A bill to be entitled

An act relating to transportation; amending s. 212.20, F.S.; requiring the Department of Revenue to make monthly distributions from certain tax proceeds to the State Transportation Trust Fund; providing for future repeal; creating s. 218.3211, F.S.; requiring counties to annually provide the Department of Transportation with certain project data; providing requirements for such data; providing duties of the department; creating s. 320.0849, F.S.; requiring the Department of Highway Safety and Motor Vehicles to issue expectant mother parking permits; specifying the validity period thereof; providing design requirements for expectant mother parking permit placards or decals; providing application requirements; authorizing such permitholders to park in certain spaces; amending s. 331.3051, F.S.; conforming provisions to changes made by the act; amending s. 334.044, F.S.; revising conditions under which the Department of Transportation may acquire property through eminent domain; amending s. 334.065, F.S.; revising membership of the Center for Urban Transportation Research advisory board; creating s. 334.63, F.S.; providing requirements for certain project concept studies and project development and

environmental studies; amending s. 337.11, F.S.; specifying that certain contractors provide a service to the department; revising advertisement requirements for certain construction contracts; providing competitive bidding and award requirements for contracts for certain projects; providing construction; revising requirements for requests for proposals for design-build contracts; revising requirements for selection and award of phased design-build contracts; removing provisions relating to design-build and phased design-build contracts and construction; requiring contracts to contain protection and indemnity coverage; amending s. 337.1101, F.S.; prohibiting the department from creating a new contract that is not competitively procured; amending s. 337.14, F.S.; authorizing the department to waive certain requirements for push-button or task work order contracts; revising the amount of contracts for which the department may waive bonding requirements; requiring a contractor seeking to bid on a certain maintenance contract to possess certain qualifications; amending s. 337.185, F.S.; revising the amount of a contract that may be subject to arbitration; revising the timeframe in which arbitration requests must be made to the State

Arbitration Board; amending s. 337.19, F.S.; revising the timeframe in which certain suits by and against the department must commence; removing an obsolete provision; amending s. 337.401, F.S.; requiring certain underground utilities to be electronically detectable by specified techniques; revising requirements for the installation, removal, or relocation of utilities; requiring the utility owner to pay certain reasonable damages and reimburse certain costs; defining the term "as-built plans"; requiring as-built plans to be submitted within a certain timeframe with specific requirements; requiring as-built plans to be submitted for reimbursement of certain costs; amending s. 337.403, F.S.; authorizing the department to reimburse a portion of utility relocation costs under certain circumstances; providing requirements for department rules and procedures for engaging with utility owners; requiring utility owners to submit utility relocation schedules to the department; requiring the department to grant an extension to the utility relocation schedule during a state of emergency; authorizing the department to give final notice if the utility owner does not initiate work within a specified timeframe; authorizing the department to withhold amounts due or

exercise injunctive relief under certain circumstances; requiring a supplementary utility relocation schedule under certain circumstances; providing that the utility owner is liable to the department for certain damages; specifying utility relocation procedures; providing for mediation between the department and the utility owner; authorizing the department to develop certain mediation rules and procedures; amending s. 339.175, F.S.; revising legislative intent; revising requirements for the designation of additional M.P.O.'s; revising projects and strategies to be considered in developing an M.P.O.'s long-range transportation plan and transportation improvement program; removing obsolete provisions; requiring the department to convene M.P.O.'s of similar size to exchange best practices; authorizing such M.P.O.'s to develop committees or working groups; requiring training for new M.P.O. governing board members to be provided by the department or another specified entity; removing provisions relating to M.P.O. coordination mechanisms; including public-private partnerships in authorized financing techniques; revising proposed transportation enhancement activities that must be indicated by the long-range transportation plan; authorizing each

M.P.O. to execute a written agreement with the department regarding state and federal transportation planning requirements; requiring the department and M.P.O.'s to establish certain quality performance metrics and develop certain performance targets; requiring the department to evaluate and post on its website whether each M.P.O. has made significant progress toward such targets; removing provisions relating to the Metropolitan Planning Organization Advisory Council; amending s. 339.65, F.S.; requiring the department to prioritize certain Strategic Intermodal System highway corridor projects; amending s. 339.84, F.S.; authorizing the department to expend certain funds for grants for the purchase of certain equipment within a specified timeframe; providing requirements for grant recipients; requiring the department to give certain priority in awarding grants; amending ss. 202.20, 331.310, and 610.106, F.S.; conforming cross-references; providing legislative findings regarding widening of a certain roadway; requiring the department to develop and submit to the Governor and Legislature a report with certain specifications; requiring the department to submit to the Governor and Legislature a report regarding department districts; creating s. 332.135,

F.S.; providing definitions; providing construction; requiring airport authorities to prepare and adopt an airport master plan; requiring such plans to address specified public facilities and services; requiring such plans to make a specified determination; requiring an airport authority to send such plan to host local governments; requiring host local governments to review such plan and provide comments within a specified timeframe; requiring an airport authority to advertise such review period and hold an informal informational session for public participation; requiring an airport authority to hold a public hearing, after which it may adopt such plan; requiring an airport authority to post the adopted plan on its website and update such website at a specified time; requiring an airport authority to submit to a host local government a written request for a determination of consistency with the host local government comprehensive plan; requiring such host local government to make such determination within a specified timeframe; providing an assumption if such host local government fails to make such determination; providing that the airport master plan may not conflict with the host local government comprehensive plan; requiring notice to host local

governments for proposals to expand the boundaries of the airport site; authorizing host local governments to impose reasonable development standards and conditions within the expanded area; providing that an airport authority is the exclusive local enforcement agency and has certain jurisdiction; creating s. 332.136, F.S.; establishing an airport pilot program at the Sarasota Manatee Airport Authority; requiring such authority to prepare and adopt an airport master plan; requiring such plan to address specified public facilities and services; requiring such plan to make a specified determination; requiring such authority to send such plan to host local governments; requiring host local governments to review such plan and provide comments within a specified timeframe; requiring such authority to advertise the review period and hold an informal informational session; requiring such authority to hold a public hearing, after which it may adopt such plan; requiring such authority to post the adopted plan on its website and update such website at a specified time; requiring such authority to submit to a host local government a written request for a determination of consistency with the host local government comprehensive plan; requiring the host local government to make such determination within a

specified timeframe; providing an assumption if the host local government fails to make such determination; providing that the airport master plan may not conflict with the host local government comprehensive plan; requiring notice to host local governments for proposals to expand the boundaries of the airport site; authorizing host local governments to impose reasonable development standards and conditions within such expanded area; providing that the SMAA is the exclusive local enforcement agency and has certain jurisdiction; requiring the Department of Transportation to adopt rules; requiring the department, by a specified date, to submit a report to the Governor and the Legislature for specified purposes; providing for repeal on a specified date; providing an effective date.

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

Section 1. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended 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. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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

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

2. After the distribution under subparagraph 1., 8.9744 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

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

4. After the distributions under subparagraphs 1., 2., and

3., 2.0810 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3653 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal

year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute $166,667 monthly to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified

applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.1162(5) or s. 288.11621(3).

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

d. The department shall distribute $15,333 monthly to the State Transportation Trust Fund.

e.(I) On or before July 25, 2021, August 25, 2021, and

September 25, 2021, the department shall distribute $324,533,334 in each of those months to the Unemployment Compensation Trust Fund, less an adjustment for refunds issued from the General Revenue Fund pursuant to s. 443.131(3)(e)3. before making the distribution. The adjustments made by the department to the total distributions shall be equal to the total refunds made pursuant to s. 443.131(3)(e)3. If the amount of refunds to be subtracted from any single distribution exceeds the distribution, the department may not make that distribution and must subtract the remaining balance from the next distribution.

