

Tab	SB Title by Author; (Similar to CS/H XXXXX) Description						
<b>Tab 1</b>	<b>SB 288 by Rodriguez (CO-INTRODUCERS) Hooper;</b> (Similar to CS/H 00341) Designation of a Certain Diagnosis on Motor Vehicle Registrations						
402664	A	S	RCS	TR, Rodriguez	Delete L.35 - 134:	02/06 05:43 PM	
923892	AA	S	RCS	TR, Rodriguez	Delete L.33 - 34:	02/06 05:43 PM	
<b>Tab 2</b>	<b>SB 948 by Thompson;</b> Divine Nine Specialty License Plate						
<b>Tab 3</b>	<b>SB 1032 by Gruters;</b> (Compare to H 07049) Transportation						
607432	D	S	RCS	TR, Gruters	Delete everything after	02/06 05:43 PM	
<b>Tab 4</b>	<b>SB 1226 by DiCeglie;</b> (Compare to CS/CS/H 01301) Department of Transportation						
191586	D	S	RCS	TR, DiCeglie	Delete everything after	02/06 11:40 AM	
413686	AA	S	RCS	TR, DiCeglie	Delete L.165 - 185:	02/06 11:40 AM	
<b>Tab 5</b>	<b>SB 1380 by Hutson;</b> (Compare to CS/H 01673) Special Transportation Services for Persons with Disabilities						
541278	D	S	RCS	TR, Hutson	Delete everything after	02/06 05:43 PM	
<b>Tab 6</b>	<b>SB 1464 by Calatayud;</b> (Similar to CS/H 01363) Traffic Enforcement						
<b>Tab 7</b>	<b>SB 1528 by Collins;</b> (Similar to CS/H 01133) Violations Against Vulnerable Road Users						
216074	A	S	RCS	TR, Collins	Delete L.24 - 36:	02/06 05:43 PM	
<b>Tab 8</b>	<b>SB 1764 by Pizzo;</b> (Similar to CS/H 00449) Car Racing Penalties						
551356	A	S	RCS	TR, Pizzo	Delete L.29 - 117:	02/06 11:41 AM	

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**TRANSPORTATION**  
**Senator DiCeglie, Chair**  
**Senator Davis, Vice Chair**

**MEETING DATE:** Tuesday, February 6, 2024  
**TIME:** 8:30—11:00 a.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Building

**MEMBERS:** Senator DiCeglie, Chair; Senator Davis, Vice Chair; Senators Gruters, Hooper, Torres, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 288</b> Rodriguez (Similar CS/H 341)	Designation of a Certain Diagnosis on Motor Vehicle Registrations; Citing this act as the "Safeguarding Families Everywhere (SAFE) Act"; authorizing a motor vehicle owner or registrant to designate on his or her application form for motor vehicle registration that he or she has been diagnosed with, or is the parent or legal guardian of a child or ward who has been diagnosed with, a developmental disability or psychiatric disorder, etc.  TR      02/06/2024 Fav/CS ATD FP	Fav/CS Yeas 5 Nays 1
2	<b>SB 948</b> Thompson	Divine Nine Specialty License Plate; Defining the term "immediate relative"; revising eligibility requirements for a Divine Nine license plate, etc.  TR      02/06/2024 Favorable ATD FP	Favorable Yeas 6 Nays 0
3	<b>SB 1032</b> Gruters (Compare H 7049)	Transportation; Deleting provisions related to appointment, powers, and duties of the Florida Transportation Commission; prohibiting the designation of additional metropolitan planning organizations (M.P.O.'s) after a specified date, with an exception for certain urbanized areas; requiring each M.P.O. to report its quality performance score annually to the district secretary and to publish the score on its website, beginning on a specified date; requiring M.P.O.'s that do not achieve the minimum acceptable quality performance score within a certain timeframe to be placed under the control of the Secretary of Transportation, etc.  TR      02/06/2024 Fav/CS ATD AP	Fav/CS Yeas 6 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Tuesday, February 6, 2024, 8:30—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 1226</b> DiCeglie (Compare CS/H 1301)	Department of Transportation; Deleting the requirement that the secretary of the department appoint the department's inspector general; limiting the percentage of the total contract amount which may be allocated for the purchase of plant materials based on the monetary size of the contract; requiring each public transit provider to certify that its actual administrative costs are no greater than a certain amount; requiring the department to preserve a rail corridor within the right of way of Interstate 4 between Orlando and Tampa for a specified purpose, etc.	Fav/CS Yeas 6 Nays 0
		TR 02/06/2024 Fav/CS ATD RC	
5	<b>SB 1380</b> Hutson (Compare CS/H 1673)	Special Transportation Services for Persons with Disabilities; Providing responsibilities of a special transportation service provider with respect to driver training, installation of video camera monitoring systems, and maintenance of a website or mobile application that allows tracking of certain motor vehicles; requiring a special transportation service provider, in collaboration with the local government with which the provider contracts, to establish standards relating to reasonable time periods between a request for service and the arrival of the provider, limitation of the duration of travel times, transparency regarding the quality of service provided, and a system for the reporting of adverse incidents, etc.	Fav/CS Yeas 5 Nays 1
		TR 02/06/2024 Fav/CS AHS FP	
6	<b>SB 1464</b> Calatayud (Similar CS/H 1363)	Traffic Enforcement; Providing that provisions exempting the purchase of commodities or contractual services from competitive bidding requirements do not apply to contracts for certain camera systems; prohibiting certain camera systems or components thereof constructed by a Chinese manufacturer from being used for traffic enforcement in this state; requiring a county or municipality to enact an ordinance to authorize placement or installation of traffic infraction detectors; requiring approval by the governing body at a regular or special meeting before contracting or renewing a contract to place or install traffic infraction detectors, etc.	Favorable Yeas 6 Nays 0
		TR 02/06/2024 Favorable ATD FP	

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Tuesday, February 6, 2024, 8:30—11:00 a.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>SB 1528</b> Collins (Similar CS/H 1133)	Violations Against Vulnerable Road Users; Designating the "Vulnerable Road User Act"; providing criminal penalties for a person who commits a moving violation that causes serious bodily injury to, or causes the death of, a vulnerable road user; requiring the person to pay a specified fine, serve a minimum period of house arrest, and attend a driver improvement course; defining the term "vulnerable road user", etc.  TR 02/06/2024 Fav/CS CJ RC	Fav/CS Yeas 6 Nays 0
8	<b>SB 1764</b> Pizzo (Similar CS/H 449)	Car Racing Penalties; Increasing the fine for violations of prohibitions against drag race, street takeover, stunt driving, competition, contest, test, or exhibition; revising applicability of the penalty for second violations of prohibitions against drag race, street takeover, stunt driving, competition, contest, test, or exhibition; authorizing an arresting law enforcement agency to seize any vehicle used in connection with any violation, pursuant to the Florida Contraband Forfeiture Act; providing penalties for impeding, obstructing, or interfering with an emergency vehicle while participating in a drag race, street takeover, stunt driving, competition, contest, test, or exhibition, etc.  TR 02/06/2024 Fav/CS CJ RC	Fav/CS Yeas 6 Nays 0

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Other Related Meeting Documents

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**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 of the Committee on Transportation

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**BILL:** CS/SB 288

**INTRODUCER:** Transportation Committee and Senator Rodriguez

**SUBJECT:** Designation of a Certain Diagnosis on Motor Vehicle Registrations

**DATE:** February 6, 2024      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Fav/CS</b>
2.			ATD	
3.			FP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 288 is to be cited as the “Safeguarding American Families Everywhere (SAFE) Act.” The bill provides that the application form for motor vehicle registrations must include language allowing an applicant to voluntarily indicate that the applicant has been diagnosed with, or is the parent or legal guardian of a child or ward who has been diagnosed with certain disabilities or disorders by a physician. If the applicant indicates a certain diagnosis on the application and provides proof acceptable to the Department of Highway Safety and Motor Vehicles (DHSMV), the information from the application must be included through the Driver and Vehicle Information Database. Such designation may be included or removed at any time upon request of the owner.

The bill will have an insignificant negative fiscal impact on state government.

The bill takes effect October 1, 2024.

**II. Present Situation:**

**Motor Vehicle Registration Application**

Every owner or person in charge of a motor vehicle that is operated or driven on the roads of Florida must register the vehicle in the state. The owner or person in charge must apply to the

Department of Highway Safety and Motor Vehicles (DHSMV) or to its authorized agent for registration of each such vehicle on a form prescribed by the DHSMV.<sup>1</sup>

The application for registration must include the street address of the owner's permanent residence or the address of his or her permanent place of business and be accompanied by personal or business identification information. An individual applicant must provide a valid driver license or identification card issued by this state or another state or a valid passport. A business applicant must provide a federal employer identification number, if applicable, or verification that the business is authorized to conduct business in the state, or a Florida municipal or county business license or number.<sup>2</sup>

Additionally, DHSMV must include certain language on the application form such as, but not limited to, language allowing an applicant who is deaf or hard of hearing to voluntarily indicate that he or she is deaf or hard of hearing. If the applicant indicates on the application that he or she is deaf or hard of hearing, such information must be included through the Driver and Vehicle Information Database and available through the Florida Crime Information Center system.<sup>3</sup>

The DHSMV does not currently allow a motor vehicle owner or registrant to designate on his or her application form for the motor vehicle registration, whether or not he or she, or is the parent or legal guardian of a child or ward who has been diagnosed with, a developmental disability or psychiatric disorder.

### **Driver License and Identification Card Designations**

Driver license and identification cards contain various designations/identifiers/symbols that inform law enforcement, emergency medical personnel, retail establishments or any persons reviewing the card of certain conditions or entitlements.<sup>4</sup> Designations related to physical health are as follows:

- Developmental disability is designated as a "D";
- Deaf or hard of hearing may have the international symbol for the deaf; and
- Insulin dependent persons may have the insulin dependent designation.

### **The SAFE Program**

The Santa Rosa County Sheriff's Office created and operates the SAFE Program with the intent to protect Santa Rosa County's special needs community and any person who may not respond as expected in an emergency situation.<sup>5</sup> The SAFE Program allows families to voluntarily fill out a form to enroll their loved ones in the program. Once the information from the form is received

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<sup>1</sup> Section 320.02(1), F.S.

<sup>2</sup> Section 320.02(2)(a), F.S.

<sup>3</sup> Section 320.02(14), F.S.

<sup>4</sup> DHSMV 2024 Legislative Bill Analysis: SB 288 (December 14, 2023) at p. 2.

<sup>5</sup> Certain law enforcement data has suggested that individuals with special needs are seven times more likely to have law enforcement encounters than the general population. Moreover, studies have suggested that there needs to be better preparation of law enforcement and the special needs community to understand these interactions and to improve the safety of everyone involved in emergency situations. Autism Speaks, *How better understanding can support better outcomes in police interactions with autistics*, (Dec. 23, 2020), <https://www.autismspeaks.org/science-news/how-better-understanding-can-support-better-outcomes-police-interactions-autistics> (last visited Jan. 29, 2024).

from a family or individual, the dispatchers enter the details into their local communication system. The information is then securely shared with other first responders in the community. After enrollment in the program, a family will be mailed complimentary decals to place at the entrance of their home and on the rear window of their vehicles if they so choose. The decal is an immediate signal to all Santa Rosa's first responders that the family's situation is different and that there is extra information available to keep everyone safe. The decal indicates for first responders to handle the situation with a little extra care.<sup>6</sup>

### III. Effect of Proposed Changes:

The bill provides legislative intent and provides that the act be known as the "Safeguarding American Families Everywhere (SAFE) Act."

The bill amends s. 320.02, F.S., to provide that the application form for motor vehicle registrations must include language allowing an applicant to voluntarily indicate that the applicant has been diagnosed with, or is the parent or legal guardian of a child or ward has been diagnosed with any of the following disabilities or disorders by a physician licensed under ch. 458, F.S., or ch. 459, F.S.:

- Autism;
- Attention deficit hyperactivity disorder;
- Down syndrome;
- Alzheimer's disease;
- Traumatic brain injury;
- Posttraumatic stress disorder;
- Diabetes;
- An autoimmune disorder;
- Deafness;
- Blindness; or
- Any other mentally or physically limiting disorder

If the applicant indicates a diagnosis listed above on the application and provides proof acceptable to DHSMV, the information from the application must be included through the Driver and Vehicle Information Database. Such designation may be included or removed at any time upon request of the vehicle owner.

The bill makes conforming changes in s. 320.27, F.S.

The bill takes effect October 1, 2024.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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<sup>6</sup> Santa Rosa Sheriff Office, *SAFE Program*, <https://santarosasheriff.org/safe-program/> (last visited Jan. 29, 2024).

**B. Public Records/Open Meetings Issues:**

None.

**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:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill will have an insignificant, negative fiscal impact on the DHSMV, as the department will need to make changes to its motor vehicle registration application and enter the new information in the Driver and Vehicle Information Database. Additionally, MyDMV Portal will need to be updated. DHSMV estimates that the bill will cost \$33,120 for such programming and implementation.<sup>7</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

DHSMV recommends that the effective date of the bill should be amended to October 1, 2025, in order to allow adequate time for programming and implementation of the bill.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.02 and 320.27.

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<sup>7</sup> DHSMV, 2024 Legislative Bill Analysis: SB 288 (December 14, 2023) at p. 5.



**IX. Additional Information:**

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

**CS by Transportation on February 6, 2024:**

The committee substitute:

- Adds the term “American” to the title of the act to read “Safeguarding American Families Everywhere (SAFE) Act.”
- Lists specific disabilities or disorders which may be included on the application for motor vehicle registration.
- Specifies the information on the application must be included through the Driver and Vehicle Information Database.
- Changes the effective date from July 1, 2024 to October 1, 2024.

- B. **Amendments:**

None.



402664

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
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The Committee on Transportation (Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 35 - 134

and insert:

American Families Everywhere (SAFE) Act."

Section 2. Present subsections (15) through (20) of section 320.02, Florida Statutes, are redesignated as subsections (16) through (21), respectively, and a new subsection (15) is added to that section, to read:

320.02 Registration required; application for registration;



402664

11 forms.-

12 (15) The application form for motor vehicle registration  
13 must include language allowing an applicant to voluntarily  
14 indicate that the applicant has been diagnosed with, or is the  
15 parent or legal guardian of a child or ward who has been  
16 diagnosed with, any of the following disabilities or disorders  
17 by a physician licensed under chapter 458 or chapter 459:

18 (a) Autism.

19 (b) Attention deficit hyperactivity disorder.

20 (c) Down syndrome.

21 (d) Alzheimer's disease.

22 (e) Traumatic brain injury.

23 (f) Posttraumatic stress disorder.

24 (g) Diabetes.

25 (h) An autoimmune disorder.

26 (i) Deafness.

27 (j) Blindness.

28 (k) Any other mentally or physically limiting disorder.

29  
30 If the applicant indicates one of the diagnoses listed above on  
31 the application and provides proof acceptable to the department  
32 of such diagnosis, the information from the application must be  
33 included through the Driver and Vehicle Information Database and  
34 available through the Florida Crime Information Center system.  
35 The department must allow a motor vehicle owner or co-owner to  
36 update a motor vehicle registration to include or remove  
37 information regarding a diagnosis under this subsection at any  
38 time.

39 Section 3. Paragraph (b) of subsection (9) of section



402664

40 320.27, Florida Statutes, is amended to read:

41 320.27 Motor vehicle dealers.—

42 (9) DENIAL, SUSPENSION, OR REVOCATION.—

43 (b) The department may deny, suspend, or revoke any license  
44 issued hereunder or under the provisions of s. 320.77 or s.  
45 320.771 upon proof that a licensee has committed, with  
46 sufficient frequency so as to establish a pattern of wrongdoing  
47 on the part of a licensee, violations of one or more of the  
48 following activities:

49 1. Representation that a demonstrator is a new motor  
50 vehicle, or the attempt to sell or the sale of a demonstrator as  
51 a new motor vehicle without written notice to the purchaser that  
52 the vehicle is a demonstrator. For the purposes of this section,  
53 a "demonstrator," a "new motor vehicle," and a "used motor  
54 vehicle" shall be defined as under s. 320.60.

55 2. Unjustifiable refusal to comply with a licensee's  
56 responsibility under the terms of the new motor vehicle warranty  
57 issued by its respective manufacturer, distributor, or importer.  
58 However, if such refusal is at the direction of the  
59 manufacturer, distributor, or importer, such refusal shall not  
60 be a ground under this section.

61 3. Misrepresentation or false, deceptive, or misleading  
62 statements with regard to the sale or financing of motor  
63 vehicles which any motor vehicle dealer has, or causes to have,  
64 advertised, printed, displayed, published, distributed,  
65 broadcast, televised, or made in any manner with regard to the  
66 sale or financing of motor vehicles.

67 4. Failure by any motor vehicle dealer to provide a  
68 customer or purchaser with an odometer disclosure statement and



402664

69 a copy of any bona fide written, executed sales contract or  
70 agreement of purchase connected with the purchase of the motor  
71 vehicle purchased by the customer or purchaser.

72 5. Failure of any motor vehicle dealer to comply with the  
73 terms of any bona fide written, executed agreement, pursuant to  
74 the sale of a motor vehicle.

75 6. Failure to apply for transfer of a title as prescribed  
76 in s. 319.23(6).

77 7. Use of the dealer license identification number by any  
78 person other than the licensed dealer or his or her designee.

79 8. Failure to continually meet the requirements of the  
80 licensure law.

81 9. Representation to a customer or any advertisement to the  
82 public representing or suggesting that a motor vehicle is a new  
83 motor vehicle if such vehicle lawfully cannot be titled in the  
84 name of the customer or other member of the public by the seller  
85 using a manufacturer's statement of origin as permitted in s.  
86 319.23(1).

87 10. Requirement by any motor vehicle dealer that a customer  
88 or purchaser accept equipment on his or her motor vehicle which  
89 was not ordered by the customer or purchaser.

90 11. Requirement by any motor vehicle dealer that any  
91 customer or purchaser finance a motor vehicle with a specific  
92 financial institution or company.

93 12. Requirement by any motor vehicle dealer that the  
94 purchaser of a motor vehicle contract with the dealer for  
95 physical damage insurance.

96 13. Perpetration of a fraud upon any person as a result of  
97 dealing in motor vehicles, including, without limitation, the



402664

98 misrepresentation to any person by the licensee of the  
99 licensee's relationship to any manufacturer, importer, or  
100 distributor.

101 14. Violation of any of the provisions of s. 319.35 by any  
102 motor vehicle dealer.

103 15. Sale by a motor vehicle dealer of a vehicle offered in  
104 trade by a customer prior to consummation of the sale, exchange,  
105 or transfer of a newly acquired vehicle to the customer, unless  
106 the customer provides written authorization for the sale of the  
107 trade-in vehicle prior to delivery of the newly acquired  
108 vehicle.

109 16. Willful failure to comply with any administrative rule  
110 adopted by the department or the provisions of s. 320.131(8).

111 17. Violation of chapter 319, this chapter, or ss. 559.901-  
112 559.9221, which has to do with dealing in or repairing motor  
113 vehicles or mobile homes. Additionally, in the case of used  
114 motor vehicles, the willful violation of the federal law and  
115 rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the  
116 consumer sales window form.

117 18. Failure to maintain evidence of notification to the  
118 owner or co-owner of a vehicle regarding registration or titling  
119 fees owed as required in s. 320.02(18) ~~s. 320.02(17)~~.

120 19. Failure to register a mobile home salesperson with the  
121 department as required by this section.

122 Section 4. This act shall take effect October 1, 2024.

123  
124 ===== T I T L E A M E N D M E N T =====

125 And the title is amended as follows:

126 Delete lines 4 - 11



402664

127 and insert:

128 title; amending s. 320.02, F.S.; requiring that  
129 certain language on an application for motor vehicle  
130 registration in order allow an applicant to indicate  
131 that he or she has been diagnosed with, or is the  
132 parent or legal guardian of a child or ward who has  
133 been diagnosed with, specified disabilities or  
134 disorders; requiring that certain information be  
135 included in a specified database and system if an  
136 applicant indicates a certain diagnosis and provides  
137 proof of such; requiring the Department of Highway  
138 Safety and Motor Vehicles to allow specified persons  
139 to update a motor vehicle registration to include or  
140 remove information regarding a diagnosis at any time;  
141 amending s. 320.27, F.S.;



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
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The Committee on Transportation (Rodriguez) recommended the following:

- 1       **Senate Amendment to Amendment (402664)**
- 2
- 3
- 4       Delete lines 33 - 34
- 5       and insert:
- 6       included through the Driver and Vehicle Information Database.



By Senator Rodriguez

40-00317B-24

2024288\_\_

A bill to be entitled

An act relating to designation of a certain diagnosis on motor vehicle registrations; providing a short title; amending s. 320.02, F.S.; authorizing a motor vehicle owner or registrant to designate on his or her application form for motor vehicle registration that he or she has been diagnosed with, or is the parent or legal guardian of a child or ward who has been diagnosed with, a developmental disability or psychiatric disorder; authorizing removal of such designation upon request; amending s. 320.27, F.S.; conforming a cross-reference; providing an effective date.

WHEREAS, persons with special needs, including developmental disabilities and mental illnesses, are among the most vulnerable within their communities, and

WHEREAS, interacting with law enforcement officers or first responders in an emergency, such as a motor vehicle crash or other crisis situation, can be more complex for persons with special needs, as language, physical, cognitive, learning, or mental disabilities may create barriers to receiving immediate and appropriate assistance, and

WHEREAS, providing law enforcement officers and first responders with advance notice that a person with whom they are about to interact has a developmental disability, mental illness, or other special need will improve communication, reduce unnecessary adverse actions, and ensure that the person receives the specific response and care he or she requires, NOW,

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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2024288\_\_

THEREFORE,

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

Section 1. This act may be cited as the "Safeguarding Families Everywhere (SAFE) Act."

Section 2. Present subsections (15) through (20) of section 320.02, Florida Statutes, are redesignated as subsections (16) through (21), respectively, and a new subsection (15) is added to that section, to read:

320.02 Registration required; application for registration; forms.—

(15) Upon presentation of proof acceptable to the department, a motor vehicle owner or registrant may designate on his or her application form for motor vehicle registration that the owner or registrant has been diagnosed with, or is the parent or legal guardian of a child or ward who has been diagnosed with, a developmental disability or psychiatric disorder by a physician licensed under chapter 458 or chapter 459. Such designation may be removed at any time upon request of the owner or registrant.

Section 3. Paragraph (b) of subsection (9) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(9) DENIAL, SUSPENSION, OR REVOCATION.—

(b) The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771 upon proof that a licensee has committed, with sufficient frequency so as to establish a pattern of wrongdoing

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 on the part of a licensee, violations of one or more of the  
60 following activities:

61 1. Representation that a demonstrator is a new motor  
62 vehicle, or the attempt to sell or the sale of a demonstrator as  
63 a new motor vehicle without written notice to the purchaser that  
64 the vehicle is a demonstrator. For the purposes of this section,  
65 a "demonstrator," a "new motor vehicle," and a "used motor  
66 vehicle" shall be defined as under s. 320.60.

67 2. Unjustifiable refusal to comply with a licensee's  
68 responsibility under the terms of the new motor vehicle warranty  
69 issued by its respective manufacturer, distributor, or importer.  
70 However, if such refusal is at the direction of the  
71 manufacturer, distributor, or importer, such refusal shall not  
72 be a ground under this section.

73 3. Misrepresentation or false, deceptive, or misleading  
74 statements with regard to the sale or financing of motor  
75 vehicles which any motor vehicle dealer has, or causes to have,  
76 advertised, printed, displayed, published, distributed,  
77 broadcast, televised, or made in any manner with regard to the  
78 sale or financing of motor vehicles.

79 4. Failure by any motor vehicle dealer to provide a  
80 customer or purchaser with an odometer disclosure statement and  
81 a copy of any bona fide written, executed sales contract or  
82 agreement of purchase connected with the purchase of the motor  
83 vehicle purchased by the customer or purchaser.

84 5. Failure of any motor vehicle dealer to comply with the  
85 terms of any bona fide written, executed agreement, pursuant to  
86 the sale of a motor vehicle.

87 6. Failure to apply for transfer of a title as prescribed

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88 in s. 319.23(6).

89 7. Use of the dealer license identification number by any  
90 person other than the licensed dealer or his or her designee.

91 8. Failure to continually meet the requirements of the  
92 licensure law.

93 9. Representation to a customer or any advertisement to the  
94 public representing or suggesting that a motor vehicle is a new  
95 motor vehicle if such vehicle lawfully cannot be titled in the  
96 name of the customer or other member of the public by the seller  
97 using a manufacturer's statement of origin as permitted in s.  
98 319.23(1).

99 10. Requirement by any motor vehicle dealer that a customer  
100 or purchaser accept equipment on his or her motor vehicle which  
101 was not ordered by the customer or purchaser.

102 11. Requirement by any motor vehicle dealer that any  
103 customer or purchaser finance a motor vehicle with a specific  
104 financial institution or company.

105 12. Requirement by any motor vehicle dealer that the  
106 purchaser of a motor vehicle contract with the dealer for  
107 physical damage insurance.

108 13. Perpetration of a fraud upon any person as a result of  
109 dealing in motor vehicles, including, without limitation, the  
110 misrepresentation to any person by the licensee of the  
111 licensee's relationship to any manufacturer, importer, or  
112 distributor.

113 14. Violation of any of the provisions of s. 319.35 by any  
114 motor vehicle dealer.

115 15. Sale by a motor vehicle dealer of a vehicle offered in  
116 trade by a customer prior to consummation of the sale, exchange,

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117 or transfer of a newly acquired vehicle to the customer, unless  
118 the customer provides written authorization for the sale of the  
119 trade-in vehicle prior to delivery of the newly acquired  
120 vehicle.

121 16. Willful failure to comply with any administrative rule  
122 adopted by the department or the provisions of s. 320.131(8).

123 17. Violation of chapter 319, this chapter, or ss. 559.901-  
124 559.9221, which has to do with dealing in or repairing motor  
125 vehicles or mobile homes. Additionally, in the case of used  
126 motor vehicles, the willful violation of the federal law and  
127 rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the  
128 consumer sales window form.

129 18. Failure to maintain evidence of notification to the  
130 owner or co-owner of a vehicle regarding registration or titling  
131 fees owed as required in s. 320.02(18) ~~s. 320.02(17)~~.

132 19. Failure to register a mobile home salesperson with the  
133 department as required by this section.

134 Section 4. This act shall take effect July 1, 2024.

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/2024

Meeting Date

228

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Amanda Ranochak

Phone 267-981-6429

Address 4777 Walden Cir  
Street appt. 6+

Email amanda.ranochak@gmail.com

Orlando FL 32821  
City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

2-6-24

Meeting Date

SB 288

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Transportation

Committee

Amendment Barcode (if applicable)

Name Sheriff Bob Johnson

Phone 850 393-8104

Address \_\_\_\_\_

Email \_\_\_\_\_

Street

MILBON FL 32583

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

12/6/2024

Meeting Date

SB 288

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Michael McCreight

Phone 407-840-0370

Address 1849 Skirkmen Road

Email

Street

Orlando

City

FL

State

32811

Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

2-6-24

Meeting Date

SB 288

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Transportation

Committee

Amendment Barcode (if applicable)

Name

MAJOR Doug Brignone

Phone

850 499-5222

Address

Street

Milton

FL

32583

City

State

Zip

Email

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flisenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2-6-24

Meeting Date

SB 288

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Angela "Big Ang" Nandin

Phone 702-336-8465

Address 6602 Federal St.

Street

Email

Navarre

City

FL

State

32566

Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)



The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/6/24

Meeting Date

288

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Keith Dean

Phone 850 980 3745

Address 2029 Laurel St

Street

Email kDean@fldeputysheriffs.org

TLH

City

FL

State

32303

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Deputy Sheriffs Assn

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

SB 288

2/6/2024

Meeting Date

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Bill Number or Topic

Senate Transportation

Committee

Amendment Barcode (if applicable)

Name Cody Gonyo

Phone 850-960-1414

Address 6658 Desoto St

Email gonyocody@gmail.com

Street

Navarre FL 32566

City

State

Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-6-24

Meeting Date

288

Bill Number or Topic

Transportation

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Abdelilch Skhir (Ab-dee-la Skeer) Phone 786-363-1660

Address 4343 W Flagler St Email askhir@acluf.org

Street

Miami FL 33134

City

State

Zip

Speaking: [ ] For [X] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

ACLU Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

288

2/6/2024

Meeting Date

Bill Number or Topic

Transportation

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Matt Dunagan

Phone 850-877-2165

Address 2617 Mahan Drive

Email mdunagan@flsheriffs.org

Street

Tallahassee

FL

32308

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Florida Sheriffs Association**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/6/24

Meeting Date

Transportation

Committee

Name Olivia Babis Keller

Name

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SB 288

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-617-9718

Phone

Address 2473 Care Dr. suite 200

Address

Email oliviak@disabilityrightsflorida.org

Email

Street

Tallahassee

City

FL

State

32308

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Disability Rights Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**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.)

---

Prepared By: The Professional Staff of the Committee on Transportation

---

BILL: SB 948

INTRODUCER: Senator Thompson

SUBJECT: Divine Nine Specialty License Plate

DATE: February 6, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Favorable</b>
2.			ATD	
3.			FP	

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**I. Summary:**

SB 948 defines the term “immediate relative” for purposes of the existing Divine Nine specialty license plate and expands eligibility for the purchase of the specialty plate to a member’s immediate relative and motor vehicle lessees.

The Divine Nine specialty license plates consist of plates authorized for the nine member organizations of the National Pan-Hellenic Council. Each organization’s plate has a unique logo, graphic, or colors, as well as distribution specific to the individual organization.

The bill will take effect July 1, 2024.

**II. Present Situation:**

**Divine Nine Specialty License Plates**

In 2020, the Department of Highway Safety and Motor Vehicles (DHSMV) was authorized to create the Divine Nine specialty license plates.<sup>1</sup> The Divine Nine specialty license plates consist of plates authorized for the nine member organizations of the National Pan-Hellenic Council.<sup>2</sup>

The nine member organizations include:

- Alpha Phi Alpha Fraternity;
- Alpha Kappa Alpha Sorority;
- Kappa Alpha Psi Fraternity;
- Omega Psi Phi Fraternity;

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<sup>1</sup> Chapter 2020-181, Laws of Fla., creating s. 320.08058(101), F.S.

<sup>2</sup> The National Pan-Hellenic Council’s purpose is to foster cooperative actions of its members in dealing with matters of mutual concern and to promote the well-being of its fraternities and sororities. See National Pan-Hellenic Council, *About the NPHC*, <https://www.nphcq.com/about> (last visited December 20, 2023).

- Delta Sigma Theta Sorority;
- Phi Beta Sigma Fraternity;
- Zeta Phi Beta Sorority;
- Sigma Gamma Rho Sorority; and
- Iota Phi Theta Fraternity.

Each organization's plate has a unique logo, graphic, or colors, as well as distribution specific to the individual organization.<sup>3</sup> However, plate sales are combined as one Divine Nine specialty license plate for the purpose of meeting the minimum license plate sales threshold and for determining the license plate limit.<sup>4</sup>

The plate has a \$25 annual use fee. The revenue generated through the sale of the plate is distributed to following recipient organizations: the United Negro College Fund, Inc., for college scholarships for Florida residents attending Florida's historically black colleges and universities; the Association to Preserve African American Society, History and Tradition, Inc.; and to additional organizations as specified to promote community awareness and action through educational, economic, and cultural service activities within the state.<sup>5</sup>

To be eligible for issuance of a Divine Nine specialty license plate, a person must be a Florida resident, the registered owner of a motor vehicle, and a member of the applicable organization.<sup>6</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 320.08058 (101), F.S., to expand eligibility for issuance of the Divine Nine specialty license plates. The bill provides eligibility for such plates to an organization member's immediate relative and to motor vehicle lessees.

The bill defines "immediate relative" as a spouse, domestic partner, or child of a member. Proof of relationship will be established by providing a marriage license, domestic partnership agreement, birth certificate, or record of adoption. Motor vehicle lessees will be required to provide a lease agreement and the vehicle identification number for the motor vehicle that is being leased.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

---

<sup>3</sup> Section 320.08058(101)(a) and (b), F.S.

<sup>4</sup> Section 320.08058(101), F.S.

<sup>5</sup> Section 320.08058(101)(b), F.S.

<sup>6</sup> Section 320.08058(101)(c), F.S.

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:

None.

B. Private Sector Impact:

The bill will significantly expand the number of persons eligible to purchase a Divine Nine specialty license plate, which will have an indeterminate, positive fiscal impact on the recipient organizations.

