

## CHAPTER 2023-197

### Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 425

An act relating to transportation; amending s. 316.126, F.S.; requiring the driver of a vehicle to perform certain actions in the presence of a disabled motor vehicle; providing penalties; reenacting s. 318.18(2)(d), F.S., relating to the amount of certain penalties, to incorporate the amendment made to s. 316.126, F.S., in a reference thereto; creating s. 316.83, F.S.; requiring the Department of Transportation to coordinate with certain entities to establish standards by which roads on the State Highway System shall be graded according to their compatibility with the operation of autonomous vehicles; providing factors to be considered by the department in establishing such standards; requiring established standards to be incorporated into standards for certain transportation projects; amending s. 333.03, F.S.; requiring political subdivisions to consider certain factors in airport land use compatibility zoning regulations; authorizing certain airport owners to establish noise contours pursuant to a specified study accepted by the Federal Aviation Administration; authorizing mitigation of potential incompatible uses if a noise study has not been conducted; amending s. 334.044, F.S.; revising the department's powers and duties regarding a workforce development program; creating s. 334.066, F.S.; establishing the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) within the University of Florida; specifying the duties of I-STREET; requiring I-STREET to submit an annual report to the Governor and Legislature; requiring the creation of a certain advisory board; specifying the composition of the board; amending s. 334.179, F.S.; limiting certification of aggregate shipments to those in compliance with specified rules of the department; prohibiting a producer of aggregates from misrepresenting certification of aggregates; creating s. 334.181, F.S.; requiring a local governmental entity to accept an electronic proof of delivery as an official record for a material delivery on the local governmental entity's transportation project; amending s. 337.11, F.S.; requiring certain bridge construction or maintenance contracts to require certain marine general liability insurance; requiring the department to implement strategies to reduce certain costs and to make a record of such strategies and projected savings related thereto; authorizing the department to share a certain portion of construction cost savings with certain consultants; amending s. 337.1101, F.S.; revising procedures for resolving certain protests through settlements requiring the payment of certain amounts; amending s. 337.14, F.S.; revising a limitation on the amount of a construction contract for which a bidder may submit annual or interim financial statements prepared by a certified public accountant; revising the effect of submission and approval of an application for a certificate of qualification; authorizing submission of a written request to maintain an existing certificate; amending s. 337.168, F.S.; deleting an exemption from

public records requirements for identities of potential transportation project bidders; amending s. 337.408, F.S.; revising the maximum height of modular news racks or advertising thereon; amending s. 338.223, F.S.; deleting provisions prohibiting the department from requesting legislative approval of a proposed turnpike project until the design phase is partially completed; amending s. 339.175, F.S.; providing requirements for multiple M.P.O.'s designated for a single urbanized area; prohibiting an M.P.O. from performing project production or delivery for certain projects; revising duties of an M.P.O.; revising membership of an M.P.O.'s technical advisory committee; requiring the M.P.O.'s serving certain counties to submit a report to the Governor and Legislature by a specified date; removing obsolete provisions; authorizing multiple M.P.O.'s to merge into a single M.P.O.; requiring multiple M.P.O.'s within a contiguous urbanized area to coordinate plans and transportation improvement programs and ensure consistency of certain data; requiring an M.P.O.'s transportation improvement program to indicate coordination with transportation improvement plans of other M.P.O.'s within a contiguous urbanized area; revising powers and duties of the Metropolitan Planning Organization Advisory Council; authorizing the council to enter into certain contracts; providing prohibitions; creating s. 339.651, F.S.; providing legislative findings; requiring the department to specifically address movement and storage of construction aggregate in transportation plans; requiring specified funding for certain projects; providing considerations for funding; requiring priority to be given to certain projects; specifying the funding level authorized from the State Transportation Trust Fund; authorizing the department to adopt rules; providing for future repeal; creating s. 339.84, F.S.; requiring specified funds to be allocated to the department's workforce development program for certain purposes; amending s. 354.01, F.S.; requiring certain railroad police officers to be recognized as special officers for certain purposes; providing construction; removing provisions requiring the Governor to appoint special officers; amending ss. 354.02, 354.05, and 784.07, F.S.; conforming provisions to changes made by the act; amending s. 943.10, F.S.; revising definitions; providing effective dates.

