

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff Committee on Appropriations

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BILL: CS/CS/SB 1662

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development,  
Transportation Committee and Senator Collins

SUBJECT: Transportation

DATE: April 16, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Griffin</u>	<u>Nortelus</u>	<u>ATD</u>	<u>Fav/CS</u>
3.	<u>Griffin</u>	<u>Sadberry</u>	<u>AP</u>	<u>Pre-meeting</u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1662 addresses various provisions relating to transportation. Specifically, the bill:

- Provides position titles for the assistant secretaries of the Florida Department of Transportation (FDOT) and authorizes the Secretary of Transportation to appoint an Executive Director of Transportation Technology.
- Revises provisions regarding the qualifications of Florida Transportation Commission (FTC) members.
- Requires the FTC to monitor any transit entity receiving public transit block grant funding.
- Creates the Florida Transportation Research Institute.
- Authorizes certain space-related and commercial shipbuilding projects to receive Florida Seaport Transportation and Economic Development funding.
- Requires seaports to submit semiannual reports to the FDOT regarding their operations.
- Prohibits state funding to seaports near spaceport territory unless such seaports agree to specified land use requirements.
- Authorizes the FDOT to issue blanket permits allowing the movement of certain large cranes, including movement at night.
- Repeals provisions regarding high-occupancy vehicle lanes, including a related toll exemption.
- Authorizes the withholding of state transportation funds to local jurisdictions for traffic signals not in compliance with the FDOT's uniform system for traffic control devices.

- Requires the FDOT to inspect and certify private airports of public interest.
- Authorizes the FDOT to fund certain infrastructure projects associated with spaceports.
- Requires airports to provide the FDOT with the opportunity to use certain airport property as a staging area during declared states of emergency.
- Requires commercial service airports to establish comprehensive airport infrastructure programs with annual certifications to the FDOT regarding these programs.
- Authorizes the FDOT to fund additional aviation-related workforce development projects.
- Makes nonhub airports subject to commercial service airport transparency and accountability requirements and amends such requirements for all commercial service airports.
- Requires commercial service airports to notify the FDOT after receiving certain communications or directives from the federal government and following specified incidents of concern.
- Codifies advanced air mobility into Florida law.
- Revises the FDOT's authorization regarding public information and education campaigns.
- Authorizes the FDOT to adopt rules to comply with federal disadvantaged business enterprise rules.
- Authorizes parking authorities, pursuant to an interlocal agreement, to operate in jurisdictions contiguous with their chartered jurisdiction.
- Creates the Florida Transportation Academy, within the FDOT, to coordinate with certain entities regarding workforce development.
- Authorizes the FDOT to require the modification of an existing connection to a state road due to safety or operational concerns.
- Increases the size of a "small business" as it relates to the FDOT's business development program.
- Repeals the FDOT's disadvantaged business enterprise program.
- Authorizes the FDOT to require a surety bond in an amount less than the awarded contract price.
- Prohibits camping on right-of-way of the State Highway System, except on the Florida National Scenic Trail with the appropriate permit.
- Prohibits the FDOT from providing funds to transportation-related entities for projects or programs that are inconsistent with the energy policy of the state.
- Repeals an obsolete report requirement related to electric vehicle charging infrastructure.
- Revises and makes permanent the FDOT's Strategic Intermodal System supply chain demands program.
- Revises and makes permanent the allocation of unused New Starts Transit funds to the Strategic Intermodal System.
- Revises the membership of the Jacksonville Transportation Authority's governing body.

The bill has an indeterminate fiscal impact on state and local governments as well as the private sector. **See Section V. Fiscal Impact Statement.**

This bill takes effect July 1, 2025.

## II. Present Situation:

For ease of organization and readability, the present situation is discussed below with the effect of proposed changes.

## III. Effect of Proposed Changes:

### Florida Department of Transportation (Section 1)

#### *Present Situation*

The Florida Department of Transportation (FDOT) is a decentralized agency headed by the Secretary of Transportation.<sup>1</sup> The secretary may appoint up to three assistant secretaries who report to the secretary and perform such duties as the secretary assigns.<sup>2</sup> The FDOT employs the following assistant secretaries: Engineering and Operations, Finance and Administration, and Strategic Development.<sup>3</sup>

According to the FDOT, Transportation Technology prioritizes technology projects to ensure enterprise coordination and management of technology and technology resources to deliver the FDOT's core mission. Transportation Technology resources bolster safety and connectivity on Florida roadways by aligning technology and data; automating services; creating enterprise data and technology standards; and enhancing cybersecurity, mitigating risks resulting from emerging technologies.<sup>4</sup>

#### *Effect of Proposed Changes*

The bill authorizes the Secretary of Transportation to appoint three assistant secretaries: a Chief Operations Officer, a Chief Finance and Administration Officer, and a Chief Strategic Development Officer. The Secretary of Transportation may also appoint an Executive Director of Transportation Technology. These positions are included in Senior Management Service and are exempt from the Career Service System.<sup>5</sup>

### Florida Transportation Commission (Section 1)

#### *Present Situation*

The Florida Transportation Commission (FTC) is a nine-member citizen's oversight board for the FDOT and expressway and regional transportation authorities. While the FTC is assigned to the FDOT for administrative and fiscal accountability purposes, it is independent of the FDOT. Each FTC member, who must have private sector business managerial experience, is appointed by the Governor, subject to Senate confirmation.<sup>6</sup>

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<sup>1</sup> Section 20.23, F.S.

<sup>2</sup> Section 20.23(1)(d), F.S.

<sup>3</sup> Florida Department of Transportation (FDOT) Organizational Chart, February 2025. Available at: <https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/humanresources/documents/fdotorganizationchart.pdf> (last visited March 3, 2025).

<sup>4</sup> FDOT, Office of Transportation Technology, <https://www.fdot.gov/technology/default.shtm> (last visited March 3, 2025).

<sup>5</sup> This is pursuant to s. 110.205(2)(j), F.S.

<sup>6</sup> Florida Transportation Commission (FTC), *Summary of Organization and Responsibilities*, <http://www.ftc.state.fl.us/aboutus.shtm> (last visited March 5, 2025). The FTC is codified in s. 20.23(2), F.S.

FTC commissioners are prohibited from, while serving on the FTC and for two years after leaving the FTC, having any direct or indirect interest in any contract, franchise, privilege, or other benefit granted or awarded by the FDOT.<sup>7</sup>

Among its statutorily required duties, the FTC must monitor the efficiency, productivity, and management of legislatively-created expressway and transit authorities, including, the Greater Miami-Expressway Agency, the Tampa-Hillsborough County Expressway Authority, the Central Florida Expressway Authority, the Jacksonville Transportation Authority, the Mid-Bay Bridge Authority, the South Florida Regional Transportation Authority, and the Central Florida Regional Transportation Authority. The FTC must also periodically review each of these entities' operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.<sup>8</sup>

For purposes of the Standards of Conduct for Public Officers, the term “public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.<sup>9</sup> These standards of conduct include provisions relating to the solicitation or acceptance of gifts, doing business with one's agency, unauthorized compensation, salary and expenses, misuse of public position, conflicting employment or contractual relationships, the disclosure or use of certain information, and postemployment restrictions.<sup>10</sup>

The FDOT administers a public transit block grant program, which provides grant funds to public transit providers<sup>11</sup> in urbanized areas. These public transit block grants may be used for capital projects, service development and transit corridor projects, and operations.<sup>12</sup>

### *Effect of Proposed Changes*

The bill repeals the statutory requirement that each FTC member possess private-sector business experience. In its place, the bill requires at least three FTC members to be representatives of or possess expertise in the higher education, transportation, or workforce development industries.

The bill removes the prohibition of FTC commissioners, while serving on the FTC and for two years afterwards, from having any direct or indirect interest in any contract, franchise, privilege, or other benefit granted or awarded by the FDOT. In its place, the bill requires the FTC commissioners to follow the standards of conduct for public officers or employees.

The bill requires the FTC to monitor the efficiency, productivity, and management of any transit entity that receives public transit block grant funding.

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<sup>7</sup> Section 20.23(2)(g), F.S.

<sup>8</sup> Section 20.23(2)(b)8., F.S. These are the agencies and authorities created in chs. 343, 348, and 349, F.S., and ch. 2000-411, Laws of Fla.

<sup>9</sup> Section 112.313(1), F.S.

<sup>10</sup> Section 112.313, F.S.

<sup>11</sup> Section 341.031(1), F.S., defines the term “public transit provider” to mean a public agency providing public transit service, including rail authorities created in ch. 343, F.S.

<sup>12</sup> Section 341.052(2), F.S.

## **Florida Transportation Research Institute (Section 1)**

### ***Present Situation***

Florida's colleges and universities conduct various transportation-related research projects. Statutorily-created transportation research entities at Florida's public universities include the Center for Urban Transportation Research (CUTR)<sup>13</sup> at the University of South Florida and the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab<sup>14</sup> at the University of Florida.

### ***Effect of Proposed Changes***

The bill provides legislative findings that:

- The transportation industry is critical to Florida's economic future and the competitiveness of Florida's transportation industry depends upon the development and maintenance of a qualified workforce and cutting-edge research and innovation.
- Florida's transportation industry has varied and complex workforce needs ranging from technical and mechanical training to continuing education opportunities for workers with advanced degrees and certifications.
- The timely need also exists for coordinated research and innovation efforts to promote emerging technologies and innovative construction methods and tools to address alternative funding mechanisms.

The bill provides the Legislature's intent to support programs designed to address the workforce development needs of Florida's transportation industry.

The bill creates the Florida Transportation Research Institute (FTRI) as a consortium of higher education professionals. The FTRI's purpose is to drive cutting-edge research, innovation, transformational technologies, and breakthrough solutions to support workforce development efforts that contribute to Florida's transportation industry.

The bill provides that it is the FTRI's mission to advance Florida's transportation infrastructure and systems through research, education and engagement for a safer, more efficient, resilient, and innovative movement of people and goods throughout the state.

The FTRI reports to the FDOT and is composed of members from the University of Florida, Indian River State College, the University of Central Florida, the University of South Florida, and Florida International University. The FDOT must select a member to serve as the institute's administrative lead. The FDOT must periodically assess the administrative lead's performance to ensure accountability and assess the attainment of performance goals.