C. Government Sector Impact:

The bill will have an insignificant fiscal impact on DHSMV.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 320.08058 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---

By Senator Thompson

15-00326-24

2024948\_\_

1 A bill to be entitled  
 2 An act relating to the Divine Nine specialty license  
 3 plate; amending s. 320.08058, F.S.; defining the term  
 4 "immediate relative"; revising eligibility  
 5 requirements for a Divine Nine license plate;  
 6 providing an effective date.  
 7  
 8 Be It Enacted by the Legislature of the State of Florida:  
 9  
 10 Section 1. Paragraph (c) of subsection (101) of section  
 11 320.08058, Florida Statutes, is amended to read:  
 12 320.08058 Specialty license plates.-  
 13 (101) DIVINE NINE LICENSE PLATES.-  
 14 (c)1. As used in this paragraph, the term "immediate  
 15 relative" means a spouse, domestic partner, or child.  
 16 2. To be eligible for issuance of a Divine Nine license  
 17 plate representing an organization listed in sub-subparagraphs  
 18 (b)3.a.-i., a person must be a resident of this state who is the  
 19 registered owner or lessee of a motor vehicle and who is either  
 20 a member or an immediate relative of a member of the applicable  
 21 organization. The person must ~~also~~ present the following:  
 22 a. Proof of membership in the organization, which may be  
 23 established by:  
 24 (I)~~a-~~ A card distributed by the organization indicating the  
 25 person's membership in the organization; or  
 26 (II)~~b-~~ A written letter on the organization's letterhead  
 27 which is signed by the organization's national president or his  
 28 or her designated official and which states that the person was  
 29 inducted into the organization.

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

15-00326-24

2024948\_\_

30 b. If the person is a lessee of a motor vehicle, a lease  
 31 agreement and the vehicle identification number for the motor  
 32 vehicle that is being leased.  
 33 c. If the person is an immediate relative of a member of  
 34 the organization, a marriage license, domestic partnership  
 35 agreement, birth certificate, or record of adoption, and proof  
 36 of membership as described in sub-subparagraph a. of the  
 37 person's immediate relative.  
 38 3.2. Proof of membership in an organization listed in sub-  
 39 paragraphs (b)3.a.-i. is required only for initial issuance  
 40 of a Divine Nine license plate. A person need not present such  
 41 proof for renewal of the license plate.  
 42  
 43 License plates created pursuant to this subsection shall have  
 44 their plate sales combined for the purpose of meeting the  
 45 minimum license plate sales threshold in s. 320.08056(8) (a) and  
 46 for determining the license plate limit in s. 320.08053(3) (b).  
 47 License plates created pursuant to this subsection must be  
 48 ordered directly from the department.  
 49 Section 2. This act shall take effect July 1, 2024.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

**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.)

---

Prepared By: The Professional Staff of the Committee on Transportation

---

BILL: CS/SB 1032

INTRODUCER: Transportation Committee and Senator Gruters

SUBJECT: Transportation

DATE: February 6, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.			ATD	
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1032 amends various provisions relating to transportation. Specifically, the bill:

- Deletes an obsolete effective date regarding the compensation of the Secretary of Transportation and his or her assistant secretaries.
- Revises the membership of the Center for Urban Transportation Research’s advisory board.
- Makes a technical change to the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab’s advisory board.
- Creates a moratorium on new metropolitan planning organizations (MPOs) adjacent to existing MPOs.
- Requires the Florida Department of Transportation (FDOT) to annually convene MPOs of similar size to exchange best practices.
- Requires FDOT to provide training for new MPO governing board members.
- Creates the following provisions regarding MPO accountability and transparency:
  - Requires FDOT to review each MPO's long-range transportation plan.
  - Requires FDOT to create quality performance metrics to evaluate each MPO.
  - Requires each MPO to annually report its score for each quality performance metric and publish its score and supporting data on its website.
  - Requires FDOT to validate each MPOs score and make needed adjustments.
- Requires the integration of new technologies into MPO long-range transportation plans.
- Requires the MPOs in Lee and Collier Counties to submit a feasibility study regarding their merger.

- Repeals the Metropolitan Planning Organization Advisory Council (MPOAC).
- Requires FDOT to submit a comprehensive review of its district boundaries and whether any district boundaries should be redrawn as a result of population growth and increased urban density.

The bill has an indeterminate fiscal impact on FDOT and MPOs. See Fiscal Impact Statement for details.

The bill takes effect July 1, 2024.

## **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:**

### **Secretary of Transportation Compensation (Section 1)**

#### *Present Situation*

The Florida Department of Transportation is headed by the Secretary of Transportation (Secretary).<sup>1</sup> The Secretary may appoint up to three assistant secretaries to perform duties as assigned by the Secretary.<sup>2</sup> Florida law provides that any Secretary appointed after July 5, 1989, and the assistant secretaries are exempt from the Career Service System,<sup>3</sup> and must be compensated commensurate with their qualifications and competitive with compensation for comparable responsibility in the private sector.<sup>4</sup>

#### *Effect of Proposed Changes*

The bill removes an obsolete July 5, 1989, effective date regarding the compensation of the Secretary of Transportation and his or her assistant secretaries.

### **Center for Urban Transportation Research Advisory Board (Section 2)**

#### *Present Situation*

The Center for Urban Transportation Research (CUTR) is established at the University of South Florida (USF). CUTR's responsibilities include conducting and facilitating research on issues related to Florida's urban transportation problems and serving as an information exchange and depository for the most current information pertaining to urban transportation and related issues.<sup>5</sup>

---

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

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

<sup>3</sup> Chapter 110, part III, F.S.

<sup>4</sup> Section 20.23(1)(e), F.S.

<sup>5</sup> Section 334.065(1), F.S.

CUTR's advisory board reviews and advises CUTR concerning its research program. Except for projects mandated by law, CUTR may not undertake state-funded projects without advisory board approval. CUTR's advisory board consists of nine transportation experts, including:

- The Secretary of Transportation or his or her designee.
- The Secretary of Environmental Protection or his or her designee.
- The Secretary of Economic Opportunity<sup>6</sup> or his or her designees.
- A member of the Florida Transportation Commission.
- The nomination of the remaining board members is made to USF's President USF's College of Engineering. The appointment of these members are reviewed and approved by the FTC and confirmed by the Board of Governors.<sup>7</sup>

### *Effect of Proposed Changes*

The bill amends CUTR's advisory board to consist of 10 transportation experts including the following:

- A member appointed by the President of the Senate.
- A member appointed by the Speaker of the House of Representatives.
- The Secretary of Transportation or his or her designee.
- The Secretary of Commerce or his or her designee.
- A member of the Florida Transportation Commission.
- Five members recommended to the President of USF by USF's college of Engineering. These appointments must be reviewed, approved, and confirmed by the Board of Governors.

### **Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab Advisory Board (Section 5)**

#### *Present Situation*

The Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab is established at the University of Florida (UF).<sup>8</sup> The I-STREET Living Lab must:

- 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.
- Be a continuing resource for the Legislature, FDOT, local governments, the nation's metropolitan regions, and the private sector in the area of transportation and related research.
- 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.

---

<sup>6</sup> In 2023, the Department of Economic Opportunity was renamed the Department of Commerce. *See* Ch. 2023-173, Law of Fla.

<sup>7</sup> Section 334.065(3), F.S.

<sup>8</sup> Section 334.066(1), F.S.

- Provide by July 1, 2024, and annually 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.<sup>9</sup>

I-STREET's advisory board periodically reviews and advises I-STREET concerning its research program. The board consists of the following members with transportation-related expertise:

- A member appointed by the President of the Senate.
- A member appointed by the Speaker of the House of Representatives.
- The Secretary of Transportation or his or her designee.
- The Secretary of Economic Opportunity or his or her designee.
- A member of the Florida Transportation Commission.
- Four members nominated by the UF's College of Engineering and approved by UF's president. The College of Engineering's nominees may include representatives of UF, other academic and research institutions, or private entities.<sup>10</sup>

### *Effect of Proposed Changes*

The bill amends I-STREET's advisory board changing the Secretary of Economic Opportunity to the Secretary of Commerce to reflect a change in the agency's name.

### **Metropolitan Planning Organizations (Section 4)**

An MPO is the policy board created and designated to carry out the metropolitan transportation planning process.<sup>11</sup> MPOs are required to represent localities in all urbanized areas with populations over 50,000, as determined by the U.S. Census.<sup>12</sup> Currently, Florida has 27 MPOs, the largest number of MPOs in the nation.

Federal law and regulations give MPOs, in coordination with FDOT and others, significant transportation planning responsibility. Federal law requires MPOs to be designated for each urbanized area with a population of more than 50,000 individuals by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population, including the largest incorporated city; or in accordance with procedures established by applicable state or local law.<sup>13</sup>

### *MPO Purpose/Intent*

#### *Present Situation*

Florida law provides legislative intent to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through the state's urbanized while minimizing transportation-related fuel consumption, air

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<sup>9</sup> Section 334.066(2), F.S.

<sup>10</sup> Section 334.066(3), FS.

<sup>11</sup> 23 C.F.R. § 450.104.

<sup>12</sup> Federal Transit Administration, *Metropolitan Planning Organization*, <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/metropolitan-planning-organization-mpo> (last visited January 4, 2024).

<sup>13</sup> 23 U.S.C., § 134(d)(1)

pollution, and greenhouse gas emissions through metropolitan transportation planning processes.<sup>14</sup>

To accomplish these objectives, MPOs must develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. These plans and programs must provide for the development and integrated management and operation of transportation systems and facilities that will function as an intermodal transportation system for the metropolitan area.<sup>15</sup>

### *Effect of Proposed Changes*

The bill amends legislative intent regarding MPOs to emphasize:

- Developing multimodal transportation systems, instead of surface transportation systems; and
- Serving the mobility needs of people and freight and fostering economic growth and development throughout the urbanized areas of this state while balancing conservation of natural resources.

### ***MPO Designation***

#### *Present Situation*

An MPO must be designated for each urbanized area of the state. However, an individual MPO is not required to be designated for each urbanized area. MPO designation is done by agreement between the Governor and the general-purpose local governments representing at least 75 percent of the urbanized area's population. However, the general-purpose local government representing the central city or cities within the MPO must be a party to the agreement.<sup>16</sup>

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

- Consult with every other MPO designated for the urbanized area and the state to coordinate plans and transportation improvement programs.
- 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.<sup>17</sup>

MPO boundaries are determined by agreement between the Governor and the MPO. The MPO's boundaries must include at least the metropolitan planning area, but may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.<sup>18</sup>

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<sup>14</sup> Section 339.175(1), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 339.175(2)(a)1., F.S.

<sup>17</sup> Section 339.175(2)(a)2., F.S.

<sup>18</sup> Section 339.175(2)(a)3, F.S.

*Effect of Proposed Changes*

The bill provides that after July 1, 2024, no additional MPOs may be designated in Florida except in urbanized areas<sup>19</sup> where the urbanized area is not contiguous to an urbanized area designated before the 2020 census.

The bill repeals the requirement that when there is more than one MPO in an urbanized area, the MPOs must consult with every other MPO in the urbanized area and the state to coordinate plans and transportation improvement programs and to ensure consistency in of data used in the planning process.

***MPO Powers, Duties, and Responsibilities****Present Situation*

Each MPO must perform all acts necessary to qualify for federal aid, and each MPO must be involved in transportation planning and programming to the extent permitted by state or federal law. However, an MPO may not perform project production or delivery for capital improvement projects on the State Highway System.<sup>20</sup>

In developing its long-range transportation plan (LRTP)<sup>21</sup> and the transportation improvement program (TIP),<sup>22</sup> each MPO must consider projects and strategies that will:

- Support the economic vitality of the contiguous urbanized metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.
- Increase the safety and security of the transportation system for motorized and nonmotorized users.
- Increase the accessibility and mobility options available to people and for freight.
- Protect and enhance the environment, promote energy conservation, and improve quality of life.
- Enhance the integration and connectivity of the transportation system, across and between modes and contiguous urbanized metropolitan areas, for people and freight.
- Promote efficient system management and operation.
- Emphasize the preservation of the existing transportation system.
- Improve the resilience of transportation infrastructure.<sup>23</sup>

To more fully accomplish the MPOs purposes, MPOs must develop coordination mechanisms with one another to expand and improve transportation within the state.<sup>24</sup>

*Effect of Proposed Changes*

The bill amends the considerations required by each MPO in developing its LRTP and TIP to include conserving natural resources, instead of promoting energy conservation. Additionally, MPOs must consider projects and strategies to reduce traffic and congestion.

<sup>19</sup> This is as defined by the United States Bureau of the Census.

<sup>20</sup> Section 339.175(6), F.S.

<sup>21</sup> The long-range transportation plan is developed pursuant to s. 339.175(7), F.S.

<sup>22</sup> The transportation improvement program is developed pursuant to s. 339.175(8), F.S.

<sup>23</sup> Section 339.175(6)(b), F.S.

<sup>24</sup> Section 339.175(6)(J)1., F.S.



The bill requires that FDOT to at least annually, convene MPOs of similar size, based on population served, to exchange best practices.

The bill authorizes MPOs to develop committees or working groups as needed to accomplish such purpose. At FDOT's discretion, training for new MPO governing board members must be provided by FDOT, an entity pursuant to a contract with FDOT, by CUTR, or by I-STREET Living Lab.

### ***MPO Consolidation***

#### *Present Situation*

By December 31, 2023, the MPOs serving Hillsborough, Pasco, and Pinellas Counties were required to 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 MPO serving the contiguous urbanized area, the goals of which would be to:

- Coordinate transportation projects deemed to be regionally significant.
- Review the impact of regionally significant land use decisions on the region.
- Review all proposed regionally significant transportation projects in the transportation improvement programs.<sup>25</sup>

#### *Effect of Proposed Changes*

The bill requires, by February 28, 2025, the MPOs serving Lee and Collier Counties to 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 MPO serving the contiguous urbanized area, with the same goals as listed above.

### ***MPO Long-Range Transportation Plans***

#### *Present Situation*

Each MPO must develop a long-range transportation plan (LRTP) addressing at least a 20-year planning horizon. The LRTP must include both long-range and short-range strategies. The prevailing principles to be considered in the LRTP are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility.<sup>26</sup>

The LRTP 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 local government within the MPO. Each MPO is encouraged to consider strategies integrating transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. Local governments must consider LRTPs in developing transportation elements in local government comprehensive plans.<sup>27</sup>

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<sup>25</sup> Section 339.175(6)(i), F.S.

<sup>26</sup> Section 339.175(7), F.S.

<sup>27</sup> Section 339.175(7), F.S.

In developing its LRTP, each MPO must provide the public and other interested parties with a reasonable opportunity to comment. The MPO must approve its LRTP.<sup>28</sup>

#### *Effect of Proposed Changes*

The bill revises provisions relating to MPO LRTP's by removing the requirement that multiple MPOs within a contiguous urbanized area to coordinate the development of LRTPs to be reviewed by the MPOAC.

The bill includes public-private partnerships in the list of innovative financing techniques that MPOs may consider.

Regarding transportation enhancement activities, the bill includes the integration of advanced air mobility and integration of autonomous and electric vehicles, electric bicycles, and motorized scooters used for freight, commuter or micromobility purposes. The bill removes historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising as potential transportation enhancement activities.

The bill adds that in addition to MPO approval, FDOT must also approve each MPO's LRTP.

#### ***MPO Accountability***

##### *Present Situation*

Currently, there are no MPO-specific statutory accountability provisions.

##### *Effect of Proposed Changes*

The bill requires FDOT to review each MPO's LRTP for productive flow and connectivity for people and freight within the MPO's metropolitan area. If DOT finds an MPO's LRTP to be unsatisfactory or incongruent with the metropolitan area, FDOT must return the plan to the MPO for revision.

FDOT must to create quality performance metrics and a scoring mechanism by which to evaluate each MPOs service to its communities, considering traffic congestion, the utilization rate of multimodal transportation facilities, resident satisfaction, the efficiency of the transportation system for people and freight, and other factors FDOT deems necessary. FDOT must establish a minimum acceptable quality performance score.

The bill provides that beginning in 2025 and each year thereafter, each MPO must report its score for each quality performance metric by December 1 to the appropriate FDOT district secretary and publish its score and supporting data on its website. FDOT must validate each MPO's score calculation and make any necessary adjustments.

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<sup>28</sup> Section 339.175(7), F.S., flush left.

## **Metropolitan Planning Organization Advisory Council (Section 4)**

### ***Present Situation***

The Metropolitan Planning Organization Advisory Council (MPOAC), consisting of one representative from each MPO was established, to augment, and not supplant, the individual MPO's role in the cooperative transportation planning process.<sup>29</sup>

The MPOAC's powers and duties are to:

- Establish bylaws providing procedural rules to guide its proceedings and consideration of matters before MPOAC, or, alternatively, adopt rules to implement provisions of law conferring powers or duties upon it.
- Assist MPOs in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion.
- Serve as a clearinghouse for review and comment by MPOs 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. The MPOAC must annually report to the Florida Transportation Commission on the alignment of MPO LRTPs with the Florida Transportation Plan.
- Employ an executive director and such other staff as necessary to adequately perform adequately its functions.<sup>30</sup>
- Deliver training on federal and state program requirements and procedures to MPO board members and MPO staff.
- Adopt a strategic plan prioritizing steps it will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directives.<sup>31</sup>

The MPOAC may enter into contracts to support the activities described above. Lobbying and the acceptance of funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources are prohibited.<sup>32</sup>

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

The bill repeals the MPOAC.

## **Space Florida (Sections 5 and 6)**

### ***Present Situation***

Space Florida is required to partner with the MPOAC to coordinate and specify how aerospace planning and programming will be part of Florida's cooperative transportation planning process.<sup>33</sup>

<sup>29</sup> Sections 339.175(11)(a) and (b), F.S.

<sup>30</sup> The MPOAC is assigned to the Office of the Secretary of Transportation for fiscal and accountability purposes, otherwise function independently of FDOT's control and direction.

<sup>31</sup> Section 339.175(11)(c), F.S.

<sup>32</sup> Section 339.175(11)(d), F.S.

<sup>33</sup> Section 331.310(14), F.S.

***Effect of Proposed Changes***

The bill repeals Space Florida's duty to partner with the MPOAC regarding how aerospace planning and programming will be part of Florida's transportation planning process.

The bill also conforms a cross-reference in s. 331.301, F.S.

**FDOT Districts (Section 7)*****Present Situation***

Under Florida law, FDOT is a decentralized agency with its operations organized into seven geographic districts, each headed by a district secretary and a turnpike enterprise and a rail enterprise, each enterprise headed by an executive director. FDOT's district headquarters are located in Polk, Columbia, Washington, Broward, Volusia, Miami-Dade, and Hillsborough Counties. In order to provide for efficient operations and to expedite the decisionmaking process, FDOT must provide for maximum decentralization to its districts.<sup>34</sup>

***Effect of Proposed Changes***

The bill requires FDOT to, by October 31, 2024, submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that provides a comprehensive review of the boundaries of each FDOT district and make recommendations whether any district's boundaries should be redrawn as a result of population growth and increased urban density.

**Effective Date (Section 8)**

The bill takes effect July 1, 2024.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

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<sup>34</sup> Section 20.23(4)(a), F.S.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact to FDOT due to the requirements that it review its district boundaries, annually convene meetings of specified MPOs, provide training to new MPO board members, and undertake new responsibilities regarding MPO accountability and transparency.

MPOs may incur additional costs due in order to comply with accountability and transparency provisions created in the bill.

The MPOs in Collier and Lee Counties will incur costs associated with conducting a study regarding their possible merger.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The revision to the MPO designation statute may be inconsistent with existing federal and state law, by precluding designation of more than one MPO where an urbanized area boundary *is* contiguous to an urbanized area designated before the 2020 decennial census. *To the extent possible, both* federal and state law call for a single MPO designation for each urbanized area *or group of contiguous urbanized areas*. However, as indicated, more than one MPO may be designated within an existing urbanized area if the required agreement between the Governor and the relevant local governments is achieved. Because groups of contiguous urbanized areas are included in the designation provisions of both federal and state law, it appears that designation of more than one MPO is authorized for contiguous urbanized areas; that is, a *group of contiguous urbanized areas*, regardless of when designated, provided the required agreement is achieved.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.23, 334.065, 334.066, 339.175, 348.0306, 331.3051, and 331.310.

This bill creates an undesignated section of Florida Statutes.

**IX. Additional Information:**

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

**CS by Transportation on February 6, 2024:**

The committee substitute:

- Removes the repeal of the Florida Transportation Commission along with various provisions in the bill conforming to its repeal.
- Removes changes to the schedule for FDOT to develop its tentative work program.
- Deletes an obsolete effective date regarding compensation of the Secretary of Transportation.
- Revises the membership of the Center for Urban Transportation Research’s advisory board.
- Makes a technical change to the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab advisory board.
- Removes a provision requiring FDOT to assumption of control of MPOs under certain conditions.
- Removes a provision awarding \$5 million from the State Transportation Trust Fund to certain MPOs.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
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	.	
	.	

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The Committee on Transportation (Gruters) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (e) of subsection (1) of section  
20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a  
Department of Transportation which shall be a decentralized  
agency.

(1)



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11 (e) ~~The Any~~ secretary appointed after July 5, 1989, and the  
12 assistant secretaries are ~~shall be~~ exempt from the provisions of  
13 part III of chapter 110 and shall receive compensation  
14 commensurate with their qualifications and competitive with  
15 compensation for comparable responsibility in the private  
16 sector.

17 Section 2. Subsection (3) of section 334.065, Florida  
18 Statutes, is amended to read:

19 334.065 Center for Urban Transportation Research.—

20 (3) An advisory board shall be created to periodically and  
21 objectively review and advise the center concerning its research  
22 program. Except for projects mandated by law, state-funded base  
23 projects shall not be undertaken without approval of the  
24 advisory board. The membership of the board shall be composed  
25 ~~consist~~ of 10 ~~nine~~ experts in transportation-related areas, as  
26 follows:

27 (a) One member appointed by the President of the Senate.

28 (b) One member appointed by the Speaker of the House of  
29 Representatives.

30 (c) The Secretary of Transportation or his or her designee.

31 (d) The Secretary of Commerce or his or her designee.

32 (e) A member of the Florida Transportation Commission.

33 (f) Five ~~including the secretaries of the Department of~~  
34 ~~Transportation, the Department of Environmental Protection, and~~  
35 ~~the Department of Economic Opportunity, or their designees, and~~  
36 ~~a member of the Florida Transportation Commission. The~~  
37 ~~nomination of the remaining members~~ recommended ~~of the board~~  
38 ~~shall be made~~ to the President of the University of South  
39 Florida by the College of Engineering at the University of South





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40 Florida, ~~and~~ The appointment of these members must be reviewed  
41 and approved by the Florida Transportation Commission and  
42 confirmed by the Board of Governors.

43 Section 3. Paragraph (d) of subsection (3) of section  
44 334.066, Florida Statutes, is amended to read:

45 334.066 Implementing Solutions from Transportation Research  
46 and Evaluating Emerging Technologies Living Lab.—

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

51 (d) The Secretary of Commerce ~~Economic Opportunity~~ or his  
52 or her designee.

53 Section 4. Present subsection (10) of section 339.175,  
54 Florida Statutes, is redesignated as subsection (11), a new  
55 subsection (10) is added to that section, and subsection (1),  
56 paragraph (a) of subsection (2), paragraphs (b), (i), and (j) of  
57 subsection (6), subsection (7), and present subsection (11) are  
58 amended, to read:

59 339.175 Metropolitan planning organization.—

60 (1) INTENT PURPOSE.—It is the intent of the Legislature to  
61 encourage and promote the safe and efficient management,  
62 operation, and development of multimodal ~~surface~~ transportation  
63 systems that will serve the mobility needs of people and freight  
64 and foster economic growth and development within and through  
65 urbanized areas of this state while balancing the conservation  
66 of natural resources ~~minimizing transportation-related fuel~~  
67 ~~consumption, air pollution, and greenhouse gas emissions through~~  
68 ~~metropolitan transportation planning processes identified in~~



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69 ~~this section~~. To accomplish these objectives, metropolitan  
70 planning organizations, referred to in this section as M.P.O.'s,  
71 shall develop, in cooperation with the state and public transit  
72 operators, transportation plans and programs for metropolitan  
73 areas. The plans and programs for each metropolitan area must  
74 provide for the development and integrated management and  
75 operation of transportation systems and facilities, including  
76 pedestrian walkways and bicycle transportation facilities that  
77 will function as an intermodal transportation system for the  
78 metropolitan area, based upon the prevailing principles provided  
79 in s. 334.046(1). The process for developing such plans and  
80 programs shall provide for consideration of all modes of  
81 transportation and shall be continuing, cooperative, and  
82 comprehensive, to the degree appropriate, based on the  
83 complexity of the transportation problems to be addressed. To  
84 ensure that the process is integrated with the statewide  
85 planning process, M.P.O.'s shall develop plans and programs that  
86 identify transportation facilities that should function as an  
87 integrated metropolitan transportation system, giving emphasis  
88 to facilities that serve important national, state, and regional  
89 transportation functions. For the purposes of this section,  
90 those facilities include the facilities on the Strategic  
91 Intermodal System designated under s. 339.63 and facilities for  
92 which projects have been identified pursuant to s. 339.2819(4).

93 (2) DESIGNATION.—

94 (a)1. An M.P.O. shall be designated for each urbanized area  
95 of the state; however, this does not require that an individual  
96 M.P.O. be designated for each such area. Such designation shall  
97 be accomplished by agreement between the Governor and units of



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98 general-purpose local government representing at least 75  
99 percent of the population of the urbanized area; however, the  
100 unit of general-purpose local government that represents the  
101 central city or cities within the M.P.O. jurisdiction, as  
102 defined by the United States Bureau of the Census, must be a  
103 party to such agreement.

104 2. To the extent possible, only one M.P.O. shall be  
105 designated for each urbanized area or group of contiguous  
106 urbanized areas. More than one M.P.O. may be designated within  
107 an existing urbanized area only if the Governor and the existing  
108 M.P.O. determine that the size and complexity of the existing  
109 urbanized area makes the designation of more than one M.P.O. for  
110 the area appropriate. After July 1, 2024, no additional M.P.O.'s  
111 may be designated in this state except in urbanized areas, as  
112 defined by the United States Bureau of the Census, where the  
113 urbanized area boundary is not contiguous to an urbanized area  
114 designated before the 2020 census, in which case each M.P.O.  
115 designated for the area must:

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

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

122  
123 Each M.P.O. required under this section must be fully operative  
124 no later than 6 months following its designation.

125 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,  
126 privileges, and authority of an M.P.O. are those specified in



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127 this section or incorporated in an interlocal agreement  
128 authorized under s. 163.01. Each M.P.O. shall perform all acts  
129 required by federal or state laws or rules, now and subsequently  
130 applicable, which are necessary to qualify for federal aid. It  
131 is the intent of this section that each M.P.O. be involved in  
132 the planning and programming of transportation facilities,  
133 including, but not limited to, airports, intercity and high-  
134 speed rail lines, seaports, and intermodal facilities, to the  
135 extent permitted by state or federal law. An M.P.O. may not  
136 perform project production or delivery for capital improvement  
137 projects on the State Highway System.

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

142 1. Support the economic vitality of the contiguous  
143 urbanized metropolitan area, especially by enabling global  
144 competitiveness, productivity, and efficiency.

145 2. Increase the safety and security of the transportation  
146 system for motorized and nonmotorized users.

147 3. Increase the accessibility and mobility options  
148 available to people and for freight.

149 4. Protect and enhance the environment, conserve natural  
150 resources ~~promote energy conservation~~, and improve quality of  
151 life.

152 5. Enhance the integration and connectivity of the  
153 transportation system, across and between modes and contiguous  
154 urbanized metropolitan areas, for people and freight.

155 6. Promote efficient system management and operation.



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156 7. Emphasize the preservation of the existing  
157 transportation system.

158 8. Improve the resilience of transportation infrastructure.

159 9. Reduce traffic and congestion.

160 (i) By February 28, 2025 ~~December 31, 2023~~, the M.P.O.'s  
161 serving Lee and Collier ~~Hillsborough, Pasco, and Pinellas~~  
162 Counties must submit a feasibility report to the Governor, the  
163 President of the Senate, and the Speaker of the House of  
164 Representatives exploring the benefits, costs, and process of  
165 consolidation into a single M.P.O. serving the contiguous  
166 urbanized area, the goal of which would be to:

167 1. Coordinate transportation projects deemed to be  
168 regionally significant.

169 2. Review the impact of regionally significant land use  
170 decisions on the region.

171 3. Review all proposed regionally significant  
172 transportation projects in their respective ~~the~~ transportation  
173 improvement programs.

174 (j)1. To more fully accomplish the purposes for which  
175 M.P.O.'s have been mandated, the department shall, at least  
176 annually, convene M.P.O.'s of similar size, based on the size of  
177 population served, for the purpose of exchanging best practices.

178 M.P.O.'s may ~~shall~~ develop committees or working groups as  
179 needed to accomplish such purpose. At the discretion of the  
180 department, training for new M.P.O. governing board members must  
181 be provided by the department, by an entity pursuant to a  
182 contract with the department, by the Florida Center for Urban  
183 Transportation Research, or by the Implementing Solutions from  
184 Transportation Research and Evaluating Emerging Technologies (I-



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185 ~~STREET) Living Lab coordination mechanisms with one another to~~  
186 ~~expand and improve transportation within the state. The~~  
187 ~~appropriate method of coordination between M.P.O.'s shall vary~~  
188 ~~depending upon the project involved and given local and regional~~  
189 ~~needs. Consequently, it is appropriate to set forth a flexible~~  
190 ~~methodology that can be used by M.P.O.'s to coordinate with~~  
191 ~~other M.P.O.'s and appropriate political subdivisions as~~  
192 ~~circumstances demand.~~

193       2. Any M.P.O. may join with any other M.P.O. or any  
194 individual political subdivision to coordinate activities or to  
195 achieve any federal or state transportation planning or  
196 development goals or purposes consistent with federal or state  
197 law. When an M.P.O. determines that it is appropriate to join  
198 with another M.P.O. or any political subdivision to coordinate  
199 activities, the M.P.O. or political subdivision shall enter into  
200 an interlocal agreement pursuant to s. 163.01, which, at a  
201 minimum, creates a separate legal or administrative entity to  
202 coordinate the transportation planning or development activities  
203 required to achieve the goal or purpose; provides the purpose  
204 for which the entity is created; provides the duration of the  
205 agreement and the entity and specifies how the agreement may be  
206 terminated, modified, or rescinded; describes the precise  
207 organization of the entity, including who has voting rights on  
208 the governing board, whether alternative voting members are  
209 provided for, how voting members are appointed, and what the  
210 relative voting strength is for each constituent M.P.O. or  
211 political subdivision; provides the manner in which the parties  
212 to the agreement will provide for the financial support of the  
213 entity and payment of costs and expenses of the entity; provides



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214 the manner in which funds may be paid to and disbursed from the  
215 entity; and provides how members of the entity will resolve  
216 disagreements regarding interpretation of the interlocal  
217 agreement or disputes relating to the operation of the entity.  
218 Such interlocal agreement shall become effective upon its  
219 recordation in the official public records of each county in  
220 which a member of the entity created by the interlocal agreement  
221 has a voting member. Multiple M.P.O.'s may merge, combine, or  
222 otherwise join together as a single M.P.O.

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



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

258 (b) Include a financial plan that demonstrates how the plan  
259 can be implemented, indicating resources from public and private  
260 sources which are reasonably expected to be available to carry  
261 out the plan, and recommends any additional financing strategies  
262 for needed projects and programs. The financial plan may  
263 include, for illustrative purposes, additional projects that  
264 would be included in the adopted long-range transportation plan  
265 if reasonable additional resources beyond those identified in  
266 the financial plan were available. For the purpose of developing  
267 the long-range transportation plan, the M.P.O. and the  
268 department shall cooperatively develop estimates of funds that  
269 will be available to support the plan implementation. Innovative  
270 financing techniques may be used to fund needed projects and  
271 programs. Such techniques may include the assessment of tolls,





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272 public-private partnerships, the use of value capture financing,  
273 or the use of value pricing. Multiple M.P.O.'s within a  
274 contiguous urbanized area must ensure, to the maximum extent  
275 possible, the consistency of data used in the planning process.

276 (c) Assess capital investment and other measures necessary  
277 to:

278 1. Ensure the preservation of the existing metropolitan  
279 transportation system including requirements for the operation,  
280 resurfacing, restoration, and rehabilitation of major roadways  
281 and requirements for the operation, maintenance, modernization,  
282 and rehabilitation of public transportation facilities; and

283 2. Make the most efficient use of existing transportation  
284 facilities to relieve vehicular congestion, improve safety, and  
285 maximize the mobility of people and goods. Such efforts must  
286 include, but are not limited to, consideration of infrastructure  
287 and technological improvements necessary to accommodate advances  
288 in vehicle technology, such as automated driving systems and  
289 other developments.

