

Tab 1	SB 532 by Ingoglia ; Identical to H 00445 Toll Payments				
Tab 2	SB 574 by Collins ; Identical to H 00313 Toll Exemptions for Purple Heart Medal Recipients				
787450	A	S	TR, Collins	Delete L.35:	03/24 12:19 PM
Tab 3	SB 1210 by Martin ; Similar to H 00699 Traffic Infractions Resulting in a Crash with Another Vehicle				
Tab 4	SB 1246 by Rodriguez ; Specialty License Plates/Save Coastal Wildlife				
151564	A	S	TR, Rodriguez	Delete L.29 - 42:	03/24 01:00 PM
Tab 5	SB 1378 by Arrington ; Compare to CS/H 00479 Leaving the Scene of a Crash Involving Only Damage to Vehicle or Property				
662394	A	S	TR, Arrington	Delete L.22 - 25:	03/24 11:43 AM
Tab 6	SB 1662 by Collins ; Similar to H 01397 Transportation				
Tab 7	SB 1696 by Calatayud ; Similar to CS/H 01525 Prearranged Transportation Services				
Tab 8	SB 1738 by Ingoglia ; Identical to H 00203 Transportation Concurrency				
Tab 9	SB 1820 by Leek ; Similar to CS/H 00429 Motor Vehicle Manufacturers and Dealers				
800490	D	S	TR, Leek	Delete everything after	03/24 12:26 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Collins, Chair
Senator Avila, Vice Chair

MEETING DATE: Tuesday, March 25, 2025
TIME: 4:00—6:00 p.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
1	SB 532 Ingoglia (Identical H 445)	Toll Payments; Exempting certain disabled veterans from the required payment of tolls for the use of toll facilities, etc. TR 03/25/2025 ATD FP	
2	SB 574 Collins (Identical H 313)	Toll Exemptions for Purple Heart Medal Recipients; Revising eligibility for toll exemptions to include operators displaying a Purple Heart specialty license plate or a Purple Heart special motorcycle license plate, etc. TR 03/25/2025 ATD FP	
3	SB 1210 Martin (Similar H 699)	Traffic Infractions Resulting in a Crash with Another Vehicle; Requiring the imposition of specified civil penalties and periods of driver license suspension on a person found at a mandatory hearing to have committed certain traffic infractions that resulted in a crash with another vehicle, in addition to any other penalties; requiring persons cited for specified infractions that result in a crash with another vehicle to appear at a certain mandatory hearing, etc. TR 03/25/2025 JU RC	
4	SB 1246 Rodriguez	Specialty License Plates/Save Coastal Wildlife; Directing the Department of Highway Safety and Motor Vehicles to develop a Save Coastal Wildlife license plate; specifying design elements for the plate; providing for distribution and use of fees collected from the sale of the plates, etc. TR 03/25/2025 ATD FP	

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, March 25, 2025, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1378 Arrington (Compare CS/H 479)	Leaving the Scene of a Crash Involving Only Damage to Vehicle or Property; Requiring that a person convicted of leaving the scene of a crash resulting only in damage to a vehicle or other property be ordered to make restitution, etc.	TR 03/25/2025 CJ RC
6	SB 1662 Collins (Similar H 1397, Compare H 567, H 1125, H 1185, H 1427, CS/S 110, CS/S 462, S 1694)	Transportation; Authorizing the Secretary of Transportation to appoint a specified number of assistant secretaries; creating the Florida Transportation Research Institute; requiring the department to distribute a certain amount from the proceeds of a specified tax to the State Transportation Trust Fund for a specified purpose; requiring seaports located in a specified county to include certain statements in any agreement with the department as a condition of receiving certain grants; requiring that a private airport of public interest obtain a certain certificate from the department before allowing aircraft operations, etc.	TR 03/25/2025 ATD AP
7	SB 1696 Calatayud (Similar CS/H 1525)	Prearranged Transportation Services; Prohibiting the impersonation of a transportation network company driver; providing that services purchased from a transportation network company are not considered privately owned or operated bus transit systems; requiring transportation service providers to provide certain drivers with access to certain training materials, etc.	TR 03/25/2025 CJ RC
8	SB 1738 Ingoglia (Identical H 203, S 1074)	Transportation Concurrency; Revising facilities required to be identified in the capital improvements element of a comprehensive plan that imposes transportation concurrency, etc.	CA 03/17/2025 Favorable TR 03/25/2025 RC

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, March 25, 2025, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	SB 1820 Leek (Similar CS/H 429)	Motor Vehicle Manufacturers and Dealers; Prohibiting an applicant or a licensee, or a common entity thereof, from establishing, implementing, or enforcing certain criteria for measuring the sales or service performance of its franchised motor vehicle dealers unless certain conditions are met; revising the circumstances in which a discontinuation, cancellation, nonrenewal, modification, or replacement of a franchise agreement is deemed unfair; deleting a provision requiring the Department of Highway Safety and Motor Vehicles to conduct inquiries of licensees relating to certain complaints made by certain motor vehicle dealer associations, etc. TR 03/25/2025 CM RC	

Other Related Meeting Documents

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: SB 532

INTRODUCER: Senator Ingoglia

SUBJECT: Toll Payments

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>ATD</u>	_____
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 532 provides a toll exemption for persons who have been determined to have a 100 percent disability rating for compensation by the United States Department of Veterans Affairs or who have been determined to have a service-connected disability rating of 100 percent and receives disability retirement pay from any branch of the United States Armed Services.

This bill will have a negative fiscal impact on state and local governments. *See* Section V., Fiscal Impact for details.

The bill takes effect July 1, 2025.

II. Present Situation:

Toll Facilities

The Florida Turnpike Enterprise, which is part of the Florida Department of Transportation (FDOT), operates the Florida Turnpike System with 515 centerline miles of limited-access toll facilities.¹ FDOT-owned toll facilities include Alligator Alley, the Pinellas Bayway System, the Sunshine Skyway Bridge, the Wekiva Parkway, and the Garcon Point Bridge.²

Other Florida entities operating toll facilities include, but are not limited to, the Central Florida Expressway Authority, the Greater Miami Expressway Agency, the Mid-Bay Bridge Authority,

¹ Florida Turnpike Enterprise, 2024 Comprehensive Annual Financial Report, p. 8. <https://floridasturnpike.com/wp-content/uploads/2024/12/FY%202024%20ACFR.pdf> (last visited March 20, 2025).

² Florida Department of Transportation, *Enterprise Toll Report*, https://floridasturnpike.com/wp-content/uploads/2024/07/2_Department-owned-Facilities.pdf (last visited March 20, 2025).

and the Tampa-Hillsborough County Expressway Authority. Other toll facilities are operated by Escambia County,³ Lee County,⁴ and Miami-Dade County.⁵

Payment of Tolls for the Use of a Toll Facility

Florida law requires FDOT to fix adjust, charge, and collect such tolls and amounts for the use of the Turnpike System as are required in order to provide a fund sufficient with other revenues of the Turnpike System to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the Turnpike System; and to create reserves for these purposes.⁶

Any person using a toll facility is required to pay the applicable toll, except for limited exceptions, which are:

- An employee of the toll agency on official state business.
- State military personnel while on official military business.
- A person with a disability that impairs his or her ability to deposit tolls into toll basket.
- A person exempt from toll payment by the authorizing resolution for bonds issued to finance the facility.
- A person exempt on a temporary basis when a toll facility is used as a detour route.
- A law enforcement officer operating an official vehicle while on official law enforcement business.
- A person operating a fire vehicle or a rescue vehicle while on official business.
- A person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty.⁷
- Any person driving a vehicle belonging to the Department of Military Affairs transporting military personnel, stores, and property.⁸
- As part of an emergency evacuation, when tolls are suspended by the Secretary of Transportation.⁹

The failure to pay a toll is a noncriminal traffic infraction, punishable as a moving violation.¹⁰ A toll violation has a mandatory fine of \$100 for each violation, plus the amount of unpaid tolls.¹¹ With additional fees, the penalty may be up to \$198, plus the amount of unpaid tolls.¹²

³ Visit Pensacola, <https://www.visitpensacola.com/plan-your-trip/getting-here/#jlget-around> (last visited March 21, 2025).

⁴ Lee County, *Lee County Tolls*, <https://www.leegov.com/tolls>, (last visited March 21, 2025).

⁵ Miami-Dade County, *Causeways*, https://www.miamidade.gov/global/service.page?Mduid_service=ser1684342734896148 (last visited March 21, 2025).

⁶ Section 338.231, F.S., Florida Department of Transportation (FDOT), Agency Analysis of 2025 House Bill 313 and Senate Bill 574, p. 2. *FDOT Analysis* (on file with Senate Committee on Transportation).

⁷ Section 338.155(1)(a), F.S.

⁸ Section 338.155(2), F.S.

⁹ Section 338.155(1)(b), F.S.

¹⁰ Section 338.155(1)(c), F.S.

¹¹ Section 318.18(7), F.S.

¹² Florida Clerk of Courts, *2024 Distribution Schedule*, p. 64, available at:

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2024_Distribution_Schedule_-_pdf (last visited February 12, 2025).

Payment of Tolls and Turnpike Bond Covenants

Florida law authorizes FDOT to borrow money as provided by the State Bond Act¹³ to finance the cost of any one or more legislatively approved Turnpike projects. The principal of, and the interest on, such bonds must be payable solely from revenues pledged for their repayment.¹⁴

In connection with the issuance of such bonds, the state has covenanted, in s. 338.229, F.S., to not limit or restrict the rights vested in the Department to establish and collect tolls for the use of the Turnpike System and otherwise fulfill the terms of any agreements with its bondholders. The State also covenanted not to impair the rights or remedies of FDOT's bondholders until the bonds are fully paid and discharged.¹⁵ Statutes creating the state's expressway authorities contain similar provisions.¹⁶

The Turnpike master bond resolution, originally adopted in 1988, and amended and restated in 2005 (Resolution), contains commitments by FDOT regarding funding and operation of the Turnpike System. Section 5.03 of the Resolution provides that the Resolution is a contract with the bondholders and is enforceable in court by the bondholders. The Resolution may not be amended in any way that affects "the unconditional promises of the Department to fix, maintain and collect Tolls for the use of the Turnpike System" without consent of all the holders of outstanding Turnpike bonds. FDOT has also issued bonds to fund capital improvements to Alligator Alley.¹⁷

Section 5.08 of the Resolution is entitled "No Free Use of Florida Turnpike." In that section, the FDOT covenanted that it "shall not allow or permit any free use of the Toll roads of the Florida Turnpike, except to officials or employees of the Department whose official duties in connection with the Florida Turnpike require them to travel over the Florida's Turnpike, or except as may be provided by laws in effect on the date of the adoption of this Resolution." The resolution under which the Alligator Alley bonds were sold contains a similar covenant regarding the use of Alligator Alley.¹⁸

Disabled Veteran

The Department of Veterans Affairs (VA) uses a disability rating system to determine the level of compensation for veterans with service-connected disabilities. These ratings range from 0 percent to 100 percent, with higher percentages indicating more severe disabilities and greater compensation. VA disability ratings are based on the impact of a veteran's service-connected conditions on their ability to work and perform daily activities. The rating system is designed to provide financial support to veterans whose earning capacity has been reduced due to their service-related injuries or illnesses.¹⁹

¹³ Sections 215.57 through 215.83, F.S.

¹⁴ Section 338.227(1), F.S. *FDOT Analysis* at 2.

¹⁵ Section 338.229, F.S., *FDOT Analysis* at 2.

¹⁶ *See* ss. 348.0313, 348.64, and 348.761, F.S.

¹⁷ *FDOT Analysis* at 2. Alligator Alley bonds are issue pursuant to s. 338.165(4), F.S.

¹⁸ *Id.*

¹⁹ Benefits.com, *What a 100 VA Disability Rating Means For Your Career*, <https://benefits.com/veterans-disability/100-va-rating-work/> (last visited March 21, 2025).

Among the benefits Florida offers a 100 percent disabled veteran are exemptions from certain driver license and state ID card fees, disabled veteran license plates, and with a disabled veteran license plate, free parking at publicly-owned airports.²⁰

III. Effect of Proposed Changes:

The bill exempts a person who has been determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100 percent disability rating for compensation or who has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services from paying tolls for the use of toll facilities.

To incorporate this toll exemption, the bill reenacts s. 316.1001, F.S., providing that failure to pay a toll is a noncriminal traffic infraction, punishable as a moving violation.

The bill does not specify how FDOT and other toll entities will implement this toll exemption.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Section 18(b) of the Florida Constitution provides that, except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. Under the bill, 100 percent disabled veterans would be exempt from paying to tolls all toll facilities in the state, including those operated by municipalities and counties.

However, the mandate requirements do not apply to laws having an insignificant fiscal impact, which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.^{21,22,23}

The Revenue Estimating Conference determined that the bill may reduce revenues of local governments by \$5.6 million beginning in Fiscal Year 2025-2026. If costs imposed by the bill exceed \$2.4 million, the mandates provisions may apply. If the bill does

²⁰ Florida Department of Veterans' Affairs, *Florida Veterans Benefits Guide 2025*, p. 13-15. <https://floridavets.org/wp-content/uploads/2012/08/FDVA-Benefits-Guide.pdf?v=2020r2> (last visited March 21, 2025).

²¹ FLA. CONST. art. VII, s. 18(d).

²² An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited March 21, 2025).

²³ Based on the Florida Demographic Estimating Conference's February 4, 2025, population forecast for 2025 of 23,332,606. The conference packet is available at: https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf (last visited March 21, 2025).

qualify as a mandate, in order to be binding upon cities and counties, the bill must be approved by a two-thirds vote of the membership of each house.

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:

Qualifying disabled veterans may experience a reduction in costs associated with no longer being required to pay tolls.

C. Government Sector Impact:

On February 14, 2025, the Revenue Estimating Conference adopted the following consensus estimate for this bill:²⁴

Fiscal Year	General Revenue - Recurring	State Trust- Recurring	Local - Recurring	Total – Recurring
2025-2026	\$0	(\$10.4 million)	(\$5.6 million)	(\$16.0 million)
2026-2027	\$0	(\$10.5 million)	(\$5.7 million)	(\$16.2 million)
2027-2028	\$0	(\$10.7 million)	(\$5.7 million)	(\$16.4 million)
2028-2029	\$0	(\$10.8 million)	(\$5.8 million)	(\$16.6 million)
2029-2030	\$0	(\$10.9 million)	(\$5.9 million)	(\$16.8 million)

²⁴ Revenue Estimating Conference, *2025 Revenue Impacts*, pp. 31-34. https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2025/_pdf/impact0214.pdf (last visited March 20, 2025).

FDOT estimates that it will see a negative indeterminate fiscal impact to recurring toll revenues. This negative impact on toll revenues will have a negative impact on the Turnpike's five-year capital plan.²⁵

FDOT also estimates an indeterminate increase in its operation and maintenance costs associated with implementing this toll exemption. Increase in operating costs would include providing a transponder at no cost to the recipients, certification and registration of eligible SunPass²⁶ account holders, system modifications for the program, and recurring administrative costs to monitor the program.²⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

FDOT has indicated that since the Turnpike System leverages its revenue to accelerate projects through issuance of revenue bonds, any reduction in revenue prompts a reduction in FDOT's Work Program and would require the FDOT's to remove transportation projects included in its current 5-year Work Program. It would also result in negative impacts on the economic feasibility of planned Turnpike projects. This reduction in toll revenue may prompt bond rating agencies to downgrade FDOT's credit rating, resulting in higher interest rates and increased borrowing costs and would also likely reduce FDOT's future bonding capacity.²⁸

The language does not provide clear steps to implement this toll exemption. Similar to other statutory toll exemptions, the Turnpike will need to determine and confirm eligibility for the Purple Heart toll exemption, develop an application and registration process, require proof that the driver maintains a valid driver's license in good standing, and issue a transponder.²⁹

The bill amends a section of law pertaining to the Turnpike, however toll collections for other toll facilities in the state are interoperable and indistinguishable to the traveler from the Turnpike. As written, it is unclear if the waiver is intended only for Turnpike facilities or all toll facilities in the state which extends the fiscal impact and bond covenant impairment to FDOT toll facilities, multiple expressway authorities, county and city toll facilities, and independent toll facilities.³⁰

VIII. Statutes Affected:

This bill substantially amends section 338.155 of the Florida Statutes.

This bill reenacts section 316.1001 of the Florida Statutes.

²⁵ *FDOT Analysis*, p. 4.

²⁶ SunPass is Florida's electronic toll transponder.

²⁷ *FDOT Analysis*, p. 4

²⁸ *Id.* at 5.

²⁹ *Id.*

³⁰ *Id.*

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Ingoglia

11-00396-25

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1 A bill to be entitled
 2 An act relating to toll payments; amending s. 338.155,
 3 F.S.; exempting certain disabled veterans from the
 4 required payment of tolls for the use of toll
 5 facilities; reenacting s. 316.1001(1), F.S., relating
 6 to the required payment of tolls on toll facilities
 7 and penalties, to incorporate the amendment made to s.
 8 338.155, F.S., in a reference thereto; providing an
 9 effective date.

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

11 Section 1. Paragraph (a) of subsection (1) of section
 12 338.155, Florida Statutes, is amended to read:

13 338.155 Payment of toll on toll facilities required;
 14 exemptions.—
 15 (1) (a) A person may not use a toll facility without payment
 16 of tolls, except:

17 1. An employee of the agency operating the toll project
 18 when using the toll facility on official state business.
 19 2. State military personnel while on official military
 20 business.
 21 3. A person with a disability as provided in subsection
 22 (3).
 23 4. A person exempt from toll payment by the authorizing
 24 resolution for bonds issued to finance the facility.
 25 5. A person exempt on a temporary basis where use of such
 26 toll facility is required as a detour route.
 27 6. A law enforcement officer operating an official vehicle
 28
 29

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

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30 while on official law enforcement business.
 31 7. A person operating a fire vehicle while on official
 32 business or a rescue vehicle while on official business.
 33 8. A person participating in the funeral procession of a
 34 law enforcement officer or firefighter killed in the line of
 35 duty.
 36 9. A person who has been determined by the United States
 37 Department of Veterans Affairs or its predecessor to have a
 38 service-connected 100-percent disability rating for compensation
 39 or who has been determined to have a service-connected
 40 disability rating of 100 percent and is in receipt of disability
 41 retirement pay from any branch of the United States Armed
 42 Services.

43 Section 2. For the purpose of incorporating the amendment
 44 made by this act to section 338.155, Florida Statutes, in a
 45 reference thereto, subsection (1) of section 316.1001, Florida
 46 Statutes, is reenacted to read:
 47 316.1001 Payment of toll on toll facilities required;
 48 penalties.—
 49 (1) A person may not use any toll facility without payment
 50 of tolls, except as provided in s. 338.155. Failure to pay a
 51 prescribed toll is a noncriminal traffic infraction, punishable
 52 as a moving violation under chapter 318.
 53 Section 3. This act shall take effect July 1, 2025.

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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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 574

INTRODUCER: Senator Collins

SUBJECT: Toll Exemptions for Purple Heart Medal Recipients

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Pre-meeting
2.			ATD	
3.			FP	

I. Summary:

SB 574 provides an exemption from paying tolls for a person operating a motor vehicle displaying a Purple Heart specialty license plate or a motorcycle displaying a Purple Heart special motorcycle license plate.

This bill will have a negative fiscal impact on state and local governments. *See* Section V., Fiscal Impact for details.

The bill takes effect July 1, 2025.

II. Present Situation:

Toll Facilities

The Florida Turnpike Enterprise, which is part of the Florida Department of Transportation (FDOT), operates the Florida Turnpike System with 515 centerline miles of limited-access toll facilities.¹ FDOT-owned toll facilities include Alligator Alley, the Pinellas Bayway System, the Sunshine Skyway Bridge, the Wekiva Parkway, and the Garcon Point Bridge.²

Other Florida entities operating toll facilities include, but are not limited to, the Central Florida Expressway Authority, the Greater Miami Expressway Agency, the Mid-Bay Bridge Authority,

¹ Florida Turnpike Enterprise, 2024 Comprehensive Annual Financial Report, p. 8. <https://floridasturnpike.com/wp-content/uploads/2024/12/FY%202024%20ACFR.pdf> (last visited March 20, 2025).

² Florida Department of Transportation, *Enterprise Toll Report*, https://floridasturnpike.com/wp-content/uploads/2024/07/2_Department-owned-Facilities.pdf (last visited March 20, 2025).

and the Tampa-Hillsborough County Expressway Authority, Escambia County,³ Lee County,⁴ and Miami-Dade County.⁵

Payment of Tolls for the Use of a Toll Facility

Florida law requires FDOT to fix adjust, charge, and collect such tolls and amounts for the use of the Turnpike System as are required in order to provide a fund sufficient with other revenues of the Turnpike System to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the Turnpike System; and to create reserves for these purposes.⁶

Any person using a toll facility is required to pay the applicable toll, except for limited exceptions, which are:

- An employee of the toll agency on official state business.
- State military personnel while on official military business.
- A person with a disability that impairs his or her ability to deposit tolls into toll basket.
- A person exempt from toll payment by the authorizing resolution for bonds issued to finance the facility.
- A person is exempt on a temporary basis when a toll facility is used as a detour route.
- A law enforcement officer operating an official vehicle while on official law enforcement business.
- A person operating a fire vehicle or a rescue vehicle while on official business.
- A person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty.⁷
- Any person driving a vehicle belonging to the Department of Military Affairs transporting military personnel, stores, and property.⁸
- As part of an emergency evacuation, when tolls are suspended by the Secretary of Transportation.⁹

The failure to pay a toll is a noncriminal traffic infraction, punishable as a moving violation.¹⁰ A toll violation has a mandatory fine of \$100 for each violation, plus the amount of unpaid tolls.¹¹ With additional fees, the penalty may be up to \$198, plus the amount of unpaid tolls.¹²

³ Visit Pensacola, <https://www.visitpensacola.com/plan-your-trip/getting-here/#jlget-around> (last visited March 21, 2025).

⁴ Lee County, *Lee County Tolls*, <https://www.leegov.com/tolls>, (last visited March 21, 2025).

⁵ Miami-Dade County, *Causeways*, https://www.miamidade.gov/global/service.page?Mduid_service=ser1684342734896148 (last visited March 21, 2025).

⁶ Section 338.231, F.S., Florida Department of Transportation (FDOT), Agency Analysis of 2025 House Bill 313 and Senate Bill 574, p. 2. *FDOT Analysis* (on file with Senate Committee on Transportation).

⁷ Section 338.155(1)(a), F.S.

⁸ Section 338.155(2), F.S.

⁹ Section 338.155(1)(b), F.S.

¹⁰ Section 338.155(1)(c), F.S.

¹¹ Section 318.18(7), F.S.

¹² Florida Clerk of Courts, *2024 Distribution Schedule*, p. 64, available at:

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2024_Distribution_Schedule_-_pdf (last visited February 12, 2025).

Payment of Tolls and Turnpike Bond Covenants

Florida law authorizes FDOT to borrow money as provided by the State Bond Act¹³ to finance the cost of any one or more legislatively approved Turnpike projects. The principal of, and the interest on, such bonds must be payable solely from revenues pledged for their repayment.¹⁴

In connection with the issuance of such bonds, the state has covenanted, in s. 338.229, F.S., to not limit or restrict the rights vested in FDOT to establish and collect tolls for the use of the Turnpike System and otherwise fulfill the terms of any agreements with its bondholders. The State also covenanted not to impair the rights or remedies of FDOT's bondholders until the bonds are fully paid and discharged.¹⁵ Statutes creating the state's expressway authorities contain similar provisions.¹⁶

The Turnpike master bond resolution, originally adopted in 1988, and amended and restated in 2005 (Resolution), contains commitments by FDOT regarding funding and operation of the Turnpike System. Section 5.03 of the Resolution provides that the Resolution is a contract with the bondholders and is enforceable in court by the bondholders. The Resolution may not be amended in any way that affects "the unconditional promises of the Department to fix, maintain and collect Tolls for the use of the Turnpike System" without consent of all the holders of outstanding Turnpike bonds. FDOT has also issued bonds to fund capital improvements to Alligator Alley.¹⁷

Section 5.08 of the Resolution is entitled "No Free Use of Florida Turnpike." In that section, the FDOT covenanted that it "shall not allow or permit any free use of the Toll roads of the Florida Turnpike, except to officials or employees of the Department whose official duties in connection with the Florida Turnpike require them to travel over the Florida's Turnpike, or except as may be provided by laws in effect on the date of the adoption of this Resolution." The resolution under which the Alligator Alley bonds were sold contains a similar covenant regarding the use of Alligator Alley.¹⁸

Purple Heart License Plates

The Purple Heart medal is presented to service members who have been wounded or killed as a result of enemy action while serving in the U.S. military. A Purple Heart is a solemn distinction and means a service member has greatly sacrificed themselves, or paid the ultimate price, while in the line of duty.¹⁹

Florida authorizes various military or veteran-related special license plates, including a special license plate for Purple Heart recipients. To receive the plate, one must apply to the Department

¹³ Sections 215.57 through 215.83, F.S.

¹⁴ Section 338.227(1), F.S. *FDOT Analysis* at 2.

¹⁵ Section 338.229, F.S., *FDOT Analysis* at 2.

¹⁶ *See* ss. 348.0313, 348.64, and 348.761, F.S.

¹⁷ *FDOT Analysis* at 2. Alligator Alley bonds are issue pursuant to s. 338.165(4), F.S.

¹⁸ *Id.*

¹⁹ USO, *9 Things You Need to Know About the Purple Heart Medal* <https://www.uso.org/stories/2276-8-purple-heart-facts> (last visited February 14, 2025).

of Highway Safety and Motor Vehicles (DHSMV), provide proof of being a Purple Heart medal recipient,²⁰ and pay the appropriate motor vehicle license tax. The Purple Heart special license plate is stamped with the words “Purple Heart” and has the likeness of the Purple Heart medal on the plate.²¹

Florida law also authorizes a Purple Heart special motorcycle license plate, issued in the same manner as the Purple Heart special license plate. The Purple Heart special motorcycle license plate is stamped with the term “Combat-wounded Veteran,” and has the term “Purple Heart” stamped on the plate and has the likeness of the Purple Heart medal appearing on the plate.²²

As of March 2025, there are 9,426 active Purple Heart license plate registrations in Florida.²³

III. Effect of Proposed Changes:

The bill exempts from toll payments a person operating a motor vehicle displaying a Purple Heart specialty license plate or a motorcycle displaying a Purple Heart special motorcycle license plate.

The bill does not specify how FDOT and other toll entities will implement this toll exemption.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Section 18(b) of the Florida Constitution provides that, except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. Under the bill, persons with a Purple Heart special license plate would not be required to pay tolls on any toll facilities, including those operated by municipalities and counties.

²⁰ A Purple Heart Medal recipient or un-remarried surviving spouse of a Purple Heart Medal recipient must provide proof from the U.S. Government of being a recipient of the Purple Heart Medal. Department of Highway Safety and Motor Vehicles, APPLICATION FOR MILITARY SERVICE-RELATED LICENSE PLATES, <https://www.flhsmv.gov/pdf/forms/83034.pdf> (last visited March 21, 2025).

²¹ Section 320.089(1)(a), F.S.

²² Section 320.0875, F.S.

²³ Department of Highway Safety and Motor Vehicles, *Specialty License Plates*, <https://www.flhsmv.gov/motor-vehicles-tags-titles/personalized-specialty-license-plates/specialty-license-plates/> (last visited March 19, 2025).

However, the mandate requirements do not apply to laws having an insignificant fiscal impact, which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.^{24,25,26} The Revenue Estimating Conference determined that the bill will reduce revenues to local governments by \$0.3 million beginning in Fiscal Year 2025-2026, which appears to be insignificant.

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:

Persons with the Purple Heart special license plate may experience a reduction in expenditures associated with no longer being required to pay tolls.

C. Government Sector Impact:

On February 14, 2025, the Revenue Estimating Conference adopted the following consensus estimate for this bill:²⁷

²⁴ FLA. CONST. art. VII, s. 18(d).

²⁵ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 7, 2025).

²⁶ Based on the Florida Demographic Estimating Conference's February 4, 2025, population forecast for 2025 of 23,332,606. The conference packet is available at: https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf (last visited Mar. 7, 2025).

²⁷ Revenue Estimating Conference, 2025 Revenue Impacts, pp. 34-37. <https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2025/pdf/impact0214.pdf> (last visited February 17, 2025).

Fiscal Year	General Revenue - Recurring	State Trust- Recurring	Local - Recurring	Total – Recurring
2025-2026	\$0	(\$0.5 million)	(\$0.3 million)	(\$0.8 million)
2026-2027	\$0	(\$0.5 million)	(\$0.3 million)	(\$0.8 million)
2027-2028	\$0	(\$0.5 million)	(\$0.3 million)	(\$0.8 million)
2028-2029	\$0	(\$0.5 million)	(\$0.3 million)	(\$0.8 million)
2029-2030	\$0	(\$0.5 million)	(\$0.3 million)	(\$0.8 million)

FDOT estimates that it will experience a negative indeterminate fiscal impact to recurring toll revenues. This negative impact on toll revenues will have a negative impact on the Turnpike’s five-year capital plan.²⁸

FDOT also estimates an indeterminate increase in its operation and maintenance costs associated with implementing this toll exemption. The increase in operating costs would include providing a transponder at no cost to the recipients, certification and registration of eligible SunPass²⁹ account holders, system modifications for the program, and recurring administrative costs to monitor the program.³⁰

VI. Technical Deficiencies:

The bill refers to a Purple Heart *specialty* license plate, which does not exist. However, Florida offers a Purple Heart *special* license plate, which is limited to Purple Heart recipients who provide the required documentation.

VII. Related Issues:

FDOT has indicated that since the Turnpike System leverages its revenue to accelerate projects through issuance of revenue bonds, any reduction in revenue prompts a reduction in FDOT’s Work Program and would require the FDOT’s to remove transportation projects included in its current five-year Work Program. It would also result in negative impacts on the economic feasibility of planned Turnpike projects. This reduction in toll revenue may prompt bond rating agencies to downgrade FDOT’s credit rating, resulting in higher interest rates and increased borrowing costs and would also likely reduce FDOT’s future bonding capacity.³¹

The language does not provide clear steps to implement this toll exemption. Similar to other statutory toll exemptions, the Turnpike will need to determine and confirm eligibility for the Purple Heart toll exemption, develop an application and registration process, require proof that the driver maintains a valid driver's license in good standing, and issue a transponder.³²

The bill amends a section of law pertaining to the Turnpike, however toll collections for other toll facilities in the state are interoperable and indistinguishable to the traveler from the

²⁸ *FDOT Analysis*, p. 4.

²⁹ SunPass is Florida’s electronic toll transponder.

³⁰ *FDOT Analysis*, p.4.

³¹ *Id.* at 5.

³² *Id.*

Turnpike. As written, it is unclear if the waiver is intended only for Turnpike facilities or all toll facilities in the state which extends the fiscal impact and bond covenant impairment to the Department of Transportation toll facilities, multiple expressway authorities, county and city toll facilities, and independent toll facilities.³³

VIII. Statutes Affected:

This bill substantially amends section 338.155 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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

³³ *Id.*



787450

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Transportation (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete line 35

and insert:

Heart special license plate or a motorcycle displaying a

===== 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:



787450

11

displaying a Purple Heart special license plate or a

By Senator Collins

14-00696A-25

2025574__

1 A bill to be entitled
 2 An act relating to toll exemptions for Purple Heart
 3 medal recipients; amending s. 338.155, F.S.; revising
 4 eligibility for toll exemptions to include operators
 5 displaying a Purple Heart specialty license plate or a
 6 Purple Heart special motorcycle license plate;
 7 providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Paragraph (a) of subsection (1) of section
 12 338.155, Florida Statutes, is amended to read:
 13 338.155 Payment of toll on toll facilities required;
 14 exemptions.—
 15 (1)(a) A person may not use a toll facility without payment
 16 of tolls, except:
 17 1. An employee of the agency operating the toll project
 18 when using the toll facility on official state business.
 19 2. State military personnel while on official military
 20 business.
 21 3. A person with a disability as provided in subsection
 22 (3).
 23 4. A person exempt from toll payment by the authorizing
 24 resolution for bonds issued to finance the facility.
 25 5. A person exempt on a temporary basis where use of such
 26 toll facility is required as a detour route.
 27 6. A law enforcement officer operating an official vehicle
 28 while on official law enforcement business.
 29 7. A person operating a fire vehicle while on official

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14-00696A-25

2025574__

30 business or a rescue vehicle while on official business.
 31 8. A person participating in the funeral procession of a
 32 law enforcement officer or firefighter killed in the line of
 33 duty.
 34 9. A person operating a motor vehicle displaying a Purple
 35 Heart specialty license plate or a motorcycle displaying a
 36 Purple Heart special motorcycle license plate.
 37 Section 2. This act shall take effect July 1, 2025.

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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: SB 1210

INTRODUCER: Senator Martin

SUBJECT: Traffic Infractions Resulting in a Crash with Another Vehicle

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

SB 1210 requires a mandatory hearing for a person cited for running a red light or a stop sign which resulted in a crash with another vehicle. For a first offense, there is a civil penalty of \$500, in addition to other penalties. For a second offense, there is a civil penalty of \$1,000, in addition to any other penalties, and the person's driver license must be suspended for six months. For a third or subsequent infraction, there is a civil penalty of \$1,000, in addition to any other penalties, and the person's driver license must be suspended for one year.

The bill requires persons found to have run a red light or stop sign resulting in a crash with another vehicle to carry the same additional insurance as is required for convictions and certain pleas relating to driving under the influence.

The bill has a fiscal impact on both state and local governments. *See* Section V., Fiscal Impact Statement for details.

This bill takes effect October 1, 2025.

II. Present Situation:

Requirements for Vehicles to Stop

Florida law requires the driver of any vehicle to obey the instructions of any applicable official traffic control device unless otherwise directed by a police officer.¹ A violation is a noncriminal

¹ Section 316.074(1), F.S. There are also exceptions granted to drivers of authorized emergency vehicles.

traffic infraction, punishable as a moving violation.² The statutory base fine is \$60,³ but with additional fees and surcharges, the total penalty may be up to \$159.⁴

Florida law also requires that the driver of a vehicle approaching an intersection with a stop sign to stop before entering the intersection.⁵ A violation is a noncriminal traffic infraction, punishable as a moving violation. The statutory base fine is \$60,⁶ but with additional fees and surcharges, the total penalty may be up to \$159.⁷

Traffic Infractions Requiring a Mandatory Hearing

Any person cited for any traffic infraction listed below must appear before a designated official for a hearing:

- Any infraction which results in a crash that causes the death of another;
- Any infraction which results in a crash that causes serious bodily injury⁸ of another;
- Any infraction of passing a school bus on the side of the bus where children enter or exit the bus while the bus is displaying a stop signal;⁹
- Any infraction related to unsecured loads;¹⁰ or
- Any speeding infraction involving exceeding the speed limit by 30 mph or more.^{11,12}

Motor Vehicle Insurance Requirements – Driving Under the Influence

Section 324.023, F.S., provides that in addition to any other statutory insurance requirement, every owner or operator of a motor vehicle, and who, regardless of adjudication of guilt, has been found guilty of or entered a plea of guilty or nolo contendere to driving under the influence¹³ must establish and maintain insurance or other ability to respond in damages for liability on account of motor vehicle accidents of:

- \$100,000 for bodily injury to, or death of, one person in any one crash;
- \$300,000 because of bodily injury to, or death of, two or more persons in any one crash; and
- \$50,000 in property damage in any one crash.

² Section 316.074(6), F.S.

³ Section 318.18(3)(a), F.S.,

⁴ Florida Association of Clerks of Court, 2024 Distribution Schedule, p. 48.

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2024_Distribution_Schedule_-_pdf
(last visited March 19, 2025).

⁵ Section 316.123(2)(a), F.S. There is an exception for when directed to proceed by a police officer or a traffic control signal.

⁶ Section 318.18(3)(a), F.S.,

⁷ Florida Association of Clerks of Court, 2024 Distribution Schedule, p. 48.

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2024_Distribution_Schedule_-_pdf
(last visited March 19, 2025).

⁸ Section 316.1933(1)(b), F.S., defines the term “serious bodily injury” to mean an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

⁹ Section 316.172(1)(b), F.S.

¹⁰ Sections 316.520(1) and (2), F.S.

¹¹ Sections 316.183(2), s. 316.187, or s. 316.189, F.S.

¹² Section 318.19, F.S.

¹³ Section 316.193, F.S. This provision applies to convictions and pleas after October 1, 2007.

These higher insurance limits must be carried for a minimum of three years. If such person has not been convicted of driving under the influence or a felony traffic offense for a period of three years from the date of reinstatement of his or her driving privileges for the driving under the influence offense, the owner or operator is no longer subject to these additional insurance requirements.¹⁴

Relevant Crash Data

The Department of Highway Safety and Motor Vehicles’ (DHSMV) crash report database identified the following type and number of crashes in 2023 related to running red lights or stop signs:¹⁵

First Driver Action	Crashes with Fatalities	Crashes with Incapacitating Injuries	Crashes with Non-Incapacitating Injuries	Crashes with Possible Injuries	Crashes with No Injuries	Total Crashes
Ran Red Light	84	681	6,067	7,889	30,324	33,045
Ran Stop Sign	57	422	2,063	4,065	12,962	19,569
Total	141	1,103	8,130	11,954	43,286	52,614

III. Effect of Proposed Changes:

The bill requires a mandatory hearing for the offense of running a red light or a stop sign resulting in a crash with another vehicle.¹⁶

The bill provides that if a person is required to appear before a designated official and has been found to have committed the infraction of running a red light or a stop sign resulting in a crash with another vehicle, the designated official must impose a civil penalty of:

- For a first infraction, \$500 in addition to any other penalties.
- For a second infraction, \$1,000 in addition to any other penalties and the person’s driver license must be suspended for six months.
- For a third or subsequent offense, \$1,000 in addition to any other penalties and the person’s driver license must be suspended for one year.

