insurance requirement is equal to the aggregate allowable awards in accordance with federal regulations,<sup>42</sup> without the agency receiving prior legislative approval.

The bill provides that an operator's employee is not considered to be an operator's coastal link corridor invitee when the employee is a passenger or is otherwise present on the coastal link corridor at the request of, or pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of, another operator. A passenger transferring from one operator's service (original operator), to another operator's service (connecting operator), is the original operator's coastal link corridor invitee until the passenger has left the original operator's platform. Once the passenger leaves the original operator's platform, the passenger is the connecting operator's coastal link corridor invitee.

However, any allocation of liability between an agency and any other agency of the state must be allocated as is agreed to by such agencies and limited by s. 768.28(19), F.S.<sup>43</sup> This does not limit an agency's authority to indemnify FECR or Brightline.

### ***Purchase of Insurance***

The bill authorizes an agency to purchase, either individually or jointly when operating with another agency, liability insurance in an amount of up to \$323 million per occurrence. However, this amount must be adjusted so that the per occurrence insurance requirement is equal to the aggregate allowable awards arising from a single accident or incident in accordance with federal regulations.

The bill authorizes an agency to establish a self-insurance retention fund to pay the deductible limits established in its insurance policies, including coverage for an agency, a freight rail operator, Brightline, commuter rail service providers, governmental entities, or any ancillary development. This self-insurance retention fund or deductible may not exceed \$5 million.

The bill authorizes the agency's insurance and self-insurance retention fund cover all damages, including, but not limited to, compensatory, special, and exemplary, and be maintained to

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<sup>42</sup> 49 U.S.C. s. 28103, or any successor provision.

<sup>43</sup> Section 768.28(19), F.S., provides that neither the state nor any agency or subdivision of the state waives any defense of sovereign immunity, or increases the limits of its liability, upon entering into a contractual relationship with another agency or subdivision of the state and provides requirements for certain contracts.

provide an adequate fund to cover claims and liabilities for loss, injury, or damage arising out of or connected with the ownership, operation, maintenance, and management of the coastal link corridor. Any self-insurance retention fund must be held in a segregated account and is subject to the same conditions, restrictions, exclusions, obligations, and duties included in any of the railroad liability insurance policies.

### ***Sovereign Immunity***

The bill provides that the assumption by contract to protect, defend, indemnify, and hold harmless; the purchase of insurance; or the establishment of a self-insurance retention fund is not a waiver of any defense of sovereign immunity for tort claims and does not increase an agency's limits of liability for tort claims under sovereign immunity.<sup>44</sup>

The bill provides that unless otherwise specifically provided by law, FECR and Brightline and their respective officers, agents, and employees may not be construed to be officers, agents, employees, or subdivisions of the state and are not entitled to sovereign immunity.

### **Effective Date (Section 4)**

The bill takes effect July 1, 2025.

## **IV. Constitutional Issues:**

### A. Municipality/County Mandates Restrictions:

None.

### B. Public Records/Open Meetings Issues:

None.

### C. Trust Funds Restrictions:

None.

### D. State Tax or Fee Increases:

None.

### E. Other Constitutional Issues:

None.

## **V. Fiscal Impact Statement:**

### A. Tax/Fee Issues:

None.

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<sup>44</sup> Sovereign immunity is codified in s. 768.28, F.S.



**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill authorizes an agency to purchase liability insurance and establish a self-insurance retention fund of \$5 million. The agency will incur costs associated with the purchase of such insurance and establish a self-insurance retention fund.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill creates the “Coastal Link Commuter Rail Service Act” as part III of ch. 343, F.S. Chapter 343, F.S., relates to regional transportation.<sup>45</sup> Various other Florida Statutes include references to authorities created in s. 343, F.S. Based on these provisions, the agency may be:

- Subject to performance monitoring by the Florida Transportation Commission;<sup>46</sup>
- Required to have members of its governing body file Form 6 financial disclosures;<sup>47</sup>
- Required to provide fare discounts for disabled veterans;<sup>48</sup>
- Eligible for state funding for public transportation projects;<sup>49</sup>
- Eligible for certain fixed-guideway transportation funding;<sup>50</sup> and
- Considered a public transit provider for purposes of the Florida Public Transit Act.<sup>51</sup>

**VIII. Statutes Affected:**

This bill creates the following sections of the Florida Statutes: 343.711 and 343.712.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on March 19, 2025:**

- Removes the word “Act” from the name of the part of the statute chapter created in the bill.
- Removes the word “county” and changes a reference from “self-insured” to “self-insurance.”

<sup>45</sup> Entities created in ch. 343, F.S., are the South Florida Regional Transportation Authority (part I) and the Center Florida Regional Transportation Authority (part II).

<sup>46</sup> Section 20.23(2)(b)8., F.S.

<sup>47</sup> Section 112.3144(1)(b), F.S. These are the more detailed financial disclosures filed by certain elected officials.

<sup>48</sup> Section 163.58, F.S.

<sup>49</sup> Section 206.46(3), F.S.

<sup>50</sup> Section 215.615, F.S.

<sup>51</sup> Section 341.031(1), F.S. The Florida Public Transit Act is codified in ss. 341.011-341.061, F.S.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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300296

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
	.	
	.	
	.	

---

The Committee on Transportation (Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 37  
and insert:  
created and entitled "Coastal Link Commuter Rail Service."

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

And the title is amended as follows:

Delete line 5

and insert:



300296

11

Service"; creating s. 343.711, F.S.; providing a



977382

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
	.	
	.	
	.	

---

The Committee on Transportation (Rodriguez) recommended the following:

**Senate Amendment**

Delete lines 295 - 305  
and insert:  
policies it obtains, including coverage for an agency, a freight rail operator, Brightline, commuter rail service providers, governmental entities, or any ancillary development, which self-insurance retention fund or deductible may not exceed the self-insurance retention amount. Such insurance and self-insurance retention fund may provide coverage for all damages, including,



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11 but not limited to, compensatory, special, and exemplary, and be  
12 maintained to provide an adequate fund to cover claims and  
13 liabilities for loss, injury, or damage arising out of or  
14 connected with the ownership, operation, maintenance, and  
15 management of the coastal link corridor. Any self-insurance

By Senator Rodriguez

40-00264A-25

2025916\_\_

1 A bill to be entitled  
 2 An act relating to indemnification of commuter rail  
 3 transportation providers; creating part III of ch.  
 4 343, F.S., entitled "Coastal Link Commuter Rail  
 5 Service Act"; creating s. 343.711, F.S.; providing a  
 6 short title; creating s. 343.712, F.S.; defining  
 7 terms; authorizing an agency to assume the obligation  
 8 to protect, defend, indemnify, and hold harmless  
 9 certain entities from and against certain liabilities,  
 10 costs, and expenses in certain circumstances;  
 11 prohibiting such assumption of liability from  
 12 exceeding certain parameters of allocation of risk;  
 13 requiring that a contractual duty to protect, defend,  
 14 indemnify, and hold harmless certain entities with  
 15 respect to claims by rail passengers include a  
 16 specific limitation on the amount of such duty;  
 17 requiring the adjustment of such amount in certain  
 18 circumstances; providing that an employee of an  
 19 operator is not a coastal link corridor invitee of  
 20 such operator in certain circumstances; specifying the  
 21 circumstances under which certain passengers are  
 22 coastal link corridor invitees of certain operators;  
 23 requiring that the allocation of liability between  
 24 certain agencies be allocated as agreed and limited by  
 25 certain provisions; authorizing an agency to purchase  
 26 liability insurance up to a specified amount;  
 27 requiring the adjustment of such amount in certain  
 28 circumstances; authorizing an agency to establish a  
 29 self-insurance retention fund for a specified purpose;

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30 providing construction; providing requirements for  
 31 such fund; providing an effective date.  
 32  
 33 Be It Enacted by the Legislature of the State of Florida:  
 34  
 35 Section 1. Part III of chapter 343, Florida Statutes,  
 36 consisting of ss. 343.711 and 343.712, Florida Statutes, is  
 37 created and entitled "Coastal Link Commuter Rail Service Act."  
 38 Section 2. Section 343.711, Florida Statutes, is created to  
 39 read:  
 40 343.711 Short title.—This part may be cited as the "Coastal  
 41 Link Commuter Rail Service Act."  
 42 Section 3. Section 343.712, Florida Statutes, is created to  
 43 read:  
 44 343.712 Power to assume indemnification and insurance  
 45 obligations; definitions.—  
 46 (1) As used in this section, the term:  
 47 (a) "Agency" means any state agency, county, municipality,  
 48 district, authority, or other separate unit of government  
 49 created or established by law which has entered into an  
 50 agreement with Brightline which authorizes the agency, or a  
 51 third party selected by the agency, to operate commuter rail  
 52 service on the coastal link corridor.  
 53 (b) "Authority" means the South Florida Regional  
 54 Transportation Authority.  
 55 (c) "Brightline" means Brightline Trains Florida LLC, or  
 56 its successors or assigns, or any affiliate that is a party to  
 57 an agreement with an agency in connection with the coastal link  
 58 corridor. For purposes of its status as indemnitee under

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59 paragraph (2) (b), the term includes Florida East Coast Dispatch,  
60 LLC, or its successors or assigns.

61 (d) "Brightline station" means any intercity passenger rail  
62 service station owned and operated by Brightline in the cities  
63 of Miami, Fort Lauderdale, Boca Raton, or West Palm Beach or  
64 near Aventura, as well as any future station developed by  
65 Brightline in connection with its intercity passenger rail  
66 service.

67 (e) "Coastal link corridor" means the rail transit system,  
68 including the intercity passenger rail service stations and  
69 vehicle maintenance facilities, located on or adjacent to a  
70 Brightline or Florida East Coast Railway corridor in Miami-Dade  
71 County, Broward County, or Palm Beach County. The term includes  
72 structures essential to railroad operations, including the land,  
73 structures, improvements, rights-of-way, easements, rail lines,  
74 rail beds, guideway structures, switches, yards, parking  
75 facilities, power relays, switching houses, rail stations,  
76 ancillary developments, and any other facilities or equipment  
77 used for the purposes of construction, operation, or maintenance  
78 of a railroad that provides rail service.

79 (f) "Coastal link corridor invitee" means any person who is  
80 on or about the coastal link corridor and who is a passenger or  
81 is otherwise present on the coastal link corridor at the request  
82 of, pursuant to a contract with, or otherwise for the purpose of  
83 doing business with or at the behest of, an operator. The term  
84 does not include patrons at any station, except those patrons  
85 who are also the operator's passengers; commercial or  
86 residential tenants at any station or the developments in and  
87 around the stations, or their invitees; or third parties

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88 performing work at a station or in the coastal link corridor,  
89 including any utilities or fiber optic companies.

90 (g) "Coastal link corridor limited covered accident" means  
91 a collision directly between the trains, locomotives, rail cars,  
92 or rail equipment of more than one operator on the coastal link  
93 corridor, where the collision is caused by or arising from the  
94 willful misconduct of one of the operators, as adjudicated  
95 pursuant to a final and unappealable court order, or, if  
96 punitive damages or exemplary damages are awarded due to the  
97 conduct of such operator, as adjudicated pursuant to a final and  
98 unappealable court order.

99 (h) "Commuter rail service" means the operation of an  
100 agency's trains transporting passengers and making frequent  
101 stops within urban areas and their immediate suburbs along the  
102 coastal link corridor for the purpose of passenger boarding and  
103 alighting, and the nonrevenue movement of passenger trains for  
104 storage, maintenance, or repairs. The term does not include the  
105 operation of trains by Brightline at Brightline stations in  
106 connection with Brightline's intercity passenger rail service.

107 (i) "Florida East Coast Railway" or "FECR" means Florida  
108 East Coast Railway, LLC, or its successors and assigns. For  
109 purposes of its status as indemnitee under paragraph (2) (a), the  
110 term includes Florida East Coast Dispatch, LLC, or its  
111 successors or assigns.

112 (j) "Intercity passenger rail service" means all passenger  
113 service on the rail corridor or coastal link corridor, as  
114 applicable, other than commuter rail service which is  
115 characterized by trains making less frequent stops along the  
116 rail corridor than are made by the commuter rail service.

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117 (k) "Joint infrastructure" means any portion or segment of  
 118 the coastal link corridor, except that the term does not include  
 119 tracks or infrastructure designated for the exclusive use of an  
 120 agency, the authority, Brightline, or FECR or portions of any  
 121 Brightline station used by Brightline, the authority, or an  
 122 agency, as applicable, including, but not limited to, pedestrian  
 123 bridges, stairs, elevators, and escalators.

124 (l) "Operator" means Brightline, including any passenger  
 125 rail operators that access the coastal link corridor pursuant to  
 126 a contract with Brightline, other than an agency; FECR,  
 127 including Amtrak or any freight rail operators that access the  
 128 coastal link corridor pursuant to a contract with FECR; the  
 129 authority, with respect to its operations contemplated under s.  
 130 343.545; or an agency.

131 (m) "Passenger" means, with respect to intercity passenger  
 132 rail service or commuter rail service, any person, ticketed or  
 133 unticketed, using the intercity passenger rail service or  
 134 commuter rail service on the coastal link corridor:

135 1. On board trains, locomotives, rail cars, or rail  
 136 equipment employed in such intercity passenger rail service or  
 137 commuter rail service, or boarding or alighting therefrom;

138 2. On or about the coastal link corridor for any purpose  
 139 related to such intercity passenger rail service or commuter  
 140 rail service, including parking or purchasing tickets therefor  
 141 and coming to, waiting for, and leaving from locomotives, rail  
 142 cars, or rail equipment; or

143 3. Meeting, assisting, or in the company of any person  
 144 described in subparagraph 1. or subparagraph 2.

145 (n) "Proportionate share" means, with respect to any loss,

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146 injury, or damage for which operators share responsibility  
 147 pursuant to this section, a percentage in proportion to the  
 148 number of operators involved in the relevant incident. When one  
 149 or more agencies are jointly operating a commuter rail service,  
 150 such agencies are considered a single operator for purposes of  
 151 computing and assessing the proportionate share of such loss,  
 152 injury, or damage.

153 (o) "Self-insurance retention amount" means an amount equal  
 154 to \$5 million.

155 (2)(a) An agency, in conjunction with the development or  
 156 operation of a commuter rail service on the coastal link  
 157 corridor, may assume the obligation by contract to protect,  
 158 defend, indemnify, and hold harmless, subject to the limitations  
 159 set forth in paragraph (b):

160 1. FECR and its officers, agents, employees, and successors  
 161 and assigns from and against:

162 a. Any liability, cost, and expense, regardless of whether  
 163 the loss, damage, destruction, injury, or death giving rise to  
 164 such liability, cost, or expense is caused in whole or in part  
 165 by the fault, failure, negligence, misconduct, nonfeasance, or  
 166 misfeasance of FECR, its successors and assigns, or its  
 167 officers, agents, and employees, or any other person; and

168 b. Any loss, injury, or damage incurred by FECR, or  
 169 allocated to FECR under subparagraph (b)6., up to an amount of  
 170 \$5 million with respect to coastal link corridor limited covered  
 171 accidents caused by an agency.

172 2. Brightline and its officers, agents, employees, and  
 173 successors and assigns from and against:

174 a. Any liability, cost, and expense, regardless of whether

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175 the loss, damage, destruction, injury, or death giving rise to  
 176 such liability, cost, or expense is caused in whole or in part  
 177 by the fault, failure, negligence, misconduct, nonfeasance, or  
 178 misfeasance of Brightline, its successors and assigns, or its  
 179 officers, agents, and employees, or any other person; and

180 b. Any loss, injury, or damage incurred by Brightline, or  
 181 allocated to Brightline under subparagraph (b)7., up to an  
 182 amount of \$5 million with respect to coastal link corridor  
 183 limited covered accidents caused by an agency.

184 (b) The assumption of liability of an agency by contract  
 185 pursuant to paragraph (a) may not exceed the following  
 186 parameters of allocation of risk:

187 1. An agency may assume sole responsibility for any  
 188 liability, loss, or expense to such agency's passengers, or  
 189 coastal link corridor invitees, third parties, or trespassers,  
 190 regardless of circumstance or cause, subject to this paragraph.

191 2. If a coastal link corridor limited covered accident is  
 192 caused by FECR or its officers, agents, employees, or successors  
 193 and assigns, an agency may not protect, defend, and indemnify  
 194 FECR for any liability, cost, or expense, including punitive or  
 195 exemplary damages, in excess of the self-insurance retention  
 196 amount unless FECR, or Brightline on FECR's behalf, agrees, with  
 197 respect to the coastal link corridor limited covered accident,  
 198 to protect, defend, and indemnify an agency for the self-  
 199 insurance retention amount.

200 3. If a coastal link corridor limited covered accident is  
 201 caused by Brightline or its officers, agents, employees, and  
 202 successors and assigns, an agency may not protect, defend, and  
 203 indemnify Brightline for any liability, cost, or expense,

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204 including punitive or exemplary damages, in excess of the self-  
 205 insurance retention amount unless Brightline agrees, with  
 206 respect to the coastal link corridor limited covered accident,  
 207 to protect, defend, and indemnify an agency for the amount of  
 208 the self-insurance retention amount.

209 4. When an incident occurs with only an agency train  
 210 involved, including an incident with a trespasser or an at-grade  
 211 crossing, an agency may agree to be solely responsible for any  
 212 loss, injury, or damage.

213 5. When an incident occurs with only an authority train  
 214 involved, including an incident with a trespasser or an at-grade  
 215 crossing, an agency is solely responsible for any loss of, or  
 216 injury or damage to, the agency's property, passengers, and  
 217 coastal link corridor invitees.

218 6. When an incident occurs with only an FECR train  
 219 involved, including an incident with a trespasser or an at-grade  
 220 crossing, FECR is solely responsible for any loss, injury, or  
 221 damage, except that:

222 a. An agency is responsible for any loss of, or injury or  
 223 damage to, the agency's passengers and coastal link corridor  
 224 invitees; and

225 b. Brightline is responsible for any loss of, or injury or  
 226 damage to, Brightline's passengers and coastal link corridor  
 227 invitees.

228 7. When an incident occurs with only a Brightline train  
 229 involved, including an incident with a trespasser or an at-grade  
 230 crossing, Brightline is solely responsible for any loss, injury,  
 231 or damage, except that:

232 a. An agency is responsible for any loss of, or injury or

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233 damage to, the agency's passengers and coastal link corridor  
 234 invitees; and

235 b. FECR is responsible for any loss of, or injury or damage  
 236 to, FECR's passengers and coastal link corridor invitees.

237 8. When an incident occurs involving two or more operators,  
 238 each operator is responsible for all of the following, subject  
 239 to the limits provided in paragraph (a):

240 a. Its own property.

241 b. Its own passengers; employees, excluding employees who  
 242 are, at the time of the incident, coastal link corridor invitees  
 243 of another operator; and other coastal link corridor invitees.

244 c. Its proportionate share of any loss or damage to the  
 245 joint infrastructure.

246 d. Its proportionate share of any loss of, or injury or  
 247 damage to, coastal link corridor invitees who are not coastal  
 248 link corridor invitees of such operator and trespassers or third  
 249 parties outside the coastal link corridor as a result of the  
 250 incident, provided that an agency is responsible for its  
 251 passengers and its coastal link corridor invitees regardless of  
 252 whether the agency was involved in the incident.

253 (c) The contractual duty, individually or jointly with  
 254 another agency to the extent such agencies are jointly operating  
 255 a commuter rail service, to protect, defend, indemnify, and hold  
 256 harmless Brightline or FECR with respect to claims by rail  
 257 passengers must expressly include a limitation on the amount of  
 258 the contractual duty, which may not exceed \$323 million per  
 259 occurrence. However, the amount must be adjusted so that the per  
 260 occurrence insurance requirement is equal to the aggregate  
 261 allowable awards to all rail passengers, against all defendants,

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262 for all claims, including claims for punitive damages, arising  
 263 from a single accident or incident in accordance with 49 U.S.C.  
 264 s. 28103, or any successor provision thereto, without prior  
 265 legislative approval on the part of the agency.

266 (d) An employee of an operator is not a coastal link  
 267 corridor invitee of such operator at any time the employee is a  
 268 passenger or is otherwise present on the coastal link corridor  
 269 at the request of, or pursuant to a contract with, or otherwise  
 270 for the purpose of doing business with or at the behest of,  
 271 another operator. A passenger transferring from the service of  
 272 one operator, an original operator, to another operator, a  
 273 connecting operator, is a coastal link corridor invitee of the  
 274 original operator until the passenger has left the original  
 275 operator's platform. Once the passenger leaves the original  
 276 operator's platform, the passenger is a coastal link corridor  
 277 invitee of the connecting operator.

