

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|---------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Infrastructure Strategies
 2 Committee

3 Representative Esposito offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 84-760 and insert:

7 (6) The department may not annually commit more than 20
 8 percent of the revenues derived from state fuel taxes and motor
 9 vehicle license-related fees deposited into the State
 10 Transportation Trust Fund to public transit projects, in
 11 accordance with chapter 341, except as otherwise provided
 12 herein. Notwithstanding the foregoing, the department may
 13 annually commit more than 20 percent of such revenues for any of
 14 the following:

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

18 (b) A public transit project included in the
19 transportation improvement program adopted pursuant to s.
20 339.175(8) and approved by a supermajority vote of the board of
21 county commissioners or the governing board of a consolidated
22 county and city government where the project is located.

23 (c) A bus rapid transit or rail project that would result
24 in maintaining or enhancing the level of service of the state
25 highway system along the corridor of the project, provided state
26 funds do not exceed 50 percent of the non-federal share of the
27 costs and the percent of the local share.

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

30 288.9606 Issue of revenue bonds.—

31 (6) The proceeds of any bonds of the corporation may not
32 be used, in any manner, to acquire any building or facility that
33 will be, during the pendency of the financing, used by, occupied
34 by, leased to, or paid for by any state, county, or municipal
35 agency or entity. This subsection does not prohibit the use of
36 proceeds of bonds of the corporation for the purpose of
37 financing the acquisition or construction of a transportation
38 facility under a comprehensive ~~public-private partnership~~
39 agreement authorized by s. 334.30.

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

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

47 (b) Finance the undertaking of any project within the
48 state that is a project contemplated or allowed under s. 406 of
49 the American Recovery and Reinvestment Act of 2009; ~~or~~

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

52 (d) Finance the costs of acquisition or construction of a
53 transportation facility by a private entity or consortium of
54 private entities under a comprehensive ~~public-private~~
55 ~~partnership~~ agreement authorized by s. 334.30.

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

58 316.003 Definitions.—The following words and phrases, when
59 used in this chapter, shall have the meanings respectively
60 ascribed to them in this section, except where the context
61 otherwise requires:

62 (95) TELEOPERATION SYSTEM.—The hardware and software
63 installed in a motor vehicle which allow a remote human operator
64 to supervise or perform aspects of, or the entirety of, the

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65 dynamic driving task. The term "remote human operator" means a
66 natural person who:

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

69 (b) Engages or monitors the motor vehicle from a remote
70 location;~~. A remote human operator may have~~

71 (c) Has the ability to perform aspects of, or the entirety
72 of, the dynamic driving task for the motor vehicle;

73 (d) Has the ability to ~~or~~ cause the motor vehicle to
74 achieve a reasonably safe state, such as bringing the vehicle to
75 a complete stop and activating the vehicle's hazard lamps;

76 ~~minimal risk condition as defined in s. 319.145(2). A remote~~
77 ~~human operator must be~~

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

79 (f) Is licensed to operate a motor vehicle by a United
80 States jurisdiction.

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

83 316.303 Television receivers.—

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

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90 Section 5. Subsections (5) and (6) of section 316.85,
91 Florida Statutes, are amended to read:

92 316.85 Autonomous vehicles and motor vehicles equipped
93 with teleoperation systems; operation; compliance with traffic
94 and motor vehicle laws; testing.-

95 (5) (a) Notwithstanding any other provision of this
96 chapter, a motor ~~an autonomous vehicle or a fully autonomous~~
97 vehicle equipped with a teleoperation system may operate without
98 a human operator physically present in the motor vehicle when
99 the teleoperation system is engaged. When the teleoperation
100 system is engaged, the remote human operator is deemed to be the
101 driver or operator of the motor vehicle and must operate the
102 motor vehicle in compliance with the applicable traffic and
103 motor vehicle laws of this state. The remote human operator
104 shall not be held personally liable for any injury, property
105 damage, or death arising from the performance of their duties
106 unless caused directly by their negligence, recklessness, or
107 willful misconduct.

