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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; revising the organization of the Department of
4 Transportation; providing duties for the department
5 related to rail systems; revising provisions relating
6 to the operation of a rail enterprise; amending s.
7 201.15, F.S.; revising uses for distributions made
8 under the State Transportation Trust Fund in specified
9 fiscal years; providing for the expiration of a
10 specified provision; beginning in a specified fiscal
11 year, requiring the allocation of a certain of amount
12 of funds to the State Transportation Trust Fund to be
13 used for rail safety; amending s. 206.46, F.S.;
14 revising a limitation on an annual transfer from the
15 State Transportation Trust Fund to the Right-of-Way
16 Acquisition and Bridge Construction Trust Fund;
17 amending ss. 206.606, 206.608, and 212.0501, F.S.;
18 removing a requirement for deduction of certain
19 service charges before the distribution of certain
20 moneys; amending s. 311.101, F.S.; deleting the
21 scheduled expiration of funding for the Intermodal
22 Logistics Center Infrastructure Support Program;
23 amending s. 319.32, F.S.; removing a requirement for
24 deduction of certain service charges before depositing
25 fees for a certificate of title into the State
26 Transportation Trust Fund; amending s. 327.59, F.S.;



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27 prohibiting vessels under a specified weight from
28 remaining in certain marinas that have been deemed
29 unsuitable for refuge during a hurricane after the
30 issuance of a hurricane watch; requiring a marina
31 owner, operator, employee, or agent to remove
32 specified vessels under certain circumstances;
33 providing that such owner, operator, employee, or
34 agent may charge the vessel owner a reasonable fee for
35 such removal and may not be held liable for any
36 damages as a result of such removal; providing
37 construction; providing that the owners or operators
38 of certain vessels may be subject to a fine that the
39 deepwater seaport issuing an evacuation order is
40 required to impose and collect; amending s. 333.03,
41 F.S.; requiring airport protection zoning regulations
42 to require certain permit applicants to submit a final
43 valid determination from the Federal Aviation
44 Administration; creating s. 334.275, F.S.; requiring a
45 driver to vacate lanes or reduce vehicle speed on
46 certain highways under certain conditions; providing
47 an exception; authorizing portable radar speed display
48 units to show or display certain lights under
49 specified conditions; requiring the Department of
50 Highway Safety and Motor Vehicles to include certain
51 requirements in its specified educational awareness
52 campaign and in driver license educational materials;
53 requiring pedestrians using road rights-of-way to
54 yield the right-of-way to authorized road or bridge
55 maintenance or construction vehicles; providing an



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56 exception; providing applicability; providing
57 construction; providing noncriminal penalties;
58 amending s. 337.14, F.S.; expanding an exception to a
59 certain prohibition on contracting to include airport
60 projects; requiring seaports and airports, by a
61 specified date, to adopt conflict of interest
62 controls; specifying requirements for such controls;
63 requiring that such controls be incorporated by
64 reference in certain contracts entered into by
65 seaports and airports; providing applicability;
66 authorizing the department to provide technical
67 assistance upon the request of a seaport or an
68 airport; amending s. 337.25, F.S.; requiring the
69 Department of Transportation to afford a right of
70 first refusal to certain individuals under specified
71 circumstances; providing requirements and procedures
72 for the right of first refusal; amending s. 339.135,
73 F.S.; conforming provisions to changes made by the
74 act; deleting the scheduled expiration of provisions
75 relating to approval of amendments submitted to the
76 Legislative Budget Commission by the department;
77 amending s. 339.175, F.S.; revising the date by which
78 a metropolitan planning organization must submit a
79 list of project priorities to the appropriate
80 department district; repealing s. 339.2821, F.S.,
81 relating to economic development transportation
82 projects; amending s. 341.302, F.S.; revising the
83 maximum amount of liability insurance the department
84 may purchase; revising department responsibilities



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85 regarding rail systems; amending s. 341.303, F.S.;

86 revising department funding authority regarding rail

87 systems; conforming provisions to changes made by the

88 act; repealing s. 341.8201, F.S., relating to the

89 "Florida Rail Enterprise Act" short title; amending s.

90 341.8203, F.S.; revising definitions; amending s.

91 341.822, F.S.; requiring the department, rather than

92 the Florida Rail Enterprise, to locate, plan, design,

93 finance, construct, maintain, own, operate,

94 administer, and manage the high-speed rail system in

95 the state; amending s. 348.754, F.S.; deleting a

96 provision prohibiting the Central Florida Expressway

97 Authority from constructing extensions, additions, or

98 improvements to the Central Florida Expressway System

99 in Lake County without the consent of the Secretary of

100 Transportation; amending ss. 288.0656, 339.08,

101 341.825, 341.836, 341.838, 341.839, 341.840, 343.58,

102 and 377.809, F.S.; conforming provisions to changes

103 made by the act; providing effective dates.

104

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

106

107 Section 1. Effective July 1, 2023, paragraphs (a) and (f)

108 of subsection (4) of section 20.23, Florida Statutes, are

109 amended to read:

110 20.23 Department of Transportation.—There is created a

111 Department of Transportation which shall be a decentralized

112 agency.

113 (4) (a) The operations of the department shall be organized



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114 into seven districts, each headed by a district secretary, and a
115 turnpike enterprise ~~and a rail enterprise, each enterprise~~
116 headed by an executive director. The district secretaries and
117 the executive director ~~directors~~ shall be registered
118 professional engineers in accordance with ~~the provisions of~~
119 chapter 471 or the laws of another state, or, in lieu of
120 professional engineer registration, a district secretary or the
121 executive director may hold an advanced degree in an appropriate
122 related discipline, such as a Master of Business Administration.
123 The headquarters of the districts shall be located in Polk,
124 Columbia, Washington, Broward, Volusia, Miami-Dade, and
125 Hillsborough Counties. The headquarters of the turnpike
126 enterprise shall be located in Orange County. ~~The headquarters~~
127 ~~of the rail enterprise shall be located in Leon County.~~ In order
128 to provide for efficient operations and to expedite the
129 decisionmaking process, the department shall provide for maximum
130 decentralization to the districts.

131 (f)~~1~~. The department shall have responsibility for
132 developing and operating the high-speed and passenger rail
133 systems established in chapter 341, directing funding for
134 passenger rail systems under s. 341.303, ensuring general rail
135 safety, coordinating efforts to enhance passenger rail safety in
136 the state, and coordinating publicly funded passenger rail
137 operations in the state, including freight rail interoperability
138 issues, ~~shall be delegated by the secretary to the executive~~
139 ~~director of the rail enterprise, who shall serve at the pleasure~~
140 ~~of the secretary. The executive director shall report directly~~
141 ~~to the secretary, and the rail enterprise shall operate pursuant~~
142 ~~to ss. 341.8201-341.842.~~



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143 ~~2. To facilitate the most efficient and effective~~
144 ~~management of the rail enterprise, including the use of best~~
145 ~~business practices employed by the private sector, the rail~~
146 ~~enterprise, except as provided in s. 287.055, shall be exempt~~
147 ~~from departmental policies, procedures, and standards, subject~~
148 ~~to the secretary having the authority to apply any such~~
149 ~~policies, procedures, and standards to the rail enterprise from~~
150 ~~time to time as deemed appropriate.~~

151 Section 2. Paragraph (a) of subsection (4) of section
152 201.15, Florida Statutes, is amended to read:

153 201.15 Distribution of taxes collected.—All taxes collected
154 under this chapter are hereby pledged and shall be first made
155 available to make payments when due on bonds issued pursuant to
156 s. 215.618 or s. 215.619, or any other bonds authorized to be
157 issued on a parity basis with such bonds. Such pledge and
158 availability for the payment of these bonds shall have priority
159 over any requirement for the payment of service charges or costs
160 of collection and enforcement under this section. All taxes
161 collected under this chapter, except taxes distributed to the
162 Land Acquisition Trust Fund pursuant to subsections (1) and (2),
163 are subject to the service charge imposed in s. 215.20(1).
164 Before distribution pursuant to this section, the Department of
165 Revenue shall deduct amounts necessary to pay the costs of the
166 collection and enforcement of the tax levied by this chapter.
167 The costs and service charge may not be levied against any
168 portion of taxes pledged to debt service on bonds to the extent
169 that the costs and service charge are required to pay any
170 amounts relating to the bonds. All of the costs of the
171 collection and enforcement of the tax levied by this chapter and



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172 the service charge shall be available and transferred to the
173 extent necessary to pay debt service and any other amounts
174 payable with respect to bonds authorized before January 1, 2017,
175 secured by revenues distributed pursuant to this section. All
176 taxes remaining after deduction of costs shall be distributed as
177 follows:

178 (4) After the required distributions to the Land
179 Acquisition Trust Fund pursuant to subsections (1) and (2) and
180 deduction of the service charge imposed pursuant to s.
181 215.20(1), the remainder shall be distributed as follows:

182 (a) The lesser of 24.18442 percent of the remainder or
183 \$541.75 million in each fiscal year shall be paid into the State
184 Treasury to the credit of the State Transportation Trust Fund.
185 Of such funds, \$75 million for each fiscal year shall be
186 transferred to the General Revenue Fund. Notwithstanding any
187 other law, the remaining amount credited to the State
188 Transportation Trust Fund shall be used for:

189 1. Capital funding for the New Starts Transit Program,
190 authorized by Title 49, U.S.C. s. 5309 and specified in s.
191 341.051, in the amount of 10 percent of the funds;

192 2. The Small County Outreach Program specified in s.
193 339.2818, in the amount of 10 percent of the funds;

194 3. The Strategic Intermodal System specified in ss. 339.61,
195 339.62, 339.63, and 339.64, in the amount of 75 percent of the
196 funds after deduction of the payments required pursuant to
197 subparagraphs 1. and 2.; and

198 4.a. The Transportation Regional Incentive Program
199 specified in s. 339.2819, in the amount of 25 percent of the
200 funds after deduction of the payments required pursuant to



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201 subparagraphs 1. and 2.

