

1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; revising the organization of the Department of
4 Transportation; revising and providing for the
5 delegation of certain responsibilities; revising
6 provisions relating to the operation of a rail
7 enterprise; amending s. 201.15, F.S.; revising uses
8 for distributions made under the State Transportation
9 Trust Fund in specified fiscal years; providing for
10 the expiration of a specified provision; beginning in
11 a specified fiscal year, requiring the allocation of a
12 certain of amount of funds to the State Transportation
13 Trust Fund to be used for rail safety; amending s.
14 206.46, F.S.; revising a limitation on an annual
15 transfer from the State Transportation Trust Fund to
16 the Right-of-Way Acquisition and Bridge Construction
17 Trust Fund; amending ss. 206.606, 206.608, and
18 212.0501, F.S.; removing a requirement for deduction
19 of certain service charges before the distribution of
20 certain moneys; amending s. 288.0656, F.S.; conforming
21 provisions to changes made by the act; amending s.
22 311.101, F.S.; deleting the scheduled expiration of
23 funding for the Intermodal Logistics Center
24 Infrastructure Support Program; amending s. 316.003,
25 F.S.; revising definitions; amending s. 316.126, F.S.;

26 requiring the operator of a motor vehicle to take
27 certain actions under certain circumstances when
28 certain vehicles are on the roadside; amending s.
29 316.2397, F.S.; authorizing vehicles to show or
30 display flashing lights under certain circumstances;
31 amending s. 316.613, F.S.; increasing the age of
32 children for whom operators of motor vehicles must
33 provide protection by using a crash-tested, federally
34 approved child restraint device; increasing the age of
35 children for whom a separate carrier, an integrated
36 child seat, or a child booster seat may be used;
37 amending s. 319.32, F.S.; removing a requirement for
38 deduction of certain service charges before depositing
39 certain fees into the State Transportation Trust Fund;
40 amending s. 322.12, F.S.; authorizing the Department
41 of Highway Safety and Motor Vehicles to waive certain
42 commercial motor vehicle testing requirements for
43 specified persons under certain circumstances;
44 amending s. 322.61, F.S.; providing that specified
45 offenses require disqualification from a commercial
46 driver license; amending ss. 324.031 and 324.032,
47 F.S.; revising the manner of providing financial
48 responsibility for owners, operators, or lessees of
49 certain for-hire passenger transportation vehicles;
50 amending s. 327.33, F.S.; specifying the operation of

51 a vessel at slow speed, minimum wake in certain
52 circumstances; providing requirements for flags
53 displayed from vessels and barges actively engaged in
54 construction operations; defining the term "slow
55 speed, minimum wake"; amending s. 327.4107, F.S.;
56 prohibiting the anchoring or mooring of certain
57 vessels in specified locations; authorizing law
58 enforcement to relocate specified vessels if certain
59 conditions exist; amending s. 327.59, F.S.;
60 prohibiting certain vessels from remaining in certain
61 marinas that have been deemed unsuitable for refuge
62 during a hurricane; authorizing removal of such
63 vessels under certain circumstances; limiting
64 liability for certain damages; providing construction;
65 providing for penalties; amending s. 333.03, F.S.;
66 requiring airport protection zoning regulations to
67 require certain permit applicants to submit a final
68 valid determination from the Federal Aviation
69 Administration; amending s. 337.14, F.S.; requiring
70 certain contractors to be certified by the Department
71 of Transportation as qualified; revising the financial
72 statements required to accompany an application for
73 certification; prohibiting the department from
74 considering certain financial information; requiring
75 the contractor to submit interim financial statements

76 | under certain circumstances; providing requirements
77 | for such statements; authorizing a single entity to
78 | provide certain contracted services for airport
79 | projects wholly or partially funded by the department;
80 | amending s. 337.25, F.S.; requiring the department to
81 | afford a right of first refusal to certain individuals
82 | under specified circumstances; providing requirements
83 | and procedures for the right of first refusal;
84 | amending s. 337.401, F.S.; specifying permit
85 | application timeframes required for the installation,
86 | location, or relocation of utilities within rights-of-
87 | way; creating s. 338.236, F.S.; authorizing the
88 | department to plan, design, and construct staging
89 | areas as part of the turnpike system for the intended
90 | purpose of staging supplies for prompt provision of
91 | assistance to the public in a declared state of
92 | emergency; requiring the department, in consultation
93 | with the Division of Emergency Management, to select
94 | sites for such areas; providing factors to be
95 | considered in selecting sites; requiring the
96 | department to give priority consideration to placement
97 | of such staging areas in specified counties;
98 | authorizing the department to acquire property
99 | necessary for such staging areas; authorizing the
100 | department to authorize certain other uses of staging

101 areas; requiring staging area projects to be included
102 in the department's work program; amending ss. 339.08
103 and 339.135, F.S.; conforming provisions to changes
104 made by the act; amending s. 339.175, F.S.; revising
105 the date by which a metropolitan planning organization
106 must submit a list of project priorities to the
107 appropriate department district; repealing s.
108 339.2821, F.S., relating to economic development
109 transportation projects; amending s. 341.302, F.S.;
110 revising the maximum amount of liability insurance the
111 department may purchase; revising department
112 responsibilities regarding rail systems; amending s.
113 341.303, F.S.; revising department funding authority
114 regarding rail systems; conforming provisions to
115 changes made by the act; repealing s. 341.8201, F.S.,
116 relating to the "Florida Rail Enterprise Act" short
117 title; amending s. 341.8203, F.S.; revising
118 definitions; amending s. 341.822, F.S.; requiring the
119 department, rather than the Florida Rail Enterprise,
120 to locate, plan, design, finance, construct, maintain,
121 own, operate, administer, and manage the high-speed
122 rail system in the state; amending ss. 341.825,
123 341.836, 341.838, 341.839, 341.840, and 343.58, F.S.;
124 conforming provisions to changes made by the act;
125 amending s. 349.04, F.S.; increasing the authorized

126 duration of a lease by the Jacksonville Transportation
127 Authority; amending s. 377.809, F.S.; conforming
128 provisions to changes made by the act; reenacting s.
129 327.73(1)(h) and (aa), F.S., relating to careless
130 operation of vessels and at-risk vessels,
131 respectively, to incorporate amendments made by the
132 act; requiring reports to the Governor and Legislature
133 from the department and various authorities regarding
134 toll collections; amending s. 319.32, F.S.; requiring
135 the tax collector to determine service charges
136 collected by privately owned license plate agents for
137 motor vehicle titles; requiring a license plate agent
138 to enter into a contract with the tax collector;
139 amending s. 320.03, F.S.; specifying tax collection
140 systems for which certain fees may be used for
141 integration with the Florida Real Time Vehicle
142 Information System; requiring the Department of
143 Highway Safety and Motor Vehicles to provide tax
144 collectors and their approved vendors with the same
145 data access and interface functionality as is provided
146 to other third parties; specifying authorized uses for
147 such data and functionality; providing construction;
148 requiring tax collectors and their vendors and
149 approved license plate agents to enter into a
150 memorandum of understanding with the department;

151 amending s. 320.04, F.S.; requiring the tax collector
152 to determine service charges collected by privately
153 owned license plate agents for motor vehicle
154 registrations; requiring a license plate agent to
155 enter into a contract with the tax collector; amending
156 s. 328.72, F.S.; requiring the tax collector to
157 determine service charges collected by privately owned
158 license plate agents for vessel registrations and
159 titles; requiring a license plate agent to enter into
160 a contract with the tax collector; amending s. 328.73,
161 F.S.; requiring the department to provide tax
162 collectors and their approved vendors with the same
163 data access and interface functionality as is provided
164 to other third parties; specifying authorized uses for
165 such data and functionality; requiring tax collectors
166 and their vendors to enter into a memorandum of
167 understanding with the department; amending s.
168 627.748, F.S.; providing that a TNC driver is not
169 required to meet certain requirements in order to
170 provide prearranged rides through a digital network;
171 providing a declaration of important state interest;
172 amending s. 322.01, F.S.; defining the term "human
173 trafficking"; amending s. 322.05, F.S.; providing that
174 certain commercial motor vehicle operators are not
175 eligible for a driver license; amending s. 322.25,

176 F.S.; requiring each clerk of court to report to the
 177 Department of Highway Safety and Motor Vehicles
 178 certain convictions; amending s. 322.28, F.S.;
 179 requiring the court to permanently revoke the
 180 commercial driver license of persons convicted of a
 181 specified felony using a commercial motor vehicle;
 182 amending ss. 316.027, 322.34 and 322.61, F.S.;
 183 conforming cross-references; amending s. 348.754,
 184 F.S.; revising requirements for the construction of
 185 any extensions, additions, or improvements to the
 186 expressway system in Lake County; providing effective
 187 dates.

188
 189 Be It Enacted by the Legislature of the State of Florida:

190
 191 Section 1. Effective July 1, 2023, paragraphs (a) and (f)
 192 of subsection (4) of section 20.23, Florida Statutes, are
 193 amended to read:

194 20.23 Department of Transportation.—There is created a
 195 Department of Transportation which shall be a decentralized
 196 agency.

197 (4) (a) The operations of the department shall be organized
 198 into seven districts, each headed by a district secretary, and a
 199 turnpike enterprise ~~and a rail enterprise, each enterprise~~
 200 headed by an executive director. The district secretaries and

201 the executive director ~~directors~~ shall be registered
202 professional engineers in accordance with ~~the provisions of~~
203 chapter 471 or the laws of another state, or, in lieu of
204 professional engineer registration, a district secretary or the
205 executive director may hold an advanced degree in an appropriate
206 related discipline, such as a Master of Business Administration.
207 The headquarters of the districts shall be located in Polk,
208 Columbia, Washington, Broward, Volusia, Miami-Dade, and
209 Hillsborough Counties. The headquarters of the turnpike
210 enterprise shall be located in Orange County. ~~The headquarters~~
211 ~~of the rail enterprise shall be located in Leon County.~~ In order
212 to provide for efficient operations and to expedite the
213 decisionmaking process, the department shall provide for maximum
214 decentralization to the districts.

215 (f)~~1~~. The responsibility for developing and operating the
216 high-speed and passenger rail systems established in chapter
217 341, directing funding for passenger rail systems under s.
218 341.303, ensuring general rail safety, coordinating efforts to
219 enhance passenger rail safety in the state, and coordinating
220 publicly funded passenger rail operations in the state,
221 including freight rail interoperability issues, shall be
222 delegated to a departmental entity to be named by the secretary
223 ~~to the executive director of the rail enterprise, who shall~~
224 ~~serve at the pleasure of the secretary. The executive director~~
225 ~~shall report directly to the secretary, and the rail enterprise~~

226 ~~shall operate pursuant to ss. 341.8201-341.842.~~

227 ~~2. To facilitate the most efficient and effective~~
228 ~~management of the rail enterprise, including the use of best~~
229 ~~business practices employed by the private sector, the rail~~
230 ~~enterprise, except as provided in s. 287.055, shall be exempt~~
231 ~~from departmental policies, procedures, and standards, subject~~
232 ~~to the secretary having the authority to apply any such~~
233 ~~policies, procedures, and standards to the rail enterprise from~~
234 ~~time to time as deemed appropriate.~~

235 Section 2. Paragraph (a) of subsection (4) of section
236 201.15, Florida Statutes, is amended to read:

237 201.15 Distribution of taxes collected.—All taxes
238 collected under this chapter are hereby pledged and shall be
239 first made available to make payments when due on bonds issued
240 pursuant to s. 215.618 or s. 215.619, or any other bonds
241 authorized to be issued on a parity basis with such bonds. Such
242 pledge and availability for the payment of these bonds shall
243 have priority over any requirement for the payment of service
244 charges or costs of collection and enforcement under this
245 section. All taxes collected under this chapter, except taxes
246 distributed to the Land Acquisition Trust Fund pursuant to
247 subsections (1) and (2), are subject to the service charge
248 imposed in s. 215.20(1). Before distribution pursuant to this
249 section, the Department of Revenue shall deduct amounts
250 necessary to pay the costs of the collection and enforcement of

251 the tax levied by this chapter. The costs and service charge may
 252 not be levied against any portion of taxes pledged to debt
 253 service on bonds to the extent that the costs and service charge
 254 are required to pay any amounts relating to the bonds. All of
 255 the costs of the collection and enforcement of the tax levied by
 256 this chapter and the service charge shall be available and
 257 transferred to the extent necessary to pay debt service and any
 258 other amounts payable with respect to bonds authorized before
 259 January 1, 2017, secured by revenues distributed pursuant to
 260 this section. All taxes remaining after deduction of costs shall
 261 be distributed as follows:

262 (4) After the required distributions to the Land
 263 Acquisition Trust Fund pursuant to subsections (1) and (2) and
 264 deduction of the service charge imposed pursuant to s.
 265 215.20(1), the remainder shall be distributed as follows:

266 (a) The lesser of 24.18442 percent of the remainder or
 267 \$541.75 million in each fiscal year shall be paid into the State
 268 Treasury to the credit of the State Transportation Trust Fund.
 269 Of such funds, \$75 million for each fiscal year shall be
 270 transferred to the General Revenue Fund. Notwithstanding any
 271 other law, the remaining amount credited to the State
 272 Transportation Trust Fund shall be used for:

273 1. Capital funding for the New Starts Transit Program,
 274 authorized by Title 49, U.S.C. s. 5309 and specified in s.
 275 341.051, in the amount of 10 percent of the funds;

276 2. The Small County Outreach Program specified in s.
 277 339.2818, in the amount of 10 percent of the funds;

278 3. The Strategic Intermodal System specified in ss.
 279 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent
 280 of the funds after deduction of the payments required pursuant
 281 to subparagraphs 1. and 2.; and

282 4.a. The Transportation Regional Incentive Program
 283 specified in s. 339.2819, in the amount of 25 percent of the
 284 funds after deduction of the payments required pursuant to
 285 subparagraphs 1. and 2.

286 b. In fiscal years 2020-2021, 2020-2022, and 2022-2023,
 287 the first \$60 million of the funds allocated pursuant to this
 288 subparagraph must ~~shall~~ be allocated annually to the Florida
 289 Rail Enterprise for the purposes established in s. 341.303(5).
 290 This sub-subparagraph expires July 1, 2023.

291 c. Beginning in the 2023-2024 fiscal year, the first \$60
 292 million of the funds allocated pursuant to this subparagraph
 293 must be allocated annually to the State Transportation Trust
 294 Fund to be used for rail projects and rail safety improvements
 295 as provided in s. 341.303(5).

296 Section 3. Subsection (2) of section 206.46, Florida
 297 Statutes, is amended to read:

298 206.46 State Transportation Trust Fund.—

299 (2) Notwithstanding any other provision ~~provisions~~ of law,
 300 from the revenues deposited into the State Transportation Trust

301 Fund a maximum of 7 percent in each fiscal year shall be
 302 transferred into the Right-of-Way Acquisition and Bridge
 303 Construction Trust Fund created in s. 215.605~~7~~ as needed to meet
 304 the requirements of the documents authorizing the bonds issued
 305 or proposed to be issued under ss. 215.605 and 337.276 or at a
 306 minimum amount sufficient to pay for the debt service coverage
 307 requirements of outstanding bonds. Notwithstanding the 7 percent
 308 annual transfer authorized in this subsection, the annual amount
 309 transferred under this subsection shall not exceed an amount
 310 necessary to provide the required debt service coverage levels
 311 for a maximum debt service not to exceed \$350 ~~\$275~~ million. Such
 312 transfer shall be payable primarily from the motor and diesel
 313 fuel taxes transferred to the State Transportation Trust Fund
 314 from the Fuel Tax Collection Trust Fund.

