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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2024	.	
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The Committee on Appropriations (Hooper) recommended the following:

Senate Amendment (with title amendment)

Delete lines 91 - 686

and insert:

apply to any of the following:

(a) A public transit project that uses revenues derived from state fuel taxes and motor vehicle license-related fees to match funds made available by the Federal Government.

(b) A public transit project included in the transportation improvement program adopted pursuant to s. 339.175(8) and



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11 approved by a supermajority vote of the board of county
12 commissioners or the governing board of a consolidated county
13 and city government where the project is located.

14 (c) A bus rapid transit or rail project that would result
15 in maintaining or enhancing the level of service of the State
16 Highway System along the corridor of the project, provided state
17 funds do not exceed 50 percent of the nonfederal share of the
18 costs and the percentage of the local share.

19 Section 2. Subsections (6) and (7) of section 288.9606,
20 Florida Statutes, are amended to read:

21 288.9606 Issue of revenue bonds.—

22 (6) The proceeds of any bonds of the corporation may not be
23 used, in any manner, to acquire any building or facility that
24 will be, during the pendency of the financing, used by, occupied
25 by, leased to, or paid for by any state, county, or municipal
26 agency or entity. This subsection does not prohibit the use of
27 proceeds of bonds of the corporation for the purpose of
28 financing the acquisition or construction of a transportation
29 facility under a comprehensive public-private partnership
30 agreement authorized by s. 334.30.

31 (7) Notwithstanding any provision of this section, the
32 corporation in its corporate capacity may, without authorization
33 from a public agency under s. 163.01(7), issue revenue bonds or
34 other evidence of indebtedness under this section to:

35 (a) Finance the undertaking of any project within the state
36 that promotes renewable energy as defined in s. 366.91 or s.
37 377.803;

38 (b) Finance the undertaking of any project within the state
39 that is a project contemplated or allowed under s. 406 of the



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40 American Recovery and Reinvestment Act of 2009; ~~or~~

41 (c) If permitted by federal law, finance qualifying
42 improvement projects within the state under s. 163.08; ~~or-~~

43 (d) Finance the costs of acquisition or construction of a
44 transportation facility by a private entity or consortium of
45 private entities under a comprehensive ~~public-private~~
46 ~~partnership~~ agreement authorized by s. 334.30.

47 Section 3. Subsection (95) of section 316.003, Florida
48 Statutes, is amended to read:

49 316.003 Definitions.—The following words and phrases, when
50 used in this chapter, shall have the meanings respectively
51 ascribed to them in this section, except where the context
52 otherwise requires:

53 (95) TELEOPERATION SYSTEM.—The hardware and software
54 installed in a motor vehicle which allow a remote human operator
55 to supervise or perform aspects of, or the entirety of, the
56 dynamic driving task. The term "remote human operator" means a
57 natural person who:

58 (a) Is not physically present in the motor ~~a~~ vehicle;
59 ~~equipped with an automated driving system who~~

60 (b) Engages or monitors the motor vehicle from a remote
61 location;

62 (c) ~~Has. A remote human operator may have the ability to~~
63 ~~perform aspects of, or the entirety of, the dynamic driving task~~
64 ~~for the~~ motor vehicle;

65 (d) Has the ability to ~~or~~ cause the motor vehicle to
66 achieve a reasonably safe state, such as bringing the vehicle to
67 a complete stop and activating the vehicle's hazard lamps;
68 ~~minimal risk condition as defined in s. 319.145(2). A remote~~



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69 ~~human operator must be~~

70 (e) Is physically present in the United States; and ~~be~~

71 (f) Is licensed to operate a motor vehicle by a United
72 States jurisdiction.

73 Section 4. Subsection (1) of section 316.303, Florida
74 Statutes, is amended to read:

75 316.303 Television receivers.—

76 (1) A motor vehicle may not be operated on the highways of
77 this state if the vehicle is actively displaying moving
78 television broadcast or pre-recorded video entertainment content
79 that is visible from the driver's seat while the vehicle is in
80 motion, unless the vehicle is being operated with the automated
81 driving system or teleoperation system engaged.

82 Section 5. Section 316.85, Florida Statutes, is amended to
83 read:

84 316.85 Autonomous vehicles and motor vehicles equipped with
85 teleoperation systems; operation; compliance with traffic and
86 motor vehicle laws; testing.—

87 (1) Notwithstanding any other law, a licensed human
88 operator is not required to operate a fully autonomous vehicle
89 as defined in s. 316.003(3).

90 (2) A fully autonomous vehicle may operate in this state
91 regardless of whether a human operator is physically present in
92 the vehicle.

93 (3) (a) For purposes of this chapter, unless the context
94 otherwise requires, the automated driving system, when engaged,
95 shall be deemed to be the operator of an autonomous vehicle,
96 regardless of whether a person is physically present in the
97 vehicle while the vehicle is operating with the automated



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98 driving system engaged.

99 (b) Unless otherwise provided by law, applicable traffic or
100 motor vehicle laws of this state may not be construed to:

101 1. Prohibit the automated driving system from being deemed
102 the operator of an autonomous vehicle operating with the
103 automated driving system engaged.

104 2. Require a licensed human operator to operate a fully
105 autonomous vehicle.

106 (4) An on-demand autonomous vehicle network shall operate
107 pursuant to state laws governing the operation of transportation
108 network companies and transportation network company vehicles as
109 defined in s. 627.748, except that any provision of s. 627.748
110 that reasonably applies only to a human driver does not apply to
111 the operation of a fully autonomous vehicle with the automated
112 driving system engaged while logged on to an on-demand
113 autonomous vehicle network. A fully autonomous vehicle with the
114 automated driving system engaged while logged on to an on-demand
115 autonomous vehicle network must meet the insurance requirements
116 in s. 627.749.

