

**By** the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Transportation; and Senator Collins

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A bill to be entitled

An act relating to transportation; amending s. 20.23, F.S.; authorizing the Secretary of Transportation to appoint a specified number of assistant secretaries; specifying titles for such assistant secretaries; authorizing the secretary to appoint an Executive Director of Transportation Technology; specifying that such assistant secretaries and executive director positions are exempt from career service and are included in the Senior Management Service; revising qualifications for members of the Florida Transportation Commission; requiring the commission to monitor transit entities that receive certain funding; requiring members of the commission to follow certain standards of conduct; providing legislative findings and intent; creating the Florida Transportation Research Institute; specifying the purpose and mission of the institute; requiring the institute to report to the department; providing for membership of the institute; requiring the department to select a member to serve as the administrative lead of the institute; requiring the Secretary of Transportation to appoint a representative of the department to serve as the executive director of the institute; requiring the department to coordinate with the members of the institute to adopt certain policies; authorizing the institute to award certain grants; authorizing the department to allocate funds to the institute from the State Transportation Trust Fund; authorizing the

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institute to expend funds for certain operations and programs; requiring the institute to submit an annual report to the Secretary of Transportation and the commission; revising the department's areas of program responsibility; amending s. 311.07, F.S.; providing that certain spaceport and space industry-related facility projects and commercial shipbuilding and manufacturing facility projects are eligible for grant funding under the Florida Seaport Transportation and Economic Development Program; amending s. 311.09, F.S.; revising the purpose of the Florida Seaport Transportation and Economic Development Council; requiring that the Florida Seaport Mission Plan include certain recommendations; requiring each port member of the council to submit a certain semiannual report to the department; amending s. 311.10, F.S.; requiring seaports located in specified counties to include certain statements in any agreement with the department as a condition of receiving certain grants or state funds; requiring that express approval for certain seaport conversions be obtained by specified entities upon recommendation by the funding agency; defining the term "cargo purposes"; amending s. 316.003, F.S.; revising the definition of the term "special mobile equipment"; repealing s. 316.0741, F.S., relating to high-occupancy-vehicle lanes; amending s. 316.0745, F.S.; deleting language limiting the state funds that may be withheld due to certain violations by a public body or official to state funds

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for traffic control purposes; providing that such violations are cause for the withholding of state funds deposited in the State Transportation Trust Fund; amending s. 316.550, F.S.; authorizing the Department of Transportation to issue a mobile crane special blanket permit for certain purposes; amending s. 330.27, F.S.; revising definitions and defining terms; amending s. 330.30, F.S.; requiring a private airport of public interest to obtain a certain certificate from the department before allowing aircraft operations; requiring certain private airports to obtain a certain certificate from the department by a specified date; amending s. 331.371, F.S.; authorizing the department, in consultation with the Department of Commerce and the Department of Environmental Protection, to fund certain infrastructure projects and projects associated with certain critical infrastructure projects; requiring such departments to coordinate in funding certain projects for a specified purpose; amending s. 332.003, F.S.; revising a short title; amending s. 332.005, F.S.; requiring airports to provide the Department of Transportation with the opportunity to use certain airport property for a specified purpose during a declared state of emergency; requiring that such use be conducted pursuant to a written agreement after a certain period of use; amending s. 332.006, F.S.; deleting a requirement that the department meet certain duties and responsibilities within the

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resources provided pursuant to a specified chapter;  
providing duties and responsibilities of the  
department relating to certain educational services;  
amending s. 332.007, F.S.; requiring commercial  
service airports to establish and maintain a certain  
program; defining the term "airport infrastructure";  
requiring that such airports provide a certain annual  
certification to the department; requiring that a  
certain program report be open to department  
inspection and maintained for a specified period;  
providing requirements for such program; revising the  
list of projects for which the department must provide  
priority funding; authorizing the department to fund  
eligible projects performed by certain organizations  
and postsecondary education institutions; providing  
that certain programs are eligible projects;  
authorizing the department to provide certain matching  
funds; revising the circumstances in which the  
department may fund strategic airport investment  
projects; amending s. 332.0075, F.S.; revising  
definitions; requiring that certain information remain  
posted on a governing body's website for a certain  
period; revising the information that must be included  
on such website; requiring the quarterly, rather than  
annual, update of certain information; revising  
information that the governing body of a commercial  
service airport must submit to the department  
annually; requiring a commercial service airport to  
provide certain notifications to the department;

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creating s. 332.15, F.S.; requiring the department to address certain needs in the statewide aviation system plan and the department's work program, designate a certain subject matter expert, conduct a specified review, and, in coordination with the Department of Commerce, provide certain coordination and assistance for the development of a viable advanced air mobility system plan; amending s. 334.044, F.S.; revising the powers and duties of the department; amending s. 334.045, F.S.; requiring certain measures developed and adopted by the Florida Transportation Commission to assess performance in a specified business development program, instead of disadvantaged business enterprise and minority business programs; amending s. 334.27, F.S.; providing powers of certain parking authorities; authorizing parking authorities to engage in certain activities upon entering into an interlocal agreement with certain political subdivisions; creating s. 334.62, F.S.; providing legislative findings; establishing the Florida Transportation Academy within the department; authorizing the department to coordinate with certain entities for specified purposes; amending s. 335.182, F.S.; defining the term "modification of an existing connection"; revising the definition of the term "significant change"; amending s. 335.187, F.S.; authorizing the department to modify or revoke certain access permits by requiring modification of an existing connection in certain circumstances; amending

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s. 337.027, F.S.; revising the definition of the term "small business"; amending s. 337.11, F.S.; requiring the department to give consideration to small business participation, instead of disadvantaged business enterprise participation; repealing s. 337.125, F.S., relating to socially and economically disadvantaged business enterprises and notice requirements; repealing s. 337.135, F.S., relating to socially and economically disadvantaged business enterprises and punishment for false representation; repealing s. 337.139, F.S., relating to efforts to encourage awarding contracts to disadvantaged business enterprises; amending s. 337.18, F.S.; authorizing the Secretary of Transportation to require a surety bond in an amount that is less than the awarded contract price; amending s. 337.251, F.S.; revising factors that may be considered by the department when selecting certain proposals; amending s. 337.401, F.S.; prohibiting a municipality from prohibiting, or requiring a permit for, the installation of certain public sewer transmission lines; amending s. 337.406, F.S.; prohibiting camping on any portion of the right-of-way of the State Highway System; providing applicability; amending s. 338.227, F.S.; revising the purpose for which the department and the Department of Management Services shall create and implement a certain outreach program; amending s. 339.08, F.S.; defining the term "energy policy of the state"; prohibiting the department from expending state funds

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to support projects or programs of certain entities in certain circumstances; repealing s. 339.0805, F.S., relating to funds to be expended with certified disadvantaged business enterprises, a construction management development program, and a bond guarantee program; amending s. 339.2821, F.S.; requiring the department to ensure that it is supportive of small businesses, rather than ensuring that small and minority businesses have equal access to participation in certain transportation projects; repealing s. 339.287, F.S., relating to electric vehicle charging stations and infrastructure plan development; amending s. 339.651, F.S.; authorizing, rather than requiring, the department to make a certain amount available from the existing work program to fund certain projects annually; deleting the scheduled repeal of provisions relating to Strategic Intermodal System supply chain demands; amending s. 341.051, F.S.; providing for the reallocation of certain funds; deleting the scheduled repeal of provisions providing for the reallocation of certain funds; amending s. 348.754, F.S.; revising the types of businesses the Central Florida Expressway Authority is required to encourage the inclusion of in certain opportunities; amending s. 349.03, F.S.; revising membership requirements for the governing body of the Jacksonville Transportation Authority; amending ss. 110.205, 322.27, 365.172, 379.2293, 493.6101, and 493.6403, F.S.; conforming cross-references and provisions to changes made by the act;

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providing an effective date.

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

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

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

(1)

(d) The secretary may appoint ~~up to~~ three assistant secretaries, who shall serve as the Chief Operations Officer, Chief Finance and Administration Officer, and Chief Strategic Development Officer, respectively; be directly responsible to the secretary; and who shall perform such duties as are assigned by the secretary. The secretary may also appoint an Executive Director of Transportation Technology. Such assistant secretary and executive director positions are exempt from career service pursuant to s. 110.205(2)(j) and are included in the Senior Management Service. The secretary shall designate to an assistant secretary the duties related to enhancing economic prosperity, including, but not limited to, the responsibility of liaison with the head of economic development in the Executive Office of the Governor. Such assistant secretary shall be directly responsible for providing the Executive Office of the



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Governor with investment opportunities and transportation projects that expand the state's role as a global hub for trade and investment and enhance the supply chain system in the state to process, assemble, and ship goods to markets throughout the eastern United States, Canada, the Caribbean, and Latin America. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary.

(2)(a)1. The Florida Transportation Commission is hereby created and shall be composed ~~consist~~ of nine members appointed by the Governor subject to confirmation by the Senate. Members of the commission shall serve terms of 4 years each.

2. Members shall be appointed in such a manner as to equitably represent all geographic areas of the state. Each member must be a registered voter and a citizen of the state. At least three members of the commission must be representatives of or possess expertise in the higher education, transportation, or workforce development industries ~~Each member of the commission must also possess business managerial experience in the private sector.~~

3. A member of the commission shall represent the transportation needs of the state as a whole and may not subordinate the needs of the state to those of any particular area of the state.

4. The commission is assigned to the Office of the Secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department.

(b) The commission shall:

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1. Recommend major transportation policies for the Governor's approval and assure that approved policies and any revisions are properly executed.