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

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

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

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

121 (6) It is the intent of the Legislature to provide for
122 uniformity of laws governing autonomous vehicles and motor
123 vehicles equipped with teleoperation systems throughout the
124 state. A local government may not impose any tax, fee, for-hire
125 vehicle requirement, or other requirement on automated driving
126 systems or autonomous vehicles; teleoperation systems or motor
127 vehicles equipped with teleoperation systems; ~~or~~ ~~on~~ a person who
128 operates an autonomous vehicle, including, but not limited to, a
129 person who operates an autonomous vehicle for purposes of
130 providing passenger transportation services; or a remote human
131 operator of a motor vehicle with a teleoperation system engaged.
132 This subsection does not prohibit an airport or a seaport from
133 charging reasonable fees consistent with any fees charged to
134 companies that provide similar services at that airport or
135 seaport for their use of the airport's or seaport's facilities,
136 nor does it prohibit the airport or seaport from designating
137 locations for staging, pickup, or other similar operations at
138 the airport or seaport.

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

141 318.14 Noncriminal traffic infractions; exception;
142 procedures.—

143 (9) Any person who does not hold a commercial driver
144 license or commercial learner's permit and who is cited while
145 driving a noncommercial motor vehicle for an infraction under
146 this section other than a violation of s. 316.183(2), s.
147 316.187, or s. 316.189 when the driver exceeds the posted limit
148 by 30 miles per hour or more, s. 320.0605, s. 320.07(3) (a) or
149 (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in
150 lieu of a court appearance, elect to attend in the location of
151 his or her choice within this state a basic driver improvement
152 course approved by the Department of Highway Safety and Motor
153 Vehicles. In such a case, adjudication must be withheld, any
154 civil penalty that is imposed by s. 318.18(3) must be reduced by
155 18 percent, and points, as provided by s. 322.27, may not be
156 assessed. However, a person may not make an election under this
157 subsection if the person has made an election under this
158 subsection in the preceding 12 months. A person may not make
159 more than eight ~~five~~ elections within his or her lifetime under
160 this subsection. The requirement for community service under s.
161 318.18(8) is not waived by a plea of nolo contendere or by the
162 withholding of adjudication of guilt by a court.

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163 Section 7. Paragraph (d) of subsection (6) of section
164 318.1451, Florida Statutes, is amended to read:

165 318.1451 Driver improvement schools.—

166 (6) The department shall adopt rules establishing and
167 maintaining policies and procedures to implement the
168 requirements of this section. These policies and procedures may
169 include, but shall not be limited to, the following:

170 (d) Course content.—The department shall set and modify
171 course content requirements to keep current with laws and safety
172 information. The department shall annually review changes made
173 to major traffic laws of this state, including s. 316.126(1) (b),
174 and shall require course content for courses referenced in this
175 section to be modified in accordance with changes relevant to
176 the courses. Course content includes all items used in the
177 conduct of the course.

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

180 322.095 Traffic law and substance abuse education program
181 for driver license applicants.—

182 (7) Courses approved under this section must be updated at
183 the department's request. The department shall annually review
184 changes made to major traffic laws of this state, including s.
185 316.126(1) (b), and shall require course content for courses
186 referenced in this section to be modified in accordance with
187 changes relevant to the courses. Failure of a course provider to

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188 | update the course within 90 days after the department's request
189 | shall result in the suspension of the course approval until such
190 | time that the updates are submitted and approved by the
191 | department.

192 | Section 9. Subsections (8) through (13) of section 334.30,
193 | Florida Statutes, are renumbered as subsections (9) through
194 | (14), respectively, subsections (1), (2), and (6) and present
195 | subsections (8), (10), (11), and (13) are amended, and a new
196 | subsection (8) is added to that section, to read:

197 | 334.30 Public-private transportation facilities.—The
198 | Legislature finds and declares that there is a public need for
199 | the rapid construction of safe and efficient transportation
200 | facilities for the purpose of traveling within the state, and
201 | that it is in the public's interest to provide for the
202 | construction of additional safe, convenient, and economical
203 | transportation facilities.

