

By Senator DiCeglie

18-00441-25

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1                                   A bill to be entitled  
2           An act relating to the Department of Transportation;  
3           amending s. 212.20, F.S.; requiring the Department of  
4           Revenue to distribute certain amounts monthly to the  
5           State Transportation Trust Fund beginning on a certain  
6           date; providing for future repeal; creating s.  
7           218.3215, F.S.; requiring each county to provide the  
8           Department of Transportation with uniform project  
9           data; providing requirements for such data; requiring  
10          the department to compile the data and publish it on  
11          its website; amending s. 334.044, F.S.; authorizing  
12          the department to acquire property or property rights  
13          in advance to preserve a corridor for future proposed  
14          improvements; authorizing the department to expend a  
15          certain amount of grant funds annually to state  
16          colleges and high schools for certain construction  
17          workforce development programs; requiring that  
18          priority be given to certain colleges and high  
19          schools; creating s. 334.63, F.S.; providing  
20          requirements for certain project concept studies and  
21          project development and environment studies; amending  
22          s. 337.11, F.S.; clarifying a provision related to  
23          third-party beneficiary rights; revising the bidding  
24          and award process for contracts for road construction  
25          and maintenance projects estimated to cost under a  
26          specified amount; revising the circumstances in which  
27          the department must competitively award a phased  
28          design-build contract for phase one; authorizing a  
29          design-build firm to self-perform portions of work

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30 under a contract; requiring that contracts let by the  
31 department on or after a certain date for bridge  
32 construction or maintenance over navigable waters  
33 include protection and indemnity coverage; amending s.  
34 337.1101, F.S.; prohibiting the department from  
35 creating a new contract in certain circumstances  
36 unless the contract is competitively procured;  
37 amending s. 337.14, F.S.; authorizing the department  
38 to waive contractor certification requirements for  
39 certain projects; reducing the threshold value of  
40 contracts for which the department may waive a  
41 contract bond requirement; requiring a contractor  
42 seeking to bid on certain maintenance contracts to  
43 possess certain qualifications; amending s. 337.185,  
44 F.S.; increasing the limits of claims per contract  
45 which a contractor may submit to the State Arbitration  
46 Board; limiting the period in which an arbitration  
47 request may be made for a claim related to a written  
48 warranty or defect; amending s. 337.19, F.S.; limiting  
49 the period in which a suit by or against the  
50 department may be commenced for a claim related to a  
51 written warranty or defect for a contract entered into  
52 on or after a certain date; amending s. 337.401, F.S.;  
53 requiring certain entities to make underground  
54 utilities within a right-of-way electronically  
55 detectable; requiring a utility owner to pay the  
56 authority reasonable damages in certain circumstances;  
57 conditioning the issuance of permits for certain  
58 utility placements on the payment of certain costs;

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59 defining the term "as-built plans"; providing  
60 submission requirements for as-built plans; requiring  
61 the submission of as-built plans before reimbursement  
62 of certain costs; amending s. 337.403, F.S.;  
63 authorizing the department to reimburse a certain  
64 percentage of costs for relocation of certain utility  
65 facilities; revising the costs considered in  
66 determining whether the department may participate in  
67 utility work costs; revising the agreements under  
68 which the authority must bear the cost of utility  
69 removal or relocation; revising a determination that,  
70 if made by the department, authorizes the department  
71 to pay the cost of certain utility work; requiring the  
72 department and a utility owner to adhere to certain  
73 rules and procedures before the notice to initiate  
74 work; requiring the department to provide to a utility  
75 owner preliminary plans and certain notice; requiring  
76 the utility owner to submit certain plans to the  
77 department; requiring that the plans include a utility  
78 relocation schedule; providing for extensions and  
79 revisions to a utility relocation schedule in certain  
80 circumstances; providing that a utility owner is  
81 liable to the department for certain damages;  
82 requiring the department to establish mediation boards  
83 to resolve certain disputes between the department and  
84 a utility; providing mediation board requirements and  
85 procedures; authorizing rulemaking; amending s.  
86 339.65, F.S.; requiring the department to prioritize  
87 certain Strategic Intermodal System highway corridor

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88 projects; amending ss. 443.191, 571.26, and 571.265,  
89 F.S.; conforming cross-references; providing a  
90 legislative finding; requiring the department to  
91 develop a report on widening Interstate 4; providing  
92 requirements for the report; requiring the department  
93 to submit the report to the Governor and the  
94 Legislature by a specified date; providing an  
95 effective date.

96

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

98

99 Section 1. Paragraph (d) of subsection (6) of section  
100 212.20, Florida Statutes, is amended to read:

101 212.20 Funds collected, disposition; additional powers of  
102 department; operational expense; refund of taxes adjudicated  
103 unconstitutionally collected.—

104 (6) Distribution of all proceeds under this chapter and ss.  
105 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

106 (d) The proceeds of all other taxes and fees imposed  
107 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
108 and (2)(b) shall be distributed as follows:

109 1. In any fiscal year, the greater of \$500 million, minus  
110 an amount equal to 4.6 percent of the proceeds of the taxes  
111 collected pursuant to chapter 201, or 5.2 percent of all other  
112 taxes and fees imposed pursuant to this chapter or remitted  
113 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
114 monthly installments into the General Revenue Fund.

