



26 requiring the operator of a motor vehicle to take  
27 certain actions under certain circumstances when  
28 certain vehicles are on the roadside; amending s.  
29 316.2397, F.S.; authorizing certain vehicles to show  
30 or display certain lights under certain circumstances;  
31 amending s. 316.520, F.S.; revising application of  
32 agricultural load securing requirements; amending s.  
33 316.613, F.S.; increasing the age of children for whom  
34 operators of motor vehicles must provide protection by  
35 using a crash-tested, federally approved child  
36 restraint device; increasing the age of children for  
37 whom a separate carrier, an integrated child seat, or  
38 a child booster seat may be used; amending s. 319.32,  
39 F.S.; removing a requirement for deduction of certain  
40 service charges before depositing certain fees into  
41 the State Transportation Trust Fund; amending s.  
42 322.12, F.S.; authorizing the Department of Highway  
43 Safety and Motor Vehicles to waive certain commercial  
44 motor vehicle testing requirements for specified  
45 persons under certain circumstances; amending ss.  
46 324.031 and 324.032, F.S.; revising the manner of  
47 providing financial responsibility for owners,  
48 operators, or lessees of certain for-hire passenger  
49 transportation vehicles; amending s. 327.33, F.S.;  
50 specifying the operation of a vessel at slow speed,

51 minimum wake in certain circumstances; providing  
52 requirements for flags displayed from vessels and  
53 barges actively engaged in construction operations;  
54 defining the term "slow speed, minimum wake"; amending  
55 s. 327.4107, F.S.; prohibiting the anchoring or  
56 mooring of certain vessels in specified locations;  
57 authorizing law enforcement to relocate specified  
58 vessels if certain conditions exist; amending s.  
59 327.59, F.S.; prohibiting certain vessels from  
60 remaining in certain marinas that have been deemed  
61 unsuitable for refuge during a hurricane; authorizing  
62 removal of such vessels under certain circumstances;  
63 limiting liability for certain damages; providing  
64 construction; providing for penalties; amending s.  
65 333.03, F.S.; requiring airport protection zoning  
66 regulations to require certain permit applicants to  
67 submit a final valid determination from the Federal  
68 Aviation Administration; amending s. 337.14, F.S.;  
69 requiring certain contractors to be certified by the  
70 Department of Transportation as qualified; revising  
71 the financial statements required to accompany an  
72 application for certification; prohibiting the  
73 department from considering certain financial  
74 information; requiring the contractor to submit  
75 interim financial statements under certain

76 | circumstances; providing requirements for such  
77 | statements; authorizing a single entity to provide  
78 | certain contracted services for airport projects  
79 | wholly or partially funded by the department; amending  
80 | s. 337.25, F.S.; requiring the department to afford a  
81 | right of first refusal to certain individuals under  
82 | specified circumstances; providing requirements and  
83 | procedures for the right of first refusal; amending s.  
84 | 337.401, F.S.; specifying permit application  
85 | timeframes required for the installation, location, or  
86 | relocation of utilities within rights-of-way; creating  
87 | s. 338.236, F.S.; authorizing the department to plan,  
88 | design, and construct staging areas as part of the  
89 | turnpike system for the intended purpose of staging  
90 | supplies for prompt provision of assistance to the  
91 | public in a declared state of emergency; requiring the  
92 | department, in consultation with the Division of  
93 | Emergency Management, to select sites for such areas;  
94 | providing factors to be considered in selecting sites;  
95 | requiring the department to give priority  
96 | consideration to placement of such staging areas in  
97 | specified counties; authorizing the department to  
98 | acquire property necessary for such staging areas;  
99 | authorizing the department to authorize certain other  
100 | uses of staging areas; requiring staging area projects

101 to be included in the department's work program;  
102 amending ss. 339.08 and 339.135, F.S.; conforming  
103 provisions to changes made by the act; amending s.  
104 339.175, F.S.; revising the date by which a  
105 metropolitan planning organization must submit a list  
106 of project priorities to the appropriate department  
107 district; repealing s. 339.2821, F.S., relating to  
108 economic development transportation projects; amending  
109 s. 341.302, F.S.; revising the maximum amount of  
110 liability insurance the department may purchase;  
111 revising department responsibilities regarding rail  
112 systems; amending s. 341.303, F.S.; revising  
113 department funding authority regarding rail systems;  
114 conforming provisions to changes made by the act;  
115 repealing s. 341.8201, F.S., relating to the "Florida  
116 Rail Enterprise Act" short title; amending s.  
117 341.8203, F.S.; revising definitions; amending s.  
118 341.822, F.S.; requiring the department, rather than  
119 the Florida Rail Enterprise, to locate, plan, design,  
120 finance, construct, maintain, own, operate,  
121 administer, and manage the high-speed rail system in  
122 the state; amending ss. 341.825, 341.836, 341.838,  
123 341.839, 341.840, and 343.58, F.S.; conforming  
124 provisions to changes made by the act; amending s.  
125 349.04, F.S.; increasing the authorized duration of a

126 |        lease by the Jacksonville Transportation Authority;  
 127 |        amending s. 377.809, F.S.; conforming provisions to  
 128 |        changes made by the act; reenacting s. 327.73(1)(h)  
 129 |        and (aa), F.S., relating to careless operation of  
 130 |        vessels and at-risk vessels, respectively, to  
 131 |        incorporate amendments made by the act; requiring  
 132 |        reports to the Governor and Legislature from the  
 133 |        department and various authorities regarding toll  
 134 |        collections; providing a declaration of important  
 135 |        state interest; providing effective dates.

136 |

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

138 |

139 |        Section 1. Effective July 1, 2023, paragraphs (a) and (f)  
 140 |        of subsection (4) of section 20.23, Florida Statutes, are  
 141 |        amended to read:

142 |        20.23 Department of Transportation.—There is created a  
 143 |        Department of Transportation which shall be a decentralized  
 144 |        agency.

145 |        (4) (a) The operations of the department shall be organized  
 146 |        into seven districts, each headed by a district secretary, and a  
 147 |        turnpike enterprise and a rail enterprise, each enterprise  
 148 |        headed by an executive director. The district secretaries and  
 149 |        the executive director ~~directors~~ shall be registered  
 150 |        professional engineers in accordance with ~~the provisions of~~

151 chapter 471 or the laws of another state, or, in lieu of  
 152 professional engineer registration, a district secretary or the  
 153 executive director may hold an advanced degree in an appropriate  
 154 related discipline, such as a Master of Business Administration.  
 155 The headquarters of the districts shall be located in Polk,  
 156 Columbia, Washington, Broward, Volusia, Miami-Dade, and  
 157 Hillsborough Counties. The headquarters of the turnpike  
 158 enterprise shall be located in Orange County. ~~The headquarters~~  
 159 ~~of the rail enterprise shall be located in Leon County.~~ In order  
 160 to provide for efficient operations and to expedite the  
 161 decisionmaking process, the department shall provide for maximum  
 162 decentralization to the districts.

163 (f) ~~1.~~ The responsibility for developing and operating the  
 164 high-speed and passenger rail systems established in chapter  
 165 341, directing funding for passenger rail systems under s.  
 166 341.303, ensuring general rail safety, coordinating efforts to  
 167 enhance passenger rail safety in the state, and coordinating  
 168 publicly funded passenger rail operations in the state,  
 169 including freight rail interoperability issues, shall be  
 170 delegated to a departmental entity to be named by the secretary  
 171 ~~to the executive director of the rail enterprise, who shall~~  
 172 ~~serve at the pleasure of the secretary. The executive director~~  
 173 ~~shall report directly to the secretary, and the rail enterprise~~  
 174 ~~shall operate pursuant to ss. 341.8201-341.842.~~

175 ~~2. To facilitate the most efficient and effective~~

176 ~~management of the rail enterprise, including the use of best~~  
177 ~~business practices employed by the private sector, the rail~~  
178 ~~enterprise, except as provided in s. 287.055, shall be exempt~~  
179 ~~from departmental policies, procedures, and standards, subject~~  
180 ~~to the secretary having the authority to apply any such~~  
181 ~~policies, procedures, and standards to the rail enterprise from~~  
182 ~~time to time as deemed appropriate.~~

183 Section 2. Paragraph (a) of subsection (4) of section  
184 201.15, Florida Statutes, is amended to read:

185 201.15 Distribution of taxes collected.—All taxes  
186 collected under this chapter are hereby pledged and shall be  
187 first made available to make payments when due on bonds issued  
188 pursuant to s. 215.618 or s. 215.619, or any other bonds  
189 authorized to be issued on a parity basis with such bonds. Such  
190 pledge and availability for the payment of these bonds shall  
191 have priority over any requirement for the payment of service  
192 charges or costs of collection and enforcement under this  
193 section. All taxes collected under this chapter, except taxes  
194 distributed to the Land Acquisition Trust Fund pursuant to  
195 subsections (1) and (2), are subject to the service charge  
196 imposed in s. 215.20(1). Before distribution pursuant to this  
197 section, the Department of Revenue shall deduct amounts  
198 necessary to pay the costs of the collection and enforcement of  
199 the tax levied by this chapter. The costs and service charge may  
200 not be levied against any portion of taxes pledged to debt



201 service on bonds to the extent that the costs and service charge  
 202 are required to pay any amounts relating to the bonds. All of  
 203 the costs of the collection and enforcement of the tax levied by  
 204 this chapter and the service charge shall be available and  
 205 transferred to the extent necessary to pay debt service and any  
 206 other amounts payable with respect to bonds authorized before  
 207 January 1, 2017, secured by revenues distributed pursuant to  
 208 this section. All taxes remaining after deduction of costs shall  
 209 be distributed as follows:

210 (4) After the required distributions to the Land  
 211 Acquisition Trust Fund pursuant to subsections (1) and (2) and  
 212 deduction of the service charge imposed pursuant to s.  
 213 215.20(1), the remainder shall be distributed as follows:

214 (a) The lesser of 24.18442 percent of the remainder or  
 215 \$541.75 million in each fiscal year shall be paid into the State  
 216 Treasury to the credit of the State Transportation Trust Fund.  
 217 Of such funds, \$75 million for each fiscal year shall be  
 218 transferred to the General Revenue Fund. Notwithstanding any  
 219 other law, the remaining amount credited to the State  
 220 Transportation Trust Fund shall be used for:

221 1. Capital funding for the New Starts Transit Program,  
 222 authorized by Title 49, U.S.C. s. 5309 and specified in s.  
 223 341.051, in the amount of 10 percent of the funds;

224 2. The Small County Outreach Program specified in s.  
 225 339.2818, in the amount of 10 percent of the funds;

226 3. The Strategic Intermodal System specified in ss.  
227 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent  
228 of the funds after deduction of the payments required pursuant  
229 to subparagraphs 1. and 2.; and

230 4.a. The Transportation Regional Incentive Program  
231 specified in s. 339.2819, in the amount of 25 percent of the  
232 funds after deduction of the payments required pursuant to  
233 subparagraphs 1. and 2.

234 b. In fiscal years 2020-2021, 2020-2022, and 2022-2023,  
235 the first \$60 million of the funds allocated pursuant to this  
236 subparagraph ~~must~~ shall be allocated annually to the Florida  
237 Rail Enterprise for the purposes established in s. 341.303(5).  
238 This sub-subparagraph expires July 1, 2023.

239 c. Beginning in the 2023-2024 fiscal year, the first \$60  
240 million of the funds allocated pursuant to this subparagraph  
241 must be allocated annually to the State Transportation Trust  
242 Fund to be used for rail projects and rail safety improvements  
243 as provided in s. 341.303(5).

244 Section 3. Subsection (2) of section 206.46, Florida  
245 Statutes, is amended to read:

246 206.46 State Transportation Trust Fund.—

247 (2) Notwithstanding any other provision ~~provisions~~ of law,  
248 from the revenues deposited into the State Transportation Trust  
249 Fund a maximum of 7 percent in each fiscal year shall be  
250 transferred into the Right-of-Way Acquisition and Bridge

251 Construction Trust Fund created in s. 215.605~~7~~ as needed to meet  
 252 the requirements of the documents authorizing the bonds issued  
 253 or proposed to be issued under ss. 215.605 and 337.276 or at a  
 254 minimum amount sufficient to pay for the debt service coverage  
 255 requirements of outstanding bonds. Notwithstanding the 7 percent  
 256 annual transfer authorized in this subsection, the annual amount  
 257 transferred under this subsection shall not exceed an amount  
 258 necessary to provide the required debt service coverage levels  
 259 for a maximum debt service not to exceed \$350 ~~\$275~~ million. Such  
 260 transfer shall be payable primarily from the motor and diesel  
 261 fuel taxes transferred to the State Transportation Trust Fund  
 262 from the Fuel Tax Collection Trust Fund.

263 Section 4. Subsection (1) of section 206.606, Florida  
 264 Statutes, is amended to read:

265 206.606 Distribution of certain proceeds.—

266 (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
 267 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust  
 268 Fund. Such moneys, after deducting ~~the service charges imposed~~  
 269 ~~by s. 215.207~~, the refunds granted pursuant to s. 206.41~~7~~ and the  
 270 administrative costs incurred by the department in collecting,  
 271 administering, enforcing, and distributing the tax, which  
 272 administrative costs may not exceed 2 percent of collections,  
 273 shall be distributed monthly to the State Transportation Trust  
 274 Fund, except that:

275 (a) Each fiscal year, \$6.3 ~~\$6.30~~ million shall be

276 transferred to the Fish and Wildlife Conservation Commission ~~in~~  
277 ~~each fiscal year~~ and deposited in the Invasive Plant Control  
278 Trust Fund to be used for aquatic plant management, including  
279 nonchemical control of aquatic weeds, research into nonchemical  
280 controls, and enforcement activities. The commission shall  
281 allocate at least \$1 million of such funds to the eradication of  
282 melaleuca.

283 (b) Annually, \$2.5 million shall be transferred to the  
284 State Game Trust Fund in the Fish and Wildlife Conservation  
285 Commission and used for recreational boating activities and  
286 freshwater fisheries management and research. The transfers must  
287 be made in equal monthly amounts beginning on July 1 of each  
288 fiscal year. The commission shall annually determine where unmet  
289 needs exist for boating-related activities, and may fund such  
290 activities in counties where, due to the number of vessel  
291 registrations, sufficient financial resources are unavailable.