204 | (1) The department may receive or solicit proposals and,
205 | with legislative approval as evidenced by approval of the
206 | project in the department's work program, enter into
207 | comprehensive agreements with private entities, or consortia
208 | thereof, for the building, operation, ownership, or financing of
209 | transportation facilities. The department may advance projects
210 | programmed in the adopted 5-year work program or projects
211 | increasing transportation capacity and greater than \$500 million
212 | in the 10-year Strategic Intermodal Plan using funds provided by

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213 public-private partnerships or private entities to be reimbursed
214 from department funds for the project as programmed in the
215 adopted work program. The department shall by rule establish an
216 application fee for the submission of unsolicited proposals
217 under this section. The fee must be sufficient to pay the costs
218 of evaluating the proposals. The department may engage the
219 services of private consultants to assist in the evaluation.
220 Before approval, the department must determine that the proposed
221 project:

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

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

225 (c) Would have adequate safeguards in place to ensure that
226 no additional costs or service disruptions would be realized by
227 the traveling public and residents of the state in the event of
228 default or cancellation of the comprehensive agreement by the
229 department;

230 (d) Would have adequate safeguards in place to ensure that
231 the department or the private entity has the opportunity to add
232 capacity to the proposed project and other transportation
233 facilities serving similar origins and destinations; and

234 (e) Would be owned by the department upon completion or
235 termination of the comprehensive agreement.

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237 The department shall ensure that all reasonable costs to the
238 state, related to transportation facilities that are not part of
239 the State Highway System, are borne by the private entity. The
240 department shall also ensure that all reasonable costs to the
241 state and substantially affected local governments and
242 utilities, related to the private transportation facility, are
243 borne by the private entity for transportation facilities that
244 are owned by private entities. For projects on the State Highway
245 System, the department may use state resources to participate in
246 funding and financing the project as provided for under the
247 department's enabling legislation. Because the Legislature
248 recognizes that private entities or consortia thereof would
249 perform a governmental or public purpose or function when they
250 enter into comprehensive agreements with the department to
251 design, build, operate, own, or finance transportation
252 facilities, the transportation facilities, including leasehold
253 interests thereof, are exempt from ad valorem taxes as provided
254 in chapter 196 to the extent property is owned by the state or
255 other government entity, and from intangible taxes as provided
256 in chapter 199 and special assessments of the state, any city,
257 town, county, special district, political subdivision of the
258 state, or any other governmental entity. The private entities or
259 consortia thereof are exempt from tax imposed by chapter 201 on
260 all documents or obligations to pay money which arise out of the
261 comprehensive agreements to design, build, operate, own, lease,

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262 or finance transportation facilities. Any private entities or
263 consortia thereof must pay any applicable corporate taxes as
264 provided in chapter 220, and reemployment assistance taxes as
265 provided in chapter 443, and sales and use tax as provided in
266 chapter 212 shall be applicable. The private entities or
267 consortia thereof must also register and collect the tax imposed
268 by chapter 212 on all their direct sales and leases that are
269 subject to tax under chapter 212. The comprehensive agreement
270 between the private entity or consortia thereof and the
271 department establishing a transportation facility under this
272 chapter constitutes documentation sufficient to claim any
273 exemption under this section.

274 (2) Comprehensive agreements entered into pursuant to this
275 section may authorize the private entity to impose tolls or
276 fares for the use of the facility. The following provisions
277 shall apply to such comprehensive agreements:

278 (a) With the exception of the Florida Turnpike System, the
279 department may lease existing toll facilities through public-
280 private partnerships. The comprehensive ~~public-private~~
281 ~~partnership~~ agreement must ensure that the transportation
282 facility is properly operated, maintained, and renewed in
283 accordance with department standards.

284 (b) The department may develop new toll facilities or
285 increase capacity on existing toll facilities through public-
286 private partnerships. The comprehensive ~~public-private~~

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287 ~~partnership~~ agreement must ensure that the toll facility is
288 properly operated, maintained, and renewed in accordance with
289 department standards.