278 (e) Notwithstanding any provision to the contrary in this  
 279 section, any allocation of liability between an agency and any  
 280 other agency of the state must be allocated as is agreed to by  
 281 such agencies and limited by s. 768.28(19). This paragraph does  
 282 not limit the authority of an agency to indemnify FECR or  
 283 Brightline pursuant to this section.

284 (f) An agency may purchase, either individually or jointly  
 285 when operating with another agency, liability insurance, at an  
 286 amount up to \$323 million per occurrence. However, the amount of  
 287 liability insurance must be adjusted so that the per occurrence  
 288 insurance requirement is equal to the aggregate allowable awards  
 289 to all rail passengers, against all defendants, for all claims,  
 290 including claims for punitive damages, arising from a single

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291 accident or incident in accordance with 49 U.S.C. s. 28103, or  
 292 any successor provision thereto. Additionally, an agency may  
 293 establish a self-insurance retention fund for the purpose of  
 294 paying the deductible limit established in the insurance  
 295 policies it obtains, including coverage for a county agency, a  
 296 freight rail operator, Brightline, commuter rail service  
 297 providers, governmental entities, or any ancillary development,  
 298 which self-insurance retention fund or deductible may not exceed  
 299 the self-insurance retention amount. Such insurance and self-  
 300 insurance retention fund may provide coverage for all damages,  
 301 including, but not limited to, compensatory, special, and  
 302 exemplary, and be maintained to provide an adequate fund to  
 303 cover claims and liabilities for loss, injury, or damage arising  
 304 out of or connected with the ownership, operation, maintenance,  
 305 and management of the coastal link corridor. Any self-insured  
 306 retention fund must be a segregated account of an agency and  
 307 subject to the same conditions, restrictions, exclusions,  
 308 obligations, and duties included in any of the policies of the  
 309 railroad liability insurance specified in this paragraph.

310 (g) The assumption by contract to protect, defend,  
 311 indemnify, and hold harmless; the purchase of insurance; or the  
 312 establishment of a self-insurance retention fund is not a waiver  
 313 of any defense of sovereign immunity for tort claims and does  
 314 not increase the limits of an agency's liability for tort claims  
 315 provided in s. 768.28.

316 (h) Unless otherwise specifically provided by law, FECR and  
 317 Brightline and their respective officers, agents, and employees  
 318 may not be construed to be officers, agents, employees, or  
 319 subdivisions of the state and are not entitled to sovereign

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320 immunity.  
 321 Section 4. This act shall take effect July 1, 2025.

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

3/19/2025

Meeting Date

916

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name

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State

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Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Chamber of Commerce

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 1024

INTRODUCER: Transportation Committee and Senator Burgess

SUBJECT: Specialty License Plates/United States Naval Academy/United States Military Academy

DATE: March 19, 2025      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Fav/CS</b>
2.			ATD	
3.			FP	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1024 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create two new specialty license plates: United States Naval Academy and United States Military Academy. The annual use fee for each plate is \$25.

Proceeds of the sale of the United States Naval Academy specialty license plate will be distributed to the Blue Angels Foundation, Inc., which may use up to 10 percent fees for administrative costs related to the promotion and marketing of the plate. The balance of the fees must be used by the Blue Angels Foundation, Inc., to provide funding to wounded veteran's for critical services, with a focus on transitional housing, post-traumatic stress treatment, and suicide prevention.

Proceeds of the sale of the United States Military Academy specialty license plate will be distributed to the Home Base Florida Foundation, which may use up to 10 percent of the fees for administrative costs related to the promotion and the marketing of the plate. The balance of the fees must be used by the Home Base Florida Foundation, to assist in world-class clinical care, wellness, education, and research, for veteran's, service members, and their families who need more complex care.

The DHSMV has not submitted a bill analysis for SB 1024, but according to submitted analyses for the 2024-2025 Legislative Session, the fiscal impact associated with the implementation of two new specialty license plates is \$16,560.

The bill takes effect October 1, 2025.

## II. Present Situation:

### **Blue Angels Foundation, Inc.**

The Blue Angels Foundation, Inc., is a Florida not-for-profit corporation registered with the Florida Department of State.<sup>1</sup> The mission of the foundation is to support wounded veterans by providing funding for critical services and access to the best care available in the nation as they transition back to the civilian community.<sup>2</sup> The foundation's focus is on transitional housing, post-traumatic stress treatment, and suicide prevention.<sup>3</sup>

### **Home Base Florida Foundation**

Home Base Florida is a Florida chapter of a Massachusetts-based national organization that is dedicated to healing the invisible wounds of war – such as post-traumatic stress disorder, traumatic brain injury, anxiety, depression and co-occurring substance use – for veterans, service members and their families through world-class clinical care, wellness, education and research.<sup>4</sup> Through key partnerships and philanthropic support, they help eliminate the financial barrier to accessing high-quality care. All services are provided at no cost to the participant.<sup>5</sup>

### **Specialty License Plates**

According to DHSMV, as of February 2025, there are 133 specialty license plates authorized by the Legislature. Of these plates, 113 are available for immediate purchase and 20 are in the presale process. Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.<sup>6</sup> The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>7</sup>

In order to establish a specialty license plate (after the plate is approved by law) s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and

---

<sup>1</sup> Florida Department of State: Division of Corporations, *Blue Angels Foundation, Inc.* Sunbiz.org, Document number N11000005457 (March 18, 2025).

<sup>2</sup> Blue Angels Foundation, [Mission Statement - Blue Angels Foundation of Pensacola, FL](#) (last visited March 18, 2025)

<sup>3</sup> *Id.*

<sup>4</sup> Home Base Florida, [Home Base Florida | Home Base](#) (last visited March 18, 2025)

<sup>5</sup> *Id.*

<sup>6</sup> Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

<sup>7</sup> Section 320.08058, F.S.

- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.<sup>8</sup>

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers.<sup>9</sup> Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.<sup>10</sup>

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.<sup>11</sup>

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.<sup>12</sup>

#### *Use of Specialty License Plate Fees*

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.<sup>13</sup> Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.<sup>14</sup>

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless authorized by s. 320.08058, F.S.<sup>15</sup> Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.<sup>16</sup>

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<sup>8</sup> Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

<sup>9</sup> Section 320.08058(3), F.S., provides that any collegiate plate established after October 1, 2002, must comply with the requirements of s. 320.08053, F.S., other than the presale voucher requirements in s. 320.08053(2)(b), F.S., and be specifically authorized by the Legislature.

<sup>10</sup> Section 320.08053(2)(b), F.S.

<sup>11</sup> Section 320.08053(3)(a), F.S.

<sup>12</sup> Section 320.08053(3)(b), F.S.

<sup>13</sup> Section 320.08056(10)(a), F.S.

<sup>14</sup> Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.

<sup>15</sup> Section 320.08056(10)(a), F.S.

<sup>16</sup> Section 320.08056(11), F.S.



### *Discontinuance of Specialty Plates*

Prior to June 30, 2023, the DHSMV was required to discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter was mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations fell below 1,000 plates. Collegiate plates for Florida universities were exempt from the minimum specialty license plate requirement.<sup>17</sup> In addition, the DHSMV was authorized to discontinue any specialty license plate if the organization ceased to exist, stopped providing services that are funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.<sup>18</sup>

However, effective July 1, 2023, the requirement increased so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000, or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.<sup>19</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 320.08058, F.S., to authorize DHSMV to create two new specialty license plates: United States Naval Academy and United States Military Academy. The annual use fee for each plate is \$25. The plates must bear the colors and design approved by the department, with the word "Florida" at the top of the plate and the words "Go Navy, Beat Army" and "Go Army, Beat Navy" at the bottom of the respective plates.

DHSMV is directed to retain annual use fees from the sale of each plate until all startup costs associated with the development and issuance of the plate have been recovered. Thereafter, annual use fees from the sale of the plate will be distributed as follows:

- Proceeds of the sale of the United States Naval Academy specialty license plate will be distributed to the Blue Angels Foundation, Inc. The organization may use up to 10 percent of the proceeds for marketing and promotion of the plate. Thereafter, the annual use fees from the sale of the plate will be distributed to the Blue Angels Foundation, Inc., to provide funding to wounded veterans for critical services, with a focus on transitional housing, post-traumatic stress treatment, and suicide prevention.
- Proceeds of the sale of the United States Military Academy specialty license plate will be distributed to the Home Base Florida Foundation, which may use up to 10 percent of the fees

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<sup>17</sup> Section 320.08056(8)(a), F.S.

<sup>18</sup> Section 320.08056(8)(b), F.S.

<sup>19</sup> Chapter 2020-181, s. 7, Laws of Fla.

for administrative costs related to the promotion and the marketing of the plate. The balance of the fees must be used by the Home Base Florida Foundation, to assist in world-class clinical care, wellness, education, and research, for veterans, service members, and their families who need more complex care.

The bill takes effect October 1, 2025.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the specialty license plates are produced, the Blue Angels Foundation, Inc., and the Home Base Florida Foundation will receive annual use fees associated with sales of the plates.

C. Government Sector Impact:

The DHSMV has not submitted a bill analysis for SB 1024, but according to submitted analyses for the 2024-2025 Legislative Session, the fiscal impact associated with the implementation two new specialty license plates is \$16,560.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 320.08058 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on March 18, 2025:**

The committee substitute:

- Changes the recipient organization for the United States Naval Academy specialty license plate from the Jacksonville Chapter of the Naval Academy Alumni Association to the Blue Angels Foundation, Inc.
- Directs the DHSMV to develop a United States Military Academy license plate. The annual use fees from the plate must be distributed to the Home Base Florida Foundation.

**B. Amendments:**

None.



124328

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
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The Committee on Transportation (Burgess) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 22 - 33  
and insert:  
distributed to the Blue Angels Foundation, Inc., which may use up to 10 percent of the fees for administrative costs related to the promotion and marketing of the plate. The balance of the fees must be used by the Blue Angels Foundation, Inc., to provide funding to wounded veterans for critical services, with a focus on transitional housing, posttraumatic stress disorder



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11 treatment, and suicide prevention.

12 (137) UNITED STATES MILITARY ACADEMY LICENSE PLATES.—

13 (a) The department shall develop a United States Military  
14 Academy license plate as provided in this section and s.  
15 320.08053. The plate must bear the colors and design approved by  
16 the department. The word "Florida" must appear at the top of the  
17 plate, and the words "Go Army, Beat Navy!" must appear at the  
18 bottom of the plate.

19 (b) The annual use fees from the sale of the plate must be  
20 distributed to the Home Base Florida Foundation, which may use  
21 up to 10 percent of the fees for administrative costs related to  
22 promotion and marketing of the plate. The balance of the fees  
23 must be used by the Home Base Florida Foundation to assist in  
24 world-class clinical care, wellness, education, and research for  
25 veterans, service members, and their family members who need  
26 more complex care.

27  
28 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

29 And the directory clause is amended as follows:

30 Delete line 11

31 and insert:

32 Section 1. Subsections (136) and (137) are added to section  
33 320.08058,

34  
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete lines 5 - 7

38 and insert:

39 States Naval Academy license plate and a United States



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40 Military Academy license plate; providing for  
41 distribution and use of fees collected from the sale  
42 of the plates; providing an effective date.

By Senator Burgess

23-01390-25

20251024\_\_

1 A bill to be entitled  
 2 An act relating to specialty license plates; amending  
 3 s. 320.08058, F.S.; directing the Department of  
 4 Highway Safety and Motor Vehicles to develop a United  
 5 States Naval Academy license plate; providing for  
 6 distribution and use of fees collected from the sale  
 7 of the plate; providing an effective date.  
 8  
 9 Be It Enacted by the Legislature of the State of Florida:  
 10  
 11 Section 1. Subsection (136) is added to section 320.08058,  
 12 Florida Statutes, to read:  
 13 320.08058 Specialty license plates.—  
 14 (136) UNITED STATES NAVAL ACADEMY LICENSE PLATES.—  
 15 (a) The department shall develop a United States Naval  
 16 Academy license plate as provided in this section and s.  
 17 320.08053. The plate must bear the colors and design approved by  
 18 the department. The word "Florida" must appear at the top of the  
 19 plate, and the words "Go Navy, Beat Army!" must appear at the  
 20 bottom of the plate.  
 21 (b) The annual use fees from the sale of the plate shall be  
 22 distributed to the Jacksonville Chapter of the Naval Academy  
 23 Alumni Association, which may use up to 10 percent of the fees  
 24 for administrative costs related to promotion and marketing of  
 25 the plate. The chapter shall use the remaining fees to provide  
 26 grants to charitable organizations in this state that directly  
 27 support veterans and their families for purposes including, but  
 28 not limited to:  
 29 1. Providing food or shelter.

Page 1 of 2

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

23-01390-25

20251024\_\_

30 2. Providing service animals or support animals to wounded  
 31 veterans.  
 32 3. Supporting children of servicemembers killed in the line  
 33 of duty.  
 34 Section 2. This act shall take effect October 1, 2025.

Page 2 of 2

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 1290

INTRODUCER: Transportation Committee and Senator Collins

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: March 19, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Fav/CS</b>
2.			FT	
3.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1290 amends various provisions related to the Department of Highway Safety and Motor Vehicles (DHSMV), including motor vehicle registration, licensing, and tax-related requirements. Specifically, the bill:

- Revises the short title of s. 207.001, F.S., to the “Florida Motor Fuel Use Tax Act.”
- Specifies the requirements for calculating and reporting the motor fuel use tax and updates other definitions and requirements under the Florida Motor Fuel Use Tax Act.
- Creates penalties for counterfeiting or illegally altering fuel tax licenses and the related permits.
- Amends the required procedures for due dates, electronic submissions, and methods of communications related to motor carriers and fuel taxes.
- Revises penalties and interest calculations for delinquent tax payments and revises the provisions related to the inspection and discontinuation of business operations for motor carriers.
- Provides penalties for specific offenses related to the misuse of motor fuel-tax related documents and establishes detailed requirements for recordkeeping by motor carriers.
- Increases the amount of estimated damage resulting from a crash that is required to be reported to law enforcement from \$500 to \$2,00.
- Provides a definition for the term “economically disadvantaged area” in relation to motor vehicle dealer and manufacturer licensing and driving under the influence schools.
- Amends requirements related to the application process for motor vehicle registrations.



- Expands the types of transactions and circumstances in which DHSMV may use email in lieu of the United States Postal Service to communicate with customers.
- Updates the definition of a “tank vehicle” to place Florida in compliance with the Federal Motor Carrier Safety Regulations.

The bill may have an indeterminate positive fiscal impact on the DHSMV’s expenditures through the use of electronic mail. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

## II. Present Situation:

### Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981

In 1981, the Florida Legislature passed Chapter 207, F.S., as the “Florida Diesel and Fuel Motor Use Tax Act of 1981,” which levied taxes for the privilege of operating any commercial motor vehicle upon the public highways of this state. In 1987, responsibility was moved from the Department of Revenue to the Department of Highway Safety and Motor Vehicles (DHSMV) and authority to enter into a cooperative reciprocal agreement with other states was enacted. In 1991, the International Fuel Tax Agreement (IFTA) was formed.

In 1992, Florida joined IFTA, and in 1996, Congress enacted 49 USC 31701-31707, requiring all states (except Alaska and Hawaii) to join IFTA. The legislation provided authority to each state to establish, maintain, or enforce a law or regulation requirement, including any tax reporting form, only if the requirement conforms with IFTA. It also detailed how payment, collection, and proportional sharing of fuel use taxes would work among member states. Chapter 207, F.S., contains language that no longer conforms with the federal IFTA Articles of Agreement.<sup>1</sup>

### International Fuel Tax Agreement (IFTA)

The IFTA simplifies fuel tax reporting for interstate carriers, such as commercial motor vehicles. Commercial motor vehicles qualify for IFTA if they are used, designed, or maintained for the interstate transportation of persons or property and:

- Have two axles and a gross vehicle weight (GVW) or registered GVW exceeding 26,000 pounds; or
- Have three or more axles, regardless of weight; or
- Are used in combination with a trailer, for a combined GVW or registered GVW in excess of 26,000 pounds.<sup>2</sup>

The IFTA is a reciprocal agreement, meaning that an IFTA license issued by the jurisdiction where the motor carrier is based, is valid in all the other IFTA member jurisdictions. Additionally, the licensee reports and pays all motor fuel taxes to the base jurisdiction, which handles distribution to all the other member jurisdictions in which the licensee travelled and

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<sup>1</sup> DHSMV, *2025 Legislative Bill Analysis: SB 1290* (February 26, 2025) at p. 2 (on file with the Senate Transportation Committee).

<sup>2</sup> Department of Highway Safety and Motor Vehicles, *International Fuel Tax Agreement*, <https://www.flhsmv.gov/driver-licenses-id-cards/commercial-motor-vehicle-drivers/international-fuel-tax-agreement/> (last visited March 13, 2025).

incurred motor fuel use tax liability. The IFTA member jurisdictions are the lower 48 states and the 10 Canadian provinces.<sup>3</sup>

### ***IFTA Credentials***

Each calendar year, Florida will issue an IFTA license and a set of two IFTA decals per each qualified vehicle. The original IFTA license is kept with the carrier's records, and copies of the original must be kept in each vehicle, and IFTA decals must be affixed to the outside of each of those vehicles. By having copies of the licenses, and the decals affixed to the outside of the vehicles, it qualifies them to be operational in all other IFTA jurisdictions without the need for obtaining additional licenses from those jurisdictions.<sup>4</sup> The IFTA licenses and decals are valid for one calendar year (January 1 – December 31), and reporting for motor fuel taxes is divided into four reporting periods. There is no annual fee associated with the IFTA license, and IFTA decals are \$4.00 per set.<sup>5</sup>

### **Crash Reporting – Damage Thresholds**

A driver of a vehicle involved in a crash that results in injury or death of any person, or results in damage to any vehicle or other property in an apparent amount of at least \$500, must give immediate notification to local law enforcement whether a municipality, county, or Florida Highway Patrol. A violation of this provision is a noncriminal traffic infraction, punishable as a nonmoving violation. The statutory base fine is \$30, but with additional fees and court costs, the total fine may be up to \$108.<sup>6</sup>

In 1989, the amount of property damage necessary to require notification to law enforcement was increased from \$100 to \$500.<sup>7</sup> Currently, the normal amount for a deductible for vehicle insurance contracts within the insurance industry is between \$500 and \$1,500.<sup>8</sup> From 2021 to the present, the typical vehicle crash damage repair cost ranged between \$1,000 to \$1,499. The second highest percentage was \$2,000 to \$2,499. Within the same period 60 percent of the vehicle crashes resulted in more than \$2,500 in damage.<sup>9</sup>

### **Vehicle Registration Requirements – Permanent Address**

With limited exceptions, every owner or person in charge of a motor vehicle that is operated or driven on the roads must register the vehicle in this state. The owner or person in charge must apply to the DHSMV or to its authorized agent for registration of each vehicle on a form prescribed by the DHSMV. A registration is not required for any motor vehicle that is not operated on the roads of this state during the registration period.<sup>10</sup>

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<sup>3</sup> *Id* at 2.

<sup>4</sup> *Id*.

<sup>5</sup> *Id*.

<sup>6</sup> Florida Association of Clerks of Court, *2023 Distribution Schedule*, p. 39.

[https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023\\_Distribution\\_Schedule\\_e.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf) (last visited March 14, 2025).

<sup>7</sup> Section 1, Chapter 89-271, Laws of Florida.

<sup>8</sup> Insurance, L. M. (n.d.). Car Insurance Deductibles: Frequently Asked Questions, *Liberty Mutual*.

<https://www.libertymutual.com/insurance-resources/auto/car-insurance-deductibles-faqs> (last visited March 14, 2025).

<sup>9</sup> *Id* at 2.

<sup>10</sup> Section 320.02(1), F.S.

The application for registration must include the street address of the owner's permanent residence or the address of his or her permanent place of business and be accompanied by personal or business identification information. An individual applicant must provide a valid driver license or identification card issued by Florida or another state or a valid passport. A business applicant must provide a federal employer identification number, if applicable, or verification that the business is authorized to conduct business in the state, or a Florida municipal or county business license or number.<sup>11</sup>

If the owner does not have a permanent residence or permanent place of business, or if the owner's permanent residence or permanent place of business cannot be identified by a street address, the application must include:

- If the vehicle is registered to a business, the name and street address of the permanent residence of an owner of the business, an officer of the corporation, or an employee who is in a supervisory position.
- If the vehicle is registered to an individual, the name and street address of the permanent residence of a close relative or friend who is a resident of this state.<sup>12</sup>

If the vehicle is registered to an active duty member of the Armed Forces of the United States who is a Florida resident, the active duty member is exempt from the requirement to provide the street address of a permanent residence.<sup>13</sup>

### **Regulation of Motor Vehicle Dealers and Manufacturers - Minority Participation**

Section 320.605, F.S., provides that it is the intent of the Legislature to protect the public health, safety, and welfare of the citizens of the state by regulating the licensing of motor vehicle dealers and manufacturers, maintaining competition, providing consumer protection and fair trade, and providing minorities with opportunities for full participation as motor vehicle dealers.