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

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

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

214 206.46 State Transportation Trust Fund.—

215 (2) Notwithstanding any other provision ~~provisions~~ of law,
216 from the revenues deposited into the State Transportation Trust
217 Fund a maximum of 7 percent in each fiscal year shall be
218 transferred into the Right-of-Way Acquisition and Bridge
219 Construction Trust Fund created in s. 215.605~~7~~ as needed to meet
220 the requirements of the documents authorizing the bonds issued
221 or proposed to be issued under ss. 215.605 and 337.276 or at a
222 minimum amount sufficient to pay for the debt service coverage
223 requirements of outstanding bonds. Notwithstanding the 7 percent
224 annual transfer authorized in this subsection, the annual amount
225 transferred under this subsection shall not exceed an amount
226 necessary to provide the required debt service coverage levels
227 for a maximum debt service not to exceed \$350 ~~\$275~~ million. Such
228 transfer shall be payable primarily from the motor and diesel
229 fuel taxes transferred to the State Transportation Trust Fund



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230 from the Fuel Tax Collection Trust Fund.

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

233 206.606 Distribution of certain proceeds.—

234 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
235 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
236 Fund. Such moneys, after deducting ~~the service charges imposed~~
237 ~~by s. 215.20~~, the refunds granted pursuant to s. 206.41~~7~~ and the
238 administrative costs incurred by the department in collecting,
239 administering, enforcing, and distributing the tax, which
240 administrative costs may not exceed 2 percent of collections,
241 shall be distributed monthly to the State Transportation Trust
242 Fund, except that:

243 (a) Each fiscal year, \$6.3 ~~\$6.30~~ million shall be
244 transferred to the Fish and Wildlife Conservation Commission ~~in~~
245 ~~each fiscal year~~ and deposited in the Invasive Plant Control
246 Trust Fund to be used for aquatic plant management, including
247 nonchemical control of aquatic weeds, research into nonchemical
248 controls, and enforcement activities. The commission shall
249 allocate at least \$1 million of such funds to the eradication of
250 melaleuca.

251 (b) Annually, \$2.5 million shall be transferred to the
252 State Game Trust Fund in the Fish and Wildlife Conservation
253 Commission and used for recreational boating activities and
254 freshwater fisheries management and research. The transfers must
255 be made in equal monthly amounts beginning on July 1 of each
256 fiscal year. The commission shall annually determine where unmet
257 needs exist for boating-related activities~~7~~ and may fund such
258 activities in counties where, due to the number of vessel



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259 registrations, sufficient financial resources are unavailable.

260 1. A minimum of \$1.25 million shall be used to fund local
261 projects to provide recreational channel marking and other
262 uniform waterway markers, public boat ramps, lifts, and hoists,
263 marine railways, and other public launching facilities, derelict
264 vessel removal, and other local boating-related activities. In
265 funding the projects, the commission shall give priority
266 consideration to:

267 a. Unmet needs in counties having populations of 100,000 or
268 fewer.

269 b. Unmet needs in coastal counties having a high level of
270 boating-related activities from individuals residing in other
271 counties.

272 2. The remaining \$1.25 million may be used for recreational
273 boating activities and freshwater fisheries management and
274 research.

275 3. The commission may adopt rules to administer a Florida
276 Boating Improvement Program.

277
278 The commission shall prepare and make available on its ~~Internet~~
279 website an annual report outlining the status of its Florida
280 Boating Improvement Program, including the projects funded, and
281 a list of counties the whose needs of which are unmet due to
282 insufficient financial resources from vessel registration fees.

283 (c) ~~0.65 percent~~ Of the moneys collected pursuant to s.
284 206.41(1)(g), 0.65 percent shall be transferred to the
285 Agricultural Emergency Eradication Trust Fund.

286 (d) Each fiscal year, \$13.4 million ~~in fiscal year 2007-~~
287 ~~2008 and each fiscal year thereafter~~ of the moneys attributable



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288 to the sale of motor and diesel fuel at marinas shall be
289 transferred from the Fuel Tax Collection Trust Fund to the
290 Marine Resources Conservation Trust Fund in the Fish and
291 Wildlife Conservation Commission.

292 Section 5. Section 206.608, Florida Statutes, is amended to
293 read:

294 206.608 State Comprehensive Enhanced Transportation System
295 Tax; deposit of proceeds; distribution.—Moneys received pursuant
296 to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the
297 Fuel Tax Collection Trust Fund, and, after deducting the ~~service~~
298 ~~charge imposed in chapter 215~~ and administrative costs incurred
299 by the department in collecting, administering, enforcing, and
300 distributing the tax, which administrative costs may not exceed
301 2 percent of collections, shall be distributed as follows:

302 (1) ~~0.65 percent~~ Of the proceeds of the tax levied pursuant
303 to s. 206.41(1)(f), 0.65 percent shall be transferred to the
304 Agricultural Emergency Eradication Trust Fund.

305 (2) The remaining proceeds of the tax levied pursuant to s.
306 206.41(1)(f) and all of the proceeds from the tax imposed by s.
307 206.87(1)(d) shall be transferred into the State Transportation
308 Trust Fund, and may be used only for projects in the adopted
309 work program in the district in which the tax proceeds are
310 collected, and, to the maximum extent feasible, such moneys
311 shall be programmed for use in the county where collected.
312 However, ~~no~~ revenue from the taxes imposed pursuant to ss.
313 206.41(1)(f) and 206.87(1)(d) in a county may not ~~shall~~ be
314 expended unless the projects funded with such revenues have been
315 included in the work program adopted pursuant to s. 339.135.

316 Section 6. Subsection (6) of section 212.0501, Florida



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317 Statutes, is amended to read:

318 212.0501 Tax on diesel fuel for business purposes;
319 purchase, storage, and use.—

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

327 Section 7. Subsection (7) of section 311.101, Florida
328 Statutes, is amended to read:

329 311.101 Intermodal Logistics Center Infrastructure Support
330 Program.—

331 (7) ~~Beginning in fiscal year 2014-2015,~~ At least \$5 million
332 per fiscal year shall be made available from the State
333 Transportation Trust Fund for the program. The Department of
334 Transportation shall include projects proposed to be funded
335 under this section in the tentative work program developed
336 pursuant to s. 339.135(4). ~~This subsection expires on July 1,~~
337 ~~2020.~~

338 Section 8. Subsection (5) of section 319.32, Florida
339 Statutes, is amended to read:

340 319.32 Fees; service charges; disposition.—

341 (5) (a) Forty-seven dollars of each fee collected, except
342 for fees charged on a certificate of title for a motor vehicle
343 for hire registered under s. 320.08(6), for each applicable
344 original certificate of title and each applicable duplicate copy
345 of a certificate of title, ~~after deducting the service charges~~



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346 ~~imposed by s. 215.20,~~ shall be deposited into the State
347 Transportation Trust Fund. Deposits to the State Transportation
348 Trust Fund pursuant to this paragraph may not exceed \$200
349 million in any fiscal year, and any collections in excess of
350 that amount during the fiscal year shall be paid into the
351 General Revenue Fund.

352 (b) All fees collected pursuant to subsection (3) shall be
353 paid into the Nongame Wildlife Trust Fund. Twenty-one dollars of
354 each fee, except for fees charged on a certificate of title for
355 a motor vehicle for hire registered under s. 320.08(6), for each
356 applicable original certificate of title and each applicable
357 duplicate copy of a certificate of title, ~~after deducting the~~
358 ~~service charges imposed by s. 215.20,~~ shall be deposited into
359 the State Transportation Trust Fund. All other fees collected by
360 the department under this chapter shall be paid into the General
361 Revenue Fund.

362 Section 9. Subsection (1) of section 327.59, Florida
363 Statutes, is amended, and subsection (5) is added to that
364 section, to read:

365 327.59 Marina evacuations.—

366 (1) Except as provided in this section ~~After June 1, 1994,~~
367 marinas may not adopt, maintain, or enforce policies pertaining
368 to evacuation of vessels which require vessels to be removed
369 from marinas following the issuance of a hurricane watch or
370 warning, in order to ensure that protecting the lives and safety
371 of vessel owners is placed before interests of protecting
372 property.

373 (5) Upon the issuance of a hurricane watch affecting the
374 waters of marinas located in a deepwater seaport, vessels under



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375 500 gross tons may not remain in the waters of such marinas that
376 have been deemed not suitable for refuge during a hurricane.
377 Vessel owners shall promptly remove their vessels from the
378 waterways upon issuance of an evacuation order by the deepwater
379 seaport. If the United States Coast Guard captain of the port
380 sets the port condition to "Yankee" and a vessel owner has
381 failed to remove a vessel from the waterway, the marina owner,
382 operator, employee, or agent, regardless of any existing
383 contractual provisions between the marina owner and the vessel
384 owner, shall remove the vessel, or cause the vessel to be
385 removed, if reasonable, from its slip and may charge the vessel
386 owner a reasonable fee for any such services rendered. A marina
387 owner, operator, employee, or agent may not be held liable for
388 any damage incurred to a vessel from a hurricane and is held
389 harmless as a result of such actions to remove the vessel from
390 the waterways. Nothing in this section may be construed to
391 provide immunity to a marina owner, operator, employee, or agent
392 for any damage caused by intentional acts or negligence when
393 removing a vessel pursuant to this section. After the hurricane
394 watch has been issued, the owner or operator of any vessel that
395 has not been removed from the waterway of the marina, pursuant
396 to an order from the deepwater seaport, may be subject to a
397 fine, which must be imposed and collected by the deepwater
398 seaport that issued the evacuation order if assessed, in an
399 amount not exceeding three times the cost associated with
400 removing the vessel from the waterway.

401 Section 10. Paragraph (c) of subsection (1) of section
402 333.03, Florida Statutes, is amended to read:

403 333.03 Requirement to adopt airport zoning regulations.—



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- 404 (1)
- 405 (c) Airport protection zoning regulations adopted under
- 406 paragraph (a) must, at a minimum, require:
- 407 1. A permit for the construction or alteration of any
- 408 obstruction.~~†~~
- 409 2. Obstruction marking and lighting for obstructions.~~†~~
- 410 3. Documentation showing compliance with the federal
- 411 requirement for notification of proposed construction or
- 412 alteration of structures and a final valid determination from
- 413 the Federal Aviation Administration aeronautical study submitted
- 414 by each person applying for a permit.~~†~~
- 415 4. Consideration of the criteria in s. 333.025(6)~~†~~ when
- 416 determining whether to issue or deny a permit.~~†~~ ~~and~~
- 417 5. That approval of a permit not be based solely on the
- 418 determination by the Federal Aviation Administration that the
- 419 proposed structure is not an airport hazard.