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

294 (d) The department shall provide the analysis required in
295 subparagraph (6)(e)2. to the Legislative Budget Commission
296 created pursuant to s. 11.90 for review and approval before
297 ~~prior to~~ awarding a contract on a lease of an existing toll
298 facility.

299 (e) The department shall include provisions in the
300 comprehensive ~~public-private partnership~~ agreement that ensure a
301 negotiated portion of revenues from tolled or fare generating
302 projects ~~is are~~ returned to the department over the life of the
303 comprehensive ~~public-private partnership~~ agreement. In the case
304 of a lease of an existing toll facility, the department shall
305 receive a portion of funds upon closing on the comprehensive
306 agreements and shall also include provisions in the
307 comprehensive agreement to receive payment of a portion of
308 excess revenues over the life of the public-private partnership.

309 (f) The private entity shall provide an independent
310 ~~investment grade~~ traffic and revenue study prepared by a an
311 ~~internationally recognized~~ traffic and revenue expert as part of

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312 the private entity proposal. The private entity shall provide a
313 traffic and revenue study that is accepted by the national bond
314 rating agencies for the financing that supports the
315 comprehensive agreement at financial close for the public-
316 private partnership project. The private entity shall also
317 provide a finance plan that identifies the project cost,
318 revenues by source, financing, major assumptions, internal rate
319 of return on private investments, and whether any government
320 funds are assumed to deliver a cost-feasible project, and a
321 total cash flow analysis beginning with implementation of the
322 project and extending for the term of the comprehensive
323 agreement.

324 (6) The procurement of public-private partnerships by the
325 department shall follow the provisions of this section. Sections
326 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,
327 337.185, 337.19, 337.221, and 337.251 shall not apply to
328 procurements under this section unless a provision is included
329 in the procurement documents. The department shall ensure that
330 generally accepted business practices for exemptions provided by
331 this subsection are part of the procurement process or are
332 included in the comprehensive ~~public-private partnership~~
333 agreement.

334 (a) The department may request proposals from private
335 entities for public-private transportation projects or, if the
336 department receives an unsolicited proposal, the department

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337 shall publish a notice in the Florida Administrative Register
338 and a newspaper of general circulation at least once a week for
339 2 weeks stating that the department has received the proposal
340 and will accept, between 30 and ~~for~~ 120 days after the initial
341 date of publication as determined by the department based on the
342 complexity of the project, other proposals for the same project
343 purpose. A copy of the notice must be mailed to each local
344 government in the affected area.

345 (b) Public-private partnerships shall be qualified by the
346 department as part of the procurement process as outlined in the
347 procurement documents, provided such process ensures that the
348 private firm meets at least the minimum department standards for
349 qualification in department rule for professional engineering
350 services and road and bridge contracting before ~~prior to~~
351 submitting a proposal under the procurement.

352 (c) The department shall ensure that procurement documents
353 include provisions for performance of the private entity and
354 payment of subcontractors, including, but not limited to, surety
355 bonds, letters of credit, parent company guarantees, and lender
356 and equity partner guarantees. The department shall balance the
357 structure of the security package for the public-private
358 partnership that ensures performance and payment of
359 subcontractors with the cost of the security to ensure the most
360 efficient pricing.

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361 (d) After the public notification period has expired, the
362 department shall rank the proposals in order of preference. In
363 ranking the proposals, the department may consider factors that
364 include, but are not limited to, professional qualifications,
365 general business terms, innovative engineering or cost-reduction
366 terms, finance plans, and the need for state funds to deliver
367 the project. If the department is not satisfied with the results
368 of the negotiations, the department may, at its sole discretion,
369 terminate negotiations with the proposer. If these negotiations
370 are unsuccessful, the department may go to the second-ranked and
371 lower-ranked firms, in order, using this same procedure. If only
372 one proposal is received, the department may negotiate in good
373 faith and, if the department is not satisfied with the results
374 of the negotiations, the department may, at its sole discretion,
375 terminate negotiations with the proposer. Notwithstanding this
376 subsection, the department may, at its discretion, reject all
377 proposals at any point in the process up to completion of a
378 contract with the proposer.