The DHSMV licenses motor vehicle dealers and manufacturers pursuant to ss. 320.60-320.70, F.S. Licensees are required to annually report to the DHSMV on its efforts to add new minority dealer points, including difficulties encountered under ss. 320.61-320.70, F.S. The term "minority" has the same meaning as that given it in the definition of "minority person" in s. 288.703, F.S.<sup>14</sup>

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<sup>11</sup> Section 320.02(2)(a), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Section 288.703, F.S., provides a "minority business enterprise" is defined as any small business which is organized to engage in commercial transactions, is domiciled in Florida, and is at least 51-percent-owned by minority persons who are members of an insular group that is of particular racial, ethnic, or gender makeup or national origin which has been subject historically to disparate treatment due to identification in and with that group resulting in an underrepresentation of commercial enterprises under the group's control, and whose management and daily operations are controlled by such persons. A minority business enterprise may primarily involve the practice of a profession. Ownership by a minority person does not include ownership which is the result of a transfer from a nonminority person to a minority person within a related immediate family group if the combined total net asset value of all members of such family group exceeds \$1 million.

### **Driving Under the Influence (DUI) Program Supervision – Application Criteria**

The DHSMV is responsible for licensing and regulating all DUI programs, including the certification of instructors, evaluators, clinical supervisors, and special supervision services evaluators. The DHSMV must, after consultation with the chief judge of the affected judicial circuit, establish requirements regarding the number of programs to be offered within a judicial circuit.<sup>15</sup> In evaluating an application for approval of a DUI program, the DHSMV is required to utilize specified criteria, including the whether the new program would provide improved services to minority and special needs clients.<sup>16</sup>

### **Electronic Notification to Customers – Use of Email**

Notices related to the cancellation, suspension, revocation, or disqualification issued under the provisions of chs. 318, 320, 322, 324, or ss. 627.732-627.734, F.S.,<sup>17</sup> must be given via personal delivery to the customer via the United States Postal Service at which it is placed in an envelope, first class, postage prepaid and addressed to the customer at his or her last known mailing address that has been furnished to the DHSMV.

Currently, the DHSMV is authorized to collect and utilize email addresses for the limited purpose of providing certain motor vehicle registration and driver's license renewal notices.

### **Definition of Tank Vehicles**

Section 322.01(44), F.S. defines a "tank vehicle" as a vehicle that is designed to transport any liquid or any liquid gaseous material within a tank either permanently or temporarily attached to the vehicle, if such tank has a designed capacity of 1,000 gallons or more.

According to the DHSMV, this definition is not currently aligned with the Federal Motor Carrier Safety Administration (FMSCA) definition.<sup>18</sup> The FMSCA has the power to withhold federal funding from the state should they find that the DHSMV is not in compliance with the applicable federal legal requirements.<sup>19</sup>

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<sup>15</sup> Section 322.292(1), F.S.

<sup>16</sup> Section 322.292(2), F.S.

<sup>17</sup> These chapters govern the disposition of traffic infractions, motor vehicle registration, driver licensing, financial responsibility, and motor vehicle insurance.

<sup>18</sup> 49 CFR 383.5, provides that a "tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

<sup>19</sup> DHSMV, *2025 Legislative Bill Analysis: SB 1290* (February 26, 2025) at p. 5 (on file with the Senate Transportation Committee).

### III. Effect of Proposed Changes:

#### **International Fuel Tax Agreement**

The bill amends various sections of ch. 207, F.S., to update Florida law to reflect the changes in federal regulations pertaining to IFTA so that Florida remains compliant with those federal regulations. For example, the bill:

- Specifies the requirements for calculating and reporting the motor fuel use tax and updates other definitions and requirements under the Florida Motor Fuel Use Tax Act.
- Establishes a licensing system for motor carriers in lieu of registration and mandates an electronic submission for tax and licensing documents.
- Creates penalties for counterfeiting or illegally altering fuel tax licenses and the related permits.
- Amends the required procedures for due dates, electronic submissions, and methods of communications related to motor vehicles and fuel taxes.
- Revises penalties and interest calculations for delinquent tax payments and revises the provisions related to the inspection and discontinuation of business operations for motor carriers.
- Provides penalties for specific offenses related to the misuse of motor fuel-tax related documents and establishes detailed requirements for recordkeeping by motor carriers.
- Incorporates numerous conforming provisions throughout ch. 207, F.S.

#### **Crash Reporting – Damage Thresholds**

The bill amends s. 316.065, F.S., to require the driver of a vehicle that is involved in a crash that results in injury or death of any person, or results in damage to any vehicle or other property in an apparent amount of at least \$2,000 (currently \$500), must give immediate notification to local law enforcement or the Florida Highway Patrol.

#### **Motor Vehicle Registration – Permanent Address**

The bill amends s. 320.02, F.S., to provide that an application for registration of a motor vehicle must include the street address of the owner's Florida residence or the address of his or her permanent place of business in Florida and be accompanied by specified personal or business identification. The bill repeals the current authorization for a vehicle owner who does not have a permanent address or place of business in Florida to register a vehicle under certain conditions.

Specifically, the bill provides that an applicant for a motor vehicle registration is required to have a valid, REAL ID compliant driver's license or identification card issued by Florida or another state, a valid unexpired United States passport, or a valid, unexpired passport issued by another country and an unexpired Form I-94 issued by the United States Bureau of Customs and Border Protection. According to the DHSMV, there are currently 262,167 driver licenses in Florida that are not yet REAL-ID compliant, and the federal REAL-ID deadline is May 7, 2025.<sup>20</sup>

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<sup>20</sup> *Id* at p. 6

The bill also stipulates that if a vehicle is registered to an active-duty member of the U.S. Armed Forces, who is a Florida resident, the registrant is exempt from the requirement to provide a street address for a permanent Florida residence.

### **Definition and Use of Economically Disadvantaged Area**

The bill amends ss. 320.605, and 320.63, F.S., (motor vehicle dealers and manufacturers) and s. 322.292, F.S., (DUI programs) to replace the term “minority” with the term “economically disadvantaged area”. The term “economically disadvantaged area” is defined to mean a defined geographic area within this state in which at least one of the following conditions exist:

- The per capita income for residents within the area is less than 80 percent of the per capita income in this state;
- The unemployment rate within the area was more than 1 percent over the unemployment rate for this state over the previous 24 months.

### **Electronic Notification of Customers Via Email**

The bill amends ss. 320.95, 322.08, 322.18, 322.21, 322.251, 322.2616, 322.64, 324.091, and 328.30, F.S., to expand the types of transactions and circumstances in which DHSMV may use email in lieu of the United States Postal Service to communicate with customers. Specifically, the bill authorizes email to be used as a method of general notification for various notices and orders issued by DHSMV, including, but not limited to, notices related to driver licenses, identification cards, motor vehicle registrations, motor vehicle insurance, and vessel registrations.

SB 1292, which is linked to this bill, expands provisions related to current public record exemptions for email addresses held by the DHSMV used in connection with:

- Motor vehicle title transactions.
- Motor vehicle registration renewal notices.
- Driver license renewal notices.
- Vessel title transactions and liens.

### **Definition of Tank Vehicles**

The bill amends s. 322.01(44), F.S., to change the definition of a “tank vehicle” to a vehicle designed to transport any liquid or gaseous material within one or more tanks, each with a capacity above 119 gallons and an aggregate rated capacity of 1,000 gallons or more. A commercial motor vehicle transporting an empty storage container that is not designed for transportation but that is temporarily attached to a flatbed trailer is not a tank vehicle. This change places Florida in substantial compliance with Parts 383 and 384 of the FMCSA.

The bill includes various conforming provisions and corrects several cross-references.

This bill takes effect July 1, 2025.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The bill may have an indeterminate positive fiscal impact on state government as the DHSMV's expenditures could decrease as a result of notices and orders being provided via electronic mail and not through the United States Postal Service.

According to the DHSMV, FHP and tax collector training will be required to implement several provisions of the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 207.001, 207.002, 207.003, 207.004, 207.005, 207.007, 207.008, 207.011, 207.013, 207.014, 207.019, 207.023, 207.0281, 212.08, 316.065, 318.15, 320.02, 320.605, 320.63, 320.95, 320.95, 322.01, 322.08, 322.18, 322.21, 322.251, 322.2616, 322.292, 322.324.091, 328.30, and 627.7415.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on March 18, 2025:**

The committee substitute:

- Amends the requirements and dates for the annual, semiannual, and quarterly reporting of the motor fuel use tax.
- Increases the amount of estimated damage resulting from a crash that is required to be reported to law enforcement from \$1,500 to \$2,000.
- Makes technical changes related to registration requirements, and the definition of a “tank vehicle.”
- Makes other drafting changes to conform to the House version of the bill.

**B. Amendments:**

None.





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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
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The Committee on Transportation (Collins) recommended the following:

**Senate Amendment**

Delete lines 321 - 716

and insert:

(a) If annual filing, the due date is January 31. ~~shall be July 1;~~

(b) If semiannual filing, the due dates are ~~shall be~~ January 31 ± and July 31.1; ± ~~or~~

(c) If quarterly filing, the due dates are ~~shall be~~ January 31 ±, April 30 ±, July 31 ±, and October 31 ±.



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11           (2) The amount of fuel used in the propulsion of any  
12 qualified commercial motor vehicle within this state may be  
13 calculated, if the motor carrier maintains adequate records, by  
14 applying total interstate vehicular consumption of all ~~diesel~~  
15 ~~fuel and~~ motor fuel used as related to total miles traveled and  
16 applying such rate to total miles traveled within this state. In  
17 the absence of adequate documentation by the motor carrier, the  
18 department may adopt ~~is authorized to promulgate~~ rules  
19 converting miles driven to gallons used.

20           (3) For the purpose of computing the carrier's liability  
21 for the fuel road privilege tax, the total gallons of fuel used  
22 in the propulsion of any qualified commercial motor vehicle in  
23 this state shall be multiplied by the rates provided in parts I,  
24 II, and IV of chapter 206. From the sum determined by this  
25 calculation, there shall be allowed a credit equal to the amount  
26 of the tax per gallon under parts I, II, and IV of chapter 206  
27 for each gallon of fuel purchased in this state during the  
28 reporting period when the diesel fuel or motor fuel tax was paid  
29 at the time of purchase. If the tax paid under parts I, II, and  
30 IV of chapter 206 exceeds the total tax due under this chapter,  
31 the excess may be allowed as a credit against future tax  
32 payments, until the credit is fully offset or until eight  
33 calendar quarters ~~shall~~ have passed since the end of the  
34 calendar quarter in which the credit accrued, whichever occurs  
35 first. A refund may be made for this credit provided it exceeds  
36 \$10.

37           (4) The department may adopt ~~is authorized to promulgate~~  
38 the necessary rules to provide for an adequate bond from each  
39 motor carrier to ensure payment of taxes required under this



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40 chapter.

41 (5) Beginning October 1, 2025, except as otherwise  
42 authorized by the department, all returns must be submitted  
43 electronically through an online system prescribed by the  
44 department.

45 Section 6. Section 207.007, Florida Statutes, is amended to  
46 read:

47 207.007 Offenses; penalties and interest.—

48 (1) If any motor carrier licensed ~~registered~~ under this  
49 chapter fails to file a return or ~~and~~ pay any tax liability  
50 under this chapter within the time required hereunder, the  
51 department may impose a delinquency penalty of \$50 or 10 percent  
52 of the delinquent taxes due, whichever is greater, if the  
53 failure is for not more than 30 days, with an additional 10  
54 percent penalty for each additional 30 days, or fraction  
55 thereof, during the time which the failure continues, not to  
56 exceed a total penalty of 100 percent in the aggregate. However,  
57 the penalty may not be less than \$50.

58 (2) In addition to any other penalties, any delinquent tax  
59 shall bear interest in accordance with the International Fuel  
60 Tax Agreement ~~at the rate of 1 percent per month, or fraction~~  
61 ~~thereof, calculated from the date the tax was due. If the~~  
62 ~~department enters into a cooperative reciprocal agreement under~~  
63 ~~the provisions of s. 207.0281, the department shall collect and~~  
64 ~~distribute all interest due to other jurisdictions at the same~~  
65 ~~rate as if such interest were due to the state.~~

66 (3) Any person who:

67 (a) Willfully refuses or neglects to make any statement,  
68 report, or return required by ~~the provisions of~~ this chapter;



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69 (b) Knowingly makes, or assists any other person in making,  
70 a false statement in a return or report, ~~or~~ in connection with  
71 an application for licensure registration under this chapter, or  
72 in connection with an audit; or

73 (c) Counterfeits, alters, manufactures, or sells fuel tax  
74 licenses, fuel tax decals, or temporary fuel-use permits without  
75 first having obtained the department's permission in writing; or

76 (d) Violates any of the provisions of this chapter, a  
77 penalty for which is not otherwise provided,

78  
79 commits ~~is guilty of~~ a felony of the third degree, punishable as  
80 provided in s. 775.082, s. 775.083, or s. 775.084. In addition,  
81 the department may revoke or suspend the licensure and  
82 registration privileges under ss. 207.004 and 320.02 of the  
83 violator. Each day or part thereof during which a person  
84 operates or causes to be operated a qualified commercial motor  
85 vehicle without being the holder of fuel tax decals ~~an~~  
86 ~~identifying device~~ or having a valid temporary fuel-use ~~or~~  
87 ~~driveaway~~ permit as required by this chapter constitutes a  
88 separate offense within the meaning of this section. In addition  
89 to the penalty imposed by this section, the defendant is ~~shall~~  
90 ~~be~~ required to pay all taxes, interest, and penalties due to the  
91 state.

92 Section 7. Section 207.008, Florida Statutes, is amended to  
93 read:

94 207.008 Retention of records by motor carrier.—Each  
95 licensed registered motor carrier shall maintain and keep  
96 pertinent records and papers as may be required by the  
97 department for the reasonable administration of this chapter and



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98 shall preserve the records upon which each ~~quarterly~~ tax return  
99 is based for 4 years following the due date or filing date of  
100 the return, whichever is later.

101 Section 8. Subsection (3) of section 207.011, Florida  
102 Statutes, is amended to read:

103 207.011 Inspection of records; hearings; forms; rules.—

104 (3) The department, or any authorized agent thereof, is  
105 authorized to examine the records, books, papers, and equipment  
106 of any motor carrier, any retail dealer of motor ~~diesel~~ fuels,  
107 and any wholesale distributor of ~~diesel fuels~~ or motor fuels  
108 which that are deemed necessary to verify the truth and accuracy  
109 of any statement, ~~or~~ report, or return and ascertain whether the  
110 tax imposed by this chapter has been paid.

111 Section 9. Section 207.013, Florida Statutes, is amended to  
112 read:

113 207.013 Suits for collection of unpaid taxes, penalties,  
114 and interest.—Upon demand of the department, the Department of  
115 Legal Affairs or the state attorney for a judicial circuit shall  
116 bring appropriate actions, in the name of the state or in the  
117 name of the Department of Highway Safety and Motor Vehicles in  
118 the capacity of its office, for the recovery of taxes,  
119 penalties, and interest due under this chapter; and judgment  
120 shall be rendered for the amount so found to be due together  
121 with costs. However, if it is ~~shall be~~ found as a fact that such  
122 claim for, or grant of, an exemption or credit was willful on  
123 the part of any motor carrier, retail dealer, or distributor of  
124 ~~diesel fuel~~ or motor fuel, judgment must ~~shall~~ be rendered for  
125 double the amount of the tax found to be due with costs. The  
126 department may employ an attorney at law to institute and



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127 prosecute proper proceedings to enforce payment of the taxes,  
128 penalties, and interest provided for by this chapter and may fix  
129 the compensation for the services of such attorney at law.

130 Section 10. Subsection (3) of section 207.014, Florida  
131 Statutes, is amended to read:

132 207.014 Departmental warrant for collection of unpaid  
133 taxes.-

134 (3) In the event there is a contest or claim of any kind  
135 with reference to the property levied upon or the amount of  
136 taxes, costs, or penalties due, such contest or claim must ~~shall~~  
137 be tried in the circuit court in and for the county in which the  
138 warrant was executed, as nearly as may be in the same manner and  
139 means as such contest or claim would have been tried in such  
140 court had the warrant originally issued upon a judgment rendered  
141 by such court. The warrant issued as provided in this section  
142 constitutes ~~shall constitute~~ prima facie evidence of the amount  
143 of taxes, interest, and penalties due to the state by the motor  
144 carrier; and the burden of proof is ~~shall be~~ upon the motor  
145 carrier, retail dealer, or distributor of ~~diesel fuel or~~ motor  
146 fuel to show that the amounts or penalties were incorrect.

147 Section 11. Subsection (1) of section 207.019, Florida  
148 Statutes, is amended to read:

149 207.019 Discontinuance or transfer of business; change of  
150 address.-

151 (1) Whenever a person ceases to engage in business as a  
152 motor carrier within this ~~the~~ state by reason of the  
153 discontinuance, sale, or transfer of the business of such  
154 person, he or she shall notify the department in writing at  
155 least 10 days before ~~prior to~~ the time the discontinuance, sale,



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156 or transfer takes effect. Such notice must ~~shall~~ give the date  
157 of discontinuance and, in the event of a sale or transfer of the  
158 business, the date thereof and the name and address of the  
159 purchaser or transferee. All ~~diesel fuel or~~ motor fuel use taxes  
160 ~~shall~~ become due and payable concurrently with such  
161 discontinuance, sale, or transfer; and any such person shall,  
162 concurrently with such discontinuance, sale, or transfer, make a  
163 report and, pay all such taxes, interest, and penalties. The  
164 person shall immediately destroy the fuel tax decals and notify  
165 the department by letter of such destruction and of the number  
166 of the fuel tax decals that have been destroyed, and surrender  
167 to the department the registration issued to such person.

168 Section 12. Subsections (1) and (3) of section 207.023,  
169 Florida Statutes, are amended to read:

170 207.023 Authority to inspect vehicles, make arrests, seize  
171 property, and execute warrants.—

172 (1) As a part of their responsibility when inspecting  
173 qualified motor ~~commercial~~ vehicles, the Department of Highway  
174 Safety and Motor Vehicles, the Department of Agriculture and  
175 Consumer Services, and the Department of Transportation shall  
176 ensure that all vehicles are properly qualified under ~~the~~  
177 ~~provisions of~~ this chapter.

178 (3) Qualified ~~Commercial~~ motor vehicles owned or operated  
179 by any motor carrier who refuses to comply with this chapter may  
180 be seized by authorized agents or employees of the Department of  
181 Highway Safety and Motor Vehicles, the Department of Agriculture  
182 and Consumer Services, or the Department of Transportation; or  
183 authorized agents and employees of any of these departments also  
184 may seize property as set out in ss. 206.205, 206.21, and



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185 206.215. Upon such seizure, the property must ~~shall~~ be  
186 surrendered without delay to the sheriff of the county where the  
187 property was seized for further proceedings.

188 Section 13. Subsections (1) and (6) of section 207.0281,  
189 Florida Statutes, are amended to read:

190 207.0281 Registration; cooperative reciprocal agreements  
191 between states.—

192 (1) The Department of Highway Safety and Motor Vehicles may  
193 enter into a cooperative reciprocal agreement, including, but  
194 not limited to, the International Fuel Tax ~~fuel-tax~~ Agreement,  
195 with another state or group of states for the administration of  
196 the tax imposed by this chapter. An agreement arrangement,  
197 declaration, or amendment is not effective until stated in  
198 writing and filed with the Department of Highway Safety and  
199 Motor Vehicles.

200 (6) This section and the contents of any reciprocal  
201 agreement entered into under this section supersede all other  
202 fuel-tax requirements of this chapter for qualified ~~commercial~~  
203 motor vehicles.

204 Section 14. Paragraph (aa) of subsection (7) of section  
205 212.08, Florida Statutes, is amended to read:

206 212.08 Sales, rental, use, consumption, distribution, and  
207 storage tax; specified exemptions.—The sale at retail, the  
208 rental, the use, the consumption, the distribution, and the  
209 storage to be used or consumed in this state of the following  
210 are hereby specifically exempt from the tax imposed by this  
211 chapter.

