

**FOR CONSIDERATION By** the Committee on Infrastructure and Security

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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. 311.101, F.S.; deleting  
21      the scheduled expiration of funding for the Intermodal  
22      Logistics Center Infrastructure Support Program;  
23      amending s. 319.32, F.S.; removing a requirement for  
24      deduction of certain service charges before depositing  
25      fees for a certificate of title into the State  
26      Transportation Trust Fund; amending s. 333.03, F.S.;  
27      requiring airport protection zoning regulations to  
28      require certain permit applicants to submit a final  
29      valid determination from the Federal Aviation

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30 Administration; creating s. 334.275, F.S.; requiring a  
31 driver to vacate lanes or reduce vehicle speed on  
32 certain highways under certain conditions; providing  
33 an exception; authorizing portable radar speed display  
34 units to show or display certain lights under  
35 specified conditions; requiring the Department of  
36 Highway Safety and Motor Vehicles to include certain  
37 requirements in its specified educational awareness  
38 campaign and in driver license educational materials;  
39 requiring pedestrians using road rights-of-way to  
40 yield the right-of-way to authorized road or bridge  
41 maintenance or construction vehicles; providing an  
42 exception; providing applicability; providing  
43 construction; providing noncriminal penalties;  
44 amending s. 337.25, F.S.; requiring the Department of  
45 Transportation to afford a right of first refusal to  
46 certain individuals under specified circumstances;  
47 providing requirements and procedures for the right of  
48 first refusal; amending s. 339.135, F.S.; conforming  
49 provisions to changes made by the act; deleting the  
50 scheduled expiration of provisions relating to  
51 approval of amendments submitted to the Legislative  
52 Budget Commission by the department; amending s.  
53 339.175, F.S.; revising the date by which a  
54 metropolitan planning organization must submit a list  
55 of project priorities to the appropriate department  
56 district; repealing s. 339.2821, F.S., relating to  
57 economic development transportation projects; amending  
58 s. 341.302, F.S.; revising the maximum amount of

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59 liability insurance the department may purchase;  
60 revising department responsibilities regarding rail  
61 systems; amending s. 341.303, F.S.; revising  
62 department funding authority regarding rail systems;  
63 conforming provisions to changes made by the act;  
64 repealing s. 341.8201, F.S., relating to the "Florida  
65 Rail Enterprise Act" short title; amending s.  
66 341.8203, F.S.; revising definitions; amending s.  
67 341.822, F.S.; requiring the department, rather than  
68 the Florida Rail Enterprise, to locate, plan, design,  
69 finance, construct, maintain, own, operate,  
70 administer, and manage the high-speed rail system in  
71 the state; amending ss. 288.0656, 339.08, 341.825,  
72 341.836, 341.838, 341.839, 341.840, 343.58, and  
73 377.809, F.S.; conforming provisions to changes made  
74 by the act; providing effective dates.

75  
76 Be It Enacted by the Legislature of the State of Florida:

77  
78 Section 1. Effective July 1, 2023, paragraphs (a) and (f)  
79 of subsection (4) of section 20.23, Florida Statutes, are  
80 amended to read:

81 20.23 Department of Transportation.—There is created a  
82 Department of Transportation which shall be a decentralized  
83 agency.

84 (4) (a) The operations of the department shall be organized  
85 into seven districts, each headed by a district secretary, and a  
86 turnpike enterprise ~~and a rail enterprise, each enterprise~~  
87 headed by an executive director. The district secretaries and

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88 the executive director ~~directors~~ shall be registered  
89 professional engineers in accordance with ~~the provisions of~~  
90 chapter 471 or the laws of another state, or, in lieu of  
91 professional engineer registration, a district secretary or the  
92 executive director may hold an advanced degree in an appropriate  
93 related discipline, such as a Master of Business Administration.  
94 The headquarters of the districts shall be located in Polk,  
95 Columbia, Washington, Broward, Volusia, Miami-Dade, and  
96 Hillsborough Counties. The headquarters of the turnpike  
97 enterprise shall be located in Orange County. ~~The headquarters~~  
98 ~~of the rail enterprise shall be located in Leon County.~~ In order  
99 to provide for efficient operations and to expedite the  
100 decisionmaking process, the department shall provide for maximum  
101 decentralization to the districts.

102 (f)~~1~~. The responsibility for developing and operating the  
103 high-speed and passenger rail systems established in chapter  
104 341, directing funding for passenger rail systems under s.  
105 341.303, ensuring general rail safety, coordinating efforts to  
106 enhance passenger rail safety in the state, and coordinating  
107 publicly funded passenger rail operations in the state,  
108 including freight rail interoperability issues, shall be  
109 delegated to a departmental entity to be named by the secretary  
110 ~~to the executive director of the rail enterprise, who shall~~  
111 ~~serve at the pleasure of the secretary. The executive director~~  
112 ~~shall report directly to the secretary, and the rail enterprise~~  
113 ~~shall operate pursuant to ss. 341.8201-341.842.~~

114 2. ~~To facilitate the most efficient and effective~~  
115 ~~management of the rail enterprise, including the use of best~~  
116 ~~business practices employed by the private sector, the rail~~

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117 ~~enterprise, except as provided in s. 287.055, shall be exempt~~  
118 ~~from departmental policies, procedures, and standards, subject~~  
119 ~~to the secretary having the authority to apply any such~~  
120 ~~policies, procedures, and standards to the rail enterprise from~~  
121 ~~time to time as deemed appropriate.~~

122 Section 2. Paragraph (a) of subsection (4) of section  
123 201.15, Florida Statutes, is amended to read:

124 201.15 Distribution of taxes collected.—All taxes collected  
125 under this chapter are hereby pledged and shall be first made  
126 available to make payments when due on bonds issued pursuant to  
127 s. 215.618 or s. 215.619, or any other bonds authorized to be  
128 issued on a parity basis with such bonds. Such pledge and  
129 availability for the payment of these bonds shall have priority  
130 over any requirement for the payment of service charges or costs  
131 of collection and enforcement under this section. All taxes  
132 collected under this chapter, except taxes distributed to the  
133 Land Acquisition Trust Fund pursuant to subsections (1) and (2),  
134 are subject to the service charge imposed in s. 215.20(1).  
135 Before distribution pursuant to this section, the Department of  
136 Revenue shall deduct amounts necessary to pay the costs of the  
137 collection and enforcement of the tax levied by this chapter.  
138 The costs and service charge may not be levied against any  
139 portion of taxes pledged to debt service on bonds to the extent  
140 that the costs and service charge are required to pay any  
141 amounts relating to the bonds. All of the costs of the  
142 collection and enforcement of the tax levied by this chapter and  
143 the service charge shall be available and transferred to the  
144 extent necessary to pay debt service and any other amounts  
145 payable with respect to bonds authorized before January 1, 2017,

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146 secured by revenues distributed pursuant to this section. All  
147 taxes remaining after deduction of costs shall be distributed as  
148 follows:

149 (4) After the required distributions to the Land  
150 Acquisition Trust Fund pursuant to subsections (1) and (2) and  
151 deduction of the service charge imposed pursuant to s.  
152 215.20(1), the remainder shall be distributed as follows:

153 (a) The lesser of 24.18442 percent of the remainder or  
154 \$541.75 million in each fiscal year shall be paid into the State  
155 Treasury to the credit of the State Transportation Trust Fund.  
156 Of such funds, \$75 million for each fiscal year shall be  
157 transferred to the General Revenue Fund. Notwithstanding any  
158 other law, the remaining amount credited to the State  
159 Transportation Trust Fund shall be used for:

160 1. Capital funding for the New Starts Transit Program,  
161 authorized by Title 49, U.S.C. s. 5309 and specified in s.  
162 341.051, in the amount of 10 percent of the funds;

163 2. The Small County Outreach Program specified in s.  
164 339.2818, in the amount of 10 percent of the funds;

165 3. The Strategic Intermodal System specified in ss. 339.61,  
166 339.62, 339.63, and 339.64, in the amount of 75 percent of the  
167 funds after deduction of the payments required pursuant to  
168 subparagraphs 1. and 2.; and

169 4.a. The Transportation Regional Incentive Program  
170 specified in s. 339.2819, in the amount of 25 percent of the  
171 funds after deduction of the payments required pursuant to  
172 subparagraphs 1. and 2.

173 b. In fiscal years 2020-2021, 2020-2022, and 2022-2023, the  
174 first \$60 million of the funds allocated pursuant to this

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175 subparagraph must ~~shall~~ be allocated annually to the Florida  
176 Rail Enterprise for the purposes established in s. 341.303(5).  
177 This sub-subparagraph expires July 1, 2023.

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

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

185 206.46 State Transportation Trust Fund.—

186 (2) Notwithstanding any other provision ~~provisions~~ of law,  
187 from the revenues deposited into the State Transportation Trust  
188 Fund a maximum of 7 percent in each fiscal year shall be  
189 transferred into the Right-of-Way Acquisition and Bridge  
190 Construction Trust Fund created in s. 215.605~~7~~ as needed to meet  
191 the requirements of the documents authorizing the bonds issued  
192 or proposed to be issued under ss. 215.605 and 337.276 or at a  
193 minimum amount sufficient to pay for the debt service coverage  
194 requirements of outstanding bonds. Notwithstanding the 7 percent  
195 annual transfer authorized in this subsection, the annual amount  
196 transferred under this subsection shall not exceed an amount  
197 necessary to provide the required debt service coverage levels  
198 for a maximum debt service not to exceed \$350 ~~\$275~~ million. Such  
199 transfer shall be payable primarily from the motor and diesel  
200 fuel taxes transferred to the State Transportation Trust Fund  
201 from the Fuel Tax Collection Trust Fund.