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

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

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

f. Beginning July 1, 2023, in each fiscal year, the department shall distribute $27.5 million to the Florida

Agricultural Promotional Campaign Trust Fund under s. 571.26, for further distribution in accordance with s. 571.265.

g. Beginning October 1, 2025, and on or before the 25th day of each month thereafter, the department shall distribute 6 cents per kilowatt hour of electricity used at public electric vehicle charging stations to the State Transportation Trust Fund from the proceeds of the tax imposed under s. 212.05(1)(e)1.c. This sub-subparagraph is repealed June 20, 2030.

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

Section 2. Section 218.3211, Florida Statutes, is created to read:

218.3211 County transportation project data.—Each county must annually provide the Department of Transportation with uniform project data. The data must conform to the county's fiscal year and must include, but need not be limited to, details on transportation revenues by source of taxes or fees, expenditure of such revenues for projects that were funded, and the unexpended balance of such revenues. The details of projects must include, but need not be limited to, the cost, location, and scope of each project. The scope of each project must be categorized broadly, such as road widening, repair and rehabilitation, addition of sidewalks, or any similarly broad categorization. Revenues not dedicated to specific projects must be detailed as to what programs the revenues are supporting. The

Department of Transportation must inform each county of the method and format for submitting the data. The Department of Transportation shall compile the data and publish the compilation of data on its website.

Section 3. Section 320.0849, Florida Statutes, is created to read:

320.0849 Expectant mother parking permits.—

(1)(a) The department or its authorized agents shall, upon application, issue an expectant mother parking permit placard or decal to an expectant mother. The placard or decal is valid for up to 1 year after the date of issuance.

(b) The department shall, by rule, provide for the design, size, color, and placement of the expectant mother parking permit placard or decal. The placard or decal must be designed to conspicuously display the expiration date of the permit.

(2) An application for an expectant mother parking permit must include, but need not be limited to:

(a) Certification provided by a physician licensed under chapter 458 or chapter 459 that the applicant is an expectant mother.

(b) The certifying physician's name and address.

(c) The physician's certification number.

(d) The following statement in bold letters: "An expectant mother parking permit may be issued only to an expectant mother and is valid for up to 1 year after the date of issuance."

(e) The signatures of:

1. The certifying physician.

2. The applicant.

3. The employee of the department processing the application.

(3) Notwithstanding any other provision of law, an expectant mother who is issued an expectant mother parking permit under this section may park a motor vehicle in a parking space designated for persons who have disabilities as provided in s. 553.5041.

Section 4. Subsection (14) of section 331.3051, Florida Statutes, is amended to read:

331.3051 Duties of Space Florida.—Space Florida shall:

~~(14) Partner with the Metropolitan Planning Organization Advisory Council to coordinate and specify how aerospace planning and programming will be part of the state's cooperative transportation planning process.~~

Section 5. Subsection (6) of section 334.044, Florida Statutes, is amended to read:

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

(6) To acquire, by the exercise of the power of eminent domain as provided by law, all property or property rights, whether public or private, which it may determine are necessary to the performance of its duties and the execution of its

powers, including advance purchase of property or property rights to preserve a corridor for future proposed improvements.

Section 6. Subsection (3) of section 334.065, Florida Statutes, is amended to read:

334.065 Center for Urban Transportation Research.—

(3) An advisory board shall be created to periodically and objectively review and advise the center concerning its research program. Except for projects mandated by law, state-funded base projects shall not be undertaken without approval of the advisory board. The membership of the board shall consist of nine experts in transportation-related areas, as follows:

(a) A member appointed by the President of the Senate.

(b) A member appointed by the Speaker of the House of Representatives.

(c) The Secretary of Transportation or his or her designee.

(d) The Secretary of Commerce or his or her designee. ~~including the secretaries of the Department of Transportation, the Department of Environmental Protection, and the Department of Commerce, or their designees, and~~

(e) A member of the Florida Transportation Commission.

(f) The nomination of the remaining four members of the board shall be made to the President of the University of South Florida by the College of Engineering at the University of South Florida.~~, and~~ The appointment of these members must be reviewed

and approved by the Florida Transportation Commission and confirmed by the Board of Governors.

Section 7. Section 334.63, Florida Statutes, is created to read:

334.63 Project concept studies; project development and environmental studies.—

(1) All project concept studies and project development and environmental studies for capacity improvement projects on limited-access facilities must include the evaluation of alternatives that provide transportation capacity using elevated roadways above existing lanes.

(2) All project development and environmental studies for new alignment projects and new capacity improvement projects must be completed within 18 months after commencement.

Section 8. Paragraphs (d) and (e) of subsection (7) of section 337.11, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, and subsection (1), paragraph (a) of subsection (3), subsection (4), present paragraphs (a), (b), (c), and (e) of subsection (7), and subsection (15) of that section are amended to read:

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

(1) The department shall have authority to enter into

contracts for the construction and maintenance of all roads designated as part of the State Highway System or the State Park Road System or of any roads placed under its supervision by law. The department shall also have authority to enter into contracts for the construction and maintenance of rest areas, weigh stations, and other structures, including roads, parking areas, supporting facilities and associated buildings used in connection with such facilities. Contractors under contract with the department for such projects provide a service to the department, and ~~However,~~ no such contract shall create any third-party beneficiary rights in any person not a party to the contract.

(3)(a) On all construction contracts of $250,000 or less, and any construction contract ~~of less than $500,000~~ for which the department has waived prequalification under s. 337.14, the department shall advertise for bids in a newspaper having general circulation in the county where the proposed work is located. Publication shall be at least once a week for no less than 2 consecutive weeks, and the first publication shall be no less than 14 days before ~~prior to~~ the date on which bids are to be received.

(4)(a) The department may award the proposed construction and maintenance work to the lowest responsible bidder, or in the instance of a time-plus-money contract, the lowest evaluated responsible bidder, or it may reject all bids and proceed to

rebid the work in accordance with subsection (2) or otherwise perform the work.

(b)1. Notwithstanding any other provision of law to the contrary, on projects for which the department's estimate is $100 million or less, the department shall award the proposed construction and maintenance work to the lowest responsive and responsible bidder. If the department receives bids outside the award criteria set forth by the department, the department must arrange an in-person meeting with the lowest responsive and responsible bidder to ascertain reasons for the bids being over the department's estimate. The department may subsequently award the contract to the lowest responsive and responsible bidder, may reject all bids and proceed to rebid the work, or may invite all responsive and responsible bidders to provide best and final offers without filing a protest or posting a bond under paragraph (5)(a). If the department thereafter awards the contract, the award must be to the bidder who provides the best and final offer.

2. If the department intends to reject all bids on a project after announcing but before posting official notice of its intent to reject all bids, the department must provide to the lowest responsive and responsible bidder the opportunity to negotiate the scope of work with the corresponding reduction in price, as provided in the bid, to provide a best and final offer without filing a protest or posting a bond under paragraph

(5)(a). Upon reaching a decision regarding such bidder's best and final offer, the department must post notice of final agency action to either reject all bids or accept the best and final offer.

3. This subsection does not prohibit the filing of a protest by any bidder or alter the deadlines in s. 120.57.

4. Notwithstanding s. 120.57(3)(c) and s. 287.057(25), upon receipt of a timely filed formal written protest, the department may continue with the process provided for in this section but may not take final agency action as to the lowest responsive and responsible bidder, except as part of the department's final agency action in the protest or if the protesting party dismisses the protest.