420 Section 11. Section 334.275, Florida Statutes, is created

421 to read:

422 334.275 Road and bridge maintenance and construction

423 vehicle safety.—

424 (1) Notwithstanding any other provision of law:

425 (a) If a road or bridge maintenance or construction vehicle

426 displaying warning lights is on the roadside without advanced

427 signs or channeling devices, the driver of every other vehicle,

428 as soon as it is safe, shall vacate the lane closest to the road

429 or bridge maintenance or construction vehicle when driving on an

430 interstate highway or other highway with two or more lanes

431 traveling in the direction of the road or bridge maintenance or

432 construction vehicle, except when otherwise directed by a law



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433 enforcement officer. If such movement cannot be safely
434 accomplished, the driver of every other vehicle shall slow to a
435 speed that is 20 miles per hour less than the speed limit when
436 the speed limit is 25 miles per hour or greater; or travel at 5
437 miles per hour when the posted speed limit is 20 miles per hour
438 or less, when driving on a two-lane road, except when otherwise
439 directed by a law enforcement officer.

440 (b) Portable radar speed display units in advance of a work
441 zone on roadways with a posted speed limit of 55 miles per hour
442 or more may show or display flashing red and blue lights when
443 workers are present in the work zone for the purpose of road or
444 bridge maintenance or construction.

445 (2) The Department of Highway Safety and Motor Vehicles
446 shall include the requirements of this section in its
447 educational awareness campaign relating to the Move Over Act and
448 in all newly printed driver license educational materials.

449 (3) Every pedestrian using the road right-of-way shall
450 yield the right-of-way to an authorized road or bridge
451 maintenance or construction vehicle, unless otherwise directed
452 by a law enforcement officer.

453 (4) This section applies to maintenance or construction
454 being performed for a governmental transportation entity as
455 defined in s. 334.27(1).

456 (5) This section does not diminish or enlarge any rules of
457 evidence or liability in any case involving the operation of a
458 road or bridge maintenance or construction vehicle.

459 (6) This section does not relieve the driver of an
460 authorized road or bridge maintenance or construction vehicle
461 from the duty to drive with due regard for the safety of all



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462 persons using the highway.

463 (7) A violation of this section is a noncriminal traffic
464 infraction, punishable pursuant to chapter 318 as either a
465 moving violation for infractions of paragraph (1)(a) or as a
466 pedestrian violation for infractions of subsection (5).

467 Section 12. Subsection (7) of section 337.14, Florida
468 Statutes, is amended to read:

469 337.14 Application for qualification; certificate of
470 qualification; restrictions; request for hearing.—

471 (7)(a) A "contractor" as defined in s. 337.165(1)(d) or his
472 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
473 the department under this section may not also qualify under s.
474 287.055 or s. 337.105 to provide testing services, construction,
475 engineering, and inspection services to the department. This
476 limitation does not apply to any design-build prequalification
477 under s. 337.11(7) and does not apply when the department
478 otherwise determines by written order entered at least 30 days
479 before advertisement that the limitation is not in the best
480 interests of the public with respect to a particular contract
481 for testing services, construction, engineering, and inspection
482 services. This subsection does not authorize a contractor to
483 provide testing services, or provide construction, engineering,
484 and inspection services, to the department in connection with a
485 construction contract under which the contractor is performing
486 any work.

487 (b) Notwithstanding any other provision of law to the
488 contrary, for a project that is wholly or partially funded by
489 the department and administered by a local governmental entity,
490 except for a seaport listed in s. 311.09 or an airport as



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491 defined in s. 332.004, the entity performing design and
492 construction engineering and inspection services may not be the
493 same entity.

494 1. By January 1, 2021, each seaport and airport shall adopt
495 necessary controls for oversight and prevention of conflicts of
496 interest when an entity is engaged to provide design services
497 and to provide construction engineering and inspection services
498 for the same seaport or airport project.

499 2. Conflict of interest controls must, at a minimum,
500 address:

501 a. Conflict of interest guidance and policies for
502 contracting entities.

503 b. Conflict of interest identification, disclosure, and
504 mitigation requirements for both the seaport or airport staff
505 and the entity's staff.

506 c. Management and oversight resources and guidance.

507 d. Monitoring and evaluating compliance with applicable
508 federal and state laws and regulations.

509 e. Training requirements and programs for seaport or
510 airport staff and the entity's staff on contract management.

511 3. Conflict of interest controls required by subparagraphs
512 1. and 2. shall be incorporated by reference into any contract
513 entered into by a seaport or an airport under this paragraph.

514 The contract must also clearly define each contracting party's
515 roles, responsibilities, and duties for a project.

516 4. The requirements of this paragraph apply only to
517 contracts executed after January 1, 2021, under which an entity
518 is providing design services and construction engineering and
519 inspection services on the same project.



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520 5. Upon the request of a seaport or an airport, the
521 department may provide technical assistance in developing the
522 conflict of interest controls required by this paragraph.

523 Section 13. Subsection (4) of section 337.25, Florida
524 Statutes, is amended to read:

525 337.25 Acquisition, lease, and disposal of real and
526 personal property.—

527 (4) The department may convey, in the name of the state,
528 any land, building, or other property, real or personal, which
529 was acquired under subsection (1) and which the department has
530 determined is not needed for the construction, operation, and
531 maintenance of a transportation facility. When such a
532 determination has been made, property may be disposed of through
533 negotiations, sealed competitive bids, auctions, or any other
534 means the department deems to be in its best interest, with due
535 advertisement for property valued by the department at greater
536 than \$10,000. A sale may not occur at a price less than the
537 department's current estimate of value, except as provided in
538 paragraphs (a)-(d). The department may afford a right of first
539 refusal to the local government or other political subdivision
540 in the jurisdiction in which the parcel is situated, except in a
541 conveyance transacted under paragraph (a), paragraph (c), or
542 paragraph (e). Notwithstanding any provision of this section to
543 the contrary, before any conveyance under this subsection may be
544 made, except a conveyance under paragraph (a) or paragraph (c),
545 the department shall first afford a right of first refusal to
546 the previous property owner for the department's current
547 estimate of value of the property. The right of first refusal
548 must be made in writing and sent to the previous owner via



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549 certified mail or hand delivery, effective upon receipt. The
550 right of first refusal must provide the previous owner with a
551 minimum of 30 days to exercise the right in writing and must be
552 sent to the originator of the offer by certified mail or hand
553 delivery, effective upon dispatch. If the previous owner
554 exercises his or her right of first refusal, the previous owner
555 has a minimum of 90 days to close on the property.

556 (a) If the property has been donated to the state for
557 transportation purposes and a transportation facility has not
558 been constructed for at least 5 years, plans have not been
559 prepared for the construction of such facility, and the property
560 is not located in a transportation corridor, the governmental
561 entity may authorize reconveyance of the donated property for no
562 consideration to the original donor or the donor's heirs,
563 successors, assigns, or representatives.

564 (b) If the property is to be used for a public purpose, the
565 property may be conveyed without consideration to a governmental
566 entity.

567 (c) If the property was originally acquired specifically to
568 provide replacement housing for persons displaced by
569 transportation projects, the department may negotiate for the
570 sale of such property as replacement housing. As compensation,
571 the state shall receive at least its investment in such property
572 or the department's current estimate of value, whichever is
573 lower. It is expressly intended that this benefit be extended
574 only to persons actually displaced by the project. Dispositions
575 to any other person must be for at least the department's
576 current estimate of value.

577 (d) If the department determines that the property requires



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578 significant costs to be incurred or that continued ownership of
579 the property exposes the department to significant liability
580 risks, the department may use the projected maintenance costs
581 over the next 10 years to offset the property's value in
582 establishing a value for disposal of the property, even if that
583 value is zero.

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

588 Section 14. Paragraph (c) of subsection (4) and paragraph
589 (g) of subsection (7) of section 339.135, Florida Statutes, are
590 amended to read:

591 339.135 Work program; legislative budget request;
592 definitions; preparation, adoption, execution, and amendment.—

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

594 (c)1. For purposes of this section, the board of county
595 commissioners shall serve as the metropolitan planning
596 organization in those counties that ~~which~~ are not located in a
597 metropolitan planning organization and shall be involved in the
598 development of the district work program to the same extent as a
599 metropolitan planning organization.

600 2. The district work program shall be developed
601 cooperatively from the outset with the various metropolitan
602 planning organizations of the state and include, to the maximum
603 extent feasible, the project priorities of metropolitan planning
604 organizations which have been submitted to the district by
605 August ~~October~~ 1 of each year pursuant to s. 339.175(8) (b);
606 however, the department and a metropolitan planning organization



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607 may, in writing, cooperatively agree to vary this submittal
608 date. To assist the metropolitan planning organizations in
609 developing their lists of project priorities, the district shall
610 disclose to each metropolitan planning organization any
611 anticipated changes in the allocation or programming of state
612 and federal funds which may affect the inclusion of metropolitan
613 planning organization project priorities in the district work
614 program.

615 3. Before ~~Prior to~~ submittal of the district work program
616 to the central office, the district shall provide the affected
617 metropolitan planning organization with written justification
618 for any project proposed to be rescheduled or deleted from the
619 district work program which project is part of the metropolitan
620 planning organization's transportation improvement program and
621 is contained in the last 4 years of the previous adopted work
622 program. By no later than 14 days after submittal of the
623 district work program to the central office, the affected
624 metropolitan planning organization may file an objection to such
625 rescheduling or deletion. When an objection is filed with the
626 secretary, the rescheduling or deletion may not be included in
627 the district work program unless the inclusion of such
628 rescheduling or deletion is specifically approved by the
629 secretary. The Florida Transportation Commission shall include
630 such objections in its evaluation of the tentative work program
631 only when the secretary has approved the rescheduling or
632 deletion.

633 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

634 (g)1. A ~~Any~~ work program amendment that ~~which~~ also requires
635 the transfer of fixed capital outlay appropriations between



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636 categories within the department or the increase of an
637 appropriation category is subject to the approval of the
638 Legislative Budget Commission.

639 2. If a meeting of the Legislative Budget Commission cannot
640 be held within 30 days after the department submits an amendment
641 to the Legislative Budget Commission, the chair and vice chair
642 of the Legislative Budget Commission may authorize such
643 amendment to be approved pursuant to s. 216.177. ~~This~~
644 ~~subparagraph expires July 1, 2020.~~

645 Section 15. Paragraph (b) of subsection (8) of section
646 339.175, Florida Statutes, is amended to read:

647 339.175 Metropolitan planning organization.—

648 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
649 in cooperation with the state and affected public transportation
650 operators, develop a transportation improvement program for the
651 area within the jurisdiction of the M.P.O. In the development of
652 the transportation improvement program, each M.P.O. must provide
653 the public, affected public agencies, representatives of
654 transportation agency employees, freight shippers, providers of
655 freight transportation services, private providers of
656 transportation, representatives of users of public transit, and
657 other interested parties with a reasonable opportunity to
658 comment on the proposed transportation improvement program.