290 (d) Indicate, as appropriate, proposed transportation  
291 enhancement activities, including, but not limited to,  
292 pedestrian and bicycle facilities, trails or facilities that are  
293 regionally significant or critical linkages for the Florida  
294 Shared-Use Nonmotorized Trail Network, scenic easements,  
295 landscaping, integration of advanced air mobility, and  
296 integration of autonomous and electric vehicles, electric  
297 bicycles, and motorized scooters used for freight, commuter, or  
298 micromobility purposes ~~historic preservation, mitigation of~~  
299 ~~water pollution due to highway runoff, and control of outdoor~~  
300 ~~advertising.~~



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301 (e) In addition to the requirements of paragraphs (a)-(d),  
302 in metropolitan areas that are classified as nonattainment areas  
303 for ozone or carbon monoxide, the M.P.O. must coordinate the  
304 development of the long-range transportation plan with the State  
305 Implementation Plan developed pursuant to the requirements of  
306 the federal Clean Air Act.

307  
308 In the development of its long-range transportation plan, each  
309 M.P.O. must provide the public, affected public agencies,  
310 representatives of transportation agency employees, freight  
311 shippers, providers of freight transportation services, private  
312 providers of transportation, representatives of users of public  
313 transit, and other interested parties with a reasonable  
314 opportunity to comment on the long-range transportation plan.  
315 The long-range transportation plan must be approved by the  
316 M.P.O. and by the department as provided in subsection (10).

317 (10) ACCOUNTABILITY.—

318 (a) The department shall review each M.P.O.'s long-range  
319 transportation plan for productive flow and connectivity for  
320 people and freight within the M.P.O.'s metropolitan area. If the  
321 department finds an M.P.O.'s long-range transportation plan to  
322 be unsatisfactory or incongruent with the metropolitan area, the  
323 department must return the plan to the M.P.O. for revision.

324 (b) The department shall create quality performance metrics  
325 and a scoring mechanism by which to evaluate each M.P.O.'s  
326 service to its communities, taking into consideration traffic  
327 congestion, the utilization rate of multimodal transportation  
328 facilities, resident satisfaction, efficiency of the  
329 transportation system for people and freight, and other factors



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330 the department deems necessary. The department shall establish a  
331 minimum acceptable quality performance score.

332 (c) Beginning in 2025, and each year thereafter, each  
333 M.P.O. shall report its score for each quality performance  
334 metric by December 1 to the district secretary and shall publish  
335 the score and supporting data on its website. The department  
336 shall validate each M.P.O.'s score calculation and make  
337 adjustments thereto if necessary.

338 ~~(11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.~~

339 ~~(a) A Metropolitan Planning Organization Advisory Council~~  
340 ~~is created to augment, and not supplant, the role of the~~  
341 ~~individual M.P.O.'s in the cooperative transportation planning~~  
342 ~~process described in this section.~~

343 ~~(b) The council shall consist of one representative from~~  
344 ~~each M.P.O. and shall elect a chairperson annually from its~~  
345 ~~number. Each M.P.O. shall also elect an alternate representative~~  
346 ~~from each M.P.O. to vote in the absence of the representative.~~  
347 ~~Members of the council do not receive any compensation for their~~  
348 ~~services, but may be reimbursed from funds made available to~~  
349 ~~council members for travel and per diem expenses incurred in the~~  
350 ~~performance of their council duties as provided in s. 112.061.~~

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

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

358 ~~2. Assist M.P.O.'s in carrying out the urbanized area~~



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359 ~~transportation planning process by serving as the principal~~  
360 ~~forum for collective policy discussion pursuant to law.~~

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

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

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

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

385 ~~(d) The Metropolitan Planning Organization Advisory Council~~  
386 ~~may enter into contracts in accordance with chapter 287 to~~  
387 ~~support the activities described in paragraph (c). Lobbying and~~



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388 ~~the acceptance of funds, grants, assistance, gifts, or bequests~~  
389 ~~from private, local, state, or federal sources are prohibited.~~

390 Section 5. Subsection (14) of section 331.3051, Florida  
391 Statutes, is amended to read:

392 331.3051 Duties of Space Florida.—Space Florida shall:

393 ~~(14) Partner with the Metropolitan Planning Organization~~  
394 ~~Advisory Council to coordinate and specify how aerospace~~  
395 ~~planning and programming will be part of the state's cooperative~~  
396 ~~transportation planning process.~~

397 Section 6. Paragraph (e) of subsection (2) of section  
398 331.310, Florida Statutes, is amended to read:

399 331.310 Powers and duties of the board of directors.—

400 (2) The board of directors shall:

401 (e) Prepare an annual report of operations as a supplement  
402 to the annual report required under s. 331.3051(15) ~~or~~

403 ~~331.3051(16)~~. The report must include, but not be limited to, a  
404 balance sheet, an income statement, a statement of changes in  
405 financial position, a reconciliation of changes in equity  
406 accounts, a summary of significant accounting principles, the  
407 auditor's report, a summary of the status of existing and  
408 proposed bonding projects, comments from management about the  
409 year's business, and prospects for the next year.

410 Section 7. By October 31, 2024, the Department of  
411 Transportation shall submit to the Governor, the President of  
412 the Senate, and the Speaker of the House of Representatives a  
413 report that provides a comprehensive review of the boundaries of  
414 each of the department's districts and makes recommendations as  
415 to whether any district's boundaries should be redrawn as a  
416 result of population growth and increased urban density.



417 Section 8. This act shall take effect July 1, 2024.

418

419 ===== T I T L E A M E N D M E N T =====

420 And the title is amended as follows:

421 Delete everything before the enacting clause

422 and insert:

423 A bill to be entitled

424 An act relating to transportation; amending s. 20.23,  
425 F.S.; deleting obsolete language; amending s. 334.065,  
426 F.S.; revising the membership of the Center for Urban  
427 Transportation Research advisory board; requiring  
428 review and approval of certain recommendations to the  
429 advisory board by the Florida Transportation  
430 Commission and confirmation of such nominations by the  
431 Board of Governors; amending s. 334.066, F.S.;  
432 revising the membership of the Implementing Solutions  
433 from Transportation Research and Evaluating Emerging  
434 Technologies (I-STREET) Living Lab advisory board;  
435 amending s. 339.175, F.S.; revising legislative  
436 intent; prohibiting the designation of additional  
437 metropolitan planning organizations (M.P.O.'s) after a  
438 specified date except in certain urbanized areas;  
439 deleting provisions relating to duties for a  
440 designated M.P.O; revising projects and strategies to  
441 be considered in developing an M.P.O.'s long-range  
442 transportation plan and transportation improvement  
443 program; revising the M.P.O.'s required to submit to  
444 the Governor and the Legislature, by a specified date,  
445 a feasibility report regarding consolidation;



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446 requiring the department to periodically convene  
447 M.P.O.'s of similar size to exchange best practices;  
448 authorizing such M.P.O.'s to develop committees or  
449 working groups; requiring training for new M.P.O.  
450 governing board members to be provided by the  
451 department or, at the discretion of the department,  
452 another specified entity; deleting a provision  
453 relating to M.P.O. coordination mechanisms; including  
454 public-private partnerships as an authorized  
455 innovative financing technique for needed projects and  
456 programs; revising proposed transportation enhancement  
457 activities that must be indicated by the long-range  
458 transportation plan; providing that MPO long-range  
459 transportation plans must be approved by the  
460 department, as well as the M.P.O.; requiring the  
461 department to review certain aspects of each M.P.O.'s  
462 long-range transportation plan and to return the plan  
463 to the M.P.O. for revision if deemed unsatisfactory;  
464 requiring the department to create quality performance  
465 metrics and a scoring mechanism to evaluate each  
466 M.P.O.'s service to its communities and to establish a  
467 minimum acceptable quality performance score;  
468 requiring each M.P.O. to report its quality  
469 performance score annually to the district secretary  
470 and to publish the score on its website, beginning on  
471 a specified date; requiring the department to validate  
472 each M.P.O.'s score calculation and make any necessary  
473 adjustments; deleting provisions relating to the  
474 Metropolitan Planning Organization Advisory Council;



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475 amending ss. 331.3051 and 331.310, F.S.; conforming  
476 cross-references and provisions to changes made by the  
477 act; requiring the department to submit a report to  
478 the Governor and Legislature by a specified date which  
479 provides a comprehensive review of the boundaries of  
480 department districts and makes certain  
481 recommendations; providing an effective date.



By Senator Gruters

22-01098-24

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1 A bill to be entitled  
 2 An act relating to transportation; amending s. 20.23,  
 3 F.S.; deleting provisions related to appointment,  
 4 powers, and duties of the Florida Transportation  
 5 Commission; repealing s. 334.045, F.S., relating to  
 6 transportation performance and productivity standards;  
 7 amending s. 334.048, F.S.; conforming provisions to  
 8 changes made by the act; amending s. 334.065, F.S.;  
 9 revising the membership of the Center for Urban  
 10 Transportation Research advisory board; requiring  
 11 review, approval, and confirmation by the Board of  
 12 Governors of certain nominations to the advisory  
 13 board; amending s. 334.066, F.S.; revising the  
 14 membership of the Implementing Solutions from  
 15 Transportation Research and Evaluating Emerging  
 16 Technologies (I-STREET) Living Lab advisory board;  
 17 amending s. 339.135, F.S.; revising provisions  
 18 relating to the evaluation of the Department of  
 19 Transportation's tentative work program; requiring the  
 20 department to conduct the statewide public hearing  
 21 thereon; conforming provisions to changes made by the  
 22 act; amending s. 339.175, F.S.; revising legislative  
 23 intent; prohibiting the designation of additional  
 24 metropolitan planning organizations (M.P.O.'s) after a  
 25 specified date, with an exception for certain  
 26 urbanized areas; revising projects and strategies to  
 27 be considered in developing an M.P.O.'s long-range  
 28 transportation plan and transportation improvement  
 29 program; requiring certain M.P.O.'s to submit to the

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30 Governor and the Legislature, by a specified date, a  
 31 feasibility report regarding consolidation; conforming  
 32 provisions to changes made by the act; requiring the  
 33 department to convene M.P.O.'s of similar size to  
 34 exchange best practices; authorizing such M.P.O.'s to  
 35 develop committees or working groups; requiring  
 36 training for new M.P.O. governing board members to be  
 37 provided by the department or one of the other  
 38 specified entities; deleting provisions relating to  
 39 M.P.O. coordination mechanisms; deleting provisions  
 40 requiring the Metropolitan Planning Organization  
 41 Advisory Council to review certain long-range  
 42 transportation plans; including public-private  
 43 partnerships in authorized financing techniques;  
 44 revising proposed transportation enhancement  
 45 activities that must be indicated by the long-range  
 46 transportation plan; requiring the department to  
 47 review certain aspects of each M.P.O.'s long-range  
 48 transportation plan and to return such plan to the  
 49 M.P.O. for revision if deemed unsatisfactory;  
 50 requiring the department to create quality performance  
 51 metrics and a scoring mechanism to evaluate each  
 52 M.P.O.'s service to its communities and establish a  
 53 minimum acceptable quality performance score;  
 54 requiring each M.P.O. to report its quality  
 55 performance score annually to the district secretary  
 56 and to publish the score on its website, beginning on  
 57 a specified date; requiring the department to validate  
 58 each M.P.O.'s score calculation and make necessary

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59 adjustments; requiring M.P.O.'s that do not achieve  
 60 the minimum acceptable quality performance score  
 61 within a certain timeframe to be placed under the  
 62 control of the Secretary of Transportation; requiring  
 63 the secretary to appoint the district secretary or  
 64 another person to assume the role of executive  
 65 director of such M.P.O.'s for a specified period of  
 66 time; requiring the district secretary or other person  
 67 to make certain recommendations; providing specified  
 68 funding to the M.P.O. with the highest quality  
 69 performance score, beginning in a specified year and  
 70 periodically thereafter, subject to the appropriation  
 71 of funds by the Legislature; providing requirements  
 72 for the expenditure of such funds; requiring such  
 73 M.P.O. to represent the state in any federal  
 74 conference or membership organization; deleting  
 75 provisions relating to the Metropolitan Planning  
 76 Organization Advisory Council; amending s. 348.0306,  
 77 F.S.; conforming provisions to changes made by the  
 78 act; amending ss. 110.205, 331.3051, 331.310, and  
 79 339.64, F.S.; conforming cross-references and  
 80 provisions to changes made by the act; requiring the  
 81 department to submit a report to the Governor and  
 82 Legislature by a specified date which provides a  
 83 comprehensive review of the boundaries of department  
 84 districts and makes certain recommendations; providing  
 85 an effective date.

86  
 87 Be It Enacted by the Legislature of the State of Florida:

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88  
 89 Section 1. Subsections (1) and (2) and paragraph (a) of  
 90 subsection (3) of section 20.23, Florida Statutes, are amended  
 91 to read:  
 92 20.23 Department of Transportation.—There is created a  
 93 Department of Transportation which shall be a decentralized  
 94 agency.  
 95 (1) (a) The head of the Department of Transportation is the  
 96 Secretary of Transportation. The secretary shall be appointed by  
 97 the Governor ~~from among three persons nominated by the Florida~~  
 98 ~~Transportation Commission~~ and shall be subject to confirmation  
 99 by the Senate. The secretary shall serve at the pleasure of the  
 100 Governor.  
 101 (b) The secretary shall be a proven, effective  
 102 administrator who by a combination of education and experience  
 103 shall clearly possess a broad knowledge of the administrative,  
 104 financial, and technical aspects of the development, operation,  
 105 and regulation of transportation systems and facilities or  
 106 comparable systems and facilities.  
 107 (c) ~~The secretary shall provide to the Florida~~  
 108 ~~Transportation Commission or its staff, such assistance,~~  
 109 ~~information, and documents as are requested by the commission or~~  
 110 ~~its staff to enable the commission to fulfill its duties and~~  
 111 ~~responsibilities.~~  
 112 ~~(d)~~ The secretary may appoint up to three assistant  
 113 secretaries who shall be directly responsible to the secretary  
 114 and who shall perform such duties as are assigned by the  
 115 secretary. The secretary shall designate to an assistant  
 116 secretary the duties related to enhancing economic prosperity,

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117 including, but not limited to, the responsibility of liaison  
 118 with the head of economic development in the Executive Office of  
 119 the Governor. Such assistant secretary shall be directly  
 120 responsible for providing the Executive Office of the Governor  
 121 with investment opportunities and transportation projects that  
 122 expand the state's role as a global hub for trade and investment  
 123 and enhance the supply chain system in the state to process,  
 124 assemble, and ship goods to markets throughout the eastern  
 125 United States, Canada, the Caribbean, and Latin America. The  
 126 secretary may delegate to any assistant secretary the authority  
 127 to act in the absence of the secretary.

128 (d)(e) ~~The Any~~ secretary appointed after July 5, 1989, and  
 129 the assistant secretaries are shall be exempt from the  
 130 provisions of part III of chapter 110 and shall receive  
 131 compensation commensurate with their qualifications and  
 132 competitive with compensation for comparable responsibility in  
 133 the private sector.

134 ~~(2)(a)1.~~ The Florida Transportation Commission is hereby  
 135 created and shall consist of nine members appointed by the  
 136 Governor subject to confirmation by the Senate. Members of the  
 137 commission shall serve terms of 4 years each.

138 ~~2. Members shall be appointed in such a manner as to~~  
 139 ~~equitably represent all geographic areas of the state. Each~~  
 140 ~~member must be a registered voter and a citizen of the state.~~  
 141 ~~Each member of the commission must also possess business~~  
 142 ~~managerial experience in the private sector.~~

143 ~~3. A member of the commission shall represent the~~  
 144 ~~transportation needs of the state as a whole and may not~~  
 145 ~~subordinate the needs of the state to those of any particular~~

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146 ~~area of the state.~~

147 ~~4. The commission is assigned to the Office of the~~  
 148 ~~Secretary of the Department of Transportation for administrative~~  
 149 ~~and fiscal accountability purposes, but it shall otherwise~~  
 150 ~~function independently of the control and direction of the~~  
 151 ~~department.~~

152 ~~(b) The commission shall:~~

153 ~~1. Recommend major transportation policies for the~~  
 154 ~~Governor's approval and assure that approved policies and any~~  
 155 ~~revisions are properly executed.~~

156 ~~2. Periodically review the status of the state~~  
 157 ~~transportation system, including highway, transit, rail,~~  
 158 ~~seaport, intermodal development, and aviation components of the~~  
 159 ~~system, and recommend improvements to the Governor and the~~  
 160 ~~Legislature.~~

161 ~~3. Perform an in-depth evaluation of the annual department~~  
 162 ~~budget request, the Florida Transportation Plan, and the~~  
 163 ~~tentative work program for compliance with all applicable laws~~  
 164 ~~and established departmental policies. Except as specifically~~  
 165 ~~provided in s. 339.135(4)(c)2., (d), and (f), the commission may~~  
 166 ~~not consider individual construction projects but shall consider~~  
 167 ~~methods of accomplishing the goals of the department in the most~~  
 168 ~~effective, efficient, and businesslike manner.~~

169 ~~4. Monitor the financial status of the department on a~~  
 170 ~~regular basis to assure that the department is managing revenue~~  
 171 ~~and bond proceeds responsibly and in accordance with law and~~  
 172 ~~established policy.~~

173 ~~5. Monitor on at least a quarterly basis the efficiency,~~  
 174 ~~productivity, and management of the department using performance~~

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175 and production standards developed by the commission pursuant to  
176 s. 334.045.

177 ~~6. Perform an in-depth evaluation of the factors causing~~  
178 ~~disruption of project schedules in the adopted work program and~~  
179 ~~recommend to the Governor and the Legislature methods to~~  
180 ~~eliminate or reduce the disruptive effects of these factors.~~

181 ~~7. Recommend to the Governor and the Legislature~~  
182 ~~improvements to the department's organization in order to~~  
183 ~~streamline and optimize the efficiency of the department. In~~  
184 ~~reviewing the department's organization, the commission shall~~  
185 ~~determine if the current district organizational structure is~~  
186 ~~responsive to this state's changing economic and demographic~~  
187 ~~development patterns. The report by the commission must be~~  
188 ~~delivered to the Governor and the Legislature by December 15~~  
189 ~~each year, as appropriate. The commission may retain experts as~~  
190 ~~necessary to carry out this subparagraph, and the department~~  
191 ~~shall pay the expenses of the experts.~~

192 ~~8. Monitor the efficiency, productivity, and management of~~  
193 ~~the agencies and authorities created under chapters 348 and 349,~~  
194 ~~the Mid-Bay Bridge Authority re-created pursuant to chapter~~  
195 ~~2000-411, Laws of Florida; and any authority formed under~~  
196 ~~chapter 343. The commission shall also conduct periodic reviews~~  
197 ~~of each agency's and authority's operations and budget,~~  
198 ~~acquisition of property, management of revenue and bond~~  
199 ~~proceeds, and compliance with applicable laws and generally~~  
200 ~~accepted accounting principles.~~

201 ~~(c) The commission or a member thereof may not enter into~~  
202 ~~the day to day operation of the department or a monitored~~  
203 ~~authority and is specifically prohibited from taking part in:~~

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204 ~~1. The awarding of contracts.~~

205 ~~2. The selection of a consultant or contractor or the~~  
206 ~~prequalification of any individual consultant or contractor.~~  
207 ~~However, the commission may recommend to the secretary standards~~  
208 ~~and policies governing the procedure for selection and~~  
209 ~~prequalification of consultants and contractors.~~

210 ~~3. The selection of a route for a specific project.~~

211 ~~4. The specific location of a transportation facility.~~

212 ~~5. The acquisition of rights-of-way.~~

213 ~~6. The employment, promotion, demotion, suspension,~~  
214 ~~transfer, or discharge of any department personnel.~~

215 ~~7. The granting, denial, suspension, or revocation of any~~  
216 ~~license or permit issued by the department.~~

217 ~~(d)1. The chair of the commission shall be selected by the~~  
218 ~~commission members and shall serve a 1-year term.~~

219 ~~2. The commission shall hold a minimum of 4 regular~~  
220 ~~meetings annually, and other meetings may be called by the chair~~  
221 ~~upon giving at least 1 week's notice to all members and the~~  
222 ~~public pursuant to chapter 120. Other meetings may also be held~~  
223 ~~upon the written request of at least four other members of the~~  
224 ~~commission, with at least 1 week's notice of such meeting being~~  
225 ~~given to all members and the public by the chair pursuant to~~  
226 ~~chapter 120. Emergency meetings may be held without notice upon~~  
227 ~~the request of all members of the commission. At each meeting of~~  
228 ~~the commission, the secretary or his or her designee shall~~  
229 ~~submit a report of major actions taken by him or her as the~~  
230 ~~official representative of the department.~~

231 ~~3. A majority of the membership of the commission~~  
232 ~~constitutes a quorum at any meeting of the commission. An action~~

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233 of the commission is not binding unless the action is taken  
 234 pursuant to an affirmative vote of a majority of the members  
 235 present, but not fewer than four members of the commission at a  
 236 meeting held pursuant to subparagraph 2., and the vote is  
 237 recorded in the minutes of that meeting.

238 4. The chair shall cause to be made a complete record of  
 239 the proceedings of the commission, which record shall be open  
 240 for public inspection.

241 ~~(e) The meetings of the commission shall be held in the~~  
 242 ~~central office of the department in Tallahassee unless the chair~~  
 243 ~~determines that special circumstances warrant meeting at another~~  
 244 ~~location.~~

245 ~~(f) Members of the commission are entitled to per diem and~~  
 246 ~~travel expenses pursuant to s. 112.061.~~

247 ~~(g) A member of the commission may not have any interest,~~  
 248 ~~direct or indirect, in any contract, franchise, privilege, or~~  
 249 ~~other benefit granted or awarded by the department during the~~  
 250 ~~term of his or her appointment and for 2 years after the~~  
 251 ~~termination of such appointment.~~

252 ~~(h) The commission shall appoint an executive director and~~  
 253 ~~assistant executive director, who shall serve under the~~  
 254 ~~direction, supervision, and control of the commission. The~~  
 255 ~~executive director, with the consent of the commission, shall~~  
 256 ~~employ such staff as are necessary to perform adequately the~~  
 257 ~~functions of the commission, within budgetary limitations. All~~  
 258 ~~employees of the commission are exempt from part II of chapter~~  
 259 ~~110 and shall serve at the pleasure of the commission. The~~  
 260 ~~salaries and benefits of all employees of the commission shall~~  
 261 ~~be set in accordance with the Selected Exempt Service; provided,~~

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262 however, that the commission shall have complete authority for  
 263 fixing the salary of the executive director and assistant  
 264 executive director.

265 ~~(i) The commission shall develop a budget pursuant to~~  
 266 ~~chapter 216. The budget is not subject to change by the~~  
 267 ~~department, but such budget shall be submitted to the Governor~~  
 268 ~~along with the budget of the department.~~

269 (2)(3)(a) The central office shall establish departmental  
 270 policies, rules, procedures, and standards and shall monitor the  
 271 implementation of such policies, rules, procedures, and  
 272 standards in order to ensure uniform compliance and quality  
 273 performance by the districts and central office units that  
 274 implement transportation programs. Major transportation policy  
 275 initiatives or revisions shall be submitted to the commission  
 276 for review.

277 Section 2. Section 334.045, Florida Statutes, is repealed.

278 Section 3. Subsection (1) of section 334.048, Florida  
 279 Statutes, is amended to read:

280 334.048 Legislative intent with respect to department  
 281 management accountability and monitoring systems.—The department  
 282 shall implement the following accountability and monitoring  
 283 systems to evaluate whether the department's goals are being  
 284 accomplished efficiently and cost-effectively, and ensure  
 285 compliance with all laws, rules, policies, and procedures  
 286 related to the department's operations:

287 ~~(1) The Transportation Commission shall monitor these~~  
 288 ~~aspects of the department's operations as assigned in s. 20.23.~~

289

290 Such systems are herein established to quickly identify and

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291 resolve problems, to hold responsible parties accountable, and  
 292 to ensure that all costs to the taxpayer are recovered.

293 Section 4. Subsection (3) of section 334.065, Florida  
 294 Statutes, is amended to read:

295 334.065 Center for Urban Transportation Research.—

296 (3) An advisory board shall be created to periodically and  
 297 objectively review and advise the center concerning its research  
 298 program. Except for projects mandated by law, state-funded base  
 299 projects shall not be undertaken without approval of the  
 300 advisory board. The membership of the board shall consist of  
 301 nine experts in transportation-related areas, as follows:

302 (a) A member appointed by the President of the Senate.  
 303 (b) A member appointed by the Speaker of the House of  
 304 Representatives.

305 (c) The Secretary of Transportation or his or her designee.  
 306 (d) The Secretary of Commerce or his or her designee.  
 307 ~~including the secretaries of the Department of Transportation,~~  
 308 ~~the Department of Environmental Protection, and the Department~~  
 309 ~~of Economic Opportunity, or their designees, and a member of the~~  
 310 ~~Florida Transportation Commission. The nomination of the~~  
 311 ~~remaining~~

312 (e) Five members commended of the board shall be made to  
 313 the President of the University of South Florida by the College  
 314 of Engineering at the University of South Florida, and The  
 315 appointment of these members must be reviewed, and approved, by  
 316 ~~the Florida Transportation Commission~~ and confirmed by the Board  
 317 of Governors.

318 Section 5. Paragraphs (d), (e), and (f) of subsection (3)  
 319 of section 334.066, Florida Statutes, are amended to read:

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320 334.066 Implementing Solutions from Transportation Research  
 321 and Evaluating Emerging Technologies Living Lab.—

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

326 (d) The Secretary of Commerce ~~Economic Opportunity~~ or his  
 327 or her designee.

328 ~~(e) A member of the Florida Transportation Commission.~~  
 329 ~~(f) Five~~ Four members nominated by the University of  
 330 Florida's College of Engineering and approved by the  
 331 university's president. The College of Engineering's nominees  
 332 may include representatives of the University of Florida, other  
 333 academic and research institutions, or private entities.

334 Section 6. Paragraph (a) of subsection (2) and paragraphs  
 335 (c), (d), (f), (g), and (h) of subsection (4) of section  
 336 339.135, Florida Statutes, are amended to read:

337 339.135 Work program; legislative budget request;  
 338 definitions; preparation, adoption, execution, and amendment.—

339 (2) SUBMISSION OF LEGISLATIVE BUDGET REQUEST AND REQUEST  
 340 FOR LIST OF ADDITIONAL TRANSPORTATION PROJECTS.—

341 (a) The department shall file the legislative budget  
 342 request in the manner required by chapter 216, setting forth the  
 343 department's proposed revenues and expenditures for operational  
 344 and fixed capital outlay needs to accomplish the objectives of  
 345 the department in the ensuing fiscal year. The right-of-way,  
 346 construction, preliminary engineering, maintenance, and all  
 347 grants and aids programs of the department shall be set forth  
 348 only in program totals. The legislative budget request must

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 349 include a balanced 36-month forecast of cash and expenditures  
 350 and a 5-year finance plan. The legislative budget request shall  
 351 be amended to conform to the tentative work program. Before  
 352 ~~Prior to the public hearing and evaluation submission~~ of the  
 353 tentative work program pursuant to paragraph (4) (d) ~~(4) (f)~~, the  
 354 department may amend its legislative budget request and the  
 355 tentative work program for the most recent estimating conference  
 356 estimate of revenues and the most recent federal aid  
 357 apportionments.

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

358 (c)1. For purposes of this section, the board of county  
 359 commissioners shall serve as the metropolitan planning  
 360 organization in those counties which are not located in a  
 361 metropolitan planning organization and shall be involved in the  
 362 development of the district work program to the same extent as a  
 363 metropolitan planning organization.  
 364

365 2. The district work program shall be developed  
 366 cooperatively from the outset with the various metropolitan  
 367 planning organizations of the state and include, to the maximum  
 368 extent feasible, the project priorities of metropolitan planning  
 369 organizations which have been submitted to the district by  
 370 August 1 of each year pursuant to s. 339.175(8) (b); however, the  
 371 department and a metropolitan planning organization may, in  
 372 writing, cooperatively agree to vary this submittal date. To  
 373 assist the metropolitan planning organizations in developing  
 374 their lists of project priorities, the district shall disclose  
 375 to each metropolitan planning organization any anticipated  
 376 changes in the allocation or programming of state and federal  
 377 funds which may affect the inclusion of metropolitan planning

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 378 organization project priorities in the district work program.  
 379 3. Before submittal of the district work program to the  
 380 central office, the district shall provide the affected  
 381 metropolitan planning organization with written justification  
 382 for any project proposed to be rescheduled or deleted from the  
 383 district work program which project is part of the metropolitan  
 384 planning organization's transportation improvement program and  
 385 is contained in the last 4 years of the previous adopted work  
 386 program. By no later than 14 days after submittal of the  
 387 district work program to the central office, the affected  
 388 metropolitan planning organization may file an objection to such  
 389 rescheduling or deletion. When an objection is filed with the  
 390 secretary, the rescheduling or deletion may not be included in  
 391 the district work program unless the inclusion of such  
 392 rescheduling or deletion is specifically approved by the  
 393 secretary. ~~The Florida Transportation Commission shall include~~  
 394 ~~such objections in its evaluation of the tentative work program~~  
 395 ~~only when the secretary has approved the rescheduling or~~  
 396 ~~deletion.~~

397 (d) Before ~~Prior to~~ the submission of the district work  
 398 program to the central office, each district office shall hold a  
 399 public hearing in at least one urbanized area in the district  
 400 and shall make a presentation at a meeting of each metropolitan  
 401 planning organization in the district to determine the necessity  
 402 of making any changes to projects included or to be included in  
 403 the district work program and to hear requests for new projects  
 404 to be added to, or existing projects to be deleted from, the  
 405 district work program. However, the district and metropolitan  
 406 planning organization shall minimize changes to, deletions from,

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407 or adjustments to projects or project phases contained in the 4  
 408 common years of the previous adopted work program and the  
 409 district work program. The district shall provide the  
 410 metropolitan planning organization with a written explanation  
 411 for any project which is contained in the metropolitan planning  
 412 organization's transportation improvement program and which is  
 413 not included in the district work program. The metropolitan  
 414 planning organization may request in writing to the appropriate  
 415 district secretary further consideration of any specific project  
 416 not included or not adequately addressed in the district work  
 417 program. The district secretary shall acknowledge and review all  
 418 such requests before ~~prior to~~ the submission of the district  
 419 work program to the central office and shall forward a copy of  
 420 such requests to the secretary ~~and the Florida Transportation~~  
 421 ~~Commission. The commission shall include such requests in its~~  
 422 ~~evaluation of the tentative work program.~~

423 (f) ~~The central office shall submit a preliminary copy of~~  
 424 ~~the tentative work program to the Executive Office of the~~  
 425 ~~Governor, the legislative appropriations committees, the Florida~~  
 426 ~~Transportation Commission, and the Department of Economic~~  
 427 ~~Opportunity at least 14 days prior to the convening of the~~  
 428 ~~regular legislative session. Prior to the statewide public~~  
 429 ~~hearing required by paragraph (g), the Department of Economic~~  
 430 ~~Opportunity shall transmit to the Florida Transportation~~  
 431 ~~Commission a list of those projects and project phases contained~~  
 432 ~~in the tentative work program which are identified as being~~  
 433 ~~inconsistent with approved local government comprehensive plans.~~  
 434 ~~For urbanized areas of metropolitan planning organizations, the~~  
 435 ~~list may not contain any project or project phase that is~~

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436 ~~scheduled in a transportation improvement program unless such~~  
 437 ~~inconsistency has been previously reported to the affected~~  
 438 ~~metropolitan planning organization.~~

439 ~~(g)1. The department Florida Transportation Commission~~  
 440 shall conduct a statewide public hearing on the tentative work  
 441 program and shall advertise the time, place, and purpose of the  
 442 hearing in the Florida Administrative Register at least 7 days  
 443 before ~~prior to~~ the hearing. As part of the statewide public  
 444 hearing, the department ~~commission~~ shall, at a minimum, do both  
 445 of the following:

446 1.a. ~~Conduct an in-depth evaluation of the tentative work~~  
 447 ~~program for compliance with applicable laws and departmental~~  
 448 ~~policies.~~ and

449 2.b. Hear all questions, suggestions, or other comments  
 450 offered by the public.

451 (g)2. ~~By~~ No later than 14 days before ~~after~~ the regular  
 452 legislative session begins, the department ~~commission~~ shall  
 453 submit the tentative work program to the Executive Office of the  
 454 Governor and the legislative appropriations committees, along  
 455 with a report that evaluates the tentative work program for all  
 456 of the following:

457 1.a. Financial soundness. and

458 2.b. Stability. and

459 3.e. Production capacity. and

460 4.d. Accomplishments, including compliance with program  
 461 objectives in s. 334.046. and

462 5.e. Compliance with approved local government  
 463 comprehensive plans. and

464 6.f. Objections and requests by metropolitan planning

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465 organizations.~~7~~466 ~~7.g.~~ Policy changes and effects thereof.~~7~~467 ~~8.h.~~ Identification of statewide or regional projects.~~7~~ and468 ~~9.i.~~ Compliance with all other applicable laws.