379 (e) The department shall provide an independent analysis
380 of the proposed public-private partnership that demonstrates the
381 cost-effectiveness and overall public benefit at the following
382 times:

- 383 1. Before ~~Prior to~~ moving forward with the procurement;
- 384 and

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385 2. If the procurement moves forward, before ~~prior to~~
386 awarding the contract.

387 (8) Before or in connection with the negotiation of a
388 comprehensive agreement, the department may enter into an
389 interim agreement with the private entity proposing the
390 development or operation of the qualifying project. An interim
391 agreement does not obligate the department to enter into a
392 comprehensive agreement. The interim agreement is discretionary
393 with the parties and is not required on a qualifying project for
394 which the parties may proceed directly to a comprehensive
395 agreement without the need for an interim agreement. An interim
396 agreement must be limited to provisions that:

397 (a) Authorize the private entity to commence activities
398 for which it may be compensated related to the proposed
399 qualifying project, including, but not limited to, project
400 planning and development, design, environmental analysis and
401 mitigation, survey, other activities concerning any part of the
402 proposed qualifying project, and ascertaining the availability
403 of financing for the proposed facility or facilities.

404 (b) Establish the process and timing of the negotiation of
405 the comprehensive agreement.

406 (c) Contain such other provisions that the department and
407 the private entity deem appropriate related to an aspect of the
408 development or operation of a qualifying project.

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409 ~~(9)-(8)~~ The department may enter into a comprehensive
410 agreement ~~public-private partnership agreements~~ that includes
411 ~~include~~ extended terms providing annual payments for performance
412 based on the availability of service or the facility being open
413 to traffic or based on the level of traffic using the facility.
414 In addition to other provisions in this section, the following
415 provisions shall apply:

416 (a) The annual payments under such comprehensive agreement
417 shall be included in the department's tentative work program
418 developed under s. 339.135 and the long-range transportation
419 plan for the applicable metropolitan planning organization
420 developed under s. 339.175. The department shall ensure that
421 annual payments on multiyear comprehensive ~~public-private~~
422 ~~partnership~~ agreements are prioritized ahead of new capacity
423 projects in the development and updating of the tentative work
424 program.

425 (b) The annual payments are subject to annual
426 appropriation by the Legislature as provided in the General
427 Appropriations Act in support of the first year of the tentative
428 work program.

429 ~~(11)-(10)~~ Before ~~Prior to~~ entering into such comprehensive
430 agreement where funds are committed from the State
431 Transportation Trust Fund, the project must be prioritized as
432 follows:

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433 (a) The department, in coordination with the local
434 metropolitan planning organization, shall prioritize projects
435 included in the Strategic Intermodal System 10-year and long-
436 range cost-feasible plans.

437 (b) The department, in coordination with the local
438 metropolitan planning organization or local government where
439 there is no metropolitan planning organization, shall prioritize
440 projects, for facilities not on the Strategic Intermodal System,
441 included in the metropolitan planning organization cost-feasible
442 transportation improvement plan and long-range transportation
443 plan.

444 ~~(12)-(11) Comprehensive Public-private partnership~~
445 agreements under this section shall be limited to a term not
446 exceeding 50 years. Upon making written findings that a
447 comprehensive ~~an~~ agreement under this section requires a term in
448 excess of 50 years, the secretary of the department may
449 authorize a term of up to 75 years for projects that are
450 partially or completely funded from project user fees.

451 Comprehensive agreements under this section shall not have a
452 term in excess of 75 years unless specifically approved by the
453 Legislature. The department shall identify each new project
454 under this section with a term exceeding 75 years in the
455 transmittal letter that accompanies the submittal of the
456 tentative work program to the Governor and the Legislature in
457 accordance with s. 339.135.