2. Periodically review the status of the state transportation system, including highway, transit, rail, seaport, intermodal development, and aviation components of the system, and recommend improvements to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

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

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

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

7. Recommend to the Governor and the Legislature

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

8. Monitor the efficiency, productivity, and management of the agencies and authorities created under chapters 348 and 349; the Mid-Bay Bridge Authority re-created pursuant to chapter 2000-411, Laws of Florida; ~~and any authority formed under chapter 343;~~ and any transit entity that receives funding under the public transit block grant program pursuant to s. 341.052. The commission shall also conduct periodic reviews of each agency's and authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

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

(3) The Legislature finds that the transportation industry is critical to the economic future of this state and that the

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320 competitiveness of the industry in this state depends upon the  
321 development and maintenance of a qualified workforce and  
322 cutting-edge research and innovation. The Legislature further  
323 finds that the transportation industry in this state has varied  
324 and complex workforce needs ranging from technical and  
325 mechanical training to continuing education opportunities for  
326 workers with advanced degrees and certifications. The timely  
327 need also exists for coordinated research and innovation efforts  
328 to promote emerging technologies and innovative construction  
329 methods and tools and to address alternative funding mechanisms.  
330 It is the intent of the Legislature to support programs designed  
331 to address the workforce development needs of the state's  
332 transportation industry.

333 (a) The Florida Transportation Research Institute is  
334 created as a consortium of higher education professionals. The  
335 purpose of the institute is to drive cutting-edge research,  
336 innovation, transformational technologies, and breakthrough  
337 solutions and to support workforce development efforts that  
338 contribute to this state's transportation industry.

339 (b) The mission of the institute is to advance the state's  
340 transportation infrastructure and systems through research,  
341 education, and engagement for a safer and more efficient,  
342 resilient, and innovative movement of people and goods  
343 throughout this state.

344 (c) The institute shall report to the department and shall  
345 be composed of members from the University of Florida, Indian  
346 River State College, the University of Central Florida, the  
347 University of South Florida, and Florida International  
348 University. The department shall select a member to serve as the

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349 administrative lead of the institute. The department shall  
350 assess the performance of the administrative lead periodically  
351 to ensure accountability and assess the attainment of  
352 performance goals.

353 (d) The Secretary of Transportation shall appoint a  
354 representative of the department to serve as the executive  
355 director of the institute. The department shall coordinate with  
356 the members of the institute to adopt policies establishing the  
357 institute's executive committee and mission statement.

358 (e) The institute may award grants in alignment with its  
359 purpose. Such grants may be directed to member and nonmember  
360 institutions that have a proven expertise relevant to the grant,  
361 including not-for-profit organizations and institutions of  
362 higher education.

363 (f) The department may allocate funds to the institute from  
364 the State Transportation Trust Fund. The institute may expend  
365 such funds for the institute's operations and programs to  
366 support research and innovation projects that provide solutions  
367 for this state's transportation needs.

368 (g) The institute shall submit an annual report of  
369 performance metrics to the Secretary of Transportation and the  
370 commission. The report must include, but is not limited to,  
371 expenditures of funds allocated to the institute by the  
372 department, ongoing and proposed research efforts, and the  
373 application and success of past research efforts.

374 (4) ~~(3)~~

375 (b) The secretary may appoint positions at the level of  
376 deputy assistant secretary or director which the secretary deems  
377 necessary to accomplish the mission and goals of the department,

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including, but not limited to, the areas of program responsibility provided in this paragraph, each of whom shall be appointed by and serve at the pleasure of the secretary. The secretary may combine, separate, or delete offices as needed in consultation with the Executive Office of the Governor. The department's areas of program responsibility include, but are not limited to, all of the following:

1. Administration.
2. Planning.
3. Supply chain and modal development.
4. Design.
5. Highway operations.
6. Right-of-way.
7. Toll operations.
8. Transportation technology.
9. Information technology ~~systems~~.
10. Motor carrier weight inspection.
11. Work program and budget.
12. Comptroller.
13. Construction.
14. Statewide corridors.
15. Maintenance.
16. Forecasting and performance.
17. Emergency management.
18. Safety.
19. Materials.
20. Infrastructure and innovation.
21. Permitting.
22. Traffic operations.

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407       23. Operational technology.

408       Section 2. Paragraph (b) of subsection (3) of section  
409       311.07, Florida Statutes, is amended to read:

410       311.07 Florida seaport transportation and economic  
411       development funding.—

412       (3)

413       (b) Projects eligible for funding by grants under the  
414       program are limited to the following port facilities or port  
415       transportation projects:

416       1. Transportation facilities within the jurisdiction of the  
417       port.

418       2. The dredging or deepening of channels, turning basins,  
419       or harbors.

420       3. The construction or rehabilitation of wharves, docks,  
421       structures, jetties, piers, storage facilities, cruise  
422       terminals, automated people mover systems, or any facilities  
423       necessary or useful in connection with any of the foregoing.

424       4. The acquisition of vessel tracking systems, container  
425       cranes, or other mechanized equipment used in the movement of  
426       cargo or passengers in international commerce.

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

428       6. The acquisition, improvement, enlargement, or extension  
429       of existing port facilities.

430       7. Environmental protection projects which are necessary  
431       because of requirements imposed by a state agency as a condition  
432       of a permit or other form of state approval; which are necessary  
433       for environmental mitigation required as a condition of a state,  
434       federal, or local environmental permit; which are necessary for  
435       the acquisition of spoil disposal sites and improvements to

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existing and future spoil sites; or which result from the funding of eligible projects listed in this paragraph.

8. Transportation facilities as defined in s. 334.03(30) which are not otherwise part of the Department of Transportation's adopted work program.

9. Intermodal access projects.

10. Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of \$5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

11. Seaport master plan or strategic plan development or updates, including the purchase of data to support such plans.

12. Spaceport or space industry-related planning or construction of facilities on seaport property which are necessary or useful for advancing the space industry in this state and provide an economic benefit to this state.

13. Commercial shipbuilding and manufacturing facilities on seaport property, if such projects provide an economic benefit to the community in which the seaport is located.

Section 3. Subsections (1) and (3) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The purpose of the council is to support the growth of seaports in this state through review, development,



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465 and financing of port transportation and port facilities. The  
466 council is composed ~~consists~~ of the following 18 members: the  
467 port director, or the port director's designee, of each of the  
468 ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce,  
469 Palm Beach, Port Everglades, Miami, Port Manatee, St.  
470 Petersburg, Putnam County, Tampa, Port St. Joe, Panama City,  
471 Pensacola, Key West, and Fernandina; the secretary of the  
472 Department of Transportation or his or her designee; and the  
473 secretary of the Department of Commerce or his or her designee.

474 (3) The council shall prepare a 5-year Florida Seaport  
475 Mission Plan defining the goals and objectives of the council  
476 concerning the development of port facilities and an intermodal  
477 transportation system consistent with the goals of the Florida  
478 Transportation Plan developed pursuant to s. 339.155. The  
479 Florida Seaport Mission Plan shall include specific  
480 recommendations for the construction of transportation  
481 facilities connecting any port to another transportation mode,  
482 the construction of transportation facilities connecting any  
483 port to the space and aerospace industries, and ~~for~~ the  
484 efficient, cost-effective development of transportation  
485 facilities or port facilities for the purpose of enhancing  
486 trade, promoting cargo flow, increasing cruise passenger  
487 movements, increasing port revenues, and providing economic  
488 benefits to the state. The council shall develop a priority list  
489 of projects based on these recommendations annually and submit  
490 the list to the Department of Transportation. The council shall  
491 update the 5-year Florida Seaport Mission Plan annually and  
492 shall submit the plan no later than February 1 of each year to  
493 the President of the Senate, the Speaker of the House of

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Representatives, the Department of Commerce, and the Department of Transportation. The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of ~~minorities~~ and secondary school students in job skills associated with employment opportunities in the maritime industry, and report on progress and recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually. Each port member of the council shall submit a semiannual report related to his or her port's operations and support of the state's economic competitiveness and supply chain. Reports must be submitted to the Department of Transportation and include any information required by the Department of Transportation in consultation with the Department of Commerce. Such reports must include, but are not limited to, all of the following information:

(a) Bulk break capacity.

(b) Liquid storage and capacity.

(c) Fuel storage and capacity.

(d) Container capacity.

(e) A description of any supply chain disruption.

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

311.10 Strategic Port Investment Initiative.—

(4) As a condition of receiving a project grant under any program established in this chapter and as a condition of receiving state funds as described in s. 215.31, a seaport located in any county identified in s. 331.304(1), (5), or (7) must include in any agreement with the Department of

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523 Transportation that the seaport may not convert any planned or  
524 existing land, facility, or infrastructure designated for cargo  
525 purposes to any alternative purpose unless the conversion is  
526 approved by the seaport at a publicly noticed meeting as a  
527 separate line item on the agenda and with a reasonable  
528 opportunity for public comment. If the conversion is approved by  
529 the seaport, express approval must be obtained by the Florida  
530 Seaport Transportation and Economic Development Council and the  
531 Florida Transportation Commission upon recommendation by the  
532 funding agency. As used in this subsection, the term "cargo  
533 purposes" includes, but is not limited to, any facility,  
534 activity, property, energy source, or infrastructure asset that  
535 supports spaceport activities.

