



728576

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/20/2025	.	
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The Committee on Transportation (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (e) is added to subsection (6) of  
section 212.20, Florida Statutes, to read:

212.20 Funds collected, disposition; additional powers of  
department; operational expense; refund of taxes adjudicated  
unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and ss.



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11 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:  
12 (e) To account for the impact of electric and hybrid  
13 vehicles on the state highway system and the use of taxes  
14 collected from motorists when charging such vehicles, beginning  
15 July 2025, and reassessed every 5 fiscal years, on or before the  
16 25th day of each month thereafter, of the portion of the  
17 proceeds of the tax imposed under s. 212.05(1)(e)1.c., the  
18 department shall distribute \$4.167 million to the State  
19 Transportation Trust Fund.

20 Section 2. Section 218.3215, Florida Statutes, is created  
21 to read:

22 218.3215 County transportation project data.—Each county  
23 shall annually provide the Department of Transportation with  
24 uniform project data. The data must conform to the county's  
25 fiscal year and must include details on transportation revenues  
26 by source of taxes or fees, expenditure of such revenues for  
27 projects that were funded, and any unexpended balance for the  
28 fiscal year. The data must also include project details,  
29 including the project cost, location, and scope. The scope of  
30 the project must be categorized broadly using a category, such  
31 as widening, repair and rehabilitation, or sidewalks. The data  
32 must specify which projects the revenues not dedicated to  
33 specific projects are supporting. The Department of  
34 Transportation shall inform each county of the method and  
35 required format for submitting the data. The Department of  
36 Transportation shall compile the data and publish such  
37 compilation on its website.

38 Section 3. Subsections (6) and (35) of section 334.044,  
39 Florida Statutes, are amended to read:



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40 334.044 Powers and duties of the department.—The department  
41 shall have the following general powers and duties:

42 (6) To acquire, by the exercise of the power of eminent  
43 domain as provided by law, all property or property rights,  
44 whether public or private, which it may determine are necessary  
45 to the performance of its duties and the execution of its  
46 powers, including, but not limited to, in advance to preserve a  
47 corridor for future proposed improvements.

48 (35) To expend funds for ~~provide~~ a construction workforce  
49 development program, in consultation with affected stakeholders,  
50 for delivery of projects designated in the department's work  
51 program. The department may annually expend up to \$5 million  
52 from the State Transportation Trust Fund for fiscal years 2025-  
53 2026 through 2029-2030 in grants to state colleges and school  
54 districts, with priority given to state colleges and school  
55 districts in counties that are rural communities as defined in  
56 s. 288.0656(2), for the purchase of equipment simulators with  
57 authentic original equipment manufacturer controls and a  
58 companion curriculum, for the purchase of instructional aids for  
59 use in conjunction with the equipment simulators, and to support  
60 offering an elective course in heavy civil construction which  
61 must, at a minimum, provide the student with an Occupational  
62 Safety and Health Administration 10-hour certification and a  
63 fill equipment simulator certification.

64 Section 4. Section 334.63, Florida Statutes, is created to  
65 read:

66 334.63 Project concept studies and project development and  
67 environment studies.—

68 (1) Project concept studies and project development and



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69 environment studies for capacity improvement projects on limited  
70 access facilities must include the evaluation of alternatives  
71 that provide transportation capacity using elevated roadway  
72 above existing lanes.

73 (2) Project development and environment studies for new  
74 alignment projects and capacity improvement projects must be  
75 completed within 18 months after the date of commencement.

76 Section 5. Subsections (1) and (4), paragraph (b) of  
77 subsection (7), and subsection (15) of section 337.11, Florida  
78 Statutes, are amended to read:

79 337.11 Contracting authority of department; bids; emergency  
80 repairs, supplemental agreements, and change orders; combined  
81 design and construction contracts; progress payments; records;  
82 requirements of vehicle registration.-

83 (1) The department shall have authority to enter into  
84 contracts for the construction and maintenance of all roads  
85 designated as part of the State Highway System or the State Park  
86 Road System or of any roads placed under its supervision by law.  
87 The department shall also have authority to enter into contracts  
88 for the construction and maintenance of rest areas, weigh  
89 stations, and other structures, including roads, parking areas,  
90 supporting facilities and associated buildings used in  
91 connection with such facilities. A contractor who enters into  
92 such a contract with the department provides a service to the  
93 department, and such contract does not ~~However, no such contract~~  
94 ~~shall~~ create any third-party beneficiary rights in any person  
95 not a party to the contract.

96 (4) (a) Except as provided in paragraph (b), the department  
97 may award the proposed construction and maintenance work to the



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98 lowest responsible bidder, or in the instance of a time-plus-  
99 money contract, the lowest evaluated responsible bidder, or it  
100 may reject all bids and proceed to rebid the work in accordance  
101 with subsection (2) or otherwise perform the work.

102 (b) Notwithstanding any other provision of law to the  
103 contrary:

104 1. If the department receives bids outside the award  
105 criteria set forth by the department, the department must:

106 a. Arrange an in-person meeting with the lowest responsive,  
107 responsible bidder to determine why the bids are over the  
108 department's estimate and may subsequently award the contract to  
109 the lowest responsive, responsible bidder at its discretion;

110 b. Reject all bids and proceed to rebid the work in  
111 accordance with subsection (2); or

112 c. Invite all responsive, responsible bidders to provide  
113 best and final offers without filing a protest or posting a bond  
114 under paragraph (5)(a). If the department thereafter awards the  
115 contract, the award must be to the bidder that presents the  
116 lowest best and final offer.

117 2. If the department intends to reject all bids on any  
118 project after announcing, but before posting official notice of,  
119 such intent, the department must provide to the lowest  
120 responsive, responsible bidder the opportunity to negotiate the  
121 scope of work with a corresponding reduction in price, as  
122 provided in the bid, to provide a best and final offer without  
123 filing a protest or posting a bond under paragraph (5)(a). Upon  
124 reaching a decision regarding the lowest bidder's best and final  
125 offer, the department must post notice of final agency action to  
126 either reject all bids or accept the best and final offer.



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127       (c) This subsection does not prohibit the filing of a  
128 protest by any bidder or alter the deadlines provided in s.  
129 120.57.

130       (d) Notwithstanding the requirements of ss. 120.57(3)(c)  
131 and 287.057(25), upon receipt of a formal written protest that  
132 is timely filed, the department may continue the process  
133 provided in this subsection but may not take final agency action  
134 as to the lowest bidder except as part of the department's final  
135 agency action in the protest or upon dismissal of the protest by  
136 the protesting party.

137       (7)

138       (b) If the department determines that it is in the best  
139 interests of the public, the department may combine the design  
140 and construction phases of a project fully funded in the work  
141 program into a single contract and select the design-build firm  
142 in the early stages of a project to ensure that the design-build  
143 firm is part of the collaboration and development of the design  
144 as part of a step-by-step progression through construction. Such  
145 a contract is referred to as a phased design-build contract. For  
146 phased design-build contracts, selection and award must include  
147 a two-phase process. For phase one, the department shall  
148 competitively award the contract to a design-build firm based  
149 upon qualifications, provided that the department receives at  
150 least three statements of qualifications from qualified design-  
151 build firms. If during phase one the department elects to enter  
152 into contracts with more than one design-build firm based upon  
153 qualifications, the department must competitively award the  
154 contract for phase two to a single design-build firm. For phase  
155 two, the design-build firm may self-perform portions of the work



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156 and shall competitively bid construction trade subcontractor  
157 packages and, based upon the design-build firm's estimates of  
158 the self-performed work and these bids, negotiate with the  
159 department a fixed firm price or guaranteed maximum price that  
160 meets the project budget and scope as advertised in the request  
161 for qualifications.