117 (5) (a) Notwithstanding any other provision of this chapter,
118 a motor an autonomous vehicle or a fully autonomous vehicle
119 equipped with a teleoperation system may operate without a human
120 operator physically present in the motor vehicle when the
121 teleoperation system is engaged. When the teleoperation system
122 is engaged, the remote human operator is deemed to be the driver
123 or operator of the motor vehicle and must operate the motor
124 vehicle in compliance with the applicable traffic and motor
125 vehicle laws of this state. The remote human operator may not be
126 held personally liable for any injury, property damage, or death



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127 arising from the performance of his or her duties unless caused
128 directly by his or her negligence, recklessness, or willful
129 misconduct.

130 (b) A motor vehicle equipped with a teleoperation system,
131 while the teleoperation system is engaged, must be covered by a
132 policy of automobile insurance which provides:

133 1. Primary liability coverage of at least \$1 million for
134 death, bodily injury, and property damage.

135 2. Personal injury protection benefits that meet the
136 minimum coverage amounts required under ss. 627.730-627.7405.

137 3. Uninsured and underinsured vehicle coverage as required
138 by s. 627.727 ~~A vehicle that is subject to this subsection must~~
139 ~~meet the requirements of s. 319.145 and is considered a vehicle~~
140 ~~that meets the definition provided in s. 316.003(3)(c) for the~~
141 ~~purposes of ss. 316.062(5), 316.063(4), 316.065(5), 316.1975(3),~~
142 ~~and 316.303(1).~~

143 (6) It is the intent of the Legislature to provide for
144 uniformity of laws governing autonomous vehicles and motor
145 vehicles equipped with teleoperation systems throughout the
146 state. A local government may not impose any tax, fee, for-hire
147 vehicle requirement, or other requirement on automated driving
148 systems or autonomous vehicles; teleoperation systems or motor
149 vehicles equipped with teleoperation systems; ~~or on~~ a person who
150 operates an autonomous vehicle, including, but not limited to, a
151 person who operates an autonomous vehicle for purposes of
152 providing passenger transportation services; or a remote human
153 operator of a motor vehicle with a teleoperation system engaged.

154 This subsection does not prohibit an airport or a seaport from
155 charging reasonable fees consistent with any fees charged to



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156 companies that provide similar services at that airport or
157 seaport for their use of the airport's or seaport's facilities,
158 nor does it prohibit the airport or seaport from designating
159 locations for staging, pickup, or other similar operations at
160 the airport or seaport.

161 Section 6. Subsection (9) of section 318.14, Florida
162 Statutes, is amended to read:

163 318.14 Noncriminal traffic infractions; exception;
164 procedures.—

165 (9) Any person who does not hold a commercial driver
166 license or commercial learner's permit and who is cited while
167 driving a noncommercial motor vehicle for an infraction under
168 this section other than a violation of s. 316.183(2), s.
169 316.187, or s. 316.189 when the driver exceeds the posted limit
170 by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or
171 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
172 lieu of a court appearance, elect to attend in the location of
173 his or her choice within this state a basic driver improvement
174 course approved by the Department of Highway Safety and Motor
175 Vehicles. In such a case, adjudication must be withheld, any
176 civil penalty that is imposed by s. 318.18(3) must be reduced by
177 18 percent, and points, as provided by s. 322.27, may not be
178 assessed. However, a person may not make an election under this
179 subsection if the person has made an election under this
180 subsection in the preceding 12 months. A person may not make
181 more than eight ~~five~~ elections within his or her lifetime under
182 this subsection. The requirement for community service under s.
183 318.18(8) is not waived by a plea of nolo contendere or by the
184 withholding of adjudication of guilt by a court.



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185 Section 7. Subsection (6) of section 318.1451, Florida
186 Statutes, is amended to read:

187 318.1451 Driver improvement schools.—

188 (6) The department shall adopt rules establishing and
189 maintaining policies and procedures to implement the
190 requirements of this section. These policies and procedures may
191 include, but shall not be limited to, the following:

192 (a) *Effectiveness studies.*—The department shall conduct
193 effectiveness studies on each type of driver improvement course
194 pertaining to ss. 318.14(9), 322.0261, and 322.291 on a
195 recurring 5-year basis, including in the study process the
196 consequence of failed studies.

197 (b) *Required updates.*—The department may require that
198 courses approved under this section be updated at the
199 department's request. Failure of a course provider to update the
200 course under this section shall result in the suspension of the
201 course approval until the course is updated and approved by the
202 department.

203 (c) *Course conduct.*—The department shall require that the
204 approved course providers ensure their driver improvement
205 schools are conducting the approved course fully and to the
206 required time limit and content requirements.

207 (d) *Course content.*—The department shall set and modify
208 course content requirements to keep current with laws and safety
209 information. The department shall annually review changes made
210 to major traffic laws of this state, including s. 316.126(1)(b),
211 and shall require course content for courses referenced in this
212 section to be modified in accordance with changes relevant to
213 the courses. Course content includes all items used in the



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214 conduct of the course.

215 (e) *Course duration.*—The department shall set the duration
216 of all course types.

217 (f) *Submission of records.*—The department shall require
218 that all course providers submit course completion information
219 to the department through the department's Driver Improvement
220 Certificate Issuance System within 5 days. Course providers must
221 also submit course completion information together with the
222 citation number through the Florida Courts E-Filing Portal
223 governed by the Florida Courts E-Filing Authority to the clerk
224 of the circuit court of the county where the citation is issued
225 within 3 days after receipt of the unique course completion
226 certificate number from the Driver Improvement Certificate
227 Issuance System.