536 Section 5. Subsection (83) of section 316.003, Florida  
537 Statutes, is amended to read:

538 316.003 Definitions.—The following words and phrases, when  
539 used in this chapter, shall have the meanings respectively  
540 ascribed to them in this section, except where the context  
541 otherwise requires:

542 (83) SPECIAL MOBILE EQUIPMENT.—Any vehicle not designed or  
543 used primarily for the transportation of persons or property and  
544 only incidentally operated or moved over a highway, including,  
545 but not limited to, ditchdigging apparatus, well-boring  
546 apparatus, and road construction and maintenance machinery, such  
547 as asphalt spreaders, bituminous mixers, bucket loaders,  
548 tractors other than truck tractors, ditchers, leveling graders,  
549 finishing machines, motor graders, road rollers, scarifiers,  
550 earthmoving carryalls and scrapers, power shovels and draglines,  
551 mobile and self-propelled cranes and accessory support vehicles,

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and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, ~~cranes or shovels~~, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

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

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

316.0745 Uniform signals and devices.—

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

Section 8. Subsection (3) of section 316.550, Florida Statutes, is amended to read:

316.550 Operations not in conformity with law; special

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permits.—

(3) Notwithstanding subsection (2), the Department of Transportation may issue a mobile crane special blanket permit for any of the following purposes:

(a) To authorize a mobile crane to operate on and ~~A permit may authorize a self-propelled truck crane operating off the~~ Interstate Highway System while towing ~~to tow~~ a motor vehicle that ~~which~~ does not weigh more than 5,000 pounds if the combined weight of the crane and such motor vehicle does not exceed 95,000 pounds. Notwithstanding s. 320.01(7) or (12), mobile truck cranes that tow another motor vehicle under the provision ~~of this subsection shall be taxed under the provisions of s. 320.08(5) (b).~~

(b) To authorize a mobile crane and accessory support vehicles that are up to 12 feet in width, 14 feet 6 inches in height, and 100 feet in length to operate on and off the Interstate Highway System at all hours except as restricted under a local travel-related curfew.

(c) To authorize a mobile crane and accessory support vehicles that, due to their design for special use, exceed the weight limits established in s. 316.535 to operate on and off the Interstate Highway System.

Section 9. Section 330.27, Florida Statutes, is amended to read:

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

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

(2) "Aircraft" means a powered or unpowered machine or

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device capable of atmospheric flight, including, but not limited to, an airplane, an autogyro, a glider, a gyrodyne, a helicopter, a lift and cruise, a multicopter, paramotors, a powered lift, a seaplane, a tiltrotor, an ultralight, and a vectored thrust. The term does not include ~~except~~ a parachute or other such device used primarily as safety equipment.

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

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

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

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

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

(8) "On-demand operation" means any scheduled passenger-carrying operation for compensation or hire conducted by a person operating an aircraft with a frequency of operations of

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fewer than five round trips per week on at least one route  
between two or more points according to the published flight  
schedule.

~~(9)(5)~~ "Private airport" means an airport, publicly or  
privately owned, which is not open or available for use by the  
public, but may be made available to others by invitation of the  
owner or manager.

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

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

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

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

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

~~(15)(7)~~ "Temporary airport" means an airport at which  
flight operations are conducted under visual flight rules

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established by the Federal Aviation Administration and which is used for less than 30 consecutive days with no more than 10 operations per day.

~~(8) "Ultralight aircraft" means any aircraft meeting the criteria established by part 103 of the Federal Aviation Regulations.~~

Section 10. Subsections (2) and (4) of section 330.30, Florida Statutes, are amended to read:

330.30 Approval of airport sites; registration, certification, and licensure of airports.—

(2) LICENSES, CERTIFICATIONS, AND REGISTRATIONS; REQUIREMENTS, RENEWAL, REVOCATION.—

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

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

2. For a private airport, upon granting site approval, the department shall provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of



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operational and configuration data deemed necessary by the department.

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

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

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department by July 1, 2030.

(b) The department may license a public airport that does not meet standards only if it determines that such exception is justified by unusual circumstances or is in the interest of public convenience and does not endanger the public health, safety, or welfare. Such a license shall bear the designation "special" and shall state the conditions subject to which the license is granted.

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

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

2. Registration for private airports shall remain valid provided specific elements of airport data, established by the department, are periodically recertified by the airport registrant. The ability to recertify private airport registration data shall be available at all times by electronic submittal. A private airport registration that has not been recertified in the 24-month period following the last certification shall expire, unless the registration period has been adjusted by the department for purposes of informing

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private airport owners of their registration responsibilities or promoting administrative efficiency. The expiration date of the current registration period will be clearly identifiable from the state aviation facility data system.

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

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

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

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

(e) The department may revoke, or refuse to allow or issue, any airport registration or recertification, or any license or

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license renewal, if it determines:

1. That the site has been abandoned as an airport;

2. That the airport does not comply with the conditions of the license, license renewal, or site approval;

3. That the airport has become either unsafe or unusable for flight operation due to physical or legal changes in conditions that were the subject of approval; or

4. That an airport required to file or update a security plan pursuant to paragraph (f) has failed to do so.

(f)1. After initial licensure, a license of a publicly or privately owned general aviation airport that is open to the public, that has at least one runway greater than 4,999 feet in length, and that does not host scheduled passenger-carrying commercial service operations regulated under 14 C.F.R. part 139 shall not be renewed or reissued unless an approved security plan has been filed with the department, except when the department determines that the airport is working in good faith toward completion and filing of the plan.

2. Security plans required by this paragraph must be developed in accordance with the 2004 Security Planning for General Aviation Airports guidelines published by the Florida Airports Council. Certain administrative data from the approved security plan shall be submitted to the Department of Law Enforcement, in a format prescribed by the Department of Law Enforcement, for use in protecting critical infrastructure of the state.

3. The department shall not approve a security plan for filing unless it is consistent with Florida Airports Council guidelines.

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4. An airport required to file a security plan pursuant to this paragraph shall update its plan at least once every 2 years after the initial filing date and file the updated plan with the department. The department shall review the updated plan prior to approving it for filing to determine whether it is consistent with Florida Airports Council guidelines. No renewal license shall be issued to the airport unless the department approves the updated security plan or determines that the airport is working in good faith to update it.

(4) EXCEPTIONS.—Private airports with 10 or more based aircraft may request to be inspected and licensed by the department. Private airports licensed according to this subsection shall be considered private airports as defined in s. 330.27 ~~s. 330.27(5)~~ in all other respects.

Section 11. Section 331.371, Florida Statutes, is amended to read:

331.371 Strategic space infrastructure investment.—

(1) In consultation with Space Florida, the Department of Transportation may fund spaceport discretionary capacity improvement projects, as defined in s. 331.303, at up to 100 percent of the project's cost if:

(a) ~~(1)~~ Important access and on-spaceport-territory space transportation capacity improvements are provided;

(b) ~~(2)~~ Capital improvements that strategically position the state to maximize opportunities in international trade are achieved;

(c) ~~(3)~~ Goals of an integrated intermodal transportation system for the state are achieved; and

(d) ~~(4)~~ Feasibility and availability of matching funds

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through federal, local, or private partners are demonstrated.

(2)(a) In consultation with the Department of Commerce and the Department of Environmental Protection, the Department of Transportation may fund infrastructure projects, and projects associated with critical infrastructure facilities as defined in s. 692.201, within or outside of a spaceport territory as long as the project supports aerospace or launch support facilities within an adjacent spaceport territory boundary.

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

Section 12. Section 332.003, Florida Statutes, is amended to read:

332.003 Florida Airport Development and Accountability ~~Assistance~~ Act; short title.—Sections 332.003–332.007 may be cited as the “Florida Airport Development and Accountability ~~Assistance~~ Act.”

Section 13. Section 332.005, Florida Statutes, is amended to read:

332.005 Restrictions on authority of Department of Transportation.—

(1) This act specifically prohibits the Department of Transportation from regulating commercial air carriers operating within the state pursuant to federal authority and regulations; from participating in or exercising control in the management and operation of a sponsor’s airport, except when officially requested by the sponsor; or from expanding the design or operational capability of the department in the area of airport

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and aviation consultants' contract work, other than to provide technical assistance as requested.

(2)(a) Notwithstanding subsection (1), upon the declaration of a state of emergency issued by the Governor in preparation for or in response to a natural disaster, airports shall, at no cost to the state, provide the Department of Transportation with the opportunity to use any property that is not within the air navigation facility as defined in s. 332.01(4) for the staging of equipment and personnel to support emergency preparedness and response operations.

(b) After 60 days of use under paragraph (a), any further use of airport property by the Department of Transportation must be conducted pursuant to a written agreement between the airport and the department.

Section 14. Section 332.006, Florida Statutes, is amended to read:

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

(1) Provide coordination and assistance for the development of a viable aviation system in this state. To support the system, a statewide aviation system plan shall be developed and periodically updated which summarizes 5-year, 10-year, and 20-year airport and aviation needs within the state. The statewide aviation system plan shall be consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The statewide aviation system plan shall not preempt local airport master plans adopted in compliance with federal and

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900 state requirements.

901 (2) Advise and assist the Governor in all aviation matters.

902 (3) Upon request, assist airport sponsors, both financially  
903 and technically, in airport master planning.

904 (4) Upon request, provide financial and technical  
905 assistance to public agencies which operate public-use airports  
906 by making department personnel and department-owned facilities  
907 and equipment available on a cost-reimbursement basis to such  
908 agencies for special needs of limited duration. The requirement  
909 relating to reimbursement of personnel costs may be waived by  
910 the department in those cases in which the assistance provided  
911 by its personnel was of a limited nature or duration.

912 (5) Participate in research and development programs  
913 relating to airports.

914 (6) Administer department participation in the program of  
915 aviation and airport grants as provided for in ss. 332.003-  
916 332.007.

917 (7) Develop, promote, and distribute supporting information  
918 and educational services, including, but not limited to,  
919 educational services with a focus on retention and growth of the  
920 aviation industry workforce.