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

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204 206.606 Distribution of certain proceeds.—

205 (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
206 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust  
207 Fund. Such moneys, after deducting ~~the service charges imposed~~  
208 ~~by s. 215.20~~, the refunds granted pursuant to s. 206.41~~7~~ and the  
209 administrative costs incurred by the department in collecting,  
210 administering, enforcing, and distributing the tax, which  
211 administrative costs may not exceed 2 percent of collections,  
212 shall be distributed monthly to the State Transportation Trust  
213 Fund, except that:

214 (a) Each fiscal year, \$6.3 ~~\$6.30~~ million shall be  
215 transferred to the Fish and Wildlife Conservation Commission ~~in~~  
216 ~~each fiscal year~~ and deposited in the Invasive Plant Control  
217 Trust Fund to be used for aquatic plant management, including  
218 nonchemical control of aquatic weeds, research into nonchemical  
219 controls, and enforcement activities. The commission shall  
220 allocate at least \$1 million of such funds to the eradication of  
221 melaleuca.

222 (b) Annually, \$2.5 million shall be transferred to the  
223 State Game Trust Fund in the Fish and Wildlife Conservation  
224 Commission and used for recreational boating activities and  
225 freshwater fisheries management and research. The transfers must  
226 be made in equal monthly amounts beginning on July 1 of each  
227 fiscal year. The commission shall annually determine where unmet  
228 needs exist for boating-related activities~~7~~, and may fund such  
229 activities in counties where, due to the number of vessel  
230 registrations, sufficient financial resources are unavailable.

231 1. A minimum of \$1.25 million shall be used to fund local  
232 projects to provide recreational channel marking and other

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233 uniform waterway markers, public boat ramps, lifts, and hoists,  
234 marine railways, and other public launching facilities, derelict  
235 vessel removal, and other local boating-related activities. In  
236 funding the projects, the commission shall give priority  
237 consideration to:

238 a. Unmet needs in counties having populations of 100,000 or  
239 fewer.

240 b. Unmet needs in coastal counties having a high level of  
241 boating-related activities from individuals residing in other  
242 counties.

243 2. The remaining \$1.25 million may be used for recreational  
244 boating activities and freshwater fisheries management and  
245 research.

246 3. The commission may adopt rules to administer a Florida  
247 Boating Improvement Program.

248  
249 The commission shall prepare and make available on its ~~Internet~~  
250 website an annual report outlining the status of its Florida  
251 Boating Improvement Program, including the projects funded, and  
252 a list of counties the whose needs of which are unmet due to  
253 insufficient financial resources from vessel registration fees.

254 (c) ~~0.65 percent~~ Of the moneys collected pursuant to s.  
255 206.41(1)(g), 0.65 percent shall be transferred to the  
256 Agricultural Emergency Eradication Trust Fund.

257 (d) Each fiscal year, \$13.4 million ~~in fiscal year 2007-~~  
258 ~~2008 and each fiscal year thereafter~~ of the moneys attributable  
259 to the sale of motor and diesel fuel at marinas shall be  
260 transferred from the Fuel Tax Collection Trust Fund to the  
261 Marine Resources Conservation Trust Fund in the Fish and

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262 Wildlife Conservation Commission.

263 Section 5. Section 206.608, Florida Statutes, is amended to  
264 read:

265 206.608 State Comprehensive Enhanced Transportation System  
266 Tax; deposit of proceeds; distribution.—Moneys received pursuant  
267 to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the  
268 Fuel Tax Collection Trust Fund~~7~~ and, after deducting the ~~service~~  
269 ~~charge imposed in chapter 215~~ and administrative costs incurred  
270 by the department in collecting, administering, enforcing, and  
271 distributing the tax, which administrative costs may not exceed  
272 2 percent of collections, shall be distributed as follows:

273 (1) ~~0.65 percent~~ Of the proceeds of the tax levied pursuant  
274 to s. 206.41(1)(f), 0.65 percent shall be transferred to the  
275 Agricultural Emergency Eradication Trust Fund.

276 (2) The remaining proceeds of the tax levied pursuant to s.  
277 206.41(1)(f) and all of the proceeds from the tax imposed by s.  
278 206.87(1)(d) shall be transferred into the State Transportation  
279 Trust Fund~~7~~ and may be used only for projects in the adopted  
280 work program in the district in which the tax proceeds are  
281 collected, and~~7~~ to the maximum extent feasible, such moneys  
282 shall be programmed for use in the county where collected.  
283 However, ~~no~~ revenue from the taxes imposed pursuant to ss.  
284 206.41(1)(f) and 206.87(1)(d) in a county may not ~~shall~~ be  
285 expended unless the projects funded with such revenues have been  
286 included in the work program adopted pursuant to s. 339.135.

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

289 212.0501 Tax on diesel fuel for business purposes;  
290 purchase, storage, and use.—

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

298 Section 7. Subsection (7) of section 311.101, Florida  
299 Statutes, is amended to read:

300 311.101 Intermodal Logistics Center Infrastructure Support  
301 Program.—

302 (7) ~~Beginning in fiscal year 2014-2015,~~ At least \$5 million  
303 per fiscal year shall be made available from the State  
304 Transportation Trust Fund for the program. The Department of  
305 Transportation shall include projects proposed to be funded  
306 under this section in the tentative work program developed  
307 pursuant to s. 339.135(4). ~~This subsection expires on July 1,~~  
308 ~~2020.~~

309 Section 8. Subsection (5) of section 319.32, Florida  
310 Statutes, is amended to read:

311 319.32 Fees; service charges; disposition.—

312 (5) (a) Forty-seven dollars of each fee collected, except  
313 for fees charged on a certificate of title for a motor vehicle  
314 for hire registered under s. 320.08(6), for each applicable  
315 original certificate of title and each applicable duplicate copy  
316 of a certificate of title, ~~after deducting the service charges~~  
317 ~~imposed by s. 215.20,~~ shall be deposited into the State  
318 Transportation Trust Fund. Deposits to the State Transportation  
319 Trust Fund pursuant to this paragraph may not exceed \$200

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320 million in any fiscal year, and any collections in excess of  
321 that amount during the fiscal year shall be paid into the  
322 General Revenue Fund.

323 (b) All fees collected pursuant to subsection (3) shall be  
324 paid into the Nongame Wildlife Trust Fund. Twenty-one dollars of  
325 each fee, except for fees charged on a certificate of title for  
326 a motor vehicle for hire registered under s. 320.08(6), for each  
327 applicable original certificate of title and each applicable  
328 duplicate copy of a certificate of title, ~~after deducting the~~  
329 ~~service charges imposed by s. 215.20,~~ shall be deposited into  
330 the State Transportation Trust Fund. All other fees collected by  
331 the department under this chapter shall be paid into the General  
332 Revenue Fund.

333 Section 9. Paragraph (c) of subsection (1) of section  
334 333.03, Florida Statutes, is amended to read:

335 333.03 Requirement to adopt airport zoning regulations.—

336 (1)

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

339 1. A permit for the construction or alteration of any  
340 obstruction. ~~†~~

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

342 3. Documentation showing compliance with the federal  
343 requirement for notification of proposed construction or  
344 alteration of structures and a final valid determination from  
345 the Federal Aviation Administration aeronautical study submitted  
346 by each person applying for a permit. ~~†~~

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

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

352 Section 10. Section 334.275, Florida Statutes, is created  
353 to read:

354 334.275 Road and bridge maintenance and construction  
355 vehicle safety.—

356 (1) Notwithstanding any other provision of law:

357 (a) If a road or bridge maintenance or construction vehicle  
358 displaying warning lights is on the roadside without advanced  
359 signs or channeling devices, the driver of every other vehicle,  
360 as soon as it is safe, shall vacate the lane closest to the road  
361 or bridge maintenance or construction vehicle when driving on an  
362 interstate highway or other highway with two or more lanes  
363 traveling in the direction of the road or bridge maintenance or  
364 construction vehicle, except when otherwise directed by a law  
365 enforcement officer. If such movement cannot be safely  
366 accomplished, the driver of every other vehicle shall slow to a  
367 speed that is 20 miles per hour less than the speed limit when  
368 the speed limit is 25 miles per hour or greater; or travel at 5  
369 miles per hour when the posted speed limit is 20 miles per hour  
370 or less, when driving on a two-lane road, except when otherwise  
371 directed by a law enforcement officer.

372 (b) Portable radar speed display units in advance of a work  
373 zone on roadways with a posted speed limit of 55 miles per hour  
374 or more may show or display flashing red and blue lights when  
375 workers are present in the work zone for the purpose of road or  
376 bridge maintenance or construction.

377 (2) The Department of Highway Safety and Motor Vehicles

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378 shall include the requirements of this section in its  
379 educational awareness campaign relating to the Move Over Act and  
380 in all newly printed driver license educational materials.

381 (3) Every pedestrian using the road right-of-way shall  
382 yield the right-of-way to an authorized road or bridge  
383 maintenance or construction vehicle, unless otherwise directed  
384 by a law enforcement officer.

385 (4) This section applies to maintenance or construction  
386 being performed for a governmental transportation entity as  
387 defined in s. 334.27(1).

388 (5) This section does not diminish or enlarge any rules of  
389 evidence or liability in any case involving the operation of a  
390 road or bridge maintenance or construction vehicle.

391 (6) This section does not relieve the driver of an  
392 authorized road or bridge maintenance or construction vehicle  
393 from the duty to drive with due regard for the safety of all  
394 persons using the highway.

395 (7) A violation of this section is a noncriminal traffic  
396 infraction, punishable pursuant to chapter 318 as either a  
397 moving violation for infractions of paragraph (1)(a) or as a  
398 pedestrian violation for infractions of subsection (5).

