

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/CS/HB 425 — Transportation

by Infrastructure Strategies Committee; Infrastructure and Tourism Appropriations Subcommittee; Transportation and Modals Subcommittee; and Reps. Esposito, Andrade, and others (CS/CS/CS/SB 64 by Fiscal Policy Committee; Appropriations Committee on Transportation, Tourism, and Economic Development; Transportation Committee; and Senator Hooper)

The bill contains the following transportation-related provisions:

- Effective January 1, 2024, adds three additional situations to Florida’s Move Over Law, requiring motorists to move over for a disabled motor vehicle that is stopped and displaying warning lights or hazard lights; is stopped and is using emergency flares or posting emergency signage; or is stopped and one or more persons are visibly present.
- Requires the Florida Department of Transportation (FDOT) to coordinate with specified entities to establish standards by which the State Highway System (SHS) roads will be graded according to their compatibility with the operation of autonomous vehicles and requires incorporation of the grading standards into standards for specified transportation projects.
- Revises provisions regarding airport land use compatibility zoning regulations and noise studies at airports, including providing for consideration of mitigation, rather than prohibition, of certain potential incompatible uses when a noise study is not conducted.
- Revises the FDOT’s duty to provide a workforce development program and requires the FDOT to allocate \$5 million from the State Transportation Trust Fund to the workforce development program beginning in the 2023-24 fiscal year and annually thereafter for five years.
- Codifies the existing Implementing Solutions from Transportation Research and Evaluation of Emerging Technologies Living Lab within the University of Florida, provides its minimal duties, requires a specified annual report, and creates an advisory board.
- Prohibits a producer from representing that an aggregate is certified for use unless such shipment is in compliance with the FDOT’s rules, and requires a local government to accept electronic proof of delivery as an official record for a material delivery on the local governmental entity’s transportation project.
- Requires each contract let by the FDOT for performance of bridge construction or maintenance over navigable waters to contain a provision requiring marine general liability insurance, as specified.
- Requires the FDOT to implement strategies to reduce the cost of all project phases while ensuring the design and construction of the project meet applicable federal and state standards, and to track such strategies and the projected savings to be realized therefrom.
- Authorizes the FDOT to share a portion of the construction cost savings realized due to a change in the construction contract design and scope, initiated after execution of the contract, with a design services consultant or a construction engineering and inspection services consultant to the extent that the consultant’s input and involvement contributed to such savings, not to exceed ten percent of the construction cost savings realized.

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- Clarifies that stipends paid by the FDOT to non-selected design-build firms that have submitted responsive proposals for construction contracts contained in the FDOT's legislatively approved work program are not subject to existing documentation and notification requirements for stipend payments made by the FDOT to resolve a bid protest through a settlement.
- Revises authorization for an applying contractor who desires to bid exclusively on construction contracts with proposed budget estimates of \$2 million (rather than \$1 million) to submit reviewed (rather than audited, certified) annual or reviewed interim financial statements prepared by a certified public accountant.
- Authorizes an applicant for an FDOT contractor certificate of qualification to submit with a timely submitted application a request to keep an existing certificate, with the current maximum capacity rating, in place until the expiration date.
- Repeals temporary confidential and exempt status from public records requirements for a document that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by the FDOT.
- Increases the allowable height of modular news racks, including advertising thereon, from 56 inches to 105 inches, but retains the limitation on total advertising space of 56 square feet.
- Repeals a provision prohibiting the FDOT from requesting legislative approval of a proposed turnpike project until the design phase of that project is at least thirty percent complete.
- Requires increased coordination and consultation between Metropolitan Planning Organizations (MPOs); prohibits an MPO from performing project production or delivery for capital improvement projects on the SHS; revises various provisions to apply to contiguous urbanized metropolitan areas; requires certain MPOs to consider proportional representation of the area's population when selecting technical advisory committee membership; abolishes the Chairs Coordinating Committee and requires the MPOs serving specified counties to submit a feasibility report by December 31, 2023, exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area, with specified goals; and revises provisions relating to the MPO Advisory Council.
- Requires up to \$20 million from the State Transportation Trust Fund for seaport and rail line and rail facility projects that meet the public purpose of providing increased capacity and capability to move and store construction aggregate; provides project selection criteria; authorizes the FDOT to adopt rules; and repeals these provisions on July 1, 2028.
- Revises multiple provisions relating to railroad special officers.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, except as otherwise provided.

Vote: Senate 40-0; House 113-0