

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Budget Subcommittee

3 Representative Abbott offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 949-1184 and insert:

7 **Section 16. Subsection (3) is added to section 334.27,**
8 **Florida Statutes, to read:**

9 334.27 Governmental transportation entities; property
10 acquired for transportation purposes; limitation on soil or
11 groundwater contamination liability.—

12 (3) Any authority established under the laws of this state
13 or any of its counties, municipalities, or political
14 subdivisions, including, but not limited to, transportation,
15 parking, and economic development authorities, shall have full
16 power to conduct business; to operate, manage, and control

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17 facilities; and to provide services beyond the geographical
18 boundaries of such counties, municipalities, or political
19 subdivisions that originally chartered such authority, subject
20 to this subsection. The authority may engage in activities
21 outside of its chartering jurisdiction upon entering into an
22 interlocal agreement with the governing body of the affected
23 county, municipality, or political subdivision, as applicable.

24 **Section 17. Section 334.62, Florida Statutes, is created**
25 **to read:**

26 334.62 Florida Transportation Academy.—

27 (1) The Legislature finds that the growth and
28 sustainability of the transportation workforce industry is vital
29 to the continued success and efficiency of this state's supply
30 chain and economic competitiveness. In order to prioritize the
31 continued need for transportation industry workforce development
32 programs, the Florida Transportation Academy is established.

33 (2) In order to support, promote, and sustain workforce
34 development efforts of the transportation sector, the department
35 may work with state agencies referenced in this chapter,
36 industry organizations, and private sector businesses, as
37 appropriate.

38 (3) The department may coordinate with all of the
39 following entities:

40 (a) The Department of Corrections to identify and create
41 certification and training opportunities for nonviolent inmates

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42 and create a process to allow the Department of Corrections to
43 notify the department when a nonviolent inmate who is seeking
44 employment has received a scheduled release date.

45 (b) The Department of Juvenile Justice and its educational
46 partners to create certification and training opportunities for
47 eligible youth.

48 (c) Veterans' organizations to encourage honorably
49 discharged veterans to pursue opportunities within the
50 transportation industry, including, but not limited to,
51 employment as pilots, mechanics, and air traffic controllers.

52 (d) The Department of Commerce, CareerSource Florida, and
53 regional business communities, within and outside of the
54 transportation industry, to further understand recruitment and
55 retention needs and job-seeker pipelines.

56 (e) The American Council of Engineering Companies and the
57 Florida Transportation Builders Association to optimize
58 workforce recruitment and retention and assess the future needs
59 of the transportation industry and this state.

60 **Section 18. Subsection (3) of section 335.182, Florida**
61 **Statutes, is amended to read:**

62 335.182 Regulation of connections to roads on State
63 Highway System; definitions.—

64 (3) As used in this act, the term:

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65 (a) "Connection" means driveways, streets, turnouts, or
66 other means of providing for the right of reasonable access to
67 or from the State Highway System.

68 (b) "Modification of a connection" means relocation,
69 alteration, or closure of a connection.

70 (c) ~~(b)~~ "Significant change" means:

71 1. A change in the use of the property, including
72 development of the land, structures, or facilities; or

73 2. An expansion of the size of the property, structures,
74 or facilities causing an increase in the trip generation of the
75 property exceeding 25 percent more trip generation, ~~(either peak~~
76 hour or daily, ~~)~~ and exceeding 100 vehicles per day more than the
77 existing use.

78 **Section 19. Subsections (3) and (4) of section 335.187,**
79 **Florida Statutes, are amended to read:**

80 335.187 Unpermitted connections; existing access permits;
81 nonconforming permits; modification and revocation of permits.—

82 (3) The department may issue a nonconforming access permit
83 if denying ~~after finding that to deny~~ an access permit would
84 leave the property without a reasonable means of access to the
85 State Highway System. The department may specify limits on the
86 maximum vehicular use of the connection and may impose
87 conditions ~~be conditioned~~ on the availability of future
88 alternative means of access for which access permits can be
89 obtained.

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90 (4) After written notice and the opportunity for a
91 hearing, as provided for in s. 120.60, the department may modify
92 or revoke an access permit issued after July 1, 1988, by
93 requiring modification ~~relocation, alteration, or closure~~ of an
94 existing connection if:

95 (a) A significant change occurs in the use, design, or
96 traffic flow of the connection; or

97 (b) The connection would jeopardize the safety of the
98 public or have a negative impact on the operational
99 characteristics of the highway.

100 **Section 20. Subsection (2) of section 337.027, Florida**
101 **Statutes, is amended to read:**

102 337.027 Authority to implement a business development
103 program.—

104 (2) For purposes of this section, the term "small
105 business" means a business with yearly average gross receipts of
106 less than \$25 ~~\$15~~ million for road and bridge contracts and less
107 than \$10 ~~\$6.5~~ million for professional and nonprofessional
108 services contracts. A business' average gross receipts is
109 determined by averaging its annual gross receipts over the last
110 3 years, including the receipts of any affiliate as defined in
111 s. 337.165.