399 Section 11. Subsection (4) of section 337.25, Florida  
400 Statutes, is amended to read:

401 337.25 Acquisition, lease, and disposal of real and  
402 personal property.—

403 (4) The department may convey, in the name of the state,  
404 any land, building, or other property, real or personal, which  
405 was acquired under subsection (1) and which the department has  
406 determined is not needed for the construction, operation, and

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407 maintenance of a transportation facility. When such a  
408 determination has been made, property may be disposed of through  
409 negotiations, sealed competitive bids, auctions, or any other  
410 means the department deems to be in its best interest, with due  
411 advertisement for property valued by the department at greater  
412 than \$10,000. A sale may not occur at a price less than the  
413 department's current estimate of value, except as provided in  
414 paragraphs (a)-(d). The department may afford a right of first  
415 refusal to the local government or other political subdivision  
416 in the jurisdiction in which the parcel is situated, except in a  
417 conveyance transacted under paragraph (a), paragraph (c), or  
418 paragraph (e). Notwithstanding any provision of this section to  
419 the contrary, before any conveyance under this subsection may be  
420 made, except a conveyance under paragraph (a) or paragraph (c),  
421 the department shall first afford a right of first refusal to  
422 the previous property owner for the department's current  
423 estimate of value of the property. The right of first refusal  
424 must be made in writing and sent to the previous owner via  
425 certified mail or hand delivery, effective upon receipt. The  
426 right of first refusal must provide the previous owner with a  
427 minimum of 30 days to exercise the right in writing and must be  
428 sent to the originator of the offer by certified mail or hand  
429 delivery, effective upon dispatch. If the previous owner  
430 exercises his or her right of first refusal, the previous owner  
431 has a minimum of 90 days to close on the property.

432 (a) If the property has been donated to the state for  
433 transportation purposes and a transportation facility has not  
434 been constructed for at least 5 years, plans have not been  
435 prepared for the construction of such facility, and the property

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436 is not located in a transportation corridor, the governmental  
437 entity may authorize reconveyance of the donated property for no  
438 consideration to the original donor or the donor's heirs,  
439 successors, assigns, or representatives.

440 (b) If the property is to be used for a public purpose, the  
441 property may be conveyed without consideration to a governmental  
442 entity.

443 (c) If the property was originally acquired specifically to  
444 provide replacement housing for persons displaced by  
445 transportation projects, the department may negotiate for the  
446 sale of such property as replacement housing. As compensation,  
447 the state shall receive at least its investment in such property  
448 or the department's current estimate of value, whichever is  
449 lower. It is expressly intended that this benefit be extended  
450 only to persons actually displaced by the project. Dispositions  
451 to any other person must be for at least the department's  
452 current estimate of value.

453 (d) If the department determines that the property requires  
454 significant costs to be incurred or that continued ownership of  
455 the property exposes the department to significant liability  
456 risks, the department may use the projected maintenance costs  
457 over the next 10 years to offset the property's value in  
458 establishing a value for disposal of the property, even if that  
459 value is zero.

460 (e) If, at the discretion of the department, a sale to a  
461 person other than an abutting property owner would be  
462 inequitable, the property may be sold to the abutting owner for  
463 the department's current estimate of value.

464 Section 12. Paragraph (c) of subsection (4) and paragraph

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465 (g) of subsection (7) of section 339.135, Florida Statutes, are  
466 amended to read:

467 339.135 Work program; legislative budget request;  
468 definitions; preparation, adoption, execution, and amendment.-

469 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.-

470 (c)1. For purposes of this section, the board of county  
471 commissioners shall serve as the metropolitan planning  
472 organization in those counties that ~~which~~ are not located in a  
473 metropolitan planning organization and shall be involved in the  
474 development of the district work program to the same extent as a  
475 metropolitan planning organization.

476 2. The district work program shall be developed  
477 cooperatively from the outset with the various metropolitan  
478 planning organizations of the state and include, to the maximum  
479 extent feasible, the project priorities of metropolitan planning  
480 organizations which have been submitted to the district by  
481 August ~~October~~ 1 of each year pursuant to s. 339.175(8)(b);  
482 however, the department and a metropolitan planning organization  
483 may, in writing, cooperatively agree to vary this submittal  
484 date. To assist the metropolitan planning organizations in  
485 developing their lists of project priorities, the district shall  
486 disclose to each metropolitan planning organization any  
487 anticipated changes in the allocation or programming of state  
488 and federal funds which may affect the inclusion of metropolitan  
489 planning organization project priorities in the district work  
490 program.

491 3. Before ~~Prior to~~ submittal of the district work program  
492 to the central office, the district shall provide the affected  
493 metropolitan planning organization with written justification

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494 for any project proposed to be rescheduled or deleted from the  
495 district work program which project is part of the metropolitan  
496 planning organization's transportation improvement program and  
497 is contained in the last 4 years of the previous adopted work  
498 program. By no later than 14 days after submittal of the  
499 district work program to the central office, the affected  
500 metropolitan planning organization may file an objection to such  
501 rescheduling or deletion. When an objection is filed with the  
502 secretary, the rescheduling or deletion may not be included in  
503 the district work program unless the inclusion of such  
504 rescheduling or deletion is specifically approved by the  
505 secretary. The Florida Transportation Commission shall include  
506 such objections in its evaluation of the tentative work program  
507 only when the secretary has approved the rescheduling or  
508 deletion.

509 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

510 (g)1. A ~~Any~~ work program amendment that ~~which~~ also requires  
511 the transfer of fixed capital outlay appropriations between  
512 categories within the department or the increase of an  
513 appropriation category is subject to the approval of the  
514 Legislative Budget Commission.

515 2. If a meeting of the Legislative Budget Commission cannot  
516 be held within 30 days after the department submits an amendment  
517 to the Legislative Budget Commission, the chair and vice chair  
518 of the Legislative Budget Commission may authorize such  
519 amendment to be approved pursuant to s. 216.177. ~~This~~  
520 ~~subparagraph expires July 1, 2020.~~

521 Section 13. Paragraph (b) of subsection (8) of section  
522 339.175, Florida Statutes, is amended to read:

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523 339.175 Metropolitan planning organization.—

524 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,  
525 in cooperation with the state and affected public transportation  
526 operators, develop a transportation improvement program for the  
527 area within the jurisdiction of the M.P.O. In the development of  
528 the transportation improvement program, each M.P.O. must provide  
529 the public, affected public agencies, representatives of  
530 transportation agency employees, freight shippers, providers of  
531 freight transportation services, private providers of  
532 transportation, representatives of users of public transit, and  
533 other interested parties with a reasonable opportunity to  
534 comment on the proposed transportation improvement program.

535 (b) Each M.P.O. annually shall prepare a list of project  
536 priorities and shall submit the list to the appropriate district  
537 of the department by August ~~October~~ 1 of each year; however, the  
538 department and a metropolitan planning organization may, in  
539 writing, agree to vary this submittal date. Where more than one  
540 M.P.O. exists in an urbanized area, the M.P.O.'s shall  
541 coordinate in the development of regionally significant project  
542 priorities. The list of project priorities must be formally  
543 reviewed by the technical and citizens' advisory committees, and  
544 approved by the M.P.O., before it is transmitted to the  
545 district. The approved list of project priorities must be used  
546 by the district in developing the district work program and must  
547 be used by the M.P.O. in developing its transportation  
548 improvement program. The annual list of project priorities must  
549 be based upon project selection criteria that, at a minimum,  
550 consider the following:

551 1. The approved M.P.O. long-range transportation plan~~.~~†

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552           2. The Strategic Intermodal System Plan developed under s.  
553 339.64.

554           3. The priorities developed pursuant to s. 339.2819(4).

555           4. The results of the transportation management systems ~~.~~  
556 ~~and~~

557           5. The M.P.O.'s public-involvement procedures.

558           Section 14. Section 339.2821, Florida Statutes, is  
559 repealed.

560           Section 15. Paragraph (b) of subsection (17) of section  
561 341.302, Florida Statutes, is amended to read:

562           341.302 Rail program; duties and responsibilities of the  
563 department.—The department, in conjunction with other  
564 governmental entities, including the rail enterprise and the  
565 private sector, shall develop and implement a rail program of  
566 statewide application designed to ensure the proper maintenance,  
567 safety, revitalization, and expansion of the rail system to  
568 assure its continued and increased availability to respond to  
569 statewide mobility needs. Within the resources provided pursuant  
570 to chapter 216, and as authorized under federal law, the  
571 department shall:

572           (17) In conjunction with the acquisition, ownership,  
573 construction, operation, maintenance, and management of a rail  
574 corridor, have the authority to:

575           (b) Purchase liability insurance, which amount shall not  
576 exceed \$295 ~~\$200~~ million, and establish a self-insurance  
577 retention fund for the purpose of paying the deductible limit  
578 established in the insurance policies it may obtain, including  
579 coverage for the department, any freight rail operator as  
580 described in paragraph (a), National Railroad Passenger

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581 Corporation, commuter rail service providers, governmental  
582 entities, or any ancillary development, which self-insurance  
583 retention fund or deductible shall not exceed \$10 million. The  
584 insureds shall pay a reasonable monetary contribution to the  
585 cost of such liability coverage for the sole benefit of the  
586 insured. Such insurance and self-insurance retention fund may  
587 provide coverage for all damages, including, but not limited to,  
588 compensatory, special, and exemplary, and be maintained to  
589 provide an adequate fund to cover claims and liabilities for  
590 loss, injury, or damage arising out of or connected with the  
591 ownership, operation, maintenance, and management of a rail  
592 corridor.