292 1. A minimum of \$1.25 million shall be used to fund local  
293 projects to provide recreational channel marking and other  
294 uniform waterway markers, public boat ramps, lifts, and hoists,  
295 marine railways, and other public launching facilities, derelict  
296 vessel removal, and other local boating-related activities. In  
297 funding the projects, the commission shall give priority  
298 consideration to:

299 a. Unmet needs in counties having populations of 100,000  
300 or fewer.

301           b. Unmet needs in coastal counties having a high level of  
 302 boating-related activities from individuals residing in other  
 303 counties.

304           2. The remaining \$1.25 million may be used for  
 305 recreational boating activities and freshwater fisheries  
 306 management and research.

307           3. The commission may adopt rules to administer a Florida  
 308 Boating Improvement Program.

309  
 310 The commission shall prepare and make available on its ~~Internet~~  
 311 website an annual report outlining the status of its Florida  
 312 Boating Improvement Program, including the projects funded, and  
 313 a list of counties the whose needs of which are unmet due to  
 314 insufficient financial resources from vessel registration fees.

315           (c) ~~0.65 percent~~ Of the moneys collected pursuant to s.  
 316 206.41(1)(g), 0.65 percent shall be transferred to the  
 317 Agricultural Emergency Eradication Trust Fund.

318           (d) Each fiscal year, \$13.4 million ~~in fiscal year 2007-~~  
 319 ~~2008 and each fiscal year thereafter~~ of the moneys attributable  
 320 to the sale of motor and diesel fuel at marinas shall be  
 321 transferred from the Fuel Tax Collection Trust Fund to the  
 322 Marine Resources Conservation Trust Fund in the Fish and  
 323 Wildlife Conservation Commission.

324           Section 5. Section 206.608, Florida Statutes, is amended  
 325 to read:

326           206.608 State Comprehensive Enhanced Transportation System  
327 Tax; deposit of proceeds; distribution.—Moneys received pursuant  
328 to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the  
329 Fuel Tax Collection Trust Fund~~7~~ and, after deducting the ~~service~~  
330 ~~charge imposed in chapter 215~~ and administrative costs incurred  
331 by the department in collecting, administering, enforcing, and  
332 distributing the tax, which administrative costs may not exceed  
333 2 percent of collections, shall be distributed as follows:

334           (1) ~~0.65 percent~~ Of the proceeds of the tax levied  
335 pursuant to s. 206.41(1)(f), 0.65 percent shall be transferred  
336 to the Agricultural Emergency Eradication Trust Fund.

337           (2) The remaining proceeds of the tax levied pursuant to  
338 s. 206.41(1)(f) and all of the proceeds from the tax imposed by  
339 s. 206.87(1)(d) shall be transferred into the State  
340 Transportation Trust Fund~~7~~ and may be used only for projects in  
341 the adopted work program in the district in which the tax  
342 proceeds are collected, and~~7~~ to the maximum extent feasible,  
343 such moneys shall be programmed for use in the county where  
344 collected. However, ~~no~~ revenue from the taxes imposed pursuant  
345 to ss. 206.41(1)(f) and 206.87(1)(d) in a county may not ~~shall~~  
346 be expended unless the projects funded with such revenues have  
347 been included in the work program adopted pursuant to s.  
348 339.135.

349           Section 6. Subsection (6) of section 212.0501, Florida  
350 Statutes, is amended to read:

351 212.0501 Tax on diesel fuel for business purposes;  
 352 purchase, storage, and use.—

353 (6) All taxes required to be paid on fuel used in self-  
 354 propelled off-road equipment shall be deposited in the Fuel Tax  
 355 Collection Trust Fund, to be distributed, ~~after deduction of the~~  
 356 ~~general revenue service charge pursuant to s. 215.20,~~ to the  
 357 State Transportation Trust Fund. The department shall, each  
 358 month, make a transfer, from general revenue collections, equal  
 359 to such use tax reported on dealers' sales and use tax returns.

360 Section 7. Paragraph (a) of subsection (7) of section  
 361 288.0656, Florida Statutes, is amended to read:

362 288.0656 Rural Economic Development Initiative.—

363 (7) (a) REDI may recommend to the Governor up to three  
 364 rural areas of opportunity. The Governor may by executive order  
 365 designate up to three rural areas of opportunity which will  
 366 establish these areas as priority assignments for REDI as well  
 367 as to allow the Governor, acting through REDI, to waive  
 368 criteria, requirements, or similar provisions of any economic  
 369 development incentive. Such incentives shall include, but are  
 370 not limited to, the Qualified Target Industry Tax Refund Program  
 371 under s. 288.106, the Quick Response Training Program under s.  
 372 288.047, the Quick Response Training Program for participants in  
 373 the welfare transition program under s. 288.047(8),  
 374 ~~transportation projects under s. 339.2821,~~ the brownfield  
 375 redevelopment bonus refund under s. 288.107, and the rural job

376 tax credit program under ss. 212.098 and 220.1895.

377 Section 8. Subsection (7) of section 311.101, Florida  
 378 Statutes, is amended to read:

379 311.101 Intermodal Logistics Center Infrastructure Support  
 380 Program.—

381 (7) ~~Beginning in fiscal year 2014-2015,~~ At least \$5  
 382 million per fiscal year shall be made available from the State  
 383 Transportation Trust Fund for the program. The Department of  
 384 Transportation shall include projects proposed to be funded  
 385 under this section in the tentative work program developed  
 386 pursuant to s. 339.135(4). ~~This subsection expires on July 1,~~  
 387 ~~2020.~~

388 Section 9. Subsection (2) and paragraph (b) of subsection  
 389 (55) of section 316.003, Florida Statutes, are amended to read:

390 316.003 Definitions.—The following words and phrases, when  
 391 used in this chapter, shall have the meanings respectively  
 392 ascribed to them in this section, except where the context  
 393 otherwise requires:

394 (2) AUTOCYCLE.—A three-wheeled motorcycle that has two  
 395 wheels in the front and one wheel in the back; is equipped with  
 396 a roll cage or roll hoops, a seat belt for each occupant,  
 397 ~~antilock~~ brakes meeting Federal Motor Vehicle Safety Standard  
 398 No. 122, a steering mechanism ~~wheel~~, and seating that does not  
 399 require the operator to straddle or sit astride it; and is  
 400 manufactured in accordance with the applicable federal



401 motorcycle safety standards in 49 C.F.R. part 571 by a  
 402 manufacturer registered with the National Highway Traffic Safety  
 403 Administration.

404 (55) PERSONAL DELIVERY DEVICE.—An electrically powered  
 405 device that:

406 (b) Weighs less than 150 ~~80~~ pounds, excluding cargo;

407  
 408 A personal delivery device is not considered a vehicle unless  
 409 expressly defined by law as a vehicle. A mobile carrier is not  
 410 considered a personal delivery device.

411 Section 10. Paragraph (b) of subsection (1) of section  
 412 316.126, Florida Statutes, is amended to read:

413 316.126 Operation of vehicles and actions of pedestrians  
 414 on approach of an authorized emergency, sanitation, or utility  
 415 service vehicle.—

416 (1)

417 (b) If an authorized emergency vehicle displaying any  
 418 visual signals is parked on the roadside, a sanitation vehicle  
 419 is performing a task related to the provision of sanitation  
 420 services on the roadside, a utility service vehicle is  
 421 performing a task related to the provision of utility services  
 422 on the roadside, ~~or~~ a wrecker displaying amber rotating or  
 423 flashing lights is performing a recovery or loading on the  
 424 roadside, a road and bridge maintenance or construction vehicle  
 425 displaying warning lights as authorized in s. 316.2397(4) or (5)

426 is on the roadside without advance signs and channelizing  
427 devices, or a vehicle delivering the United States mail is  
428 displaying warning lights, the driver of every other vehicle, as  
429 soon as it is safe:

430 1. Shall vacate the lane closest to the emergency vehicle,  
431 sanitation vehicle, utility service vehicle, ~~or wrecker,~~ road  
432 and bridge maintenance or construction vehicle, or vehicle  
433 delivering the United States mail when driving on an interstate  
434 highway or other highway with two or more lanes traveling in the  
435 direction of the emergency vehicle, sanitation vehicle, utility  
436 service vehicle, ~~or wrecker,~~ road and bridge maintenance or  
437 construction vehicle, or vehicle delivering the United States  
438 mail, except when otherwise directed by a law enforcement  
439 officer. If such movement cannot be safely accomplished, the  
440 driver shall reduce speed as provided in subparagraph 2.

441 2. Shall slow to a speed that is 20 miles per hour less  
442 than the posted speed limit when the posted speed limit is 25  
443 miles per hour or greater; or travel at 5 miles per hour when  
444 the posted speed limit is 20 miles per hour or less, when  
445 driving on a two-lane road, except when otherwise directed by a  
446 law enforcement officer.

447 Section 11. Subsections (2) and (7) of section 316.2397,  
448 Florida Statutes, are amended to read:

449 316.2397 Certain lights prohibited; exceptions.—

450 (2) It is expressly prohibited for any vehicle or

451 equipment, ~~except police vehicles,~~ to show or display blue  
452 lights, except that:

453 (a) Police vehicles may show or display blue lights.

454 (b) However, Vehicles owned, operated, or leased by the  
455 Department of Corrections or any county correctional agency may  
456 show or display blue lights when responding to emergencies.

457 (c) Portable radar speed display units in advance of a  
458 work zone area on roadways with a posted speed limit of 55 miles  
459 per hour or more may show or display flashing red and blue  
460 lights when workers are present.

461 (7) Flashing lights are prohibited on vehicles except:

462 (a) As a means of indicating a right or left turn, to  
463 change lanes, or to indicate that the vehicle is lawfully  
464 stopped or disabled upon the highway;

465 (b) When a motorist intermittently flashes his or her  
466 vehicle's headlamps at an oncoming vehicle notwithstanding the  
467 motorist's intent for doing so;

468 (c) During periods of extreme low visibility on roadways  
469 with a posted speed limit of 55 miles per hour or more; and

470 (d) ~~(e)~~ For the lamps authorized under subsections ~~(1)~~,  
471 (2), (3), (4), (5), and (9), s. 316.2065, or s. 316.235(6) which  
472 may flash.

473 Section 12. Subsection (4) of section 316.520, Florida  
474 Statutes, is amended to read:

475 316.520 Loads on vehicles.—

476 (4) The provision of subsection (2) requiring covering and  
 477 securing the load with a close-fitting tarpaulin or other  
 478 appropriate cover does not apply to vehicles carrying  
 479 agricultural products locally from a harvest site or to or from  
 480 a farm on roads where the posted speed limit is 65 miles per  
 481 hour or less ~~and the distance driven on public roads is less~~  
 482 ~~than 20 miles.~~

483 Section 13. Paragraph (a) of subsection (1) of section  
 484 316.613, Florida Statutes, is amended to read:

485 316.613 Child restraint requirements.—

486 (1) (a) Every operator of a motor vehicle as defined in  
 487 this section, while transporting a child in a motor vehicle  
 488 operated on the roadways, streets, or highways of this state,  
 489 shall, if the child is 6 ~~5~~ years of age or younger, provide for  
 490 protection of the child by properly using a crash-tested,  
 491 federally approved child restraint device.

492 1. For children aged through 3 years, such restraint  
 493 device must be a separate carrier or a vehicle manufacturer's  
 494 integrated child seat.

495 2. For children aged 4 through 6 ~~5~~ years, a separate  
 496 carrier, an integrated child seat, or a child booster seat may  
 497 be used. However, the requirement to use a child restraint  
 498 device under this subparagraph does not apply when a safety belt  
 499 is used as required in s. 316.614(4) (a) and the child:

500 a. Is being transported gratuitously by an operator who is

501 not a member of the child's immediate family;

502 b. Is being transported in a medical emergency situation  
503 involving the child; or

504 c. Has a medical condition that necessitates an exception  
505 as evidenced by appropriate documentation from a health care  
506 professional.

507 Section 14. Subsection (5) of section 319.32, Florida  
508 Statutes, is amended to read:

509 319.32 Fees; service charges; disposition.—

510 (5) (a) Forty-seven dollars of each fee collected, except  
511 for fees charged on a certificate of title for a motor vehicle  
512 for hire registered under s. 320.08(6), for each applicable  
513 original certificate of title and each applicable duplicate copy  
514 of a certificate of title, ~~after deducting the service charges~~  
515 ~~imposed by s. 215.20,~~ shall be deposited into the State  
516 Transportation Trust Fund. Deposits to the State Transportation  
517 Trust Fund pursuant to this paragraph may not exceed \$200  
518 million in any fiscal year, and any collections in excess of  
519 that amount during the fiscal year shall be paid into the  
520 General Revenue Fund.

521 (b) All fees collected pursuant to subsection (3) shall be  
522 paid into the Nongame Wildlife Trust Fund. Twenty-one dollars of  
523 each fee, except for fees charged on a certificate of title for  
524 a motor vehicle for hire registered under s. 320.08(6), for each  
525 applicable original certificate of title and each applicable

526 duplicate copy of a certificate of title, ~~after deducting the~~  
527 ~~service charges imposed by s. 215.20,~~ shall be deposited into  
528 the State Transportation Trust Fund. All other fees collected by  
529 the department under this chapter shall be paid into the General  
530 Revenue Fund.

531 Section 15. Paragraph (c) is added to subsection (4) of  
532 section 322.12, Florida Statutes, to read:

533 322.12 Examination of applicants.—

534 (4) The examination for an applicant for a commercial  
535 driver license shall include a test of the applicant's eyesight  
536 given by a driver license examiner designated by the department  
537 or by a licensed ophthalmologist, optometrist, or physician and  
538 a test of the applicant's hearing given by a driver license  
539 examiner or a licensed physician. The examination shall also  
540 include a test of the applicant's ability to read and understand  
541 highway signs regulating, warning, and directing traffic; his or  
542 her knowledge of the traffic laws of this state pertaining to  
543 the class of motor vehicle which he or she is applying to be  
544 licensed to operate, including laws regulating driving under the  
545 influence of alcohol or controlled substances, driving with an  
546 unlawful blood-alcohol level, and driving while intoxicated; his  
547 or her knowledge of the effects of alcohol and controlled  
548 substances and the dangers of driving a motor vehicle after  
549 having consumed alcohol or controlled substances; and his or her  
550 knowledge of any special skills, requirements, or precautions

551 necessary for the safe operation of the class of vehicle which  
552 he or she is applying to be licensed to operate. In addition,  
553 the examination shall include an actual demonstration of the  
554 applicant's ability to exercise ordinary and reasonable control  
555 in the safe operation of a motor vehicle or combination of  
556 vehicles of the type covered by the license classification which  
557 the applicant is seeking, including an examination of the  
558 applicant's ability to perform an inspection of his or her  
559 vehicle.