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

Section 1. Effective January 1, 2024, paragraph (b) of subsection (1) of section 316.126, Florida Statutes, is amended, and subsection (6) of that section is republished, to read:

316.126 Operation of vehicles and actions of pedestrians; ~~an~~ an approach of an authorized emergency, sanitation, or utility service vehicle, wrecker, or road and bridge maintenance or construction vehicle; presence of disabled motor vehicle.—

(1)

(b) If an authorized emergency vehicle displaying any visual signals is parked on the roadside, a sanitation vehicle is performing a task related to

the provision of sanitation services on the roadside, a utility service vehicle is performing a task related to the provision of utility services on the roadside, a wrecker displaying amber rotating or flashing lights is performing a recovery or loading on the roadside, or a road and bridge maintenance or construction vehicle displaying warning lights is on the roadside without advance signs and channelizing devices, or a disabled motor vehicle is stopped and is displaying warning lights or hazard lights; is stopped and is using emergency flares or posting emergency signage; or is stopped and one or more persons are visibly present, the driver of every other vehicle, as soon as it is safe:

1. Shall vacate the lane closest to the emergency vehicle, sanitation vehicle, utility service vehicle, wrecker, or road and bridge maintenance or construction vehicle, or disabled motor vehicle when driving on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle, sanitation vehicle, utility service vehicle, wrecker, or road and bridge maintenance or construction vehicle, or disabled motor vehicle except when otherwise directed by a law enforcement officer. If such movement cannot be safely accomplished, the driver shall reduce speed as provided in subparagraph 2.

2. Shall slow to a speed that is 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater; or travel at 5 miles per hour when the posted speed limit is 20 miles per hour or less, when driving on a two-lane road, except when otherwise directed by a law enforcement officer.

(6) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a moving violation for infractions of subsection (1) or subsection (3), or as a pedestrian violation for infractions of subsection (2).

Section 2. Effective January 1, 2024, for the purpose of incorporating the amendment made by this act to section 316.126, Florida Statutes, in a reference thereto, paragraph (d) of subsection (2) of section 318.18, Florida Statutes, is reenacted to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

- (2) Thirty dollars for all nonmoving traffic violations and:
- (d) For all violations of s. 316.126(1)(b), unless otherwise specified.

Section 3. Section 316.83, Florida Statutes, is created to read:

316.83 Autonomous vehicle grading standards for roads on State Highway System.—The Department of Transportation shall coordinate with federal, regional, and local partners, as well as industry representatives, to establish standards by which roads on the State Highway System shall be

graded according to their compatibility with the operation of autonomous vehicles. In establishing such standards, the department shall consider factors including, but not limited to, the structural adequacy and safety of each road and the particular challenges that the overall driving environment of each road may present to a fully autonomous vehicle operating with the automated driving system engaged. Autonomous vehicle grading standards established pursuant to this section shall be incorporated into standards for transportation projects involving the construction of new roads or maintenance of existing roads on the State Highway System.

Section 4. Subsection (2) of section 333.03, Florida Statutes, is amended to read:

333.03 Requirement to adopt airport zoning regulations.—

(2) In the manner provided in subsection (1), political subdivisions shall adopt, administer, and enforce airport land use compatibility zoning regulations. Airport land use compatibility zoning regulations shall, at a minimum, consider address the following:

(a) The prohibition of new landfills and the restriction of existing landfills within the following areas:

1. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbine aircraft.

2. Within 5,000 feet from the nearest point of any runway used by only nonturbine aircraft.

3. Outside the perimeters defined in subparagraphs 1. and 2., but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. s. 77.19. Case-by-case review of such landfills is advised.

(b) Where any landfill is located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.

(c) Where an airport authority or other governing body operating a public-use airport has conducted a noise study in accordance with 14 C.F.R. part 150, or where a public-use airport owner has established noise contours pursuant to another public study accepted ~~approved~~ by the Federal Aviation Administration, the prohibition of incompatible uses, as established in the noise study in 14 C.F.R. part 150, Appendix A or as a part of an alternative Federal Aviation ~~Administration-accepted~~ Administration-approved public study, within the noise contours established by any of these studies, except if such uses are specifically contemplated by such study with appropriate mitigation or similar techniques described in the study.