212 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
213 entity by this chapter do not inure to any transaction that is





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214 otherwise taxable under this chapter when payment is made by a  
215 representative or employee of the entity by any means,  
216 including, but not limited to, cash, check, or credit card, even  
217 when that representative or employee is subsequently reimbursed  
218 by the entity. In addition, exemptions provided to any entity by  
219 this subsection do not inure to any transaction that is  
220 otherwise taxable under this chapter unless the entity has  
221 obtained a sales tax exemption certificate from the department  
222 or the entity obtains or provides other documentation as  
223 required by the department. Eligible purchases or leases made  
224 with such a certificate must be in strict compliance with this  
225 subsection and departmental rules, and any person who makes an  
226 exempt purchase with a certificate that is not in strict  
227 compliance with this subsection and the rules is liable for and  
228 shall pay the tax. The department may adopt rules to administer  
229 this subsection.

230 (aa) *Certain commercial vehicles.*—Also exempt is the sale,  
231 lease, or rental of a qualified commercial motor vehicle as  
232 defined in s. 207.002, when the following conditions are met:

- 233 1. The sale, lease, or rental occurs between two commonly  
234 owned and controlled corporations;
- 235 2. Such vehicle was titled and registered in this state at  
236 the time of the sale, lease, or rental; and
- 237 3. Florida sales tax was paid on the acquisition of such  
238 vehicle by the seller, lessor, or renter.

239 Section 15. Subsection (1) of section 316.065, Florida  
240 Statutes, is amended to read:

241 316.065 Crashes; reports; penalties.—

242 (1) The driver of a vehicle involved in a crash resulting



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243 in injury to or death of any persons or damage to any vehicle or  
244 other property in an apparent amount of at least \$2,000 ~~\$500~~  
245 shall immediately by the quickest means of communication give  
246 notice of the crash to the local police department, if such  
247 crash occurs within a municipality; otherwise, to the office of  
248 the county sheriff or the nearest office or station of the  
249 Florida Highway Patrol. A violation of this subsection is a  
250 noncriminal traffic infraction, punishable as a nonmoving  
251 violation as provided in chapter 318.

252 Section 16. Paragraph (a) of subsection (1) of section  
253 318.15, Florida Statutes, is amended to read:

254 318.15 Failure to comply with civil penalty or to appear;  
255 penalty.—

256 (1) (a) If a person fails to comply with the civil penalties  
257 provided in s. 318.18 within the time period specified in s.  
258 318.14(4), fails to enter into or comply with the terms of a  
259 penalty payment plan with the clerk of the court in accordance  
260 with ss. 318.14 and 28.246, fails to attend driver improvement  
261 school, or fails to appear at a scheduled hearing, the clerk of  
262 the court must notify the Department of Highway Safety and Motor  
263 Vehicles of such failure within 10 days after such failure. Upon  
264 receipt of such notice, the department must immediately issue an  
265 order suspending the driver license and privilege to drive of  
266 such person effective 20 days after the date the order of  
267 suspension is provided ~~mailed~~ in accordance with s. 322.251(1),  
268 (2), and (6). The order also must inform the person that he or  
269 she may contact the clerk of the court to establish a payment  
270 plan pursuant to s. 28.246(4) to make partial payments for  
271 court-related fines, fees, service charges, and court costs. Any



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272 such suspension of the driving privilege which has not been  
273 reinstated, including a similar suspension imposed outside of  
274 this state, must remain on the records of the department for a  
275 period of 7 years from the date imposed and must be removed from  
276 the records after the expiration of 7 years from the date it is  
277 imposed. The department may not accept the resubmission of such  
278 suspension.

279 Section 17. Subsection (2) of section 320.02, Florida  
280 Statutes, is amended to read:

281 320.02 Registration required; application for registration;  
282 forms.—

283 (2) (a) The application for registration must include the  
284 street address of the owner's permanent Florida residence or the  
285 address of his or her permanent place of business in this state  
286 and be accompanied by personal or business identification  
287 information. If the vehicle is registered to an active duty  
288 member of the United States Armed Forces who is a Florida  
289 resident, the active duty member is not required to provide the  
290 street address of a permanent Florida residence.

291 (b) An individual applicant must provide proof of address  
292 satisfactory to the department and:

- 293 1. A valid REAL ID driver's ~~driver~~ license or  
294 identification card issued by this state or another state; ~~or~~  
295 2. A valid, unexpired United States passport; or  
296 3. A valid, unexpired passport issued by another country  
297 and an unexpired Form I-94 issued by the United States Bureau of  
298 Customs and Border Protection.

299  
300 For purposes of this paragraph, the term "REAL ID driver's



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301 license or identification card” has the same meaning as provided  
302 in 6 C.F.R. s. 37.3.

303 (c) A business applicant must provide a federal employer  
304 identification number, if applicable, or verification that the  
305 business is authorized to conduct business in this the state, or  
306 a Florida municipal or county business license or number.

307 ~~1. If the owner does not have a permanent residence or~~  
308 ~~permanent place of business or if the owner’s permanent~~  
309 ~~residence or permanent place of business cannot be identified by~~  
310 ~~a street address, the application must include:~~

311 ~~a. If the vehicle is registered to a business, the name and~~  
312 ~~street address of the permanent residence of an owner of the~~  
313 ~~business, an officer of the corporation, or an employee who is~~  
314 ~~in a supervisory position.~~

315 ~~b. If the vehicle is registered to an individual, the name~~  
316 ~~and street address of the permanent residence of a close~~  
317 ~~relative or friend who is a resident of this state.~~

318 ~~2. If the vehicle is registered to an active duty member of~~  
319 ~~the Armed Forces of the United States who is a Florida resident,~~  
320 ~~the active duty member is exempt from the requirement to provide~~  
321 ~~the street address of a permanent residence.~~

322 (d) ~~(b)~~ The department shall prescribe a form upon which  
323 motor vehicle owners may record odometer readings when  
324 registering their motor vehicles.

325 Section 18. Section 320.605, Florida Statutes, is amended  
326 to read:

327 320.605 Legislative intent.—It is the intent of the  
328 Legislature to protect the public health, safety, and welfare of  
329 the citizens of the state by regulating the licensing of motor



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330 vehicle dealers and manufacturers, maintaining competition,  
331 providing consumer protection and fair trade, and providing  
332 those residing in economically disadvantaged areas minorities  
333 with opportunities for full participation as motor vehicle  
334 dealers. Sections 320.61-320.70 are intended to apply solely to  
335 the licensing of manufacturers, factory branches, distributors,  
336 and importers and do not apply to non-motor-vehicle-related  
337 businesses.

338 Section 19. Subsection (3) of section 320.63, Florida  
339 Statutes, is amended to read:

340 320.63 Application for license; contents.—Any person  
341 desiring to be licensed pursuant to ss. 320.60-320.70 shall make  
342 application therefor to the department upon a form containing  
343 such information as the department requires. The department  
344 shall require, with such application or otherwise and from time  
345 to time, all of the following, which information may be  
346 considered by the department in determining the fitness of the  
347 applicant or licensee to engage in the business for which the  
348 applicant or licensee desires to be licensed:

349 (3) (a) From each manufacturer, distributor, or importer  
350 which utilizes an identical blanket basic agreement for its  
351 dealers or distributors in this state, which agreement comprises  
352 all or any part of the applicant's or licensee's agreements with  
353 motor vehicle dealers in this state, a copy of the written  
354 agreement and all supplements thereto, together with a list of  
355 the applicant's or licensee's authorized dealers or distributors  
356 and their addresses. The applicant or licensee shall further  
357 notify the department immediately of the appointment of any  
358 additional dealer or distributor. The applicant or licensee



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359 shall annually report to the department on its efforts to add  
360 new ~~minority~~ dealer points in economically disadvantaged areas,  
361 including difficulties encountered under ss. 320.61-320.70. ~~For~~  
362 ~~purposes of this section "minority" shall have the same meaning~~  
363 ~~as that given it in the definition of "minority person" in s.~~  
364 ~~288.703.~~ Not later than 60 days before the date a revision or  
365 modification to a franchise agreement is offered uniformly to a  
366 licensee's motor vehicle dealers in this state, the licensee  
367 shall notify the department of such revision, modification, or  
368 addition to the franchise agreement on file with the department.  
369 In no event may a franchise agreement, or any addendum or  
370 supplement thereto, be offered to a motor vehicle dealer in this  
371 state until the applicant or licensee files an affidavit with  
372 the department acknowledging that the terms or provisions of the  
373 agreement, or any related document, are not inconsistent with,  
374 prohibited by, or contrary to ~~the provisions contained in~~ ss.  
375 320.60-320.70. Any franchise agreement offered to a motor  
376 vehicle dealer in this state must ~~shall~~ provide that all terms  
377 and conditions in such agreement inconsistent with the law and  
378 rules of this state are of no force and effect.

379 (b) For purposes of this subsection, the term "economically  
380 disadvantaged area" means a defined geographic area within this  
381 state in which at least one of the following conditions exists:

382 1. The per capita income for residents within the area is  
383 less than 80 percent of the per capita income in this state.

384 2. The unemployment rate within the area was more than 1  
385 percent over the unemployment rate for this state over the  
386 previous 24 months.

387 Section 20. Subsection (2) of section 320.95, Florida



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388 Statutes, is amended to read:

389 320.95 Transactions by electronic or telephonic means.—

390 (2) The department may collect e-mail ~~electronic mail~~  
391 addresses and use e-mail ~~electronic mail~~ in lieu of the United  
392 States Postal Service as a method of notification ~~for the~~  
393 ~~purpose of providing renewal notices.~~

394 Section 21. Subsection (44) of section 322.01, Florida  
395 Statutes, is amended to read:

396 322.01 Definitions.—As used in this chapter:

397 (44) "Tank vehicle" means a vehicle ~~that is~~ designed to  
398 transport any liquid or gaseous material within one or more  
399 tanks that have an individual rated capacity that exceeds 119  
400 gallons and an aggregate rated capacity of 1,000 gallons or more  
401 and that are a tank either permanently or temporarily

By Senator Collins

14-00457A-25

20251290\_\_

1 A bill to be entitled  
 2 An act relating to the Department of Highway Safety  
 3 and Motor Vehicles; amending s. 207.001, F.S.;  
 4 revising a short title; reordering and amending s.  
 5 207.002, F.S.; defining terms and revising  
 6 definitions; amending s. 207.003, F.S.; conforming  
 7 provisions to changes made by the act; amending s.  
 8 207.004, F.S.; requiring licensure in lieu of  
 9 registration of motor carriers operating certain  
 10 qualified motor vehicles; requiring motor carriers to  
 11 obtain fuel use decals in lieu of identifying devices;  
 12 requiring that qualified motor vehicles carry a copy  
 13 of the license or make the license available  
 14 electronically; requiring that fuel tax decals be  
 15 conspicuously displayed on qualified motor vehicles  
 16 while the vehicles are operated on public highways;  
 17 requiring the department or its authorized agent to  
 18 issue licenses and fuel tax decals; requiring that  
 19 fuel tax decal renewal orders be submitted  
 20 electronically through an online system beginning on a  
 21 certain date; providing an exception; revising  
 22 required contents of temporary fuel-use permits;  
 23 deleting provisions for driveaway permits; amending s.  
 24 207.005, F.S.; revising due dates for motor fuel use  
 25 tax returns submitted by licensed motor carriers;  
 26 requiring that tax returns be submitted electronically  
 27 through an online system beginning on a certain date;  
 28 providing an exception; amending s. 207.007, F.S.;  
 29 revising the method of calculating interest due for

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30 certain delinquent taxes; prohibiting a person from  
 31 knowingly making, or assisting any other person in  
 32 making, a false statement in connection with an audit;  
 33 prohibiting a person from counterfeiting, altering,  
 34 manufacturing, or selling fuel tax licenses, fuel tax  
 35 decals, or temporary fuel-use permits except under  
 36 certain circumstances; providing penalties; amending  
 37 s. 207.008, F.S.; conforming provisions to changes  
 38 made by the act; amending s. 207.011, F.S.;  
 39 authorizing the department to inspect the records of  
 40 motor carriers, motor fuel retail dealers, and  
 41 wholesale distributors which are necessary to verify  
 42 tax returns; amending ss. 207.013 and 207.014, F.S.;  
 43 conforming provisions to changes made by the act;  
 44 amending s. 207.019, F.S.; requiring motor carriers to  
 45 destroy fuel tax decals and notify the department upon  
 46 the discontinuance, sale, or transfer of the business;  
 47 amending ss. 207.023, 207.0281, and 212.08, F.S.;  
 48 conforming provisions to changes made by the act;  
 49 amending s. 316.065, F.S.; revising the apparent  
 50 amount of property damage that requires the driver of  
 51 a vehicle involved in a crash to notify law  
 52 enforcement of the crash; amending s. 318.15, F.S.;  
 53 conforming provisions to changes made by the act;  
 54 amending s. 320.02, F.S.; requiring vehicle  
 55 registration applicants to provide a Florida address;  
 56 providing an exception; requiring an applicant to  
 57 provide satisfactory proof of address and certain  
 58 documentation; defining the term "REAL ID driver's

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59 license or identification card"; amending s. 320.605,  
 60 F.S.; revising legislative intent; amending s. 320.63,  
 61 F.S.; revising information that an applicant or  
 62 licensee must annually report to the department;  
 63 defining the term "economically disadvantaged area";  
 64 amending s. 320.95, F.S.; revising the purpose for  
 65 which the department may use e-mail; amending s.  
 66 322.01, F.S.; revising the definition of the term  
 67 "tank vehicle"; amending s. 322.08, F.S.; revising the  
 68 purpose for which the department may use e-mail;  
 69 amending ss. 322.18, 322.21, and 322.251, F.S.;  
 70 authorizing the department to provide certain orders  
 71 and notices by e-mail notification; amending s.  
 72 322.2616, F.S.; conforming provisions to changes made  
 73 by the act; amending s. 322.292, F.S.; revising  
 74 criteria the department must apply in considering an  
 75 application for approval of a DUI program; amending  
 76 ss. 322.64, 324.091, and 324.171, F.S.; conforming  
 77 provisions to changes made by the act; amending s.  
 78 328.30, F.S.; revising the purpose for which the  
 79 department may use e-mail; amending s. 627.7415, F.S.;  
 80 conforming a provision to changes made by the act;  
 81 amending ss. 316.545 and 319.35, F.S.; conforming  
 82 cross-references; providing an effective date.

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

85  
 86 Section 1. Section 207.001, Florida Statutes, is amended to  
 87 read:

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88 207.001 Short title.—This chapter shall be known as the  
 89 "Florida ~~Diesel Fuel and~~ Motor Fuel Use Tax Act ~~of 1981~~," and  
 90 the taxes levied under this chapter shall be in addition to all  
 91 other taxes imposed by law.

92 Section 2. Section 207.002, Florida Statutes, is reordered  
 93 and amended to read:

94 207.002 Definitions.—As used in this chapter, the term:  
 95 (1)(1) "Qualified Commercial motor vehicle" means any  
 96 vehicle not owned or operated by a governmental entity which  
 97 uses ~~diesel fuel or~~ motor fuel on the public highways; and which  
 98 has two axles and a gross vehicle weight or registered gross  
 99 vehicle weight in excess of 26,000 pounds, or has three or more  
 100 axles regardless of weight, or is used in combination when the  
 101 weight of such combination exceeds 26,000 pounds gross vehicle  
 102 weight or registered gross vehicle weight. The term excludes any  
 103 recreational vehicle or vehicle owned or operated by a community  
 104 transportation coordinator as defined in s. 427.011 or by a  
 105 private operator that provides public transit services under  
 106 contract with such a provider.

107 (1)(2) "Department" means the Department of Highway Safety  
 108 and Motor Vehicles.

109 (2) "International Fuel Tax Agreement" means a reciprocal  
 110 agreement among states of the United States, provinces of  
 111 Canada, and other such member jurisdictions to provide for the  
 112 administration, collection, and enforcement of taxes on the  
 113 basis of fuel consumed, distance accrued, or both, in member  
 114 jurisdictions.

115 ~~(3) "Diesel fuel"~~ means any liquid product or gas product  
 116 ~~or combination thereof, including, but not limited to, all forms~~

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117 of fuel known or sold as diesel fuel, kerosene, butane gas, or  
 118 propane gas and all other forms of liquefied petroleum gases,  
 119 except those defined as "motor fuel," used to propel a motor  
 120 vehicle.

121 ~~(4)~~ "International Registration Plan" means a registration  
 122 reciprocity agreement among states of the United States and  
 123 provinces of Canada providing for payment of license fees or  
 124 license taxes on the basis of fleet miles operated in various  
 125 jurisdictions.

126 ~~(3)~~~~(5)~~ "Interstate" means vehicle movement between or  
 127 through two or more member jurisdictions states.

128 ~~(4)~~~~(6)~~ "Intrastate" means vehicle movement from one point  
 129 within a member jurisdiction state to another point within the  
 130 same member jurisdiction state.

131 ~~(5)~~ "Member jurisdiction" means a state of the United  
 132 States, province of Canada, or other such jurisdiction that is a  
 133 member of the International Fuel Tax Agreement.

134 ~~(6)~~~~(7)~~ "Motor carrier" means any person owning,  
 135 controlling, operating, or managing any motor vehicle used to  
 136 transport persons or property over any public highway.

137 ~~(7)~~~~(8)~~ "Motor fuel" means any fuel placed in the fuel  
 138 supply storage unit of a qualified motor vehicle, including an  
 139 alternative fuel, such as pure methanol, ethanol, or other  
 140 alcohol; a blend of 85 percent or more alcohol with gasoline;  
 141 natural gas and liquified fuel produced from natural gas;  
 142 propane; coal-derived liquified fuel; hydrogen; electricity;  
 143 pure biodiesel (B100) fuel, other than alcohol, derived from  
 144 biological materials; P-series fuel; or any other type of fuel  
 145 or energy used to propel a qualified motor vehicle what is

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146 commonly known and sold as gasoline and fuels containing a  
 147 mixture of gasoline and other products.

148 ~~(8)~~~~(9)~~ "Operate," "operated," "operation," or "operating"  
 149 means and includes the utilization in any form of any qualified  
 150 commercial motor vehicle, whether loaded or empty, whether  
 151 utilized for compensation or not for compensation, and whether  
 152 owned by or leased to the motor carrier who uses it or causes it  
 153 to be used.

154 ~~(9)~~~~(10)~~ "Person" means and includes natural persons,  
 155 corporations, copartnerships, firms, companies, agencies, or  
 156 associations, singular or plural.

157 ~~(10)~~~~(11)~~ "Public highway" means any public street, road, or  
 158 highway in this state.

159 ~~(12)~~ "Registrant" means a person in whose name or names a  
 160 vehicle is properly registered.

161 ~~(12)~~~~(13)~~ "Use," "uses," or "used" means the consumption of  
 162 diesel fuel or motor fuel in a qualified commercial motor  
 163 vehicle for the propulsion thereof.

164 Section 3. Section 207.003, Florida Statutes, is amended to  
 165 read:

166 207.003 Privilege tax levied.—A tax for the privilege of  
 167 operating any qualified commercial motor vehicle upon the public  
 168 highways of this state shall be levied upon every motor carrier  
 169 at a rate which includes the minimum rates provided in parts I,  
 170 II, and IV of chapter 206 on each gallon of ~~diesel fuel or~~ motor  
 171 fuel used for the propulsion of a qualified commercial motor  
 172 vehicle by such motor carrier within this ~~the~~ state.

173 Section 4. Section 207.004, Florida Statutes, is amended to  
 174 read:

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175 207.004 Licensing Registration of motor carriers; fuel tax  
 176 decals identifying devices; fees; renewals; temporary fuel-use  
 177 permits and driveaway permits.-

178 (1) (a) ~~A~~ No motor carrier may not ~~shall~~ operate or cause to  
 179 be operated in this state any qualified commercial motor  
 180 vehicle, other than a Florida-based qualified commercial motor  
 181 vehicle that travels Florida intrastate mileage only, which that  
 182 uses diesel fuel or motor fuel until such carrier is licensed  
 183 under the International Fuel Tax Agreement and issued fuel tax  
 184 decals has registered with the department or has registered  
 185 under a cooperative reciprocal agreement as described in s.  
 186 207.0281, after such time as this state enters into such  
 187 agreement, and has been issued an identifying device or such  
 188 carrier is has been issued a temporary fuel-use permit as  
 189 authorized under subsection (5) subsections (4) and (5) for each  
 190 vehicle operated. The fee for each set of fuel tax decals is  
 191 There shall be a fee of \$4 per year or any fraction thereof. A  
 192 copy of the license must be carried in each vehicle or made  
 193 available electronically. The fuel tax decals for each such  
 194 identifying device issued. The identifying device shall be  
 195 provided by the department and must be conspicuously displayed  
 196 on the qualified commercial motor vehicle as prescribed by the  
 197 instructions on the reverse side of the decal department while  
 198 the vehicle it is being operated on the public highways of this  
 199 state. The transfer of fuel tax decals an identifying device  
 200 from one vehicle to another vehicle or from one motor carrier to  
 201 another motor carrier is prohibited. The department or its  
 202 authorized agent shall issue the licenses and fuel tax decals.

