

Committee on Transportation

CS/CS/CS/HB 287 — Transportation

by Infrastructure Strategies Committee; Infrastructure & Tourism Appropriations Subcommittee; Transportation & Modals Subcommittee; and Rep. Esposito and others (CS/CS/CS/SB 266 by Appropriations Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; Transportation Committee; and Senators Hooper and Gruters)

The bill addresses various transportation-related provisions. Specifically, the bill:

- Prohibits the Florida Department of Transportation (FDOT) from annually committing more than 20 percent of the revenues derived from state motor fuel taxes and motor vehicle license-related fees to public transit projects and specifies exceptions to this limit.
- Increases from five to eight the number of basic driver improvement courses an individual may take during his or her lifetime.
- Requires the Department of Highway Safety and Motor Vehicles to annually review changes made to traffic laws and requires course content for specified driving courses to be modified to reflect such changes.
- Amends provisions relating to FDOT’s authority regarding public-private partnerships to:
 - Replace the term “public-private partnership agreement” with the term “comprehensive agreement.”
 - Require an “independent,” instead of an “investment grade,” traffic and revenue study prepared by a traffic and revenue expert, which must be accepted by national bond rating agencies for the financing that supports the comprehensive agreement for the project.
 - Revise the timeframe, to between 30 and 120 days, based on the project’s complexity, during which FDOT will accept other proposals for the same project after it receives an unsolicited public-private partnership proposal.
 - Authorize FDOT to enter into an interim agreement with a private entity proposing the development or operation of a qualifying project and provides provisions that may be included in the interim agreement.
 - Limits FDOT secretary’s ability to authorize a comprehensive agreement term of up to 75 years to projects partially or completely funded from project user fees.
 - Require FDOT to notify the Division of Bond Finance prior to entering into an interim or comprehensive agreement.
- Provides that a local governmental entity may not deem reclaimed asphalt pavement as solid waste.
- Clarifies that FDOT must receive at least three letters of interest in order to proceed with requests for proposals for both design-build and phased design-build projects.
- Revises provisions requiring a motor vehicle used in the performance of road or bridge construction or maintenance work for an FDOT project must be registered in compliance with Florida law.
- Authorizes FDOT to allow the issuance of multiple contract performance and payment bonds for phased design-build contracts.

- Provides that a claimant must institute an action against a contractor or surety within 365 days after the performance of the labor or completion of delivery of the materials or supplies, instead of after completion of the contract work.
- Revises a presumption of sole proximate cause on the part of a driver of a vehicle involved in a crash within a construction zone to exclude low-THC cannabis.
- Defines the terms “contract documents,” “contractor,” “design engineer” and “traffic control plans” as those terms relate to limitations on liability for FDOT’s contractors and design engineers.
- Expands contractor limits of liability for personal injury, property damage, or death arising from specified performance of work on a transportation facility or from specified acts or omissions of a third party.
- Revises the application of immunity when the proximate cause of the injury, damage, or death is a latent condition, defect, error, or omission created by the contractor and in the contract documents, or when the proximate cause was the contractor’s failure to perform, update, or comply with the maintenance of traffic control plans, instead of with the traffic safety plan.
- Revises provisions regarding when FDOT, a contractor, or design engineer may not be named on a jury verdict form or be found at fault for the injury, death, or damage.
- Provides that, if within 10 years after FDOT acquires a property, the previous property owner wishes to reacquire the property, he or she must notify the appropriate FDOT district secretary of his or her interest to receive right of first refusal if FDOT wishes to dispose of the property.
- Provides requirements for an interlocal agreement regarding a fire station located on Alligator Alley.
- Requires the local governmental entity operating the fire station on Alligator Alley to provide specified information to FDOT and that this information be reviewed and adopted as part of the interlocal agreement.
- Requires funding for the fire station on Alligator Alley to be included in FDOT’s work program and the local governmental entity’s budget and capital comprehensive plan.
- Codifies FDOT’s existing local agency program into law and provides statutory requirements for the program.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

Vote: Senate 38-2; House 95-11