(7)(a) If the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a project into a single contract. Such contract is referred to as a design-build contract. For design-build contracts, the department must receive at least three letters of interest, and the department shall request proposals from no fewer than three of the design-build firms submitting such letters of interest. If a design-build firm withdraws from consideration after the department requests proposals, the department may continue if at least two proposals are received.

(b) If the department determines that it is in the best

interests of the public, the department may combine the design and construction phases of a project fully funded in the work program into a single contract and select the design-build firm in the early stages of a project to ensure that the design-build firm is part of the collaboration and development of the design as part of a step-by-step progression through construction. Such a contract is referred to as a phased design-build contract. For phased design-build contracts, selection and award must include a two-phase process. For phase one, the department shall competitively award the contract to a design-build firm based upon qualifications, provided that the department has received at least three statements of qualifications from qualified design-build firms. If the department elects, during phase one, to enter into contracts with more than one design-build firm based on qualifications, the department shall competitively award the contract for phase two to a single design-build firm. For phase two, the design-build firm may independently perform portions of the work and shall competitively bid construction trade subcontractor packages and, based upon the design-build firm's estimates of its independently performed work and these bids, negotiate with the department a ~~fixed firm price or~~ guaranteed maximum price that meets the project budget and scope as advertised in the request for qualifications.

~~(c) Design-build contracts and phased design-build contracts may be advertised and awarded notwithstanding the~~

~~requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription.~~

(d) ~~(c)~~ For ~~design-build contracts and~~ phased design-build contracts, the department must receive at least three letters of interest, and ~~in order to proceed with a request for proposals,~~ the department shall request proposals from no fewer than three of the design-build firms submitting such letters of interest. If a design-build firm withdraws from consideration after the department requests proposals, the department may continue if at least two proposals are received.

(15) Each contract let by the department for performance of bridge construction or maintenance on ~~over~~ navigable waters must contain a provision requiring marine general liability insurance, including protection and indemnity coverage, in an amount to be determined by the department, which covers third-party personal injury and property damage caused by vessels used by the contractor in the performance of the work. Protection and indemnity coverage may be covered by endorsement on the marine

general liability insurance policy or may be a separate policy.

Section 9. Subsection (3) is added to section 337.1101, Florida Statutes, to read:

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

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

Section 10. Subsections (1), (2), and (8) of section 337.14, Florida Statutes, are amended to read:

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

(1)(a) A ~~Any~~ contractor desiring to bid for the performance of a ~~any~~ construction contract in excess of $250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department must address the qualification of contractors to bid on construction contracts in excess of $250,000 and must include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applying contractor which are necessary to perform the specific class of work for which the

contractor seeks certification.

(b) A ~~Any~~ contractor who desires to bid on contracts in excess of $50 million and who is not qualified and in good standing with the department as of January 1, 2019, must first be certified by the department as qualified and must have satisfactorily completed two projects, each in excess of $15 million, for the department or for any other state department of transportation.

(c) The department may limit the dollar amount of any contract upon which a contractor is qualified to bid or the aggregate total dollar volume of contracts such contractor is allowed to have under contract at any one time.

(d)1. Each applying contractor seeking qualification to bid on construction contracts in excess of $250,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application.

2. Each application for certification must be accompanied by audited, certified financial statements prepared in accordance with generally accepted accounting principles and auditing standards by a certified public accountant licensed in this state or another state. The audited, certified financial statements must be for the applying contractor and must have been prepared within the immediately preceding 12 months.

3. The department may not consider any financial

information of the parent entity of the applying contractor, if any.

4. The department may not certify as qualified any applying contractor who fails to submit the audited, certified financial statements required by this subsection.

5. If the application or the annual financial statement shows the financial condition of the applying contractor more than 4 months before the date on which the application is received by the department, the applicant must also submit interim audited, certified financial statements prepared in accordance with generally accepted accounting principles and auditing standards by a certified public accountant licensed in this state or another state. The interim financial statements must cover the period from the end date of the annual statement and must show the financial condition of the applying contractor no more than 4 months before the date that the interim financial statements are received by the department. However, upon the request of the applying contractor, an application and accompanying annual or interim financial statement received by the department within 15 days after either 4-month period under this subsection shall be considered timely.

6. An applying contractor desiring to bid exclusively for the performance of construction contracts with proposed budget estimates of less than $2 million may submit reviewed annual or reviewed interim financial statements prepared by a certified

public accountant.

(e) The information required by this subsection is confidential and exempt from s. 119.07(1).

(f) The department shall act upon the application for qualification within 30 days after the department determines that the application is complete.

(g) The department may waive the requirements of this subsection for:

1. A project with a diverse set of scopes of work that may be performed under the project, typically referred to as a "push-button contract" or a "task work order contract," which has a contract price of $1 million or less; or

2. A project that has ~~projects having~~ a contract price of $500,000 or less if the department determines that the project is of a noncritical nature and the waiver will not endanger public health, safety, or property.

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

(8) This section does not apply to maintenance contracts. Notwithstanding any other provision of law, a contractor seeking

to bid on a maintenance contract that predominantly includes repair and replacement of safety appurtenances, including, but not limited to, guardrails, attenuators, traffic signals, and striping, must possess the prescribed qualifications, equipment, past record, and experience required to perform such work.

Section 11. Subsections (4) and (5) of section 337.185, Florida Statutes, are amended to read:

337.185 State Arbitration Board.—

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

(5) An arbitration request may not be made to the board before final acceptance but must be made to the board:

(a) Within 820 days after final acceptance; or

(b) Within 360 days after written notice by the department of a claim related to a written warranty or defect after final acceptance.

Section 12. Subsection (2) of section 337.19, Florida Statutes, is amended to read:

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

(2) Suits by and against the department under this section shall be commenced within 820 days after ~~of~~ the final acceptance of the work or within 360 days after written notice by the department of a claim related to a written warranty or defect after final acceptance. ~~This section shall apply to all contracts entered into after June 30, 1993.~~

Section 13. Subsections (3) through (9) of section 337.401, Florida Statutes, are renumbered as subsections (4) through (10), respectively, subsections (1) and (2), paragraphs (a), (c), and (g) of present subsection (3), present subsection (5), paragraph (e) of present subsection (6), and paragraphs (d) and (n) of present subsection (7) are amended, and a new subsection (3) is added to that section, to read:

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

(1)(a) The department and local governmental entities, referred to in this section and in ss. 337.402-337.404 as the

"authority," that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section and in ss. 337.402-337.404 as the "utility." The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(4).

(b) For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited

access facilities where there is no other practicable alternative available, to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Without limiting or conditioning the department's jurisdiction or authority described in paragraph (a), with respect to limited access right-of-way, such rules may include, but need not be limited to, that the use of the right-of-way for longitudinal placement of electric utility transmission lines is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department's right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right-of-way is required. Such consideration or compensation paid by the ~~electric~~ utility owner in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility owner.

Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will be removed or relocated at the utility owner's ~~electric utility's~~ sole expense. The ~~electric~~ utility owner shall pay to the department reasonable damages resulting from the utility owner's ~~utility's~~ failure or refusal to timely remove or relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and removal or relocation. As used in this subsection, the term "base-load generating facilities" means electric power plants that are certified under part II of chapter 403.

(c) The utility owner shall make all new, replaced, or relocated underground facilities within the right-of-way electronically detectable using techniques approved by the department.