115 2. After the distribution under subparagraph 1., 8.9744  
116 percent of the amount remitted by a sales tax dealer located

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117 within a participating county pursuant to s. 218.61 shall be  
118 transferred into the Local Government Half-cent Sales Tax  
119 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
120 transferred shall be reduced by 0.1 percent, and the department  
121 shall distribute this amount to the Public Employees Relations  
122 Commission Trust Fund less \$5,000 each month, which shall be  
123 added to the amount calculated in subparagraph 3. and  
124 distributed accordingly.

125 3. After the distribution under subparagraphs 1. and 2.,  
126 0.0966 percent shall be transferred to the Local Government  
127 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
128 to s. 218.65.

129 4. After the distributions under subparagraphs 1., 2., and  
130 3., 2.0810 percent of the available proceeds shall be  
131 transferred monthly to the Revenue Sharing Trust Fund for  
132 Counties pursuant to s. 218.215.

133 5. After the distributions under subparagraphs 1., 2., and  
134 3., 1.3653 percent of the available proceeds shall be  
135 transferred monthly to the Revenue Sharing Trust Fund for  
136 Municipalities pursuant to s. 218.215. If the total revenue to  
137 be distributed pursuant to this subparagraph is at least as  
138 great as the amount due from the Revenue Sharing Trust Fund for  
139 Municipalities and the former Municipal Financial Assistance  
140 Trust Fund in state fiscal year 1999-2000, no municipality shall  
141 receive less than the amount due from the Revenue Sharing Trust  
142 Fund for Municipalities and the former Municipal Financial  
143 Assistance Trust Fund in state fiscal year 1999-2000. If the  
144 total proceeds to be distributed are less than the amount  
145 received in combination from the Revenue Sharing Trust Fund for

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146 Municipalities and the former Municipal Financial Assistance  
147 Trust Fund in state fiscal year 1999-2000, each municipality  
148 shall receive an amount proportionate to the amount it was due  
149 in state fiscal year 1999-2000.

150 6. Of the remaining proceeds:

151 a. In each fiscal year, the sum of \$29,915,500 shall be  
152 divided into as many equal parts as there are counties in the  
153 state, and one part shall be distributed to each county. The  
154 distribution among the several counties must begin each fiscal  
155 year on or before January 5th and continue monthly for a total  
156 of 4 months. If a local or special law required that any moneys  
157 accruing to a county in fiscal year 1999-2000 under the then-  
158 existing provisions of s. 550.135 be paid directly to the  
159 district school board, special district, or a municipal  
160 government, such payment must continue until the local or  
161 special law is amended or repealed. The state covenants with  
162 holders of bonds or other instruments of indebtedness issued by  
163 local governments, special districts, or district school boards  
164 before July 1, 2000, that it is not the intent of this  
165 subparagraph to adversely affect the rights of those holders or  
166 relieve local governments, special districts, or district school  
167 boards of the duty to meet their obligations as a result of  
168 previous pledges or assignments or trusts entered into which  
169 obligated funds received from the distribution to county  
170 governments under then-existing s. 550.135. This distribution  
171 specifically is in lieu of funds distributed under s. 550.135  
172 before July 1, 2000.

173 b. The department shall distribute \$166,667 monthly to each  
174 applicant certified as a facility for a new or retained

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175 professional sports franchise pursuant to s. 288.1162. Up to  
176 \$41,667 shall be distributed monthly by the department to each  
177 certified applicant as defined in s. 288.11621 for a facility  
178 for a spring training franchise. However, not more than \$416,670  
179 may be distributed monthly in the aggregate to all certified  
180 applicants for facilities for spring training franchises.  
181 Distributions begin 60 days after such certification and  
182 continue for not more than 30 years, except as otherwise  
183 provided in s. 288.11621. A certified applicant identified in  
184 this sub-subparagraph may not receive more in distributions than  
185 expended by the applicant for the public purposes provided in s.  
186 288.1162(5) or s. 288.11621(3).

187 c. The department shall distribute up to \$83,333 monthly to  
188 each certified applicant as defined in s. 288.11631 for a  
189 facility used by a single spring training franchise, or up to  
190 \$166,667 monthly to each certified applicant as defined in s.  
191 288.11631 for a facility used by more than one spring training  
192 franchise. Monthly distributions begin 60 days after such  
193 certification or July 1, 2016, whichever is later, and continue  
194 for not more than 20 years to each certified applicant as  
195 defined in s. 288.11631 for a facility used by a single spring  
196 training franchise or not more than 25 years to each certified  
197 applicant as defined in s. 288.11631 for a facility used by more  
198 than one spring training franchise. A certified applicant  
199 identified in this sub-subparagraph may not receive more in  
200 distributions than expended by the applicant for the public  
201 purposes provided in s. 288.11631(3).