The Secretary of Transportation must appoint a representative from the FDOT to serve as the FTRI's executive director. The FDOT must coordinate with the FTRI's members to adopt policies establishing its executive committee and mission statement.

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<sup>13</sup> The Center for Urban Transportation Research is codified in s. 334.065, F.S.

<sup>14</sup> Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab is codified in s. 334.066, F.S.

The FTRI may award grants that align with its purpose. Such grants may be directed to member and nonmember institutions with proven expertise relevant to the grant, including not-for-profit organization and institutes of higher education. The FDOT may allocate funds to the FTRI from the State Transportation Trust Fund (STTF). The FTRI may expend such funds for its operations and programs to support research and innovation projects that provide solutions to Florida's transportation needs.

The FTRI must submit an annual report to the Secretary of Transportation and the FTC on its performance metrics. The report must include, but is not limited to, the expenditure of its allocated funds, ongoing and proposed research efforts, and the application and success of past research efforts.

### **FDOT's Areas of Program Responsibility (Section 1)**

#### ***Present Situation***

The FDOT's areas of program responsibility are administration, planning, modal development, design, highway operations, right-of-way, transportation technology, information technology, motor carrier weight inspection, work program and budget, comptroller, statewide corridors, maintenance, forecasting and performance, emergency management, safety materials, infrastructure and innovation, permitting, and traffic operations.<sup>15</sup>

#### ***Effect of Proposed Changes***

The bill adds "operational technology" to the FDOT's areas of program responsibility. The bill also changes "modal development" to "supply chain and modal development" and "information systems" to "information technology."

### **Seaport Transportation and Economic Development (Sections 2 and 3)**

#### ***Present Situation***

Florida's seaports include Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.<sup>16</sup>

The FDOT's Florida Seaport Transportation and Economic Development (FSTED) Council consists of the director, or the director's designee of each seaport, the Secretary of Transportation or his or her designee; and the Secretary of the Commerce or his or her designee.<sup>17</sup>

The FSTED Council annually prepares its five-year Florida Seaport Mission Plan, providing its goals and objectives regarding the development of port facilities and an intermodal transportation system. The plan must include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost-effective

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<sup>15</sup> Section 20.23(3)(b), F.S.

<sup>16</sup> Section 311.09(1), F.S.

<sup>17</sup> Section 311.09(1), F.S.

development of transportation facilities or port facilities for the purpose of enhancing trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits.<sup>18, 19</sup>

The FDOT's FSTED Program finances port transportation or seaport facilities projects to improve the movement and intermodal transportation of cargo or passengers and support the interests, purposes, and requirements of the ports.<sup>20</sup> The FDOT must annually provide a minimum of \$25 million from the STTF to fund this program.<sup>21</sup>

Projects eligible for the FSTED Program funding include:

- Transportation facilities within the port.
- The dredging or deepening of channels, turning basins, or harbors.
- The construction or rehabilitation of certain port facilities.
- The acquisition of equipment used in the movement of cargo or passengers.
- The acquisition of land for port purposes.
- The acquisition, improvement, enlargement, or extension of existing port facilities.
- Environmental protection projects meeting specified requirements.
- Transportation facilities not otherwise included in the FDOT's work program.
- Intermodal access projects.
- Construction or rehabilitation of port facilities in small ports under certain conditions.
- Seaport master plan or strategic plan development or updates.<sup>22</sup>

### *Effect of Proposed Changes*

The bill provides that the purpose of the FSTED Council is to support the growth of Florida's seaports through review, development, and financing of port transportation and port facilities.

The bill makes the following additional project types eligible for the FSTED Program funding:

- Spaceport or space industry-related planning or construction of facilities on seaport property which are necessary or useful for advancing Florida's space industry and provide an economic benefit to this state.
- Commercial shipbuilding and manufacturing facilities on seaport property, if such projects provide an economic benefit to the community where the seaport is located.

The bill requires that the Florida Seaport Mission Plan include specific recommendations regarding the construction of transportation facilities connecting any port to the space or aerospace industries.

The bill requires each port member of the FSTED Council to submit a semiannual report to the FDOT related to his or her port's operations and support of Florida's economic competitiveness and supply chain. Each report must include any information required by the FDOT in

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<sup>18</sup> Section 311.09(3), F.S.

<sup>19</sup> Section 311.09(3), F.S. A copy of the 2023-2024 Seaport Mission Plan is available at: <https://flaports.org/wp-content/uploads/Florida-SMP-2024-PRINT-V2.pdf> (last visited March 7, 2025).

<sup>20</sup> Section 311.07(1), F.S.

<sup>21</sup> Section 311.07(2), F.S.

<sup>22</sup> Section 311.07(3)(b), F.S.

consultation with the Department of Commerce. Reports must include, but are not limited to, the following:

- Bulk break capacity;
- Liquid storage and capacity;
- Fuel storage and capacity;
- Container capacity; and
- A description of any supply chain disruption.

#### **Seaport Funding (Section 4)**

##### ***Present Situation***

In addition to the FSTED Program, ch. 311, F.S., relating to seaports, authorizes the following seaport-related funding programs:

- The Strategic Port Investment Initiative to fund port-related strategic investments.<sup>23</sup>
- The Seaport Employment Training Grant Program to provide grants to stimulate and support seaport training and employment programs.<sup>24</sup>
- The Seaport Security Grant Program to assist seaports in implementing security plans and security measures.<sup>25</sup>

Section 215.31, F.S., describes the term “state funds” as revenue, including licenses, fees, imposts, or exactions collected or received under Florida law by each and every state official, office, employee, bureau, division, board, commission, institution, agency, or undertaking of the state or the judicial branch.

In Brevard County, spaceport territory includes: Patrick Space Force Base, Cape Canaveral Space Force Station, John F. Kennedy Space Center, Space Coast Regional Airport, Space Coast Regional Airport Industrial Park, and Spaceport Commerce Park.<sup>26</sup>

In Bay County, spaceport territory includes Tyndall Air Force Base.<sup>27</sup>

##### ***Effect of Proposed Changes***

The bill provides that as a condition of receiving a project grant under any seaport program and as a condition of receiving state funds, a seaport located in a county identified in the description of spaceport territory, must include in any agreement with the FDOT that the seaport may not convert any planned or existing land, facility, or infrastructure designated for cargo purposes to any alternative purposes unless the conversion is approved by the seaport at a publicly noticed meeting as a separate line item on the agenda and with a reasonable opportunity for public comment. If the seaport approves the conversion, express approval must be obtained by the FSTED Council and the FTC upon recommendation by the funding agency.

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<sup>23</sup> Section 311.10, F.S.

<sup>24</sup> Section 311.11, F.S.

<sup>25</sup> Section 311.12(6), F.S.

<sup>26</sup> Section 331.304(1) and (5), F.S.

<sup>27</sup> Section 331.304(7), F.S.



The bill defines the term “cargo purposes” to include, but is not limited to, a facility, activity, property, energy source, or infrastructure asset that support spaceport activities.

### **Special Mobile Equipment (Sections 5 and 8)**

#### ***Present Situation***

##### Special Mobile Equipment

Florida law defines the term “special mobile equipment” to mean any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway.<sup>28</sup>

Special mobile equipment includes, but is not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment.<sup>29</sup>

##### Special Permits for Oversize or Overweight Vehicles

Florida law prohibits oversize or overweight vehicles or loads from entering onto or operating on a public road unless the vehicle’s owner or operator has first obtained a special permit for such movement from the appropriate governing jurisdiction.<sup>30</sup>

Florida’s statutory limits for the width, height, length, and weight of vehicle, including the load, on its roadways are:

- Width - 102 inches; however, the use of certain roads may be restricted due to safety concerns.<sup>31</sup>
- Height - 13 feet six inches.<sup>32</sup>
- Length – 40 feet for a straight truck, 48 feet for a semi-trailer, and 28 feet for tandem trailer trucks.<sup>33</sup>
- Weight – 80,000, including enforcement tolerances.<sup>34</sup>

The FDOT or a local authority may, with respect to highways under their respective jurisdictions, issue a special permit authorizing an applicant to operate or move a vehicle or combination of vehicles of an excess size or weight upon any highway under its jurisdiction.<sup>35</sup> The permit must describe the vehicle or vehicles and load to be operated or moved and the highways for which the permit is requested. The FDOT or local authority may at its discretion,

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<sup>28</sup> Section 316.003(83), F.S.

<sup>29</sup> *Id.*

<sup>30</sup> Section 316.550(1), F.S.

<sup>31</sup> Section 316.515(1), F.S.

<sup>32</sup> Section 316.515(2), F.S.

<sup>33</sup> Section 316.515(3), F.S.

<sup>34</sup> Section 316.515, F.S., maximum weight limits are set by formula, but the vehicle’s overall gross vehicle weight may not exceed 80,000 points, including enforcement tolerances.

<sup>35</sup> Section 316.550(2), F.S.

issue or withhold a permit. If a permit is issued, FDOT or local authority, may limit or prescribe the conditions of operation of such vehicle or vehicles.<sup>36</sup>

Such a permit may authorize a self-propelled truck crane operating off the Interstate Highway System to tow a motor vehicle which does not weigh more than 5,000 pounds, if the combined weight of the crane and such motor vehicle does not exceed 95,000 pounds.<sup>37</sup>

#### FDOT Permit Rules – Overweight and Overdimensional Vehicles

Pursuant to its overweight and overdimensional permit rules,<sup>38</sup> FDOT, when evaluating permit requests and prescribing permit conditions, must consider items including whether the load can be reasonably dismantled or disassembled, traffic flow and safety issues, and any assistance that may be needed.<sup>39</sup>

For nighttime movement, when FDOT's criteria for issuing a permit are met, FDOT must issue a permit provided that:

- Nighttime travel is recommended by the appropriate FDOT District Traffic Engineering Offices or determined to be a permit requirement. Law enforcement escorts are used.
- Warning lights delineate the load's shape and size.
- The sides and rear of trailers and loads are as prescribed in state law and federal regulations.<sup>40</sup>

For self-propelled equipment,<sup>41</sup> including cranes, the FDOT requires a trip or multi-trip permit to be issued when specified criteria is met. For all self-propelled equipment, the boom must be fully retracted. For nighttime movement, front overhang must have a minimum of 80 inches clearance above the roadway. In addition, the following restrictions apply:

- Total length up to 80 feet.
  - Front overhang over six feet up to nine feet. Movement is permitted on all days, all hours. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.
  - Front overhang over nine feet. Movement is permitted on all days, during daytime hours only. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.
- Total Length over 80 feet. Movement is permitted daytime hours only, excluding holidays. Flags and warning signs are required. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.<sup>42</sup>

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<sup>36</sup> *Id.*

<sup>37</sup> Section 316.550(3), F.S.