228 (g) *Sanctions.*—The department shall develop the criteria to
229 sanction a course provider for any violation of this section or
230 any other law that pertains to the approval and use of driver
231 improvement courses.

232 (h) *Miscellaneous requirements.*—The department shall
233 require that all course providers:

234 1. Disclose all fees associated with courses offered by the
235 provider and associated driver improvement schools and not
236 charge any fees that are not disclosed during registration.

237 2. Provide proof of ownership, copyright, or written
238 permission from the course owner to use the course in this
239 state.

240 3. Ensure that any course that is offered in a classroom
241 setting, by the provider or a school authorized by the provider
242 to teach the course, is offered at locations that are free from



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243 distractions and reasonably accessible to most applicants.

244 4. Issue a certificate to persons who successfully complete
245 the course.

246 Section 8. Subsection (7) of section 322.095, Florida
247 Statutes, is amended to read:

248 322.095 Traffic law and substance abuse education program
249 for driver license applicants.—

250 (7) Courses approved under this section must be updated at
251 the department's request. The department shall annually review
252 changes made to major traffic laws of this state, including s.
253 316.126(1)(b), and shall require course content for courses
254 referenced in this section to be modified in accordance with
255 changes relevant to the courses. Failure of a course provider to
256 update the course within 90 days after the department's request
257 shall result in the suspension of the course approval until such
258 time that the updates are submitted and approved by the
259 department.

260 Section 9. Present subsections (8) through (13) of section
261 334.30, Florida Statutes, are redesignated as subsections (9)
262 through (14), respectively, a new subsection (8) is added to
263 that section, and subsections (1), (2), and (6) and present
264 subsections (8), (10), (11), and (13) of that section are
265 amended, to read:

266 334.30 Public-private transportation facilities.—The
267 Legislature finds and declares that there is a public need for
268 the rapid construction of safe and efficient transportation
269 facilities for the purpose of traveling within the state, and
270 that it is in the public's interest to provide for the
271 construction of additional safe, convenient, and economical



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272 transportation facilities.

273 (1) The department may receive or solicit proposals and,
274 with legislative approval as evidenced by approval of the
275 project in the department's work program, enter into
276 comprehensive agreements with private entities, or consortia
277 thereof, for the building, operation, ownership, or financing of
278 transportation facilities. The department may advance projects
279 programmed in the adopted 5-year work program or projects
280 increasing transportation capacity and greater than \$500 million
281 in the 10-year Strategic Intermodal Plan using funds provided by
282 public-private partnerships or private entities to be reimbursed
283 from department funds for the project as programmed in the
284 adopted work program. The department shall by rule establish an
285 application fee for the submission of unsolicited proposals
286 under this section. The fee must be sufficient to pay the costs
287 of evaluating the proposals. The department may engage the
288 services of private consultants to assist in the evaluation.
289 Before approval, the department must determine that the proposed
290 project:

291 (a) Is in the public's best interest;

292 (b) Would not require state funds to be used unless the
293 project is on the State Highway System;

294 (c) Would have adequate safeguards in place to ensure that
295 no additional costs or service disruptions would be realized by
296 the traveling public and residents of the state in the event of
297 default or cancellation of the comprehensive agreement by the
298 department;

299 (d) Would have adequate safeguards in place to ensure that
300 the department or the private entity has the opportunity to add



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301 capacity to the proposed project and other transportation
302 facilities serving similar origins and destinations; and
303 (e) Would be owned by the department upon completion or
304 termination of the comprehensive agreement.

305
306 The department shall ensure that all reasonable costs to the
307 state, related to transportation facilities that are not part of
308 the State Highway System, are borne by the private entity. The
309 department shall also ensure that all reasonable costs to the
310 state and substantially affected local governments and
311 utilities, related to the private transportation facility, are
312 borne by the private entity for transportation facilities that
313 are owned by private entities. For projects on the State Highway
314 System, the department may use state resources to participate in
315 funding and financing the project as provided for under the
316 department's enabling legislation. Because the Legislature
317 recognizes that private entities or consortia thereof would
318 perform a governmental or public purpose or function when they
319 enter into comprehensive agreements with the department to
320 design, build, operate, own, or finance transportation
321 facilities, the transportation facilities, including leasehold
322 interests thereof, are exempt from ad valorem taxes as provided
323 in chapter 196 to the extent property is owned by the state or
324 other government entity, and from intangible taxes as provided
325 in chapter 199 and special assessments of the state, any city,
326 town, county, special district, political subdivision of the
327 state, or any other governmental entity. The private entities or
328 consortia thereof are exempt from tax imposed by chapter 201 on
329 all documents or obligations to pay money which arise out of the



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330 comprehensive agreements to design, build, operate, own, lease,
331 or finance transportation facilities. Any private entities or
332 consortia thereof must pay any applicable corporate taxes as
333 provided in chapter 220, and reemployment assistance taxes as
334 provided in chapter 443, and sales and use tax as provided in
335 chapter 212 shall be applicable. The private entities or
336 consortia thereof must also register and collect the tax imposed
337 by chapter 212 on all their direct sales and leases that are
338 subject to tax under chapter 212. The comprehensive agreement
339 between the private entity or consortia thereof and the
340 department establishing a transportation facility under this
341 chapter constitutes documentation sufficient to claim any
342 exemption under this section.

343 (2) Comprehensive agreements entered into pursuant to this
344 section may authorize the private entity to impose tolls or
345 fares for the use of the facility. The following provisions
346 ~~shall~~ apply to such agreements:

347 (a) With the exception of the Florida Turnpike System, the
348 department may lease existing toll facilities through public-
349 private partnerships. The comprehensive ~~public-private~~
350 ~~partnership~~ agreement must ensure that the transportation
351 facility is properly operated, maintained, and renewed in
352 accordance with department standards.