560 (c) Notwithstanding any provision of law to the contrary,  
561 the department may waive the skill test requirements provided in  
562 this subsection for a commercial driver license for a person  
563 with military commercial motor vehicle experience who qualifies  
564 under 49 C.F.R. s. 383.77 if the person is on active duty or has  
565 been honorably discharged from military service for 1 year or  
566 less.

567 Section 16. Section 324.031, Florida Statutes, is amended  
568 to read:

569 324.031 Manner of proving financial responsibility.—The  
570 owner or operator of a taxicab, limousine, jitney, or any other  
571 for-hire passenger transportation vehicle may prove financial  
572 responsibility by providing satisfactory evidence of holding a  
573 motor vehicle liability policy as defined in s. 324.021(8) or s.  
574 324.151, which policy is provided by an insurer authorized to do  
575 business in this state ~~issued by an insurance carrier~~ which is a

576 member of the Florida Insurance Guaranty Association or an  
577 eligible nonadmitted insurer that has a superior, excellent,  
578 exceptional, or equivalent financial strength rating by a rating  
579 agency acceptable to the Office of Insurance Regulation of the  
580 Financial Services Commission. The operator or owner of any  
581 other vehicle may prove his or her financial responsibility by:

582 (1) Furnishing satisfactory evidence of holding a motor  
583 vehicle liability policy as defined in ss. 324.021(8) and  
584 324.151;

585 (2) Furnishing a certificate of self-insurance showing a  
586 deposit of cash in accordance with s. 324.161; or

587 (3) Furnishing a certificate of self-insurance issued by  
588 the department in accordance with s. 324.171.

589

590 Any person, including any firm, partnership, association,  
591 corporation, or other person, other than a natural person,  
592 electing to use the method of proof specified in subsection (2)  
593 shall furnish a certificate of deposit equal to the number of  
594 vehicles owned times \$30,000, to a maximum of \$120,000; in  
595 addition, any such person, other than a natural person, shall  
596 maintain insurance providing coverage in excess of limits of  
597 \$10,000/20,000/10,000 or \$30,000 combined single limits, and  
598 such excess insurance shall provide minimum limits of  
599 \$125,000/250,000/50,000 or \$300,000 combined single limits.

600 These increased limits shall not affect the requirements for



601 proving financial responsibility under s. 324.032(1).

602 Section 17. Subsection (2) of section 324.032, Florida  
603 Statutes, is amended to read:

604 324.032 Manner of proving financial responsibility; for-  
605 hire passenger transportation vehicles.—Notwithstanding the  
606 provisions of s. 324.031:

607 (2) An owner or a lessee who is required to maintain  
608 insurance under s. 324.021(9)(b) and who operates at least 150  
609 ~~300~~ taxicabs, limousines, jitneys, or any other for-hire  
610 passenger transportation vehicles may provide financial  
611 responsibility by complying with ~~the provisions of~~ s. 324.171,  
612 such compliance to be demonstrated by maintaining at its  
613 principal place of business an audited financial statement,  
614 prepared in accordance with generally accepted accounting  
615 principles, and providing to the department a certification  
616 issued by a certified public accountant that the applicant's net  
617 worth is at least equal to the requirements of s. 324.171 as  
618 determined by the Office of Insurance Regulation of the  
619 Financial Services Commission, including claims liabilities in  
620 an amount certified as adequate by a Fellow of the Casualty  
621 Actuarial Society.

622

623 Upon request by the department, the applicant must provide the  
624 department at the applicant's principal place of business in  
625 this state access to the applicant's underlying financial

626 information and financial statements that provide the basis of  
627 the certified public accountant's certification. The applicant  
628 shall reimburse the requesting department for all reasonable  
629 costs incurred by it in reviewing the supporting information.  
630 The maximum amount of self-insurance permissible under this  
631 subsection is \$300,000 and must be stated on a per-occurrence  
632 basis, and the applicant shall maintain adequate excess  
633 insurance issued by an authorized or eligible insurer licensed  
634 or approved by the Office of Insurance Regulation. All risks  
635 self-insured shall remain with the owner or lessee providing it,  
636 and the risks are not transferable to any other person, unless a  
637 policy complying with subsection (1) is obtained.

638 Section 18. Subsection (2) of section 327.33, Florida  
639 Statutes, is amended to read:

640 327.33 Reckless or careless operation of vessel.—

641 (2) A person who operates any vessel upon the waters of  
642 this state shall operate the vessel in a reasonable and prudent  
643 manner, having regard for other waterborne traffic, posted speed  
644 and wake restrictions, and all other attendant circumstances so  
645 as not to endanger the life, limb, or property of another person  
646 outside the vessel or to endanger the life, limb, or property of  
647 another person due to vessel overloading or excessive speed. The  
648 failure to operate a vessel in a manner described in this  
649 subsection constitutes careless operation. However, vessel wake  
650 and shoreline wash resulting from the reasonable and prudent

651 operation of a vessel, absent negligence, does not constitute  
652 damage or endangerment to property. A person who violates this  
653 subsection commits a noncriminal violation as defined in s.  
654 775.08.

655 (a) If an individual operates a vessel at a speed greater  
656 than slow speed, minimum wake, upon approaching within 300 feet  
657 of any emergency vessel, including, but not limited to, a law  
658 enforcement vessel, United States Coast Guard vessel, or  
659 firefighting vessel, when the emergency vessel's emergency  
660 lights are activated, he or she commits careless operation. Law  
661 enforcement vessels, firefighting vessels, and rescue vessels  
662 owned or operated by a governmental entity are not subject to  
663 this paragraph.

664 (b) If an individual operates a vessel at a speed greater  
665 than slow speed, minimum wake, upon approaching within 300 feet  
666 of any construction vessel or barge when the vessel or barge is  
667 displaying an orange flag indicating the vessel is actively  
668 engaged in construction operations, he or she commits careless  
669 operation. Law enforcement vessels, firefighting vessels, and  
670 rescue vessels owned or operated by a governmental entity are  
671 not subject to this paragraph. The flag required in this  
672 paragraph shall only be sufficient to invoke this paragraph if  
673 the flag:

- 674 1. Is at least 2 feet by 3 feet in size;  
675 2. Is displayed from a pole extending at least 10 feet

676 above the tallest portion of the vessel or barge or at least 5  
677 feet above any superstructure permanently installed upon the  
678 vessel or barge;

679 3. Has a wire or other stiffener or is otherwise  
680 constructed to ensure that the flag remains fully unfurled and  
681 extended in the absence of a wind or breeze;

682 4. Is displayed so that the visibility of the flag is not  
683 obscured in any direction; and

684 5. Is, during periods of low visibility, including any  
685 time between one-half hour after sunset and one-half hour before  
686 sunrise, illuminated such that it is visible from a distance of  
687 at least 2 nautical miles.

688 (c) As used in this subsection, the term "slow speed,  
689 minimum wake" means the vessel is fully off plane and completely  
690 settled into the water. A vessel operating at slow speed,  
691 minimum wake may not proceed at a speed greater than that speed  
692 which is reasonable and prudent to avoid the creation of an  
693 excessive wake or other hazardous condition under the existing  
694 circumstances. A vessel that is:

695 1. Operating on a plane is not proceeding at slow speed,  
696 minimum wake.

697 2. In the process of coming off plane and settling into  
698 the water or coming up onto plane is not proceeding at slow  
699 speed, minimum wake.

700 3. Operating at a speed that creates a wake which

701 unreasonably or unnecessarily endangers other vessels is not  
702 proceeding at slow speed, minimum wake.

703 4. Completely off plane and which has fully settled into  
704 the water and is proceeding without wake or with minimum wake is  
705 proceeding at slow speed, minimum wake.

706 Section 19. Subsections (4) and (5) of section 327.4107,  
707 Florida Statutes, are renumbered as subsections (5) and (6),  
708 respectively, present subsection (4) is amended, and a new  
709 subsection (4) is added to that section, to read:

710 327.4107 Vessels at risk of becoming derelict on waters of  
711 this state.-

712 (4) (a) An owner or responsible party who has been issued a  
713 citation for a second violation of this section for the same  
714 vessel may not anchor or moor such vessel or allow the vessel to  
715 remain anchored or moored within 20 feet of a mangrove or to  
716 upland vegetation upon public lands. This distance shall be  
717 measured in a straight line from the point of the vessel closest  
718 to the outermost branches of the mangrove or vegetation. An  
719 owner or responsible party in violation of this subsection  
720 commits a noncriminal infraction, punishable as provided in s.  
721 327.73.

722 (b) The commission, officers of the commission, and any  
723 law enforcement agency or officer specified in s. 327.70 may  
724 relocate or cause to be relocated an at-risk vessel found to be  
725 in violation of this subsection to a distance greater than 20

726 feet from a mangrove or upland vegetation. The commission,  
 727 officers of the commission, or any other law enforcement agency  
 728 or officer acting under this subsection to relocate or cause to  
 729 be relocated an at-risk vessel, upon state waters, away from  
 730 mangroves or upland vegetation shall be held harmless for all  
 731 damages to the at-risk vessel resulting from such relocation  
 732 unless the damage results from gross negligence or willful  
 733 misconduct.

734 (5)-(4) The penalties ~~penalty~~ under this section are ~~is~~ in  
 735 addition to other penalties provided by law.

736 Section 20. Subsections (1) and (2) of section 327.59,  
 737 Florida Statutes, are amended, and subsection (5) is added to  
 738 that section, to read:

739 327.59 Marina evacuations.—

740 (1) Except as provided in this section ~~After June 1, 1994,~~  
 741 marinas may not adopt, maintain, or enforce policies pertaining  
 742 to evacuation of vessels which require vessels to be removed  
 743 from marinas following the issuance of a hurricane watch or  
 744 warning, in order to ensure that protecting the lives and safety  
 745 of vessel owners is placed before interests of protecting  
 746 property.

747 (2) ~~Nothing in~~ This section does not ~~may be construed to~~  
 748 restrict the ability of an owner of a vessel or the owner's  
 749 authorized representative to remove a vessel voluntarily from a  
 750 marina at any time or ~~to~~ restrict a marina owner from dictating

751 the kind of cleats, ropes, fenders, and other measures that must  
752 be used on vessels as a condition of use of a marina. Except as  
753 provided in subsection (5), after a tropical storm or hurricane  
754 watch has been issued, a marina owner or operator, or an  
755 employee or agent of such owner or operator, may take reasonable  
756 actions to further secure any vessel within the marina to  
757 minimize damage to a vessel and to protect marina property,  
758 private property, and the environment and may charge a  
759 reasonable fee for such services.

760 (5) Upon the issuance of a hurricane watch affecting the  
761 waters of a marina located in a deepwater seaport, a vessel that  
762 weighs less than 500 gross tons may not remain in the waters of  
763 such a marina that has been deemed not suitable for refuge  
764 during a hurricane. The owner of such a vessel shall promptly  
765 remove the vessel from the waterway upon issuance of an  
766 evacuation order by the deepwater seaport. If the United States  
767 Coast Guard Captain of the Port sets the deepwater seaport  
768 condition to Yankee and a vessel owner has failed to remove a  
769 vessel from the waterway, the marina owner or operator, or an  
770 employee or agent thereof, regardless of existing contractual  
771 provisions between the marina owner and vessel owner, shall  
772 remove the vessel, or cause it to be removed, if reasonable,  
773 from its slip and may charge the vessel owner a reasonable fee  
774 for such removal. A marina owner, operator, employee, or agent  
775 is not liable for any damage incurred by a vessel as the result

776 of a hurricane and is held harmless as a result of such actions  
777 to remove the vessel from the waterway. This section does not  
778 provide immunity to a marina owner, operator, employee, or agent  
779 for any damage caused by intentional acts or negligence when  
780 removing a vessel under this subsection. After a hurricane watch  
781 has been issued, the owner or operator of a vessel that has not  
782 been removed from the waterway of the marina pursuant to an  
783 evacuation order by the deepwater seaport may be subject to a  
784 fine not exceeding three times the cost associated with removing  
785 the vessel from the waterway. Such fine, if assessed, shall be  
786 imposed and collected by the deepwater seaport issuing the  
787 evacuation order.

788 Section 21. Paragraph (c) of subsection (1) of section  
789 333.03, Florida Statutes, is amended to read:

790 333.03 Requirement to adopt airport zoning regulations.—

791 (1)

792 (c) Airport protection zoning regulations adopted under  
793 paragraph (a) must, at a minimum, require:

794 1. A permit for the construction or alteration of any  
795 obstruction.~~†~~

796 2. Obstruction marking and lighting for obstructions.~~†~~

797 3. Documentation showing compliance with the federal  
798 requirement for notification of proposed construction or  
799 alteration of structures and a final valid determination from  
800 the Federal Aviation Administration aeronautical study submitted



801 by each person applying for a permit.~~†~~

802 4. Consideration of the criteria in s. 333.025(6)~~†~~ when  
 803 determining whether to issue or deny a permit.~~†~~~~and~~

804 5. That approval of a permit not be based solely on the  
 805 determination by the Federal Aviation Administration that the  
 806 proposed structure is not an airport hazard.