921 (8) Encourage the maximum allocation of federal funds to  
922 local airport projects in this state.

923 (9) Support the development of land located within the  
924 boundaries of airports for the purpose of industrial or other  
925 uses compatible with airport operations with the objective of  
926 assisting airports in this state to become fiscally self-  
927 supporting. Such assistance may include providing state moneys  
928 on a matching basis to airport sponsors for capital



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improvements, including, but not limited to, fixed-base operation facilities, parking areas, industrial park utility systems, and road and rail transportation systems which are on airport property.

Section 15. Subsection (5), paragraph (a) of subsection (7), and subsections (8) and (9) of section 332.007, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

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

(2)

(c) Each commercial service airport as defined in s. 332.0075 shall establish and maintain a comprehensive airport infrastructure program to ensure the ongoing preservation of airport infrastructure and facilities in safe and serviceable condition. For purposes of this paragraph, the term "airport infrastructure" means the facilities, systems, and structural components of an airport necessary for the safe and efficient movement of people and goods. Beginning November 1, 2025, and annually thereafter, each commercial service airport shall provide a certification to the department, in a manner prescribed by the department, that it has established and maintains a comprehensive airport infrastructure program. The comprehensive airport infrastructure program report, and related documents and records, must be open to inspection by the department and maintained by the airport for at least 5 years. The comprehensive airport infrastructure program must, at a minimum, include all of the following:

1. Identification of airport infrastructure subject to

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958 inspection and the schedule for the completion of such  
959 inspections, taking into consideration the age, type, intended  
960 use, and criticality of the infrastructure to undisrupted  
961 commercial or cargo operations.

962 2. A preventative maintenance program for routine  
963 maintenance of airport infrastructure, for both commercial and  
964 cargo operations.

965 3. A plan to complete any necessary repairs to, or  
966 rehabilitation or reconstruction of, airport infrastructure,  
967 including prioritization and anticipated timeframe for  
968 completion of the work.

969 4. A progress report of inspections and their outcomes,  
970 preventative maintenance, and previously identified repair to,  
971 or rehabilitation or reconstruction of, airport infrastructure.  
972 The progress report must include any changes in timeline for  
973 completion, changes in cost estimates, and reasons any  
974 inspection, preventative maintenance, or repair or  
975 rehabilitation did not take place.

976 (5) Only those projects or programs provided for in this  
977 act that will contribute to the implementation of the state  
978 aviation system plan, that are consistent with the energy policy  
979 of the state as defined in s. 339.08(6)(a), that are consistent  
980 with and will contribute to the implementation of any airport  
981 master plan or layout plan, and that are consistent, to the  
982 maximum extent feasible, with the approved local government  
983 comprehensive plans of the units of government in which the  
984 airport is located are eligible for the expenditure of state  
985 funds in accordance with fund participation rates and priorities  
986 established herein.

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

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

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

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

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

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

~~5.4.~~ International terminal projects that increase international gate capacity.

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

7. Emerging technology projects, workforce development projects, and projects that benefit the strategic intermodal system through intermodal connectivity.

(8) The department may also fund eligible projects performed by not-for-profit organizations and postsecondary

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1016 education institutions as defined in s. 1008.47 which support  
1017 the training of pilots, air traffic control personnel, or  
1018 aircraft maintenance technical personnel ~~that represent a~~  
1019 ~~majority of public airports in this state.~~ Eligible projects may  
1020 include activities associated with aviation master planning,  
1021 professional education, safety and security planning, enhancing  
1022 economic development and efficiency at airports in this state,  
1023 or other planning efforts to improve the viability and safety of  
1024 airports in this state. Programs that support the transition of  
1025 honorably discharged military personnel to the aviation industry  
1026 are also eligible projects under this subsection. The department  
1027 may provide matching funds for eligible projects funded by the  
1028 Department of Commerce.

1029 (9) The department may fund strategic airport investment  
1030 projects at up to 100 percent of the project's cost if:

1031 (a) Important access and on-airport capacity improvements  
1032 are provided;

1033 (b) Capital improvements that strategically position the  
1034 state to maximize opportunities in tourism, international trade,  
1035 logistics, and the aviation industry are provided;

1036 (c) Goals of an integrated intermodal transportation system  
1037 for the state are achieved; and

1038 (d) Feasibility and availability of matching funds through  
1039 federal, local, or private partners are demonstrated.

1040 Section 16. Paragraphs (a), (b), and (d) of subsection (1),  
1041 subsection (2), and paragraph (a) of subsection (5) of section  
1042 332.0075, Florida Statutes, are amended, and paragraph (c) is  
1043 added to subsection (5) of that section, to read:

1044 332.0075 Commercial service airports; transparency and

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1045 accountability; penalty.—

1046 (1) As used in this section, the term:

1047 (a) "Commercial service airport" means an airport providing  
1048 commercial service, including large, medium, small, and nonhub  
1049 airports as classified ~~a primary airport as defined in 49 U.S.C.~~  
1050 ~~s. 47102 which is classified as a large, medium, or small hub~~  
1051 ~~airport~~ by the Federal Aviation Administration.

1052 (b) "Consent agenda" means an agenda which consists of  
1053 items voted on collectively or as a group and which does not  
1054 provide the opportunity for public comment on each such item  
1055 before approval or disapproval by the governing body.

1056 (d) "Governing body" means the governing body of the  
1057 county, municipality, or special district that operates a  
1058 commercial service airport. The term also includes an appointed  
1059 board or oversight entity serving as the governing body for  
1060 purposes of a commercial service airport on behalf of a county,  
1061 municipality, or special district.

1062 (2) Each governing body shall establish and maintain a  
1063 website to post information relating to the operation of a  
1064 commercial service airport. The information must remain posted  
1065 on the website for 5 years or for the entirety of the period  
1066 during which the document is actively in use, whichever is  
1067 longer, and must include all of the following, including:

1068 (a) All published notices of meetings and published meeting  
1069 agendas of the governing body.

1070 (b) The official minutes of each meeting of the governing  
1071 body, which must ~~shall~~ be posted within 7 business days after  
1072 the date of the meeting in which the minutes were approved.

1073 (c) The approved budget for the commercial service airport

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for the current fiscal year, which shall be posted within 7 business days after the date of adoption. Budgets must remain on the website for 5 ~~2~~ years after the conclusion of the fiscal year for which they were adopted.

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

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

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

(g) Position and rate information for each employee of the commercial service airport, including, at a minimum, the employee's position title, position description, and annual or hourly salary. This information must ~~shall~~ be updated quarterly ~~annually~~.

(5)(a) Each November 1, the governing body of each

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commercial service airport shall submit the following information to the department:

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

(c) A commercial service airport shall:

1. Notify the department within 48 hours after receiving a communication or directive from a federal agency relating to public health testing or the transfer of unauthorized aliens into this state.
2. Notify the department as soon as is reasonably possible, but no later than 48 hours, after the discovery of a potential cybersecurity breach or other occurrence impacting the traveling public, a disruption in state aviation operations directly impacting multiple airports within this state, or an incident occurring on airport property which requires coordination with multiple local, state, or federal agencies.

Section 17. Section 332.15, Florida Statutes, is created to read:

332.15 Advanced air mobility.—The Department of Transportation shall:

- (1) Address the need for vertiports, advanced air mobility,

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and other advances in aviation technology in the statewide aviation system plan required under s. 332.006(1) and, as appropriate, in the department's work program.

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

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

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

Section 18. Subsection (5) of section 334.044, Florida Statutes, is amended, and subsections (37), (38), and (39) are added to that section, to read:

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

(5) To purchase, lease, or otherwise acquire property and materials, including the purchase of promotional items as part of public information and education campaigns for the promotion of environmental management, scenic highways, traffic and train safety awareness, ~~alternatives to single-occupant vehicle travel~~, commercial motor vehicle safety, workforce development, electric vehicle use and charging stations, autonomous vehicles, and context classification design for electric vehicles and autonomous vehicles; to purchase, lease, or otherwise acquire equipment and supplies; and to sell, exchange, or otherwise



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dispose of any property that is no longer needed by the department.

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

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

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

Section 19. Subsection (1) of section 334.045, Florida Statutes, is amended to read:

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

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

- (a) Production;
- (b) Finance and administration;
- (c) Preservation of the current state system;
- (d) Safety of the current state system;

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(e) Capacity improvements: highways and all public transportation modes; and

(f) The business development program established under s. 337.027 ~~Disadvantaged business enterprise and minority business programs.~~

Section 20. Subsection (3) is added to section 334.27, Florida Statutes, to read:

334.27 Governmental transportation entities; property acquired for transportation purposes; limitation on soil or groundwater contamination liability.—

(3) A parking authority established under the laws of this state or any of its counties, municipalities, or political subdivisions shall have full power to conduct business; to operate, manage, and control facilities; and to provide services to contiguous geographical boundaries of such counties, municipalities, or political subdivisions that originally chartered such authority. The parking authority may engage in activities outside of its chartering jurisdiction upon entering into an interlocal agreement with the governing body of the affected contiguous county, municipality, or political subdivision, as applicable.

Section 21. Section 334.62, Florida Statutes, is created to read:

334.62 Florida Transportation Academy.—The Legislature finds that the growth and sustainability of the transportation industry workforce is vital to the continued success and efficiency of the state's supply chain and economic competitiveness. In order to prioritize the continued need for transportation industry workforce development programs, the

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1219 Florida Transportation Academy is established within the  
1220 department. In order to support, promote, and sustain workforce  
1221 development efforts in the transportation sector, the department  
1222 may do all of the following:

1223 (1) Coordinate with the Department of Corrections to  
1224 identify and create certification and training opportunities for  
1225 nonviolent, scheduled-release inmates and create a notification  
1226 process between the Department of Corrections and the department  
1227 for nonviolent inmates with imminent scheduled-release dates who  
1228 are expected to seek employment upon release.