593  
594 Neither the assumption by contract to protect, defend,  
595 indemnify, and hold harmless; the purchase of insurance; nor the  
596 establishment of a self-insurance retention fund shall be deemed  
597 to be a waiver of any defense of sovereign immunity for torts  
598 nor deemed to increase the limits of the department's or the  
599 governmental entity's liability for torts as provided in s.  
600 768.28. The requirements of s. 287.022(1) shall not apply to the  
601 purchase of any insurance under this subsection. The provisions  
602 of this subsection shall apply and inure fully as to any other  
603 governmental entity providing commuter rail service and  
604 constructing, operating, maintaining, or managing a rail  
605 corridor on publicly owned right-of-way under contract by the  
606 governmental entity with the department or a governmental entity  
607 designated by the department. Notwithstanding any law to the  
608 contrary, procurement for the construction, operation,  
609 maintenance, and management of any rail corridor described in

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610 this subsection, whether by the department, a governmental  
 611 entity under contract with the department, or a governmental  
 612 entity designated by the department, shall be pursuant to s.  
 613 287.057 and shall include, but not be limited to, criteria for  
 614 the consideration of qualifications, technical aspects of the  
 615 proposal, and price. Further, any such contract for design-build  
 616 shall be procured pursuant to the criteria in s. 337.11(7).

617 Section 16. Effective July 1, 2023, section 341.302,  
 618 Florida Statutes, as amended by this act, is amended to read:

619 341.302 Rail program; duties and responsibilities of the  
 620 department.—The department, in conjunction with other  
 621 governmental entities, ~~including the rail enterprise~~ and the  
 622 private sector, shall develop and implement a rail program of  
 623 statewide application designed to ensure the proper maintenance,  
 624 safety, revitalization, and expansion of the rail system to  
 625 assure its continued and increased availability to respond to  
 626 statewide mobility needs. Within the resources provided pursuant  
 627 to chapter 216, and as authorized under federal law, the  
 628 department shall:

629 (1) Provide the overall leadership, coordination, and  
 630 financial and technical assistance necessary to ensure ~~assure~~  
 631 the effective responses of the state's rail system to current  
 632 and anticipated mobility needs.

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

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

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639 (a) The plan may contain detailed regional components,  
640 consistent with regional transportation plans, as needed to  
641 ensure connectivity within the state's regions, and it shall be  
642 consistent with the Florida Transportation Plan developed  
643 pursuant to s. 339.155. The rail system plan shall include an  
644 identification of priorities, programs, and funding levels  
645 required to meet statewide and regional needs. The rail system  
646 plan shall be developed in a manner that will ensure ~~assure~~ the  
647 maximum use of existing facilities and the optimum integration  
648 and coordination of the various modes of transportation, public  
649 and private, in the most cost-effective manner possible. The  
650 rail system plan shall be updated no later than January 1, 2011,  
651 and at least every 5 years thereafter, and include plans for  
652 both passenger rail service and freight rail service,  
653 accompanied by a report to the Legislature regarding the status  
654 of the plan.

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

658 1. Work closely with all affected communities along an  
659 impacted freight rail corridor to identify and address  
660 anticipated impacts associated with an increase in freight rail  
661 traffic due to implementation of passenger rail.

662 2. In coordination with the affected local governments and  
663 CSX Transportation, Inc., finalize all viable alternatives from  
664 the department's Rail Traffic Evaluation Study to identify and  
665 develop an alternative route for through freight rail traffic  
666 moving through Central Florida, including the counties of Polk  
667 and Hillsborough, which would address, to the extent

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668 practicable, the effects of commuter rail.

669       3. Provide technical assistance to a coalition of local  
670 governments in Central Florida, including the counties of  
671 Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange,  
672 Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole,  
673 Sumter, and Volusia, and the municipalities within those  
674 counties, to develop a regional rail system plan that addresses  
675 passenger and freight opportunities in the region, is consistent  
676 with the Florida Rail System Plan, and incorporates appropriate  
677 elements of the Tampa Bay Area Regional Authority Master Plan,  
678 the Metroplan Orlando Regional Transit System Concept Plan,  
679 including the SunRail project, and the Florida Department of  
680 Transportation Alternate Rail Traffic Evaluation.

681       (4) As part of the work program of the department,  
682 formulate a specific program of projects and financing to  
683 respond to identified railroad needs.

684       (5) Provide technical and financial assistance to units of  
685 local government to address identified rail transportation  
686 needs.

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

690       (7) Develop and administer state standards concerning the  
691 safety and performance of rail systems, hazardous material  
692 handling, and operations. Such standards shall be developed  
693 jointly with representatives of affected rail systems, with full  
694 consideration given to nationwide industry norms, and shall  
695 define the minimum acceptable standards for safety and  
696 performance.

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697 (8) Conduct, at a minimum, inspections of track and rolling  
698 stock; train signals and related equipment; hazardous materials  
699 transportation, including the loading, unloading, and labeling  
700 of hazardous materials at shippers', receivers', and transfer  
701 points; and train operating practices to determine adherence to  
702 state and federal standards. Department personnel may enforce  
703 any safety regulation issued under the Federal Government's  
704 preemptive authority over interstate commerce.

705 (9) Assess penalties, in accordance with the applicable  
706 federal regulations, for the failure to adhere to the state  
707 standards.

708 (10) Administer rail operating and construction programs,  
709 which programs shall include the regulation of maximum ~~maxi-mum~~  
710 train operating speeds, the opening and closing of public grade  
711 crossings, the construction and rehabilitation of public grade  
712 crossings, and the installation of traffic control devices at  
713 public grade crossings, the administering of the programs by the  
714 department including participation in the cost of the programs.

715 (11) Coordinate and facilitate the relocation of railroads  
716 from congested urban areas to nonurban areas when relocation has  
717 been determined feasible and desirable from the standpoint of  
718 safety, operational efficiency, and economics.

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

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

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

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

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

732

733 The department may own, lease, and otherwise encumber  
734 facilities, equipment, and appurtenances thereto, ~~as necessary~~  
735 to provide new rail services, or the department may provide  
736 such service by contracts with privately owned service  
737 providers.

738 (14) Furnish required emergency rail transportation service  
739 if no other private or public rail transportation operation is  
740 available to supply the required service and such service is  
741 clearly in the best interest of the people in the communities  
742 being served. Such emergency service may be furnished through  
743 contractual arrangement, actual operation of state-owned  
744 equipment and facilities, or any other means determined  
745 appropriate by the secretary.

746 (15) Assist in the development and implementation of  
747 marketing programs for rail services and of information systems  
748 directed toward assisting rail systems users.

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

752 (17) In conjunction with the acquisition, ownership,  
753 construction, operation, maintenance, and management of a rail  
754 corridor, have the authority to:

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755 (a) Assume obligations pursuant to the following:

756 1.a. The department may assume the obligation by contract  
757 to forever protect, defend, indemnify, and hold harmless the  
758 freight rail operator, or its successors, from whom the  
759 department has acquired a real property interest in the rail  
760 corridor, and that freight rail operator's officers, agents, and  
761 employees, from and against any liability, cost, and expense,  
762 including, but not limited to, commuter rail passengers and rail  
763 corridor invitees in the rail corridor, regardless of whether  
764 the loss, damage, destruction, injury, or death giving rise to  
765 any such liability, cost, or expense is caused in whole or in  
766 part, and to whatever nature or degree, by the fault, failure,  
767 negligence, misconduct, nonfeasance, or misfeasance of such  
768 freight rail operator, its successors, or its officers, agents,  
769 and employees, or any other person or persons whomsoever; or

770 b. The department may assume the obligation by contract to  
771 forever protect, defend, indemnify, and hold harmless National  
772 Railroad Passenger Corporation, or its successors, and officers,  
773 agents, and employees of National Railroad Passenger  
774 Corporation, from and against any liability, cost, and expense,  
775 including, but not limited to, commuter rail passengers and rail  
776 corridor invitees in the rail corridor, regardless of whether  
777 the loss, damage, destruction, injury, or death giving rise to  
778 any such liability, cost, or expense is caused in whole or in  
779 part, and to whatever nature or degree, by the fault, failure,  
780 negligence, misconduct, nonfeasance, or misfeasance of National  
781 Railroad Passenger Corporation, its successors, or its officers,  
782 agents, and employees, or any other person or persons  
783 whomsoever.

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784           2. The assumption of liability of the department by  
785 contract pursuant to sub-subparagraph 1.a. or sub-subparagraph  
786 1.b. may not in any instance exceed the following parameters of  
787 allocation of risk:

788           a. The department may be solely responsible for any loss,  
789 injury, or damage to commuter rail passengers, ~~or~~ rail corridor  
790 invitees, or trespassers, regardless of circumstances or cause,  
791 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and  
792 6.

793           b.(I) In the event of a limited covered accident, the  
794 authority of the department to protect, defend, and indemnify  
795 the freight operator for all liability, cost, and expense,  
796 including punitive or exemplary damages, in excess of the  
797 deductible or self-insurance retention fund established under  
798 paragraph (b) and actually in force at the time of the limited  
799 covered accident exists only if the freight operator agrees,  
800 with respect to the limited covered accident, to protect,  
801 defend, and indemnify the department for the amount of the  
802 deductible or self-insurance retention fund established under  
803 paragraph (b) and actually in force at the time of the limited  
804 covered accident.

805           (II) In the event of a limited covered accident, the  
806 authority of the department to protect, defend, and indemnify  
807 National Railroad Passenger Corporation for all liability, cost,  
808 and expense, including punitive or exemplary damages, in excess  
809 of the deductible or self-insurance retention fund established  
810 under paragraph (b) and actually in force at the time of the  
811 limited covered accident exists only if National Railroad  
812 Passenger Corporation agrees, with respect to the limited

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813 covered accident, to protect, defend, and indemnify the  
814 department for the amount of the deductible or self-insurance  
815 retention fund established under paragraph (b) and actually in  
816 force at the time of the limited covered accident.