(d) Where an airport authority or other governing body operating a public-use airport has not conducted a noise study, the ~~mitigation prohibition~~ of potential incompatible uses associated with residential construction and any educational facility, with the exception of aviation school facilities, within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

(e) The restriction of new incompatible uses, activities, or substantial modifications to existing incompatible uses within runway protection zones.

Section 5. Subsection (35) of section 334.044, Florida Statutes, is amended to read:

334.044 Powers and duties of the department.—The department shall have the following general powers and duties:

(35) To provide a ~~road and bridge~~ construction workforce development program, in consultation with affected stakeholders, for ~~delivery construction~~ of projects designated in the department’s work program.

Section 6. Section 334.066, Florida Statutes, is created to read:

334.066 Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab.—

(1) The Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) is established within the University of Florida.

(2) At a minimum, I-STREET shall:

(a) Conduct and facilitate research on issues related to innovative transportation mobility and safety technology development and deployment in this state and serve as an information exchange and depository for the most current information pertaining to transportation research, education, workforce development, and related issues.

(b) Be a continuing resource for the Legislature, the department, local governments, the nation’s metropolitan regions, and the private sector in the area of transportation and related research.

(c) Promote intercampus transportation and related research activities among Florida universities to enhance the ability of these universities to attract federal and private sector funding for transportation and related research.

(d) Provide by July 1, 2024, and each July 1 thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives a comprehensive report that outlines its clearly defined goals and its efforts and progress on reaching those goals.

(3) An advisory board shall be created to periodically review and advise I-STREET concerning its research program. The board shall consist of nine members with expertise in transportation-related areas, as follows:

- (a) A member appointed by the President of the Senate.
- (b) A member appointed by the Speaker of the House of Representatives.
- (c) The Secretary of Transportation or his or her designee.
- (d) The Secretary of Economic Opportunity or his or her designee.
- (e) A member of the Florida Transportation Commission.
- (f) Four members nominated by the University of Florida's College of Engineering and approved by the university's president. The College of Engineering's nominees may include representatives of the University of Florida, other academic and research institutions, or private entities.

Section 7. Section 334.179, Florida Statutes, is amended to read:

334.179 Department standards or specifications for permissible use of aggregates; misrepresentation of certification.—

(1) Notwithstanding any law, rule, or ordinance to the contrary, a local government may not adopt standards or specifications that are contrary to the department standards or specifications for permissible use of aggregates that have been certified for use. For purposes of this section, the term “certified for use” means that the aggregates have been certified by the producer in compliance accordance with department rules adopted pursuant to s. 334.044(10)(d). This section does not apply to a multicounty independent special district created by a special act of the Legislature.

(2) A producer may not represent that an aggregate is certified for use unless such aggregate is in compliance with department rules adopted pursuant to s. 334.044(10)(d).

Section 8. Section 334.181, Florida Statutes, is created to read:

334.181 Electronic proof of delivery.—Notwithstanding any law, rule, or ordinance to the contrary, a local governmental entity must accept an electronic proof of delivery as an official record for a material delivery on the local governmental entity's transportation project.

Section 9. Subsections (15) and (16) of section 337.11, Florida Statutes, are renumbered as subsections (18) and (19), respectively, and new subsections (15), (16), and (17) are added to that section to read:

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

(15) Each contract let by the department for performance of bridge construction or maintenance over navigable waters must contain a provision requiring marine general liability insurance, in an amount to be determined by the department, which covers third-party personal injury and property damage caused by vessels used by the contractor in the performance of the work.

(16) The department shall implement strategies to reduce the cost of all project phases, including design, construction, and inspection, while ensuring that the design and construction of projects meet applicable federal and state standards. The department shall make a record of such strategies and the projected savings related thereto.

(17) The department may share a portion of the construction cost savings realized due to a change in the construction contract design and scope, initiated after execution of the contract, with a design services consultant or a construction engineering and inspection services consultant to the extent that the consultant's input and involvement contributed to such savings. The amount paid to a consultant pursuant to this subsection may not exceed 10 percent of the construction cost savings realized.