353 (b) The department may develop new toll facilities or
354 increase capacity on existing toll facilities through public-
355 private partnerships. The comprehensive ~~public-private~~
356 ~~partnership~~ agreement must ensure that the toll facility is
357 properly operated, maintained, and renewed in accordance with
358 department standards.



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359 (c) Any toll revenues shall be regulated by the department
360 pursuant to s. 338.165(3). The regulations governing the future
361 increase of toll or fare revenues shall be included in the
362 comprehensive ~~public-private partnership~~ agreement.

363 (d) The department shall provide the analysis required in
364 subparagraph (6)(e)2. to the Legislative Budget Commission
365 created pursuant to s. 11.90 for review and approval prior to
366 awarding a contract on a lease of an existing toll facility.

367 (e) The department shall include provisions in the
368 comprehensive ~~public-private partnership~~ agreement which that
369 ensure a negotiated portion of revenues from tolled or fare
370 generating projects are returned to the department over the life
371 of the comprehensive ~~public-private partnership~~ agreement. In
372 the case of a lease of an existing toll facility, the department
373 shall receive a portion of funds upon closing on the
374 comprehensive agreement ~~agreements~~ and shall also include
375 provisions in the comprehensive agreement to receive payment of
376 a portion of excess revenues over the life of the public-private
377 partnership.

378 (f) The private entity shall provide an independent
379 ~~investment grade~~ traffic and revenue study prepared by a an
380 ~~internationally recognized~~ traffic and revenue expert as part of
381 the private entity proposal. The study must be that is accepted
382 by the national bond rating agencies before closing on the
383 financing that supports the comprehensive agreement for the
384 public-private partnership project. The private entity shall
385 also provide a finance plan that identifies the project cost,
386 revenues by source, financing, major assumptions, internal rate
387 of return on private investments, and whether any government



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388 funds are assumed to deliver a cost-feasible project, and a
389 total cash flow analysis beginning with implementation of the
390 project and extending for the term of the comprehensive
391 agreement.

392 (6) The procurement of public-private partnerships by the
393 department shall follow the provisions of this section. Sections
394 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,
395 337.185, 337.19, 337.221, and 337.251 may ~~shall~~ not apply to
396 procurements under this section unless a provision is included
397 in the procurement documents. The department shall ensure that
398 generally accepted business practices for exemptions provided by
399 this subsection are part of the procurement process or are
400 included in the comprehensive ~~public-private partnership~~
401 agreement.

402 (a) The department may request proposals from private
403 entities for public-private transportation projects or, if the
404 department receives an unsolicited proposal, the department
405 shall publish a notice in the Florida Administrative Register
406 and a newspaper of general circulation at least once a week for
407 2 weeks stating that the department has received the proposal
408 and will accept, for between 30 and 120 days after the initial
409 date of publication as determined by the department based on the
410 complexity of the project, other proposals for the same project
411 purpose. A copy of the notice must be mailed to each local
412 government in the affected area.

413 (b) Public-private partnerships shall be qualified by the
414 department as part of the procurement process as outlined in the
415 procurement documents, provided such process ensures that the
416 private firm meets at least the minimum department standards for



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417 qualification in department rule for professional engineering
418 services and road and bridge contracting prior to submitting a
419 proposal under the procurement.

420 (c) The department shall ensure that procurement documents
421 include provisions for performance of the private entity and
422 payment of subcontractors, including, but not limited to, surety
423 bonds, letters of credit, parent company guarantees, and lender
424 and equity partner guarantees. The department shall balance the
425 structure of the security package for the public-private
426 partnership that ensures performance and payment of
427 subcontractors with the cost of the security to ensure the most
428 efficient pricing.

429 (d) After the public notification period has expired, the
430 department shall rank the proposals in order of preference. In
431 ranking the proposals, the department may consider factors that
432 include, but are not limited to, professional qualifications,
433 general business terms, innovative engineering or cost-reduction
434 terms, finance plans, and the need for state funds to deliver
435 the project. If the department is not satisfied with the results
436 of the negotiations, the department may, at its sole discretion,
437 terminate negotiations with the proposer. If these negotiations
438 are unsuccessful, the department may go to the second-ranked and
439 lower-ranked firms, in order, using this same procedure. If only
440 one proposal is received, the department may negotiate in good
441 faith and, if the department is not satisfied with the results
442 of the negotiations, the department may, at its sole discretion,
443 terminate negotiations with the proposer. Notwithstanding this
444 subsection, the department may, at its discretion, reject all
445 proposals at any point in the process up to completion of a



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446 contract with the proposer.

447 (e) The department shall provide an independent analysis of
448 the proposed public-private partnership that demonstrates the
449 cost-effectiveness and overall public benefit at the following
450 times:

- 451 1. Prior to moving forward with the procurement; and
- 452 2. If the procurement moves forward, prior to awarding the
453 contract.

454 (8) Before or in connection with the negotiation of a
455 comprehensive agreement, the department may enter into an
456 interim agreement with the private entity proposing the
457 development or operation of a qualifying project. An interim
458 agreement does not obligate the department to enter into a
459 comprehensive agreement. The interim agreement is discretionary
460 with the parties and is not required on a project for which the
461 parties may proceed directly to a comprehensive agreement
462 without the need for an interim agreement. An interim agreement
463 must be limited to any of the following provisions that:

464 (a) Authorize the private entity to commence activities for
465 which it may be compensated related to the proposed qualifying
466 project, including, but not limited to, project planning and
467 development, designing, environmental analysis and mitigation,
468 surveying, other activities concerning any part of the proposed
469 qualifying project, and ascertaining the availability of
470 financing for the proposed facility or facilities.