659 (b) Each M.P.O. annually shall prepare a list of project
660 priorities and shall submit the list to the appropriate district
661 of the department by August ~~October~~ 1 of each year; however, the
662 department and a metropolitan planning organization may, in
663 writing, agree to vary this submittal date. Where more than one
664 M.P.O. exists in an urbanized area, the M.P.O.'s shall



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665 coordinate in the development of regionally significant project
666 priorities. The list of project priorities must be formally
667 reviewed by the technical and citizens' advisory committees, and
668 approved by the M.P.O., before it is transmitted to the
669 district. The approved list of project priorities must be used
670 by the district in developing the district work program and must
671 be used by the M.P.O. in developing its transportation
672 improvement program. The annual list of project priorities must
673 be based upon project selection criteria that, at a minimum,
674 consider the following:

- 675 1. The approved M.P.O. long-range transportation plan.~~†~~
- 676 2. The Strategic Intermodal System Plan developed under s.
677 339.64.
- 678 3. The priorities developed pursuant to s. 339.2819(4).
- 679 4. The results of the transportation management systems.~~†~~
680 and
- 681 5. The M.P.O.'s public-involvement procedures.

682 Section 16. Section 339.2821, Florida Statutes, is
683 repealed.

684 Section 17. Paragraph (b) of subsection (17) of section
685 341.302, Florida Statutes, is amended to read:

686 341.302 Rail program; duties and responsibilities of the
687 department.—The department, in conjunction with other
688 governmental entities, including the rail enterprise and the
689 private sector, shall develop and implement a rail program of
690 statewide application designed to ensure the proper maintenance,
691 safety, revitalization, and expansion of the rail system to
692 assure its continued and increased availability to respond to
693 statewide mobility needs. Within the resources provided pursuant



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694 to chapter 216, and as authorized under federal law, the
695 department shall:

696 (17) In conjunction with the acquisition, ownership,
697 construction, operation, maintenance, and management of a rail
698 corridor, have the authority to:

699 (b) Purchase liability insurance, which amount shall not
700 exceed \$295 ~~\$200~~ million, and establish a self-insurance
701 retention fund for the purpose of paying the deductible limit
702 established in the insurance policies it may obtain, including
703 coverage for the department, any freight rail operator as
704 described in paragraph (a), National Railroad Passenger
705 Corporation, commuter rail service providers, governmental
706 entities, or any ancillary development, which self-insurance
707 retention fund or deductible shall not exceed \$10 million. The
708 insureds shall pay a reasonable monetary contribution to the
709 cost of such liability coverage for the sole benefit of the
710 insured. Such insurance and self-insurance retention fund may
711 provide coverage for all damages, including, but not limited to,
712 compensatory, special, and exemplary, and be maintained to
713 provide an adequate fund to cover claims and liabilities for
714 loss, injury, or damage arising out of or connected with the
715 ownership, operation, maintenance, and management of a rail
716 corridor.

717
718 Neither the assumption by contract to protect, defend,
719 indemnify, and hold harmless; the purchase of insurance; nor the
720 establishment of a self-insurance retention fund shall be deemed
721 to be a waiver of any defense of sovereign immunity for torts
722 nor deemed to increase the limits of the department's or the



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723 governmental entity's liability for torts as provided in s.
724 768.28. The requirements of s. 287.022(1) shall not apply to the
725 purchase of any insurance under this subsection. The provisions
726 of this subsection shall apply and inure fully as to any other
727 governmental entity providing commuter rail service and
728 constructing, operating, maintaining, or managing a rail
729 corridor on publicly owned right-of-way under contract by the
730 governmental entity with the department or a governmental entity
731 designated by the department. Notwithstanding any law to the
732 contrary, procurement for the construction, operation,
733 maintenance, and management of any rail corridor described in
734 this subsection, whether by the department, a governmental
735 entity under contract with the department, or a governmental
736 entity designated by the department, shall be pursuant to s.
737 287.057 and shall include, but not be limited to, criteria for
738 the consideration of qualifications, technical aspects of the
739 proposal, and price. Further, any such contract for design-build
740 shall be procured pursuant to the criteria in s. 337.11(7).

741 Section 18. Effective July 1, 2023, section 341.302,
742 Florida Statutes, as amended by this act, is amended to read:

743 341.302 Rail program; duties and responsibilities of the
744 department.—The department, in conjunction with other
745 governmental entities, ~~including the rail enterprise~~ and the
746 private sector, shall develop and implement a rail program of
747 statewide application designed to ensure the proper maintenance,
748 safety, revitalization, and expansion of the rail system to
749 assure its continued and increased availability to respond to
750 statewide mobility needs. Within the resources provided pursuant
751 to chapter 216, and as authorized under federal law, the



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752 department shall:

753 (1) Provide the overall leadership, coordination, and
754 financial and technical assistance necessary to ensure ~~assure~~
755 the effective responses of the state's rail system to current
756 and anticipated mobility needs.

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

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

763 (a) The plan may contain detailed regional components,
764 consistent with regional transportation plans, as needed to
765 ensure connectivity within the state's regions, and it shall be
766 consistent with the Florida Transportation Plan developed
767 pursuant to s. 339.155. The rail system plan shall include an
768 identification of priorities, programs, and funding levels
769 required to meet statewide and regional needs. The rail system
770 plan shall be developed in a manner that will ensure ~~assure~~ the
771 maximum use of existing facilities and the optimum integration
772 and coordination of the various modes of transportation, public
773 and private, in the most cost-effective manner possible. The
774 rail system plan shall be updated no later than January 1, 2011,
775 and at least every 5 years thereafter, and include plans for
776 both passenger rail service and freight rail service,
777 accompanied by a report to the Legislature regarding the status
778 of the plan.

779 (b) In recognition of the department's role in the
780 enhancement of the state's rail system to improve freight and



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781 passenger mobility, the department shall:

782 1. Work closely with all affected communities along an
783 impacted freight rail corridor to identify and address
784 anticipated impacts associated with an increase in freight rail
785 traffic due to implementation of passenger rail.

786 2. In coordination with the affected local governments and
787 CSX Transportation, Inc., finalize all viable alternatives from
788 the department's Rail Traffic Evaluation Study to identify and
789 develop an alternative route for through freight rail traffic
790 moving through Central Florida, including the counties of Polk
791 and Hillsborough, which would address, to the extent
792 practicable, the effects of commuter rail.

793 3. Provide technical assistance to a coalition of local
794 governments in Central Florida, including the counties of
795 Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange,
796 Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole,
797 Sumter, and Volusia, and the municipalities within those
798 counties, to develop a regional rail system plan that addresses
799 passenger and freight opportunities in the region, is consistent
800 with the Florida Rail System Plan, and incorporates appropriate
801 elements of the Tampa Bay Area Regional Authority Master Plan,
802 the Metroplan Orlando Regional Transit System Concept Plan,
803 including the SunRail project, and the Florida Department of
804 Transportation Alternate Rail Traffic Evaluation.

805 (4) As part of the work program of the department,
806 formulate a specific program of projects and financing to
807 respond to identified railroad needs.

808 (5) Provide technical and financial assistance to units of
809 local government to address identified rail transportation



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810 needs.

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

814 (7) Develop and administer state standards concerning the
815 safety and performance of rail systems, hazardous material
816 handling, and operations. Such standards shall be developed
817 jointly with representatives of affected rail systems, with full
818 consideration given to nationwide industry norms, and shall
819 define the minimum acceptable standards for safety and
820 performance.

821 (8) Conduct, at a minimum, inspections of track and rolling
822 stock; train signals and related equipment; hazardous materials
823 transportation, including the loading, unloading, and labeling
824 of hazardous materials at shippers', receivers', and transfer
825 points; and train operating practices to determine adherence to
826 state and federal standards. Department personnel may enforce
827 any safety regulation issued under the Federal Government's
828 preemptive authority over interstate commerce.

829 (9) Assess penalties, in accordance with the applicable
830 federal regulations, for the failure to adhere to the state
831 standards.

832 (10) Administer rail operating and construction programs,
833 which programs shall include the regulation of maximum ~~maxi-mum~~
834 train operating speeds, the opening and closing of public grade
835 crossings, the construction and rehabilitation of public grade
836 crossings, and the installation of traffic control devices at
837 public grade crossings, the administering of the programs by the
838 department including participation in the cost of the programs.



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839 (11) Coordinate and facilitate the relocation of railroads
840 from congested urban areas to nonurban areas when relocation has
841 been determined feasible and desirable from the standpoint of
842 safety, operational efficiency, and economics.

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

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

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

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

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

856

857 The department may own, lease, and otherwise encumber
858 facilities, equipment, and appurtenances thereto, as necessary
859 to provide new rail services, or the department may provide
860 such service by contracts with privately owned service
861 providers.

862 (14) Furnish required emergency rail transportation service
863 if no other private or public rail transportation operation is
864 available to supply the required service and such service is
865 clearly in the best interest of the people in the communities
866 being served. Such emergency service may be furnished through
867 contractual arrangement, actual operation of state-owned



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868 equipment and facilities, or any other means determined
869 appropriate by the secretary.

870 (15) Assist in the development and implementation of
871 marketing programs for rail services and of information systems
872 directed toward assisting rail systems users.

873 (16) Conduct research into innovative or potentially
874 effective rail technologies and methods and maintain expertise
875 in state-of-the-art rail developments.