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

821 a. When an incident occurs with only a freight train  
822 involved, including incidents with trespassers or at grade  
823 crossings, the freight rail operator is solely responsible for  
824 any loss, injury, or damage, except for commuter rail passengers  
825 and rail corridor invitees; or

826 b. When an incident occurs with only a National Railroad  
827 Passenger Corporation train involved, including incidents with  
828 trespassers or at grade crossings, National Railroad Passenger  
829 Corporation is solely responsible for any loss, injury, or  
830 damage, except for commuter rail passengers and rail corridor  
831 invitees.

832 4. For the purposes of this subsection:

833 a. Any train involved in an incident that is neither the  
834 department's train nor the freight rail operator's train,  
835 hereinafter referred to in this subsection as an "other train,"  
836 may be treated as a department train, solely for purposes of any  
837 allocation of liability between the department and the freight  
838 rail operator only, but only if the department and the freight  
839 rail operator share responsibility equally as to third parties  
840 outside the rail corridor who incur loss, injury, or damage as a  
841 result of any incident involving both a department train and a

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842 freight rail operator train, and the allocation as between the  
843 department and the freight rail operator, regardless of whether  
844 the other train is treated as a department train, shall remain  
845 one-half each as to third parties outside the rail corridor who  
846 incur loss, injury, or damage as a result of the incident. The  
847 involvement of any other train shall not alter the sharing of  
848 equal responsibility as to third parties outside the rail  
849 corridor who incur loss, injury, or damage as a result of the  
850 incident; or

851       b. Any train involved in an incident that is neither the  
852 department's train nor the National Railroad Passenger  
853 Corporation's train, hereinafter referred to in this subsection  
854 as an "other train," may be treated as a department train,  
855 solely for purposes of any allocation of liability between the  
856 department and National Railroad Passenger Corporation only, but  
857 only if the department and National Railroad Passenger  
858 Corporation share responsibility equally as to third parties  
859 outside the rail corridor who incur loss, injury, or damage as a  
860 result of any incident involving both a department train and a  
861 National Railroad Passenger Corporation train, and the  
862 allocation as between the department and National Railroad  
863 Passenger Corporation, regardless of whether the other train is  
864 treated as a department train, shall remain one-half each as to  
865 third parties outside the rail corridor who incur loss, injury,  
866 or damage as a result of the incident. The involvement of any  
867 other train shall not alter the sharing of equal responsibility  
868 as to third parties outside the rail corridor who incur loss,  
869 injury, or damage as a result of the incident.

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

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871 a.(I) If only a department train and freight rail  
872 operator's train, or only an other train as described in sub-  
873 subparagraph 4.a. and a freight rail operator's train, are  
874 involved in an incident, the department may be responsible for  
875 its property and all of its people, all commuter rail  
876 passengers, and rail corridor invitees, but only if the freight  
877 rail operator is responsible for its property and all of its  
878 people, and the department and the freight rail operator each  
879 share one-half responsibility as to trespassers or third parties  
880 outside the rail corridor who incur loss, injury, or damage as a  
881 result of the incident; or

882 (II) If only a department train and a National Railroad  
883 Passenger Corporation train, or only an other train as described  
884 in sub-subparagraph 4.b. and a National Railroad Passenger  
885 Corporation train, are involved in an incident, the department  
886 may be responsible for its property and all of its people, all  
887 commuter rail passengers, and rail corridor invitees, but only  
888 if National Railroad Passenger Corporation is responsible for  
889 its property and all of its people, all National Railroad  
890 Passenger Corporation's rail passengers, and the department and  
891 National Railroad Passenger Corporation each share one-half  
892 responsibility as to trespassers or third parties outside the  
893 rail corridor who incur loss, injury, or damage as a result of  
894 the incident.

895 b.(I) If a department train, a freight rail operator train,  
896 and any other train are involved in an incident, the allocation  
897 of liability between the department and the freight rail  
898 operator, regardless of whether the other train is treated as a  
899 department train, shall remain one-half each as to third parties

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900 outside the rail corridor who incur loss, injury, or damage as a  
901 result of the incident; the involvement of any other train shall  
902 not alter the sharing of equal responsibility as to third  
903 parties outside the rail corridor who incur loss, injury, or  
904 damage as a result of the incident; and, if the owner, operator,  
905 or insurer of the other train makes any payment to injured third  
906 parties outside the rail corridor who incur loss, injury, or  
907 damage as a result of the incident, the allocation of credit  
908 between the department and the freight rail operator as to such  
909 payment shall not in any case reduce the freight rail operator's  
910 third-party-sharing allocation of one-half under this paragraph  
911 to less than one-third of the total third party liability; or  
912 (II) If a department train, a National Railroad Passenger  
913 Corporation train, and any other train are involved in an  
914 incident, the allocation of liability between the department and  
915 National Railroad Passenger Corporation, regardless of whether  
916 the other train is treated as a department train, shall remain  
917 one-half each as to third parties outside the rail corridor who  
918 incur loss, injury, or damage as a result of the incident; the  
919 involvement of any other train shall not alter the sharing of  
920 equal responsibility as to third parties outside the rail  
921 corridor who incur loss, injury, or damage as a result of the  
922 incident; and, if the owner, operator, or insurer of the other  
923 train makes any payment to injured third parties outside the  
924 rail corridor who incur loss, injury, or damage as a result of  
925 the incident, the allocation of credit between the department  
926 and National Railroad Passenger Corporation as to such payment  
927 shall not in any case reduce National Railroad Passenger  
928 Corporation's third-party-sharing allocation of one-half under

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929 this sub-subparagraph to less than one-third of the total third  
930 party liability.

931 6. Any such contractual duty to protect, defend, indemnify,  
932 and hold harmless such a freight rail operator or National  
933 Railroad Passenger Corporation shall expressly include a  
934 specific cap on the amount of the contractual duty, which amount  
935 shall not exceed \$200 million without prior legislative  
936 approval, and the department to purchase liability insurance and  
937 establish a self-insurance retention fund in the amount of the  
938 specific cap established under this subparagraph, provided that:

939 a. No such contractual duty shall in any case be effective  
940 nor otherwise extend the department's liability in scope and  
941 effect beyond the contractual liability insurance and self-  
942 insurance retention fund required pursuant to this paragraph;  
943 and

944 b.(I) The freight rail operator's compensation to the  
945 department for future use of the department's rail corridor  
946 shall include a monetary contribution to the cost of such  
947 liability coverage for the sole benefit of the freight rail  
948 operator.

949 (II) National Railroad Passenger Corporation's compensation  
950 to the department for future use of the department's rail  
951 corridor shall include a monetary contribution to the cost of  
952 such liability coverage for the sole benefit of National  
953 Railroad Passenger Corporation.

954 (b) Purchase liability insurance, which amount shall not  
955 exceed \$295 million, and establish a self-insurance retention  
956 fund for the purpose of paying the deductible limit established  
957 in the insurance policies it may obtain, including coverage for

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958 the department, any freight rail operator as described in  
959 paragraph (a), National Railroad Passenger Corporation, commuter  
960 rail service providers, governmental entities, or any ancillary  
961 development, which self-insurance retention fund or deductible  
962 shall not exceed \$10 million. The insureds shall pay a  
963 reasonable monetary contribution to the cost of such liability  
964 coverage for the sole benefit of the insured. Such insurance and  
965 self-insurance retention fund may provide coverage for all  
966 damages, including, but not limited to, compensatory, special,  
967 and exemplary, and be maintained to provide an adequate fund to  
968 cover claims and liabilities for loss, injury, or damage arising  
969 out of or connected with the ownership, operation, maintenance,  
970 and management of a rail corridor.

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

973 (d) Without altering any of the rights granted to the  
974 department under this section, agree to assume the obligations  
975 to indemnify and insure, pursuant to s. 343.545, freight rail  
976 service, intercity passenger rail service, and commuter rail  
977 service on a department-owned rail corridor, whether ownership  
978 is in fee or by easement, or on a rail corridor where the  
979 department has the right to operate.

980  
981 Neither the assumption by contract to protect, defend,  
982 indemnify, and hold harmless; the purchase of insurance; nor the  
983 establishment of a self-insurance retention fund shall be deemed  
984 to be a waiver of any defense of sovereign immunity for torts  
985 nor deemed to increase the limits of the department's or the  
986 governmental entity's liability for torts as provided in s.

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987 768.28. The requirements of s. 287.022(1) shall not apply to the  
988 purchase of any insurance under this subsection. ~~The provisions~~  
989 ~~of~~ This subsection shall apply and inure fully as to any other  
990 governmental entity providing commuter rail service and  
991 constructing, operating, maintaining, or managing a rail  
992 corridor on publicly owned right-of-way under contract by the  
993 governmental entity with the department or a governmental entity  
994 designated by the department. Notwithstanding any law to the  
995 contrary, procurement for the construction, operation,  
996 maintenance, and management of any rail corridor described in  
997 this subsection, whether by the department, a governmental  
998 entity under contract with the department, or a governmental  
999 entity designated by the department, shall be pursuant to s.  
1000 287.057 and shall include, but not be limited to, criteria for  
1001 the consideration of qualifications, technical aspects of the  
1002 proposal, and price. Further, any such contract for design-build  
1003 shall be procured pursuant to the criteria in s. 337.11(7).

1004 (18) Exercise such other functions, powers, and duties in  
1005 connection with the rail system plan as are necessary to develop  
1006 a safe, efficient, and effective statewide transportation  
1007 system.

1008 Section 17. Effective July 1, 2023, subsections (5) and (6)  
1009 of section 341.303, Florida Statutes, are amended to read:

1010 341.303 Funding authorization and appropriations;  
1011 eligibility and participation.—

1012 (5) ~~FUND PARTICIPATION; FLORIDA RAIL ENTERPRISE.~~—The  
1013 department may, ~~through the Florida Rail Enterprise, is~~  
1014 ~~authorized to~~ use funds provided pursuant to s. 201.15(4)(a)4.  
1015 to fund:

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1016 (a) Up to 50 percent of the nonfederal share of the costs  
1017 of any eligible passenger rail capital improvement project.