The bill requires persons found to have committed such infractions to maintain the same insurance as is currently required for convictions and certain pleas for driving under the influence for a minimum of three years.

This bill takes effect October 1, 2025.

¹⁴ Section 324.023, F.S.

¹⁵ Department of Highway Safety and Motor Vehicles, *2023 Crash Report*, p. 32 https://www.flhsmv.gov/pdf/crashreports/crash_facts_2023.pdf (last visited March 19, 2025).

¹⁶ Section 316.003(109), F.S., defines the term “vehicle” to mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks.

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:

Drivers who violate the provisions of the bill will experience a negative fiscal impact associated with increased penalties and additional insurance requirements. There may also be additional indeterminate economic costs associated with driver license suspensions.

C. Government Sector Impact:

State and local governments will experience an indeterminate positive fiscal impact as a result of the additional revenues associated with the enhanced civil penalties provided for in the bill.

There may be an indeterminate negative fiscal impact on the court system due to the significant number of additional mandatory hearings that would be required by the bill.

VI. Technical Deficiencies:

On line 116, there may need to be an “or” added at the end of that line.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 318.14, 318.19, and 324.023.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Martin

33-01746A-25

20251210__

A bill to be entitled

An act relating to traffic infractions resulting in a crash with another vehicle; amending s. 318.14, F.S.; requiring the imposition of specified civil penalties and periods of driver license suspension on a person found at a mandatory hearing to have committed certain traffic infractions that resulted in a crash with another vehicle, in addition to any other penalties; amending s. 318.19, F.S.; requiring persons cited for specified infractions that result in a crash with another vehicle to appear at a certain mandatory hearing; amending s. 324.023, F.S.; requiring certain owners and operators of motor vehicles to establish and maintain the ability to respond in damages for liability on account of certain accidents; providing an effective date.

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

Section 1. Subsection (5) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(5) Any person electing to appear before the designated official or who is required to appear is ~~shall be~~ deemed to have waived his or her right to the civil penalty provisions of s. 318.18. The official, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the official

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may impose a civil penalty not to exceed \$500, except that in cases involving unlawful speed in a school zone or involving unlawful speed in a construction zone, the civil penalty may not exceed \$1,000; or require attendance at a driver improvement school, or both. If the person is required to appear before the designated official pursuant to s. 318.19(1) and is found to have committed the infraction, the designated official must ~~shall~~ impose a civil penalty of \$1,000 in addition to any other penalties and the person's driver license shall be suspended for 6 months. If the person is required to appear before the designated official pursuant to s. 318.19(1) and is found to have committed the infraction against a vulnerable road user as defined in s. 316.027(1), the designated official must ~~shall~~ impose a civil penalty of not less than \$5,000 in addition to any other penalties, the person's driver license must ~~shall~~ be suspended for 1 year, and the person must ~~shall~~ be required to attend a department-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway as provided in s. 322.0261(2). If the person is required to appear before the designated official pursuant to s. 318.19(2) and is found to have committed the infraction, the designated official must ~~shall~~ impose a civil penalty of \$500 in addition to any other penalties and the person's driver license must ~~shall~~ be suspended for 3 months. If the person is required to appear before the designated official pursuant to s. 318.19(2) and is found to have committed the infraction against a vulnerable road user as defined in s. 316.027(1), the designated official must ~~shall~~ impose a civil penalty of not less than \$1,500 in addition to any other penalties, the

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59 person's driver license ~~must shall~~ be suspended for 3 months,
 60 and the person ~~must shall~~ be required to attend a department-
 61 approved driver improvement course relating to the rights of
 62 vulnerable road users relative to vehicles on the roadway as
 63 provided in s. 322.0261(2). If the person is required to appear
 64 before the designated official pursuant to s. 318.19(6) and is
 65 found to have committed an infraction of s. 316.074(1) or s.
 66 316.123(2) which resulted in a crash with another vehicle as
 67 defined in s. 316.003, the designated official must impose a
 68 civil penalty of \$500 in addition to any other penalties. If the
 69 person is required to appear before the designated official
 70 pursuant to s. 318.19(6) for an infraction and is found to have
 71 committed a second infraction of s. 316.074(1) or s. 316.123(2)
 72 which resulted in a crash with another vehicle as defined in s.
 73 316.003, the designated official must impose a civil penalty of
 74 \$1,000 in addition to any other penalties and the person's
 75 driver license must be suspended for 6 months. If the person is
 76 required to appear before the designated official pursuant to s.
 77 318.19(6) for an infraction and is found to have committed a
 78 third or subsequent infraction of s. 316.074(1) or s. 316.123(2)
 79 which resulted in a crash with another vehicle as defined in s.
 80 316.003, the designated official must impose a civil penalty of
 81 \$1,000 in addition to any other penalties and the person's
 82 driver license must be suspended for 1 year. If the official
 83 determines that no infraction has been committed, no costs or
 84 penalties may shall be imposed and any costs or penalties that
 85 have been paid ~~must shall~~ be returned. Moneys received from the
 86 mandatory civil penalties imposed pursuant to this subsection
 87 upon persons required to appear before a designated official

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20251210__

88 pursuant to s. 318.19(1) or (2) shall be remitted to the
 89 Department of Revenue and deposited into the Department of
 90 Health Emergency Medical Services Trust Fund to provide
 91 financial support to certified trauma centers to assure the
 92 availability and accessibility of trauma services throughout the
 93 state. Funds deposited into the Emergency Medical Services Trust
 94 Fund under this section shall be allocated as follows:
 95 (a) Fifty percent shall be allocated equally among all
 96 Level I, Level II, and pediatric trauma centers in recognition
 97 of readiness costs for maintaining trauma services.
 98 (b) Fifty percent shall be allocated among Level I, Level
 99 II, and pediatric trauma centers based on each center's relative
 100 volume of trauma cases as calculated using the hospital
 101 discharge data collected pursuant to s. 408.061.
 102 Section 2. Section 318.19, Florida Statutes, is amended to
 103 read:
 104 318.19 Infractions requiring a mandatory hearing.—Any
 105 person cited for the infractions listed in this section does
 106 ~~shall~~ not have the provisions of s. 318.14(2), (4), and (9)
 107 available to him or her but must appear before the designated
 108 official at the time and location of the scheduled hearing:
 109 (1) Any infraction which results in a crash that causes the
 110 death of another;
 111 (2) Any infraction which results in a crash that causes
 112 "serious bodily injury" of another as defined in s. 316.1933(1);
 113 (3) Any infraction of s. 316.172(1)(b);
 114 (4) Any infraction of s. 316.520(1) or (2); ~~or~~
 115 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 116 316.189 of exceeding the speed limit by 30 mph or more;

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117 (6) Any infraction of s. 316.074(1) or s. 316.123(2) which
 118 results in a crash with another vehicle as defined in s.
 119 316.003.

120 Section 3. Section 324.023, Florida Statutes, is amended to
 121 read:

122 324.023 Financial responsibility for bodily injury or
 123 death.—

124 (1) In addition to any other financial responsibility
 125 required by law, every owner or operator of a motor vehicle that
 126 is required to be registered in this state, or that is located
 127 within this state, and who:—

128 (a) Regardless of adjudication of guilt, has been found
 129 guilty of or entered a plea of guilty or nolo contendere to a
 130 charge of driving under the influence under s. 316.193 after
 131 October 1, 2007; or

132 (b) Is found to have committed an infraction of s.
 133 316.074(1) or s. 316.123(2) which resulted in a crash with
 134 another vehicle as defined in s. 316.003,

135 shall, by one of the methods established in s. 324.031(1) or
 136 (2), establish and maintain the ability to respond in damages
 137 for liability on account of accidents arising out of the use of
 138 a motor vehicle in the amount of \$100,000 because of bodily
 139 injury to, or death of, one person in any one crash and, subject
 140 to such limits for one person, in the amount of \$300,000 because
 141 of bodily injury to, or death of, two or more persons in any one
 142 crash and in the amount of \$50,000 because of property damage in
 143 any one crash. If the owner or operator chooses to establish and
 144 maintain such ability by furnishing a certificate of deposit
 145

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20251210__

146 pursuant to s. 324.031(2), such certificate of deposit must be
 147 at least \$350,000. Such higher limits must be carried for a
 148 minimum period of 3 years.

149 (2) If ~~an~~ the owner or operator required to establish and
 150 maintain such ability under paragraph (1) (a) has not been
 151 convicted of driving under the influence or a felony traffic
 152 offense for a period of 3 years from the date of reinstatement
 153 of driving privileges for a violation of s. 316.193, the owner
 154 or operator is ~~shall be~~ exempt from this section.

155 Section 4. This act shall take effect October 1, 2025.

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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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1246

INTRODUCER: Senator Rodriguez

SUBJECT: Specialty License Plates/Save Coastal Wildlife

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Pre-meeting
2.			ATD	
3.			FP	

I. Summary:

SB 1246 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create a new specialty license plate for Save Coastal Wildlife. The annual use fee for the plate is \$25.

Proceeds of the sale of the Save Coastal Wildlife specialty license plate will be distributed to the Zoo Miami Foundation, Inc., for conservation of imperiled coastal wildlife and ecosystems in this state through field conservation and mission focused research.

The DHSMV has not submitted a bill analysis for SB 1246 but based on similar specialty license plate bill analyses submitted for the 2024-2025 Legislative Session, the fiscal impact associated with the bill is \$8,280.

The bill takes effect October 1, 2025.

II. Present Situation:

Zoo Miami Foundation, Inc.

Zoo Miami Foundation, Inc. is a Florida not-for-profit corporation registered with the Florida Department of State.¹ According to the Foundation's website: "Zoo Miami Foundation is fueled by the generosity of individuals, corporations, foundations, and government entities; the Zoo Miami Foundation offers robust Learning Experience programs, supports vital conservation efforts, and funds essential capital projects that enhance animal welfare and visitor experiences at Zoo Miami."² With one of the largest membership bases in South Florida, Zoo Miami Foundation

¹ Florida Department of State: Division of Corporations, *Zoo Miami Foundation, Inc.* Sunbiz.org, Document number 726093 (March 19, 2025).

² Zoo Miami Foundation, [Zoo Miami Foundation | Zoo Miami](#), (last visited March 19, 2025).

continues to make a significant impact, educating and inspiring the community to take action in conservation efforts.”³

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.⁴ 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.⁵

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.⁶

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.⁷ 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.⁸

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.⁹

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 135.¹⁰

³ *Id.*

⁴ 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.

⁵ Section 320.08058, F.S.

⁶ 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.

⁷ 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.

⁸ Section 320.08053(2)(b), F.S.

⁹ Section 320.08053(3)(a), F.S.

¹⁰ Section 320.08053(3)(b), F.S.

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.¹¹ 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.¹²

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.¹³ 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.¹⁴

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.¹⁵ 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.¹⁶

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.¹⁷

¹¹ Section 320.08056(10)(a), F.S.

¹² 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.

¹³ Section 320.08056(10)(a), F.S.

¹⁴ Section 320.08056(11), F.S.

¹⁵ Section 320.08056(8)(a), F.S.

¹⁶ Section 320.08056(8)(b), F.S.

¹⁷ Chapter 2020-181, s. 7, Laws of Fla.

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 Save Coastal Wildlife. 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 “Save Coastal Wildlife” at the bottom of the plate.

Proceeds of the sale of the Save Coastal Wildlife specialty license plate will be distributed to the Zoo Miami Foundation, Inc. The organization may use up to 15 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 as follows:

- 85 percent must be used to maintain programs at the Marjory Stoneman Douglas Institute at Zoo Miami which conserves imperiled coastal wildlife and ecosystems.
- 15 percent must be distributed to eligible Florida-based nonprofit organizations to conserve native-imperiled coastal wildlife and ecosystems.

The Auditor General may examine any records of the Zoo Miami Foundation and any other organization that receives funds from the sale of the plate to determine compliance with the law.

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 plate is produced, the Zoo Miami Foundation, Inc., will receive the annual use fees associated with sales of the plate.

C. Government Sector Impact:

The DHSMV has not submitted a bill analysis for SB 1246 but based on similar specialty license plate bill analyses submitted for the 2024-2025 Legislative Session, the fiscal impact associated with the bill is \$8,280.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill authorizes the recipient organization to use 15 percent of the funds for administrative costs for marketing the plate. Organizations that receive annual use fees from the sale of specialty license plates are generally allowed to use up to 10 percent of the proceeds received to do so.

The bill authorizes the Auditor General to examine any records of the Zoo Miami Foundation and any other organization that receives funds from the sale of the plate to determine compliance with the law. Section 320.08062, F.S., provides that all organizations that receive annual use proceeds from specialty license plates are subject to specified audit and attestation requirements.

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.)

None.

B. Amendments:

None.



151564

LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 29 - 42

and insert:

research. Up to 10 percent of the annual use fees may be used for costs associated with the design and creation of the license plate, annual administrative costs directly associated with the administration of the Save Coastal Wildlife program, and marketing of the license plate. Of the remaining funds:

1. Eighty-five percent must be used to maintain programs at



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11 the Marjory Stoneman Douglas Institute at Zoo Miami which
12 conserve imperiled coastal wildlife and ecosystems.

13 2. Fifteen percent must be distributed to eligible Florida-
14 based nonprofit organizations to conserve native imperiled
15 coastal wildlife and ecosystems.

16

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

18 And the title is amended as follows:

19 Delete lines 8 - 9

20 and insert:

21 providing an effective date.

By Senator Rodriguez

40-00701-25

20251246__

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 Save Coastal Wildlife license plate; specifying design elements for the plate; providing for distribution and use of fees collected from the sale of the plates; authorizing the Auditor General to examine certain records; 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) SAVE COASTAL WILDLIFE LICENSE PLATES.—

(a) The department shall develop a Save Coastal Wildlife 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 "Save Coastal Wildlife" must appear at the bottom of the plate. The plate must include the image of an American flamingo.

(b) The annual use fees from the sale of the plate must be distributed to the Zoo Miami Foundation, a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, for conservation of imperiled coastal wildlife and ecosystems in this state through field conservation and mission-focused research. Up to 15 percent of the annual use fees may be used

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40-00701-25

20251246__

for costs associated with the design and creation of the license plate, annual administrative costs directly associated with the administration of the Save Coastal Wildlife program, and marketing of the license plate. Of the remaining funds:

1. Eighty-five percent must be used to maintain programs at the Marjory Stoneman Douglas Institute at Zoo Miami which conserve imperiled coastal wildlife and ecosystems.

2. Fifteen percent must be distributed to eligible Florida-based nonprofit organizations to conserve native-imperiled coastal wildlife and ecosystems.

(c) The Auditor General may examine any records of the Zoo Miami Foundation and any other organization that receives funds from the sale of the plate to determine compliance with law.

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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1378

INTRODUCER: Senator Arrington

SUBJECT: Leaving the Scene of a Crash Involving Only Damage to Vehicle or Property

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Pre-meeting
2.			CJ	
3.			RC	

I. Summary:

SB 1378 requires a court to order a driver who is convicted of leaving the scene of a crash that resulted in damage to a vehicle or other property which is driven or attended by any person to make restitution to the vehicle or property owner for any damage caused by the driver's vehicle.

The bill does not appear to have a fiscal impact on state or local government. The bill may have an indeterminate positive fiscal impact on the private sector by requiring a court to order a driver who is convicted for unlawfully leaving the scene of a crash to make restitution for any damage that he or she caused to another person's vehicle or other property. *See* Section V., Fiscal Impact Statement for details.

This bill takes effect October 1, 2025.

II. Present Situation:

Duty to Give Information and Render Aid

Section 316.062, F.S., outlines a driver's duties to give information and render aid if he or she is involved in a crash resulting in personal injury, death, or property damage, including but not limited to:

- Giving his or her name, address, and the registration number of the vehicle he or she is driving to any person injured in such crash, or to the driver or occupant of or person attending any vehicle or other property damaged in the crash, or to any police officer at the scene of the crash or who is investigating the crash;
- Exhibiting his or her license or permit to drive, upon request and if available, to any such person or police officer specified above; and

- Rendering reasonable assistance to any injured person, including carrying such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or upon the injured person's request.

Crashes Involving Damage to Vehicle or Other Property

Under s. 316.061(1), F.S., the driver of any vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person must immediately stop such vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062, F.S., related to the duty to give information and render aid.

A person who violates s. 316.061(1), F.S., by leaving the scene of a crash involving damage to a vehicle or property which is attended by another person commits a second degree misdemeanor,¹ and must pay an additional fine of \$5, which is deposited in the Emergency Medical Services Trust Fund, which is used to improve and expand prehospital emergency medical services.²

Under s. 316.063(1), F.S., the driver of any vehicle which collides with, or is involved in a crash with, any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, must immediately stop and either locate and notify the operator or owner of the vehicle or other property of the driver's name and address and the registration number of the vehicle he or she is driving, or must securely attach in a conspicuous place in or on the vehicle or other property a written notice giving the driver's name and address and the registration number of the vehicle he or she is driving, and must notify the nearest office of a duly authorized police authority.

A person who violates s. 316.063(1), F.S., by leaving the scene of a collision or crash with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, commits a second degree misdemeanor.

Crash Involving Death or Personal Injuries

Under s. 316.027(2), F.S., the driver of a vehicle involved in a crash occurring on public or private property which results in death or personal injury to another person must immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and must remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062, F.S., related to the duty to give information and render aid.

¹ A second degree misdemeanor is punishable by up to six months in county jail and a \$500 fine. *See* .s. 775.082 and 775.083, F.S.

² Section 401.113, F.S.

A person who violates s. 316.027(2), F.S., by leaving the scene of a crash involving death or personal injuries commits a:

- Third degree felony,³ if the crash results in injury to a person other than serious bodily injury.⁴
- Second degree felony,⁵ if the crash results in serious bodily injury to a person.⁶
- First degree felony,⁷ if the crash results in the death of a person and must be sentenced to a four year mandatory minimum term of imprisonment.⁸

Notwithstanding the general requirements for restitution under s. 775.089(1)(a), F.S., the court must order a person who violates s. 316.027(2), F.S., to make restitution to the victim for any damage or loss unless the court finds clear and compelling reasons not to order the restitution.^{9,10} The Legislature added the restitution requirement to s. 316.027, F.S., in 2007.¹¹

Restitution

Unless a court finds clear and compelling reasons not to order restitution, s. 775.089(1)(a), F.S., requires a court to order a defendant to make restitution to a victim for damage or loss:

- Caused directly or indirectly by the defendant's offense; and
- Related to the defendant's criminal episode.

The Florida Supreme Court has interpreted s. 775.089(1)(a), F.S., to require any damage for which restitution is ordered to bear a significant relationship to, and be directly or indirectly caused by, the convicted offense.¹²

III. Effect of Proposed Changes:

The bill amends s. 316.061(1), F.S., requiring a court to order the driver of any vehicle who is convicted of leaving the scene of a crash that resulted in damage to a vehicle or other property which is driven or attended by any person to make restitution to the owner of such vehicle or other property for any damage that was caused by the driver's vehicle.

The bill takes effect October 1, 2025.

³ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. *See* ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

⁴ Section 316.027(2)(a), F.S.

⁵ A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. *See* ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

⁶ Section 316.207(2)(b), F.S.

⁷ A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. *See* ss. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

⁸ Section 316.027(2)(c), F.S.

⁹ Section 316.207(2)(d), F.S.

¹⁰ The court must also order payment to the Crimes Compensation Trust Fund (CCTF) under chapter 960, which covers expenses such as physical and mental health care and other compensable costs. Section 316.027(2), F.S., is the only leaving the scene offense that qualifies as a "crime" under s. 960.03(3)(b), F.S., and thus is the only leaving the scene offense for which a victim is eligible to receive an award from the CCTF and for which a court may order the defendant to pay restitution to the CCTF.

¹¹ Chapter 2007-211, Laws of Fla.

¹² *See, e.g., Glaubius v. State*, 688 So. 2d 913, 915 (Fla. 1997) (*citing State v. Williams*, *infra* note 12).

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:

Case Law Related to Leaving the Scene Offenses and Restitution

While a court is specifically required to order restitution for a leaving the scene violation that involves death or personal injury under s. 316.027(2), F.S., unless it finds a clear and compelling reason not to, neither s. 316.061, F.S., related to a crash involving damage to an *attended* vehicle or property, nor s. 316.063, F.S., related to a crash involving damage to an *unattended* vehicle or property, require a court to order restitution for a violation.

Prior to the Legislature enacting the requirement for a court to order restitution for a violation of s. 316.027, F.S., in 2007, the Florida Supreme Court had previously invalidated orders of restitution in leaving the scene offenses involving death and personal injury for lacking the required causation element. For example, the Florida Supreme Court had previously held that an order requiring a defendant to pay restitution after she was convicted of leaving the scene of an accident resulting in personal injury was improper because the damages arising from the accident were not caused by the act of *leaving the scene* of the accident, and therefore bore no relationship to the crime for which the defendant was convicted.¹³

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹³ *State v. Williams*, 520 So. 2d 276 (Fla. 1988). See also *Schuetz v. State*, 822 So.2d 1275, 1279 (Fla. 2002) (outlining cases about causation and restitution).

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on the private sector by requiring a driver who is convicted for unlawfully leaving the scene of a crash to make restitution for any damage that he or she caused to another person's vehicle or other property.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.061 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.



662394

LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Arrington) recommended the following:

Senate Amendment (with title amendment)

Delete lines 22 - 25

and insert:

punishable as provided in s. 775.082 or s. 775.083. The court may order a driver convicted of a violation of this section, who caused or otherwise contributed to the crash, to make restitution to the owner of a vehicle or other property damaged in the crash for any damage that was caused by the driver's



662394

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

12 And the title is amended as follows:

13 Delete lines 4 - 7

14 and insert:

15 s. 316.061, F.S.; authorizing a court to order a
16 driver convicted of leaving the scene of a crash to
17 make restitution for specified damage; providing an
18 effective date.

By Senator Arrington

25-01558-25

20251378__

1 A bill to be entitled
2 An act relating to leaving the scene of a crash
3 involving only damage to vehicle or property; amending
4 s. 316.061, F.S.; requiring that a person convicted of
5 leaving the scene of a crash resulting only in damage
6 to a vehicle or other property be ordered to make
7 restitution; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

11 Section 1. Subsection (1) of section 316.061, Florida
12 Statutes, is amended to read:

13 316.061 Crashes involving damage to vehicle or property.-

14 (1) The driver of any vehicle involved in a crash resulting
15 only in damage to a vehicle or other property which is driven or
16 attended by any person shall immediately stop such vehicle at
17 the scene of such crash or as close thereto as possible, and
18 shall forthwith return to, and in every event shall remain at,
19 the scene of the crash until he or she has fulfilled the
20 requirements of s. 316.062. A person who violates this
21 subsection commits a misdemeanor of the second degree,
22 punishable as provided in s. 775.082 or s. 775.083. A person
23 convicted of a violation of this subsection shall be ordered to
24 make restitution to the owner of a vehicle or other property
25 damaged in the crash for damage that was caused by his or her
26 vehicle. Notwithstanding any other provision of this section, \$5
27 shall be added to a fine imposed pursuant to this section, which
28 \$5 shall be deposited in the Emergency Medical Services Trust
29 Fund.

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25-01558-25

20251378__

30 Section 2. This act shall take effect October 1, 2025.

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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: SB 1662

INTRODUCER: Senator Collins

SUBJECT: Transportation

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 1662 addresses various provisions relating to transportation. Specifically, the bill:

- Provides position titles for the assistant secretaries of the Florida Department of Transportation (FDOT) and authorizes the Secretary of Transportation to appoint an Executive Director of Transportation Technology.
- Revises provisions regarding the qualifications of Florida Transportation Commission (FTC) members.
- Amends provisions regarding the FTC’s independence from FDOT.
- Requires the FTC to monitor any transit entity receiving public transit block grant funding.
- Creates the Florida Transportation Research Institute.
- Distributes \$6.25 million monthly in sales tax revenues to the State Transportation Trust Fund to offset the impact of electric vehicles on the State Highway System.
- Authorizes space-related and commercial shipbuilding projects to receive Florida Seaport Transportation and Economic Development (FSTED) funding.
- Requires seaports to submit semiannual reports to FDOT regarding their operations.
- Prohibits state funding to a seaport near certain spaceport territory unless it agrees not to if convert cargo areas to other uses.
- Repeals provisions regarding high-occupancy vehicle (HOV) lanes, including an HOV-lane related toll exemption.
- Authorizes the withholding of state funds to local jurisdictions for traffic signals not in compliance with FDOT’s uniform system for traffic control devices.
- Requires FDOT to certify private airports of public interest.
- Authorizes FDOT to fund certain non-transportation projects associated with spaceports.
- Requires airports to provide FDOT with the opportunity to use airport property as a staging area during certain declared states of emergency.
- Authorizes FDOT to inspect commercial airport facilities.

- Requires airports to submit annual maintenance reports to FDOT and authorizes FDOT to withhold capital improvement funds if an airport fails to perform routine maintenance.
- Authorizes FDOT to fund additional aviation-related workforce development projects.
- Makes nonhub airports subject to commercial service airport transparency and accountability requirements and amends such requirements for all commercial service airports.
- Requires commercial service airports to notify FDOT after receiving certain communications or directives from the federal government and following issues or incidents of concern.
- Codifies advanced air mobility into Florida law.
- Revises FDOT's authorization regarding public information and education campaigns.
- Revises FDOT's landscaping requirements.
- Authorizes FDOT to adopt rules to comply with federal disadvantaged business enterprise rules.
- Creates the Florida Transportation Academy, within FDOT, to coordinate with certain entities regarding workforce development.
- Authorizes FDOT to require the modification of an existing connection to a state road due to safety or operational concerns.
- Increases the size of a "small business" as it relates to FDOT's business development program.
- Repeals FDOT's disadvantaged business enterprise program.
- Authorizes FDOT to require a surety bond in an amount less than the awarded contract price.
- Prohibits camping on right-of-way of the State Highway System, except on the Florida National Scenic Trail with the appropriate permit.
- Prohibits FDOT from providing funds to transportation-related entities for projects or programs that are inconsistent with the energy policy of the state.
- Makes permanent the authorization for the chair and vice chair of the LBC to approve FDOT work program amendments in certain cases.
- Increases required annual allocations to the Small County Road Assistance Program and Small County Outreach Program.
- Repeals an obsolete report requirement related to electric vehicle charging infrastructure.
- Removes the LBC's approval of emergency loans from the State Infrastructure Bank.
- Revises and makes permanent FDOT's Strategic Intermodal System supply chain demands program.
- Revises and makes permanent the allocation of unused New Starts Transit funds to the Strategic Intermodal System.
- Revises the membership of the Jacksonville Transportation Authority's (JTA) governing body.
- Requires JTA to post on information on its website regarding on salaries, travel, and contracts and to follow FDOT's business development program.

The bill has an indeterminate fiscal impact on state and local governments as well as the private sector. *See* Section V. Fiscal Impact Statement for Details.

This 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:

Florida Department of Transportation (Section 1)

Present Situation

The Florida Department of Transportation (FDOT) is a decentralized agency headed by the Secretary of Transportation.¹ The secretary of may appoint up to three assistant secretaries who report to the secretary and perform such duties as the secretary assigns.² FDOT employs the following assistant secretaries: Engineering and Operations, Finance and Administration, and Strategic Development.³

Transportation Technology prioritizes technology projects to ensure enterprise coordination and management of technology and technology resources to deliver FDOT's core mission. Transportation Technology resources bolster safety and connectivity on Florida roadways by aligning technology and data; automating services; creating enterprise data and technology standards; and enhancing cybersecurity, mitigating risks resulting from emerging technologies.⁴

Effect of Proposed Changes

The bill authorizes the Secretary of Transportation to appoint three assistant secretaries: a Chief Operations Officer, a Chief Finance and Administration Officer, and a Chief Strategic Development Officer. The Secretary of Transportation may also appoint an Executive Director of Transportation Technology. These positions are included in Senior Management Service and are exempt from the Career Service System.⁵

Florida Transportation Commission (Section 1)

Present Situation

The Florida Transportation Commission (FTC) is a nine-member citizen's oversight board for FDOT and expressway and regional transportation authorities. While FTC is assigned to FDOT for administrative and fiscal accountability purposes, it is independent of FDOT. Each FTC member, who must have private sector business managerial experience, is appointed by the Governor, subject to Senate confirmation.⁶ The FTC's budget, which is not subject to change by

¹ Section 20.23, F.S.

² Section 20.23(1)(d), F.S.

³ Florida Department of Transportation (FDOT) Organizational Chart, February 2025. Available at: <https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/humanresources/documents/fdotorganizationchart.pdf> (last visited March 3, 2025).

⁴ FDOT, Office of Transportation Technology, <https://www.fdot.gov/technology/default.shtm> (last visited March 3, 2025).

⁵ This is pursuant to s. 110.205(2)(j), F.S.

⁶ Florida Transportation Commission (FTC), *Summary of Organization and Responsibilities*, <http://www.ftc.state.fl.us/aboutus.shtm> (last visited March 5, 2025). The FTC is codified in s. 20.23(2), F.S.

FDOT, is submitted to the Governor with FDOT's budget.⁷ FDOT must submit to the FTC its major transportation policy initiatives or revisions for review.⁸

FTC commissioners are prohibited from, while serving on the FTC and for two years after leaving the FTC, having any direct or indirect interest in any contract, franchise, privilege, or other benefit granted or awarded by FDOT.⁹

Among its statutorily required duties, the FTC must monitor the efficiency, productivity, and management legislatively-created expressway and transit authorities, including, the Greater Miami-Expressway Agency, the Tampa-Hillsborough County Expressway Authority, the Central Florida Expressway Authority, the Jacksonville Transportation Authority, the Mid-Bay Bridge Authority, South Florida Regional Transportation Authority, and the Central Florida Regional Transportation Authority. The FTC must also periodically review each of these entities' operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.¹⁰

For purposes the Standards of Conduct for Public Officers, the term "public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.¹¹ These standards of conduct include provisions relating to the solicitation or acceptance of gifts, doing business with one's agency, unauthorized compensation, salary and expenses, misuse of public position, conflicting employment or contractual relationships, the disclosure or use of certain information, and postemployment restrictions.¹²

FDOT administers a public transit block grant program, which provides grant funds to public transit providers¹³ in urbanized areas. Costs for which public transit block grants may be used for capital projects, service development and transit corridor projects, and operations.¹⁴

Effect of Proposed Changes

The bill repeals the statutory requirement that each FTC member possess private-sector business experience. In its place, the bill requires at least three FTC members to be representatives of or possess expertise in the higher education, transportation, or workforce development industries.

The bill removes the statutory provisions that the FTC functions independently of FDOT and that the FTC's budget is not subject to change by FDOT. The bill also repeals the requirement that FDOT submit major transportation policy initiatives or revisions to the FTC for review.

⁷ Section 20.23(2)(i), F.S.

⁸ Section 20.23(3)(a), F.S.

⁹ Section 20.23(2)(g), F.S.

¹⁰ Section 20.23(2)(b)8., F.S. These are the agencies and authorities created in chs. 343, 348, and 349, F.S., and ch. 2000-411, Laws of Fla.

¹¹ Section 112.313(1), F.S.

¹² Section 112.313, F.S.

¹³ Section 341.031(1), F.S., defines the term "public transit provider" to mean a public agency providing public transit service, including rail authorities created in ch. 343, F.S.

¹⁴ Section 341.052(2), F.S.

The bill removes the prohibition of FTC commissioners while serving on the FTC and for two years afterwards, from having any direct or indirect interest in any contract, franchise, privilege, or other benefit granted or awarded by FDOT. In its place, the bill requires FTC commissioners to follow the standards of conduct for public officers or employees.

The bill requires the FTC to monitor the efficiency, productivity, and management of any transit entity that receives public transit block grant funding.

Florida Transportation Research Institute (Section 1)

Present Situation

Florida's colleges and universities conduct various transportation-related research projects. Statutorily-created transportation research entities at Florida's public universities include the Center for Urban Transportation Research (CUTR)¹⁵ at the University of South Florida and the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab¹⁶ at the University of Florida.

Effect of Proposed Changes

The bill provides legislative findings that:

- The transportation industry is critical to Florida's economic future and the competitiveness of Florida's transportation industry depends upon the development and maintenance of a qualified workforce and cutting-edge research and innovation.
- Florida's transportation industry has varied and complex workforce needs ranging from technical and mechanical training to continuing education opportunities for workers with advanced degrees and certifications.
- The timely need also exists for coordinated research and innovation efforts to promote emerging technologies and innovative construction methods and tools to address alternative funding mechanisms.

The bill provides the Legislature's intent to support programs designed to address the workforce development needs of Florida's transportation industry.

The bill creates the Florida Transportation Research Institute (FTRI) as a consortium of higher education professionals. The FTRI's purpose is to drive cutting-edge research, innovation, transformational technologies, and breakthrough solutions to support workforce development efforts that contribute to Florida's transportation industry.

The FTRI reports to FDOT and is composed of members from the University of Florida, Indian River State College, the University of Central Florida, and Florida International University. FDOT must select a member to serve as the institute's administrative lead. FDOT must periodically assess the administrative lead's performance to ensure accountability and assess the attainment of performance goals.

¹⁵ The Center for Urban Transportation Research is codified in s. 334.065, F.S.

¹⁶ Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab is codified in s. 334.066, F.S.

The Secretary of Transportation must appoint a representative from FDOT to serve as FTRI's executive director. FDOT must coordinate with FTRI's members to adopt policies establishing its executive committee and mission statement.

FTRI may award grants that align with its purpose. Such grants may be directed to member and nonmember institutions with proven expertise relevant to the grant, including not-for-profit organization and institutes of higher education. FDOT may allocate funds to FTRI from the State Transportation Trust Fund (STTF). FTRI may expend such funds for its operations and programs to support research and innovation projects that provide solutions to Florida's transportation needs.

The FTRI must submit an annual report to the Secretary of Transportation and the FTC on its performance metrics. The report must include, but is not limited to, the expenditure of its allocated funds, ongoing and proposed research efforts, and the application and success of past research efforts.

FDOT's Areas of Program Responsibility (Section 1)

Present Situation

FDOT's areas of program responsibility are administration, planning, modal development, design, highway operations, right-of-way, transportation technology, information technology, motor carrier weight inspection, work program and budget, comptroller, statewide corridors, maintenance, forecasting and performance, emergency management, safety materials, infrastructure and innovation, permitting, and traffic operations.¹⁷

Effect of Proposed Changes

The bill adds "operational technology" FDOT's areas of program responsibility. The bill also changes "modal development" to "supply chain and modal development;" and "information systems" to "information technology."

Distribution of Sales Tax Revenues (Section 2)

Present Situation

Florida levies a six percent tax on the retail sale of most tangible personal property, admissions, transient lodgings and motor vehicles.¹⁸ However, the sales tax rate for non-residential electric services is at 4.35 percent.¹⁹ The Department of Revenue distributes sales tax proceeds to various state trust funds and to local governments, with any remaining sales tax proceeds distributed to the General Revenue Fund.²⁰

¹⁷ Section 20.23(3)(b), F.S.

¹⁸ Florida 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 March 5, 2025). Sales and use tax is codified in ch. 212, F.S.

¹⁹ *Id.* at 171, Section 212.05(1)(e).1.c., F.S.

²⁰ *Id.* at 173. Section 206.20(6), F.S.

Effect of Proposed Changes

The bill requires the Department of Revenue, beginning July 2025, and on or before the 25th day of each month, from the portion of the proceeds of the sales tax imposed on the commercial sale of electricity, to distribute \$6.25 million to the STTF. This transfer is to account for a portion of impact of electric and hybrid vehicles on the State Highway System.

Seaport Transportation and Economic Development (Sections 3 and 4)

Present Situation

Florida's seaports include Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.²¹

FDOT's Florida Seaport Transportation and Economic Development (FSTED) Council consists of the director, or the director's designee of each seaport, the Secretary of Transportation or his or her designee; and the Secretary of the Commerce or his or her designee.²² The FSTED Council may elect to provide administrative staffing, with the cost paid on a pro-rata basis by ports receiving FSTED Program funding.²³

The FSTED Council annually prepares its five-year Florida Seaport Mission Plan, providing its goals and objectives regarding the development of port facilities and an intermodal transportation system. The plan must include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost-effective development of transportation facilities or port facilities for the purpose of enhancing trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits.^{24, 25}

FDOT's FSTED Program finances port transportation seaport facilities projects to improve the movement and intermodal transportation of cargo or passengers and support the interests, purposes, and requirements of the ports.²⁶ FDOT must annually provide a minimum of \$25 million from the STTF to fund this program.²⁷

Projects eligible for FSTED Program funding include:

- Transportation facilities within the port.
- The dredging or deepening of channels, turning basins, or harbors.
- The construction or rehabilitation of certain port facilities.
- The acquisition of equipment used in the movement of cargo or passengers.
- The acquisition of land for port purposes.