876 (17) In conjunction with the acquisition, ownership,
877 construction, operation, maintenance, and management of a rail
878 corridor, have the authority to:

879 (a) Assume obligations pursuant to the following:

880 1.a. The department may assume the obligation by contract
881 to forever protect, defend, indemnify, and hold harmless the
882 freight rail operator, or its successors, from whom the
883 department has acquired a real property interest in the rail
884 corridor, and that freight rail operator's officers, agents, and
885 employees, from and against any liability, cost, and expense,
886 including, but not limited to, commuter rail passengers and rail
887 corridor invitees in the rail corridor, regardless of whether
888 the loss, damage, destruction, injury, or death giving rise to
889 any such liability, cost, or expense is caused in whole or in
890 part, and to whatever nature or degree, by the fault, failure,
891 negligence, misconduct, nonfeasance, or misfeasance of such
892 freight rail operator, its successors, or its officers, agents,
893 and employees, or any other person or persons whomsoever; or

894 b. The department may assume the obligation by contract to
895 forever protect, defend, indemnify, and hold harmless National
896 Railroad Passenger Corporation, or its successors, and officers,



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897 agents, and employees of National Railroad Passenger
898 Corporation, from and against any liability, cost, and expense,
899 including, but not limited to, commuter rail passengers and rail
900 corridor invitees in the rail corridor, regardless of whether
901 the loss, damage, destruction, injury, or death giving rise to
902 any such liability, cost, or expense is caused in whole or in
903 part, and to whatever nature or degree, by the fault, failure,
904 negligence, misconduct, nonfeasance, or misfeasance of National
905 Railroad Passenger Corporation, its successors, or its officers,
906 agents, and employees, or any other person or persons
907 whomsoever.

908 2. The assumption of liability of the department by
909 contract pursuant to sub-subparagraph 1.a. or sub-subparagraph
910 1.b. may not in any instance exceed the following parameters of
911 allocation of risk:

912 a. The department may be solely responsible for any loss,
913 injury, or damage to commuter rail passengers, ~~or~~ rail corridor
914 invitees, or trespassers, regardless of circumstances or cause,
915 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and
916 6.

917 b.(I) In the event of a limited covered accident, the
918 authority of the department to protect, defend, and indemnify
919 the freight operator for all liability, cost, and expense,
920 including punitive or exemplary damages, in excess of the
921 deductible or self-insurance retention fund established under
922 paragraph (b) and actually in force at the time of the limited
923 covered accident exists only if the freight operator agrees,
924 with respect to the limited covered accident, to protect,
925 defend, and indemnify the department for the amount of the



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926 deductible or self-insurance retention fund established under
927 paragraph (b) and actually in force at the time of the limited
928 covered accident.

929 (II) In the event of a limited covered accident, the
930 authority of the department to protect, defend, and indemnify
931 National Railroad Passenger Corporation for all liability, cost,
932 and expense, including punitive or exemplary damages, in excess
933 of the deductible or self-insurance retention fund established
934 under paragraph (b) and actually in force at the time of the
935 limited covered accident exists only if National Railroad
936 Passenger Corporation agrees, with respect to the limited
937 covered accident, to protect, defend, and indemnify the
938 department for the amount of the deductible or self-insurance
939 retention fund established under paragraph (b) and actually in
940 force at the time of the limited covered accident.

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

945 a. When an incident occurs with only a freight train
946 involved, including incidents with trespassers or at grade
947 crossings, the freight rail operator is solely responsible for
948 any loss, injury, or damage, except for commuter rail passengers
949 and rail corridor invitees; or

950 b. When an incident occurs with only a National Railroad
951 Passenger Corporation train involved, including incidents with
952 trespassers or at grade crossings, National Railroad Passenger
953 Corporation is solely responsible for any loss, injury, or
954 damage, except for commuter rail passengers and rail corridor



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955 invitees.

956 4. For the purposes of this subsection:

957 a. Any train involved in an incident that is neither the
958 department's train nor the freight rail operator's train,
959 hereinafter referred to in this subsection as an "other train,"
960 may be treated as a department train, solely for purposes of any
961 allocation of liability between the department and the freight
962 rail operator only, but only if the department and the freight
963 rail operator share responsibility equally as to third parties
964 outside the rail corridor who incur loss, injury, or damage as a
965 result of any incident involving both a department train and a
966 freight rail operator train, and the allocation as between the
967 department and the freight rail operator, regardless of whether
968 the other train is treated as a department train, shall remain
969 one-half each as to third parties outside the rail corridor who
970 incur loss, injury, or damage as a result of the incident. The
971 involvement of any other train shall not alter the sharing of
972 equal responsibility as to third parties outside the rail
973 corridor who incur loss, injury, or damage as a result of the
974 incident; or

975 b. Any train involved in an incident that is neither the
976 department's train nor the National Railroad Passenger
977 Corporation's train, hereinafter referred to in this subsection
978 as an "other train," may be treated as a department train,
979 solely for purposes of any allocation of liability between the
980 department and National Railroad Passenger Corporation only, but
981 only if the department and National Railroad Passenger
982 Corporation share responsibility equally as to third parties
983 outside the rail corridor who incur loss, injury, or damage as a



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984 result of any incident involving both a department train and a
985 National Railroad Passenger Corporation train, and the
986 allocation as between the department and National Railroad
987 Passenger Corporation, regardless of whether the other train is
988 treated as a department train, shall remain one-half each as to
989 third parties outside the rail corridor who incur loss, injury,
990 or damage as a result of the incident. The involvement of any
991 other train shall not alter the sharing of equal responsibility
992 as to third parties outside the rail corridor who incur loss,
993 injury, or damage as a result of the incident.

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

995 a.(I) If only a department train and freight rail
996 operator's train, or only an other train as described in sub-
997 subparagraph 4.a. and a freight rail operator's train, are
998 involved in an incident, the department may be responsible for
999 its property and all of its people, all commuter rail
1000 passengers, and rail corridor invitees, but only if the freight
1001 rail operator is responsible for its property and all of its
1002 people, and the department and the freight rail operator each
1003 share one-half responsibility as to trespassers or third parties
1004 outside the rail corridor who incur loss, injury, or damage as a
1005 result of the incident; or

1006 (II) If only a department train and a National Railroad
1007 Passenger Corporation train, or only an other train as described
1008 in sub-subparagraph 4.b. and a National Railroad Passenger
1009 Corporation train, are involved in an incident, the department
1010 may be responsible for its property and all of its people, all
1011 commuter rail passengers, and rail corridor invitees, but only
1012 if National Railroad Passenger Corporation is responsible for



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1013 its property and all of its people, all National Railroad
1014 Passenger Corporation's rail passengers, and the department and
1015 National Railroad Passenger Corporation each share one-half
1016 responsibility as to trespassers or third parties outside the
1017 rail corridor who incur loss, injury, or damage as a result of
1018 the incident.

1019 b.(I) If a department train, a freight rail operator train,
1020 and any other train are involved in an incident, the allocation
1021 of liability between the department and the freight rail
1022 operator, regardless of whether the other train is treated as a
1023 department train, shall remain one-half each as to third parties
1024 outside the rail corridor who incur loss, injury, or damage as a
1025 result of the incident; the involvement of any other train shall
1026 not alter the sharing of equal responsibility as to third
1027 parties outside the rail corridor who incur loss, injury, or
1028 damage as a result of the incident; and, if the owner, operator,
1029 or insurer of the other train makes any payment to injured third
1030 parties outside the rail corridor who incur loss, injury, or
1031 damage as a result of the incident, the allocation of credit
1032 between the department and the freight rail operator as to such
1033 payment shall not in any case reduce the freight rail operator's
1034 third-party-sharing allocation of one-half under this paragraph
1035 to less than one-third of the total third party liability; or

1036 (II) If a department train, a National Railroad Passenger
1037 Corporation train, and any other train are involved in an
1038 incident, the allocation of liability between the department and
1039 National Railroad Passenger Corporation, regardless of whether
1040 the other train is treated as a department train, shall remain
1041 one-half each as to third parties outside the rail corridor who



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1042 incur loss, injury, or damage as a result of the incident; the
1043 involvement of any other train shall not alter the sharing of
1044 equal responsibility as to third parties outside the rail
1045 corridor who incur loss, injury, or damage as a result of the
1046 incident; and, if the owner, operator, or insurer of the other
1047 train makes any payment to injured third parties outside the
1048 rail corridor who incur loss, injury, or damage as a result of
1049 the incident, the allocation of credit between the department
1050 and National Railroad Passenger Corporation as to such payment
1051 shall not in any case reduce National Railroad Passenger
1052 Corporation's third-party-sharing allocation of one-half under
1053 this sub-subparagraph to less than one-third of the total third
1054 party liability.

1055 6. Any such contractual duty to protect, defend, indemnify,
1056 and hold harmless such a freight rail operator or National
1057 Railroad Passenger Corporation shall expressly include a
1058 specific cap on the amount of the contractual duty, which amount
1059 shall not exceed \$200 million without prior legislative
1060 approval, and the department to purchase liability insurance and
1061 establish a self-insurance retention fund in the amount of the
1062 specific cap established under this subparagraph, provided that:

1063 a. No such contractual duty shall in any case be effective
1064 nor otherwise extend the department's liability in scope and
1065 effect beyond the contractual liability insurance and self-
1066 insurance retention fund required pursuant to this paragraph;
1067 and

1068 b.(I) The freight rail operator's compensation to the
1069 department for future use of the department's rail corridor
1070 shall include a monetary contribution to the cost of such



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1071 liability coverage for the sole benefit of the freight rail
1072 operator.

1073 (II) National Railroad Passenger Corporation's compensation
1074 to the department for future use of the department's rail
1075 corridor shall include a monetary contribution to the cost of
1076 such liability coverage for the sole benefit of National
1077 Railroad Passenger Corporation.

1078 (b) Purchase liability insurance, which amount shall not
1079 exceed \$295 million, and establish a self-insurance retention
1080 fund for the purpose of paying the deductible limit established
1081 in the insurance policies it may obtain, including coverage for
1082 the department, any freight rail operator as described in
1083 paragraph (a), National Railroad Passenger Corporation, commuter
1084 rail service providers, governmental entities, or any ancillary
1085 development, which self-insurance retention fund or deductible
1086 shall not exceed \$10 million. The insureds shall pay a
1087 reasonable monetary contribution to the cost of such liability
1088 coverage for the sole benefit of the insured. Such insurance and
1089 self-insurance retention fund may provide coverage for all
1090 damages, including, but not limited to, compensatory, special,
1091 and exemplary, and be maintained to provide an adequate fund to
1092 cover claims and liabilities for loss, injury, or damage arising
1093 out of or connected with the ownership, operation, maintenance,
1094 and management of a rail corridor.

1095 (c) Incur expenses for the purchase of advertisements,
1096 marketing, and promotional items.

1097 (d) Without altering any of the rights granted to the
1098 department under this section, agree to assume the obligations
1099 to indemnify and insure, pursuant to s. 343.545, freight rail



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1100 service, intercity passenger rail service, and commuter rail
1101 service on a department-owned rail corridor, whether ownership
1102 is in fee or by easement, or on a rail corridor where the
1103 department has the right to operate.