469 ~~(h) Following evaluation by the Florida Transportation~~  
 470 ~~Commission, the department shall submit the tentative work~~  
 471 ~~program to the Executive Office of the Governor and the~~  
 472 ~~legislative appropriations committees no later than 14 days~~  
 473 ~~after the regular legislative session begins.~~

474 Section 7. Present subsection (10) of section 339.175,  
 475 Florida Statutes, is redesignated as subsection (11), subsection  
 476 (1), paragraph (a) of subsection (2), paragraphs (b), (i), and  
 477 (j) of subsection (6), subsection (7), and present subsection  
 478 (11) are amended, and a new subsection (10) is added to that  
 479 section, to read:

480 339.175 Metropolitan planning organization.—

481 (1) INTENT PURPOSE.—It is the intent of the Legislature to  
 482 encourage and promote the safe and efficient management,  
 483 operation, and development of multimodal surface transportation  
 484 systems that will serve the mobility needs of people and freight  
 485 and foster economic growth and development within and through  
 486 urbanized areas of this state while balancing conservation of  
 487 natural resources ~~minimizing transportation-related fuel~~  
 488 ~~consumption, air pollution, and greenhouse gas emissions through~~  
 489 ~~metropolitan transportation planning processes identified in~~  
 490 ~~this section.~~ To accomplish these objectives, metropolitan  
 491 planning organizations, referred to in this section as M.P.O.'s,  
 492 shall develop, in cooperation with the state and public transit  
 493 operators, transportation plans and programs for metropolitan

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494 areas. The plans and programs for each metropolitan area must  
 495 provide for the development and integrated management and  
 496 operation of transportation systems and facilities, including  
 497 pedestrian walkways and bicycle transportation facilities that  
 498 will function as an intermodal transportation system for the  
 499 metropolitan area, based upon the prevailing principles provided  
 500 in s. 334.046(1). The process for developing such plans and  
 501 programs shall provide for consideration of all modes of  
 502 transportation and shall be continuing, cooperative, and  
 503 comprehensive, to the degree appropriate, based on the  
 504 complexity of the transportation problems to be addressed. To  
 505 ensure that the process is integrated with the statewide  
 506 planning process, M.P.O.'s shall develop plans and programs that  
 507 identify transportation facilities that should function as an  
 508 integrated metropolitan transportation system, giving emphasis  
 509 to facilities that serve important national, state, and regional  
 510 transportation functions. For the purposes of this section,  
 511 those facilities include the facilities on the Strategic  
 512 Intermodal System designated under s. 339.63 and facilities for  
 513 which projects have been identified pursuant to s. 339.2819(4).

514 (2) DESIGNATION.—

515 (a)1. An M.P.O. shall be designated for each urbanized area  
 516 of the state; however, this does not require that an individual  
 517 M.P.O. be designated for each such area. Such designation shall  
 518 be accomplished by agreement between the Governor and units of  
 519 general-purpose local government representing at least 75  
 520 percent of the population of the urbanized area; however, the  
 521 unit of general-purpose local government that represents the  
 522 central city or cities within the M.P.O. jurisdiction, as

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523 defined by the United States Bureau of the Census, must be a  
524 party to such agreement.

525 2. To the extent possible, only one M.P.O. shall be  
526 designated for each urbanized area or group of contiguous  
527 urbanized areas. More than one M.P.O. may be designated within  
528 an existing urbanized area only if the Governor and the existing  
529 M.P.O. determine that the size and complexity of the existing  
530 urbanized area makes the designation of more than one M.P.O. for  
531 the area appropriate. After July 1, 2024, no additional M.P.O.'s  
532 shall be designated in this state except in urbanized areas, as  
533 defined by the United States Bureau of the Census, where the  
534 urbanized area boundary is not contiguous to an urbanized area  
535 designated before the 2020 census, in which case each M.P.O.  
536 designated for the area must:

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

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

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

545 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,  
546 privileges, and authority of an M.P.O. are those specified in  
547 this section or incorporated in an interlocal agreement  
548 authorized under s. 163.01. Each M.P.O. shall perform all acts  
549 required by federal or state laws or rules, now and subsequently  
550 applicable, which are necessary to qualify for federal aid. It  
551

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552 is the intent of this section that each M.P.O. be involved in  
553 the planning and programming of transportation facilities,  
554 including, but not limited to, airports, intercity and high-  
555 speed rail lines, seaports, and intermodal facilities, to the  
556 extent permitted by state or federal law. An M.P.O. may not  
557 perform project production or delivery for capital improvement  
558 projects on the State Highway System.

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

563 1. Support the economic vitality of the contiguous  
564 urbanized metropolitan area, especially by enabling global  
565 competitiveness, productivity, and efficiency.

566 2. Increase the safety and security of the transportation  
567 system for motorized and nonmotorized users.

568 3. Increase the accessibility and mobility options  
569 available to people and for freight.

570 4. Protect and enhance the environment, conserve natural  
571 resources ~~promote energy conservation~~, and improve quality of  
572 life.

573 5. Enhance the integration and connectivity of the  
574 transportation system, across and between modes and contiguous  
575 urbanized metropolitan areas, for people and freight.

576 6. Promote efficient system management and operation.

577 7. Emphasize the preservation of the existing  
578 transportation system.

579 8. Improve the resilience of transportation infrastructure.

580 9. Reduce traffic and congestion.

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581 (i) By February 28, 2025 ~~December 31, 2023~~, the M.P.O.'s  
 582 serving Lee and Collier Hillsborough, Pasco, and Pinellas  
 583 Counties must submit a feasibility report to the Governor, the  
 584 President of the Senate, and the Speaker of the House of  
 585 Representatives exploring the benefits, costs, and process of  
 586 consolidation into a single M.P.O. serving the contiguous  
 587 urbanized area, the goal of which would be to:

- 588 1. Coordinate transportation projects deemed to be  
 589 regionally significant.
- 590 2. Review the impact of regionally significant land use  
 591 decisions on the region.
- 592 3. Review all proposed regionally significant  
 593 transportation projects in the transportation improvement  
 594 programs.

595 (j)1. To more fully accomplish the purposes for which  
 596 M.P.O.'s have been mandated, the department shall, at least  
 597 annually, convene M.P.O.'s of similar size, based on the size of  
 598 population served, for the purpose of exchanging best practices.  
 599 M.P.O.'s may ~~shall~~ develop committees or working groups as  
 600 needed to accomplish such purpose. At the discretion of the  
 601 department, training for new M.P.O. governing board members  
 602 shall be provided by the department, by an entity pursuant to a  
 603 contract with the department, by the Florida Center for Urban  
 604 Transportation Research, or by the Implementing Solutions from  
 605 Transportation Research and Evaluating Emerging Technologies (I-  
 606 STREET) Living Lab coordination mechanisms with one another to  
 607 ~~expand and improve transportation within the state. The~~  
 608 ~~appropriate method of coordination between M.P.O.'s shall vary~~  
 609 ~~depending upon the project involved and given local and regional~~

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610 ~~needs. Consequently, it is appropriate to set forth a flexible~~  
 611 ~~methodology that can be used by M.P.O.'s to coordinate with~~  
 612 ~~other M.P.O.'s and appropriate political subdivisions as~~  
 613 ~~circumstances demand.~~

614 2. Any M.P.O. may join with any other M.P.O. or any  
 615 individual political subdivision to coordinate activities or to  
 616 achieve any federal or state transportation planning or  
 617 development goals or purposes consistent with federal or state  
 618 law. When an M.P.O. determines that it is appropriate to join  
 619 with another M.P.O. or any political subdivision to coordinate  
 620 activities, the M.P.O. or political subdivision shall enter into  
 621 an interlocal agreement pursuant to s. 163.01, which, at a  
 622 minimum, creates a separate legal or administrative entity to  
 623 coordinate the transportation planning or development activities  
 624 required to achieve the goal or purpose; provides the purpose  
 625 for which the entity is created; provides the duration of the  
 626 agreement and the entity and specifies how the agreement may be  
 627 terminated, modified, or rescinded; describes the precise  
 628 organization of the entity, including who has voting rights on  
 629 the governing board, whether alternative voting members are  
 630 provided for, how voting members are appointed, and what the  
 631 relative voting strength is for each constituent M.P.O. or  
 632 political subdivision; provides the manner in which the parties  
 633 to the agreement will provide for the financial support of the  
 634 entity and payment of costs and expenses of the entity; provides  
 635 the manner in which funds may be paid to and disbursed from the  
 636 entity; and provides how members of the entity will resolve  
 637 disagreements regarding interpretation of the interlocal  
 638 agreement or disputes relating to the operation of the entity.

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639 Such interlocal agreement shall become effective upon its  
640 recordation in the official public records of each county in  
641 which a member of the entity created by the interlocal agreement  
642 has a voting member. Multiple M.P.O.'s may merge, combine, or  
643 otherwise join together as a single M.P.O.

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

664 (a) Identify transportation facilities, including, but not  
665 limited to, major roadways, airports, seaports, spaceports,  
666 commuter rail systems, transit systems, and intermodal or  
667 multimodal terminals that will function as an integrated

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668 metropolitan transportation system. The long-range  
669 transportation plan must give emphasis to those transportation  
670 facilities that serve national, statewide, or regional  
671 functions, and must consider the goals and objectives identified  
672 in the Florida Transportation Plan as provided in s. 339.155. If  
673 a project is located within the boundaries of more than one  
674 M.P.O., the M.P.O.'s must coordinate plans regarding the project  
675 in the long-range transportation plan. ~~Multiple M.P.O.'s within~~  
676 ~~a contiguous urbanized area must coordinate the development of~~  
677 ~~long-range transportation plans to be reviewed by the~~  
678 ~~Metropolitan Planning Organization Advisory Council.~~

679 (b) Include a financial plan that demonstrates how the plan  
680 can be implemented, indicating resources from public and private  
681 sources which are reasonably expected to be available to carry  
682 out the plan, and recommends any additional financing strategies  
683 for needed projects and programs. The financial plan may  
684 include, for illustrative purposes, additional projects that  
685 would be included in the adopted long-range transportation plan  
686 if reasonable additional resources beyond those identified in  
687 the financial plan were available. For the purpose of developing  
688 the long-range transportation plan, the M.P.O. and the  
689 department shall cooperatively develop estimates of funds that  
690 will be available to support the plan implementation. Innovative  
691 financing techniques may be used to fund needed projects and  
692 programs. Such techniques may include the assessment of tolls,  
693 public-private partnerships, the use of value capture financing,  
694 or the use of value pricing. Multiple M.P.O.'s within a  
695 contiguous urbanized area must ensure, to the maximum extent  
696 possible, the consistency of data used in the planning process.

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697 (c) Assess capital investment and other measures necessary  
698 to:

699 1. Ensure the preservation of the existing metropolitan  
700 transportation system including requirements for the operation,  
701 resurfacing, restoration, and rehabilitation of major roadways  
702 and requirements for the operation, maintenance, modernization,  
703 and rehabilitation of public transportation facilities; and

704 2. Make the most efficient use of existing transportation  
705 facilities to relieve vehicular congestion, improve safety, and  
706 maximize the mobility of people and goods. Such efforts must  
707 include, but are not limited to, consideration of infrastructure  
708 and technological improvements necessary to accommodate advances  
709 in vehicle technology, such as automated driving systems and  
710 other developments.

711 (d) Indicate, as appropriate, proposed transportation  
712 enhancement activities, including, but not limited to,  
713 pedestrian and bicycle facilities, trails or facilities that are  
714 regionally significant or critical linkages for the Florida  
715 Shared-Use Nonmotorized Trail Network, scenic easements,  
716 landscaping, integration of advanced air mobility, and  
717 integration of autonomous and electric vehicles, electric  
718 bicycles, and motorized scooters used for freight, commuter, or  
719 micromobility purposes ~~historic preservation, mitigation of~~  
720 ~~water pollution due to highway runoff, and control of outdoor~~  
721 ~~advertising.~~

722 (e) In addition to the requirements of paragraphs (a)-(d),  
723 in metropolitan areas that are classified as nonattainment areas  
724 for ozone or carbon monoxide, the M.P.O. must coordinate the  
725 development of the long-range transportation plan with the State

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726 Implementation Plan developed pursuant to the requirements of  
727 the federal Clean Air Act.

728  
729 In the development of its long-range transportation plan, each  
730 M.P.O. must provide the public, affected public agencies,  
731 representatives of transportation agency employees, freight  
732 shippers, providers of freight transportation services, private  
733 providers of transportation, representatives of users of public  
734 transit, and other interested parties with a reasonable  
735 opportunity to comment on the long-range transportation plan.  
736 The long-range transportation plan must be approved by the  
737 M.P.O. and by the department as provided in subsection (10).

738 (10) ACCOUNTABILITY.-

739 (a) The department shall review each M.P.O.'s long-range  
740 transportation plan for productive flow and connectivity for  
741 people and freight within the M.P.O.'s metropolitan area. If the  
742 department finds an M.P.O.'s long-range transportation plan to  
743 be unsatisfactory or incongruent with the metropolitan area, the  
744 department shall return the plan to the M.P.O. for revision.

745 (b) The department shall create quality performance metrics  
746 and a scoring mechanism by which to evaluate each M.P.O.'s  
747 service to its communities, taking into consideration traffic  
748 congestion, the utilization rate of multimodal transportation  
749 facilities, resident satisfaction, efficiency of the  
750 transportation system for people and freight, and other factors  
751 the department deems necessary. The department shall establish a  
752 minimum acceptable quality performance score.

753 (c) Beginning in 2025, and each year thereafter, each  
754 M.P.O. shall report its score for each quality performance

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754 metric by December 1 to the district secretary and shall publish  
 755 the score and supporting data on its website. The department  
 756 must validate each M.P.O.'s score calculation and make  
 757 adjustments thereto if necessary.

758 (d) Beginning in December 2026, and every 3 years  
 759 thereafter, an M.P.O. that does not achieve the minimum  
 760 acceptable quality performance score shall be placed under the  
 761 control of the Secretary of Transportation. The Secretary of  
 762 Transportation shall appoint the district secretary or another  
 763 person to assume the role of executive director of the M.P.O.  
 764 and chair of its governing board for a period not to exceed 1  
 765 year, during which time the district secretary or other person  
 766 shall make recommendations to the governing board regarding:

767 1. Any leadership, process, and management changes needed  
 768 to improve the M.P.O.'s quality performance score.

769 2. Whether the metropolitan area of the M.P.O. would be  
 770 better served by consolidation of the M.P.O. with an M.P.O. in a  
 771 contiguous urbanized metropolitan area.

772 (e) Subject to appropriation by the Legislature, beginning  
 773 in 2026 and every 3 years thereafter, the single M.P.O. with the  
 774 highest quality performance score will receive \$5 million from  
 775 the State Transportation Trust Fund. Such funds shall be  
 776 expended at the M.P.O.'s discretion for a project approved in  
 777 its work program list. Such M.P.O. shall also represent the  
 778 state in any federal M.P.O. conference or membership  
 779 organization.

780 ~~(11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.~~

781 ~~(a) A Metropolitan Planning Organization Advisory Council~~  
 782 ~~is created to augment, and not supplant, the role of the~~  
 783

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784 ~~individual M.P.O.'s in the cooperative transportation planning~~  
 785 ~~process described in this section.~~

786 ~~(b) The council shall consist of one representative from~~  
 787 ~~each M.P.O. and shall elect a chairperson annually from its~~  
 788 ~~number. Each M.P.O. shall also elect an alternate representative~~  
 789 ~~from each M.P.O. to vote in the absence of the representative.~~  
 790 ~~Members of the council do not receive any compensation for their~~  
 791 ~~services, but may be reimbursed from funds made available to~~  
 792 ~~council members for travel and per diem expenses incurred in the~~  
 793 ~~performance of their council duties as provided in s. 112.061.~~

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

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

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

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

812 ~~4. Employ an executive director and such other staff as~~

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813 necessary to perform adequately the functions of the council,  
814 within budgetary limitations. The executive director and staff  
815 are exempt from part II of chapter 110 and serve at the  
816 direction and control of the council. The council is assigned to  
817 the Office of the Secretary of the Department of Transportation  
818 for fiscal and accountability purposes, but it shall otherwise  
819 function independently of the control and direction of the  
820 department.

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

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

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

833 Section 8. Paragraph (e) of subsection (2) of section  
834 348.0306, Florida Statutes, is amended to read:

835 348.0306 Purposes and powers.—

836 (2) The agency may exercise all powers necessary,  
837 appurtenant, convenient, or incidental to the carrying out of  
838 its purposes, including, but not limited to, the following  
839 rights and powers:

840 (e) To fix, alter, charge, establish, and collect tolls,  
841 rates, fees, rentals, and other charges for the services and

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842 facilities system, which tolls, rates, fees, rentals, and other  
843 charges must always be sufficient to comply with any covenants  
844 made with the holders of any bonds secured by the net revenues  
845 of the expressway system, including any additions, extensions,  
846 or improvements thereof. However, such right and power may be  
847 assigned or delegated by the agency to the department.

848 1. Notwithstanding any other provision of law to the  
849 contrary, the agency may not increase its toll rates until July  
850 1, 2029, including any increase to the extent necessary to  
851 adjust for inflation pursuant to the procedure for toll rate  
852 adjustments provided in s. 338.165, except:

853 a. As may be necessary to comply with covenants in the  
854 trust indentures or resolutions adopted in connection with the  
855 agency's bonds secured by the net revenues of the expressway  
856 system; or

857 b. On or after July 1, 2024, as approved by a supermajority  
858 vote of the governing body of the agency.

859 2. A toll rate increase must be approved by a two-thirds  
860 vote of the members of the governing body of the agency.

861 3. The amount of toll revenues used for administrative  
862 costs by the agency may not be greater than 10 percent above the  
863 annual state average of administrative costs ~~determined as~~  
864 ~~provided in this subparagraph.~~ The department Florida  
865 Transportation Commission shall determine the annual state  
866 average of administrative costs based on the annual  
867 administrative costs of all the expressway authorities in this  
868 state. For purposes of this subparagraph, administrative costs  
869 include, but are not limited to, employee salaries and benefits,  
870 small business outreach, insurance, professional service

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871 contracts not directly related to the operation and maintenance  
872 of the expressway system, and other overhead costs.

873 4. There must be a distance of at least 5 miles between  
874 main through-lane tolling points. The distance requirement of  
875 this subparagraph does not apply to entry and exit ramps.  
876 However, the agency may establish toll rates such that the toll  
877 rate per mile is equal to the rates in effect on July 1, 2019.

878 Section 9. Paragraphs (j) and (m) of subsection (2) of  
879 section 110.205, Florida Statutes, are amended to read:

880 110.205 Career service; exemptions.—

881 (2) EXEMPT POSITIONS.—The exempt positions that are not  
882 covered by this part include the following:

883 (j) The appointed secretaries and the State Surgeon  
884 General, assistant secretaries, deputy secretaries, and deputy  
885 assistant secretaries of all departments; the executive  
886 directors, assistant executive directors, deputy executive  
887 directors, and deputy assistant executive directors of all  
888 departments; the directors of all divisions and those positions  
889 determined by the department to have managerial responsibilities  
890 comparable to such positions, which positions include, but are  
891 not limited to, program directors, assistant program directors,  
892 district administrators, deputy district administrators, the  
893 Director of Central Operations Services of the Department of  
894 Children and Families, the State Transportation Development  
895 Administrator, the State Public Transportation and Modal  
896 Administrator, district secretaries, district directors of  
897 transportation development, transportation operations,  
898 transportation support, and the managers of the offices of the  
899 Department of Transportation specified in s. 20.23(2)(b) ~~s-~~

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900 ~~20.23(3)(b)~~. Unless otherwise fixed by law, the department shall  
901 set the salary and benefits of these positions and the positions  
902 of county health department directors and county health  
903 department administrators of the Department of Health in  
904 accordance with the rules of the Senior Management Service.

905 (m) All assistant division director, deputy division  
906 director, and bureau chief positions in any department, and  
907 those positions determined by the department to have managerial  
908 responsibilities comparable to such positions, which include,  
909 but are not limited to:

910 1. Positions in the Department of Health and the Department  
911 of Children and Families which are assigned primary duties of  
912 serving as the superintendent or assistant superintendent of an  
913 institution.

914 2. Positions in the Department of Corrections which are  
915 assigned primary duties of serving as the warden, assistant  
916 warden, colonel, or major of an institution or that are assigned  
917 primary duties of serving as the circuit administrator or deputy  
918 circuit administrator.

919 3. Positions in the Department of Transportation which are  
920 assigned primary duties of serving as regional toll managers and  
921 managers of offices, as specified in s. 20.23(2)(b) and (3)(c)  
922 ~~s. 20.23(3)(b) and (4)(e)~~.

923 4. Positions in the Department of Environmental Protection  
924 which are assigned the duty of an Environmental Administrator or  
925 program administrator.

926 5. Positions in the Department of Health which are assigned  
927 the duties of Environmental Administrator, Assistant County  
928 Health Department Director, and County Health Department



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929 Financial Administrator.

930 6. Positions in the Department of Highway Safety and Motor

931 Vehicles which are assigned primary duties of serving as

932 captains in the Florida Highway Patrol.

933

934 Unless otherwise fixed by law, the department shall set the

935 salary and benefits of the positions listed in this paragraph in

936 accordance with the rules established for the Selected Exempt

937 Service.

938 Section 10. Subsection (14) of section 331.3051, Florida

939 Statutes, is amended to read:

940 331.3051 Duties of Space Florida.—Space Florida shall:

941 ~~(14) Partner with the Metropolitan Planning Organization~~

942 ~~Advisory Council to coordinate and specify how aerospace~~

943 ~~planning and programming will be part of the state's cooperative~~

944 ~~transportation planning process.~~

945 Section 11. Paragraph (e) of subsection (2) of section

946 331.310, Florida Statutes, is amended to read:

947 331.310 Powers and duties of the board of directors.—

948 (2) The board of directors shall:

949 (e) Prepare an annual report of operations as a supplement

950 to the annual report required under s. 331.3051(15) ~~or~~

951 ~~331.3051(16)~~. The report must include, but not be limited to, a

952 balance sheet, an income statement, a statement of changes in

953 financial position, a reconciliation of changes in equity

954 accounts, a summary of significant accounting principles, the

955 auditor's report, a summary of the status of existing and

956 proposed bonding projects, comments from management about the

957 year's business, and prospects for the next year.

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958 Section 12. Subsection (2) of section 339.64, Florida

959 Statutes, is amended to read:

960 339.64 Strategic Intermodal System Plan.—

961 ~~(2) In association with the continued development of the~~

962 ~~Strategic Intermodal System Plan, the Florida Transportation~~

963 ~~Commission, as part of its work program review process, shall~~

964 ~~conduct an annual assessment of the progress that the department~~

965 ~~and its transportation partners have made in realizing the goals~~

966 ~~of economic development, improved mobility, and increased~~

967 ~~intermodal connectivity of the Strategic Intermodal System. The~~

968 ~~Florida Transportation Commission shall coordinate with the~~

969 ~~department and other appropriate entities when developing this~~

970 ~~assessment. The Florida Transportation Commission shall deliver~~

971 ~~a report to the Governor and Legislature no later than 14 days~~

972 ~~after the regular session begins, with recommendations as~~

973 ~~necessary to fully implement the Strategic Intermodal System.~~

974 Section 13. By October 31, 2024, the Department of

975 Transportation shall submit to the Governor, the President of

976 the Senate, and the Speaker of the House of Representatives a

977 report that provides a comprehensive review of the boundaries of

978 each of the department's districts and makes recommendations as

979 to whether any district's boundaries should be redrawn as a

980 result of population growth and increased urban density.

981 Section 14. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/6/24

Meeting Date

1032

Bill Number or Topic

Transp

Committee

Amendment Barcode (if applicable)

Name Lisa Bacot

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Address PO Box 10168

Email LBacot@floridatransp.org

Street

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State

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Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FDTA

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/16/24

Meeting Date

# The Florida Senate APPEARANCE RECORD

SB1032

Bill Number or Topic

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TR

Committee

Amendment Barcode (if applicable)

Name Kim Dinkins 1000 Friends  
of Florida

Phone 850 273-5055

Address 803 N marcel St.  
Street

Email kdinkins@1000fof.org

Tallahassee FL  
City State Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:  
1000 Friends of Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**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 of the Committee on Transportation

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BILL: CS/SB 1226

INTRODUCER: Transportation Committee and Senator DiCeglie

SUBJECT: Department of Transportation

DATE: February 7, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.			ATD	
3.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1226 revises various provisions relating to the Florida Department of Transportation (FDOT). The bill:

- Repeals obsolete language regarding the appointment of FDOT’s inspector general.
- Provides \$15 million in recurring revenue be made available for the Intermodal Logistics Center Infrastructure Support Program.
- Provides a tiered approach, based on the dollar value of the project, regarding the amount of funds FDOT must spend on the purchase of plant materials.
- Increases from three years to ten years the length of time before an inactive prepaid toll account becomes unclaimed property.
- Provides that specified revenues deposited into the State Transportation Trust Fund must first be available for appropriation for payments under a service contract entered into with the Florida Department of Transportation Financing Corporation to fund arterial highway projects.
- Authorizes local governments in specified areas to, subject to specific appropriation, compete for additional funding using the criteria for the Small County Outreach Program to fund projects on roads primarily used for agricultural purposes.
- Requires each public transit provider to annually certify that its budgeted and actual administrative costs are no greater than 20 percent above the state average administrative costs.
- Requires public transit providers to disclose employee compensation and benefits, ridership and performance metrics, and any gifts accepted in exchange for a contract.

- Grants the Florida Rail Enterprise the power and duty to preserve future rail corridors and rights of way.

The bill may have both negative and positive fiscal impacts on private and governmental sectors. See Fiscal Impact Statement for details.

The bill takes effect July 1, 2024.

## **II. Present Situation:**

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

## **III. Effect of Proposed Changes:**

### **Appointment of the Florida Department of Transportation's Inspector General (Section 1)**

#### *Present Situation*

Florida law establishes an office of inspector general in each state agency, providing a central point of coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government. Florida law provides various duties and responsibility regarding each state agency's inspector general.<sup>1</sup>

In 2014, the Legislature transferred the appointment and removal of a Governor's agency inspector general from the agency head to the Governor's Chief Inspector General.<sup>2</sup> For state agencies under the jurisdiction of the Cabinet or the Governor and Cabinet, the agency head appoints the agency's inspector general. For state agencies under the jurisdiction of the Governor, the Chief Inspector General appoints the agency's inspector general.<sup>3</sup> The Florida Department of Transportation (FDOT) is under the Governor's jurisdiction.<sup>4</sup>

Conflicting with the generally applicable requirements regarding the appointment of an inspector general, Florida law also requires the Secretary of Transportation to appoint the FDOT inspector general.<sup>5</sup>

#### *Effect of Proposed Changes*

The bill repeals obsolete language regarding the Secretary of Transportation's authority to appoint FDOT's inspector general.

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<sup>1</sup> Section 20.055, FS.

<sup>2</sup> Chapter 2014-144, Laws of Fla.

<sup>3</sup> Section 20.055(3)(a)1., F.S.

<sup>4</sup> See s. 20.23(1)(a), F.S.

<sup>5</sup> Section 20.23(3)(c), F.S.

## **Intermodal Logistics Center Infrastructure Support Program (Section 2)**

### ***Present Situation***

An intermodal logistics center is a facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport where activities relating to transport, logistics, goods distribution, consolidation, or value-added activities are carried out and whose activities and services are designed to support or be supported by conveyance or shipping through one or more seaports listed in s. 311.09, F.S.<sup>6</sup>

FDOT's Intermodal Logistics Center Infrastructure Support Program's (program) purpose is to provide funds for roads, rail facilities, or other means for the conveyance or shipment of goods through a seaport, enabling the state to respond to private sector market demands and meet the state's economic development goal of becoming a hub for trade, logistics, and export-oriented activities. FDOT may provide funds to assist with local government projects or projects performed by private entities that meet the public purpose of enhancing transportation facilities for the conveyance or shipment of goods through a seaport to or from an intermodal logistics center.<sup>7</sup>

FDOT must consider, but is not limited to, the following criteria when evaluating projects for program assistance:

- The ability of the project to serve a strategic state interest.
- The ability of the project to facilitate the cost-effective and efficient movement of goods.
- The extent to which the project contributes to economic activity, including job creation, increased wages, and revenues.
- The extent to which the project efficiently interacts with and supports the transportation network.
- A commitment of a funding match.
- The amount of investment or commitments made by the owner or developer of the existing or proposed facility.
- The extent to which the owner has commitments with private sector businesses planning to locate operations at the intermodal logistics center.
- Demonstrated local financial support and commitment to the project.<sup>8</sup>

FDOT must provide up to 50 percent of project costs for eligible projects, except that for eligible projects in rural areas of opportunity,<sup>9</sup> where FDOT may provide up to 100 percent of project costs.<sup>10</sup>

---

<sup>6</sup> Section 311.101(2), F.S. The ports listed in s. 311.09(1), F.S., are 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>7</sup> Section 311.101(1), F.S.

<sup>8</sup> Section 311.101(3), F.S.

<sup>9</sup> Rural Areas of Opportunity are designated in accordance with s. 288.0656(7)(a), F.S.

<sup>10</sup> Section 311.101(6), F.S.

When the program was created in 2012,<sup>11</sup> up to \$5 million per year was made available from the State Transportation Trust Fund (STTF) for the program.<sup>12</sup> This funding expired on July 1, 2020.<sup>13</sup>

***Effect of Proposed Changes***

The bill provides that, beginning in 2024-2025 fiscal year through the 2029-2030 fiscal year, \$15 million in recurring revenue must be made available from the STTF for the program. FDOT must include projects proposed to be funded in its tentative work program.

**FDOT Landscaping Projects (Section 3)**

***Present Situation***

Florida law requires FDOT to allocate, on a statewide basis, at least 1.5 percent of the amount contracted for construction projects for the purchase of plant materials. To the greatest extent practical, at least 50 percent of the funds allocated to purchase plate materials must be allocated for large plant materials and the remaining funds for other plant materials. Except as prohibited by applicable federal law or regulation, FDOT must purchase all plant materials from Florida commercial nursery stock on a uniform competitive bid basis. FDOT must develop grades and standards for landscaping materials purchased through this process.<sup>14</sup>

***Effect of Proposed Changes***

The bill provides a tiered amount of appropriated funds which are to be allocated for the purchase of plant materials as follows:

Projects With Contracted Amounts of:	Allocated Percentage	Number of Projects FY 2024-2025 <sup>15</sup>
\$50,000,000 or less	1.5 percent	652
\$50,000,001 to \$100,000,000	1.0 percent	8
\$100,000,001 to \$250,000,000	0.75 percent	6
\$250,000,001 to \$500,000,000	0.50 percent	4
\$500,000,001 or more	0.25 percent	0

The bill also removes the existing minimum requirement of 1.5 percent of the amount contracted for construction projects, on a statewide basis, be expended for plant materials.

<sup>11</sup> Chapters 2012-128 and 2012-174, Laws of Fla.

<sup>12</sup> FDOT’s tentative work program is developed pursuant to s. 339.135(4), F.S.

<sup>13</sup> See Chapter 2014-216, Laws of Fla.

<sup>14</sup> Section 334.044(26), F.S.

<sup>15</sup> FDOT, *Landscaping Proposal by the Numbers*, December 2023. (on file with Senate Committee on Transportation).

## **Inactive Prepaid Toll Accounts (Section 4)**

### ***Present Situation***

FDOT, through the Florida Turnpike Enterprise, operates its electronic prepaid toll program (SunPass), which may be used on most of Florida's toll facilities and is operable on toll facilities in some other states.<sup>16</sup>

Under the Florida Disposition of Unclaimed Property Act,<sup>17</sup> except as otherwise provided in that act, all intangible property that is held, issued, or owing in the ordinary course of the holder's business and the owner fails to claim such property for more than five years after the property becomes payable or distributable is presumed unclaimed.<sup>18</sup> Unclaimed property is reported to the Division of Unclaimed Property in Department of Financial Services (DFS).<sup>19</sup>

Unclaimed property funds are deposited into the Unclaimed Property Trust Fund. DFS retains funds to make prompt payment of claims and to pay the cost of administering the program. All remaining funds are deposited into the State School Fund.<sup>20</sup>

Florida law presumes that any prepaid toll account, which has been inactive for three years, is unclaimed property. After three years, DFS must handle the account's disposition in accordance with the Florida's Disposition of Unclaimed Property Act and FDOT must close the prepaid toll account.<sup>21</sup>

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

The bill increases from three years to ten years the length of time that a prepaid toll account must be inactive prior to it becoming unclaimed property. At the end of ten years, the inactive toll account becomes subject to the Florida Disposition of Unclaimed Property Act.