²¹ Section 311.09(1), F.S.

²² Section 311.09(1), F.S.

²³ Section 311.09(11), F.S.

²⁴ Section 311.09(3), F.S.

²⁵ Section 311.09(3), F.S. A copy of the 2023-2024 Seaport Mission Plan is available at: <https://flaports.org/wp-content/uploads/Florida-SMP-2024-PRINT-V2.pdf> (last visited March 7, 2025).

²⁶ Section 311.07(1), F.S.

²⁷ Section 311.07(2), F.S.

- The acquisition, improvement, enlargement, or extension of existing port facilities.
- Environmental protection projects meeting specified requirements.
- Transportation facilities not otherwise included in FDOT's work program.
- Intermodal access projects.
- Construction or rehabilitation of port facilities in small ports under certain conditions.
- Seaport master plan or strategic plan development or updates.²⁸

Effect of Proposed Changes

The bill provides that the purpose of the FSTED Council is to support the growth of Florida's seaports through review, development, and financing of port transportation and port facilities.

The bill requires FDOT to provide administrative support to the FSTED Council on matters relating to the FSTED Program and the FSTED Council. The bill also repeals an existing statutory provision regarding the staffing of the FSTED Council.

The bill makes the following additional project types eligible for FSTED Project funding:

- Spaceport or space industry-related planning or construction of facilities on seaport property which are necessary or useful for advancing Florida's space industry and provide an economic benefit to this state.
- Commercial shipbuilding and manufacturing facilities, when such projects provide an economic benefit to this state.

The bill requires that the Florida Seaport Mission Plan include specific recommendations regarding the construction of transportation facilities connecting any port to the space or aerospace industries.

The bill requires each port member of the FSTED Council to submit a semiannual report to FDOT related to his or her port's operations and support of Florida's economic competitiveness and supply chain. Each report must include any information required by FDOT in consultation with the Department of Commerce. Reports must include, but are not limited to, the following:

- Bulk break capacity;
- Liquid storage and capacity;
- Fuel storage and capacity;
- Container capacity; and
- A description of any supply chain disruption.

Seaport Funding (Section 5)

Present Situation

In addition to the FSTED Program, ch. 311, F.S., relating to seaports, authorizes the following seaport-related funding programs:

- The Strategic Port Investment Initiative to fund port-related strategic investments.²⁹

²⁸ Section 311.07(3)(b), F.S.

²⁹ Section 311.10, F.S.

- The Seaport Employment Training Grant Program to provide grants to stimulate and support seaport training and employment programs.³⁰
- The Seaport Security Grant Program to assist seaports in implementing security plans and security measures.³¹

Section 215.31, F.S., describes the term “state funds” as revenue, including licenses, fees, imposts, or exactions collected or received under Florida law by each and every state official, office, employee, bureau, division, board, commission, institution, agency, or undertaking of the state or the judicial branch.

The following properties in Brevard County are included in Florida’s description of spaceport territory: Patrick Space Force Base, Cape Canaveral Space Force Station, John F. Kennedy Space Center, Space Coast Regional Airport, Space Coast Regional Airport Industrial Park, and Spaceport Commerce Park.³²

Effect of Proposed Changes

The bill provides that as a condition of receiving a project grant under any seaport program and as a condition of receiving state funds, a seaport located in a county identified in the description of certain spaceport territory, must include in any agreement with FDOT that the seaport may not convert any planned or existing land, facility, or infrastructure designated for cargo purposes unless it obtains express approval from the Secretary of Transportation and the Secretary of Commerce.

The bill defines the term “cargo purposes” to include, but is not limited to, a facility, activity, property, energy source, or infrastructure asset that support spaceport activities.

High-Occupancy Vehicle (HOV) Lanes (Section 6 and 44)

Present Situation

Florida law defines the term “high-occupancy-vehicle lane” or “HOV lane” to mean a lane of a public roadway designated for use by vehicles in which there is more than one occupant unless otherwise authorized by federal law.³³

Florida law authorizes hybrid and low-emission vehicles that federal minimum fuel economy standards to drive in the HOV lane at any time.³⁴

The Department of Highway Safety and Motor Vehicles (DHSMV) issues annual decals and registration certificates, reflecting the HOV lane designation, on vehicles authorized to drive in an HOV lane at any time. DHSMV may charge up to \$5 per decal but may not exceed its costs.

³⁰ Section 311.11, F.S.

³¹ Section 311.12(6), F.S.

³² Section 334.301(1) and (5), F.S.

³³ Section 316.0741(1)(a), F.S.

³⁴ S. 316.0741(4), F.S. The federal minimum fuel economy standards are in 23 U.S.C. s. 166(f)(3)(B),

This fee is deposited in the Highway Safety Operating Trust Fund.³⁵ According to DHSMV, as of March 7, 2025, there were 25,428 active HOV decals.³⁶

Florida law provides a toll exemption for the use of HOV toll lanes or express lanes by vehicles issued HOV decals and are registered to use HOV toll lanes or express lanes and issued HOV decals.³⁷ FDOT rules provide such a toll exemption for the I-95 Express lanes in Miami-Dade, Broward, and Palm Beach Counties.³⁸

Unlawfully driving in an HOV lane is punishable as a moving violation;³⁹ however, points are not assessed against a driver license for this violation.⁴⁰

Effect of Proposed Changes

The bill repeal s. 316.0741, F.S., repealing HOV lanes. This includes DHSMV's authority to issue HOV decals and authorization for FDOT to provide toll exemption for HOV toll lanes or express lanes for specified vehicles.

The bill removes a reference to HOV lanes in s. 322.27(3)(d), F.S., that provides that no points are assessed on a driver license for an HOV lane violation.

Uniform Signals and Devices (Section 7)

Present Situation

FDOT is required to adopt a uniform system of traffic control devices that must be used on Florida's streets and highways.⁴¹ All official traffic control signals or official traffic control devices purchased and installed by any public body or official must conform to FDOT's specifications.⁴² However, upon a showing of good cause, FDOT is authorized to permit traffic control devices not in conformity with its uniform system.⁴³

FDOT may, upon receiving and investigating a report of noncompliance and after a hearing, direct the removal of any traffic control device not meeting the uniform system. The public agency with authority over the traffic control device must immediately bring the device into compliance or remove the device. An additional violation of this provision is cause for withholding state funds for traffic control purposes until the public body or official demonstrates to FDOT that it is in compliance.⁴⁴

³⁵ Section 316.0741(5), F.S.

³⁶ Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, Re: SB 1662 HOV Lanes, March 11, 2025. (On file with Senate Committee on Transportation).

³⁷ Section 316.714(6), F.S.

³⁸ Rule 14-100.004, F.A.C.

³⁹ Section 316.0741(3), F.S.

⁴⁰ Section 322.27(3)(d)8., F.S.

⁴¹ Section 316.0745(1), F.S. Rule 14-15.010, F.A.C., incorporates, by reference, the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* into the Florida Administrative Code.

⁴² Section 316.0745(3), F.S.

⁴³ Section 316.0745(8), F.S.

⁴⁴ Section 316.0745(7), F.S.

Effect of Proposed Changes

The bill authorizes the withholding of state funds, not just state funds for traffic control purposes, for additional violations associated with uniform system for signals and devices. This withholding of state funds is until the public body or official demonstrates to FDOT that it is in compliance with the uniform system.

Florida Airport Licensing Law (Sections 8 and 9)

Present Situation

The Florida Airport Licensing Law,⁴⁵ includes definitions for following terms:

- Aircraft - a powered or unpowered machine or device capable of atmospheric flight, except a parachute or other such device used primarily as safety equipment.⁴⁶
- Airport - an area of land or water used for, or intended to be used for, landing and takeoff of aircraft, including appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use.⁴⁷
- Ultralight aircraft - any aircraft meeting the criteria established by part 103 of FAA.⁴⁸

Under Florida law, a proposed airport's owner or lessee must obtain site approval from FDOT. FDOT must grant site approval if it is satisfied that specific conditions are met related to safety, local land development or zoning regulations, and notification of affected entities.⁴⁹ FDOT may grant site approval for a public airport⁵⁰ only after its favorable inspection of the proposed site.⁵¹ For a private airport,⁵² FDOT grants site approval after it receives documentation that the airport has satisfied the conditions required for site approval.⁵³ FDOT may subject its site approval to reasonable conditions necessary to protect public health, safety, or welfare.⁵⁴

Under Florida law, before operating aircraft to or from the airport, the airport's owner or lessee must receive, from FDOT, a public airport license or a private airport registration.⁵⁵ For a public airport, upon granting site approval, FDOT must issue the airport's license after its final inspection finds that the airport complies with all license requirements. A public-airport license may be subject to reasonable conditions necessary to protect public health, safety, or welfare.⁵⁶ For a private airport, upon FDOT granting site approval, it must provide the applicant with access to the state aviation facility data system to permit the applicant to complete the

⁴⁵ Sections 330.27-330.39, F.S.

⁴⁶ Section 330.27(1), F.S.

⁴⁷ Section 330.27(2), F.S.

⁴⁸ Section 330.27(8), F.S. 14 C.F.R., part 103 relates to ultralight vehicles.

⁴⁹ Section 330.30(1)(a), F.S.

⁵⁰ Section 330.27(6), F.S., defines the term "public airport" means an airport, publicly or privately owned, which is open for use by the public.

⁵¹ Section 334.30(1)(b), F.S.

⁵² Section 330.27(5), F.S., defines the term "private airport" to mean an airport, publicly or privately owned, which is not open or available for use by the public, but may be made available to others by invitation of the owner or manager.

⁵³ Section 334.30(1)(c), F.S.

⁵⁴ Section 330.30(1)(f), F.S.

⁵⁵ Section 330.30(2)(a), F.S.

⁵⁶ Section 330.30(2)(a)1., F.S.

registration process. Registration is completed upon the registrant's self-certification of FDOT-required data.⁵⁷

Florida law does not currently address private airports of public interest.

Effect of Proposed Changes

The bill amends various provisions of the Florida Airport Licensing Law. It amends the following definitions:

- Aircraft to provide that the term includes, but is not limited to, an airplane, an autogiro, a glider, a gyrodyne, a helicopter, a lift and cruise, a multicopter, paramotors, a powered lift, a seaplane, a tiltrotor, an ultralight, and a vectored thrust.
- Airport to provide a specific area of land or water or a structure used for aircraft operations. The term includes, but is not limited to, airparks, airports, gliderports, heliports, helistops, seaplane bases, ultralight flight parks, vertiports, and vertistops.

The bill defines the term "private airport of public interest" to mean a private airport engaged in air ambulance operations, commercial air tour operations, on-demand operations, public charter operations, scheduled operations, or supplemental operations.

The bill defines the following terms referred to in the definition of private airport of public interest:

- Air ambulance operations – a flight with a patient or medical personnel on board for the purpose of medical transportation.
- Commercial air tour operation – a flight conducted for compensation or hire in an aircraft where a purpose of the flight is sightseeing.
- Commuter operation – any scheduled operation conducted by a person operating an aircraft with a frequency of operations of at least five round trips per week on at least one route between two or more points according to the published flight schedule.
- On-demand operation – any scheduled passenger carrying operation for compensation or hire conducted by a person operating an aircraft with a frequency of operations of fewer than five round trips per week on at least one route between two or more points according to the published flight schedule.
- Public charter operation – a one-way or round-trip charter flight performed by one or more direct air carriers which is arranged and sponsored by a charter operator.
- Scheduled operation – any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial operator for which the certificateholder or its representative offers in advance the departure location, departure time, and arrival location.
- Supplemental operation – any common carriage operation for compensation or hire conducted with an aircraft for which the departure time, departure location, and arrival location are specifically negotiated with the customer or customer's representative.

The bill repeals the definition of the "ultralight aircraft" since that term is described in FAA regulations.

⁵⁷ Section 330.30(2)(a)2., F.S.

The bill requires a private airport of public interest, before allowing aircraft operations, to obtain a certificate from FDOT. FDOT must issue a certificate after a final inspection finds the airport complies with all certificate requirements. The certificate is subject to any reasonable conditions FDOT deems necessary to protect the public. A private airport that was engaged in operations associated with a private airport of public interest on or before July 1, 2025, must obtain a certificate by July 1, 2030.

The bill authorizes FDOT, after an initial registration, to issue a certificate to a private airport of public interest if the airport is found, after physical inspection, to comply with all certificate requirements. The certificate is subject to any reasonable condition that FDOT deems necessary to protect the public health, safety, or welfare. A private airport of public interest's certificate expires five years after its effective date.

FDOT Funding of Space-Related Infrastructure Projects (Section 10)

Present Situation

Under Florida law, the following specified properties constitute spaceport territory:

- Certain real property in Brevard County within Patrick Space Force Base, Cape Canaveral Space Force Station, or John F. Kennedy Space Center.
- Certain real property in Santa Rosa, Okaloosa, Gulf, and Walton Counties within Eglin Air Force Base.
- Certain real property in Duval County is within Cecil Airport and Cecil Commerce Center.
- Real property which is a FAA-licensed spaceport, as designated by Space Florida's board of directors.
- Certain real property in Brevard County within Space Coast Regional Airport, Space Coast Regional Airport Industrial Park, and Spaceport Commerce Park.
- Certain real property in Miami-Dade County which was formerly included in Homestead Air Force Base and is included within Homestead Air Reserve Base or deeded to Miami-Dade County or the City of Homestead.
- Certain real property in Bay County is within Tyndall Air Force Base.⁵⁸

Florida law defines the term "spaceport discretionary capacity improvement projects" to mean capacity improvements that enhance space transportation capacity at spaceports or on spaceport territory.⁵⁹

Florida law defines the term "critical infrastructure facility" to mean a chemical manufacturing facility, a refinery, an electrical power plant, a water treatment facility or wastewater treatment plant, a liquid natural gas terminal, a telecommunications central switching office, a gas processing plant, a seaport, a spaceport territory, or an airport.⁶⁰

⁵⁸ Section 334.304, F.S.

⁵⁹ Section 331.303(18), F.S.

⁶⁰ Section 692.201(2), F.S. This is if the facility employs measures to exclude unauthorized persons.

Effect of Proposed Changes

The bill authorizes FDOT to fund wastewater projects, stormwater projects, water capacity projects, and projects associated with critical infrastructure facilities within or outside a spaceport territory as long as the project supports aerospace⁶¹ or launch support facilities⁶² within an adjacent spaceport territory. FDOT must consult with the Department of Commerce and the Department of Environmental Protection in funding these projects. These three agencies must coordinate in funding these projects in order to optimize the use of available funds.

Florida Airport Development and Assistance Act (Sections 11-14)

The Florida Airport Development and Assistance Act⁶³ generally prohibits FDOT from participating in or exercising control in the management and operation of a sponsor's⁶⁴ airport.⁶⁵

FDOT has statutory duties and responsibilities related to aviation development and assistance, including duty to develop, promote, and distribute supporting information and educational services.⁶⁶

FDOT must prepare and continuously update its aviation and airport work program based on local sponsors' proposed aviation projects. FDOT's airport work program must separately identify development projects⁶⁷ and discretionary capacity improvement projects.^{68, 69}

To be eligible to receive state funds, aviation projects must contribute to implementing the statewide aviation system plan,⁷⁰ be consistent with and will contribute to the implementation of any airport master plan or layout plan, and be consistent with, to the maximum extent feasible, the appropriate approved local government comprehensive plans.⁷¹

⁶¹ Section 331.303(1), F.S., defines the term "aerospace" to mean the technology and industry related to the design, manufacture, maintenance, repair, and operation of aircraft or any other device intended to be used or designed for flight or reentry, including rockets, missiles, spacecraft, satellites, space vehicles, space stations, space and aircraft facilities or components thereof, and related equipment, systems, facilities, simulators, programs, and activities, including, but not limited to, the application of aerospace and aviation technologies in air-based, land-based, space-based, and sea-based platforms for commercial, civil, and defense purposes.

⁶² Section 338.301(11), F.S., defines the term "launch support facilities" to mean facilities that are located at launch sites or launch ranges that are required to support launch activities, including launch vehicle assembly, launch vehicle operations and control, communications, and flight safety functions, as well as payload operations, control, and processing.

⁶³ Sections 332.003-332.007, F.S.

⁶⁴ Section 332.004(15), F.S., defines the term "sponsor" to mean any eligible agency which, either individually or jointly with one or more eligible agencies, submits to FDOT an application for financial assistance for an airport development project in accordance with this act.

⁶⁵ Section 332.005, F.S. There are some exceptions associated with requests from the airport's sponsor.

⁶⁶ Section 332.006(7), F.S.

⁶⁷ Section 332.004(4), F.S., defines the term "airport or aviation development project" to mean any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, etc.

⁶⁸ Section 332.004(5), F.S., defines the term "airport or aviation discretionary capacity improvement projects" or to mean capacity improvements which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government in which the airport is located, and which enhance intercontinental capacity at airports which meet certain requirements.

⁶⁹ Section 332.007(2)(a), F.S.

⁷⁰ FDOT is required to develop and periodically update the statewide aviation system plan pursuant to s. 332.006(1), F.S.

⁷¹ Section 332.007(5), F.S.

Subject to the availability of appropriated funds in addition to aviation fuel tax revenues,⁷² FDOT may participate in the capital cost of eligible public airport and aviation discretionary capacity improvement projects. FDOT must prioritize its aviation funding to support:

- Land acquisition which provides additional capacity at the qualifying international airport or at that airport's supplemental air carrier airport.
- Runway and taxiway projects that add capacity or are necessary to accommodate technological changes in the aviation industry.
- Airport access transportation projects that improve direct airport access and are approved by the airport sponsor.
- International terminal projects that increase international gate capacity.⁷³

FDOT may also fund eligible projects performed by not-for-profit organizations representing a majority of Florida's public airports. Eligible projects include aviation master planning, professional education, safety and security planning, enhancing economic development and efficiency at airports, or other planning efforts to improve the viability of Florida's airports.⁷⁴

Under the State Emergency Management Act,⁷⁵ the Governor must declare a state of emergency if an emergency⁷⁶ has occurred or there is an imminent threat of an emergency. A state of emergency may last up to 60 days and may be renewed by the Governor.⁷⁷

Effect of Proposed Changes

The bill changes the short title of the "Florida Airport Development and Assistance Act" to the "Florida Airport Development and Accountability Act."

The bill requires airports⁷⁸ to, upon the Governor's issuance a state of emergency in preparation for or in response to a natural disaster, at no cost to the state, provide FDOT with the opportunity to use any airport property that is not within an air navigation facility,⁷⁹ to stage equipment and personnel to support emergency preparedness or operations.

The bill amends FDOT's duty to promote and distribute supporting information and educational services, to include, but not limit it to, educational services with a focus on retention and growth of the aviation industry workforce.

⁷² Section 332.007(7), F.S. Aviation fuel tax is authorized and collected pursuant to part III of ch. 216, F.S.

⁷³ Section 332.007(7)(a), F.S.

⁷⁴ Section 332.007(8), F.S.

⁷⁵ Chapter 252, F.S.

⁷⁶ Section 252.34(4), F.S., defines the term "emergency" to mean any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

⁷⁷ Section 252.36(2), F.S.

⁷⁸ Section 332.004(1), F.S., defines the term "airport" to mean any area of land or water, or any manmade object or facility located therein, which is used, or intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for public use, for airport buildings or other airport facilities or rights-of-way.

⁷⁹ Section 332.01(4), F.S., defines the term "air navigation facility" to mean any facility used in, available for use in, or designed for use in, aid of air navigation, including airports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, or restricted landing area, and any combination of any or all of such facilities.

The bill authorizes FDOT, when it deems it appropriate, to inspect commercial airport facilities that have received state funding. Such inspections include, but are not limited to, terminal facilities, baggage systems, and fixed guideway transportation systems.⁸⁰ FDOT may enter into agreements with other state regulatory agencies, including, but not limited to, the Department of Business and Professional Regulation and the Department of Health for the purpose of conducting such inspections.

The bill requires FDOT to require each airport's sponsor to submit a report on its annual comprehensive maintenance program providing details relating to maintenance and inspections of airport infrastructure. Each report must include a schedule of inspections, locations at which inspections and maintenance are performed, a list of required maintenance needs, any remedial action required or taken after an inspection, and details of follow-up inspections.

If an airport's comprehensive maintenance report includes evidence of the airport's failure to perform routine maintenance, FDOT may withhold state funds intended capital expansion projects until the airport's sponsor takes corrective action to address the failure. As required by FDOT, the airport's sponsor must maintain records of materials and equipment used for maintenance and repair work.

For purposes of an airport's routine maintenance report, the bill defines the term "maintenance" to mean any preventative or routine work necessary to maintain airport infrastructure in good condition, which is essential to the operation of airport infrastructure.

The bill requires FDOT-funded aviation projects to be consistent with the energy policy of the state.

The bill requires FDOT to provide priority aviation funding in support of:

- Terminal and parking expansion projects that increase capacity at airports providing commercial service in counties with a population of 500,000 or less;
- Projects that improve safety and efficiency of airport operations;
- Emerging technology projects, workforce development projects, and projects that benefit the strategic intermodal system through intermodal connectivity.

The bill authorizes FDOT to fund eligible projects performed by not-for-profit organizations and postsecondary institutions⁸¹ to support the training of pilots, air traffic control personnel, or aircraft maintenance technical personnel. The bill also authorizes FDOT to fund planning efforts to improve safety at airports. FDOT may also fund programs that support the transition of honorably discharged military personnel to employment in the aviation industry. FDOT's funds may provide matching funds for eligible projects funded by the Department of Commerce.

⁸⁰ The inspection of fixed guideway transportation systems in accordance with s. 341.061, F.S., providing transit safety standards.

⁸¹ Section 1008.47(1), F.S., defines the term "postsecondary education institution" to mean a Florida College System institution, state university, or nonpublic postsecondary education institution that receives state funds.

The bill authorizes FDOT's strategic airport investment initiative to fund up to 100 percent the project's costs for capital improvements to strategically position the state to maximize opportunities in tourism.

Commercial Service Airport Transparency and Accountability (Section 15)

Present Situation

Federal Aviation Administration (FAA) regulations define the term "commercial service airport" to mean a publicly owned airport with at least 2,500 annual enplanements and scheduled air carrier service.⁸² Commercial service airports are categorized as follows:

- Large Hub Airports each receive one percent or more of the annual U.S. commercial enplanements. Florida's large hub airports are Orlando International, Miami International, Ft. Lauderdale International, and Tampa International.
- Medium Hub Airports each receive 0.25 to 1.0 percent of the annual U.S. commercial enplanements. Florida's medium hub airports are Southwest Florida International, Palm Beach International, and Jacksonville International.
- Small Hub airports each receives 0.05 to 0.25 percent of the annual U.S. commercial enplanements. Florida's small hub airports are Sarasota/Bradenton International, Orlando Sanford International, St. Pete-Clearwater International, Destin-Ft. Walton Beach, Punta Gorda, Northwest Florida Beaches International, and Key West International.
- Nonhub airports each receives less than 0.05 percent but more than 10,000 of the annual U.S. commercial enplanements. Florida's nonhub airports are Tallahassee International, Melbourne Orlando International, Daytona Beach International, Gainesville Regional, Vero Beach Regional, and Ft. Lauderdale Executive.⁸³

Florida law contains provisions regarding the transparency and accountability of commercial service airports. For this purpose, the term:

- Commercial service airport - a primary airport, as defined by federal law,⁸⁴ which is classified by the FAA as a large, medium, or small hub airport.⁸⁵
- Consent agenda - an agenda which consists of items voted on as a group and which does not provide the opportunity for public comment on each such item before approval or disapproval by the governing body.⁸⁶
- Governing body - the governing body of the county, municipality, or special district that operates a commercial service airport.⁸⁷

Each governing body of a commercial service airport must establish and maintain a website posting the following:

- All published notices of the governing body's meetings and published meeting agendas.

⁸² Federal Aviation Administration, Airport Categories, https://www.faa.gov/airports/planning_capacity/categories (last visited March 4, 2025).

⁸³ FAA passenger statistics, October 2024, <https://www.faa.gov/sites/faa.gov/files/2024-10/cy23-all-enplanements.pdf> (last visited March 5, 2025)

⁸⁴ Federal law defines the term "primary airport" to mean a commercial service airport the Secretary of Transportation determines to have more than 10,000 passenger boardings each year. in 49 U.S.C. s. 47102

⁸⁵ Section 332.0075(1)(a), F.S.

⁸⁶ Section 332.0075(1)(b), F.S.

⁸⁷ Section 332.0075(1)(d), F.S.

- The official minutes of each meeting of the governing body.
- The airport’s approved budget for the current fiscal year.
- A link to the airport’s Airport Master Plan.
- A link to all of its financial and statistical reports on the FAA's website.
- Any contract or contract amendment for the purchase of commodities or contractual services executed by or on behalf of the commercial service airport in excess of \$350,000.⁸⁸
- Position and rate information for each airport employee, which must be updated annually.⁸⁹

Each November 1, each commercial service airport’s governing body must submit to FDOT:

- Its approved budget for the current fiscal year;
- Any financial reports submitted to the FAA during the previous calendar year;
- A link to its website;
- A verified statement that it has complied with ethics requirements, competitive procurement requirements, and statutes relating to commercial service airport accountability.⁹⁰

FDOT may not expend any funds allocated to a commercial service airport, unless pledged for debt service, until the commercial service airport demonstrates compliance with Florida law.⁹¹

Effect of Proposed Changes

The bill amends the definition of “commercial service airport” to include airports classified by the FAA as nonhub airports, requiring such airports to comply with these statutes.

The bill clarifies the definition of the term “consent agenda” to include agenda items voted on collectively.

The bill amends the definition of the term “governing body” to have it include an appointed board or oversight entity serving as the governing body of a commercial service airport on behalf of a county, municipality, or special district.

The bill requires that information required to be posted on the governing body’s website to remain posted for the longer of five years or the entirety of the period during which airport actively uses the required information.

The bill requires that each commercial service airport’s website have posted both its current airport master plan and immediately preceding airport master plan be posted. Airports must also update employee salary information quarterly, instead of annually.

The bill requires commercial service airports to annually submit to FDOT:

- The most recent copies of its strategic plans; and
- Contracts related to any financial awards received through federally funded grant programs for the preceding fiscal years.

⁸⁸ This is purchasing CATEGORY FIVE provided in s. 287.017, F.S.

⁸⁹ Section 332.0075(2), F.S.

⁹⁰ Section 332.0075(5)(a), F.S.

⁹¹ Section 332.0075(6), F.S.

The bill requires commercial service airports to notify FDOT:

- Within 48 hours after receiving a communication or directive from a federal agency relating to public health testing or the transfer of unauthorized aliens into this state.
- As soon as reasonably possible, but no later than 48 hours, after the discovery of an incident or issue of statewide concern, including, but not limited to, an incident or issue that puts the safety of the traveling public at risk, a potential cybersecurity risk or breach, or as defined by FDOT.

Advanced Air Mobility (Section 16)

Present Situation

The National Aeronautics and Space Administration (NASA) defines the term “advanced air mobility” (AAM) to mean “an air transportation system that moves people and cargo between places previously not served or underserved by aviation – local, regional, intraregional, urban – using revolutionary new aircraft that are only just now becoming possible.”⁹²

Numerous uses for AAM are being explored, including air taxi, air cargo, and public services. Air taxi uses feature passenger transportation within and around urban and regional areas, including routes connecting city centers to airports or to neighboring city centers. Air cargo uses feature cargo transportation supporting the middle-mile of logistics, generally seen as from the cargo port to the distribution center. Public service uses, such as search and rescue, disaster relief, and air ambulance operations are all likely early use cases for electric vertical take-off and landing (eVTOL) aircraft.⁹³

In 2022, FDOT established an AAM Working Group consisting of various stakeholders. The working group developed various recommendations regarding AAM, including:

- Designate an AAM subject matter expert within the FDOT.
- Review airport hazard regulations and update those regulations as appropriate.
- Incorporate AAM into state transportation planning documents.
- Lead a statewide education campaign for local decision makers and a public awareness campaign for the general public.⁹⁴

Currently, Florida law does not address advanced air mobility.

Effect of Proposed Changes

The bill codifies AAM into Florida law. The bill requires FDOT to:

- Address the need for vertiports, advanced air mobility, and other advances in aviation technology in the statewide aviation system plan,⁹⁵ and, as appropriate, in FDOT’s work program.

⁹² FDOT, *Advanced Air Mobility*, <https://www.fdot.gov/aviation/advanced-air-mobility> (last visited March 3, 2025).

⁹³ *Id.* at 2.

⁹⁴ FDOT AAM Report and Recommendations, August 2023. Available at: https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/aviation/pdfs/fdot-aamwg-final-report---august-10-2023.pdf?sfvrsn=56d82d5d_1 (last visited March 7, 2025).

⁹⁵ The statewide aviation system plan is required under s. 332.006(1), F.S.

- Designate, within FDOT, a subject matter expert on AAM to serve as a resource for local jurisdictions navigating advances in aviation technology.
- Conduct a review of airport hazard zone regulations.⁹⁶
- In coordination with the Florida Department of Commerce, provide coordination and assistance for the development of a viable AAM system plan. FDOT must incorporate this plan into its statewide aviation system plan to identify corridors of need and opportunities for industry growth.

FDOT's Purchase of Promotional Items (Section 17)

Present Situation

FDOT may purchase promotional items as part of public information and education campaigns to promote scenic highways, traffic and train safety awareness, alternatives to single-occupant vehicle travel, commercial motor vehicle safety, electric vehicle use and charging stations, autonomous vehicles, and context design for electric vehicles and autonomous vehicles.⁹⁷

Effect of Proposed Changes

The bill revises FDOT's authorization to purchase promotional items. The bill authorizes FDOT to purchase such items to promote environmental management and workforce development. The bill changes the design of electric vehicles and autonomous vehicles to the classification of those vehicles and removes authorization regarding alternatives to single-occupant vehicle travel.

FDOT's Landscaping Requirements (Section 17)

Present Situation

On a statewide basis, FDOT must allocate at least 1.5 percent of the amount contracted for construction projects for the purchase of plant materials. FDOT's districts may not expend landscaping funds in connection with resurfacing existing lanes unless FDOT's secretary or his or her designee has approved the expenditure.⁹⁸

To the greatest extent practical, FDOT must allocate at least 50 percent of its landscaping funds for large plant materials, with the remaining funds allocated for other plant materials. Except as prohibited by federal law or regulation, all plant materials must be purchased from Florida commercial nursery stock on a uniform competitive bid basis. FDOT must develop grades and standards for landscaping materials purchased through this process.⁹⁹

To accomplish its landscaping activities, FDOT may contract with nonprofit organizations with the primary purpose of developing youth employment opportunities.¹⁰⁰

⁹⁶ Chapter 333, F.S., relates to airport zoning.

⁹⁷ Section 334.044(5), F.S.

⁹⁸ Section 334.044(26), F.S.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

Effect of Proposed Changes

The bill amends FDOT's landscaping provisions to require FDOT, on an annual basis, to allocate, on a statewide basis, up to 1.5 percent of the total amount contracted for construction projects for the purchase of plant material. FDOT may also use such plant materials in maintenance projects to enhance State Highway System rights-of-way and arterial facilities. FDOT must allocate its landscaping funds on a statewide basis.

The bill authorizes FDOT to develop grades and standards for landscaping materials, requiring that such grades and standards include standards for landscaping materials native to specific regions which reflect Florida's heritage and natural landscapes.

The bill provides that to increase FDOT's cost predictability and programming needs, for a project with a total contracted construction cost of greater than \$500 million, 0.5 percent of the total construction cost must be expended to purchase plant material in the fiscal year in which construction begins, and the remaining 1 percent may be expended incrementally over the next 5 fiscal years.

The bill exempts projects authorized under FDOT's Moving Florida Forward Initiative¹⁰¹ from landscaping provisions.¹⁰² The bill also repeals the prohibition of FDOT's districts expending landscaping funds for resurfacing projects and FDOT's authorization to contract with certain nonprofit organizations.

FDOT's Purchase of Insurance (Section 17)

Present Situation

Except for title insurance and emergency purchases, the Department of Management Services (DMS) purchases insurance for all agencies.¹⁰³ While insurance is not commodity, Florida law requires that the purchase of insurance, whether purchased by DMS or another agency, be done using statutory procedures for the purchase of commodities.¹⁰⁴

Florida law prohibits a primary insurance contract from being purchased on any property or insurable subjects when it is loaned to, leased by, or intended to be leased by, the state or its departments, unless the lease agreement requires insurance coverage. In those cases, DMS must approve, in writing, the insurance coverage required by the lease.¹⁰⁵

Effect of Proposed Changes

The bill authorizes FDOT, notwithstanding statutory provisions relating to the state's purchase of insurance, to directly enter into insurance contracts with local, national, or international

¹⁰¹ These projects were authorized in s. 215 of ch. 2023-239, Laws. of Fla. (2023 General Appropriations Act) and in budget amendment EOG # 2024-B0112 and subsequently adopted into FDOT's work program.

¹⁰² That provision expires upon the completion of the Moving Florida Forward projects.

¹⁰³ Section 287.012(1), F.S., defines the term "agency" to mean any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government.

¹⁰⁴ Section 287.022(1), F.S. The purchase of commodities is pursuant to s. 287.057, F.S.

¹⁰⁵ Section 287.025(4), F.S.

insurance companies to purchase insurance coverage that FDOT is contractually and legally required to provide.

FDOT's Purchase of Motor Vehicles and Heavy Equipment (Section 17)

Present Situation

Any executive or judicial branch officer or employee may not authorize the purchase or continuous lease any motor vehicle which is to be paid for from of state or department funds unless the Legislature has appropriated funds for the motor vehicle. This does not apply to motor vehicles needed to meet unforeseen or emergency situations, which, after consultation with legislative appropriations committees, requires approval from the Executive Office of the Governor.¹⁰⁶

State agencies are prohibited from retaining motor vehicles for which funds have been appropriated for a replacement, unless the agency requires such vehicles to be retained to meet emergency or major unforeseen needs. State agencies, in their budget requests, must report all retained vehicles to the Legislature and provide the specific justification for each vehicle it retained.¹⁰⁷

Effect of Proposed Changes

The bill authorizes FDOT, notwithstanding statutory requirements relating to the purchase and retention of motor vehicles by state agencies, to purchase or acquire heavy equipment and motor vehicles for roadway operations and emergency response regardless of whether FDOT exchanges or ceases to operate any FDOT-owned heavy equipment or motor vehicle.

Florida Transportation Academy (Section 19)

Present Situation

FDOT is authorized to provide, in consultation with affected stakeholders, a construction workforce development program to deliver projects in FDOT's work program.¹⁰⁸ FDOT must annually allocate \$5 million from the STTF for this program.¹⁰⁹

Effect of Proposed Changes

The bill creates the Florida Transportation Academy within FDOT to prioritize the continued need for transportation industry workforce development programs. The bill provides a legislative finding that the growth and sustainability of the transportation industry workforce is vital to the continued success of Florida's supply chain and economic competitiveness. In order to support, promote, and sustain workforce development efforts in the transportation sector, FDOT may:

- Coordinate with the Department of Corrections to identify and create certification and training opportunities for nonviolent, scheduled-release inmates and create a notification

¹⁰⁶ Section 287.14(1) and(3), F.S.

¹⁰⁷ Section 287.14(4), F.S.

¹⁰⁸ Section 334.044(35), F.S. FDOT's work program is developed pursuant to s. 339.135, F.S.

¹⁰⁹ Section 339.84, F.S., This is beginning in the 2023-2024 fiscal year and for five years thereafter.

process between the Department of Corrections and FDOT for nonviolent inmates with imminent scheduled-release dates who are expected to seek employment upon release.

- Coordinate with the Department of Juvenile Justice and its educational partners to create certification and training opportunities for eligible youth.
- Coordinate with veterans' organizations to encourage veterans with honorable military discharge to pursue employment opportunities within the transportation industry, including, but not limited to, employment as pilots, mechanics, and air traffic controllers.
- Coordinate with the Department of Commerce, CareerSource Florida, Inc., and regional business organizations, within and outside of the transportation industry, to further understand recruitment and retention needs and job-seeker pipelines.
- Coordinate with the American Council of Engineering Companies and the Florida Transportation Builders Association to optimize workforce recruitment and retention and assess future needs across Florida's transportation industry.

Access Management (Sections 20-21)

Present Situation

Access management is the coordinated planning, regulation, and design of access between roadways and land development to reduce conflicts on the roadway system and at its interface with other modes of travel.¹¹⁰

The State Highway System Access Management Act¹¹¹ defines the terms:

- Connection - driveways, streets, turnouts, or other means of providing for the right of reasonable access to or from the State Highway System.¹¹²
- Significant change- a change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding 25 percent more trip generation (either peak hour or daily) and exceeding 100 vehicles per day more than the existing use.¹¹³

In order to protect the public health, safety, and welfare, FDOT is required to regulate vehicular access and connections to or from the State Highway System. FDOT may issue access management permits, subject to reasonable conditions, and may revoke a permit if the applicant fails to comply with the permit conditions.¹¹⁴ FDOT may not deny a property owner a means of reasonable access to an abutting state highway, except for safety or operational concerns.¹¹⁵

Effect of Proposed Changes

The bill defines the term "modification of an existing connection" to mean the relocation, alteration, or closure of the connection. The bill amends the definition of the term "significant change" to include the development of land and expansion in the size of property.

¹¹⁰ FDOT Access Management <https://www.fdot.gov/planning/systems/systems-management/access-management> (last visited March 20, 2025).