471 (b) Establish the process and timing for the negotiation of
472 the comprehensive agreement.

473 (c) Contain such other provisions related to an aspect of
474 the development or operation of a qualifying project which the



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475 department and the private entity deem appropriate.

476 (9)-(8) The department may enter into comprehensive public-
477 private partnership agreements that include extended terms
478 providing annual payments for performance based on the
479 availability of service or the facility being open to traffic or
480 based on the level of traffic using the facility. In addition to
481 other provisions in this section, the following provisions ~~shall~~
482 apply:

483 (a) The annual payments under any such comprehensive
484 agreement must ~~shall~~ be included in the department's tentative
485 work program developed under s. 339.135 and the long-range
486 transportation plan for the applicable metropolitan planning
487 organization developed under s. 339.175. The department shall
488 ensure that annual payments on multiyear comprehensive public-
489 private partnership agreements are prioritized ahead of new
490 capacity projects in the development and updating of the
491 tentative work program.

492 (b) The annual payments are subject to annual appropriation
493 by the Legislature as provided in the General Appropriations Act
494 in support of the first year of the tentative work program.

495 (11)-(10) Before ~~Prior to~~ entering into comprehensive
496 ~~such~~ agreement in which ~~where~~ funds are committed from the State
497 Transportation Trust Fund, the project must be prioritized as
498 follows:

499 (a) The department, in coordination with the local
500 metropolitan planning organization, shall prioritize projects
501 included in the Strategic Intermodal System 10-year and long-
502 range cost-feasible plans.

503 (b) The department, in coordination with the local



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504 metropolitan planning organization or local government where
505 there is no metropolitan planning organization, shall prioritize
506 projects, for facilities not on the Strategic Intermodal System,
507 included in the metropolitan planning organization cost-feasible
508 transportation improvement plan and long-range transportation
509 plan.

510 (12)~~(11)~~ Comprehensive Public-private partnership
511 agreements under this section are ~~shall be~~ limited to a term not
512 exceeding 50 years. Upon making written findings that a
513 comprehensive ~~an~~ agreement under this section requires a term in
514 excess of 50 years, the secretary of the department may
515 authorize a term of up to 75 years for projects that are
516 partially or completely funded from project user fees.

517 Comprehensive agreements under this section may ~~shall~~ not have a
518 term in excess of 75 years unless specifically approved by the
519 Legislature. The department shall identify each new project
520 under this section with a term exceeding 75 years in the
521 transmittal letter that accompanies the submittal of the
522 tentative work program to the Governor and the Legislature in
523 accordance with s. 339.135.

524 (14)~~(13)~~ In connection with a proposal to finance or
525 refinance a transportation facility pursuant to this section,
526 the department shall consult with the Division of Bond Finance
527 of the State Board of Administration. The department shall
528 notify the division before entering into an interim agreement or
529 a comprehensive agreement and provide the division with the
530 information necessary to provide timely consultation and
531 recommendations. The Division of Bond Finance may make an
532 independent recommendation to the Executive Office of the



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533 Governor.

534 Section 10. Subsection (5) of section 336.044, Florida
535 Statutes, is amended to read:

536 336.044 Use of recyclable materials in construction.-

537 (5) Notwithstanding any law, rule, or ordinance to the
538 contrary, a local governmental entity may not adopt standards or
539 specifications that are contrary to the department standards or
540 specifications for permissible use of reclaimed asphalt pavement
541 material or deem reclaimed asphalt pavement material as in
542 ~~construction. For purposes of this section, such material may~~
543 ~~not be considered~~ solid waste.

544 Section 11. Paragraph (e) of subsection (7) and subsection
545 (13) of section 337.11, Florida Statutes, are amended to read:

546 337.11 Contracting authority of department; bids; emergency
547 repairs, supplemental agreements, and change orders; combined
548 design and construction contracts; progress payments; records;
549 requirements of vehicle registration.-

550 (7)

551 (e) For design-build contracts and phased design-build
552 contracts, the department must receive at least three letters of
553 interest in order to proceed with a request for proposals. The
554 department shall request proposals from no fewer than three of
555 the ~~design-build~~ firms submitting letters of interest. If a
556 ~~design-build~~ firm withdraws from consideration after the
557 department requests proposals, the department may continue if at
558 least two proposals are received.

559 (13) Any motor vehicle used in ~~Each contract let by the~~
560 ~~department for~~ the performance of road or bridge construction or
561 maintenance work on a department project must ~~shall require all~~



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562 ~~motor vehicles that the contractor operates or causes to be~~
563 ~~operated in this state to~~ be registered in compliance with
564 chapter 320.

565 Section 12. Paragraphs (a) and (d) of subsection (1) of
566 section 337.18, Florida Statutes, are amended to read:

567 337.18 Surety bonds for construction or maintenance
568 contracts; requirement with respect to contract award; bond
569 requirements; defaults; damage assessments.—

570 (1) (a) A surety bond shall be required of the successful
571 bidder in an amount equal to the awarded contract price.
572 However, the department may choose, in its discretion and
573 applicable only to multiyear maintenance contracts, to allow for
574 incremental annual contract bonds that cumulatively total the
575 full, awarded, multiyear contract price. The department may also
576 choose, in its discretion and applicable only to phased design-
577 build construction contracts under s. 337.11(7) (b), to allow the
578 issuance of multiple contract performance and payment bonds in
579 succession to align with each phase of the contract to meet the
580 bonding requirement in this subsection.