807 Section 22. Subsections (1) and (7) of section 337.14,  
 808 Florida Statutes, are amended to read:

809 337.14 Application for qualification; certificate of  
 810 qualification; restrictions; request for hearing.—

811 (1) Any contractor desiring to bid for the performance of  
 812 any construction contract in excess of \$250,000 which the  
 813 department proposes to let must first be certified by the  
 814 department as qualified pursuant to this section and rules of  
 815 the department. The rules of the department must address the  
 816 qualification of contractors to bid on construction contracts in  
 817 excess of \$250,000 and must include requirements with respect to  
 818 the equipment, past record, experience, financial resources, and  
 819 organizational personnel of the applying contractor which are  
 820 necessary to perform the specific class of work for which the  
 821 contractor seeks certification. Any contractor who desires to  
 822 bid on contracts in excess of \$50 million and is not qualified  
 823 and in good standing with the department as of January 1, 2019,  
 824 must first be certified by the department as qualified and  
 825 ~~desires to bid on contracts in excess of \$50 million~~ must have

826 satisfactorily completed two projects, each in excess of \$15  
827 million, for the department or for any other state department of  
828 transportation. The department may limit the dollar amount of  
829 any contract upon which a contractor is qualified to bid or the  
830 aggregate total dollar volume of contracts such contractor is  
831 allowed to have under contract at any one time. Each applying  
832 contractor seeking qualification to bid on construction  
833 contracts in excess of \$250,000 shall furnish the department a  
834 statement under oath, on such forms as the department may  
835 prescribe, setting forth detailed information as required on the  
836 application. Each application for certification must be  
837 accompanied by audited financial statements prepared in  
838 accordance with United States generally accepted accounting  
839 principles and United States generally accepted auditing  
840 standards by a certified public accountant licensed by this  
841 state or another state ~~the latest annual financial statement of~~  
842 ~~the applying contractor completed within the last 12 months.~~ The  
843 audited financial statements must be for the applying contractor  
844 specifically and must have been prepared within the immediately  
845 preceding 12 months. The department may not consider any  
846 financial information relating to the parent entity of the  
847 applying contractor, if any. The department shall not certify as  
848 qualified any applying contractor that fails to submit the  
849 audited financial statements required by this subsection. If the  
850 application or the annual financial statement shows the

851 financial condition of the applying contractor more than 4  
852 months before ~~prior to~~ the date on which the application is  
853 received by the department, the applying contractor must also  
854 submit interim audited financial statements prepared in  
855 accordance with United States generally accepted accounting  
856 principles and United States generally accepted auditing  
857 standards by a certified public accountant licensed by this  
858 state or another state ~~an interim financial statement and an~~  
859 ~~updated application must be submitted.~~ The interim financial  
860 statements ~~statement~~ must cover the period from the end date of  
861 the annual statement and must show the financial condition of  
862 the applying contractor no more than 4 months before ~~prior to~~  
863 the date that the interim financial statements are ~~statement is~~  
864 received by the department. However, upon the request of the  
865 applying contractor, an application and accompanying annual or  
866 interim financial statements ~~statement~~ received by the  
867 department within 15 days after either 4-month period under this  
868 subsection shall be considered timely. ~~Each required annual or~~  
869 ~~interim financial statement must be audited and accompanied by~~  
870 ~~the opinion of a certified public accountant.~~ An applying  
871 contractor desiring to bid exclusively for the performance of  
872 construction contracts with proposed budget estimates of less  
873 than \$1 million may submit reviewed annual or reviewed interim  
874 financial statements prepared by a certified public accountant.  
875 The information required by this subsection is confidential and

876 exempt from s. 119.07(1). The department shall act upon the  
877 application for qualification within 30 days after the  
878 department determines that the application is complete. The  
879 department may waive the requirements of this subsection for  
880 projects having a contract price of \$500,000 or less if the  
881 department determines that the project is of a noncritical  
882 nature and the waiver will not endanger public health, safety,  
883 or property.

884 (7) A "contractor" as defined in s. 337.165(1)(d) or his  
885 or her "affiliate" as defined in s. 337.165(1)(a) qualified with  
886 the department under this section may not also qualify under s.  
887 287.055 or s. 337.105 to provide testing services, construction,  
888 engineering, and inspection services to the department. This  
889 limitation does not apply to any design-build prequalification  
890 under s. 337.11(7) and does not apply when the department  
891 otherwise determines by written order entered at least 30 days  
892 before advertisement that the limitation is not in the best  
893 interests of the public with respect to a particular contract  
894 for testing services, construction, engineering, and inspection  
895 services. This subsection does not authorize a contractor to  
896 provide testing services, or provide construction, engineering,  
897 and inspection services, to the department in connection with a  
898 construction contract under which the contractor is performing  
899 any work. Notwithstanding any other provision of law to the  
900 contrary, for a project that is wholly or partially funded by

901 the department and administered by a local governmental entity,  
902 except for a seaport listed in s. 311.09 or an airport as  
903 defined in s. 332.004, the entity performing design and  
904 construction, engineering, and inspection services may not be  
905 the same entity.

906 Section 23. Subsection (4) of section 337.25, Florida  
907 Statutes, is amended to read:

908 337.25 Acquisition, lease, and disposal of real and  
909 personal property.—

910 (4) The department may convey, in the name of the state,  
911 any land, building, or other property, real or personal, which  
912 was acquired under subsection (1) and which the department has  
913 determined is not needed for the construction, operation, and  
914 maintenance of a transportation facility. When such a  
915 determination has been made, property may be disposed of through  
916 negotiations, sealed competitive bids, auctions, or any other  
917 means the department deems to be in its best interest, with due  
918 advertisement for property valued by the department at greater  
919 than \$10,000. A sale may not occur at a price less than the  
920 department's current estimate of value, except as provided in  
921 paragraphs (a)-(d). The department may afford a right of first  
922 refusal to the local government or other political subdivision  
923 in the jurisdiction in which the parcel is situated, except in a  
924 conveyance transacted under paragraph (a), paragraph (c), or  
925 paragraph (e). Notwithstanding any provision of this section to

926 | the contrary, before any conveyance under this subsection may be  
927 | made, except a conveyance under paragraph (a) or paragraph (c),  
928 | the department shall first afford a right of first refusal to  
929 | the previous property owner for the department's current  
930 | estimate of value of the property. The right of first refusal  
931 | must be made in writing and sent to the previous owner via  
932 | certified mail or hand delivery, effective upon receipt. The  
933 | right of first refusal must provide the previous owner with at  
934 | least 30 days to exercise the right in writing and must be sent  
935 | to the originator of the offer by certified mail or hand  
936 | delivery, effective upon dispatch. If the previous owner  
937 | exercises his or her right of first refusal, the previous owner  
938 | has at least 90 days to close on the property.

939 |       (a) If the property has been donated to the state for  
940 | transportation purposes and a transportation facility has not  
941 | been constructed for at least 5 years, plans have not been  
942 | prepared for the construction of such facility, and the property  
943 | is not located in a transportation corridor, the governmental  
944 | entity may authorize reconveyance of the donated property for no  
945 | consideration to the original donor or the donor's heirs,  
946 | successors, assigns, or representatives.

947 |       (b) If the property is to be used for a public purpose,  
948 | the property may be conveyed without consideration to a  
949 | governmental entity.

950 |       (c) If the property was originally acquired specifically

951 to provide replacement housing for persons displaced by  
952 transportation projects, the department may negotiate for the  
953 sale of such property as replacement housing. As compensation,  
954 the state shall receive at least its investment in such property  
955 or the department's current estimate of value, whichever is  
956 lower. It is expressly intended that this benefit be extended  
957 only to persons actually displaced by the project. Dispositions  
958 to any other person must be for at least the department's  
959 current estimate of value.

960 (d) If the department determines that the property  
961 requires significant costs to be incurred or that continued  
962 ownership of the property exposes the department to significant  
963 liability risks, the department may use the projected  
964 maintenance costs over the next 10 years to offset the  
965 property's value in establishing a value for disposal of the  
966 property, even if that value is zero.

967 (e) If, at the discretion of the department, a sale to a  
968 person other than an abutting property owner would be  
969 inequitable, the property may be sold to the abutting owner for  
970 the department's current estimate of value.

971 Section 24. Subsection (2) of section 337.401, Florida  
972 Statutes, is amended to read:

973 337.401 Use of right-of-way for utilities subject to  
974 regulation; permit; fees.—

975 (2) The authority may grant to any person who is a

976 resident of this state, or to any corporation ~~that~~ which is  
977 organized under the laws of this state or licensed to do  
978 business within this state, the use of a right-of-way for the  
979 utility in accordance with such rules or regulations as the  
980 authority may adopt. ~~A~~ No utility may not ~~shall~~ be installed,  
981 located, or relocated unless authorized by a written permit  
982 issued by the authority. However, for public roads or publicly  
983 owned rail corridors under the jurisdiction of the department, a  
984 utility relocation schedule and relocation agreement may be  
985 executed in lieu of a written permit. The permit must ~~shall~~  
986 require the permitholder to be responsible for any damage  
987 resulting from the issuance of such permit. The authority may  
988 initiate injunctive proceedings as provided in s. 120.69 to  
989 enforce provisions of this subsection or any rule or order  
990 issued or entered into pursuant thereto. A permit application  
991 required under this subsection by a county or municipality  
992 having jurisdiction and control of the right-of-way of any  
993 public road must be processed and acted upon in accordance with  
994 the timeframes provided in subparagraphs (7)(d)7., 8., and 9.

995 Section 25. Section 338.236, Florida Statutes, is created  
996 to read:

997 338.236 Staging areas for emergencies.—The Department of  
998 Transportation may plan, design, and construct staging areas to  
999 be activated during a declared state of emergency at key  
1000 geographic locations on the turnpike system. Such staging areas



1001 must be used for the staging of emergency supplies, such as  
1002 water, fuel, generators, vehicles, equipment, and other related  
1003 materials, to facilitate the prompt provision of emergency  
1004 assistance to the public, and to otherwise facilitate emergency  
1005 response and assistance, including evacuations, deployment of  
1006 emergency-related supplies and personnel, and restoration of  
1007 essential services.

1008 (1) In selecting a proposed site for a designated staging  
1009 area under this section, the department, in consultation with  
1010 the Division of Emergency Management, must consider the extent  
1011 to which such site:

1012 (a) Is located in a geographic area that best facilitates  
1013 the wide dissemination of emergency-related supplies and  
1014 equipment;

1015 (b) Provides ease of access to major highways and other  
1016 transportation facilities;

1017 (c) Is sufficiently large to accommodate the staging of a  
1018 significant amount of emergency-related supplies and equipment;

1019 (d) Provides space in support of emergency preparedness  
1020 and evacuation activities, such as fuel reserve capacity;

1021 (e) Could be used during nonemergency periods for  
1022 commercial motor vehicle parking and for other uses; and

1023 (f) Is consistent with other state and local emergency  
1024 management considerations.

1025

1026 The department must give priority consideration to placement of  
 1027 such staging areas in counties with a population of 200,000 or  
 1028 fewer, as determined by the most recent official estimate  
 1029 pursuant to s. 186.901, in which a multi-use corridor of  
 1030 regional economic significance, as provided in s. 338.2278, is  
 1031 located.

1032 (2) The department may acquire property and property  
 1033 rights necessary for such staging areas as provided in s.  
 1034 338.04.

1035 (3) The department may authorize other uses of a staging  
 1036 area as provided in the Florida Transportation Code, including,  
 1037 but not limited to, for commercial motor vehicle parking to  
 1038 comply with federal hours-of-service off-duty requirements or  
 1039 sleeper berth requirements and for other vehicular parking to  
 1040 provide rest for drivers.

1041 (4) Staging area projects must be included in the work  
 1042 program developed by the department pursuant to s. 339.135.

1043 Section 26. Paragraph (f) of subsection (1) of section  
 1044 339.08, Florida Statutes, is amended to read:

1045 339.08 Use of moneys in State Transportation Trust Fund.—

1046 (1) The department shall expend moneys in the State  
 1047 Transportation Trust Fund accruing to the department, in  
 1048 accordance with its annual budget. The use of such moneys shall  
 1049 be restricted to the following purposes:

1050 ~~(f) To pay the cost of economic development transportation~~

1051 ~~projects in accordance with s. 339.2821.~~

1052 Section 27. Paragraph (c) of subsection (4) of section  
1053 339.135, Florida Statutes, is amended to read:

1054 339.135 Work program; legislative budget request;  
1055 definitions; preparation, adoption, execution, and amendment.—

1056 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

1057 (c)1. For purposes of this section, the board of county  
1058 commissioners shall serve as the metropolitan planning  
1059 organization in those counties that ~~which~~ are not located in a  
1060 metropolitan planning organization and shall be involved in the  
1061 development of the district work program to the same extent as a  
1062 metropolitan planning organization.

1063 2. The district work program shall be developed  
1064 cooperatively from the outset with the various metropolitan  
1065 planning organizations of the state and include, to the maximum  
1066 extent feasible, the project priorities of metropolitan planning  
1067 organizations which have been submitted to the district by  
1068 August ~~October~~ 1 of each year pursuant to s. 339.175(8)(b);  
1069 however, the department and a metropolitan planning organization  
1070 may, in writing, cooperatively agree to vary this submittal  
1071 date. To assist the metropolitan planning organizations in  
1072 developing their lists of project priorities, the district shall  
1073 disclose to each metropolitan planning organization any  
1074 anticipated changes in the allocation or programming of state  
1075 and federal funds which may affect the inclusion of metropolitan

1076 | planning organization project priorities in the district work  
 1077 | program.

1078 |       3. Before ~~Prior to~~ submittal of the district work program  
 1079 | to the central office, the district shall provide the affected  
 1080 | metropolitan planning organization with written justification  
 1081 | for any project proposed to be rescheduled or deleted from the  
 1082 | district work program which project is part of the metropolitan  
 1083 | planning organization's transportation improvement program and  
 1084 | is contained in the last 4 years of the previous adopted work  
 1085 | program. By no later than 14 days after submittal of the  
 1086 | district work program to the central office, the affected  
 1087 | metropolitan planning organization may file an objection to such  
 1088 | rescheduling or deletion. When an objection is filed with the  
 1089 | secretary, the rescheduling or deletion may not be included in  
 1090 | the district work program unless the inclusion of such  
 1091 | rescheduling or deletion is specifically approved by the  
 1092 | secretary. The Florida Transportation Commission shall include  
 1093 | such objections in its evaluation of the tentative work program  
 1094 | only when the secretary has approved the rescheduling or  
 1095 | deletion.

1096 |       Section 28. Paragraph (b) of subsection (8) of section  
 1097 | 339.175, Florida Statutes, is amended to read:

1098 |       339.175 Metropolitan planning organization.—

1099 |       (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,  
 1100 | in cooperation with the state and affected public transportation

1101 operators, develop a transportation improvement program for the  
1102 area within the jurisdiction of the M.P.O. In the development of  
1103 the transportation improvement program, each M.P.O. must provide  
1104 the public, affected public agencies, representatives of  
1105 transportation agency employees, freight shippers, providers of  
1106 freight transportation services, private providers of  
1107 transportation, representatives of users of public transit, and  
1108 other interested parties with a reasonable opportunity to  
1109 comment on the proposed transportation improvement program.