162 (15) Each contract let by the department for performance of  
163 bridge construction or maintenance over navigable waters must  
164 contain a provision requiring marine general liability  
165 insurance, in an amount to be determined by the department,  
166 which covers third-party personal injury and property damage  
167 caused by vessels used by the contractor in the performance of  
168 the work. For a contract let by the department on or after July  
169 1, 2025, such insurance must include protection and indemnity  
170 coverage, which may be covered by endorsement on the marine  
171 general liability insurance policy or may be a separate policy.

172 Section 6. Subsection (3) is added to section 337.1101,  
173 Florida Statutes, to read:

174 337.1101 Contracting and procurement authority of the  
175 department; settlements; notification required.—

176 (3) The department may not, through a settlement of a  
177 protest filed in accordance with s. 120.57(3) of the award of a  
178 contract being procured pursuant to s. 337.11 or related to the  
179 purchase of commodities or contractual services being procured  
180 pursuant to s. 287.057, create a new contract unless the new  
181 contract is competitively procured.

182 Section 7. Subsections (1), (2), and (8) of section 337.14,  
183 Florida Statutes, are amended to read:

184 337.14 Application for qualification; certificate of



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185 qualification; restrictions; request for hearing.—

186 (1) Any contractor desiring to bid for the performance of  
187 any construction contract in excess of \$250,000 which the  
188 department proposes to let must first be certified by the  
189 department as qualified pursuant to this section and rules of  
190 the department. The rules of the department must address the  
191 qualification of contractors to bid on construction contracts in  
192 excess of \$250,000 and must include requirements with respect to  
193 the equipment, past record, experience, financial resources, and  
194 organizational personnel of the applying contractor which are  
195 necessary to perform the specific class of work for which the  
196 contractor seeks certification. Any contractor who desires to  
197 bid on contracts in excess of \$50 million and who is not  
198 qualified and in good standing with the department as of January  
199 1, 2019, must first be certified by the department as qualified  
200 and must have satisfactorily completed two projects, each in  
201 excess of \$15 million, for the department or for any other state  
202 department of transportation. The department may limit the  
203 dollar amount of any contract upon which a contractor is  
204 qualified to bid or the aggregate total dollar volume of  
205 contracts such contractor is allowed to have under contract at  
206 any one time. Each applying contractor seeking qualification to  
207 bid on construction contracts in excess of \$250,000 shall  
208 furnish the department a statement under oath, on such forms as  
209 the department may prescribe, setting forth detailed information  
210 as required on the application. Each application for  
211 certification must be accompanied by audited, certified  
212 financial statements prepared in accordance with generally  
213 accepted accounting principles and auditing standards by a





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214 certified public accountant licensed in this state or another  
215 state. The audited, certified financial statements must be for  
216 the applying contractor and must have been prepared within the  
217 immediately preceding 12 months. The department may not consider  
218 any financial information of the parent entity of the applying  
219 contractor, if any. The department may not certify as qualified  
220 any applying contractor who fails to submit the audited,  
221 certified financial statements required by this subsection. If  
222 the application or the annual financial statement shows the  
223 financial condition of the applying contractor more than 4  
224 months before the date on which the application is received by  
225 the department, the applicant must also submit interim audited,  
226 certified financial statements prepared in accordance with  
227 generally accepted accounting principles and auditing standards  
228 by a certified public accountant licensed in this state or  
229 another state. The interim financial statements must cover the  
230 period from the end date of the annual statement and must show  
231 the financial condition of the applying contractor no more than  
232 4 months before the date that the interim financial statements  
233 are received by the department. However, upon the request of the  
234 applying contractor, an application and accompanying annual or  
235 interim financial statement received by the department within 15  
236 days after either 4-month period under this subsection are ~~shall~~  
237 ~~be~~ considered timely. An applying contractor desiring to bid  
238 exclusively for the performance of construction contracts with  
239 proposed budget estimates of less than \$2 million may submit  
240 reviewed annual or reviewed interim financial statements  
241 prepared by a certified public accountant. The information  
242 required by this subsection is confidential and exempt from s.



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243 119.07(1). The department shall act upon the application for  
244 qualification within 30 days after the department determines  
245 that the application is complete. The department may waive the  
246 requirements of this subsection for projects having a contract  
247 price of \$1 million or less which have diverse scopes of work  
248 that may or may not be performed or \$500,000 or less if the  
249 department determines that the project is of a noncritical  
250 nature and the waiver will not endanger public health, safety,  
251 or property. Contracts for projects that have diverse scopes of  
252 work that may or may not be performed are typically referred to  
253 as push-button or task work order contracts.

254 (2) Certification is ~~shall be~~ necessary in order to bid on  
255 a road, bridge, or public transportation construction contract  
256 of more than \$250,000. However, the successful bidder on any  
257 construction contract must furnish a contract bond before ~~prior~~  
258 ~~to~~ the award of the contract. The department may waive the  
259 requirement for all or a portion of a contract bond for  
260 contracts of \$250,000 ~~\$150,000~~ or less under s. 337.18(1).

261 (8) This section does not apply to maintenance contracts.  
262 Notwithstanding any provision of law to the contrary, a  
263 contractor seeking to bid on a maintenance contract that  
264 predominantly includes repair and replacement of safety  
265 appurtenances, including, but not limited to, guardrails,  
266 attenuators, traffic signals, and striping, must possess the  
267 prescribed qualifications, equipment, record, and experience to  
268 perform such repair and replacement.

269 Section 8. Subsections (4) and (5) of section 337.185,  
270 Florida Statutes, are amended to read:

271 337.185 State Arbitration Board.—



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272 (4) The contractor may submit a claim greater than \$250,000  
273 up to \$2 ~~\$1~~ million per contract or, upon agreement of the  
274 parties, greater than ~~up to~~ \$2 million per contract to be  
275 arbitrated by the board. An award issued by the board pursuant  
276 to this subsection is final if a request for a trial de novo is  
277 not filed within the time provided by Rule 1.830, Florida Rules  
278 of Civil Procedure. At the trial de novo, the court may not  
279 admit evidence that there has been an arbitration proceeding,  
280 the nature or amount of the award, or any other matter  
281 concerning the conduct of the arbitration proceeding, except  
282 that testimony given in connection with ~~at~~ an arbitration  
283 hearing may be used for any purpose otherwise permitted by the  
284 Florida Evidence Code. If a request for trial de novo is not  
285 filed within the time provided, the award issued by the board is  
286 final and enforceable by a court of law.

287 (5) An arbitration request may not be made to the board  
288 before final acceptance but must be made to the board within 820  
289 days after final acceptance or within 360 days after written  
290 notice by the department of a claim related to a written  
291 warranty or defect after final acceptance.

292 Section 9. Subsection (2) of section 337.19, Florida  
293 Statutes, is amended to read:

294 337.19 Suits by and against department; limitation of  
295 actions; forum.—

296 (2) For contracts entered into on or after June 30, 1993,  
297 suits by or ~~and~~ against the department under this section must  
298 ~~shall~~ be commenced within 820 days of the final acceptance of  
299 the work. For contracts entered into on or after July 1, 2025,  
300 suits by or against the department under this section must be



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301 commenced within 820 days of the final acceptance of the work or  
302 within 360 days after written notice by the department of a  
303 claim related to a written warranty or defect after final  
304 acceptance ~~This section shall apply to all contracts entered~~  
305 ~~into after June 30, 1993.~~

306 Section 10. Present subsections (3) through (9) of section  
307 337.401, Florida Statutes, are redesignated as subsections (4)  
308 through (10), respectively, paragraph (c) is added to subsection  
309 (1) and new subsection (3) is added to that section, and  
310 paragraph (b) of subsection (1), subsection (2), paragraphs (a),  
311 (c), and (g) of present subsection (3), present subsection (5),  
312 paragraph (e) of present subsection (6), and paragraphs (d) and  
313 (h) of present subsection (7) of that section are amended, to  
314 read:

315 337.401 Use of right-of-way for utilities subject to  
316 regulation; permit; fees.—