<sup>38</sup> Rule 14-26, F.A.C.

<sup>39</sup> Rule 14-26.00425, F.A.C.

<sup>40</sup> Rule 14-26.012(5)(f), F.A.C.

<sup>41</sup> Rule 14-26.0041(27), F.A.C., defines the term "self-propelled equipment" to mean a single rigid frame unit propelled with its own power source which does not transport a divisible load, and includes equipment such as earth handling equipment, cranes (which may include a dolly attachment), derricks and fire trucks.

<sup>42</sup> Rule 14-26.012(9)(c), F.A.C.

### ***Effect of Proposed Changes***

The bill amends the statutory definition of “special mobile equipment” changing the term “self-propelled cranes” to “mobile cranes and accessory support vehicles.” The bill also removes “cranes or shovels” from the list of items that the term “special mobile equipment” does not include.

The bill authorizes the FDOT to issue a mobile crane special blanket permit for any of the following purposes:

- To authorize a mobile crane to operate on and off the Interstate Highway System while towing a motor vehicle that does not weigh more than 5,000 pounds of the combined weight of the motor vehicle does not exceed 95,000 pounds;
- To authorize a mobile crane and accessory support vehicles that are up to 12 feet in width, 14 feet six inches in height, and 100 feet in length to operate on and off the Interstate Highway System at all hours except as restricted under a local travel-related curfew; or
- To authorize a mobile crane and accessory support vehicle which, due to their design for special use, exceed the statutory weight limits<sup>43</sup> to operate on and off the Interstate Highway System.

### **High-Occupancy Vehicle (HOV) Lanes (Section 6 and 42)**

#### ***Present Situation***

Florida law defines the term “high-occupancy-vehicle lane” or “HOV lane” to mean a lane of a public roadway designated for use by vehicles in which there is more than one occupant unless otherwise authorized by federal law.<sup>44</sup>

Florida law authorizes hybrid and low-emission vehicles that federal minimum fuel economy standards to drive in the HOV lane at any time.<sup>45</sup>

The Department of Highway Safety and Motor Vehicles (DHSMV) issues annual decals and registration certificates, reflecting the HOV lane designation, on vehicles authorized to drive in an HOV lane at any time. The DHSMV may charge up to \$5 per decal but may not exceed its costs. This fee is deposited in the Highway Safety Operating Trust Fund.<sup>46</sup> According to the DHSMV, as of March 7, 2025, there were 25,428 active HOV decals.<sup>47</sup>

Florida law provides a toll exemption for the use of HOV toll lanes or express lanes by vehicles issued HOV decals and are registered to use HOV toll lanes or express lanes and issued HOV decals.<sup>48</sup> The FDOT rules provide such a toll exemption for the I-95 Express lanes in Miami-Dade, Broward, and Palm Beach counties.<sup>49</sup>

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<sup>43</sup> These weight limits are established in s. 316.535, F.S.

<sup>44</sup> Section 316.0741(1)(a), F.S.

<sup>45</sup> Section 316.0741(4), F.S. The federal minimum fuel economy standards are in 23 U.S.C. s. 166(f)(3)(B),

<sup>46</sup> Section 316.0741(5), F.S.

<sup>47</sup> Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, Re: SB 1662 HOV Lanes, March 11, 2025. (On file with Senate Committee on Transportation).

<sup>48</sup> Section 316.714(6), F.S.

<sup>49</sup> Rule 14-100.004, F.A.C.

Unlawfully driving in an HOV lane is punishable as a moving violation;<sup>50</sup> however, points are not assessed against a driver license for this violation.<sup>51</sup>

### ***Effect of Proposed Changes***

The bill repeal s. 316.0741, F.S., repealing HOV lanes. This includes the DHSMV's authority to issue HOV decals and authorization for FDOT to provide toll exemption for HOV toll lanes or express lanes for specified vehicles.

The bill removes a reference to HOV lanes in s. 322.27(3)(d), F.S., that provides that no points are assessed on a driver license for an HOV lane violation.

## **Uniform Signals and Devices (Section 7)**

### ***Present Situation***

The FDOT is required to adopt a uniform system of traffic control devices that must be used on Florida's streets and highways.<sup>52</sup> All official traffic control signals or official traffic control devices purchased and installed by any public body or official must conform to the FDOT's specifications.<sup>53</sup> However, upon a showing of good cause, the FDOT is authorized to permit traffic control devices not in conformity with its uniform system.<sup>54</sup>

The FDOT may, upon receiving and investigating a report of noncompliance and after a hearing, direct the removal of any traffic control device not meeting the uniform system. The public agency with authority over the traffic control device must immediately bring the device into compliance or remove the device. An additional violation of this provision is cause for withholding state funds for traffic control purposes until the public body or official demonstrates to the FDOT that it is in compliance.<sup>55</sup>

### ***Effect of Proposed Changes***

The bill authorizes the withholding of state funds deposited into the State Transportation Trust Fund for additional violations associated with uniform system for signals and devices. This withholding of funds is until the public body or official demonstrates to the FDOT that it is in compliance with the uniform system.

## **Florida Airport Licensing Law (Sections 9 and 10)**

### ***Present Situation***

The Florida Airport Licensing Law,<sup>56</sup> includes definitions for following terms:

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<sup>50</sup> Section 316.0741(3), F.S.

<sup>51</sup> Section 322.27(3)(d)8., F.S.

<sup>52</sup> Section 316.0745(1), F.S. Rule 14-15.010, F.A.C., incorporates, by reference, the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* into the Florida Administrative Code.

<sup>53</sup> Section 316.0745(3), F.S.

<sup>54</sup> Section 316.0745(8), F.S.

<sup>55</sup> Section 316.0745(7), F.S.

<sup>56</sup> Sections 330.27-330.39, F.S.

- Aircraft - a powered or unpowered machine or device capable of atmospheric flight, except a parachute or other such device used primarily as safety equipment.<sup>57</sup>
- Airport - an area of land or water used for, or intended to be used for, landing and takeoff of aircraft, including appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use.<sup>58</sup>
- Ultralight aircraft - any aircraft meeting the criteria established by part 103 of Federal Aviation Administration (FAA) regulations.<sup>59</sup>

Under Florida law, a proposed airport's owner or lessee must obtain site approval from the FDOT. The FDOT must grant site approval if it is satisfied that specific conditions are met related to safety, local land development or zoning regulations, and notification of affected entities.<sup>60</sup> The FDOT may grant site approval for a public airport<sup>61</sup> only after its favorable inspection of the proposed site.<sup>62</sup> For a private airport,<sup>63</sup> the FDOT grants site approval after it receives documentation that the airport has satisfied the conditions required for site approval.<sup>64</sup> The FDOT may subject its site approval to reasonable conditions necessary to protect public health, safety, or welfare.<sup>65</sup>

Under Florida law, before operating aircraft to or from the airport, the airport's owner or lessee must receive, from the FDOT, a public airport license or a private airport registration.<sup>66</sup> For a public airport, upon granting site approval, the FDOT must issue the airport's license after its final inspection finds that the airport complies with all license requirements. A public-airport license may be subject to reasonable conditions necessary to protect public health, safety, or welfare.<sup>67</sup> For a private airport, upon the FDOT granting site approval, it must provide the applicant with access to the state aviation facility data system to permit the applicant to complete the registration process. Registration is completed upon the registrant's self-certification of the FDOT-required data.<sup>68</sup>

Florida law does not currently address private airports of public interest.

### ***Effect of Proposed Changes***

The bill amends various provisions of the Florida Airport Licensing Law. It amends various the definitions, including:

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<sup>57</sup> Section 330.27(1), F.S.

<sup>58</sup> Section 330.27(2), F.S.

<sup>59</sup> Section 330.27(8), F.S. 14 C.F.R., part 103 relates to ultralight vehicles.

<sup>60</sup> Section 330.30(1)(a), F.S.

<sup>61</sup> Section 330.27(6), F.S., defines the term "public airport" means an airport, publicly or privately owned, which is open for use by the public.

<sup>62</sup> Section 334.30(1)(b), F.S.

<sup>63</sup> Section 330.27(5), F.S., defines the term "private airport" to mean an airport, publicly or privately owned, which is not open or available for use by the public, but may be made available to others by invitation of the owner or manager.

<sup>64</sup> Section 334.30(1)(c), F.S.

<sup>65</sup> Section 330.30(1)(f), F.S.

<sup>66</sup> Section 330.30(2)(a), F.S.

<sup>67</sup> Section 330.30(2)(a)1., F.S.

<sup>68</sup> Section 330.30(2)(a)2., F.S.

- “Aircraft” to provide that the term includes, but is not limited to, an airplane, an autogiro, a glider, a gyrodyne, a helicopter, a lift and cruise, a multicopter, paramotors, a powered lift, a seaplane, a tiltrotor, an ultralight, and a vectored thrust.
- “Airport” to provide a specific area of land or water or a structure used for aircraft operations. The term includes, but is not limited to, airparks, airports, gliderports, heliports, helistops, seaplane bases, ultralight flight parks, vertiports, and vertistops.

The bill defines the term “private airport of public interest” to mean a private airport engaged in air ambulance operations, commercial air tour operations, on-demand operations, public charter operations, scheduled operations, or supplemental operations.