1110 (b) Each M.P.O. annually shall prepare a list of project  
1111 priorities and shall submit the list to the appropriate district  
1112 of the department by August ~~October~~ 1 of each year; however, the  
1113 department and a metropolitan planning organization may, in  
1114 writing, agree to vary this submittal date. Where more than one  
1115 M.P.O. exists in an urbanized area, the M.P.O.'s shall  
1116 coordinate in the development of regionally significant project  
1117 priorities. The list of project priorities must be formally  
1118 reviewed by the technical and citizens' advisory committees, and  
1119 approved by the M.P.O., before it is transmitted to the  
1120 district. The approved list of project priorities must be used  
1121 by the district in developing the district work program and must  
1122 be used by the M.P.O. in developing its transportation  
1123 improvement program. The annual list of project priorities must  
1124 be based upon project selection criteria that, at a minimum,  
1125 consider the following:

- 1126 | 1. The approved M.P.O. long-range transportation plan.~~†~~  
 1127 | 2. The Strategic Intermodal System Plan developed under s.  
 1128 | 339.64.  
 1129 | 3. The priorities developed pursuant to s. 339.2819(4).  
 1130 | 4. The results of the transportation management systems.~~†~~  
 1131 | ~~and~~  
 1132 | 5. The M.P.O.'s public-involvement procedures.  
 1133 | Section 29. Section 339.2821, Florida Statutes, is  
 1134 | repealed.  
 1135 | Section 30. Paragraph (b) of subsection (17) of section  
 1136 | 341.302, Florida Statutes, is amended to read:  
 1137 | 341.302 Rail program; duties and responsibilities of the  
 1138 | department.—The department, in conjunction with other  
 1139 | governmental entities, including the rail enterprise and the  
 1140 | private sector, shall develop and implement a rail program of  
 1141 | statewide application designed to ensure the proper maintenance,  
 1142 | safety, revitalization, and expansion of the rail system to  
 1143 | assure its continued and increased availability to respond to  
 1144 | statewide mobility needs. Within the resources provided pursuant  
 1145 | to chapter 216, and as authorized under federal law, the  
 1146 | department shall:  
 1147 | (17) In conjunction with the acquisition, ownership,  
 1148 | construction, operation, maintenance, and management of a rail  
 1149 | corridor, have the authority to:  
 1150 | (b) Purchase liability insurance, which amount shall not

1151 exceed \$295 ~~\$200~~ million, and establish a self-insurance  
1152 retention fund for the purpose of paying the deductible limit  
1153 established in the insurance policies it may obtain, including  
1154 coverage for the department, any freight rail operator as  
1155 described in paragraph (a), National Railroad Passenger  
1156 Corporation, commuter rail service providers, governmental  
1157 entities, or any ancillary development, which self-insurance  
1158 retention fund or deductible shall not exceed \$10 million. The  
1159 insureds shall pay a reasonable monetary contribution to the  
1160 cost of such liability coverage for the sole benefit of the  
1161 insured. Such insurance and self-insurance retention fund may  
1162 provide coverage for all damages, including, but not limited to,  
1163 compensatory, special, and exemplary, and be maintained to  
1164 provide an adequate fund to cover claims and liabilities for  
1165 loss, injury, or damage arising out of or connected with the  
1166 ownership, operation, maintenance, and management of a rail  
1167 corridor.

1168  
1169 Neither the assumption by contract to protect, defend,  
1170 indemnify, and hold harmless; the purchase of insurance; nor the  
1171 establishment of a self-insurance retention fund shall be deemed  
1172 to be a waiver of any defense of sovereign immunity for torts  
1173 nor deemed to increase the limits of the department's or the  
1174 governmental entity's liability for torts as provided in s.  
1175 768.28. The requirements of s. 287.022(1) shall not apply to the

1176 purchase of any insurance under this subsection. The provisions  
 1177 of this subsection shall apply and inure fully as to any other  
 1178 governmental entity providing commuter rail service and  
 1179 constructing, operating, maintaining, or managing a rail  
 1180 corridor on publicly owned right-of-way under contract by the  
 1181 governmental entity with the department or a governmental entity  
 1182 designated by the department. Notwithstanding any law to the  
 1183 contrary, procurement for the construction, operation,  
 1184 maintenance, and management of any rail corridor described in  
 1185 this subsection, whether by the department, a governmental  
 1186 entity under contract with the department, or a governmental  
 1187 entity designated by the department, shall be pursuant to s.  
 1188 287.057 and shall include, but not be limited to, criteria for  
 1189 the consideration of qualifications, technical aspects of the  
 1190 proposal, and price. Further, any such contract for design-build  
 1191 shall be procured pursuant to the criteria in s. 337.11(7).

1192 Section 31. Effective July 1, 2023, section 341.302,  
 1193 Florida Statutes, as amended by this act, is amended to read:

1194 341.302 Rail program; duties and responsibilities of the  
 1195 department.—The department, in conjunction with other  
 1196 governmental entities, ~~including the rail enterprise~~ and the  
 1197 private sector, shall develop and implement a rail program of  
 1198 statewide application designed to ensure the proper maintenance,  
 1199 safety, revitalization, and expansion of the rail system to  
 1200 assure its continued and increased availability to respond to



1201 statewide mobility needs. Within the resources provided pursuant  
 1202 to chapter 216, and as authorized under federal law, the  
 1203 department shall:

1204 (1) Provide the overall leadership, coordination, and  
 1205 financial and technical assistance necessary to ensure ~~assure~~  
 1206 the effective responses of the state's rail system to current  
 1207 and anticipated mobility needs.

1208 (2) Coordinate the development, general rail safety, and  
 1209 operation of publicly funded passenger ~~Promote and facilitate~~  
 1210 ~~the implementation of advanced rail systems in this state,~~  
 1211 ~~including high-speed rail and magnetic levitation systems.~~

1212 (3) Develop and periodically update the rail system plan,  
 1213 on the basis of an analysis of statewide transportation needs.

1214 (a) The plan may contain detailed regional components,  
 1215 consistent with regional transportation plans, as needed to  
 1216 ensure connectivity within the state's regions, and it shall be  
 1217 consistent with the Florida Transportation Plan developed  
 1218 pursuant to s. 339.155. The rail system plan shall include an  
 1219 identification of priorities, programs, and funding levels  
 1220 required to meet statewide and regional needs. The rail system  
 1221 plan shall be developed in a manner that will ensure ~~assure~~ the  
 1222 maximum use of existing facilities and the optimum integration  
 1223 and coordination of the various modes of transportation, public  
 1224 and private, in the most cost-effective manner possible. The  
 1225 rail system plan shall be updated no later than January 1, 2011,

1226 | and at least every 5 years thereafter, and include plans for  
 1227 | both passenger rail service and freight rail service,  
 1228 | accompanied by a report to the Legislature regarding the status  
 1229 | of the plan.

1230 |         (b) In recognition of the department's role in the  
 1231 | enhancement of the state's rail system to improve freight and  
 1232 | passenger mobility, the department shall:

1233 |             1. Work closely with all affected communities along an  
 1234 | impacted freight rail corridor to identify and address  
 1235 | anticipated impacts associated with an increase in freight rail  
 1236 | traffic due to implementation of passenger rail.

1237 |             2. In coordination with the affected local governments and  
 1238 | CSX Transportation, Inc., finalize all viable alternatives from  
 1239 | the department's Rail Traffic Evaluation Study to identify and  
 1240 | develop an alternative route for through freight rail traffic  
 1241 | moving through Central Florida, including the counties of Polk  
 1242 | and Hillsborough, which would address, to the extent  
 1243 | practicable, the effects of commuter rail.

1244 |             3. Provide technical assistance to a coalition of local  
 1245 | governments in Central Florida, including the counties of  
 1246 | Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange,  
 1247 | Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole,  
 1248 | Sumter, and Volusia, and the municipalities within those  
 1249 | counties, to develop a regional rail system plan that addresses  
 1250 | passenger and freight opportunities in the region, is consistent

1251 with the Florida Rail System Plan, and incorporates appropriate  
1252 elements of the Tampa Bay Area Regional Authority Master Plan,  
1253 the Metroplan Orlando Regional Transit System Concept Plan,  
1254 including the SunRail project, and the Florida Department of  
1255 Transportation Alternate Rail Traffic Evaluation.

1256 (4) As part of the work program of the department,  
1257 formulate a specific program of projects and financing to  
1258 respond to identified railroad needs.

1259 (5) Provide technical and financial assistance to units of  
1260 local government to address identified rail transportation  
1261 needs.

1262 (6) Secure and administer federal grants, loans, and  
1263 apportionments for rail projects within this state when  
1264 necessary to further the statewide program.

1265 (7) Develop and administer state standards concerning the  
1266 safety and performance of rail systems, hazardous material  
1267 handling, and operations. Such standards shall be developed  
1268 jointly with representatives of affected rail systems, with full  
1269 consideration given to nationwide industry norms, and shall  
1270 define the minimum acceptable standards for safety and  
1271 performance.

1272 (8) Conduct, at a minimum, inspections of track and  
1273 rolling stock; train signals and related equipment; hazardous  
1274 materials transportation, including the loading, unloading, and  
1275 labeling of hazardous materials at shippers', receivers', and

1276 transfer points; and train operating practices to determine  
 1277 adherence to state and federal standards. Department personnel  
 1278 may enforce any safety regulation issued under the Federal  
 1279 Government's preemptive authority over interstate commerce.

1280 (9) Assess penalties, in accordance with the applicable  
 1281 federal regulations, for the failure to adhere to the state  
 1282 standards.

1283 (10) Administer rail operating and construction programs,  
 1284 which programs shall include the regulation of maximum ~~maxi-mum~~  
 1285 train operating speeds, the opening and closing of public grade  
 1286 crossings, the construction and rehabilitation of public grade  
 1287 crossings, and the installation of traffic control devices at  
 1288 public grade crossings, the administering of the programs by the  
 1289 department including participation in the cost of the programs.

1290 (11) Coordinate and facilitate the relocation of railroads  
 1291 from congested urban areas to nonurban areas when relocation has  
 1292 been determined feasible and desirable from the standpoint of  
 1293 safety, operational efficiency, and economics.

1294 (12) Implement a program of branch line continuance  
 1295 projects when an analysis of the industrial and economic  
 1296 potential of the line indicates that public involvement is  
 1297 required to preserve essential rail service and facilities.

1298 (13) Provide new rail service and equipment when:

1299 (a) Pursuant to the transportation planning process, a  
 1300 public need has been determined to exist;

1301 (b) The cost of providing such service does not exceed the  
 1302 sum of revenues from fares charged to users, services purchased  
 1303 by other public agencies, local fund participation, and specific  
 1304 legislative appropriation for this purpose; and

1305 (c) Service cannot be reasonably provided by other  
 1306 governmental or privately owned rail systems.

1307  
 1308 The department may own, lease, and otherwise encumber  
 1309 facilities, equipment, and appurtenances thereto, ~~as necessary~~  
 1310 to provide new rail services, or the department may provide  
 1311 such service by contracts with privately owned service  
 1312 providers.

1313 (14) Furnish required emergency rail transportation  
 1314 service if no other private or public rail transportation  
 1315 operation is available to supply the required service and such  
 1316 service is clearly in the best interest of the people in the  
 1317 communities being served. Such emergency service may be  
 1318 furnished through contractual arrangement, actual operation of  
 1319 state-owned equipment and facilities, or any other means  
 1320 determined appropriate by the secretary.

1321 (15) Assist in the development and implementation of  
 1322 marketing programs for rail services and of information systems  
 1323 directed toward assisting rail systems users.

1324 (16) Conduct research into innovative or potentially  
 1325 effective rail technologies and methods and maintain expertise

1326 | in state-of-the-art rail developments.

1327 |       (17) In conjunction with the acquisition, ownership,  
1328 | construction, operation, maintenance, and management of a rail  
1329 | corridor, have the authority to:

1330 |       (a) Assume obligations pursuant to the following:

1331 |       1.a. The department may assume the obligation by contract  
1332 | to forever protect, defend, indemnify, and hold harmless the  
1333 | freight rail operator, or its successors, from whom the  
1334 | department has acquired a real property interest in the rail  
1335 | corridor, and that freight rail operator's officers, agents, and  
1336 | employees, from and against any liability, cost, and expense,  
1337 | including, but not limited to, commuter rail passengers and rail  
1338 | corridor invitees in the rail corridor, regardless of whether  
1339 | the loss, damage, destruction, injury, or death giving rise to  
1340 | any such liability, cost, or expense is caused in whole or in  
1341 | part, and to whatever nature or degree, by the fault, failure,  
1342 | negligence, misconduct, nonfeasance, or misfeasance of such  
1343 | freight rail operator, its successors, or its officers, agents,  
1344 | and employees, or any other person or persons whomsoever; or

1345 |       b. The department may assume the obligation by contract to  
1346 | forever protect, defend, indemnify, and hold harmless National  
1347 | Railroad Passenger Corporation, or its successors, and officers,  
1348 | agents, and employees of National Railroad Passenger  
1349 | Corporation, from and against any liability, cost, and expense,  
1350 | including, but not limited to, commuter rail passengers and rail

1351 corridor invitees in the rail corridor, regardless of whether  
1352 the loss, damage, destruction, injury, or death giving rise to  
1353 any such liability, cost, or expense is caused in whole or in  
1354 part, and to whatever nature or degree, by the fault, failure,  
1355 negligence, misconduct, nonfeasance, or misfeasance of National  
1356 Railroad Passenger Corporation, its successors, or its officers,  
1357 agents, and employees, or any other person or persons  
1358 whomsoever.

1359         2. The assumption of liability of the department by  
1360 contract pursuant to sub-subparagraph 1.a. or sub-subparagraph  
1361 1.b. may not in any instance exceed the following parameters of  
1362 allocation of risk:

1363         a. The department may be solely responsible for any loss,  
1364 injury, or damage to commuter rail passengers, ~~or~~ rail corridor  
1365 invitees, or trespassers, regardless of circumstances or cause,  
1366 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and  
1367 6.

1368         b.(I) In the event of a limited covered accident, the  
1369 authority of the department to protect, defend, and indemnify  
1370 the freight operator for all liability, cost, and expense,  
1371 including punitive or exemplary damages, in excess of the  
1372 deductible or self-insurance retention fund established under  
1373 paragraph (b) and actually in force at the time of the limited  
1374 covered accident exists only if the freight operator agrees,  
1375 with respect to the limited covered accident, to protect,

1376 defend, and indemnify the department for the amount of the  
 1377 deductible or self-insurance retention fund established under  
 1378 paragraph (b) and actually in force at the time of the limited  
 1379 covered accident.