317 (1)

318 (b) For aerial and underground electric utility  
319 transmission lines designed to operate at 69 or more kilovolts  
320 which ~~that~~ are needed to accommodate the additional electrical  
321 transfer capacity on the transmission grid resulting from new  
322 base-load generating facilities, the department's rules shall  
323 provide for placement of and access to such transmission lines  
324 adjacent to and within the right-of-way of any department-  
325 controlled public roads, including longitudinally within limited  
326 access facilities where there is no other practicable  
327 alternative available, to the greatest extent allowed by federal  
328 law, if compliance with the standards established by such rules  
329 is achieved. Without limiting or conditioning the department's



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330 jurisdiction or authority described in paragraph (a), with  
331 respect to limited access right-of-way, such rules may include,  
332 but need not be limited to, that the use of the right-of-way for  
333 longitudinal placement of electric utility transmission lines is  
334 reasonable based upon a consideration of economic and  
335 environmental factors, including, without limitation, other  
336 practicable alternative alignments, utility corridors and  
337 easements, impacts on adjacent property owners, and minimum  
338 clear zones and other safety standards, and further provide that  
339 placement of the electric utility transmission lines within the  
340 department's right-of-way does not interfere with operational  
341 requirements of the transportation facility or planned or  
342 potential future expansion of such transportation facility. If  
343 the department approves longitudinal placement of electric  
344 utility transmission lines in limited access facilities,  
345 compensation for the use of the right-of-way is required. Such  
346 consideration or compensation paid by the ~~electric~~ utility owner  
347 in connection with the department's issuance of a permit does  
348 not create any property right in the department's property  
349 regardless of the amount of consideration paid or the  
350 improvements constructed on the property by the utility owner.  
351 Upon notice by the department that the property is needed for  
352 expansion or improvement of the transportation facility, the  
353 electric utility transmission line will be removed or relocated  
354 at the utility owner's ~~electric utility's~~ sole expense. The  
355 ~~electric~~ utility owner shall pay to the department reasonable  
356 damages resulting from the utility owner's ~~utility's~~ failure or  
357 refusal to timely remove or relocate its transmission lines. The  
358 rules to be adopted by the department may also address the



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359 compensation methodology and removal or relocation. As used in  
360 this subsection, the term "base-load generating facilities"  
361 means electric power plants that are certified under part II of  
362 chapter 403.

363 (c) An entity that places, replaces, or relocates  
364 underground utilities within a right-of-way must make such  
365 underground utilities electronically detectable using techniques  
366 approved by the department.

367 (2) The authority may grant to any person who is a resident  
368 of this state, or to any corporation that ~~which~~ is organized  
369 under the laws of this state or licensed to do business within  
370 this state, the use of a right-of-way for the utility in  
371 accordance with such rules or regulations as the authority may  
372 adopt. A utility may not be installed, located, or relocated  
373 unless authorized by a written permit issued by the authority.  
374 However, for public roads or publicly owned rail corridors under  
375 the jurisdiction of the department, a utility relocation  
376 schedule and relocation agreement may be executed in lieu of a  
377 written permit. The permit or relocation agreement must require  
378 the permitholder or party to the agreement to be responsible for  
379 any damage resulting from the work required. The utility owner  
380 shall pay to the authority actual damages resulting from a  
381 failure or refusal to timely remove or relocate a utility.  
382 Issuance of permits for new placement of utilities within the  
383 authority's rights-of-way may be subject to payment of actual  
384 costs incurred by the authority due to the failure of the  
385 utility owner to timely relocate utilities pursuant to an  
386 approved utility work schedule, for damage done to existing  
387 infrastructure by the utility owner, and for roadway failures



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388 caused by work performed by the utility owner ~~issuance of such~~  
389 ~~permit~~. The authority may initiate injunctive proceedings as  
390 provided in s. 120.69 to enforce ~~provisions of~~ this subsection  
391 or any rule or order issued or entered into pursuant thereto. A  
392 permit application required under this subsection by a county or  
393 municipality having jurisdiction and control of the right-of-way  
394 of any public road must be processed and acted upon in  
395 accordance with the timeframes provided in subparagraphs  
396 (8) (d) 7., 8., and 9 ~~(7) (d) 7., 8., and 9.~~

397 (3) (a) As used in this subsection, the term "as-built  
398 plans" means plans that include all changes and modifications  
399 that occur during the construction phase of a project.

400 (b) The authority and utility owner shall agree in writing  
401 to an approved depth of as-built plans in accordance with the  
402 scope of a project.

403 (c) The utility owner shall submit as-built plans within 20  
404 business days after completion of the utility work which show  
405 actual final surface and subsurface utilities, including  
406 location alignment profile, depth, and geodetic datum of each  
407 structure. As-built plans must be provided in an electronic  
408 format that is compatible with department software and meets  
409 technical specifications provided by the department or in an  
410 electronic format determined by the utility industry to be in  
411 accordance with industry standards. The department may by  
412 written agreement make exceptions to the electronic format  
413 requirement.

414 (d) As-built plans must be submitted before any costs may  
415 be reimbursed by the authority under subsection (2).

416 (4) ~~(3)~~ (a) Because of the unique circumstances applicable to



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417 providers of communications services, including, but not limited  
418 to, the circumstances described in paragraph (e) and the fact  
419 that federal and state law require the nondiscriminatory  
420 treatment of providers of telecommunications services, and  
421 because of the desire to promote competition among providers of  
422 communications services, it is the intent of the Legislature  
423 that municipalities and counties treat providers of  
424 communications services in a nondiscriminatory and competitively  
425 neutral manner when imposing rules or regulations governing the  
426 placement or maintenance of communications facilities in the  
427 public roads or rights-of-way. Rules or regulations imposed by a  
428 municipality or county relating to providers of communications  
429 services placing or maintaining communications facilities in its  
430 roads or rights-of-way must be generally applicable to all  
431 providers of communications services, taking into account the  
432 distinct engineering, construction, operation, maintenance,  
433 public works, and safety requirements of the provider's  
434 facilities, and, notwithstanding any other law, may not require  
435 a provider of communications services to apply for or enter into  
436 an individual license, franchise, or other agreement with the  
437 municipality or county as a condition of placing or maintaining  
438 communications facilities in its roads or rights-of-way. In  
439 addition to other reasonable rules or regulations that a  
440 municipality or county may adopt relating to the placement or  
441 maintenance of communications facilities in its roads or rights-  
442 of-way under this subsection or subsection (8) ~~(7)~~, a  
443 municipality or county may require a provider of communications  
444 services that places or seeks to place facilities in its roads  
445 or rights-of-way to register with the municipality or county. To





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446 register, a provider of communications services may be required  
447 only to provide its name; the name, address, and telephone  
448 number of a contact person for the registrant; the number of the  
449 registrant's current certificate of authorization issued by the  
450 Florida Public Service Commission, the Federal Communications  
451 Commission, or the Department of State; a statement of whether  
452 the registrant is a pass-through provider as defined in  
453 subparagraph (7)(a)1. ~~(6)(a)1.~~; the registrant's federal  
454 employer identification number; and any required proof of  
455 insurance or self-insuring status adequate to defend and cover  
456 claims. A municipality or county may not require a registrant to  
457 renew a registration more frequently than every 5 years but may  
458 require during this period that a registrant update the  
459 registration information provided under this subsection within  
460 90 days after a change in such information. A municipality or  
461 county may not require the registrant to provide an inventory of  
462 communications facilities, maps, locations of such facilities,  
463 or other information by a registrant as a condition of  
464 registration, renewal, or for any other purpose; provided,  
465 however, that a municipality or county may require as part of a  
466 permit application that the applicant identify at-grade  
467 communications facilities within 50 feet of the proposed  
468 installation location for the placement of at-grade  
469 communications facilities. A municipality or county may not  
470 require a provider to pay any fee, cost, or other charge for  
471 registration or renewal thereof. It is the intent of the  
472 Legislature that the placement, operation, maintenance,  
473 upgrading, and extension of communications facilities not be  
474 unreasonably interrupted or delayed through the permitting or



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475 other local regulatory process. Except as provided in this  
476 chapter or otherwise expressly authorized by chapter 202,  
477 chapter 364, or chapter 610, a municipality or county may not  
478 adopt or enforce any ordinance, regulation, or requirement as to  
479 the placement or operation of communications facilities in a  
480 right-of-way by a communications services provider authorized by  
481 state or local law to operate in a right-of-way; regulate any  
482 communications services; or impose or collect any tax, fee,  
483 cost, charge, or exaction for the provision of communications  
484 services over the communications services provider's  
485 communications facilities in a right-of-way.