¹¹¹ Sections 335.18-335.188, F.S.

¹¹² Section 335.182(3)(a), F.S.

¹¹³ Section 335.182(3)(b), F.S.

¹¹⁴ Section 335.185(1), F.S.

¹¹⁵ Section 335.187(5), F.S.

The bill authorizes FDOT to, for access management permits issued after July 1, 1988, require the modification of an existing connection to the State Highway System if the connection would jeopardize public safety or negatively impact highway's operational characteristics.

FDOT's Business Development Program (Section 22)

Present Situation

FDOT is authorized to establish a business development program to assist small businesses. The program may include, but is not limited to, setting aside contracts, providing preference points for the use of small businesses, providing special assistance in bidding and contract completion, waiving bond requirements, and implementing other strategies to increase competition.¹¹⁶

For purposes of FDOT's business development program, the term "small business" is defined to mean a business with yearly average gross receipts of less than \$15 million for road and bridge contracts and less than \$6.5 million for professional and nonprofessional services contracts. A business' average gross receipts is determined by averaging its annual gross receipts over the last three years, including the receipts of any affiliate.^{117, 118}

Effect of Proposed Changes

The bill amends the definition of a "small business" for purposes of FDOT's business development program. The bill increases the maximum average yearly gross receipts to \$25 million for road and bridge contracts and \$10 million for professional and nonprofessional service contracts. The determination of average gross receipts remains unchanged.

FDOT Disadvantaged Business Enterprise (Sections 24, 25, 26 and 31)

Present Situation

Federal rules define the term "socially and economically disadvantaged individual" to mean any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to his or her individual qualities. The socially and economically disadvantaged include individuals from the following groups: Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, and Women.¹¹⁹ Socially and economically disadvantaged individuals can also be determined on a case-by-case basis, and the Small Business Administration may designate additional groups as socially and economically disadvantaged.¹²⁰

¹¹⁶ Section 337.027(1), F.S.

¹¹⁷ Section 337.165(1)(a), F.S., defines the term "affiliate" to mean a predecessor or successor of a contractor under the same, or substantially the same, control or a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term "affiliate" includes the officers, directors, executives, shareholders active in management, employees, and agents of the affiliate. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one business entity is an affiliate of another.

¹¹⁸ Section 337.027(2), F.S.

¹¹⁹ Members of these groups are rebuttably presumed to be socially and economically disadvantaged.

¹²⁰ 49 CFR part 26

Florida law requires FDOT to institute procedures to encourage the awarding of professional services and contracts to disadvantaged business enterprises.¹²¹ FDOT must develop and implement activities to encourage the participation of disadvantaged business enterprises in its contracting process. Such efforts may include informing disadvantaged business enterprises of contracting opportunities and contracting requirements and breaking larger contracts into smaller contracts.¹²²

FDOT's disadvantage business enterprise program requires:

- Prime contractors to submit information regarding the uses of disadvantaged business enterprises as subcontractors.¹²³
- FDOT to provide a socially and economically disadvantaged business enterprise with reasonable advance notice prior to removing such enterprise as a certified socially and economically disadvantaged business enterprises.¹²⁴

FDOT must expend federal-aid highway funds and state matching funds with small business concerns owned and controlled by socially and economically disadvantaged individuals.¹²⁵

Upon FDOT's determination of past and continuing discrimination in nonfederally funded projects, FDOT may implement a program tailored to address specific findings of disparity. The program may include establishing annual goals for expending a percentage of state-administered highway funds with small businesses. FDOT may utilize set-asides for small business concerns to assist in achieving goals these goals. The head of FDOT may elect to set goals only when a significant disparity is documented. FDOT must consider the findings of a disparity study in determining the program goals for each group qualified to participate.¹²⁶

FDOT must certify a socially and economically disadvantaged business enterprise as prescribed in federal rules. FDOT's initial application for certification must require sufficient information to determine eligibility. For continuing eligibility, FDOT may accept an affidavit certifying that the business remains qualified for certification. An applicant's application and required financial information are confidential and exempt from public records laws.¹²⁷

The head of FDOT may to expend up to six percent of the funds which are designated to be expended on small businesses owned and controlled by socially and economically disadvantaged individuals to conduct a construction management development program for such firms. The statute continues with the program's requirements.¹²⁸

¹²¹ For the purposes of FDOT's disadvantaged business enterprise program, the term "disadvantaged business enterprise" means a small business concern certified by the Department of Transportation to be owned and controlled by socially and economically disadvantaged individuals as defined by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). *See* s. 337.139, F.S.

¹²² Section 337.139, F.S.

¹²³ Section 337.125(1), F.S.

¹²⁴ Section 337.125(3), F.S.

¹²⁵ Section 339.0805(1)(a), F.S.

¹²⁶ Section 339.0805(1)(b), F.S. Public records law is provided in s. 119.07(1), F.S.

¹²⁷ Section 339.0805(1)(c), F.S.

¹²⁸ Section 339.0805(3), F.S.

The head of FDOT may expend up to four percent of specified DBE funds on a bond guarantee program for DBEs and who meet other standards. The state guarantees up to 90 percent of a bond amount of \$250,000 or less, and 80 percent of a bond amount of greater than \$250,000. However, FDOT retains five percent of the total contract amount designated for the DBE until its final acceptance of the project.¹²⁹

Any individual who fraudulently represents an entity as a socially and economically disadvantaged business enterprise under commits of a felony of the second degree. An individual found in violation may not create a new corporate structure for the purpose of circumventing this provision.¹³⁰

Effect of Proposed Changes

The bill repeals FDOT's disadvantaged business enterprise program and related provisions.

Federal Rule Authorization (Section 17)

The bill authorizes FDOT to adopt rules for the purpose of compliance with 49 C.F.R. part 26, relating to the United States Department of Transportation's Disadvantage Business Enterprise Program and any other applicable federal law.

Conforming Changes (Sections 4, 18, 23, 28, 30, 36, and 41)

The bill makes changes to the following to provide for small businesses:

- The FSTED Council's requirement to develop job training programs associated with the maritime industry (section 4).
- FDOT's performance measures regarding this program to performance measures to FDOT's business development program (section 19).
- FDOT's consideration of small business participation related to certain contracts (section 23).
- FDOT considering small business involvement in certain lease proposals (section 28).
- FDOT and DMS outreach regarding participation in certain turnpike-related projects (section 30).
- Contractors for economic development transportation projects (section 36).
- Central Florida Transportation Authority's¹³¹ encouragement of the use of certain business in its procurement and contracting opportunities (section 41).

FDOT Surety Bonds (Section 27)

Present Situation

Florida law requires that the successful bidder on most FDOT contracts provide a surety bond in the amount of the awarded contract price. However, for multiyear maintenance contracts, FDOT may allow incremental annual contract bonds that cumulatively total the full, awarded, multiyear contract price. For phased design-build contracts,¹³² FDOT may also allow the issuance of

¹²⁹ Section 339.0805(4), F.S. FDOT may not commit funds for this program in excess of those funds specifically appropriated for this purpose.

¹³⁰ Section 337.135, F.S.

¹³¹ The Central Florida Expressway Authority is created in part III of ch. 348, F.S.

¹³² Phased design-build contracts are authorized in s. 337.11(7)(b), F.S.

multiple contract performance and payment bonds to align with each contract phase to meet the bonding requirements.¹³³

Effect of Proposed Changes

The bill authorizes the Secretary of Transportation to, at his or her discretion, require a surety bond in an amount less than the awarded contract price.

Camping on the Right-of-Way (Section 29)

Present Situation

Florida law prohibits camping on any portion of the State Highway System's right-of-way within 100 feet of a bridge, causeway, overpass, or ramp.¹³⁴

The Florida National Scenic Trail is Florida's official statewide nonmotorized trail, running more than 1,400 miles from the Panhandle to the Everglades and the Florida Keys.¹³⁵

Effect of Proposed Changes

The bill prohibits camping on all portions of the State Highway System's right-of-way. However, this prohibition does not apply to a person who is actively navigating the Florida National Scenic Trail and has acquired the appropriate permits.

Energy Policy of The State/Use of State Funds (Section 31)

Present Situation

Florida law authorizes FDOT to expend moneys in the STTF and restricts the use of such funds to the transportation-related purposes.¹³⁶ However, FDOT may not expend any state funds to support a project or program of a public transit provider, an authority;¹³⁷ public-use airport; or a port, which is found in violation of s. 381.00316, F.S., relating to discrimination by governmental and business entities based on health care choices. FDOT must withhold state funds until the entity is found in compliance with that statute.¹³⁸

Section 377.601(3), F.S., provides that it is Florida's energy policy to:

- Promote the cost-effective development and use of a diverse supply of domestic energy resources and discourage energy waste.
- Promote the cost-effective development and maintenance of energy infrastructure that is resilient to natural and manmade threats to the state's energy supply.
- Reduce reliance on foreign energy resources.

¹³³ Section 337.18(1)(a), F.S.

¹³⁴ Section 337.406(4), F.S.

¹³⁵ Section 260.012(6), F.S.

¹³⁶ Section 339.08(1), F.S.

¹³⁷ These are created pursuant to ch. 343, 348, or 349, F.S., and include, the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Greater Miami Expressway Agency, the Tampa-Hillsborough County Expressway Authority, the Central Florida Expressway Authority, and the Jacksonville Transportation Authority.

¹³⁸ Section 339.08(5), F.S.

- Include energy reliability and security considerations in planning activities.
- Utilize and manage effectively energy resources used within state agencies.
- Encourage local governments to include energy considerations in planning activities and support the promotion of energy management programs.
- Include citizen participation in developing and implementing energy programs.
- Consider in its decisions the energy needs of each economic sector and, whenever possible, reduce those needs.
- Promote energy education and the public dissemination of information on energy and its impacts on Florida's energy goals.
- Encourage the research, development, demonstration, and application of domestic energy resources, including renewable energy resources.
- Consider the impacts of energy-related activities on the state's energy goals.
- Develop and maintain energy emergency preparedness plans.

Effect of Proposed Changes

The bill defines the term “energy policy of the state” to mean the energy policy described above and includes any intended or actual measure, obligation, target, or timeframe related to a reduction in carbon dioxide emissions.

The bill prohibits FDOT from expending any state funds to support a project or program of any of the following entities: a public transit provider, an authority, a public-use airport, or a port if such entity adopts or promotes energy policy goals that are inconsistent with the energy policy of the state.

FDOT Budget Roll Forward (Section 33)

Present Situation

Florida law provides any unexpended balance remaining at the end of the fiscal year in for certain FDOT-related appropriations may be certified forward as fixed capital outlay at the end. On or before August 1 of each year, the head of FDOT must certify its roll forward to the Executive Office of the Governor.¹³⁹

On or before September 1 of each year, the Executive Office of the Governor must review and approve or disapprove FDOT's certified roll forward and provide the Chief Financial Officer, the legislative appropriations committees, and the Auditor General certain information.¹⁴⁰

Any project phases in FDOT's adopted work program not certified forward are available for roll forward for the next fiscal year of the adopted work program. Spending authority associated with such project phases may be rolled forward to the next fiscal year upon the Legislative Budget Commission's (LBC) approval.¹⁴¹

¹³⁹ Section 229.135(6)(c), F.S.

¹⁴⁰ Id.

¹⁴¹ Id., F.S.

Effect of Proposed Changes

The bill removes the LBC's approval of FDOT's roll forward. The bill requires FDOT's spending authority to roll forward as provided in s. 216.177, F.S. relating to the appropriations act. Upon approval, the bill requires the Executive Office of the Governor to modify FDOT's original approved fixed capital outlay operating budget.

FDOT - Work Program Amendments (Section 33)

Present Situation

FDOT's is authorized to amend work program as provided by law. However, any work program amendment that adds a new project or project phase in excess of \$3 million to the adopted work program is subject to LBC approval.¹⁴² However, if FDOT submits such an amendment to the LBC and the LBC does not meet or consider the amendment within 30 days after its submittal, the LBC's chair and vice chair may authorize the approval of the amendment. This provision expires on July 1, 2025.¹⁴³

Effect of Proposed Changes

The bill makes permanent chair and vice chair of the LBC's authority to approve certain FDOT work program amendments.

Small County Road Assistance Program (Section 34)

Present Situation

FDOT's Small County Road Assistance Program (SCRAP) assists small county governments in resurfacing or reconstructing county roads that were part of the county road system on June 10, 1995.¹⁴⁴ Up to \$25 million annually from the STTF may be used to fund SCRAP.¹⁴⁵ For Fiscal Year 2024-2025, the Legislature appropriated \$26.5 million for SCRAP.¹⁴⁶

For SCRAP purposes, the term "small county" means any county that has a population of 75,000 or less according to the 1990 federal census.¹⁴⁷ SCRAP-eligible counties are: Baker, Bradford, Calhoun, Columbia, DeSoto, Dixie, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Nassau, Putnam, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, and Washington.¹⁴⁸

¹⁴² Section 339.135(7)(h)1, F.S.

¹⁴³ Section 339.135(7)(h)2., F.S.

¹⁴⁴ Section 339.2816(1) and (4)(a), F.S.

¹⁴⁵ Section 339.2816(3), F.S. This was beginning with fiscal year 1999-2000 until fiscal year 2009-2010 and beginning again with fiscal year 2012-2013.

¹⁴⁶ Chapter 2024-231, Laws of Fla. Specific Appropriation 2050.

¹⁴⁷ Section 339.2816(2), F.S.

¹⁴⁸ FDOT Work Program Instructions, *Part III-Chapter 32: Small County Road Assistance Program*, September 6 2024, <https://fdotewp1.dot.state.fl.us/fmsupportapps/Documents/development/WorkProgramInstructions.pdf> (last visited March 11, 2025).

Effect of Proposed Changes

The bill requires FDOT, beginning with fiscal year 2025-2026, to annually allocate up to \$50 million from the STTF for SCRAP.

Small County Outreach Program (Section 35)

Present Situation

FDOT's Small County Outreach Program (SCOP) assists small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstructing county roads, or constructing capacity or safety improvements to county roads.¹⁴⁹ For Fiscal Year 2024-2025, the Legislature appropriated approximately \$88.6 million for SCOP.¹⁵⁰

For SCOP purposes, the term "small county" means any county that has a population of 200,000 or less as determined by the most recent official estimate.¹⁵¹ SCOP eligible counties are: Baker, Bay, Bradford, Calhoun, Citrus, Columbia, DeSoto, Dixie, Franklin, Flagler, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Indian River, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Martin, Monroe, Nassau, Okeechobee, Putnam, Santa Rosa, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, and Washington.¹⁵²

Subject to a specific appropriation in addition to funds annually appropriated for SCOP, a municipality within a rural area of opportunity may compete for project funding using SCOP funding criteria at up to 100 percent of project costs.¹⁵³ For Fiscal Year 2024-2025, \$9 million in SCOP funds were specifically appropriated for projects in municipalities within rural areas of opportunity.¹⁵⁴

Subject to a specific appropriation, in addition to funds appropriated for SCOP, a local government either wholly or partially within the Everglades Agricultural Area,¹⁵⁵ the Peace River Basin,¹⁵⁶ or the Suwannee River Basin¹⁵⁷ may compete for additional funding using SCOP criteria at up to 100 percent of the project's costs on state or county roads used primarily as farm-

¹⁴⁹ Section 339.2818(1), F.S.

¹⁵⁰ Chapter 2024-231, Laws of Fla. Specific Appropriation 2051.

¹⁵¹ Section 339.2818(2), F.S. Florida's official population estimate is developed pursuant to s. 186.901, F.S.

¹⁵² FDOT Work Program Instructions, *Part III – Chapter 31 Small County Outreach Program*, September 6, 2024.

¹⁵³ Section 339.2818(7), F.S. This does not include capacity improvement projects.

¹⁵⁴ Chapter 2024-231, Laws of Fla. Specific Appropriation 2051, proviso.

¹⁵⁵ The Everglades Agricultural Area is described in s. 373.4592(15), F.S. The Everglades Agricultural Area is an approximately 1,160 square-mile area of highly productive agricultural land located south of Lake Okeechobee. While most of the Area is in Palm Beach County, it extends into Martin, Hendry, and Glades Counties. University of Florida, IFAS Extension, Explore the Everglades Agricultural Area, <https://nwdistrict.ifas.ufl.edu/ampic2022/2022/07/20/explore-the-everglades-agricultural-area/> (last visited January 17, 2025).

¹⁵⁶ The Peace River Basin includes portions of Polk, Hardee, DeSoto and Charlotte counties and extends into Hillsborough, Manatee, Sarasota, Highlands, and Glades Counties. Southwest Florida Water Management District, *Peace River Watershed Excursion*, <https://www.swfwmd.state.fl.us/watersheds/peace-river/where-the-river-begins> (last visited January 17, 2025).

¹⁵⁷ Florida's portion of the Suwannee River Basin includes all or a portion of Madison, Suwannee, Columbia, Union, Alachua, Gilchrist, Levy, Dixie, and Lafayette counties. University of Georgia, River Basin Center, *Springs of the Lower Suwannee River Basin*, 1999, <https://fcit.usf.edu/florida/maps/pages/9000/f9072/f9072.htm> (last visited January 17, 2024).

to-market connections between rural agricultural areas and market distribution centers.¹⁵⁸ Funds have not been appropriated to fund these projects.

Effect of Proposed Changes

The bill revises the definition of the term “small county” for SCOP purposes by moving existing provisions regarding municipalities in RAOs and agricultural roads in specified areas into that definition. The bill also removes specific appropriation requirements for projects meeting those requirements.

The bill requires FDOT, beginning with the 2025-2026 fiscal year, to annually allocate at least \$50 million from the STTF for SCOP.

Electric Vehicle Charging Infrastructure Report (Section 37)

Present Situation

In 2020,¹⁵⁹ the Legislature required FDOT, in coordination the Public Service Commission and the Office of Energy,¹⁶⁰ to develop and recommend a master plan for current and future plans for the development of EV charging station infrastructure along the State Highway System. FDOT was required to develop the recommended master plan, and, by July 1, 2021, submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.¹⁶¹

Effect of Proposed Changes

The bill repeals the EV charging infrastructure report that was due by July 1, 2021.

State Infrastructure Bank Loans(Section 38)

Present Situation

FDOT’s state-funded infrastructure bank (SIB) provides loans and credit enhancements to government units and private entities to construct and improve transportation facilities or ancillary facilities that produce or distribute natural gas or fuel.¹⁶²

The SIB may provide emergency loans for capital costs or provide credit enhancements for emergency loans for damages incurred at seaports, public-use airports, and other public-use transit and intermodal facilities within an area that is part of a declared state of emergency. Such loans:

- May not exceed 24 months except in extreme circumstances; where the Secretary of Transportation may grant up to 36 months.
- Require the loan application to include documentation of damage claims filed with the Federal Emergency Management Agency or an applicable insurance carrier and documentation of the recipient's overall financial condition.

¹⁵⁸ Section 339.2818(8), F.S. This does not include capacity improvement projects.

¹⁵⁹ Chapter 2020-21, Laws of Florida.

¹⁶⁰ The Office of Energy is within the Department of Agriculture and Consumer Services.

¹⁶¹ Section 339.287(2), F.S.

¹⁶² Section 339.55(1), F.S.

- Are subject to approval by the Secretary of Transportation and the LBC.

Effect of Proposed Changes

The bill repeals the requirement that the LBC approve emergency loans from the State Infrastructure Bank.

Strategic Intermodal System Supply Chain Demands (Section 39)

Present Situation

FDOT's Strategic Intermodal System consists of appropriate components of highway corridors, the National Highway System, airports, seaports, and spaceports, rail lines and rail facilities, selected intermodal facilities, and other existing or planned corridors serving a statewide or interregional purpose.¹⁶³

For fiscal years 2023-2024 through 2027-2028, FDOT must make up to \$20 million available each fiscal year, from its existing work program revenues, to fund projects to provide increased capacity and enhanced capabilities to move and store construction aggregates.¹⁶⁴ Seaports, and rail lines, and rail facilities are eligible for project funding.¹⁶⁵

This program is scheduled for repeal on July 1, 2028.¹⁶⁶

Effect of Proposed Changes

The bill amends FDOT's SIS supply chain program by making FDOT's funding permissive. The bill adds to the list of eligible projects the capability to move and store transportation infrastructure-related materials.

The bill removes specific dates, including the 2028 repeal date, making this program permanent.

NewStarts Transit Funding (Section 40)

Present Situation

Federal law authorizes the Federal Transit Administration to issue certain transit capital investment grants and loans,¹⁶⁷ known as the New Starts Transit Program.

¹⁶³ Section 339.62, F.S.

¹⁶⁴ Aggregates are raw materials that are produced from natural sources and extracted from pits and quarries, including gravel, crushed stone, and sand. When used with a binding medium, like water, cement, and asphalt, they are used to form compound materials, such as asphalt concrete and Portland cement concrete. <https://www.aem.org/news/construction-aggregates-101-what-they-are-and-why-they-matter#:~:text=Aggregates%20are%20raw%20materials%20that,concrete%20and%20Portland%20cement%20concrete>. (last visited March 9, 2025).

¹⁶⁵ Section 339.651(3), F.S.

¹⁶⁶ Section 339.651(7), F.S.

¹⁶⁷ 49 U.S.C. s. 5309

FDOT funds the New Starts Transit Program from 10 percent of the documentary stamp tax revenues distributed to the STTF¹⁶⁸ and 3.4 percent of the portion of the “new wheels on the road fee,” deposited into the STTF.¹⁶⁹

As of June 2024, FDOT was required to reallocate unallocated New Starts Transit Program funds to the Strategic Intermodal System. This reallocation expires on June 30, 2026.¹⁷⁰

Effect of Proposed Changes

The bill makes permanent the reallocation of unused New Starts Transit Funds to the SIS. The bill also provides that if funds are allocated to projects that qualify for the New Starts Transit Program in the current fiscal year and a project will not be ready for production by June 30, FDOT must reallocate those funds to the SIS for the next fiscal year.

Jacksonville Transportation Authority (Section 42)

Present Situation

The Jacksonville Transportation Authority (JTA) is an independent agency of the state in Duval County. JTA designs and constructs bridges and highways and provides varied mass transit services, including express and regular bus service, community shuttles for a neighborhood ride, a downtown Skyway monorail, the St. Johns River Ferry, and the Gameday Xpress. JTA also provides paratransit for the disabled and elderly, and ride request on-demand services.¹⁷¹

JTA’s governing body consists of seven members. Three members are appointed by the Governor and confirmed by the Senate. Three members are appointed by the mayor of the City of Jacksonville and confirmed by the Jacksonville City Council. The seventh member is FDOT’s district secretary serving the district containing Jacksonville. Except for FDOT’s district secretary, JTA members must be residents and qualified electors of Duval County.¹⁷²

Florida operates a statewide travel management system utilized by the executive and judicial branches of state government. Information on the system includes names, position title, purpose of travel, dates and locations of travel, modes of travel, confirmation of any required travel authorizations, and total travel costs.¹⁷³

Florida maintains a website providing current salary information for each employee or officer of a state agency, a state university, a Florida College System institution, or the State Board of Administration. For each employee or officer, such information includes name, rate of pay; position number, class code, class title, employing agency, budget entity.¹⁷⁴

¹⁶⁸ Section 201.15(4)(a)1., F.S.

¹⁶⁹ Section 320.072(4)(b), F.S.

¹⁷⁰ Section 341.051(6)(b), F.S.

¹⁷¹ Jacksonville Transportation Authority (JTA), *JTA Goals*, available at: <https://www.jtafla.com/about-jta/about/> (last visited March 7, 2025).

¹⁷² Section 349.03(2), F.S.

¹⁷³ Section 112.061(16)(b), F.S.

¹⁷⁴ Section 215.985(6), F.S.

Florida maintains a secure contract tracking system website. Each state agency, within 30 calendar days after executing a contract, must post to the tracking system certain contract-related information, including certain contract documents.¹⁷⁵

Effect of Proposed Changes

The bill amends JTA's governing body to consist of seven members. Four members are appointed by the Governor, subject to Senate confirmation. One of the Governor's appointees must be a resident of the City of Jacksonville, and the other three appointees must be residents of Clay County, Duval County, or St. Johns County. Three members are appointed by the mayor of Jacksonville, who must be residents of the City of Jacksonville. The bill removes the FDOT district secretary from the board.

The bill requires JTA to follow FDOT's business development program. The bill also requires JTA to establish protocols and systems, similar to the state's systems, regarding posting travel, salary, and contract information on its publicly-available website.

Conforming Changes (Sections 43, 45-48)

The bill amends ss. 110.205, 365.175, 379.2293, 493.6101, and 493.6403, F.S., conforming cross references.

Effective Date (Section 49)

This bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill repeals FDOT's disadvantaged business enterprise program, which contains a public records exemption relating to an applicant's application and financial information.¹⁷⁶ With the repeal of this exemption, that information may become public.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

¹⁷⁵ Section 215.985(14), F.S.

¹⁷⁶ Section 339.0805(2), F.S.

E. Other Constitutional Issues:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

The bill reallocates \$75 million annually in sales tax revenues currently allocated to the General Revenue Fund to the STTF (section 2).

The bill repeals authorization for HOV lanes, including a \$5 fee paid to obtain an HOV decal, and a toll exemption for certain vehicles in HOV express lanes (section 6).

B. Private Sector Impact:

Motor vehicle owners who currently have an HOV decal would be subject to the payment of tolls (section 6).

FDOT's contractors may experience a reduction in surety bond costs due to the authorization of the Secretary of Transportation to waive certain surety bond requirements (section 27).

C. Government Sector Impact:

There will likely be an indeterminate negative fiscal impact on the Florida Transportation Commission in order to monitor and report on additional transit entities (Section 1).

FDOT may experience an indeterminate negative fiscal impact associated with:

- Allocating funds to the Florida Transportation Research Institute (section 1).
- Certification of private airports of public interest, including site visits (section 8).
- Funding certain infrastructure projects near space ports (section 10).
- Inspecting commercial airport facilities that have received state funds (section 13).
- Costs associated with the codification of advanced air mobility into Florida law, including the review of airport hazard zoning regulations (section 16).
- Costs incurred in establishing the Florida Transportation Academy (section 18).

FDOT may experience an insignificant increase in toll revenues due to the repeal of HOV toll lanes (section 6).

FDOT may experience cost savings associated with changes directly purchasing insurance and directly purchasing and retaining motor vehicle and heavy equipment (section 17).

DHSMV will experience a reduction in revenues due to the repeal of HOV lanes, including the \$5 annual decal fee. However, DSHMV should see a similar reduction to its costs (section 6).

The following provisions of the bill may have a negative fiscal impact on airports:

- FDOT's use of airport property during certain declared states of emergency (section 12);
- FDOT's inspection of commercial airport facilities (section 13);
- Preparing annual reports on their comprehensive maintenance programs (section 14); and
- Additional requirements regarding the transparency and accountability of commercial service airports (section 15).

The bill may have a negative fiscal impact on the Jacksonville Transportation Authority to prepare certain information and post such information on its website (section 42).

VI. Technical Deficiencies:

The bill (section 4) requires each member of the FSTED Council to submit to FDOT a semiannual report on his or her port. This is likely meant to require each port represented by the FSTED Council to submit the report to FDOT.

VII. Related Issues:

The bill (section 6) repeals HOV lanes. Section 338.166, F.S., authorizes FDOT to impose tolls on HOV lanes and to issue bonds secured by such toll revenues. Section 338.166, F.S., may need to be amended to conform to the repeal of HOV lanes.¹⁷⁷

The bill (section 9) requires FDOT to certify private airports of public interest. However, the bill does not address site approval for these airports. The airport site approval statute, s. 330.30(1), F.S., may need to be amended to address the site approval of private airports of public interest.

The bill (section 35) requires a minimum of \$50 million to be allocated from the STTF for the Small County Outreach Program. However, the bill is not clear as to whether the minimum allocation includes, or is in addition to, specific statutory distributions to this program.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.23, 212.20, 311.07, 311.09, 311.10, 316.0745, 330.27, 330.30, 331.371, 332.003, 332.005, 332.006, 332.007, 332.0075, 334.044, 334.045, , 335.182, 335.187, 337.027, 337.11, 337.18, 337.251, 337.406, 338.227, 339.08, 339.135, 339.2816, 339.2818, 339.2821, 339.55, 339.651, 341.051, 348.754, 349.03, 110.205, 322.27, 365.172, 379.2293, 493.6101, and 493.6403.

This bill creates the following sections of the Florida Statutes: 332.15 and 334.62.

This bill repeals the following sections of the Florida Statutes: 316.0741, 337.125, 337.135, 339.0805, 337.139, and 339.287.

¹⁷⁷ Section 338.166, F.S., also authorizes FDOT to impose tolls on express lanes and bond such toll revenues.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Collins

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20251662__

1 A bill to be entitled
 2 An act relating to transportation; amending s. 20.23,
 3 F.S.; authorizing the Secretary of Transportation to
 4 appoint a specified number of assistant secretaries;
 5 specifying titles for such assistant secretaries;
 6 authorizing the secretary to appoint an Executive
 7 Director of Transportation Technology; specifying that
 8 such assistant secretaries and executive director
 9 positions are exempt from career service and are
 10 included in the Senior Management Service; revising
 11 qualifications for members of the Florida
 12 Transportation Commission; deleting a provision
 13 related to the independence of the commission;
 14 requiring the commission to monitor transit entities
 15 that receive certain funding; requiring members of the
 16 commission to follow certain standards of conduct;
 17 deleting a provision relating to the budget of the
 18 commission; providing legislative findings and intent;
 19 creating the Florida Transportation Research
 20 Institute; specifying the purpose of the institute;
 21 requiring the institute to report to the department;
 22 providing for membership of the institute; requiring
 23 the department to select a member to serve as the
 24 administrative lead of the institute; requiring the
 25 Secretary of Transportation to appoint a
 26 representative of the department to serve as the
 27 executive director of the institute; requiring the
 28 department to coordinate with the members of the
 29 institute to adopt certain policies; authorizing the

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30 institute to award certain grants; authorizing the
 31 department to allocate funds to the institute from the
 32 State Transportation Trust Fund; authorizing the
 33 institute to expend funds for certain operations and
 34 programs; requiring the institute to submit an annual
 35 report to the Secretary of Transportation and the
 36 commission; deleting a requirement that major
 37 transportation policy initiatives and revisions be
 38 submitted to the commission for review; revising the
 39 department's areas of program responsibility; amending
 40 s. 212.20, F.S.; requiring the department to
 41 distribute a certain amount from the proceeds of a
 42 specified tax to the State Transportation Trust Fund
 43 for a specified purpose; amending s. 311.07, F.S.;
 44 providing that certain spaceport and space industry-
 45 related facility projects and commercial shipbuilding
 46 and manufacturing facility projects are eligible for
 47 grant funding under the Florida Seaport Transportation
 48 and Economic Development Program; amending s. 311.09,
 49 F.S.; revising the purpose of the Florida Seaport
 50 Transportation and Economic Development Council;
 51 requiring the department to provide administrative
 52 support to the council on certain matters; requiring
 53 that the Florida Seaport Mission Plan include certain
 54 recommendations; requiring each port member of the
 55 council to submit a certain semiannual report to the
 56 department; amending s. 311.10, F.S.; requiring
 57 seaports located in a specified county to include
 58 certain statements in any agreement with the

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59 department as a condition of receiving certain grants;
 60 defining the term "cargo purposes"; repealing s.
 61 316.0741, F.S., relating to high-occupancy-vehicle
 62 lanes; amending s. 316.0745, F.S.; deleting language
 63 limiting the state funds that may be withheld due to
 64 certain violations by a public body or official to
 65 state funds for traffic control purposes; amending s.
 66 330.27, F.S.; revising definitions and defining terms;
 67 amending s. 330.30, F.S.; requiring that a private
 68 airport of public interest obtain a certain
 69 certificate from the department before allowing
 70 aircraft operations; requiring that certain private
 71 airports obtain a certain certificate from the
 72 department by a specified date; amending s. 331.371,
 73 F.S.; authorizing the department, in consultation with
 74 the Department of Commerce and the Department of
 75 Environmental Protection, to fund certain projects
 76 associated with certain critical infrastructure
 77 projects; requiring that such departments coordinate
 78 in funding certain projects for a specified purpose;
 79 amending s. 332.003, F.S.; revising a short title;
 80 amending s. 332.005, F.S.; requiring airports to
 81 provide the Department of Transportation with the
 82 opportunity to use certain airport property for a
 83 specified purpose during a declared state of
 84 emergency; amending s. 332.006, F.S.; providing duties
 85 and responsibilities of the department relating to
 86 certain educational services, inspections of certain
 87 commercial airport facilities, and agreements with

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88 other state regulatory agencies; amending s. 332.007,
 89 F.S.; requiring the department to require annual
 90 comprehensive maintenance program reports from airport
 91 sponsors; providing requirements for such reports;
 92 defining the term "maintenance"; authorizing the
 93 department to withhold certain state funds under
 94 certain circumstances; revising the list of projects
 95 for which the department must provide priority
 96 funding; authorizing the department to fund eligible
 97 projects performed by certain organizations and
 98 postsecondary education institutions; providing that
 99 certain programs are eligible projects; authorizing
 100 the department to provide certain matching funds;
 101 revising the circumstances in which the department may
 102 fund strategic airport investment projects; amending
 103 s. 332.0075, F.S.; revising definitions; requiring
 104 that certain information remain posted on a governing
 105 body's website for a certain period; revising the
 106 information that must be included on such website;
 107 requiring the quarterly, rather than annual, update of
 108 certain information; revising information that the
 109 governing body of a commercial service airport must
 110 submit to the department annually; requiring a
 111 commercial service airport to provide certain
 112 notifications to the department; creating s. 332.15,
 113 F.S.; requiring the department to address certain
 114 needs in the statewide aviation system plan and the
 115 department's work program, designate a certain subject
 116 matter expert, conduct a specified review, and, in

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117 coordination with the Department of Commerce, provide
 118 certain coordination and assistance for the
 119 development of a viable advanced air mobility system
 120 plan; amending s. 334.044, F.S.; revising the powers
 121 and duties of the department; amending s. 334.045,
 122 F.S.; requiring certain measures developed and adopted
 123 by the Florida Transportation Commission to assess
 124 performance in a specified business development
 125 program, instead of disadvantaged business enterprise
 126 and minority business programs; creating s. 334.62,
 127 F.S.; providing legislative findings; establishing the
 128 Florida Transportation Academy within the department;
 129 authorizing the department to coordinate with certain
 130 entities for specified purposes; amending s. 335.182,
 131 F.S.; defining the term "modification of an existing
 132 connection"; revising the definition of the term
 133 "significant change"; amending s. 335.187, F.S.;
 134 authorizing the department to modify or revoke certain
 135 access permits by requiring modification of an
 136 existing connection in certain circumstances; amending
 137 s. 337.027, F.S.; revising the definition of the term
 138 "small business"; amending s. 337.11, F.S.; requiring
 139 the department to give consideration to small business
 140 participation, instead of disadvantaged business
 141 enterprise participation; repealing s. 337.125, F.S.,
 142 relating to socially and economically disadvantaged
 143 business enterprises and notice requirements;
 144 repealing s. 337.135, F.S., relating to socially and
 145 economically disadvantaged business enterprises and

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146 punishment for false representation; repealing s.
 147 337.139, F.S., relating to efforts to encourage
 148 awarding contracts to disadvantaged business
 149 enterprises; amending s. 337.18, F.S.; authorizing the
 150 Secretary of Transportation to require a surety bond
 151 in an amount that is less than the awarded contract
 152 price; amending s. 337.251, F.S.; revising factors
 153 that may be considered by the department when
 154 selecting certain proposals; amending s. 337.406,
 155 F.S.; prohibiting camping on any portion of the right-
 156 of-way of the State Highway System; providing
 157 applicability; amending s. 338.227, F.S.; revising the
 158 purpose for which the department and the Department of
 159 Management Services shall create and implement a
 160 certain outreach program; amending s. 339.08, F.S.;
 161 defining the term "energy policy of the state";
 162 prohibiting the department from expending state funds
 163 to support projects or programs of certain entities in
 164 certain circumstances; repealing s. 339.0805, F.S.,
 165 relating to funds to be expended with certified
 166 disadvantaged business enterprises, a construction
 167 management development program, and a bond guarantee
 168 program; amending s. 339.135, F.S.; revising the
 169 method of approval upon which certain spending
 170 authority may be rolled forward to the next fiscal
 171 year; requiring the Executive Office of the Governor
 172 to make a certain budget modification upon such
 173 approval; deleting the scheduled repeal of a provision
 174 authorizing the chair or vice chair of the Legislative

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175 Budget Commission to authorize an amendment of the
 176 adopted work program in certain circumstances;
 177 amending s. 339.2816, F.S.; revising the amount from
 178 the State Transportation Trust Fund which may be used
 179 annually to fund the Small County Road Assistance
 180 Program, beginning with a specified fiscal year;
 181 amending s. 339.2818, F.S.; revising the definition of
 182 the term "small county"; authorizing the annual use of
 183 a certain amount from the State Transportation Trust
 184 Fund for the purposes of funding the Small County
 185 Outreach Program, beginning with a specified fiscal
 186 year; deleting provisions authorizing certain
 187 municipalities and local governments to compete for
 188 additional project funding, subject to specific
 189 appropriations; amending s. 339.2821, F.S.; requiring
 190 the department to ensure that it is supportive of
 191 small businesses, rather than ensuring that small and
 192 minority businesses have equal access to participation
 193 in certain transportation projects; repealing s.
 194 339.287, F.S., relating to electric vehicle charging
 195 stations and infrastructure plan development; amending
 196 s. 339.55, F.S.; deleting language providing that
 197 certain emergency loans from the state-funded
 198 infrastructure bank are subject to approval by the
 199 Legislative Budget Commission; amending s. 339.651,
 200 F.S.; authorizing, rather than requiring, the
 201 department to make a certain amount available to fund
 202 certain projects annually; deleting the scheduled
 203 repeal of provisions relating to Strategic Intermodal

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204 System supply chain demands; amending s. 341.051,
 205 F.S.; providing for the reallocation of certain funds;
 206 deleting the scheduled repeal of provisions providing
 207 for the reallocation of certain funds; amending s.
 208 348.754, F.S.; revising the types of businesses the
 209 Central Florida Expressway Authority is required to
 210 encourage the inclusion of in certain opportunities;
 211 amending s. 349.03, F.S.; revising membership
 212 requirements for the governing body of the
 213 Jacksonville Transportation Authority; requiring the
 214 authority to follow a certain business development
 215 program; requiring the authority to establish certain
 216 protocols and systems and post certain information on
 217 a specified website; amending ss. 110.205, 322.27,
 218 365.172, 379.2293, 493.6101, and 493.6403, F.S.;
 219 conforming cross-references and provisions to changes
 220 made by the act; providing an effective date.