203 (b) The motor carrier to whom fuel tax decals have been

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204 ~~issued is an identifying device has been issued shall be solely~~  
 205 responsible for the proper use of the fuel tax decals  
 206 ~~identifying device~~ by its employees, consignees, or lessees.

207 (2) Fuel tax decals ~~Identifying devices~~ shall be issued  
 208 each year for the period January 1 through December 31, or any  
 209 portion thereof, if tax returns and tax payments, when  
 210 applicable, have been submitted to the department for all prior  
 211 reporting periods. Fuel tax decals ~~Identifying devices~~ may be  
 212 displayed for the next succeeding indicia period beginning  
 213 December 1 of each year. Beginning October 1, 2025, except as  
 214 otherwise authorized by the department, all fuel tax decal  
 215 renewal orders must be electronically submitted through an  
 216 online system prescribed by the department.

217 (3) If a motor carrier licensed in this state no longer  
 218 operates or causes to be operated in this state a qualified  
 219 ~~commercial~~ motor vehicle, the fuel tax decals must ~~identifying~~  
 220 ~~device shall~~ be destroyed and the motor carrier to whom the fuel  
 221 ~~tax decals were device was issued must shall~~ notify the  
 222 department immediately by letter of such removal and of the  
 223 number of fuel tax decals ~~the identifying device that has been~~  
 224 destroyed.

225 (4) A motor carrier must, before operating a qualified  
 226 ~~commercial~~ motor vehicle on the public highways of this state,  
 227 ~~must~~ display fuel tax decals ~~an identifying device~~ as required  
 228 under subsections (1) and (2) or must obtain a temporary fuel-  
 229 use permit for that vehicle as provided in subsection (5). ~~A~~  
 230 ~~temporary fuel use permit shall expire within 10 days after date~~  
 231 ~~of issuance. The cost of a temporary fuel use permit is \$45, and~~  
 232 ~~the permit exempts the vehicle from the payment of the motor~~

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233 ~~fuel or diesel fuel tax imposed under this chapter during the~~  
 234 ~~term for which the permit is valid. However, the vehicle is not~~  
 235 ~~exempt from paying the fuel tax at the pump.~~

236 (5) (a) ~~A registered~~ motor carrier holding a valid  
 237 ~~certificate of registration may, upon payment of the \$45 fee per~~  
 238 ~~permit,~~ secure from the department, or any wire service  
 239 authorized by the department, a temporary fuel-use permit.

240 (b) The fee for a temporary fuel-use permit is \$45. A  
 241 temporary fuel-use permit expires 10 days after the date of  
 242 issuance and exempts the vehicle from payment of the motor fuel  
 243 tax imposed under this chapter during the period for which the  
 244 permit is valid. However, this paragraph does not exempt the  
 245 vehicle from payment at the pump of the fuel tax imposed under  
 246 chapter 206.

247 (c) A blank temporary fuel-use permit must, before its use,  
 248 must be executed by the motor carrier, in ink or type, so as to  
 249 identify the carrier, the vehicle to which the permit is  
 250 assigned, and the permit's effective date and expiration date  
 251 that the vehicle is placed in and removed from service. The  
 252 temporary fuel-use permit shall also show a complete  
 253 identification of the vehicle on which the permit is to be used,  
 254 together with the name and address of the owner or lessee of the  
 255 vehicle. The endorsed temporary fuel-use permit must shall then  
 256 be carried on the vehicle that it identifies and must shall be  
 257 exhibited on demand to any authorized personnel. Temporary fuel-  
 258 use permits may be transmitted to the motor carrier by  
 259 electronic means and shall be completed as outlined by  
 260 department personnel prior to transmittal.

261 (d) The motor carrier to whom a temporary fuel-use permit

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262 is issued is ~~shall~~ be solely responsible for the proper use of  
 263 the permit by its employees, consignees, or lessees. Any  
 264 erasure, alteration, or unauthorized use of a temporary fuel-use  
 265 permit ~~renders shall render~~ it invalid and of no effect. A motor  
 266 carrier to whom a temporary fuel-use permit is issued may not  
 267 knowingly allow the permit to be used by any other person ~~or~~  
 268 ~~organization.~~

269 ~~(b) An unregistered motor carrier may, upon payment of the~~  
 270 ~~\$45 fee, secure from any wire service authorized by the~~  
 271 ~~department, by electronic means, a temporary fuel-use permit~~  
 272 ~~that shall be valid for a period of 10 days. Such permit must~~  
 273 ~~show the name and address of the unregistered motor carrier to~~  
 274 ~~whom it is issued, the date the vehicle is placed in and removed~~  
 275 ~~from service, a complete identification of the vehicle on which~~  
 276 ~~the permit is to be used, and the name and address of the owner~~  
 277 ~~or lessee of the vehicle. The temporary fuel-use permit shall~~  
 278 ~~then be carried on the vehicle that it identifies and shall be~~  
 279 ~~exhibited on demand to any authorized personnel. The~~  
 280 ~~unregistered motor carrier to whom a temporary fuel-use permit~~  
 281 ~~is issued shall be solely responsible for the proper use of the~~  
 282 ~~permit by its employees, consignees, or lessees. Any erasure,~~  
 283 ~~alteration, or unauthorized use of a temporary fuel-use permit~~  
 284 ~~shall render it invalid and of no effect. The unregistered motor~~  
 285 ~~carrier to whom a temporary fuel-use permit is issued may not~~  
 286 ~~knowingly allow the permit to be used by any other person or~~  
 287 ~~organization.~~

288 ~~(c) A registered motor carrier engaged in driveway~~  
 289 ~~transportation, in which the cargo is the vehicle itself and is~~  
 290 ~~in transit to stock inventory and the ownership of the vehicle~~

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291 is not vested in the motor carrier, may, upon payment of the \$4  
 292 fee, secure from the department a driveway permit. The  
 293 driveway permits shall be issued for the period January 1  
 294 through December 31. An original permit must be in the  
 295 possession of the operator of each vehicle and shall be  
 296 exhibited on demand to any authorized personnel. Vehicle mileage  
 297 reports must be submitted by the motor carrier, and the road  
 298 privilege tax must be paid on all miles operated within this  
 299 state during the reporting period. All other provisions of this  
 300 chapter shall apply to the holder of a driveway permit.

301 Section 5. Section 207.005, Florida Statutes, is amended to  
 302 read:

303 207.005 Returns and payment of tax; delinquencies;  
 304 calculation of fuel used during operations in the state; credit;  
 305 bond.—

306 (1) The taxes levied under this chapter are shall be due  
 307 and payable on the first day of the month following the last  
 308 month of the reporting period. The department may adopt  
 309 promulgate rules for requiring and establishing procedures for  
 310 annual, semiannual, or quarterly filing. The reporting period is  
 311 shall be the 12 months beginning January 1 July 1 and ending  
 312 December 31 June 30. It shall be the duty of Each motor carrier  
 313 licensed registered or required to be registered under the  
 314 provisions of this chapter must to submit a return by the  
 315 following due dates, except that each due date is extended until  
 316 the last day of the month of the due date, and, if the last day  
 317 of the month falls on a Saturday, Sunday, or legal holiday, the  
 318 due date is further extended until the next day that is not a  
 319 Saturday, Sunday, or legal holiday within 30 days after the due

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320 date. The due date shall be as follows:

321 (a) If annual filing, the due date is January 1. ~~shall be~~  
 322 ~~July 1;~~

323 (b) If semiannual filing, the due dates are shall be  
 324 January 1 and July 1, ~~or~~

325 (c) If quarterly filing, the due dates are shall be January  
 326 1, April 1, July 1, and October 1.

327 (2) The amount of fuel used in the propulsion of any  
 328 qualified commercial motor vehicle within this state may be  
 329 calculated, if the motor carrier maintains adequate records, by  
 330 applying total interstate vehicular consumption of all ~~diesel~~  
 331 ~~fuel and~~ motor fuel used as related to total miles traveled and  
 332 applying such rate to total miles traveled within this state. In  
 333 the absence of adequate documentation by the motor carrier, the  
 334 department may adopt ~~is authorized to promulgate~~ rules  
 335 converting miles driven to gallons used.

336 (3) For the purpose of computing the carrier's liability  
 337 for the road privilege tax, the total gallons of fuel used in  
 338 the propulsion of any qualified commercial motor vehicle in this  
 339 state shall be multiplied by the rates provided in parts I, II,  
 340 and IV of chapter 206. From the sum determined by this  
 341 calculation, there shall be allowed a credit equal to the amount  
 342 of the tax per gallon under parts I, II, and IV of chapter 206  
 343 for each gallon of fuel purchased in this state during the  
 344 reporting period when the diesel fuel or motor fuel tax was paid  
 345 at the time of purchase. If the tax paid under parts I, II, and  
 346 IV of chapter 206 exceeds the total tax due under this chapter,  
 347 the excess may be allowed as a credit against future tax  
 348 payments, until the credit is fully offset or until eight

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349 calendar quarters ~~shall~~ have passed since the end of the  
 350 calendar quarter in which the credit accrued, whichever occurs  
 351 first. A refund may be made for this credit provided it exceeds  
 352 \$10.

353 (4) The department ~~may adopt is authorized to promulgate~~  
 354 the necessary rules to provide for an adequate bond from each  
 355 motor carrier to ensure payment of taxes required under this  
 356 chapter.

357 (5) Beginning October 1, 2025, except as otherwise  
 358 authorized by the department, all returns must be submitted  
 359 electronically through an online system prescribed by the  
 360 department.

361 Section 6. Section 207.007, Florida Statutes, is amended to  
 362 read:

363 207.007 Offenses; penalties and interest.-

364 (1) If any motor carrier licensed ~~registered~~ under this  
 365 chapter fails to file a return or ~~and~~ pay any tax liability  
 366 under this chapter within the time required hereunder, the  
 367 department may impose a delinquency penalty of \$50 or 10 percent  
 368 of the delinquent taxes due, whichever is greater, if the  
 369 failure is for not more than 30 days, with an additional 10  
 370 percent penalty for each additional 30 days, or fraction  
 371 thereof, during the time which the failure continues, not to  
 372 exceed a total penalty of 100 percent in the aggregate. However,  
 373 the penalty may not be less than \$50.

374 (2) In addition to any other penalties, any delinquent tax  
 375 shall bear interest in accordance with the International Fuel  
 376 Tax Agreement at the rate of 1 percent per month, or fraction  
 377 thereof, calculated from the date the tax was due. If the

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378 ~~department enters into a cooperative reciprocal agreement under~~  
 379 ~~the provisions of s. 207.0281, the department shall collect and~~  
 380 ~~distribute all interest due to other jurisdictions at the same~~  
 381 ~~rate as if such interest were due to the state.~~

382 (3) Any person who:

383 (a) Willfully refuses or neglects to make any statement,  
 384 report, or return required by ~~the provisions of~~ this chapter;

385 (b) Knowingly makes, or assists any other person in making,  
 386 a false statement in a return or report, ~~or~~ in connection with  
 387 an application for licensure ~~registration~~ under this chapter, or  
 388 in connection with an audit; or

389 (c) Counterfeits, alters, manufactures, or sells fuel tax  
 390 licenses, fuel tax decals, or temporary fuel-use permits without  
 391 first having obtained the department's permission in writing; or

392 (d) Violates any of the provisions of this chapter, a  
 393 penalty for which is not otherwise provided,

394 commits is guilty of a felony of the third degree, punishable as  
 395 provided in s. 775.082, s. 775.083, or s. 775.084. In addition,  
 396 the department may revoke or suspend the licensure and  
 397 registration privileges under ss. 207.004 and 320.02 of the  
 398 violator. Each day or part thereof during which a person  
 399 operates or causes to be operated a qualified commercial motor  
 400 vehicle without being the holder of fuel tax decals ~~an~~  
 401 ~~identifying device~~ or having a valid temporary fuel-use ~~or~~  
 402 ~~driveaway~~ permit as required by this chapter constitutes a  
 403 separate offense within the meaning of this section. In addition  
 404 to the penalty imposed by this section, the defendant is shall  
 405 be required to pay all taxes, interest, and penalties due to the

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407 state.

408 Section 7. Section 207.008, Florida Statutes, is amended to  
409 read:

410 207.008 Retention of records by motor carrier.—Each  
411 ~~licensed registered~~ motor carrier shall maintain and keep  
412 pertinent records and papers as may be required by the  
413 department for the reasonable administration of this chapter and  
414 shall preserve the records upon which each ~~quarterly~~ tax return  
415 is based for 4 years following the due date or filing date of  
416 the return, whichever is later.

417 Section 8. Subsection (3) of section 207.011, Florida  
418 Statutes, is amended to read:

419 207.011 Inspection of records; hearings; forms; rules.—

420 (3) The department, or any authorized agent thereof, is  
421 authorized to examine the records, books, papers, and equipment  
422 of any motor carrier, any retail dealer of motor diesel fuels,  
423 and any wholesale distributor of ~~diesel fuels~~ or motor fuels  
424 which that are deemed necessary to verify the truth and accuracy  
425 of any statement, ~~or~~ report, or return and ascertain whether the  
426 tax imposed by this chapter has been paid.

427 Section 9. Section 207.013, Florida Statutes, is amended to  
428 read:

429 207.013 Suits for collection of unpaid taxes, penalties,  
430 and interest.—Upon demand of the department, the Department of  
431 Legal Affairs or the state attorney for a judicial circuit shall  
432 bring appropriate actions, in the name of the state or in the  
433 name of the Department of Highway Safety and Motor Vehicles in  
434 the capacity of its office, for the recovery of taxes,  
435 penalties, and interest due under this chapter; and judgment

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436 shall be rendered for the amount so found to be due together  
437 with costs. However, if it is ~~shall be~~ found as a fact that such  
438 claim for, or grant of, an exemption or credit was willful on  
439 the part of any motor carrier, retail dealer, or distributor of  
440 ~~diesel fuel~~ or motor fuel, judgment must ~~shall~~ be rendered for  
441 double the amount of the tax found to be due with costs. The  
442 department may employ an attorney at law to institute and  
443 prosecute proper proceedings to enforce payment of the taxes,  
444 penalties, and interest provided for by this chapter and may fix  
445 the compensation for the services of such attorney at law.

446 Section 10. Subsection (3) of section 207.014, Florida  
447 Statutes, is amended to read:

448 207.014 Departmental warrant for collection of unpaid  
449 taxes.—

450 (3) In the event there is a contest or claim of any kind  
451 with reference to the property levied upon or the amount of  
452 taxes, costs, or penalties due, such contest or claim must ~~shall~~  
453 be tried in the circuit court in and for the county in which the  
454 warrant was executed, as nearly as may be in the same manner and  
455 means as such contest or claim would have been tried in such  
456 court had the warrant originally issued upon a judgment rendered  
457 by such court. The warrant issued as provided in this section  
458 constitutes ~~shall constitute~~ prima facie evidence of the amount  
459 of taxes, interest, and penalties due to the state by the motor  
460 carrier; and the burden of proof is ~~shall be~~ upon the motor  
461 carrier, retail dealer, or distributor of ~~diesel fuel~~ or motor  
462 fuel to show that the amounts or penalties were incorrect.

463 Section 11. Subsection (1) of section 207.019, Florida  
464 Statutes, is amended to read:

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465 207.019 Discontinuance or transfer of business; change of  
466 address.—

467 (1) Whenever a person ceases to engage in business as a  
468 motor carrier within ~~this the~~ state by reason of the  
469 discontinuance, sale, or transfer of the business of such  
470 person, he or she shall notify the department in writing at  
471 least 10 days ~~before~~ prior to the time the discontinuance, sale,  
472 or transfer takes effect. Such notice ~~must shall~~ give the date  
473 of discontinuance and, in the event of a sale or transfer of the  
474 business, the date thereof and the name and address of the  
475 purchaser or transferee. All ~~diesel fuel or~~ motor fuel use taxes  
476 ~~shall~~ become due and payable concurrently with such  
477 discontinuance, sale, or transfer; and any such person shall,  
478 concurrently with such discontinuance, sale, or transfer, make a  
479 report ~~and~~ pay all such taxes, interest, and penalties. The  
480 person shall immediately destroy the fuel tax decals and notify  
481 the department by letter of such destruction and of the number  
482 of the fuel tax decals that have been destroyed, and surrender  
483 to the department the registration issued to such person.

484 Section 12. Subsections (1) and (3) of section 207.023,  
485 Florida Statutes, are amended to read:

486 207.023 Authority to inspect vehicles, make arrests, seize  
487 property, and execute warrants.—

488 (1) As a part of their responsibility when inspecting  
489 qualified motor commercial vehicles, the Department of Highway  
490 Safety and Motor Vehicles, the Department of Agriculture and  
491 Consumer Services, and the Department of Transportation shall  
492 ensure that all vehicles are properly qualified under ~~the~~  
493 ~~provisions of~~ this chapter.

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494 (3) Qualified Commercial motor vehicles owned or operated  
495 by any motor carrier who refuses to comply with this chapter may  
496 be seized by authorized agents or employees of the Department of  
497 Highway Safety and Motor Vehicles, the Department of Agriculture  
498 and Consumer Services, or the Department of Transportation; or  
499 authorized agents and employees of any of these departments also  
500 may seize property as set out in ss. 206.205, 206.21, and  
501 206.215. Upon such seizure, the property ~~must shall~~ be  
502 surrendered without delay to the sheriff of the county where the  
503 property was seized for further proceedings.

504 Section 13. Subsections (1) and (6) of section 207.0281,  
505 Florida Statutes, are amended to read:

506 207.0281 Registration; cooperative reciprocal agreements  
507 between states.—

508 (1) The Department of Highway Safety and Motor Vehicles may  
509 enter into a cooperative reciprocal agreement, including, but  
510 not limited to, the International Fuel Tax ~~fuel-tax~~ Agreement,  
511 with another state or group of states for the administration of  
512 the tax imposed by this chapter. An agreement arrangement,  
513 declaration, or amendment is not effective until stated in  
514 writing and filed with the Department of Highway Safety and  
515 Motor Vehicles.

516 (6) This section and the contents of any reciprocal  
517 agreement entered into under this section supersede all other  
518 fuel-tax requirements of this chapter for qualified commercial  
519 motor vehicles.

520 Section 14. Paragraph (aa) of subsection (7) of section  
521 212.08, Florida Statutes, is amended to read:

522 212.08 Sales, rental, use, consumption, distribution, and

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523 storage tax; specified exemptions.—The sale at retail, the  
524 rental, the use, the consumption, the distribution, and the  
525 storage to be used or consumed in this state of the following  
526 are hereby specifically exempt from the tax imposed by this  
527 chapter.

528 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
529 entity by this chapter do not inure to any transaction that is  
530 otherwise taxable under this chapter when payment is made by a  
531 representative or employee of the entity by any means,  
532 including, but not limited to, cash, check, or credit card, even  
533 when that representative or employee is subsequently reimbursed  
534 by the entity. In addition, exemptions provided to any entity by  
535 this subsection do not inure to any transaction that is  
536 otherwise taxable under this chapter unless the entity has  
537 obtained a sales tax exemption certificate from the department  
538 or the entity obtains or provides other documentation as  
539 required by the department. Eligible purchases or leases made  
540 with such a certificate must be in strict compliance with this  
541 subsection and departmental rules, and any person who makes an  
542 exempt purchase with a certificate that is not in strict  
543 compliance with this subsection and the rules is liable for and  
544 shall pay the tax. The department may adopt rules to administer  
545 this subsection.

546 (aa) *Certain commercial vehicles.*—Also exempt is the sale,  
547 lease, or rental of a qualified commercial motor vehicle as  
548 defined in s. 207.002, when the following conditions are met:

- 549 1. The sale, lease, or rental occurs between two commonly  
550 owned and controlled corporations;
- 551 2. Such vehicle was titled and registered in this state at

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552 the time of the sale, lease, or rental; and

553 3. Florida sales tax was paid on the acquisition of such  
554 vehicle by the seller, lessor, or renter.

555 Section 15. Subsection (1) of section 316.065, Florida  
556 Statutes, is amended to read:

557 316.065 Crashes; reports; penalties.—

558 (1) The driver of a vehicle involved in a crash resulting  
559 in injury to or death of any persons or damage to any vehicle or  
560 other property in an apparent amount of at least \$1,500 ~~\$500~~  
561 shall immediately by the quickest means of communication give  
562 notice of the crash to the local police department, if such  
563 crash occurs within a municipality; otherwise, to the office of  
564 the county sheriff or the nearest office or station of the  
565 Florida Highway Patrol. A violation of this subsection is a  
566 noncriminal traffic infraction, punishable as a nonmoving  
567 violation as provided in chapter 318.