The bill defines the following terms referred to in the definition of private airport of public interest:

- Air ambulance operations – a flight with a patient or medical personnel on board for the purpose of medical transportation.
- Commercial air tour operation – a flight conducted for compensation or hire in an aircraft where a purpose of the flight is sightseeing.
- Commuter operation – any scheduled operation conducted by a person operating an aircraft with a frequency of operations of at least five round trips per week on at least one route between two or more points according to the published flight schedule.
- On-demand operation – any scheduled passenger carrying operation for compensation or hire conducted by a person operating an aircraft with a frequency of operations of fewer than five round trips per week on at least one route between two or more points according to the published flight schedule.
- Public charter operation – a one-way or round-trip charter flight performed by one or more direct air carriers which is arranged and sponsored by a charter operator.
- Scheduled operation – any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial operator for which the certificate holder or its representative offers in advance the departure location, departure time, and arrival location.
- Supplemental operation – any common carriage operation for compensation or hire conducted with an aircraft for which the departure time, departure location, and arrival location are specifically negotiated with the customer or customer’s representative.

The bill repeals the definition of the “ultralight aircraft” since that term is described in FAA regulations.

The bill requires a private airport of public interest, before allowing aircraft operations, to obtain a certificate from the FDOT. The FDOT must issue a certificate after a final inspection finds the airport complies with all certificate requirements. The certificate is subject to any reasonable conditions the FDOT deems necessary to protect the public. A private airport that was engaged in operations associated with a private airport of public interest on or before July 1, 2025, must obtain a certificate by July 1, 2030.

The bill authorizes the FDOT, after an initial registration, to issue a certificate to a private airport of public interest if the airport is found, after physical inspection, to comply with all certificate

requirements. The certificate is subject to any reasonable condition that the FDOT deems necessary to protect the public health, safety, or welfare. A private airport of public interest's certificate expires five years after its effective date.

### **FDOT Funding of Space-Related Infrastructure Projects (Section 11)**

#### ***Present Situation***

Under Florida law, the following specified properties constitute spaceport territory:

- Certain real property in Brevard County within Patrick Space Force Base, Cape Canaveral Space Force Station, or John F. Kennedy Space Center.
- Certain real property in Santa Rosa, Okaloosa, Gulf, and Walton Counties within Eglin Air Force Base.
- Certain real property in Duval County within the Cecil Airport and Cecil Commerce Center.
- Real property which is a FAA-licensed spaceport, as designated by Space Florida's board of directors.
- Certain real property in Brevard County within Space Coast Regional Airport, Space Coast Regional Airport Industrial Park, and Spaceport Commerce Park.
- Certain real property in Miami-Dade County which was formerly included in Homestead Air Force Base and is included within Homestead Air Reserve Base or deeded to Miami-Dade County or the City of Homestead.
- Certain real property in Bay County is within Tyndall Air Force Base.<sup>69</sup>

Florida law defines the term "critical infrastructure facility" to mean a chemical manufacturing facility, a refinery, an electrical power plant, a water treatment facility or wastewater treatment plant, a liquid natural gas terminal, a telecommunications central switching office, a gas processing plant, a seaport, a spaceport territory, or an airport.<sup>70</sup>

#### ***Effect of Proposed Changes***

The bill authorizes the FDOT to fund infrastructure projects, and projects associated with critical infrastructure facilities within or outside a spaceport territory as long as the project supports aerospace<sup>71</sup> or launch support facilities<sup>72</sup> within an adjacent spaceport territory. The FDOT must consult with the Department of Commerce and the Department of Environmental Protection in funding these projects. These three agencies must coordinate in funding these projects in order to optimize the use of available funds.

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<sup>69</sup> Section 334.304, F.S.

<sup>70</sup> Section 692.201(2), F.S. This is if the facility employs measures to exclude unauthorized persons.

<sup>71</sup> Section 331.303(1), F.S., defines the term "aerospace" to mean the technology and industry related to the design, manufacture, maintenance, repair, and operation of aircraft or any other device intended to be used or designed for flight or reentry, including rockets, missiles, spacecraft, satellites, space vehicles, space stations, space and aircraft facilities or components thereof, and related equipment, systems, facilities, simulators, programs, and activities, including, but not limited to, the application of aerospace and aviation technologies in air-based, land-based, space-based, and sea-based platforms for commercial, civil, and defense purposes.

<sup>72</sup> Section 338.301(11), F.S., defines the term "launch support facilities" to mean facilities that are located at launch sites or launch ranges that are required to support launch activities, including launch vehicle assembly, launch vehicle operations and control, communications, and flight safety functions, as well as payload operations, control, and processing.

**Florida Airport Development and Assistance Act (Sections 12-15)**

The Florida Airport Development and Assistance Act<sup>73</sup> generally prohibits the FDOT from participating in or exercising control in the management and operation of a sponsor's<sup>74</sup> airport.<sup>75</sup>

The FDOT has statutory duties and responsibilities related to aviation development and assistance, including duty to develop, promote, and distribute supporting information and educational services.<sup>76</sup>

The FDOT must prepare and continuously update its aviation and airport work program based on local sponsors' proposed aviation projects. The FDOT's airport work program must separately identify development projects<sup>77</sup> and discretionary capacity improvement projects.<sup>78, 79</sup>

To be eligible to receive state funds, aviation projects must contribute to implementing the statewide aviation system plan,<sup>80</sup> be consistent with and will contribute to the implementation of any airport master plan or layout plan, and be consistent with, to the maximum extent feasible, the appropriate approved local government comprehensive plans.<sup>81</sup>

Subject to the availability of appropriated funds in addition to aviation fuel tax revenues,<sup>82</sup> the FDOT may participate in the capital cost of eligible public airport and aviation discretionary capacity improvement projects. The FDOT must prioritize its aviation funding to support:

- Land acquisition which provides additional capacity at the qualifying international airport or at that airport's supplemental air carrier airport.
- Runway and taxiway projects that add capacity or are necessary to accommodate technological changes in the aviation industry.
- Airport access transportation projects that improve direct airport access and are approved by the airport sponsor.
- International terminal projects that increase international gate capacity.<sup>83</sup>

The FDOT may also fund eligible projects performed by not-for-profit organizations representing a majority of Florida's public airports. Eligible projects include aviation master planning, professional education, safety and security planning, enhancing economic development

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<sup>73</sup> Sections 332.003-332.007, F.S.

<sup>74</sup> Section 332.004(15), F.S., defines the term "sponsor" to mean any eligible agency which, either individually or jointly with one or more eligible agencies, submits to FDOT an application for financial assistance for an airport development project in accordance with this act.

<sup>75</sup> Section 332.005, F.S. There are some exceptions associated with requests from the airport's sponsor.

<sup>76</sup> Section 332.006(7), F.S.

<sup>77</sup> Section 332.004(4), F.S., defines the term "airport or aviation development project" to mean any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, etc.

<sup>78</sup> Section 332.004(5), F.S., defines the term "airport or aviation discretionary capacity improvement projects" or to mean capacity improvements which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government in which the airport is located, and which enhance intercontinental capacity at airports which meet certain requirements.

<sup>79</sup> Section 332.007(2)(a), F.S.

<sup>80</sup> FDOT is required to develop and periodically update the statewide aviation system plan pursuant to s. 332.006(1), F.S.

<sup>81</sup> Section 332.007(5), F.S.

<sup>82</sup> Section 332.007(7), F.S. Aviation fuel tax is authorized and collected pursuant to part III of ch. 216, F.S.

<sup>83</sup> Section 332.007(7)(a), F.S.



and efficiency at airports, or other planning efforts to improve the viability of Florida's airports.<sup>84</sup>

Under the State Emergency Management Act,<sup>85</sup> the Governor must declare a state of emergency if an emergency<sup>86</sup> has occurred or there is an imminent threat of an emergency. A state of emergency may last up to 60 days and may be renewed by the Governor.<sup>87</sup>

### ***Effect of Proposed Changes***

The bill changes the short title of the “Florida Airport Development and Assistance Act” to the “Florida Airport Development and Accountability Act.”

The bill requires airports<sup>88</sup> to, upon the Governor's issuance a state of emergency in preparation for or in response to a natural disaster, at no cost to the state, provide the FDOT with the opportunity to use any airport property that is not within an air navigation facility,<sup>89</sup> to stage equipment and personnel to support emergency preparedness or operations. The bill provides that after 60 days of use as a staging area, the FDOT's further use of airport property must be pursuant to a written agreement between the airport and the FDOT.

The bill amends the FDOT's duty to develop, promote and distribute supporting information and educational services, to include, but not limit it to, educational services with a focus on retention and growth of the aviation industry workforce.

The bill requires each commercial service airport to establish and maintain an airport infrastructure program to ensure the ongoing preservation of airport infrastructure facilities in safe and serviceable condition.

The bill defines the term “airport infrastructure” to mean the facilities, systems, and structural components of an airport necessary for the safe and efficient movement of people and goods.

Beginning November 1, 2025, and annually thereafter, each commercial service airport must certify to the FDOT, in a manner prescribed by the FDOT, that it has established and maintains a comprehensive airport infrastructure program. The comprehensive airport infrastructure program report, and related documents and records, must be open to inspection by the FDOT and must be

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<sup>84</sup> Section 332.007(8), F.S.

<sup>85</sup> Chapter 252, F.S.

<sup>86</sup> Section 252.34(4), F.S., defines the term “emergency” to mean any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

<sup>87</sup> Section 252.36(2), F.S.

<sup>88</sup> Section 332.004(1), F.S., defines the term “airport” to mean any area of land or water, or any manmade object or facility located therein, which is used, or intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for public use, for airport buildings or other airport facilities or rights-of-way.

<sup>89</sup> Section 332.01(4), F.S., defines the term “air navigation facility” to mean any facility used in, available for use in, or designed for use in, aid of air navigation, including airports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, or restricted landing area, and any combination of any or all of such facilities.

maintained by the airport for at least five years. At a minimum: the airport comprehensive airport infrastructure program must include:

- Identification of airport infrastructure subject to inspection and the schedule for the completion of such inspections, taking into consideration the age, type, intended use, and criticality of the infrastructure to uninterrupted commercial or cargo operations.
- A preventative maintenance program for routine maintenance of airport infrastructure, for both commercial and cargo operations.
- A plan to complete any necessary repairs to, or rehabilitation or reconstruction of, airport infrastructure, including prioritization and anticipated timeframe for completion of the work.
- A progress report of inspections and their outcomes, preventative maintenance, and previously identified repair to, or rehabilitation or reconstruction of, airport infrastructure. The progress report must include any changes in timeline for completion, changes in cost estimates, and reasons that any inspection, preventative maintenance, or repair or rehabilitation did not take place.