221
 222 Be It Enacted by the Legislature of the State of Florida:

223
 224 Section 1. Present subsections (3) through (6) of section
 225 20.23, Florida Statutes, are redesignated as subsections (4)
 226 through (7), respectively, a new subsection (3) is added to that
 227 section, and paragraph (d) of subsection (1), paragraphs (a),
 228 (b), (g), and (i) of subsection (2), and paragraphs (a) and (b)
 229 of present subsection (3) of that section are amended, to read:

230 20.23 Department of Transportation.—There is created a
 231 Department of Transportation which shall be a decentralized
 232 agency.

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233 (1)

234 (d) The secretary may appoint ~~up to~~ three assistant

235 secretaries, who shall serve as the Chief Operations Officer,

236 Chief Finance and Administration Officer, and Chief Strategic

237 Development Officer, respectively; be directly responsible to

238 the secretary; and ~~who shall~~ perform such duties as are assigned

239 by the secretary. The secretary may also appoint an Executive

240 Director of Transportation Technology. Such assistant secretary

241 and executive director positions are exempt from career service

242 pursuant to s. 110.205(2)(j) and are included in the Senior

243 Management Service. The secretary shall designate to an

244 assistant secretary the duties related to enhancing economic

245 prosperity, including, but not limited to, the responsibility of

246 liaison with the head of economic development in the Executive

247 Office of the Governor. Such assistant secretary shall be

248 directly responsible for providing the Executive Office of the

249 Governor with investment opportunities and transportation

250 projects that expand the state's role as a global hub for trade

251 and investment and enhance the supply chain system in the state

252 to process, assemble, and ship goods to markets throughout the

253 eastern United States, Canada, the Caribbean, and Latin America.

254 The secretary may delegate to any assistant secretary the

255 authority to act in the absence of the secretary.

256 (2)(a)1. The Florida Transportation Commission is hereby

257 created and shall be composed ~~consist~~ of nine members appointed

258 by the Governor subject to confirmation by the Senate. Members

259 of the commission shall serve terms of 4 years each.

260 2. Members shall be appointed in such a manner as to

261 equitably represent all geographic areas of the state. Each

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262 member must be a registered voter and a citizen of the state. At

263 least three members of the commission must be representatives of

264 or possess expertise in the higher education, transportation, or

265 workforce development industries ~~Each member of the commission~~

266 ~~must also possess business managerial experience in the private~~

267 ~~sector.~~

268 3. A member of the commission shall represent the

269 transportation needs of the state as a whole and may not

270 subordinate the needs of the state to those of any particular

271 area of the state.

272 4. The commission is assigned to the Office of the

273 Secretary of the Department of Transportation for administrative

274 and fiscal accountability purposes, ~~but it shall otherwise~~

275 ~~function independently of the control and direction of the~~

276 ~~department.~~

277 (b) The commission shall:

278 1. Recommend major transportation policies for the

279 Governor's approval and assure that approved policies and any

280 revisions are properly executed.

281 2. Periodically review the status of the state

282 transportation system, including highway, transit, rail,

283 seaport, intermodal development, and aviation components of the

284 system, and recommend improvements to the Governor and the

285 Legislature.

286 3. Perform an in-depth evaluation of the annual department

287 budget request, the Florida Transportation Plan, and the

288 tentative work program for compliance with all applicable laws

289 and established departmental policies. Except as specifically

290 provided in s. 339.135(4)(c)2., (d), and (f), the commission may

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291 not consider individual construction projects but shall consider
292 methods of accomplishing the goals of the department in the most
293 effective, efficient, and businesslike manner.

294 4. Monitor the financial status of the department on a
295 regular basis to assure that the department is managing revenue
296 and bond proceeds responsibly and in accordance with law and
297 established policy.

298 5. Monitor on at least a quarterly basis the efficiency,
299 productivity, and management of the department using performance
300 and production standards developed by the commission pursuant to
301 s. 334.045.

302 6. Perform an in-depth evaluation of the factors causing
303 disruption of project schedules in the adopted work program and
304 recommend to the Governor and the Legislature methods to
305 eliminate or reduce the disruptive effects of these factors.

306 7. Recommend to the Governor and the Legislature
307 improvements to the department's organization in order to
308 streamline and optimize the efficiency of the department. In
309 reviewing the department's organization, the commission shall
310 determine if the current district organizational structure is
311 responsive to this state's changing economic and demographic
312 development patterns. The report by the commission must be
313 delivered to the Governor and the Legislature by December 15
314 each year, as appropriate. The commission may retain experts as
315 necessary to carry out this subparagraph, and the department
316 shall pay the expenses of the experts.

317 8. Monitor the efficiency, productivity, and management of
318 the agencies and authorities created under chapters 348 and 349;
319 the Mid-Bay Bridge Authority re-created pursuant to chapter

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320 2000-411, Laws of Florida; ~~and~~ any authority formed under
321 chapter 343; and any transit entity that receives funding under
322 the public transit block grant program pursuant to s. 341.052.
323 The commission shall also conduct periodic reviews of each
324 agency's and authority's operations and budget, acquisition of
325 property, management of revenue and bond proceeds, and
326 compliance with applicable laws and generally accepted
327 accounting principles.

328 (g) A member of the commission shall follow the standards
329 of conduct for public officers provided in s. 112.313 ~~may not~~
330 ~~have any interest, direct or indirect, in any contract,~~
331 ~~franchise, privilege, or other benefit granted or awarded by the~~
332 ~~department~~ during the term of his or her appointment and for 2
333 years after the termination of such appointment.

334 (i) The commission shall develop a budget pursuant to
335 chapter 216. ~~The budget is not subject to change by the~~
336 ~~department, but such budget shall be submitted to the Governor~~
337 ~~along with the budget of the department.~~

338 (3) The Legislature finds that the transportation industry
339 is critical to the economic future of this state and that the
340 competitiveness of the industry in this state depends upon the
341 development and maintenance of a qualified workforce and
342 cutting-edge research and innovation. The Legislature further
343 finds that the transportation industry in this state has varied
344 and complex workforce needs ranging from technical and
345 mechanical training to continuing education opportunities for
346 workers with advanced degrees and certifications. The timely
347 need also exists for coordinated research and innovation efforts
348 to promote emerging technologies and innovative construction

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349 methods and tools and to address alternative funding mechanisms.
 350 It is the intent of the Legislature to support programs designed
 351 to address the workforce development needs of the state's
 352 transportation industry.

353 (a) The Florida Transportation Research Institute is
 354 created as a consortium of higher education professionals. The
 355 purpose of the institute is to drive cutting-edge research,
 356 innovation, transformational technologies, and breakthrough
 357 solutions and to support workforce development efforts that
 358 contribute to this state's transportation industry.

359 (b) The institute shall report to the department and shall
 360 be composed of members from the University of Florida, Indian
 361 River State College, the University of Central Florida, and
 362 Florida International University. The department shall select a
 363 member to serve as the administrative lead of the institute. The
 364 department shall assess the performance of the administrative
 365 lead periodically to ensure accountability and assess the
 366 attainment of performance goals.

367 (c) The Secretary of Transportation shall appoint a
 368 representative of the department to serve as the executive
 369 director of the institute. The department shall coordinate with
 370 the members of the institute to adopt policies establishing the
 371 institute's executive committee and mission statement.

372 (d) The institute may award grants in alignment with its
 373 purpose. Such grants may be directed to member and nonmember
 374 institutions that have a proven expertise relevant to the grant,
 375 including not-for-profit organizations and institutions of
 376 higher education.

377 (e) The department may allocate funds to the institute from

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378 the State Transportation Trust Fund. The institute may expend
 379 such funds for the institute's operations and programs to
 380 support research and innovation projects that provide solutions
 381 for this state's transportation needs.

382 (f) The institute shall submit an annual report of
 383 performance metrics to the Secretary of Transportation and the
 384 commission. The report must include, but is not limited to,
 385 expenditures of funds allocated to the institute by the
 386 department, ongoing and proposed research efforts, and the
 387 application and success of past research efforts.

388 (4) (a) ~~(3) (a)~~ The central office shall establish
 389 departmental policies, rules, procedures, and standards and
 390 shall monitor the implementation of such policies, rules,
 391 procedures, and standards in order to ensure uniform compliance
 392 and quality performance by the districts and central office
 393 units that implement transportation programs. ~~Major~~
 394 transportation policy initiatives or revisions shall be
 395 submitted to the commission for review.

396 (b) The secretary may appoint positions at the level of
 397 deputy assistant secretary or director which the secretary deems
 398 necessary to accomplish the mission and goals of the department,
 399 including, but not limited to, the areas of program
 400 responsibility provided in this paragraph, each of whom shall be
 401 appointed by and serve at the pleasure of the secretary. The
 402 secretary may combine, separate, or delete offices as needed in
 403 consultation with the Executive Office of the Governor. The
 404 department's areas of program responsibility include, but are
 405 not limited to, all of the following:

406 1. Administration.

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- 407 2. Planning.
- 408 3. Supply chain and modal development.
- 409 4. Design.
- 410 5. Highway operations.
- 411 6. Right-of-way.
- 412 7. Toll operations.
- 413 8. Transportation technology.
- 414 9. Information technology ~~systems~~.
- 415 10. Motor carrier weight inspection.
- 416 11. Work program and budget.
- 417 12. Comptroller.
- 418 13. Construction.
- 419 14. Statewide corridors.
- 420 15. Maintenance.
- 421 16. Forecasting and performance.
- 422 17. Emergency management.
- 423 18. Safety.
- 424 19. Materials.
- 425 20. Infrastructure and innovation.
- 426 21. Permitting.
- 427 22. Traffic operations.
- 428 23. Operational technology.

429 Section 2. Paragraph (d) of subsection (6) of section
430 212.20, Florida Statutes, is amended to read:

431 212.20 Funds collected, disposition; additional powers of
432 department; operational expense; refund of taxes adjudicated
433 unconstitutionally collected.—

434 (6) Distribution of all proceeds under this chapter and ss.
435 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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

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

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

455 3. After the distribution under subparagraphs 1. and 2.,
456 0.0966 percent shall be transferred to the Local Government
457 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
458 to s. 218.65.

459 4. After the distributions under subparagraphs 1., 2., and
460 3., 2.0810 percent of the available proceeds shall be
461 transferred monthly to the Revenue Sharing Trust Fund for
462 Counties pursuant to s. 218.215.

463 5. After the distributions under subparagraphs 1., 2., and
464 3., 1.3653 percent of the available proceeds shall be

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465 transferred monthly to the Revenue Sharing Trust Fund for
 466 Municipalities pursuant to s. 218.215. If the total revenue to
 467 be distributed pursuant to this subparagraph is at least as
 468 great as the amount due from the Revenue Sharing Trust Fund for
 469 Municipalities and the former Municipal Financial Assistance
 470 Trust Fund in state fiscal year 1999-2000, no municipality shall
 471 receive less than the amount due from the Revenue Sharing Trust
 472 Fund for Municipalities and the former Municipal Financial
 473 Assistance Trust Fund in state fiscal year 1999-2000. If the
 474 total proceeds to be distributed are less than the amount
 475 received in combination from the Revenue Sharing Trust Fund for
 476 Municipalities and the former Municipal Financial Assistance
 477 Trust Fund in state fiscal year 1999-2000, each municipality
 478 shall receive an amount proportionate to the amount it was due
 479 in state fiscal year 1999-2000.

480 6. Of the remaining proceeds:

481 a. In each fiscal year, the sum of \$29,915,500 shall be
 482 divided into as many equal parts as there are counties in the
 483 state, and one part shall be distributed to each county. The
 484 distribution among the several counties must begin each fiscal
 485 year on or before January 5th and continue monthly for a total
 486 of 4 months. If a local or special law required that any moneys
 487 accruing to a county in fiscal year 1999-2000 under the then-
 488 existing provisions of s. 550.135 be paid directly to the
 489 district school board, special district, or a municipal
 490 government, such payment must continue until the local or
 491 special law is amended or repealed. The state covenants with
 492 holders of bonds or other instruments of indebtedness issued by
 493 local governments, special districts, or district school boards

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494 before July 1, 2000, that it is not the intent of this
 495 subparagraph to adversely affect the rights of those holders or
 496 relieve local governments, special districts, or district school
 497 boards of the duty to meet their obligations as a result of
 498 previous pledges or assignments or trusts entered into which
 499 obligated funds received from the distribution to county
 500 governments under then-existing s. 550.135. This distribution
 501 specifically is in lieu of funds distributed under s. 550.135
 502 before July 1, 2000.

503 b. The department shall distribute \$166,667 monthly to each
 504 applicant certified as a facility for a new or retained
 505 professional sports franchise pursuant to s. 288.1162. Up to
 506 \$41,667 shall be distributed monthly by the department to each
 507 certified applicant as defined in s. 288.11621 for a facility
 508 for a spring training franchise. However, not more than \$416,670
 509 may be distributed monthly in the aggregate to all certified
 510 applicants for facilities for spring training franchises.
 511 Distributions begin 60 days after such certification and
 512 continue for not more than 30 years, except as otherwise
 513 provided in s. 288.11621. A certified applicant identified in
 514 this sub-subparagraph may not receive more in distributions than
 515 expended by the applicant for the public purposes provided in s.
 516 288.1162(5) or s. 288.11621(3).

517 c. The department shall distribute up to \$83,333 monthly to
 518 each certified applicant as defined in s. 288.11631 for a
 519 facility used by a single spring training franchise, or up to
 520 \$166,667 monthly to each certified applicant as defined in s.
 521 288.11631 for a facility used by more than one spring training
 522 franchise. Monthly distributions begin 60 days after such

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523 certification or July 1, 2016, whichever is later, and continue
 524 for not more than 20 years to each certified applicant as
 525 defined in s. 288.11631 for a facility used by a single spring
 526 training franchise or not more than 25 years to each certified
 527 applicant as defined in s. 288.11631 for a facility used by more
 528 than one spring training franchise. A certified applicant
 529 identified in this sub-subparagraph may not receive more in
 530 distributions than expended by the applicant for the public
 531 purposes provided in s. 288.11631(3).

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

534 e.(I) On or before July 25, 2021, August 25, 2021, and
 535 September 25, 2021, the department shall distribute \$324,533,334
 536 in each of those months to the Unemployment Compensation Trust
 537 Fund, less an adjustment for refunds issued from the General
 538 Revenue Fund pursuant to s. 443.131(3)(e)3. before making the
 539 distribution. The adjustments made by the department to the
 540 total distributions shall be equal to the total refunds made
 541 pursuant to s. 443.131(3)(e)3. If the amount of refunds to be
 542 subtracted from any single distribution exceeds the
 543 distribution, the department may not make that distribution and
 544 must subtract the remaining balance from the next distribution.

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

548 (III) If the ending balance of the Unemployment
 549 Compensation Trust Fund exceeds \$4,071,519,600 on the last day
 550 of any month, as determined from United States Department of the
 551 Treasury data, the Office of Economic and Demographic Research

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552 shall certify to the department that the ending balance of the
 553 trust fund exceeds such amount.

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

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

562 g. Beginning July 2025, and on or before the 25th day of
 563 each month, from the portion of the proceeds of the tax imposed
 564 under s. 212.05(1)(e)1.c., the department shall distribute \$6.25
 565 million to the State Transportation Trust Fund to account for a
 566 portion of the impact of electric and hybrid vehicles on the
 567 State Highway System.

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

570 Section 3. Paragraph (b) of subsection (3) of section
 571 311.07, Florida Statutes, is amended to read:

572 311.07 Florida seaport transportation and economic
 573 development funding.—

574 (3)

575 (b) Projects eligible for funding by grants under the
 576 program are limited to the following port facilities or port
 577 transportation projects:

578 1. Transportation facilities within the jurisdiction of the
 579 port.

580 2. The dredging or deepening of channels, turning basins,

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581 or harbors.

582 3. The construction or rehabilitation of wharves, docks,

583 structures, jetties, piers, storage facilities, cruise

584 terminals, automated people mover systems, or any facilities

585 necessary or useful in connection with any of the foregoing.

586 4. The acquisition of vessel tracking systems, container

587 cranes, or other mechanized equipment used in the movement of

588 cargo or passengers in international commerce.

589 5. The acquisition of land to be used for port purposes.

590 6. The acquisition, improvement, enlargement, or extension

591 of existing port facilities.

592 7. Environmental protection projects which are necessary

593 because of requirements imposed by a state agency as a condition

594 of a permit or other form of state approval; which are necessary

595 for environmental mitigation required as a condition of a state,

596 federal, or local environmental permit; which are necessary for

597 the acquisition of spoil disposal sites and improvements to

598 existing and future spoil sites; or which result from the

599 funding of eligible projects listed in this paragraph.

600 8. Transportation facilities as defined in s. 334.03(30)

601 which are not otherwise part of the Department of

602 Transportation's adopted work program.

603 9. Intermodal access projects.

604 10. Construction or rehabilitation of port facilities as

605 defined in s. 315.02, excluding any park or recreational

606 facilities, in ports listed in s. 311.09(1) with operating

607 revenues of \$5 million or less, provided that such projects

608 create economic development opportunities, capital improvements,

609 and positive financial returns to such ports.

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610 11. Seaport master plan or strategic plan development or

611 updates, including the purchase of data to support such plans.

612 12. Spaceport or space industry-related planning or

613 construction of facilities on seaport property which are

614 necessary or useful for advancing the space industry in this

615 state and provide an economic benefit to this state.

616 13. Commercial shipbuilding and manufacturing facilities,

617 when such projects provide an economic benefit to this state.

618 Section 4. Subsections (1), (2), (3), and (11) of section

619 311.09, Florida Statutes, are amended to read:

620 311.09 Florida Seaport Transportation and Economic

621 Development Council.—

622 (1) The Florida Seaport Transportation and Economic

623 Development Council is created within the Department of

624 Transportation. The purpose of the council is to support the

625 growth of seaports in this state through review, development,

626 and financing of port transportation and port facilities. The

627 council is composed ~~consists~~ of the following 18 members: the

628 port director, or the port director's designee, of each of the

629 ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce,

630 Palm Beach, Port Everglades, Miami, Port Manatee, St.

631 Petersburg, Putnam County, Tampa, Port St. Joe, Panama City,

632 Pensacola, Key West, and Fernandina; the secretary of the

633 Department of Transportation or his or her designee; and the

634 secretary of the Department of Commerce or his or her designee.

635 (2) The council shall adopt bylaws governing the manner in

636 which the business of the council will be conducted. The bylaws

637 shall specify the procedure by which the chairperson of the

638 council is elected. The Department of Transportation shall

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639 provide administrative support to the council on matters
 640 relating to the Florida Seaport Transportation and Economic
 641 Development Program and the council.

642 (3) The council shall prepare a 5-year Florida Seaport
 643 Mission Plan defining the goals and objectives of the council
 644 concerning the development of port facilities and an intermodal
 645 transportation system consistent with the goals of the Florida
 646 Transportation Plan developed pursuant to s. 339.155. The
 647 Florida Seaport Mission Plan shall include specific
 648 recommendations for the construction of transportation
 649 facilities connecting any port to another transportation mode,
 650 the construction of transportation facilities connecting any
 651 port to the space and aerospace industries, and for the
 652 efficient, cost-effective development of transportation
 653 facilities or port facilities for the purpose of enhancing
 654 trade, promoting cargo flow, increasing cruise passenger
 655 movements, increasing port revenues, and providing economic
 656 benefits to the state. The council shall develop a priority list
 657 of projects based on these recommendations annually and submit
 658 the list to the Department of Transportation. The council shall
 659 update the 5-year Florida Seaport Mission Plan annually and
 660 shall submit the plan no later than February 1 of each year to
 661 the President of the Senate, the Speaker of the House of
 662 Representatives, the Department of Commerce, and the Department
 663 of Transportation. The council shall develop programs, based on
 664 an examination of existing programs in Florida and other states,
 665 for the training of ~~minorities and~~ secondary school students in
 666 job skills associated with employment opportunities in the
 667 maritime industry, and report on progress and recommendations

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668 for further action to the President of the Senate and the
 669 Speaker of the House of Representatives annually. Each port
 670 member of the council shall submit a semiannual report related
 671 to his or her port's operations and support of the state's
 672 economic competitiveness and supply chain. Reports must be
 673 submitted to the Department of Transportation and include any
 674 information required by the Department of Transportation in
 675 consultation with the Department of Commerce. Such reports must
 676 include, but are not limited to, all of the following
 677 information:

678 (a) Bulk break capacity.

679 (b) Liquid storage and capacity.

680 (c) Fuel storage and capacity.

681 (d) Container capacity.

682 (e) A description of any supply chain disruption.

683 (11) Members of the council shall serve without
 684 compensation but are entitled to receive reimbursement for per
 685 diem and travel expenses as provided in s. 112.061. ~~The council~~
 686 ~~may elect to provide an administrative staff to provide services~~
 687 ~~to the council on matters relating to the Florida Seaport~~
 688 ~~Transportation and Economic Development Program and the council.~~
 689 ~~The cost for such administrative services shall be paid by all~~
 690 ~~ports that receive funding from the Florida Seaport~~
 691 ~~Transportation and Economic Development Program, based upon a~~
 692 ~~pro rata formula measured by each recipient's share of the funds~~
 693 ~~as compared to the total funds disbursed to all recipients~~
 694 ~~during the year. The share of costs for administrative services~~
 695 ~~shall be paid in its total amount by the recipient port upon~~
 696 ~~execution by the port and the Department of Transportation of a~~

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 697 ~~joint participation agreement for each council-approved project,~~
 698 ~~and such payment is in addition to the matching funds required~~
 699 ~~to be paid by the recipient port.~~ Except as otherwise exempted
 700 by law, all moneys derived from the Florida Seaport
 701 Transportation and Economic Development Program shall be
 702 expended in accordance with the provisions of s. 287.057.
 703 Seaports subject to competitive negotiation requirements of a
 704 local governing body shall abide by the provisions of s.
 705 287.055.

Section 5. Subsection (4) is added to section 311.10,
 Florida Statutes, to read:

311.10 Strategic Port Investment Initiative.—

(4) As a condition of receiving a project grant under any
 710 program established in this chapter and as a condition of
 711 receiving state funds as described in s. 215.31, a seaport
 712 located in any county identified in s. 331.304(1) and (5) must
 713 include in any agreement with the Department of Transportation
 714 that the seaport may not convert any planned or existing land,
 715 facility, or infrastructure designated for cargo purposes to any
 716 alternative purpose unless express approval is obtained by the
 717 Secretary of Transportation and the Secretary of Commerce. As
 718 used in this subsection, the term "cargo purposes" includes, but
 719 is not limited to, any facility, activity, property, energy
 720 source, or infrastructure asset that supports spaceport
 721 activities.

Section 6. ~~Section 316.0741, Florida Statutes, is repealed.~~

Section 7. Subsection (7) of section 316.0745, Florida
 Statutes, is amended to read:

316.0745 Uniform signals and devices.—

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 726 (7) The Department of Transportation may, upon receipt and
 727 investigation of reported noncompliance and after hearing
 728 pursuant to 14 days' notice, direct the removal of any purported
 729 traffic control device that fails to meet the requirements of
 730 this section, wherever the device is located and without regard
 731 to assigned responsibility under s. 316.1895. The public agency
 732 erecting or installing the same shall immediately bring it into
 733 compliance with the requirements of this section or remove said
 734 device or signal upon the direction of the Department of
 735 Transportation and may not, for a period of 5 years, install any
 736 replacement or new traffic control devices paid for in part or
 737 in full with revenues raised by the state unless written prior
 738 approval is received from the Department of Transportation. Any
 739 additional violation by a public body or official shall be cause
 740 for the withholding of state funds ~~for traffic control purposes~~
 741 until such public body or official demonstrates to the
 742 Department of Transportation that it is complying with this
 743 section.

Section 8. Section 330.27, Florida Statutes, is amended to
 read:

330.27 Definitions, when used in ss. 330.29-330.39.—

(1) "Air ambulance operation" means a flight with a patient
 748 or medical personnel on board for the purpose of medical
 749 transportation.

(2) "Aircraft" means a powered or unpowered machine or
 751 device capable of atmospheric flight, including, but not limited
 752 to, an airplane, an autogyro, a glider, a gyrodyne, a
 753 helicopter, a lift and cruise, a multicopter, paramotors, a
 754 powered lift, a seaplane, a tiltrotor, an ultralight, and a

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755 vectored thrust. The term does not include ~~except~~ a parachute or
756 other such device used primarily as safety equipment.

757 ~~(3)(2)~~ "Airport" means a specific an area of land or water
758 or a structure used for, or intended to be used for, aircraft
759 operations, which may include landing and takeoff of aircraft,
760 ~~including~~ appurtenant areas, buildings, facilities, or rights-
761 of-way necessary to facilitate such use or intended use. The
762 term includes, but is not limited to, airparks, airports,
763 gliderports, heliports, helistops, seaplane bases, ultralight
764 flightparks, vertiports, and vertistops.

765 (4) "Commercial air tour operation" means a flight
766 conducted for compensation or hire in an aircraft where a
767 purpose of the flight is sightseeing.

768 (5) "Commuter operation" means any scheduled operation
769 conducted by a person operating an aircraft with a frequency of
770 operations of at least five round trips per week on at least one
771 route between two or more points according to the published
772 flight schedule.

773 ~~(6)(3)~~ "Department" means the Department of Transportation.

774 ~~(7)(4)~~ "Limited airport" means any airport limited
775 exclusively to the specific conditions stated on the site
776 approval order or license.

777 (8) "On-demand operation" means any scheduled passenger-
778 carrying operation for compensation or hire conducted by a
779 person operating an aircraft with a frequency of operations of
780 fewer than five round trips per week on at least one route
781 between two or more points according to the published flight
782 schedule.

783 ~~(9)(5)~~ "Private airport" means an airport, publicly or

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784 privately owned, which is not open or available for use by the
785 public, but may be made available to others by invitation of the
786 owner or manager.

787 (10) "Private airport of public interest" means a private
788 airport engaged in air ambulance operations, commercial air tour
789 operations, commuter operations, on-demand operations, public
790 charter operations, scheduled operations, or supplemental
791 operations.

792 ~~(11)(6)~~ "Public airport" means an airport, publicly or
793 privately owned, which is open for use by the public.

794 (12) "Public charter operation" means a one-way or round-
795 trip charter flight performed by one or more direct air carriers
796 which is arranged and sponsored by a charter operator.

797 (13) "Scheduled operation" means any common carriage
798 passenger-carrying operation for compensation or hire conducted
799 by an air carrier or commercial operator for which the
800 certificateholder or its representative offers in advance the
801 departure location, departure time, and arrival location.

802 (14) "Supplemental operation" means any common carriage
803 operation for compensation or hire conducted with an aircraft
804 for which the departure time, departure location, and arrival
805 location are specifically negotiated with the customer or
806 customer's representative.

807 ~~(15)(7)~~ "Temporary airport" means an airport at which
808 flight operations are conducted under visual flight rules
809 established by the Federal Aviation Administration and which is
810 used for less than 30 consecutive days with no more than 10
811 operations per day.

812 ~~(8) "Ultralight aircraft" means any aircraft meeting the~~

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813 ~~criteria established by part 103 of the Federal Aviation~~
814 ~~Regulations.~~

815 Section 9. Subsections (2) and (4) of section 330.30,
816 Florida Statutes, are amended to read:

817 330.30 Approval of airport sites; registration,
818 certification, and licensure of airports.-

819 (2) LICENSES, CERTIFICATIONS, AND REGISTRATIONS;
820 REQUIREMENTS, RENEWAL, REVOCATION.-

821 (a) Except as provided in subsection (3), the owner or
822 lessee of an airport in this state shall have a public airport
823 license, private airport registration, or temporary airport
824 registration before the operation of aircraft to or from the
825 airport. Application for a license or registration shall be made
826 in a form and manner prescribed by the department.

827 1. For a public airport, upon granting site approval, the
828 department shall issue a license after a final airport
829 inspection finds the airport to be in compliance with all
830 requirements for the license. The license may be subject to any
831 reasonable conditions the department deems necessary to protect
832 the public health, safety, or welfare.

833 2. For a private airport, upon granting site approval, the
834 department shall provide controlled electronic access to the
835 state aviation facility data system to permit the applicant to
836 complete the registration process. Registration shall be
837 completed upon self-certification by the registrant of
838 operational and configuration data deemed necessary by the
839 department.

840 3. For a temporary airport, the department must publish
841 notice of receipt of a completed registration application in the

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842 next available publication of the Florida Administrative
843 Register and may not approve a registration application less
844 than 14 days after the date of publication of the notice. The
845 department must approve or deny a registration application
846 within 30 days after receipt of a completed application and must
847 issue the temporary airport registration concurrent with the
848 airport site approval. A completed registration application that
849 is not approved or denied within 30 days after the department
850 receives the completed application is considered approved and
851 shall be issued, subject to such reasonable conditions as are
852 authorized by law. An applicant seeking to claim registration by
853 default under this subparagraph must notify the agency clerk of
854 the department, in writing, of the intent to rely upon the
855 default registration provision of this subparagraph and may not
856 take any action based upon the default registration until after
857 receipt of such notice by the agency clerk.

858 4. A private airport of public interest must obtain a
859 certificate from the department before allowing aircraft
860 operations. The department shall issue a certificate after a
861 final inspection finds the airport to be in compliance with all
862 certificate requirements. The certificate is subject to any
863 reasonable conditions the department deems necessary to protect
864 the public. A private airport that was engaged in operations
865 associated with a private airport of public interest on or
866 before July 1, 2025, must obtain a certificate from the
867 department by July 1, 2030.

868 (b) The department may license a public airport that does
869 not meet standards only if it determines that such exception is
870 justified by unusual circumstances or is in the interest of

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871 public convenience and does not endanger the public health,
872 safety, or welfare. Such a license shall bear the designation
873 "special" and shall state the conditions subject to which the
874 license is granted.

875 (c) A temporary airport license or registration shall be
876 valid for less than 30 days and is not renewable. The department
877 may not approve a subsequent temporary airport registration
878 application for the same general location if the purpose or
879 effect is to evade otherwise applicable airport permitting or
880 licensure requirements.

881 (d)1. Each public airport license shall expire no later
882 than 1 year after the effective date of the license, except that
883 the expiration date of a license may be adjusted to provide a
884 maximum license period of 18 months to facilitate airport
885 inspections, recognize seasonal airport operations, or improve
886 administrative efficiency.

887 2. Registration for private airports shall remain valid
888 provided specific elements of airport data, established by the
889 department, are periodically recertified by the airport
890 registrant. The ability to recertify private airport
891 registration data shall be available at all times by electronic
892 submittal. A private airport registration that has not been
893 recertified in the 24-month period following the last
894 certification shall expire, unless the registration period has
895 been adjusted by the department for purposes of informing
896 private airport owners of their registration responsibilities or
897 promoting administrative efficiency. The expiration date of the
898 current registration period will be clearly identifiable from
899 the state aviation facility data system.

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900 3. The effective date and expiration date shall be shown on
901 public airport licenses. Upon receiving an application for
902 renewal of an airport license in a form and manner prescribed by
903 the department and receiving a favorable inspection report
904 indicating compliance with all applicable requirements and
905 conditions, the department shall renew the license, subject to
906 any conditions deemed necessary to protect the public health,
907 safety, or welfare.

908 4. The department may require a new site approval for any
909 airport if the license or registration has expired.

910 5. If the renewal application for a public airport license
911 has not been received by the department or no private airport
912 registration recertification has been accomplished within 15
913 days after the date of expiration, the department may revoke the
914 airport license or registration.

915 6. After initial registration, the department may issue a
916 certificate to a private airport of public interest if the
917 airport is found, after a physical inspection, to be in
918 compliance with all certificate requirements. The certificate is
919 subject to any reasonable condition that the department deems
920 necessary to protect the public health, safety, or welfare. A
921 private airport of public interest certificate expires 5 years
922 after the effective date of the certificate.

923 (e) The department may revoke, or refuse to allow or issue,
924 any airport registration or recertification, or any license or
925 license renewal, if it determines:

- 926 1. That the site has been abandoned as an airport;
- 927 2. That the airport does not comply with the conditions of
- 928 the license, license renewal, or site approval;

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929 3. That the airport has become either unsafe or unusable
 930 for flight operation due to physical or legal changes in
 931 conditions that were the subject of approval; or
 932 4. That an airport required to file or update a security
 933 plan pursuant to paragraph (f) has failed to do so.
 934 (f)1. After initial licensure, a license of a publicly or
 935 privately owned general aviation airport that is open to the
 936 public, that has at least one runway greater than 4,999 feet in
 937 length, and that does not host scheduled passenger-carrying
 938 commercial service operations regulated under 14 C.F.R. part 139
 939 shall not be renewed or reissued unless an approved security
 940 plan has been filed with the department, except when the
 941 department determines that the airport is working in good faith
 942 toward completion and filing of the plan.
 943 2. Security plans required by this paragraph must be
 944 developed in accordance with the 2004 Security Planning for
 945 General Aviation Airports guidelines published by the Florida
 946 Airports Council. Certain administrative data from the approved
 947 security plan shall be submitted to the Department of Law
 948 Enforcement, in a format prescribed by the Department of Law
 949 Enforcement, for use in protecting critical infrastructure of
 950 the state.
 951 3. The department shall not approve a security plan for
 952 filing unless it is consistent with Florida Airports Council
 953 guidelines.
 954 4. An airport required to file a security plan pursuant to
 955 this paragraph shall update its plan at least once every 2 years
 956 after the initial filing date and file the updated plan with the
 957 department. The department shall review the updated plan prior

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958 to approving it for filing to determine whether it is consistent
 959 with Florida Airports Council guidelines. No renewal license
 960 shall be issued to the airport unless the department approves
 961 the updated security plan or determines that the airport is
 962 working in good faith to update it.
 963 (4) EXCEPTIONS.—Private airports with 10 or more based
 964 aircraft may request to be inspected and licensed by the
 965 department. Private airports licensed according to this
 966 subsection shall be considered private airports as defined in s.
 967 330.27 ~~s. 330.27(5)~~ in all other respects.
 968 Section 10. Section 331.371, Florida Statutes, is amended
 969 to read:
 970 331.371 Strategic space infrastructure investment.—
 971 (1) In consultation with Space Florida, the Department of
 972 Transportation may fund spaceport discretionary capacity
 973 improvement projects, as defined in s. 331.303, at up to 100
 974 percent of the project's cost if:
 975 (a) ~~(1)~~ Important access and on-spaceport-territory space
 976 transportation capacity improvements are provided;
 977 (b) ~~(2)~~ Capital improvements that strategically position the
 978 state to maximize opportunities in international trade are
 979 achieved;
 980 (c) ~~(3)~~ Goals of an integrated intermodal transportation
 981 system for the state are achieved; and
 982 (d) ~~(4)~~ Feasibility and availability of matching funds
 983 through federal, local, or private partners are demonstrated.
 984 (2) (a) In consultation with the Department of Commerce and
 985 the Department of Environmental Protection, the Department of
 986 Transportation may fund wastewater projects, stormwater

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 987 projects, water capacity projects, and projects associated with
 988 critical infrastructure facilities as defined in s. 692.201
 989 within or outside of a spaceport territory as long as the
 990 project supports aerospace or launch support facilities within
 991 an adjacent spaceport territory boundary.

992 (b) The Department of Transportation, the Department of
 993 Commerce, and the Department of Environmental Protection shall
 994 coordinate in funding projects under this subsection to optimize
 995 the use of available funds.

996 Section 11. Section 332.003, Florida Statutes, is amended
 997 to read:

998 332.003 Florida Airport Development and Accountability
 999 Assistance Act; short title.—Sections 332.003-332.007 may be
 1000 cited as the “Florida Airport Development and Accountability
 1001 Assistance Act.”

1002 Section 12. Section 332.005, Florida Statutes, is amended
 1003 to read:

1004 332.005 Restrictions on authority of Department of
 1005 Transportation.—

1006 (1) This act specifically prohibits the Department of
 1007 Transportation from regulating commercial air carriers operating
 1008 within the state pursuant to federal authority and regulations;
 1009 from participating in or exercising control in the management
 1010 and operation of a sponsor’s airport, except when officially
 1011 requested by the sponsor; or from expanding the design or
 1012 operational capability of the department in the area of airport
 1013 and aviation consultants’ contract work, other than to provide
 1014 technical assistance as requested.