1104

1105 Neither the assumption by contract to protect, defend,
1106 indemnify, and hold harmless; the purchase of insurance; nor the
1107 establishment of a self-insurance retention fund shall be deemed
1108 to be a waiver of any defense of sovereign immunity for torts
1109 nor deemed to increase the limits of the department's or the
1110 governmental entity's liability for torts as provided in s.
1111 768.28. The requirements of s. 287.022(1) shall not apply to the
1112 purchase of any insurance under this subsection. ~~The provisions~~
1113 ~~of~~ This subsection shall apply and inure fully as to any other
1114 governmental entity providing commuter rail service and
1115 constructing, operating, maintaining, or managing a rail
1116 corridor on publicly owned right-of-way under contract by the
1117 governmental entity with the department or a governmental entity
1118 designated by the department. Notwithstanding any law to the
1119 contrary, procurement for the construction, operation,
1120 maintenance, and management of any rail corridor described in
1121 this subsection, whether by the department, a governmental
1122 entity under contract with the department, or a governmental
1123 entity designated by the department, shall be pursuant to s.
1124 287.057 and shall include, but not be limited to, criteria for
1125 the consideration of qualifications, technical aspects of the
1126 proposal, and price. Further, any such contract for design-build
1127 shall be procured pursuant to the criteria in s. 337.11(7).

1128 (18) Exercise such other functions, powers, and duties in



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1129 connection with the rail system plan as are necessary to develop
1130 a safe, efficient, and effective statewide transportation
1131 system.

1132 Section 19. Effective July 1, 2023, subsections (5) and (6)
1133 of section 341.303, Florida Statutes, are amended to read:

1134 341.303 Funding authorization and appropriations;
1135 eligibility and participation.—

1136 (5) ~~FUND PARTICIPATION; FLORIDA RAIL ENTERPRISE.~~—The
1137 department may, ~~through the Florida Rail Enterprise, is~~
1138 ~~authorized to~~ use funds provided pursuant to s. 201.15(4)(a)4.
1139 to fund:

1140 (a) Up to 50 percent of the nonfederal share of the costs
1141 of any eligible passenger rail capital improvement project.

1142 (b) Up to 100 percent of planning and development costs
1143 related to the provision of a passenger rail system, including,
1144 but not limited to, preliminary engineering, revenue studies,
1145 environmental impact studies, financial advisory services,
1146 engineering design, and other appropriate professional services.

1147 (c) The high-speed rail system.

1148 (d) Projects necessary to identify or address anticipated
1149 impacts of increased freight rail traffic resulting from the
1150 implementation of passenger rail systems as provided in s.
1151 341.302(3)(b).

1152 (e) Projects necessary to identify or address needed or
1153 desirable safety improvements to passenger rail systems in this
1154 state.

1155 ~~(6) FLORIDA RAIL ENTERPRISE; BUDGET.—~~

1156 ~~(a) The Florida Rail Enterprise shall be a single budget~~
1157 ~~entity and shall develop a budget pursuant to chapter 216. The~~



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1158 ~~enterprise's budget shall be submitted to the Legislature along~~
1159 ~~with the department's budget. All passenger rail funding by the~~
1160 ~~department shall be included in this budget entity.~~

1161 ~~(b) Notwithstanding the provisions of s. 216.301 to the~~
1162 ~~contrary and in accordance with s. 216.351, the Executive Office~~
1163 ~~of the Governor shall, on July 1 of each year, certify forward~~
1164 ~~all unexpended funds appropriated or provided pursuant to this~~
1165 ~~section for the enterprise. Of the unexpended funds certified~~
1166 ~~forward, any unencumbered amounts shall be carried forward. Such~~
1167 ~~funds carried forward shall not exceed 5 percent of the original~~
1168 ~~approved operating budget of the enterprise pursuant to s.~~
1169 ~~216.181(1). Funds carried forward pursuant to this section may~~
1170 ~~be used for any lawful purpose, including, but not limited to,~~
1171 ~~promotional and market activities, technology, and training. Any~~
1172 ~~certified-forward funds remaining undisbursed on September 30 of~~
1173 ~~each year shall be carried forward.~~

1174 Section 20. Effective July 1, 2023, section 341.8201,
1175 Florida Statutes, is repealed.

1176 Section 21. Effective July 1, 2023, section 341.8203,
1177 Florida Statutes, is amended to read:

1178 341.8203 Definitions.—As used in ss. 341.822-341.842 ~~ss.~~
1179 ~~341.8201-341.842~~, unless the context clearly indicates
1180 otherwise, the term:

1181 (1) "Associated development" means property, equipment,
1182 buildings, or other related facilities which are built,
1183 installed, used, or established to provide financing, funding,
1184 or revenues for the planning, building, managing, and operation
1185 of a high-speed rail system and which are associated with or
1186 part of the rail stations. The term includes air and subsurface



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1187 rights, services that provide local area network devices for
1188 transmitting data over wireless networks, parking facilities,
1189 retail establishments, restaurants, hotels, offices,
1190 advertising, or other commercial, civic, residential, or support
1191 facilities.

1192 (2) "Communication facilities" means the communication
1193 systems related to high-speed passenger rail operations,
1194 including those which are built, installed, used, or established
1195 for the planning, building, managing, and operating of a high-
1196 speed rail system. The term includes the land; structures;
1197 improvements; rights-of-way; easements; positive train control
1198 systems; wireless communication towers and facilities that are
1199 designed to provide voice and data services for the safe and
1200 efficient operation of the high-speed rail system; voice, data,
1201 and wireless communication amenities made available to crew and
1202 passengers as part of a high-speed rail service; and any other
1203 facilities or equipment used for operation of, or the
1204 facilitation of communications for, a high-speed rail system.
1205 Owners of communication facilities may not offer voice or data
1206 service to any entity other than passengers, crew, or other
1207 persons involved in the operation of a high-speed rail system.

1208 ~~(3) "Enterprise" means the Florida Rail Enterprise.~~

1209 ~~(4)~~ "High-speed rail system" means any high-speed fixed
1210 guideway system for transporting people or goods, which system
1211 is, by definition of the United States Department of
1212 Transportation, reasonably expected to reach speeds of at least
1213 110 miles per hour, including, but not limited to, a monorail
1214 system, dual track rail system, suspended rail system, magnetic
1215 levitation system, pneumatic repulsion system, or other system



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1216 approved by the department ~~enterprise~~. The term includes a
1217 corridor, associated intermodal connectors, and structures
1218 essential to the operation of the line, including the land,
1219 structures, improvements, rights-of-way, easements, rail lines,
1220 rail beds, guideway structures, switches, yards, parking
1221 facilities, power relays, switching houses, and rail stations
1222 and also includes facilities or equipment used exclusively for
1223 the purposes of design, construction, operation, maintenance, or
1224 the financing of the high-speed rail system.

1225 (4)~~(5)~~ "Joint development" means the planning, managing,
1226 financing, or constructing of projects adjacent to, functionally
1227 related to, or otherwise related to a high-speed rail system
1228 pursuant to agreements between any person, firm, corporation,
1229 association, organization, agency, or other entity, public or
1230 private.

1231 (5)~~(6)~~ "Rail station," "station," or "high-speed rail
1232 station" means any structure or transportation facility that is
1233 part of a high-speed rail system designed to accommodate the
1234 movement of passengers from one mode of transportation to
1235 another at which passengers board or disembark from
1236 transportation conveyances and transfer from one mode of
1237 transportation to another.

1238 (6)~~(7)~~ "Railroad company" means a person developing, or
1239 providing service on, a high-speed rail system.

1240 (7)~~(8)~~ "Selected person or entity" means the person or
1241 entity to whom the department ~~enterprise~~ awards a contract to
1242 establish a high-speed rail system pursuant to ss. 341.822-
1243 341.842 ~~ss. 341.8201-341.842~~.

1244 Section 22. Effective July 1, 2023, section 341.822,



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1245 Florida Statutes, is amended to read:

1246 341.822 Powers and duties.—

1247 (1) The department ~~enterprise~~ shall locate, plan, design,
1248 finance, construct, maintain, own, operate, administer, and
1249 manage the high-speed rail system in the state.

1250 (2) (a) ~~In addition to the powers granted to~~ The department,
1251 ~~the enterprise~~ has full authority to exercise all powers granted
1252 to it under this chapter. Powers shall include, but are not
1253 limited to, the ability to plan, construct, maintain, repair,
1254 and operate a high-speed rail system, to acquire corridors, and
1255 to coordinate the development and operation of publicly funded
1256 passenger rail systems in the state.

1257 (b) It is the express intention of ss. 341.822-341.842 ~~ss.~~
1258 ~~341.8201-341.842~~ that the department ~~enterprise~~ be authorized to
1259 plan, develop, own, purchase, lease, or otherwise acquire,
1260 demolish, construct, improve, relocate, equip, repair, maintain,
1261 operate, and manage the high-speed rail system; to expend funds
1262 to publicize, advertise, and promote the advantages of using the
1263 high-speed rail system and its facilities; and to cooperate,
1264 coordinate, partner, and contract with other entities, public
1265 and private, to accomplish these purposes.

1266 (c) The department ~~enterprise~~ shall establish a process to
1267 issue permits to railroad companies for the construction of
1268 communication facilities within a new or existing public or
1269 private high-speed rail system. The department ~~enterprise~~ may
1270 adopt rules to administer such permits, including rules
1271 regarding the form, content, and necessary supporting
1272 documentation for permit applications; the process for
1273 submitting applications; and the application fee for a permit



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1274 under s. 341.825. The department ~~enterprise~~ shall provide a copy
1275 of a completed permit application to municipalities and counties
1276 where the high-speed rail system will be located. The department
1277 ~~enterprise~~ shall allow each such municipality and county 30 days
1278 to provide comments to the department ~~enterprise~~ regarding the
1279 application, including any recommendations regarding conditions
1280 that may be placed on the permit.

1281 (3) The department may ~~The enterprise shall have the~~
1282 ~~authority to employ procurement methods available to the~~
1283 ~~department under chapters 255, 287, 334, and 337, or otherwise~~
1284 ~~in accordance with law. The enterprise may also solicit~~
1285 proposals and, with legislative approval as evidenced by
1286 approval of the project in the department's work program, enter
1287 into agreements with private entities, or consortia thereof, for
1288 the building, operation, ownership, or financing of the high-
1289 speed rail system.