202 d. Beginning October 2025, and on or before the 25th day of  
203 each month, from the proceeds of the tax imposed under s.

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204 212.05(1)(e)1.c., the department shall distribute 6 cents per  
205 kWh of electricity used at public electric vehicle charging  
206 stations to the State Transportation Trust Fund. This sub-  
207 subparagraph is repealed June 30, 2030.

208 e. The department shall distribute \$15,333 monthly to the  
209 State Transportation Trust Fund.

210 f.e.(I) On or before July 25, 2021, August 25, 2021, and  
211 September 25, 2021, the department shall distribute \$324,533,334  
212 in each of those months to the Unemployment Compensation Trust  
213 Fund, less an adjustment for refunds issued from the General  
214 Revenue Fund pursuant to s. 443.131(3)(e)3. before making the  
215 distribution. The adjustments made by the department to the  
216 total distributions shall be equal to the total refunds made  
217 pursuant to s. 443.131(3)(e)3. If the amount of refunds to be  
218 subtracted from any single distribution exceeds the  
219 distribution, the department may not make that distribution and  
220 must subtract the remaining balance from the next distribution.

221 (II) Beginning July 2022, and on or before the 25th day of  
222 each month, the department shall distribute \$90 million monthly  
223 to the Unemployment Compensation Trust Fund.

224 (III) If the ending balance of the Unemployment  
225 Compensation Trust Fund exceeds \$4,071,519,600 on the last day  
226 of any month, as determined from United States Department of the  
227 Treasury data, the Office of Economic and Demographic Research  
228 shall certify to the department that the ending balance of the  
229 trust fund exceeds such amount.

230 (IV) This sub-subparagraph is repealed, and the department  
231 shall end monthly distributions under sub-sub-subparagraph (II),  
232 on the date the department receives certification under sub-sub-



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233 subparagraph (III).

234 ~~g.f.~~ Beginning July 1, 2023, in each fiscal year, the  
235 department shall distribute \$27.5 million to the Florida  
236 Agricultural Promotional Campaign Trust Fund under s. 571.26,  
237 for further distribution in accordance with s. 571.265.

238 7. All other proceeds must remain in the General Revenue  
239 Fund.

240 Section 2. Section 218.3215, Florida Statutes, is created  
241 to read:

242 218.3215 County transportation project data.—Each county  
243 shall annually provide the Department of Transportation with  
244 uniform project data. The data must conform to the local  
245 governmental entity's fiscal year and must include details on  
246 transportation revenues by source of taxes or fees, expenditure  
247 of such revenues for projects that were funded, and any  
248 unexpended balance for the fiscal year. The data must also  
249 include project details, including the project cost, location,  
250 and scope. The scope of the project must be categorized broadly  
251 using a category, such as widening, repair and rehabilitation,  
252 or sidewalks. The data must specify which projects the revenues  
253 not dedicated to specific projects are supporting. The  
254 Department of Transportation shall inform each local  
255 governmental entity of the method and required format for  
256 submitting the data. The Department of Transportation shall  
257 compile the data and publish the compilation of data on its  
258 website.

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

261 334.044 Powers and duties of the department.—The department

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262 shall have the following general powers and duties:

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

269 (35) To expend funds for ~~provide~~ a construction workforce  
270 development program, in consultation with affected stakeholders,  
271 for delivery of projects designated in the department's work  
272 program. The department may annually expend up to \$5 million for  
273 fiscal years 2025-2026 through 2029-2030 in grants to state  
274 colleges and high schools, with priority given to colleges and  
275 high schools in counties that are rural communities as defined  
276 in s. 288.0656(2), for the purchase of equipment simulators with  
277 authentic original equipment manufacturer controls and a  
278 companion curriculum, for the purchase of instructional aids for  
279 use in conjunction with the simulators, and to support offering  
280 an elective course in heavy civil construction which must, at a  
281 minimum, provide the student with an Occupational Safety and  
282 Health Administration 10-hour certification and a fill equipment  
283 simulator certification.

284 Section 4. Section 334.63, Florida Statutes, is created to  
285 read:

286 334.63 Project concept studies and project development and  
287 environment studies.-

288 (1) Project concept studies and project development and  
289 environment studies for capacity improvement projects on limited  
290 access facilities must include the evaluation of alternatives

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291 that provide transportation capacity using elevated roadway  
292 above existing lanes.

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

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

299 337.11 Contracting authority of department; bids; emergency  
300 repairs, supplemental agreements, and change orders; combined  
301 design and construction contracts; progress payments; records;  
302 requirements of vehicle registration.—

303 (1) The department shall have authority to enter into  
304 contracts for the construction and maintenance of all roads  
305 designated as part of the State Highway System or the State Park  
306 Road System or of any roads placed under its supervision by law.  
307 The department shall also have authority to enter into contracts  
308 for the construction and maintenance of rest areas, weigh  
309 stations, and other structures, including roads, parking areas,  
310 supporting facilities and associated buildings used in  
311 connection with such facilities. A contractor who enters into  
312 such a contract with the department provides a service to the  
313 department, and such contract does not ~~However, no such contract~~  
314 ~~shall~~ create any third-party beneficiary rights in any person  
315 not a party to the contract.