1015 (2) Notwithstanding subsection (1), upon the declaration of

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 1016 a state of emergency issued by the Governor in preparation for
 1017 or in response to a natural disaster, airports shall, at no cost
 1018 to the state, provide the Department of Transportation with the
 1019 opportunity to use any property that is not within the air
 1020 navigation facility as defined in s. 332.01(4) for the staging
 1021 of equipment and personnel to support emergency preparedness and
 1022 response operations.

1023 Section 13. Subsection (7) of section 332.006, Florida
 1024 Statutes, is amended, and subsection (10) is added to that
 1025 section, to read:

1026 332.006 Duties and responsibilities of the Department of
 1027 Transportation.—The Department of Transportation shall, within
 1028 the resources provided pursuant to chapter 216:

1029 (7) Develop, promote, and distribute supporting information
 1030 and educational services, including, but not limited to,
 1031 educational services with a focus on retention and growth of the
 1032 aviation industry workforce.

1033 (10) When deemed appropriate by the department, conduct
 1034 inspections of commercial airport facilities that have received
 1035 state funding, including, but not limited to, the inspection of
 1036 terminal facilities, baggage systems, and fixed guideway
 1037 transportation systems in accordance with s. 341.061. The
 1038 department may enter into agreements with other state regulatory
 1039 agencies, including, but not limited to, the Department of
 1040 Business and Professional Regulation and the Department of
 1041 Health, for the purpose of conducting such inspections.

1042 Section 14. Subsection (5), paragraph (a) of subsection
 1043 (7), and subsections (8) and (9) of section 332.007, Florida
 1044 Statutes, are amended, and paragraph (c) is added to subsection

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1045 (2) of that section, to read:

1046 332.007 Administration and financing of aviation and
1047 airport programs and projects; state plan.—

1048 (2)

1049 (c) The department shall require each airport sponsor to
1050 submit an annual comprehensive maintenance program report that
1051 provides details relating to maintenance and inspections of
1052 airport infrastructure. The report must include a schedule of
1053 inspections, locations at which inspections and maintenance are
1054 performed, a list of required maintenance needs, any remedial
1055 action required or taken after an inspection, and details of
1056 follow-up inspections. For purposes of this paragraph, the term
1057 "maintenance" means any preventive or routine work necessary to
1058 maintain airport infrastructure in good condition, which is
1059 essential for the safe operation of airport infrastructure. If
1060 the comprehensive maintenance program report includes evidence
1061 of failure to perform routine maintenance, the department may
1062 withhold state funds intended for use for capital expansion
1063 projects until the airport sponsor takes corrective action to
1064 address the failure. Records of materials and equipment used for
1065 maintenance and repair work must be maintained by the airport
1066 sponsor as required by the department.

1067 (5) Only those projects or programs provided for in this
1068 act that will contribute to the implementation of the state
1069 aviation system plan, that are consistent with the energy policy
1070 of the state as defined in s. 339.08(6)(a), that are consistent
1071 with and will contribute to the implementation of any airport
1072 master plan or layout plan, and that are consistent, to the
1073 maximum extent feasible, with the approved local government

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1074 comprehensive plans of the units of government in which the
1075 airport is located are eligible for the expenditure of state
1076 funds in accordance with fund participation rates and priorities
1077 established herein.

1078 (7) Subject to the availability of appropriated funds in
1079 addition to aviation fuel tax revenues, the department may
1080 participate in the capital cost of eligible public airport and
1081 aviation discretionary capacity improvement projects. The annual
1082 legislative budget request shall be based on the funding
1083 required for discretionary capacity improvement projects in the
1084 aviation and airport work program.

1085 (a) The department shall provide priority funding in
1086 support of:

1087 1. Terminal and parking expansion projects that increase
1088 capacity at airports providing commercial service in counties
1089 with a population of 500,000 or less.

1090 2. Land acquisition which provides additional capacity at
1091 the qualifying international airport or at that airport's
1092 supplemental air carrier airport.

1093 ~~3.2-~~ Runway and taxiway projects that add capacity or are
1094 necessary to accommodate technological changes in the aviation
1095 industry.

1096 ~~4.3-~~ Airport access transportation projects that improve
1097 direct airport access and are approved by the airport sponsor.

1098 ~~5.4-~~ International terminal projects that increase
1099 international gate capacity.

1100 6. Projects that improve safety and efficiency of airport
1101 operations.

1102 7. Emerging technology projects, workforce development

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1103 projects, and projects that benefit the strategic intermodal
 1104 system through intermodal connectivity.

1105 (8) The department may also fund eligible projects
 1106 performed by not-for-profit organizations and postsecondary
 1107 education institutions as defined in s. 1008.47 which support
 1108 the training of pilots, air traffic control personnel, or
 1109 aircraft maintenance technical personnel that represent a
 1110 majority of public airports in this state. Eligible projects may
 1111 include activities associated with aviation master planning,
 1112 professional education, safety and security planning, enhancing
 1113 economic development and efficiency at airports in this state,
 1114 or other planning efforts to improve the viability and safety of
 1115 airports in this state. Programs that support the transition of
 1116 honorably discharged military personnel to the aviation industry
 1117 are also eligible projects under this subsection. The department
 1118 may provide matching funds for eligible projects funded by the
 1119 Department of Commerce.

1120 (9) The department may fund strategic airport investment
 1121 projects at up to 100 percent of the project's cost if:

1122 (a) Important access and on-airport capacity improvements
 1123 are provided;

1124 (b) Capital improvements that strategically position the
 1125 state to maximize opportunities in tourism, international trade,
 1126 logistics, and the aviation industry are provided;

1127 (c) Goals of an integrated intermodal transportation system
 1128 for the state are achieved; and

1129 (d) Feasibility and availability of matching funds through
 1130 federal, local, or private partners are demonstrated.

1131 Section 15. Paragraphs (a), (b), and (d) of subsection (1),

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1132 subsection (2), and paragraph (a) of subsection (5) of section
 1133 332.0075, Florida Statutes, are amended, and paragraph (c) is
 1134 added to subsection (5) of that section, to read:

1135 332.0075 Commercial service airports; transparency and
 1136 accountability; penalty.—

1137 (1) As used in this section, the term:

1138 (a) "Commercial service airport" means an airport providing
 1139 commercial service, including large, medium, small, and nonhub
 1140 airports as classified a primary airport as defined in 49 U.S.C.
 1141 s. 47102 which is classified as a large, medium, or small hub
 1142 airport by the Federal Aviation Administration.

1143 (b) "Consent agenda" means an agenda which consists of
 1144 items voted on collectively or as a group and which does not
 1145 provide the opportunity for public comment on each such item
 1146 before approval or disapproval by the governing body.

1147 (d) "Governing body" means the governing body of the
 1148 county, municipality, or special district that operates a
 1149 commercial service airport. The term also includes an appointed
 1150 board or oversight entity serving as the governing body for
 1151 purposes of a commercial service airport on behalf of a county,
 1152 municipality, or special district.

1153 (2) Each governing body shall establish and maintain a
 1154 website to post information relating to the operation of a
 1155 commercial service airport. The information must remain posted
 1156 on the website for 5 years or for the entirety of the period
 1157 during which the document is actively in use, whichever is
 1158 longer, and must include all of the following, including:

1159 (a) All published notices of meetings and published meeting
 1160 agendas of the governing body.

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1161 (b) The official minutes of each meeting of the governing
1162 body, which ~~must shall~~ be posted within 7 business days after
1163 the date of the meeting in which the minutes were approved.

1164 (c) The approved budget for the commercial service airport
1165 for the current fiscal year, which shall be posted within 7
1166 business days after the date of adoption. Budgets must remain on
1167 the website for 2 years after the conclusion of the fiscal
1168 year for which they were adopted.

1169 (d) Copies of the current airport master plan and the
1170 immediately preceding airport master plan for the commercial
1171 service airport and a link to the current airport master plan
1172 for the commercial service airport on the commercial service
1173 airport's website.

1174 (e) A link to all financial and statistical reports for the
1175 commercial service airport on the Federal Aviation
1176 Administration's website.

1177 (f) Any contract or contract amendment for the purchase of
1178 commodities or contractual services executed by or on behalf of
1179 the commercial service airport in excess of the threshold amount
1180 provided in s. 287.017 for CATEGORY FIVE, which ~~must shall~~ be
1181 posted no later than 7 business days after the commercial
1182 service airport executes the contract or contract amendment.
1183 However, a contract or contract amendment may not reveal
1184 information made confidential or exempt by law. Each commercial
1185 service airport must redact confidential or exempt information
1186 from each contract or contract amendment before posting a copy
1187 on its website.

1188 (g) Position and rate information for each employee of the
1189 commercial service airport, including, at a minimum, the

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1190 employee's position title, position description, and annual or
1191 hourly salary. This information ~~must shall~~ be updated quarterly
1192 ~~annually~~.

1193 (5) (a) Each November 1, the governing body of each
1194 commercial service airport shall submit the following
1195 information to the department:

- 1196 1. Its approved budget for the current fiscal year.
- 1197 2. Any financial reports submitted to the Federal Aviation
1198 Administration during the previous calendar year.
- 1199 3. A link to its website.
- 1200 4. A statement, verified as provided in s. 92.525, that it
1201 has complied with part III of chapter 112, chapter 287, and this
1202 section.
- 1203 5. The most recent copies of its strategic plans.
- 1204 6. Contracts related to any financial awards received
1205 through federally funded grant programs for the preceding year.

1206 (c) A commercial service airport shall:

- 1207 1. Notify the department within 48 hours after receiving a
1208 communication or directive from a federal agency relating to
1209 public health testing or the transfer of unauthorized aliens
1210 into this state.
- 1211 2. Notify the department as soon as is reasonably possible,
1212 but no later than 48 hours, after the discovery of an incident
1213 or issue of statewide concern, including, but not limited to, an
1214 incident or issue that puts the safety of the traveling public
1215 at risk, a potential cybersecurity risk or breach, or as defined
1216 by the department.

1217 Section 16. Section 332.15, Florida Statutes, is created to
1218 read:

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1219 332.15 Advanced air mobility.—The Department of
1220 Transportation shall, within the resources provided pursuant to
1221 chapter 216:

1222 (1) Address the need for vertiports, advanced air mobility,
1223 and other advances in aviation technology in the statewide
1224 aviation system plan required under s. 332.006(1) and, as
1225 appropriate, in the department’s work program.

1226 (2) Designate a subject matter expert on advanced air
1227 mobility within the department to serve as a resource for local
1228 jurisdictions navigating advances in aviation technology.

1229 (3) Conduct a review of airport hazard zone regulations.

1230 (4) In coordination with the Department of Commerce,
1231 provide coordination and assistance for the development of a
1232 viable advanced air mobility system plan in this state. The
1233 department shall incorporate the plan into the statewide
1234 aviation system plan required under s. 332.006(1) to identify
1235 and develop statewide corridors of need and opportunities for
1236 industry growth.

1237 Section 17. Subsections (5) and (26) of section 334.044,
1238 Florida Statutes, are amended, and subsections (37), (38), and
1239 (39) are added to that section, to read:

1240 334.044 Powers and duties of the department.—The department
1241 shall have the following general powers and duties:

1242 (5) To purchase, lease, or otherwise acquire property and
1243 materials, including the purchase of promotional items as part
1244 of public information and education campaigns for the promotion
1245 of environmental management, scenic highways, traffic and train
1246 safety awareness, ~~alternatives to single occupant vehicle~~
1247 ~~travel~~, commercial motor vehicle safety, workforce development,

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1248 electric vehicle use and charging stations, autonomous vehicles,
1249 and context classification design for electric vehicles and
1250 autonomous vehicles; to purchase, lease, or otherwise acquire
1251 equipment and supplies; and to sell, exchange, or otherwise
1252 dispose of any property that is no longer needed by the
1253 department.

1254 (26) To provide for the enhancement of environmental
1255 benefits, including air and water quality; to prevent roadside
1256 erosion; to conserve the natural roadside growth and scenery;
1257 and to provide for the implementation and maintenance of
1258 roadside conservation, enhancement, and stabilization programs.

1259 (a) On an annual basis, an amount equal to at least 1.5
1260 percent of the total amount contracted for construction projects
1261 shall be allocated by the department on a statewide basis for
1262 the purchase of plant materials, which may also be used in
1263 maintenance projects to enhance State Highway System rights-of-
1264 way and arterial facilities. Such funds must be allocated on a
1265 statewide basis. Department districts may not expend funds for
1266 landscaping in connection with any project that is limited to
1267 resurfacing existing lanes unless the expenditure has been
1268 approved by the department’s secretary or the secretary’s
1269 designee.

1270 (b) To the greatest extent practical, at least 50 percent
1271 of the funds allocated under paragraph (a) ~~this subsection~~ shall
1272 be allocated for large plant materials and the remaining funds
1273 for other plant materials.

1274 (c) Except as prohibited by applicable federal law or
1275 regulation, all plant materials shall be purchased from Florida
1276 commercial nursery stock in this state on a uniform competitive

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1277 bid basis. The department shall develop grades and standards for
 1278 landscaping materials purchased through this process, which must
 1279 include standards for landscaping materials native to specific
 1280 regions of this state which are reflective of this state's
 1281 heritage and natural landscapes. ~~To accomplish these activities,~~
 1282 ~~the department may contract with nonprofit organizations having~~
 1283 ~~the primary purpose of developing youth employment~~
 1284 ~~opportunities.~~

1285 (d) To increase cost predictability and programming needs,
 1286 for a project with a total contracted construction cost greater
 1287 than \$500 million, 0.5 percent of the total construction cost
 1288 shall be expended on the purchase of plant materials under
 1289 paragraph (a) in the fiscal year in which construction begins
 1290 and the remaining 1 percent may be expended incrementally over
 1291 the next 5 fiscal years.

1292 (e) Projects authorized in s. 215 of chapter 2023-239, Laws
 1293 of Florida, and in budget amendment EOG #2024-B0112 and
 1294 subsequently adopted into the department's 5-year work program
 1295 are exempt from this subsection. This paragraph expires upon the
 1296 completion of the authorized projects.

1297 (37) Notwithstanding s. 287.022 or s. 287.025, to directly
 1298 enter into insurance contracts with local, national, or
 1299 international insurance companies for the purchase of insurance
 1300 coverage that the department is contractually and legally
 1301 required to provide.

1302 (38) Notwithstanding s. 287.14, to purchase or acquire
 1303 heavy equipment and motor vehicles for roadway operations and
 1304 emergency response purposes regardless of whether the department
 1305 exchanges or ceases to operate any department-owned heavy

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1306 equipment or motor vehicles.

1307 (39) To adopt rules for the purpose of compliance with 49
 1308 C.F.R. part 26 and any other applicable federal law.

1309 Section 18. Subsection (1) of section 334.045, Florida
 1310 Statutes, is amended to read:

1311 334.045 Transportation performance and productivity
 1312 standards; development; measurement; application.—

1313 (1) The Florida Transportation Commission shall develop and
 1314 adopt measures for evaluating the performance and productivity
 1315 of the department. The measures may be both quantitative and
 1316 qualitative and must, to the maximum extent practical, assess
 1317 those factors that are within the department's control. The
 1318 measures must, at a minimum, assess performance in the following
 1319 areas:

1320 (a) Production;

1321 (b) Finance and administration;

1322 (c) Preservation of the current state system;

1323 (d) Safety of the current state system;

1324 (e) Capacity improvements: highways and all public
 1325 transportation modes; and

1326 (f) The business development program established under s.
 1327 337.027 Disadvantaged business enterprise and minority business
 1328 programs.

1329 Section 19. Section 334.62, Florida Statutes, is created to
 1330 read:

1331 334.62 Florida Transportation Academy.—The Legislature
 1332 finds that the growth and sustainability of the transportation
 1333 industry workforce is vital to the continued success and
 1334 efficiency of the state's supply chain and economic

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1335 competitiveness. In order to prioritize the continued need for
 1336 transportation industry workforce development programs, the
 1337 Florida Transportation Academy is established within the
 1338 department. In order to support, promote, and sustain workforce
 1339 development efforts in the transportation sector, the department
 1340 may do all of the following:

1341 (1) Coordinate with the Department of Corrections to
 1342 identify and create certification and training opportunities for
 1343 nonviolent, scheduled-release inmates and create a notification
 1344 process between the Department of Corrections and the department
 1345 for nonviolent inmates with imminent scheduled-release dates who
 1346 are expected to seek employment upon release.

1347 (2) Coordinate with the Department of Juvenile Justice and
 1348 its educational partners to create certification and training
 1349 opportunities for eligible youth.

1350 (3) Coordinate with veterans' organizations to encourage
 1351 veterans with honorable military discharge to pursue employment
 1352 opportunities within the transportation industry, including, but
 1353 not limited to, employment as pilots, mechanics, and air traffic
 1354 controllers.

1355 (4) Coordinate with the Department of Commerce,
 1356 CareerSource Florida, Inc., and regional business organizations,
 1357 within and outside of the transportation industry, to further
 1358 understand recruitment and retention needs and job-seeker
 1359 pipelines.

1360 (5) Coordinate with the American Council of Engineering
 1361 Companies and the Florida Transportation Builders Association to
 1362 optimize workforce recruitment and retention and assess future
 1363 needs across the transportation industry in this state.

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1364 Section 20. Present paragraph (b) of subsection (3) of
 1365 section 335.182, Florida Statutes, is redesignated as paragraph
 1366 (c) and amended, and a new paragraph (b) is added to that
 1367 subsection, to read:

1368 335.182 Regulation of connections to roads on State Highway
 1369 System; definitions.—

1370 (3) As used in this act, the term:

1371 (b) "Modification of an existing connection" means the
 1372 relocation, alteration, or closure of the connection.

1373 (c) ~~(b)~~ "Significant change" means:

1374 1. A change in the use of the property, including the
 1375 development of land, structures, or facilities;~~7~~ or

1376 2. An expansion of the size of the property, structures, or
 1377 facilities causing an increase in the trip generation of the
 1378 property exceeding 25 percent more trip generation, ~~(either peak~~
 1379 hour or daily), ~~and exceeding 100 vehicles per day more than the~~
 1380 existing use.

1381 Section 21. Subsections (3) and (4) of section 335.187,
 1382 Florida Statutes, are amended to read:

1383 335.187 Unpermitted connections; existing access permits;
 1384 nonconforming permits; modification and revocation of permits.—

1385 (3) The department may issue a nonconforming access permit
 1386 ~~if denying after finding that to deny~~ an access permit would
 1387 leave the property without a reasonable means of access to the
 1388 State Highway System. The department may specify limits on the
 1389 maximum vehicular use of the connection and may condition ~~be~~
 1390 ~~conditioned on~~ the availability of future alternative means of
 1391 access for which access permits can be obtained.

1392 (4) After written notice and the opportunity for a hearing,

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1393 as provided for in s. 120.60, the department may modify or
 1394 revoke an access permit issued after July 1, 1988, by requiring
 1395 modification ~~Relocation, alteration, or closure~~ of an existing
 1396 connection if:

1397 (a) A significant change occurs in the use, design, or
 1398 traffic flow of the connection; or

1399 (b) It would jeopardize the safety of the public or have a
 1400 negative impact upon the operational characteristics of the
 1401 highway.

1402 Section 22. Subsection (2) of section 337.027, Florida
 1403 Statutes, is amended to read:

1404 337.027 Authority to implement a business development
 1405 program.—

1406 (2) For purposes of this section, the term “small business”
 1407 means a business with yearly average gross receipts of less than
 1408 \$25 ~~15~~ million for road and bridge contracts and less than \$10
 1409 ~~6.5~~ million for professional and nonprofessional services
 1410 contracts. A business’ average gross receipts is determined by
 1411 averaging its annual gross receipts over the last 3 years,
 1412 including the receipts of any affiliate as defined in s.
 1413 337.165.

1414 Section 23. Subsection (6) of section 337.11, Florida
 1415 Statutes, is amended to read:

1416 337.11 Contracting authority of department; bids; emergency
 1417 repairs, supplemental agreements, and change orders; combined
 1418 design and construction contracts; progress payments; records;
 1419 requirements of vehicle registration.—

1420 (6) (a) If the secretary determines that an emergency in
 1421 regard to the restoration or repair of any state transportation

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1422 facility exists such that the delay incident to giving
 1423 opportunity for competitive bidding would be detrimental to the
 1424 interests of the state, the provisions for competitive bidding
 1425 do not apply; and the department may enter into contracts for
 1426 restoration or repair without giving opportunity for competitive
 1427 bidding on such contracts. Within 30 days after such
 1428 determination and contract execution, the head of the department
 1429 shall file with the Executive Office of the Governor a written
 1430 statement of the conditions and circumstances constituting such
 1431 emergency.

1432 (b) If the secretary determines that delays on a contract
 1433 for maintenance exist due to administrative challenges, bid
 1434 protests, defaults or terminations and the further delay would
 1435 reduce safety on the transportation facility or seriously hinder
 1436 the department’s ability to preserve the state’s investment in
 1437 that facility, competitive bidding provisions may be waived and
 1438 the department may enter into a contract for maintenance on the
 1439 facility. However, contracts for maintenance executed under the
 1440 provisions of this paragraph shall be interim in nature and
 1441 shall be limited in duration to a period of time not to exceed
 1442 the length of the delay necessary to complete the competitive
 1443 bidding process and have the contract in place.

1444 (c) When the department determines that it is in the best
 1445 interest of the public for reasons of public concern, economy,
 1446 improved operations, or safety, and only when circumstances
 1447 dictate rapid completion of the work, the department may, up to
 1448 the amount of \$500,000, enter into contracts for construction
 1449 and maintenance without advertising and receiving competitive
 1450 bids. The department may enter into such contracts only upon a

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1451 determination that the work is necessary for one of the
1452 following reasons:

- 1453 1. To ensure timely completion of projects or avoidance of
1454 undue delay for other projects;
- 1455 2. To accomplish minor repairs or construction and
1456 maintenance activities for which time is of the essence and for
1457 which significant cost savings would occur; or
- 1458 3. To accomplish nonemergency work necessary to ensure
1459 avoidance of adverse conditions that affect the safe and
1460 efficient flow of traffic.

1461

1462 The department shall make a good faith effort to obtain two or
1463 more quotes, if available, from qualified contractors before
1464 entering into any contract. The department shall give
1465 consideration to small disadvantaged business enterprise
1466 participation. However, when the work exists within the limits
1467 of an existing contract, the department shall make a good faith
1468 effort to negotiate and enter into a contract with the prime
1469 contractor on the existing contract.

1470 Section 24. Section 337.125, Florida Statutes, is repealed.

1471 Section 25. Section 337.135, Florida Statutes, is repealed.

1472 Section 26. Section 337.139, Florida Statutes, is repealed.

1473 Section 27. Paragraph (a) of subsection (1) of section
1474 337.18, Florida Statutes, is amended to read:

1475 337.18 Surety bonds for construction or maintenance
1476 contracts; requirement with respect to contract award; bond
1477 requirements; defaults; damage assessments.—

1478 (1)(a) A surety bond shall be required of the successful
1479 bidder in an amount equal to the awarded contract price.

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1480 However, the department may choose, in its discretion and
1481 applicable only to multiyear maintenance contracts, to allow for
1482 incremental annual contract bonds that cumulatively total the
1483 full, awarded, multiyear contract price; ~~The department may~~
1484 ~~also choose,~~ in its discretion and applicable only to phased
1485 design-build contracts under s. 337.11(7)(b), to allow the
1486 issuance of multiple contract performance and payment bonds in
1487 succession to align with each phase of the contract to meet the
1488 bonding requirement in this subsection; and, at the discretion
1489 of the Secretary of Transportation and notwithstanding any
1490 bonding requirement under s. 337.18, to require a surety bond in
1491 an amount that is less than the awarded contract price.

1492 1. The department may waive the requirement for all or a
1493 portion of a surety bond if:

1494 a. The contract price is \$250,000 or less and the
1495 department determines that the project is of a noncritical
1496 nature and that nonperformance will not endanger public health,
1497 safety, or property;

1498 b. The prime contractor is a qualified nonprofit agency for
1499 the blind or for the other severely handicapped under s.
1500 413.036(2); or

1501 c. The prime contractor is using a subcontractor that is a
1502 qualified nonprofit agency for the blind or for the other
1503 severely handicapped under s. 413.036(2). However, the
1504 department may not waive more than the amount of the
1505 subcontract.

1506 2. If the department determines that it is in the best
1507 interests of the department to reduce the bonding requirement
1508 for a project and that to do so will not endanger public health,

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1509 safety, or property, the department may waive the requirement of
 1510 a surety bond in an amount equal to the awarded contract price
 1511 for a project having a contract price of \$250 million or more
 1512 and, in its place, may set a surety bond amount that is a
 1513 portion of the total contract price and provide an alternate
 1514 means of security for the balance of the contract amount that is
 1515 not covered by the surety bond or provide for incremental surety
 1516 bonding and provide an alternate means of security for the
 1517 balance of the contract amount that is not covered by the surety
 1518 bond. Such alternative means of security may include letters of
 1519 credit, United States bonds and notes, parent company
 1520 guarantees, and cash collateral. The department may require
 1521 alternate means of security if a surety bond is waived. The
 1522 surety on such bond shall be a surety company authorized to do
 1523 business in the state. All bonds shall be payable to the
 1524 department and conditioned for the prompt, faithful, and
 1525 efficient performance of the contract according to plans and
 1526 specifications and within the time period specified, and for the
 1527 prompt payment of all persons defined in s. 713.01 furnishing
 1528 labor, material, equipment, and supplies for work provided in
 1529 the contract; however, whenever an improvement, demolition, or
 1530 removal contract price is \$25,000 or less, the security may, in
 1531 the discretion of the bidder, be in the form of a cashier's
 1532 check, bank money order of any state or national bank, certified
 1533 check, or postal money order. The department shall adopt rules
 1534 to implement this subsection. Such rules shall include
 1535 provisions under which the department shall refuse to accept
 1536 bonds on contracts when a surety wrongfully fails or refuses to
 1537 settle or provide a defense for claims or actions arising under

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1538 a contract for which the surety previously furnished a bond.
 1539 Section 28. Subsection (3) of section 337.251, Florida
 1540 Statutes, is amended to read:
 1541 337.251 Lease of property for joint public-private
 1542 development and areas above or below department property.—
 1543 (3) A proposal must be selected by the department based on
 1544 competitive bidding, except that the department may consider
 1545 other relevant factors specified in the request for proposals.
 1546 The department may consider such factors as the value of
 1547 property exchanges, the cost of construction, and other
 1548 recurring costs for the benefit of the department by the lessee
 1549 in lieu of direct revenue to the department if such other
 1550 factors are of equal value including innovative proposals to
 1551 involve small minority businesses. The department may name a
 1552 board of advisers which may be composed of accountants, real
 1553 estate appraisers, design engineers, or other experts
 1554 experienced in the type of development proposed. The board of
 1555 advisers shall review the feasibility of the proposals,
 1556 recommend acceptance or rejection of each proposal, and rank
 1557 each feasible proposal in the order of technical feasibility and
 1558 benefit provided to the department. The board of advisers shall
 1559 be reasonably compensated for the services provided and all
 1560 department costs for evaluating the proposals shall be
 1561 reimbursed from a proposal application fee to be set by the
 1562 department and paid by the applicants. The board of advisers
 1563 shall not be subject to selection under the provisions of
 1564 chapter 287.
 1565 Section 29. Subsection (4) of section 337.406, Florida
 1566 Statutes, is amended to read:

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1567 337.406 Unlawful use of state transportation facility
1568 right-of-way; penalties.-

1569 (4)(a) Camping is prohibited on any portion of the right-
1570 of-way of the State Highway System ~~that is within 100 feet of a~~
1571 ~~bridge, causeway, overpass, or ramp.~~

1572 (b) This subsection does not apply to a person who has
1573 acquired the appropriate permits and is actively navigating the
1574 federally designated Florida National Scenic Trail recognized by
1575 the state in s. 260.012(6).

1576 Section 30. Subsection (4) of section 338.227, Florida
1577 Statutes, is amended to read:

1578 338.227 Turnpike revenue bonds.-

1579 (4) The Department of Transportation and the Department of
1580 Management Services shall create and implement an outreach
1581 program designed to enhance the participation of small minority
1582 ~~persons and minority~~ business enterprises in all contracts
1583 entered into by their respective departments for services
1584 related to the financing of department projects for the
1585 Strategic Intermodal System Plan developed pursuant to s.
1586 339.64. These services ~~shall~~ include, but are not limited to,
1587 bond counsel and bond underwriters.

1588 Section 31. Subsection (6) is added to section 339.08,
1589 Florida Statutes, to read:

1590 339.08 Use of moneys in State Transportation Trust Fund.-

1591 (6)(a) As used in this subsection, the term "energy policy
1592 of the state" means the energy policy described in s. 377.601
1593 and includes any intended or actual measure, obligation, target,
1594 or timeframe related to a reduction in carbon dioxide emissions.

1595 (b) The department may not expend any state funds as

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1596 described in s. 215.31 to support a project or program of any of
1597 the following entities if such entities adopt or promote energy
1598 policy goals inconsistent with the energy policy of the state:

1599 1. A public transit provider as defined in s. 341.031(1).

1600 2. An authority created pursuant to chapter 343, chapter
1601 348, or chapter 349.

1602 3. A public-use airport as defined in s. 332.004.

1603 4. A port listed in s. 311.09(1).

1604 Section 32. Section 339.0805, Florida Statutes, is
1605 repealed.

1606 Section 33. Paragraph (c) of subsection (6) and paragraph
1607 (h) of subsection (7) of section 339.135, Florida Statutes, are
1608 amended to read:

1609 339.135 Work program; legislative budget request;
1610 definitions; preparation, adoption, execution, and amendment.-

1611 (6) EXECUTION OF THE BUDGET.-

1612 (c) Notwithstanding ~~the provisions of~~ ss. 216.301(2) and
1613 216.351, any unexpended balance remaining at the end of the
1614 fiscal year in the appropriations to the department for special
1615 categories; aid to local governments; lump sums for project
1616 phases which are part of the adopted work program, and for which
1617 contracts have been executed or bids have been let; and for
1618 right-of-way land acquisition and relocation assistance for
1619 parcels from project phases in the adopted work program for
1620 which appraisals have been completed and approved, may be
1621 certified forward as fixed capital outlay at the end of each
1622 fiscal year, to be certified by the head of the state agency on
1623 or before August 1 of each year to the Executive Office of the
1624 Governor, showing in detail the commitment or to whom obligated

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1625 and the amount of such commitment or obligation. On or before
 1626 September 1 of each year, the Executive Office of the Governor
 1627 shall review and approve or disapprove, consistent with
 1628 legislative policy and intent, any ~~or all~~ of the items and
 1629 amounts certified by the head of the state agency and shall
 1630 furnish the Chief Financial Officer, the legislative
 1631 appropriations committees, and the Auditor General a detailed
 1632 listing of the items and amounts approved as legal encumbrances
 1633 against the undisbursed balances of such appropriations. In the
 1634 event such certification is not made and the balance of the
 1635 appropriation has reverted and the obligation is proven to be
 1636 legal, due, and unpaid, then the same must shall be presented to
 1637 the Legislature for its consideration. Such certification as
 1638 herein required must shall be in the form and on the date
 1639 approved by the Executive Office of the Governor. Any project
 1640 phases in the adopted work program not certified forward are
 1641 ~~shall be~~ available for roll forward for the next fiscal year of
 1642 the adopted work program. Spending authority associated with
 1643 such project phases may be rolled forward to the next fiscal
 1644 year upon approval by the procedures set forth in s. 216.177.
 1645 Upon approval, the Executive Office of the Governor shall modify
 1646 the original approved operating budget for fixed capital outlay
 1647 expenditures Legislative Budget Commission. Increases in
 1648 spending authority are shall be limited to amounts of unexpended
 1649 balances by appropriation category. Any project phase certified
 1650 forward for which bids have been let but subsequently rejected
 1651 is shall be available for roll forward in the adopted work
 1652 program for the next fiscal year. Spending authority associated
 1653 with such project phases may be rolled forward into the current

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1654 year from funds certified forward. The amount certified forward
 1655 may include contingency allowances for right-of-way acquisition
 1656 and relocation, asphalt and petroleum product escalation
 1657 clauses, and contract overages, which allowances must shall be
 1658 separately identified in the certification detail. Right-of-way
 1659 acquisition and relocation and contract overages contingency
 1660 allowances must shall be based on documented historical
 1661 patterns. These contingency amounts must shall be incorporated
 1662 in the certification for each specific category, but when a
 1663 category has an excess and another category has a deficiency,
 1664 the Executive Office of the Governor is authorized to transfer
 1665 the excess to the deficient account.

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1666 (h)1. Any work program amendment that also adds a new
 1667 project, or phase thereof, to the adopted work program in excess
 1668 of \$3 million is subject to approval by the Legislative Budget
 1669 Commission. Any work program amendment submitted under this
 1670 paragraph must include, as supplemental information, a list of
 1671 projects, or phases thereof, in the current 5-year adopted work
 1672 program which are eligible for the funds within the
 1673 appropriation category being used for the proposed amendment.
 1674 The department shall provide a narrative with the rationale for
 1675 not advancing an existing project, or phase thereof, in lieu of
 1676 the proposed amendment.

1677 2. If the department submits an amendment to the
 1678 Legislative Budget Commission and the commission does not meet
 1679 or consider the amendment within 30 days after its submittal,
 1680 the chair and vice chair of the commission may authorize the
 1681 amendment to be approved pursuant to s. 216.177. ~~This~~
 1682

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1683 ~~subparagraph expires July 1, 2025.~~

1684 Section 34. Subsection (3) of section 339.2816, Florida

1685 Statutes, is amended to read:

1686 339.2816 Small County Road Assistance Program.—

1687 (3) Beginning with fiscal year 2025-2026, up to \$50 ~~1999-~~

1688 ~~2000 until fiscal year 2009-2010, and beginning again with~~

1689 ~~fiscal year 2012-2013, up to \$25 million annually from the State~~

1690 Transportation Trust Fund may be used for the purposes of

1691 funding the Small County Road Assistance Program as described in

1692 this section.

1693 Section 35. Subsections (2), (7), and (8) of section

1694 339.2818, Florida Statutes, are amended to read:

1695 339.2818 Small County Outreach Program.—

1696 (2) For the purposes of this section, the term “small

1697 county” means any county that has a population of 200,000 or

1698 less as determined by the most recent official estimate pursuant

1699 to s. 186.901. The term also includes:

1700 (a) A municipality within a rural area of opportunity or a

1701 rural area of opportunity community designated under s.

1702 288.0656(7) (a), which may compete for funding using the criteria

1703 listed in paragraph (4) (c) at up to 100 percent of project

1704 costs, excluding capacity improvement projects; and

1705 (b) A local government either wholly or partially within

1706 the Everglades Agricultural Area as defined in s. 373.4592(15),

1707 the Peace River Basin, or the Suwannee River Basin, which may

1708 compete for funding using the criteria listed in paragraph

1709 (4) (c) at up to 100 percent of project costs on state or county

1710 roads used primarily as farm-to-market connections between rural

1711 agricultural areas and market distribution centers, excluding

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1712 capacity improvement projects.

1713 (7) Beginning with the 2025-2026 fiscal year, at least \$50

1714 million annually from the State Transportation Trust Fund may be

1715 used for the purposes of funding the Small County Outreach

1716 Program ~~Subject to a specific appropriation in addition to funds~~

1717 ~~annually appropriated for projects under this section, a~~

1718 ~~municipality within a rural area of opportunity or a rural area~~

1719 ~~of opportunity community designated under s. 288.0656(7) (a) may~~

1720 ~~compete for the additional project funding using the criteria~~

1721 ~~listed in subsection (4) at up to 100 percent of project costs,~~

1722 ~~excluding capacity improvement projects.~~

1723 ~~(8) Subject to a specific appropriation in addition to~~

1724 ~~funds appropriated for projects under this section, a local~~

1725 ~~government either wholly or partially within the Everglades~~

1726 ~~Agricultural Area as defined in s. 373.4592(15), the Peace River~~

1727 ~~Basin, or the Suwannee River Basin may compete for additional~~

1728 ~~funding using the criteria listed in paragraph (4) (c) at up to~~

1729 ~~100 percent of project costs on state or county roads used~~

1730 ~~primarily as farm-to-market connections between rural~~

1731 ~~agricultural areas and market distribution centers, excluding~~

1732 ~~capacity improvement projects.~~

1733 Section 36. Paragraph (b) of subsection (3) and paragraph

1734 (c) of subsection (4) of section 339.2821, Florida Statutes, are

1735 amended to read:

1736 339.2821 Economic development transportation projects.—

1737 (3)

1738 (b) The department must ensure that it is supportive of

1739 small businesses as defined in s. 337.027(2) ~~small and minority~~

1740 ~~businesses have equal access to participate in transportation~~

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1741 ~~projects funded pursuant to this section.~~

1742 (4) A contract between the department and a governmental
1743 body for a transportation project must:

1744 (c) Require that the governmental body provide the
1745 department with progress reports. Each progress report must
1746 contain:

1747 1. A narrative description of the work completed and
1748 whether the work is proceeding according to the transportation
1749 project schedule;

1750 2. A description of each change order executed by the
1751 governmental body;

1752 3. A budget summary detailing planned expenditures compared
1753 to actual expenditures; and

1754 4. The identity of each small ~~or minority~~ business used as
1755 a contractor or subcontractor.