(2) The authority may grant to any person who is a resident of this state, or to any corporation that ~~which~~ is organized under the laws of this state or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may adopt. A utility may not be installed, located, or relocated unless authorized by a written permit issued by the authority. However, for public roads or publicly owned rail corridors under the jurisdiction of the department, a ~~utility~~

~~relocation schedule and~~ relocation agreement may be executed in lieu of a written permit. The permit or relocation agreement must require the utility owner ~~permitholder~~ to be responsible for any damage resulting from the work required ~~issuance of such permit~~. The utility owner shall also pay to the authority reasonable damages resulting from the utility owner's failure or refusal to timely remove or relocate its utility lines. Issuance of permits for new installation of utilities within the authority's rights-of-way may be subject to reimbursement of any costs incurred by the authority due to the failure of the utility owner to timely relocate utilities pursuant to an approved utility work schedule or due to work performed by the utility owner which damages existing infrastructure and causes a roadway failure. The authority may initiate injunctive proceedings as provided in s. 120.69 to enforce ~~provisions of~~ this subsection or any rule or order issued or entered into pursuant to this subsection ~~thereto~~. A permit application required under this subsection by a county or municipality having jurisdiction and control of the right-of-way of any public road must be processed and acted upon in accordance with the timeframes provided in subparagraphs (8)(d)7., 8., and 9. ~~(7)(d)7., 8., and 9.~~

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

and the utility owner shall agree in writing to an approved installation depth of the as-built plans according to the project scope.

(b) The utility owner shall submit as-built plans within 20 business days after completion of the utility work which show actual final surface and subsurface utilities, including location, alignment, profile, installation depth, and geodetic datum of each structure. Such plans shall be in an electronic format compatible with department software. Exceptions to this electronic submission requirement must be agreed upon by the department in writing.

(c) Submission of the as-built plans is a condition precedent to any reimbursement of costs by the authority pursuant to s. 337.403(1)(a).

(4)(a) ~~(3)(a)~~ Because of the unique circumstances applicable to providers of communications services, including, but not limited to, the circumstances described in paragraph (e) and the fact that federal and state law require the nondiscriminatory treatment of providers of telecommunications services, and because of the desire to promote competition among providers of communications services, it is the intent of the Legislature that municipalities and counties treat providers of communications services in a nondiscriminatory and competitively neutral manner when imposing rules or regulations governing the placement or maintenance of communications facilities in the

public roads or rights-of-way. Rules or regulations imposed by a municipality or county relating to providers of communications services placing or maintaining communications facilities in its roads or rights-of-way must be generally applicable to all providers of communications services, taking into account the distinct engineering, construction, operation, maintenance, public works, and safety requirements of the provider's facilities, and, notwithstanding any other law, may not require a provider of communications services to apply for or enter into an individual license, franchise, or other agreement with the municipality or county as a condition of placing or maintaining communications facilities in its roads or rights-of-way. In addition to other reasonable rules or regulations that a municipality or county may adopt relating to the placement or maintenance of communications facilities in its roads or rights-of-way under this subsection or subsection (8) ~~(7)~~, a municipality or county may require a provider of communications services that places or seeks to place facilities in its roads or rights-of-way to register with the municipality or county. To register, a provider of communications services may be required only to provide its name; the name, address, and telephone number of a contact person for the registrant; the number of the registrant's current certificate of authorization issued by the Florida Public Service Commission, the Federal Communications Commission, or the Department of State; a statement of whether

the registrant is a pass-through provider as defined in subparagraph (7)(a)1. ~~(6)(a)1.~~; the registrant's federal employer identification number; and any required proof of insurance or self-insuring status adequate to defend and cover claims. A municipality or county may not require a registrant to renew a registration more frequently than every 5 years but may require during this period that a registrant update the registration information provided under this subsection within 90 days after a change in such information. A municipality or county may not require the registrant to provide an inventory of communications facilities, maps, locations of such facilities, or other information by a registrant as a condition of registration, renewal, or for any other purpose; provided, however, that a municipality or county may require as part of a permit application that the applicant identify at-grade communications facilities within 50 feet of the proposed installation location for the placement of at-grade communications facilities. A municipality or county may not require a provider to pay any fee, cost, or other charge for registration or renewal thereof. It is the intent of the Legislature that the placement, operation, maintenance, upgrading, and extension of communications facilities not be unreasonably interrupted or delayed through the permitting or other local regulatory process. Except as provided in this chapter or otherwise expressly authorized by chapter 202,

chapter 364, or chapter 610, a municipality or county may not adopt or enforce any ordinance, regulation, or requirement as to the placement or operation of communications facilities in a right-of-way by a communications services provider authorized by state or local law to operate in a right-of-way; regulate any communications services; or impose or collect any tax, fee, cost, charge, or exaction for the provision of communications services over the communications services provider's communications facilities in a right-of-way.

(c) Any municipality or county that, as of January 1, 2019, elected to require permit fees from any provider of communications services that uses or occupies municipal or county roads or rights-of-way pursuant to former paragraph (c) or former paragraph (j), Florida Statutes 2018, may continue to require and collect such fees. A municipality or county that elected as of January 1, 2019, to require permit fees may elect to forego such fees as provided herein. A municipality or county that elected as of January 1, 2019, not to require permit fees may not elect to impose permit fees. All fees authorized under this paragraph must be reasonable and commensurate with the direct and actual cost of the regulatory activity, including issuing and processing permits, plan reviews, physical inspection, and direct administrative costs; must be demonstrable; and must be equitable among users of the roads or rights-of-way. A fee authorized under this paragraph may not be

offset against the tax imposed under chapter 202; include the costs of roads or rights-of-way acquisition or roads or rights-of-way rental; include any general administrative, management, or maintenance costs of the roads or rights-of-way; or be based on a percentage of the value or costs associated with the work to be performed on the roads or rights-of-way. In an action to recover amounts due for a fee not authorized under this paragraph, the prevailing party may recover court costs and attorney fees at trial and on appeal. In addition to the limitations set forth in this section, a fee levied by a municipality or charter county under this paragraph may not exceed $100. However, permit fees may not be imposed with respect to permits that may be required for service drop lines not required to be noticed under s. 556.108(5) or for any activity that does not require the physical disturbance of the roads or rights-of-way or does not impair access to or full use of the roads or rights-of-way, including, but not limited to, the performance of service restoration work on existing facilities, extensions of such facilities for providing communications services to customers, and the placement of micro wireless facilities in accordance with subparagraph (8)(e)3. ~~(7)(e)3.~~

1. If a municipality or charter county elects to not require permit fees, the total rate for the local communications services tax as computed under s. 202.20 for that municipality

or charter county may be increased by ordinance or resolution by an amount not to exceed a rate of 0.12 percent.

2. If a noncharter county elects to not require permit fees, the total rate for the local communications services tax as computed under s. 202.20 for that noncharter county may be increased by ordinance or resolution by an amount not to exceed a rate of 0.24 percent, to replace the revenue the noncharter county would otherwise have received from permit fees for providers of communications services.

(g) A municipality or county may not use its authority over the placement of facilities in its roads and rights-of-way as a basis for asserting or exercising regulatory control over a provider of communications services regarding matters within the exclusive jurisdiction of the Florida Public Service Commission or the Federal Communications Commission, including, but not limited to, the operations, systems, equipment, technology, qualifications, services, service quality, service territory, and prices of a provider of communications services. A municipality or county may not require any permit for the maintenance, repair, replacement, extension, or upgrade of existing aerial wireline communications facilities on utility poles or for aerial wireline facilities between existing wireline communications facility attachments on utility poles by a communications services provider. However, a municipality or county may require a right-of-way permit for work that involves

excavation, closure of a sidewalk, or closure of a vehicular lane or parking lane, unless the provider is performing service restoration to existing facilities. A permit application required by an authority under this section for the placement of communications facilities must be processed and acted upon consistent with the timeframes provided in subparagraphs (8)(d)7., 8., and 9. ~~(7)(d)7., 8., and 9.~~ In addition, a municipality or county may not require any permit or other approval, fee, charge, or cost, or other exaction for the maintenance, repair, replacement, extension, or upgrade of existing aerial lines or underground communications facilities located on private property outside of the public rights-of-way. As used in this section, the term "extension of existing facilities" includes those extensions from the rights-of-way into a customer's private property for purposes of placing a service drop or those extensions from the rights-of-way into a utility easement to provide service to a discrete identifiable customer or group of customers.