581 1. The department may waive the requirement for all or a
582 portion of a surety bond if:

583 a. The contract price is \$250,000 or less and the
584 department determines that the project is of a noncritical
585 nature and that nonperformance will not endanger public health,
586 safety, or property;

587 b. The prime contractor is a qualified nonprofit agency for
588 the blind or for the other severely handicapped under s.
589 413.036(2); or

590 c. The prime contractor is using a subcontractor that is a



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591 qualified nonprofit agency for the blind or for the other
592 severely handicapped under s. 413.036(2). However, the
593 department may not waive more than the amount of the
594 subcontract.

595 2. If the Secretary of Transportation or the secretary's
596 designee determines that it is in the best interests of the
597 department to reduce the bonding requirement for a project and
598 that to do so will not endanger public health, safety, or
599 property, the department may waive the requirement of a surety
600 bond in an amount equal to the awarded contract price for a
601 project having a contract price of \$250 million or more and, in
602 its place, may set a surety bond amount that is a portion of the
603 total contract price and provide an alternate means of security
604 for the balance of the contract amount that is not covered by
605 the surety bond or provide for incremental surety bonding and
606 provide an alternate means of security for the balance of the
607 contract amount that is not covered by the surety bond. Such
608 alternative means of security may include letters of credit,
609 United States bonds and notes, parent company guarantees, and
610 cash collateral. The department may require alternate means of
611 security if a surety bond is waived. The surety on such bond
612 shall be a surety company authorized to do business in the
613 state. All bonds shall be payable to the department and
614 conditioned for the prompt, faithful, and efficient performance
615 of the contract according to plans and specifications and within
616 the time period specified, and for the prompt payment of all
617 persons defined in s. 713.01 furnishing labor, material,
618 equipment, and supplies for work provided in the contract;
619 however, whenever an improvement, demolition, or removal



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620 contract price is \$25,000 or less, the security may, in the
621 discretion of the bidder, be in the form of a cashier's check,
622 bank money order of any state or national bank, certified check,
623 or postal money order. The department shall adopt rules to
624 implement this subsection. Such rules shall include provisions
625 under which the department shall refuse to accept bonds on
626 contracts when a surety wrongfully fails or refuses to settle or
627 provide a defense for claims or actions arising under a contract
628 for which the surety previously furnished a bond.

629 (d) An action, except for an action for recovery of
630 retainage, must be instituted by a claimant, whether in privity
631 with the contractor or not, against the contractor or the surety
632 on the payment bond or the payment provisions of a combined
633 payment and performance bond within 365 days after the
634 performance of the labor or completion of delivery of the
635 materials or supplies. An action for recovery of retainage must
636 be instituted against the contractor or the surety within 365
637 days after final acceptance of the contract work by the
638 department. A claimant may not waive in advance his or her right
639 to bring an action under the bond against the surety. In any
640 action brought to enforce a claim against a payment bond under
641 this section, the prevailing party is entitled to recover a
642 reasonable fee for the services of his or her attorney for trial
643 and appeal or for arbitration, in an amount to be determined by
644 the court, which fee must be taxed as part of the prevailing
645 party's costs, as allowed in equitable actions.

646 Section 13. Section 337.195, Florida Statutes, is amended
647 to read:

648 337.195 Limits on liability.-



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649 (1) In a civil action for the death of or injury to a
650 person, or for damage to property, against the Department of
651 Transportation or its agents, consultants, or contractors for
652 work performed on a highway, road, street, bridge, or other
653 transportation facility when the death, injury, or damage
654 resulted from a motor vehicle crash within a construction zone
655 in which the driver of one of the vehicles was under the
656 influence of alcoholic beverages as set forth in s. 316.193,
657 under the influence of any chemical substance as set forth in s.
658 877.111, under the influence of marijuana as authorized by s.
659 381.986, excluding low-THC cannabis, or illegally under the
660 influence of any substance controlled under chapter 893 to the
661 extent that her or his normal faculties were impaired or that
662 she or he operated a vehicle recklessly as defined in s.
663 316.192, it is presumed that the driver's operation of the
664 vehicle was the sole proximate cause of her or his own death,
665 injury, or damage. This presumption can be overcome if the gross
666 negligence or intentional misconduct of the Department of
667 Transportation, or of its agents, consultants, or contractors,
668 was a proximate cause of the driver's death, injury, or damage.

669 (2) (a) For purposes of this section, the term:

670 1. "Contract documents" has the same meaning as in the
671 applicable contract between the department and the contractor.

672 2. "Contractor" means a person or an entity, at any
673 contractual tier, including any member of a design-build team
674 pursuant to s. 337.11, who constructs, maintains, or repairs a
675 highway, road, street, bridge, or other transportation facility
676 for the department in connection with a department project.

677 3. "Design engineer" means a person or an entity, including



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678 the design consultant of a design-build team, who contracts at
679 any tier to prepare or provide engineering plans, including
680 traffic control plans, for the construction or repair of a
681 highway, road, street, bridge, or other department
682 transportation facility for the department or in connection with
683 a department project.

684 4. "Traffic control plans" means the maintenance of traffic
685 plans designed by a professional engineer, or otherwise in
686 accordance with the department's standard plans, and approved by
687 the department.

688 (b) A contractor is not liable for personal injury,
689 property damage, or death arising from any of the following:

690 1. The performance of the construction, maintenance, or
691 repair of the transportation facility, if, at the time the
692 personal injury, property damage, or death occurred, the
693 contractor was in compliance with the contract documents
694 material to the personal injury, property damage, or death.