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458 ~~(14)~~~~(13)~~ In connection with a proposal to finance or
459 refinance a transportation facility pursuant to this section,
460 the department shall consult with the Division of Bond Finance
461 of the State Board of Administration. The department shall
462 notify the division prior to entering into an interim or
463 comprehensive agreement and provide the division with the
464 information necessary to provide timely consultation and
465 recommendations. The Division of Bond Finance may make an
466 independent recommendation to the Executive Office of the
467 Governor.

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

470 (5) Notwithstanding any law, rule, or ordinance to the
471 contrary, a local governmental entity may not adopt standards or
472 specifications that are contrary to the department standards or
473 specifications for permissible use of reclaimed asphalt pavement
474 material and may not deem reclaimed asphalt pavement in
475 ~~construction. For purposes of this section, such material as may~~
476 ~~not be considered~~ solid waste.

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

479 337.11 Contracting authority of department; bids;
480 emergency repairs, supplemental agreements, and change orders;
481 combined design and construction contracts; progress payments;
482 records; requirements of vehicle registration.-

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483 (7)

484 (e) For design-build contracts and phased design-build
485 contracts, the department must receive at least three letters of
486 interest in order to proceed with a request for proposals. The
487 department shall request proposals from no fewer than three of
488 the ~~design-build~~ firms submitting letters of interest. If a
489 ~~design-build~~ firm withdraws from consideration after the
490 department requests proposals, the department may continue if at
491 least two proposals are received.

492 (13) A motor vehicle used ~~Each contract let by the~~
493 ~~department~~ for the performance of road or bridge construction or
494 maintenance work on a department project must ~~shall require all~~
495 ~~motor vehicles that the contractor operates or causes to be~~
496 ~~operated in this state to~~ be registered in compliance with
497 chapter 320.

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

500 337.18 Surety bonds for construction or maintenance
501 contracts; requirement with respect to contract award; bond
502 requirements; defaults; damage assessments.—

503 (1)(a) A surety bond shall be required of the successful
504 bidder in an amount equal to the awarded contract price.
505 However, the department may choose, in its discretion and
506 applicable only to multiyear maintenance contracts, to allow for
507 incremental annual contract bonds that cumulatively total the

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508 full, awarded, multiyear contract price. The department may also
509 choose, in its discretion and applicable only to phased design-
510 build construction contracts under s.337.11(7)(b), to allow the
511 issuance of multiple contract performance and payment bonds in
512 succession to align with each phase of the contract to meet the
513 bonding requirement in this subsection.

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

516 a. The contract price is \$250,000 or less and the
517 department determines that the project is of a noncritical
518 nature and that nonperformance will not endanger public health,
519 safety, or property;

520 b. The prime contractor is a qualified nonprofit agency
521 for the blind or for the other severely handicapped under s.
522 413.036(2); or

523 c. The prime contractor is using a subcontractor that is a
524 qualified nonprofit agency for the blind or for the other
525 severely handicapped under s. 413.036(2). However, the
526 department may not waive more than the amount of the
527 subcontract.

528 2. If the department ~~Secretary of Transportation or the~~
529 ~~secretary's designee~~ determines that it is in the best interests
530 of the department to reduce the bonding requirement for a
531 project and that to do so will not endanger public health,
532 safety, or property, the department may waive the requirement of

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533 a surety bond in an amount equal to the awarded contract price
534 for a project having a contract price of \$250 million or more
535 and, in its place, may set a surety bond amount that is a
536 portion of the total contract price and provide an alternate
537 means of security for the balance of the contract amount that is
538 not covered by the surety bond or provide for incremental surety
539 bonding and provide an alternate means of security for the
540 balance of the contract amount that is not covered by the surety
541 bond. Such alternative means of security may include letters of
542 credit, United States bonds and notes, parent company
543 guarantees, and cash collateral. The department may require
544 alternate means of security if a surety bond is waived. The
545 surety on such bond shall be a surety company authorized to do
546 business in the state. All bonds shall be payable to the
547 department and conditioned for the prompt, faithful, and
548 efficient performance of the contract according to plans and
549 specifications and within the time period specified, and for the
550 prompt payment of all persons defined in s. 713.01 furnishing
551 labor, material, equipment, and supplies for work provided in
552 the contract; however, whenever an improvement, demolition, or
553 removal contract price is \$25,000 or less, the security may, in
554 the discretion of the bidder, be in the form of a cashier's
555 check, bank money order of any state or national bank, certified
556 check, or postal money order. The department shall adopt rules
557 to implement this subsection. Such rules shall include

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558 provisions under which the department shall refuse to accept
559 bonds on contracts when a surety wrongfully fails or refuses to
560 settle or provide a defense for claims or actions arising under
561 a contract for which the surety previously furnished a bond.