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

(7) ~~(6)~~

(e) This subsection does not alter any provision of this section or s. 202.24 relating to taxes, fees, or other charges

or impositions by a municipality or county on a dealer of communications services or authorize that any charges be assessed on a dealer of communications services, except as specifically set forth herein. A municipality or county may not charge a pass-through provider any amounts other than the charges under this subsection as a condition to the placement or maintenance of a communications facility in the roads or rights-of-way of a municipality or county by a pass-through provider, except that a municipality or county may impose permit fees on a pass-through provider consistent with paragraph (4)(c) ~~(3)(c)~~.

(8)~~(7)~~

(d) An authority may require a registration process and permit fees in accordance with subsection (4) ~~(3)~~. An authority shall accept applications for permits and shall process and issue permits subject to the following requirements:

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

2. An applicant may not be required to provide more information to obtain a permit than is necessary to demonstrate the applicant's compliance with applicable codes for the placement of small wireless facilities in the locations identified in the application. An applicant may not be required

to provide inventories, maps, or locations of communications facilities in the right-of-way other than as necessary to avoid interference with other at-grade or aerial facilities located at the specific location proposed for a small wireless facility or within 50 feet of such location.

3. An authority may not:

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

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

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

d. Require compliance with an authority's provisions regarding placement of small wireless facilities or a new utility pole used to support a small wireless facility in rights-of-way under the control of the department unless the authority has received a delegation from the department for the location of the small wireless facility or utility pole, or require such compliance as a condition to receive a permit that is ancillary to the permit for collocation of a small wireless facility, including an electrical permit;

e. Require a meeting before filing an application;

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

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

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

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

4. Subject to paragraph (r), an authority may not limit the placement, by minimum separation distances, of small wireless facilities, utility poles on which small wireless facilities are or will be collocated, or other at-grade communications facilities. However, within 14 days after the date of filing the application, an authority may request that the proposed location of a small wireless facility be moved to another location in the right-of-way and placed on an alternative authority utility pole or support structure or placed on a new utility pole. The authority and the applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request. At

the conclusion of the negotiation period, if the alternative location is accepted by the applicant, the applicant must notify the authority of such acceptance and the application shall be deemed granted for any new location for which there is agreement and all other locations in the application. If an agreement is not reached, the applicant must notify the authority of such nonagreement and the authority must grant or deny the original application within 90 days after the date the application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.

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

6. The installation by a communications services provider of a utility pole in the public rights-of-way, other than a utility pole used to support a small wireless facility, is

subject to authority rules or regulations governing the placement of utility poles in the public rights-of-way.

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

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

9. An authority must notify the applicant of approval or denial by electronic mail. An authority shall approve a complete application unless it does not meet the authority's applicable codes. If the application is denied, the authority must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the

documentation to the applicant by electronic mail on the day the authority denies the application. The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days after notice of the denial is sent to the applicant. The authority shall approve or deny the revised application within 30 days after receipt or the application is deemed approved. The review of a revised application is limited to the deficiencies cited in the denial. If an authority provides for administrative review of the denial of an application, the review must be complete and a written decision issued within 45 days after a written request for review is made. A denial must identify the specific code provisions on which the denial is based. If the administrative review is not complete within 45 days, the authority waives any claim regarding failure to exhaust administrative remedies in any judicial review of the denial of an application.

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

11. An authority may deny an application to collocate a

small wireless facility or place a utility pole used to support a small wireless facility in the public rights-of-way if the proposed small wireless facility or utility pole used to support a small wireless facility:

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

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

c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.

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

e. Fails to comply with applicable codes.

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

12. An authority may adopt by ordinance provisions for insurance coverage, indemnification, force majeure, abandonment, authority liability, or authority warranties. Such provisions must be reasonable and nondiscriminatory. An authority may require a construction bond to secure restoration of the postconstruction rights-of-way to the preconstruction condition. However, such bond must be time-limited to not more than 18 months after the construction to which the bond applies is

completed. For any financial obligation required by an authority allowed under this section, the authority shall accept a letter of credit or similar financial instrument issued by any financial institution that is authorized to do business within the United States, provided that a claim against the financial instrument may be made by electronic means, including by facsimile. A provider of communications services may add an authority to any existing bond, insurance policy, or other relevant financial instrument, and the authority must accept such proof of coverage without any conditions other than consent to venue for purposes of any litigation to which the authority is a party. An authority may not require a communications services provider to indemnify it for liabilities not caused by the provider, including liabilities arising from the authority's negligence, gross negligence, or willful conduct.

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

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

the future public safety use.

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

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

Section 14. Subsections (2) and (3) of section 337.403, Florida Statutes, are renumbered as subsections (4) and (5), respectively, paragraphs (a), (b), (e), and (h) of subsection (1) are amended, and new subsections (2) and (3) are added to that section, to read:

337.403 Interference caused by utility; expenses.—

(1) If a utility that is placed upon, under, over, or within the right-of-way limits of any public road or publicly owned rail corridor is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor, the utility owner shall, upon 30 days' written notice to the utility or its agent by the authority, initiate the work necessary to alleviate the interference at its own expense except as provided in paragraphs (a)-(j). The work must be completed within such reasonable time as stated in the notice or such time as agreed to by the authority and the utility owner.

(a) If the relocation of utility facilities, as referred

to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 84-627, is necessitated by the construction of a project on the federal-aid interstate system, including extensions thereof within urban areas, and the cost of the project is eligible and approved for reimbursement by the Federal Government to the extent of 90 percent or more under the Federal-Aid Highway Act, or any amendment thereof, then in that event the utility owning or operating such facilities shall perform any necessary work upon notice from the department, and the state shall pay the entire expense properly attributable to such work after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility. The department may reimburse up to 50 percent of the costs for relocation of publicly regulated utility facilities and municipally owned utility facilities or county-owned utility facilities, and 100 percent of the costs for relocation of municipally owned utility facilities or county-owned utility facilities located in a rural area of opportunity, as defined in s. 288.0656(2), on the state highway system after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility when the department has made the determination that such reimbursement is in the best interests of the public and necessary to expedite the construction of the project. The utility owner may opt out of such reimbursement and solely bear the costs of relocation.

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

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

(h) If a municipally owned utility or county-owned utility is located in a rural area of opportunity, as defined in s.

288.0656(2), and the department determines that the utility owner is unable, and will not be able within the next 10 years, to pay for the cost of utility work necessitated by a department project on the State Highway System, the department may pay, in whole or in part, the cost of such utility work performed by the department or its contractor.

(2) Before the notice to initiate the work, the department and the utility owner shall adhere to the department's rules and procedures, which shall include, but are not limited to, the following:

(a) The department shall provide the utility owner a letter and a set of preliminary plans for the proposed highway improvement project. The utility owner must provide the department with written acknowledgment of receipt of such plans.

(b) The utility owner shall submit to the department plans showing existing and proposed locations of facilities within a reasonable timeframe as specified by the department in the letter as required under paragraph (a). However, the timeframe specified by the department may not be sooner than 30 days or as agreed on by both parties. If the utility owner fails to submit to the department the plans within 120 days, the department is no longer required to participate in the costs, may withhold any amount due to the utility owner on other projects, and may withhold issuance of any other permits within this state's rights-of-way.