The bill requires the FDOT-funded aviation projects to be consistent with the energy policy of the state.

The bill requires the FDOT to provide priority aviation funding in support of:

- Terminal and parking expansion projects that increase capacity at airports providing commercial service in counties with a population of 500,000 or less.
- Projects that improve safety and efficiency of airport operations.
- Emerging technology projects, workforce development projects, and projects that benefit the strategic intermodal system through intermodal connectivity.

The bill authorizes the FDOT to fund eligible projects performed by not-for-profit organizations and postsecondary institutions<sup>90</sup> to support the training of pilots, air traffic control personnel, or aircraft maintenance technical personnel. The bill also authorizes the FDOT to fund planning efforts to improve safety at airports. The FDOT may also fund programs that support the transition of honorably discharged military personnel to employment in the aviation industry. The FDOT's funds may provide matching funds for eligible projects funded by the Department of Commerce.

The bill authorizes the FDOT's strategic airport investment initiative to fund up to 100 percent the project's costs for capital improvements to strategically position the state to maximize opportunities in tourism.

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<sup>90</sup> Section 1008.47(1), F.S., defines the term "postsecondary education institution" to mean a Florida College System institution, state university, or nonpublic postsecondary education institution that receives state funds.

## Commercial Service Airport Transparency and Accountability (Section 16)

### *Present Situation*

FAA regulations define the term “commercial service airport” to mean a publicly owned airport with at least 2,500 annual enplanements and scheduled air carrier service.<sup>91</sup> Commercial service airports are categorized as follows:

- Large Hub Airports each receive one percent or more of the annual U.S. commercial enplanements. Florida’s large hub airports are Orlando International, Miami International, Ft. Lauderdale International, and Tampa International.
- Medium Hub Airports each receive 0.25 to 1.0 percent of the annual U.S. commercial enplanements. Florida’s medium hub airports are Southwest Florida International, Palm Beach International, and Jacksonville International.
- Small Hub airports each receives 0.05 to 0.25 percent of the annual U.S. commercial enplanements. Florida’s small hub airports are Sarasota/Bradenton International, Orlando Sanford International, St. Pete-Clearwater International, Destin-Ft. Walton Beach, Punta Gorda, Northwest Florida Beaches International, and Key West International.
- Nonhub airports each receives less than 0.05 percent but more than 10,000 of the annual U.S. commercial enplanements. Florida’s nonhub airports are Tallahassee International, Melbourne Orlando International, Daytona Beach International, Gainesville Regional, Vero Beach Regional, and Ft. Lauderdale Executive.<sup>92</sup>

Florida law contains provisions regarding the transparency and accountability of commercial service airports. For this purpose, the following terms are defined to mean:

- Commercial service airport - a primary airport, as defined by federal law,<sup>93</sup> which is classified by the FAA as a large, medium, or small hub airport.<sup>94</sup>
- Consent agenda - an agenda which consists of items voted on as a group and which does not provide the opportunity for public comment on each such item before approval or disapproval by the governing body.<sup>95</sup>
- Governing body - the governing body of the county, municipality, or special district that operates a commercial service airport.<sup>96</sup>

Each governing body of a commercial service airport must establish and maintain a website posting the following:

- All published notices of the governing body’s meetings and published meeting agendas.
- The official minutes of each meeting of the governing body.
- The airport’s approved budget for the current fiscal year.
- A link to the airport’s Airport Master Plan.

<sup>91</sup> Federal Aviation Administration, *Airport Categories*, [https://www.faa.gov/airports/planning\\_capacity/categories](https://www.faa.gov/airports/planning_capacity/categories) (last visited March 4, 2025).

<sup>92</sup> FAA passenger statistics, October 2024, <https://www.faa.gov/sites/faa.gov/files/2024-10/cy23-all-enplanements.pdf> (last visited March 5, 2025).

<sup>93</sup> Federal law defines the term “primary airport” to mean a commercial service airport the Secretary of Transportation determines to have more than 10,000 passenger boardings each year. in 49 U.S.C. s. 47102.

<sup>94</sup> Section 332.0075(1)(a), F.S.

<sup>95</sup> Section 332.0075(1)(b), F.S.

<sup>96</sup> Section 332.0075(1)(d), F.S.

- A link to all of its financial and statistical reports on the FAA's website.
- Any contract or contract amendment for the purchase of commodities or contractual services executed by or on behalf of the commercial service airport in excess of \$350,000.<sup>97</sup>
- Position and rate information for each airport employee, which must be updated annually.<sup>98</sup>

Each November 1, each commercial service airport's governing body must submit to FDOT:

- Its approved budget for the current fiscal year;
- Any financial reports submitted to the FAA during the previous calendar year;
- A link to its website;
- A verified statement that it has complied with ethics requirements, competitive procurement requirements, and statutes relating to commercial service airport accountability.<sup>99</sup>

The FDOT may not expend any funds allocated to a commercial service airport, unless pledged for debt service, until the commercial service airport demonstrates compliance with Florida law.<sup>100</sup>

### ***Effect of Proposed Changes***

The bill amends the definition of “commercial service airport” to include airports classified by the FAA as nonhub airports, requiring such airports to comply with these statutes.

The bill clarifies the definition of the term “consent agenda” to include agenda items voted on collectively.

The bill amends the definition of the term “governing body” to have it include an appointed board or oversight entity serving as the governing body of a commercial service airport on behalf of a county, municipality, or special district.

The bill requires that information required to be posted on the governing body's website to remain posted for the longer of five years or the entirety of the period during which airport actively uses the required information.

The bill requires that each commercial service airport's website have posted both its current airport master plan and immediately preceding airport master plan be posted. Airports must also update employee salary information quarterly, instead of annually.

The bill requires commercial service airports to annually submit to the FDOT:

- The most recent copies of its strategic plans; and
- Contracts related to any financial awards received through federally funded grant programs for the preceding fiscal years.

The bill requires commercial service airports to notify the FDOT:

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<sup>97</sup> This is purchasing CATEGORY FIVE provided in s. 287.017, F.S.

<sup>98</sup> Section 332.0075(2), F.S.

<sup>99</sup> Section 332.0075(5)(a), F.S.

<sup>100</sup> Section 332.0075(6), F.S.

- Within 48 hours after receiving a communication or directive from a federal agency relating to public health testing or the transfer of unauthorized aliens into this state.
- As soon as reasonably possible, but no later than 48 hours, after the discovery of potential cybersecurity breach or other occurrence impacting the traveling public, a disruption on state aviation operations directly impacting multiple airports with this state, or an incident occurring on airport property which require coordination with multiple local, state, or federal agencies.

## **Advanced Air Mobility (Section 17)**

### ***Present Situation***

The National Aeronautics and Space Administration (NASA) defines the term “advanced air mobility” (AAM) to mean “an air transportation system that moves people and cargo between places previously not served or underserved by aviation – local, regional, intraregional, urban – using revolutionary new aircraft that are only just now becoming possible.”<sup>101</sup>

Numerous uses for AAM are being explored, including air taxi, air cargo, and public services. Air taxi supports passenger transportation within and around urban and regional areas, including routes connecting city centers to airports or to neighboring city centers. Air cargo uses feature cargo transportation supporting the middle-mile of logistics, generally seen as from the cargo port to the distribution center. Public service uses, such as search and rescue, disaster relief, and air ambulance operations are all likely early use cases for electric vertical take-off and landing (eVTOL) aircraft.<sup>102</sup>

In 2022, the FDOT established an AAM Working Group consisting of various stakeholders. The working group developed various recommendations regarding AAM, including:

- Designate an AAM subject matter expert within the FDOT.
- Review airport hazard regulations and update those regulations as appropriate.
- Incorporate AAM into state transportation planning documents.
- Lead a statewide education campaign for local decision makers and a public awareness campaign for the general public.<sup>103</sup>

Currently, Florida law does not address advanced air mobility.

### ***Effect of Proposed Changes***

The bill codifies AAM into Florida law. The bill requires the FDOT to:

- Address the need for vertiports, advanced air mobility, and other advances in aviation technology in the statewide aviation system plan,<sup>104</sup> and, as appropriate, in the FDOT’s work program.

<sup>101</sup> FDOT, *Advanced Air Mobility*, <https://www.fdot.gov/aviation/advanced-air-mobility> (last visited March 3, 2025).

<sup>102</sup> *Id.* at 2.

<sup>103</sup> FDOT AAM Report and Recommendations, August 2023. Available at: [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/aviation/pdfs/fdot-aamwg-final-report---august-10-2023.pdf?sfvrsn=56d82d5d\\_1](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/aviation/pdfs/fdot-aamwg-final-report---august-10-2023.pdf?sfvrsn=56d82d5d_1) (last visited March 7, 2025).

<sup>104</sup> The statewide aviation system plan is required under s. 332.006(1), F.S.

- Designate, within the FDOT, a subject matter expert on AAM to serve as a resource for local jurisdictions navigating advances in aviation technology.
- Conduct a review of airport hazard zone regulations.<sup>105</sup>
- In coordination with the Florida Department of Commerce, provide coordination and assistance for the development of a viable AAM system plan. The FDOT must incorporate this plan into its statewide aviation system plan to identify corridors of need and opportunities for industry growth.

### **FDOT's Purchase of Promotional Items (Section 18)**

#### ***Present Situation***

The FDOT may purchase promotional items as part of public information and education campaigns to promote scenic highways, traffic and train safety awareness, alternatives to single-occupant vehicle travel, commercial motor vehicle safety, electric vehicle use and charging stations, autonomous vehicles, and context design for electric vehicles and autonomous vehicles.<sup>106</sup>

#### ***Effect of Proposed Changes***

The bill revises the FDOT's authorization to purchase promotional items. The bill authorizes the FDOT to purchase such items to promote environmental management and workforce development. The bill changes the design of electric vehicles and autonomous vehicles to the classification of those vehicles and removes authorization regarding alternatives to single-occupant vehicle travel.