486 (c) Any municipality or county that, as of January 1, 2019,  
487 elected to require permit fees from any provider of  
488 communications services that uses or occupies municipal or  
489 county roads or rights-of-way pursuant to former paragraph (c)  
490 or former paragraph (j), Florida Statutes 2018, may continue to  
491 require and collect such fees. A municipality or county that  
492 elected as of January 1, 2019, to require permit fees may elect  
493 to forego such fees as provided herein. A municipality or county  
494 that elected as of January 1, 2019, not to require permit fees  
495 may not elect to impose permit fees. All fees authorized under  
496 this paragraph must be reasonable and commensurate with the  
497 direct and actual cost of the regulatory activity, including  
498 issuing and processing permits, plan reviews, physical  
499 inspection, and direct administrative costs; must be  
500 demonstrable; and must be equitable among users of the roads or  
501 rights-of-way. A fee authorized under this paragraph may not be  
502 offset against the tax imposed under chapter 202; include the  
503 costs of roads or rights-of-way acquisition or roads or rights-



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504 of-way rental; include any general administrative, management,  
505 or maintenance costs of the roads or rights-of-way; or be based  
506 on a percentage of the value or costs associated with the work  
507 to be performed on the roads or rights-of-way. In an action to  
508 recover amounts due for a fee not authorized under this  
509 paragraph, the prevailing party may recover court costs and  
510 attorney fees at trial and on appeal. In addition to the  
511 limitations set forth in this section, a fee levied by a  
512 municipality or charter county under this paragraph may not  
513 exceed \$100. However, permit fees may not be imposed with  
514 respect to permits that may be required for service drop lines  
515 not required to be noticed under s. 556.108(5) or for any  
516 activity that does not require the physical disturbance of the  
517 roads or rights-of-way or does not impair access to or full use  
518 of the roads or rights-of-way, including, but not limited to,  
519 the performance of service restoration work on existing  
520 facilities, extensions of such facilities for providing  
521 communications services to customers, and the placement of micro  
522 wireless facilities in accordance with subparagraph (8) (e) 3  
523 ~~(7) (e) 3~~.

524 1. If a municipality or charter county elects to not  
525 require permit fees, the total rate for the local communications  
526 services tax as computed under s. 202.20 for that municipality  
527 or charter county may be increased by ordinance or resolution by  
528 an amount not to exceed a rate of 0.12 percent.

529 2. If a noncharter county elects to not require permit  
530 fees, the total rate for the local communications services tax  
531 as computed under s. 202.20 for that noncharter county may be  
532 increased by ordinance or resolution by an amount not to exceed



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533 a rate of 0.24 percent, to replace the revenue the noncharter  
534 county would otherwise have received from permit fees for  
535 providers of communications services.

536 (g) A municipality or county may not use its authority over  
537 the placement of facilities in its roads and rights-of-way as a  
538 basis for asserting or exercising regulatory control over a  
539 provider of communications services regarding matters within the  
540 exclusive jurisdiction of the Florida Public Service Commission  
541 or the Federal Communications Commission, including, but not  
542 limited to, the operations, systems, equipment, technology,  
543 qualifications, services, service quality, service territory,  
544 and prices of a provider of communications services. A  
545 municipality or county may not require any permit for the  
546 maintenance, repair, replacement, extension, or upgrade of  
547 existing aerial wireline communications facilities on utility  
548 poles or for aerial wireline facilities between existing  
549 wireline communications facility attachments on utility poles by  
550 a communications services provider. However, a municipality or  
551 county may require a right-of-way permit for work that involves  
552 excavation, closure of a sidewalk, or closure of a vehicular  
553 lane or parking lane, unless the provider is performing service  
554 restoration to existing facilities. A permit application  
555 required by an authority under this section for the placement of  
556 communications facilities must be processed and acted upon  
557 consistent with the timeframes provided in subparagraphs  
558 (8) (d) 7., 8., and 9 ~~(7) (d) 7., 8., and 9.~~ In addition, a  
559 municipality or county may not require any permit or other  
560 approval, fee, charge, or cost, or other exaction for the  
561 maintenance, repair, replacement, extension, or upgrade of



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562 existing aerial lines or underground communications facilities  
563 located on private property outside of the public rights-of-way.  
564 As used in this section, the term "extension of existing  
565 facilities" includes those extensions from the rights-of-way  
566 into a customer's private property for purposes of placing a  
567 service drop or those extensions from the rights-of-way into a  
568 utility easement to provide service to a discrete identifiable  
569 customer or group of customers.

570 ~~(6)(5)~~ This section, except subsections (1) and (2) and  
571 paragraph (4)(g) ~~(3)(g)~~, does not apply to the provision of pay  
572 telephone service on public, municipal, or county roads or  
573 rights-of-way.

574 ~~(7)(6)~~

575 (e) This subsection does not alter any provision of this  
576 section or s. 202.24 relating to taxes, fees, or other charges  
577 or impositions by a municipality or county on a dealer of  
578 communications services or authorize that any charges be  
579 assessed on a dealer of communications services, except as  
580 specifically set forth herein. A municipality or county may not  
581 charge a pass-through provider any amounts other than the  
582 charges under this subsection as a condition to the placement or  
583 maintenance of a communications facility in the roads or rights-  
584 of-way of a municipality or county by a pass-through provider,  
585 except that a municipality or county may impose permit fees on a  
586 pass-through provider consistent with paragraph (4)(c) ~~(3)(e)~~.

587 ~~(8)(7)~~

588 (d) An authority may require a registration process and  
589 permit fees in accordance with subsection (4) ~~(3)~~. An authority  
590 shall accept applications for permits and shall process and



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591 issue permits subject to the following requirements:

592 1. An authority may not directly or indirectly require an  
593 applicant to perform services unrelated to the collocation for  
594 which approval is sought, such as in-kind contributions to the  
595 authority, including reserving fiber, conduit, or pole space for  
596 the authority.

597 2. An applicant may not be required to provide more  
598 information to obtain a permit than is necessary to demonstrate  
599 the applicant's compliance with applicable codes for the  
600 placement of small wireless facilities in the locations  
601 identified in the application. An applicant may not be required  
602 to provide inventories, maps, or locations of communications  
603 facilities in the right-of-way other than as necessary to avoid  
604 interference with other at-grade or aerial facilities located at  
605 the specific location proposed for a small wireless facility or  
606 within 50 feet of such location.