1380 (II) In the event of a limited covered accident, the  
 1381 authority of the department to protect, defend, and indemnify  
 1382 National Railroad Passenger Corporation for all liability, cost,  
 1383 and expense, including punitive or exemplary damages, in excess  
 1384 of the deductible or self-insurance retention fund established  
 1385 under paragraph (b) and actually in force at the time of the  
 1386 limited covered accident exists only if National Railroad  
 1387 Passenger Corporation agrees, with respect to the limited  
 1388 covered accident, to protect, defend, and indemnify the  
 1389 department for the amount of the deductible or self-insurance  
 1390 retention fund established under paragraph (b) and actually in  
 1391 force at the time of the limited covered accident.

1392 3. When only one train is involved in an incident, the  
 1393 department may be solely responsible for any loss, injury, or  
 1394 damage if the train is a department train or other train  
 1395 pursuant to subparagraph 4., but only if:

1396 a. When an incident occurs with only a freight train  
 1397 involved, including incidents with trespassers or at grade  
 1398 crossings, the freight rail operator is solely responsible for  
 1399 any loss, injury, or damage, except for commuter rail passengers  
 1400 and rail corridor invitees; or



1401           b. When an incident occurs with only a National Railroad  
1402 Passenger Corporation train involved, including incidents with  
1403 trespassers or at grade crossings, National Railroad Passenger  
1404 Corporation is solely responsible for any loss, injury, or  
1405 damage, except for commuter rail passengers and rail corridor  
1406 invitees.

1407           4. For the purposes of this subsection:

1408           a. Any train involved in an incident that is neither the  
1409 department's train nor the freight rail operator's train,  
1410 hereinafter referred to in this subsection as an "other train,"  
1411 may be treated as a department train, solely for purposes of any  
1412 allocation of liability between the department and the freight  
1413 rail operator only, but only if the department and the freight  
1414 rail operator share responsibility equally as to third parties  
1415 outside the rail corridor who incur loss, injury, or damage as a  
1416 result of any incident involving both a department train and a  
1417 freight rail operator train, and the allocation as between the  
1418 department and the freight rail operator, regardless of whether  
1419 the other train is treated as a department train, shall remain  
1420 one-half each as to third parties outside the rail corridor who  
1421 incur loss, injury, or damage as a result of the incident. The  
1422 involvement of any other train shall not alter the sharing of  
1423 equal responsibility as to third parties outside the rail  
1424 corridor who incur loss, injury, or damage as a result of the  
1425 incident; or

1426           b. Any train involved in an incident that is neither the  
1427 department's train nor the National Railroad Passenger  
1428 Corporation's train, hereinafter referred to in this subsection  
1429 as an "other train," may be treated as a department train,  
1430 solely for purposes of any allocation of liability between the  
1431 department and National Railroad Passenger Corporation only, but  
1432 only if the department and National Railroad Passenger  
1433 Corporation share responsibility equally as to third parties  
1434 outside the rail corridor who incur loss, injury, or damage as a  
1435 result of any incident involving both a department train and a  
1436 National Railroad Passenger Corporation train, and the  
1437 allocation as between the department and National Railroad  
1438 Passenger Corporation, regardless of whether the other train is  
1439 treated as a department train, shall remain one-half each as to  
1440 third parties outside the rail corridor who incur loss, injury,  
1441 or damage as a result of the incident. The involvement of any  
1442 other train shall not alter the sharing of equal responsibility  
1443 as to third parties outside the rail corridor who incur loss,  
1444 injury, or damage as a result of the incident.

1445           5. When more than one train is involved in an incident:

1446           a.(I) If only a department train and freight rail  
1447 operator's train, or only an other train as described in sub-  
1448 subparagraph 4.a. and a freight rail operator's train, are  
1449 involved in an incident, the department may be responsible for  
1450 its property and all of its people, all commuter rail

1451 passengers, and rail corridor invitees, but only if the freight  
1452 rail operator is responsible for its property and all of its  
1453 people, and the department and the freight rail operator each  
1454 share one-half responsibility as to trespassers or third parties  
1455 outside the rail corridor who incur loss, injury, or damage as a  
1456 result of the incident; or

1457 (II) If only a department train and a National Railroad  
1458 Passenger Corporation train, or only an other train as described  
1459 in sub-subparagraph 4.b. and a National Railroad Passenger  
1460 Corporation train, are involved in an incident, the department  
1461 may be responsible for its property and all of its people, all  
1462 commuter rail passengers, and rail corridor invitees, but only  
1463 if National Railroad Passenger Corporation is responsible for  
1464 its property and all of its people, all National Railroad  
1465 Passenger Corporation's rail passengers, and the department and  
1466 National Railroad Passenger Corporation each share one-half  
1467 responsibility as to trespassers or third parties outside the  
1468 rail corridor who incur loss, injury, or damage as a result of  
1469 the incident.

1470 b.(I) If a department train, a freight rail operator  
1471 train, and any other train are involved in an incident, the  
1472 allocation of liability between the department and the freight  
1473 rail operator, regardless of whether the other train is treated  
1474 as a department train, shall remain one-half each as to third  
1475 parties outside the rail corridor who incur loss, injury, or

1476 damage as a result of the incident; the involvement of any other  
 1477 train shall not alter the sharing of equal responsibility as to  
 1478 third parties outside the rail corridor who incur loss, injury,  
 1479 or damage as a result of the incident; and, if the owner,  
 1480 operator, or insurer of the other train makes any payment to  
 1481 injured third parties outside the rail corridor who incur loss,  
 1482 injury, or damage as a result of the incident, the allocation of  
 1483 credit between the department and the freight rail operator as  
 1484 to such payment shall not in any case reduce the freight rail  
 1485 operator's third-party-sharing allocation of one-half under this  
 1486 paragraph to less than one-third of the total third party  
 1487 liability; or

1488 (II) If a department train, a National Railroad Passenger  
 1489 Corporation train, and any other train are involved in an  
 1490 incident, the allocation of liability between the department and  
 1491 National Railroad Passenger Corporation, regardless of whether  
 1492 the other train is treated as a department train, shall remain  
 1493 one-half each as to third parties outside the rail corridor who  
 1494 incur loss, injury, or damage as a result of the incident; the  
 1495 involvement of any other train shall not alter the sharing of  
 1496 equal responsibility as to third parties outside the rail  
 1497 corridor who incur loss, injury, or damage as a result of the  
 1498 incident; and, if the owner, operator, or insurer of the other  
 1499 train makes any payment to injured third parties outside the  
 1500 rail corridor who incur loss, injury, or damage as a result of

1501 the incident, the allocation of credit between the department  
1502 and National Railroad Passenger Corporation as to such payment  
1503 shall not in any case reduce National Railroad Passenger  
1504 Corporation's third-party-sharing allocation of one-half under  
1505 this sub-subparagraph to less than one-third of the total third  
1506 party liability.

1507 6. Any such contractual duty to protect, defend,  
1508 indemnify, and hold harmless such a freight rail operator or  
1509 National Railroad Passenger Corporation shall expressly include  
1510 a specific cap on the amount of the contractual duty, which  
1511 amount shall not exceed \$200 million without prior legislative  
1512 approval, and the department to purchase liability insurance and  
1513 establish a self-insurance retention fund in the amount of the  
1514 specific cap established under this subparagraph, provided that:

1515 a. No such contractual duty shall in any case be effective  
1516 nor otherwise extend the department's liability in scope and  
1517 effect beyond the contractual liability insurance and self-  
1518 insurance retention fund required pursuant to this paragraph;  
1519 and

1520 b.(I) The freight rail operator's compensation to the  
1521 department for future use of the department's rail corridor  
1522 shall include a monetary contribution to the cost of such  
1523 liability coverage for the sole benefit of the freight rail  
1524 operator.

1525 (II) National Railroad Passenger Corporation's

1526 compensation to the department for future use of the  
1527 department's rail corridor shall include a monetary contribution  
1528 to the cost of such liability coverage for the sole benefit of  
1529 National Railroad Passenger Corporation.

1530 (b) Purchase liability insurance, which amount shall not  
1531 exceed \$295 million, and establish a self-insurance retention  
1532 fund for the purpose of paying the deductible limit established  
1533 in the insurance policies it may obtain, including coverage for  
1534 the department, any freight rail operator as described in  
1535 paragraph (a), National Railroad Passenger Corporation, commuter  
1536 rail service providers, governmental entities, or any ancillary  
1537 development, which self-insurance retention fund or deductible  
1538 shall not exceed \$10 million. The insureds shall pay a  
1539 reasonable monetary contribution to the cost of such liability  
1540 coverage for the sole benefit of the insured. Such insurance and  
1541 self-insurance retention fund may provide coverage for all  
1542 damages, including, but not limited to, compensatory, special,  
1543 and exemplary, and be maintained to provide an adequate fund to  
1544 cover claims and liabilities for loss, injury, or damage arising  
1545 out of or connected with the ownership, operation, maintenance,  
1546 and management of a rail corridor.

1547 (c) Incur expenses for the purchase of advertisements,  
1548 marketing, and promotional items.

1549 (d) Without altering any of the rights granted to the  
1550 department under this section, agree to assume the obligations

1551 to indemnify and insure, pursuant to s. 343.545, freight rail  
 1552 service, intercity passenger rail service, and commuter rail  
 1553 service on a department-owned rail corridor, whether ownership  
 1554 is in fee or by easement, or on a rail corridor where the  
 1555 department has the right to operate.

1556  
 1557 Neither the assumption by contract to protect, defend,  
 1558 indemnify, and hold harmless; the purchase of insurance; nor the  
 1559 establishment of a self-insurance retention fund shall be deemed  
 1560 to be a waiver of any defense of sovereign immunity for torts  
 1561 nor deemed to increase the limits of the department's or the  
 1562 governmental entity's liability for torts as provided in s.  
 1563 768.28. The requirements of s. 287.022(1) shall not apply to the  
 1564 purchase of any insurance under this subsection. ~~The provisions~~  
 1565 ~~of~~ This subsection shall apply and insure fully as to any other  
 1566 governmental entity providing commuter rail service and  
 1567 constructing, operating, maintaining, or managing a rail  
 1568 corridor on publicly owned right-of-way under contract by the  
 1569 governmental entity with the department or a governmental entity  
 1570 designated by the department. Notwithstanding any law to the  
 1571 contrary, procurement for the construction, operation,  
 1572 maintenance, and management of any rail corridor described in  
 1573 this subsection, whether by the department, a governmental  
 1574 entity under contract with the department, or a governmental  
 1575 entity designated by the department, shall be pursuant to s.

1576 287.057 and shall include, but not be limited to, criteria for  
 1577 the consideration of qualifications, technical aspects of the  
 1578 proposal, and price. Further, any such contract for design-build  
 1579 shall be procured pursuant to the criteria in s. 337.11(7).

1580 (18) Exercise such other functions, powers, and duties in  
 1581 connection with the rail system plan as are necessary to develop  
 1582 a safe, efficient, and effective statewide transportation  
 1583 system.

1584 Section 32. Effective July 1, 2023, subsections (5) and  
 1585 (6) of section 341.303, Florida Statutes, are amended to read:

1586 341.303 Funding authorization and appropriations;  
 1587 eligibility and participation.—

1588 (5) ~~FUND PARTICIPATION; FLORIDA RAIL ENTERPRISE.~~—The  
 1589 department may, ~~through the Florida Rail Enterprise, is~~  
 1590 ~~authorized to~~ use funds provided pursuant to s. 201.15(4)(a)4.  
 1591 to fund:

1592 (a) Up to 50 percent of the nonfederal share of the costs  
 1593 of any eligible passenger rail capital improvement project.

1594 (b) Up to 100 percent of planning and development costs  
 1595 related to the provision of a passenger rail system, including,  
 1596 but not limited to, preliminary engineering, revenue studies,  
 1597 environmental impact studies, financial advisory services,  
 1598 engineering design, and other appropriate professional services.

1599 (c) The high-speed rail system.

1600 (d) Projects necessary to identify or address anticipated



1601 impacts of increased freight rail traffic resulting from the  
1602 implementation of passenger rail systems as provided in s.  
1603 341.302 (3) (b) .

1604 (e) Projects necessary to identify or address needed or  
1605 desirable safety improvements to passenger rail systems in this  
1606 state.

1607 ~~(6) FLORIDA RAIL ENTERPRISE; BUDGET.~~

1608 ~~(a) The Florida Rail Enterprise shall be a single budget~~  
1609 ~~entity and shall develop a budget pursuant to chapter 216. The~~  
1610 ~~enterprise's budget shall be submitted to the Legislature along~~  
1611 ~~with the department's budget. All passenger rail funding by the~~  
1612 ~~department shall be included in this budget entity.~~

1613 ~~(b) Notwithstanding the provisions of s. 216.301 to the~~  
1614 ~~contrary and in accordance with s. 216.351, the Executive Office~~  
1615 ~~of the Governor shall, on July 1 of each year, certify forward~~  
1616 ~~all unexpended funds appropriated or provided pursuant to this~~  
1617 ~~section for the enterprise. Of the unexpended funds certified~~  
1618 ~~forward, any unencumbered amounts shall be carried forward. Such~~  
1619 ~~funds carried forward shall not exceed 5 percent of the original~~  
1620 ~~approved operating budget of the enterprise pursuant to s.~~  
1621 ~~216.181(1). Funds carried forward pursuant to this section may~~  
1622 ~~be used for any lawful purpose, including, but not limited to,~~  
1623 ~~promotional and market activities, technology, and training. Any~~  
1624 ~~certified-forward funds remaining undisbursed on September 30 of~~  
1625 ~~each year shall be carried forward.~~

1626           Section 33. Effective July 1, 2023, section 341.8201,  
 1627 Florida Statutes, is repealed.

1628           Section 34. Effective July 1, 2023, section 341.8203,  
 1629 Florida Statutes, is amended to read:

1630           341.8203 Definitions.—As used in ss. 341.822-341.842 ~~ss.~~  
 1631 ~~341.8201-341.842~~, unless the context clearly indicates  
 1632 otherwise, the term:

1633           (1) "Associated development" means property, equipment,  
 1634 buildings, or other related facilities which are built,  
 1635 installed, used, or established to provide financing, funding,  
 1636 or revenues for the planning, building, managing, and operation  
 1637 of a high-speed rail system and which are associated with or  
 1638 part of the rail stations. The term includes air and subsurface  
 1639 rights, services that provide local area network devices for  
 1640 transmitting data over wireless networks, parking facilities,  
 1641 retail establishments, restaurants, hotels, offices,  
 1642 advertising, or other commercial, civic, residential, or support  
 1643 facilities.