## **Use of Moneys in the State Transportation Trust Fund (Sections 5 and 6)**

### ***Present Situation***

Under Florida law, after the revenue derived from the registration of motor vehicles is distributed as specified and allocated as provided by law, then the remainder of such revenues are deposited into the STTF.<sup>22</sup> This amount deposited to the STTF must be used to fund arterial highway<sup>23</sup> projects identified by FDOT and may be used for projects for upgrading arterial highways with

<sup>16</sup> SunPass, *Frequently Asked Questions*, <https://www.sunpass.com/en/support/faq.shtml> (last visited January 23, 2024).

<sup>17</sup> Chapter 717, F.S.

<sup>18</sup> Section 717.102, F.S.

<sup>19</sup> Florida Department of Financial Services, Division of Unclaimed Property, *Why Should I Search for Unclaimed Property*, <https://www.fltreasurehunt.gov/UP-Web/sitePages/About.jsp> (last visited January 23, 2024).

<sup>20</sup> Section 717.123(1), F.S.

<sup>21</sup> Section 338.231(3)(c), F.S.

<sup>22</sup> Section 320.20(5)(a), F.S.

<sup>23</sup> Section 334.03(1), F.S., defines the term "arterial road" to mean a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.



controlled access facilities<sup>24</sup> and constructing controlled access facilities on U.S. 19, north of the Suncoast Parkway.<sup>25 26</sup>

### ***Florida Department of Transportation Financing Corporation and Service Contract***

The Florida Department of Transportation Financing Corporation (corporation) is as a nonprofit corporation established for the purpose of financing or refinancing FDOT projects.<sup>27</sup>

The corporation may enter into one or more service contracts with FDOT to provide services to the FDOT in connection with projects approved in the work program. FDOT may enter into one or more such service contracts with the corporation and provide for payments under such contracts, subject to annual appropriation by the Legislature.<sup>28</sup> FDOT may enter into a service contract in conjunction with the issuance of debt obligations which provide for periodic payments for debt service or other amounts payable with respect to debt obligations, plus any administrative expenses of corporation.<sup>29</sup>

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

The bill provides that the remainder of the motor vehicle fee revenues deposited into the STTF, must first be available for appropriation for payments under a service contract entered into with the corporation to fund arterial highway projects. For the corporation's bonding purposes, two or more of such projects in FDOT's approved work program may be treated as a single project.

The bill provides that funds appropriated for payment under a service contract are available after funds pledge for payment on bonds, but before other statutorily required distributions.

### **Small County Outreach Program (Section 7)**

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

Section 339.2818, F.S., creates the Small County Outreach Program (SCOP) within FDOT. SCOP's purpose of is to assist small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstructing county roads, or constructing capacity or safety improvements to county roads.<sup>30</sup>

For the purposes of SCOP, the term "small county" means any county that has a population of 200,000 or less as determined by the most recent official estimate pursuant to s. 186.901, F.S.<sup>31</sup> Currently, 39 counties are eligible for SCOP funding.<sup>32</sup>

---

<sup>24</sup> See s. 339.66, F.S.

<sup>25</sup> See s. 339.67, F.S.

<sup>26</sup> Section 339.0803, F.S.

<sup>27</sup> Section 339.0809, F.S.

<sup>28</sup> Section 339.0809(4), F.S.

<sup>29</sup> Section 339.0809(13), F.S.

<sup>30</sup> Section 339.2818(1), F.S.

<sup>31</sup> Section 339.2818(2), F.S.

<sup>32</sup> FDOT, *Small County Outreach Program*, <https://www.fdot.gov/programmanagement/lp/scop/default.shtm> (Last visited February 1, 2024).

Small counties are eligible to compete for SCOP funds for projects on county roads. FDOT must fund 75 percent of the cost of projects on county roads funded under SCOP.<sup>33</sup>

The following criteria are used to prioritize road projects for SCOP funding:

- The primary criterion is the physical condition of the road.
- As secondary criteria FDOT may include:
  - Whether a road is used as an evacuation route.
  - Whether a road has high levels of agricultural travel.
  - Whether a road is considered a major arterial route.
  - Whether a road is considered a feeder road.
  - Information as evidenced to FDOT through an established pavement management plan.
  - Other criteria related to the impact of a project on the public road system or on the state or local economy.<sup>34</sup>

FDOT is authorized to administer contracts on behalf of a county selected to receive funding for a project. All funded projects must be included in FDOT's work program.<sup>35</sup>

#### *Everglades Agricultural Area*

The Everglades Agricultural Area is an approximately 1,160 square-mile area of highly productive agricultural land located south of Lake Okeechobee.<sup>36</sup> While most of the Everglades Agricultural Area is in Palm Beach County, this area extends to Martin, Hendry, and Glades counties.<sup>37</sup>

#### *Peace River Basin*

The Peace River Basin encompasses more than 2,300 square miles. Its western boundary includes portions of Hillsborough, Manatee and Sarasota counties and portions of Highlands and Glades counties on the east. The basin includes major portions of Polk, Hardee, DeSoto and Charlotte counties.<sup>38</sup>

#### *Suwannee River Basin*

The Suwannee River Basin, drains over 11,000 square miles of land in Georgia and Florida.<sup>39</sup> Florida's portion of basin includes all or a portion of Madison, Suwannee, Columbia, Union, Alachua, Gilchrist, Levy, Dixie, and Lafayette counties.<sup>40</sup>

<sup>33</sup> Section 339.2818(4)(a), F.S.

<sup>34</sup> Section 339.175(4)(c), F.S.

<sup>35</sup> Section 339.175(5), F.S.

<sup>36</sup> Lake Okeechobee Business Alliance, *The Everglades Agricultural Area*, <https://www.lakeoalliance.org/everglades-agricultural-area>, (last visited February 1, 2024). The Everglades Agricultural Area is defined in s. 373.4592(15), F.S.

<sup>37</sup> University of Florida, IFAS Extension, *Explore the Everglades Agricultural Area*, <https://nwdistrict.ifas.ufl.edu/ampic2022/2022/07/20/explore-the-everglades-agricultural-area/> (last visited February 1, 2024).

<sup>38</sup> Southwest Florida Water Management District, *Peace River Watershed Excursion*, <https://www.swfwmd.state.fl.us/watersheds/peace-river/where-the-river-begins> (last visited February 1, 2024).

<sup>39</sup> University of Georgia, River Basin Center, *Suwannee*, <https://rivercenter.uga.edu/resources/river-basins-of-georgia/suwannee/#:~:text=Location%3A%20Suwannee%20River%2C%20Big%20Shoals,land%20in%20Georgia%20and%20Florida>. (last visited February 1, 2024).

<sup>40</sup> Springs of the Lower Suwannee River Basin, 1999, <https://fcit.usf.edu/florida/maps/pages/9000/f9072/f9072.htm> (last visited February 2, 2024).

### *Effect of Proposed Changes*

The bill provides that subject to specific appropriation, in addition to funds appropriated for SCOP, a local government located either wholly or partially within the Everglades Agricultural Area, the Peace River Basin, or the Suwanee River Basin may compete for additional funding using the SCOP criteria, at up to 100 percent of the project costs for state or county roads used primarily as farm-to-market connections between rural agricultural areas and market distribution centers, excluding capacity improvement projects.

## **Public Transit Performance and Productivity Measures (Section 8)**

### *Present Situation*

A public transit provider is statutorily defined as a public agency providing public transit service, including rail authorities.<sup>41</sup>

The term “public transit” is defined to mean the transporting of people by conveyances, or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public. Public transit systems may be either governmentally owned or privately owned. Public transit specifically includes those forms of transportation commonly known as “paratransit.”<sup>42</sup>

### *Effect of Proposed Changes*

The bill defines the term “administrative costs” to include, but are not limited to salaried employee’s compensation and benefits, small business outreach, professional service contracts not directly related to the operation and maintenance of a transit system, and other overhead expenses. The term does not include insurance costs.

The bill defines the term “public transit provider” to mean a public agency providing public transit service, including the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, and the Jacksonville Transportation Authority.

The bill requires each public transit provider to, during a publicly noticed meeting, annually certify that its budgeted and actual administrative costs are not greater than 20 percent above the annual state average of administrative costs. The provider must also disclose all employees’ compensation and benefits, ridership performance and metrics, and any gifts accepted in exchange for contracts.

To support compliance, the bill requires FDOT to determine the state average of administrative costs by calculating the annual administrative costs for all the public transit providers in this state annually by March 1 to inform the provider’s following fiscal year budget.

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<sup>41</sup> Section 341.031(3), F.S.

<sup>42</sup> Section 341.031(6), F.S. Section 341.031(5), F.S., defines the term “paratransit” to mean those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and the provider of the service. Paratransit service is provided by taxis, limousines, “dial-a-ride” buses, and other demand-responsive operations that are characterized by their nonscheduled, nonfixed route nature.

## **Florida Rail Enterprise (Section 9)**

### ***Present Situation***

Sections 341.8201 through 341.842, F.S., contain the Florida Rail Enterprise Act.<sup>43</sup> The Florida Rail Enterprise (enterprise) within FDOT must locate, plan, design, finance, construct, maintain, own, operate, administer, and manage Florida’s high-speed rail system.<sup>44 45</sup>

In addition to the powers granted to FDOT, the enterprise has full authority to exercise all powers granted to it under ch. 341, F.S. Authorized powers include, but are not limited to, the ability to plan, construct, maintain, repair, and operate a high-speed rail system, to acquire corridors, and to coordinate the development and operation of publicly funded passenger rail systems in the state.<sup>46</sup>

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

The bill adds to the enterprises powers and duties by giving it the authority to preserve future rail corridors<sup>47</sup> and rights of way in coordination with FDOT’s planning of the State Highway System.

### **Effective Date (Section 10)**

The bill takes effect July 1, 2024.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

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<sup>43</sup> Section 341.8201, F.S.

<sup>44</sup> Section 341.822(1), F.S.

<sup>45</sup> Section 341.8203(4), F.S., defines the term “high-speed rail system” means any high-speed fixed guideway system for transporting people or goods, which system is, by definition of the United States Department of Transportation, reasonably expected to reach speeds of at least 110 miles per hour, including, but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system approved by the enterprise. The term includes a corridor, associated intermodal connectors, and structures essential to the operation of the line, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, and rail stations and also includes facilities or equipment used exclusively for the purposes of design, construction, operation, maintenance, or the financing of the high-speed rail system.

<sup>46</sup> Section 341.822(2)(a), F.S.

<sup>47</sup> Section 341.301(8), F.S., defines the term “rail corridor” means a linear contiguous strip of real property that is used for rail service. The term includes the corridor and structures essential to railroad operations, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, rail stations, any ancillary development, and any other facilities or equipment used for the purposes of construction, operation, or maintenance of a railroad that provides rail service.

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:

None.

B. Private Sector Impact:

Growers of plant materials may see a reduction in revenues associated with the tiered approach in the amount of funds that FDOT is required to spend on plant material.

The bill provides for \$15 million in recurring funds from the STTF to be made available annually for the Intermodal Logistics Center Infrastructure Support Program. This will result in a positive fiscal impact to intermodal logistics centers and related businesses.

C. Government Sector Impact:

The tiered approach to the amount of funds that FDOT must spend on plant materials may reduce FDOT's costs associated with landscaping and allow those funds to be used for additional construction projects.

The bill may have a positive fiscal impact on the Florida Department of Transportation Financing Corporation as it provides that specified revenues deposited into the STTF must first be available for appropriation for payments under a service contract entered into with the corporation to fund arterial highway projects. This provision may also reduce bond financing costs.

Subject to specific appropriation, the bill authorizes local governments in specified areas to seek financial assistance in paying for projects on state and county roads primarily used for agricultural purposes.

Public transit providers may experience changes in their cost structures associated with complying with provisions in the bill limiting their administrative costs and certifying that their administrative costs are within the limits provided for in the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 20.23, 311.101, 334.044, 338.231, 339.0803, 339.0809, 339.2818, 341.071 and 341.822.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Transportation on February 6, 2023:**

The committee substitute:

- Requires, beginning in the 2024-2025 fiscal year, \$15 million in recurring revenue from the State Transportation Trust Fund must be made available for the Intermodal Logistics Center Infrastructure Support Program.
- Provides that specified funds deposited into the State Transportation Trust Fund must first be used for the payment of service contracts with the Florida Department of Transportation Financing Corporation.
- Provides that, subject to appropriation, a local government within specified areas may compete for additional funding using the SCOP criteria for state or county roads used primarily for agricultural purposes.
- Revises provisions in the bill regarding the administrative costs of public transit providers to limit administrative costs to 20 percent above the statewide average.
- Requires public transit providers to disclose employee compensation, ridership performance and metrics, and any gifts accepted in exchange for contracts.
- Clarifies the rail corridor provision by providing that the Florida Rail Enterprise is authorized to preserve future rail corridors and rights of way.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
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The Committee on Transportation (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (d) of subsection (3) of section  
20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a  
Department of Transportation which shall be a decentralized  
agency.

(3)



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11 ~~(d) The secretary shall appoint an inspector general~~  
12 ~~pursuant to s. 20.055 who shall be directly responsible to the~~  
13 ~~secretary and shall serve at the pleasure of the secretary.~~

14 Section 2. Present subsection (7) of section 311.101,  
15 Florida Statutes, is redesignated as subsection (8), and a new  
16 subsection (7) is added to that section, to read:

17 311.101 Intermodal Logistics Center Infrastructure Support  
18 Program.—

19 (7) For the 2024-2025 fiscal year, \$15 million in recurring  
20 funds shall be made available from the State Transportation  
21 Trust Fund for the program. The Department of Transportation  
22 shall include projects proposed to be funded under this section  
23 in the tentative work program developed pursuant to s.  
24 339.135(4). This subsection expires on July 1, 2030.

25 Section 3. Subsection (26) of section 334.044, Florida  
26 Statutes, is amended to read:

27 334.044 Powers and duties of the department.—The department  
28 shall have the following general powers and duties:

29 (26) To provide for the enhancement of environmental  
30 benefits, including air and water quality; to prevent roadside  
31 erosion; to conserve the natural roadside growth and scenery;  
32 and to provide for the implementation and maintenance of  
33 roadside conservation, enhancement, and stabilization programs.

34 (a) Of the total amount appropriated for a contracted  
35 construction project, the percentage allocated for the purchase  
36 of plant materials is as follows:

37 1. For projects with a contracted amount of \$50 million or  
38 less, 1.5 percent.

39 2. For projects with a contracted amount of \$50,000,001 to





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40 \$100 million, 1 percent.

41 3. For projects with a contracted amount of \$100,000,001 to  
42 \$250 million, 0.75 percent.

43 4. For projects with a contracted amount of \$250,000,001 to  
44 \$500 million, 0.50 percent.

45 5. For projects with a contracted amount of \$500,000,001 or  
46 more, 0.25 percent. At least 1.5 percent of the amount  
47 contracted for construction projects shall be allocated by the  
48 department on a statewide basis for the purchase of plant  
49 materials.

50 (b) Department districts may not expend funds for  
51 landscaping in connection with any project that is limited to  
52 resurfacing existing lanes unless the expenditure has been  
53 approved by the department's secretary or the secretary's  
54 designee. To the greatest extent practical, at least 50 percent  
55 of the funds allocated under this subsection shall be allocated  
56 for large plant materials and the remaining funds for other  
57 plant materials. Except as prohibited by applicable federal law  
58 or regulation, all plant materials shall be purchased from  
59 Florida commercial nursery stock in this state on a uniform  
60 competitive bid basis. The department shall develop grades and  
61 standards for landscaping materials purchased through this  
62 process. To accomplish these activities, the department may  
63 contract with nonprofit organizations having the primary purpose  
64 of developing youth employment opportunities.

65 Section 4. Paragraph (c) of subsection (3) of section  
66 338.231, Florida Statutes, is amended to read:

67 338.231 Turnpike tolls, fixing; pledge of tolls and other  
68 revenues.—The department shall at all times fix, adjust, charge,



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69 and collect such tolls and amounts for the use of the turnpike  
70 system as are required in order to provide a fund sufficient  
71 with other revenues of the turnpike system to pay the cost of  
72 maintaining, improving, repairing, and operating such turnpike  
73 system; to pay the principal of and interest on all bonds issued  
74 to finance or refinance any portion of the turnpike system as  
75 the same become due and payable; and to create reserves for all  
76 such purposes.

77 (3)

78 (c) Notwithstanding any other ~~provision of~~ law to the  
79 contrary, any prepaid toll account of any kind which has  
80 remained inactive for 10 ~~3~~ years is ~~shall be~~ presumed unclaimed  
81 and its disposition shall be handled by the Department of  
82 Financial Services in accordance with all applicable provisions  
83 of chapter 717 relating to the disposition of unclaimed  
84 property, and the prepaid toll account shall be closed by the  
85 department.

86 Section 5. Section 339.0803, Florida Statutes, is amended  
87 to read:

88 339.0803 Allocation of increased revenues derived from  
89 amendments to s. 320.08 by ch. 2019-43.—

90 (1) Beginning in the 2021-2022 fiscal year and each fiscal  
91 year thereafter, funds that result from increased revenues to  
92 the State Transportation Trust Fund derived from the amendments  
93 to s. 320.08 made by chapter 2019-43, Laws of Florida, and  
94 deposited into the fund pursuant to s. 320.20(5)(a) must be used  
95 to fund arterial highway projects identified by the department  
96 in accordance with s. 339.65 and may be used for projects as  
97 specified in ss. 339.66 and 339.67. For purposes of the funding



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98 provided in this section, the department shall prioritize use of  
99 existing facilities or portions thereof when upgrading arterial  
100 highways to limited or controlled access facilities. However,  
101 this section does not preclude use of the funding for projects  
102 that enhance the capacity of an arterial highway. The funds  
103 allocated as provided in this section shall be in addition to  
104 any other statutory funding allocations provided by law.

105 (2) Revenues deposited into the State Transportation Trust  
106 Fund pursuant to s. 320.20(5)(a) shall first be available for  
107 appropriation for payments under a service contract entered into  
108 with the Florida Department of Transportation Financing  
109 Corporation pursuant to s. 339.0809(4) to fund arterial highway  
110 projects. For the corporation's bonding purposes, two or more of  
111 such projects in the department's approved work program may be  
112 treated as a single project.

113 Section 6. Subsection (13) of section 339.0809, Florida  
114 Statutes, is amended to read:

115 339.0809 Florida Department of Transportation Financing  
116 Corporation.—

117 (13) The department may enter into a service contract in  
118 conjunction with the issuance of debt obligations as provided in  
119 this section which provides for periodic payments for debt  
120 service or other amounts payable with respect to debt  
121 obligations, plus any administrative expenses of the Florida  
122 Department of Transportation Financing Corporation. Funds  
123 appropriated for payments under a service contract shall be  
124 available after funds pledged to payment on bonds but before  
125 other statutorily required distributions.

126 Section 7. Subsection (8) is added to section 339.2818,



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127 Florida Statutes, to read:

128 339.2818 Small County Outreach Program.—

129 (8) Subject to specific appropriation in addition to funds  
130 appropriated for projects under this section, a local government  
131 either wholly or partially within the Everglades Agricultural  
132 Area as defined in s. 373.4592(15), the Peace River Basin, or  
133 the Suwannee River Basin may compete for additional funding  
134 using the criteria listed in paragraph(4)(c) at up to 100  
135 percent of project costs on state or county roads used primarily  
136 as farm to market connections between rural agricultural areas  
137 and market distribution centers, excluding capacity improvement  
138 projects.

139 Section 8. Subsection (4) is added to section 341.071,  
140 Florida Statutes, to read:

141 341.071 Transit productivity and performance measures;  
142 reports.—

143 (4) (a) As used in this subsection, the term:

144 1. "Administrative costs" includes, but is not limited to,  
145 salaries employees' compensation and benefits, small business  
146 outreach, professional service contracts not directly related to  
147 the operation and maintenance of a transit system, and other  
148 overhead expenses. This term does not include insurance costs.

149 2. "Public transit provider" means a public agency  
150 providing public transit service, including an authority created  
151 pursuant to chapter 343 or chapter 349.

152 (b) Each public transit provider shall, during a publicly  
153 noticed meeting, annually certify that its budgeted and actual  
154 administrative costs are not greater than 20 percent above the  
155 annual state average of administrative costs. The provider shall



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156 also disclose all employees' compensation and benefits,  
157 ridership performance and metrics, and any gifts as defined in  
158 s. 112.312 accepted in exchange for contracts.

159 (c) To support compliance with paragraph (b), the  
160 department shall determine the annual state average of  
161 administrative costs by calculating the annual administrative  
162 costs of all the public transit providers in this state annually  
163 by March 31 to inform the provider's following Fiscal Year  
164 budget.

165 Section 9. (1) The Legislature finds that it is in the  
166 strategic interest of the state and the traveling public to  
167 extend to Tampa the existing passenger rail service currently  
168 terminating in Orlando. To facilitate this extension, the  
169 Department of Transportation shall preserve a 44 foot wide rail  
170 corridor within the right-of-way of Interstate 4 between Orlando  
171 and Tampa and provide for a minimum vertical clearance for  
172 bridges and overpasses therein.

173 (2) The Department of Transportation shall use advanced  
174 multimodal planning along and within the Interstate 4 corridor  
175 to minimize future disruption while optimizing the cost of  
176 infrastructure therein. To that end, future infrastructure  
177 improvements made along the Interstate 4 corridor should, to the  
178 greatest extent feasible, include grading of the median within  
179 the proposed rail envelope and placement of necessary drainage  
180 structures; providing adequate bridge column spacing and  
181 vertical clearances; and providing a physical barrier separating  
182 the rail envelope from travel lanes. The Department of  
183 Transportation shall monitor and record the incremental costs of  
184 such improvements and is authorized to recover such incremental



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185 costs in any future lease agreement of the rail corridor.

186 Section 10. This act shall take effect July 1, 2024.

187

188 ===== T I T L E A M E N D M E N T =====

189 And the title is amended as follows:

190 Delete everything before the enacting clause

191 and insert:

192 A bill to be entitled

193 An act relating to the Department of Transportation;

194 amending s. 20.23, F.S.; deleting the requirement that

195 the secretary of the department appoint the

196 department's inspector general; amending s. 311.101,

197 F.S.; requiring that a specified amount from the State

198 Transportation Trust Fund be made available for the

199 Intermodal Logistics Center Infrastructure Support

200 Program; requiring the department to include specified

201 projects in its tentative work program; providing for

202 expiration; amending s. 334.044, F.S.; revising

203 requirements for the allocation of funds by the

204 department for the purchase of plant materials;

205 amending s. 338.231, F.S.; extending the length of

206 time before which an inactive prepaid toll account

207 becomes unclaimed property; amending s. 339.0803,

208 F.S.; prioritizing availability of certain revenues

209 deposited into the State Transportation Trust Fund for

210 payments under service contracts with the Florida

211 Department of Transportation Financing Corporation to

212 fund arterial highway projects; providing that two or

213 more of such projects may be treated as a single



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214 project for certain purposes; amending s. 339.0809,  
215 F.S.; specifying priority of availability of funds  
216 appropriated for payments under a service contract  
217 with the corporation; amending s. 339.2818, F.S.;  
218 authorizing, subject to appropriation, a local  
219 government within specified areas to compete for  
220 funding using specified criteria on specified roads;  
221 providing an exclusion; amending s. 341.071, F.S.;  
222 defining the terms "administrative costs" and "public  
223 transit provider"; requiring each public transit  
224 provider to annually certify that its budgeted and  
225 actual administrative costs are not greater than a  
226 specified amount; requiring the disclosure of  
227 specified information; requiring the department to  
228 calculate the annual state average of administrative  
229 costs by a specified date; providing a legislative  
230 finding; requiring the department to preserve a rail  
231 corridor within the right of way of Interstate 4  
232 between Orlando and Tampa for a specified purpose;  
233 providing specifications for the corridor; requiring  
234 the use of advanced multimodal planning along the  
235 Interstate 4 corridor to minimize future disruption  
236 and optimize the cost of infrastructure within the  
237 corridor; requiring that future infrastructure  
238 improvements include certain projects; requiring the  
239 department to monitor and record the incremental costs  
240 of such projects; authorizing the department to  
241 recover such costs in any future lease agreement of  
242 the rail corridor; providing an effective date.



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243





413686

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
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The Committee on Transportation (DiCeglie) recommended the following:

1           **Senate Amendment to Amendment (191586) (with title**  
2 **amendment)**

3  
4           Delete lines 165 - 185  
5 and insert:

6           Section 9. Paragraph (a) of subsection (2) of section  
7 341.822, Florida Statutes, is amended to read:

8           341.822 Powers and duties.—

9           (2) (a) In addition to the powers granted to the department,  
10 the enterprise has full authority to exercise all powers granted



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11 to it under this chapter. Powers shall include, but are not  
12 limited to, the ability to plan, construct, maintain, repair,  
13 and operate a high-speed rail system, ~~to acquire corridors, and~~  
14 to coordinate the development and operation of publicly funded  
15 passenger rail systems in the state, and to preserve future rail  
16 corridors and rights-of-way in coordination with the  
17 department's planning of the State Highway System.

18

19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete lines 229 - 242

22 and insert:

23 costs by a specified date; amending s. 341.822, F.S.;

24 revising the powers of the Florida Rail Enterprise;

25 providing an effective date.

By Senator DiCeglie

18-01529B-24

20241226\_\_

1 A bill to be entitled  
 2 An act relating to the Department of Transportation;  
 3 amending s. 20.23, F.S.; deleting the requirement that  
 4 the secretary of the department appoint the  
 5 department's inspector general; amending s. 334.044,  
 6 F.S.; limiting the percentage of the total contract  
 7 amount which may be allocated for the purchase of  
 8 plant materials based on the monetary size of the  
 9 contract; amending s. 338.231, F.S.; extending the  
 10 length of time before which an inactive prepaid toll  
 11 account becomes unclaimed property; amending s.  
 12 341.051, F.S.; requiring each public transit provider  
 13 to certify that its actual administrative costs are no  
 14 greater than a certain amount; requiring the  
 15 department to annually calculate the average of  
 16 administrative costs for public transit providers in  
 17 this state; specifying what may be counted as  
 18 administrative costs; providing a legislative finding;  
 19 requiring the department to preserve a rail corridor  
 20 within the right of way of Interstate 4 between  
 21 Orlando and Tampa for a specified purpose; providing  
 22 specifications for the corridor; requiring the use of  
 23 advanced multimodal planning along the Interstate 4  
 24 corridor to minimize future disruption and optimize  
 25 the cost of infrastructure within the corridor;  
 26 requiring that future infrastructure improvements  
 27 include certain projects; requiring the department to  
 28 monitor and record the incremental costs of such  
 29 projects; authorizing the department to recover such

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20241226\_\_

30 costs in any future lease agreement of the rail  
 31 corridor; providing an effective date.  
 32  
 33 Be It Enacted by the Legislature of the State of Florida:  
 34  
 35 Section 1. Paragraph (d) of subsection (3) of section  
 36 20.23, Florida Statutes, is amended to read:  
 37 20.23 Department of Transportation.—There is created a  
 38 Department of Transportation which shall be a decentralized  
 39 agency.  
 40 (3)  
 41 ~~(d) The secretary shall appoint an inspector general~~  
 42 ~~pursuant to s. 20.055 who shall be directly responsible to the~~  
 43 ~~secretary and shall serve at the pleasure of the secretary.~~  
 44 Section 2. Subsection (26) of section 334.044, Florida  
 45 Statutes, is amended to read:  
 46 334.044 Powers and duties of the department.—The department  
 47 shall have the following general powers and duties:  
 48 (26) To provide for the enhancement of environmental  
 49 benefits, including air and water quality; to prevent roadside  
 50 erosion; to conserve the natural roadside growth and scenery;  
 51 and to provide for the implementation and maintenance of  
 52 roadside conservation, enhancement, and stabilization programs.  
 53 Of the total amount appropriated for a contracted construction  
 54 project, the percentage allocated for the purchase of plant  
 55 materials is as follows:  
 56 (a) For projects with a contracted amount of \$50 million or  
 57 less, 1.50 percent.  
 58 (b) For projects with a contracted amount of \$50,000,001 to

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59 \$100 million, 1.00 percent.

60 (c) For projects with a contracted amount of \$100,000,001  
61 to \$250 million, 0.75 percent.

62 (d) For projects with a contracted amount of \$250,000,001  
63 to \$500 million, 0.50 percent.

64 (e) For projects with a contracted amount of \$500,000,001  
65 or more, 0.25 percent.

66  
67 ~~At least 1.5 percent of the amount contracted for construction~~  
68 ~~projects shall be allocated by the department on a statewide~~  
69 ~~basis for the purchase of plant materials. Department districts~~  
70 ~~may not expend funds for landscaping in connection with any~~  
71 ~~project that is limited to resurfacing existing lanes unless the~~  
72 ~~expenditure has been approved by the department's secretary or~~  
73 ~~the secretary's designee. To the greatest extent practical, at~~  
74 ~~least 50 percent of the funds allocated under this subsection~~  
75 ~~shall be allocated for large plant materials and the remaining~~  
76 ~~funds for other plant materials. Except as prohibited by~~  
77 ~~applicable federal law or regulation, all plant materials shall~~  
78 ~~be purchased from Florida commercial nursery stock in this state~~  
79 ~~on a uniform competitive bid basis. The department shall develop~~  
80 ~~grades and standards for landscaping materials purchased through~~  
81 ~~this process. To accomplish these activities, the department may~~  
82 ~~contract with nonprofit organizations having the primary purpose~~  
83 ~~of developing youth employment opportunities.~~

84 Section 3. Paragraph (c) of subsection (3) of section  
85 338.231, Florida Statutes, is amended to read:

86 338.231 Turnpike tolls, fixing; pledge of tolls and other  
87 revenues.—The department shall at all times fix, adjust, charge,

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88 and collect such tolls and amounts for the use of the turnpike  
89 system as are required in order to provide a fund sufficient  
90 with other revenues of the turnpike system to pay the cost of  
91 maintaining, improving, repairing, and operating such turnpike  
92 system; to pay the principal of and interest on all bonds issued  
93 to finance or refinance any portion of the turnpike system as  
94 the same become due and payable; and to create reserves for all  
95 such purposes.

96 (3)

97 (c) Notwithstanding any other ~~provision of law to the~~  
98 ~~contrary~~, any prepaid toll account of any kind which has  
99 remained inactive for 10 ~~3~~ years is ~~shall be~~ presumed unclaimed  
100 and its disposition shall be handled by the Department of  
101 Financial Services in accordance with all applicable provisions  
102 of chapter 717 relating to the disposition of unclaimed  
103 property, and the prepaid toll account shall be closed by the  
104 department.

105 Section 4. Present subsection (7) of section 341.051,  
106 Florida Statutes, is redesignated as subsection (8), and a new  
107 subsection (7) is added to that section, to read:

108 341.051 Administration and financing of public transit and  
109 intercity bus service programs and projects.—

110 (7) ADMINISTRATIVE COSTS.—

111 (a) Each public transit provider, as defined in s.  
112 341.031(1), must certify to the department annually that its  
113 actual administrative costs are no greater than 10 percent above  
114 the annual statewide average for administrative costs.

115 (b) To support compliance with this subsection, the  
116 department must annually calculate the average of administrative

18-01529B-24 20241226\_\_

117 costs for public transit providers in this state. For purposes  
 118 of this subsection, administrative costs include, but are not  
 119 limited to:

- 120 1. Employee salaries and benefits;
- 121 2. Small business outreach;
- 122 3. Insurance; and
- 123 4. Professional service contracts.

124  
 125 For purposes of paragraph (b), administrative costs may also  
 126 include any overhead cost not directly related to the operation  
 127 and maintenance of the public transit system.

128  
 129 For purposes of this section, the term "net operating costs"  
 130 means all operating costs of a project less any federal funds,  
 131 fares, or other sources of income to the project.

132 Section 5. (1) The Legislature finds that it is in the  
 133 strategic interest of the state and the traveling public to  
 134 extend to Tampa the existing passenger rail service currently  
 135 terminating in Orlando. To facilitate this extension, the  
 136 Department of Transportation shall preserve a 44 foot wide rail  
 137 corridor within the right-of-way of Interstate 4 between Orlando  
 138 and Tampa and provide for a minimum vertical clearance for  
 139 bridges and overpasses therein.

140 (2) The Department of Transportation shall use advanced  
 141 multimodal planning along and within the Interstate 4 corridor  
 142 to minimize future disruption while optimizing the cost of  
 143 infrastructure therein. To that end, future infrastructure  
 144 improvements made along the Interstate 4 corridor should, to the  
 145 greatest extent feasible, include grading of the median within

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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146 the proposed rail envelope and placement of necessary drainage  
 147 structures; providing adequate bridge column spacing and  
 148 vertical clearances; and providing a physical barrier separating  
 149 the rail envelope from travel lanes. The Department of  
 150 Transportation shall monitor and record the incremental costs of  
 151 such improvements and is authorized to recover such incremental  
 152 costs in any future lease agreement of the rail corridor.