### **FDOT's Purchase of Insurance (Section 18)**

#### ***Present Situation***

Except for title insurance and emergency purchases, the Department of Management Services (DMS) purchases insurance for all agencies.<sup>107</sup> While insurance is not a commodity, Florida law requires that the purchase of insurance, whether purchased by the DMS or another agency, be done using statutory procedures for the purchase of commodities.<sup>108</sup>

Florida law prohibits a primary insurance contract from being purchased on any property or insurable subjects when it is loaned to, leased by, or intended to be leased by, the state or its departments, unless the lease agreement requires insurance coverage. In those cases, the DMS must approve, in writing, the insurance coverage required by the lease.<sup>109</sup>

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<sup>105</sup> Chapter 333, F.S., relates to airport zoning.

<sup>106</sup> Section 334.044(5), F.S.

<sup>107</sup> Section 287.012(1), F.S., defines the term "agency" to mean any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government.

<sup>108</sup> Section 287.022(1), F.S. The purchase of commodities is pursuant to s. 287.057, F.S.

<sup>109</sup> Section 287.025(4), F.S.

***Effect of Proposed Changes***

The bill authorizes the FDOT, notwithstanding statutory provisions relating to the state's purchase of insurance, to directly enter into insurance contracts with local, national, or international insurance companies to purchase insurance coverage that the FDOT is contractually and legally required to provide.

**FDOT's Purchase of Motor Vehicles and Heavy Equipment (Section 18)*****Present Situation***

Any executive or judicial branch officer or employee may not authorize the purchase or continuous lease of any motor vehicle which is to be paid for from state or department funds unless the Legislature has appropriated funds for the motor vehicle. This does not apply to motor vehicles needed to meet unforeseen or emergency situations, which, after consultation with legislative appropriations committees, requires approval from the Executive Office of the Governor.<sup>110</sup>

State agencies are prohibited from retaining motor vehicles for which funds have been appropriated for a replacement, unless the agency requires such vehicles to be retained to meet emergency or major unforeseen needs. State agencies, in their budget requests, must report all retained vehicles to the Legislature and provide the specific justification for each vehicle it retained.<sup>111</sup>

***Effect of Proposed Changes***

The bill authorizes the FDOT, notwithstanding statutory requirements relating to the purchase and retention of motor vehicles by state agencies, to purchase or acquire heavy equipment and motor vehicles for roadway operations and emergency response regardless of whether the FDOT exchanges or ceases to operate any of the FDOT-owned heavy equipment or motor vehicle.

**Parking Authorities (Section 20)*****Present Situation***

In most parts of Florida, parking enforcement is administered by the city or county and is administratively housed in a parking division within the local government, as in Jacksonville and Orlando. However, the Miami Parking Authority (MPA), a dependent special district, was created in 1955 by Special Act<sup>112</sup> and incorporated into the City of Miami's Charter in 1968. The MPA is governed by a volunteer five-member Board of Directors. The City of Miami Commission has final authority to confirm board appointments, approve MPA's budget, issue parking revenue bonds, and determine parking rates for MPA-managed facilities.<sup>113</sup>

This appears to be the only special district the purpose of which relates to parking.

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<sup>110</sup> Section 287.14(1) and(3), F.S.

<sup>111</sup> Section 287.14(4), F.S.

<sup>112</sup> Chapter 30997, Laws of Florida.

<sup>113</sup> Miami Parking Authority, <https://www.miamiparking.com/the-mpa/> (last visited April 8, 2025).

***Effect of Proposed Changes***

The bill grants a parking authority established under Florida law or any of its counties, municipalities or political subdivisions to have full power to conduct business; to operate, manage, and control facilities; and to provide services in contiguous geographical boundaries of such counties, municipalities, or political subdivisions that originally chartered such authority. The authority may engage in activities outside of its chartering jurisdiction upon entering into an interlocal agreement with the governing body of the affected contiguous, county, municipality, or political subdivisions.

**Florida Transportation Academy (Section 21)*****Present Situation***

The FDOT is authorized to provide, in consultation with affected stakeholders, a construction workforce development program to deliver projects in the FDOT's work program.<sup>114</sup> The FDOT must annually allocate \$5 million from the STTF for this program.<sup>115</sup>

***Effect of Proposed Changes***

The bill creates the Florida Transportation Academy within the FDOT to prioritize the continued need for transportation industry workforce development programs. The bill provides a legislative finding that the growth and sustainability of the transportation industry workforce is vital to the continued success of Florida's supply chain and economic competitiveness. In order to support, promote, and sustain workforce development efforts in the transportation sector, the FDOT may:

- Coordinate with the Department of Corrections to identify and create certification and training opportunities for nonviolent, scheduled-release inmates and create a notification process between the Department of Corrections and the FDOT for nonviolent inmates with imminent scheduled-release dates who are expected to seek employment upon release.
- Coordinate with the Department of Juvenile Justice and its educational partners to create certification and training opportunities for eligible youth.
- Coordinate with veterans' organizations to encourage veterans with honorable military discharge to pursue employment opportunities within the transportation industry, including, but not limited to, employment as pilots, mechanics, and air traffic controllers.
- Coordinate with the Department of Commerce, CareerSource Florida, Inc., and regional business organizations, within and outside of the transportation industry, to further understand recruitment and retention needs and job-seeker pipelines.
- Coordinate with the American Council of Engineering Companies and the Florida Transportation Builders Association to optimize workforce recruitment and retention and assess future needs across Florida's transportation industry.

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<sup>114</sup> Section 334.044(35), F.S. FDOT's work program is developed pursuant to s. 339.135, F.S.

<sup>115</sup> Section 339.84, F.S., This is beginning in the 2023-2024 fiscal year and for five years thereafter.



## **Access Management (Sections 22-23)**

### ***Present Situation***

Access management is the coordinated planning, regulation, and design of access between roadways and land development to reduce conflicts on the roadway system and at its interface with other modes of travel.<sup>116</sup>

The State Highway System Access Management Act<sup>117</sup> defines the following terms to mean:

- Connection - driveways, streets, turnouts, or other means of providing for the right of reasonable access to or from the State Highway System.<sup>118</sup>
- Significant change- a change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding 25 percent more trip generation (either peak hour or daily) and exceeding 100 vehicles per day more than the existing use.<sup>119</sup>

In order to protect the public health, safety, and welfare, the FDOT is required to regulate vehicular access and connections to or from the State Highway System. The FDOT may issue access management permits, subject to reasonable conditions, and may revoke a permit if the applicant fails to comply with the permit conditions.<sup>120</sup> The FDOT may not deny a property owner a means of reasonable access to an abutting state highway, except for safety or operational concerns.<sup>121</sup>

### ***Effect of Proposed Changes***

The bill defines the term “modification of an existing connection” to mean the relocation, alteration, or closure of the connection. The bill amends the definition of the term “significant change” to include the development of land and expansion in the size of property.

The bill authorizes the FDOT to, for access management permits issued after July 1, 1988, require the modification of an existing connection to the State Highway System if the connection would jeopardize public safety or negatively impact highway’s operational characteristics.

## **FDOT’s Business Development Program (Section 24)**

### ***Present Situation***

The FDOT is authorized to establish a business development program to assist small businesses. The program may include, but is not limited to, setting aside contracts, providing preference points for the use of small businesses, providing special assistance in bidding and contract

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<sup>116</sup> FDOT Access Management <https://www.fdot.gov/planning/systems/systems-management/access-management> (last visited March 20, 2025).

<sup>117</sup> Sections 335.18-335.188, F.S.

<sup>118</sup> Section 335.182(3)(a), F.S.

<sup>119</sup> Section 335.182(3)(b), F.S.

<sup>120</sup> Section 335.185(1), F.S.

<sup>121</sup> Section 335.187(5), F.S.

completion, waiving bond requirements, and implementing other strategies to increase competition.<sup>122</sup>

For purposes of the FDOT's business development program, the term "small business" is defined to mean a business with yearly average gross receipts of less than \$15 million for road and bridge contracts and less than \$6.5 million for professional and nonprofessional services contracts. A business' average gross receipts are determined by averaging its annual gross receipts over the last three years, including the receipts of any affiliate.<sup>123, 124</sup>

### ***Effect of Proposed Changes***

The bill amends the definition of a "small business" for purposes of the FDOT's business development program. The bill increases the maximum average yearly gross receipts to \$25 million for road and bridge contracts and \$10 million for professional and nonprofessional service contracts. The determination of average gross receipts remains unchanged.

### **FDOT Disadvantaged Business Enterprise (Sections 25, 26, 27 and 35)**

#### ***Present Situation***

Federal rules define the term "socially and economically disadvantaged individual" to mean any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to his or her individual qualities. The socially and economically disadvantaged include individuals from the following groups: Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, and Women.<sup>125</sup> Socially and economically disadvantaged individuals can also be determined on a case-by-case basis, and the Small Business Administration may designate additional groups as socially and economically disadvantaged.<sup>126</sup>

Florida law requires the FDOT to institute procedures to encourage the awarding of professional services and contracts to disadvantaged business enterprises.<sup>127</sup> The FDOT must develop and implement activities to encourage the participation of disadvantaged business enterprises in its contracting process. Such efforts may include informing disadvantaged business enterprises of

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<sup>122</sup> Section 337.027(1), F.S.

<sup>123</sup> Section 337.165(1)(a), F.S., defines the term "affiliate" to mean a predecessor or successor of a contractor under the same, or substantially the same, control or a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term "affiliate" includes the officers, directors, executives, shareholders active in management, employees, and agents of the affiliate. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one business entity is an affiliate of another.

<sup>124</sup> Section 337.027(2), F.S.

<sup>125</sup> Members of these groups are rebuttably presumed to be socially and economically disadvantaged.