(c) The utility owner's submission shall include with the plans a utility relocation schedule in a manner and timeframe established by the department's written procedures and instructions for approval by the department.

(d) In the event the Governor declares a state of emergency, the utility owner shall receive an extension to the utility relocation schedule that is at least equal to the time extension granted to the contractor by the department. The utility owner shall notify the department of any additional delays associated with causes beyond its control, including, but not limited to, participation in recovery work as a result of mutual aid agreements, within 10 days after the commencement of such delay and shall provide a reasonably complete description as to the cause and nature of the delay and the possible impacts to the approved utility relocation schedule. Ten calendar days after the elimination of the delay, the utility owner shall submit a revised utility relocation schedule for approval by the department. Such approval may not be unreasonably withheld, delayed, or conditioned.

(e) If the utility owner does not initiate work within the time specified in the utility relocation schedule, the department may give the utility owner a final notice directing the utility owner to initiate work within 10 calendar days. If the utility owner does not, within 10 days after receipt of such final notice, begin work, or, having begun work, fails to

complete the work within the time specified in the utility relocation schedule, the department is no longer required to participate in the work, may withhold any amount due to the utility owner, or may exercise its right to obtain injunctive relief as provided in s. 120.69.

(f) If additional utility work is found necessary after the letting date of the highway improvement project, the utility owner shall provide a supplementary utility relocation schedule within 30 calendar days after becoming aware of such additional work, or upon receipt of the department's written notification advising of such work. The utility owner's revised utility relocation schedule must be reviewed and approved by the department to ensure compliance.

(g) The utility owner is responsible for and liable to the department for documented damages resulting from the utility owner's failure to comply with requirements of the utility relocation schedule, including any delay costs incurred by the contractor and approved by the department. Upon notification in writing by the department that the utility owner is liable for damages, including delay costs, the utility owner has 45 days after receipt of such notification to either pay the stated amount to the department or request mediation as provided in subsection (3).

(3)(a) The department's utility relocation procedures shall include, in addition to those set forth in subsection (2),

provisions for the establishment of mediation boards to hear and resolve disputes that may arise between the department and the utility owner concerning:

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

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

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

(b) Such procedures shall include, but not be limited to, the following:

1. Each mediation board shall consist of one mediator designated by the department, one mediator designated by the utility owner, and an independent mediator mutually selected by the department's designee and the utility owner's designee who shall serve as the presiding officer of the mediation board.

2. The mediators shall hold a hearing with regard to each dispute that is submitted to the mediation board for resolution, shall provide notice of the hearing to each party involved in the dispute, and shall afford each party an opportunity to present evidence at the hearing.

3. The mediators shall resolve each issue presented to the mediation board by a majority vote of the mediators.

4. The mediators shall issue a final decision in writing with regard to each dispute that is submitted to the mediation board for resolution and shall serve a copy of the final decision on each party involved in the dispute.

5. All final decisions of the mediation board shall be subject to de novo review in the Second Judicial Circuit Court in Leon County by way of a petition for judicial review filed by the department or the utility owner within 30 days after service of the final decision.

(c) The department may develop rules and procedures governing the mediation, including the mediation of a contested case and the creation of a list of qualified mediators.

Section 15. Subsection (10) of section 339.175, Florida Statutes, is renumbered as subsection (11), subsection (1), paragraph (a) of subsection (2), paragraphs (b), (i), and (j) of subsection (6), paragraphs (a), (b), and (d) of subsection (7), and present subsection (11) are amended, and a new subsection (10) is added to that section, to read:

339.175 Metropolitan planning organization.—

(1) PURPOSE.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of multimodal ~~surface~~ transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas of this state while balancing conservation of

natural resources ~~minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan transportation planning processes identified in this section~~. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic

Intermodal System designated under s. 339.63 and facilities for which projects have been identified pursuant to s. 339.2819(4).

(2) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. To the extent possible, only one M.P.O. shall be designated for each urbanized area or group of contiguous urbanized areas. More than one M.P.O. may be designated within an existing urbanized area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing urbanized area makes the designation of more than one M.P.O. for the area appropriate. After July 1, 2025, no additional M.P.O.'s may be designated in this state except in urbanized areas, as defined by the United States Bureau of the Census, where the urbanized area boundary is not contiguous to an urbanized area designated before the 2020 census~~, in which case each M.P.O. designated for the area must:~~

~~a. Consult with every other M.P.O. designated for the urbanized area and the state to coordinate plans and transportation improvement programs.~~

~~b. Ensure, to the maximum extent practicable, the consistency of data used in the planning process, including data used in forecasting travel demand within the urbanized area~~.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law. An M.P.O. may not perform project production or delivery for capital improvement projects on the State Highway System.

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and

strategies that will:

1. Support the economic vitality of the contiguous urbanized metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.

2. Increase the safety and security of the transportation system for motorized and nonmotorized users.

3. Increase the accessibility and mobility options available to people and for freight.

4. Protect and enhance the environment, conserve natural resources ~~promote energy conservation~~, and improve quality of life.

5. Enhance the integration and connectivity of the transportation system, across and between modes and contiguous urbanized metropolitan areas, for people and freight.

6. Promote efficient system management and operation.

7. Emphasize the preservation of the existing transportation system.

8. Improve the resilience of transportation infrastructure.

9. Reduce traffic and congestion.

~~(i) By December 31, 2023, the M.P.O.'s serving Hillsborough, Pasco, and Pinellas Counties must submit a feasibility report to the Governor, the President of the Senate, and the Speaker of the House of Representatives exploring the benefits, costs, and process of consolidation into a single~~

~~M.P.O. serving the contiguous urbanized area, the goal of which would be to:~~

~~1. Coordinate transportation projects deemed to be regionally significant.~~

~~2. Review the impact of regionally significant land use decisions on the region.~~

~~3. Review all proposed regionally significant transportation projects in the transportation improvement programs.~~

(i)1.~~(j)1.~~ To more fully accomplish the purposes for which M.P.O.'s have been mandated, the department shall, at least annually, convene M.P.O.'s of similar size, based on the size of population served, for the purpose of exchanging best practices. M.P.O.'s may ~~shall~~ develop committees or working groups as needed to accomplish such purpose. At the discretion of the department, training for new M.P.O. governing board members shall be provided by the department, by an entity pursuant to a contract with the department, by the Florida Center for Urban Transportation Research, or by the Implementing Solutions from Transportation Research and Evaluation of Emerging Technologies (I-STREET) living lab ~~coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible~~

~~methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand~~.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provides the purpose for which the entity is created; provides the duration of the agreement and the entity and specifies how the agreement may be terminated, modified, or rescinded; describes the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provides the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provides the manner in which funds may be paid to and disbursed from the

entity; and provides how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. Multiple M.P.O.'s may merge, combine, or otherwise join together as a single M.P.O.

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in

the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan. ~~Multiple M.P.O.'s within a contiguous urbanized area must coordinate the development of long-range transportation plans to be reviewed by the Metropolitan Planning Organization Advisory Council.~~

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan

if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, public-private partnerships, the use of value capture financing, or the use of value pricing. Multiple M.P.O.'s within a contiguous urbanized area must ensure, to the maximum extent possible, the consistency of data used in the planning process.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, trails or facilities that are regionally significant or critical linkages for the Florida Shared-Use Nonmotorized Trail Network, scenic easements, landscaping, integration of advanced air mobility, and integration of autonomous and electric vehicles, electric bicycles, and motorized scooters used for freight, commuter, or micromobility purposes ~~historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising~~.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies,

representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(10) AGREEMENTS; ACCOUNTABILITY.—

(a) Each M.P.O. may execute a written agreement with the department, which shall be reviewed, and updated as necessary, every 5 years, which clearly establishes the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law. Roles, responsibilities, and expectations for accomplishing consistency with federal and state requirements and priorities must be set forth in the agreement. In addition, the agreement must set forth the M.P.O.'s responsibility, in collaboration with the department, to identify, prioritize, and present to the department a complete list of multimodal transportation projects consistent with the needs of the metropolitan planning area. It is the department's responsibility to program projects in the state transportation improvement program.

