

Committee on Transportation

CS/HB 867 — Indemnification and Insurance Obligations of Commuter Rail Transportation Providers

by Economic Infrastructure Subcommittee and Rep. Lopez, V. (CS/SB 916 by Transportation Committee and Senator Rodriguez)

The bill creates the Coastal Link Commuter Rail Service Act and establishes parameters related to the indemnification of, and insurance related to, agencies providing commuter rail service on the Coastal Link corridor. Specifically, the bill:

- Defines various terms related to this act, including, the term “agency,” which is defined as a state, county, municipality, district, authority, or other separate unity of government which has entered into an agreement with Brightline permitting it to operate commuter rail service on the Coastal Link corridor.
- Names Brightline, the Florida East Coast Railway, the South Florida Regional Transportation Authority, and an agency as parties operating rail service on the Coastal Link corridor, which is the rail transit system in Miami-Dade, Broward, and Palm Beach counties.
- Authorizes an agency to assume certain obligations regarding rail liability on the Coastal Link corridor, subject to specified limitations related to passengers and other rail corridor invitees.
- Limits an agency’s assumptions of liability by contract related to specified scenarios when various entities, operators, or persons are involved in a rail accident.
- Provides an insurance coverage limit of \$323 million per occurrence, to be adjusted, without prior legislative approval, in accordance with federal law.
- Requires the agency to establish a self-insurance retention fund in the amount of \$5 million.
- Provides for the allocation of liability on the rail corridor under specified scenarios involving specified rail operators.
- Provides that neither the assumption of liability, the purchase of insurance, or the establishment of a self-insurance retention fund is not a waiver of any defense of sovereign immunity, nor does it increase an agency’s limits on liability under sovereign immunity.
- Provides that the Florida East Coast Railway and Brightline are not entitled to sovereign immunity.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2025.

Vote: Senate 35-2; House 114-0