Section 10. Subsection (1) of section 337.1101, Florida Statutes, is amended to read:

337.1101 Contracting and procurement authority of the department; settlements; notification required.—

(1) When the department, or any entity or enterprise within the department, determines that it is in the best interest of the public to resolve a protest filed in accordance with s. 120.57(3) of the award of a contract being procured pursuant to s. 337.11 or related to the purchase of personal property or contractual services being procured pursuant to s. 287.057, through a settlement that requires the department to pay a nonselected responsive bidder a total sum of \$1 million or more, including any amount paid pursuant to s. 334.049, any amount paid pursuant to s. 337.11(8) which is not included in the department's work program approved by the Legislature as part of the General Appropriations Act, or any amount paid pursuant to any other law, the department must:

(a) Document in a written memorandum by the secretary the specific reasons that such settlement and payment to a nonselected responsive bidder is in the best interest of the state. The written memorandum must be included and maintained in the department's permanent files concerning the procurement and must include:

1. A description of the property rights, patent rights, copyrights, trademarks, or the engineering design or other design work that the department will acquire or retain as a result of such settlement; and

2. The specific appropriation in the existing General Appropriations Act which the department intends to use to provide such payment.

(b) Provide prior written notification to the President of the Senate, the Speaker of the House of Representatives, the Senate and House of Representatives minority leaders, the chair and vice chair of the Legislative Budget Commission, and the Attorney General at least 5 business days, or as soon thereafter as practicable, before the department makes the settlement agreement final. Such written notification must include the written memorandum required pursuant to paragraph (a).

(c) Provide, at the time settlement discussions regarding any such payment have begun in earnest, written notification of such discussions to the President of the Senate, the Speaker of the House of Representatives, the Senate and House of Representatives minority leaders, the chair and vice chair of the Legislative Budget Commission, and the Attorney General.

Section 11. Subsections (1) and (4) of section 337.14, Florida Statutes, are amended to read:

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

(1) Any contractor desiring to bid for the performance of any construction contract in excess of \$250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department must address the qualification of contractors to bid on construction contracts in excess of \$250,000 and must include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applying contractor which are necessary to perform the specific class of work for which the contractor seeks certification. Any contractor who desires to bid on contracts in excess of \$50 million and who is not qualified and in good standing with the department as of January 1, 2019, must first be certified by the department as qualified and must have satisfactorily completed two projects, each in excess of \$15 million, for the department or for any other state department of transportation. The department may limit the dollar amount of any contract upon which a contractor is qualified to bid or the aggregate total dollar volume of contracts such contractor is allowed to have under contract at any one time. Each applying contractor seeking qualification to bid on construction contracts in excess of \$250,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application. Each application for certification must be accompanied by audited, certified financial statements prepared in accordance with generally accepted accounting principles and auditing standards by a certified public accountant licensed in this state or another state. The audited, certified financial statements must be for the applying contractor and must have been prepared within the immediately preceding 12 months. The department may not consider any financial information of the parent entity



of the applying contractor, if any. The department may not certify as qualified any applying contractor who fails to submit the audited, certified financial statements required by this subsection. If the application or the annual financial statement shows the financial condition of the applying contractor more than 4 months before the date on which the application is received by the department, the applicant must also submit interim audited, certified financial statements prepared in accordance with generally accepted accounting principles and auditing standards by a certified public accountant licensed in this state or another state. The interim financial statements must cover the period from the end date of the annual statement and must show the financial condition of the applying contractor no more than 4 months before the date that the interim financial statements are received by the department. However, upon the request of the applying contractor, an application and accompanying annual or interim financial statement received by the department within 15 days after either 4-month period under this subsection shall be considered timely. An applying contractor desiring to bid exclusively for the performance of construction contracts with proposed budget estimates of less than ~~\$2~~ \$1 million may submit reviewed annual or reviewed interim financial statements prepared by a certified public accountant. The information required by this subsection is confidential and exempt from s. 119.07(1). The department shall act upon the application for qualification within 30 days after the department determines that the application is complete. The department may waive the requirements of this subsection for projects having a contract price of \$500,000 or less if the department determines that the project is of a noncritical nature and the waiver will not endanger public health, safety, or property.