607 3. An authority may not:

608 a. Require the placement of small wireless facilities on  
609 any specific utility pole or category of poles;

610 b. Require the placement of multiple antenna systems on a  
611 single utility pole;

612 c. Require a demonstration that collocation of a small  
613 wireless facility on an existing structure is not legally or  
614 technically possible as a condition for granting a permit for  
615 the collocation of a small wireless facility on a new utility  
616 pole except as provided in paragraph (i);

617 d. Require compliance with an authority's provisions  
618 regarding placement of small wireless facilities or a new  
619 utility pole used to support a small wireless facility in



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620 rights-of-way under the control of the department unless the  
621 authority has received a delegation from the department for the  
622 location of the small wireless facility or utility pole, or  
623 require such compliance as a condition to receive a permit that  
624 is ancillary to the permit for collocation of a small wireless  
625 facility, including an electrical permit;

626 e. Require a meeting before filing an application;

627 f. Require direct or indirect public notification or a  
628 public meeting for the placement of communication facilities in  
629 the right-of-way;

630 g. Limit the size or configuration of a small wireless  
631 facility or any of its components, if the small wireless  
632 facility complies with the size limits in this subsection;

633 h. Prohibit the installation of a new utility pole used to  
634 support the collocation of a small wireless facility if the  
635 installation otherwise meets the requirements of this  
636 subsection; or

637 i. Require that any component of a small wireless facility  
638 be placed underground except as provided in paragraph (i).

639 4. Subject to paragraph (r), an authority may not limit the  
640 placement, by minimum separation distances, of small wireless  
641 facilities, utility poles on which small wireless facilities are  
642 or will be collocated, or other at-grade communications  
643 facilities. However, within 14 days after the date of filing the  
644 application, an authority may request that the proposed location  
645 of a small wireless facility be moved to another location in the  
646 right-of-way and placed on an alternative authority utility pole  
647 or support structure or placed on a new utility pole. The  
648 authority and the applicant may negotiate the alternative



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649 location, including any objective design standards and  
650 reasonable spacing requirements for ground-based equipment, for  
651 30 days after the date of the request. At the conclusion of the  
652 negotiation period, if the alternative location is accepted by  
653 the applicant, the applicant must notify the authority of such  
654 acceptance and the application shall be deemed granted for any  
655 new location for which there is agreement and all other  
656 locations in the application. If an agreement is not reached,  
657 the applicant must notify the authority of such nonagreement and  
658 the authority must grant or deny the original application within  
659 90 days after the date the application was filed. A request for  
660 an alternative location, an acceptance of an alternative  
661 location, or a rejection of an alternative location must be in  
662 writing and provided by electronic mail.

663         5. An authority shall limit the height of a small wireless  
664 facility to 10 feet above the utility pole or structure upon  
665 which the small wireless facility is to be collocated. Unless  
666 waived by an authority, the height for a new utility pole is  
667 limited to the tallest existing utility pole as of July 1, 2017,  
668 located in the same right-of-way, other than a utility pole for  
669 which a waiver has previously been granted, measured from grade  
670 in place within 500 feet of the proposed location of the small  
671 wireless facility. If there is no utility pole within 500 feet,  
672 the authority shall limit the height of the utility pole to 50  
673 feet.

674         6. The installation by a communications services provider  
675 of a utility pole in the public rights-of-way, other than a  
676 utility pole used to support a small wireless facility, is  
677 subject to authority rules or regulations governing the





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678 placement of utility poles in the public rights-of-way.

679         7. Within 14 days after receiving an application, an  
680 authority must determine and notify the applicant by electronic  
681 mail as to whether the application is complete. If an  
682 application is deemed incomplete, the authority must  
683 specifically identify the missing information. An application is  
684 deemed complete if the authority fails to provide notification  
685 to the applicant within 14 days.

686         8. An application must be processed on a nondiscriminatory  
687 basis. A complete application is deemed approved if an authority  
688 fails to approve or deny the application within 60 days after  
689 receipt of the application. If an authority does not use the 30-  
690 day negotiation period provided in subparagraph 4., the parties  
691 may mutually agree to extend the 60-day application review  
692 period. The authority shall grant or deny the application at the  
693 end of the extended period. A permit issued pursuant to an  
694 approved application shall remain effective for 1 year unless  
695 extended by the authority.

696         9. An authority must notify the applicant of approval or  
697 denial by electronic mail. An authority shall approve a complete  
698 application unless it does not meet the authority's applicable  
699 codes. If the application is denied, the authority must specify  
700 in writing the basis for denial, including the specific code  
701 provisions on which the denial was based, and send the  
702 documentation to the applicant by electronic mail on the day the  
703 authority denies the application. The applicant may cure the  
704 deficiencies identified by the authority and resubmit the  
705 application within 30 days after notice of the denial is sent to  
706 the applicant. The authority shall approve or deny the revised



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707 application within 30 days after receipt or the application is  
708 deemed approved. The review of a revised application is limited  
709 to the deficiencies cited in the denial. If an authority  
710 provides for administrative review of the denial of an  
711 application, the review must be complete and a written decision  
712 issued within 45 days after a written request for review is  
713 made. A denial must identify the specific code provisions on  
714 which the denial is based. If the administrative review is not  
715 complete within 45 days, the authority waives any claim  
716 regarding failure to exhaust administrative remedies in any  
717 judicial review of the denial of an application.

718       10. An applicant seeking to collocate small wireless  
719 facilities within the jurisdiction of a single authority may, at  
720 the applicant's discretion, file a consolidated application and  
721 receive a single permit for the collocation of up to 30 small  
722 wireless facilities. If the application includes multiple small  
723 wireless facilities, an authority may separately address small  
724 wireless facility collocations for which incomplete information  
725 has been received or which are denied.

726       11. An authority may deny an application to collocate a  
727 small wireless facility or place a utility pole used to support  
728 a small wireless facility in the public rights-of-way if the  
729 proposed small wireless facility or utility pole used to support  
730 a small wireless facility:

731           a. Materially interferes with the safe operation of traffic  
732 control equipment.

733           b. Materially interferes with sight lines or clear zones  
734 for transportation, pedestrians, or public safety purposes.

735           c. Materially interferes with compliance with the Americans



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736 with Disabilities Act or similar federal or state standards  
737 regarding pedestrian access or movement.

738 d. Materially fails to comply with the 2017 edition of the  
739 Florida Department of Transportation Utility Accommodation  
740 Manual.

741 e. Fails to comply with applicable codes.

742 f. Fails to comply with objective design standards  
743 authorized under paragraph (r).

744 12. An authority may adopt by ordinance provisions for  
745 insurance coverage, indemnification, force majeure, abandonment,  
746 authority liability, or authority warranties. Such provisions  
747 must be reasonable and nondiscriminatory. An authority may  
748 require a construction bond to secure restoration of the  
749 postconstruction rights-of-way to the preconstruction condition.  
750 However, such bond must be time-limited to not more than 18  
751 months after the construction to which the bond applies is  
752 completed. For any financial obligation required by an authority  
753 allowed under this section, the authority shall accept a letter  
754 of credit or similar financial instrument issued by any  
755 financial institution that is authorized to do business within  
756 the United States, provided that a claim against the financial  
757 instrument may be made by electronic means, including by  
758 facsimile. A provider of communications services may add an  
759 authority to any existing bond, insurance policy, or other  
760 relevant financial instrument, and the authority must accept  
761 such proof of coverage without any conditions other than consent  
762 to venue for purposes of any litigation to which the authority  
763 is a party. An authority may not require a communications  
764 services provider to indemnify it for liabilities not caused by



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765 the provider, including liabilities arising from the authority's  
766 negligence, gross negligence, or willful conduct.

767 13. Collocation of a small wireless facility on an  
768 authority utility pole does not provide the basis for the  
769 imposition of an ad valorem tax on the authority utility pole.

770 14. An authority may reserve space on authority utility  
771 poles for future public safety uses. However, a reservation of  
772 space may not preclude collocation of a small wireless facility.  
773 If replacement of the authority utility pole is necessary to  
774 accommodate the collocation of the small wireless facility and  
775 the future public safety use, the pole replacement is subject to  
776 make-ready provisions and the replaced pole shall accommodate  
777 the future public safety use.

778 15. A structure granted a permit and installed pursuant to  
779 this subsection shall comply with chapter 333 and federal  
780 regulations pertaining to airport airspace protections.

781 (n) This subsection does not affect provisions relating to  
782 pass-through providers in subsection (7) ~~(6)~~.