1018 (b) Up to 100 percent of planning and development costs  
1019 related to the provision of a passenger rail system, including,  
1020 but not limited to, preliminary engineering, revenue studies,  
1021 environmental impact studies, financial advisory services,  
1022 engineering design, and other appropriate professional services.

1023 (c) The high-speed rail system.

1024 (d) Projects necessary to identify or address anticipated  
1025 impacts of increased freight rail traffic resulting from the  
1026 implementation of passenger rail systems as provided in s.  
1027 341.302 (3) (b) .

1028 (e) Projects necessary to identify or address needed or  
1029 desirable safety improvements to passenger rail systems in this  
1030 state.

1031 ~~(6) FLORIDA RAIL ENTERPRISE; BUDGET.~~

1032 ~~(a) The Florida Rail Enterprise shall be a single budget~~  
1033 ~~entity and shall develop a budget pursuant to chapter 216. The~~  
1034 ~~enterprise's budget shall be submitted to the Legislature along~~  
1035 ~~with the department's budget. All passenger rail funding by the~~  
1036 ~~department shall be included in this budget entity.~~

1037 ~~(b) Notwithstanding the provisions of s. 216.301 to the~~  
1038 ~~contrary and in accordance with s. 216.351, the Executive Office~~  
1039 ~~of the Governor shall, on July 1 of each year, certify forward~~  
1040 ~~all unexpended funds appropriated or provided pursuant to this~~  
1041 ~~section for the enterprise. Of the unexpended funds certified~~  
1042 ~~forward, any unencumbered amounts shall be carried forward. Such~~  
1043 ~~funds carried forward shall not exceed 5 percent of the original~~  
1044 ~~approved operating budget of the enterprise pursuant to s.~~

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1045 ~~216.181(1). Funds carried forward pursuant to this section may~~  
1046 ~~be used for any lawful purpose, including, but not limited to,~~  
1047 ~~promotional and market activities, technology, and training. Any~~  
1048 ~~certified forward funds remaining undisbursed on September 30 of~~  
1049 ~~each year shall be carried forward.~~

1050 Section 18. Effective July 1, 2023, section 341.8201,  
1051 Florida Statutes, is repealed.

1052 Section 19. Effective July 1, 2023, section 341.8203,  
1053 Florida Statutes, is amended to read:

1054 341.8203 Definitions.—As used in ss. 341.822-341.842 ~~ss.~~  
1055 ~~341.8201-341.842~~, unless the context clearly indicates  
1056 otherwise, the term:

1057 (1) "Associated development" means property, equipment,  
1058 buildings, or other related facilities which are built,  
1059 installed, used, or established to provide financing, funding,  
1060 or revenues for the planning, building, managing, and operation  
1061 of a high-speed rail system and which are associated with or  
1062 part of the rail stations. The term includes air and subsurface  
1063 rights, services that provide local area network devices for  
1064 transmitting data over wireless networks, parking facilities,  
1065 retail establishments, restaurants, hotels, offices,  
1066 advertising, or other commercial, civic, residential, or support  
1067 facilities.

1068 (2) "Communication facilities" means the communication  
1069 systems related to high-speed passenger rail operations,  
1070 including those which are built, installed, used, or established  
1071 for the planning, building, managing, and operating of a high-  
1072 speed rail system. The term includes the land; structures;  
1073 improvements; rights-of-way; easements; positive train control

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1074 systems; wireless communication towers and facilities that are  
1075 designed to provide voice and data services for the safe and  
1076 efficient operation of the high-speed rail system; voice, data,  
1077 and wireless communication amenities made available to crew and  
1078 passengers as part of a high-speed rail service; and any other  
1079 facilities or equipment used for operation of, or the  
1080 facilitation of communications for, a high-speed rail system.  
1081 Owners of communication facilities may not offer voice or data  
1082 service to any entity other than passengers, crew, or other  
1083 persons involved in the operation of a high-speed rail system.

1084 (3) ~~"Enterprise" means the Florida Rail Enterprise.~~

1085 ~~(4)~~ "High-speed rail system" means any high-speed fixed  
1086 guideway system for transporting people or goods, which system  
1087 is, by definition of the United States Department of  
1088 Transportation, reasonably expected to reach speeds of at least  
1089 110 miles per hour, including, but not limited to, a monorail  
1090 system, dual track rail system, suspended rail system, magnetic  
1091 levitation system, pneumatic repulsion system, or other system  
1092 approved by the department ~~enterprise~~. The term includes a  
1093 corridor, associated intermodal connectors, and structures  
1094 essential to the operation of the line, including the land,  
1095 structures, improvements, rights-of-way, easements, rail lines,  
1096 rail beds, guideway structures, switches, yards, parking  
1097 facilities, power relays, switching houses, and rail stations  
1098 and also includes facilities or equipment used exclusively for  
1099 the purposes of design, construction, operation, maintenance, or  
1100 the financing of the high-speed rail system.

1101 ~~(4)~~ ~~(5)~~ "Joint development" means the planning, managing,  
1102 financing, or constructing of projects adjacent to, functionally

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1103 related to, or otherwise related to a high-speed rail system  
 1104 pursuant to agreements between any person, firm, corporation,  
 1105 association, organization, agency, or other entity, public or  
 1106 private.

1107 (5)~~(6)~~ "Rail station," "station," or "high-speed rail  
 1108 station" means any structure or transportation facility that is  
 1109 part of a high-speed rail system designed to accommodate the  
 1110 movement of passengers from one mode of transportation to  
 1111 another at which passengers board or disembark from  
 1112 transportation conveyances and transfer from one mode of  
 1113 transportation to another.

1114 (6)~~(7)~~ "Railroad company" means a person developing, or  
 1115 providing service on, a high-speed rail system.

1116 (7)~~(8)~~ "Selected person or entity" means the person or  
 1117 entity to whom the department ~~enterprise~~ awards a contract to  
 1118 establish a high-speed rail system pursuant to ss. 341.822-  
 1119 341.842 ~~ss. 341.8201-341.842~~.

1120 Section 20. Effective July 1, 2023, section 341.822,  
 1121 Florida Statutes, is amended to read:

1122 341.822 Powers and duties.—

1123 (1) The department ~~enterprise~~ shall locate, plan, design,  
 1124 finance, construct, maintain, own, operate, administer, and  
 1125 manage the high-speed rail system in the state.

1126 (2) (a) ~~In addition to the powers granted to~~ The department,  
 1127 ~~the enterprise~~ has full authority to exercise all powers granted  
 1128 to it under this chapter. Powers shall include, but are not  
 1129 limited to, the ability to plan, construct, maintain, repair,  
 1130 and operate a high-speed rail system, to acquire corridors, and  
 1131 to coordinate the development and operation of publicly funded

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1132 passenger rail systems in the state.

1133 (b) It is the express intention of ss. 341.822-341.842 ~~ss.~~  
1134 ~~341.8201-341.842~~ that the department ~~enterprise~~ be authorized to  
1135 plan, develop, own, purchase, lease, or otherwise acquire,  
1136 demolish, construct, improve, relocate, equip, repair, maintain,  
1137 operate, and manage the high-speed rail system; to expend funds  
1138 to publicize, advertise, and promote the advantages of using the  
1139 high-speed rail system and its facilities; and to cooperate,  
1140 coordinate, partner, and contract with other entities, public  
1141 and private, to accomplish these purposes.

1142 (c) The department ~~enterprise~~ shall establish a process to  
1143 issue permits to railroad companies for the construction of  
1144 communication facilities within a new or existing public or  
1145 private high-speed rail system. The department ~~enterprise~~ may  
1146 adopt rules to administer such permits, including rules  
1147 regarding the form, content, and necessary supporting  
1148 documentation for permit applications; the process for  
1149 submitting applications; and the application fee for a permit  
1150 under s. 341.825. The department ~~enterprise~~ shall provide a copy  
1151 of a completed permit application to municipalities and counties  
1152 where the high-speed rail system will be located. The department  
1153 ~~enterprise~~ shall allow each such municipality and county 30 days  
1154 to provide comments to the department ~~enterprise~~ regarding the  
1155 application, including any recommendations regarding conditions  
1156 that may be placed on the permit.

1157 (3) The department may ~~The enterprise shall have the~~  
1158 ~~authority to employ procurement methods available to the~~  
1159 ~~department under chapters 255, 287, 334, and 337, or otherwise~~  
1160 ~~in accordance with law. The enterprise may also solicit~~

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1161 proposals and, with legislative approval as evidenced by  
 1162 approval of the project in the department's work program, enter  
 1163 into agreements with private entities, or consortia thereof, for  
 1164 the building, operation, ownership, or financing of the high-  
 1165 speed rail system.

1166 (4) ~~The executive director of the enterprise shall appoint~~  
 1167 ~~staff, who shall be exempt from part II of chapter 110.~~

1168 ~~(5) The powers conferred upon the department enterprise~~  
 1169 ~~under ss. 341.822-341.842 ~~ss. 341.8201-341.842~~ shall be in~~  
 1170 ~~addition and supplemental to the existing powers of the~~  
 1171 ~~department, and these powers shall not be construed as repealing~~  
 1172 ~~any provision of any other law, general or local, but shall~~  
 1173 ~~supersede such other laws that are inconsistent with the~~  
 1174 ~~exercise of the powers provided under ss. 341.822-341.842 ~~ss.~~~~  
 1175 ~~~~341.8201-341.842~~ and provide a complete method for the exercise~~  
 1176 ~~of such powers granted.~~

1177 ~~(5)~~ ~~(6)~~ Any proposed rail ~~enterprise~~ project or improvement  
 1178 shall be developed in accordance with the Florida Transportation  
 1179 Plan and the work program under s. 339.135.