695 2. Acts or omissions of a third party that furnishes or
696 contracts at any contractual level to furnish services or
697 materials to the transportation facility, including any
698 subcontractor; sub-subcontractor; laborer; materialman; owner,
699 lessor, or driver of a motor vehicle, trailer, semitrailer,
700 truck, heavy truck, truck tractor, or commercial motor vehicle,
701 as those terms are defined in s. 320.01; or any person who
702 performs services as an architect, a landscape architect, an
703 interior designer, an engineer, or a surveyor and mapper.

704 3. Acts or omissions of a third party who trespasses within
705 the limits of the transportation facility or otherwise is not
706 authorized to enter the area of the transportation facility in



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707 which the personal injury, property damage, or death occurred.

708 4. Acts or omissions of a third party who damages,
709 modifies, moves, or removes any traffic control device, warning
710 device, barrier, or other facility or device used for the
711 public's safety and convenience ~~who constructs, maintains, or~~
712 ~~repairs a highway, road, street, bridge, or other transportation~~
713 ~~facility for the Department of Transportation is not liable to a~~
714 ~~claimant for personal injury, property damage, or death arising~~
715 ~~from the performance of the construction, maintenance, or repair~~
716 ~~if, at the time of the personal injury, property damage, or~~
717 ~~death, the contractor was in compliance with contract documents~~
718 ~~material to the condition that was the proximate cause of the~~
719 ~~personal injury, property damage, or death.~~

720 (c)-(a) The limitations ~~limitation~~ on liability contained in
721 this subsection do ~~does~~ not apply when the proximate cause of
722 the personal injury, property damage, or death is a latent
723 condition, defect, error, or omission that was created by the
724 contractor and not a defect, error, or omission in the contract
725 documents; or when the proximate cause of the personal injury,
726 property damage, or death was the contractor's failure to
727 ~~perform, update, or comply with the maintenance of the traffic~~
728 control plans ~~safety plan~~ as required by the contract documents.

729 (d)-(b) ~~Nothing in~~ This subsection may not ~~shall~~ be
730 interpreted or construed as relieving the contractor of any
731 obligation to provide the department ~~of Transportation~~ with
732 written notice of any apparent error or omission in the contract
733 documents, or as relieving the contractor of his or her contract
734 responsibility to manage the work of others performing under the
735 contract.



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736 (e) ~~(e)~~ ~~Nothing in~~ This subsection may not shall be
737 interpreted or construed to alter or affect any claim of the
738 department ~~of Transportation~~ against such contractor.

739 (f) ~~(d)~~ This subsection does not affect any claim of any
740 entity against such contractor, which claim is associated with
741 such entity's facilities on or in department ~~of Transportation~~
742 roads or other transportation facilities.

743 (g) This subsection may not be interpreted or construed to
744 alter or amend any of the provisions of chapter 440, which shall
745 take precedence in the event of any conflict with this
746 subsection.

747 (h) This subsection does not preclude liability where the
748 contractor's negligence is the proximate cause of the personal
749 injury, property damage, or death.

750 (3) In all cases involving personal injury, property
751 damage, or death, a design engineer is ~~person or entity who~~
752 ~~contracts to prepare or provide engineering plans for the~~
753 ~~construction or repair of a highway, road, street, bridge, or~~
754 ~~other transportation facility for the Department of~~
755 ~~Transportation shall be presumed to have prepared such~~
756 engineering plans using the degree of care and skill ordinarily
757 exercised by other engineers in the field under similar
758 conditions and in similar localities and with due regard for
759 acceptable engineering standards and principles if the
760 engineering plans conformed to the department's ~~Department of~~
761 ~~Transportation's~~ design standards material to the condition or
762 defect that was the proximate cause of the personal injury,
763 property damage, or death. This presumption can be overcome only
764 upon a showing of the design engineer's ~~person's or entity's~~



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765 gross negligence in the preparation of the engineering plans and
766 ~~may shall~~ not be interpreted or construed to alter or affect any
767 claim of the department ~~of Transportation~~ against such design
768 engineer person or entity. The limitation on liability contained
769 in this subsection ~~does shall~~ not apply to any hidden or
770 undiscoverable condition created by the design engineer. This
771 subsection does not affect any claim of any entity against such
772 design engineer ~~or engineering firm~~, which claim is associated
773 with such entity's facilities on or in department ~~of~~
774 ~~Transportation~~ roads or other transportation facilities.

775 ~~(4) In any civil action for death, injury, or damages~~
776 ~~against the Department of Transportation or its agents,~~
777 ~~consultants, engineers, or contractors for work performed on a~~
778 ~~highway, road, street, bridge, or other transportation facility,~~
779 ~~if the department, its agents, consultants, engineers, or~~
780 ~~contractors are immune from liability pursuant to this section~~
781 ~~or are not parties to the litigation, they may not be named on~~
782 ~~the jury verdict form or be found to be at fault or responsible~~
783 ~~for the injury, death, or damage that gave rise to the damages.~~

784 Section 14. Section 339.2820, Florida Statutes, is created
785 to read:

786 339.2820 Local agency program.—

787 (1) There is created within the department a local agency
788 program for the purpose of providing assistance to subrecipient
789 agencies, which include counties, municipalities,
790 intergovernmental agencies, and other eligible governmental
791 entities, to develop, design, and construct transportation
792 facilities using federal funds allocated to the department from
793 federal agencies which are suballocated to local agencies. The



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794 department shall update the project cost estimate in the year
795 the project is granted to the local agency and include a
796 contingency amount as part of the project cost estimate.

797 (2) The department is authorized to oversee projects funded
798 by the Federal Highway Administration.

799 (3) Local agencies shall prioritize budgeting local
800 projects through their respective M.P.O.'s or governing boards
801 so that those organizations or boards may receive reimbursement
802 for the services they provide to the public which are in
803 compliance with applicable federal laws, rules, and regulations.