315 Section 4. Subsection (1) of section 206.606, Florida
 316 Statutes, is amended to read:

317 206.606 Distribution of certain proceeds.—

318 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
 319 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
 320 Fund. Such moneys, after deducting ~~the service charges imposed~~
 321 ~~by s. 215.207~~, the refunds granted pursuant to s. 206.41~~7~~ and the
 322 administrative costs incurred by the department in collecting,
 323 administering, enforcing, and distributing the tax, which
 324 administrative costs may not exceed 2 percent of collections,
 325 shall be distributed monthly to the State Transportation Trust

326 Fund, except that:

327 (a) Each fiscal year, \$6.3 ~~\$6.30~~ million shall be
328 transferred to the Fish and Wildlife Conservation Commission ~~in~~
329 ~~each fiscal year~~ and deposited in the Invasive Plant Control
330 Trust Fund to be used for aquatic plant management, including
331 nonchemical control of aquatic weeds, research into nonchemical
332 controls, and enforcement activities. The commission shall
333 allocate at least \$1 million of such funds to the eradication of
334 melaleuca.

335 (b) Annually, \$2.5 million shall be transferred to the
336 State Game Trust Fund in the Fish and Wildlife Conservation
337 Commission and used for recreational boating activities and
338 freshwater fisheries management and research. The transfers must
339 be made in equal monthly amounts beginning on July 1 of each
340 fiscal year. The commission shall annually determine where unmet
341 needs exist for boating-related activities, and may fund such
342 activities in counties where, due to the number of vessel
343 registrations, sufficient financial resources are unavailable.

344 1. A minimum of \$1.25 million shall be used to fund local
345 projects to provide recreational channel marking and other
346 uniform waterway markers, public boat ramps, lifts, and hoists,
347 marine railways, and other public launching facilities, derelict
348 vessel removal, and other local boating-related activities. In
349 funding the projects, the commission shall give priority
350 consideration to:

351 a. Unmet needs in counties having populations of 100,000
352 or fewer.

353 b. Unmet needs in coastal counties having a high level of
354 boating-related activities from individuals residing in other
355 counties.

356 2. The remaining \$1.25 million may be used for
357 recreational boating activities and freshwater fisheries
358 management and research.

359 3. The commission may adopt rules to administer a Florida
360 Boating Improvement Program.

361
362 The commission shall prepare and make available on its ~~Internet~~
363 website an annual report outlining the status of its Florida
364 Boating Improvement Program, including the projects funded, and
365 a list of counties the whose needs of which are unmet due to
366 insufficient financial resources from vessel registration fees.

367 (c) ~~0.65 percent~~ Of the moneys collected pursuant to s.
368 206.41(1)(g), 0.65 percent shall be transferred to the
369 Agricultural Emergency Eradication Trust Fund.

370 (d) Each fiscal year, \$13.4 million ~~in fiscal year 2007-~~
371 ~~2008 and each fiscal year thereafter~~ of the moneys attributable
372 to the sale of motor and diesel fuel at marinas shall be
373 transferred from the Fuel Tax Collection Trust Fund to the
374 Marine Resources Conservation Trust Fund in the Fish and
375 Wildlife Conservation Commission.

376 Section 5. Section 206.608, Florida Statutes, is amended
377 to read:

378 206.608 State Comprehensive Enhanced Transportation System
379 Tax; deposit of proceeds; distribution.—Moneys received pursuant
380 to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the
381 Fuel Tax Collection Trust Fund~~7~~ and, after deducting the ~~service~~
382 ~~charge imposed in chapter 215~~ and administrative costs incurred
383 by the department in collecting, administering, enforcing, and
384 distributing the tax, which administrative costs may not exceed
385 2 percent of collections, shall be distributed as follows:

386 (1) ~~0.65 percent~~ Of the proceeds of the tax levied
387 pursuant to s. 206.41(1)(f), 0.65 percent shall be transferred
388 to the Agricultural Emergency Eradication Trust Fund.

389 (2) The remaining proceeds of the tax levied pursuant to
390 s. 206.41(1)(f) and all of the proceeds from the tax imposed by
391 s. 206.87(1)(d) shall be transferred into the State
392 Transportation Trust Fund~~7~~ and may be used only for projects in
393 the adopted work program in the district in which the tax
394 proceeds are collected, and~~7~~ to the maximum extent feasible,
395 such moneys shall be programmed for use in the county where
396 collected. However, ~~no~~ revenue from the taxes imposed pursuant
397 to ss. 206.41(1)(f) and 206.87(1)(d) in a county may not ~~shall~~
398 be expended unless the projects funded with such revenues have
399 been included in the work program adopted pursuant to s.
400 339.135.

401 Section 6. Subsection (6) of section 212.0501, Florida
 402 Statutes, is amended to read:

403 212.0501 Tax on diesel fuel for business purposes;
 404 purchase, storage, and use.—

405 (6) All taxes required to be paid on fuel used in self-
 406 propelled off-road equipment shall be deposited in the Fuel Tax
 407 Collection Trust Fund, ~~to be distributed, after deduction of the~~
 408 ~~general revenue service charge pursuant to s. 215.20,~~ to the
 409 State Transportation Trust Fund. The department shall, each
 410 month, make a transfer, from general revenue collections, equal
 411 to such use tax reported on dealers' sales and use tax returns.

412 Section 7. Paragraph (a) of subsection (7) of section
 413 288.0656, Florida Statutes, is amended to read:

414 288.0656 Rural Economic Development Initiative.—

415 (7) (a) REDI may recommend to the Governor up to three
 416 rural areas of opportunity. The Governor may by executive order
 417 designate up to three rural areas of opportunity which will
 418 establish these areas as priority assignments for REDI as well
 419 as to allow the Governor, acting through REDI, to waive
 420 criteria, requirements, or similar provisions of any economic
 421 development incentive. Such incentives shall include, but are
 422 not limited to, the Qualified Target Industry Tax Refund Program
 423 under s. 288.106, the Quick Response Training Program under s.
 424 288.047, the Quick Response Training Program for participants in
 425 the welfare transition program under s. 288.047(8),

426 ~~transportation projects under s. 339.2821,~~ the brownfield
427 redevelopment bonus refund under s. 288.107, and the rural job
428 tax credit program under ss. 212.098 and 220.1895.

429 Section 8. Subsection (7) of section 311.101, Florida
430 Statutes, is amended to read:

431 311.101 Intermodal Logistics Center Infrastructure Support
432 Program.—

433 (7) ~~Beginning in fiscal year 2014-2015,~~ At least \$5
434 million per fiscal year shall be made available from the State
435 Transportation Trust Fund for the program. The Department of
436 Transportation shall include projects proposed to be funded
437 under this section in the tentative work program developed
438 pursuant to s. 339.135(4). ~~This subsection expires on July 1,~~
439 ~~2020.~~

440 Section 9. Subsection (2) and paragraph (b) of subsection
441 (55) of section 316.003, Florida Statutes, are amended to read:

442 316.003 Definitions.—The following words and phrases, when
443 used in this chapter, shall have the meanings respectively
444 ascribed to them in this section, except where the context
445 otherwise requires:

446 (2) AUTOCYCLE.—A three-wheeled motorcycle that has two
447 wheels in the front and one wheel in the back; is equipped with
448 a roll cage or roll hoops, a seat belt for each occupant,
449 ~~antilock~~ brakes meeting Federal Motor Vehicle Safety Standard
450 No. 122, a steering mechanism ~~wheel,~~ and seating that does not

451 require the operator to straddle or sit astride it; and is
 452 manufactured in accordance with the applicable federal
 453 motorcycle safety standards in 49 C.F.R. part 571 by a
 454 manufacturer registered with the National Highway Traffic Safety
 455 Administration.

456 (55) PERSONAL DELIVERY DEVICE.—An electrically powered
 457 device that:

458 (b) Weighs less than 150 ~~80~~ pounds, excluding cargo;

459
 460 A personal delivery device is not considered a vehicle unless
 461 expressly defined by law as a vehicle. A mobile carrier is not
 462 considered a personal delivery device.

463 Section 10. Paragraph (b) of subsection (1) of section
 464 316.126, Florida Statutes, is amended to read:

465 316.126 Operation of vehicles and actions of pedestrians
 466 on approach of an authorized emergency, sanitation, or utility
 467 service vehicle.—

468 (1)

469 (b) If an authorized emergency vehicle displaying any
 470 visual signals is parked on the roadside, a sanitation vehicle
 471 is performing a task related to the provision of sanitation
 472 services on the roadside, a utility service vehicle is
 473 performing a task related to the provision of utility services
 474 on the roadside, ~~or~~ a wrecker displaying amber rotating or
 475 flashing lights is performing a recovery or loading on the

476 roadside, a road and bridge maintenance or construction vehicle
 477 displaying warning lights as authorized in s. 316.2397(4) or (5)
 478 is on the roadside without advance signs and channelizing
 479 devices, or a vehicle delivering the United States mail is
 480 displaying warning lights, the driver of every other vehicle, as
 481 soon as it is safe:

482 1. Shall vacate the lane closest to the emergency vehicle,
 483 sanitation vehicle, utility service vehicle, ~~or wrecker,~~ road
 484 and bridge maintenance or construction vehicle, or vehicle
 485 delivering the United States mail when driving on an interstate
 486 highway or other highway with two or more lanes traveling in the
 487 direction of the emergency vehicle, sanitation vehicle, utility
 488 service vehicle, ~~or wrecker,~~ road and bridge maintenance or
 489 construction vehicle, or vehicle delivering the United States
 490 mail, except when otherwise directed by a law enforcement
 491 officer. If such movement cannot be safely accomplished, the
 492 driver shall reduce speed as provided in subparagraph 2.

493 2. Shall slow to a speed that is 20 miles per hour less
 494 than the posted speed limit when the posted speed limit is 25
 495 miles per hour or greater; or travel at 5 miles per hour when
 496 the posted speed limit is 20 miles per hour or less, when
 497 driving on a two-lane road, except when otherwise directed by a
 498 law enforcement officer.

499 Section 11. Subsection (7) of section 316.2397, Florida
 500 Statutes, is amended to read:

501 316.2397 Certain lights prohibited; exceptions.—

502 (7) Flashing lights are prohibited on vehicles except:

503 (a) As a means of indicating a right or left turn, to
 504 change lanes, or to indicate that the vehicle is lawfully
 505 stopped or disabled upon the highway;

506 (b) When a motorist intermittently flashes his or her
 507 vehicle's headlamps at an oncoming vehicle notwithstanding the
 508 motorist's intent for doing so;

509 (c) During periods of extreme low visibility on roadways
 510 with a posted speed limit of 55 miles per hour or more; and

511 (d)~~(e)~~ For the lamps authorized under subsections ~~(1)~~,
 512 (2), (3), (4), (5), and (9), s. 316.2065, or s. 316.235(6) which
 513 may flash.

514 Section 12. Paragraph (a) of subsection (1) of section
 515 316.613, Florida Statutes, is amended to read:

516 316.613 Child restraint requirements.—

517 (1)(a) Every operator of a motor vehicle as defined in
 518 this section, while transporting a child in a motor vehicle
 519 operated on the roadways, streets, or highways of this state,
 520 shall, if the child is 6~~5~~ years of age or younger, provide for
 521 protection of the child by properly using a crash-tested,
 522 federally approved child restraint device.

523 1. For children aged through 3 years, such restraint
 524 device must be a separate carrier or a vehicle manufacturer's
 525 integrated child seat.

526 2. For children aged 4 through 6 ~~5~~ years, a separate
527 carrier, an integrated child seat, or a child booster seat may
528 be used. However, the requirement to use a child restraint
529 device under this subparagraph does not apply when a safety belt
530 is used as required in s. 316.614(4)(a) and the child:

531 a. Is being transported gratuitously by an operator who is
532 not a member of the child's immediate family;

533 b. Is being transported in a medical emergency situation
534 involving the child; or

535 c. Has a medical condition that necessitates an exception
536 as evidenced by appropriate documentation from a health care
537 professional.

538 Section 13. Subsection (5) of section 319.32, Florida
539 Statutes, is amended to read:

540 319.32 Fees; service charges; disposition.—

541 (5) (a) Forty-seven dollars of each fee collected, except
542 for fees charged on a certificate of title for a motor vehicle
543 for hire registered under s. 320.08(6), for each applicable
544 original certificate of title and each applicable duplicate copy
545 of a certificate of title, ~~after deducting the service charges~~
546 ~~imposed by s. 215.20,~~ shall be deposited into the State
547 Transportation Trust Fund. Deposits to the State Transportation
548 Trust Fund pursuant to this paragraph may not exceed \$200
549 million in any fiscal year, and any collections in excess of
550 that amount during the fiscal year shall be paid into the

551 General Revenue Fund.

552 (b) All fees collected pursuant to subsection (3) shall be
553 paid into the Nongame Wildlife Trust Fund. Twenty-one dollars of
554 each fee, except for fees charged on a certificate of title for
555 a motor vehicle for hire registered under s. 320.08(6), for each
556 applicable original certificate of title and each applicable
557 duplicate copy of a certificate of title, ~~after deducting the~~
558 ~~service charges imposed by s. 215.20,~~ shall be deposited into
559 the State Transportation Trust Fund. All other fees collected by
560 the department under this chapter shall be paid into the General
561 Revenue Fund.

562 Section 14. Paragraph (c) is added to subsection (4) of
563 section 322.12, Florida Statutes, to read:

564 322.12 Examination of applicants.—

565 (4) The examination for an applicant for a commercial
566 driver license shall include a test of the applicant's eyesight
567 given by a driver license examiner designated by the department
568 or by a licensed ophthalmologist, optometrist, or physician and
569 a test of the applicant's hearing given by a driver license
570 examiner or a licensed physician. The examination shall also
571 include a test of the applicant's ability to read and understand
572 highway signs regulating, warning, and directing traffic; his or
573 her knowledge of the traffic laws of this state pertaining to
574 the class of motor vehicle which he or she is applying to be
575 licensed to operate, including laws regulating driving under the

576 influence of alcohol or controlled substances, driving with an
577 unlawful blood-alcohol level, and driving while intoxicated; his
578 or her knowledge of the effects of alcohol and controlled
579 substances and the dangers of driving a motor vehicle after
580 having consumed alcohol or controlled substances; and his or her
581 knowledge of any special skills, requirements, or precautions
582 necessary for the safe operation of the class of vehicle which
583 he or she is applying to be licensed to operate. In addition,
584 the examination shall include an actual demonstration of the
585 applicant's ability to exercise ordinary and reasonable control
586 in the safe operation of a motor vehicle or combination of
587 vehicles of the type covered by the license classification which
588 the applicant is seeking, including an examination of the
589 applicant's ability to perform an inspection of his or her
590 vehicle.

591 (c) Notwithstanding any provision of law to the contrary,
592 the department may waive the skill test requirements provided in
593 this subsection for a commercial driver license for a person
594 with military commercial motor vehicle experience who qualifies
595 under 49 C.F.R. s. 383.77 if the person is on active duty or has
596 been honorably discharged from military service for 1 year or
597 less.

598 Section 15. Paragraphs (g) and (h) of Subsection (1) of
599 section 322.61, Florida Statutes, are amended and paragraphs (i)
600 and (j) are added to that subsection, to read:

601 322.61 Disqualification from operating a commercial motor
602 vehicle.—

603 (1) A person who, for offenses occurring within a 3-year
604 period, is convicted of two of the following serious traffic
605 violations or any combination thereof, arising in separate
606 incidents committed in a commercial motor vehicle shall, in
607 addition to any other applicable penalties, be disqualified from
608 operating a commercial motor vehicle for a period of 60 days. A
609 holder of a commercial driver license or commercial learner's
610 permit who, for offenses occurring within a 3-year period, is
611 convicted of two of the following serious traffic violations, or
612 any combination thereof, arising in separate incidents committed
613 in a noncommercial motor vehicle shall, in addition to any other
614 applicable penalties, be disqualified from operating a
615 commercial motor vehicle for a period of 60 days if such
616 convictions result in the suspension, revocation, or
617 cancellation of the licenseholder's driving privilege:

618 (g) Driving a commercial vehicle without the proper class
619 of commercial driver license or commercial learner's permit or
620 without the proper endorsement; ~~or~~

621 (h) Driving a commercial vehicle without a commercial
622 driver license or commercial learner's permit in possession, as
623 required by s. 322.03;

624 (i) Texting while driving a commercial motor vehicle as
625 prohibited by 49 C.F.R. s. 392.80; or

626 (j) Using a hand-held mobile telephone while driving a
627 commercial motor vehicle as prohibited by 49 C.F.R. s. 392.82.