1180 Section 21. Paragraph (a) of subsection (7) of section  
 1181 288.0656, Florida Statutes, is amended to read:

1182 288.0656 Rural Economic Development Initiative.-

1183 (7) (a) REDI may recommend to the Governor up to three rural  
 1184 areas of opportunity. The Governor may by executive order  
 1185 designate up to three rural areas of opportunity which will  
 1186 establish these areas as priority assignments for REDI as well  
 1187 as to allow the Governor, acting through REDI, to waive  
 1188 criteria, requirements, or similar provisions of any economic  
 1189 development incentive. Such incentives shall include, but are

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1190 not limited to, the Qualified Target Industry Tax Refund Program  
1191 under s. 288.106, the Quick Response Training Program under s.  
1192 288.047, the Quick Response Training Program for participants in  
1193 the welfare transition program under s. 288.047(8),  
1194 ~~transportation projects under s. 339.2821,~~ the brownfield  
1195 redevelopment bonus refund under s. 288.107, and the rural job  
1196 tax credit program under ss. 212.098 and 220.1895.

1197 Section 22. Paragraph (f) of subsection (1) of section  
1198 339.08, Florida Statutes, is amended to read:

1199 339.08 Use of moneys in State Transportation Trust Fund.—

1200 (1) The department shall expend moneys in the State  
1201 Transportation Trust Fund accruing to the department, in  
1202 accordance with its annual budget. The use of such moneys shall  
1203 be restricted to the following purposes:

1204 ~~(f) To pay the cost of economic development transportation~~  
1205 ~~projects in accordance with s. 339.2821.~~

1206 Section 23. Effective July 1, 2023, subsections (2) and  
1207 (3), paragraph (b) of subsection (4), and subsection (5) of  
1208 section 341.825, Florida Statutes, are amended to read:

1209 341.825 Communication facilities.—

1210 (2) APPLICATION SUBMISSION.—A railroad company may submit  
1211 to the department ~~enterprise~~ an application to obtain a permit  
1212 to construct communication facilities within a new or existing  
1213 high-speed rail system. The application shall include an  
1214 application fee limited to the amount needed to pay the  
1215 anticipated cost of reviewing the application, not to exceed  
1216 \$10,000, which shall be deposited into the State Transportation  
1217 Trust Fund. The application must include the following  
1218 information:

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- 1219 (a) The location of the proposed communication facilities.
- 1220 (b) A description of the proposed communication facilities.
- 1221 (c) Any other information reasonably required by the
- 1222 department ~~enterprise~~.
- 1223 (3) APPLICATION REVIEW.—The department ~~enterprise~~ shall
- 1224 review each application for completeness within 30 days after
- 1225 receipt of the application.
- 1226 (a) If the department ~~enterprise~~ determines that an
- 1227 application is not complete, the department ~~enterprise~~ shall,
- 1228 within 30 days after the receipt of the initial application,
- 1229 notify the applicant in writing of any errors or omissions. An
- 1230 applicant shall have 30 days within which to correct the errors
- 1231 or omissions in the initial application.
- 1232 (b) If the department ~~enterprise~~ determines that an
- 1233 application is complete, the department ~~enterprise~~ shall act
- 1234 upon the permit application within 60 days of the receipt of the
- 1235 completed application by approving in whole, approving with
- 1236 conditions as the department ~~enterprise~~ deems appropriate, or
- 1237 denying the application, and stating the reason for issuance or
- 1238 denial. In determining whether an application should be
- 1239 approved, approved with modifications or conditions, or denied,
- 1240 the department ~~enterprise~~ shall consider any comments or
- 1241 recommendations received from a municipality or county and the
- 1242 extent to which the proposed communication facilities:
- 1243 1. Are located in a manner that is appropriate for the
- 1244 communication technology specified by the applicant.
- 1245 2. Serve an existing or projected future need for
- 1246 communication facilities.
- 1247 3. Provide sufficient wireless voice and data coverage and

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1248 capacity for the safe and efficient operation of the high-speed  
1249 rail system and the safety, use, and efficiency of its crew and  
1250 passengers.

1251 (c) The failure to adopt any recommendation or comment may  
1252 not be a basis for challenging the issuance of a permit.

1253 (4) EFFECT OF PERMIT.—

1254 (b) A permit may include conditions that constitute  
1255 variances and exemptions from rules of the department ~~enterprise~~  
1256 or any other agency, which would otherwise be applicable to the  
1257 communication facilities within the new or existing high-speed  
1258 rail system.

1259 (5) MODIFICATION OF PERMIT.—A permit may be modified by the  
1260 applicant after issuance upon the filing of a petition with the  
1261 department ~~enterprise~~.

1262 (a) A petition for modification must set forth the proposed  
1263 modification and the factual reasons asserted for the  
1264 modification.

1265 (b) The department ~~enterprise~~ shall act upon the petition  
1266 within 30 days by approving or denying the application, and  
1267 stating the reason for issuance or denial.

1268 Section 24. Effective July 1, 2023, section 341.836,  
1269 Florida Statutes, is amended to read:

1270 341.836 Associated development.—

1271 (1) The department ~~enterprise~~, alone or as part of a joint  
1272 development, may undertake associated developments to be a  
1273 source of revenue for the establishment, construction,  
1274 operation, or maintenance of the high-speed rail system. Such  
1275 associated developments must be consistent, to the extent  
1276 feasible, with applicable local government comprehensive plans

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1277 and local land development regulations and otherwise be in  
1278 compliance with ss. 341.822-341.842 ~~ss. 341.8201-341.842~~.

1279 (2) Sections 341.822-341.842 ~~Sections 341.8201-341.842~~ do  
1280 not prohibit the department ~~enterprise~~, the selected person or  
1281 entity, or a party to a joint venture with the department  
1282 ~~enterprise~~ or its selected person or entity from obtaining  
1283 approval, pursuant to any other law, for any associated  
1284 development that is reasonably related to the high-speed rail  
1285 system.

1286 Section 25. Effective July 1, 2023, section 341.838,  
1287 Florida Statutes, is amended to read:

1288 341.838 Fares, rates, rents, fees, and charges.—

1289 (1) The department ~~enterprise~~ may establish, revise,  
1290 charge, and collect fares, rates, rents, fees, charges, and  
1291 revenues for the use of and for the services furnished, or to be  
1292 furnished, by the system and to contract with any person,  
1293 partnership, association, corporation, or other body, public or  
1294 private, in respect thereof. Such fares, rates, rents, fees, and  
1295 charges shall be reviewed annually by the department ~~enterprise~~  
1296 and may be adjusted as set forth in the contract setting such  
1297 fares, rates, rents, fees, or charges. The funds collected  
1298 pursuant to this section shall, with any other funds available,  
1299 be used to pay the cost of designing, building, operating,  
1300 financing, and maintaining the system and each and every portion  
1301 thereof, to the extent that the payment of such cost has not  
1302 otherwise been adequately provided for.

1303 (2) Fares, rates, rents, fees, and charges established,  
1304 revised, charged, and collected by the department ~~enterprise~~  
1305 pursuant to this section shall not be subject to supervision or

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1306 regulation by any other department, commission, board, body,  
1307 bureau, or agency of this state other than the department  
1308 enterprise.

1309 Section 26. Effective July 1, 2023, section 341.839,  
1310 Florida Statutes, is amended to read:

1311 341.839 Alternate means.—Sections 341.822-341.842 ~~Sections~~  
1312 ~~341.8201-341.842~~ provide an additional and alternative method  
1313 for accomplishing the purposes authorized therein and are  
1314 supplemental and additional to powers conferred by other laws.  
1315 Except as otherwise expressly provided in ss. 341.822-341.842  
1316 ~~ss. 341.8201-341.842~~, none of the powers granted to the  
1317 department enterprise under ss. 341.822-341.842 ~~ss. 341.8201-~~  
1318 ~~341.842~~ are subject to the supervision or require the approval  
1319 or consent of any municipality or political subdivision or any  
1320 commission, board, body, bureau, or official.

1321 Section 27. Effective July 1, 2023, section 341.840,  
1322 Florida Statutes, is amended to read:

1323 341.840 Tax exemption.—

1324 (1) The exercise of the powers granted under ss. 341.822-  
1325 341.842 ~~ss. 341.8201-341.842~~ will be in all respects for the  
1326 benefit of the people of this state, for the increase of their  
1327 commerce, welfare, and prosperity, and for the improvement of  
1328 their health and living conditions. The design, construction,  
1329 operation, maintenance, and financing of a high-speed rail  
1330 system by the department enterprise, its agent, or the owner or  
1331 lessee thereof, as herein authorized, constitutes the  
1332 performance of an essential public function.

1333 (2) (a) For the purposes of this section, the term  
1334 "department" ~~"enterprise"~~ does not include agents of the

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1335 department ~~enterprise~~ other than contractors who qualify as such  
1336 pursuant to subsection (7).

1337 (b) For the purposes of this section, any item or property  
1338 that is within the definition of the term "associated  
1339 development" in s. 341.8203(1) may not be considered part of the  
1340 high-speed rail system as defined in s. 341.8203(3) ~~s.~~  
1341 ~~341.8203(4)~~.

1342 (3) (a) Purchases or leases of tangible personal property or  
1343 real property by the department ~~enterprise~~, excluding agents of  
1344 the department ~~enterprise~~, are exempt from taxes imposed by  
1345 chapter 212 as provided in s. 212.08(6). Purchases or leases of  
1346 tangible personal property that is incorporated into the high-  
1347 speed rail system as a component part thereof, as determined by  
1348 the department ~~enterprise~~, by agents of the department  
1349 ~~enterprise~~ or the owner of the high-speed rail system are exempt  
1350 from sales or use taxes imposed by chapter 212. Leases, rentals,  
1351 or licenses to use real property granted to agents of the  
1352 department ~~enterprise~~ or the owner of the high-speed rail system  
1353 are exempt from taxes imposed by s. 212.031 if the real property  
1354 becomes part of such system. The exemptions granted in this  
1355 subsection do not apply to sales, leases, or licenses by the  
1356 department ~~enterprise~~, agents of the department ~~enterprise~~, or  
1357 the owner of the high-speed rail system.