568 Section 16. Paragraph (a) of subsection (1) of section  
569 318.15, Florida Statutes, is amended to read:

570 318.15 Failure to comply with civil penalty or to appear;  
571 penalty.—

572 (1) (a) If a person fails to comply with the civil penalties  
573 provided in s. 318.18 within the time period specified in s.  
574 318.14(4), fails to enter into or comply with the terms of a  
575 penalty payment plan with the clerk of the court in accordance  
576 with ss. 318.14 and 28.246, fails to attend driver improvement  
577 school, or fails to appear at a scheduled hearing, the clerk of  
578 the court must notify the Department of Highway Safety and Motor  
579 Vehicles of such failure within 10 days after such failure. Upon  
580 receipt of such notice, the department must immediately issue an

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581 order suspending the driver license and privilege to drive of  
 582 such person effective 20 days after the date the order of  
 583 suspension is provided ~~mailed~~ in accordance with s. 322.251(1),  
 584 (2), and (6). The order also must inform the person that he or  
 585 she may contact the clerk of the court to establish a payment  
 586 plan pursuant to s. 28.246(4) to make partial payments for  
 587 court-related fines, fees, service charges, and court costs. Any  
 588 such suspension of the driving privilege which has not been  
 589 reinstated, including a similar suspension imposed outside of  
 590 this state, must remain on the records of the department for a  
 591 period of 7 years from the date imposed and must be removed from  
 592 the records after the expiration of 7 years from the date it is  
 593 imposed. The department may not accept the resubmission of such  
 594 suspension.

595 Section 17. Subsection (2) of section 320.02, Florida  
 596 Statutes, is amended to read:

597 320.02 Registration required; application for registration;  
 598 forms.-

599 (2) (a) The application for registration must include the  
 600 street address of the owner's permanent residence in this state  
 601 or the address of his or her permanent place of business in this  
 602 state and be accompanied by personal or business identification  
 603 information. If the vehicle is registered to an active duty  
 604 member of the United States Armed Forces who is a Florida  
 605 resident, the active duty member is not required to provide the  
 606 street address of a permanent Florida residence.

607 (b) An individual applicant must provide proof of address  
 608 satisfactory to the department and:

609 1. A valid REAL ID driver's ~~driver~~ license or

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610 identification card issued by this state or another state; ~~or~~  
 611 2. A valid passport; or  
 612 3. A valid, unexpired passport issued by another country  
 613 and an unexpired Form I-94.

614  
 615 For purposes of this paragraph, the term "REAL ID driver's  
 616 license or identification card" has the same meaning as provided  
 617 in 6 C.F.R. s. 37.3.

618 (c) A business applicant must provide a federal employer  
 619 identification number, if applicable, or verification that the  
 620 business is authorized to conduct business in this ~~the~~ state, or  
 621 a Florida municipal or county business license or number.

622 1. If the owner does not have a permanent residence or  
 623 permanent place of business or if the owner's permanent  
 624 residence or permanent place of business cannot be identified by  
 625 a street address, the application must include:

626 a. If the vehicle is registered to a business, the name and  
 627 street address of the permanent residence of an owner of the  
 628 business, an officer of the corporation, or an employee who is  
 629 in a supervisory position.

630 b. If the vehicle is registered to an individual, the name  
 631 and street address of the permanent residence of a close  
 632 relative or friend who is a resident of this state.

633 2. If the vehicle is registered to an active duty member of  
 634 the Armed Forces of the United States who is a Florida resident,  
 635 the active duty member is exempt from the requirement to provide  
 636 the street address of a permanent residence.

637 (d) ~~(b)~~ The department shall prescribe a form upon which  
 638 motor vehicle owners may record odometer readings when

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639 registering their motor vehicles.

640 Section 18. Section 320.605, Florida Statutes, is amended  
641 to read:

642 320.605 Legislative intent.—It is the intent of the  
643 Legislature to protect the public health, safety, and welfare of  
644 the citizens of the state by regulating the licensing of motor  
645 vehicle dealers and manufacturers, maintaining competition,  
646 providing consumer protection and fair trade, and providing  
647 those residing in economically disadvantaged areas ~~minorities~~  
648 with opportunities for full participation as motor vehicle  
649 dealers. Sections 320.61-320.70 are intended to apply solely to  
650 the licensing of manufacturers, factory branches, distributors,  
651 and importers and do not apply to non-motor-vehicle-related  
652 businesses.

653 Section 19. Subsection (3) of section 320.63, Florida  
654 Statutes, is amended to read:

655 320.63 Application for license; contents.—Any person  
656 desiring to be licensed pursuant to ss. 320.60-320.70 shall make  
657 application therefor to the department upon a form containing  
658 such information as the department requires. The department  
659 shall require, with such application or otherwise and from time  
660 to time, all of the following, which information may be  
661 considered by the department in determining the fitness of the  
662 applicant or licensee to engage in the business for which the  
663 applicant or licensee desires to be licensed:

664 (3) (a) From each manufacturer, distributor, or importer  
665 which utilizes an identical blanket basic agreement for its  
666 dealers or distributors in this state, which agreement comprises  
667 all or any part of the applicant's or licensee's agreements with

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668 motor vehicle dealers in this state, a copy of the written  
669 agreement and all supplements thereto, together with a list of  
670 the applicant's or licensee's authorized dealers or distributors  
671 and their addresses. The applicant or licensee shall further  
672 notify the department immediately of the appointment of any  
673 additional dealer or distributor. The applicant or licensee  
674 shall annually report to the department on its efforts to add  
675 new ~~minority~~ dealer points in economically disadvantaged areas,  
676 including difficulties encountered under ss. 320.61-320.70. ~~For~~  
677 ~~purposes of this section "minority" shall have the same meaning~~  
678 ~~as that given it in the definition of "minority person" in s.~~  
679 ~~288.703.~~ Not later than 60 days before the date a revision or  
680 modification to a franchise agreement is offered uniformly to a  
681 licensee's motor vehicle dealers in this state, the licensee  
682 shall notify the department of such revision, modification, or  
683 addition to the franchise agreement on file with the department.  
684 In no event may a franchise agreement, or any addendum or  
685 supplement thereto, be offered to a motor vehicle dealer in this  
686 state until the applicant or licensee files an affidavit with  
687 the department acknowledging that the terms or provisions of the  
688 agreement, or any related document, are not inconsistent with,  
689 prohibited by, or contrary to ~~the provisions contained in~~ ss.  
690 320.60-320.70. Any franchise agreement offered to a motor  
691 vehicle dealer in this state ~~must~~ shall provide that all terms  
692 and conditions in such agreement inconsistent with the law and  
693 rules of this state are of no force and effect.

694 (b) For purposes of this subsection, the term "economically  
695 disadvantaged area" means a defined geographic area within this  
696 state in which at least one of the following conditions exists:

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697 1. The per capita income for residents within the area is  
 698 less than 80 percent of the per capita income in this state.

699 2. The unemployment rate within the area was more than 1  
 700 percent over the unemployment rate for this state over the  
 701 previous 24 months.

702 Section 20. Subsection (2) of section 320.95, Florida  
 703 Statutes, is amended to read:

704 320.95 Transactions by electronic or telephonic means.—

705 (2) The department may collect e-mail ~~electronic mail~~  
 706 addresses and use e-mail ~~electronic mail~~ in lieu of the United  
 707 States Postal Service as a method of notification ~~for the~~  
 708 ~~purpose of providing renewal notices.~~

709 Section 21. Subsection (44) of section 322.01, Florida  
 710 Statutes, is amended to read:

711 322.01 Definitions.—As used in this chapter:

712 (44) "Tank vehicle" means a vehicle ~~that is~~ designed to  
 713 transport any liquid or gaseous material within one or more  
 714 tanks that have an individual rated capacity that exceeds 119  
 715 gallons or an aggregate rated capacity that exceeds 1,000  
 716 gallons and that are a tank either permanently or temporarily  
 717 attached to the vehicle or chassis. A commercial motor vehicle  
 718 transporting an empty storage container tank that is not  
 719 designed for transportation, but that is temporarily attached to  
 720 a flatbed trailer, is not a tank vehicle, if such tank has a  
 721 ~~designed capacity of 1,000 gallons or more.~~

722 Section 22. Subsection (10) of section 322.08, Florida  
 723 Statutes, is amended to read:

724 322.08 Application for license; requirements for license  
 725 and identification card forms.—

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726 (10) The department may collect e-mail ~~electronic mail~~  
 727 addresses and use e-mail ~~electronic mail~~ in lieu of the United  
 728 States Postal Service as a method of notification ~~for the~~  
 729 ~~purpose of providing renewal notices.~~

730 Section 23. Paragraph (a) of subsection (8) of section  
 731 322.18, Florida Statutes, is amended to read:

732 322.18 Original applications, licenses, and renewals;  
 733 expiration of licenses; delinquent licenses.—

734 (8) The department shall issue 8-year renewals using a  
 735 convenience service without reexamination to drivers who have  
 736 not attained 80 years of age. The department shall issue 6-year  
 737 renewals using a convenience service when the applicant has  
 738 satisfied the requirements of subsection (5).

739 (a) If the department determines from its records that the  
 740 holder of a license about to expire is eligible for renewal, the  
 741 department must ~~shall~~ mail a renewal notice to the licensee at  
 742 his or her last known address or provide a renewal notice to the  
 743 licensee by e-mail notification, not less than 30 days before  
 744 ~~prior~~ to the licensee's birthday. The renewal notice must ~~shall~~  
 745 direct the licensee to appear at a driver license office for in-  
 746 person renewal or to transmit the completed renewal notice and  
 747 the fees required by s. 322.21 to the department using a  
 748 convenience service.

749 Section 24. Subsection (4) of section 322.21, Florida  
 750 Statutes, is amended to read:

751 322.21 License fees; procedure for handling and collecting  
 752 fees.—

753 (4) If the department determines from its records or is  
 754 otherwise satisfied that the holder of a license about to expire

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755 is entitled to have it renewed, the department ~~must shall~~ mail a  
 756 renewal notice to the licensee at his or her last known address  
 757 or provide a renewal notice to the licensee by e-mail  
 758 notification, within 30 days before the licensee's birthday. The  
 759 licensee ~~must shall~~ be issued a renewal license, after  
 760 reexamination, if required, during the 30 days immediately  
 761 preceding his or her birthday upon presenting a renewal notice,  
 762 his or her current license, and the fee for renewal to the  
 763 department at any driver license examining office.

764 Section 25. Subsections (1), (2), (3), and (6) of section  
 765 322.251, Florida Statutes, are amended to read:

766 322.251 Notice of cancellation, suspension, revocation, or  
 767 disqualification of license.-

768 (1) All orders of cancellation, suspension, revocation, or  
 769 disqualification issued under the provisions of this chapter,  
 770 chapter 318, chapter 324, or ss. 627.732-627.734 ~~must shall~~ be  
 771 given ~~either~~ by personal delivery thereof to the licensee whose  
 772 license is being canceled, suspended, revoked, or disqualified;  
 773 ~~or~~ by deposit in the United States mail in an envelope, first  
 774 class, postage prepaid, addressed to the licensee at his or her  
 775 last known mailing address furnished to the department; or by e-  
 776 mail notification authorized by the licensee. Such methods of  
 777 notification mailing by the department constitute notice  
 778 ~~constitutes notification~~, and any failure by the person to  
 779 receive the ~~mailed~~ order does will not affect or stay the  
 780 effective date or term of the cancellation, suspension,  
 781 revocation, or disqualification of the licensee's driving  
 782 privilege.

783 (2) The giving of notice and an order of cancellation,

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784 suspension, revocation, or disqualification ~~by mail~~ is complete  
 785 upon expiration of 20 days after e-mail notification or, if  
 786 mailed, 20 days after deposit in the United States mail for all  
 787 notices except those issued under chapter 324 or ss. 627.732-  
 788 627.734, which are complete 15 days after e-mail notification  
 789 or, if mailed, 15 days after deposit in the United States mail.  
 790 Proof of the giving of notice and an order of cancellation,  
 791 suspension, revocation, or disqualification in such either  
 792 manner ~~must shall~~ be made by entry in the records of the  
 793 department that such notice was given. The entry is admissible  
 794 in the courts of this state and constitutes sufficient proof  
 795 that such notice was given.

796 (3) Whenever the driving privilege is suspended, revoked,  
 797 or disqualified under ~~the provisions of~~ this chapter, the period  
 798 of such suspension, revocation, or disqualification ~~must shall~~  
 799 be indicated on the order of suspension, revocation, or  
 800 disqualification, and the department shall require the licensee  
 801 whose driving privilege is suspended, revoked, or disqualified  
 802 to surrender all licenses then held by him or her to the  
 803 department. However, if should the person fails fail to  
 804 surrender such licenses, the suspension, revocation, or  
 805 disqualification period ~~does shall~~ not expire until a period  
 806 identical to the period for which the driving privilege was  
 807 suspended, revoked, or disqualified has expired after the date  
 808 of surrender of the licenses, or the date an affidavit swearing  
 809 such licenses are lost has been filed with the department. In  
 810 any instance where notice of the suspension, revocation, or  
 811 disqualification order is given mailed as provided herein, and  
 812 the license is not surrendered to the department, and such

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813 license thereafter expires, the department ~~may shall~~ not renew  
814 that license until a period of time identical to the period of  
815 such suspension, revocation, or disqualification imposed has  
816 expired.

817 (6) Whenever a cancellation, suspension, revocation, or  
818 disqualification occurs, the department shall enter the  
819 cancellation, suspension, revocation, or disqualification order  
820 on the licensee's driver file 20 days after e-mail notification  
821 or, if mailed, 20 days after the notice was actually placed in  
822 the mail. Any inquiry into the file after the 20-day period  
823 shall reveal that the license is canceled, suspended, revoked,  
824 or disqualified and whether the license has been received by the  
825 department.

826 Section 26. Subsection (4) of section 322.2616, Florida  
827 Statutes, is amended to read:

828 322.2616 Suspension of license; persons under 21 years of  
829 age; right to review.—

830 (4) If the department finds that the license of the person  
831 should be suspended under this section and if the notice of  
832 suspension has not already been served upon the person by a law  
833 enforcement officer or correctional officer as provided in  
834 subsection (2), the department ~~must shall~~ issue a notice of  
835 suspension and, unless the notice is provided mailed under s.  
836 322.251, a temporary driving permit that expires 10 days after  
837 the date of issuance if the driver is otherwise eligible.

838 Section 27. Paragraph (c) of subsection (2) of section  
839 322.292, Florida Statutes, is amended to read:

840 322.292 DUI programs supervision; powers and duties of the  
841 department.—

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842 (2) The department shall adopt rules to implement its  
843 supervisory authority over DUI programs in accordance with the  
844 procedures of chapter 120, including the establishment of  
845 uniform standards of operation for DUI programs and the method  
846 for setting and approving fees, as follows:

847 (c) Implement procedures for the granting and revoking of  
848 licenses for DUI programs, including:

849 1. A uniform application fee not to exceed \$1,000 but in an  
850 amount sufficient to cover the department's administrative costs  
851 in processing and evaluating DUI program license applications.  
852 The application fee does shall not apply to programs that apply  
853 for licensure to serve a county that does not have a currently  
854 licensed DUI program or where the currently licensed program has  
855 relinquished its license.

856 2. In considering an application for approval of a DUI  
857 program, the department shall determine whether improvements in  
858 service may be derived from the operation of the DUI program and  
859 the number of clients currently served in the circuit. The  
860 department shall apply the following criteria:

861 a. The increased frequency of classes and availability of  
862 locations of services offered by the applicant DUI program.

863 b. Services and fees offered by the applicant DUI program  
864 and any existing DUI program.

865 c. The number of DUI clients currently served and  
866 historical trends in the number of clients served in the  
867 circuit.

868 d. The availability, accessibility, and service history of  
869 any existing DUI program services.

870 e. The applicant DUI program's service history.

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871 f. The availability of resources, including personnel,  
 872 demonstrated management capability, and capital and operating  
 873 expenditures of the applicant DUI program.

874 g. Improved services to ~~minority and~~ special needs clients  
 875 and those residing in economically disadvantaged areas.

876 3. Authority for competing applicants and currently  
 877 licensed DUI programs serving the same geographic area to  
 878 request an administrative hearing under chapter 120 to contest  
 879 the department's determination of need for an additional  
 880 licensed DUI program in that area.

881 4. A requirement that the department revoke the license of  
 882 any DUI program that does not provide the services specified in  
 883 its application within 45 days after licensure and notify the  
 884 chief judge of that circuit of such revocation.

885 5. A requirement that all applicants for initial licensure  
 886 as a DUI program in a particular circuit on and after the  
 887 effective date of this act must, at a minimum, satisfy each of  
 888 the following criteria:

889 a. Maintain a primary business office in the circuit which  
 890 is located in a permanent structure that is readily accessible  
 891 by public transportation, if public transportation is available.  
 892 The primary business office must be adequately staffed and  
 893 equipped to provide all DUI program support services, including  
 894 registration and a file for each person who registers for the  
 895 program.

896 b. Have a satellite office for registration of DUI  
 897 offenders in each county in the circuit which is located in a  
 898 permanent structure that is readily accessible by public  
 899 transportation, if public transportation is available. A

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900 satellite office is not required in any county where the total  
 901 number of DUI convictions in the most recent calendar year is  
 902 less than 200.

903 c. Have a classroom in each county in the circuit which is  
 904 located in a permanent structure that is readily accessible by  
 905 public transportation, if public transportation is available. A  
 906 classroom is not required in any county where the total number  
 907 of DUI convictions in the most recent calendar year is less than  
 908 100. A classroom may not be located within 250 feet of any  
 909 business that sells alcoholic beverages. However, a classroom  
 910 may shall not be required to be relocated when a business  
 911 selling alcoholic beverages locates to within 250 feet of the  
 912 classroom.

913 d. Have a plan for conducting all DUI education courses,  
 914 evaluation services, and other services required by the  
 915 department. The level I DUI education course must be taught in  
 916 four segments, with no more than 6 hours of classroom  
 917 instruction provided to any offender each day.

918 e. Employ at least 1 full-time certified addiction  
 919 professional for the program at all times.

920 f. Document support from community agencies involved in DUI  
 921 education and substance abuse treatment in the circuit.

922 g. Have a volunteer board of directors and advisory  
 923 committee made up of citizens who reside in the circuit in which  
 924 licensure is sought.

925 h. Submit documentation of compliance with all applicable  
 926 federal, state, and local laws, including, but not limited to,  
 927 the Americans with Disabilities Act.

928 Section 28. Subsection (3) of section 322.64, Florida

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929 Statutes, is amended to read:

930 322.64 Holder of commercial driver license; persons  
931 operating a commercial motor vehicle; driving with unlawful  
932 blood-alcohol level; refusal to submit to breath, urine, or  
933 blood test.—

934 (3) If the department determines that the person arrested  
935 should be disqualified from operating a commercial motor vehicle  
936 pursuant to this section and if the notice of disqualification  
937 has not already been served upon the person by a law enforcement  
938 officer or correctional officer as provided in subsection (1),  
939 the department must ~~shall~~ issue a notice of disqualification  
940 and, unless the notice is provided ~~mailed~~ pursuant to s.  
941 322.251, a temporary permit which expires 10 days after the date  
942 of issuance if the driver is otherwise eligible.

943 Section 29. Subsection (1) of section 324.091, Florida  
944 Statutes, is amended to read:

945 324.091 Notice to department; notice to insurer.—

946 (1) Each owner and operator involved in a crash or  
947 conviction case within the purview of this chapter shall furnish  
948 evidence of automobile liability insurance or motor vehicle  
949 liability insurance within 14 days after the date of providing  
950 ~~the mailing of~~ notice of crash by the department in the form and  
951 manner as it may designate. Upon receipt of evidence that an  
952 automobile liability policy or motor vehicle liability policy  
953 was in effect at the time of the crash or conviction case, the  
954 department shall forward to the insurer such information for  
955 verification in a method as determined by the department. The  
956 insurer shall respond to the department within 20 days after the  
957 notice whether or not such information is valid. If the

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958 department determines that an automobile liability policy or  
959 motor vehicle liability policy was not in effect and did not  
960 provide coverage for both the owner and the operator, it must  
961 ~~shall~~ take action as it is authorized to do under this chapter.