628 Section 16. Section 324.031, Florida Statutes, is amended
629 to read:

630 324.031 Manner of proving financial responsibility.—The
631 owner or operator of a taxicab, limousine, jitney, or any other
632 for-hire passenger transportation vehicle may prove financial
633 responsibility by providing satisfactory evidence of holding a
634 motor vehicle liability policy as defined in s. 324.021(8) or s.
635 324.151, which policy is provided by an insurer authorized to do
636 business in this state ~~issued by an insurance carrier~~ which is a
637 member of the Florida Insurance Guaranty Association or an
638 eligible nonadmitted insurer that has a superior, excellent,
639 exceptional, or equivalent financial strength rating by a rating
640 agency acceptable to the Office of Insurance Regulation of the
641 Financial Services Commission. The operator or owner of any
642 other vehicle may prove his or her financial responsibility by:

643 (1) Furnishing satisfactory evidence of holding a motor
644 vehicle liability policy as defined in ss. 324.021(8) and
645 324.151;

646 (2) Furnishing a certificate of self-insurance showing a
647 deposit of cash in accordance with s. 324.161; or

648 (3) Furnishing a certificate of self-insurance issued by
649 the department in accordance with s. 324.171.

650

651 Any person, including any firm, partnership, association,
652 corporation, or other person, other than a natural person,
653 electing to use the method of proof specified in subsection (2)
654 shall furnish a certificate of deposit equal to the number of
655 vehicles owned times \$30,000, to a maximum of \$120,000; in
656 addition, any such person, other than a natural person, shall
657 maintain insurance providing coverage in excess of limits of
658 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
659 such excess insurance shall provide minimum limits of
660 \$125,000/250,000/50,000 or \$300,000 combined single limits.
661 These increased limits shall not affect the requirements for
662 proving financial responsibility under s. 324.032(1).

663 Section 17. Subsection (2) of section 324.032, Florida
664 Statutes, is amended to read:

665 324.032 Manner of proving financial responsibility; for-
666 hire passenger transportation vehicles.—Notwithstanding the
667 provisions of s. 324.031:

668 (2) An owner or a lessee who is required to maintain
669 insurance under s. 324.021(9)(b) and who operates at least 150
670 ~~300~~ taxicabs, limousines, jitneys, or any other for-hire
671 passenger transportation vehicles may provide financial
672 responsibility by complying with ~~the provisions of~~ s. 324.171,
673 such compliance to be demonstrated by maintaining at its
674 principal place of business an audited financial statement,
675 prepared in accordance with generally accepted accounting

676 principles, and providing to the department a certification
677 issued by a certified public accountant that the applicant's net
678 worth is at least equal to the requirements of s. 324.171 as
679 determined by the Office of Insurance Regulation of the
680 Financial Services Commission, including claims liabilities in
681 an amount certified as adequate by a Fellow of the Casualty
682 Actuarial Society.

683

684 Upon request by the department, the applicant must provide the
685 department at the applicant's principal place of business in
686 this state access to the applicant's underlying financial
687 information and financial statements that provide the basis of
688 the certified public accountant's certification. The applicant
689 shall reimburse the requesting department for all reasonable
690 costs incurred by it in reviewing the supporting information.
691 The maximum amount of self-insurance permissible under this
692 subsection is \$300,000 and must be stated on a per-occurrence
693 basis, and the applicant shall maintain adequate excess
694 insurance issued by an authorized or eligible insurer licensed
695 or approved by the Office of Insurance Regulation. All risks
696 self-insured shall remain with the owner or lessee providing it,
697 and the risks are not transferable to any other person, unless a
698 policy complying with subsection (1) is obtained.

699 Section 18. Subsection (2) of section 327.33, Florida
700 Statutes, is amended to read:

701 327.33 Reckless or careless operation of vessel.—

702 (2) A person who operates any vessel upon the waters of
703 this state shall operate the vessel in a reasonable and prudent
704 manner, having regard for other waterborne traffic, posted speed
705 and wake restrictions, and all other attendant circumstances so
706 as not to endanger the life, limb, or property of another person
707 outside the vessel or to endanger the life, limb, or property of
708 another person due to vessel overloading or excessive speed. The
709 failure to operate a vessel in a manner described in this
710 subsection constitutes careless operation. However, vessel wake
711 and shoreline wash resulting from the reasonable and prudent
712 operation of a vessel, absent negligence, does not constitute
713 damage or endangerment to property. A person who violates this
714 subsection commits a noncriminal violation as defined in s.
715 775.08.

716 (a) If an individual operates a vessel at a speed greater
717 than slow speed, minimum wake, upon approaching within 300 feet
718 of any emergency vessel, including, but not limited to, a law
719 enforcement vessel, United States Coast Guard vessel, or
720 firefighting vessel, when the emergency vessel's emergency
721 lights are activated, he or she commits careless operation. Law
722 enforcement vessels, firefighting vessels, and rescue vessels
723 owned or operated by a governmental entity are not subject to
724 this paragraph.

725 (b) If an individual operates a vessel at a speed greater

726 than slow speed, minimum wake, upon approaching within 300 feet
727 of any construction vessel or barge when the vessel or barge is
728 displaying an orange flag indicating the vessel is actively
729 engaged in construction operations, he or she commits careless
730 operation. Law enforcement vessels, firefighting vessels, and
731 rescue vessels owned or operated by a governmental entity are
732 not subject to this paragraph. The flag required in this
733 paragraph shall only be sufficient to invoke this paragraph if
734 the flag:

735 1. Is at least 2 feet by 3 feet in size;

736 2. Is displayed from a pole extending at least 10 feet
737 above the tallest portion of the vessel or barge or at least 5
738 feet above any superstructure permanently installed upon the
739 vessel or barge;

740 3. Has a wire or other stiffener or is otherwise
741 constructed to ensure that the flag remains fully unfurled and
742 extended in the absence of a wind or breeze;

743 4. Is displayed so that the visibility of the flag is not
744 obscured in any direction; and

745 5. Is, during periods of low visibility, including any
746 time between one-half hour after sunset and one-half hour before
747 sunrise, illuminated such that it is visible from a distance of
748 at least 2 nautical miles.

749 (c) As used in this subsection, the term "slow speed,
750 minimum wake" means the vessel is fully off plane and completely

751 settled into the water. A vessel operating at slow speed,
752 minimum wake may not proceed at a speed greater than that speed
753 which is reasonable and prudent to avoid the creation of an
754 excessive wake or other hazardous condition under the existing
755 circumstances. A vessel that is:

756 1. Operating on a plane is not proceeding at slow speed,
757 minimum wake.

758 2. In the process of coming off plane and settling into
759 the water or coming up onto plane is not proceeding at slow
760 speed, minimum wake.

761 3. Operating at a speed that creates a wake which
762 unreasonably or unnecessarily endangers other vessels is not
763 proceeding at slow speed, minimum wake.

764 4. Completely off plane and which has fully settled into
765 the water and is proceeding without wake or with minimum wake is
766 proceeding at slow speed, minimum wake.

767 Section 19. Subsections (4) and (5) of section 327.4107,
768 Florida Statutes, are renumbered as subsections (5) and (6),
769 respectively, present subsection (4) is amended, and a new
770 subsection (4) is added to that section, to read:

771 327.4107 Vessels at risk of becoming derelict on waters of
772 this state.—

773 (4) (a) An owner or responsible party who has been issued a
774 citation for a second violation of this section for the same
775 vessel may not anchor or moor such vessel or allow the vessel to

776 remain anchored or moored within 20 feet of a mangrove or to
777 upland vegetation upon public lands. This distance shall be
778 measured in a straight line from the point of the vessel closest
779 to the outermost branches of the mangrove or vegetation. An
780 owner or responsible party in violation of this subsection
781 commits a noncriminal infraction, punishable as provided in s.
782 327.73.

783 (b) The commission, officers of the commission, and any
784 law enforcement agency or officer specified in s. 327.70 may
785 relocate or cause to be relocated an at-risk vessel found to be
786 in violation of this subsection to a distance greater than 20
787 feet from a mangrove or upland vegetation. The commission,
788 officers of the commission, or any other law enforcement agency
789 or officer acting under this subsection to relocate or cause to
790 be relocated an at-risk vessel, upon state waters, away from
791 mangroves or upland vegetation shall be held harmless for all
792 damages to the at-risk vessel resulting from such relocation
793 unless the damage results from gross negligence or willful
794 misconduct.

795 (5)(4) The penalties ~~penalty~~ under this section are ~~is~~ in
796 addition to other penalties provided by law.

797 Section 20. Subsections (1) and (2) of section 327.59,
798 Florida Statutes, are amended, and subsection (5) is added to
799 that section, to read:

800 327.59 Marina evacuations.—

801 (1) Except as provided in this section ~~After June 1, 1994,~~
802 marinas may not adopt, maintain, or enforce policies pertaining
803 to evacuation of vessels which require vessels to be removed
804 from marinas following the issuance of a hurricane watch or
805 warning, in order to ensure that protecting the lives and safety
806 of vessel owners is placed before interests of protecting
807 property.

808 (2) ~~Nothing in~~ This section does not ~~may be construed to~~
809 restrict the ability of an owner of a vessel or the owner's
810 authorized representative to remove a vessel voluntarily from a
811 marina at any time or ~~to~~ restrict a marina owner from dictating
812 the kind of cleats, ropes, fenders, and other measures that must
813 be used on vessels as a condition of use of a marina. Except as
814 provided in subsection (5), after a tropical storm or hurricane
815 watch has been issued, a marina owner or operator, or an
816 employee or agent of such owner or operator, may take reasonable
817 actions to further secure any vessel within the marina to
818 minimize damage to a vessel and to protect marina property,
819 private property, and the environment and may charge a
820 reasonable fee for such services.

821 (5) Upon the issuance of a hurricane watch affecting the
822 waters of a marina located in a deepwater seaport, a vessel that
823 weighs less than 500 gross tons may not remain in the waters of
824 such a marina that has been deemed not suitable for refuge
825 during a hurricane. The owner of such a vessel shall promptly

826 remove the vessel from the waterway upon issuance of an
827 evacuation order by the deepwater seaport. If the United States
828 Coast Guard Captain of the Port sets the deepwater seaport
829 condition to Yankee and a vessel owner has failed to remove a
830 vessel from the waterway, the marina owner or operator, or an
831 employee or agent thereof, regardless of existing contractual
832 provisions between the marina owner and vessel owner, shall
833 remove the vessel, or cause it to be removed, if reasonable,
834 from its slip and may charge the vessel owner a reasonable fee
835 for such removal. A marina owner, operator, employee, or agent
836 is not liable for any damage incurred by a vessel as the result
837 of a hurricane and is held harmless as a result of such actions
838 to remove the vessel from the waterway. This section does not
839 provide immunity to a marina owner, operator, employee, or agent
840 for any damage caused by intentional acts or negligence when
841 removing a vessel under this subsection. After a hurricane watch
842 has been issued, the owner or operator of a vessel that has not
843 been removed from the waterway of the marina pursuant to an
844 evacuation order by the deepwater seaport may be subject to a
845 fine not exceeding three times the cost associated with removing
846 the vessel from the waterway. Such fine, if assessed, shall be
847 imposed and collected by the deepwater seaport issuing the
848 evacuation order.

849 Section 21. Paragraph (c) of subsection (1) of section
850 333.03, Florida Statutes, is amended to read:

851 333.03 Requirement to adopt airport zoning regulations.—

852 (1)

853 (c) Airport protection zoning regulations adopted under
854 paragraph (a) must, at a minimum, require:

855 1. A permit for the construction or alteration of any
856 obstruction.~~†~~

857 2. Obstruction marking and lighting for obstructions.~~†~~

858 3. Documentation showing compliance with the federal
859 requirement for notification of proposed construction or
860 alteration of structures and a final valid determination from
861 the Federal Aviation Administration aeronautical study submitted
862 by each person applying for a permit.~~†~~

863 4. Consideration of the criteria in s. 333.025(6)~~†~~ when
864 determining whether to issue or deny a permit.~~†~~ ~~and~~

865 5. That approval of a permit not be based solely on the
866 determination by the Federal Aviation Administration that the
867 proposed structure is not an airport hazard.

868 Section 22. Subsections (1) and (7) of section 337.14,
869 Florida Statutes, are amended to read:

870 337.14 Application for qualification; certificate of
871 qualification; restrictions; request for hearing.—

872 (1) Any contractor desiring to bid for the performance of
873 any construction contract in excess of \$250,000 which the
874 department proposes to let must first be certified by the
875 department as qualified pursuant to this section and rules of

876 the department. The rules of the department must address the
877 qualification of contractors to bid on construction contracts in
878 excess of \$250,000 and must include requirements with respect to
879 the equipment, past record, experience, financial resources, and
880 organizational personnel of the applying contractor which are
881 necessary to perform the specific class of work for which the
882 contractor seeks certification. Any contractor who desires to
883 bid on contracts in excess of \$50 million and is not qualified
884 and in good standing with the department as of January 1, 2019,
885 must first be certified by the department as qualified and
886 ~~desires to bid on contracts in excess of \$50 million~~ must have
887 satisfactorily completed two projects, each in excess of \$15
888 million, for the department or for any other state department of
889 transportation. The department may limit the dollar amount of
890 any contract upon which a contractor is qualified to bid or the
891 aggregate total dollar volume of contracts such contractor is
892 allowed to have under contract at any one time. Each applying
893 contractor seeking qualification to bid on construction
894 contracts in excess of \$250,000 shall furnish the department a
895 statement under oath, on such forms as the department may
896 prescribe, setting forth detailed information as required on the
897 application. Each application for certification must be
898 accompanied by audited financial statements prepared in
899 accordance with United States generally accepted accounting
900 principles and United States generally accepted auditing

901 standards by a certified public accountant licensed by this
902 state or another state ~~the latest annual financial statement of~~
903 ~~the applying contractor completed within the last 12 months. The~~
904 audited financial statements must be for the applying contractor
905 specifically and must have been prepared within the immediately
906 preceding 12 months. The department may not consider any
907 financial information relating to the parent entity of the
908 applying contractor, if any. The department shall not certify as
909 qualified any applying contractor that fails to submit the
910 audited financial statements required by this subsection. If the
911 application or the annual financial statement shows the
912 financial condition of the applying contractor more than 4
913 months before ~~prior to~~ the date on which the application is
914 received by the department, the applying contractor must also
915 submit interim audited financial statements prepared in
916 accordance with United States generally accepted accounting
917 principles and United States generally accepted auditing
918 standards by a certified public accountant licensed by this
919 state or another state ~~an interim financial statement and an~~
920 ~~updated application must be submitted.~~ The interim financial
921 statements ~~statement~~ must cover the period from the end date of
922 the annual statement and must show the financial condition of
923 the applying contractor no more than 4 months before ~~prior to~~
924 the date that the interim financial statements are ~~statement is~~
925 received by the department. However, upon the request of the

926 applying contractor, an application and accompanying annual or
927 interim financial statements ~~statement~~ received by the
928 department within 15 days after either 4-month period under this
929 subsection shall be considered timely. ~~Each required annual or~~
930 ~~interim financial statement must be audited and accompanied by~~
931 ~~the opinion of a certified public accountant.~~ An applying
932 contractor desiring to bid exclusively for the performance of
933 construction contracts with proposed budget estimates of less
934 than \$1 million may submit reviewed annual or reviewed interim
935 financial statements prepared by a certified public accountant.
936 The information required by this subsection is confidential and
937 exempt from s. 119.07(1). The department shall act upon the
938 application for qualification within 30 days after the
939 department determines that the application is complete. The
940 department may waive the requirements of this subsection for
941 projects having a contract price of \$500,000 or less if the
942 department determines that the project is of a noncritical
943 nature and the waiver will not endanger public health, safety,
944 or property.