316 (4) (a) Except as provided in paragraph (b), the department  
317 may award the proposed construction and maintenance work to the  
318 lowest responsible bidder, or in the instance of a time-plus-  
319 money contract, the lowest evaluated responsible bidder, or it

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320 may reject all bids and proceed to rebid the work in accordance  
321 with subsection (2) or otherwise perform the work.

322 (b) Notwithstanding any other provision of law to the  
323 contrary:

324 1. For a project where the department's estimate is \$100  
325 million or less, the department shall award the proposed  
326 construction and maintenance work to the lowest responsible  
327 bidder when it receives:

328 a. Three or more bids and the lowest bid is within 20  
329 percent of the department's estimate;

330 b. Two or more bids and the lowest bid is within 15 percent  
331 of the department's estimate; or

332 c. One bid within 10 percent of the department's estimate.

333 2. If the department receives bids that do not require an  
334 automatic award under subparagraph 1., the department must:

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

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

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

346 3. If the department intends to reject all bids on any  
347 project after announcing, but before posting official notice of,  
348 such intent, the department must provide to the lowest

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349 responsive, responsible bidder the opportunity to negotiate the  
350 scope of work with a corresponding reduction in price, as  
351 provided in the bid, to provide a best and final offer without  
352 filing a protest or posting a bond under paragraph (5) (a). Upon  
353 reaching a decision regarding the lowest bidder's best and final  
354 offer, the department must post notice of final agency action to  
355 either reject all bids or accept the best and final offer.

356 (c) This subsection does not prohibit the filing of a  
357 protest by any bidder or alter the deadlines provided in s.  
358 120.57.

359 (d) Notwithstanding the requirements of ss. 120.57(3) (c)  
360 and 287.057(25), upon receipt of a formal written protest that  
361 has been timely filed, the department may continue the process  
362 provided in this subsection but may not take final agency action  
363 as to the lowest bidder except as part of the department's final  
364 agency action in the protest or upon dismissal of the protest by  
365 the protesting party.

366 (7)

367 (b) If the department determines that it is in the best  
368 interests of the public, the department may combine the design  
369 and construction phases of a project fully funded in the work  
370 program into a single contract and select the design-build firm  
371 in the early stages of a project to ensure that the design-build  
372 firm is part of the collaboration and development of the design  
373 as part of a step-by-step progression through construction. Such  
374 a contract is referred to as a phased design-build contract. For  
375 phased design-build contracts, selection and award must include  
376 a two-phase process. For phase one, the department shall  
377 competitively award the contract to a design-build firm based

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378 upon qualifications, provided that the department receives at  
379 least three statements of qualifications from qualified design-  
380 build firms. If during phase one the department elects to enter  
381 into contracts with more than one design-build firm based upon  
382 qualifications, the department must competitively award the  
383 contract for phase two to a single design-build firm. For phase  
384 two, the design-build firm may self-perform portions of the work  
385 and shall competitively bid construction trade subcontractor  
386 packages and, based upon the design-build firm's estimates of  
387 the self-performed work and these bids, negotiate with the  
388 department a fixed firm price or guaranteed maximum price that  
389 meets the project budget and scope as advertised in the request  
390 for qualifications.

391 (15) Each contract let by the department for performance of  
392 bridge construction or maintenance over navigable waters must  
393 contain a provision requiring marine general liability  
394 insurance, in an amount to be determined by the department,  
395 which covers third-party personal injury and property damage  
396 caused by vessels used by the contractor in the performance of  
397 the work. For a contract let by the department on or after July  
398 1, 2025, such insurance must include protection and indemnity  
399 coverage, which may be covered by endorsement on the marine  
400 general liability insurance policy or may be a separate policy.

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

403 337.1101 Contracting and procurement authority of the  
404 department; settlements; notification required.-

405 (3) The department may not, through a settlement of a  
406 protest filed in accordance with s. 120.57(3) of the award of a

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407 contract being procured pursuant to s. 337.11 or related to the  
408 purchase of commodities or contractual services being procured  
409 pursuant to s. 287.057, create a new contract unless the new  
410 contract is competitively procured.

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

413 337.14 Application for qualification; certificate of  
414 qualification; restrictions; request for hearing.—

415 (1) Any contractor desiring to bid for the performance of  
416 any construction contract in excess of \$250,000 which the  
417 department proposes to let must first be certified by the  
418 department as qualified pursuant to this section and rules of  
419 the department. The rules of the department must address the  
420 qualification of contractors to bid on construction contracts in  
421 excess of \$250,000 and must include requirements with respect to  
422 the equipment, past record, experience, financial resources, and  
423 organizational personnel of the applying contractor which are  
424 necessary to perform the specific class of work for which the  
425 contractor seeks certification. Any contractor who desires to  
426 bid on contracts in excess of \$50 million and who is not  
427 qualified and in good standing with the department as of January  
428 1, 2019, must first be certified by the department as qualified  
429 and must have satisfactorily completed two projects, each in  
430 excess of \$15 million, for the department or for any other state  
431 department of transportation. The department may limit the  
432 dollar amount of any contract upon which a contractor is  
433 qualified to bid or the aggregate total dollar volume of  
434 contracts such contractor is allowed to have under contract at  
435 any one time. Each applying contractor seeking qualification to