1756 Section 37. Section 339.287, Florida Statutes, is repealed.

1757 Section 38. Paragraph (c) of subsection (2) of section
1758 339.55, Florida Statutes, is amended to read:

1759 339.55 State-funded infrastructure bank.—

1760 (2) The bank may lend capital costs or provide credit
1761 enhancements for:

1762 (c)1. Emergency loans for damages incurred to public-use
1763 commercial deepwater seaports, public-use airports, and other
1764 public-use transit and intermodal facilities that are within an
1765 area that is part of an official state declaration of emergency
1766 pursuant to chapter 252 and all other applicable laws. Such
1767 loans:

1768 a. May not exceed 24 months in duration except in extreme
1769 circumstances, for which the Secretary of Transportation may

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1770 grant up to 36 months upon making written findings specifying
1771 the conditions requiring a 36-month term.

1772 b. Require application from the recipient to the department
1773 that includes documentation of damage claims filed with the
1774 Federal Emergency Management Agency or an applicable insurance
1775 carrier and documentation of the recipient's overall financial
1776 condition.

1777 c. Are subject to approval by the Secretary of
1778 Transportation ~~and the Legislative Budget Commission.~~

1779 2. Loans provided under this paragraph must be repaid upon
1780 receipt by the recipient of eligible program funding for damages
1781 in accordance with the claims filed with the Federal Emergency
1782 Management Agency or an applicable insurance carrier, but no
1783 later than the duration of the loan.

1784 Section 39. Subsections (3) and (7) of section 339.651,
1785 Florida Statutes, are amended to read:

1786 339.651 Strategic Intermodal System supply chain demands.—

1787 (3) The department may ~~shall~~ make up to \$20 million
1788 available each year ~~for fiscal years 2023-2024 through 2027-~~
1789 ~~2028,~~ from existing work program revenues, to fund projects that
1790 meet the public purpose of providing increased capacity and
1791 enhanced capabilities to move and store construction aggregate
1792 and transportation infrastructure-related materials. Applicants
1793 eligible for project funding under this section are seaports
1794 listed in s. 311.09 and rail lines and rail facilities.

1795 ~~(7) This section shall stand repealed on July 1, 2028.~~

1796 Section 40. Paragraph (b) of subsection (6) of section
1797 341.051, Florida Statutes, is amended to read:

1798 341.051 Administration and financing of public transit and

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1799 intercity bus service programs and projects.-
 1800 (6) ANNUAL APPROPRIATION.-
 1801 (b) If funds are allocated to projects that qualify for the
 1802 New Starts Transit Program in the current fiscal year and a
 1803 project will not be ready for production by June 30, those funds
 1804 must ~~The remaining unallocated New Starts Transit Program funds~~
 1805 ~~as of June 30, 2024, shall~~ be reallocated for the purpose of the
 1806 Strategic Intermodal System within the State Transportation
 1807 Trust Fund for the next fiscal year. ~~This paragraph expires June~~
 1808 ~~30, 2026.~~

1809
 1810 For purposes of this section, the term "net operating costs"
 1811 means all operating costs of a project less any federal funds,
 1812 fares, or other sources of income to the project.

1813 Section 41. Subsection (5) of section 348.754, Florida
 1814 Statutes, is amended to read:

1815 348.754 Purposes and powers.-

1816 (5) The authority shall encourage the inclusion of local
 1817 and small local, ~~small~~, ~~minority~~, and ~~women-owned~~ businesses
 1818 in its procurement and contracting opportunities.

1819 Section 42. Subsection (2) of section 349.03, Florida
 1820 Statutes, is amended, and subsections (4) and (5) are added to
 1821 that section, to read:

1822 349.03 Jacksonville Transportation Authority.-

1823 (2) The governing body of the authority shall be composed
 1824 ~~consist~~ of seven members. Four ~~Three~~ members, one of whom is a
 1825 resident of the City of Jacksonville and three of whom are
 1826 residents of Clay County, Duval County, or St. Johns County,
 1827 shall be appointed by the Governor and confirmed by the Senate.

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1828 Three members shall be appointed by the mayor of the City of
 1829 Jacksonville subject to confirmation by the council of the City
 1830 of Jacksonville. ~~The seventh member shall be the district~~
 1831 ~~secretary of the Department of Transportation serving in the~~
 1832 ~~district that contains the City of Jacksonville. Except for the~~
 1833 ~~seventh member,~~ Members appointed by the mayor of the City of
 1834 Jacksonville must ~~shall~~ be residents and qualified electors of
 1835 Duval County.

1836 (4) The authority shall follow the business development
 1837 program established by the department pursuant to s. 337.027.

1838 (5) The authority shall establish protocols and systems in
 1839 accordance with the requirements of ss. 112.061(16) and
 1840 215.985(6) and (14) and post all related information on the
 1841 authority's publicly accessible website.

1842 Section 43. Paragraphs (j) and (m) of subsection (2) of
 1843 section 110.205, Florida Statutes, are amended to read:

1844 110.205 Career service; exemptions.-

1845 (2) EXEMPT POSITIONS.-The exempt positions that are not
 1846 covered by this part include the following:

1847 (j) The appointed secretaries and the State Surgeon
 1848 General, assistant secretaries, deputy secretaries, and deputy
 1849 assistant secretaries of all departments; the executive
 1850 directors, assistant executive directors, deputy executive
 1851 directors, and deputy assistant executive directors of all
 1852 departments; the directors of all divisions and those positions
 1853 determined by the department to have managerial responsibilities
 1854 comparable to such positions, which positions include, but are
 1855 not limited to, program directors, assistant program directors,
 1856 district administrators, deputy district administrators, the

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1857 Director of Central Operations Services of the Department of
 1858 Children and Families, the State Transportation Development
 1859 Administrator, the State Public Transportation and Modal
 1860 Administrator, district secretaries, district directors of
 1861 transportation development, transportation operations,
 1862 transportation support, and the managers of the offices of the
 1863 Department of Transportation specified in s. 20.23(4)(b) ~~s-~~
 1864 ~~20.23(3)(b)~~. Unless otherwise fixed by law, the department shall
 1865 set the salary and benefits of these positions and the positions
 1866 of county health department directors and county health
 1867 department administrators of the Department of Health in
 1868 accordance with the rules of the Senior Management Service.

1869 (m) All assistant division director, deputy division
 1870 director, and bureau chief positions in any department, and
 1871 those positions determined by the department to have managerial
 1872 responsibilities comparable to such positions, which include,
 1873 but are not limited to:

1874 1. Positions in the Department of Health and the Department
 1875 of Children and Families which are assigned primary duties of
 1876 serving as the superintendent or assistant superintendent of an
 1877 institution.

1878 2. Positions in the Department of Corrections which are
 1879 assigned primary duties of serving as the warden, assistant
 1880 warden, colonel, or major of an institution or that are assigned
 1881 primary duties of serving as the circuit administrator or deputy
 1882 circuit administrator.

1883 3. Positions in the Department of Transportation which are
 1884 assigned primary duties of serving as regional toll managers and
 1885 managers of offices, as specified in s. 20.23(4)(b) and (5)(c)

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1886 ~~s. 20.23(3)(b) and (4)(e).~~

1887 4. Positions in the Department of Environmental Protection
 1888 which are assigned the duty of an Environmental Administrator or
 1889 program administrator.

1890 5. Positions in the Department of Health which are assigned
 1891 the duties of Environmental Administrator, Assistant County
 1892 Health Department Director, and County Health Department
 1893 Financial Administrator.

1894 6. Positions in the Department of Highway Safety and Motor
 1895 Vehicles which are assigned primary duties of serving as
 1896 captains in the Florida Highway Patrol.

1897
 1898 Unless otherwise fixed by law, the department shall set the
 1899 salary and benefits of the positions listed in this paragraph in
 1900 accordance with the rules established for the Selected Exempt
 1901 Service.

1902 Section 44. Paragraph (d) of subsection (3) of section
 1903 322.27, Florida Statutes, is amended to read:

1904 322.27 Authority of department to suspend or revoke driver
 1905 license or identification card.—

1906 (3) There is established a point system for evaluation of
 1907 convictions of violations of motor vehicle laws or ordinances,
 1908 and violations of applicable provisions of s. 403.413(6)(b) when
 1909 such violations involve the use of motor vehicles, for the
 1910 determination of the continuing qualification of any person to
 1911 operate a motor vehicle. The department is authorized to suspend
 1912 the license of any person upon showing of its records or other
 1913 good and sufficient evidence that the licensee has been
 1914 convicted of violation of motor vehicle laws or ordinances, or

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1915 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 1916 more points as determined by the point system. The suspension
 1917 shall be for a period of not more than 1 year.

1918 (d) The point system shall have as its basic element a
 1919 graduated scale of points assigning relative values to
 1920 convictions of the following violations:

1921 1. Reckless driving, willful and wanton—4 points.
 1922 2. Leaving the scene of a crash resulting in property
 1923 damage of more than \$50—6 points.

1924 3. Unlawful speed, or unlawful use of a wireless
 1925 communications device, resulting in a crash—6 points.

1926 4. Passing a stopped school bus:

1927 a. Not causing or resulting in serious bodily injury to or
 1928 death of another—4 points.

1929 b. Causing or resulting in serious bodily injury to or
 1930 death of another—6 points.

1931 c. Points may not be imposed for a violation of passing a
 1932 stopped school bus as provided in s. 316.172(1)(a) or (b) when
 1933 enforced by a school bus infraction detection system pursuant to
 1934 s. 316.173. In addition, a violation of s. 316.172(1)(a) or (b)
 1935 when enforced by a school bus infraction detection system
 1936 pursuant to s. 316.173 may not be used for purposes of setting
 1937 motor vehicle insurance rates.

1938 5. Unlawful speed:

1939 a. Not in excess of 15 miles per hour of lawful or posted
 1940 speed—3 points.

1941 b. In excess of 15 miles per hour of lawful or posted
 1942 speed—4 points.

1943 c. Points may not be imposed for a violation of unlawful

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1944 speed as provided in s. 316.1895 or s. 316.183 when enforced by
 1945 a traffic infraction enforcement officer pursuant to s.
 1946 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
 1947 when enforced by a traffic infraction enforcement officer
 1948 pursuant to s. 316.1896 may not be used for purposes of setting
 1949 motor vehicle insurance rates.

1950 6. A violation of a traffic control signal device as
 1951 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 1952 However, points may not be imposed for a violation of s.
 1953 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 1954 stop at a traffic signal and when enforced by a traffic
 1955 infraction enforcement officer. In addition, a violation of s.
 1956 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 1957 stop at a traffic signal and when enforced by a traffic
 1958 infraction enforcement officer may not be used for purposes of
 1959 setting motor vehicle insurance rates.

1960 7. Unlawfully driving a vehicle through a railroad-highway
 1961 grade crossing—6 points.

1962 8. All other moving violations (including parking on a
 1963 highway outside the limits of a municipality)—3 points. However,
 1964 points may not be imposed for a violation of ~~s. 316.0741~~ or s.
 1965 316.2065(11); and points may be imposed for a violation of s.
 1966 316.1001 only when imposed by the court after a hearing pursuant
 1967 to s. 318.14(5).

1968 9. Any moving violation covered in this paragraph,
 1969 excluding unlawful speed and unlawful use of a wireless
 1970 communications device, resulting in a crash—4 points.

1971 10. Any conviction under s. 403.413(6)(b)—3 points.
 1972 11. Any conviction under s. 316.0775(2)—4 points.

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1973 12. A moving violation covered in this paragraph which is
 1974 committed in conjunction with the unlawful use of a wireless
 1975 communications device within a school safety zone—2 points, in
 1976 addition to the points assigned for the moving violation.

1977 Section 45. Subsection (13) of section 365.172, Florida
 1978 Statutes, is amended to read:

1979 365.172 Emergency communications.—

1980 (13) FACILITATING EMERGENCY COMMUNICATIONS SERVICE
 1981 IMPLEMENTATION.—To balance the public need for reliable
 1982 emergency communications services through reliable wireless
 1983 systems and the public interest served by governmental zoning
 1984 and land development regulations and notwithstanding any other
 1985 law or local ordinance to the contrary, the following standards
 1986 shall apply to a local government's actions, as a regulatory
 1987 body, in the regulation of the placement, construction, or
 1988 modification of a wireless communications facility. This
 1989 subsection may not, however, be construed to waive or alter the
 1990 provisions of s. 286.011 or s. 286.0115. For the purposes of
 1991 this subsection only, "local government" shall mean any
 1992 municipality or county and any agency of a municipality or
 1993 county only. The term "local government" does not, however,
 1994 include any airport, as defined in s. 330.27 ~~by s. 330.27(2)~~,
 1995 even if it is owned or controlled by or through a municipality,
 1996 county, or agency of a municipality or county. Further,
 1997 notwithstanding anything in this section to the contrary, this
 1998 subsection does not apply to or control a local government's
 1999 actions as a property or structure owner in the use of any
 2000 property or structure owned by such entity for the placement,
 2001 construction, or modification of wireless communications

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2002 facilities. In the use of property or structures owned by the
 2003 local government, however, a local government may not use its
 2004 regulatory authority so as to avoid compliance with, or in a
 2005 manner that does not advance, the provisions of this subsection.

2006 (a) Colocation among wireless providers is encouraged by
 2007 the state.

2008 1.a. Colocations on towers, including nonconforming towers,
 2009 that meet the requirements in sub-sub-subparagraphs (I), (II),
 2010 and (III), are subject to only building permit review, which may
 2011 include a review for compliance with this subparagraph. Such
 2012 colocations are not subject to any design or placement
 2013 requirements of the local government's land development
 2014 regulations in effect at the time of the colocation that are
 2015 more restrictive than those in effect at the time of the initial
 2016 antennae placement approval, to any other portion of the land
 2017 development regulations, or to public hearing review. This sub-
 2018 subparagraph may not preclude a public hearing for any appeal of
 2019 the decision on the colocation application.

2020 (I) The colocation does not increase the height of the
 2021 tower to which the antennae are to be attached, measured to the
 2022 highest point of any part of the tower or any existing antenna
 2023 attached to the tower;

2024 (II) The colocation does not increase the ground space
 2025 area, commonly known as the compound, approved in the site plan
 2026 for equipment enclosures and ancillary facilities; and

2027 (III) The colocation consists of antennae, equipment
 2028 enclosures, and ancillary facilities that are of a design and
 2029 configuration consistent with all applicable regulations,
 2030 restrictions, or conditions, if any, applied to the initial

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2031 antennae placed on the tower and to its accompanying equipment
 2032 enclosures and ancillary facilities and, if applicable, applied
 2033 to the tower supporting the antennae. Such regulations may
 2034 include the design and aesthetic requirements, but not
 2035 procedural requirements, other than those authorized by this
 2036 section, of the local government's land development regulations
 2037 in effect at the time the initial antennae placement was
 2038 approved.

2039 b. Except for a historic building, structure, site, object,
 2040 or district, or a tower included in sub-subparagraph a.,
 2041 colocations on all other existing structures that meet the
 2042 requirements in sub-sub-subparagraphs (I)-(IV) shall be subject
 2043 to no more than building permit review, and an administrative
 2044 review for compliance with this subparagraph. Such colocations
 2045 are not subject to any portion of the local government's land
 2046 development regulations not addressed herein, or to public
 2047 hearing review. This sub-subparagraph may not preclude a public
 2048 hearing for any appeal of the decision on the colocation
 2049 application.

2050 (I) The colocation does not increase the height of the
 2051 existing structure to which the antennae are to be attached,
 2052 measured to the highest point of any part of the structure or
 2053 any existing antenna attached to the structure;

2054 (II) The colocation does not increase the ground space
 2055 area, otherwise known as the compound, if any, approved in the
 2056 site plan for equipment enclosures and ancillary facilities;

2057 (III) The colocation consists of antennae, equipment
 2058 enclosures, and ancillary facilities that are of a design and
 2059 configuration consistent with any applicable structural or

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2060 aesthetic design requirements and any requirements for location
 2061 on the structure, but not prohibitions or restrictions on the
 2062 placement of additional colocations on the existing structure or
 2063 procedural requirements, other than those authorized by this
 2064 section, of the local government's land development regulations
 2065 in effect at the time of the colocation application; and

2066 (IV) The colocation consists of antennae, equipment
 2067 enclosures, and ancillary facilities that are of a design and
 2068 configuration consistent with all applicable restrictions or
 2069 conditions, if any, that do not conflict with sub-sub-
 2070 subparagraph (III) and were applied to the initial antennae
 2071 placed on the structure and to its accompanying equipment
 2072 enclosures and ancillary facilities and, if applicable, applied
 2073 to the structure supporting the antennae.

2074 c. Regulations, restrictions, conditions, or permits of the
 2075 local government, acting in its regulatory capacity, that limit
 2076 the number of colocations or require review processes
 2077 inconsistent with this subsection do not apply to colocations
 2078 addressed in this subparagraph.

2079 d. If only a portion of the colocation does not meet the
 2080 requirements of this subparagraph, such as an increase in the
 2081 height of the proposed antennae over the existing structure
 2082 height or a proposal to expand the ground space approved in the
 2083 site plan for the equipment enclosure, where all other portions
 2084 of the colocation meet the requirements of this subparagraph,
 2085 that portion of the colocation only may be reviewed under the
 2086 local government's regulations applicable to an initial
 2087 placement of that portion of the facility, including, but not
 2088 limited to, its land development regulations, and within the

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2089 review timeframes of subparagraph (d)2., and the rest of the
 2090 colocation shall be reviewed in accordance with this
 2091 subparagraph. A colocation proposal under this subparagraph that
 2092 increases the ground space area, otherwise known as the
 2093 compound, approved in the original site plan for equipment
 2094 enclosures and ancillary facilities by no more than a cumulative
 2095 amount of 400 square feet or 50 percent of the original compound
 2096 size, whichever is greater, shall, however, require no more than
 2097 administrative review for compliance with the local government's
 2098 regulations, including, but not limited to, land development
 2099 regulations review, and building permit review, with no public
 2100 hearing review. This sub-subparagraph does not preclude a public
 2101 hearing for any appeal of the decision on the colocation
 2102 application.

2103 2. If a colocation does not meet the requirements of
 2104 subparagraph 1., the local government may review the application
 2105 under the local government's regulations, including, but not
 2106 limited to, land development regulations, applicable to the
 2107 placement of initial antennae and their accompanying equipment
 2108 enclosure and ancillary facilities.

2109 3. If a colocation meets the requirements of subparagraph
 2110 1., the colocation may not be considered a modification to an
 2111 existing structure or an impermissible modification of a
 2112 nonconforming structure.

2113 4. The owner of the existing tower on which the proposed
 2114 antennae are to be collocated shall remain responsible for
 2115 compliance with any applicable condition or requirement of a
 2116 permit or agreement, or any applicable condition or requirement
 2117 of the land development regulations to which the existing tower

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2118 had to comply at the time the tower was permitted, including any
 2119 aesthetic requirements, provided the condition or requirement is
 2120 not inconsistent with this paragraph.

2121 5. An existing tower, including a nonconforming tower, may
 2122 be structurally modified in order to permit colocation or may be
 2123 replaced through no more than administrative review and building
 2124 permit review, and is not subject to public hearing review, if
 2125 the overall height of the tower is not increased and, if a
 2126 replacement, the replacement tower is a monopole tower or, if
 2127 the existing tower is a camouflaged tower, the replacement tower
 2128 is a like-camouflaged tower. This subparagraph may not preclude
 2129 a public hearing for any appeal of the decision on the
 2130 application.

2131 (b)1. A local government's land development and
 2132 construction regulations for wireless communications facilities
 2133 and the local government's review of an application for the
 2134 placement, construction, or modification of a wireless
 2135 communications facility shall only address land development or
 2136 zoning issues. In such local government regulations or review,
 2137 the local government may not require information on or evaluate
 2138 a wireless provider's business decisions about its service,
 2139 customer demand for its service, or quality of its service to or
 2140 from a particular area or site, unless the wireless provider
 2141 voluntarily offers this information to the local government. In
 2142 such local government regulations or review, a local government
 2143 may not require information on or evaluate the wireless
 2144 provider's designed service unless the information or materials
 2145 are directly related to an identified land development or zoning
 2146 issue or unless the wireless provider voluntarily offers the

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2147 information. Information or materials directly related to an
 2148 identified land development or zoning issue may include, but are
 2149 not limited to, evidence that no existing structure can
 2150 reasonably be used for the antennae placement instead of the
 2151 construction of a new tower, that residential areas cannot be
 2152 served from outside the residential area, as addressed in
 2153 subparagraph 3., or that the proposed height of a new tower or
 2154 initial antennae placement or a proposed height increase of a
 2155 modified tower, replacement tower, or colocation is necessary to
 2156 provide the provider's designed service. Nothing in this
 2157 paragraph shall limit the local government from reviewing any
 2158 applicable land development or zoning issue addressed in its
 2159 adopted regulations that does not conflict with this section,
 2160 including, but not limited to, aesthetics, landscaping, land
 2161 use-based location priorities, structural design, and setbacks.

2162 2. Any setback or distance separation required of a tower
 2163 may not exceed the minimum distance necessary, as determined by
 2164 the local government, to satisfy the structural safety or
 2165 aesthetic concerns that are to be protected by the setback or
 2166 distance separation.

2167 3. A local government may exclude the placement of wireless
 2168 communications facilities in a residential area or residential
 2169 zoning district but only in a manner that does not constitute an
 2170 actual or effective prohibition of the provider's service in
 2171 that residential area or zoning district. If a wireless provider
 2172 demonstrates to the satisfaction of the local government that
 2173 the provider cannot reasonably provide its service to the
 2174 residential area or zone from outside the residential area or
 2175 zone, the municipality or county and provider shall cooperate to

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2176 determine an appropriate location for a wireless communications
 2177 facility of an appropriate design within the residential area or
 2178 zone. The local government may require that the wireless
 2179 provider reimburse the reasonable costs incurred by the local
 2180 government for this cooperative determination. An application
 2181 for such cooperative determination may not be considered an
 2182 application under paragraph (d).

2183 4. A local government may impose a reasonable fee on
 2184 applications to place, construct, or modify a wireless
 2185 communications facility only if a similar fee is imposed on
 2186 applicants seeking other similar types of zoning, land use, or
 2187 building permit review. A local government may impose fees for
 2188 the review of applications for wireless communications
 2189 facilities by consultants or experts who conduct code compliance
 2190 review for the local government but any fee is limited to
 2191 specifically identified reasonable expenses incurred in the
 2192 review. A local government may impose reasonable surety
 2193 requirements to ensure the removal of wireless communications
 2194 facilities that are no longer being used.

2195 5. A local government may impose design requirements, such
 2196 as requirements for designing towers to support colocation or
 2197 aesthetic requirements, except as otherwise limited in this
 2198 section, but may not impose or require information on compliance
 2199 with building code type standards for the construction or
 2200 modification of wireless communications facilities beyond those
 2201 adopted by the local government under chapter 553 and that apply
 2202 to all similar types of construction.

2203 (c) Local governments may not require wireless providers to
 2204 provide evidence of a wireless communications facility's

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2205 compliance with federal regulations, except evidence of
 2206 compliance with applicable Federal Aviation Administration
 2207 requirements under 14 C.F.R. part 77, as amended, and evidence
 2208 of proper Federal Communications Commission licensure, or other
 2209 evidence of Federal Communications Commission authorized
 2210 spectrum use, but may request the Federal Communications
 2211 Commission to provide information as to a wireless provider's
 2212 compliance with federal regulations, as authorized by federal
 2213 law.

2214 (d)1. A local government shall grant or deny each properly
 2215 completed application for a colocation under subparagraph (a)1.
 2216 based on the application's compliance with the local
 2217 government's applicable regulations, as provided for in
 2218 subparagraph (a)1. and consistent with this subsection, and
 2219 within the normal timeframe for a similar building permit review
 2220 but in no case later than 45 business days after the date the
 2221 application is determined to be properly completed in accordance
 2222 with this paragraph.

2223 2. A local government shall grant or deny each properly
 2224 completed application for any other wireless communications
 2225 facility based on the application's compliance with the local
 2226 government's applicable regulations, including but not limited
 2227 to land development regulations, consistent with this subsection
 2228 and within the normal timeframe for a similar type review but in
 2229 no case later than 90 business days after the date the
 2230 application is determined to be properly completed in accordance
 2231 with this paragraph.

2232 3.a. An application is deemed submitted or resubmitted on
 2233 the date the application is received by the local government. If

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2234 the local government does not notify the applicant in writing
 2235 that the application is not completed in compliance with the
 2236 local government's regulations within 20 business days after the
 2237 date the application is initially submitted or additional
 2238 information resubmitted, the application is deemed, for
 2239 administrative purposes only, to be properly completed and
 2240 properly submitted. However, the determination may not be deemed
 2241 as an approval of the application. If the application is not
 2242 completed in compliance with the local government's regulations,
 2243 the local government shall so notify the applicant in writing
 2244 and the notification must indicate with specificity any
 2245 deficiencies in the required documents or deficiencies in the
 2246 content of the required documents which, if cured, make the
 2247 application properly completed. Upon resubmission of information
 2248 to cure the stated deficiencies, the local government shall
 2249 notify the applicant, in writing, within the normal timeframes
 2250 of review, but in no case longer than 20 business days after the
 2251 additional information is submitted, of any remaining
 2252 deficiencies that must be cured. Deficiencies in document type
 2253 or content not specified by the local government do not make the
 2254 application incomplete. Notwithstanding this sub-subparagraph,
 2255 if a specified deficiency is not properly cured when the
 2256 applicant resubmits its application to comply with the notice of
 2257 deficiencies, the local government may continue to request the
 2258 information until such time as the specified deficiency is
 2259 cured. The local government may establish reasonable timeframes
 2260 within which the required information to cure the application
 2261 deficiency is to be provided or the application will be
 2262 considered withdrawn or closed.

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2263 b. If the local government fails to grant or deny a
 2264 properly completed application for a wireless communications
 2265 facility within the timeframes set forth in this paragraph, the
 2266 application shall be deemed automatically approved and the
 2267 applicant may proceed with placement of the facilities without
 2268 interference or penalty. The timeframes specified in
 2269 subparagraph 2. may be extended only to the extent that the
 2270 application has not been granted or denied because the local
 2271 government's procedures generally applicable to all other
 2272 similar types of applications require action by the governing
 2273 body and such action has not taken place within the timeframes
 2274 specified in subparagraph 2. Under such circumstances, the local
 2275 government must act to either grant or deny the application at
 2276 its next regularly scheduled meeting or, otherwise, the
 2277 application is deemed to be automatically approved.

2278 c. To be effective, a waiver of the timeframes set forth in
 2279 this paragraph must be voluntarily agreed to by the applicant
 2280 and the local government. A local government may request, but
 2281 not require, a waiver of the timeframes by the applicant, except
 2282 that, with respect to a specific application, a one-time waiver
 2283 may be required in the case of a declared local, state, or
 2284 federal emergency that directly affects the administration of
 2285 all permitting activities of the local government.

2286 (e) The replacement of or modification to a wireless
 2287 communications facility, except a tower, that results in a
 2288 wireless communications facility not readily discernibly
 2289 different in size, type, and appearance when viewed from ground
 2290 level from surrounding properties, and the replacement or
 2291 modification of equipment that is not visible from surrounding

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2292 properties, all as reasonably determined by the local
 2293 government, are subject to no more than applicable building
 2294 permit review.

2295 (f) Any other law to the contrary notwithstanding, the
 2296 Department of Management Services shall negotiate, in the name
 2297 of the state, leases for wireless communications facilities that
 2298 provide access to state government-owned property not acquired
 2299 for transportation purposes, and the Department of
 2300 Transportation shall negotiate, in the name of the state, leases
 2301 for wireless communications facilities that provide access to
 2302 property acquired for state rights-of-way. On property acquired
 2303 for transportation purposes, leases shall be granted in
 2304 accordance with s. 337.251. On other state government-owned
 2305 property, leases shall be granted on a space available, first-
 2306 come, first-served basis. Payments required by state government
 2307 under a lease must be reasonable and must reflect the market
 2308 rate for the use of the state government-owned property. The
 2309 Department of Management Services and the Department of
 2310 Transportation are authorized to adopt rules for the terms and
 2311 conditions and granting of any such leases.

2312 (g) If any person adversely affected by any action, or
 2313 failure to act, or regulation, or requirement of a local
 2314 government in the review or regulation of the wireless
 2315 communication facilities files an appeal or brings an
 2316 appropriate action in a court or venue of competent
 2317 jurisdiction, following the exhaustion of all administrative
 2318 remedies, the matter shall be considered on an expedited basis.

2319 Section 46. Subsection (2) of section 379.2293, Florida
 2320 Statutes, is amended to read:

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2321 379.2293 Airport activities within the scope of a federally
 2322 approved wildlife hazard management plan or a federal or state
 2323 permit or other authorization for depredation or harassment.-

2324 (2) An airport authority or other entity owning or
 2325 operating an airport, as defined in s. 330.27 ~~s. 330.27(2)~~, is
 2326 not subject to any administrative or civil penalty, restriction,
 2327 or other sanction with respect to any authorized action taken in
 2328 a non-negligent manner for the purpose of protecting human life
 2329 or aircraft safety from wildlife hazards.

2330 Section 47. Subsection (22) of section 493.6101, Florida
 2331 Statutes, is amended to read:

2332 493.6101 Definitions.-

2333 (22) "Repossession" means the recovery of a motor vehicle
 2334 as defined under s. 320.01(1), a mobile home as defined in s.
 2335 320.01(2), a motorboat as defined under s. 327.02, an aircraft
 2336 as defined in s. 330.27 ~~s. 330.27(1)~~, a personal watercraft as
 2337 defined in s. 327.02, an all-terrain vehicle as defined in s.
 2338 316.2074, farm equipment as defined under s. 686.402, or
 2339 industrial equipment, by an individual who is authorized by the
 2340 legal owner, lienholder, or lessor to recover, or to collect
 2341 money payment in lieu of recovery of, that which has been sold
 2342 or leased under a security agreement that contains a
 2343 repossession clause. As used in this subsection, the term
 2344 "industrial equipment" includes, but is not limited to,
 2345 tractors, road rollers, cranes, forklifts, backhoes, and
 2346 bulldozers. The term "industrial equipment" also includes other
 2347 vehicles that are propelled by power other than muscular power
 2348 and that are used in the manufacture of goods or used in the
 2349 provision of services. A repossession is complete when a

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2350 licensed recovery agent is in control, custody, and possession
 2351 of such repossessed property. Property that is being repossessed
 2352 shall be considered to be in the control, custody, and
 2353 possession of a recovery agent if the property being repossessed
 2354 is secured in preparation for transport from the site of the
 2355 recovery by means of being attached to or placed on the towing
 2356 or other transport vehicle or if the property being repossessed
 2357 is being operated or about to be operated by an employee of the
 2358 recovery agency.

2359 Section 48. Paragraph (c) of subsection (1) of section
 2360 493.6403, Florida Statutes, is amended to read:

2361 493.6403 License requirements.-

2362 (1) In addition to the license requirements set forth in
 2363 this chapter, each individual or agency shall comply with the
 2364 following additional requirements:

2365 (c) An applicant for a Class "E" license shall have at
 2366 least 1 year of lawfully gained, verifiable, full-time
 2367 experience in one, or a combination of more than one, of the
 2368 following:

2369 1. Repossession of motor vehicles as defined in s.
 2370 320.01(1), mobile homes as defined in s. 320.01(2), motorboats
 2371 as defined in s. 327.02, aircraft as defined in s. 330.27 ~~s.
 2372 330.27(1)~~, personal watercraft as defined in s. 327.02, all-
 2373 terrain vehicles as defined in s. 316.2074, farm equipment as
 2374 defined under s. 686.402, or industrial equipment as defined in
 2375 s. 493.6101(22).

2376 2. Work as a Class "EE" licensed intern.

2377 Section 49. 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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1696

INTRODUCER: Senator Calatayud

SUBJECT: Prearranged Transportation Services

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Pre-meeting
2.			CJ	
3.			RC	

I. Summary:

SB 1696 prohibits a person from willfully impersonating a transportation network company (TNC) driver by engaging in specified conduct. Under the bill, a violation of the prohibition is a generally a second degree misdemeanor; however, a person commits a third degree felony if he or she impersonates a TNC driver during the commission of a separate felony offense.

Additionally, the bill clarifies that services purchased from a TNC do not qualify as privately owned or operated bus transit systems, and that a TNC is not a transportation service provider, and thus not subject to specified regulations relating to paratransit service contracts. The bill also modifies training requirements for paratransit drivers to authorize access to third-party training materials.

The bill may have a fiscal impact on both governmental entities and the private sector. See Section V., Fiscal Impact Statement for details.

The bill takes effect July 1, 2025.

II. Present Situation:

Transportation Network Companies (TNCs)

A Transportation Network Company (TNC), codified in s. 627.748, F.S., is defined to mean an entity operating pursuant to a. 627.748, F.S., using a digital network to connect a rider to a TNC driver, who provides prearranged rides. Specifically, a TNC:

- Does not own, control, operate, direct, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract.
- Is not a taxicab association.

- Is not an individual, corporation, partnership, sole proprietorship, or other entity that arranges medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the state or a managed care organization.¹

A TNC driver receives connections to potential riders and related services from a TNC and in return for compensation, uses a TNC vehicle to offer or provide a prearranged ride to a rider after being connected through a digital network.² A TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does not provide taxicab service, and is not required to register a TNC vehicle as a commercial motor vehicle or a for-hire vehicle.³ A TNC's digital network must display the TNC driver's photograph and the TNC vehicle's license plate number before the rider enters the TNC vehicle.⁴

Transit Safety Standards

Section 341.061, F.S., requires the Florida Department of Transportation (FDOT) to adopt rules establishing minimum equipment and operational safety standards for the following entities:

- Governmentally owned bus transit systems and privately owned or operated bus transit systems operating in this state that are financed wholly or partly by state funds;
- Bus transit systems created pursuant to ch. 427, F.S., providing for the transportation disadvantaged system; and
- Privately owned or operated bus transit systems under contract with any of the above systems.

Such bus transit system standards must be developed jointly by FDOT and representatives of the transit systems. Accordingly, each bus transit system must:

- Develop a transit safety program plan that complies with established standards;
- Certify to FDOT that such plan complies with established standards; and
- Implement and comply with the plan during the operation of the transit system.⁵

Additionally, as part of its safety plan, each bus transit system must:

- Require all transit buses operated by the system to be inspected at least annually in accordance with established standards;
- Ensure that qualified personnel of the bus transit system, or public or private entities qualified by the bus transit system, perform safety inspections; and
- Annually certify in writing to the department that it has complied with the adopted safety program plan and safety inspections.⁶

¹ However, a TNC may provide prearranged rides to individuals who qualify for Medicaid or Medicare if it meets specified requirements under s. 627.748, F.S.

² Section 627.748(1)(g), F.S.

³ Section 627.748(2), F.S.

⁴ Section 627.748(5), F.S.

⁵ Section 341.061(2)(a), F.S.

⁶ Section 341.061(2)(b), F.S.

Transportation Service Provider Contracts

For purposes of transportation service contracts, the term “transportation service provider” is defined to mean an organization or entity that contracts with a local government to provide paratransit service to persons with disabilities.⁷

For contracts entered into or renewed on or after October 1, 2024, a transportation service provider must agree to provide training to each driver of a motor vehicle used to provide paratransit service to persons with disabilities which, at a minimum, meets requirements established by the Agency for Persons with Disabilities for training and professional development of staff providing direct services to clients of the agency.⁸

III. Effect of Proposed Changes:

The bill creates a criminal offense related to the impersonation of a TNC driver. Under the bill, a person commits a second degree misdemeanor⁹ if he or she impersonates a TNC driver by:

- Making a false statement;
- Displaying counterfeit signage or emblems of a trade dress, trademark, brand, or logo of a TNC; or
- Engaging in any other act that falsely represents that he or she represents a TNC or is responding to a passenger ride request for a TNC.

Additionally, a person who willfully impersonates a TNC driver during the commission of a separate felony offense commits a third degree felony.¹⁰

The bill clarifies that services purchased from a TNC which otherwise comply with the TNC statute, are not considered privately owned or operated bus transit systems for purposes of FDOT’s transit safety standards. Therefore, TNCs are not subject to specified regulations related to transit safety standards, inspections, and system safety reviews.

The bill amends the definition of “transportation service provider” as it relates to paratransit service contracts, specifying that such service providers use a dedicated fleet of vehicles operated by its employees or directly contracted drivers who meet paratransit service standards. The bill provides that the term “transportation service provider” does not include a TNC.

The bill amends the current requirement that transportation service providers provide training to each driver providing paratransit service to persons with disabilities that meet requirements established by the Agency for Persons with Disabilities. The bill requires each transportation service provider to provide each driver with access to third-party training materials that meet such requirements.

The bill takes effect July 1, 2025.

⁷ Section 427.02(1), F.S.

⁸ Section 427.02(2)(a), F.S.

⁹ A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. Ss. 775.082 and 775.083, F.S.

¹⁰ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. Ss. 775.082, F.S., 775.083, F.S., or 775.084, 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:

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on the private sector by exempting TNCs from specified requirements related to safety inspections and driver training, which may reduce expenses incurred by TNCs that are currently complying with such requirements.