1229 (2) Coordinate with the Department of Juvenile Justice and  
1230 its educational partners to create certification and training  
1231 opportunities for eligible youth.

1232 (3) Coordinate with veterans' organizations to encourage  
1233 veterans with honorable military discharge to pursue employment  
1234 opportunities within the transportation industry, including, but  
1235 not limited to, employment as pilots, mechanics, and air traffic  
1236 controllers.

1237 (4) Coordinate with the Department of Commerce,  
1238 CareerSource Florida, Inc., and regional business organizations,  
1239 within and outside of the transportation industry, to further  
1240 understand recruitment and retention needs and job-seeker  
1241 pipelines.

1242 (5) Coordinate with the American Council of Engineering  
1243 Companies and the Florida Transportation Builders Association to  
1244 optimize workforce recruitment and retention and assess future  
1245 needs across the transportation industry in this state.

1246 Section 22. Present paragraph (b) of subsection (3) of  
1247 section 335.182, Florida Statutes, is redesignated as paragraph

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(c) and amended, and a new paragraph (b) is added to that subsection, to read:

335.182 Regulation of connections to roads on State Highway System; definitions.—

(3) As used in this act, the term:

(b) "Modification of an existing connection" means the relocation, alteration, or closure of the connection.

(c) ~~(b)~~ "Significant change" means:

1. A change in the use of the property, including the development of land, structures, or facilities;~~or~~

2. An expansion of the size of the property, structures, or facilities causing an increase in the trip generation of the property exceeding 25 percent more trip generation, ~~either peak hour or daily,~~ and exceeding 100 vehicles per day more than the existing use.

Section 23. Subsections (3) and (4) of section 335.187, Florida Statutes, are amended to read:

335.187 Unpermitted connections; existing access permits; nonconforming permits; modification and revocation of permits.—

(3) The department may issue a nonconforming access permit if denying ~~after finding that to deny~~ an access permit would leave the property without a reasonable means of access to the State Highway System. The department may specify limits on the maximum vehicular use of the connection and may condition ~~be conditioned on~~ the availability of future alternative means of access for which access permits can be obtained.

(4) After written notice and the opportunity for a hearing, as provided for in s. 120.60, the department may modify or revoke an access permit issued after July 1, 1988, by requiring

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1277 modification ~~Relocation, alteration, or closure~~ of an existing  
1278 connection if:

1279       (a) A significant change occurs in the use, design, or  
1280 traffic flow of the connection; or

1281       (b) It would jeopardize the safety of the public or have a  
1282 negative impact upon the operational characteristics of the  
1283 highway.

1284       Section 24. Subsection (2) of section 337.027, Florida  
1285 Statutes, is amended to read:

1286       337.027 Authority to implement a business development  
1287 program.—

1288       (2) For purposes of this section, the term “small business”  
1289 means a business with yearly average gross receipts of less than  
1290 \$25 ~~\$15~~ million for road and bridge contracts and less than \$10  
1291 ~~\$6.5~~ million for professional and nonprofessional services  
1292 contracts. A business’ average gross receipts is determined by  
1293 averaging its annual gross receipts over the last 3 years,  
1294 including the receipts of any affiliate as defined in s.  
1295 337.165.

1296       Section 25. Subsection (6) of section 337.11, Florida  
1297 Statutes, is amended to read:

1298       337.11 Contracting authority of department; bids; emergency  
1299 repairs, supplemental agreements, and change orders; combined  
1300 design and construction contracts; progress payments; records;  
1301 requirements of vehicle registration.—

1302       (6)(a) If the secretary determines that an emergency in  
1303 regard to the restoration or repair of any state transportation  
1304 facility exists such that the delay incident to giving  
1305 opportunity for competitive bidding would be detrimental to the

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1306 interests of the state, the provisions for competitive bidding  
1307 do not apply; and the department may enter into contracts for  
1308 restoration or repair without giving opportunity for competitive  
1309 bidding on such contracts. Within 30 days after such  
1310 determination and contract execution, the head of the department  
1311 shall file with the Executive Office of the Governor a written  
1312 statement of the conditions and circumstances constituting such  
1313 emergency.

1314 (b) If the secretary determines that delays on a contract  
1315 for maintenance exist due to administrative challenges, bid  
1316 protests, defaults or terminations and the further delay would  
1317 reduce safety on the transportation facility or seriously hinder  
1318 the department's ability to preserve the state's investment in  
1319 that facility, competitive bidding provisions may be waived and  
1320 the department may enter into a contract for maintenance on the  
1321 facility. However, contracts for maintenance executed under the  
1322 provisions of this paragraph shall be interim in nature and  
1323 shall be limited in duration to a period of time not to exceed  
1324 the length of the delay necessary to complete the competitive  
1325 bidding process and have the contract in place.

1326 (c) When the department determines that it is in the best  
1327 interest of the public for reasons of public concern, economy,  
1328 improved operations, or safety, and only when circumstances  
1329 dictate rapid completion of the work, the department may, up to  
1330 the amount of \$500,000, enter into contracts for construction  
1331 and maintenance without advertising and receiving competitive  
1332 bids. The department may enter into such contracts only upon a  
1333 determination that the work is necessary for one of the  
1334 following reasons:

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1335 1. To ensure timely completion of projects or avoidance of  
1336 undue delay for other projects;

1337 2. To accomplish minor repairs or construction and  
1338 maintenance activities for which time is of the essence and for  
1339 which significant cost savings would occur; or

1340 3. To accomplish nonemergency work necessary to ensure  
1341 avoidance of adverse conditions that affect the safe and  
1342 efficient flow of traffic.

1343  
1344 The department shall make a good faith effort to obtain two or  
1345 more quotes, if available, from qualified contractors before  
1346 entering into any contract. The department shall give  
1347 consideration to small ~~disadvantaged~~ business ~~enterprise~~  
1348 participation. However, when the work exists within the limits  
1349 of an existing contract, the department shall make a good faith  
1350 effort to negotiate and enter into a contract with the prime  
1351 contractor on the existing contract.

1352 Section 26. Section 337.125, Florida Statutes, is repealed.

1353 Section 27. Section 337.135, Florida Statutes, is repealed.

1354 Section 28. Section 337.139, Florida Statutes, is repealed.

1355 Section 29. Paragraph (a) of subsection (1) of section  
1356 337.18, Florida Statutes, is amended to read:

1357 337.18 Surety bonds for construction or maintenance  
1358 contracts; requirement with respect to contract award; bond  
1359 requirements; defaults; damage assessments.—

1360 (1)(a) A surety bond shall be required of the successful  
1361 bidder in an amount equal to the awarded contract price.  
1362 However, the department may choose, in its discretion and  
1363 applicable only to multiyear maintenance contracts, to allow for

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1364 incremental annual contract bonds that cumulatively total the  
1365 full, awarded, multiyear contract price; ~~The department may~~  
1366 ~~also choose,~~ in its discretion and applicable only to phased  
1367 design-build contracts under s. 337.11(7)(b), to allow the  
1368 issuance of multiple contract performance and payment bonds in  
1369 succession to align with each phase of the contract to meet the  
1370 bonding requirement in this subsection; and, at the discretion  
1371 of the Secretary of Transportation and notwithstanding any  
1372 bonding requirement under s. 337.18, to require a surety bond in  
1373 an amount that is less than the awarded contract price.

1374 1. The department may waive the requirement for all or a  
1375 portion of a surety bond if:

1376 a. The contract price is \$250,000 or less and the  
1377 department determines that the project is of a noncritical  
1378 nature and that nonperformance will not endanger public health,  
1379 safety, or property;

1380 b. The prime contractor is a qualified nonprofit agency for  
1381 the blind or for the other severely handicapped under s.  
1382 413.036(2); or

1383 c. The prime contractor is using a subcontractor that is a  
1384 qualified nonprofit agency for the blind or for the other  
1385 severely handicapped under s. 413.036(2). However, the  
1386 department may not waive more than the amount of the  
1387 subcontract.

1388 2. If the department determines that it is in the best  
1389 interests of the department to reduce the bonding requirement  
1390 for a project and that to do so will not endanger public health,  
1391 safety, or property, the department may waive the requirement of  
1392 a surety bond in an amount equal to the awarded contract price



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for a project having a contract price of \$250 million or more and, in its place, may set a surety bond amount that is a portion of the total contract price and provide an alternate means of security for the balance of the contract amount that is not covered by the surety bond or provide for incremental surety bonding and provide an alternate means of security for the balance of the contract amount that is not covered by the surety bond. Such alternative means of security may include letters of credit, United States bonds and notes, parent company guarantees, and cash collateral. The department may require alternate means of security if a surety bond is waived. The surety on such bond shall be a surety company authorized to do business in the state. All bonds shall be payable to the department and conditioned for the prompt, faithful, and efficient performance of the contract according to plans and specifications and within the time period specified, and for the prompt payment of all persons defined in s. 713.01 furnishing labor, material, equipment, and supplies for work provided in the contract; however, whenever an improvement, demolition, or removal contract price is \$25,000 or less, the security may, in the discretion of the bidder, be in the form of a cashier's check, bank money order of any state or national bank, certified check, or postal money order. The department shall adopt rules to implement this subsection. Such rules shall include provisions under which the department shall refuse to accept bonds on contracts when a surety wrongfully fails or refuses to settle or provide a defense for claims or actions arising under a contract for which the surety previously furnished a bond.