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436 bid on construction contracts in excess of \$250,000 shall  
437 furnish the department a statement under oath, on such forms as  
438 the department may prescribe, setting forth detailed information  
439 as required on the application. Each application for  
440 certification must be accompanied by audited, certified  
441 financial statements prepared in accordance with generally  
442 accepted accounting principles and auditing standards by a  
443 certified public accountant licensed in this state or another  
444 state. The audited, certified financial statements must be for  
445 the applying contractor and must have been prepared within the  
446 immediately preceding 12 months. The department may not consider  
447 any financial information of the parent entity of the applying  
448 contractor, if any. The department may not certify as qualified  
449 any applying contractor who fails to submit the audited,  
450 certified financial statements required by this subsection. If  
451 the application or the annual financial statement shows the  
452 financial condition of the applying contractor more than 4  
453 months before the date on which the application is received by  
454 the department, the applicant must also submit interim audited,  
455 certified financial statements prepared in accordance with  
456 generally accepted accounting principles and auditing standards  
457 by a certified public accountant licensed in this state or  
458 another state. The interim financial statements must cover the  
459 period from the end date of the annual statement and must show  
460 the financial condition of the applying contractor no more than  
461 4 months before the date that the interim financial statements  
462 are received by the department. However, upon the request of the  
463 applying contractor, an application and accompanying annual or  
464 interim financial statement received by the department within 15



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465 days after either 4-month period under this subsection are ~~shall~~  
466 ~~be~~ considered timely. An applying contractor desiring to bid  
467 exclusively for the performance of construction contracts with  
468 proposed budget estimates of less than \$2 million may submit  
469 reviewed annual or reviewed interim financial statements  
470 prepared by a certified public accountant. The information  
471 required by this subsection is confidential and exempt from s.  
472 119.07(1). The department shall act upon the application for  
473 qualification within 30 days after the department determines  
474 that the application is complete. The department may waive the  
475 requirements of this subsection for projects having a contract  
476 price of \$1 million or less which have diverse scopes of work  
477 that may or may not be performed or \$500,000 or less if the  
478 department determines that the project is of a noncritical  
479 nature and the waiver will not endanger public health, safety,  
480 or property. Contracts for projects that have diverse scopes of  
481 work that may or may not be performed are typically referred to  
482 as push-button or task work order contracts.

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

490 (8) This section does not apply to maintenance contracts.  
491 Notwithstanding any provision of law to the contrary, a  
492 contractor seeking to bid on a maintenance contract that  
493 predominantly includes repair and replacement of safety

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494 appurtenances, including, but not limited to, guardrails,  
495 attenuators, traffic signals, and striping, must possess the  
496 prescribed qualifications, equipment, record, and experience to  
497 perform such repair and replacement.

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

500 337.185 State Arbitration Board.—

501 (4) The contractor may submit a claim greater than \$250,000  
502 up to \$2 ~~\$1~~ million per contract or, upon agreement of the  
503 parties, greater than ~~up to~~ \$2 million per contract to be  
504 arbitrated by the board. An award issued by the board pursuant  
505 to this subsection is final if a request for a trial de novo is  
506 not filed within the time provided by Rule 1.830, Florida Rules  
507 of Civil Procedure. At the trial de novo, the court may not  
508 admit evidence that there has been an arbitration proceeding,  
509 the nature or amount of the award, or any other matter  
510 concerning the conduct of the arbitration proceeding, except  
511 that testimony given in connection with ~~at~~ an arbitration  
512 hearing may be used for any purpose otherwise permitted by the  
513 Florida Evidence Code. If a request for trial de novo is not  
514 filed within the time provided, the award issued by the board is  
515 final and enforceable by a court of law.

516 (5) An arbitration request may not be made to the board  
517 before final acceptance but must be made to the board within 820  
518 days after final acceptance or within 360 days after written  
519 notice by the department of a claim related to a written  
520 warranty or defect after final acceptance.

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

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523 337.19 Suits by and against department; limitation of  
524 actions; forum.—

525 (2) For contracts entered into on or after June 30, 1993,  
526 suits by or ~~and~~ against the department under this section must  
527 ~~shall~~ be commenced within 820 days of the final acceptance of  
528 the work. For contracts entered into on or after July 1, 2025,  
529 suits by or against the department under this section must be  
530 commenced within 820 days of the final acceptance of the work or  
531 within 360 days after written notice by the department of a  
532 claim related to a written warranty or defect after final  
533 acceptance ~~This section shall apply to all contracts entered~~  
534 ~~into after June 30, 1993.~~

535 Section 10. Present subsections (8) and (9) of section  
536 337.401, Florida Statutes, are redesignated as subsections (9)  
537 and (10), respectively, paragraph (c) is added to subsection (1)  
538 and new subsection (8) is added to that section, and subsection  
539 (2) of that section is amended, to read:

540 337.401 Use of right-of-way for utilities subject to  
541 regulation; permit; fees.—

542 (1)

543 (c) An entity that places, replaces, or relocates  
544 underground utilities within a right-of-way must make such  
545 underground utilities electronically detectable using techniques  
546 approved by the department.