945 (7) A "contractor" as defined in s. 337.165(1)(d) or his
946 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
947 the department under this section may not also qualify under s.
948 287.055 or s. 337.105 to provide testing services, construction,
949 engineering, and inspection services to the department. This
950 limitation does not apply to any design-build prequalification

951 under s. 337.11(7) and does not apply when the department
952 otherwise determines by written order entered at least 30 days
953 before advertisement that the limitation is not in the best
954 interests of the public with respect to a particular contract
955 for testing services, construction, engineering, and inspection
956 services. This subsection does not authorize a contractor to
957 provide testing services, or provide construction, engineering,
958 and inspection services, to the department in connection with a
959 construction contract under which the contractor is performing
960 any work. Notwithstanding any other provision of law to the
961 contrary, for a project that is wholly or partially funded by
962 the department and administered by a local governmental entity,
963 except for a seaport listed in s. 311.09 or an airport as
964 defined in s. 332.004, the entity performing design and
965 construction, engineering, and inspection services may not be
966 the same entity.

967 Section 23. Subsection (4) of section 337.25, Florida
968 Statutes, is amended to read:

969 337.25 Acquisition, lease, and disposal of real and
970 personal property.—

971 (4) The department may convey, in the name of the state,
972 any land, building, or other property, real or personal, which
973 was acquired under subsection (1) and which the department has
974 determined is not needed for the construction, operation, and
975 maintenance of a transportation facility. When such a

976 determination has been made, property may be disposed of through
977 negotiations, sealed competitive bids, auctions, or any other
978 means the department deems to be in its best interest, with due
979 advertisement for property valued by the department at greater
980 than \$10,000. A sale may not occur at a price less than the
981 department's current estimate of value, except as provided in
982 paragraphs (a)-(d). The department may afford a right of first
983 refusal to the local government or other political subdivision
984 in the jurisdiction in which the parcel is situated, except in a
985 conveyance transacted under paragraph (a), paragraph (c), or
986 paragraph (e). Notwithstanding any provision of this section to
987 the contrary, before any conveyance under this subsection may be
988 made, except a conveyance under paragraph (a) or paragraph (c),
989 the department shall first afford a right of first refusal to
990 the previous property owner for the department's current
991 estimate of value of the property. The right of first refusal
992 must be made in writing and sent to the previous owner via
993 certified mail or hand delivery, effective upon receipt. The
994 right of first refusal must provide the previous owner with at
995 least 30 days to exercise the right in writing and must be sent
996 to the originator of the offer by certified mail or hand
997 delivery, effective upon dispatch. If the previous owner
998 exercises his or her right of first refusal, the previous owner
999 has at least 90 days to close on the property.

1000 (a) If the property has been donated to the state for

1001 transportation purposes and a transportation facility has not
1002 been constructed for at least 5 years, plans have not been
1003 prepared for the construction of such facility, and the property
1004 is not located in a transportation corridor, the governmental
1005 entity may authorize reconveyance of the donated property for no
1006 consideration to the original donor or the donor's heirs,
1007 successors, assigns, or representatives.

1008 (b) If the property is to be used for a public purpose,
1009 the property may be conveyed without consideration to a
1010 governmental entity.

1011 (c) If the property was originally acquired specifically
1012 to provide replacement housing for persons displaced by
1013 transportation projects, the department may negotiate for the
1014 sale of such property as replacement housing. As compensation,
1015 the state shall receive at least its investment in such property
1016 or the department's current estimate of value, whichever is
1017 lower. It is expressly intended that this benefit be extended
1018 only to persons actually displaced by the project. Dispositions
1019 to any other person must be for at least the department's
1020 current estimate of value.

1021 (d) If the department determines that the property
1022 requires significant costs to be incurred or that continued
1023 ownership of the property exposes the department to significant
1024 liability risks, the department may use the projected
1025 maintenance costs over the next 10 years to offset the

1026 | property's value in establishing a value for disposal of the
1027 | property, even if that value is zero.

1028 | (e) If, at the discretion of the department, a sale to a
1029 | person other than an abutting property owner would be
1030 | inequitable, the property may be sold to the abutting owner for
1031 | the department's current estimate of value.

1032 | Section 24. Subsection (2) of section 337.401, Florida
1033 | Statutes, is amended to read:

1034 | 337.401 Use of right-of-way for utilities subject to
1035 | regulation; permit; fees.—

1036 | (2) The authority may grant to any person who is a
1037 | resident of this state, or to any corporation that ~~which~~ is
1038 | organized under the laws of this state or licensed to do
1039 | business within this state, the use of a right-of-way for the
1040 | utility in accordance with such rules or regulations as the
1041 | authority may adopt. A ~~No~~ utility may not ~~shall~~ be installed,
1042 | located, or relocated unless authorized by a written permit
1043 | issued by the authority. However, for public roads or publicly
1044 | owned rail corridors under the jurisdiction of the department, a
1045 | utility relocation schedule and relocation agreement may be
1046 | executed in lieu of a written permit. The permit must ~~shall~~
1047 | require the permitholder to be responsible for any damage
1048 | resulting from the issuance of such permit. The authority may
1049 | initiate injunctive proceedings as provided in s. 120.69 to
1050 | enforce provisions of this subsection or any rule or order

1051 issued or entered into pursuant thereto. A permit application
1052 required under this subsection by a county or municipality
1053 having jurisdiction and control of the right-of-way of any
1054 public road must be processed and acted upon in accordance with
1055 the timeframes provided in subparagraphs (7)(d)7., 8., and 9.

1056 Section 25. Section 338.236, Florida Statutes, is created
1057 to read:

1058 338.236 Staging areas for emergencies.—The Department of
1059 Transportation may plan, design, and construct staging areas to
1060 be activated during a declared state of emergency at key
1061 geographic locations on the turnpike system. Such staging areas
1062 must be used for the staging of emergency supplies, such as
1063 water, fuel, generators, vehicles, equipment, and other related
1064 materials, to facilitate the prompt provision of emergency
1065 assistance to the public, and to otherwise facilitate emergency
1066 response and assistance, including evacuations, deployment of
1067 emergency-related supplies and personnel, and restoration of
1068 essential services.

1069 (1) In selecting a proposed site for a designated staging
1070 area under this section, the department, in consultation with
1071 the Division of Emergency Management, must consider the extent
1072 to which such site:

1073 (a) Is located in a geographic area that best facilitates
1074 the wide dissemination of emergency-related supplies and
1075 equipment;

1076 (b) Provides ease of access to major highways and other
 1077 transportation facilities;

1078 (c) Is sufficiently large to accommodate the staging of a
 1079 significant amount of emergency-related supplies and equipment;

1080 (d) Provides space in support of emergency preparedness
 1081 and evacuation activities, such as fuel reserve capacity;

1082 (e) Could be used during nonemergency periods for
 1083 commercial motor vehicle parking and for other uses; and

1084 (f) Is consistent with other state and local emergency
 1085 management considerations.

1086
 1087 The department must give priority consideration to placement of
 1088 such staging areas in counties with a population of 200,000 or
 1089 fewer, as determined by the most recent official estimate
 1090 pursuant to s. 186.901, in which a multi-use corridor of
 1091 regional economic significance, as provided in s. 338.2278, is
 1092 located.

1093 (2) The department may acquire property and property
 1094 rights necessary for such staging areas as provided in s.
 1095 338.04.

1096 (3) The department may authorize other uses of a staging
 1097 area as provided in the Florida Transportation Code, including,
 1098 but not limited to, for commercial motor vehicle parking to
 1099 comply with federal hours-of-service off-duty requirements or
 1100 sleeper berth requirements and for other vehicular parking to

1101 provide rest for drivers.

1102 (4) Staging area projects must be included in the work
 1103 program developed by the department pursuant to s. 339.135.

1104 Section 26. Paragraph (f) of subsection (1) of section
 1105 339.08, Florida Statutes, is amended to read:

1106 339.08 Use of moneys in State Transportation Trust Fund.—

1107 (1) The department shall expend moneys in the State
 1108 Transportation Trust Fund accruing to the department, in
 1109 accordance with its annual budget. The use of such moneys shall
 1110 be restricted to the following purposes:

1111 ~~(f) To pay the cost of economic development transportation~~
 1112 ~~projects in accordance with s. 339.2821.~~

1113 Section 27. Paragraph (c) of subsection (4) of section
 1114 339.135, Florida Statutes, is amended to read:

1115 339.135 Work program; legislative budget request;
 1116 definitions; preparation, adoption, execution, and amendment.—

1117 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

1118 (c)1. For purposes of this section, the board of county
 1119 commissioners shall serve as the metropolitan planning
 1120 organization in those counties that ~~which~~ are not located in a
 1121 metropolitan planning organization and shall be involved in the
 1122 development of the district work program to the same extent as a
 1123 metropolitan planning organization.

1124 2. The district work program shall be developed
 1125 cooperatively from the outset with the various metropolitan

1126 | planning organizations of the state and include, to the maximum
1127 | extent feasible, the project priorities of metropolitan planning
1128 | organizations which have been submitted to the district by
1129 | August ~~October~~ 1 of each year pursuant to s. 339.175(8)(b);
1130 | however, the department and a metropolitan planning organization
1131 | may, in writing, cooperatively agree to vary this submittal
1132 | date. To assist the metropolitan planning organizations in
1133 | developing their lists of project priorities, the district shall
1134 | disclose to each metropolitan planning organization any
1135 | anticipated changes in the allocation or programming of state
1136 | and federal funds which may affect the inclusion of metropolitan
1137 | planning organization project priorities in the district work
1138 | program.

1139 | 3. Before ~~Prior to~~ submittal of the district work program
1140 | to the central office, the district shall provide the affected
1141 | metropolitan planning organization with written justification
1142 | for any project proposed to be rescheduled or deleted from the
1143 | district work program which project is part of the metropolitan
1144 | planning organization's transportation improvement program and
1145 | is contained in the last 4 years of the previous adopted work
1146 | program. By no later than 14 days after submittal of the
1147 | district work program to the central office, the affected
1148 | metropolitan planning organization may file an objection to such
1149 | rescheduling or deletion. When an objection is filed with the
1150 | secretary, the rescheduling or deletion may not be included in

1151 the district work program unless the inclusion of such
1152 rescheduling or deletion is specifically approved by the
1153 secretary. The Florida Transportation Commission shall include
1154 such objections in its evaluation of the tentative work program
1155 only when the secretary has approved the rescheduling or
1156 deletion.

1157 Section 28. Paragraph (b) of subsection (8) of section
1158 339.175, Florida Statutes, is amended to read:

1159 339.175 Metropolitan planning organization.—

1160 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
1161 in cooperation with the state and affected public transportation
1162 operators, develop a transportation improvement program for the
1163 area within the jurisdiction of the M.P.O. In the development of
1164 the transportation improvement program, each M.P.O. must provide
1165 the public, affected public agencies, representatives of
1166 transportation agency employees, freight shippers, providers of
1167 freight transportation services, private providers of
1168 transportation, representatives of users of public transit, and
1169 other interested parties with a reasonable opportunity to
1170 comment on the proposed transportation improvement program.

1171 (b) Each M.P.O. annually shall prepare a list of project
1172 priorities and shall submit the list to the appropriate district
1173 of the department by August ~~October~~ 1 of each year; however, the
1174 department and a metropolitan planning organization may, in
1175 writing, agree to vary this submittal date. Where more than one

1176 M.P.O. exists in an urbanized area, the M.P.O.'s shall
 1177 coordinate in the development of regionally significant project
 1178 priorities. The list of project priorities must be formally
 1179 reviewed by the technical and citizens' advisory committees, and
 1180 approved by the M.P.O., before it is transmitted to the
 1181 district. The approved list of project priorities must be used
 1182 by the district in developing the district work program and must
 1183 be used by the M.P.O. in developing its transportation
 1184 improvement program. The annual list of project priorities must
 1185 be based upon project selection criteria that, at a minimum,
 1186 consider the following:

- 1187 1. The approved M.P.O. long-range transportation plan.~~‡~~
- 1188 2. The Strategic Intermodal System Plan developed under s.
 1189 339.64.
- 1190 3. The priorities developed pursuant to s. 339.2819(4).
- 1191 4. The results of the transportation management systems.~~‡~~
- 1192 and
- 1193 5. The M.P.O.'s public-involvement procedures.

1194 Section 29. Section 339.2821, Florida Statutes, is
 1195 repealed.

1196 Section 30. Paragraph (b) of subsection (17) of section
 1197 341.302, Florida Statutes, is amended to read:

1198 341.302 Rail program; duties and responsibilities of the
 1199 department.—The department, in conjunction with other
 1200 governmental entities, including the rail enterprise and the

1201 private sector, shall develop and implement a rail program of
1202 statewide application designed to ensure the proper maintenance,
1203 safety, revitalization, and expansion of the rail system to
1204 assure its continued and increased availability to respond to
1205 statewide mobility needs. Within the resources provided pursuant
1206 to chapter 216, and as authorized under federal law, the
1207 department shall:

1208 (17) In conjunction with the acquisition, ownership,
1209 construction, operation, maintenance, and management of a rail
1210 corridor, have the authority to:

1211 (b) Purchase liability insurance, which amount shall not
1212 exceed \$295 ~~\$200~~ million, and establish a self-insurance
1213 retention fund for the purpose of paying the deductible limit
1214 established in the insurance policies it may obtain, including
1215 coverage for the department, any freight rail operator as
1216 described in paragraph (a), National Railroad Passenger
1217 Corporation, commuter rail service providers, governmental
1218 entities, or any ancillary development, which self-insurance
1219 retention fund or deductible shall not exceed \$10 million. The
1220 insureds shall pay a reasonable monetary contribution to the
1221 cost of such liability coverage for the sole benefit of the
1222 insured. Such insurance and self-insurance retention fund may
1223 provide coverage for all damages, including, but not limited to,
1224 compensatory, special, and exemplary, and be maintained to
1225 provide an adequate fund to cover claims and liabilities for

1226 | loss, injury, or damage arising out of or connected with the
1227 | ownership, operation, maintenance, and management of a rail
1228 | corridor.
1229 |
1230 | Neither the assumption by contract to protect, defend,
1231 | indemnify, and hold harmless; the purchase of insurance; nor the
1232 | establishment of a self-insurance retention fund shall be deemed
1233 | to be a waiver of any defense of sovereign immunity for torts
1234 | nor deemed to increase the limits of the department's or the
1235 | governmental entity's liability for torts as provided in s.
1236 | 768.28. The requirements of s. 287.022(1) shall not apply to the
1237 | purchase of any insurance under this subsection. The provisions
1238 | of this subsection shall apply and inure fully as to any other
1239 | governmental entity providing commuter rail service and
1240 | constructing, operating, maintaining, or managing a rail
1241 | corridor on publicly owned right-of-way under contract by the
1242 | governmental entity with the department or a governmental entity
1243 | designated by the department. Notwithstanding any law to the
1244 | contrary, procurement for the construction, operation,
1245 | maintenance, and management of any rail corridor described in
1246 | this subsection, whether by the department, a governmental
1247 | entity under contract with the department, or a governmental
1248 | entity designated by the department, shall be pursuant to s.
1249 | 287.057 and shall include, but not be limited to, criteria for
1250 | the consideration of qualifications, technical aspects of the

1251 proposal, and price. Further, any such contract for design-build
 1252 shall be procured pursuant to the criteria in s. 337.11(7).

1253 Section 31. Effective July 1, 2023, section 341.302,
 1254 Florida Statutes, as amended by this act, is amended to read:

1255 341.302 Rail program; duties and responsibilities of the
 1256 department.—The department, in conjunction with other
 1257 governmental entities, ~~including the rail enterprise and the~~
 1258 private sector, shall develop and implement a rail program of
 1259 statewide application designed to ensure the proper maintenance,
 1260 safety, revitalization, and expansion of the rail system to
 1261 assure its continued and increased availability to respond to
 1262 statewide mobility needs. Within the resources provided pursuant
 1263 to chapter 216, and as authorized under federal law, the
 1264 department shall:

1265 (1) Provide the overall leadership, coordination, and
 1266 financial and technical assistance necessary to ensure ~~assure~~
 1267 the effective responses of the state's rail system to current
 1268 and anticipated mobility needs.