C. Government Sector Impact:

The bill may create an increase in the need for state prison beds due to creating a felony offense related to impersonating a TNC driver, which may result in more offenders being sentenced to prison. However, the number of potential offenders under this new provision is not known. Therefore, the magnitude of the impact on the prison population cannot be determined.

The bill may create an increase in the need for county jail beds due to creating a misdemeanor offense related to impersonating a TNC driver, which may result in more offenders being sentenced to jail. However, the number of potential offenders under this new provision is not known. Therefore, the magnitude of the impact on the county jail population cannot be determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.2021, 341.061, and 427.02.

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 Calatayud

38-01618B-25

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A bill to be entitled

An act relating to prearranged transportation services; creating s. 316.2021, F.S.; prohibiting the impersonation of a transportation network company driver; providing criminal penalties; amending s. 341.061, F.S.; providing that services purchased from a transportation network company are not considered privately owned or operated bus transit systems; amending s. 427.02, F.S.; revising the definition of the term "transportation service provider"; requiring transportation service providers to provide certain drivers with access to certain training materials; providing an effective date.

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

Section 1. Section 316.2021, Florida Statutes, is created to read:

316.2021 Unlawful impersonation of transportation network company driver.—A person may not impersonate a transportation network company driver, as defined in s. 627.748(1), by making a false statement; displaying counterfeit signage or emblems of a trade dress, trademark, brand, or logo of a transportation network company; or engaging in any other act that falsely represents that the person represents a transportation network company or is responding to a passenger ride request for a transportation network company. A person who willfully violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who

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impersonates a transportation network company driver during the commission of a separate felony offense commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraph (d) is added to subsection (2) of section 341.061, Florida Statutes, to read:

341.061 Transit safety standards; inspections and system safety reviews.—

(2)

(d) Services purchased from a transportation network company as defined in s. 627.748(1) which otherwise comply with the provisions of s. 627.748 are not privately owned or operated bus transit systems.

Section 3. Subsection (1) and paragraph (a) of subsection (2) of section 427.02, Florida Statutes, are amended to read:

427.02 Paratransit service contracts for transportation service providers.—

(1) For purposes of this section, the term "transportation service provider" means an organization or entity that contracts with a local government to provide paratransit service to persons with disabilities using a dedicated fleet of vehicles operated by its employees or directly contracted drivers who meet paratransit service standards. The term does not include a transportation network company as defined in s. 627.748(1).

(2) For contracts entered into or renewed on or after October 1, 2024, a transportation service provider must agree to:

(a) Provide ~~training to~~ each driver of a motor vehicle used to provide paratransit service to persons with disabilities with

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59 access to third-party training materials which, at a minimum,
60 ~~meet meets~~ requirements established by the Agency for Persons
61 with Disabilities for training and professional development of
62 staff providing direct services to clients of the agency.

63 Section 4. 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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1738

INTRODUCER: Senator Ingoglia

SUBJECT: Transportation Concurrency

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	Pre-Meeting
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1738 permits a local government to identify facilities necessary to maintain current levels of service in the capital improvements element of the comprehensive plan as an alternative to those necessary to meet an adopted level of service.

The bill takes effect July 1, 2025.

II. Present Situation:

Transportation Impact Fees

The Community Planning Act requires counties and municipalities to produce and maintain a comprehensive plan for future development and growth.¹ Each comprehensive plan must include a transportation element, the purpose of which is to plan for a multimodal transportation system emphasizing feasible public transportation, addressing mobility issues pertinent to the size and character of the local government, and designed to support all other elements of the comprehensive plan.² The transportation element must address traffic circulation, including the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways.³

In furtherance of comprehensive planning, local governments charge impact fees, generally as a condition for the issuance of a project's building permit, to maintain various civic services amid growth. The principle behind the imposition of impact fees is to transfer to new users of a government-owned system a fair share of the costs the new use of the system involves.⁴ Impact

¹ Part II, chapter 163, F.S.

² Section 163.3177(6)(b), F.S.

³ Section 163.3177(6)(b)1., F.S.

⁴ *Contractors & Builders Ass'n of Pinellas County v. City of Dunedin*, 329 So. 2d 314, 317-318 (Fla. 1976).

fees have become an accepted method of paying for public improvements that must be constructed to serve new growth.⁵ In order for an impact fee to be a constitutional user fee and not an unconstitutional tax, the fee must meet a dual rational nexus test, through which the local government must demonstrate the impact fee is proportional and reasonably connected to, or has a rational nexus with:

- The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
- The expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.⁶

Impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

Local governments must credit against impact fee collections any contribution related to public facilities or infrastructure on a dollar-for-dollar basis at fair market value for the general category or class of public facilities or infrastructure for which the contribution was made. If no impact fee is collected for that category of public facility or infrastructure for which the contribution is made, no credit may be applied.⁷ Credits for impact fees may be assigned or transferred at any time once established, from one development or parcel to another within the same impact fee zone or district or within an adjoining impact fee zone or district within the same local government jurisdiction.⁸

Concurrency and Proportionate Share

“Concurrency” is a phrase referring to a set of land use regulations requiring local governments to ensure that new development does not outstrip a local government's ability to provide necessary services. Developments meet concurrency requirements when the local government has the infrastructure capacity to serve the new growth.

A concurrency requirement is a law stating that certain infrastructure must be in place and available to serve new development before the local government may allow new citizens to live in the new development.⁹ For example, before a local government can approve a building permit to allow a new development, it must consult with its water suppliers to ensure adequate supplies to serve the new development will be available by the time citizens can move in.¹⁰ Certain services are subject to concurrency statewide (sanitary sewer, solid waste, drainage, and potable

⁵ *St. Johns County v. Ne. Florida Builders Ass'n, Inc.*, 583 So. 2d 635, 638 (Fla. 1991); section 163.31801(2), F.S.

⁶ *See St. Johns County* at 637. Codified as s. 163.31801(3)(f) and (g), F.S.

⁷ Section 163.31801(5), F.S.

⁸ Section 163.31801(10), F.S. In an action challenging an impact fee or a failure to provide proper credits, the local government has the burden of proof to establish the imposition of the fee or the credit complies with the statute, and the court may not defer to the decision or expertise of the government. S. 163.31801(9), F.S.

⁹ Section 163.3180(2), F.S.

¹⁰ *Id.*

water) while other services, such as public transportation or schools, may optionally be subjected to concurrency by a local government.¹¹

Proportionate share is a tool local governments may use to require developers to help mitigate the impacts of their development notwithstanding a failure to achieve and maintain the adopted level of service standards.¹² Proportionate share generally requires developers to contribute to costs, or build facilities, necessary to offset a new development's impacts.¹³

Transportation Concurrency

Local governments utilizing transportation concurrency must use professionally accepted studies to evaluate levels of service and techniques to measure such levels of service when evaluating potential impacts of proposed developments.¹⁴ While local governments implementing a transportation concurrency system are encouraged to develop and use certain tools and guidelines, such as addressing potential negative impacts on urban infill and redevelopment¹⁵ and adopting long-term multimodal strategies,¹⁶ such local governments must follow specific concurrency requirements including consulting with the Florida Department of Transportation if proposed amendments to the plan affect the Strategic Intermodal System, exempting public transit facilities from concurrency requirements, and allowing a developer to contribute a proportionate share to mitigate transportation impacts for a specific development.¹⁷

III. Effect of Proposed Changes:

The bill amends s. 163.3180 (5)(d), F.S., to permit a local government to identify facilities necessary to maintain current levels of service, as opposed to facilities necessary to meet newly adopted levels of service, in the capital improvements element of the comprehensive plan. This amendment allows a local government to elaborate on capital improvements in its comprehensive plan, but does not replace the adoption of a level of service for the purpose of applying concurrency to future development as required by subsection (5)(a).

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹¹ Section 163.3180(1), F.S.

¹² Florida Department of Community Affairs (now Department of Economic Opportunity), *Transportation Concurrency: Best Practices Guide*, pg. 64 (2007), retrieved from https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1041&context=cutr_tpppfr (last visited Mar. 11, 2025).

¹³ *Id.*

¹⁴ Section 163.3180(5)(b)-(c), F.S.

¹⁵ Section 163.3180(5)(e), F.S.

¹⁶ Section 163.3180(f), F.S.

¹⁷ Section 163.3180(5)(h), 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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 163.3180 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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Ingoglia

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A bill to be entitled

An act relating to transportation concurrency;
amending s. 163.3180, F.S.; revising facilities
required to be identified in the capital improvements
element of a comprehensive plan that imposes
transportation concurrency; providing an effective
date.

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

Section 1. Paragraph (d) of subsection (5) of section
163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(5)

(d) The premise of concurrency is that the public
facilities will be provided in order to achieve and maintain the
adopted level of service standard. A comprehensive plan that
imposes transportation concurrency shall contain appropriate
amendments to the capital improvements element of the
comprehensive plan, consistent with the requirements of s.
163.3177(3). The capital improvements element shall identify
facilities necessary to meet adopted levels of service during a
5-year period or to maintain current levels of service.

Section 2. 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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1820

INTRODUCER: Senator Leek

SUBJECT: Motor Vehicle Manufacturers and Dealers

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Pre-meeting
2.			CM	
3.			RC	

I. Summary:

The bill amends various provisions of the Florida Motor Vehicle Dealership Act (Act), which governs the licensure of and contractual relationship between motor vehicle dealers, manufacturers, distributors, and importers.

The bill prohibits an applicant or licensee (manufacturer, distributor, importer) or common entity from implementing or enforcing sales or service measuring criteria without providing a written description to each franchised dealer which states how the performance measurement criteria was calculated, established, and uniformly applied.

The bill prohibits manufacturers, distributors, importers, or a common entity from engaging in any action taken as retaliation against a motor vehicle dealer because the dealer invoked any statutory right created by the motor vehicle franchise law, asserted that the manufacturer, distributor, importer, or a common entity has acted in a manner that violates the motor vehicle franchise law, or participated in an investigation, proceeding, or hearing.

The bill revises various provisions relating to the discontinuation, cancellation, nonrenewal, modification or replacement of a motor vehicle franchise agreement to provide that such action is considered unfair under specified conditions.

The bill may have an indeterminate positive fiscal impact on franchised motor vehicle dealers in the state.

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Automobile Dealership Act

The Act,¹ governs the licensure of, and contractual relationship (franchise agreements²) between, motor vehicle manufacturers,³ distributors,⁴ and importers,⁵ and provides substantial protections for motor vehicle dealers.⁶ The Division of Motorist Services within The Department of Highway Safety and Motor Vehicles (DHSMV) administers and enforces the Act, which generally specifies:

- Motor vehicle manufacturers, distributors, and importers must be licensed under the Act to engage in business in Florida and the conditions and situations under which the DHSMV may deny, suspend, or revoke such licenses;
- The requirements for manufacturers, distributors, or importers wishing to discontinue, cancel, modify, or otherwise replace a franchise agreement with a dealer, and the conditions under which the DHSMV may deny such a request;
- The procedures manufacturers, distributors, or importers must follow to add a franchised dealership in an area already served by a franchised dealer, the protest process, and the DHSMV's role in such circumstances;
- The damages assessable against a manufacturer, distributor, or importer who violates the Act; and
- The DHSMV's authority to adopt rules to implement these sections of law.⁷

¹ Ch. 70-424, Laws of Fla., codified in ch. 320, F.S.

² "Franchise agreement" means a contract, franchise, new motor vehicle franchise, sales and service agreement, ore dealer agreement or any other terminology used to describe the contractual relationship between a manufacturer, factory branch, distributor, or importer, and a motor vehicle dealer, pursuant to which the motor vehicle dealer is authorized to transact business pertaining to motor vehicles of a particular line-make. "Line-make vehicles", in turn, means motor vehicles which are offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer of same (such as Ford, General Motors, or Honda). However, motor vehicles sold or leased under multiple brand names or marks constitute a single line-make when they are included in a single franchise agreement, and every motor vehicle dealer in this state authorized to sell or lease any such vehicles has been offered the right to sell or lease all of the multiple brand names or marks covered by the single franchise agreement. S. 320.60(1) and (14), F.S.

³ Section 320.60(9), F.S. defines a "Motor vehicle manufacturer" to mean any person, whether a resident or non-resident of this state, who manufactures or assembles motor vehicles or who manufactures or installs on previously assembled truck chassis special bodies or equipment which, when installed, form an integral part of the motor vehicle and which constitute a major manufacturing alteration. This term includes a central or principal sales corporation or other entity through which, by contractual agreement or otherwise, it distributes its products.

⁴ Section 320.60(9), F.S. defines a "Distributor" to mean a person, resident or nonresident, who, in whole or in part, sells or distributes motor vehicles to motor vehicle dealers or who maintains distributor representatives.

⁵ Section 320.60(7), F.S. defines "Importers" to mean a person who imports vehicles from a foreign country into the United States or into this state for the purpose of sale or lease.

⁶ "Motor vehicle dealer" means any person, firm, company, corporation, or entity who holds a license under s. 32.27, F.S., as a "franchised motor vehicle dealer" and, for commission, money, or other things of value, repairs or services motor vehicles pursuant to a franchise agreement; sells, exchanges, buys, leases or rents, or offers, or attempts to negotiate a sale or exchange of any interest in, motor vehicles,; or is engaged wholly or in part in the business of selling motor vehicles, whether or not such motor vehicles are owned by such person, firm, company, or corporation. Further, any person who repairs or services three or more motor vehicles; buys, sells, or deals in three or more motor vehicles in any 12-month period; or offers or displays for sale three or more motor vehicles is presumed to be a motor vehicle dealer, with exceptions. S. 32.60(11), F.S.

⁷ Section 320.011, F.S.; ss. 320.60-320.70, F.S.

Definition of the Term “Sell”

Section 320.60(16)(b), F.S., provides that the term “sell” includes accepting a reservation from a retail consumer for a specific motor vehicle identified by a vehicle identification number or other product identifier.

Common Entity

When the Act refers to a "common entity" it is referring to a person or business that is directly or indirectly controlled by, or has more than 30 percent equity interest in, a manufacturer, importer, distributor, or licensee, or an affiliate thereof.⁸

Measuring Sales or Service Performance

The Act prohibits manufacturers, distributors, or importers measuring the sales or service performance of any of their franchised motor vehicle dealers in this state which have a material or adverse effect on any motor vehicle dealer that are unfair, unreasonable, arbitrary, or inequitable, or do not include all relevant and material local and regional criteria, data, and facts.⁹

Discontinuing, Canceling, Nonrenewing, Modifying, or Replacing Franchise Agreements

The Act authorizes motor vehicle dealers who receive a notice of intent to discontinue, cancel, not renew, modify, or replace a franchise agreement from a manufacturer to, within the 90-day notice period, file a petition or complaint for a determination of whether such action is unfair or prohibited. Such actions are considered unfair if they are not:¹⁰

- Clearly permitted by the franchise agreement;
- Undertaken in good faith;
- Undertaken for good cause;
- Based on a material and substantial breach of the franchise agreement; or
- Applied uniformly.

The Act provides new motor vehicle dealers with at least 180 days to correct an alleged failure before a manufacturer is authorized to send the notice of discontinuation, cancellation, or nonrenewal.¹¹

A modification or replacement is unfair if it is not:¹²

- Clearly permitted by the franchise agreement;
- Undertaken in good faith; or
- Undertaken for good cause.

⁸ Section 320.60(2)(a), F.S.

⁹ Section 320.64(42)(a), F.S.

¹⁰ Section 320.641(3), F.S.

¹¹ *Id.*

¹² *Id.*

The manufacturer, distributor, or importer has the burden of proof that such action is fair and not prohibited.¹³

Complaints and Conduct of Inquiry

The Act requires DHSMV to conduct an inquiry of a manufacturer relating to any written complaint alleging a violation of any provision of ss. 320.61-320.70, of the Act, made by the following entities:¹⁴

- A motor vehicle dealer with a current franchise agreement with the manufacturer, or
- A motor vehicle dealer association with at least one member with a current franchise agreement issued by the manufacturer.

Motor Vehicle Dealer Association Standing

On May 3, 2022, the First District Court of Appeal affirmed a decision by the DHSMV that the Florida Automobile Dealers Association (FADA) lacked standing to challenge a manufacturer, distributor, or importer based alleged violations of the Act.¹⁵ Specifically, the court held that, even though FADA's members are motor vehicle dealers, FADA lacked standing because:

- It is not itself a motor vehicle dealer or other statutorily-authorized person or entity that may bring such a challenge; and
- Was not directly and negatively impacted by the manufacturers, distributors, or importers actions or conduct.¹⁶

III. Effect of Proposed Changes:

Section 1 amends s. 320.60, F.S., to provide that the term “reservation” means a process that is used to hold open the opportunity for a specified consumer to place an order for the purchase or lease of a new motor vehicle. The bill also revises the definition of “sell” to stipulate that this term does not apply to a manufacturer, distributor, or importer if the reservation is assigned to a franchised dealer that is authorized to sell the vehicle being reserved. Similarly, the bill provides that the term does not apply to the replacement of a consumer’s vehicle pursuant to ch. 681, F.S.¹⁷

Section 2 amends s. 320.64, F.S., relating to the denial, suspension or revocation of a license issued to a motor vehicle manufacturer, distributor, or importer. Specifically, the bill adds “common entity” to the prohibition of a manufacturer, distributor, or importer from measuring the sales or service performance of their franchised motor vehicle dealers.

The bill prohibits a manufacturer, distributor, importer, or common entity from implementing or enforcing sales or service measuring criteria without providing a written description to each

¹³ *Id.*

¹⁴ Section 320.67, F.S.

¹⁵ *Fla. Auto. Dealers Ass'n v. Hyundai Motor Am. Corp.*, 337 So. 3d 893, 894 (Fla. 1st DCA 2022), *reh'g denied* (May 3, 2022).

¹⁶ *Id.*

¹⁷ Chapter 681, F.S., is the Motor Vehicle Warranty Enforcement Act, often referred to as “The Lemon Law”.

franchised dealer in this state which states how the performance measurement criteria was calculated, established, and uniformly applied.

The bill prohibits manufacturers, distributors, importers, or a common entity from engaging in any action, or implementing any policy, standard, rule, practice, or program, taken as retaliation against a motor vehicle dealer because the dealer invoked any statutory right created by the motor vehicle franchise law, asserted that the applicant, licensee or a common entity has acted in a manner that violates the motor vehicle franchise law, or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing that may directly affect the manufacturer, distributor, importer, or common entity.

Section 3 amends s. 320.641, F.S., relating to the discontinuation, cancellation, or nonrenewal of a motor vehicle franchise agreement to provide that such action is considered unfair *if all of the following apply*:

- It is not clearly permitted by the franchise agreement.
- It is not undertaken in good faith.
- It is not undertaken for good cause.
- It is based on a claim that the dealer substantially and materially breached the franchise agreement, except where the discontinuation, cancellation, or nonrenewal applies to all the same line-make franchised motor vehicle dealers and is otherwise permitted by the motor vehicle franchise law.

The bill provides that a modification or replacement of a motor vehicle franchise agreement is unfair *if all of the following apply*:

- It is not clearly permitted by the franchise agreement.
- It is not undertaken in good faith.
- It is not undertaken for good cause.

The bill also revises the burden of proof requirement to specify that the manufacturer, distributor, or importer has the burden of proof that the discontinuation, cancellation, nonrenewal, modification, or replacement is not prohibited.

Section 4 amends s. 320.67, F.S., to remove the existing authority of a motor vehicle dealer association with at least one member with a current franchise agreement to make a complaint of a violation of the motor vehicle franchise law to DHSMV.

Section 5 reenacts s. 320.642, F.S.

Section 6 provides 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.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on franchised motor vehicle dealers in the state.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.60, 320.64, 320.641, and 320.67.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



800490

LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Leek) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (42) of section 320.64, Florida Statutes, is amended, and subsection (43) is added to that section, to read:

320.64 Denial, suspension, or revocation of license;
grounds.—A license of a licensee under s. 320.61 may be denied,
suspended, or revoked within the entire state or at any specific



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11 location or locations within the state at which the applicant or
12 licensee engages or proposes to engage in business, upon proof
13 that the section was violated with sufficient frequency to
14 establish a pattern of wrongdoing, and a licensee or applicant
15 shall be liable for claims and remedies provided in ss. 320.695
16 and 320.697 for any violation of any of the following
17 provisions. A licensee is prohibited from committing the
18 following acts:

19 (42) (a) The applicant or licensee, or a common entity
20 thereof, has established, implemented, or enforced criteria for
21 measuring the sales or service performance of any of its
22 franchised motor vehicle dealers in this state which have a
23 material or adverse effect on any motor vehicle dealer and
24 which:

- 25 1. Are unfair, unreasonable, arbitrary, or inequitable; or
26 2. Do not include all relevant and material local and
27 regional criteria, data, and facts. Relevant and material
28 criteria, data, or facts include, but are not limited to, those
29 of motor vehicle dealerships of comparable size in comparable
30 markets. If such performance measurement criteria are based, in
31 whole or in part, on a survey, such survey must be based on a
32 statistically significant and valid random sample.

33 (b) The ~~An~~ applicant ~~or~~, licensee, or a common entity
34 thereof, has implemented or enforced criteria for measuring the
35 sales or service performance of any of its franchised motor
36 vehicle dealers in this state without first making available and
37 readily accessible, before such implementation or enforcement, a
38 written description to each such franchised, or an affiliate
39 thereof, which enforces against any motor vehicle dealer any



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40 ~~such performance measurement criteria shall, upon the request of~~
41 ~~the motor vehicle dealer, describe in writing to the motor~~
42 ~~vehicle dealer in this state which describes,~~ in detail, how the
43 performance measurement criteria were designed, calculated,
44 established, and uniformly applied.

45 (43) The applicant or licensee, or a common entity thereof,
46 has engaged in an action, or implemented a policy, standard,
47 rule, practice, or program, taken as retaliation against a motor
48 vehicle dealer because the dealer invoked a statutory right
49 created by ss. 320.60-320.70, asserted that the applicant,
50 licensee, or common entity has acted in a manner that violates a
51 provision of ss. 320.60-320.70, or has testified, assisted, or
52 participated in any manner in an investigation, a proceeding, or
53 a hearing that may directly affect the applicant, licensee, or
54 common entity.

55
56 A motor vehicle dealer who can demonstrate that a violation of,
57 or failure to comply with, any of the preceding provisions by an
58 applicant or licensee will or may adversely and pecuniarily
59 affect the complaining dealer, shall be entitled to pursue all
60 of the remedies, procedures, and rights of recovery available
61 under ss. 320.695 and 320.697.

62 Section 2. Subsection (3) of section 320.641, Florida
63 Statutes, is amended to read:

64 320.641 Discontinuations, cancellations, nonrenewals,
65 modifications, and replacement of franchise agreements.—

66 (3) Any motor vehicle dealer who receives a notice of
67 intent to discontinue, cancel, not renew, modify, or replace
68 may, within the 90-day notice period, file a petition or



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69 | complaint for a determination of whether such action is an
70 | unfair or prohibited discontinuation, cancellation, nonrenewal,
71 | modification, or replacement. Agreements and certificates of
72 | appointment must ~~shall~~ continue in effect until final
73 | determination of the issues raised in such petition or complaint
74 | by the motor vehicle dealer. A discontinuation, cancellation, or
75 | nonrenewal of a franchise agreement is unfair if it is not
76 | clearly permitted by the franchise agreement; is not undertaken
77 | in good faith; is not undertaken for good cause; or is not based
78 | on a material and substantial ~~an alleged~~ breach of the franchise
79 | agreement by the motor vehicle dealer ~~which is not in fact a~~
80 | ~~material and substantial breach~~; or, if the grounds relied upon
81 | for termination, cancellation, or nonrenewal have not been
82 | applied in a uniform and consistent manner by the licensee. If
83 | the notice of discontinuation, cancellation, or nonrenewal
84 | relates to an alleged failure of the new motor vehicle dealer's
85 | sales or service performance obligations under the franchise
86 | agreement, the new motor vehicle dealer must first be provided
87 | with at least 180 days to correct the alleged failure before a
88 | licensee may send the notice of discontinuation, cancellation,
89 | or nonrenewal. A modification or replacement is unfair if it is
90 | not clearly permitted by the franchise agreement; is not
91 | undertaken in good faith; or is not undertaken for good cause.
92 | The applicant or licensee has ~~shall have~~ the burden of proof
93 | that such discontinuation, cancellation, nonrenewal,
94 | modification, or replacement ~~action~~ is fair and not prohibited.

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

96 |
97 | ===== T I T L E A M E N D M E N T =====



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98 And the title is amended as follows:

99 Delete everything before the enacting clause

100 and insert:

101 A bill to be entitled

102 An act relating to motor vehicle manufacturers and
103 franchised motor vehicle dealers; amending s. 320.64,
104 F.S.; prohibiting an applicant or a licensee, or a
105 common entity thereof, from establishing,
106 implementing, or enforcing certain criteria for
107 measuring the sales or service performance of its
108 franchised motor vehicle dealers unless certain
109 conditions are met; prohibiting an applicant or a
110 licensee, or a common entity thereof, from engaging in
111 an action that is taken as retaliation against a motor
112 vehicle dealer under certain circumstances; amending
113 s. 320.641, F.S.; revising the circumstances in which
114 a discontinuation, cancellation, nonrenewal,
115 modification, or replacement of a franchise agreement
116 is deemed unfair; providing an effective date.

By Senator Leek

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20251820__

A bill to be entitled

An act relating to motor vehicle manufacturers and dealers; amending s. 320.60, F.S.; defining the term "reservation"; revising the definition of the term "sell"; amending s. 320.64, F.S.; prohibiting an applicant or a licensee, or a common entity thereof, from establishing, implementing, or enforcing certain criteria for measuring the sales or service performance of its franchised motor vehicle dealers unless certain conditions are met; prohibiting an applicant or a licensee, or a common entity thereof, from engaging in an action that is taken as retaliation against a motor vehicle dealer under certain circumstances; conforming a cross-reference; amending s. 320.641, F.S.; revising the circumstances in which a discontinuation, cancellation, nonrenewal, modification, or replacement of a franchise agreement is deemed unfair; amending s. 320.67, F.S.; deleting a provision requiring the Department of Highway Safety and Motor Vehicles to conduct inquiries of licensees relating to certain complaints made by certain motor vehicle dealer associations; reenacting s. 320.642(6), F.S., relating to dealer licenses in areas previously served, to incorporate the amendment made to s. 320.60, F.S., in references thereto; providing an effective date.

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

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

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Section 1. Present subsections (16), (17), and (18) of section 320.60, Florida Statutes, are redesignated as subsections (17), (18), and (19), respectively, a new subsection (16) is added to that section, and present subsection (16) of that section is amended, to read:

320.60 Definitions for ss. 320.61-320.70.—Whenever used in ss. 320.61-320.70, unless the context otherwise requires, the following words and terms have the following meanings:

(16) "Reservation" means a process that is used to hold open the opportunity for a specified consumer to place an order for the purchase or lease of a new motor vehicle.

(17)~~(16)~~ "Sell," "selling," "sold," "exchange," "retail sales," and "leases" include:

(a) Accepting a deposit or receiving a payment for the retail purchase, lease, or other use of a motor vehicle, but does not include facilitating a motor vehicle dealer's acceptance of a deposit or receipt of a payment from a consumer or receiving payment under a retail installment sale contract;

(b) Accepting a reservation from a retail consumer for a specific motor vehicle identified by a vehicle identification number or other product identifier, except that this paragraph does not apply to a manufacturer or distributor if the reservation is assigned to a franchised dealer that is authorized to sell the vehicle being reserved;

(c) Setting the retail price for the purchase, lease, or other use of a motor vehicle, but does not include setting a manufacturer's suggested retail price;

(d) Offering or negotiating with a retail consumer terms for the purchase, lease, or other use of a motor vehicle;

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59 (e) Offering or negotiating with a retail consumer a value
60 for a motor vehicle being traded in as part of the purchase,
61 lease, or other use of a motor vehicle, but does not include a
62 website or other means of electronic communication that
63 identifies to a consumer a conditional trade-in value and that
64 contains language informing the consumer that the trade-in value
65 is not binding on any motor vehicle dealer;

66 (f) Any transaction where the title of a motor vehicle or a
67 used motor vehicle is transferred to a retail consumer; or

68 (g) Any retail lease transaction where a retail consumer
69 leases a vehicle for a period of at least 12 months, but does
70 not include administering lease agreements, taking assignments
71 of leases, performing required actions pursuant to such leases,
72 or receiving payments under a lease agreement ~~that was~~
73 ~~originated by a motor vehicle dealer.~~

74
75 This subsection does not apply to the replacement of a
76 consumer's vehicle pursuant to chapter 681.

77 Section 2. Subsections (23) and (42) of section 320.64,
78 Florida Statutes, are amended, and subsection (43) is added to
79 that section, to read:

80 320.64 Denial, suspension, or revocation of license;
81 grounds.—A license of a licensee under s. 320.61 may be denied,
82 suspended, or revoked within the entire state or at any specific
83 location or locations within the state at which the applicant or
84 licensee engages or proposes to engage in business, upon proof
85 that the section was violated with sufficient frequency to
86 establish a pattern of wrongdoing, and a licensee or applicant
87 shall be liable for claims and remedies provided in ss. 320.695

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88 and 320.697 for any violation of any of the following
89 provisions. A licensee is prohibited from committing the
90 following acts:

91 (23) The applicant or licensee has engaged in any of the
92 activities of a motor vehicle dealer as defined in s.
93 320.60(13) (a) or any of the activities described in s.
94 320.60(17) ~~s. 320.60(16)~~ or has competed or is competing with
95 respect to any activity covered by the franchise agreement with
96 a motor vehicle dealer of the same line-make located in this
97 state with whom the applicant or licensee has entered into a
98 franchise agreement, except as permitted in s. 320.645 or in
99 subsection (24) with respect to the remote electronic
100 transmission of a permanent or temporary feature or improvement
101 of a motor vehicle.

102 (42) (a) The applicant or licensee, or a common entity
103 thereof, has established, implemented, or enforced criteria for
104 measuring the sales or service performance of any of its
105 franchised motor vehicle dealers in this state which have a
106 material or adverse effect on any motor vehicle dealer and
107 which:

108 1. Are unfair, unreasonable, arbitrary, or inequitable; or
109 2. Do not include all relevant and material local and
110 regional criteria, data, and facts. Relevant and material
111 criteria, data, or facts include, but are not limited to, those
112 of motor vehicle dealerships of comparable size in comparable
113 markets. If such performance measurement criteria are based, in
114 whole or in part, on a survey, such survey must be based on a
115 statistically significant and valid random sample.

116 (b) The ~~an~~ applicant or, licensee, or a common entity

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117 ~~thereof, has implemented or enforced criteria for measuring the~~
 118 ~~sales or service performance of any of its franchised motor~~
 119 ~~vehicle dealers in this state without providing, before such~~
 120 ~~implementation or enforcement, a written description to each~~
 121 ~~such franchised, or an affiliate thereof, which enforces against~~
 122 ~~any motor vehicle dealer any such performance measurement~~
 123 ~~criteria shall, upon the request of the motor vehicle dealer,~~
 124 ~~describe in writing to the motor vehicle dealer in this state~~
 125 ~~which states, in detail, how the performance measurement~~
 126 ~~criteria were designed, calculated, established, and uniformly~~
 127 ~~applied.~~

128 (43) The applicant or licensee, or a common entity thereof,
 129 has engaged in an action, or implemented a policy, standard,
 130 rule, practice, or program, taken as retaliation against a motor
 131 vehicle dealer because the dealer invoked a statutory right
 132 created by ss. 320.60-320.70, asserted that the applicant,
 133 licensee, or common entity has acted in a manner that violates a
 134 provision of ss. 320.60-320.70, or has testified, assisted, or
 135 participated in any manner in an investigation, a proceeding, or
 136 a hearing that may directly affect the applicant, licensee, or
 137 common entity.

138
 139 A motor vehicle dealer who can demonstrate that a violation of,
 140 or failure to comply with, any of the preceding provisions by an
 141 applicant or licensee will or may adversely and pecuniarily
 142 affect the complaining dealer, shall be entitled to pursue all
 143 of the remedies, procedures, and rights of recovery available
 144 under ss. 320.695 and 320.697.

145 Section 3. Subsection (3) of section 320.641, Florida

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146 Statutes, is amended to read:

147 320.641 Discontinuations, cancellations, nonrenewals,
 148 modifications, and replacement of franchise agreements.-

149 (3) Any motor vehicle dealer who receives a notice of
 150 intent to discontinue, cancel, not renew, modify, or replace
 151 may, within the 90-day notice period, file a petition or
 152 complaint for a determination of whether such action is an
 153 unfair or prohibited discontinuation, cancellation, nonrenewal,
 154 modification, or replacement. Agreements and certificates of
 155 appointment must ~~shall~~ continue in effect until final
 156 determination of the issues raised in such petition or complaint
 157 by the motor vehicle dealer.

158 (a) A discontinuation, cancellation, or nonrenewal of a
 159 franchise agreement is unfair if all of the following apply:

160 1. ~~if~~ It is not clearly permitted by the franchise
 161 agreement. ~~+~~

162 2. It is not undertaken in good faith. ~~+~~

163 3. It is not undertaken for good cause. ~~+~~

164 4. It ~~is~~ based on a claim that the dealer substantially
 165 and materially breached an alleged breach of the franchise
 166 agreement except where the discontinuation, cancellation, or
 167 nonrenewal applies to all same line-make franchised motor
 168 vehicle dealers and is otherwise permitted by ss. 320.60-320.70.
 169 ~~which is not in fact a material and substantial breach; or, if~~

170 5. The grounds relied upon for discontinuation termination,
 171 cancellation, or nonrenewal have not been applied in a uniform
 172 and consistent manner by the licensee.

173 (b) If the notice of discontinuation, cancellation, or
 174 nonrenewal relates to an alleged failure of the new motor

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175 vehicle dealer's sales or service performance obligations under
176 the franchise agreement, the new motor vehicle dealer must first
177 be provided with at least 180 days to correct the alleged
178 failure before a licensee may send the notice of
179 discontinuation, cancellation, or nonrenewal.

180 (c) A modification or replacement is unfair if all of the
181 following apply:

182 1. ~~if~~ It is not clearly permitted by the franchise
183 agreement.

184 2. It is not undertaken in good faith. ~~or~~

185 3. It is not undertaken for good cause.

186 (d) The applicant or licensee has ~~shall have~~ the burden of
187 proof that such discontinuation, cancellation, nonrenewal,
188 modification, or replacement action is ~~fair and~~ not prohibited.

189 Section 4. Subsection (1) of section 320.67, Florida
190 Statutes, is amended to read:

191 320.67 Violations by dealers; complaint; conduct of
192 inquiry; inspection of records; penalties.—

193 (1) The department shall conduct an inquiry of a licensee
194 relating to any written complaint alleging a violation of any
195 provision of ss. 320.61-320.70 against such licensee made by a
196 motor vehicle dealer with a current franchise agreement issued
197 by the licensee, ~~or a motor vehicle dealer association with at~~
198 ~~least one member with a current franchise agreement issued by~~
199 ~~the licensee.~~

200 Section 5. For the purpose of incorporating the amendment
201 made by this act to section 320.60, Florida Statutes, in a
202 reference thereto, subsection (6) of section 320.642, Florida
203 Statutes, is reenacted to read:

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204 320.642 Dealer licenses in areas previously served;
205 procedure.—

206 (6) When a proposed addition or relocation concerns a
207 dealership that performs or is to perform only service, as
208 defined in s. 320.60, and will not or does not sell or lease, as
209 defined in s. 320.60, new motor vehicles, the proposal shall be
210 subject to notice and protest pursuant to the provisions of this
211 section.

212 (a) Standing to protest the addition or relocation of a
213 service-only dealership shall be limited to those instances in
214 which the applicable mileage requirement established in
215 subparagraphs (3) (a)2. and (3) (b)1. is met.

216 (b) The addition or relocation of a service-only dealership
217 shall not be subject to protest if:

218 1. The applicant for the service-only dealership location
219 is an existing motor vehicle dealer of the same line-make as the
220 proposed additional or relocated service-only dealership;

221 2. There is no existing dealer of the same line-make closer
222 than the applicant to the proposed location of the additional or
223 relocated service-only dealership; and

224 3. The proposed location of the additional or relocated
225 service-only dealership is at least 7 miles from all existing
226 motor vehicle dealerships of the same line-make, other than
227 motor vehicle dealerships owned by the applicant.

228 (c) In determining whether existing franchised motor
229 vehicle dealers are providing adequate representations in the
230 community or territory for the line-make in question in a
231 protest of the proposed addition or relocation of a service-only
232 dealership, the department may consider the elements set forth

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233 in paragraph (2) (b), provided:

- 234 1. With respect to subparagraph (2) (b)1., only the impact
235 as it relates to service may be considered;
- 236 2. Subparagraph (2) (b)3. shall not be considered;
- 237 3. With respect to subparagraph (2) (b)9., only service
238 facilities shall be considered; and
- 239 4. With respect to subparagraph (2) (b)11., only the volume
240 of service business transacted shall be considered.

241 (d) If an application for a service-only dealership is
242 granted, the department must issue a license which permits only
243 service, as defined in s. 320.60, and does not permit the
244 selling or leasing, as defined in s. 320.60, of new motor
245 vehicles. If a service-only dealership subsequently seeks to
246 sell new motor vehicles at its location, the notice and protest
247 provisions of this section shall apply.

248 Section 6. This act shall take effect July 1, 2025.