547 (2) The authority may grant to any person who is a resident  
548 of this state, or to any corporation which is organized under  
549 the laws of this state or licensed to do business within this  
550 state, the use of a right-of-way for the utility in accordance  
551 with such rules or regulations as the authority may adopt. A

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552 utility may not be installed, located, or relocated unless  
553 authorized by a written permit issued by the authority. However,  
554 for public roads or publicly owned rail corridors under the  
555 jurisdiction of the department, a utility relocation schedule  
556 and relocation agreement may be executed in lieu of a written  
557 permit. The permit or relocation agreement must require the  
558 permitholder or party to the agreement to be responsible for any  
559 damage resulting from the work required. The utility owner shall  
560 pay to the authority reasonable damages resulting from a failure  
561 or refusal to timely remove or relocate a utility. Issuance of  
562 permits for new placement of utilities within the authority's  
563 rights-of-way may be subject to payment of any costs incurred by  
564 the authority due to the failure of the utility owner to timely  
565 relocate utilities pursuant to an approved utility work  
566 schedule, for damage done to existing infrastructure by the  
567 utility owner, and for roadway failures caused by work performed  
568 by the utility owner ~~issuance of such permit~~. The authority may  
569 initiate injunctive proceedings as provided in s. 120.69 to  
570 enforce ~~provisions of~~ this subsection or any rule or order  
571 issued or entered into pursuant thereto. A permit application  
572 required under this subsection by a county or municipality  
573 having jurisdiction and control of the right-of-way of any  
574 public road must be processed and acted upon in accordance with  
575 the timeframes provided in subparagraphs (7) (d)7., 8., and 9.

576 (8) (a) As used in this subsection, the term "as-built  
577 plans" means plans that include all changes and modifications  
578 that occur during the construction phase of a project.

579 (b) The authority and utility owner shall agree in writing  
580 to an approved depth of as-built plans in accordance with the

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581 scope of a project.

582 (c) The utility owner shall submit as-built plans within 20  
583 business days after completion of the utility work which show  
584 actual final surface and subsurface utilities, including  
585 location alignment profile, depth, and geodetic datum of each  
586 structure. As-built plans must be provided in an electronic  
587 format that is compatible with department software and meets  
588 technical specifications provided by the department or in an  
589 electronic format determined by the utility industry to be in  
590 accordance with industry standards. The department may by  
591 written agreement make exceptions to the electronic format  
592 requirement.

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

595 Section 11. Present subsections (2) and (3) of section  
596 337.403, Florida Statutes, are redesignated as subsections (4)  
597 and (5), respectively, new subsections (2) and (3) are added to  
598 that section, and paragraphs (a), (b), (e), and (h) of  
599 subsection (1) of that section are amended, to read:

600 337.403 Interference caused by utility; expenses.—

601 (1) If a utility that is placed upon, under, over, or  
602 within the right-of-way limits of any public road or publicly  
603 owned rail corridor is found by the authority to be unreasonably  
604 interfering in any way with the convenient, safe, or continuous  
605 use, or the maintenance, improvement, extension, or expansion,  
606 of such public road or publicly owned rail corridor, the utility  
607 owner shall, upon 30 days' written notice to the utility or its  
608 agent by the authority, initiate the work necessary to alleviate  
609 the interference at its own expense except as provided in

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610 paragraphs (a)-(j). The work must be completed within such  
611 reasonable time as stated in the notice or such time as agreed  
612 to by the authority and the utility owner.

613 (a) If the relocation of utility facilities, as referred to  
614 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
615 84-627, is necessitated by the construction of a project on the  
616 federal-aid interstate system, including extensions thereof  
617 within urban areas, and the cost of the project is eligible and  
618 approved for reimbursement by the Federal Government to the  
619 extent of 90 percent or more under the Federal-Aid Highway Act,  
620 or any amendment thereof, ~~then in that event~~ the utility owning  
621 or operating such facilities must ~~shall~~ perform any necessary  
622 work upon notice from the department, and the state must ~~shall~~  
623 pay the entire expense properly attributable to such work after  
624 deducting therefrom any increase in the value of a new facility  
625 and any salvage value derived from an old facility. The  
626 department may reimburse up to 50 percent of the costs for  
627 relocation of publicly regulated utility facilities and  
628 municipally owned or county-owned utility facilities, and 100  
629 percent of the costs for relocation of municipally owned or  
630 county-owned utility facilities located in a rural area of  
631 opportunity as defined in s. 288.0656(2), on the state highway  
632 system after deducting therefrom any increase in the value of a  
633 new facility and any salvage value derived from an old facility  
634 upon determining that such reimbursement is in the best  
635 interests of the public and necessary to expedite the  
636 construction of the project. The utility owner may decline such  
637 reimbursement.