1269 (2) Coordinate the development, general rail safety, and
 1270 operation of publicly funded passenger ~~Promote and facilitate~~
 1271 ~~the implementation of advanced rail systems in this state,~~
 1272 ~~including high-speed rail and magnetic levitation systems.~~

1273 (3) Develop and periodically update the rail system plan
 1274 on the basis of an analysis of statewide transportation needs.

1275 (a) The plan may contain detailed regional components,

1276 consistent with regional transportation plans, as needed to
1277 ensure connectivity within the state's regions, and it shall be
1278 consistent with the Florida Transportation Plan developed
1279 pursuant to s. 339.155. The rail system plan shall include an
1280 identification of priorities, programs, and funding levels
1281 required to meet statewide and regional needs. The rail system
1282 plan shall be developed in a manner that will ensure ~~assure~~ the
1283 maximum use of existing facilities and the optimum integration
1284 and coordination of the various modes of transportation, public
1285 and private, in the most cost-effective manner possible. The
1286 rail system plan shall be updated no later than January 1, 2011,
1287 and at least every 5 years thereafter, and include plans for
1288 both passenger rail service and freight rail service,
1289 accompanied by a report to the Legislature regarding the status
1290 of the plan.

1291 (b) In recognition of the department's role in the
1292 enhancement of the state's rail system to improve freight and
1293 passenger mobility, the department shall:

1294 1. Work closely with all affected communities along an
1295 impacted freight rail corridor to identify and address
1296 anticipated impacts associated with an increase in freight rail
1297 traffic due to implementation of passenger rail.

1298 2. In coordination with the affected local governments and
1299 CSX Transportation, Inc., finalize all viable alternatives from
1300 the department's Rail Traffic Evaluation Study to identify and

1301 develop an alternative route for through freight rail traffic
1302 moving through Central Florida, including the counties of Polk
1303 and Hillsborough, which would address, to the extent
1304 practicable, the effects of commuter rail.

1305 3. Provide technical assistance to a coalition of local
1306 governments in Central Florida, including the counties of
1307 Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange,
1308 Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole,
1309 Sumter, and Volusia, and the municipalities within those
1310 counties, to develop a regional rail system plan that addresses
1311 passenger and freight opportunities in the region, is consistent
1312 with the Florida Rail System Plan, and incorporates appropriate
1313 elements of the Tampa Bay Area Regional Authority Master Plan,
1314 the Metroplan Orlando Regional Transit System Concept Plan,
1315 including the SunRail project, and the Florida Department of
1316 Transportation Alternate Rail Traffic Evaluation.

1317 (4) As part of the work program of the department,
1318 formulate a specific program of projects and financing to
1319 respond to identified railroad needs.

1320 (5) Provide technical and financial assistance to units of
1321 local government to address identified rail transportation
1322 needs.

1323 (6) Secure and administer federal grants, loans, and
1324 apportionments for rail projects within this state when
1325 necessary to further the statewide program.

1326 (7) Develop and administer state standards concerning the
 1327 safety and performance of rail systems, hazardous material
 1328 handling, and operations. Such standards shall be developed
 1329 jointly with representatives of affected rail systems, with full
 1330 consideration given to nationwide industry norms, and shall
 1331 define the minimum acceptable standards for safety and
 1332 performance.

1333 (8) Conduct, at a minimum, inspections of track and
 1334 rolling stock; train signals and related equipment; hazardous
 1335 materials transportation, including the loading, unloading, and
 1336 labeling of hazardous materials at shippers', receivers', and
 1337 transfer points; and train operating practices to determine
 1338 adherence to state and federal standards. Department personnel
 1339 may enforce any safety regulation issued under the Federal
 1340 Government's preemptive authority over interstate commerce.

1341 (9) Assess penalties, in accordance with the applicable
 1342 federal regulations, for the failure to adhere to the state
 1343 standards.

1344 (10) Administer rail operating and construction programs,
 1345 which programs shall include the regulation of maximum ~~maxi~~-~~mu~~m
 1346 train operating speeds, the opening and closing of public grade
 1347 crossings, the construction and rehabilitation of public grade
 1348 crossings, and the installation of traffic control devices at
 1349 public grade crossings, the administering of the programs by the
 1350 department including participation in the cost of the programs.

1351 (11) Coordinate and facilitate the relocation of railroads
 1352 from congested urban areas to nonurban areas when relocation has
 1353 been determined feasible and desirable from the standpoint of
 1354 safety, operational efficiency, and economics.

1355 (12) Implement a program of branch line continuance
 1356 projects when an analysis of the industrial and economic
 1357 potential of the line indicates that public involvement is
 1358 required to preserve essential rail service and facilities.

1359 (13) Provide new rail service and equipment when:

1360 (a) Pursuant to the transportation planning process, a
 1361 public need has been determined to exist;

1362 (b) The cost of providing such service does not exceed the
 1363 sum of revenues from fares charged to users, services purchased
 1364 by other public agencies, local fund participation, and specific
 1365 legislative appropriation for this purpose; and

1366 (c) Service cannot be reasonably provided by other
 1367 governmental or privately owned rail systems.

1368
 1369 The department may own, lease, and otherwise encumber
 1370 facilities, equipment, and appurtenances thereto~~7~~ as necessary
 1371 to provide new rail services~~7~~ + or the department may provide
 1372 such service by contracts with privately owned service
 1373 providers.

1374 (14) Furnish required emergency rail transportation
 1375 service if no other private or public rail transportation

1376 operation is available to supply the required service and such
 1377 service is clearly in the best interest of the people in the
 1378 communities being served. Such emergency service may be
 1379 furnished through contractual arrangement, actual operation of
 1380 state-owned equipment and facilities, or any other means
 1381 determined appropriate by the secretary.

1382 (15) Assist in the development and implementation of
 1383 marketing programs for rail services and of information systems
 1384 directed toward assisting rail systems users.

1385 (16) Conduct research into innovative or potentially
 1386 effective rail technologies and methods and maintain expertise
 1387 in state-of-the-art rail developments.

1388 (17) In conjunction with the acquisition, ownership,
 1389 construction, operation, maintenance, and management of a rail
 1390 corridor, have the authority to:

1391 (a) Assume obligations pursuant to the following:

1392 1.a. The department may assume the obligation by contract
 1393 to forever protect, defend, indemnify, and hold harmless the
 1394 freight rail operator, or its successors, from whom the
 1395 department has acquired a real property interest in the rail
 1396 corridor, and that freight rail operator's officers, agents, and
 1397 employees, from and against any liability, cost, and expense,
 1398 including, but not limited to, commuter rail passengers and rail
 1399 corridor invitees in the rail corridor, regardless of whether
 1400 the loss, damage, destruction, injury, or death giving rise to

1401 any such liability, cost, or expense is caused in whole or in
 1402 part, and to whatever nature or degree, by the fault, failure,
 1403 negligence, misconduct, nonfeasance, or misfeasance of such
 1404 freight rail operator, its successors, or its officers, agents,
 1405 and employees, or any other person or persons whomsoever; or
 1406 b. The department may assume the obligation by contract to
 1407 forever protect, defend, indemnify, and hold harmless National
 1408 Railroad Passenger Corporation, or its successors, and officers,
 1409 agents, and employees of National Railroad Passenger
 1410 Corporation, from and against any liability, cost, and expense,
 1411 including, but not limited to, commuter rail passengers and rail
 1412 corridor invitees in the rail corridor, regardless of whether
 1413 the loss, damage, destruction, injury, or death giving rise to
 1414 any such liability, cost, or expense is caused in whole or in
 1415 part, and to whatever nature or degree, by the fault, failure,
 1416 negligence, misconduct, nonfeasance, or misfeasance of National
 1417 Railroad Passenger Corporation, its successors, or its officers,
 1418 agents, and employees, or any other person or persons
 1419 whomsoever.

1420 2. The assumption of liability of the department by
 1421 contract pursuant to sub-subparagraph 1.a. or sub-subparagraph
 1422 1.b. may not in any instance exceed the following parameters of
 1423 allocation of risk:

1424 a. The department may be solely responsible for any loss,
 1425 injury, or damage to commuter rail passengers, ~~or~~ rail corridor

1426 invitees, or trespassers, regardless of circumstances or cause,
1427 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and
1428 6.

1429 b.(I) In the event of a limited covered accident, the
1430 authority of the department to protect, defend, and indemnify
1431 the freight operator for all liability, cost, and expense,
1432 including punitive or exemplary damages, in excess of the
1433 deductible or self-insurance retention fund established under
1434 paragraph (b) and actually in force at the time of the limited
1435 covered accident exists only if the freight operator agrees,
1436 with respect to the limited covered accident, to protect,
1437 defend, and indemnify the department for the amount of the
1438 deductible or self-insurance retention fund established under
1439 paragraph (b) and actually in force at the time of the limited
1440 covered accident.

1441 (II) In the event of a limited covered accident, the
1442 authority of the department to protect, defend, and indemnify
1443 National Railroad Passenger Corporation for all liability, cost,
1444 and expense, including punitive or exemplary damages, in excess
1445 of the deductible or self-insurance retention fund established
1446 under paragraph (b) and actually in force at the time of the
1447 limited covered accident exists only if National Railroad
1448 Passenger Corporation agrees, with respect to the limited
1449 covered accident, to protect, defend, and indemnify the
1450 department for the amount of the deductible or self-insurance

1451 retention fund established under paragraph (b) and actually in
 1452 force at the time of the limited covered accident.

1453 3. When only one train is involved in an incident, the
 1454 department may be solely responsible for any loss, injury, or
 1455 damage if the train is a department train or other train
 1456 pursuant to subparagraph 4., but only if:

1457 a. When an incident occurs with only a freight train
 1458 involved, including incidents with trespassers or at grade
 1459 crossings, the freight rail operator is solely responsible for
 1460 any loss, injury, or damage, except for commuter rail passengers
 1461 and rail corridor invitees; or

1462 b. When an incident occurs with only a National Railroad
 1463 Passenger Corporation train involved, including incidents with
 1464 trespassers or at grade crossings, National Railroad Passenger
 1465 Corporation is solely responsible for any loss, injury, or
 1466 damage, except for commuter rail passengers and rail corridor
 1467 invitees.

1468 4. For the purposes of this subsection:

1469 a. Any train involved in an incident that is neither the
 1470 department's train nor the freight rail operator's train,
 1471 hereinafter referred to in this subsection as an "other train,"
 1472 may be treated as a department train, solely for purposes of any
 1473 allocation of liability between the department and the freight
 1474 rail operator only, but only if the department and the freight
 1475 rail operator share responsibility equally as to third parties

1476 outside the rail corridor who incur loss, injury, or damage as a
1477 result of any incident involving both a department train and a
1478 freight rail operator train, and the allocation as between the
1479 department and the freight rail operator, regardless of whether
1480 the other train is treated as a department train, shall remain
1481 one-half each as to third parties outside the rail corridor who
1482 incur loss, injury, or damage as a result of the incident. The
1483 involvement of any other train shall not alter the sharing of
1484 equal responsibility as to third parties outside the rail
1485 corridor who incur loss, injury, or damage as a result of the
1486 incident; or

1487 b. Any train involved in an incident that is neither the
1488 department's train nor the National Railroad Passenger
1489 Corporation's train, hereinafter referred to in this subsection
1490 as an "other train," may be treated as a department train,
1491 solely for purposes of any allocation of liability between the
1492 department and National Railroad Passenger Corporation only, but
1493 only if the department and National Railroad Passenger
1494 Corporation share responsibility equally as to third parties
1495 outside the rail corridor who incur loss, injury, or damage as a
1496 result of any incident involving both a department train and a
1497 National Railroad Passenger Corporation train, and the
1498 allocation as between the department and National Railroad
1499 Passenger Corporation, regardless of whether the other train is
1500 treated as a department train, shall remain one-half each as to

1501 third parties outside the rail corridor who incur loss, injury,
1502 or damage as a result of the incident. The involvement of any
1503 other train shall not alter the sharing of equal responsibility
1504 as to third parties outside the rail corridor who incur loss,
1505 injury, or damage as a result of the incident.

1506 5. When more than one train is involved in an incident:

1507 a.(I) If only a department train and freight rail
1508 operator's train, or only an other train as described in sub-
1509 subparagraph 4.a. and a freight rail operator's train, are
1510 involved in an incident, the department may be responsible for
1511 its property and all of its people, all commuter rail
1512 passengers, and rail corridor invitees, but only if the freight
1513 rail operator is responsible for its property and all of its
1514 people, and the department and the freight rail operator each
1515 share one-half responsibility as to trespassers or third parties
1516 outside the rail corridor who incur loss, injury, or damage as a
1517 result of the incident; or

1518 (II) If only a department train and a National Railroad
1519 Passenger Corporation train, or only an other train as described
1520 in sub-subparagraph 4.b. and a National Railroad Passenger
1521 Corporation train, are involved in an incident, the department
1522 may be responsible for its property and all of its people, all
1523 commuter rail passengers, and rail corridor invitees, but only
1524 if National Railroad Passenger Corporation is responsible for
1525 its property and all of its people, all National Railroad

1526 Passenger Corporation's rail passengers, and the department and
 1527 National Railroad Passenger Corporation each share one-half
 1528 responsibility as to trespassers or third parties outside the
 1529 rail corridor who incur loss, injury, or damage as a result of
 1530 the incident.

1531 b.(I) If a department train, a freight rail operator
 1532 train, and any other train are involved in an incident, the
 1533 allocation of liability between the department and the freight
 1534 rail operator, regardless of whether the other train is treated
 1535 as a department train, shall remain one-half each as to third
 1536 parties outside the rail corridor who incur loss, injury, or
 1537 damage as a result of the incident; the involvement of any other
 1538 train shall not alter the sharing of equal responsibility as to
 1539 third parties outside the rail corridor who incur loss, injury,
 1540 or damage as a result of the incident; and, if the owner,
 1541 operator, or insurer of the other train makes any payment to
 1542 injured third parties outside the rail corridor who incur loss,
 1543 injury, or damage as a result of the incident, the allocation of
 1544 credit between the department and the freight rail operator as
 1545 to such payment shall not in any case reduce the freight rail
 1546 operator's third-party-sharing allocation of one-half under this
 1547 paragraph to less than one-third of the total third party
 1548 liability; or

1549 (II) If a department train, a National Railroad Passenger
 1550 Corporation train, and any other train are involved in an

1551 incident, the allocation of liability between the department and
1552 National Railroad Passenger Corporation, regardless of whether
1553 the other train is treated as a department train, shall remain
1554 one-half each as to third parties outside the rail corridor who
1555 incur loss, injury, or damage as a result of the incident; the
1556 involvement of any other train shall not alter the sharing of
1557 equal responsibility as to third parties outside the rail
1558 corridor who incur loss, injury, or damage as a result of the
1559 incident; and, if the owner, operator, or insurer of the other
1560 train makes any payment to injured third parties outside the
1561 rail corridor who incur loss, injury, or damage as a result of
1562 the incident, the allocation of credit between the department
1563 and National Railroad Passenger Corporation as to such payment
1564 shall not in any case reduce National Railroad Passenger
1565 Corporation's third-party-sharing allocation of one-half under
1566 this sub-subparagraph to less than one-third of the total third
1567 party liability.

1568 6. Any such contractual duty to protect, defend,
1569 indemnify, and hold harmless such a freight rail operator or
1570 National Railroad Passenger Corporation shall expressly include
1571 a specific cap on the amount of the contractual duty, which
1572 amount shall not exceed \$200 million without prior legislative
1573 approval, and the department to purchase liability insurance and
1574 establish a self-insurance retention fund in the amount of the
1575 specific cap established under this subparagraph, provided that:

1576 a. No such contractual duty shall in any case be effective
 1577 nor otherwise extend the department's liability in scope and
 1578 effect beyond the contractual liability insurance and self-
 1579 insurance retention fund required pursuant to this paragraph;
 1580 and

1581 b.(I) The freight rail operator's compensation to the
 1582 department for future use of the department's rail corridor
 1583 shall include a monetary contribution to the cost of such
 1584 liability coverage for the sole benefit of the freight rail
 1585 operator.