Section 30. Subsection (3) of section 337.251, Florida

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Statutes, is amended to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(3) A proposal must be selected by the department based on competitive bidding, except that the department may consider other relevant factors specified in the request for proposals. The department may consider such factors as the value of property exchanges, the cost of construction, and other recurring costs for the benefit of the department by the lessee in lieu of direct revenue to the department if such other factors are of equal value including innovative proposals to involve small ~~minority~~ businesses. The department may name a board of advisers which may be composed of accountants, real estate appraisers, design engineers, or other experts experienced in the type of development proposed. The board of advisers shall review the feasibility of the proposals, recommend acceptance or rejection of each proposal, and rank each feasible proposal in the order of technical feasibility and benefit provided to the department. The board of advisers shall be reasonably compensated for the services provided and all department costs for evaluating the proposals shall be reimbursed from a proposal application fee to be set by the department and paid by the applicants. The board of advisers shall not be subject to selection under the provisions of chapter 287.

Section 31. Section (2) of section 337.401, Florida Statutes, is amended to read:

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

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1451       (2) (a) The authority may grant to any person who is a  
1452 resident of this state, or to any corporation which is organized  
1453 under the laws of this state or licensed to do business within  
1454 this state, the use of a right-of-way for the utility in  
1455 accordance with such rules or regulations as the authority may  
1456 adopt. A utility may not be installed, located, or relocated  
1457 unless authorized by a written permit issued by the authority.  
1458 However, for public roads or publicly owned rail corridors under  
1459 the jurisdiction of the department, a utility relocation  
1460 schedule and relocation agreement may be executed in lieu of a  
1461 written permit. The permit must require the permitholder to be  
1462 responsible for any damage resulting from the issuance of such  
1463 permit. The authority may initiate injunctive proceedings as  
1464 provided in s. 120.69 to enforce provisions of this subsection  
1465 or any rule or order issued or entered into pursuant thereto. A  
1466 permit application required under this subsection by a county or  
1467 municipality having jurisdiction and control of the right-of-way  
1468 of any public road must be processed and acted upon in  
1469 accordance with the timeframes provided in subparagraphs  
1470 (7) (d) 7., 8., and 9.

1471       (b) Notwithstanding paragraph (a), a municipality may not  
1472 prohibit, or require a permit for, the installation of a public  
1473 sewer transmission line placed and maintained within and under  
1474 publicly dedicated rights-of-way as part of a septic-to-sewer  
1475 conversion where the work is being performed under permits  
1476 issued by the Department of Transportation pursuant to this  
1477 chapter and the Department of Environmental Protection, or its  
1478 delegate, pursuant to chapter 403.

1479       Section 32. Subsection (4) of section 337.406, Florida

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Statutes, is amended to read:

337.406 Unlawful use of state transportation facility right-of-way; penalties.—

(4) (a) Camping is prohibited on any portion of the right-of-way of the State Highway System ~~that is within 100 feet of a bridge, causeway, overpass, or ramp.~~

(b) This subsection does not apply to a person who has acquired the appropriate permits and is actively navigating the federally designated Florida National Scenic Trail recognized by the state in s. 260.012(6).

Section 33. Subsection (4) of section 338.227, Florida Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

(4) The Department of Transportation and the Department of Management Services shall create and implement an outreach program designed to enhance the participation of small ~~minority persons and minority~~ business enterprises in all contracts entered into by their respective departments for services related to the financing of department projects for the Strategic Intermodal System Plan developed pursuant to s. 339.64. These services ~~shall~~ include, but are not limited to, bond counsel and bond underwriters.

Section 34. Subsection (6) is added to section 339.08, Florida Statutes, to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(6) (a) As used in this subsection, the term "energy policy of the state" means the energy policy described in s. 377.601 and includes any intended or actual measure, obligation, target, or timeframe related to a reduction in carbon dioxide emissions.

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(b) The department may not expend any state funds as described in s. 215.31 to support a project or program of any of the following entities if such entities adopt or promote energy policy goals inconsistent with the energy policy of the state:

1. A public transit provider as defined in s. 341.031(1).

2. An authority created pursuant to chapter 343, chapter 348, or chapter 349.

3. A public-use airport as defined in s. 332.004.

4. A port listed in s. 311.09(1).

Section 35. Section 339.0805, Florida Statutes, is repealed.

Section 36. Paragraph (b) of subsection (3) and paragraph (c) of subsection (4) of section 339.2821, Florida Statutes, are amended to read:

339.2821 Economic development transportation projects.—

(3)

(b) The department must ensure that it is supportive of small businesses as defined in s. 337.027(2) ~~small and minority businesses have equal access to participate in transportation projects funded pursuant to this section.~~

(4) A contract between the department and a governmental body for a transportation project must:

(c) Require that the governmental body provide the department with progress reports. Each progress report must contain:

1. A narrative description of the work completed and whether the work is proceeding according to the transportation project schedule;

2. A description of each change order executed by the

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governmental body;

3. A budget summary detailing planned expenditures compared to actual expenditures; and

4. The identity of each small ~~or minority~~ business used as a contractor or subcontractor.

Section 37. Section 339.287, Florida Statutes, is repealed.

Section 38. Subsections (3) and (7) of section 339.651, Florida Statutes, are amended to read:

339.651 Strategic Intermodal System supply chain demands.—

(3) The department may ~~shall~~ make up to \$20 million available each year ~~for fiscal years 2023-2024 through 2027-2028,~~ from the existing work program ~~revenues,~~ to fund projects that meet the public purpose of providing increased capacity and enhanced capabilities to move and store construction aggregate. Applicants eligible for project funding under this section are seaports listed in s. 311.09 and rail lines and rail facilities.

~~(7) This section shall stand repealed on July 1, 2028.~~

Section 39. Paragraph (b) of subsection (6) of section 341.051, Florida Statutes, is amended to read:

341.051 Administration and financing of public transit and intercity bus service programs and projects.—

(6) ANNUAL APPROPRIATION.—

(b) If funds are allocated to projects that qualify for the New Starts Transit Program in the current fiscal year and a project will not be ready for production by June 30, those funds must ~~The remaining unallocated New Starts Transit Program funds as of June 30, 2024, shall~~ be reallocated for the purpose of the Strategic Intermodal System within the State Transportation Trust Fund for the next fiscal year. ~~This paragraph expires June~~

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1567 ~~30, 2026.~~

1568  
1569 For purposes of this section, the term "net operating costs"  
1570 means all operating costs of a project less any federal funds,  
1571 fares, or other sources of income to the project.

1572 Section 40. Subsection (5) of section 348.754, Florida  
1573 Statutes, is amended to read:

1574 348.754 Purposes and powers.—

1575 (5) The authority shall encourage the inclusion of local  
1576 and small local ~~local, small, minority, and women-owned~~ businesses  
1577 in its procurement and contracting opportunities.

1578 Section 41. Subsection (2) of section 349.03, Florida  
1579 Statutes, is amended to read:

1580 349.03 Jacksonville Transportation Authority.—

1581 (2) The governing body of the authority shall be composed  
1582 ~~consist~~ of seven members. Four ~~Three~~ members shall be appointed  
1583 by the Governor and confirmed by the Senate. Of the four members  
1584 appointed by the Governor, one must be a resident of Duval  
1585 County and three must be residents of Clay County, St. Johns  
1586 County, or Nassau County. Three members shall be appointed by  
1587 the mayor of the City of Jacksonville subject to confirmation by  
1588 the council of the City of Jacksonville. ~~The seventh member~~  
1589 ~~shall be the district secretary of the Department of~~  
1590 ~~Transportation serving in the district that contains the City of~~  
1591 ~~Jacksonville. Except for the seventh member, Members~~ appointed  
1592 by the mayor of the City of Jacksonville must ~~shall~~ be residents  
1593 and qualified electors of Duval County.

1594 Section 42. Paragraphs (j) and (m) of subsection (2) of  
1595 section 110.205, Florida Statutes, are amended to read:

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110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(j) The appointed secretaries and the State Surgeon General, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Families, the State Transportation Development Administrator, the State Public Transportation and Modal Administrator, district secretaries, district directors of transportation development, transportation operations, transportation support, and the managers of the offices of the Department of Transportation specified in s. 20.23(4)(b) ~~s. 20.23(3)(b)~~. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions and the positions of county health department directors and county health department administrators of the Department of Health in accordance with the rules of the Senior Management Service.

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include,



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but are not limited to:

1. Positions in the Department of Health and the Department of Children and Families which are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in the Department of Corrections which are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in the Department of Transportation which are assigned primary duties of serving as regional toll managers and managers of offices, as specified in s. 20.23(4)(b) and (5)(c) ~~s. 20.23(3)(b) and (4)(c)~~.

4. Positions in the Department of Environmental Protection which are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in the Department of Health which are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

6. Positions in the Department of Highway Safety and Motor Vehicles which are assigned primary duties of serving as captains in the Florida Highway Patrol.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

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Section 43. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke driver license or identification card.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash—6 points.
4. Passing a stopped school bus:
  - a. Not causing or resulting in serious bodily injury to or death of another—4 points.
  - b. Causing or resulting in serious bodily injury to or death of another—6 points.

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c. Points may not be imposed for a violation of passing a stopped school bus as provided in s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant to s. 316.173. In addition, a violation of s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant to s. 316.173 may not be used for purposes of setting motor vehicle insurance rates.