1290 (4) ~~The executive director of the enterprise shall appoint~~
1291 ~~staff, who shall be exempt from part II of chapter 110.~~

1292 ~~(5)~~ The powers conferred upon the department ~~enterprise~~
1293 under ss. 341.822-341.842 ~~ss. 341.8201-341.842~~ shall be in
1294 addition and supplemental to the existing powers of the
1295 department, and these powers shall not be construed as repealing
1296 any provision of any other law, general or local, but shall
1297 supersede such other laws that are inconsistent with the
1298 exercise of the powers provided under ss. 341.822-341.842 ~~ss.~~
1299 ~~341.8201-341.842~~ and provide a complete method for the exercise
1300 of such powers granted.

1301 (5)~~(6)~~ Any proposed rail ~~enterprise~~ project or improvement
1302 shall be developed in accordance with the Florida Transportation



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1303 Plan and the work program under s. 339.135.

1304 Section 23. Subsection (1) of section 348.754, Florida
1305 Statutes, is amended to read:

1306 348.754 Purposes and powers.—

1307 (1) (a) The authority created and established under this
1308 part is granted and has the right to acquire, hold, construct,
1309 improve, maintain, operate, own, and lease in the capacity of
1310 lessor the Central Florida Expressway System, hereinafter
1311 referred to as "system." Except as otherwise specifically
1312 provided by law, including paragraph (2) (n), the area served by
1313 the authority shall be within the geographical boundaries of
1314 Orange, Seminole, Lake, Brevard, and Osceola Counties.

1315 (b) In the construction of the Central Florida Expressway
1316 System, the authority may construct any extensions, additions,
1317 or improvements to the system or appurtenant facilities,
1318 including all necessary approaches, roads, bridges, avenues of
1319 access, rapid transit, trams, fixed guideways, thoroughfares,
1320 and boulevards with any changes, modifications, or revisions of
1321 the project which are deemed desirable and proper.

1322 ~~(c) Notwithstanding any other provision of this section to~~
1323 ~~the contrary, to ensure the continued financial feasibility of~~
1324 ~~the portion of the Wekiva Parkway to be constructed by the~~
1325 ~~department, the authority may not, without the prior consent of~~
1326 ~~the secretary of the department, construct any extensions,~~
1327 ~~additions, or improvements to the expressway system in Lake~~
1328 ~~County.~~

1329 Section 24. Paragraph (a) of subsection (7) of section
1330 288.0656, Florida Statutes, is amended to read:

1331 288.0656 Rural Economic Development Initiative.—



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1332 (7) (a) REDI may recommend to the Governor up to three rural
1333 areas of opportunity. The Governor may by executive order
1334 designate up to three rural areas of opportunity which will
1335 establish these areas as priority assignments for REDI as well
1336 as to allow the Governor, acting through REDI, to waive
1337 criteria, requirements, or similar provisions of any economic
1338 development incentive. Such incentives shall include, but are
1339 not limited to, the Qualified Target Industry Tax Refund Program
1340 under s. 288.106, the Quick Response Training Program under s.
1341 288.047, the Quick Response Training Program for participants in
1342 the welfare transition program under s. 288.047(8),
1343 ~~transportation projects under s. 339.2821,~~ the brownfield
1344 redevelopment bonus refund under s. 288.107, and the rural job
1345 tax credit program under ss. 212.098 and 220.1895.

1346 Section 25. Paragraph (f) of subsection (1) of section
1347 339.08, Florida Statutes, is amended to read:

1348 339.08 Use of moneys in State Transportation Trust Fund.—

1349 (1) The department shall expend moneys in the State
1350 Transportation Trust Fund accruing to the department, in
1351 accordance with its annual budget. The use of such moneys shall
1352 be restricted to the following purposes:

1353 ~~(f) To pay the cost of economic development transportation~~
1354 ~~projects in accordance with s. 339.2821.~~

1355 Section 26. Effective July 1, 2023, subsections (2) and
1356 (3), paragraph (b) of subsection (4), and subsection (5) of
1357 section 341.825, Florida Statutes, are amended to read:

1358 341.825 Communication facilities.—

1359 (2) APPLICATION SUBMISSION.—A railroad company may submit
1360 to the department ~~enterprise~~ an application to obtain a permit



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1361 to construct communication facilities within a new or existing
1362 high-speed rail system. The application shall include an
1363 application fee limited to the amount needed to pay the
1364 anticipated cost of reviewing the application, not to exceed
1365 \$10,000, which shall be deposited into the State Transportation
1366 Trust Fund. The application must include the following
1367 information:

- 1368 (a) The location of the proposed communication facilities.
- 1369 (b) A description of the proposed communication facilities.
- 1370 (c) Any other information reasonably required by the
1371 department ~~enterprise~~.

1372 (3) APPLICATION REVIEW.—The department ~~enterprise~~ shall
1373 review each application for completeness within 30 days after
1374 receipt of the application.

1375 (a) If the department ~~enterprise~~ determines that an
1376 application is not complete, the department ~~enterprise~~ shall,
1377 within 30 days after the receipt of the initial application,
1378 notify the applicant in writing of any errors or omissions. An
1379 applicant shall have 30 days within which to correct the errors
1380 or omissions in the initial application.

1381 (b) If the department ~~enterprise~~ determines that an
1382 application is complete, the department ~~enterprise~~ shall act
1383 upon the permit application within 60 days of the receipt of the
1384 completed application by approving in whole, approving with
1385 conditions as the department ~~enterprise~~ deems appropriate, or
1386 denying the application, and stating the reason for issuance or
1387 denial. In determining whether an application should be
1388 approved, approved with modifications or conditions, or denied,
1389 the department ~~enterprise~~ shall consider any comments or



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1390 recommendations received from a municipality or county and the
1391 extent to which the proposed communication facilities:

1392 1. Are located in a manner that is appropriate for the
1393 communication technology specified by the applicant.

1394 2. Serve an existing or projected future need for
1395 communication facilities.

1396 3. Provide sufficient wireless voice and data coverage and
1397 capacity for the safe and efficient operation of the high-speed
1398 rail system and the safety, use, and efficiency of its crew and
1399 passengers.

1400 (c) The failure to adopt any recommendation or comment may
1401 not be a basis for challenging the issuance of a permit.

1402 (4) EFFECT OF PERMIT.—

1403 (b) A permit may include conditions that constitute
1404 variances and exemptions from rules of the department ~~enterprise~~
1405 or any other agency, which would otherwise be applicable to the
1406 communication facilities within the new or existing high-speed
1407 rail system.

1408 (5) MODIFICATION OF PERMIT.—A permit may be modified by the
1409 applicant after issuance upon the filing of a petition with the
1410 department ~~enterprise~~.

1411 (a) A petition for modification must set forth the proposed
1412 modification and the factual reasons asserted for the
1413 modification.

1414 (b) The department ~~enterprise~~ shall act upon the petition
1415 within 30 days by approving or denying the application, and
1416 stating the reason for issuance or denial.

1417 Section 27. Effective July 1, 2023, section 341.836,
1418 Florida Statutes, is amended to read:



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1419 341.836 Associated development.-

1420 (1) The department enterprise, alone or as part of a joint
1421 development, may undertake associated developments to be a
1422 source of revenue for the establishment, construction,
1423 operation, or maintenance of the high-speed rail system. Such
1424 associated developments must be consistent, to the extent
1425 feasible, with applicable local government comprehensive plans
1426 and local land development regulations and otherwise be in
1427 compliance with ss. 341.822-341.842 ~~ss. 341.8201-341.842~~.

1428 (2) Sections 341.822-341.842 ~~Sections 341.8201-341.842~~ do
1429 not prohibit the department enterprise, the selected person or
1430 entity, or a party to a joint venture with the department
1431 ~~enterprise~~ or its selected person or entity from obtaining
1432 approval, pursuant to any other law, for any associated
1433 development that is reasonably related to the high-speed rail
1434 system.

1435 Section 28. Effective July 1, 2023, section 341.838,
1436 Florida Statutes, is amended to read:

1437 341.838 Fares, rates, rents, fees, and charges.-

1438 (1) The department enterprise may establish, revise,
1439 charge, and collect fares, rates, rents, fees, charges, and
1440 revenues for the use of and for the services furnished, or to be
1441 furnished, by the system and to contract with any person,
1442 partnership, association, corporation, or other body, public or
1443 private, in respect thereof. Such fares, rates, rents, fees, and
1444 charges shall be reviewed annually by the department enterprise
1445 and may be adjusted as set forth in the contract setting such
1446 fares, rates, rents, fees, or charges. The funds collected
1447 pursuant to this section shall, with any other funds available,



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1448 be used to pay the cost of designing, building, operating,
1449 financing, and maintaining the system and each and every portion
1450 thereof, to the extent that the payment of such cost has not
1451 otherwise been adequately provided for.

1452 (2) Fares, rates, rents, fees, and charges established,
1453 revised, charged, and collected by the department ~~enterprise~~
1454 pursuant to this section shall not be subject to supervision or
1455 regulation by any other department, commission, board, body,
1456 bureau, or agency of this state other than the department
1457 ~~enterprise~~.

1458 Section 29. Effective July 1, 2023, section 341.839,
1459 Florida Statutes, is amended to read:

1460 341.839 Alternate means.—Sections 341.822-341.842 ~~Sections~~
1461 ~~341.8201-341.842~~ provide an additional and alternative method
1462 for accomplishing the purposes authorized therein and are
1463 supplemental and additional to powers conferred by other laws.
1464 Except as otherwise expressly provided in ss. 341.822-341.842
1465 ~~ss. 341.8201-341.842~~, none of the powers granted to the
1466 department ~~enterprise~~ under ss. 341.822-341.842 ~~ss. 341.8201-~~
1467 ~~341.842~~ are subject to the supervision or require the approval
1468 or consent of any municipality or political subdivision or any
1469 commission, board, body, bureau, or official.

1470 Section 30. Effective July 1, 2023, section 341.840,
1471 Florida Statutes, is amended to read:

1472 341.840 Tax exemption.—

1473 (1) The exercise of the powers granted under ss. 341.822-
1474 341.842 ~~ss. 341.8201-341.842~~ will be in all respects for the
1475 benefit of the people of this state, for the increase of their
1476 commerce, welfare, and prosperity, and for the improvement of



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1477 their health and living conditions. The design, construction,
1478 operation, maintenance, and financing of a high-speed rail
1479 system by the department enterprise, its agent, or the owner or
1480 lessee thereof, as herein authorized, constitutes the
1481 performance of an essential public function.