(b) The department must establish, in collaboration with each M.P.O., quality performance metrics such as safety, infrastructure condition, congestion relief, and mobility. Each

M.P.O. must, as part of its long-range transportation plan, in direct coordination with the department, develop targets for each performance measure within the metropolitan planning area boundary. The performance targets must support efficient and safe movement of people and goods both within the metropolitan planning area and between regions. Each M.P.O. must report progress toward establishing performance targets for each measure annually in its transportation improvement plan. The department shall evaluate and post on its website whether each M.P.O. has made significant progress toward its target for the applicable reporting period.

~~(11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.~~

~~(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.~~

~~(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.~~

~~(c) The powers and duties of the Metropolitan Planning~~

~~Organization Advisory Council are to:~~

~~1. Establish bylaws by action of its governing board providing procedural rules to guide its proceedings and consideration of matters before the council, or, alternatively, adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.~~

~~2. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.~~

~~3. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155. The council must also report annually to the Florida Transportation Commission on the alignment of M.P.O. long-range transportation plans with the Florida Transportation Plan.~~

~~4. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the~~

~~department.~~

~~5. Deliver training on federal and state program requirements and procedures to M.P.O. board members and M.P.O. staff.~~

~~6. Adopt an agency strategic plan that prioritizes steps the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directives.~~

~~(d) The Metropolitan Planning Organization Advisory Council may enter into contracts in accordance with chapter 287 to support the activities described in paragraph (c). Lobbying and the acceptance of funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources are prohibited.~~

Section 16. Subsection (4) of section 339.65, Florida Statutes, is amended to read:

339.65 Strategic Intermodal System highway corridors.—

(4) The department shall develop and maintain a plan of Strategic Intermodal System highway corridor projects that are anticipated to be let to contract for construction within a time period of at least 20 years. The department shall prioritize projects that address gaps in a corridor so that the corridor becomes contiguous. The plan shall also identify when segments of the corridor will meet the standards and criteria developed pursuant to subsection (5).

Section 17. Section 339.84, Florida Statutes, is amended to read:

339.84 Workforce development.—

(1) Beginning in the 2023-2024 fiscal year and annually thereafter for 5 years, $5 million shall be allocated from the State Transportation Trust Fund to the workforce development program as provided in s. 334.044(35) to promote career paths in Florida's road and bridge industry.

(2) In fiscal years 2025-2026 through 2029-2030, the department may expend up to $5 million each fiscal year for grants to Florida College System institutions and high schools for the purchase of equipment simulators with authentic original equipment manufacturer controls. Each grant recipient must offer an elective course in heavy civil construction the curriculum of which is specifically designed to use the simulator and other instructional aides to, at a minimum, provide the student with OSHA 10 Construction certification and an equipment simulator certification. In awarding such grants, the department shall give priority to Florida College System institutions and high schools in rural communities as defined in s. 288.0656(2).

Section 18. Paragraph (b) of subsection (2) of section 202.20, Florida Statutes, is amended to read:

202.20 Local communications services tax conversion rates.—

(2)

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

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

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

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

c. The public service tax on prepaid calling arrangements.

d. Franchise fees on dealers of communications services which use the public roads or rights-of-way, up to the limit set forth in s. 337.401. For purposes of calculating rates under this section, it is the legislative intent that charter counties be treated as having had the same authority as municipalities to impose franchise fees on recurring local telecommunication service revenues prior to July 1, 2000. However, the Legislature recognizes that the authority of charter counties to impose such fees is in dispute, and the treatment provided in this section is not an expression of legislative intent that charter counties actually do or do not possess such authority.

e. Actual permit fees relating to placing or maintaining facilities in or on public roads or rights-of-way, collected

from providers of long-distance, cable, and mobile communications services for the fiscal year ending September 30, 1999; however, if a municipality or charter county elects the option to charge permit fees pursuant to s. 337.401(4)(c) ~~s. 337.401(3)(c)~~, such fees shall not be included as a replaced revenue source.

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

Section 19. Paragraph (e) of subsection (2) of section 331.310, Florida Statutes, is amended to read:

331.310 Powers and duties of the board of directors.—

(2) The board of directors shall:

(e) Prepare an annual report of operations as a supplement to the annual report required under s. 331.3051(15) ~~s. 331.3051(16)~~. The report must include, but not be limited to, a balance sheet, an income statement, a statement of changes in financial position, a reconciliation of changes in equity accounts, a summary of significant accounting principles, the auditor's report, a summary of the status of existing and proposed bonding projects, comments from management about the year's business, and prospects for the next year.

Section 20. Section 610.106, Florida Statutes, is amended to read:

610.106 Franchise fees prohibited.—Except as otherwise

provided in this chapter, the department may not impose any taxes, fees, charges, or other impositions on a cable or video service provider as a condition for the issuance of a state-issued certificate of franchise authority. No municipality or county may impose any taxes, fees, charges, or other exactions on certificateholders in connection with use of public right-of-way as a condition of a certificateholder doing business in the municipality or county, or otherwise, except such taxes, fees, charges, or other exactions permitted by chapter 202, s. 337.401(7) ~~s. 337.401(6)~~, or s. 610.117.

Section 21. The Legislature finds that the widening of that portion of Interstate 4 between U.S. Highway 27 in Polk County and Interstate 75 in Hillsborough County is in the public interest and in the strategic interest of the region to improve the movement of people and goods. The Department of Transportation shall develop a report that includes, but is not limited to, detailed costs for project development and environmental studies, design, acquisition of rights-of-way, and construction and a schedule to complete the widening as expeditiously as possible. Such report shall identify funding shortfalls and strategies to address such shortfalls, including, but not limited to, using express lane toll revenues generated on the Interstate 4 corridor and other available department funds for public-private partnerships. The department shall submit the report by December 31, 2025, to the Governor, the

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

Section 22. By October 31, 2025, the Department of Transportation shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that provides a comprehensive review of the boundaries of each of the department's districts and whether any district's boundaries should be redrawn as a result of population growth and increased urban density.

Section 23. Section 332.135, Florida Statutes, is created to read:

332.135 Airport authorities created as independent special districts; master plans.—

(1) For purposes of this section, the term:

(a) "Airport authority" means a multicounty airport authority created as an independent special district.

(b) "Airport development" means the construction, reconstruction, conversion, structural alteration, relocation, enlargement, or demolition of a structure on property owned by an airport authority, whether undertaken by the airport authority itself or by one of its tenants.

(c) "Host local government" means:

1. The municipality or county that would, in the absence of the exemption provided by this section, exercise jurisdiction to enforce permitting requirements, plan reviews, building and

zoning requirements, and inspection fees for existing and proposed airport development; or

2. A unit of local government that is responsible for maintaining public facilities serving an airport.

(2) This section is not mandatory, but serves as an alternative to compliance by an airport authority with local government land development regulations. However, any airport authority invoking its authority under this section shall comply with the requirements of this section.

(3)(a) An airport authority invoking its authority under this section shall prepare and adopt an airport master plan in accordance with 49 U.S.C. s. 47101, which shall be subject to review and acceptance by the Federal Aviation Administration.