804 (4) Federal-aid highway funds are available only to local
805 agencies that are certified by the department based on the
806 agencies' qualifications, experience, and ability to comply with
807 federal requirements, and their ability to undertake and
808 satisfactorily complete the work.

809 (5) Local agencies shall include in their contracts to
810 develop, design, or construct transportation facilities the
811 department's Division I General Requirements and Covenants for
812 local agencies as well as a contingency amount to cover costs
813 incurred due to unforeseen conditions.

814 Section 15. Subsection (3) of section 339.2825, Florida
815 Statutes, is amended to read:

816 339.2825 Approval of contractor-financed projects.—

817 (3) This section does not apply to a comprehensive public-
818 private partnership agreement authorized in s. 334.30(2)(a).

819 Section 16. Subsection (4) of section 627.06501, Florida
820 Statutes, is amended to read:

821 627.06501 Insurance discounts for certain persons
822 completing driver improvement course.—



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823 (4) This section does not apply if the driver improvement
824 course is taken in lieu of a court appearance for a traffic
825 infraction as provided for in s. 318.14(9). However, the eight-
826 election ~~five-election~~ restriction enumerated in that section is
827 not applicable to taking the course for the purposes of
828 receiving insurance premium reductions.

829

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

831 And the title is amended as follows:

832 Delete lines 10 - 78

833 and insert:

834 316.003, F.S.; revising the definition of the term
835 "teleoperation system"; amending s. 316.303, F.S.;
836 prohibiting a motor vehicle from being operated on the
837 highways of this state if the vehicle is actively
838 displaying certain content unless the vehicle is
839 operated with a teleoperation system engaged; amending
840 s. 316.85, F.S.; authorizing certain motor vehicles to
841 be operated without a human operator physically
842 present; providing that a remote human operator is
843 deemed to be the driver or operator of a motor vehicle
844 when the teleoperation system is engaged; requiring
845 such operator to comply with the applicable traffic
846 and motor vehicle laws of this state; exempting remote
847 human operators from liability; providing an
848 exception; requiring that a motor vehicle equipped
849 with a teleoperation system be covered by an
850 automobile insurance policy; providing requirements
851 for such policy; revising legislative intent;



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852 conforming provisions to changes made by the act;
853 amending s. 318.14, F.S.; increasing the number of
854 times a driver may elect to attend a basic driver
855 improvement course approved by the Department of
856 Highway Safety and Motor Vehicles in lieu of a court
857 appearance; amending ss. 318.1451 and 322.095, F.S.;
858 requiring the department to annually review changes
859 made to certain laws and to require that course
860 content for specified driving courses be modified in
861 accordance with relevant changes; amending s. 334.30,
862 F.S.; authorizing the Department of Transportation to
863 enter into comprehensive agreements with private
864 entities or the consortia thereof for the building,
865 operation, ownership, or financing of transportation
866 facilities; conforming provisions to changes made by
867 the act; replacing the term "public-private
868 partnership agreement" with the term "comprehensive
869 agreement"; requiring a private entity to provide an
870 independent traffic and revenue study prepared by a
871 certain expert; providing a requirement for such
872 study; revising the timeframe within which the
873 department must publish a certain notice of receipt of
874 an unsolicited proposal for a public-private
875 transportation project; authorizing the department to
876 enter into an interim agreement with a private entity
877 regarding a qualifying project; providing that an
878 interim agreement does not obligate the department to
879 enter into a comprehensive agreement and is not
880 required under certain circumstances; providing



881 requirements for an interim agreement; authorizing the
882 secretary of the department to authorize comprehensive
883 agreements for a term of up to 75 years for certain
884 projects; making technical changes; requiring the
885 department to notify the Division of Bond Finance of
886 the State Board of Administration before entering into
887 an interim agreement or a comprehensive agreement;
888 amending s. 336.044, F.S.; prohibiting a local
889 governmental entity from adopting certain standards or
890 specifications concerning asphalt pavement material;
891 amending s. 337.11, F.S.; requiring the department to
892 receive three letters of interest before proceeding
893 with requests for proposals for certain contracts;
894 making technical changes; amending s. 337.18, F.S.;
895 authorizing the department to allow the issuance of
896 multiple contract performance and payment bonds in
897 succession to meet certain requirements; revising the
898 timeframe for certain actions against the contractor
899 or the surety; specifying a timeframe for when an
900 action for recovery of retainage must be instituted;
901 amending s. 337.195, F.S.; revising a presumption
902 regarding the proximate cause of death, injury, or
903 damage in a civil suit against the department;
904 defining terms; providing for immunity for contractors
905 under certain circumstances; conforming provisions
906 related to certain limitations on liability relating
907 to traffic control plans; making technical changes;
908 providing construction; providing that certain
909 provisions do not preclude liability when the



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910 contractor's negligence is the proximate cause of the
911 personal injury, property damage, or death; revising a
912 presumption regarding a design engineer's degree of
913 care and skill; deleting immunity for certain persons
914 and entities; creating s. 339.2820, F.S.; creating
915 within the department a local agency program for a
916 specified purpose; requiring the department to update
917 certain project cost estimates at a specified time and
918 include a contingency amount as part of the project
919 cost estimate; authorizing the department to oversee
920 certain projects; requiring local agencies to
921 prioritize budgeting certain local projects through
922 their respective M.P.O.'s or governing boards for a
923 specified purpose; specifying that certain funds are
924 available only to local agencies that are certified by
925 the department; requiring local agencies to include in
926 certain contracts a specified document and a
927 contingency amount for costs incurred due to
928 unforeseen conditions; amending ss. 339.2825 and
929 627.06501, F.S.; conforming provisions to changes made
930 by the act;