153 Section 6. This act shall take effect July 1, 2024.

Page 6 of 6

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/6/24

Meeting Date

1226

Bill Number or Topic

Transp.

Committee

Amendment Barcode (if applicable)

Name LISA BACOT

Phone 850-445-8389

Address PO BOX 10168

Email lisa.bacot@floridatrust.org

Street

Tallah

FL

32302

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: FL. Public Transportation Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1: [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2.6.24

Meeting Date

1226

Bill Number or Topic

TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name

JEFF CASTER

Phone

850 294 2123

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Street

TALLAHASSEE FL 32312

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State

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Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

# APPEARANCE RECORD

1226

Bill Number or Topic

02/06/2024

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Transportation

Committee

Amendment Barcode (if applicable)

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Street

Tallahassee Florida 32301  
City State Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)



**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 of the Committee on Transportation

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BILL: CS/SB 1380

INTRODUCER: Transportation Committee and Senator Hutson

SUBJECT: Transportation Services for Persons with Disabilities and the Transportation Disadvantaged

DATE: February 6, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.	_____	_____	AHS	_____
3.	_____	_____	FP	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1380 relates to special transportation services for persons with disabilities. The bill:

- Defines the terms “immediate family member,” “request for service,” and “transportation service provider.”
- Revises the membership of the Commission for Transportation Disadvantaged (commission).
- Removes a fingerprinting and background check requirement for commission members.
- Requires the commission to:
  - Provide best practices, latest technological innovations and preferential vendors list to county transportation disadvantaged program managers.
  - Annually review and conduct a performance audit of each coordinator contract and transportation operator contract.
  - Establish a system for resolving complaints.
- Revises commission reporting requirements to include information on complaints, cost of service, contracts, funds provided by the commission, and the results of performance audits.
- Requires paratransit drivers attend training programs provided through the Agency for Persons with Disabilities (APD).
- Requires providers to provide training to each paratransit driver that meets the APD requirements for the professional development of staff providing direct services.
- Requires providers to install an interior video camera monitoring system within each paratransit vehicle, with specific instructions on camera placement.

- Requires providers to provide footage captured by the video camera monitoring system to the local government, the Florida Department of Transportation (FDOT), APD, or legal guardian of the passenger.
- Requires providers to offer specific technology-based ride booking and vehicle tracking services, which must be in accessible formats and regularly maintained and upgraded.
- Requires providers to offer both pre-booking and on-demand service to paratransit service users.
- Requires a provider and its contracted local government entity to establish reasonable time periods between a trip request and arrival, best practices for limiting travel times, and transparency regarding the quality of services, including timelines and handling of complaints.
- Requires APD, in collaboration with FDOT, to establish requirements for the investigation of adverse incidents reported to the provider and/or local government, including periodic review of ongoing investigations and documentation of final outcomes.
- Requires APD and FDOT to investigate an adverse incident within 48 hours after receipt of the report.
- Removes the exemption from competitive bidding requirements for local government entities to enter into contracts with special transportation providers serving persons with disabilities.

The bill may have a negative fiscal impact to private transportation providers, local governments, APD and FDOT. See Fiscal Impact Statement for details.

The bill takes effect July 1, 2024.

## II. Present Situation:

There are numerous federal, state and local programs supporting the delivery of transportation services for persons with disabilities, often referred to as “paratransit,”<sup>1</sup> which are usually scheduled between the individual and transportation provider and provided on a door-to-door or curb-to-curb basis.<sup>2</sup>

The Florida Commission for the Transportation Disadvantaged (commission)<sup>3</sup> operates a statewide transportation disadvantaged program supporting the coordination of transportation services for persons with disabilities as well as older adults, individuals with low-income, and at-risk children who require access to critical activities within their communities.<sup>4</sup>

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<sup>1</sup> Section 427.011(9), F.S., defines the term “paratransit” to mean those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and provider of the service. Paratransit service is provided by taxis, limousines, “dial-a-ride,” buses, and other demand-responsive operations that are characterized by their nonscheduled, nonfixed route nature.

<sup>2</sup> Commission for Transportation Disadvantaged (Commission), *Agency Analysis of 2024 Senate Bill 1380*, p. 1. (On file with Senate Committee on Transportation).

<sup>3</sup> The Commission for Transportation Disadvantaged is administratively housed in, but independent from, the Florida Department of Transportation.

<sup>4</sup> *Supra* note 2.

The federal Americans with Disabilities Act affords complementary paratransit services for individuals with disabilities who are unable to access a fixed bus route, if available, within their community.<sup>5</sup>

The Agency for Persons with Disabilities (APD) operates a Medicaid waiver program that provides home and community-based services, including transportation, to eligible individuals with intellectual and developmental disabilities.<sup>6</sup>

Medicaid Non-Emergency Transportation services are paratransit services funded under the Agency for Health Care Administration's Managed Medical Assistance program to allow Medicaid recipients to access health care appointments.<sup>7</sup>

Federal Transit Administration grant programs provides funding to states and transit systems to support the purchase of capital equipment and other operating expenses related to serving persons with disabilities and other groups.<sup>8</sup>

Each of the above programs has its own eligibility criteria and regulatory standards for transportation providers. For example, the Florida Department of Transportation (FDOT) is responsible for establishing and regulating safety standards pertaining to public transportation funded by FDOT and Federal Transit Administration programs.<sup>9</sup> Additionally, each program has a different process in place for resolving complaints and grievances related to eligibility and provision of services.<sup>10</sup>

### **Overview of the Transportation Disadvantaged Program**

Florida's Transportation Disadvantaged (TD) Program<sup>11</sup> supports the coordination of transportation services for individuals who are "transportation disadvantaged." The Legislature specifically defined the TD population as "persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities."<sup>12</sup> The purpose of coordination is to ensure that transportation services are provided to TD eligible customers "in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services."<sup>1314</sup>

The commission administers the Transportation Disadvantaged Trust Fund,<sup>15</sup> where a majority of its funds are used to purchase paratransit services "not sponsored" or subsidized by any other

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> See section 341.061, F.S., and Chapter 14-90, F.A.C.

<sup>10</sup> *Supra* note 2.

<sup>11</sup> Sections 427.011-427.017, F.S.

<sup>12</sup> Section 427.011(1), F.S.

<sup>13</sup> Section 427.011(11), F.S.

<sup>14</sup> *Supra* note 2.

<sup>15</sup> The Transportation Disadvantaged Trust Fund is established in s. 427.0159, F.S.

agency or funding source.<sup>16</sup> The TD Program consists of centralized (statewide) policy development and decentralized local implementation.<sup>17</sup>

The community transportation coordinator<sup>18</sup> is responsible for arranging transportation services to the TD population within a designated county or multi-county service area. The community transportation coordinator may be a local government, such as a board of county commissioners, transit agency, not-for-profit organization, or for-profit company designated by the commission.

The official planning agency<sup>19</sup> is responsible for planning for the needs of and services for the TD population within its designated service area, including recommending an entity to serve as the community transportation coordinator. The planning agency may be a metropolitan planning organization, regional planning council, or similar entity designated by the commission.

The local coordinating board<sup>20</sup> is an advisory board responsible for assisting the community transportation coordinator in meeting the TD needs of its designated service area. Local coordinating board members are appointed by the planning agency and represent riders and their advocates, human service agencies, and other stakeholders of the TD Program.<sup>21</sup>

### **Commission for Transportation Disadvantaged**

The commission consists of seven members appointed by the Governor based on following qualifications:<sup>22</sup>

- Five members must have significant experience in the operation of a business, and it is the intent of the Legislature that, when making an appointment, the Governor select persons who reflect the broad diversity of the state's business community, as well as the state's racial, ethnic, geographical, and gender diversity.
- Two members must have a disability and use the transportation disadvantaged system.
- Each member must be a Florida resident and a registered voter.
- At least one member must be at least 65 years of age.
- A member may not, within the five years immediately before his or her appointment, or during his or her term on the commission, have or have had a financial relationship with, or represent or have represented as a lobbyist, the following: a transportation operator; a

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<sup>16</sup> Sections 427.011(12) and 427.0159(3), F.S.

<sup>17</sup> *Supra* note 2.

<sup>18</sup> Section 427.0155, F.S. Section 427.011(5), F.S., defines the term "community transportation coordinator" to mean a transportation entity recommended by a metropolitan planning organization, or by the appropriate designated official planning agency as provided for in ss. 427.011-427.017, F.S., in an area outside the purview of a metropolitan planning organization, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

<sup>19</sup> Section 427.015, F.S.

<sup>20</sup> Section 427.0157, F.S. Section 427.011(7), F.S., defines the term "coordinating board" to mean an advisory entity in each designated service area composed of representatives appointed by the metropolitan planning organization or designated official planning agency, to provide assistance to the community transportation coordinator relative to the coordination of transportation services.

<sup>21</sup> *Supra* note 2 at 2.

<sup>22</sup> Section 427.012(1), F.S.

Community Transportation Coordinator; a metropolitan planning organization (MPO);<sup>23</sup> a designated official planning agency; a purchasing agency;<sup>24</sup> a local coordinating board; a broker of transportation; or a provider of transportation services.

- Each candidate for appointment to the Commission must, before accepting the appointment, submit fingerprints and pass a level 2 background screening.

Additionally, the following individuals, or a senior management level representatives, serve as ex officio, nonvoting advisors to the commission:<sup>25</sup>

- The Secretary of Transportation,
- The Secretary of Children and Families,
- The Secretary of Economic Opportunity,
- The executive director of the Department of Veterans' Affairs,
- The Secretary of Elderly Affairs,
- The Secretary of Health Care Administration,
- The director of the Agency for Persons with Disabilities, and
- A county manager or administrator who is appointed by the Governor.

### *Duties of the Commission*

The statutory mandates for the Commission to carry out its purpose include, among other requirements, the following:

- Compile all available information on the transportation operations for and needs of the transportation disadvantaged in the state.
- Establish statewide objectives for providing transportation services for the transportation disadvantaged.
- Develop policies and procedures for the coordination<sup>26</sup> of local government, federal, and state funding for the transportation disadvantaged.
- Identify barriers prohibiting the coordination and accessibility of transportation services to the transportation disadvantaged and aggressively pursue the elimination of these barriers.
- Serve as a clearinghouse for information about transportation disadvantaged services, training, funding sources, innovations, and coordination efforts.
- Assist communities in developing transportation systems designed to serve the transportation disadvantaged.
- Approve the appointment of all community transportation coordinators.
- Have the authority to apply for and accept funds, grants, gifts, and services from the federal government, state government, local governments, or private funding sources.
- Make an annual report to the Governor and Legislature by January 1 of each year.

<sup>23</sup> Section 427.011(2), F.S., defines the term “metropolitan planning organization” as the organization responsible for carrying out transportation planning and programming in accordance with the provisions of 23 U.S.C. § 134, as provided in 23 U.S.C. § 104(f)(3).

<sup>24</sup> Section 427.011(8), F.S., defines the term “purchasing agency” means a department or agency whose head is an ex officio, nonvoting adviser to the Commission, or an agency that purchases transportation services for the transportation disadvantaged.

<sup>25</sup> Section 427.012(1)(g), F.S.

<sup>26</sup> Section 427.077(11), F.S., defines the term “coordination” to mean the arrangement for the provision of transportation services to the transportation disadvantaged in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services.

- Prepare a statewide 5-year transportation disadvantaged plan which addresses the transportation problems and needs of the transportation disadvantaged, which is fully coordinated with local transit plans, compatible with local government comprehensive plans, and which ensures that the most cost-effective and efficient method of providing transportation to the disadvantaged is programmed for development.
- Develop an interagency uniform contracting and billing and accounting system that must be used by all community transportation coordinators and their transportation operators.
- Develop and maintain a transportation disadvantaged manual.
- Design and develop transportation disadvantaged training programs.
- Coordinate all transportation disadvantaged programs with appropriate state, local, and federal agencies and public transit agencies to ensure compatibility with existing transportation systems.
- Designate the official planning agency in areas outside of the purview of an MPO.
- Develop need-based criteria that must be used by all community transportation coordinators to prioritize the delivery of nonsponsored transportation disadvantaged services<sup>27</sup> that are purchased with Transportation Disadvantaged Trust Fund moneys.
- Establish a review procedure to compare the rates proposed by alternate transportation operators with the rates charged by a CTC to determine which rate is more cost-effective.
- Conduct a cost-comparison study of single-coordinator, multicoordinator, and brokered CTC networks to ensure that the most cost-effective and efficient method of providing transportation to the transportation disadvantaged is programmed for development.
- Develop a quality assurance and management review program to monitor, based upon approved commission standards, services contracted for by an agency, and those provided by a community transportation operator.
- Ensure that local community transportation coordinators work cooperatively with local workforce development boards<sup>28</sup> to provide assistance in the development of innovative transportation services for participants in the welfare transition program.<sup>29</sup>

### **Commission for Transportation Disadvantaged Services and Regulations**

The commission contracts with community transportation coordinators to deliver “non-sponsored” paratransit services and bus pass subsidies, which are reimbursed under the Transportation Disadvantaged Trust Fund. A community transportation coordinator may directly provide transportation services and/or contract with other organizations, such as transportation operators, to serve transportation disadvantaged riders in their community. In addition to what is funded under the Transportation Disadvantaged Trust Fund, the community transportation coordinator may also work with other purchasing agencies or other programs to provide transportation services. For example, if a community transportation coordinator operates a fixed bus route system, it must provide complementary paratransit services under the federal Americans with Disabilities Act, which are regulated by the Federal Transit Administration.<sup>30</sup>

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<sup>27</sup> Section 427.011(12), F.S., defines the term “nonsponsored transportation disadvantaged services” to mean transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.

<sup>28</sup> Workforce development boards are established in ch. 445, F.S.

<sup>29</sup> Section 427.013, F.S.

<sup>30</sup> *Id.*

The commission develops policies and procedures to fulfill its statutory obligations, which are implemented through administrative rule. Commission policies pertaining to safety standards include requirements for community transportation coordinators and their transportation operators on:

- Drug and alcohol testing and background screening.
- Safety of passengers during transfer points.
- Providing a local toll-free number (including the TD Helpline) for passenger complaints and grievances.
- Vehicle cleanliness, seating, and communications equipment.
- Maintaining passenger/trip data.
- Establishing pick-up window and advanced notifications for passengers to obtain services.<sup>31</sup>

However, these regulations do not require the installation of video cameras on vehicles, nor do they specify the use of a website or mobile application for tracking vehicle location. The commission conducts biennial quality assurance reviews of each community transportation coordinator to ensure compliance with ch. 427, F.S. and Rule 41-2, F.A.C. Community transportation coordinators that receive FDOT/Federal Transit Administration funding are also subject to triennial reviews by FDOT to ensure compliance with safety standards.<sup>32</sup>

### **TD Program Complaint and Grievance Process**

Chapter 427, F.S., creating the TD program, does not expressly authorize the commission to hear or determine TD service-related complaints or grievances. However, the commission requires all local systems to have written procedures in addressing/resolving complaints and grievances.<sup>33</sup>

The commission's guidance on the complaint/grievance process identifies the following steps:

- A complaint must be filed at the local level, and is usually addressed by the community transportation coordinator.
- If the complaint is not resolved, the complainant may file a grievance with the local coordinating board. Each local coordinating board must appoint a Grievance Committee to process and investigate complaints and recommend service improvements to the local coordinating board and/or commission if a resolution is not reached.
- Once a grievance has been addressed by the local coordinating board and it remains unresolved, it may be referred to the commission to assist the grievant in facilitating a mutual acceptable resolution.<sup>3435</sup>

Apart from the above grievance procedures, aggrieved parties may also have recourse through the administrative hearings process.<sup>36</sup>

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<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> Rule 41-2.012(5)(c), F.A.C.

<sup>35</sup> *Supra* note 2 at 3-4.

<sup>36</sup> *Id.* at 4. The administrative hearing process is pursuant to ch. 120, F.S., the Administrative Procedures Act.

## Procurement of Commodities and Contractual Services

Section 287.057, F.S., requires the acquisition commodities and contractual services, in excess of \$35,000, be by competitive sealed bids, request for proposals or by competitive negotiations, unless specifically exempted.<sup>37</sup> Specific exemptions include, but are not limited to, when there is an immediate danger to public health safety and welfare, commodities and contractual services only available from a single source, and certain FDOT contracts.<sup>38</sup>

### III. Effect of Proposed Changes:

#### Definitions (Section 1)

The bill alphabetizes the definitions relating to special transportation services in s. 427.01, F.S., and defines the following terms:

- “Immediate family member” means a spouse, child, parent, sibling, grandparent, aunt, uncle, or first cousin of a person or the person’s spouse or a person who resides in the primary residence of the person.
- “Request for service” means a request made to a transportation service provider by a person with a disability, or by such person’s immediate family member, for paratransit service.
- “Transportation service provider” means an organization or entity that contracts with a local government to provide paratransit service for persons with disabilities.

#### Membership of the Commission (Section 2)

The bill amends the commission’s membership to consist of 14 members, rather than seven members, appointed by the Governor. The commission’s membership will be as follows:

- The director of the Agency for Persons with Disabilities.
- The Secretary of Transportation or his or her designee from within the Department of Transportation.
- The Secretary of Children and Families or his or her designee from within the Department of Children and Families.
- The Secretary of Elderly Affairs.
- The State Surgeon General or his or her designee from within the Department of Health.
- Two county managers or administrators, one from a rural county and one from a county with a population of more than 150,000 according to the last state census.
- The chief executive officer or president of a hospital in this state.
- The director of the Division of Blind Services.
- Five members who have experience in transit, transportation services, innovative technology, government procurement, mobility, or service of persons with disabilities or who have disabilities and use transportation for the transportation disadvantaged.

Each commission member must be a Florida resident. Appointed members serve four-year terms, except that initially, to provide for staggered terms, the Governor appoints three members to

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<sup>37</sup> Florida Department of Transportation (FDOT), *Doing Business with FDOT*, <https://www.fdot.gov/procurement/doingbusiness.shtm> (last visited January 25, 2024).

<sup>38</sup> Section 287.057(3), F.S.



serve two-year terms and two members to serve three-year terms. All subsequent appointments are for four-year terms. A member may be reappointed for one additional four-year term.

The bill removes the requirement for commission members to submit fingerprints and pass a Level 2 background screening. The bill also removes the prohibition on members of the commission having a financial relationship with specified entities or representing such entities as a lobbyist.

### **Duties of the Commission (Section 3)**

The bill amends the commission's duties and requires the commission to:

- Provide best practices, latest technology innovations, and preferential vendors lists to county transportation disadvantaged program managers.
- Annually review and conduct a performance audit of each coordinator contract and transportation operator contract in each county.
- Establish a system for the filing, receipt, and resolution of complaints regarding the transportation disadvantaged system.
- Include in its annual report a summary for each county of the number of complaints filed regarding the transportation disadvantaged system, contract satisfaction, a breakdown of the total cost of services, the amount of funds provided by the commission, and the results of annual performance audits.
- Ensure that drivers of motor vehicles used to provide paratransit service attend training programs delivered by APD.

### **Requirements for Transportation Services for Persons with Disabilities (Section 5)**

The bill creates s. 427.02, F.S., relating to transportation services for persons with disabilities.

The bill requires a transportation service provider (provider) to provide training to each driver of a motor vehicle used to provide paratransit service to persons with disabilities which, at a minimum, meets the APD requirements for training and professional development of staff providing direct services to APD's clients.

A provider must install an interior video camera monitoring system in each motor vehicle used to provide paratransit service to persons with disabilities. Each component of the interior video camera monitoring system must be mounted securely inside the motor vehicle, must be located outside the head protection zone,<sup>39</sup> must be located in an area in which the component is not likely to cause injury, and may not sharp edges or projections.

Upon request, a provider must provide access to footage captured by an interior video camera monitoring system to the local government, FDOT, APD, or a parent, legal guardian, caretaker, or immediate family member of a person who receives paratransit service from the provider.

A provider must offer Internet-based, application-based and smartphone-base ride booking and vehicle tracking services. Each of these services must be provided in accessible formats.

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<sup>39</sup> This is as described in 49 C.F.R. s. 571.222

A provider must regularly maintain and upgrade all technology-based services and offer pre-booking and on-demand service to paratransit service users.

A provider, in collaboration with the local government with which the provider contracts, must establish:

- Reasonable time periods between a request for service and the provider's arrival at the location specified in the request, taking into account the number of persons requesting paratransit service on the same date, the distance between locations, usual or expected traffic conditions during the provision of service, and any other factor the provider or local government deems necessary. If a provider exhibits a pattern of late arrivals based on such established reasonable time periods, the local government may authorize another provider to provide such paratransit service, including the acceptance of any prepaid vouchers for future services, notwithstanding the terms of the contract with the original provider.
- Best practices for limiting the duration of travel times for persons receiving paratransit service. To avoid unreasonably long travel times, the provider and the local government must consider the level of service offered to persons without disabilities by a public entity operating a fixed route transit service as compared to the level of paratransit service offered by the provider.<sup>40</sup>
- Transparency regarding the quality of paratransit service provider, including, but not limited to, data relating to the timeliness of service provided and the handling of complaints.
- An efficient system for reporting of adverse incidents occurring during the provision of paratransit service to persons with disabilities. Such system may include assigning a quick-response code to each motor vehicle used to provide such service for the purpose of reporting adverse incidents with a smartphone or other mobile device. Reports of adverse incidents received by the local government or the special transportation service provider must be submitted to APD and FDOT.

The bill requires APD, in collaboration with FDOT, to establish requirements for investigating reported adverse incidents, including periodic review of ongoing investigations and documentation of their final outcome. The investigation of a reported adverse incident must commence within 48 hours after APD and FDOT receive of the report.

The bill provides that s. 287.057, F.S., which exempts the procurement of contractual services from competitive bidding requirements does not apply to contracts entered into by local governments and special transportation service providers for the provision of special transportation services for persons with disabilities.

#### **Conforming Change (Section 4)**

The bill amends s. 427.0159, F.S., conforming a cross-reference.

#### **Effective Date (Section 6)**

The bill takes effect July 1, 2024.

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<sup>40</sup> This is in accordance with 49 C.F.R. s. 37.121.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## 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:

None.

## B. Private Sector Impact:

Transportation service providers will incur indeterminate costs to install video cameras in their vehicles and to comply with other provisions of the bill.

## C. Government Sector Impact:

The commission may incur an indeterminate negative fiscal impact associated with conducting annual performance audits of community transportation coordinators.

The bill may have negative a fiscal impact on APD and FDOT to investigate reported adverse incidents reported under provisions created in the bill.

Local governments that serve as community transportation coordinators may indeterminate incur costs associated with installing video cameras in some if its motor vehicles and establishing various technologies required by the bill.

**VI. Technical Deficiencies:**

Section 1 of the bill defines terms for newly created s. 427.02, F.S. However the bill does not incorporate s. 427.02, F.S., into the cross-reference of sections that the definitions section applies to. Similar conforming changes may need to be made to the definition of “community transportation coordinator” and s. 427.013(10), F.S., providing the commission with rulemaking authority.

**VII. Related Issues:**

The bill creates new requirements for organizations providing transportation services to individuals with disabilities. However, the bill is not clear as to which agency is responsible for the implementation, oversight, monitoring and costs associated with certain services specified in the bill.

The bill does not define the term “adverse incident,” nor does it specify whether such incidents include complaints related to violations under the federal Americans with Disabilities Act.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of Florida Statutes: 427.011, 427.012, 427.013, and 427.0159.

This bill creates section 427.02 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Transportation on February 6, 2024:**

The committee substitute:

- Revises the membership of the Commission for Transportation Disadvantaged (commission).
- Removes background screening and fingerprinting requirements for commission members.
- Requires the commission to:
  - Provide best practices, latest technological innovations and preferential vendors list to county transportation disadvantaged program managers.
  - Annually review and conduct a performance audit of each coordinator contract and transportation operator contract.
  - Establish a system for resolving complaints.
- Revises commission reporting requirements to include information on complaints, cost of service, contracts, funds provided by the commission, and the results of performance audits.
- Requires paratransit drivers to attend training programs provided through the Agency for Persons with Disabilities.

- Revises provisions regarding mobile application or web-based information to provide for smartphone based ride booking and vehicle tracking.
- Requires providers to maintain and upgrade specified technology-based services.
- Requires the offering of pre-booking and on-demand services for paratransit users.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
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The Committee on Transportation (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 427.011, Florida Statutes, is reordered  
and amended to read:

427.011 Definitions.—For the purposes of ss. 427.011-  
427.017:

(11)~~(1)~~ "Transportation disadvantaged" means those persons  
who because of physical or mental disability, income status, or



11 age are unable to transport themselves or to purchase  
12 transportation and are, therefore, dependent upon others to  
13 obtain access to health care, employment, education, shopping,  
14 social activities, or other life-sustaining activities, or  
15 children who are handicapped or high-risk or at-risk as defined  
16 in s. 411.202.

17 (6)~~(2)~~ "Metropolitan planning organization" means the  
18 organization responsible for carrying out transportation  
19 planning and programming in accordance with the provisions of 23  
20 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f) (3).

21 (1)~~(3)~~ "Agency" means an official, officer, commission,  
22 authority, council, committee, department, division, bureau,  
23 board, section, or any other unit or entity of the state or of a  
24 city, town, municipality, county, or other local governing body  
25 or a private nonprofit transportation service-providing agency.

26 (13)~~(4)~~ "Transportation improvement program" means a staged  
27 multiyear program of transportation improvements, including an  
28 annual element, which is developed by a metropolitan planning  
29 organization or designated official planning agency.

30 (2)~~(5)~~ "Community transportation coordinator" means a  
31 transportation entity recommended by a metropolitan planning  
32 organization, or by the appropriate designated official planning  
33 agency as provided for in ss. 427.011-427.017 in an area outside  
34 the purview of a metropolitan planning organization, to ensure  
35 that coordinated transportation services are provided to the  
36 transportation disadvantaged population in a designated service  
37 area.

38 (14)~~(6)~~ "Transportation operator" means one or more public,  
39 private for-profit, or private nonprofit entities engaged by the



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40 community transportation coordinator to provide service to  
41 transportation disadvantaged persons pursuant to a coordinated  
42 system service plan.

43 (3)~~(7)~~ "Coordinating board" means an advisory entity in  
44 each designated service area composed of representatives  
45 appointed by the metropolitan planning organization or  
46 designated official planning agency, to provide assistance to  
47 the community transportation coordinator relative to the  
48 coordination of transportation services.

49 (9)~~(8)~~ "Purchasing agency" means a department or agency  
50 whose head is an ex officio, nonvoting adviser to the  
51 commission, or an agency that purchases transportation services  
52 for the transportation disadvantaged.

53 (8)~~(9)~~ "Paratransit" means those elements of public transit  
54 which provide service between specific origins and destinations  
55 selected by the individual user with such service being provided  
56 at a time that is agreed upon by the user and provider of the  
57 service. Paratransit service is provided by taxis, limousines,  
58 "dial-a-ride," buses, and other demand-responsive operations  
59 that are characterized by their nonscheduled, nonfixed route  
60 nature.

61 (12)~~(10)~~ "Transportation disadvantaged funds" means any  
62 local government, state, or available federal funds that are for  
63 the transportation of the transportation disadvantaged. Such  
64 funds may include, but are not limited to, funds for planning,  
65 Medicaid transportation, administration, operation, procurement,  
66 and maintenance of vehicles or equipment and capital  
67 investments. Transportation disadvantaged funds do not include  
68 funds for the transportation of children to public schools.





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69            (4) ~~(11)~~ "Coordination" means the arrangement for the  
70 provision of transportation services to the transportation  
71 disadvantaged in a manner that is cost-effective, efficient, and  
72 reduces fragmentation and duplication of services.

73            (7) ~~(12)~~ "Nonsponsored transportation disadvantaged  
74 services" means transportation disadvantaged services that are  
75 not sponsored or subsidized by any funding source other than the  
76 Transportation Disadvantaged Trust Fund.

77            (5) "Immediate family member" means a spouse, child,  
78 parent, sibling, grandparent, aunt, uncle, or first cousin of a  
79 person or the person's spouse or a person who resides in the  
80 primary residence of the person.

81            (10) "Request for service" means a request made to a  
82 transportation service provider by a person with a disability,  
83 or by such person's immediate family member, for paratransit  
84 service.

85            (15) "Transportation service provider" means an  
86 organization or entity that contracts with a local government to  
87 provide paratransit service for persons with disabilities.

88            Section 2. Section 427.012, Florida Statutes, is amended to  
89 read:

90            427.012 The Commission for the Transportation  
91 Disadvantaged.—There is created the Commission for the  
92 Transportation Disadvantaged in the Department of  
93 Transportation.

94            (1) The commission shall consist of 14 ~~seven~~ members, all  
95 of whom shall be appointed by the Governor, in accordance with  
96 the requirements of s. 20.052.

97            (2) The commission shall be composed of the following



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98 members:

99 (a) The director of the Agency for Persons with  
100 Disabilities.

101 (b) The Secretary of Transportation or his or her designee  
102 from within the Department of Transportation.

103 (c) The Secretary of Children and Families or his or her  
104 designee from within the Department of Children and Families.

105 (d) The Secretary of Elderly Affairs.

106 (e) The State Surgeon General or his or her designee from  
107 within the Department of Health.

108 (f) Two county managers or administrators, one from a rural  
109 county and one from a county with a population of more than  
110 150,000 according to the last state census.

111 (g) The chief executive officer or president of a hospital  
112 in this state.

113 (h) The director of the Division of Blind Services.

114 (i) Five members who have experience in transit,  
115 transportation services, innovative technology, government  
116 procurement, mobility, or service of persons with disabilities  
117 or who have disabilities and use transportation for the  
118 transportation disadvantaged.

119 (3) Appointed members shall serve 4-year terms, except that  
120 initially, to provide for staggered terms, the Governor shall  
121 appoint three members to serve 2-year terms and two members to  
122 serve 3-year terms. All subsequent appointments shall be for 4-  
123 year terms. A member may be reappointed for one additional 4-  
124 year term.

125 (4) Each member must be a resident of this state.

126 ~~(a) Five of the members must have significant experience in~~



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127 ~~the operation of a business, and it is the intent of the~~  
128 ~~Legislature that, when making an appointment, the Governor~~  
129 ~~select persons who reflect the broad diversity of the business~~  
130 ~~community in this state, as well as the racial, ethnic,~~  
131 ~~geographical, and gender diversity of the population of this~~  
132 ~~state.~~

133 ~~(b) Two of the members must have a disability and use the~~  
134 ~~transportation disadvantaged system.~~

135 ~~(c) Each member shall represent the needs of the~~  
136 ~~transportation disadvantaged throughout the state. A member may~~  
137 ~~not subordinate the needs of the transportation disadvantaged in~~  
138 ~~general in order to favor the needs of others residing in a~~  
139 ~~specific location in the state.~~

140 ~~(d) Each member shall be appointed to a term of 4 years. A~~  
141 ~~member may be reappointed for one additional 4-year term.~~

142 ~~(e) Each member must be a resident of the state and a~~  
143 ~~registered voter.~~

144 ~~(f) At any given time, at least one member must be at least~~  
145 ~~65 years of age.~~

146 ~~(g) The Secretary of Transportation, the Secretary of~~  
147 ~~Children and Families, the Secretary of Economic Opportunity,~~  
148 ~~the executive director of the Department of Veterans' Affairs,~~  
149 ~~the Secretary of Elderly Affairs, the Secretary of Health Care~~  
150 ~~Administration, the director of the Agency for Persons with~~  
151 ~~Disabilities, and a county manager or administrator who is~~  
152 ~~appointed by the Governor, or a senior management level~~  
153 ~~representative of each, shall serve as ex officio, nonvoting~~  
154 ~~advisors to the commission.~~

155 ~~(h) A member may not, within the 5 years immediately before~~



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156 ~~his or her appointment, or during his or her term on the~~  
157 ~~commission, have or have had a financial relationship with, or~~  
158 ~~represent or have represented as a lobbyist as defined in s.~~  
159 ~~11.045, the following:~~

- 160 ~~1. A transportation operator;~~
- 161 ~~2. A community transportation coordinator;~~
- 162 ~~3. A metropolitan planning organization;~~
- 163 ~~4. A designated official planning agency;~~
- 164 ~~5. A purchaser agency;~~
- 165 ~~6. A local coordinating board;~~
- 166 ~~7. A broker of transportation; or~~
- 167 ~~8. A provider of transportation services.~~

168 ~~(5)-(2)~~ The chair of the commission ~~chairperson~~ shall be  
169 appointed by the Governor, and the vice chair ~~chairperson~~ of the  
170 commission shall be elected annually from the membership of the  
171 commission.

172 ~~(6)-(3)~~ Members of the commission shall serve without  
173 compensation but shall be allowed per diem and travel expenses,  
174 as provided in s. 112.061.