(4) If the applicant is found to possess the prescribed qualifications, the department shall issue to him or her a certificate of qualification that, unless thereafter revoked by the department for good cause, will be valid for a period of 18 months after the date of the applicant's financial statement or such shorter period as the department prescribes. Submission of an application ~~does and subsequent approval do not affect expiration of the certificate of qualification, the ability factor of the applicant, or the maximum capacity rating of the applicant.~~ An applicant may submit a written request with a timely submitted application to keep an existing certificate of qualification in place until the expiration date. If the request is approved by the department, the current maximum capacity rating of the applicant must remain in place until expiration of the current certificate of qualification. If the department finds that an application is incomplete or contains inadequate information or information that cannot be verified, the department may request in writing that the applicant provide the necessary information to complete the application or provide the source from which any information in the application may be verified. If the applicant fails to comply with the initial written request within a reasonable period of time as specified therein, the department shall request the information a second time. If the applicant fails to comply with the second request within a

reasonable period of time as specified therein, the application shall be denied.

Section 12. Subsection (2) of section 337.168, Florida Statutes, is amended to read:

337.168 Confidentiality of official estimates, ~~identities of potential bidders,~~ and bid analysis and monitoring system.—

~~(2) A document that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by the department is confidential and exempt from the provisions of s. 119.07(1) for the period that begins 2 working days before the deadline for obtaining bid packages, plans, or specifications and ends with the letting of the bid. A document that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by the department before the 2 working days before the deadline for obtaining bid packages, plans, or specifications remains a public record subject to s. 119.07(1).~~

Section 13. Subsection (3) of section 337.408, Florida Statutes, is amended to read:

337.408 Regulation of bus stops, benches, transit shelters, street light poles, waste disposal receptacles, and modular news racks within rights-of-way.—

(3) Modular news racks, including advertising thereon, may be located within the right-of-way limits of any municipal, county, or state road, except a limited access highway, ~~if provided~~ the municipal government within whose incorporated limits such racks are installed or the county government within whose unincorporated limits such racks are installed has passed an ordinance regulating the placement of modular news racks within the right-of-way and has authorized a qualified private supplier of modular news racks to provide such service. The modular news rack or advertising thereon ~~may shall~~ not exceed a height of ~~105~~ 56 inches or a total advertising space of 56 square feet. No later than 45 days ~~before~~ prior to installation of modular news racks, the private supplier ~~must shall~~ provide a map of proposed locations and typical installation plans to the department for approval. If the department does not respond within 45 days after receipt of the submitted plans, installation may proceed.

Section 14. Paragraph (a) of subsection (1) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(1)(a) Any proposed project to be constructed or acquired as part of the turnpike system and any turnpike improvement shall be included in the tentative work program. A proposed project or group of proposed projects may not be added to the turnpike system unless such project or projects are

determined to be economically feasible and a statement of environmental feasibility has been completed for such project or projects and such projects are determined to be consistent, to the maximum extent feasible, with approved local government comprehensive plans of the local governments in which such projects are located. The department may authorize engineering studies, traffic studies, environmental studies, and other expert studies of the location, costs, economic feasibility, and practicality of proposed turnpike projects throughout the state and may proceed with the design phase of such projects. ~~The department may not request legislative approval of a proposed turnpike project until the design phase of that project is at least 30 percent complete.~~ If a proposed project or group of proposed projects is found to be economically feasible, consistent, to the maximum extent feasible, with approved local government comprehensive plans of the local governments in which such projects are located, and a favorable statement of environmental feasibility has been completed, the department, with the approval of the Legislature, shall, after the receipt of all necessary permits, construct, maintain, and operate such turnpike projects.

Section 15. Paragraph (a) of subsection (2), subsection (6), paragraphs (a) and (b) of subsection (7), paragraphs (a) and (c) of subsection (8), and paragraph (c) of subsection (11) of section 339.175, Florida Statutes, are amended, and paragraph (d) is added to subsection (11) of that section, to read:

339.175 Metropolitan planning organization.—

(2) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. To the extent possible, only one M.P.O. shall be designated for each urbanized area or group of contiguous urbanized areas. More than one M.P.O. may be designated within an existing urbanized area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing urbanized area makes the designation of more than one M.P.O. for the area appropriate, in which case each M.P.O. designated for the area must:

a. Consult with every other M.P.O. designated for the urbanized area and the state to coordinate plans and transportation improvement programs.