783 Section 11. Present subsections (2) and (3) of section  
784 337.403, Florida Statutes, are redesignated as subsections (4)  
785 and (5), respectively, new subsections (2) and (3) are added to  
786 that section, and subsection (1) of that section is amended, to  
787 read:

788 337.403 Interference caused by utility; expenses.—

789 (1) If a utility that is placed upon, under, over, or  
790 within the right-of-way limits of any public road or publicly  
791 owned rail corridor is found by the authority to be unreasonably  
792 interfering in any way with the convenient, safe, or continuous  
793 use, or the maintenance, improvement, extension, or expansion,



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794 of such public road or publicly owned rail corridor, the utility  
795 owner shall, upon 30 days' written notice to the utility or its  
796 agent by the authority, initiate the work necessary to alleviate  
797 the interference at its own expense except as provided in  
798 paragraphs (a)-(k) ~~(a)-(j)~~. The work must be completed within  
799 such reasonable time as stated in the notice or such time as  
800 agreed to by the authority and the utility owner.

801 (a) If the relocation of utility facilities, as referred to  
802 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
803 84-627, is necessitated by the construction of a project on the  
804 federal-aid interstate system, including extensions thereof  
805 within urban areas, and the cost of the project is eligible and  
806 approved for reimbursement by the Federal Government to the  
807 extent of 90 percent or more under the Federal-Aid Highway Act,  
808 or any amendment thereof, ~~then in that event~~ the utility owning  
809 or operating such facilities must ~~shall~~ perform any necessary  
810 work upon notice from the department, and the state must ~~shall~~  
811 pay the entire expense properly attributable to such work after  
812 deducting therefrom any increase in the value of a new facility  
813 and any salvage value derived from an old facility.

814 (b) The department may reimburse up to 50 percent of the  
815 costs for relocation of publicly regulated utility facilities  
816 and municipally owned or county-owned utility facilities, and  
817 100 percent of the costs for relocation of municipally owned or  
818 county-owned utility facilities located in a rural area of  
819 opportunity as defined in s. 288.0656(2), on the state highway  
820 system after deducting therefrom any increase in the value of a  
821 new facility and any salvage value derived from an old facility  
822 upon determining that such reimbursement is in the best



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823 interests of the public and necessary to expedite the  
824 construction of the project and that the utility owner has  
825 relocated their facility at least 5 percent ahead of the time  
826 allotted for relocation per the latest approved utility  
827 relocation schedule.

828 (c)~~(b)~~ When a joint agreement between the department and  
829 the utility is executed for utility work to be accomplished as  
830 part of a contract for construction of a transportation  
831 facility, the department may participate in those utility work  
832 costs that exceed the department's official estimate of the cost  
833 of the work by more than 10 percent in addition to any costs  
834 identified in paragraph (a). The amount of such participation is  
835 limited to the difference between the official estimate of all  
836 the work in the joint agreement plus 10 percent and the amount  
837 awarded for this work in the construction contract for such  
838 work. The department may not participate in any utility work  
839 costs that occur as a result of changes or additions during the  
840 course of the contract.

841 (d)~~(e)~~ When an agreement between the department and utility  
842 is executed for utility work to be accomplished in advance of a  
843 contract for construction of a transportation facility, the  
844 department may participate in the cost of clearing and grubbing  
845 necessary to perform such work.

846 (e)~~(d)~~ If the utility facility was initially installed to  
847 exclusively serve the authority or its tenants, or both, the  
848 authority must ~~shall~~ bear the costs of the utility work.  
849 However, the authority is not responsible for the cost of  
850 utility work related to any subsequent additions to that  
851 facility for the purpose of serving others. For a county or



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852 municipality, if such utility facility was installed in the  
853 right-of-way as a means to serve a county or municipal facility  
854 on a parcel of property adjacent to the right-of-way and if the  
855 intended use of the county or municipal facility is for a use  
856 other than transportation purposes, the obligation of the county  
857 or municipality to bear the costs of the utility work extends  
858 ~~shall extend~~ only to utility work on the parcel of property on  
859 which the facility of the county or municipality originally  
860 served by the utility facility is located.

861 (f)~~(e)~~ If, under an agreement between a utility owner and  
862 the authority entered into after July 1, 2009, the utility  
863 conveys, subordinates, or relinquishes a compensable property  
864 right to the authority for the purpose of accommodating the  
865 acquisition or use of the right-of-way by the authority, without  
866 the agreement expressly addressing future responsibility for the  
867 cost of necessary utility work, the authority must ~~shall~~ bear  
868 the cost of removal or relocation. This paragraph does not  
869 impair or restrict, and may not be used to interpret, the terms  
870 of any such agreement entered into before July 1, 2009.

871 (g)~~(f)~~ If the utility is an electric facility being  
872 relocated underground in order to enhance vehicular, bicycle,  
873 and pedestrian safety and in which ownership of the electric  
874 facility to be placed underground has been transferred from a  
875 private to a public utility within the past 5 years, the  
876 department shall incur all costs of the necessary utility work.

877 (h)~~(g)~~ An authority may bear the costs of utility work  
878 required to eliminate an unreasonable interference when the  
879 utility is not able to establish that it has a compensable  
880 property right in the particular property where the utility is



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881 located if:

882 1. The utility was physically located on the particular  
883 property before the authority acquired rights in the property;

884 2. The utility demonstrates that it has a compensable  
885 property right in adjacent properties along the alignment of the  
886 utility or, after due diligence, certifies that the utility does  
887 not have evidence to prove or disprove that it has a compensable  
888 property right in the particular property where the utility is  
889 located; and

890 3. The information available to the authority does not  
891 establish the relative priorities of the authority's and the  
892 utility's interests in the particular property.

893 (i)~~(h)~~ If a municipally owned utility or county-owned  
894 utility is located in a rural area of opportunity, as defined in  
895 s. 288.0656(2), and the department determines that the utility  
896 owner is unable, and will not be able within the next 10 years,  
897 to pay for the cost of utility work necessitated by a department  
898 project on the State Highway System, the department may pay, in  
899 whole or in part, the cost of such utility work performed by the  
900 department or its contractor.

901 (j)~~(i)~~ If the relocation of utility facilities is  
902 necessitated by the construction of a commuter rail service  
903 project or an intercity passenger rail service project and the  
904 cost of the project is eligible and approved for reimbursement  
905 by the Federal Government, ~~then~~ in that event the utility owning  
906 or operating such facilities located by permit on a department-  
907 owned rail corridor must ~~shall~~ perform any necessary utility  
908 relocation work upon notice from the department, and the  
909 department must ~~shall~~ pay the expense properly attributable to





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910 such utility relocation work in the same proportion as federal  
911 funds are expended on the commuter rail service project or an  
912 intercity passenger rail service project after deducting  
913 therefrom any increase in the value of a new facility and any  
914 salvage value derived from an old facility. In no event is shall  
915 the state ~~be~~ required to use state dollars for such utility  
916 relocation work. This paragraph does not apply to any phase of  
917 the Central Florida Commuter Rail project, known as SunRail.

918 (k)~~(j)~~ If a utility is lawfully located within an existing  
919 and valid utility easement granted by recorded plat, regardless  
920 of whether such land was subsequently acquired by the authority  
921 by dedication, transfer of fee, or otherwise, the authority must  
922 bear the cost of the utility work required to eliminate an  
923 unreasonable interference. The authority shall pay the entire  
924 expense properly attributable to such work after deducting any  
925 increase in the value of a new facility and any salvage value  
926 derived from an old facility.

927 (2) Before the notice to initiate the work, the department  
928 and the utility owner shall follow a procedure that includes all  
929 of the following:

930 (a) The department shall provide to the utility owner  
931 preliminary plans for a proposed highway improvement project and  
932 notice of a period that begins 30 days and ends within 120 days  
933 after receipt of the notice within which the utility owner shall  
934 submit to the department the plans required in accordance with  
935 paragraph (b). The utility owner shall provide to the department  
936 written acknowledgement of receipt of the preliminary plans.