(b) The airport master plan must address public facilities and services including roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and public transportation. For each such facility or service, the plan shall:

1. Identify the level-of-service standard established by the host local government.

2. Identify the entity that will provide the service to the airport.

3. Describe any financial arrangements between the airport authority and other entities relating to the provision of the facility or service.

The plan shall also determine the impact of existing and proposed airport development reasonably expected over the term of the airport master plan on each service or facility and any deficiencies in such service or facility which the development will create or to which it will contribute.

(c) Before adopting an airport master plan, the airport authority shall send a draft of the plan to the host local governments who shall have 90 days to conduct a review and provide comments to the airport authority. Within 10 days thereafter, the airport authority shall advertise the commencement of the review period in a newspaper of general circulation. The airport authority shall also hold an informal informational session for public participation, which shall be announced in the advertisement at least 10 days in advance. Following receipt and consideration of all comments, the airport authority shall hold a public hearing, after which it may adopt the airport master plan as originally drafted or as it might be revised based on the comments received from the host local governments and members of the public. The airport master plan shall be posted on the airport authority's website and updated at least every 10 years.

(4)(a) Before commencing construction of a new or expanded airport improvement that will create significant impact on the public facilities for which the host local government has

maintenance responsibilities, the airport authority shall submit to the host local government a written request for a determination of consistency with its comprehensive plan. Within 45 days after receipt of such request, the host local government shall determine, in writing, whether the proposed improvement is consistent with its comprehensive plan. If the determination is affirmative, construction may commence, and further local government review or approval is not required.

(b) Failure of the host local government to make a determination in writing within the 45-day period shall be deemed an affirmative determination of consistency. To the extent further review by the host local government is required due to a determination of inconsistency, standards and conditions may not be imposed which conflict with those established in the airport master plan or the Florida Building Code.

(5) An airport master plan may not conflict with the comprehensive plan of the host local government adopted under part II of chapter 163 or with the state comprehensive plan. However, an existing or proposed airport development that is consistent with the airport master plan may not be deemed inconsistent with the host local government's comprehensive plan or the state's comprehensive plan based solely on the development's design and layout, or its location, intensity, scale, building size, mass, bulk, height and orientation, lot

coverage, lot size or configuration, architecture, screening, buffers, setbacks, signage, lighting, internal traffic circulation patterns, loading area locations, operation hours, noise, odor, or other factors of compatibility.

(6) If the airport authority proposes to expand the boundaries of the airport site, it shall notify the applicable host local governments, in writing, in which case the host local governments may impose reasonable development standards and conditions on new development within the expanded land area, but only to address the impacts of the new improvement on public facilities for which the host local government has maintenance responsibilities. Standards and conditions may not be imposed which conflict with those established in this section or the Florida Building Code.

(7) An airport authority that has adopted an airport master plan pursuant to this section is the exclusive local enforcement agency under part IV of chapter 553 and has jurisdiction within the lands subject to the airport master plan to conduct plan reviews, issue permits, and make inspections of buildings and to enforce the Florida Building Code and the Florida Fire Prevention Code. The airport authority must use personnel or contract providers certified under part XII of chapter 468 to conduct the plan reviews and make the inspections required by such codes. Developments are exempt from all other state building codes and all county and municipal land

development regulations, building codes, permitting requirements, plan reviews, or inspection fees, except as provided in s. 553.80.

Section 24. Section 332.136, Florida Statutes, is created to read:

332.136 Sarasota Manatee Airport Authority; airport pilot program.—

(1) There is established an airport pilot program at the Sarasota Manatee Airport Authority (SMAA). The purpose of the pilot program is to determine long-term feasibility of alternative airport permitting procedures.

(2)(a) The SMAA shall prepare and adopt an airport master plan in accordance with 49 U.S.C. s. 47101, which shall be subject to review and acceptance by the Federal Aviation Administration.

(b) The airport master plan must address public facilities and services including roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and public transportation. For each such facility or service, the plan shall:

1. Identify the level-of-service standard established by the host local government.

2. Identify the entity that will provide the service to the SMAA.

3. Describe any financial arrangements between the SMAA

and other entities relating to the provision of the facility or service.

The plan shall also determine the impact of existing and proposed airport development reasonably expected over the term of the airport master plan on each service or facility and any deficiencies in such service or facility which the development will create or to which it will contribute.

(c) Before adopting an airport master plan, the SMAA shall send the plan to the host local governments who shall have 90 days to conduct a review and provide comments to the SMAA. Within 10 days thereafter, the SMAA shall advertise the commencement of the review period in a newspaper of general circulation. The SMAA shall also hold an informal informational session for public participation, which shall be announced in the advertisement at least 10 days in advance. Following receipt and consideration of all comments, the SMAA shall hold a public hearing, after which it may adopt the airport master plan as originally drafted or as it might be revised based on the comments received from the host local governments and members of the public. The airport master plan shall be published on the SMAA's website and updated at least every 10 years.

(3)(a) Before commencing construction of a new or expanded airport improvement that will create significant impact on the public facilities for which the host local government has

maintenance responsibilities, the SMAA shall submit to the host local government a written request for a determination of consistency with its comprehensive plan. Within 45 days after receipt of such request, the host local government shall determine, in writing, whether the proposed improvement is consistent with its comprehensive plan. If the determination is affirmative, construction may commence, and further host local government review or approval is not required.

(b) Failure of the host local government to make a determination, in writing, within the 45-day period shall be deemed an affirmative determination of consistency. To the extent further review by the host local government is required due to a determination of inconsistency, standards and conditions may not be imposed which conflict with those established in the airport master plan or the Florida Building Code.

(4) An airport master plan may not conflict with the comprehensive plan of the host local government adopted under part II of chapter 163 or with the state comprehensive plan. However, an existing or proposed airport development that is consistent with the airport master plan may not be deemed inconsistent with the host local government comprehensive plan or the state comprehensive plan based solely on the development's design and layout, or its location, intensity, scale, building size, mass, bulk, height and orientation, lot

coverage, lot size of configuration, architecture, screening, buffers, setbacks, signage, lighting, internal traffic circulation patterns, loading area locations, operation hours, noise, odor, or other factors of compatibility.

(5) If the SMAA proposes to expand the boundaries of the airport site, it shall notify the applicable host local governments, in writing, in which case the host local governments may impose reasonable development standards and conditions on new development within the expanded land area, but only to address the impacts of the new improvement on public facilities for which the host local government has maintenance responsibilities. Standards and conditions may not be imposed which conflict with those established in this section or the Florida Building Code.

(6) The SMAA is the exclusive local enforcement agency under part IV of chapter 553 and has jurisdiction within the lands subject to the airport master plan to conduct plan reviews, issue permits, and make inspections of buildings and to enforce the Florida Building Code and the Florida Fire Prevention Code. The SMAA must use personnel or contract providers appropriately certified under part XII of chapter 468 to conduct the plan reviews and make the inspections required by such codes. Developments are exempt from all other state building codes and county and municipal land development regulations, building codes, permitting requirements, plan

reviews, or inspection fees, except as provided in s. 553.80.

(7) The Department of Transportation shall adopt rules as necessary to implement the pilot program.

(8) By December 1, 2027, the Department of Transportation shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding any recommendations as to how to expand the pilot program to additional airports or whether to make legislative changes to the pilot program to increase the pilot program's effectiveness or to terminate the pilot program.

(9) This section is repealed on June 30, 2028, unless reviewed and saved from appeal through reenactment by the Legislature.

Section 25. This act shall take effect July 1, 2025.