b. Ensure, to the maximum extent practicable, the consistency of data used in the planning process, including data used in forecasting travel demand within the urbanized area.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. ~~shall~~ be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law. An M.P.O. may not perform project production or delivery for capital improvement projects on the State Highway System.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (7);<sub>;</sub>
2. An annually updated transportation improvement program pursuant to the requirements of subsection (8);<sub>;</sub> ~~and~~
3. An annual unified planning work program pursuant to the requirements of subsection (9).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the contiguous urbanized metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;<sub>;</sub>
2. Increase the safety and security of the transportation system for motorized and nonmotorized users;<sub>;</sub>
3. Increase the accessibility and mobility options available to people and for freight;<sub>;</sub>
4. Protect and enhance the environment, promote energy conservation, and improve quality of life;<sub>;</sub>
5. Enhance the integration and connectivity of the transportation system, across and between modes and contiguous urbanized metropolitan areas, for people and freight;<sub>;</sub>

6. Promote efficient system management and operation~~;~~ ~~and~~
7. Emphasize the preservation of the existing transportation system.
8. Improve the resilience of transportation infrastructure.

(c) In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:

1. Prepare a congestion management system for the contiguous urbanized metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law~~;~~
2. Assist the department in mapping transportation planning boundaries required by state or federal law~~;~~
3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection~~;~~
4. Execute all agreements or certifications necessary to comply with applicable state or federal law~~;~~
5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section~~;~~ ~~and~~
6. Perform all other duties required by state or federal law.

(d) Each M.P.O. shall appoint a technical advisory committee, the members of which shall serve at the pleasure of the M.P.O. The membership of the technical advisory committee must include, whenever possible, planners; engineers; representatives of local aviation authorities, inter-modal logistics centers, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. For each M.P.O. the voting membership of which is governed by paragraph (3)(a), when selecting the membership of the technical advisory committee, the M.P.O. must consider the proportional representation of the area's population. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams.

Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.

(e)1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross-section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handi-capped must be adequately represented.

2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

(f) The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

(g) Each M.P.O. shall have an executive or staff director who reports directly to the M.P.O. governing board for all matters regarding the administration and operation of the M.P.O. and any additional personnel as deemed necessary. The executive director and any additional personnel may be employed either by an M.P.O. or by another governmental entity, such as a county, city, or regional planning council, that has a staff services agreement signed and in effect with the M.P.O. Each M.P.O. may enter into contracts with local or state agencies, private planning firms, private engineering firms, or other public or private entities to accomplish its transportation planning and programming duties and administrative functions.

(h) In order to enhance their knowledge, effectiveness, and participation in the urbanized area transportation planning process, each M.P.O. shall provide training opportunities and training funds specifically for local elected officials and others who serve on an M.P.O. The training opportunities may be conducted by an individual M.P.O. or through statewide and federal training programs and initiatives that are specifically designed to meet the needs of M.P.O. board members.

(i) By December 31, 2023, There is created the Chairs Coordinating Committee, composed of the M.P.O.'s serving Citrus, Hernando, Hillsborough, Manatee, Pasco, and Pinellas, Polk, and Sarasota Counties must submit a feasibility report to the Governor, the President of the Senate, and the Speaker of the House of Representatives exploring the benefits, costs, and process of consolidation into a single M.P.O. serving the contiguous urbanized area, the goal of which would be to. The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.
2. Review the impact of regionally significant land use decisions on the region.
3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.
4. ~~Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.~~

~~(j)1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.~~

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provides the purpose for which the entity is created; provides the duration of the agreement and the entity and specifies how the agreement may be terminated, modified, or rescinded; describes the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provides the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provides the manner in which funds may be paid to and disbursed from the entity; and provides how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal

agreement has a voting member. ~~Multiple~~ ~~This paragraph does not require any M.P.O.'s~~ may to merge, combine, or otherwise join together as a single M.P.O.

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan. Multiple M.P.O.'s within a contiguous urbanized area must coordinate the development of long-range transportation plans to be reviewed by the Metropolitan Planning Organization Advisory Council.