638 (b) When a joint agreement between the department and the

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639 utility is executed for utility work to be accomplished as part  
640 of a contract for construction of a transportation facility, the  
641 department may participate in those utility work costs that  
642 exceed the department's official estimate of the cost of the  
643 work by more than 10 percent in addition to any costs identified  
644 in paragraph (a). The amount of such participation is limited to  
645 the difference between the official estimate of all the work in  
646 the joint agreement plus 10 percent and the amount awarded for  
647 this work in the construction contract for such work. The  
648 department may not participate in any utility work costs that  
649 occur as a result of changes or additions during the course of  
650 the contract.

651 (e) If, under an agreement between a utility owner and the  
652 authority entered into after July 1, 2009, the utility conveys,  
653 subordinates, or relinquishes a compensable property right to  
654 the authority for the purpose of accommodating the acquisition  
655 or use of the right-of-way by the authority, without the  
656 agreement expressly addressing future responsibility for the  
657 cost of necessary utility work, the authority must ~~shall~~ bear  
658 the cost of removal or relocation. This paragraph does not  
659 impair or restrict, and may not be used to interpret, the terms  
660 of any such agreement entered into before July 1, 2009.

661 (h) If a municipally owned utility or county-owned utility  
662 is located in a rural area of opportunity, as defined in s.  
663 288.0656(2), and the department determines that the utility  
664 owner is unable, and will not be able within the next 10 years,  
665 to pay for the cost of utility work necessitated by a department  
666 project on the State Highway System, the department may pay, in  
667 whole or in part, the cost of such utility work performed by the

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668 department or its contractor.

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

672 (a) The department shall provide to the utility owner  
673 preliminary plans for a proposed highway improvement project and  
674 notice of a period that begins 30 days and ends within 120 days  
675 after receipt of the notice within which the utility owner must  
676 submit to the department the plans required in accordance with  
677 paragraph (b). The utility owner must provide to the department  
678 written acknowledgement of receipt of the preliminary plans.

679 (b) The utility owner must submit to the department plans  
680 showing existing and proposed locations of utility facilities  
681 within the period provided by the department. If the utility  
682 owner fails to submit the plans to the department within the  
683 period, the department is not required to participate in the  
684 work, may withhold any amount due to the utility owner on other  
685 projects, and may withhold issuance of any other permits for  
686 work within the state's rights-of-way.

687 (c) The utility owner's submitted plans must include a  
688 utility relocation schedule for approval by the department. The  
689 utility relocation schedule must meet form and timeframe  
690 requirements established by department rule.

691 (d) If a state of emergency is declared by the Governor,  
692 the utility is entitled to receive an extension to the utility  
693 relocation schedule which is at least equal to any extension  
694 granted to the contractor by the department. The utility owner  
695 must notify the department of any additional delays associated  
696 with causes beyond the utility owner's control, including, but



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697 not limited to, participation in recovery work under a mutual  
698 aid agreement. The notification must occur within 10 calendar  
699 days after commencement of the delay and provide a reasonably  
700 complete description of the cause and nature of the delay and  
701 the possible impacts to the utility relocation schedule. Within  
702 10 calendar days after the cause of the delay ends, the utility  
703 owner shall submit a revised utility relocation schedule for  
704 approval by the department. The department may not unreasonably  
705 withhold, delay, or condition such approval.

706 (e) If the utility owner does not initiate work in  
707 accordance with the utility relocation schedule, the department  
708 must provide the utility owner a final notice directing the  
709 utility owner to initiate work within 10 calendar days. If the  
710 utility owner does not begin work within 10 calendar days after  
711 receipt of the final notice or, having so begun work, thereafter  
712 fails to complete the work in accordance with the utility  
713 relocation schedule, the department is not required to  
714 participate in the work, may withhold any amount due to the  
715 utility owner, and may exercise its right to obtain injunctive  
716 relief under s. 120.69.

717 (f) If additional utility work is found necessary after the  
718 letting date of a highway improvement project, the utility must  
719 provide a revised utility relocation schedule within 30 calendar  
720 days after becoming aware of the need for such additional work  
721 or upon receipt of the department's written notification  
722 advising of the need for such additional work. The department  
723 shall review the revised utility relocation schedule for  
724 compliance with the form and timeframe requirements of the  
725 department and must approve the revised utility relocation

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726 schedule if such requirements are met.

727 (g) The utility owner is liable to the department for  
728 documented damages resulting from the utility's failure to  
729 comply with the utility relocation schedule, including any delay  
730 costs incurred by the contractor and approved by the department.  
731 Within 45 days after receipt of written notification from the  
732 department that the utility owner is liable for damages, the  
733 utility owner must pay to the department the amount for which  
734 the utility owner is liable or request mediation pursuant to  
735 subsection (3).

736 (3) (a) The department shall establish mediation boards to  
737 resolve disputes that arise between the department and a utility  
738 concerning any of the following:

739 1. A utility relocation schedule or revised utility  
740 relocation schedule that has been submitted by the utility owner  
741 but not approved by the department.