937 (b) The utility owner shall submit to the department plans  
938 showing existing and proposed locations of utility facilities



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939 within the period provided by the department. If the utility  
940 owner fails to submit the plans to the department within the  
941 period, the department is not required to participate in the  
942 work, may withhold any amount due to the utility owner on other  
943 projects within the rights-of-way of the same district of the  
944 department, and may withhold issuance of any other permits for  
945 work within the rights-of-way of the same district of the  
946 department.

947 (c) The plans submitted by the utility owner must include a  
948 utility relocation schedule for approval by the department. The  
949 utility relocation schedule must meet form and timeframe  
950 requirements established by department rule.

951 (d) If a state of emergency is declared by the Governor,  
952 the utility is entitled to receive an extension to the utility  
953 relocation schedule which is at least equal to any extension  
954 granted to the contractor by the department. The utility owner  
955 shall notify the department of any additional delays associated  
956 with causes beyond the utility owner's control, including, but  
957 not limited to, participation in recovery work under a mutual  
958 aid agreement. The notification must occur within 10 calendar  
959 days after commencement of the delay and provide a reasonably  
960 complete description of the cause and nature of the delay and  
961 the possible impacts to the utility relocation schedule. Within  
962 10 calendar days after the cause of the delay ends, the utility  
963 owner shall submit a revised utility relocation schedule for  
964 approval by the department. The department may not unreasonably  
965 withhold, delay, or condition such approval.

966 (e) If the utility owner does not initiate work in  
967 accordance with the utility relocation schedule, the department



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968 must provide the utility owner a final notice directing the  
969 utility owner to initiate work within 10 calendar days. If the  
970 utility owner does not begin work within 10 calendar days after  
971 receipt of the final notice or, having so begun work, thereafter  
972 fails to complete the work in accordance with the utility  
973 relocation schedule, the department is not required to  
974 participate in the work, may withhold any amount due to the  
975 utility owner for projects within the rights-of-way of the same  
976 district of the department, and may exercise its right to obtain  
977 injunctive relief under s. 120.69.

978 (f) If additional utility work is found necessary after the  
979 letting date of a highway improvement project, the utility must  
980 provide a revised utility relocation schedule within 30 calendar  
981 days after becoming aware of the need for such additional work  
982 or upon receipt of the department's written notification  
983 advising of the need for such additional work. The department  
984 shall review the revised utility relocation schedule for  
985 compliance with the form and timeframe requirements of the  
986 department and must approve the revised utility relocation  
987 schedule if such requirements are met.

988 (g) The utility owner is liable to the department for  
989 documented damages resulting from the utility's failure to  
990 comply with the utility relocation schedule, including any delay  
991 costs incurred by the contractor and approved by the department.  
992 Within 45 days after receipt of written notification from the  
993 department that the utility owner is liable for damages, the  
994 utility owner must pay to the department the amount for which  
995 the utility owner is liable or request mediation pursuant to  
996 subsection (3).



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997           (3) (a) The department shall establish mediation boards to  
998 resolve disputes that arise between the department and utilities  
999 concerning any of the following:

1000           1. A utility relocation schedule or revised utility  
1001 relocation schedule that has been submitted by the utility owner  
1002 but not approved by the department.

1003           2. A contractor's claim, approved by the department, for  
1004 delay costs or other damages related to the utility's work.

1005           3. Any matter related to the removal, relocation, or  
1006 adjustment of the utility's facilities pursuant to this section.

1007           (b) The department shall establish mediation board  
1008 procedures, which must include all of the following:

1009           1. Each mediation board shall be composed of one mediator  
1010 designated by the department, one mediator designated by the  
1011 utility owner, and one mediator mutually selected by the  
1012 department's designee and the utility owner's designee who shall  
1013 serve as the presiding officer of the mediation board.

1014           2. The mediation board shall hold a hearing for each  
1015 dispute submitted to the mediation board for resolution. The  
1016 mediation board shall provide notice of the hearing to each  
1017 party involved in the dispute and afford each party an  
1018 opportunity to present evidence at the hearing.

1019           3. Decisions on issues presented to the mediation board  
1020 must be made by a majority vote of the mediators.

1021           4. The mediation board shall issue a final decision in  
1022 writing for each dispute submitted to the mediation board for  
1023 resolution and shall serve a copy of the final decision on each  
1024 party to the dispute.

1025           5. Final decisions of the mediation board are subject to de



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1026 novo review in the Second Judicial Circuit Court in and for Leon  
1027 County by way of a petition for judicial review filed by the  
1028 department or the utility owner within 30 days after service of  
1029 the final decision.

1030 (c) The members of the mediation board shall receive  
1031 compensation for the performance of their duties from deposits  
1032 made by the parties based on an estimate of compensation by the  
1033 mediation board. All deposits will be held in escrow by the  
1034 chair in advance of the hearing. Each member shall be  
1035 compensated at \$200 per hour, up to a maximum of \$1,500 per day.  
1036 A member shall be reimbursed for the actual cost of his or her  
1037 travel expenses. The mediation board may allocate funds for  
1038 clerical and other administrative services.

1039 (d) The department may establish a list of qualified  
1040 mediators and adopt rules to administer this subsection,  
1041 including procedures for the mediation of a contested case.

1042 Section 12. Subsection (4) of section 339.65, Florida  
1043 Statutes, is amended to read:

1044 339.65 Strategic Intermodal System highway corridors.—

1045 (4) The department shall develop and maintain a plan of  
1046 Strategic Intermodal System highway corridor projects that are  
1047 anticipated to be let to contract for construction within a time  
1048 period of at least 20 years. The department shall prioritize  
1049 projects affecting gaps in a corridor so that the corridor  
1050 becomes contiguous in its functional characteristics across the  
1051 corridor. The plan must ~~shall~~ also identify when segments of the  
1052 corridor will meet the standards and criteria developed pursuant  
1053 to subsection (5).

1054 Section 13. Subsection (5) of section 125.42, Florida



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1055 Statutes, is amended to read:

1056 125.42 Water, sewage, gas, power, telephone, other utility,  
1057 and television lines within the right-of-way limits of county  
1058 roads and highways.—

1059 (5) In the event of widening, repair, or reconstruction of  
1060 any such road, the licensee shall move or remove such water,  
1061 sewage, gas, power, telephone, and other utility lines and  
1062 television lines at no cost to the county should they be found  
1063 by the county to be unreasonably interfering, except as provided  
1064 in s. 337.403(1)(e)-(k) ~~s. 337.403(1)(d)-(j)~~.

1065 Section 14. Paragraph (b) of subsection (2) of section  
1066 202.20, Florida Statutes, is amended to read:

1067 202.20 Local communications services tax conversion rates.—

1068 (2)

1069 (b) Except as otherwise provided in this subsection,  
1070 “replaced revenue sources,” as used in this section, means the  
1071 following taxes, charges, fees, or other impositions to the  
1072 extent that the respective local taxing jurisdictions were  
1073 authorized to impose them prior to July 1, 2000.

1074 1. With respect to municipalities and charter counties and  
1075 the taxes authorized by s. 202.19(1):

1076 a. The public service tax on telecommunications authorized  
1077 by former s. 166.231(9).

1078 b. Franchise fees on cable service providers as authorized  
1079 by 47 U.S.C. s. 542.

1080 c. The public service tax on prepaid calling arrangements.

1081 d. Franchise fees on dealers of communications services  
1082 which use the public roads or rights-of-way, up to the limit set  
1083 forth in s. 337.401. For purposes of calculating rates under



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1084 this section, it is the legislative intent that charter counties  
1085 be treated as having had the same authority as municipalities to  
1086 impose franchise fees on recurring local telecommunication  
1087 service revenues prior to July 1, 2000. However, the Legislature  
1088 recognizes that the authority of charter counties to impose such  
1089 fees is in dispute, and the treatment provided in this section  
1090 is not an expression of legislative intent that charter counties  
1091 actually do or do not possess such authority.