1586 (II) National Railroad Passenger Corporation's
 1587 compensation to the department for future use of the
 1588 department's rail corridor shall include a monetary contribution
 1589 to the cost of such liability coverage for the sole benefit of
 1590 National Railroad Passenger Corporation.

1591 (b) Purchase liability insurance, which amount shall not
 1592 exceed \$295 million, and establish a self-insurance retention
 1593 fund for the purpose of paying the deductible limit established
 1594 in the insurance policies it may obtain, including coverage for
 1595 the department, any freight rail operator as described in
 1596 paragraph (a), National Railroad Passenger Corporation, commuter
 1597 rail service providers, governmental entities, or any ancillary
 1598 development, which self-insurance retention fund or deductible
 1599 shall not exceed \$10 million. The insureds shall pay a
 1600 reasonable monetary contribution to the cost of such liability

1601 coverage for the sole benefit of the insured. Such insurance and
1602 self-insurance retention fund may provide coverage for all
1603 damages, including, but not limited to, compensatory, special,
1604 and exemplary, and be maintained to provide an adequate fund to
1605 cover claims and liabilities for loss, injury, or damage arising
1606 out of or connected with the ownership, operation, maintenance,
1607 and management of a rail corridor.

1608 (c) Incur expenses for the purchase of advertisements,
1609 marketing, and promotional items.

1610 (d) Without altering any of the rights granted to the
1611 department under this section, agree to assume the obligations
1612 to indemnify and insure, pursuant to s. 343.545, freight rail
1613 service, intercity passenger rail service, and commuter rail
1614 service on a department-owned rail corridor, whether ownership
1615 is in fee or by easement, or on a rail corridor where the
1616 department has the right to operate.

1617
1618 Neither the assumption by contract to protect, defend,
1619 indemnify, and hold harmless; the purchase of insurance; nor the
1620 establishment of a self-insurance retention fund shall be deemed
1621 to be a waiver of any defense of sovereign immunity for torts
1622 nor deemed to increase the limits of the department's or the
1623 governmental entity's liability for torts as provided in s.
1624 768.28. The requirements of s. 287.022(1) shall not apply to the
1625 purchase of any insurance under this subsection. ~~The provisions~~

1626 ~~of~~ This subsection shall apply and inure fully as to any other
 1627 governmental entity providing commuter rail service and
 1628 constructing, operating, maintaining, or managing a rail
 1629 corridor on publicly owned right-of-way under contract by the
 1630 governmental entity with the department or a governmental entity
 1631 designated by the department. Notwithstanding any law to the
 1632 contrary, procurement for the construction, operation,
 1633 maintenance, and management of any rail corridor described in
 1634 this subsection, whether by the department, a governmental
 1635 entity under contract with the department, or a governmental
 1636 entity designated by the department, shall be pursuant to s.
 1637 287.057 and shall include, but not be limited to, criteria for
 1638 the consideration of qualifications, technical aspects of the
 1639 proposal, and price. Further, any such contract for design-build
 1640 shall be procured pursuant to the criteria in s. 337.11(7).

1641 (18) Exercise such other functions, powers, and duties in
 1642 connection with the rail system plan as are necessary to develop
 1643 a safe, efficient, and effective statewide transportation
 1644 system.

1645 Section 32. Effective July 1, 2023, subsections (5) and
 1646 (6) of section 341.303, Florida Statutes, are amended to read:

1647 341.303 Funding authorization and appropriations;
 1648 eligibility and participation.—

1649 (5) ~~FUND PARTICIPATION; FLORIDA RAIL ENTERPRISE.—The~~
 1650 department may, ~~through the Florida Rail Enterprise, is~~

1651 ~~authorized to use funds provided pursuant to s. 201.15(4)(a)4.~~
 1652 to fund:

1653 (a) Up to 50 percent of the nonfederal share of the costs
 1654 of any eligible passenger rail capital improvement project.

1655 (b) Up to 100 percent of planning and development costs
 1656 related to the provision of a passenger rail system, including,
 1657 but not limited to, preliminary engineering, revenue studies,
 1658 environmental impact studies, financial advisory services,
 1659 engineering design, and other appropriate professional services.

1660 (c) The high-speed rail system.

1661 (d) Projects necessary to identify or address anticipated
 1662 impacts of increased freight rail traffic resulting from the
 1663 implementation of passenger rail systems as provided in s.
 1664 341.302(3)(b).

1665 (e) Projects necessary to identify or address needed or
 1666 desirable safety improvements to passenger rail systems in this
 1667 state.

1668 ~~(6) FLORIDA RAIL ENTERPRISE; BUDGET.~~

1669 ~~(a) The Florida Rail Enterprise shall be a single budget~~
 1670 ~~entity and shall develop a budget pursuant to chapter 216. The~~
 1671 ~~enterprise's budget shall be submitted to the Legislature along~~
 1672 ~~with the department's budget. All passenger rail funding by the~~
 1673 ~~department shall be included in this budget entity.~~

1674 ~~(b) Notwithstanding the provisions of s. 216.301 to the~~
 1675 ~~contrary and in accordance with s. 216.351, the Executive Office~~

1676 ~~of the Governor shall, on July 1 of each year, certify forward~~
1677 ~~all unexpended funds appropriated or provided pursuant to this~~
1678 ~~section for the enterprise. Of the unexpended funds certified~~
1679 ~~forward, any unencumbered amounts shall be carried forward. Such~~
1680 ~~funds carried forward shall not exceed 5 percent of the original~~
1681 ~~approved operating budget of the enterprise pursuant to s.~~
1682 ~~216.181(1). Funds carried forward pursuant to this section may~~
1683 ~~be used for any lawful purpose, including, but not limited to,~~
1684 ~~promotional and market activities, technology, and training. Any~~
1685 ~~certified forward funds remaining undisbursed on September 30 of~~
1686 ~~each year shall be carried forward.~~

1687 Section 33. Effective July 1, 2023, section 341.8201,
1688 Florida Statutes, is repealed.

1689 Section 34. Effective July 1, 2023, section 341.8203,
1690 Florida Statutes, is amended to read:

1691 341.8203 Definitions.—As used in ss. 341.822-341.842 ~~ss.~~
1692 ~~341.8201-341.842~~, unless the context clearly indicates
1693 otherwise, the term:

1694 (1) "Associated development" means property, equipment,
1695 buildings, or other related facilities which are built,
1696 installed, used, or established to provide financing, funding,
1697 or revenues for the planning, building, managing, and operation
1698 of a high-speed rail system and which are associated with or
1699 part of the rail stations. The term includes air and subsurface
1700 rights, services that provide local area network devices for

1701 transmitting data over wireless networks, parking facilities,
 1702 retail establishments, restaurants, hotels, offices,
 1703 advertising, or other commercial, civic, residential, or support
 1704 facilities.

1705 (2) "Communication facilities" means the communication
 1706 systems related to high-speed passenger rail operations,
 1707 including those which are built, installed, used, or established
 1708 for the planning, building, managing, and operating of a high-
 1709 speed rail system. The term includes the land; structures;
 1710 improvements; rights-of-way; easements; positive train control
 1711 systems; wireless communication towers and facilities that are
 1712 designed to provide voice and data services for the safe and
 1713 efficient operation of the high-speed rail system; voice, data,
 1714 and wireless communication amenities made available to crew and
 1715 passengers as part of a high-speed rail service; and any other
 1716 facilities or equipment used for operation of, or the
 1717 facilitation of communications for, a high-speed rail system.
 1718 Owners of communication facilities may not offer voice or data
 1719 service to any entity other than passengers, crew, or other
 1720 persons involved in the operation of a high-speed rail system.

1721 ~~(3) "Enterprise" means the Florida Rail Enterprise.~~

1722 (3)~~(4)~~ "High-speed rail system" means any high-speed fixed
 1723 guideway system for transporting people or goods, which system
 1724 is, by definition of the United States Department of
 1725 Transportation, reasonably expected to reach speeds of at least

1726 110 miles per hour, including, but not limited to, a monorail
1727 system, dual track rail system, suspended rail system, magnetic
1728 levitation system, pneumatic repulsion system, or other system
1729 approved by the department ~~enterprise~~. The term includes a
1730 corridor, associated intermodal connectors, and structures
1731 essential to the operation of the line, including the land,
1732 structures, improvements, rights-of-way, easements, rail lines,
1733 rail beds, guideway structures, switches, yards, parking
1734 facilities, power relays, switching houses, and rail stations
1735 and also includes facilities or equipment used exclusively for
1736 the purposes of design, construction, operation, maintenance, or
1737 the financing of the high-speed rail system.

1738 (4) ~~(5)~~ "Joint development" means the planning, managing,
1739 financing, or constructing of projects adjacent to, functionally
1740 related to, or otherwise related to a high-speed rail system
1741 pursuant to agreements between any person, firm, corporation,
1742 association, organization, agency, or other entity, public or
1743 private.

1744 (5) ~~(6)~~ "Rail station," "station," or "high-speed rail
1745 station" means any structure or transportation facility that is
1746 part of a high-speed rail system designed to accommodate the
1747 movement of passengers from one mode of transportation to
1748 another at which passengers board or disembark from
1749 transportation conveyances and transfer from one mode of
1750 transportation to another.

1751 (6)~~(7)~~ "Railroad company" means a person developing, or
 1752 providing service on, a high-speed rail system.

1753 (7)~~(8)~~ "Selected person or entity" means the person or
 1754 entity to whom the department ~~enterprise~~ awards a contract to
 1755 establish a high-speed rail system pursuant to ss. 341.822-
 1756 341.842 ~~ss. 341.8201-341.842~~.

1757 Section 35. Effective July 1, 2023, section 341.822,
 1758 Florida Statutes, is amended to read:

1759 341.822 Powers and duties.—

1760 (1) The department ~~enterprise~~ shall locate, plan, design,
 1761 finance, construct, maintain, own, operate, administer, and
 1762 manage the high-speed rail system in the state.

1763 (2) (a) ~~In addition to the powers granted to~~ The
 1764 ~~department, the enterprise~~ has full authority to exercise all
 1765 powers granted to it under this chapter. Powers shall include,
 1766 but are not limited to, the ability to plan, construct,
 1767 maintain, repair, and operate a high-speed rail system, to
 1768 acquire corridors, and to coordinate the development and
 1769 operation of publicly funded passenger rail systems in the
 1770 state.

1771 (b) It is the express intention of ss. 341.822-341.842 ~~ss.~~
 1772 ~~341.8201-341.842~~ that the department ~~enterprise~~ be authorized to
 1773 plan, develop, own, purchase, lease, or otherwise acquire,
 1774 demolish, construct, improve, relocate, equip, repair, maintain,
 1775 operate, and manage the high-speed rail system; to expend funds

1776 to publicize, advertise, and promote the advantages of using the
1777 high-speed rail system and its facilities; and to cooperate,
1778 coordinate, partner, and contract with other entities, public
1779 and private, to accomplish these purposes.

1780 (c) The department ~~enterprise~~ shall establish a process to
1781 issue permits to railroad companies for the construction of
1782 communication facilities within a new or existing public or
1783 private high-speed rail system. The department ~~enterprise~~ may
1784 adopt rules to administer such permits, including rules
1785 regarding the form, content, and necessary supporting
1786 documentation for permit applications; the process for
1787 submitting applications; and the application fee for a permit
1788 under s. 341.825. The department ~~enterprise~~ shall provide a copy
1789 of a completed permit application to municipalities and counties
1790 where the high-speed rail system will be located. The department
1791 ~~enterprise~~ shall allow each such municipality and county 30 days
1792 to provide comments to the department ~~enterprise~~ regarding the
1793 application, including any recommendations regarding conditions
1794 that may be placed on the permit.

1795 (3) The department may ~~enterprise shall have the authority~~
1796 ~~to employ procurement methods available to the department under~~
1797 ~~chapters 255, 287, 334, and 337, or otherwise in accordance with~~
1798 ~~law. The enterprise may also~~ solicit proposals and, with
1799 legislative approval as evidenced by approval of the project in
1800 the department's work program, enter into agreements with

1801 private entities, or consortia thereof, for the building,
1802 operation, ownership, or financing of the high-speed rail
1803 system.

1804 ~~(4) The executive director of the enterprise shall appoint~~
1805 ~~staff, who shall be exempt from part II of chapter 110.~~

1806 (4) ~~(5)~~ The powers conferred upon the department ~~enterprise~~
1807 under ss. 341.822-341.842 ~~ss. 341.8201-341.842~~ shall be in
1808 addition and supplemental to the existing powers of the
1809 ~~department, and these powers~~ shall not be construed as repealing
1810 any provision of any other law, general or local, but shall
1811 supersede such other laws that are inconsistent with the
1812 exercise of the powers provided under ss. 341.822-341.842 ~~ss.~~
1813 ~~341.8201-341.842~~ and provide a complete method for the exercise
1814 of such powers granted.

1815 (5) ~~(6)~~ Any proposed rail ~~enterprise~~ project or improvement
1816 shall be developed in accordance with the Florida Transportation
1817 Plan and the work program under s. 339.135.

1818 Section 36. Effective July 1, 2023, subsections (2) and
1819 (3), paragraph (b) of subsection (4), and subsection (5) of
1820 section 341.825, Florida Statutes, are amended to read:

1821 341.825 Communication facilities.—

1822 (2) APPLICATION SUBMISSION.—A railroad company may submit
1823 to the department ~~enterprise~~ an application to obtain a permit
1824 to construct communication facilities within a new or existing
1825 high-speed rail system. The application shall include an

1826 application fee limited to the amount needed to pay the
 1827 anticipated cost of reviewing the application, not to exceed
 1828 \$10,000, which shall be deposited into the State Transportation
 1829 Trust Fund. The application must include the following
 1830 information:

1831 (a) The location of the proposed communication facilities.

1832 (b) A description of the proposed communication
 1833 facilities.

1834 (c) Any other information reasonably required by the
 1835 department ~~enterprise~~.

1836 (3) APPLICATION REVIEW.—The department ~~enterprise~~ shall
 1837 review each application for completeness within 30 days after
 1838 receipt of the application.

1839 (a) If the department ~~enterprise~~ determines that an
 1840 application is not complete, the department ~~enterprise~~ shall,
 1841 within 30 days after the receipt of the initial application,
 1842 notify the applicant in writing of any errors or omissions. An
 1843 applicant shall have 30 days within which to correct the errors
 1844 or omissions in the initial application.

1845 (b) If the department ~~enterprise~~ determines that an
 1846 application is complete, the department ~~enterprise~~ shall act
 1847 upon the permit application within 60 days after ~~of~~ the receipt
 1848 of the completed application by approving in whole, approving
 1849 with conditions as the department ~~enterprise~~ deems appropriate,
 1850 or denying the application, and stating the reason for issuance

1851 or denial. In determining whether an application should be
 1852 approved, approved with modifications or conditions, or denied,
 1853 the department ~~enterprise~~ shall consider any comments or
 1854 recommendations received from a municipality or county and the
 1855 extent to which the proposed communication facilities:

1856 1. Are located in a manner that is appropriate for the
 1857 communication technology specified by the applicant.

1858 2. Serve an existing or projected future need for
 1859 communication facilities.

1860 3. Provide sufficient wireless voice and data coverage and
 1861 capacity for the safe and efficient operation of the high-speed
 1862 rail system and the safety, use, and efficiency of its crew and
 1863 passengers.

1864 (c) The failure to adopt any recommendation or comment may
 1865 not be a basis for challenging the issuance of a permit.

1866 (4) EFFECT OF PERMIT.—

1867 (b) A permit may include conditions that constitute
 1868 variances and exemptions from rules of the department ~~enterprise~~
 1869 or any other agency, which would otherwise be applicable to the
 1870 communication facilities within the new or existing high-speed
 1871 rail system.

1872 (5) MODIFICATION OF PERMIT.—A permit may be modified by
 1873 the applicant after issuance upon the filing of a petition with
 1874 the department ~~enterprise~~.