<sup>126</sup> 49 CFR part 26

<sup>127</sup> For the purposes of FDOT's disadvantaged business enterprise program, the term "disadvantaged business enterprise" means a small business concern certified by the Department of Transportation to be owned and controlled by socially and economically disadvantaged individuals as defined by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). See s. 337.139, F.S.

contracting opportunities and contracting requirements and breaking larger contracts into smaller contracts.<sup>128</sup>

The FDOT's disadvantage business enterprise program requires:

- Prime contractors to submit information regarding the uses of disadvantaged business enterprises as subcontractors.<sup>129</sup>
- The FDOT to provide a socially and economically disadvantaged business enterprise with reasonable advance notice prior to removing such enterprise as a certified socially and economically disadvantaged business enterprises.<sup>130</sup>

The FDOT must expend federal-aid highway funds and state matching funds with small business concerns owned and controlled by socially and economically disadvantaged individuals.<sup>131</sup>

Upon the FDOT's determination of past and continuing discrimination in non-federally funded projects, the FDOT may implement a program tailored to address specific findings of disparity. The program may include establishing annual goals for expending a percentage of state-administered highway funds with small businesses. The FDOT may utilize set-asides for small business concerns to assist in achieving these goals. The head of the FDOT may elect to set goals only when a significant disparity is documented. The FDOT must consider the findings of a disparity study in determining the program goals for each group qualified to participate.<sup>132</sup>

The FDOT must certify a socially and economically disadvantaged business enterprise as prescribed in federal rules. The FDOT's initial application for certification must require sufficient information to determine eligibility. For continuing eligibility, the FDOT may accept an affidavit certifying that the business remains qualified for certification. An applicant's application and required financial information are confidential and exempt from public records laws.<sup>133</sup>

The head of the FDOT may expend up to six percent of the funds which are designated to be expended on small businesses owned and controlled by socially and economically disadvantaged individuals to conduct a construction management development program for such firms. The statute continues with the program's requirements.<sup>134</sup>

The head of the FDOT may expend up to four percent of specified DBE funds on a bond guarantee program for DBEs and who meet other standards. The state guarantees up to 90 percent of a bond amount of \$250,000 or less, and 80 percent of a bond amount of greater than \$250,000. However, the FDOT retains five percent of the total contract amount designated for the DBE until its final acceptance of the project.<sup>135</sup>

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<sup>128</sup> Section 337.139, F.S.

<sup>129</sup> Section 337.125(1), F.S.

<sup>130</sup> Section 337.125(3), F.S.

<sup>131</sup> Section 339.0805(1)(a), F.S.

<sup>132</sup> Section 339.0805(1)(b), F.S. Public records law is provided in s. 119.07(1), F.S.

<sup>133</sup> Section 339.0805(1)(c), F.S.

<sup>134</sup> Section 339.0805(3), F.S.

<sup>135</sup> Section 339.0805(4), F.S. FDOT may not commit funds for this program in excess of those funds specifically appropriated for this purpose.

Any individual who fraudulently represents an entity as a socially and economically disadvantaged business enterprise under commits of a felony of the second degree. An individual found in violation may not create a new corporate structure for the purpose of circumventing this provision.<sup>136</sup>

### ***Effect of Proposed Changes***

The bill repeals the FDOT's disadvantaged business enterprise program and related provisions.

### **Federal Rule Authorization (Section 18)**

The bill authorizes the FDOT to adopt rules for the purpose of compliance with 49 C.F.R. part 26, relating to the United States Department of Transportation's Disadvantage Business Enterprise Program and any other applicable federal law.

### **Conforming Changes (Sections 3, 19, 25, 30, 33, 36, and 40)**

The bill makes changes to the following to provide for small businesses:

- The FSTED Council's requirement to develop job training programs associated with the maritime industry (section 3).
- The FDOT's performance measures regarding this program to performance measures to the FDOT's business development program (section 19).
- The FDOT's consideration of small business participation related to certain contracts (section 25).
- The FDOT consideration of small business involvement in certain lease proposals (section 30).
- The FDOT and Department of Management Services outreach regarding participation in certain turnpike-related projects (section 33).
- Contractors for economic development transportation projects (section 36).
- The Central Florida Expressway Authority's<sup>137</sup> encouragement of the use of certain businesses in its procurement and contracting opportunities (section 40).

### **FDOT Surety Bonds (Section 96)**

#### ***Present Situation***

Florida law requires that the successful bidder on most the FDOT contracts provide a surety bond in the amount of the awarded contract price. However, for multiyear maintenance contracts, the FDOT may allow incremental annual contract bonds that cumulatively total the full, awarded, multiyear contract price. For phased design-build contracts,<sup>138</sup> The FDOT may also allow the issuance of multiple contract performance and payment bonds to align with each contract phase to meet the bonding requirements.<sup>139</sup>

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<sup>136</sup> Section 337.135, F.S.

<sup>137</sup> The Central Florida Expressway Authority is created in part III of ch. 348, F.S.

<sup>138</sup> Phased design-build contracts are authorized in s. 337.11(7)(b), F.S.

<sup>139</sup> Section 337.18(1)(a), F.S.

***Effect of Proposed Changes***

The bill authorizes the Secretary of Transportation to, at his or her discretion, require a surety bond in an amount less than the awarded contract price.

**Sewer Line Installation (Section 31)*****Present Situation***

Section 337.401, F.S., provides for the regulation and permitting of utilities in the right of way. Under that statute, the authority (the FDOT and local governmental entities) that have jurisdiction and control over public roads may prescribe and enforce reasonable rules and regulations regarding the placing and maintaining of utilities along its right-of-way. For purposes of that statute, the term “utility” includes sewers.<sup>140</sup>

Under Florida law, the authority may grant the use of a right-of-way for utility in accordance with the authority’s rules or regulations as the authority. A utility may not be installed, located, or relocated unless the authority issues a written permit. However, for public roads under the FDOT’s jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit. The permit must require the permitholder to be responsible for any damage resulting from the issuance of such permit. The authority may initiate injunctive proceedings as provided in s. 120.69, F.S., to enforce the permit.<sup>141</sup>

***Effect of Proposed Changes***

The bill provides that a municipality may not prohibit, or require a permit, for the installation of a public sewer transmission line placed and maintained within and under publicly dedicated rights-of-way as part of a septic-to-sewer conversion where the work is being performed under permits issued by the FDOT and the Department of Environmental Protection, or its delegate, pursuant to ch. 403, F.S., relating to environmental control.

**Camping on the Right-of-Way (Section 32)*****Present Situation***

Florida law prohibits camping on any portion of the State Highway System’s right-of-way within 100 feet of a bridge, causeway, overpass, or ramp.<sup>142</sup>

The Florida National Scenic Trail is Florida's official statewide nonmotorized trail, running more than 1,400 miles from the Panhandle to the Everglades and the Florida Keys.<sup>143</sup>

***Effect of Proposed Changes***

The bill prohibits camping on all portions of the State Highway System’s right-of-way. However, this prohibition does not apply to a person who is actively navigating the Florida National Scenic Trail and has acquired the appropriate permits.

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<sup>140</sup> Section 337.401(1)(a), F.S.

<sup>141</sup> Section 337.401(2), F.S.

<sup>142</sup> Section 337.406(4), F.S.

<sup>143</sup> Section 260.012(6), F.S.

## **Energy Policy of The State/Use of State Funds (Section 34)**

### ***Present Situation***

Florida law authorizes the FDOT to expend moneys in the STTF and restricts the use of such funds to the transportation-related purposes.<sup>144</sup> However, the FDOT may not expend any state funds to support a project or program of a public transit provider, an authority;<sup>145</sup> public-use airport; or a port, which is found in violation of s. 381.00316, F.S., relating to discrimination by governmental and business entities based on health care choices. The FDOT must withhold state funds until the entity is found in compliance with that statute.<sup>146</sup>

Section 377.601(3), F.S., provides that it is Florida's energy policy to:

- Promote the cost-effective development and use of a diverse supply of domestic energy resources and discourage energy waste.
- Promote the cost-effective development and maintenance of energy infrastructure that is resilient to natural and manmade threats to the state's energy supply.
- Reduce reliance on foreign energy resources.
- Include energy reliability and security considerations in planning activities.
- Utilize and manage effectively energy resources used within state agencies.
- Encourage local governments to include energy considerations in planning activities and support the promotion of energy management programs.
- Include citizen participation in developing and implementing energy programs.
- Consider in its decisions the energy needs of each economic sector and, whenever possible, reduce those needs.
- Promote energy education and the public dissemination of information on energy and its impacts on Florida's energy goals.
- Encourage the research, development, demonstration, and application of domestic energy resources, including renewable energy resources.
- Consider the impacts of energy-related activities on the state's energy goals.
- Develop and maintain energy emergency preparedness plans.

### ***Effect of Proposed Changes***

The bill defines the term “energy policy of the state” to mean the energy policy described above and includes any intended or actual measure, obligation, target, or timeframe related to a reduction in carbon dioxide emissions.

The bill prohibits the FDOT from expending any state funds to support a project or program of any of the following entities: a public transit provider, an authority, a public-use airport, or a port if such entity adopts or promotes energy policy goals that are inconsistent with the energy policy of the state.

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<sup>144</sup> Section 339.08(1), F.S.

<sup>145</sup> These are created pursuant to ch. 343, 348, or 349, F.S., and include, the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Greater Miami Expressway Agency, the Tampa-Hillsborough County Expressway Authority, the Central Florida Expressway Authority, and the Jacksonville Transportation Authority.

<sup>146</sup> Section 339.08(5), F.S.

## **Electric Vehicle Charging Infrastructure Report (Section 37)**

### ***Present Situation***

In 2020,<sup>147</sup> the Legislature required the FDOT, in coordination the Public Service Commission and the Office of Energy,<sup>148</sup> to develop and recommend a master plan for current and future plans for the development of EV charging station infrastructure along the State Highway System. The FDOT was required to develop the recommended master plan, and, by July 1, 2021, submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.<sup>149</sup>

### ***Effect of Proposed Changes***

The bill repeals the EV charging infrastructure report that was due by July 1, 2021.

## **Strategic Intermodal System Supply Chain Demands (Section 38)**

### ***Present Situation***

The FDOT's Strategic Intermodal System consists of appropriate components of highway corridors, the National Highway System, airports, seaports, and spaceports, rail lines and rail facilities, selected intermodal facilities, and other existing or planned corridors serving a statewide or interregional purpose.<sup>150</sup>

For fiscal years 2023-2024 through 2027-2028, the FDOT must make up to \$20 million available each fiscal year from its existing work program revenues to fund projects to provide increased capacity and enhanced capabilities to move and store construction aggregates.<sup>151</sup> Seaports, and rail lines, and rail facilities are eligible for project funding.<sup>152</sup>

This program is scheduled for repeal on July 1, 2028.<sup>153</sup>

### ***Effect of Proposed Changes***

The bill amends the FDOT's SIS supply chain program by making the FDOT's funding permissive, and removes specific dates, including the 2028 repeal date, making this program permanent.