1644           (2) "Communication facilities" means the communication  
 1645 systems related to high-speed passenger rail operations,  
 1646 including those which are built, installed, used, or established  
 1647 for the planning, building, managing, and operating of a high-  
 1648 speed rail system. The term includes the land; structures;  
 1649 improvements; rights-of-way; easements; positive train control  
 1650 systems; wireless communication towers and facilities that are

1651 | designed to provide voice and data services for the safe and  
 1652 | efficient operation of the high-speed rail system; voice, data,  
 1653 | and wireless communication amenities made available to crew and  
 1654 | passengers as part of a high-speed rail service; and any other  
 1655 | facilities or equipment used for operation of, or the  
 1656 | facilitation of communications for, a high-speed rail system.  
 1657 | Owners of communication facilities may not offer voice or data  
 1658 | service to any entity other than passengers, crew, or other  
 1659 | persons involved in the operation of a high-speed rail system.

1660 | ~~(3) "Enterprise" means the Florida Rail Enterprise.~~

1661 | (3)~~(4)~~ "High-speed rail system" means any high-speed fixed  
 1662 | guideway system for transporting people or goods, which system  
 1663 | is, by definition of the United States Department of  
 1664 | Transportation, reasonably expected to reach speeds of at least  
 1665 | 110 miles per hour, including, but not limited to, a monorail  
 1666 | system, dual track rail system, suspended rail system, magnetic  
 1667 | levitation system, pneumatic repulsion system, or other system  
 1668 | approved by the department ~~enterprise~~. The term includes a  
 1669 | corridor, associated intermodal connectors, and structures  
 1670 | essential to the operation of the line, including the land,  
 1671 | structures, improvements, rights-of-way, easements, rail lines,  
 1672 | rail beds, guideway structures, switches, yards, parking  
 1673 | facilities, power relays, switching houses, and rail stations  
 1674 | and also includes facilities or equipment used exclusively for  
 1675 | the purposes of design, construction, operation, maintenance, or

1676 the financing of the high-speed rail system.

1677 (4)~~(5)~~ "Joint development" means the planning, managing,  
1678 financing, or constructing of projects adjacent to, functionally  
1679 related to, or otherwise related to a high-speed rail system  
1680 pursuant to agreements between any person, firm, corporation,  
1681 association, organization, agency, or other entity, public or  
1682 private.

1683 (5)~~(6)~~ "Rail station," "station," or "high-speed rail  
1684 station" means any structure or transportation facility that is  
1685 part of a high-speed rail system designed to accommodate the  
1686 movement of passengers from one mode of transportation to  
1687 another at which passengers board or disembark from  
1688 transportation conveyances and transfer from one mode of  
1689 transportation to another.

1690 (6)~~(7)~~ "Railroad company" means a person developing, or  
1691 providing service on, a high-speed rail system.

1692 (7)~~(8)~~ "Selected person or entity" means the person or  
1693 entity to whom the department ~~enterprise~~ awards a contract to  
1694 establish a high-speed rail system pursuant to ss. 341.822-  
1695 341.842 ~~ss. 341.8201-341.842~~.

1696 Section 35. Effective July 1, 2023, section 341.822,  
1697 Florida Statutes, is amended to read:

1698 341.822 Powers and duties.—

1699 (1) The department ~~enterprise~~ shall locate, plan, design,  
1700 finance, construct, maintain, own, operate, administer, and

1701 manage the high-speed rail system in the state.

1702 (2) (a) ~~In addition to the powers granted to The~~  
 1703 ~~department, the enterprise~~ has full authority to exercise all  
 1704 powers granted to it under this chapter. Powers shall include,  
 1705 but are not limited to, the ability to plan, construct,  
 1706 maintain, repair, and operate a high-speed rail system, to  
 1707 acquire corridors, and to coordinate the development and  
 1708 operation of publicly funded passenger rail systems in the  
 1709 state.

1710 (b) It is the express intention of ss. 341.822-341.842 ~~ss.~~  
 1711 ~~341.8201-341.842~~ that the department ~~enterprise~~ be authorized to  
 1712 plan, develop, own, purchase, lease, or otherwise acquire,  
 1713 demolish, construct, improve, relocate, equip, repair, maintain,  
 1714 operate, and manage the high-speed rail system; to expend funds  
 1715 to publicize, advertise, and promote the advantages of using the  
 1716 high-speed rail system and its facilities; and to cooperate,  
 1717 coordinate, partner, and contract with other entities, public  
 1718 and private, to accomplish these purposes.

1719 (c) The department ~~enterprise~~ shall establish a process to  
 1720 issue permits to railroad companies for the construction of  
 1721 communication facilities within a new or existing public or  
 1722 private high-speed rail system. The department ~~enterprise~~ may  
 1723 adopt rules to administer such permits, including rules  
 1724 regarding the form, content, and necessary supporting  
 1725 documentation for permit applications; the process for

1726 submitting applications; and the application fee for a permit  
1727 under s. 341.825. The department ~~enterprise~~ shall provide a copy  
1728 of a completed permit application to municipalities and counties  
1729 where the high-speed rail system will be located. The department  
1730 ~~enterprise~~ shall allow each such municipality and county 30 days  
1731 to provide comments to the department ~~enterprise~~ regarding the  
1732 application, including any recommendations regarding conditions  
1733 that may be placed on the permit.

1734 (3) The department ~~may enterprise shall have the authority~~  
1735 ~~to employ procurement methods available to the department under~~  
1736 ~~chapters 255, 287, 334, and 337, or otherwise in accordance with~~  
1737 ~~law. The enterprise may also~~ solicit proposals and, with  
1738 legislative approval as evidenced by approval of the project in  
1739 the department's work program, enter into agreements with  
1740 private entities, or consortia thereof, for the building,  
1741 operation, ownership, or financing of the high-speed rail  
1742 system.

1743 ~~(4) The executive director of the enterprise shall appoint~~  
1744 ~~staff, who shall be exempt from part II of chapter 110.~~

1745 ~~(4)(5)~~ The powers conferred upon the department ~~enterprise~~  
1746 under ss. 341.822-341.842 ~~ss. 341.8201-341.842~~ shall be in  
1747 addition and supplemental to the existing powers of the  
1748 ~~department, and these powers~~ shall not be construed as repealing  
1749 any provision of any other law, general or local, but shall  
1750 supersede such other laws that are inconsistent with the

1751 exercise of the powers provided under ss. 341.822-341.842 ~~ss.~~  
1752 ~~341.8201-341.842~~ and provide a complete method for the exercise  
1753 of such powers granted.

1754 (5) ~~(6)~~ Any proposed rail ~~enterprise~~ project or improvement  
1755 shall be developed in accordance with the Florida Transportation  
1756 Plan and the work program under s. 339.135.

1757 Section 36. Effective July 1, 2023, subsections (2) and  
1758 (3), paragraph (b) of subsection (4), and subsection (5) of  
1759 section 341.825, Florida Statutes, are amended to read:

1760 341.825 Communication facilities.—

1761 (2) APPLICATION SUBMISSION.—A railroad company may submit  
1762 to the department ~~enterprise~~ an application to obtain a permit  
1763 to construct communication facilities within a new or existing  
1764 high-speed rail system. The application shall include an  
1765 application fee limited to the amount needed to pay the  
1766 anticipated cost of reviewing the application, not to exceed  
1767 \$10,000, which shall be deposited into the State Transportation  
1768 Trust Fund. The application must include the following  
1769 information:

1770 (a) The location of the proposed communication facilities.

1771 (b) A description of the proposed communication  
1772 facilities.

1773 (c) Any other information reasonably required by the  
1774 department ~~enterprise~~.

1775 (3) APPLICATION REVIEW.—The department ~~enterprise~~ shall

1776 review each application for completeness within 30 days after  
1777 receipt of the application.

1778 (a) If the department ~~enterprise~~ determines that an  
1779 application is not complete, the department ~~enterprise~~ shall,  
1780 within 30 days after the receipt of the initial application,  
1781 notify the applicant in writing of any errors or omissions. An  
1782 applicant shall have 30 days within which to correct the errors  
1783 or omissions in the initial application.

1784 (b) If the department ~~enterprise~~ determines that an  
1785 application is complete, the department ~~enterprise~~ shall act  
1786 upon the permit application within 60 days after ~~of~~ the receipt  
1787 of the completed application by approving in whole, approving  
1788 with conditions as the department ~~enterprise~~ deems appropriate,  
1789 or denying the application, and stating the reason for issuance  
1790 or denial. In determining whether an application should be  
1791 approved, approved with modifications or conditions, or denied,  
1792 the department ~~enterprise~~ shall consider any comments or  
1793 recommendations received from a municipality or county and the  
1794 extent to which the proposed communication facilities:

1795 1. Are located in a manner that is appropriate for the  
1796 communication technology specified by the applicant.

1797 2. Serve an existing or projected future need for  
1798 communication facilities.

1799 3. Provide sufficient wireless voice and data coverage and  
1800 capacity for the safe and efficient operation of the high-speed



1801 rail system and the safety, use, and efficiency of its crew and  
 1802 passengers.

1803 (c) The failure to adopt any recommendation or comment may  
 1804 not be a basis for challenging the issuance of a permit.

1805 (4) EFFECT OF PERMIT.—

1806 (b) A permit may include conditions that constitute  
 1807 variances and exemptions from rules of the department ~~enterprise~~  
 1808 or any other agency, which would otherwise be applicable to the  
 1809 communication facilities within the new or existing high-speed  
 1810 rail system.

1811 (5) MODIFICATION OF PERMIT.—A permit may be modified by  
 1812 the applicant after issuance upon the filing of a petition with  
 1813 the department ~~enterprise~~.

1814 (a) A petition for modification must set forth the  
 1815 proposed modification and the factual reasons asserted for the  
 1816 modification.

1817 (b) The department ~~enterprise~~ shall act upon the petition  
 1818 within 30 days by approving or denying the application, and  
 1819 stating the reason for issuance or denial.

1820 Section 37. Effective July 1, 2023, section 341.836,  
 1821 Florida Statutes, is amended to read:

1822 341.836 Associated development.—

1823 (1) The department ~~enterprise~~, alone or as part of a joint  
 1824 development, may undertake associated developments to be a  
 1825 source of revenue for the establishment, construction,

1826 operation, or maintenance of the high-speed rail system. Such  
 1827 associated developments must be consistent, to the extent  
 1828 feasible, with applicable local government comprehensive plans  
 1829 and local land development regulations and otherwise be in  
 1830 compliance with ss. 341.822-341.842 ~~ss. 341.8201-341.842~~.

1831 (2) Sections 341.822-341.842 ~~Sections 341.8201-341.842~~ do  
 1832 not prohibit the department ~~enterprise~~, the selected person or  
 1833 entity, or a party to a joint venture with the department  
 1834 ~~enterprise~~ or its selected person or entity from obtaining  
 1835 approval, pursuant to any other law, for any associated  
 1836 development that is reasonably related to the high-speed rail  
 1837 system.

1838 Section 38. Effective July 1, 2023, section 341.838,  
 1839 Florida Statutes, is amended to read:

1840 341.838 Fares, rates, rents, fees, and charges.—

1841 (1) The department ~~enterprise~~ may establish, revise,  
 1842 charge, and collect fares, rates, rents, fees, charges, and  
 1843 revenues for the use of and for the services furnished, or to be  
 1844 furnished, by the system and ~~to~~ contract with any person,  
 1845 partnership, association, corporation, or other body, public or  
 1846 private, in respect thereof. Such fares, rates, rents, fees, and  
 1847 charges shall be reviewed annually by the department ~~enterprise~~  
 1848 and may be adjusted as set forth in the contract setting such  
 1849 fares, rates, rents, fees, or charges. The funds collected  
 1850 pursuant to this section shall, with any other funds available,

1851 | be used to pay the cost of designing, building, operating,  
 1852 | financing, and maintaining the system and each and every portion  
 1853 | thereof, to the extent that the payment of such cost has not  
 1854 | otherwise been adequately provided for.

1855 |         (2) Fares, rates, rents, fees, and charges established,  
 1856 | revised, charged, and collected by the department ~~enterprise~~  
 1857 | pursuant to this section shall not be subject to supervision or  
 1858 | regulation by any other department, commission, board, body,  
 1859 | bureau, or agency of this state other than the department  
 1860 | ~~enterprise~~.

1861 |         Section 39. Effective July 1, 2023, section 341.839,  
 1862 | Florida Statutes, is amended to read:

1863 |         341.839 Alternate means.—Sections 341.822-341.842 ~~Sections~~  
 1864 | ~~341.8201-341.842~~ provide an additional and alternative method  
 1865 | for accomplishing the purposes authorized therein and are  
 1866 | supplemental and additional to powers conferred by other laws.  
 1867 | Except as otherwise expressly provided in ss. 341.822-341.842  
 1868 | ~~ss. 341.8201-341.842~~, none of the powers granted to the  
 1869 | department ~~enterprise~~ under ss. 341.822-341.842 ~~ss. 341.8201-~~  
 1870 | ~~341.842~~ are subject to the supervision or require the approval  
 1871 | or consent of any municipality or political subdivision or any  
 1872 | commission, board, body, bureau, or official.

1873 |         Section 40. Effective July 1, 2023, section 341.840,  
 1874 | Florida Statutes, is amended to read:

1875 |         341.840 Tax exemption.—

1876 (1) The exercise of the powers granted under ss. 341.822-  
 1877 341.842 ~~ss. 341.8201-341.842~~ will be in all respects for the  
 1878 benefit of the people of this state, for the increase of their  
 1879 commerce, welfare, and prosperity, and for the improvement of  
 1880 their health and living conditions. The design, construction,  
 1881 operation, maintenance, and financing of a high-speed rail  
 1882 system by the department ~~enterprise~~, its agent, or the owner or  
 1883 lessee thereof, as herein authorized, constitutes the  
 1884 performance of an essential public function.