1875 (a) A petition for modification must set forth the

1876 | proposed modification and the factual reasons asserted for the
 1877 | modification.

1878 | (b) The department ~~enterprise~~ shall act upon the petition
 1879 | within 30 days by approving or denying the application, and
 1880 | stating the reason for issuance or denial.

1881 | Section 37. Effective July 1, 2023, section 341.836,
 1882 | Florida Statutes, is amended to read:

1883 | 341.836 Associated development.—

1884 | (1) The department ~~enterprise~~, alone or as part of a joint
 1885 | development, may undertake associated developments to be a
 1886 | source of revenue for the establishment, construction,
 1887 | operation, or maintenance of the high-speed rail system. Such
 1888 | associated developments must be consistent, to the extent
 1889 | feasible, with applicable local government comprehensive plans
 1890 | and local land development regulations and otherwise be in
 1891 | compliance with ss. 341.822-341.842 ~~ss. 341.8201-341.842~~.

1892 | (2) Sections 341.822-341.842 ~~Sections 341.8201-341.842~~ do
 1893 | not prohibit the department ~~enterprise~~, the selected person or
 1894 | entity, or a party to a joint venture with the department
 1895 | ~~enterprise~~ or its selected person or entity from obtaining
 1896 | approval, pursuant to any other law, for any associated
 1897 | development that is reasonably related to the high-speed rail
 1898 | system.

1899 | Section 38. Effective July 1, 2023, section 341.838,
 1900 | Florida Statutes, is amended to read:

1901 341.838 Fares, rates, rents, fees, and charges.—
 1902 (1) The department ~~enterprise~~ may establish, revise,
 1903 charge, and collect fares, rates, rents, fees, charges, and
 1904 revenues for the use of and for the services furnished, or to be
 1905 furnished, by the system and ~~to~~ contract with any person,
 1906 partnership, association, corporation, or other body, public or
 1907 private, in respect thereof. Such fares, rates, rents, fees, and
 1908 charges shall be reviewed annually by the department ~~enterprise~~
 1909 and may be adjusted as set forth in the contract setting such
 1910 fares, rates, rents, fees, or charges. The funds collected
 1911 pursuant to this section shall, with any other funds available,
 1912 be used to pay the cost of designing, building, operating,
 1913 financing, and maintaining the system and each and every portion
 1914 thereof, to the extent that the payment of such cost has not
 1915 otherwise been adequately provided for.

1916 (2) Fares, rates, rents, fees, and charges established,
 1917 revised, charged, and collected by the department ~~enterprise~~
 1918 pursuant to this section shall not be subject to supervision or
 1919 regulation by any other department, commission, board, body,
 1920 bureau, or agency of this state other than the department
 1921 ~~enterprise~~.

1922 Section 39. Effective July 1, 2023, section 341.839,
 1923 Florida Statutes, is amended to read:

1924 341.839 Alternate means.—Sections 341.822-341.842 ~~Sections~~
 1925 ~~341.8201-341.842~~ provide an additional and alternative method

1926 | for accomplishing the purposes authorized therein and are
 1927 | supplemental and additional to powers conferred by other laws.
 1928 | Except as otherwise expressly provided in ss. 341.822-341.842
 1929 | ~~ss. 341.8201-341.842~~, none of the powers granted to the
 1930 | department ~~enterprise~~ under ss. 341.822-341.842 ~~ss. 341.8201-~~
 1931 | ~~341.842~~ are subject to the supervision or require the approval
 1932 | or consent of any municipality or political subdivision or any
 1933 | commission, board, body, bureau, or official.

1934 | Section 40. Effective July 1, 2023, section 341.840,
 1935 | Florida Statutes, is amended to read:

1936 | 341.840 Tax exemption.—

1937 | (1) The exercise of the powers granted under ss. 341.822-
 1938 | 341.842 ~~ss. 341.8201-341.842~~ will be in all respects for the
 1939 | benefit of the people of this state, for the increase of their
 1940 | commerce, welfare, and prosperity, and for the improvement of
 1941 | their health and living conditions. The design, construction,
 1942 | operation, maintenance, and financing of a high-speed rail
 1943 | system by the department ~~enterprise~~, its agent, or the owner or
 1944 | lessee thereof, as herein authorized, constitutes the
 1945 | performance of an essential public function.

1946 | (2) (a) For the purposes of this section, the term
 1947 | "department" ~~"enterprise"~~ does not include agents of the
 1948 | department ~~enterprise~~ other than contractors who qualify as such
 1949 | pursuant to subsection (7).

1950 | (b) For the purposes of this section, any item or property

1951 that is within the definition of the term "associated
1952 development" in s. 341.8203(1) may not be considered part of the
1953 high-speed rail system as defined in s. 341.8203(3) ~~s.~~
1954 ~~341.8203(4)~~.

1955 (3) (a) Purchases or leases of tangible personal property
1956 or real property by the department ~~enterprise~~, excluding agents
1957 of the department ~~enterprise~~, are exempt from taxes imposed by
1958 chapter 212 as provided in s. 212.08(6). Purchases or leases of
1959 tangible personal property that is incorporated into the high-
1960 speed rail system as a component part thereof, as determined by
1961 the department ~~enterprise~~, by agents of the department
1962 ~~enterprise~~ or the owner of the high-speed rail system are exempt
1963 from sales or use taxes imposed by chapter 212. Leases, rentals,
1964 or licenses to use real property granted to agents of the
1965 department ~~enterprise~~ or the owner of the high-speed rail system
1966 are exempt from taxes imposed by s. 212.031 if the real property
1967 becomes part of such system. The exemptions granted in this
1968 subsection do not apply to sales, leases, or licenses by the
1969 department ~~enterprise~~, agents of the department ~~enterprise~~, or
1970 the owner of the high-speed rail system.

1971 (b) The exemption granted in paragraph (a) to purchases or
1972 leases of tangible personal property by agents of the department
1973 ~~enterprise~~ or by the owner of the high-speed rail system applies
1974 only to property that becomes a component part of such system.
1975 It does not apply to items, including, but not limited to,

1976 | cranes, bulldozers, forklifts, other machinery and equipment,
 1977 | tools and supplies, or other items of tangible personal property
 1978 | used in the construction, operation, or maintenance of the high-
 1979 | speed rail system when such items are not incorporated into the
 1980 | high-speed rail system as a component part thereof.

1981 | (4) Any bonds or other security, and all notes, mortgages,
 1982 | security agreements, letters of credit, or other instruments
 1983 | that arise out of or are given to secure the repayment of bonds
 1984 | or other security, issued by the department ~~enterprise~~, or on
 1985 | behalf of the department ~~enterprise~~, their transfer, and the
 1986 | income therefrom, including any profit made on the sale thereof,
 1987 | shall at all times be free from taxation of every kind by the
 1988 | state, the counties, and the municipalities and other political
 1989 | subdivisions in the state. This subsection, however, does not
 1990 | exempt from taxation or assessment the leasehold interest of a
 1991 | lessee in any project or any other property or interest owned by
 1992 | the lessee. The exemption granted by this subsection is not
 1993 | applicable to any tax imposed by chapter 220 on interest income
 1994 | or profits on the sale of debt obligations owned by
 1995 | corporations.

1996 | (5) When property of the department ~~enterprise~~ is leased
 1997 | to another person or entity, the property shall be exempt from
 1998 | ad valorem taxation only if the use by the lessee qualifies the
 1999 | property for exemption under s. 196.199.

2000 | (6) A leasehold interest held by the department ~~enterprise~~

2001 is not subject to intangible tax. However, if a leasehold
 2002 interest held by the department ~~enterprise~~ is subleased to a
 2003 nongovernmental lessee, such subleasehold interest shall be
 2004 deemed to be an interest described in s. 199.023(1)(d), Florida
 2005 Statutes 2005, and is subject to the intangible tax.

2006 (7) (a) In order to be considered an agent of the
 2007 department ~~enterprise~~ for purposes of the exemption from sales
 2008 and use tax granted by subsection (3) for tangible personal
 2009 property incorporated into the high-speed rail system, a
 2010 contractor of the department ~~enterprise~~ that purchases or
 2011 fabricates such tangible personal property must be certified by
 2012 the department ~~enterprise~~ as provided in this subsection.

2013 (b)1. A contractor must apply for a renewal of the
 2014 exemption not later than December 1 of each calendar year.

2015 2. A contractor must apply to the department ~~enterprise~~ on
 2016 the application form adopted by the department ~~enterprise~~, which
 2017 shall develop the form in consultation with the Department of
 2018 Revenue.

2019 3. The department ~~enterprise~~ shall review each submitted
 2020 application and determine whether it is complete. The department
 2021 ~~enterprise~~ shall notify the applicant of any deficiencies in the
 2022 application within 30 days. Upon receipt of a completed
 2023 application, the department ~~enterprise~~ shall evaluate the
 2024 application for exemption under this subsection and issue a
 2025 certification that the contractor is qualified to act as an

2026 agent of the department ~~enterprise~~ for purposes of this section
2027 or a denial of such certification within 30 days. The department
2028 ~~enterprise~~ shall provide the Department of Revenue with a copy
2029 of each certification issued upon approval of an application.
2030 Upon receipt of a certification from the department ~~enterprise~~,
2031 the Department of Revenue shall issue an exemption permit to the
2032 contractor.

2033 (c)1. The contractor may extend a copy of its exemption
2034 permit to its vendors in lieu of paying sales tax on purchases
2035 of tangible personal property qualifying for exemption under
2036 this section. Possession of a copy of the exemption permit
2037 relieves the seller of the responsibility of collecting tax on
2038 the sale, and the Department of Revenue shall look solely to the
2039 contractor for recovery of tax upon a determination that the
2040 contractor was not entitled to the exemption.

2041 2. The contractor may extend a copy of its exemption
2042 permit to real property subcontractors supplying and installing
2043 tangible personal property that is exempt under subsection (3).
2044 Any such subcontractor may extend a copy of the permit to the
2045 subcontractor's vendors in order to purchase qualifying tangible
2046 personal property tax-exempt. If the subcontractor uses the
2047 exemption permit to purchase tangible personal property that is
2048 determined not to qualify for exemption under subsection (3),
2049 the Department of Revenue may assess and collect any tax,
2050 penalties, and interest that are due from either the contractor

2051 holding the exemption permit or the subcontractor that extended
2052 the exemption permit to the seller.

2053 (d) Any contractor authorized to act as an agent of the
2054 department ~~enterprise~~ under this section shall maintain the
2055 necessary books and records to document the exempt status of
2056 purchases and fabrication costs made or incurred under the
2057 permit. In addition, an authorized contractor extending its
2058 exemption permit to its subcontractors shall maintain a copy of
2059 the subcontractor's books, records, and invoices indicating all
2060 purchases made by the subcontractor under the authorized
2061 contractor's permit. If, in an audit conducted by the Department
2062 of Revenue, it is determined that tangible personal property
2063 purchased or fabricated claiming exemption under this section
2064 does not meet the criteria for exemption, the amount of taxes
2065 not paid at the time of purchase or fabrication shall be
2066 immediately due and payable to the Department of Revenue,
2067 together with the appropriate interest and penalty, computed
2068 from the date of purchase, in the manner prescribed by chapter
2069 212.

2070 (e) If a contractor fails to apply for a high-speed rail
2071 system exemption permit, or if a contractor initially determined
2072 by the department ~~enterprise~~ to not qualify for exemption is
2073 subsequently determined to be eligible, the contractor shall
2074 receive the benefit of the exemption in this subsection through
2075 a refund of previously paid taxes for transactions that

2076 otherwise would have been exempt. A refund may not be made for
2077 such taxes without the issuance of a certification by the
2078 department ~~enterprise~~ that the contractor was authorized to make
2079 purchases tax-exempt and a determination by the Department of
2080 Revenue that the purchases qualified for the exemption.

2081 (f) The department ~~enterprise~~ may adopt rules governing
2082 the application process for exemption of a contractor as an
2083 authorized agent of the department ~~enterprise~~.

2084 (g) The Department of Revenue may adopt rules governing
2085 the issuance and form of high-speed rail system exemption
2086 permits, the audit of contractors and subcontractors using such
2087 permits, the recapture of taxes on nonqualified purchases, and
2088 the manner and form of refund applications.

2089 Section 41. Effective July 1, 2023, paragraph (b) of
2090 subsection (4) of section 343.58, Florida Statutes, is amended
2091 to read:

2092 343.58 County funding for the South Florida Regional
2093 Transportation Authority.—

2094 (4) Notwithstanding any other provision of law to the
2095 contrary and effective July 1, 2010, until as provided in
2096 paragraph (d), the department shall transfer annually from the
2097 State Transportation Trust Fund to the South Florida Regional
2098 Transportation Authority the amounts specified in subparagraph
2099 (a)1. or subparagraph (a)2.

2100 (b) Funding required by this subsection may not be

2101 provided from the funds dedicated to the State Transportation
 2102 Trust Fund ~~Florida Rail Enterprise~~ pursuant to s. 201.15(4)(a)4.

2103 Section 42. Paragraph (d) of subsection (2) of section
 2104 349.04, Florida Statutes, is amended to read:

2105 349.04 Purposes and powers.—

2106 (2) The authority is hereby granted, and shall have and
 2107 may exercise all powers necessary, appurtenant, convenient, or
 2108 incidental to the carrying out of the aforesaid purposes,
 2109 including, but without being limited to, the right and power:

2110 (d) To enter into and make leases for terms not exceeding
 2111 99 ~~40~~ years, as either lessee or lessor, in order to carry out
 2112 the right to lease as set forth in this chapter.

2113 Section 43. Paragraph (a) of subsection (4) of section
 2114 377.809, Florida Statutes, is amended to read:

2115 377.809 Energy Economic Zone Pilot Program.—

2116 (4)(a) Beginning July 1, 2012, all the incentives and
 2117 benefits provided for enterprise zones pursuant to state law
 2118 shall be available to the energy economic zones designated
 2119 pursuant to this section on or before July 1, 2010. In order to
 2120 provide incentives, by March 1, 2012, each local governing body
 2121 that has jurisdiction over an energy economic zone must, by
 2122 local ordinance, establish the boundary of the energy economic
 2123 zone, specify applicable energy-efficiency standards, and
 2124 determine eligibility criteria for the application of state and
 2125 local incentives and benefits in the energy economic zone.

2126 | However, in order to receive benefits provided under s. 288.106,
 2127 | a business must be a qualified target industry business under s.
 2128 | 288.106 for state purposes. An energy economic zone's boundary
 2129 | may be revised by local ordinance. Such incentives and benefits
 2130 | include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183,
 2131 | 288.106, and 624.5105 and the public utility discounts provided
 2132 | in s. 290.007(8). The exemption provided in s. 212.08(5)(c)
 2133 | shall be for renewable energy as defined in s. 377.803. For
 2134 | purposes of this section, any applicable requirements for
 2135 | employee residency for higher refund or credit thresholds must
 2136 | be based on employee residency in the energy economic zone or an
 2137 | enterprise zone. A business in an energy economic zone may also
 2138 | be eligible for funding under ss. 288.047 and 445.003, ~~and a~~
 2139 | ~~transportation project in an energy economic zone shall be~~
 2140 | ~~provided priority in funding under s. 339.2821.~~ Other projects
 2141 | shall be given priority ranking to the extent practicable for
 2142 | grants administered under state energy programs.

2143 | Section 44. For the purpose of incorporating the
 2144 | amendments made by this act to sections 327.33 and 327.4107,
 2145 | Florida Statutes, in references thereto, paragraphs (h) and (aa)
 2146 | of subsection (1) of section 327.73, Florida Statutes, are
 2147 | reenacted to read:

2148 | 327.73 Noncriminal infractions.—

2149 | (1) Violations of the following provisions of the vessel
 2150 | laws of this state are noncriminal infractions:

2151 (h) Section 327.33(2), relating to careless operation.

2152 (aa) Section 327.4107, relating to vessels at risk of
2153 becoming derelict on waters of this state, for which the civil
2154 penalty is:

2155 1. For a first offense, \$50.