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<sup>147</sup> Chapter 2020-21, Laws of Florida.

<sup>148</sup> The Office of Energy is within the Department of Agriculture and Consumer Services.

<sup>149</sup> Section 339.287(2), F.S.

<sup>150</sup> Section 339.62, F.S.

<sup>151</sup> Aggregates are raw materials that are produced from natural sources and extracted from pits and quarries, including gravel, crushed stone, and sand. When used with a binding medium, like water, cement, and asphalt, they are used to form compound materials, such as asphalt concrete and Portland cement concrete. <https://www.aem.org/news/construction-aggregates-101-what-they-are-and-why-they-matter#:~:text=Aggregates%20are%20raw%20materials%20that,concrete%20and%20Portland%20cement%20concrete>. (last visited March 9, 2025).

<sup>152</sup> Section 339.651(3), F.S.

<sup>153</sup> Section 339.651(7), F.S.

## **New Starts Transit Funding (Section 39)**

### ***Present Situation***

Federal law authorizes the Federal Transit Administration to issue certain transit capital investment grants and loans,<sup>154</sup> known as the New Starts Transit Program. The FDOT funds the New Starts Transit Program from 10 percent of the documentary stamp tax revenues distributed to the STTF<sup>155</sup> and 3.4 percent of the portion of the “new wheels on the road fee,” deposited into the STTF.<sup>156</sup>

As of June 2024, the FDOT was required to reallocate unallocated New Starts Transit Program funds to the Strategic Intermodal System. This reallocation expires on June 30, 2026.<sup>157</sup>

### ***Effect of Proposed Changes***

The bill makes permanent the reallocation of unused New Starts Transit Funds to the SIS. The bill also provides that if funds are allocated to projects that qualify for the New Starts Transit Program in the current fiscal year and a project will not be ready for production by June 30, the FDOT must reallocate those funds to the SIS for the next fiscal year.

## **Jacksonville Transportation Authority (Section 41)**

### ***Present Situation***

The Jacksonville Transportation Authority (JTA) is an independent agency of the state in Duval County. JTA designs and constructs bridges and highways and provides varied mass transit services, including express and regular bus service, community shuttles for a neighborhood ride, a downtown Skyway monorail, the St. Johns River Ferry, and the Gameday Xpress. JTA also provides paratransit for the disabled and elderly, and ride request on-demand services.<sup>158</sup>

JTA’s governing body consists of seven members. Three members are appointed by the Governor and confirmed by the Senate. Three members are appointed by the mayor of the City of Jacksonville and confirmed by the Jacksonville City Council. The seventh member is the FDOT’s district secretary serving the district containing Jacksonville. Except for the FDOT’s district secretary, JTA members must be residents and qualified electors of Duval County.<sup>159</sup>

### ***Effect of Proposed Changes***

The bill amends the makeup of the JTA’s governing body. Four members are appointed by the Governor, subject to Senate confirmation. One of the Governor’s appointees must be a resident of the City of Jacksonville, and the other three appointees must be residents of Clay County, St. Johns County or Nassau County. Three members are appointed by the mayor of Jacksonville,

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<sup>154</sup> 49 U.S.C. s. 5309

<sup>155</sup> Section 201.15(4)(a)1., F.S.

<sup>156</sup> Section 320.072(4)(b), F.S.

<sup>157</sup> Section 341.051(6)(b), F.S.

<sup>158</sup> Jacksonville Transportation Authority (JTA), *JTA Goals*, available at: <https://www.jtafla.com/about-jta/about/> (last visited March 7, 2025).

<sup>159</sup> Section 349.03(2), F.S.



who must be residents of the City of Jacksonville. The bill removes the FDOT district secretary from the board.

**Conforming Changes (Sections 41, 43-46)**

The bill amends ss. 110.205, 365.175, 379.2293, 493.6101, and 493.6403, F.S., conforming cross references.

**Effective Date (Section 47)**

This bill takes effect July 1, 2025.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill repeals the FDOT's disadvantaged business enterprise program, which contains an imbedded public records exemption relating to an applicant's application and financial information.<sup>160</sup> With the repeal of this exemption, this currently exempted information may become public.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The bill repeals authorization for HOV lanes, including a \$5 fee paid to obtain an HOV decal, and a toll exemption for certain vehicles in HOV express lanes (section 6).

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<sup>160</sup> Section 339.0805(2), F.S.

**B. Private Sector Impact:**

Motor vehicle owners who currently have an HOV decal would be subject to the payment of tolls (section 6).

Entities wishing to move mobile cranes and accessory support vehicles may experience a reduction in costs due to the ability to move them at all hours. (Section 8)

The FDOT's contractors may experience a reduction in surety bond costs due to the authorization of the Secretary of Transportation to waive certain surety bond requirements (section 29).

**C. Government Sector Impact:**

There will likely be an indeterminate negative fiscal impact on the Florida Transportation Commission in order to monitor and report on additional transit entities (Section 1).

The FDOT may experience an indeterminate negative fiscal impact associated with:

- Allocating funds to the Florida Transportation Research Institute (section 1).
- Certification of private airports of public interest, including site visits (section 10).
- Funding certain infrastructure projects near spaceports (section 11).
- Costs associated with the codification of advanced air mobility into Florida law, including the review of airport hazard zoning regulations (section 17).
- Costs incurred in establishing the Florida Transportation Academy (section 21).

The FDOT may experience an insignificant increase in toll revenues due to the repeal of HOV toll lanes (section 6).

The FDOT may see an increase in revenues from the issuance of mobile crane special blanket permits. The FDOT is authorized to charge permit fees for overweight and overdimensional vehicle permits.<sup>161</sup> These fees vary based on the size of the vehicle and permit type (trip, multi-trip, or route-specific multi-trip). (Section 8)<sup>162</sup>

The FDOT may experience cost savings associated with changes directly purchasing insurance and directly purchasing and retaining motor vehicle and heavy equipment (section 18).

The DHSMV will experience a reduction in revenues due to the repeal of HOV lanes, including the \$5 annual decal fee. However, the DSHMV should see a similar reduction to its costs (section 6).

The following provisions of the bill may have a negative fiscal impact on airports:

- Compliance with comprehensive airport infrastructure programs for commercial service airports (section 15); and

<sup>161</sup> Section 316.550(6), F.S.

<sup>162</sup> Rule 14-26.008, F.S., provides FDOT's fee schedule for these permits.

- Additional requirements regarding the transparency and accountability of commercial service airports (section 16).

#### **VI. Technical Deficiencies:**

The bill (section 20) authorizes parking authorities to operate outside of their existing jurisdiction pursuant to an interlocal agreement. The bill places this provision in s. 334.27, F.S., which provides a limitation of liability for groundwater contamination for governmental transportation entities.

#### **VII. Related Issues:**

The bill (section 6) repeals HOV lanes. Section 338.166, F.S., authorizes the FDOT to impose tolls on HOV lanes and to issue bonds secured by such toll revenues. Other statutes referring to HOV lanes may need to be amended to conform to the repeal of HOV lanes.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 20.23, 110.205, 311.07, 311.09, 311.10, 316.003, 316.0745, 316.550, 322.27, 330.27, 330.30, 331.371, 332.003, 332.005, 332.006, 332.007, 332.0075, 334.044, 334.045, 334.27, 335.182, 335.187, 337.027, 337.11, 337.18, 337.251, 337.401, 337.406, 338.227, 339.08, , 339.55, 339.651, 341.051, 348.754, 349.03, 365.172, 379.2293, 493.6101, and 493.6403.

This bill creates the following sections of the Florida Statutes: 332.15 and 334.62.

This bill repeals the following sections of the Florida Statutes: 316.0741, 337.125, 337.135, 337.139, 339.0805, and 339.287.

#### **IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

##### **CS/CS by Appropriations Committee on Transportation, Tourism, and Economic Development on April 10, 2025:**

The committee substitute:

- Provides a mission statement for the Florida Transportation Research Institute.
- Removes a provision from the bill requiring the FDOT to staff the FSTED Council.
- Requires seaports located near spaceports, in order to receive state funding, to obtain certain approvals before converting facilities currently used for cargo purposes to other purposes.
- Authorizes FDOT to issue permits authorizing the movement of certain large cranes, including movement at night.
- Removes a provision from the bill authorizing FDOT to conduct certain inspections of commercial airport facilities.
- Revises language in the bill regarding airport maintenance programs to require commercial service airports to adopt a comprehensive infrastructure program.

- Authorizes parking authorities to operate outside of their chartered boundaries in contiguous jurisdictions via interlocal agreements.
- Removes from the bill provisions removing the Legislative Budget Commission's oversight and approval of FDOT's budget roll-forward, FDOT work program amendments and emergency loans from the state-infrastructure bank.
- Removes from the bill specific business development and transparency requirements applicable to the Jacksonville Transportation Authority.

**CS by Transportation on March 25, 2025:**

- Adds the University of South Florida to the Florida Transportation Research Institute.
- Removes various provisions from the bill, including:
  - Changes relating to the independence of the Florida Transportation Commission;
  - Transfer of certain sales tax revenues to the State Transportation Trust Fund;
  - Revisions relating to the FDOT's expenditures on landscaping;
  - Additional funding for the Small County Road Assistance Program and the Small County Outreach Program.
- Makes numerous clarifying and conforming changes to the bill, including:
  - Revises the types of seaport projects that are eligible for funding;
  - Specifies that state *transportation* funds may be withheld for noncompliant traffic signals;
  - Stipulates that the FDOT may fund certain spaceport-related infrastructure projects; and
  - Revises the incidents that would require commercial service airports to provide certain notifications to the FDOT.
- Requires the FDOT's long-term use of airport property for emergency staging for longer than 60 days to be by written agreement.
- Prohibits municipalities from prohibiting or requiring a permit for the installation of a sewer transmission line for septic to sewer conversions being performed under certain state permits.
- Includes a representative from Nassau County on the governing body of the Jacksonville Transportation Authority.

**B. Amendments:**

None.