112 **Section 21. Subsection (6) of section 337.11, Florida**
113 **Statutes, is amended to read:**

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114 337.11 Contracting authority of department; bids;
115 emergency repairs, supplemental agreements, and change orders;
116 combined design and construction contracts; progress payments;
117 records; requirements of vehicle registration.—

118 (6) (a) If the secretary determines that an emergency in
119 regard to the restoration or repair of any state transportation
120 facility exists such that the delay incident to giving
121 opportunity for competitive bidding would be detrimental to the
122 interests of the state, the provisions for competitive bidding
123 do not apply; and the department may enter into contracts for
124 restoration or repair without giving opportunity for competitive
125 bidding on such contracts. Within 30 days after such
126 determination and contract execution, the head of the department
127 shall file with the Executive Office of the Governor a written
128 statement of the conditions and circumstances constituting such
129 emergency.

130 (b) If the secretary determines that delays on a contract
131 for maintenance exist due to administrative challenges, bid
132 protests, defaults or terminations and the further delay would
133 reduce safety on the transportation facility or seriously hinder
134 the department's ability to preserve the state's investment in
135 that facility, competitive bidding provisions may be waived and
136 the department may enter into a contract for maintenance on the
137 facility. However, contracts for maintenance executed under the
138 provisions of this paragraph shall be interim in nature and

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139 shall be limited in duration to a period of time not to exceed
140 the length of the delay necessary to complete the competitive
141 bidding process and have the contract in place.

142 (c) When the department determines that it is in the best
143 interest of the public for reasons of public concern, economy,
144 improved operations, or safety, and only when circumstances
145 dictate rapid completion of the work, the department may, up to
146 the amount of \$500,000, enter into contracts for construction
147 and maintenance without advertising and receiving competitive
148 bids. The department may enter into such contracts only upon a
149 determination that the work is necessary for one of the
150 following reasons:

151 1. To ensure timely completion of projects or avoidance of
152 undue delay for other projects;

153 2. To accomplish minor repairs or construction and
154 maintenance activities for which time is of the essence and for
155 which significant cost savings would occur; or

156 3. To accomplish nonemergency work necessary to ensure
157 avoidance of adverse conditions that affect the safe and
158 efficient flow of traffic.

159

160 The department shall make a good faith effort to obtain two or
161 more quotes, if available, from qualified contractors before
162 entering into any contract. The department shall give
163 consideration to small ~~disadvantaged~~ business ~~enterprise~~

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164 participation. However, when the work exists within the limits
165 of an existing contract, the department shall make a good faith
166 effort to negotiate and enter into a contract with the prime
167 contractor on the existing contract.

168 **Section 22. Paragraph (a) of subsection (1) of section**
169 **337.18, Florida Statutes, is amended to read:**

170 337.18 Surety bonds for construction or maintenance
171 contracts; requirement with respect to contract award; bond
172 requirements; defaults; damage assessments.—

173 (1)(a) A surety bond shall be required of the successful
174 bidder in an amount equal to the awarded contract price.
175 However, the department may choose, in its discretion and
176 applicable only to multiyear maintenance contracts, to allow for
177 incremental annual contract bonds that cumulatively total the
178 full, awarded, multiyear contract price. The department may also
179 choose, in its discretion and applicable only to phased design-
180 build contracts under s. 337.11(7)(b), to allow the issuance of
181 multiple contract performance and payment bonds in succession to
182 align with each phase of the contract to meet the bonding
183 requirement in this subsection. Notwithstanding any bonding
184 requirement under this section, the department may require, at
185 the discretion of the secretary, that the amount of the surety
186 bond or bonds be less than the contract price.

187 1. The department may waive the requirement for all or a
188 portion of a surety bond if:

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189 a. The contract price is \$250,000 or less and the
190 department determines that the project is of a noncritical
191 nature and that nonperformance will not endanger public health,
192 safety, or property;

193 b. The prime contractor is a qualified nonprofit agency
194 for the blind or for the other severely handicapped under s.
195 413.036(2); or

196 c. The prime contractor is using a subcontractor that is a
197 qualified nonprofit agency for the blind or for the other
198 severely handicapped under s. 413.036(2). However, the
199 department may not waive more than the amount of the
200 subcontract.

201 2. If the department determines that it is in the best
202 interests of the department to reduce the bonding requirement
203 for a project and that to do so will not endanger public health,
204 safety, or property, the department may waive the requirement of
205 a surety bond in an amount equal to the awarded contract price
206 for a project having a contract price of \$250 million or more
207 and, in its place, may set a surety bond amount that is a
208 portion of the total contract price and provide an alternate
209 means of security for the balance of the contract amount that is
210 not covered by the surety bond or provide for incremental surety
211 bonding and provide an alternate means of security for the
212 balance of the contract amount that is not covered by the surety
213 bond. Such alternative means of security may include letters of