1482 (2) (a) For the purposes of this section, the term
1483 "department" "~~enterprise~~" does not include agents of the
1484 department enterprise other than contractors who qualify as such
1485 pursuant to subsection (7).

1486 (b) For the purposes of this section, any item or property
1487 that is within the definition of the term "associated
1488 development" in s. 341.8203(1) may not be considered part of the
1489 high-speed rail system as defined in s. 341.8203(3) ~~s.~~
1490 ~~341.8203(4)~~.

1491 (3) (a) Purchases or leases of tangible personal property or
1492 real property by the department enterprise, excluding agents of
1493 the department enterprise, are exempt from taxes imposed by
1494 chapter 212 as provided in s. 212.08(6). Purchases or leases of
1495 tangible personal property that is incorporated into the high-
1496 speed rail system as a component part thereof, as determined by
1497 the department enterprise, by agents of the department
1498 ~~enterprise~~ or the owner of the high-speed rail system are exempt
1499 from sales or use taxes imposed by chapter 212. Leases, rentals,
1500 or licenses to use real property granted to agents of the
1501 department enterprise or the owner of the high-speed rail system
1502 are exempt from taxes imposed by s. 212.031 if the real property
1503 becomes part of such system. The exemptions granted in this
1504 subsection do not apply to sales, leases, or licenses by the
1505 department enterprise, agents of the department enterprise, or



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1506 the owner of the high-speed rail system.

1507 (b) The exemption granted in paragraph (a) to purchases or
1508 leases of tangible personal property by agents of the department
1509 ~~enterprise~~ or by the owner of the high-speed rail system applies
1510 only to property that becomes a component part of such system.
1511 It does not apply to items, including, but not limited to,
1512 cranes, bulldozers, forklifts, other machinery and equipment,
1513 tools and supplies, or other items of tangible personal property
1514 used in the construction, operation, or maintenance of the high-
1515 speed rail system when such items are not incorporated into the
1516 high-speed rail system as a component part thereof.

1517 (4) Any bonds or other security, and all notes, mortgages,
1518 security agreements, letters of credit, or other instruments
1519 that arise out of or are given to secure the repayment of bonds
1520 or other security, issued by the department ~~enterprise~~, or on
1521 behalf of the department ~~enterprise~~, their transfer, and the
1522 income therefrom, including any profit made on the sale thereof,
1523 shall at all times be free from taxation of every kind by the
1524 state, the counties, and the municipalities and other political
1525 subdivisions in the state. This subsection, however, does not
1526 exempt from taxation or assessment the leasehold interest of a
1527 lessee in any project or any other property or interest owned by
1528 the lessee. The exemption granted by this subsection is not
1529 applicable to any tax imposed by chapter 220 on interest income
1530 or profits on the sale of debt obligations owned by
1531 corporations.

1532 (5) When property of the department ~~enterprise~~ is leased to
1533 another person or entity, the property shall be exempt from ad
1534 valorem taxation only if the use by the lessee qualifies the



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1535 property for exemption under s. 196.199.

1536 (6) A leasehold interest held by the department ~~enterprise~~
1537 is not subject to intangible tax. However, if a leasehold
1538 interest held by the department ~~enterprise~~ is subleased to a
1539 nongovernmental lessee, such subleasehold interest shall be
1540 deemed to be an interest described in s. 199.023(1)(d), Florida
1541 Statutes 2005, and is subject to the intangible tax.

1542 (7) (a) In order to be considered an agent of the department
1543 ~~enterprise~~ for purposes of the exemption from sales and use tax
1544 granted by subsection (3) for tangible personal property
1545 incorporated into the high-speed rail system, a contractor of
1546 the department ~~enterprise~~ that purchases or fabricates such
1547 tangible personal property must be certified by the department
1548 ~~enterprise~~ as provided in this subsection.

1549 (b)1. A contractor must apply for a renewal of the
1550 exemption not later than December 1 of each calendar year.

1551 2. A contractor must apply to the department ~~enterprise~~ on
1552 the application form adopted by the department ~~enterprise~~, which
1553 shall develop the form in consultation with the Department of
1554 Revenue.

1555 3. The department ~~enterprise~~ shall review each submitted
1556 application and determine whether it is complete. The department
1557 ~~enterprise~~ shall notify the applicant of any deficiencies in the
1558 application within 30 days. Upon receipt of a completed
1559 application, the department ~~enterprise~~ shall evaluate the
1560 application for exemption under this subsection and issue a
1561 certification that the contractor is qualified to act as an
1562 agent of the department ~~enterprise~~ for purposes of this section
1563 or a denial of such certification within 30 days. The department



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1564 ~~enterprise~~ shall provide the Department of Revenue with a copy
1565 of each certification issued upon approval of an application.
1566 Upon receipt of a certification from the department ~~enterprise~~,
1567 the Department of Revenue shall issue an exemption permit to the
1568 contractor.

1569 (c)1. The contractor may extend a copy of its exemption
1570 permit to its vendors in lieu of paying sales tax on purchases
1571 of tangible personal property qualifying for exemption under
1572 this section. Possession of a copy of the exemption permit
1573 relieves the seller of the responsibility of collecting tax on
1574 the sale, and the Department of Revenue shall look solely to the
1575 contractor for recovery of tax upon a determination that the
1576 contractor was not entitled to the exemption.

1577 2. The contractor may extend a copy of its exemption permit
1578 to real property subcontractors supplying and installing
1579 tangible personal property that is exempt under subsection (3).
1580 Any such subcontractor may extend a copy of the permit to the
1581 subcontractor's vendors in order to purchase qualifying tangible
1582 personal property tax-exempt. If the subcontractor uses the
1583 exemption permit to purchase tangible personal property that is
1584 determined not to qualify for exemption under subsection (3),
1585 the Department of Revenue may assess and collect any tax,
1586 penalties, and interest that are due from either the contractor
1587 holding the exemption permit or the subcontractor that extended
1588 the exemption permit to the seller.

1589 (d) Any contractor authorized to act as an agent of the
1590 department ~~enterprise~~ under this section shall maintain the
1591 necessary books and records to document the exempt status of
1592 purchases and fabrication costs made or incurred under the



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1593 permit. In addition, an authorized contractor extending its
1594 exemption permit to its subcontractors shall maintain a copy of
1595 the subcontractor's books, records, and invoices indicating all
1596 purchases made by the subcontractor under the authorized
1597 contractor's permit. If, in an audit conducted by the Department
1598 of Revenue, it is determined that tangible personal property
1599 purchased or fabricated claiming exemption under this section
1600 does not meet the criteria for exemption, the amount of taxes
1601 not paid at the time of purchase or fabrication shall be
1602 immediately due and payable to the Department of Revenue,
1603 together with the appropriate interest and penalty, computed
1604 from the date of purchase, in the manner prescribed by chapter
1605 212.

1606 (e) If a contractor fails to apply for a high-speed rail
1607 system exemption permit, or if a contractor initially determined
1608 by the department ~~enterprise~~ to not qualify for exemption is
1609 subsequently determined to be eligible, the contractor shall
1610 receive the benefit of the exemption in this subsection through
1611 a refund of previously paid taxes for transactions that
1612 otherwise would have been exempt. A refund may not be made for
1613 such taxes without the issuance of a certification by the
1614 department ~~enterprise~~ that the contractor was authorized to make
1615 purchases tax-exempt and a determination by the Department of
1616 Revenue that the purchases qualified for the exemption.

1617 (f) The department ~~enterprise~~ may adopt rules governing the
1618 application process for exemption of a contractor as an
1619 authorized agent of the department ~~enterprise~~.

1620 (g) The Department of Revenue may adopt rules governing the
1621 issuance and form of high-speed rail system exemption permits,



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1622 the audit of contractors and subcontractors using such permits,
1623 the recapture of taxes on nonqualified purchases, and the manner
1624 and form of refund applications.

1625 Section 31. Effective July 1, 2023, paragraph (b) of
1626 subsection (4) of section 343.58, Florida Statutes, is amended
1627 to read:

1628 343.58 County funding for the South Florida Regional
1629 Transportation Authority.—

1630 (4) Notwithstanding any other provision of law to the
1631 contrary and effective July 1, 2010, until as provided in
1632 paragraph (d), the department shall transfer annually from the
1633 State Transportation Trust Fund to the South Florida Regional
1634 Transportation Authority the amounts specified in subparagraph
1635 (a)1. or subparagraph (a)2.

1636 (b) Funding required by this subsection may not be provided
1637 from the funds dedicated to the State Transportation Trust Fund
1638 ~~Florida Rail Enterprise~~ pursuant to s. 201.15(4) (a)4.

1639 Section 32. Paragraph (a) of subsection (4) of section
1640 377.809, Florida Statutes, is amended to read:

1641 377.809 Energy Economic Zone Pilot Program.—

1642 (4) (a) Beginning July 1, 2012, all the incentives and
1643 benefits provided for enterprise zones pursuant to state law
1644 shall be available to the energy economic zones designated
1645 pursuant to this section on or before July 1, 2010. In order to
1646 provide incentives, by March 1, 2012, each local governing body
1647 that has jurisdiction over an energy economic zone must, by
1648 local ordinance, establish the boundary of the energy economic
1649 zone, specify applicable energy-efficiency standards, and
1650 determine eligibility criteria for the application of state and



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1651 local incentives and benefits in the energy economic zone.
1652 However, in order to receive benefits provided under s. 288.106,
1653 a business must be a qualified target industry business under s.
1654 288.106 for state purposes. An energy economic zone's boundary
1655 may be revised by local ordinance. Such incentives and benefits
1656 include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183,
1657 288.106, and 624.5105 and the public utility discounts provided
1658 in s. 290.007(8). The exemption provided in s. 212.08(5)(c)
1659 shall be for renewable energy as defined in s. 377.803. For
1660 purposes of this section, any applicable requirements for
1661 employee residency for higher refund or credit thresholds must
1662 be based on employee residency in the energy economic zone or an
1663 enterprise zone. A business in an energy economic zone may also
1664 be eligible for funding under ss. 288.047 and 445.003, ~~and a~~
1665 ~~transportation project in an energy economic zone shall be~~
1666 ~~provided priority in funding under s. 339.2821.~~ Other projects
1667 shall be given priority ranking to the extent practicable for
1668 grants administered under state energy programs.

1669 Section 33. Except as otherwise expressly provided in this
1670 act, this act shall take effect July 1, 2020.