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing. Multiple M.P.O.'s within a contiguous urbanized area must ensure,



to the maximum extent possible, the consistency of data used in the planning process.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

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

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure safety and mobility. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O. and include those projects programmed pursuant to s. 339.2819(4). Multiple M.P.O.'s within a contiguous urbanized area must coordinate transportation improvement programs.

(c) The transportation improvement program must, at a minimum:

1. Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the

transportation improvement program shall also include a list of projects to be funded from local or private revenues.

2. Include projects within the metropolitan area which are proposed for funding under 23 U.S.C. s. 134 of the Federal Transit Act and which are consistent with the long-range transportation plan developed under subsection (7).

3. Provide a financial plan that demonstrates how the transportation improvement program can be implemented; indicates the resources, both public and private, that are reasonably expected to be available to accomplish the program; identifies any innovative financing techniques that may be used to fund needed projects and programs; and may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available. Innovative financing techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing. The transportation improvement program may include a project or project phase only if full funding can reasonably be anticipated to be available for the project or project phase within the time period contemplated for completion of the project or project phase.

4. Group projects and project phases of similar urgency and anticipated staging into appropriate staging periods.

5. Indicate how the transportation improvement program relates to the long-range transportation plan developed under subsection (7), including providing examples of specific projects or project phases that further the goals and policies of the long-range transportation plan.

6. Indicate whether any project or project phase is inconsistent with an approved comprehensive plan of a unit of local government located within the jurisdiction of the M.P.O. If a project is inconsistent with an affected comprehensive plan, the M.P.O. must provide justification for including the project in the transportation improvement program.

7. Indicate how the improvements are consistent, to the maximum extent feasible, with affected seaport, airport, and spaceport master plans and with public transit development plans of the units of local government located within the jurisdiction of the M.P.O. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the transportation improvement program.

8. Indicate coordination or alignment with transportation improvement plans of other M.P.O.'s within the contiguous urbanized area.

(11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

~~1. Enter into contracts with individuals, private corporations, and public agencies.~~

~~2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.~~

~~3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.~~

~~1.4. Establish bylaws by action of its governing board providing procedural rules to guide its proceedings and consideration of matters before the council, or, alternatively, adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.~~

~~2.5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.~~

~~3.6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155. The council must also report annually to the Florida Transportation Commission on the alignment of M.P.O. long-range transportation plans with the Florida Transportation Plan.~~

~~4.7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.~~

~~5. Deliver training on federal and state program requirements and procedures to M.P.O. board members and M.P.O. staff.~~

~~6.8. Adopt an agency strategic plan that prioritizes steps the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directives.~~

~~(d) The Metropolitan Planning Organization Advisory Council may enter into contracts in accordance with chapter 287 to support the activities described in paragraph (c). Lobbying and the acceptance of funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources are prohibited.~~

Section 16. Section 339.651, Florida Statutes, is created to read:

339.651 Strategic Intermodal System supply-chain demands.—

(1) The Legislature finds that Strategic Intermodal System components defined in s. 339.62 ensure a multi-modal transportation system; that the Strategic Intermodal System is a critical network supporting economic activities and the transport of people and goods; and that the Strategic Intermodal System is instrumental in the movement of road building materials for infrastructure investments. The Legislature further finds that Florida's rapid economic and population growth can compound supply-chain demands on the transportation system, and the demand for construction aggregate continues to outpace supply.

(2) The department shall specifically address in its transportation plans, including the Florida Transportation Plan and the Strategic Intermodal System Plan, movement and storage of construction aggregate materials essential for building roadways.

(3) The department shall make up to \$20 million available each year for fiscal years 2023-2024 through 2027-2028, from existing work program revenues, to fund projects that meet the public purpose of providing increased capacity and enhanced capabilities to move and store construction aggregate. Applicants eligible for project funding under this section are seaports listed in s. 311.09 and rail lines and rail facilities.

(4) The department must consider at least the following criteria when evaluating projects for assistance under this section:

(a) The ability of the project to serve the strategic state interest of mitigating supply-chain demands for construction aggregate sufficient to ensure ongoing improvement of the Strategic Intermodal System and the state's entire transportation network.

(b) The ability of the project to facilitate the cost-effective and efficient movement and storage of construction aggregate.

(c) The extent to which the project efficiently interacts with and supports the transportation network.