742 2. A contractor's claim for delay costs or other damages  
743 related to the utility's work.

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

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

748 1. Each mediation board shall be composed of one mediator  
749 designated by the department, one mediator designated by the  
750 utility owner, and one mediator mutually selected by the  
751 department's designee and the utility owner's designee who shall  
752 serve as the presiding officer of the mediation board.

753 2. The mediation board shall hold a hearing for each  
754 dispute submitted to the mediation board for resolution. The

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755 mediation board shall provide notice of the hearing to each  
756 party involved in the dispute and afford each party an  
757 opportunity to present evidence at the hearing.

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

760 4. The mediation board shall issue a final decision in  
761 writing for each dispute submitted to the mediation board for  
762 resolution and shall serve a copy of the final decision on each  
763 party to the dispute.

764 5. Final decisions of the mediation board are subject to de  
765 novo review in the Second Judicial Circuit Court in and for Leon  
766 County by way of a petition for judicial review filed by the  
767 department or the utility owner within 30 days after service of  
768 the final decision.

769 (c) The department may establish a list of qualified  
770 mediators and adopt rules to administer this subsection,  
771 including procedures for the mediation of a contested case.

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

774 339.65 Strategic Intermodal System highway corridors.—

775 (4) The department shall develop and maintain a plan of  
776 Strategic Intermodal System highway corridor projects that are  
777 anticipated to be let to contract for construction within a time  
778 period of at least 20 years. The department shall prioritize  
779 projects affecting gaps in a corridor so that the corridor  
780 becomes contiguous in its functional characteristics across the  
781 corridor. The plan must ~~shall~~ also identify when segments of the  
782 corridor will meet the standards and criteria developed pursuant  
783 to subsection (5).

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784 Section 13. Paragraph (h) of subsection (1) of section  
785 443.191, Florida Statutes, is amended to read:

786 443.191 Unemployment Compensation Trust Fund; establishment  
787 and control.—

788 (1) There is established, as a separate trust fund apart  
789 from all other public funds of this state, an Unemployment  
790 Compensation Trust Fund, which shall be administered by the  
791 Department of Commerce exclusively for the purposes of this  
792 chapter. The fund must consist of:

793 (h) All money deposited in this account as a distribution  
794 pursuant to s. 212.20(6)(d)6.f. ~~s. 212.20(6)(d)6.e.~~

795  
796 Except as otherwise provided in s. 443.1313(4), all moneys in  
797 the fund must be mingled and undivided.

798 Section 14. Section 571.26, Florida Statutes, is amended to  
799 read:

800 571.26 Florida Agricultural Promotional Campaign Trust  
801 Fund.—There is hereby created the Florida Agricultural  
802 Promotional Campaign Trust Fund within the Department of  
803 Agriculture and Consumer Services to receive all moneys related  
804 to the Florida Agricultural Promotional Campaign. Moneys  
805 deposited in the trust fund shall be appropriated for the sole  
806 purpose of implementing the Florida Agricultural Promotional  
807 Campaign, except for money deposited in the trust fund pursuant  
808 to s. 212.20(6)(d)6.g. ~~s. 212.20(6)(d)6.h.~~, which shall be held  
809 separately and used solely for the purposes identified in s.  
810 571.265.

811 Section 15. Subsection (2) of section 571.265, Florida  
812 Statutes, is amended to read:

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813 571.265 Promotion of Florida thoroughbred breeding and of  
814 thoroughbred racing at Florida thoroughbred tracks; distribution  
815 of funds.—

816 (2) Funds deposited into the Florida Agricultural  
817 Promotional Campaign Trust Fund pursuant to s. 212.20(6)(d)6.g.  
818 ~~s. 212.20(6)(d)6.f.~~ shall be used by the department to encourage  
819 the agricultural activity of breeding thoroughbred racehorses in  
820 this state and to enhance thoroughbred racing conducted at  
821 thoroughbred tracks in this state as provided in this section.  
822 If the funds made available under this section are not fully  
823 used in any one fiscal year, any unused amounts shall be carried  
824 forward in the trust fund into future fiscal years and made  
825 available for distribution as provided in this section.

826 Section 16. (1) The Legislature finds that the widening of  
827 Interstate 4, from U.S. 27 in Polk County to Interstate 75 in  
828 Hillsborough County, is in the public interest and the strategic  
829 interest of the region to improve the movement of people and  
830 goods.

831 (2) The Department of Transportation shall develop a report  
832 on widening Interstate 4 as efficiently as possible which  
833 includes, but is not limited to, detailed cost projections and  
834 schedules for project development and environmental studies,  
835 design, acquisition of rights-of-way, and construction. The  
836 report must identify funding shortfalls and provide strategies  
837 to address such shortfalls, including, but not limited to, the  
838 use of express lanes toll revenues generated on the Interstate 4  
839 corridor and available department funds for public-private  
840 partnerships. The Department of Transportation shall submit the  
841 report by December 31, 2025, to the Governor, the President of

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842 the Senate, and the Speaker of the House of Representatives.

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