1092 e. Actual permit fees relating to placing or maintaining  
1093 facilities in or on public roads or rights-of-way, collected  
1094 from providers of long-distance, cable, and mobile  
1095 communications services for the fiscal year ending September 30,  
1096 1999; however, if a municipality or charter county elects the  
1097 option to charge permit fees pursuant to s. 337.401(4)(c) ~~s.~~  
1098 ~~337.401(3)(e)~~, such fees shall not be included as a replaced  
1099 revenue source.

1100 2. With respect to all other counties and the taxes  
1101 authorized in s. 202.19(1), franchise fees on cable service  
1102 providers as authorized by 47 U.S.C. s. 542.

1103 Section 15. Section 610.106, Florida Statutes, is amended  
1104 to read:

1105 610.106 Franchise fees prohibited.—Except as otherwise  
1106 provided in this chapter, the department may not impose any  
1107 taxes, fees, charges, or other impositions on a cable or video  
1108 service provider as a condition for the issuance of a state-  
1109 issued certificate of franchise authority. No municipality or  
1110 county may impose any taxes, fees, charges, or other exactions  
1111 on certificateholders in connection with use of public right-of-  
1112 way as a condition of a certificateholder doing business in the



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1113 municipality or county, or otherwise, except such taxes, fees,  
1114 charges, or other exactions permitted by chapter 202, s.  
1115 337.401(7) ~~s. 337.401(6)~~, or s. 610.117.

1116 Section 16. (1) The Legislature finds that the widening of  
1117 Interstate 4, from U.S. 27 in Polk County to Interstate 75 in  
1118 Hillsborough County, is in the public interest and the strategic  
1119 interest of the region to improve the movement of people and  
1120 goods.

1121 (2) The Department of Transportation shall develop a report  
1122 on widening Interstate 4, from U.S. 27 in Polk County to  
1123 Interstate 75 in Hillsborough County, as efficiently as possible  
1124 which includes, but is not limited to, detailed cost projections  
1125 and schedules for project development and environmental studies,  
1126 design, acquisition of rights-of-way, and construction. The  
1127 report must identify funding shortfalls and provide strategies  
1128 to address such shortfalls, including, but not limited to, the  
1129 use of express lanes toll revenues generated on the Interstate 4  
1130 corridor and available department funds for public-private  
1131 partnerships. The Department of Transportation shall submit the  
1132 report by December 31, 2025, to the Governor, the President of  
1133 the Senate, and the Speaker of the House of Representatives.

1134 Section 17. This act shall take effect July 1, 2025.

1135  
1136 ===== T I T L E A M E N D M E N T =====

1137 And the title is amended as follows:

1138 Delete everything before the enacting clause  
1139 and insert:

1140 A bill to be entitled

1141 An act relating to transportation; amending s. 212.20,





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1142 F.S.; requiring the Department of Revenue to  
1143 distribute from the proceeds of a specified tax a  
1144 specified amount monthly to the State Transportation  
1145 Trust Fund beginning on a certain date; creating s.  
1146 218.3215, F.S.; requiring each county to provide the  
1147 Department of Transportation with uniform project  
1148 data; providing requirements for such data; requiring  
1149 the department to compile the data and publish it on  
1150 its website; amending s. 334.044, F.S.; authorizing  
1151 the department to acquire property or property rights  
1152 in advance to preserve a corridor for future proposed  
1153 improvements; authorizing the department to expend  
1154 from the State Transportation Trust Fund a certain  
1155 amount of grant funds annually to state colleges and  
1156 school districts for certain construction workforce  
1157 development programs; requiring that priority be given  
1158 to certain colleges and school districts; creating s.  
1159 334.63, F.S.; providing requirements for certain  
1160 project concept studies and project development and  
1161 environment studies; amending s. 337.11, F.S.;  
1162 clarifying a provision related to third-party  
1163 beneficiary rights; revising the bidding and award  
1164 process for contracts for road construction and  
1165 maintenance projects; revising the circumstances in  
1166 which the department must competitively award a phased  
1167 design-build contract for phase one; authorizing a  
1168 design-build firm to self-perform portions of work  
1169 under a contract; requiring that contracts let by the  
1170 department on or after a certain date for bridge



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1171 construction or maintenance over navigable waters  
1172 include protection and indemnity coverage; amending s.  
1173 337.1101, F.S.; prohibiting the department from  
1174 creating a new contract in certain circumstances  
1175 unless the contract is competitively procured;  
1176 amending s. 337.14, F.S.; authorizing the department  
1177 to waive contractor certification requirements for  
1178 certain projects; reducing the threshold value of  
1179 contracts for which the department may waive a  
1180 contract bond requirement; requiring that a contractor  
1181 seeking to bid on certain maintenance contracts  
1182 possess certain qualifications; amending s. 337.185,  
1183 F.S.; increasing the limits of claims per contract  
1184 which a contractor may submit to the State Arbitration  
1185 Board; limiting the period in which an arbitration  
1186 request may be made for a claim related to a written  
1187 warranty or defect; amending s. 337.19, F.S.; limiting  
1188 the period in which a suit by or against the  
1189 department may be commenced for a claim related to a  
1190 written warranty or defect for a contract entered into  
1191 on or after a certain date; amending s. 337.401, F.S.;  
1192 revising construction; requiring that the removal or  
1193 relocation of an electric utility transmission line be  
1194 at the utility owner's expense, rather than the  
1195 electric utility's expense; requiring certain entities  
1196 to make underground utilities within a right-of-way  
1197 electronically detectable; requiring a utility owner  
1198 to pay the authority actual damages in certain  
1199 circumstances; conditioning the issuance of permits



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1200 for certain utility placements on the payment of  
1201 certain costs; defining the term "as-built plans";  
1202 providing submission requirements for as-built plans;  
1203 requiring the submission of as-built plans before  
1204 reimbursement of certain costs; amending s. 337.403,  
1205 F.S.; authorizing the department to reimburse a  
1206 certain percentage of costs for relocation of certain  
1207 utility facilities; revising the costs considered in  
1208 determining whether the department may participate in  
1209 utility work costs; revising the agreements under  
1210 which the authority must bear the cost of utility  
1211 removal or relocation; revising a determination that,  
1212 if made by the department, authorizes the department  
1213 to pay the cost of certain utility work; requiring the  
1214 department and a utility owner to adhere to certain  
1215 rules and procedures before the notice to initiate  
1216 work; requiring the department to provide to a utility  
1217 owner preliminary plans and certain notice; requiring  
1218 the utility owner to submit certain plans to the  
1219 department; authorizing the department to withhold  
1220 certain amounts due to a utility owner and the  
1221 issuance of certain work permits under certain  
1222 circumstances; requiring that the plans include a  
1223 utility relocation schedule; providing for extensions  
1224 and revisions to a utility relocation schedule in  
1225 certain circumstances; providing that a utility owner  
1226 is liable to the department for certain damages;  
1227 requiring the department to establish mediation boards  
1228 to resolve certain disputes between the department and



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1229 a utility; providing mediation board requirements and  
1230 procedures; providing for compensation of members of  
1231 the mediation board; authorizing rulemaking; amending  
1232 s. 339.65, F.S.; requiring the department to  
1233 prioritize certain Strategic Intermodal System highway  
1234 corridor projects; amending ss. 125.42, 202.20, and  
1235 610.106, F.S.; conforming cross-references; providing  
1236 a legislative finding; requiring the department to  
1237 develop a report on widening Interstate 4; providing  
1238 requirements for the report; requiring the department  
1239 to submit the report to the Governor and the  
1240 Legislature by a specified date; providing an  
1241 effective date.