962 Section 30. Paragraph (c) of subsection (1) of section  
963 324.171, Florida Statutes, is amended to read:

964 324.171 Self-insurer.—

965 (1) Any person may qualify as a self-insurer by obtaining a  
966 certificate of self-insurance from the department which may, in  
967 its discretion and upon application of such a person, issue said  
968 certificate of self-insurance when such person has satisfied the  
969 requirements of this section to qualify as a self-insurer under  
970 this section:

971 (c) The owner of a commercial motor vehicle, as defined in  
972 ~~s. 207.002 or~~ s. 320.01, or a qualified motor vehicle, as  
973 defined in s. 207.002, may qualify as a self-insurer subject to  
974 the standards provided for in subparagraph (b)2.

975 Section 31. Subsection (3) of section 328.30, Florida  
976 Statutes, is amended to read:

977 328.30 Transactions by electronic or telephonic means.—

978 (3) The department may collect e-mail ~~electronic mail~~  
979 addresses and use e-mail ~~electronic mail~~ in lieu of the United  
980 States Postal Service as a method of notification for the  
981 ~~purpose of providing renewal notices.~~

982 Section 32. Section 627.7415, Florida Statutes, is amended  
983 to read:

984 627.7415 Commercial or qualified motor vehicles; additional  
985 liability insurance coverage.—Commercial motor vehicles, as  
986 defined in ~~s. 207.002 or~~ s. 320.01, and qualified motor

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987 vehicles, as defined in s. 207.002, operated upon the roads and  
 988 highways of this state ~~must shall~~ be insured with the following  
 989 minimum levels of combined bodily liability insurance and  
 990 property damage liability insurance in addition to any other  
 991 insurance requirements:

992 (1) Fifty thousand dollars per occurrence for a commercial  
 993 motor vehicle or qualified motor vehicle with a gross vehicle  
 994 weight of 26,000 pounds or more, but less than 35,000 pounds.

995 (2) One hundred thousand dollars per occurrence for a  
 996 commercial motor vehicle or qualified motor vehicle with a gross  
 997 vehicle weight of 35,000 pounds or more, but less than 44,000  
 998 pounds.

999 (3) Three hundred thousand dollars per occurrence for a  
 1000 commercial motor vehicle or qualified motor vehicle with a gross  
 1001 vehicle weight of 44,000 pounds or more.

1002 (4) All commercial motor vehicles and qualified motor  
 1003 vehicles subject to regulations of the United States Department  
 1004 of Transportation, 49 C.F.R. part 387, subparts A and B, and as  
 1005 may be hereinafter amended, ~~must shall~~ be insured in an amount  
 1006 equivalent to the minimum levels of financial responsibility as  
 1007 set forth in such regulations.

1008  
 1009 A violation of this section is a noncriminal traffic infraction,  
 1010 punishable as a nonmoving violation as provided in chapter 318.

1011 Section 33. Paragraph (b) of subsection (4) of section  
 1012 316.545, Florida Statutes, is amended to read:

1013 316.545 Weight and load unlawful; special fuel and motor  
 1014 fuel tax enforcement; inspection; penalty; review.-

1015 (4)

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1016 (b) In addition to the penalty provided for in paragraph  
 1017 (a), the vehicle may be detained until the owner or operator of  
 1018 the vehicle furnishes evidence that the vehicle has been  
 1019 properly registered pursuant to s. 207.004. Any officer of the  
 1020 Florida Highway Patrol or agent of the Department of  
 1021 Transportation may issue a temporary fuel use permit and collect  
 1022 the appropriate fee as provided for in s. 207.004(5) ~~s-~~  
 1023 ~~207.004(4)~~. Notwithstanding the provisions of subsection (6),  
 1024 all permit fees collected pursuant to this paragraph shall be  
 1025 transferred to the Department of Highway Safety and Motor  
 1026 Vehicles to be allocated pursuant to s. 207.026.

1027 Section 34. Paragraph (b) of subsection (1) of section  
 1028 319.35, Florida Statutes, is amended to read:

1029 319.35 Unlawful acts in connection with motor vehicle  
 1030 odometer readings; penalties.-

1031 (1)

1032 (b) It is unlawful for any person to knowingly provide  
 1033 false information on the odometer readings required pursuant to  
 1034 ss. 319.23(3) and 320.02(2)(d) ~~ss. 319.23(3) and 320.02(2)(b)~~.

1035 Section 35. This act shall take effect July 1, 2025.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 1292

INTRODUCER: Senator Collins

SUBJECT: Public Records/Department of Highway Safety and Motor Vehicles

DATE: March 19, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	<u><b>Favorable</b></u>
2.	_____	_____	<u>FT</u>	_____
3.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 1292 expands the exemption from public records for email addresses collected by the Department of Highway Safety and Motor Vehicles (DHSMV) for certain renewal notices to include email addresses to be used as a method of general notification to customers. The bill also creates a public record exemption for email addresses collected by the DHSMV and used for purposes of renewal notices for vessel titles and liens.

A public necessity statement is included in the bill as required by the Florida Constitution.

The bill is subject to the Open Government Sunset Review Act and the new exemptions will be repealed on October 2, 2030, unless reviewed and reenacted by the Legislature.

Because this bill creates a new public records exemption, a two-thirds vote of the members present and voting in each chamber of the Legislature is required for passage.

The bill takes effect on the same date that SB 1290 or similar legislation takes effect (July 1, 2025), if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

**II. Present Situation:**

**Access to Public Records - Generally**

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three

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<sup>1</sup> FLA. CONST. art. I, s. 24(a).

branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are adopted in the rules of each chamber of the legislature.<sup>3</sup> Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>4</sup> Lastly, ch. 119, F.S., provides requirements for public records held by executive agencies.

### **Executive Agency Records – The Public Records Act**

Chapter 119, F.S., known as the Public Records Act, provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.<sup>5</sup>

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.<sup>6</sup> The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”<sup>7</sup>

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>8</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>9</sup>

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.<sup>10</sup> The exemption must state

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<sup>2</sup> *Id.*

<sup>3</sup> See Rule 1.48, *Rules and Manual of the Florida Senate (2020-2022)* and Rule 14.1, *Rules of the Florida House of Representatives (2020-2022)*

<sup>4</sup> *State v. Wooten*, 260 So. 3d 1060 (Fla. 4<sup>th</sup> DCA 2018).

<sup>5</sup> Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>6</sup> Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

<sup>7</sup> *Shevin v. Byron, Harless, Schaffer, Reid, and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>8</sup> Section 119.07(1)(a), F.S.

<sup>9</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>10</sup> FLA. CONST. art. I, s. 24(c).

with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>11</sup>

General exemptions from the public records requirements are contained in the Public Records Act.<sup>12</sup> Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.<sup>13</sup>

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.<sup>14</sup> Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.<sup>15</sup>

### **Open Government Sunset Review Act**

The Open Government Sunset Review Act<sup>16</sup> (the Act) prescribes a legislative review process for newly created or substantially amended<sup>17</sup> public records or open meetings exemptions, with specified exceptions.<sup>18</sup> It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>19</sup>

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>20</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;<sup>21</sup>

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<sup>11</sup> *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

<sup>12</sup> *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

<sup>13</sup> *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

<sup>14</sup> *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

<sup>15</sup> *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

<sup>16</sup> Section 119.15, F.S.

<sup>17</sup> An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

<sup>18</sup> Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>19</sup> Section 119.15(3), F.S.

<sup>20</sup> Section 119.15(6)(b), F.S.

<sup>21</sup> Section 119.15(6)(b)1., F.S.

- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>22</sup> or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.<sup>23</sup>

The Act also requires specified questions to be considered during the review process.<sup>24</sup> In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>25</sup> If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>26</sup>

### **Existing Public Record Exemptions for DHSMV-Related Email Addresses**

Section 119.0712(2)(c), F.S., provides that email addresses collected by DHSMV pursuant to specified provisions of law are exempt from public disclosure. Specifically, the following types of transactions are exempt:

- Motor vehicle title notifications.<sup>27</sup>
- Motor vehicle registration renewals.<sup>28</sup>
- Driver license renewal notices.<sup>29</sup>

### **SB 1290 – Department of Highways Safety and Motor Vehicles**

SB 1290 expands the circumstances in which email may be used in lieu of the United States Postal Service by authorizing email to be used as method of notification for various notices and orders issued by DHSMV, including but not limited to, notices and orders related to driver licenses, identification cards, motor vehicle registrations, motor vehicle insurance and vessel titles.

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<sup>22</sup> Section 119.15(6)(b)2., F.S.

<sup>23</sup> Section 119.15(6)(b)3., F.S.

<sup>24</sup> Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>25</sup> See generally s. 119.15, F.S.

<sup>26</sup> Section 119.15(7), F.S.

<sup>27</sup> Section 319.40(3), F.S.

<sup>28</sup> Section 320.95(2), F.S.

<sup>29</sup> Section 322.08(10), F.S.

### III. Effect of Proposed Changes:

The bill amends s. 119.0712, F.S., to expand the exemption from public records for email addresses collected by DHSMV for providing renewal notices to include email addresses to be used as a method of general notification, and not just renewal notices. The bill also creates a public records exemption for email addresses collected by DHSMV and used for the purpose of providing renewal notices for vessel titles.

The bill is subject to the Open Government Sunset Review Act and the exemptions will be repealed on October 2, 2030, unless reviewed and reenacted by the Legislature. Because this bill creates a new public records exemption, a two-thirds vote of the members present and voting in each chamber of the Legislature is required for passage.

The bill contains a public necessity statement as required by the Florida Constitution. It provides that the Legislature finds that:

- It is a public necessity that e-mail addresses collected by the Department of Highway Safety and Motor Vehicles for the use of e-mail in lieu of the United States Postal Service as a method of notification be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Sections 320.95(2) and 322.08(10), Florida Statutes, authorize the department to collect e-mail addresses and use e-mail in lieu of the United States Postal Service to provide renewal notices related to motor vehicle license plates, driver licenses, and identification cards. The department is also authorized to collect e-mail addresses and use e-mail to provide renewal notices related to vessel registrations pursuant to s. 328.30(3), Florida Statutes.
- SB 1290 expands the circumstances in which e-mail may be used in lieu of the United States Postal Service by authorizing e-mail to be used as a method of general notification for various notices and orders issued by the department in addition to renewal notices, including, but not limited to, notices related to driver licenses, identification cards, motor vehicle registrations, vessel registrations, and orders to revoke, cancel, or suspend driver licenses.
- The department's use of e-mail as a method for corresponding with customers has steadily increased in recent decades. E-mail addresses are unique to each individual and, when combined with other personal identifying information, can be used for identity theft, consumer scams, unwanted solicitations, or other invasive contacts. The public availability of personal e-mail addresses puts the department's customers at increased risk of these problems. Such risks may be significantly limited by permitting the department to keep customer e-mail addresses exempt. The Legislature finds that these risks to consumers outweigh the state's public policy favoring open government.

The bill is effective on the same date that SB 1290 or similar legislation takes effect (July 1, 2025), if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

**B. Public Records/Open Meetings Issues:****Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for secure login credentials held by the DHSMV and Internet protocol addresses, geolocation data, and other information held by the DHSMV that describes the location, computer, computer system, or computer network from which a user accesses a public-facing portal and the dates and times that a user accesses a public-facing portal. Thus, the bill requires a two-thirds vote to be enacted.

**Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

**Breadth of Exemption**

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law.

The purpose of the law is to protect email addresses held by the DHSMV for purposes of providing various general notifications, notices, orders and instructions to customers. This bill exempts only that specific information. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 119.0712 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



By Senator Collins

14-00458-25

20251292\_\_

1 A bill to be entitled  
 2 An act relating to public records; amending s.  
 3 119.0712, F.S.; expanding an exemption from public  
 4 records requirements for e-mail addresses collected by  
 5 the Department of Highway Safety and Motor Vehicles  
 6 for providing renewal notices to include e-mail  
 7 addresses collected for use as a method of  
 8 notification generally and not only for the purpose of  
 9 providing renewal notices; expanding the exemption to  
 10 include e-mail addresses collected for use as a method  
 11 of notification related to vessel registrations;  
 12 providing retroactive applicability; providing for  
 13 future legislative review and repeal of the exemption;  
 14 providing a statement of public necessity; providing a  
 15 contingent effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

18  
 19 Section 1. Paragraph (c) of subsection (2) of section  
 20 119.0712, Florida Statutes, is amended to read:

21 119.0712 Executive branch agency-specific exemptions from  
 22 inspection or copying of public records.—

23 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

24 (c) E-mail addresses collected by the Department of Highway  
 25 Safety and Motor Vehicles pursuant to s. 319.40(3), s.  
 26 320.95(2), ~~s.~~ s. 322.08(10), or s. 328.30 are exempt from s.  
 27 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
 28 exemption applies retroactively. This paragraph is subject to  
 29 the Open Government Sunset Review Act in accordance with s.

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

14-00458-25

20251292\_\_

30 119.15 and shall stand repealed on October 2, 2030, unless  
 31 reviewed and saved from repeal through reenactment by the  
 32 Legislature.

33 Section 2. The Legislature finds that it is a public  
 34 necessity that e-mail addresses collected by the Department of  
 35 Highway Safety and Motor Vehicles for the use of e-mail in lieu  
 36 of the United States Postal Service as a method of notification  
 37 be made exempt from s. 119.07(1), Florida Statutes, and s.  
 38 24(a), Article I of the State Constitution. Sections 320.95(2)  
 39 and 322.08(10), Florida Statutes, authorize the department to  
 40 collect e-mail addresses and use e-mail in lieu of the United  
 41 States Postal Service to provide renewal notices related to  
 42 motor vehicle license plates, driver licenses, and  
 43 identification cards. The department is also authorized to  
 44 collect e-mail addresses and use e-mail to provide renewal  
 45 notices related to vessel registrations pursuant to s.  
 46 328.30(3), Florida Statutes. SB 1290 expands the circumstances  
 47 in which e-mail may be used in lieu of the United States Postal  
 48 Service by authorizing e-mail to be used as a method of  
 49 notification for various notices and orders issued by the  
 50 department in addition to renewal notices, including, but not  
 51 limited to, notices related to driver licenses, identification  
 52 cards, motor vehicle registrations, vessel registrations, and  
 53 orders to revoke, cancel, or suspend driver licenses. The  
 54 department's use of e-mail as a method for corresponding with  
 55 customers has steadily increased in recent decades. E-mail  
 56 addresses are unique to each individual and, when combined with  
 57 other personal identifying information, can be used for identity  
 58 theft, consumer scams, unwanted solicitations, or other invasive

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

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20251292\_\_

59 contacts. The public availability of personal e-mail addresses  
60 puts the department's customers at increased risk of these  
61 problems. Such risks may be significantly limited by permitting  
62 the department to keep customer e-mail addresses exempt. The  
63 Legislature finds that these risks to consumers outweigh the  
64 state's public policy favoring open government.

65 Section 3. This act shall take effect on the same date that  
66 SB 1290 or similar legislation takes effect, if such legislation  
67 is adopted in the same legislative session or an extension  
68 thereof and becomes a law.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 1408

INTRODUCER: Senator Collins

SUBJECT: Transportation Facility Designations

DATE: March 19, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	<b>Favorable</b>
2.	_____	_____	<u>ATD</u>	_____
3.	_____	_____	<u>FP</u>	_____

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**I. Summary:**

SB 1408 designates the Master Patrol Officer Jesse Madsen Memorial Highway in Hillsborough County and the Sergeant Elio Diaz Memorial Highway in Charlotte County and directs the Florida Department of Transportation (FDOT) to erect suitable markers for each of these designations.

The estimated cost to FDOT to install the designation markers is \$4,800. See the “Fiscal Impact Statement” below for details.

This bill takes effect July 1, 2025.

**II. Present Situation:**

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.<sup>1</sup>

When the Legislature establishes road or bridge designations, FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation and to erect any other markers it deems appropriate for the transportation facility.<sup>2</sup>

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<sup>1</sup> Section 334.071(1), F.S.

<sup>2</sup> Section 334.071(2), F.S.

FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before the installation of the markers.<sup>3</sup>

### III. Effect of Proposed Changes:

The bill creates an undesignated section of Florida law.

**Subsection 1** designates that portion of I-275 between mile markers 47 and 48 in Hillsborough County as “Master Patrol Officer Jesse Madsen Memorial Highway.”

Officer Jesse Madsen, of the Tampa Police Department, was killed on March 9, 2021, when his patrol car was struck head on by a wrong-way driver on I-275. He was responding to reports of a wrong-way driver when he was struck by the car. A witness stated that Officer Madsen had intentionally collided with the oncoming car to prevent it from striking other vehicles. Officer Madsen was a U.S Marine Corps veteran and had served with the Tampa Police Department for 16 years.<sup>4</sup>

**Subsection 2** designates that portion of U.S. 41 between Melbourne Street and Church Street in Charlotte County as “Sergeant Elio Diaz Memorial Highway.”

Sergeant Elio Diaz, of the Charlotte County Sheriff’s Office, was shot and killed during a traffic stop in Charlotte Harbor on December 15, 2024. During the stop, the driver pulled out a rifle and fired at Sergeant Diaz before fleeing. When he was found a few miles away, the suspect reached for his rifle and was shot and killed by deputies. Sergeant Diaz had served with the Charlotte County Sheriff’s Office for over 11 years. Sergeant Diaz was posthumously promoted to Sergeant.<sup>5</sup>

**Subsection 3** directs FDOT to erect suitable markers designating each of the above designations.

The bill takes effect July 1, 2025.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

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<sup>3</sup> Section 334.071(3), F.S.

<sup>4</sup> Officer Down Memorial Page, *Officer Jesse Peter Madsen*, <https://www.odmp.org/officer/25185-officer-jesse-peter-madsen> (last visited February 27, 2025).

<sup>5</sup> Officer Down Memorial Page, *Sergeant Elio Diaz*, <https://www.odmp.org/officer/27245-sergeant-elio-diaz> (last visited February 27, 2025).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The estimated cost to erect the designation markers required under this bill is \$4,800, based on the assumption that a minimum of two markers are required at a cost to FDOT of no less than \$1,200 each for two designations. The estimate includes labor, materials, manufacturing, and installation.<sup>6</sup> FDOT is expected to absorb the estimated cost within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of Florida Statutes.

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<sup>6</sup> E-mail from Jack Rogers, FDOT Legislative Affairs Director, *RE: Transportation Facility Designation Costs*, December 9, 2024. (On file with Senate Committee on Transportation).

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Collins

14-00884A-25

20251408\_\_

1                           A bill to be entitled  
2           An act relating to transportation facility  
3           designations; providing honorary designations of  
4           certain transportation facilities in specified  
5           counties; directing the Department of Transportation  
6           to erect suitable markers; providing an effective  
7           date.  
8

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

10                   Section 1. Transportation facility designations; Department  
11 of Transportation to erect suitable markers.-

12                   (1) That portion of I-275 between mile markers 47 and 48 in  
13 Hillsborough County is designated as "Master Patrol Officer  
14 Jesse Madsen Memorial Highway."

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

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

21                   Section 2. This act shall take effect July 1, 2025.  
22

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 1502

INTRODUCER: Transportation Committee and Senator Collins

SUBJECT: Special Mobile Equipment

DATE: March 19, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.			CA	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

SB 1502 authorizes the Florida Department of Transportation (FDOT) to issue a mobile crane special blanket permit authorizing a mobile crane to operate on or off the Interstate Highway System:

- While towing motor vehicles under a certain weight;
- At all hours, except as restricted under a curfew; or
- In excess of statutorily established weight limits.

The bill also revises the statutory definition of the term “special mobile equipment” to incorporate mobile cranes and accessory support vehicles into that definition.

This bill may have a positive fiscal impact on FDOT associated with permit fees for mobile crane special blanket permits. *See* Section V., Fiscal Impact Statement for details.

This bill takes effect July 1, 2025.



## II. Present Situation:

### Special Mobile Equipment

Florida law defines the term "special mobile equipment" to mean any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway.<sup>1</sup>

Special mobile equipment includes, but is not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment.<sup>2</sup>

Special mobile equipment does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.<sup>3</sup>

### Special Permits for Oversize or Overweight Vehicles

Florida law prohibits oversize or overweight vehicles or loads from entering onto or operating on a public road unless the vehicle's owner or operator has first obtained a special permit for such movement from the appropriate governing jurisdiction.<sup>4</sup>

Florida's statutory limits for the width, height, length, and weight of vehicle, including the load, on its roadways are:

- Width - 102 inches; however, the use of certain roads may be restricted due to safety concerns.<sup>5</sup>
- Height - 13 feet six inches.<sup>6</sup>
- Length – 40 feet for a straight truck, 48 feet for a semi-trailer, and 28 feet for tandem trailer trucks.<sup>7</sup>
- Weight – 80,000, including enforcement tolerances.<sup>8</sup>

The Florida Department of Transportation (FDOT) or a local authority may, with respect to highways under their respective jurisdictions, issue a special permit authorizing an applicant to operate or move a vehicle or combination of vehicles of an excess size or weight upon any highway under its jurisdiction.<sup>9</sup>

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<sup>1</sup> Section 316.003(83), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Section 316.550(1), F.S.