1358 (b) The exemption granted in paragraph (a) to purchases or  
1359 leases of tangible personal property by agents of the department  
1360 ~~enterprise~~ or by the owner of the high-speed rail system applies  
1361 only to property that becomes a component part of such system.  
1362 It does not apply to items, including, but not limited to,  
1363 cranes, bulldozers, forklifts, other machinery and equipment,

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1364 tools and supplies, or other items of tangible personal property  
1365 used in the construction, operation, or maintenance of the high-  
1366 speed rail system when such items are not incorporated into the  
1367 high-speed rail system as a component part thereof.

1368 (4) Any bonds or other security, and all notes, mortgages,  
1369 security agreements, letters of credit, or other instruments  
1370 that arise out of or are given to secure the repayment of bonds  
1371 or other security, issued by the department ~~enterprise~~, or on  
1372 behalf of the department ~~enterprise~~, their transfer, and the  
1373 income therefrom, including any profit made on the sale thereof,  
1374 shall at all times be free from taxation of every kind by the  
1375 state, the counties, and the municipalities and other political  
1376 subdivisions in the state. This subsection, however, does not  
1377 exempt from taxation or assessment the leasehold interest of a  
1378 lessee in any project or any other property or interest owned by  
1379 the lessee. The exemption granted by this subsection is not  
1380 applicable to any tax imposed by chapter 220 on interest income  
1381 or profits on the sale of debt obligations owned by  
1382 corporations.

1383 (5) When property of the department ~~enterprise~~ is leased to  
1384 another person or entity, the property shall be exempt from ad  
1385 valorem taxation only if the use by the lessee qualifies the  
1386 property for exemption under s. 196.199.

1387 (6) A leasehold interest held by the department ~~enterprise~~  
1388 is not subject to intangible tax. However, if a leasehold  
1389 interest held by the department ~~enterprise~~ is subleased to a  
1390 nongovernmental lessee, such subleasehold interest shall be  
1391 deemed to be an interest described in s. 199.023(1)(d), Florida  
1392 Statutes 2005, and is subject to the intangible tax.

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1393 (7) (a) In order to be considered an agent of the department  
1394 ~~enterprise~~ for purposes of the exemption from sales and use tax  
1395 granted by subsection (3) for tangible personal property  
1396 incorporated into the high-speed rail system, a contractor of  
1397 the department ~~enterprise~~ that purchases or fabricates such  
1398 tangible personal property must be certified by the department  
1399 ~~enterprise~~ as provided in this subsection.

1400 (b)1. A contractor must apply for a renewal of the  
1401 exemption not later than December 1 of each calendar year.

1402 2. A contractor must apply to the department ~~enterprise~~ on  
1403 the application form adopted by the department ~~enterprise~~, which  
1404 shall develop the form in consultation with the Department of  
1405 Revenue.

1406 3. The department ~~enterprise~~ shall review each submitted  
1407 application and determine whether it is complete. The department  
1408 ~~enterprise~~ shall notify the applicant of any deficiencies in the  
1409 application within 30 days. Upon receipt of a completed  
1410 application, the department ~~enterprise~~ shall evaluate the  
1411 application for exemption under this subsection and issue a  
1412 certification that the contractor is qualified to act as an  
1413 agent of the department ~~enterprise~~ for purposes of this section  
1414 or a denial of such certification within 30 days. The department  
1415 ~~enterprise~~ shall provide the Department of Revenue with a copy  
1416 of each certification issued upon approval of an application.  
1417 Upon receipt of a certification from the department ~~enterprise~~,  
1418 the Department of Revenue shall issue an exemption permit to the  
1419 contractor.

1420 (c)1. The contractor may extend a copy of its exemption  
1421 permit to its vendors in lieu of paying sales tax on purchases

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1422 of tangible personal property qualifying for exemption under  
1423 this section. Possession of a copy of the exemption permit  
1424 relieves the seller of the responsibility of collecting tax on  
1425 the sale, and the Department of Revenue shall look solely to the  
1426 contractor for recovery of tax upon a determination that the  
1427 contractor was not entitled to the exemption.

1428 2. The contractor may extend a copy of its exemption permit  
1429 to real property subcontractors supplying and installing  
1430 tangible personal property that is exempt under subsection (3).  
1431 Any such subcontractor may extend a copy of the permit to the  
1432 subcontractor's vendors in order to purchase qualifying tangible  
1433 personal property tax-exempt. If the subcontractor uses the  
1434 exemption permit to purchase tangible personal property that is  
1435 determined not to qualify for exemption under subsection (3),  
1436 the Department of Revenue may assess and collect any tax,  
1437 penalties, and interest that are due from either the contractor  
1438 holding the exemption permit or the subcontractor that extended  
1439 the exemption permit to the seller.

1440 (d) Any contractor authorized to act as an agent of the  
1441 department ~~enterprise~~ under this section shall maintain the  
1442 necessary books and records to document the exempt status of  
1443 purchases and fabrication costs made or incurred under the  
1444 permit. In addition, an authorized contractor extending its  
1445 exemption permit to its subcontractors shall maintain a copy of  
1446 the subcontractor's books, records, and invoices indicating all  
1447 purchases made by the subcontractor under the authorized  
1448 contractor's permit. If, in an audit conducted by the Department  
1449 of Revenue, it is determined that tangible personal property  
1450 purchased or fabricated claiming exemption under this section

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1451 does not meet the criteria for exemption, the amount of taxes  
1452 not paid at the time of purchase or fabrication shall be  
1453 immediately due and payable to the Department of Revenue,  
1454 together with the appropriate interest and penalty, computed  
1455 from the date of purchase, in the manner prescribed by chapter  
1456 212.

1457 (e) If a contractor fails to apply for a high-speed rail  
1458 system exemption permit, or if a contractor initially determined  
1459 by the department ~~enterprise~~ to not qualify for exemption is  
1460 subsequently determined to be eligible, the contractor shall  
1461 receive the benefit of the exemption in this subsection through  
1462 a refund of previously paid taxes for transactions that  
1463 otherwise would have been exempt. A refund may not be made for  
1464 such taxes without the issuance of a certification by the  
1465 department ~~enterprise~~ that the contractor was authorized to make  
1466 purchases tax-exempt and a determination by the Department of  
1467 Revenue that the purchases qualified for the exemption.

1468 (f) The department ~~enterprise~~ may adopt rules governing the  
1469 application process for exemption of a contractor as an  
1470 authorized agent of the department ~~enterprise~~.

1471 (g) The Department of Revenue may adopt rules governing the  
1472 issuance and form of high-speed rail system exemption permits,  
1473 the audit of contractors and subcontractors using such permits,  
1474 the recapture of taxes on nonqualified purchases, and the manner  
1475 and form of refund applications.

1476 Section 28. Effective July 1, 2023, paragraph (b) of  
1477 subsection (4) of section 343.58, Florida Statutes, is amended  
1478 to read:

1479 343.58 County funding for the South Florida Regional

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1480 Transportation Authority.—

1481 (4) Notwithstanding any other provision of law to the  
1482 contrary and effective July 1, 2010, until as provided in  
1483 paragraph (d), the department shall transfer annually from the  
1484 State Transportation Trust Fund to the South Florida Regional  
1485 Transportation Authority the amounts specified in subparagraph  
1486 (a)1. or subparagraph (a)2.

1487 (b) Funding required by this subsection may not be provided  
1488 from the funds dedicated to the State Transportation Trust Fund  
1489 ~~Florida Rail Enterprise~~ pursuant to s. 201.15(4) (a)4.

1490 Section 29. Paragraph (a) of subsection (4) of section  
1491 377.809, Florida Statutes, is amended to read:

1492 377.809 Energy Economic Zone Pilot Program.—

1493 (4) (a) Beginning July 1, 2012, all the incentives and  
1494 benefits provided for enterprise zones pursuant to state law  
1495 shall be available to the energy economic zones designated  
1496 pursuant to this section on or before July 1, 2010. In order to  
1497 provide incentives, by March 1, 2012, each local governing body  
1498 that has jurisdiction over an energy economic zone must, by  
1499 local ordinance, establish the boundary of the energy economic  
1500 zone, specify applicable energy-efficiency standards, and  
1501 determine eligibility criteria for the application of state and  
1502 local incentives and benefits in the energy economic zone.  
1503 However, in order to receive benefits provided under s. 288.106,  
1504 a business must be a qualified target industry business under s.  
1505 288.106 for state purposes. An energy economic zone's boundary  
1506 may be revised by local ordinance. Such incentives and benefits  
1507 include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183,  
1508 288.106, and 624.5105 and the public utility discounts provided

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1509 in s. 290.007(8). The exemption provided in s. 212.08(5)(c)  
1510 shall be for renewable energy as defined in s. 377.803. For  
1511 purposes of this section, any applicable requirements for  
1512 employee residency for higher refund or credit thresholds must  
1513 be based on employee residency in the energy economic zone or an  
1514 enterprise zone. A business in an energy economic zone may also  
1515 be eligible for funding under ss. 288.047 and 445.003, ~~and a~~  
1516 ~~transportation project in an energy economic zone shall be~~  
1517 ~~provided priority in funding under s. 339.2821.~~ Other projects  
1518 shall be given priority ranking to the extent practicable for  
1519 grants administered under state energy programs.

1520 Section 30. Except as otherwise expressly provided in this  
1521 act, this act shall take effect July 1, 2020.