5. Unlawful speed:

a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.

b. In excess of 15 miles per hour of lawful or posted speed—4 points.

c. Points may not be imposed for a violation of unlawful speed as provided in s. 316.1895 or s. 316.183 when enforced by a traffic infraction enforcement officer pursuant to s. 316.1896. In addition, a violation of s. 316.1895 or s. 316.183 when enforced by a traffic infraction enforcement officer pursuant to s. 316.1896 may not be used for purposes of setting motor vehicle insurance rates.

6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points. However, points may not be imposed for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer. In addition, a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.

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1712 7. Unlawfully driving a vehicle through a railroad-highway  
1713 grade crossing—6 points.

1714 8. All other moving violations (including parking on a  
1715 highway outside the limits of a municipality)—3 points. However,  
1716 points may not be imposed for a violation of ~~s. 316.0741~~ or s.  
1717 316.2065(11); and points may be imposed for a violation of s.  
1718 316.1001 only when imposed by the court after a hearing pursuant  
1719 to s. 318.14(5).

1720 9. Any moving violation covered in this paragraph,  
1721 excluding unlawful speed and unlawful use of a wireless  
1722 communications device, resulting in a crash—4 points.

1723 10. Any conviction under s. 403.413(6)(b)—3 points.

1724 11. Any conviction under s. 316.0775(2)—4 points.

1725 12. A moving violation covered in this paragraph which is  
1726 committed in conjunction with the unlawful use of a wireless  
1727 communications device within a school safety zone—2 points, in  
1728 addition to the points assigned for the moving violation.

1729 Section 44. Subsection (13) of section 365.172, Florida  
1730 Statutes, is amended to read:

1731 365.172 Emergency communications.—

1732 (13) FACILITATING EMERGENCY COMMUNICATIONS SERVICE  
1733 IMPLEMENTATION.—To balance the public need for reliable  
1734 emergency communications services through reliable wireless  
1735 systems and the public interest served by governmental zoning  
1736 and land development regulations and notwithstanding any other  
1737 law or local ordinance to the contrary, the following standards  
1738 shall apply to a local government's actions, as a regulatory  
1739 body, in the regulation of the placement, construction, or  
1740 modification of a wireless communications facility. This

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subsection may not, however, be construed to waive or alter the provisions of s. 286.011 or s. 286.0115. For the purposes of this subsection only, "local government" shall mean any municipality or county and any agency of a municipality or county only. The term "local government" does not, however, include any airport, as defined in s. 330.27 ~~by s. 330.27(2)~~, even if it is owned or controlled by or through a municipality, county, or agency of a municipality or county. Further, notwithstanding anything in this section to the contrary, this subsection does not apply to or control a local government's actions as a property or structure owner in the use of any property or structure owned by such entity for the placement, construction, or modification of wireless communications facilities. In the use of property or structures owned by the local government, however, a local government may not use its regulatory authority so as to avoid compliance with, or in a manner that does not advance, the provisions of this subsection.

(a) Colocation among wireless providers is encouraged by the state.

1.a. Colocations on towers, including nonconforming towers, that meet the requirements in sub-sub-subparagraphs (I), (II), and (III), are subject to only building permit review, which may include a review for compliance with this subparagraph. Such colocations are not subject to any design or placement requirements of the local government's land development regulations in effect at the time of the colocation that are more restrictive than those in effect at the time of the initial antennae placement approval, to any other portion of the land development regulations, or to public hearing review. This sub-

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subparagraph may not preclude a public hearing for any appeal of the decision on the colocation application.

(I) The colocation does not increase the height of the tower to which the antennae are to be attached, measured to the highest point of any part of the tower or any existing antenna attached to the tower;

(II) The colocation does not increase the ground space area, commonly known as the compound, approved in the site plan for equipment enclosures and ancillary facilities; and

(III) The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable regulations, restrictions, or conditions, if any, applied to the initial antennae placed on the tower and to its accompanying equipment enclosures and ancillary facilities and, if applicable, applied to the tower supporting the antennae. Such regulations may include the design and aesthetic requirements, but not procedural requirements, other than those authorized by this section, of the local government's land development regulations in effect at the time the initial antennae placement was approved.

b. Except for a historic building, structure, site, object, or district, or a tower included in sub-subparagraph a., colocations on all other existing structures that meet the requirements in sub-sub-subparagraphs (I)-(IV) shall be subject to no more than building permit review, and an administrative review for compliance with this subparagraph. Such colocations are not subject to any portion of the local government's land development regulations not addressed herein, or to public

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1799 hearing review. This sub-subparagraph may not preclude a public  
1800 hearing for any appeal of the decision on the colocation  
1801 application.

1802 (I) The colocation does not increase the height of the  
1803 existing structure to which the antennae are to be attached,  
1804 measured to the highest point of any part of the structure or  
1805 any existing antenna attached to the structure;

1806 (II) The colocation does not increase the ground space  
1807 area, otherwise known as the compound, if any, approved in the  
1808 site plan for equipment enclosures and ancillary facilities;

1809 (III) The colocation consists of antennae, equipment  
1810 enclosures, and ancillary facilities that are of a design and  
1811 configuration consistent with any applicable structural or  
1812 aesthetic design requirements and any requirements for location  
1813 on the structure, but not prohibitions or restrictions on the  
1814 placement of additional colocations on the existing structure or  
1815 procedural requirements, other than those authorized by this  
1816 section, of the local government's land development regulations  
1817 in effect at the time of the colocation application; and

1818 (IV) The colocation consists of antennae, equipment  
1819 enclosures, and ancillary facilities that are of a design and  
1820 configuration consistent with all applicable restrictions or  
1821 conditions, if any, that do not conflict with sub-sub-  
1822 subparagraph (III) and were applied to the initial antennae  
1823 placed on the structure and to its accompanying equipment  
1824 enclosures and ancillary facilities and, if applicable, applied  
1825 to the structure supporting the antennae.

1826 c. Regulations, restrictions, conditions, or permits of the  
1827 local government, acting in its regulatory capacity, that limit

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the number of colocations or require review processes inconsistent with this subsection do not apply to colocations addressed in this subparagraph.

d. If only a portion of the colocation does not meet the requirements of this subparagraph, such as an increase in the height of the proposed antennae over the existing structure height or a proposal to expand the ground space approved in the site plan for the equipment enclosure, where all other portions of the colocation meet the requirements of this subparagraph, that portion of the colocation only may be reviewed under the local government's regulations applicable to an initial placement of that portion of the facility, including, but not limited to, its land development regulations, and within the review timeframes of subparagraph (d)2., and the rest of the colocation shall be reviewed in accordance with this subparagraph. A colocation proposal under this subparagraph that increases the ground space area, otherwise known as the compound, approved in the original site plan for equipment enclosures and ancillary facilities by no more than a cumulative amount of 400 square feet or 50 percent of the original compound size, whichever is greater, shall, however, require no more than administrative review for compliance with the local government's regulations, including, but not limited to, land development regulations review, and building permit review, with no public hearing review. This sub-subparagraph does not preclude a public hearing for any appeal of the decision on the colocation application.

2. If a colocation does not meet the requirements of subparagraph 1., the local government may review the application



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under the local government's regulations, including, but not limited to, land development regulations, applicable to the placement of initial antennae and their accompanying equipment enclosure and ancillary facilities.

3. If a colocation meets the requirements of subparagraph 1., the colocation may not be considered a modification to an existing structure or an impermissible modification of a nonconforming structure.

4. The owner of the existing tower on which the proposed antennae are to be colocated shall remain responsible for compliance with any applicable condition or requirement of a permit or agreement, or any applicable condition or requirement of the land development regulations to which the existing tower had to comply at the time the tower was permitted, including any aesthetic requirements, provided the condition or requirement is not inconsistent with this paragraph.

5. An existing tower, including a nonconforming tower, may be structurally modified in order to permit colocation or may be replaced through no more than administrative review and building permit review, and is not subject to public hearing review, if the overall height of the tower is not increased and, if a replacement, the replacement tower is a monopole tower or, if the existing tower is a camouflaged tower, the replacement tower is a like-camouflaged tower. This subparagraph may not preclude a public hearing for any appeal of the decision on the application.

(b)1. A local government's land development and construction regulations for wireless communications facilities and the local government's review of an application for the

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1886 placement, construction, or modification of a wireless  
1887 communications facility shall only address land development or  
1888 zoning issues. In such local government regulations or review,  
1889 the local government may not require information on or evaluate  
1890 a wireless provider's business decisions about its service,  
1891 customer demand for its service, or quality of its service to or  
1892 from a particular area or site, unless the wireless provider  
1893 voluntarily offers this information to the local government. In  
1894 such local government regulations or review, a local government  
1895 may not require information on or evaluate the wireless  
1896 provider's designed service unless the information or materials  
1897 are directly related to an identified land development or zoning  
1898 issue or unless the wireless provider voluntarily offers the  
1899 information. Information or materials directly related to an  
1900 identified land development or zoning issue may include, but are  
1901 not limited to, evidence that no existing structure can  
1902 reasonably be used for the antennae placement instead of the  
1903 construction of a new tower, that residential areas cannot be  
1904 served from outside the residential area, as addressed in  
1905 subparagraph 3., or that the proposed height of a new tower or  
1906 initial antennae placement or a proposed height increase of a  
1907 modified tower, replacement tower, or colocation is necessary to  
1908 provide the provider's designed service. Nothing in this  
1909 paragraph shall limit the local government from reviewing any  
1910 applicable land development or zoning issue addressed in its  
1911 adopted regulations that does not conflict with this section,  
1912 including, but not limited to, aesthetics, landscaping, land  
1913 use-based location priorities, structural design, and setbacks.