2156 2. For a second offense occurring 30 days or more after a
2157 first offense, \$100.

2158 3. For a third or subsequent offense occurring 30 days or
2159 more after a previous offense, \$250.

2160

2161 Any person cited for a violation of any provision of this
2162 subsection shall be deemed to be charged with a noncriminal
2163 infraction, shall be cited for such an infraction, and shall be
2164 cited to appear before the county court. The civil penalty for
2165 any such infraction is \$50, except as otherwise provided in this
2166 section. Any person who fails to appear or otherwise properly
2167 respond to a uniform boating citation shall, in addition to the
2168 charge relating to the violation of the boating laws of this
2169 state, be charged with the offense of failing to respond to such
2170 citation and, upon conviction, be guilty of a misdemeanor of the
2171 second degree, punishable as provided in s. 775.082 or s.
2172 775.083. A written warning to this effect shall be provided at
2173 the time such uniform boating citation is issued.

2174 Section 45. By October 1, 2020, the Department of
2175 Transportation, each expressway and bridge authority created

2176 pursuant to chapter 348, Florida Statutes, and the Mid-Bay
2177 Bridge Authority re-created pursuant to chapter 2000-411, Laws
2178 of Florida, shall each submit a report documenting its
2179 uncollected customer receivables to the Governor, the President
2180 of the Senate, and the Speaker of the House of Representatives.
2181 Each report must include an aged summary of customer receivables
2182 for electronic toll collection as well as toll-by-plate as of
2183 June 30, 2020. Additionally, each report must include a schedule
2184 by year of customer receivables written off, sold to a
2185 collection agency, or assigned to a collection agency. Each
2186 report must include a detailed discussion by each entity from
2187 its independent certified public accountant describing the
2188 accounting methodology used within the entity's audited
2189 financial statements to record revenue and bad debt.

2190 Section 46. Paragraph (c) is added to subsection (2) of
2191 section 319.32, Florida Statutes, to read:

2192 319.32 Fees; service charges; disposition.—

2193 (2)

2194 (c) In exercising his or her authority to contract with a
2195 license plate agent, the tax collector shall determine the
2196 additional service charges to be collected by privately owned
2197 license plate agents approved by the tax collector. Additional
2198 service charges must be itemized and disclosed to the person
2199 paying the service charges to the license plate agent. The
2200 license plate agent shall enter into a contract with the tax

2201 collector regarding the disclosure of additional service
 2202 charges.

2203 Section 47. Subsection (5) of section 320.03, Florida
 2204 Statutes, is amended to read:

2205 320.03 Registration; duties of tax collectors;
 2206 International Registration Plan.—

2207 (5) In addition to the fees required under s. 320.08, a
 2208 fee of 50 cents shall be charged on every license registration
 2209 sold to cover the costs of the Florida Real Time Vehicle
 2210 Information System. The fees collected shall be deposited into
 2211 the Highway Safety Operating Trust Fund to be used exclusively
 2212 to fund the system. The fee may only be used to fund the system
 2213 equipment, software, personnel associated with the maintenance
 2214 and programming of the system, and networks used in the offices
 2215 of the county tax collectors as agents of the department and the
 2216 ancillary technology necessary to integrate the system with
 2217 other tax collection systems. Other tax collection systems may
 2218 include technology systems provided by vendors contracted with
 2219 the tax collector for in-person transactions of motor vehicle
 2220 and mobile home registration certificates, registration license
 2221 plates, and validation stickers and online motor vehicle and
 2222 mobile home registration renewals and validation stickers. Upon
 2223 a tax collector's request, the department shall provide the tax
 2224 collector and its approved vendors with the same data access and
 2225 interface functionality that other third parties receive from

2226 the department, including, but not limited to, bulk data for
2227 vehicle registrations and each applicant's current residential
2228 address and electronic mail address collected pursuant to s.
2229 320.95. Such data and functionality shall be used only for
2230 purposes of fulfilling the tax collector's statutory duties
2231 under this chapter and may not be resold or used for any other
2232 purpose. For purposes of this subsection, other tax collection
2233 systems do not include electronic filing systems pursuant to s.
2234 320.03. The department shall administer this program upon
2235 consultation with the Florida Tax Collectors, Inc., to ensure
2236 that each county tax collector's office is technologically
2237 equipped and functional for the operation of the Florida Real
2238 Time Vehicle Information System. The department and each county
2239 tax collector's approved vendor shall enter into a memorandum of
2240 understanding, which includes protection of consumer privacy and
2241 data collection. Each county tax collector and its approved
2242 license plate agents shall enter into a memorandum of
2243 understanding with the department regarding use of the Florida
2244 Real Time Vehicle Information System in accordance with
2245 paragraph (4) (b). Any designated revenue collected to support
2246 functions of the county tax collectors and not used in a given
2247 year must remain exclusively in the trust fund as a carryover to
2248 the following year.

2249 Section 48. Subsection (3) of section 320.04, Florida
2250 Statutes, is renumbered as subsection (4), and a new subsection

2251 (3) is added to that section to read:

2252 320.04 Registration service charge.—

2253 (3) In exercising his or her authority to contract with a
 2254 license plate agent, the tax collector shall determine the
 2255 additional service charges to be collected by privately owned
 2256 license plate agents approved by the tax collector. Additional
 2257 service charges must be itemized and disclosed to the person
 2258 paying the service charges to the license plate agent. The
 2259 license plate agent shall enter into a contract with the tax
 2260 collector regarding the disclosure of additional service
 2261 charges.

2262 Section 49. Subsection (7) of section 328.72, Florida
 2263 Statutes, is amended to read:

2264 328.72 Classification; registration; fees and charges;
 2265 surcharge; disposition of fees; fines; marine turtle stickers.—

2266 (7) SERVICE FEE.—

2267 (a) In addition to other registration fees, the vessel
 2268 owner shall pay the tax collector a \$2.25 service fee for each
 2269 registration issued, replaced, or renewed. Except as provided in
 2270 subsection (15), all fees, other than the service charge,
 2271 collected by a tax collector must be remitted to the department
 2272 not later than 7 working days following the last day of the week
 2273 in which the money was remitted. Vessels may travel in salt
 2274 water or fresh water.

2275 (b) In exercising his or her authority to contract with a

2276 license plate agent, the tax collector shall determine the
 2277 additional service charges to be collected by privately owned
 2278 license plate agents approved by the tax collector. Additional
 2279 service charges must be itemized and disclosed to the person
 2280 paying the service charges to the license plate agent. The
 2281 license plate agent shall enter into a contract with the tax
 2282 collector regarding the disclosure of additional service
 2283 charges.

2284 Section 50. Subsection (1) of section 328.73, Florida
 2285 Statutes, is amended to read:

2286 328.73 Registration; duties of tax collectors.-

2287 (1) The tax collectors in the counties of the state, as
 2288 authorized agents of the department, shall issue registration
 2289 certificates and vessel numbers and decals to applicants,
 2290 subject to the requirements of law and in accordance with rules
 2291 of the department. Other tax collection systems may include
 2292 technology systems provided by vendors contracted with the tax
 2293 collector for in-person and online vessel registration
 2294 certificates and vessel numbers and decals. Upon a tax
 2295 collector's request, the department shall provide the tax
 2296 collector and its approved vendors with the same data access and
 2297 interface functionality that other third parties receive from
 2298 the department, including, but not limited to, bulk data for
 2299 vessel registrations and each applicant's current residential
 2300 address and electronic mail address collected pursuant to s.

2301 328.30. Such data and functionality shall be used only for
 2302 purposes of fulfilling the tax collector's statutory duties
 2303 under this chapter and may not be resold or used for any other
 2304 purpose. The department and each county tax collector's approved
 2305 vendor shall enter into a memorandum of understanding, which
 2306 includes protection of consumer privacy and data collection.

2307 Section 51. Subsection (2) of section 627.748, Florida
 2308 Statutes, is amended to read:

2309 627.748 Transportation network companies.—

2310 (2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a
 2311 common carrier, contract carrier, or motor carrier and does not
 2312 provide taxicab or for-hire vehicle service. In addition, a TNC
 2313 driver is not required to register the vehicle that the TNC
 2314 driver uses to provide prearranged rides as a commercial motor
 2315 vehicle. In addition, a TNC driver is not required to meet any
 2316 requirements for transit bus system drivers that exceed those in
 2317 s. 627.748 in order to provide prearranged rides through a
 2318 digital network or a for-hire vehicle.

2319 Section 52. The Legislature finds and declares that this
 2320 act fulfills an important state interest.

2321 Section 53. Subsections (25) through (47) of section
 2322 322.01, Florida Statutes, are renumbered as subsections (26)
 2323 through (48), respectively, and a new subsection (25) is added
 2324 to that section, to read:

2325 322.01 Definitions.—As used in this chapter:

2326 (25) "Human trafficking" shall have the same meaning as
 2327 provided in s. 787.06(2)(d) or 22 U.S.C. s. 7102(11).

2328 Section 54. Subsections (7) through (11) of section
 2329 322.05, Florida Statutes, are renumbered as subsections (8)
 2330 through (12), respectively, and a new subsection (7) is added to
 2331 that section, to read:

2332 322.05 Persons not to be licensed.—The department may not
 2333 issue a license:

2334 (7) To any person, as a commercial motor vehicle operator,
 2335 who has been convicted of, or has entered a plea of guilty or
 2336 nolo contendere to, regardless of whether adjudication was
 2337 withheld, any felony involving human trafficking involving the
 2338 use of a commercial motor vehicle.

2339 Section 55. Subsection (7) is added to section 322.25,
 2340 Florida Statutes, to read:

2341 322.25 When court to forward license to department and
 2342 report convictions.—

2343 (7) Each clerk of court shall promptly report to the
 2344 department each conviction for human trafficking.

2345 Section 56. Subsections (4) through (7) of section 322.28,
 2346 Florida Statutes, are renumbered as subsections (5) through (8),
 2347 respectively, and subsection (4) is added to that section, to
 2348 read:

2349 322.28 Period of suspension or revocation.—

2350 (4) The court shall permanently revoke the commercial

2351 driver license of a person who uses a commercial motor vehicle
2352 in the commission of any felony involving human trafficking.

2353 Section 57. Paragraph (e) of subsection (2) of section
2354 316.027, Florida Statutes, is amended to read:

2355 316.027 Crash involving death or personal injuries.—

2356 (2)

2357 (e) A driver who violates paragraph (a), paragraph (b), or
2358 paragraph (c) shall have his or her driver license revoked for
2359 at least 3 years as provided in s. 322.28(5) ~~s. 322.28(4)~~.

2360 1. A person convicted of violating paragraph (a),
2361 paragraph (b), or paragraph (c) shall, before his or her driving
2362 privilege may be reinstated, present to the department proof of
2363 completion of a victim's impact panel session in a judicial
2364 circuit if such a panel exists, or if such a panel does not
2365 exist, a department-approved driver improvement course relating
2366 to the rights of vulnerable road users relative to vehicles on
2367 the roadway as provided in s. 322.0261(2).

2368 2. The department may reinstate an offender's driving
2369 privilege after he or she satisfies the 3-year revocation period
2370 as provided in s. 322.28(5) ~~s. 322.28(4)~~ and successfully
2371 completes either a victim's impact panel session or a
2372 department-approved driver improvement course relating to the
2373 rights of vulnerable road users relative to vehicles on the
2374 roadway as provided in s. 322.0261(2).

2375 3. For purposes of this paragraph, an offender's driving

2376 | privilege may be reinstated only after the department verifies
2377 | that the offender participated in and successfully completed a
2378 | victim's impact panel session or a department-approved driver
2379 | improvement course.

2380 | Section 58. Subsection (2) and paragraph (b) of subsection
2381 | (6) of section 322.34, Florida Statutes, are amended to read:

2382 | 322.34 Driving while license suspended, revoked, canceled,
2383 | or disqualified.—

2384 | (2) Any person whose driver license or driving privilege
2385 | has been canceled, suspended, or revoked as provided by law, or
2386 | who does not have a driver license or driving privilege but is
2387 | under suspension or revocation equivalent status as defined in
2388 | s. 322.01(42) ~~s. 322.01(41)~~, except persons defined in s.
2389 | 322.264, who, knowing of such cancellation, suspension,
2390 | revocation, or suspension or revocation equivalent status,
2391 | drives any motor vehicle upon the highways of this state while
2392 | such license or privilege is canceled, suspended, or revoked, or
2393 | while under suspension or revocation equivalent status, commits:

2394 | (a) A misdemeanor of the second degree, punishable as
2395 | provided in s. 775.082 or s. 775.083.

2396 | (b)1. A misdemeanor of the first degree, punishable as
2397 | provided in s. 775.082 or s. 775.083, upon a second or
2398 | subsequent conviction, except as provided in paragraph (c).

2399 | 2. A person convicted of a third or subsequent conviction,
2400 | except as provided in paragraph (c), must serve a minimum of 10

2401 days in jail.

2402 (c) A felony of the third degree, punishable as provided
 2403 in s. 775.082, s. 775.083, or s. 775.084, upon a third or
 2404 subsequent conviction if the current violation of this section
 2405 or the most recent prior violation of the section is related to
 2406 driving while license canceled, suspended, revoked, or
 2407 suspension or revocation equivalent status resulting from a
 2408 violation of:

- 2409 1. Driving under the influence;
- 2410 2. Refusal to submit to a urine, breath-alcohol, or blood
 2411 alcohol test;
- 2412 3. A traffic offense causing death or serious bodily
 2413 injury; or
- 2414 4. Fleeing or eluding.

2415
 2416 The element of knowledge is satisfied if the person has been
 2417 previously cited as provided in subsection (1); or the person
 2418 admits to knowledge of the cancellation, suspension, or
 2419 revocation, or suspension or revocation equivalent status; or
 2420 the person received notice as provided in subsection (4). There
 2421 shall be a rebuttable presumption that the knowledge requirement
 2422 is satisfied if a judgment or order as provided in subsection
 2423 (4) appears in the department's records for any case except for
 2424 one involving a suspension by the department for failure to pay
 2425 a traffic fine or for a financial responsibility violation.

2426 (6) Any person who operates a motor vehicle:
 2427 (b) While his or her driver license or driving privilege
 2428 is canceled, suspended, or revoked pursuant to s. 316.655, s.
 2429 322.26(8), s. 322.27(2), or s. 322.28(2) or (5) ~~s. 322.28(2) or~~
 2430 ~~(4),~~
 2431
 2432 and who by careless or negligent operation of the motor vehicle
 2433 causes the death of or serious bodily injury to another human
 2434 being commits a felony of the third degree, punishable as
 2435 provided in s. 775.082 or s. 775.083.
 2436 Section 59. Subsections (7) through (10) of section
 2437 322.61, Florida Statutes, are renumbered as subsections (8)
 2438 through (11), respectively, and subsection (7) is added to that
 2439 section, to read:
 2440 322.61 Disqualification from operating a commercial motor
 2441 vehicle.—
 2442 (7) Notwithstanding subsections (3), (4), and (5), any
 2443 person who uses a commercial motor vehicle in the commission of
 2444 any felony involving an act or practice of human trafficking
 2445 shall, upon conviction of such felony, be permanently
 2446 disqualified from operating a commercial motor vehicle. The
 2447 penalty provided in this subsection is in addition to any other
 2448 applicable penalty.
 2449 Section 60. Paragraph (c) of subsection (1) of section
 2450 348.754, Florida Statutes, is amended to read:

2451 | 348.754 Purposes and powers.—

2452 | (1)

2453 | (c) Notwithstanding any other provision of this section to
2454 | the contrary, to ensure the continued financial feasibility of
2455 | the portion of the Wekiva Parkway to be constructed by the
2456 | department, the authority may not, without the prior
2457 | consultation ~~consent~~ of the secretary of the department,
2458 | construct any extensions, additions, or improvements to the
2459 | expressway system in Lake County.

2460 | Section 61. Except as otherwise expressly provided in this
2461 | act, this act shall take effect July 1, 2020.