<sup>5</sup> Section 316.515(1), F.S.

<sup>6</sup> Section 316.515(2), F.S.

<sup>7</sup> Section 316.515(3), F.S.

<sup>8</sup> Section 316.515, F.S., maximum weight limits are set by formula, but the vehicle's overall gross vehicle weight may not exceed 80,000 points, including enforcement tolerances.

<sup>9</sup> Section 316.550(2), F.S.

The permit must describe the vehicle or vehicles and load to be operated or moved and the highways for which the permit is requested. FDOT or local authority, may at its discretion, issue or withhold a permit. If a permit is issued, FDOT or local authority, may limit or prescribe the conditions of operation of such vehicle or vehicles.<sup>10</sup>

Such a permit may authorize a self-propelled truck crane operating off the Interstate Highway System to tow a motor vehicle which does not weigh more than 5,000 pounds, if the combined weight of the crane and such motor vehicle does not exceed 95,000 pounds.<sup>11</sup>

### **FDOT Permit Rules – Overweight and Overdimensional Vehicles**

Pursuant to its overweight and overdimensional permit rules,<sup>12</sup> FDOT, when evaluating permit requests and prescribing permit conditions, must consider:

- Whether the load can be reasonably dismantled or disassembled;
- Protection of the motoring public from traffic hazards;
- Prevention of undue delays in the normal flow of traffic;
- Prevention of damage to the highway pavement, facilities, and structures;
- Assistance needed for transportation problems involving excess size or weight;
- Whether the vehicle meet FDOT's established axle load and axle spacing requirements of the bridge structures to be crossed;
- Temporary conditions such as construction;
- The applicant's survey letter indicating available vertical clearance on the proposed route for all loads/vehicles over 18 feet high;
- The applicant's survey letter indicating available horizontal clearance on the proposed route for all loads/vehicles over 22 feet wide;
- The applicant's previous permit compliance history;
- Other items which affect traffic flow or safety;
- All details relevant to the proposed move as presented by the applicant and as requested by FDOT.<sup>13</sup>

For nighttime movement, when FDOT's criteria for issuing a permit are met, FDOT must issue a permit provided that:

- Nighttime travel is recommended by the appropriate FDOT District Traffic Engineering Offices or determined to be a permit requirement.
- Law enforcement escorts are used.
- Warning lights delineate the load's shape and size.
- The sides and rear of trailers and loads are as prescribed in state law and federal regulations.<sup>14</sup>

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<sup>10</sup> *Id.*

<sup>11</sup> Section 316.550(3), F.S.

<sup>12</sup> Rule 14-26, F.A.C.

<sup>13</sup> Rule 14-26.00425, F.A.C.

<sup>14</sup> Rule 14-26.012(5)(f), F.A.C.

For self-propelled equipment,<sup>15</sup> including cranes, FDOT requires a trip or multi-trip permit to be issued when specified criteria is met. For all self-propelled equipment, the boom must be fully retracted. For nighttime movement, front overhang must have a minimum of 80 inches clearance above the roadway. In addition, the following restrictions apply:

- Total length up to 80 feet.
  - Front Overhang over six feet up to nine feet. Movement is permitted on all days, all hours. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.
  - Front Overhang over nine feet. Movement is permitted on all days, during daytime hours only. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.
- Total Length over 80 feet. Movement is permitted daytime hours only, excluding holidays. Flags and warning signs are required. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.<sup>16</sup>

### III. Effect of Proposed Changes:

The bill amends the statutory definition of “special mobile equipment” changing the term “self-propelled cranes” to “mobile cranes and accessory support vehicles.” The bill also removes “cranes or shovels” from the list of items that term “special mobile equipment” does not include.

The bill authorizes FDOT to issue a mobile crane special blanket permit for any of the following purposes:

- To authorize a mobile crane to operate on and off the Interstate Highway System while towing a motor vehicle that does not weigh more than 5,000 pounds of the combined weight of the motor vehicle does not exceed 95,000 pounds;
- To authorize a mobile crane and accessory support vehicles that are up to 12 feet in width, 14 feet six inches in height, and 100 feet in length to operate on and off the Interstate Highway System at all hours except as restricted under a local travel-related curfew; or
- To authorize a mobile crane and accessory support vehicle which, due to their design for special use, exceed the statutory weight limits<sup>17</sup> to operate on and off the Interstate Highway System.

This bill takes effect July 1, 2025.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

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<sup>15</sup> Rule 14-26.0041(27), F.A.C., defines the term “self-propelled equipment” to mean a single rigid frame unit propelled with its own power source which does not transport a divisible load, and includes equipment such as earth handling equipment, cranes (which may include a dolly attachment), derricks and fire trucks.

<sup>16</sup> Rule 14-26.012(9)(c), F.A.C.

<sup>17</sup> These weight limits are established in s. 316.535, F.S.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Entities wishing to move mobile cranes and accessory support vehicles may see a reduction in costs due to the ability to move them at all hours.

**C. Government Sector Impact:**

FDOT may be required to update its overweight and overdimensional vehicle permit rules and permit applications to incorporate provisions in the bill.

FDOT may see an increase in revenues from the issuance of mobile crane special blanket permits. FDOT is authorized to charge permit fees for overweight and overdimensional vehicle permits.<sup>18</sup> These fees vary based on the size of the vehicle and permit type (trip, multi-trip, or route-specific multi-trip).<sup>19</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>18</sup> Section 316.550(6), F.S.

<sup>19</sup> Rule 14-26.008, F.S., provides FDOT's fee schedule for these permits.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.003 and 316.550.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on March 19, 2025**

Specifies that the curfew referenced in the bill is a local ‘travel-related’ curfew and clarifies language authorizing FDOT to issue these permits for cranes exceeding statutory weight limits.

- B. **Amendments:**

None.



423002

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2025	.	
	.	
	.	
	.	

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The Committee on Transportation (Collins) recommended the following:

**Senate Amendment**

Delete lines 51 - 54  
and insert:  
under a local travel-related curfew.

(c) To authorize a mobile crane and accessory support  
vehicles which, due to their design for special use, exceed the  
weight limits established in s. 316.535 to

By Senator Collins

14-00798A-25

20251502\_\_

A bill to be entitled

An act relating to special mobile equipment; amending s. 316.003, F.S.; revising the definition of the term "special mobile equipment"; amending s. 316.550, F.S.; authorizing the Department of Transportation to issue a mobile crane special blanket permit for certain purposes; providing an effective date.

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

Section 1. Subsection (83) 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:

(83) SPECIAL MOBILE EQUIPMENT.—Any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, mobile and self-propelled cranes and accessory support vehicles, and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, ~~cranes or shovels,~~ or other vehicles designed for the transportation of

Page 1 of 2

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

14-00798A-25

20251502\_\_

persons or property to which machinery has been attached.

Section 2. Subsection (3) of section 316.550, Florida Statutes, is amended to read:

316.550 Operations not in conformity with law; special permits.—

(3) Notwithstanding subsection (2), the Department of Transportation may issue a mobile crane special blanket permit for any of the following purposes:

(a) To authorize a mobile crane to operate on and ~~A permit may authorize a self-propelled truck crane operating off the~~ Interstate Highway System while towing ~~to tow~~ a motor vehicle that ~~which~~ does not weigh more than 5,000 pounds if the combined weight of the crane and such motor vehicle does not exceed 95,000 pounds. Notwithstanding s. 320.01(7) or (12), mobile truck cranes that tow another motor vehicle under the provision of this subsection shall be taxed under ~~the provisions of~~ s. 320.08(5) (b).

(b) To authorize a mobile crane and accessory support vehicles that are up to 12 feet in width, 14 feet 6 inches in height, and 100 feet in length to operate on and off the Interstate Highway System at all hours except as restricted under a curfew.

(c) To authorize a mobile crane and accessory support vehicles which, due to the vehicles' design for special use, are in excess of the weight limits established in s. 316.535 to operate on and off the Interstate Highway System.

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

Page 2 of 2

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

March 19, 2025

Meeting Date

Transportation

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SB 1502

Bill Number or Topic

Amendment Barcode (if applicable)

Name Randall Reid

Phone 813-505-9402

Address 1219 N. U.S. Highway 301

Email randall.reid@myfcoa.org

Street

Tampa

FL

33619

City

State

Zip



Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FL Crane Owners Assoc.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



March 19, 2025

Meeting Date

Transportation

Committee

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1502

Bill Number or Topic

Amendment Barcode (if applicable)

Name **David Shepp**

Phone **863-581-4250**

Address **123 South Adams Street**

Email **shepp@thesoutherngroup.com**

Street

**Tallahassee**

**FL**

**32301**

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Florida Crane Owners Association**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

# CourtSmart Tag Report

**Room:** SB 37  
**Caption:** Senate Committee on Transportation

**Case No.:**

**Type:**  
**Judge:**

**Started:** 3/19/2025 9:00:57 AM  
**Ends:** 3/19/2025 10:36:28 AM **Length:** 01:35:32

9:00:56 AM Chair Collins calls meeting to order  
9:01:00 AM Roll call  
9:01:04 AM Quorum present  
9:01:16 AM Pledge of Allegiance  
9:01:38 AM Chair Collins with comments  
9:01:57 AM Tab 1 SB 462, Department of Transportation introduced by Chair Collins  
9:02:15 AM Explanation of Bill by Senator DiCeglie  
9:02:20 AM Amendment Barcode No. 728576 introduced by Chair Collins  
9:02:27 AM Explanation of Amendment by Senator DiCeglie  
9:04:14 AM Chair Collins with comments  
9:04:39 AM Questions  
9:04:41 AM Senator Arrington  
9:04:45 AM Senator DiCeglie  
9:05:20 AM Senator Arrington  
9:05:25 AM Senator DiCeglie  
9:05:44 AM Senator Arrington  
9:05:48 AM Senator DiCeglie  
9:06:55 AM Senator Arrington  
9:07:01 AM Senator DiCeglie  
9:07:29 AM Senator Arrington  
9:07:34 AM Senator DiCeglie  
9:08:40 AM Senator Davis  
9:08:44 AM Senator DiCeglie  
9:09:56 AM Senator Davis  
9:10:03 AM Senator DiCeglie  
9:12:51 AM Senator Davis  
9:13:51 AM Senator DiCeglie  
9:14:29 AM Senator Davis  
9:14:32 AM Senator DiCeglie  
9:15:04 AM Chair Collins with comments  
9:15:08 AM Appearance Forms  
9:15:14 AM Tiffany King, Florida Airports Council  
9:15:23 AM Kahreem Golden, The Nature Conservancy  
9:15:30 AM Charles Dudley, Florida Internet & Television Association  
9:17:09 AM Chair Collins with comments  
9:17:13 AM Debate  
9:17:17 AM Senator Arrington  
9:18:32 AM Closure waived  
9:18:35 AM Amendment adopted  
9:18:41 AM Chair Collins with comments  
9:18:56 AM Appearance Forms  
9:19:02 AM Casey Reed, AT&T

**9:21:06 AM** Sarah Catala  
**9:23:31 AM** Malik Moore, Cox Communications  
**9:24:35 AM** Albie Kaminsky, Charter Communications  
**9:24:51 AM** Dan Hurtado  
**9:25:46 AM** Chair Collins with comments  
**9:26:04 AM** Questions  
**9:26:13 AM** Senator Davis  
**9:26:25 AM** Dan Hurtado  
**9:28:10 AM** Senator Davis  
**9:28:16 AM** Dan Hurtado  
**9:29:18 AM** Senator Davis  
**9:29:23 AM** Dan Hurtado  
**9:30:01 AM** Chair Collins with comments  
**9:30:14 AM** Debate  
**9:30:21 AM** Senator Davis  
**9:33:03 AM** Chair Collins  
**9:35:03 AM** Senator DiCeglie with closure  
**9:35:11 AM** Roll call  
**9:35:59 AM** CS/SB 462 reported favorably  
**9:36:16 AM** Tab 5 SB 1024, Specialty License plates/United States Naval Academy by Chair Collins  
**9:36:51 AM** Explanation of Bill by Senator Burgess  
**9:36:59 AM** Amendment Barcode No. 124328 introduced by Chair Collins  
**9:37:04 AM** Explanation of Amendment by Senator Burgess  
**9:38:10 AM** Chair Collins with comments  
**9:38:27 AM** Closure waived  
**9:38:31 AM** Amendment adopted  
**9:38:34 AM** Chair Collins with comments  
**9:38:42 AM** Closure waived  
**9:38:56 AM** Roll call  
**9:39:00 AM** CS/SB 1024 reported favorably  
**9:39:15 AM** Tab 3 SB 824, Specialty License Plates/Supporting FHP Troopers introduced by Chair Collins  
**9:39:47 AM** Explanation of Bill by Senator Pizzo  
**9:40:19 AM** Amendment Barcode No. 443118 introduced by Chair Collins  
**9:40:24 AM** Explanation of Amendment by Senator Pizzo  
**9:40:35 AM** Chair Collins with comments  
**9:40:47 AM** Closure waived  
**9:40:50 AM** Amendment adopted  
**9:40:54 AM** Chair Collins with comments  
**9:41:02 AM** Appearance Form  
**9:41:03 AM** William B. Smith, FL PBA  
**9:41:30 AM** Chair Collins with comments  
**9:41:59 AM** Closure by Senator Pizzo  
**9:42:04 AM** Roll call  
**9:42:26 AM** CS/SB 824 reported favorably  
**9:42:43 AM** Tab 4 SB 916, Indemnification of Commuter Rail Transportation Providers by Chair Collins  
**9:43:13 AM** Explanation of Bill by Senator Rodriguez  
**9:44:10 AM** Chair Collins with comments  
**9:44:16 AM** Amendment Barcode No. 300296 introduced by Chair Collins  
**9:44:26 AM** Explanation of Amendment by Senator Rodriguez  
**9:44:33 AM** Chair Collins with comments

9:44:41 AM Closure waived  
9:44:43 AM Amendment adopted  
9:44:47 AM Amendment Barcode No. 977382 introduced by Chair Collins  
9:44:58 AM Explanation of Amendment by Senator Rodriguez  
9:45:04 AM Chair Collins with comments  
9:45:11 AM Closure waived  
9:45:14 AM Amendment adopted  
9:45:24 AM Chair Collins with comments  
9:45:27 AM Appearance Form  
9:45:28 AM Colton Madill, Florida Chamber of Commerce  
9:45:37 AM Chair Collins with comments  
9:45:47 AM Senator Rodriguez with closure  
9:45:58 AM Roll call  
9:46:03 AM CS/SB 916 reported favorably  
9:46:19 AM Tab 2 SB 666, Specialty License Plates/Miami Northwestern Alumni Association introduced by Chair Collins  
9:46:51 AM Explanation of Bill by Senator Jones  
9:47:03 AM Chair Collins with comments  
9:48:05 AM Amendment Barcode No. 582656 introduced by Chair Collins  
9:48:09 AM Explanation of Amendment by Senator Jones  
9:48:14 AM Chair Collins with comments  
9:48:31 AM Closure waived  
9:48:33 AM Amendment adopted  
9:48:37 AM Chair Collins with comments  
9:48:43 AM Questions  
9:48:45 AM Senator Avila  
9:48:50 AM Senator Jones  
9:49:19 AM Senator Davis  
9:49:23 AM Senator Jones  
9:50:00 AM Chair Collins with comments  
9:50:05 AM Debate  
9:50:07 AM Senator Davis  
9:50:58 AM Chair Collins with comments  
9:51:59 AM Senator Avila  
9:52:06 AM Chair Collins with comments  
9:52:59 AM Senator Jones with closure  
9:53:13 AM Roll call  
9:54:13 AM CS/SB 666 reported favorably  
9:54:32 AM Chair turned over to Senator Avila  
9:54:43 AM Tab 6 SB 1290, Department of Highway Safety and Motor Vehicles introduced by Chair Avila  
9:55:00 AM Explanation of Bill by Senator Collins  
9:55:39 AM Chair Avila with comments  
9:56:27 AM Amendment Barcode No. 854786 introduced by Chair Avila  
9:56:41 AM Explanation of Amendment by Senator Collins  
9:56:50 AM Chair Avila with comments  
9:57:33 AM Closure waived  
9:57:38 AM Amendment adopted  
9:57:45 AM Chair Avila with comments  
9:57:53 AM Questions  
9:58:00 AM Senator Davis  
9:58:04 AM Senator Avila

**9:58:52 AM** Senator Davis  
**9:58:55 AM** Senator Collins  
**9:59:40 AM** Senator Truenow  
**9:59:50 AM** Senator Collins  
**10:00:10 AM** Chair Avila with comments  
**10:00:31 AM** Closure waived  
**10:00:34 AM** Roll call  
**10:00:36 AM** CS/SB 1290 reported favorably  
**10:00:56 AM** Tab 7 SB 1292, Public Records/E-mail Addresses/DHSMV introduced by Chair Avila  
**10:01:12 AM** Explanation of Bill by Senator Collins  
**10:01:39 AM** Chair Avila with comments  
**10:01:50 AM** Closure waived  
**10:01:53 AM** Roll call  
**10:01:56 AM** SB 1292 reported favorably  
**10:02:15 AM** Tab 8 SB 1408, Transportation Facility Designations introduced by Chair Avila  
**10:02:26 AM** Explanation of Bill by Senator Collins  
**10:02:58 AM** Chair Avila with comments  
**10:04:08 AM** Senator Collins with closure  
**10:04:28 AM** Roll call  
**10:04:59 AM** SB 1408 reported favorably  
**10:05:10 AM** Tab 9, SB 1502, Special Mobile Equipment introduced by Chair Avila  
**10:05:28 AM** Explanation of Bill by Senator Collins  
**10:05:38 AM** Chair Avila with comments  
**10:06:26 AM** Questions  
**10:06:28 AM** Senator Truenow  
**10:06:33 AM** Senator Collins  
**10:06:49 AM** Senator Truenow  
**10:06:53 AM** Senator Collins  
**10:07:12 AM** Amendment Barcode No. 423002 introduced by Chair Avila  
**10:07:22 AM** Explanation of Amendment by Senator Collins  
**10:07:46 AM** Chair Avila with comments  
**10:07:50 AM** Question  
**10:07:52 AM** Senator Davis  
**10:07:56 AM** Senator Collins  
**10:08:23 AM** Chair Avila with comments  
**10:08:39 AM** Closure waived  
**10:08:42 AM** Amendment adopted  
**10:08:47 AM** Chair Avila with comments  
**10:08:58 AM** Questions  
**10:09:00 AM** Senator Davis  
**10:09:03 AM** Senator Collins  
**10:09:45 AM** Chair Avila with comments  
**10:10:17 AM** David Shepp, Florida Crane Owners Association  
**10:11:30 AM** Randall Reid, Florida Crane Owners Association  
**10:11:42 AM** Chair Avila with comments  
**10:11:56 AM** Senator Collins with closure  
**10:12:01 AM** Roll call  
**10:12:34 AM** CS/SB 1502 reported favorably  
**10:12:55 AM** Chair returned to Chair Collins  
**10:13:09 AM** Speaker Howard Moseley  
**10:23:48 AM** Chair Collins with comments  
**10:23:55 AM** Questions

**10:23:57 AM** Senator Truenow  
**10:24:23 AM** Howard Moseley  
**10:24:52 AM** Senator Truenow  
**10:24:56 AM** Howard Moseley  
**10:25:43 AM** Senator Truenow  
**10:26:12 AM** Howard Moseley  
**10:27:02 AM** Senator McClain  
**10:27:09 AM** Chair Collins  
**10:27:29 AM** Senator Moseley  
**10:27:38 AM** Senator Avila  
**10:27:43 AM** Howard Moseley  
**10:28:35 AM** Senator Avila  
**10:29:35 AM** Howard Moseley  
**10:29:47 AM** Senator Avila  
**10:29:51 AM** Howard Moseley  
**10:30:21 AM** Senator Avila  
**10:30:30 AM** Howard Moseley  
**10:31:35 AM** Senator Truenow  
**10:31:47 AM** Howard Moseley  
**10:32:26 AM** Senator Truenow  
**10:32:33 AM** Howard Moseley  
**10:34:49 AM** Senator Truenow  
**10:34:53 AM** Howard Moseley  
**10:35:32 AM** Howard Moseley  
**10:35:32 AM** Chair Collins with comments  
**10:35:32 AM** Senator Truenow  
**10:36:10 AM** Senator Wright moves to adjourn  
**10:36:17 AM** Meeting adjourned