562 (d) An action, except an action for recovery of retainage,
563 must be instituted by a claimant, regardless of whether in
564 privity with the contractor ~~or not~~, against the contractor or
565 the surety on the payment bond or the payment provisions of a
566 combined payment and performance bond within 365 days after the
567 performance of the labor or completion of delivery of the
568 materials or supplies. An action for recovery of retainage must
569 be instituted against the contractor or the surety within 365
570 days after final acceptance of the contract work by the
571 department. A claimant may not waive in advance his or her right
572 to bring an action under the bond against the surety. In any
573 action brought to enforce a claim against a payment bond under
574 this section, the prevailing party is entitled to recover a
575 reasonable fee for the services of his or her attorney for trial
576 and appeal or for arbitration, in an amount to be determined by
577 the court, which fee must be taxed as part of the prevailing
578 party's costs, as allowed in equitable actions.

579 Section 13. Subsection (4) of section 337.25, Florida
580 Statutes, is amended to read:

581 337.25 Acquisition, lease, and disposal of real and
582 personal property.—

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583 (4) The department may convey, in the name of the state,
584 any land, building, or other property, real or personal, which
585 was acquired under subsection (1) and which the department has
586 determined is not needed for the construction, operation, and
587 maintenance of a transportation facility. When such a
588 determination has been made, property may be disposed of through
589 negotiations, sealed competitive bids, auctions, or any other
590 means the department deems to be in its best interest, with due
591 advertisement for property valued by the department at greater
592 than \$10,000. A sale may not occur at a price less than the
593 department's current estimate of value, except as provided in
594 paragraphs (a)-(d). The department may afford a right of first
595 refusal to the local government or other political subdivision
596 in the jurisdiction in which the parcel is situated, except in a
597 conveyance transacted under paragraph (a), paragraph (c), or
598 paragraph (e). Notwithstanding any provision of this section to
599 the contrary, before any conveyance under this subsection may be
600 made, except a conveyance under paragraph (a) or paragraph (c),
601 the department shall first afford a right of first refusal to
602 the previous property owner for the department's current
603 estimate of value of the property. The right of first refusal
604 must be made in writing and sent to the previous owner via
605 certified mail or hand delivery, effective upon receipt. The
606 right of first refusal must provide the previous owner with a
607 minimum of 30 days to exercise the right in writing and must be

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608 sent to the originator of the offer by certified mail or hand
609 delivery, effective upon dispatch. If the previous owner
610 exercises his or her right of first refusal, the previous owner
611 has a minimum of 90 days to close on the property. The right of
612 first refusal set forth in this subsection may not be required
613 for the disposal of property acquired more than 10 years before
614 the date of disposition by the department. If within 10 years of
615 the date of the department's acquisition of the property the
616 previous property owner notifies the department, in writing
617 provided via certified mail to the department's district
618 secretary of the district in which the property is located, of
619 the previous property owner's interest in reacquiring the
620 property, the right to receive the right of first refusal vests
621 with such previous owner, and the department is thereafter
622 obligated to issue a right of first refusal to the previous
623 property owner in accordance with this subsection before
624 disposal or conveyance of the property whenever that may occur.
625 Within 60 days of the department's receipt of the previous
626 property owner's notice of interest as provided in this
627 subsection, the department must acknowledge receipt of such
628 notice, in writing via certified mail, to the previous property
629 owner.