175 ~~(7)-(4)~~ The commission shall meet at least quarterly, or  
176 more frequently at the call of the chair ~~chairperson~~. Eight ~~Four~~  
177 members of the commission constitute a quorum, and a majority  
178 vote of the members present is necessary for any action taken by  
179 the commission.

180 ~~(8)-(5)~~ The Governor may remove any member of the commission  
181 for cause.

182 ~~(6)~~ Each candidate for appointment to the commission must,  
183 before accepting the appointment, undergo background screening  
184 under s. 435.04 by filing with the Department of Transportation



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185 ~~a complete set of fingerprints taken by an authorized law~~  
186 ~~enforcement agency. The fingerprints must be submitted to the~~  
187 ~~Department of Law Enforcement for state processing, and that~~  
188 ~~department shall submit the fingerprints to the Federal Bureau~~  
189 ~~of Investigation for federal processing. The Department of~~  
190 ~~Transportation shall screen the background results and inform~~  
191 ~~the commission of any candidate who does not meet level 2~~  
192 ~~screening standards. A candidate who has not met level 2~~  
193 ~~screening standards may not be appointed to the commission. The~~  
194 ~~cost of the background screening may be borne by the Department~~  
195 ~~of Transportation or the candidate.~~

196 (9)~~(7)~~ The commission shall appoint an executive director  
197 who shall serve under the direction, supervision, and control of  
198 the commission. The executive director, with the consent of the  
199 commission, shall employ such personnel as may be necessary to  
200 perform adequately the functions of the commission within  
201 budgetary limitations. Employees of the commission are exempt  
202 from the Career Service System.

203 (10)~~(8)~~ The commission shall appoint a technical working  
204 group that includes representatives of private paratransit  
205 providers. The technical working group shall advise the  
206 commission on issues of importance to the state, including  
207 information, advice, and direction regarding the coordination of  
208 services for the transportation disadvantaged. The commission  
209 may appoint other technical working groups whose members may  
210 include representatives of community transportation  
211 coordinators; metropolitan planning organizations; regional  
212 planning councils; experts in insurance, marketing, economic  
213 development, or financial planning; and persons who use



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214 transportation for the transportation disadvantaged, or their  
215 relatives, parents, guardians, or service professionals who tend  
216 to their needs.

217 (11)~~(9)~~ The commission is assigned to the office of the  
218 secretary of the Department of Transportation for administrative  
219 and fiscal accountability purposes, but it shall otherwise  
220 function independently of the control, supervision, and  
221 direction of the department.

222 (12)~~(10)~~ The commission shall develop a budget pursuant to  
223 chapter 216. The budget is not subject to change by the  
224 department staff after it has been approved by the commission,  
225 but it shall be transmitted to the Governor, as head of the  
226 department, along with the budget of the department.

227 Section 3. Present subsections (8) through (29) of section  
228 427.013, Florida Statutes, are redesignated as subsections (10)  
229 through (31), respectively, new subsections (8) and (9) are  
230 added to that section, and subsection (5) and present  
231 subsections (13), (20), and (28) of that section are amended, to  
232 read:

233 427.013 The Commission for the Transportation  
234 Disadvantaged; purpose and responsibilities.—The purpose of the  
235 commission is to accomplish the coordination of transportation  
236 services provided to the transportation disadvantaged. The goal  
237 of this coordination is to assure the cost-effective provision  
238 of transportation by qualified community transportation  
239 coordinators or transportation operators for the transportation  
240 disadvantaged without any bias or presumption in favor of  
241 multioperator systems or not-for-profit transportation operators  
242 over single operator systems or for-profit transportation



243 operators. In carrying out this purpose, the commission shall:

244 (5) Serve as a clearinghouse for information about  
245 transportation disadvantaged services, training, funding  
246 sources, innovations, and coordination efforts and provide best  
247 practices, latest technology innovations, and preferential  
248 vendors lists to county transportation disadvantaged program  
249 managers.

250 (8) Annually review and conduct a performance audit of each  
251 coordinator contract and transportation operator contract in  
252 each county.

253 (9) Establish a system for the filing, receipt, and  
254 resolution of complaints regarding the transportation  
255 disadvantaged system.

256 (15) ~~(13)~~ Make an annual report to the Governor, the  
257 President of the Senate, and the Speaker of the House of  
258 Representatives by January 1 of each year. The report shall  
259 summarize for each county the number of complaints filed  
260 regarding the transportation disadvantaged system, contract  
261 satisfaction, a breakdown of the total cost of services, the  
262 amount of funds provided by the commission, and the results of  
263 annual performance audits.

264 (22) ~~(20)~~ Ensure that drivers of motor vehicles used to  
265 provide paratransit service attend ~~Design and develop~~  
266 ~~transportation disadvantaged~~ training programs delivered by the  
267 Agency for Persons with Disabilities.

268 (30) ~~(28)~~ In consultation with the Agency for Health Care  
269 Administration and the Department of Transportation, develop an  
270 allocation methodology that equitably distributes all  
271 transportation funds under the control of the commission to



272 compensate counties, community transportation coordinators, and  
273 other entities providing transportation disadvantaged services.  
274 The methodology shall separately account for Medicaid  
275 beneficiaries. The methodology shall consider such factors as  
276 the actual costs of each transportation disadvantaged trip based  
277 on prior-year information, efficiencies that a provider might  
278 adopt to reduce costs, results of the rate and cost comparisons  
279 conducted under subsections (26) ~~(24)~~ and (27) ~~(25)~~, as well as  
280 cost efficiencies of trips when compared to the local cost of  
281 transporting the general public. This subsection does not  
282 supersede the authority of the Agency for Health Care  
283 Administration to distribute Medicaid funds.

284 Section 4. Subsection (4) of section 427.0159, Florida  
285 Statutes, is amended to read:

286 427.0159 Transportation Disadvantaged Trust Fund.—

287 (4) A purchasing agency may deposit funds into the  
288 Transportation Disadvantaged Trust Fund for the commission to  
289 implement, manage, and administer the purchasing agency's  
290 transportation disadvantaged funds, as defined in s. 427.011 ~~s.~~  
291 427.011(10).

292 Section 5. Section 427.02, Florida Statutes, is created to  
293 read:

294 427.02 Transportation services for persons with  
295 disabilities.—

296 (1) A transportation service provider must:

297 (a) Provide training to each driver of a motor vehicle used  
298 to provide paratransit service to persons with disabilities  
299 which, at a minimum, meets requirements established by the  
300 Agency for Persons with Disabilities for training and





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301 professional development of staff providing direct services to  
302 clients of the agency.

303 (b)1. Install an interior video camera monitoring system in  
304 each motor vehicle used to provide paratransit service to  
305 persons with disabilities. Each component of the interior video  
306 camera monitoring system must be mounted securely inside the  
307 motor vehicle, must be located outside the head protection zone  
308 as described in 49 C.F.R. s. 571.222, must be located in an area  
309 in which the component is not likely to cause injury, and must  
310 have no sharp edges or projections.

311 2. Upon request, provide access to footage captured by an  
312 interior video camera monitoring system to the local government,  
313 the Department of Transportation, the Agency for Persons with  
314 Disabilities, or a parent, legal guardian, caretaker, or  
315 immediate family member of a person who receives paratransit  
316 service from the transportation service provider.

317 (c) Offer Internet-based, application-based, and  
318 smartphone-based ride booking and vehicle tracking services.  
319 Each of these services must be provided in accessible formats.

320 (d) Regularly maintain and upgrade all technology-based  
321 services.

322 (e) Offer both pre-booking and on-demand service to  
323 paratransit service users.

324 (2) A transportation service provider, in collaboration  
325 with the local government with which the provider contracts,  
326 shall establish:

327 (a) Reasonable time periods between a request for service  
328 and the arrival of the transportation service provider at the  
329 location specified in the request, taking into account the



330 number of persons requesting paratransit service on the same  
331 date, the distance between locations, usual or expected traffic  
332 conditions during the provision of paratransit service, and any  
333 other factor deemed necessary by the provider or the local  
334 government. If a transportation service provider exhibits a  
335 pattern of late arrivals based on such established reasonable  
336 time periods, the local government may authorize another  
337 provider to provide such paratransit service, including the  
338 acceptance of any prepaid vouchers for future paratransit  
339 service, notwithstanding the terms of the contract with the  
340 original provider.

341 (b) Best practices for limiting the duration of travel  
342 times for persons receiving paratransit service. To avoid  
343 unreasonably long travel times, the provider and the local  
344 government shall consider the level of service offered to  
345 persons without disabilities by a public entity operating a  
346 fixed route as compared to the level of paratransit service  
347 offered by the transportation service provider in accordance  
348 with 49 C.F.R. s. 37.121.

349 (c) Transparency regarding the quality of paratransit  
350 service provided by the transportation service provider,  
351 including, but not limited to, data relating to the timeliness  
352 of paratransit service provided and the handling of complaints.

353 (d) An efficient system for the reporting of adverse  
354 incidents occurring during the provision of paratransit service  
355 to persons with disabilities. Such system may include the  
356 assignment of a quick-response code to each motor vehicle used  
357 to provide such service for the purpose of reporting adverse  
358 incidents with a smartphone or other mobile device. Reports of



359 adverse incidents received by the local government or the  
360 transportation service provider shall be submitted to the Agency  
361 for Persons with Disabilities and the Department of  
362 Transportation.

363 (3) The Agency for Persons with Disabilities, in  
364 collaboration with the Department of Transportation, shall  
365 establish requirements for the investigation of adverse  
366 incidents reported pursuant to paragraph (2)(d), including  
367 periodic review of ongoing investigations and documentation of  
368 final outcomes thereof. The investigation of a reported adverse  
369 incident must commence within 48 hours after receipt of the  
370 report by the agency and the department.

371 (4) The provisions of s. 287.057 which exempt the purchase  
372 of contractual services from competitive bidding requirements do  
373 not apply to contracts entered into by local governments and  
374 transportation service providers for the provision of  
375 paratransit service to persons with disabilities under this  
376 section.

377 Section 6. This act shall take effect July 1, 2024.

378  
379 ===== T I T L E A M E N D M E N T =====

380 And the title is amended as follows:

381 Delete everything before the enacting clause  
382 and insert:

383 A bill to be entitled  
384 An act relating to transportation services for persons  
385 with disabilities and the transportation  
386 disadvantaged; reordering and amending s. 427.011,  
387 F.S.; revising definitions; defining terms; amending



388 s. 427.012, F.S.; revising membership of the  
389 Commission for the Transportation Disadvantaged and  
390 qualifications therefor; providing for staggered  
391 terms; requiring each member to be a resident of this  
392 state; amending s. 427.013, F.S.; revising the duties  
393 of the commission; amending s. 427.0159, F.S.;  
394 conforming a cross-reference; creating s. 427.02,  
395 F.S.; providing responsibilities of a transportation  
396 service provider with respect to driver training,  
397 installation of video camera monitoring systems, and  
398 technology-based services; requiring a transportation  
399 service provider and the local government with which  
400 the provider contracts to establish standards relating  
401 to reasonable time periods between a request for  
402 service and the arrival of the provider, limitation of  
403 the duration of travel times, transparency regarding  
404 the quality of service provided, and a system for the  
405 reporting of adverse incidents; requiring that reports  
406 of adverse incidents be submitted to the Agency for  
407 Persons with Disabilities and the Department of  
408 Transportation; requiring the agency and the  
409 department to establish requirements for the  
410 investigation of adverse incidents; requiring such an  
411 investigation to commence within a certain timeframe;  
412 providing nonapplicability of provisions exempting the  
413 purchase of contractual services from competitive  
414 bidding requirements; providing an effective date.

By Senator Hutson

7-00687-24

20241380\_\_

A bill to be entitled

An act relating to special transportation services for persons with disabilities; creating s. 427.02, F.S.; defining terms; providing responsibilities of a special transportation service provider with respect to driver training, installation of video camera monitoring systems, and maintenance of a website or mobile application that allows tracking of certain motor vehicles; requiring a special transportation service provider, in collaboration with the local government with which the provider contracts, to establish standards relating to reasonable time periods between a request for service and the arrival of the provider, limitation of the duration of travel times, transparency regarding the quality of service provided, and a system for the reporting of adverse incidents; requiring reports of adverse incidents to be submitted to the Agency for Persons with Disabilities and the Department of Transportation; requiring the agency, in collaboration with the department, to establish requirements for the investigation of adverse incidents; requiring such an investigation to commence within a certain timeframe; providing nonapplicability of provisions exempting the purchase of contractual services from competitive bidding requirements; providing an effective date.

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

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

7-00687-24

20241380\_\_

Section 1. Section 427.02, Florida Statutes, is created to read:

427.02 Special transportation services for persons with disabilities.

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

(a) "Immediate family member" means a spouse, child, parent, sibling, grandparent, aunt, uncle, or first cousin of a person or the person's spouse or a person who resides in the primary residence of the person.

(b) "Paratransit service" means transportation between specific origins and destinations selected by an individual user, with such service being provided at a time that is agreed upon by the user and provider of the service.

(c) "Request for service" means a request made to a special transportation service provider by a person with a disability, or by such person's immediate family member, for paratransit service.

(d) "Special transportation service provider" or "provider" means an organization or entity that contracts with a local government to provide paratransit service for persons with disabilities.

(2) A special transportation service provider must:

(a) Provide training to each driver of a motor vehicle used to provide paratransit service to persons with disabilities which, at a minimum, meets requirements established by the Agency for Persons with Disabilities for training and professional development of staff providing direct services to clients of the agency.

(b)1. Install an interior video camera monitoring system in

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 each motor vehicle used to provide paratransit service to  
 60 persons with disabilities. Each component of the interior video  
 61 camera monitoring system must be mounted securely inside the  
 62 motor vehicle, must be located outside the head protection zone  
 63 as described in 49 C.F.R. s. 571.222, must be located in an area  
 64 in which the component is not likely to cause injury, and must  
 65 have no sharp edges or projections.

66 2. Upon request, provide access to video recorded by an  
 67 interior video camera monitoring system to the local government,  
 68 the Department of Transportation, the Agency for Persons with  
 69 Disabilities, or a parent, legal guardian, caretaker, or  
 70 immediate family member of a person who receives paratransit  
 71 service from the special transportation service provider.

72 (c) Maintain a website or mobile application that allows  
 73 tracking of the location or movement of each motor vehicle used  
 74 to provide paratransit service to persons with disabilities  
 75 using a global positioning system or another mapping,  
 76 locational, or directional information system. Access to such  
 77 website or mobile application must be restricted to the local  
 78 government and the parents, legal guardians, caretakers, and  
 79 immediate family members of persons who receive paratransit  
 80 service from the special transportation service provider.

81 (3) A special transportation service provider, in  
 82 collaboration with the local government with which the provider  
 83 contracts, shall establish:

84 (a) Reasonable time periods between a request for service  
 85 and the arrival of the special transportation service provider  
 86 at the location specified in the request, taking into account  
 87 the number of persons requesting service on the same date, the

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88 distance between locations, usual or expected traffic conditions  
 89 during the provision of service, and any other factor deemed  
 90 necessary by the provider or the local government. If a special  
 91 transportation service provider exhibits a pattern of late  
 92 arrivals based on such established reasonable time periods, the  
 93 local government may authorize another provider to provide such  
 94 paratransit service, including the acceptance of any prepaid  
 95 vouchers for future services, notwithstanding the terms of the  
 96 contract with the original provider.

97 (b) Best practices for limiting the duration of travel  
 98 times for persons receiving paratransit service. To avoid  
 99 unreasonably long travel times, the provider and the local  
 100 government shall consider the level of service offered to  
 101 persons without disabilities by a public entity operating a  
 102 fixed route as compared to the level of paratransit service  
 103 offered by the special transportation service provider in  
 104 accordance with 49 C.F.R. s. 37.121.

105 (c) Transparency regarding the quality of service provided  
 106 by the special transportation service provider, including, but  
 107 not limited to, data relating to the timeliness of service  
 108 provided and the handling of complaints.

109 (d) An efficient system for the reporting of adverse  
 110 incidents occurring during the provision of paratransit service  
 111 to persons with disabilities. Such system may include the  
 112 assignment of a quick-response (QR) code to each motor vehicle  
 113 used to provide such service for the purpose of reporting  
 114 adverse incidents with a smartphone or other mobile device.  
 115 Reports of adverse incidents received by the local government or  
 116 the special transportation service provider must be submitted to

7-00687-24

20241380\_\_

117 the Agency for Persons with Disabilities and the Department of  
118 Transportation.

119 (4) The Agency for Persons with Disabilities, in  
120 collaboration with the Department of Transportation, shall  
121 establish requirements for the investigation of adverse  
122 incidents reported pursuant to paragraph (3) (d), including  
123 periodic review of ongoing investigations and documentation of  
124 final outcomes thereof. The investigation of a reported adverse  
125 incident must commence within 48 hours after receipt of the  
126 report by the agency and the department.

127 (5) The provisions of s. 287.057 which exempt the  
128 procurement of contractual services from competitive bidding  
129 requirements do not apply to contracts entered into by local  
130 governments and special transportation service providers for the  
131 provision of special transportation services under this section.

132 Section 2. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/6/24

Meeting Date

1380

Bill Number or Topic

Transp.

Committee

Amendment Barcode (if applicable)

Name LISA BACOT

Phone 850 445 8329

Address PO Box 10148

Email lbacot@floridatrust.org

Street

Jaluy FL

State

32302

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Public Transportation Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

SB 1380

2/6/2024

Meeting Date

Bill Number or Topic

Transportation

Committee

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Amendment Barcode (if applicable)

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Email legislation@floridapta.org

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Orlando

City

FL

State

32809

Zip

Speaking:  For  Against  Information

OR

Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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2/4/24 Meeting Date

1380 Bill Number or Topic

Transportation Committee

Amendment Barcode (if applicable)

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Email lauram@drflorida.org

Street

Tallahassee FL 32308

City

State

Zip

Speaking: [ ] For [ ] Against [x] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Disability Rights FL

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

The Florida Senate

APPEARANCE RECORD

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2/6/2024

Meeting Date

1380

Bill Number or Topic

Troop Portion

Committee

Amendment Barcode (if applicable)

Name Michael McCreisnt

Phone 407-840-0370

Address 1849 S Kirkman Road

Email

Street

Orlando

FL

32811

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**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.)

---

Prepared By: The Professional Staff of the Committee on Transportation

---

BILL: SB 1464

INTRODUCER: Senator Calatayud

SUBJECT: Traffic Enforcement

DATE: February 6, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	<b>Favorable</b>
2.			ATD	
3.			FP	

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**I. Summary:**

SB 1464 creates additional requirements governing the installation and use of traffic infraction detectors, commonly known as red light cameras. Specifically, the bill provides:

- A county or municipality must enact an ordinance in order to authorize the placement or installation of, or to authorize contracting with a vendor for the placement or installation of, one or more traffic infraction detectors.
- A county or municipality operating traffic infraction detectors must annually report the results of all traffic infraction detectors within the county's or municipality's jurisdiction.
- Before a county or municipality contracts or renews a contract to place or install traffic infraction detectors, the county or municipality must approve the contract or contract renewal at a regular or special meeting of the county's or municipality's governing body.
- The bill provides requirements for the public hearing on a proposed ordinance and the annual reporting relating to traffic infraction detectors.
- The compliance or sufficiency of compliance with the above reporting requirement may not be raised in a proceeding challenging specified traffic violations enforced by a traffic infraction detector.

Additionally, the bill provides that a county or municipality that does not comply with the specified reporting requirements are suspended from operating traffic infraction detectors until such noncompliance is corrected.

The bill requires DHSMV to publish each traffic infraction detector report submitted by a county or municipality on its website.

The bill also adds parameters around the use of all cameras for traffic enforcement such that contracts must be competitively bid, and a camera or camera component which is constructed by a Chinese manufacturer or a domestic or international manufacturer that uses materials imported from China may not be used for traffic enforcement in Florida.

The bill will have an indeterminate, but likely insignificant, fiscal impact on the state. The bill will have an indeterminate negative fiscal impact on local governments that use cameras to enforce certain traffic infractions.

The bill takes effect July 1, 2024.

## II. Present Situation:

### Procurement of Commodities and Contractual Services

Section 287.057, F.S., and Rule 60A, F.A.C., require agencies<sup>1</sup> to acquire commodities and contractual services, in excess of \$35,000, by competitive sealed bids, request for proposals or by competitive negotiations, unless specifically exempted.<sup>2</sup> Specific exemptions include, but are not limited to, when is an immediate danger to public health safety and welfare, commodities and contractual services only available from a single source, and certain Department of Transportation contracts.<sup>3</sup>

### Chinese Manufacturers of Traffic Cameras

Section 287.138, F.S., prohibits governmental entities for contracting with entities of foreign countries of concern. The People's Republic of China is listed as a foreign county of concern.<sup>4</sup>

Under s. 287.138, F.S., beginning January 1, 2024, a governmental entity<sup>5</sup> may not accept a bid on, a proposal for, or a reply to, or enter into, a contract with an entity which would grant the entity access to personal identifying information unless the entity provides the governmental entity with a signed affidavit. The affidavit must provide that the entity is not owned by the government of a foreign country of concern, is not owned by a foreign country of concern, and is not organized under the laws of or is headquartered in a foreign country of concern.<sup>6</sup>

Beginning July 1, 2025, a governmental entity may not extend or renew a contract with a foreign country of concern entity if continuing such a contract would grant the entity access to personal

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<sup>1</sup> For purposes of ch. 287, F.S., the term "agency" is defined 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. "Agency" does not include the university and college boards of trustees or the state universities and colleges. *See* s. 287.012(1), F.S.

<sup>2</sup> Florida Department of Transportation (FDOT), *Doing Business with FDOT*, <https://www.fdot.gov/procurement/doingbusiness.shtm> (last visited January 25, 2024).

<sup>3</sup> Section 287.057(3), F.S.

<sup>4</sup> Section 287.138(1)(c), F.S., defines the term "foreign country of concern" to mean the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern.

<sup>5</sup> Section 287.138(1)(d), F.S., defines the term "governmental entity" for purposes of s. 287.138, F.S., any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, but not limited to, the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

<sup>6</sup> Section 287.135(4)(a), F.S.

identifying information. An entity extending or renewing a contract with a governmental entity must provide a sworn affidavit that the entity is not owned by the government of a foreign country of concern, is not owned by a foreign country of concern, and is not organized under the laws of or is headquartered in a foreign country of concern.<sup>7</sup>

### **Use of Cameras for Traffic Enforcement**

Florida law expressly preempts to the state the regulation of the use of cameras for enforcing the Florida Uniform Traffic Control Law.<sup>8</sup> The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras),<sup>9</sup> speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit,<sup>10</sup> and school bus infraction detection systems.<sup>11</sup>

The law authorizing speed detection systems in school zones, in its relevant parts:

- Requires a county or municipality to enact an ordinance in order to authorize the placement or installation of a speed detection system.<sup>12</sup> As part of its public hearing on the proposed ordinance, the county or municipality must consider traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, and the county or municipality must determine that the school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures.<sup>13</sup>
- Requires a county or municipality to annually report the results of all school zone speed detection systems within the county's or municipality's jurisdiction by placing a specified report as a single reporting item on the agenda of a regular or special meeting of the county's or municipality's governing body.<sup>14</sup> Before a county or municipality contracts or renews a contract to place or install a speed detection system in a school zone, the county or municipality must approve the contract or contract renewal at a regular or special meeting of the county's or municipality's governing body.<sup>15</sup>
  - Interested members of the public must be allowed to comment regarding the report, contract, or contract renewal under the county's or municipality's public comment policies or formats, and the report, contract, or contract renewal may not be considered as part of a consent agenda.<sup>16</sup>
  - The report must include a written summary, which must be read aloud at the regular or special meeting, and the summary must contain, for the same time period pertaining to the specified annual report to the Department of Highway Safety and Motor Vehicles (DHSMV), the number of notices of violation issued, the number that were contested, the

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<sup>7</sup> Section 287.138(4)(b), F.S.

<sup>8</sup> Section 316.0076, F.S. Ch. 316, F.S., is the Florida Uniform Traffic Control Law.

<sup>9</sup> Section 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.

<sup>10</sup> Section 316.1896, F.S.

<sup>11</sup> Section 316.173, F.S.

<sup>12</sup> Section 316.008(9)(c), F.S. Section 316.003(83), F.S., defines the term "speed detection system" to mean a portable or fixed automated system used to detect a motor vehicle's speed using radar or LiDAR and to capture a photograph or video of the rear of a motor vehicle that exceeds the speed limit in force at the time of the violation.

<sup>13</sup> *Id.*

<sup>14</sup> Section 316.0776(3)(c), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 316.0776(3)(c)1., F.S.

- number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid and how collected funds were distributed and in what amounts. The county or municipality must report to DHSMV that the county's or municipality's annual report was properly considered, including the date of the regular or special meeting at which the annual report was considered.<sup>17</sup>
- The compliance or sufficiency of compliance with this reporting requirement may not be raised in a proceeding challenging a violation of s. 316.1895, F.S., or s. 316.183, F.S., enforced by a speed detection system in a school zone.<sup>18</sup>

The statutes authorizing traffic infraction detectors,<sup>19</sup> in its relevant parts, includes the following:

- Each county or municipality that operates a traffic infraction detector must submit a report by October 1, 2012, and annually thereafter, to DHSMV which details the results of using the traffic infraction detector and the procedures for enforcement for the preceding state fiscal year.<sup>20</sup> The information submitted by the counties and municipalities must include statistical data and information required by DHSMV in order for DHSMV to complete the report that DHSMV is required to compile.<sup>21</sup>
- On or before December 31, 2012, and annually thereafter, DHSMV must provide a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the use and operation of traffic infraction detectors, along with DHSMV's recommendations and any necessary legislation.<sup>22</sup> The summary report must include a review of the information submitted to DHSMV by the counties and municipalities and must describe the enhancement of the traffic safety and enforcement programs.<sup>23</sup>

### III. Effect of Proposed Changes:

#### Camera Systems – Competitive Bidding

The bill provides that the provisions of s. 287.057, F.S., which exempt the purchase of commodities or contractual services from competitive bidding requirements, does not apply to contracts entered into with manufacturers or vendors of school bus infraction detection systems, speed detection systems, traffic infraction detectors, or any other camera system used for Florida's Uniform Traffic Control Law which are regulated under s. 316.0076, F.S., relating to the regulation and use of cameras.

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<sup>17</sup> Section 316.0776(3)(c)2., F.S.

<sup>18</sup> Section 316.0776(3)(c)3., F.S.

<sup>19</sup> Section 316.003(100), F.S., defines the term "traffic infraction detector" to mean a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 316.0083(1)(b), F.S., or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

<sup>20</sup> Section 316.0083(4)(a), F.S.

<sup>21</sup> *Id.*

<sup>22</sup> Section 316.0083(4)(b), F.S.

<sup>23</sup> *Id.*

## **Use of Camera Systems Constructed by Chinese Manufacturers**

The bill provides that a school bus infraction detection system, speed detection system, traffic infraction detector or any other camera system used for enforcing Florida's Uniform Traffic Control Law, which is constructed by a Chinese manufacturer or a domestic or international manufacturer that uses materials from China may not be used for traffic enforcement in this state.

## **Traffic Infraction Detectors - Transparency and Reporting**

The bill requires a county or municipality to enact an ordinance in order to authorize the placement, or installation of, or to authorize contracting with a vendor for the placement or installation of one or more red light cameras. As part of its public hearing on such proposed ordinance, the county or municipality must consider traffic data or other evidence supporting the installation and operation of each red light camera, and the county or municipality must determine that the intersection at which the traffic infraction detector is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures.

The bill requires a county or municipality that operates one or more traffic infraction detectors to annually report the results of all traffic infraction detectors with the county's or municipality's jurisdiction as a single reporting item on the agenda of a regular or special meeting of the county's or municipality's governing body. Before a county or municipality contracts or renews a contract to place or install one or more traffic infraction detectors, the county or municipality must approve the contract or contract renewal at a regular or special meeting of the county's or municipality's governing body.

At the meeting, interested members of the public must be allowed to comment regarding the report, contract, or contract renewal under the county's or municipality's public comment policies or formats, and the report, contract, or contract renewal may not be considered as part of a consent agenda.

The required report must include a written summary, and the summary must contain, for the preceding year, the number of notices of violation issued, the number that were consisted, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid and how the collected funds were distributed and in what amounts. The county or municipality must report to DHSMV that the county's or municipality's annual report was considered in accordance with this provision, including the date of the regular or special meeting at which the annual report was considered.

The compliance or sufficiency of compliance with the provisions above may not be raised in a proceeding challenging a violation enforced by a traffic infraction detector.

A county or municipality that does not comply with the above, is suspended from operating traffic infraction detectors until it corrects such noncompliance.

The bill requires DHSMV to post each report it receives regarding traffic infraction detectors submitted by a municipality or county on its website.



The bill takes effect July 1, 2024.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate, but likely insignificant, negative fiscal impact to DHSMV to publish on its website each report on traffic infraction detectors submitted by a county or municipality.

The bill may have an indeterminate negative fiscal impact on counties and municipalities choosing to deploy traffic infraction detectors due to additional requirements and costs associated with the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 316.0083 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 316.0077 and 316.0078.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

By Senator Calatayud

38-01666-24

20241464\_\_

1 A bill to be entitled  
 2 An act relating to traffic enforcement; creating s.  
 3 316.0077, F.S.; providing that provisions exempting  
 4 the purchase of commodities or contractual services  
 5 from competitive bidding requirements do not apply to  
 6 contracts for certain camera systems; creating s.  
 7 316.0078, F.S.; prohibiting certain camera systems or  
 8 components thereof constructed by a Chinese  
 9 manufacturer from being used for traffic enforcement  
 10 in this state; amending s. 316.0083, F.S.; requiring a  
 11 county or municipality to enact an ordinance to  
 12 authorize placement or installation of traffic  
 13 infraction detectors; requiring the county or  
 14 municipality to consider certain evidence and make a  
 15 certain determination at a public hearing; requiring a  
 16 county or municipality to place a specified annual  
 17 report on the agenda of a regular or special meeting  
 18 of its governing body; requiring approval by the  
 19 governing body at a regular or special meeting before  
 20 contracting or renewing a contract to place or install  
 21 traffic infraction detectors; providing for public  
 22 comment; prohibiting such report, contract, or  
 23 contract renewal from being considered as part of a  
 24 consent agenda; providing requirements for a written  
 25 summary of such report; requiring counties and  
 26 municipalities to report to the department that their  
 27 respective annual report was considered at a certain  
 28 meeting and the date of such meeting; prohibiting  
 29 compliance with certain provisions from being raised

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

38-01666-24

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30 in a proceeding challenging a violation; providing for  
 31 suspension of a noncompliant county or municipality  
 32 from operating traffic infraction detectors until such  
 33 noncompliance is corrected; requiring the department  
 34 to publish certain reports on its website; providing  
 35 an effective date.  
 36

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

38  
 39 Section 1. Section 316.0077, Florida Statutes, is created  
 40 to read:

41 316.0077 Camera systems; competitive bidding.—The  
 42 provisions of s. 287.057 which exempt the purchase of  
 43 commodities or contractual services from competitive bidding  
 44 requirements do not apply to contracts entered into with  
 45 manufacturers or vendors of school bus infraction detection  
 46 systems, speed detection systems, traffic infraction detectors,  
 47 or any other camera systems used for enforcing this chapter  
 48 which are regulated under s. 316.0076.

49 Section 2. Section 316.0078, Florida Statutes, is created  
 50 to read:

51 316.0078 Use of camera systems constructed by Chinese  
 52 manufacturers prohibited.—A school bus infraction detection  
 53 system, speed detection system, traffic infraction detector, or  
 54 any other camera system used for enforcing this chapter which is  
 55 regulated under s. 316.0076, or any component thereof, which is  
 56 constructed by a Chinese manufacturer or a domestic or  
 57 international manufacturer that uses materials imported from  
 58 China may not be used for traffic enforcement in this state.

Page 2 of 5

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 Section 3. Subsection (4) of section 316.0083, Florida  
60 Statutes, is amended to read:

61 316.0083 Mark Wandall Traffic Safety Program;  
62 administration; report.—

63 (4)(a)1. A county or municipality shall enact an ordinance  
64 in order to authorize the placement or installation of, or to  
65 authorize contracting with a vendor for the placement or  
66 installation of, one or more traffic infraction detectors to  
67 enforce s. 316.074(1) or s. 316.075(1)(c)1. As part of the  
68 public hearing on such proposed ordinance, the county or  
69 municipality shall consider traffic data or other evidence  
70 supporting the installation and operation of each traffic  
71 infraction detector, and the county or municipality must  
72 determine that the intersection at which a traffic infraction  
73 detector is to be placed or installed constitutes a heightened  
74 safety risk that warrants additional enforcement measures.