(d) Any commitment of a funding match, which may be investment or commitment made by the owner or developer of the existing or proposed facility that facilitates or will facilitate the movement and storage of construction aggregate, local financial support or commitment, or a combination of both. Projects with a funding match shall be prioritized based on the amount of the match and shall be prioritized over projects having no such funding match.

(5) The State Transportation Trust Fund may fund up to 100 percent of the cost of a project selected based on the criteria specified herein.

(6) The department may adopt rules to implement this section.

(7) This section shall stand repealed on July 1, 2028.

Section 17. Section 339.84, Florida Statutes, is created to read:

339.84 Workforce development.—Beginning in the 2023-2024 fiscal year and annually thereafter for 5 years, \$5 million shall be allocated from the State Transportation Trust Fund to the workforce development program as provided in s. 334.044(35) to promote career paths in Florida’s road and bridge industry.

Section 18. Section 354.01, Florida Statutes, is amended to read:

354.01 Appointment of Special officers.—A railroad police officer Upon the application of any railroad or other common carrier doing business in this state, the Governor shall appoint one or more persons who has have met the law enforcement officer qualifications and training requirements of ss. 943.13 and 943.135(1) shall be recognized as a special officer s. 943.13 as special officers for the protection and safety of any railroad or other common carrier doing business in this state such carriers; its their passengers and employees; and the property of such carrier carriers, passengers, and employees. A special officer is not considered a law enforcement officer except for purposes of ss. 943.085-943.255. However, until the Governor either appoints or rejects the application for appointment of a person as a special officer, the railroad or common carrier may temporarily employ the person as a special officer if he or she complies with the qualifications for employment as a law enforcement officer in s. 943.13. Notwithstanding any other provision of law, a special officer must have the same training as a law enforcement officer in accordance with ss. 943.13 and 943.135(1). A Class I, Class II, or Class III railroad shall be considered an employing agency for purposes of ss. 943.10, 943.13, and 943.135(1), and shall pay all costs associated with the training and continuing education of employed special officers.

Section 19. Section 354.02, Florida Statutes, is amended to read:

354.02 Powers.—Each special officer shall have and exercise Through-out every county in which the common carrier for which he or she is employed does business, operates, or owns property, a special officer may arrest a person who has violated was appointed, shall do business, operate, or own property, the power to make arrests for violation of law on the property of such common carrier, and to arrest persons, whether on or off such carrier’s property, violating any law on such carrier’s property, whether the arrest occurs on or off such carrier’s property, under the same conditions under which a deputy sheriff sheriffs may by law make arrests, and may shall have authority to carry weapons for the reasonable purpose of his or her office their offices.

Section 20. Section 354.05, Florida Statutes, is amended to read:

354.05 Term of office; removal.—~~The commission of a special officer officers provided for herein shall be commissioned by the Governor, and their commissions shall continue so long as he or she is they are employed in such capacity by the railroad or other common carrier. However, a special officer may; but they shall be removed by the Governor at any time, in the manner and for the causes provided by law.~~

Section 21. Paragraph (f) of subsection (1) of section 784.07, Florida Statutes, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers; reclassification of offenses; minimum sentences.—

(1) As used in this section, the term:

(f) “Railroad special officer” means a person employed by a Class I, Class II, or Class III railroad ~~and appointed or pending appointment by the Governor pursuant to s. 354.01.~~

Section 22. Subsections (1) and (4) of section 943.10, Florida Statutes, are amended to read:

943.10 Definitions; ss. 943.085-943.255.—The following words and phrases as used in ss. 943.085-943.255 are defined as follows:

(1) “Law enforcement officer” means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. ~~The term This definition~~ includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01.

(4) “Employing agency” means any agency or unit of government or any municipality or the state or any political subdivision thereof, or any agent thereof, which has constitutional or statutory authority to employ or appoint persons as officers. The term ~~also~~ includes any private entity that ~~which~~ has contracted with the state or county for the operation and maintenance of a nonjuvenile detention facility. The term also includes a Class I, Class II, or Class III railroad that employs special officers pursuant to s. 354.01.

Section 23. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2023.

Approved by the Governor June 5, 2023.

Filed in Office Secretary of State June 5, 2023.