630 Section 14. Paragraph (a) of subsection (3) of section
631 338.26, Florida Statutes, is amended to read:

632 338.26 Alligator Alley toll road.—

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633 (3) (a) Fees generated from tolls shall be deposited in the
634 State Transportation Trust Fund and shall be used:

- 635 1. To reimburse outstanding contractual obligations;
- 636 2. To operate and maintain the highway and toll
637 facilities, including reconstruction and restoration;
- 638 3. To pay for those projects that are funded with
639 Alligator Alley toll revenues and that are contained in the
640 1993-1994 adopted work program or the 1994-1995 tentative work
641 program submitted to the Legislature on February 22, 1994; and
- 642 4. By interlocal agreement ~~effective July 1, 2019, through~~
643 ~~no later than June 30, 2027,~~ to reimburse a local governmental
644 entity for the direct actual costs of operating the fire station
645 at mile marker 63 on Alligator Alley, which shall be used by the
646 local governmental entity to provide fire, rescue, and emergency
647 management services exclusively to the public on Alligator
648 Alley. The local governmental entity must contribute 10 percent
649 of the direct actual operating costs. Beginning July 1, 2024,
650 the amount of reimbursement in any state fiscal year to the
651 local governmental entity may not exceed \$2 million, which shall
652 increase to reflect any upward adjustment adopted by the U.S.
653 Bureau of Labor Statistics for the previous 12 months in the
654 Consumer Price Index for All Urban Consumers for Miami-Fort
655 Lauderdale-West Palm Beach \$1.4 million in any state fiscal
656 year. In accordance with the capital improvement plan of the
657 local governmental entity, the local governmental entity shall

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658 also be reimbursed for replacement of fire apparatus that is a
659 like or similar model to Class A fire apparatus in use at the
660 fire station and which conforms to the currently adopted
661 equipment needs and safety standards of the local governmental
662 entity. Any funds received by the local governmental entity from
663 the surplus of fire apparatus being replaced in accordance with
664 this paragraph shall be used to reduce the amount reimbursed to
665 the local governmental entity for that year. Any fire apparatus
666 purchased using state funds may not be used at another fire
667 station of the local governmental entity. At the end of the term
668 of the interlocal agreement, the ownership and title of all
669 fire, rescue, and emergency equipment purchased with state funds
670 and used at the fire station during the term of the interlocal
671 agreement transfers to the state.

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

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Remove lines 43-75 and insert:

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up to 75 years for certain projects; amending s.

677

336.044, F.S.; prohibiting a local government from

678

deeming reclaimed asphalt pavement as solid waste;

679

amending s. 337.11, F.S.; requiring the department to

680

receive at least three letters of interest in order to

681

proceed with a request for proposals for design-build

682

contracts and phased design-build contracts; requiring

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 287 (2024)

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683 a motor vehicle used for specified work on a
684 department project to be registered in compliance with
685 certain provisions; amending s. 337.18, F.S.;

686 authorizing the department to the issuance of certain
687 contract performance and payment bonds for phased
688 design-build construction contracts; authorizing the
689 department to determine whether to reduce bonding
690 requirements; revising the time periods within which
691 certain actions must be instituted by a claimant;
692 amending s. 337.25, F.S.; allowing certain previous
693 property owners to notify the Department of
694 Transportation of the person's interest in reacquiring
695 certain property; providing requirements for such
696 person to notify the department; amending s. 338.26,
697 F.S.; removing dates for an interlocal agreement for a
698 certain fire station; increasing the amount reimbursed
699 to a local governmental entity for operating the fire
700 station; providing for an increase in the amount
701 reimbursed based on the consumer price index;
702 providing requirements for the replacement and surplus
703 of fire apparatus; creating s. 339.28201, F.S.;

704 creating a Local Agency Program within the department
705 for certain funding purposes; requiring oversight by
706 the department; providing requirements for the
707 department's project cost estimate; providing for

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 287 (2024)

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708 | prioritization and budget of certain local projects;
709 | providing funding eligibility requirements; providing
710 | contract requirements; amending ss. 288.9606,
711 | 339.2825, and 627.06501, F.S.; conforming