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214 credit, United States bonds and notes, parent company
215 guarantees, and cash collateral. The department may require
216 alternate means of security if a surety bond is waived. The
217 surety on such bond shall be a surety company authorized to do
218 business in the state. All bonds shall be payable to the
219 department and conditioned for the prompt, faithful, and
220 efficient performance of the contract according to plans and
221 specifications and within the time period specified, and for the
222 prompt payment of all persons defined in s. 713.01 furnishing
223 labor, material, equipment, and supplies for work provided in
224 the contract; however, whenever an improvement, demolition, or
225 removal contract price is \$25,000 or less, the security may, in
226 the discretion of the bidder, be in the form of a cashier's
227 check, bank money order of any state or national bank, certified
228 check, or postal money order. The department shall adopt rules
229 to implement this subsection. Such rules shall include
230 provisions under which the department shall refuse to accept
231 bonds on contracts when a surety wrongfully fails or refuses to
232 settle or provide a defense for claims or actions arising under
233 a contract for which the surety previously furnished a bond.

234 **Section 23. Subsection (3) of section 337.251, Florida**
235 **Statutes, is amended to read:**

236 337.251 Lease of property for joint public-private
237 development and areas above or below department property.-

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238 (3) A proposal must be selected by the department based on
239 competitive bidding, except that the department may consider
240 other relevant factors specified in the request for proposals.
241 The department may consider such factors as the value of
242 property exchanges, the cost of construction, and other
243 recurring costs for the benefit of the department by the lessee
244 in lieu of direct revenue to the department if such other
245 factors are of equal value including innovative proposals to
246 involve small ~~minority~~ businesses. The department may name a
247 board of advisers which may be composed of accountants, real
248 estate appraisers, design engineers, or other experts
249 experienced in the type of development proposed. The board of
250 advisers shall review the feasibility of the proposals,
251 recommend acceptance or rejection of each proposal, and rank
252 each feasible proposal in the order of technical feasibility and
253 benefit provided to the department. The board of advisers shall
254 be reasonably compensated for the services provided and all
255 department costs for evaluating the proposals shall be
256 reimbursed from a proposal application fee to be set by the
257 department and paid by the applicants. The board of advisers
258 shall not be subject to selection under the provisions of
259 chapter 287.

260 **Section 24. Subsection (2) of section 337.401, Florida**
261 **Statutes, is amended to read:**

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262 337.401 Use of right-of-way for utilities subject to
263 regulation; permit; fees.—

264 (2) (a) The authority may grant to any person who is a
265 resident of this state, or to any corporation which is organized
266 under the laws of this state or licensed to do business within
267 this state, the use of a right-of-way for the utility in
268 accordance with such rules or regulations as the authority may
269 adopt. A utility may not be installed, located, or relocated
270 unless authorized by a written permit issued by the authority.
271 However, for public roads or publicly owned rail corridors under
272 the jurisdiction of the department, a utility relocation
273 schedule and relocation agreement may be executed in lieu of a
274 written permit. The permit must require the permitholder to be
275 responsible for any damage resulting from the issuance of such
276 permit. The authority may initiate injunctive proceedings as
277 provided in s. 120.69 to enforce ~~provisions of~~ this subsection
278 or any rule or order issued or entered into pursuant to this
279 subsection thereto. A permit application required under this
280 subsection by a county or municipality having jurisdiction and
281 control of the right-of-way of any public road must be processed
282 and acted upon in accordance with the timeframes provided in
283 subparagraphs (7) (d) 7., 8., and 9.

284 (b) Notwithstanding paragraph (a), a county or
285 municipality may not adopt a rule or regulation that prohibits
286 or requires a permit for the installation of a public sewer

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287 transmission line that is placed and maintained within and under
288 publicly dedicated rights-of-way as part of a septic-to-sewer
289 conversion project in which the department and the Department of
290 Environmental Protection or its designee have issued permits
291 under this chapter or chapter 403, respectively.

292 -----
293
294 **T I T L E A M E N D M E N T**

295 Remove lines 77-94 and insert:
296 changes made by the act; amending s. 334.27, F.S.;
297 providing that certain authorities have full power to
298 conduct business, provide services, and take certain
299 actions beyond certain geographical boundaries;
300 requiring an interlocal agreement; creating s. 334.62,
301 F.S.; providing legislative findings; creating the
302 Florida Transportation Academy for a specified
303 purpose; authorizing the department to work with
304 certain entities to support, promote, and sustain
305 certain workforce development efforts; authorizing the
306 department to coordinate with specified entities for
307 certain purposes; amending s. 335.182, F.S.; revising
308 the definition of the term "significant change";
309 defining the term "modification of a connection";
310 amending s. 335.187, F.S.; revising the conditions
311 under which the department may modify or revoke a

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Bill No. CS/HB 1397 (2025)

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312 permit; amending s. 337.027, F.S.; revising the
313 definition of the term "small business"; amending ss.
314 337.11 and 337.251, F.S.; conforming provisions to
315 changes made by the act; amending s. 337.18, F.S.;
316 authorizing the department to require the amount of
317 certain bonds to be less than a certain price;
318 amending s. 337.401, F.S.; prohibiting counties and
319 municipalities from adopting certain rules and
320 regulations relating to permits for the installation
321 of a public sewer transmission line under certain
322 circumstances;