1914 2. Any setback or distance separation required of a tower

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1915 may not exceed the minimum distance necessary, as determined by  
1916 the local government, to satisfy the structural safety or  
1917 aesthetic concerns that are to be protected by the setback or  
1918 distance separation.

1919       3. A local government may exclude the placement of wireless  
1920 communications facilities in a residential area or residential  
1921 zoning district but only in a manner that does not constitute an  
1922 actual or effective prohibition of the provider's service in  
1923 that residential area or zoning district. If a wireless provider  
1924 demonstrates to the satisfaction of the local government that  
1925 the provider cannot reasonably provide its service to the  
1926 residential area or zone from outside the residential area or  
1927 zone, the municipality or county and provider shall cooperate to  
1928 determine an appropriate location for a wireless communications  
1929 facility of an appropriate design within the residential area or  
1930 zone. The local government may require that the wireless  
1931 provider reimburse the reasonable costs incurred by the local  
1932 government for this cooperative determination. An application  
1933 for such cooperative determination may not be considered an  
1934 application under paragraph (d).

1935       4. A local government may impose a reasonable fee on  
1936 applications to place, construct, or modify a wireless  
1937 communications facility only if a similar fee is imposed on  
1938 applicants seeking other similar types of zoning, land use, or  
1939 building permit review. A local government may impose fees for  
1940 the review of applications for wireless communications  
1941 facilities by consultants or experts who conduct code compliance  
1942 review for the local government but any fee is limited to  
1943 specifically identified reasonable expenses incurred in the

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review. A local government may impose reasonable surety requirements to ensure the removal of wireless communications facilities that are no longer being used.

5. A local government may impose design requirements, such as requirements for designing towers to support colocation or aesthetic requirements, except as otherwise limited in this section, but may not impose or require information on compliance with building code type standards for the construction or modification of wireless communications facilities beyond those adopted by the local government under chapter 553 and that apply to all similar types of construction.

(c) Local governments may not require wireless providers to provide evidence of a wireless communications facility's compliance with federal regulations, except evidence of compliance with applicable Federal Aviation Administration requirements under 14 C.F.R. part 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use, but may request the Federal Communications Commission to provide information as to a wireless provider's compliance with federal regulations, as authorized by federal law.

(d)1. A local government shall grant or deny each properly completed application for a colocation under subparagraph (a)1. based on the application's compliance with the local government's applicable regulations, as provided for in subparagraph (a)1. and consistent with this subsection, and within the normal timeframe for a similar building permit review but in no case later than 45 business days after the date the

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1973 application is determined to be properly completed in accordance  
1974 with this paragraph.

1975       2. A local government shall grant or deny each properly  
1976 completed application for any other wireless communications  
1977 facility based on the application's compliance with the local  
1978 government's applicable regulations, including but not limited  
1979 to land development regulations, consistent with this subsection  
1980 and within the normal timeframe for a similar type review but in  
1981 no case later than 90 business days after the date the  
1982 application is determined to be properly completed in accordance  
1983 with this paragraph.

1984       3.a. An application is deemed submitted or resubmitted on  
1985 the date the application is received by the local government. If  
1986 the local government does not notify the applicant in writing  
1987 that the application is not completed in compliance with the  
1988 local government's regulations within 20 business days after the  
1989 date the application is initially submitted or additional  
1990 information resubmitted, the application is deemed, for  
1991 administrative purposes only, to be properly completed and  
1992 properly submitted. However, the determination may not be deemed  
1993 as an approval of the application. If the application is not  
1994 completed in compliance with the local government's regulations,  
1995 the local government shall so notify the applicant in writing  
1996 and the notification must indicate with specificity any  
1997 deficiencies in the required documents or deficiencies in the  
1998 content of the required documents which, if cured, make the  
1999 application properly completed. Upon resubmission of information  
2000 to cure the stated deficiencies, the local government shall  
2001 notify the applicant, in writing, within the normal timeframes

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of review, but in no case longer than 20 business days after the additional information is submitted, of any remaining deficiencies that must be cured. Deficiencies in document type or content not specified by the local government do not make the application incomplete. Notwithstanding this sub-subparagraph, if a specified deficiency is not properly cured when the applicant resubmits its application to comply with the notice of deficiencies, the local government may continue to request the information until such time as the specified deficiency is cured. The local government may establish reasonable timeframes within which the required information to cure the application deficiency is to be provided or the application will be considered withdrawn or closed.

b. If the local government fails to grant or deny a properly completed application for a wireless communications facility within the timeframes set forth in this paragraph, the application shall be deemed automatically approved and the applicant may proceed with placement of the facilities without interference or penalty. The timeframes specified in subparagraph 2. may be extended only to the extent that the application has not been granted or denied because the local government's procedures generally applicable to all other similar types of applications require action by the governing body and such action has not taken place within the timeframes specified in subparagraph 2. Under such circumstances, the local government must act to either grant or deny the application at its next regularly scheduled meeting or, otherwise, the application is deemed to be automatically approved.

c. To be effective, a waiver of the timeframes set forth in

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2031 this paragraph must be voluntarily agreed to by the applicant  
2032 and the local government. A local government may request, but  
2033 not require, a waiver of the timeframes by the applicant, except  
2034 that, with respect to a specific application, a one-time waiver  
2035 may be required in the case of a declared local, state, or  
2036 federal emergency that directly affects the administration of  
2037 all permitting activities of the local government.

2038 (e) The replacement of or modification to a wireless  
2039 communications facility, except a tower, that results in a  
2040 wireless communications facility not readily discernibly  
2041 different in size, type, and appearance when viewed from ground  
2042 level from surrounding properties, and the replacement or  
2043 modification of equipment that is not visible from surrounding  
2044 properties, all as reasonably determined by the local  
2045 government, are subject to no more than applicable building  
2046 permit review.

2047 (f) Any other law to the contrary notwithstanding, the  
2048 Department of Management Services shall negotiate, in the name  
2049 of the state, leases for wireless communications facilities that  
2050 provide access to state government-owned property not acquired  
2051 for transportation purposes, and the Department of  
2052 Transportation shall negotiate, in the name of the state, leases  
2053 for wireless communications facilities that provide access to  
2054 property acquired for state rights-of-way. On property acquired  
2055 for transportation purposes, leases shall be granted in  
2056 accordance with s. 337.251. On other state government-owned  
2057 property, leases shall be granted on a space available, first-  
2058 come, first-served basis. Payments required by state government  
2059 under a lease must be reasonable and must reflect the market

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rate for the use of the state government-owned property. The Department of Management Services and the Department of Transportation are authorized to adopt rules for the terms and conditions and granting of any such leases.

(g) If any person adversely affected by any action, or failure to act, or regulation, or requirement of a local government in the review or regulation of the wireless communication facilities files an appeal or brings an appropriate action in a court or venue of competent jurisdiction, following the exhaustion of all administrative remedies, the matter shall be considered on an expedited basis.

Section 45. Subsection (2) of section 379.2293, Florida Statutes, is amended to read:

379.2293 Airport activities within the scope of a federally approved wildlife hazard management plan or a federal or state permit or other authorization for depredation or harassment.—

(2) An airport authority or other entity owning or operating an airport, as defined in s. 330.27 ~~s. 330.27(2)~~, is not subject to any administrative or civil penalty, restriction, or other sanction with respect to any authorized action taken in a non-negligent manner for the purpose of protecting human life or aircraft safety from wildlife hazards.

Section 46. Subsection (22) of section 493.6101, Florida Statutes, is amended to read:

493.6101 Definitions.—

(22) "Repossession" means the recovery of a motor vehicle as defined under s. 320.01(1), a mobile home as defined in s. 320.01(2), a motorboat as defined under s. 327.02, an aircraft as defined in s. 330.27 ~~s. 330.27(1)~~, a personal watercraft as



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defined in s. 327.02, an all-terrain vehicle as defined in s. 316.2074, farm equipment as defined under s. 686.402, or industrial equipment, by an individual who is authorized by the legal owner, lienholder, or lessor to recover, or to collect money payment in lieu of recovery of, that which has been sold or leased under a security agreement that contains a repossession clause. As used in this subsection, the term "industrial equipment" includes, but is not limited to, tractors, road rollers, cranes, forklifts, backhoes, and bulldozers. The term "industrial equipment" also includes other vehicles that are propelled by power other than muscular power and that are used in the manufacture of goods or used in the provision of services. A repossession is complete when a licensed recovery agent is in control, custody, and possession of such repossessed property. Property that is being repossessed shall be considered to be in the control, custody, and possession of a recovery agent if the property being repossessed is secured in preparation for transport from the site of the recovery by means of being attached to or placed on the towing or other transport vehicle or if the property being repossessed is being operated or about to be operated by an employee of the recovery agency.

Section 47. Paragraph (c) of subsection (1) of section 493.6403, Florida Statutes, is amended to read:

493.6403 License requirements.—

(1) In addition to the license requirements set forth in this chapter, each individual or agency shall comply with the following additional requirements:

(c) An applicant for a Class "E" license shall have at

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least 1 year of lawfully gained, verifiable, full-time  
experience in one, or a combination of more than one, of the  
following:

1. Repossession of motor vehicles as defined in s.  
320.01(1), mobile homes as defined in s. 320.01(2), motorboats  
as defined in s. 327.02, aircraft as defined in s. 330.27 ~~s.~~  
~~330.27(1)~~, personal watercraft as defined in s. 327.02, all-  
terrain vehicles as defined in s. 316.2074, farm equipment as  
defined under s. 686.402, or industrial equipment as defined in  
s. 493.6101(22).

2. Work as a Class "EE" licensed intern.

Section 48. This act shall take effect July 1, 2025.