1885 (2) (a) For the purposes of this section, the term  
 1886 "department" ~~"enterprise"~~ does not include agents of the  
 1887 department ~~enterprise~~ other than contractors who qualify as such  
 1888 pursuant to subsection (7).

1889 (b) For the purposes of this section, any item or property  
 1890 that is within the definition of the term "associated  
 1891 development" in s. 341.8203(1) may not be considered part of the  
 1892 high-speed rail system as defined in s. 341.8203(3) ~~s.~~  
 1893 ~~341.8203(4)~~.

1894 (3) (a) Purchases or leases of tangible personal property  
 1895 or real property by the department ~~enterprise~~, excluding agents  
 1896 of the department ~~enterprise~~, are exempt from taxes imposed by  
 1897 chapter 212 as provided in s. 212.08(6). Purchases or leases of  
 1898 tangible personal property that is incorporated into the high-  
 1899 speed rail system as a component part thereof, as determined by  
 1900 the department ~~enterprise~~, by agents of the department

1901 ~~enterprise~~ or the owner of the high-speed rail system are exempt  
 1902 from sales or use taxes imposed by chapter 212. Leases, rentals,  
 1903 or licenses to use real property granted to agents of the  
 1904 department ~~enterprise~~ or the owner of the high-speed rail system  
 1905 are exempt from taxes imposed by s. 212.031 if the real property  
 1906 becomes part of such system. The exemptions granted in this  
 1907 subsection do not apply to sales, leases, or licenses by the  
 1908 department ~~enterprise~~, agents of the department ~~enterprise~~, or  
 1909 the owner of the high-speed rail system.

1910 (b) The exemption granted in paragraph (a) to purchases or  
 1911 leases of tangible personal property by agents of the department  
 1912 ~~enterprise~~ or by the owner of the high-speed rail system applies  
 1913 only to property that becomes a component part of such system.  
 1914 It does not apply to items, including, but not limited to,  
 1915 cranes, bulldozers, forklifts, other machinery and equipment,  
 1916 tools and supplies, or other items of tangible personal property  
 1917 used in the construction, operation, or maintenance of the high-  
 1918 speed rail system when such items are not incorporated into the  
 1919 high-speed rail system as a component part thereof.

1920 (4) Any bonds or other security, and all notes, mortgages,  
 1921 security agreements, letters of credit, or other instruments  
 1922 that arise out of or are given to secure the repayment of bonds  
 1923 or other security, issued by the department ~~enterprise~~, or on  
 1924 behalf of the department ~~enterprise~~, their transfer, and the  
 1925 income therefrom, including any profit made on the sale thereof,

1926 shall at all times be free from taxation of every kind by the  
 1927 state, the counties, and the municipalities and other political  
 1928 subdivisions in the state. This subsection, however, does not  
 1929 exempt from taxation or assessment the leasehold interest of a  
 1930 lessee in any project or any other property or interest owned by  
 1931 the lessee. The exemption granted by this subsection is not  
 1932 applicable to any tax imposed by chapter 220 on interest income  
 1933 or profits on the sale of debt obligations owned by  
 1934 corporations.

1935 (5) When property of the department ~~enterprise~~ is leased  
 1936 to another person or entity, the property shall be exempt from  
 1937 ad valorem taxation only if the use by the lessee qualifies the  
 1938 property for exemption under s. 196.199.

1939 (6) A leasehold interest held by the department ~~enterprise~~  
 1940 is not subject to intangible tax. However, if a leasehold  
 1941 interest held by the department ~~enterprise~~ is subleased to a  
 1942 nongovernmental lessee, such subleasehold interest shall be  
 1943 deemed to be an interest described in s. 199.023(1)(d), Florida  
 1944 Statutes 2005, and is subject to the intangible tax.

1945 (7) (a) In order to be considered an agent of the  
 1946 department ~~enterprise~~ for purposes of the exemption from sales  
 1947 and use tax granted by subsection (3) for tangible personal  
 1948 property incorporated into the high-speed rail system, a  
 1949 contractor of the department ~~enterprise~~ that purchases or  
 1950 fabricates such tangible personal property must be certified by

1951 the department ~~enterprise~~ as provided in this subsection.

1952 (b)1. A contractor must apply for a renewal of the  
1953 exemption not later than December 1 of each calendar year.

1954 2. A contractor must apply to the department ~~enterprise~~ on  
1955 the application form adopted by the department ~~enterprise~~, which  
1956 shall develop the form in consultation with the Department of  
1957 Revenue.

1958 3. The department ~~enterprise~~ shall review each submitted  
1959 application and determine whether it is complete. The department  
1960 ~~enterprise~~ shall notify the applicant of any deficiencies in the  
1961 application within 30 days. Upon receipt of a completed  
1962 application, the department ~~enterprise~~ shall evaluate the  
1963 application for exemption under this subsection and issue a  
1964 certification that the contractor is qualified to act as an  
1965 agent of the department ~~enterprise~~ for purposes of this section  
1966 or a denial of such certification within 30 days. The department  
1967 ~~enterprise~~ shall provide the Department of Revenue with a copy  
1968 of each certification issued upon approval of an application.  
1969 Upon receipt of a certification from the department ~~enterprise~~,  
1970 the Department of Revenue shall issue an exemption permit to the  
1971 contractor.

1972 (c)1. The contractor may extend a copy of its exemption  
1973 permit to its vendors in lieu of paying sales tax on purchases  
1974 of tangible personal property qualifying for exemption under  
1975 this section. Possession of a copy of the exemption permit

1976 | relieves the seller of the responsibility of collecting tax on  
 1977 | the sale, and the Department of Revenue shall look solely to the  
 1978 | contractor for recovery of tax upon a determination that the  
 1979 | contractor was not entitled to the exemption.

1980 |         2. The contractor may extend a copy of its exemption  
 1981 | permit to real property subcontractors supplying and installing  
 1982 | tangible personal property that is exempt under subsection (3).  
 1983 | Any such subcontractor may extend a copy of the permit to the  
 1984 | subcontractor's vendors in order to purchase qualifying tangible  
 1985 | personal property tax-exempt. If the subcontractor uses the  
 1986 | exemption permit to purchase tangible personal property that is  
 1987 | determined not to qualify for exemption under subsection (3),  
 1988 | the Department of Revenue may assess and collect any tax,  
 1989 | penalties, and interest that are due from either the contractor  
 1990 | holding the exemption permit or the subcontractor that extended  
 1991 | the exemption permit to the seller.

1992 |         (d) Any contractor authorized to act as an agent of the  
 1993 | department ~~enterprise~~ under this section shall maintain the  
 1994 | necessary books and records to document the exempt status of  
 1995 | purchases and fabrication costs made or incurred under the  
 1996 | permit. In addition, an authorized contractor extending its  
 1997 | exemption permit to its subcontractors shall maintain a copy of  
 1998 | the subcontractor's books, records, and invoices indicating all  
 1999 | purchases made by the subcontractor under the authorized  
 2000 | contractor's permit. If, in an audit conducted by the Department



2001 of Revenue, it is determined that tangible personal property  
2002 purchased or fabricated claiming exemption under this section  
2003 does not meet the criteria for exemption, the amount of taxes  
2004 not paid at the time of purchase or fabrication shall be  
2005 immediately due and payable to the Department of Revenue,  
2006 together with the appropriate interest and penalty, computed  
2007 from the date of purchase, in the manner prescribed by chapter  
2008 212.

2009 (e) If a contractor fails to apply for a high-speed rail  
2010 system exemption permit, or if a contractor initially determined  
2011 by the department ~~enterprise~~ to not qualify for exemption is  
2012 subsequently determined to be eligible, the contractor shall  
2013 receive the benefit of the exemption in this subsection through  
2014 a refund of previously paid taxes for transactions that  
2015 otherwise would have been exempt. A refund may not be made for  
2016 such taxes without the issuance of a certification by the  
2017 department ~~enterprise~~ that the contractor was authorized to make  
2018 purchases tax-exempt and a determination by the Department of  
2019 Revenue that the purchases qualified for the exemption.

2020 (f) The department ~~enterprise~~ may adopt rules governing  
2021 the application process for exemption of a contractor as an  
2022 authorized agent of the department ~~enterprise~~.

2023 (g) The Department of Revenue may adopt rules governing  
2024 the issuance and form of high-speed rail system exemption  
2025 permits, the audit of contractors and subcontractors using such

2026 | permits, the recapture of taxes on nonqualified purchases, and  
 2027 | the manner and form of refund applications.

2028 |       Section 41. Effective July 1, 2023, paragraph (b) of  
 2029 | subsection (4) of section 343.58, Florida Statutes, is amended  
 2030 | to read:

2031 |       343.58 County funding for the South Florida Regional  
 2032 | Transportation Authority.—

2033 |       (4) Notwithstanding any other provision of law to the  
 2034 | contrary and effective July 1, 2010, until as provided in  
 2035 | paragraph (d), the department shall transfer annually from the  
 2036 | State Transportation Trust Fund to the South Florida Regional  
 2037 | Transportation Authority the amounts specified in subparagraph  
 2038 | (a)1. or subparagraph (a)2.

2039 |       (b) Funding required by this subsection may not be  
 2040 | provided from the funds dedicated to the State Transportation  
 2041 | Trust Fund ~~Florida Rail Enterprise~~ pursuant to s. 201.15(4)(a)4.

2042 |       Section 42. Paragraph (d) of subsection (2) of section  
 2043 | 349.04, Florida Statutes, is amended to read:

2044 |       349.04 Purposes and powers.—

2045 |       (2) The authority is hereby granted, and shall have and  
 2046 | may exercise all powers necessary, appurtenant, convenient, or  
 2047 | incidental to the carrying out of the aforesaid purposes,  
 2048 | including, but without being limited to, the right and power:

2049 |       (d) To enter into and make leases for terms not exceeding  
 2050 | 99 ~~40~~ years, as either lessee or lessor, in order to carry out

2051 the right to lease as set forth in this chapter.

2052 Section 43. Paragraph (a) of subsection (4) of section  
2053 377.809, Florida Statutes, is amended to read:

2054 377.809 Energy Economic Zone Pilot Program.—

2055 (4) (a) Beginning July 1, 2012, all the incentives and  
2056 benefits provided for enterprise zones pursuant to state law  
2057 shall be available to the energy economic zones designated  
2058 pursuant to this section on or before July 1, 2010. In order to  
2059 provide incentives, by March 1, 2012, each local governing body  
2060 that has jurisdiction over an energy economic zone must, by  
2061 local ordinance, establish the boundary of the energy economic  
2062 zone, specify applicable energy-efficiency standards, and  
2063 determine eligibility criteria for the application of state and  
2064 local incentives and benefits in the energy economic zone.  
2065 However, in order to receive benefits provided under s. 288.106,  
2066 a business must be a qualified target industry business under s.  
2067 288.106 for state purposes. An energy economic zone's boundary  
2068 may be revised by local ordinance. Such incentives and benefits  
2069 include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183,  
2070 288.106, and 624.5105 and the public utility discounts provided  
2071 in s. 290.007(8). The exemption provided in s. 212.08(5)(c)  
2072 shall be for renewable energy as defined in s. 377.803. For  
2073 purposes of this section, any applicable requirements for  
2074 employee residency for higher refund or credit thresholds must  
2075 be based on employee residency in the energy economic zone or an

2076 enterprise zone. A business in an energy economic zone may also  
 2077 be eligible for funding under ss. 288.047 and 445.003, ~~and a~~  
 2078 ~~transportation project in an energy economic zone shall be~~  
 2079 ~~provided priority in funding under s. 339.2821.~~ Other projects  
 2080 shall be given priority ranking to the extent practicable for  
 2081 grants administered under state energy programs.

2082 Section 44. For the purpose of incorporating the  
 2083 amendments made by this act to sections 327.33 and 327.4107,  
 2084 Florida Statutes, in references thereto, paragraphs (h) and (aa)  
 2085 of subsection (1) of section 327.73, Florida Statutes, are  
 2086 reenacted to read:

2087 327.73 Noncriminal infractions.—

2088 (1) Violations of the following provisions of the vessel  
 2089 laws of this state are noncriminal infractions:

2090 (h) Section 327.33(2), relating to careless operation.

2091 (aa) Section 327.4107, relating to vessels at risk of  
 2092 becoming derelict on waters of this state, for which the civil  
 2093 penalty is:

2094 1. For a first offense, \$50.

2095 2. For a second offense occurring 30 days or more after a  
 2096 first offense, \$100.

2097 3. For a third or subsequent offense occurring 30 days or  
 2098 more after a previous offense, \$250.

2099

2100 Any person cited for a violation of any provision of this

2101 subsection shall be deemed to be charged with a noncriminal  
2102 infraction, shall be cited for such an infraction, and shall be  
2103 cited to appear before the county court. The civil penalty for  
2104 any such infraction is \$50, except as otherwise provided in this  
2105 section. Any person who fails to appear or otherwise properly  
2106 respond to a uniform boating citation shall, in addition to the  
2107 charge relating to the violation of the boating laws of this  
2108 state, be charged with the offense of failing to respond to such  
2109 citation and, upon conviction, be guilty of a misdemeanor of the  
2110 second degree, punishable as provided in s. 775.082 or s.  
2111 775.083. A written warning to this effect shall be provided at  
2112 the time such uniform boating citation is issued.

2113       Section 45. By October 1, 2020, the Department of  
2114 Transportation, each expressway and bridge authority created  
2115 pursuant to chapter 348, Florida Statutes, and the Mid-Bay  
2116 Bridge Authority re-created pursuant to chapter 2000-411, Laws  
2117 of Florida, shall each submit a report documenting its  
2118 uncollected customer receivables to the Governor, the President  
2119 of the Senate, and the Speaker of the House of Representatives.  
2120 Each report must include an aged summary of customer receivables  
2121 for electronic toll collection as well as toll-by-plate as of  
2122 June 30, 2020. Additionally, each report must include a schedule  
2123 by year of customer receivables written off, sold to a  
2124 collection agency, or assigned to a collection agency. Each  
2125 report must include a detailed discussion by each entity from

2126 | its independent certified public accountant describing the  
2127 | accounting methodology used within the entity's audited  
2128 | financial statements to record revenue and bad debt.

2129 |       Section 46. The Legislature finds and declares that this  
2130 | act fulfills an important state interest.

2131 |       Section 47. Except as otherwise expressly provided in this  
2132 | act, this act shall take effect July 1, 2020.