75 2. A county or municipality that operates one or more  
76 traffic infraction detectors shall annually report the results  
77 of all traffic infraction detectors within the county's or  
78 municipality's jurisdiction as a single reporting item on the  
79 agenda of a regular or special meeting of the county's or  
80 municipality's governing body. Before a county or municipality  
81 contracts or renews a contract to place or install one or more  
82 traffic infraction detectors, the county or municipality shall  
83 approve the contract or contract renewal at a regular or special  
84 meeting of the county's or municipality's governing body.

85 a. Interested members of the public must be allowed to  
86 comment regarding the report, contract, or contract renewal  
87 under the county's or municipality's public comment policies or

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88 formats, and the report, contract, or contract renewal may not  
89 be considered as part of a consent agenda.

90 b. The report required under this subparagraph must include  
91 a written summary, which must be read aloud at the regular or  
92 special meeting, and the summary must contain, for the preceding  
93 year, the number of notices of violation issued, the number that  
94 were contested, the number that were upheld, the number that  
95 were dismissed, the number that were issued as uniform traffic  
96 citations, and the number that were paid and how collected funds  
97 were distributed and in what amounts. The county or municipality  
98 shall report to the department that the county's or  
99 municipality's annual report was considered in accordance with  
100 this paragraph, including the date of the regular or special  
101 meeting at which the annual report was considered.

102 3. The compliance or sufficiency of compliance with this  
103 paragraph may not be raised in a proceeding challenging a  
104 violation of s. 316.074(1) or s. 316.075(1)(c)1. enforced by a  
105 traffic infraction detector.

106 4. A county or municipality that does not comply with this  
107 paragraph is suspended from operating traffic infraction  
108 detectors under this subsection until such noncompliance is  
109 corrected.

110 ~~(b)(a)~~ Each county or municipality that operates a traffic  
111 infraction detector shall submit a report by October 1, 2012,  
112 and annually thereafter, to the department which details the  
113 results of using the traffic infraction detector and the  
114 procedures for enforcement for the preceding state fiscal year.  
115 The information submitted by the counties and municipalities  
116 must include statistical data and information required by the

38-01666-24

20241464\_\_

117 department to complete the summary report required under  
118 paragraph ~~(c) (b)~~. The department must publish each report  
119 submitted by a county or municipality pursuant to this paragraph  
120 on its website.

121 ~~(c) (b)~~ On or before December 31, 2012, and annually  
122 thereafter, the department shall provide a summary report to the  
123 Governor, the President of the Senate, and the Speaker of the  
124 House of Representatives regarding the use and operation of  
125 traffic infraction detectors under this section, along with the  
126 department's recommendations and any necessary legislation. The  
127 summary report must include a review of the information  
128 submitted to the department by the counties and municipalities  
129 and must describe the enhancement of the traffic safety and  
130 enforcement programs.

131 Section 4. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

2/6/24

Meeting Date

SB 1464

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Senate Transportation

Committee

Amendment Barcode (if applicable)

Name Kelly Abercrombie

Phone 423 710 6348

Address 9630 Deer Ridge Dr

Email kabercrombie@bluelinesolutions.com

Street

Ooltewah

TN

37363

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Blue Line Solutions

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**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 of the Committee on Transportation

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BILL: CS/SB 1528

INTRODUCER: Transportation Committee and Senator Collins

SUBJECT: Violations Against Vulnerable Road Users

DATE: February 6, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Fav/CS</b>
2.			CJ	
3.			RC	

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1528 creates s. 318.195, F.S., cited as the “Vulnerable Road User Act,” to provide the following new penalties:

- A person who commits a moving violation that causes serious bodily injury to a vulnerable road must pay a fine of not less than \$1,500, and attend an approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway. The bill also requires a court to revoke the person's driver license for at least 30 days.
- A person who commits a moving violation that causes the death of a vulnerable road user must pay a fine of not less than \$5,000, and attend an approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway. The bill also requires a court to revoke the person's driver license for at least one year.

This bill takes effect July 1, 2024.

**II. Present Situation:**

**Noncriminal Traffic Infractions Involving Death or Personal Injury**

Florida law provides that a person who fails to obey traffic laws by engaging in conduct such as speeding, running a red light or stop sign, or texting while driving, commits a moving violation

punishable by a fine under ch. 318, F.S.<sup>1</sup> Moving violations are generally noncriminal traffic infractions that add specified points to a person's driving record.<sup>2</sup>

Under s. 318.19, F.S., a person must appear before a designated official for a mandatory hearing if he or she commits a traffic infraction resulting in a crash that causes serious bodily injury<sup>3</sup> or death to another person. At the hearing, if the designated official determines that the person committed an infraction that caused serious bodily injury to another person, the designated official must impose a civil penalty of \$500, in addition to any other penalties, and the person's driver license must be suspended for three months. If a designated official determines that the person committed an infraction that caused the death of another person, the designated official must impose a civil penalty of \$1,000, in addition to any other penalties, and the person's driver license must be suspended for six months.<sup>4</sup>

### **Crashes Involving Death or Personal Injury**

Moving violations are noncriminal infractions, although a person who violates specified requirements under s. 316.027, F.S., may commit a criminal offense.

Section 316.027, F.S., requires a driver involved in a crash occurring on public or private property to immediately stop his or her vehicle at the scene of a crash, or as close thereto as possible, and remain at the scene of the crash until he or she has fulfilled the requirements to stop, give his or her information, and render aid as required by s. 316.062, F.S. If a person fails to comply with such requirements he or she commits a:

- Third degree felony, if the crash resulted in injury, other than serious bodily injury.<sup>5</sup>
- Second degree felony, if the crash resulted in serious bodily injury.<sup>6</sup>
- First degree felony, if the crash resulted in the death of a person.<sup>7</sup> A person who willfully violates the above requirements must be sentenced to a mandatory minimum term of imprisonment of four years. Additionally, a person who willfully commits such a violation

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<sup>1</sup> Department of Highway Safety and Motor Vehicles (revised July 1, 2023), [https://www.flhsmv.gov/pdf/courts/utc/appendix\\_c.pdf](https://www.flhsmv.gov/pdf/courts/utc/appendix_c.pdf) (last visited Jan. 23, 2024).

<sup>2</sup> Department of Highway Safety and Motor Vehicles, *Points & Point Suspensions*, <https://www.flhsmv.gov/driver-licenses-id-cards/driver-license-suspensions-revocations/points-point-suspensions/> (last visited Jan. 23, 2024).

<sup>3</sup> Under s. 316.027(1), F.S., the term "serious bodily injury" means an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

<sup>4</sup> Section 318.14(5), F.S.

<sup>5</sup> Section 316.027(2)(a), F.S. A third degree felony is punishable by up to 5 years in prison and a \$5,000 fine. Sections 775.082, 775.083, or 775.084, F.S.

<sup>6</sup> Section 316.027(2)(b), F.S. A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. Sections 775.082, 775.083, or 775.084, F.S.

<sup>7</sup> Section 316.027(2)(c), F.S. A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. Sections 775.082, 775.083, or 775.084, F.S.



while driving under the influence as set forth in s. 316.193(1), F.S., must be sentenced to a mandatory minimum term of imprisonment of four years.<sup>8,9</sup>

### **Vulnerable Road Users**

Section 316.027(1), F.S., defines a “vulnerable road user” as a:

- Pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;
- Person operating a bicycle, an electric bicycle, a motorcycle, a scooter, or a moped lawfully on the roadway;
- Person riding an animal; or
- Person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway any of the following: a farm tractor or similar vehicle designed primarily for farm use; a skateboard, roller skates, or in-line skates; a horse-drawn carriage; an electric personal assistive mobility device; or a wheelchair.

Section 316.027, F.S., applies special penalties when a person commits a moving violation that results in injury, serious bodily injury, or death to a vulnerable road user and fails to stop, give his or her information, and render aid as required by s. 316.062, F.S. Such penalties apply:

- Under s. 316.027(2)(f), F.S., for purposes of sentencing under ch. 921, F.S., and determining incentive gain-time eligibility under ch. 944, F.S., and ranks an offense listed in s. 316.027(2), F.S., where the victim is a vulnerable road user, one level above the ranking specified in s. 921.0022 or s. 921.0023, F.S., for the offense committed.
- Before a person whose driving privilege was suspended under s. 316.027(2)(a)-(c), F.S., may be reinstated, he or she must present to the Department of Highway Safety and Motor Vehicles (DHSMV) proof of completion of a victim’s impact panel session in a judicial circuit if such a panel exists, or if such a panel does not exist, a DHSMV-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway as provided in s. 322.0261(2), F.S.<sup>10,11</sup>

<sup>8</sup> A person who is arrested for a violation of this paragraph and who has previously been convicted of a violation of s. 316.027, F.S., s. 316.061, F.S. (crashes involving damage to vehicle or property), s. 316.191, F.S. (racing on highways, street takeovers, and stunt driving), s. 316.193, F.S. (driving under the influence), or a felony violation of s. 322.34, F.S. (driving while license suspended, revoked, canceled, or disqualified) must be held in custody until brought before the court for admittance to bail in accordance with chapter 903.

<sup>9</sup> Under s. 316.027(2)(e), F.S., a driver who violates paragraphs (a), (b), or (c) shall have his or her driver license revoked for at least 3 years as provided in s. 322.28(4), F.S.

<sup>10</sup> Section 316.027(2)(e)1., F.S. The department may reinstate an offender’s driving privilege after he or she satisfies the 3-year revocation period as provided in s. 322.28(4) and successfully completes either a victim’s impact panel session or a department-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway as provided in s. 322.0261(2). S. 316.027(2)(e)2., F.S.

<sup>11</sup> Under s. 322.0261(2), F.S., with respect to an operator convicted of, or who pleaded nolo contendere to, a traffic offense giving rise to a specified crash, the department shall require that the operator, in addition to other applicable penalties, attend a department-approved driver improvement course in order to maintain his or her driving privileges. The department shall include in the course curriculum instruction specifically addressing the rights of vulnerable road users as defined in s. 316.027, F.S., relative to vehicles on the roadway. If the operator fails to complete the course within 90 days after receiving notice from the department, the operator’s driver license shall be canceled by the department until the course is successfully completed.

- When a person violates s. 316.172(1)(a) or (b), F.S. (traffic to stop for a school bus), and causes serious bodily injury to or the death of another person he or she must, in part, participate in a victim’s impact panel session in a judicial circuit if such a panel exists, or if such a panel does not exist, attend a DHSMV-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway as provided in s. 322.0261(2).<sup>12</sup> This requirement applies regardless of whether the victim is a vulnerable road user.

Florida Law provides that a person who commits a moving violation that causes serious bodily injury or death to another person, including to a vulnerable road user, but who otherwise complies with the requirements of stopping, giving his or her information, and rendering aid under s. 316.062, F.S., is not subject to criminal penalties or required to take a DHSMV-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway.

### **III. Effect of Proposed Changes:**

The bill creates s. 318.195, F.S., cited as the “Vulnerable Road User Act,” to provide new penalties for specified offenses.

The bill provides that a person who commits a moving violation that causes serious bodily injury to a vulnerable must pay a fine of not less than \$1,500, and attend a DHSMV-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway. The bill also requires a court to revoke the person's driver license for at least 30 days.

The bill provides that a person who commits a moving violation that causes death of a vulnerable road user must pay a fine of not less than \$5,000, and attend a DHSMV-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway. The bill also requires a court to revoke the person's driver license for at least one year.

The bill also specifies that it does not prohibit a person from being charged with, convicted of, or punished for any other violation of law.

The bill takes effect July 1, 2024.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

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<sup>12</sup> Section 316.027(4)(b)2., F.S.

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:

None.

B. Private Sector Impact:

The bill will have a negative fiscal impact on persons who commit the specified moving violations involving vulnerable road users.

C. Government Sector Impact:

The bill will have indeterminate positive fiscal impact on state revenues associated with the increased fine for committing a moving violation that results in the serious bodily injury or death of a vulnerable road user.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 318.195 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on February 6, 2024:**

The committee substitute removes the criminal penalties and house arrest provisions related to moving violations that cause serious bodily injury or death to a vulnerable road user.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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216074

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
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	.	
	.	

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The Committee on Transportation (Collins) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 24 - 36  
and insert:  
vulnerable road user shall pay a fine of not less than \$1,500  
and attend a department-approved driver improvement course  
relating to the rights of vulnerable road users relative to  
vehicles on the roadway as provided in s. 322.0261(2). The court  
shall also revoke the person's driver license for at least 30  
days.



216074

11           (3) A person who commits a moving violation that causes the  
12 death of a vulnerable road user shall pay a fine of not less  
13 than \$5,000 and attend

14  
15 ===== T I T L E   A M E N D M E N T =====

16 And the title is amended as follows:

17           Delete lines 4 - 8

18 and insert:

19           title; requiring a person who commits a moving  
20           violation that causes serious bodily injury to or the  
21           death of a vulnerable road user to pay specified fines  
22           and attend a specified

By Senator Collins

14-01236-24

20241528\_\_

A bill to be entitled

An act relating to violations against vulnerable road users; creating s. 318.195, F.S.; providing a short title; providing criminal penalties for a person who commits a moving violation that causes serious bodily injury to, or causes the death of, a vulnerable road user; requiring the person to pay a specified fine, serve a minimum period of house arrest, and attend a driver improvement course; requiring the court to revoke the person's driver license for a specified period; defining the term "vulnerable road user"; providing construction; providing an effective date.

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

Section 1. Section 318.195, Florida Statutes, is created to read:

318.195 Enhanced penalties for moving violations causing injury or death to vulnerable road users.—

(1) This section may be cited as the "Vulnerable Road User Act."

(2) A person who commits a moving violation that causes serious bodily injury, as defined in s. 316.1933(1)(b), to a vulnerable road user commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and must, upon conviction, pay a fine of not less than \$1,500, serve a minimum of 30 days of house arrest, and attend a department-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway as

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

14-01236-24

20241528\_\_

provided in s. 322.0261(2). The court shall also revoke the person's driver license for at least 30 days.

(3) A person who commits a moving violation that causes the death of a vulnerable road user commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and must, upon conviction, pay a fine of not less than \$5,000, serve a minimum of 180 days of house arrest, and attend a department-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway as provided in s. 322.0261(2). The court shall also revoke the person's driver license for at least 1 year.

(4) As used in this section, the term "vulnerable road user" has the same meaning as in s. 316.027(1).

(5) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law.

Section 2. This act shall take effect July 1, 2024.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

02/06 2024

Meeting Date

Transportation

Committee

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

1528

Bill Number or Topic

Amendment Barcode (if applicable)

954-850-7262

Name

E. Ivonne Fernandez- AARP

Phone

Address

215 S Monroe Street - 601

Email

ifernandez@aarp.org

Street

- Tallahassee

FL

33321

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

AARP

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

APPEARANCE RECORD

Feb 6, 2024

Meeting Date

SS 1528

Bill Number or Topic

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Transportation

Committee

Amendment Barcode (if applicable)

Name Eric Draper

Phone 850 251 1301

Address 3627 Dexter Dr

Email wericdraper@gmail.com

Street

Tallahassee FL 32312

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/6/24

Meeting Date

Transportation

Committee

1528

Bill Number or Topic

Amendment Barcode (if applicable)

Name Courtney Larkin

Phone 850-209-0001

Address 101 N. Monroe St. suite 150

Email clarkin@continentalstrategy.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Abate Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/6/2024

Meeting Date

SB 1528

Bill Number or Topic

S. TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name KEYNA CORY

Phone 850 566 9575

Address 730 E. PARK AVE

Email keynacory@prconsultants.com

Street

TALLAHASSEE FL 32301

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

NATIONAL WASTE & RECYCLING ASSN. - FL CHAPTER

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

**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 of the Committee on Transportation

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BILL: CS/SB 1764

INTRODUCER: Transportation Committee and Senator Pizzo

SUBJECT: Car Racing Penalties

DATE: February 6, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Fav/CS
2.			CJ	
3.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1764 makes numerous changes to s. 316.191, F.S., related to racing on highways, street takeovers, and stunt driving. Specifically, the bill:

- Defines the term “Coordinated street takeover” to mean 10 or more vehicles operated in an organized manner to effect a street takeover.
- Increases the fine for a violation of s. 316.191(2), F.S., (participating in a prohibited activity) from \$500 to \$1,000, to \$500 to \$2,000.
- Decreases the time period during which a second violation of s. 316.191(2), F.S., will result in an enhanced penalty, from within *five years* after the date of a prior violation that resulted in conviction, to within *one year* of such violation; and
  - Increases the penalty for such a violation from a first degree misdemeanor to a third degree felony.
  - Increases the fine for such a violation from \$1,000 to \$3,000, to \$2,500 to \$4,000.
- Increases the penalty for a third or subsequent violation of s. 316.191(2), F.S., within five years after the date of a prior violation that resulted in a conviction, from a first degree misdemeanor to a second degree felony, and increases the fine from \$2,000 to \$5,000, to \$3,500 to \$7,500.
- Creates a third degree felony for any person who violates s. 316.191(2), F.S., and, in the course of committing the offense, knowingly impedes, obstructs, or interferes with an authorized emergency vehicle, which is on call and responding to an emergency. A second or subsequent violation of this provision is punishable as a second degree felony. Additionally,

the arresting law enforcement agency is authorized to seize any vehicle used in violation of this provision.

- Any person who violates specified provisions of s. 316.191(2), F.S., while engaged in a coordinated street takeover commits third degree felony, and is subject to a fine of not less than \$2,500 and not more than \$4,000.
- Increases the fine for being a spectator at a prohibited activity from \$65 to \$400.

The bill may have an indeterminate impact on the jail and prison bed population by increasing the penalty for specified racing offenses from a misdemeanor to a felony, and by creating a new felony racing offense if a person knowingly impedes, obstructs, or interferes with an authorized emergency vehicle. The bill may have an indeterminate positive impact on state and local revenues by increasing fines relating to specified racing and spectator offenses.

The bill takes effect July 1, 2024.

## II. Present Situation:

### Street Racing

Street-racing involves cars, motorcycles, and other motor vehicles engaging in prearranged or spontaneous competitions on roadways. The practice endangers participants, bystanders, and property. In addition to street-racing, another dangerous activity which has recently grown in popularity across the country is known as a “street takeover.”<sup>1</sup> Street takeovers occur when large numbers of cars and occupants gather at a predetermined site, typically a large intersection. Vehicles are then parked in a manner which blocks the intersection to make a space for other cars to perform donuts, drifting, burn-outs and other dangerous vehicular maneuvers.<sup>2</sup>

Due to the large size of these gatherings, law enforcement may experience difficulty responding to and controlling these events because of the time it takes to assemble appropriate law enforcement resources to address the crowd. Typically, by the time law enforcement presence is detected, the vehicles participating in the street takeover flee the location, along with the many bystanders who were present to watch the cars.<sup>3</sup>

In Jacksonville, street takeover participants acknowledged that their meet-ups have anywhere from 300 to thousands of people in attendance,<sup>4</sup> and residents nearby indicate that these events

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<sup>1</sup> Erin Myers, *Car that crashed into Van Nuys building, killing 1, was being followed by police after doing donuts in street takeover* (October 25, 2021), ktl.com, <https://ktla.com/news/local-news/car-that-crashed-into-van-nuys-building-killing-1-was-being-followed-by-police-after-doing-donuts-in-street-takeover/> (last visited Jan. 25, 2024).

<sup>2</sup> Elizabeth Fuller, *What’s a Street “Takeover” and Why Should You Be Concerned?*, Larchmont Buzz (Sept. 21, 2020), <https://www.larchmontbuzz.com/featured-stories-larchmont-village/whats-a-street-takeover-and-why-you-should-be-concerned/> (last visited Jan. 25, 2024).

<sup>3</sup> Thom Taylor, *Street Takeovers Are Turning More Deadly*, MotorBiscuit (Nov. 15, 2021), <https://www.motorbiscuit.com/street-takeovers-turning-more-deadly/> (last visited Jan. 25, 2024).

<sup>4</sup> Corley Peel, *I-TEAM: Local car group speaks following street takeover complaints*, News4Jax (Jan. 17, 2022), <https://www.news4jax.com/news/local/2022/01/16/local-car-group-speaks-following-street-takeover-complaints/> (last visited Jan. 25, 2024).

are dangerous and often continue until well past midnight.<sup>5</sup> In 2023, the Orange County Sheriff's Office made 157 arrests, issued 1,290 citations, and seized 54 vehicles related to dangerous and illegal street racing.<sup>6</sup> In Miami, police arrested a suspect accused of organizing street races and intersection takeovers in South Florida dating back to 2022.<sup>7</sup> According to the Florida Department of Highway Safety and Motor Vehicles, between 2018 and 2022, there were 6,641 citations issued under s. 316.191, F.S, for either street racing and stunt driving, or for actively participating as a spectator, with the majority of citations issued to persons between 16 and 29 years old.<sup>8</sup>

### Racing Offenses

Under s. 316.191(1)(g), F.S., a “race” means the use of one or more motor vehicles in competition, arising from a challenge to demonstrate superiority of a motor vehicle or driver and the acceptance or competitive response to that challenge, either through a prior arrangement or in immediate response, in which the competitor attempts to outgain or outdistance another motor vehicle, to prevent another motor vehicle from passing, to arrive at a given destination ahead of another motor vehicle or motor vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes. A race may be prearranged or may occur through a competitive response to conduct on the part of one or more drivers which, under the totality of the circumstances, can reasonably be interpreted as a challenge to race.

A “drag race” is a specific type of race involving:

- Two<sup>9</sup> or more motor vehicles driven side-by-side at accelerating speeds in a competitive attempt to outdistance each other; or
- One or more motor vehicles driven over a common selected course, from the same starting point to the same ending point, for the purpose of comparing the relative speed or power of acceleration of such motor vehicle or vehicles within a certain distance or time limit.<sup>10</sup>

A “street takeover” is the taking over of a portion of a highway, roadway, or parking lot by blocking or impeding the regular flow of traffic to perform a race, drag race, burnout, doughnut, drifting, wheelie, or other stunt driving.<sup>11</sup>

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<sup>5</sup> Scott Johnson, *I-TEAM: Complaints continue over car groups driving erratically in vacant parking lots*, News4Jax (Jan. 13, 2022), <https://www.news4jax.com/news/local/2022/01/13/i-team-complaints-continue-over-dangerous-driving-in-vacant-parking-lots/> (last visited Jan. 25, 2024).

<sup>6</sup> Aurielle Eady, *2 men clocked going 199 mph while street racing on Florida Turnpike, deputies say*, Fox 35 Orlando (Jan. 23, 2024), <https://www.fox35orlando.com/news/2-men-clocked-going-199-mph-while-street-racing-on-florida-turnpike-deputies-say> (last visited Jan. 25, 2024).

<sup>7</sup> Brian Hamacher, *Alleged main organizer of Miami-Dade street races and intersection takeovers arrested*, NBC Miami (Jan. 18, 2024), <https://www.nbcmiami.com/news/local/alleged-main-organizer-of-miami-dade-street-races-and-intersection-takeovers-arrested/3209953/> (last visited Jan. 25, 2024).

<sup>8</sup> *Street Racing/Takeovers, Stunt Driving*, DHSMV, <https://www.flhsmv.gov/safety-center/driving-safety/stop-racing/> (last visited Jan. 25, 2024).

<sup>9</sup> Drag racing most commonly involves two motor vehicles operating side-by-side. National Hot Rod Association, *Basics of Drag Racing*, <http://www.nhra.com/nhra101/basics.aspx> (last visited Jan. 25, 2024).

<sup>10</sup> Section 316.191(1)(d), F.S.

<sup>11</sup> Section 316.191(1)(i), F.S.

“Stunt driving” means to perform or engage in any burnouts, doughnuts, drifting, wheelies, or other dangerous motor vehicle activity on a highway, roadway, or parking lot as part of a street takeover.<sup>12</sup>

Florida law prohibits the following racing activities on any highway, roadway, or parking lot, unless sanctioned by the proper authorities:<sup>13</sup>

- Driving a motor vehicle, including a motorcycle, in a:
  - Race;
  - Street takeover;
  - Stunt driving;
  - Speed competition or contest;
  - Drag race or acceleration contest;
  - Test of physical endurance; or
  - Exhibition of speed or acceleration for the purpose of making a speed record;<sup>14</sup>
- Participating in, coordinating, facilitating, or collecting money at a race, drag race, street takeover, stunt driving, competition, contest, test, or exhibition;
- Knowingly riding as a passenger in a race, drag race, street takeover, stunt driving, competition, contest, test, or exhibition;
- Purposefully causing the movement of traffic, including pedestrian traffic, to slow, stop, or be impeded in any way for any such race, drag race, street takeover, stunt driving, competition, contest, test, or exhibition;
- Operating a motor vehicle for the purpose of filming or recording the activities of participants in any such race, drag race, street takeover, stunt driving, competition, contest, test, or exhibition, not including bona fide members of the news media; or
- Operating a motor vehicle carrying any amount of fuel for the purposes of fueling a motor vehicle involved in any such race, drag race, street takeover, stunt driving, competition, contest, test, or exhibition.<sup>15</sup>

A racing violation is a first degree misdemeanor,<sup>16</sup> punishable by up to one year in county jail.<sup>17</sup> Additionally, a court must impose the following penalties:

- For a violation with no prior convictions in the preceding five years, a fine of \$500 up to \$1,000 and a one year driver license suspension.
- For a second violation within five years of a prior violation resulting in a conviction, a fine of \$1,000 up to \$3,000 and a two year driver license suspension.
- For a third or subsequent violation within five years of a prior violation resulting in a conviction, a fine of \$2,000 up to \$5,000 and a four year driver license suspension.<sup>18</sup>

In addition to the criminal penalties provided, a person who commits a racing violation must pay a \$65 penalty.<sup>19</sup> Monies collected pursuant to this additional penalty are remitted to the

<sup>12</sup> Section 316.191(1)(j), F.S.

<sup>13</sup> Section 316.191(7), F.S.

<sup>14</sup> Section 316.191(2), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Section 775.082, F.S.

<sup>18</sup> Section 316.191(3), F.S.

<sup>19</sup> Section 318.18(20), F.S.

Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health to be used to ensure the availability and accessibility of trauma services throughout the state as provided in s. 316.192, F.S.

Section 316.191, F.S., also prohibits a person from being a spectator at a drag race. To be considered a spectator, a person must knowingly be present at and view a drag race or street takeover, when such presence is the result of an affirmative choice to attend or participate in the event. For purposes of determining whether or not an individual is a spectator, the finder of fact must consider the relationship between the motor vehicle operator and the individual, evidence of gambling or betting on the outcome of the event, filming or recording the event, posting the event on social media, and any other factor that would tend to show knowing attendance or participation. Being a spectator at a drag race is a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S.<sup>20</sup>

### **Criminal Punishment Code**

Felony offenses which are subject to the Criminal Punishment Code<sup>21</sup> are listed in a single offense severity ranking chart (OSRC),<sup>22</sup> which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.<sup>23,24</sup> A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense.<sup>25,26</sup> The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.<sup>27</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 316.191(1), F.S., to define the term "Coordinated street takeover" to mean 10 or more vehicles operated in an organized manner to effect a street takeover.

The bill amends s. 316.191(3), F.S., to increase the fine for a first offense violation from \$500 to \$1,000, to \$500 to \$2,000.

The bill amends s. 319.191(3), F.S. to decrease the time period during which a second violation of s. 316.191(2), F.S., will result in an enhanced penalty, from within *five years* after the date of

<sup>20</sup> Section 316.191(4), F.S.

<sup>21</sup> All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code. Section 921.002, F.S.

<sup>22</sup> Section 921.0022, F.S.

<sup>23</sup> Section 921.0022(2), F.S.

<sup>24</sup> Felony offenses that are not listed in the OSRC default to statutorily assigned levels, as follows: an unlisted third-degree felony defaults to a level 1; an unlisted second-degree felony defaults to a level 4; an unlisted first-degree felony defaults to a level 7; an unlisted first-degree felony punishable by life defaults to a level 9; and an unlisted life felony defaults to a level 10. Section 921.0023, F.S.

<sup>25</sup> Sections 921.0022 and 921.0024, F.S.

<sup>26</sup> A person may also accumulate points for factors such as victim injury points, community sanction violation points, and certain sentencing multipliers. Section 921.0024(1), F.S.

<sup>27</sup> If a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control. Section 921.0024(2), F.S.



a prior violation that resulted in conviction, to within *one year* of such violation. It increases the penalty for such a violation from a first degree misdemeanor to a third degree felony. It also increases the fine for such a violation from \$1,000 to \$3,000, to \$2,500 to \$4,000.

The bill creates a third degree felony for any person who violates s. 316.191(2), F.S., and, in the course of committing the offense, knowingly impedes, obstructs, or interferes with an authorized emergency vehicle, as defined in s. 316.003(1), F.S., which is on call and responding to an emergency other than the violation of this section. A second or subsequent violation of this provision is punishable as a second degree felony, and a four year driver license revocation. Pursuant to the Florida Contraband Forfeiture Act, the arresting law enforcement agency may move to seize any vehicle used in violation of this provision.

The bill increases the penalty for a third or subsequent violation of s. 316.191(2), F.S., within five years after the date of a prior violation that resulted in a conviction, from a first degree misdemeanor to a second degree felony, and increases the fine from \$2,000 to \$5,000, to \$3,500 to \$7,500.

Finally, the bill provides that any person who violates specified provisions while engaged in a *coordinated street takeover* commits a third degree felony, and must pay a fine of not less than \$2,500 and not more than \$4,000.

In any case pertaining to a violation of s. 316.191(2), F.S., the court must be provided a copy of the driving record for the person charged and may obtain any records from any other source to determine if one or more prior convictions of the person for the violation have occurred *within a specified period* being the charged offense.

The bill increases the spectator fine under s. 316.191(4), F.S., from \$65 to \$400.

For purposes of the bill, an authorized emergency vehicle is a vehicle of the fire department (fire patrol), a police vehicle, and such ambulance and emergency vehicles of municipal departments, volunteer ambulance services, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Health, the Department of Transportation, and the Department of Corrections as are designated or authorized by their respective departments or the chief of police of an incorporated city or any sheriff of any of the various counties.<sup>28</sup>

The bill takes effect July 1, 2024.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>28</sup> Section 316.003(1), F.S.

**B. Public Records/Open Meetings Issues:**

None.

**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:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill may have an indeterminate positive impact on state revenues by increasing fines for specified racing offenses.

The bill may have an indeterminate positive impact on local government revenues by increasing the fine for a noncriminal traffic infraction for being a spectator at a race or street takeover.

The bill may have an indeterminate positive impact on the jail and prison bed population by increasing the penalty for specified racing offenses from a misdemeanor to a felony, and by creating a new felony racing offense if a person knowingly impedes, obstructs, or interferes with an authorized emergency vehicle that is on call and responding to an emergency.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 316.191, F.S.

**IX. Additional Information:**

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

**CS by Transportation on February 6, 2024:**

The committee substitute:

- Defines the term “Coordinated Street Takeover” to mean ten or more vehicles operated in an organized manner to effect a street takeover.
- Removes the language related to reclassifying offenses based upon prior convictions.
- Makes numerous changes related to the fine amounts associated with first, second, and third/subsequent violations of car racing offenses.
- Incorporates various conforming changes.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
	.	
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	.	

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The Committee on Transportation (Pizzo) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 29 - 117

and insert:

Section 1. Present paragraphs (b) through (k) of subsection (1) of section 316.191, Florida Statutes, are redesignated as paragraphs (c) through (l), respectively, a new paragraph (b) is added to that subsection, subsection (3), paragraph (b) of subsection (4), and paragraph (c) of subsection (5) of that section are amended, and subsection (2) and paragraph (a) of



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11 subsection (4) of that section are republished, to read:

12 316.191 Racing on highways, street takeovers, and stunt  
13 driving.—

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

15 (b) “Coordinated street takeover” means 10 or more vehicles  
16 operated in an organized manner to effect a street takeover.

17 (2) A person may not:

18 (a) Drive any motor vehicle in any street takeover, stunt  
19 driving, race, speed competition or contest, drag race or  
20 acceleration contest, test of physical endurance, or exhibition  
21 of speed or acceleration or for the purpose of making a speed  
22 record on any highway, roadway, or parking lot;

23 (b) In any manner participate in, coordinate through social  
24 media or otherwise, facilitate, or collect moneys at any  
25 location for any such race, drag race, street takeover, stunt  
26 driving, competition, contest, test, or exhibition;

27 (c) Knowingly ride as a passenger in any such race, drag  
28 race, street takeover, stunt driving, competition, contest,  
29 test, or exhibition;

30 (d) Purposefully cause the movement of traffic, including  
31 pedestrian traffic, to slow, stop, or be impeded in any way for  
32 any such race, drag race, street takeover, stunt driving,  
33 competition, contest, test, or exhibition;

34 (e) Operate a motor vehicle for the purpose of filming or  
35 recording the activities of participants in any such race, drag  
36 race, street takeover, stunt driving, competition, contest,  
37 test, or exhibition. This paragraph does not apply to bona fide  
38 members of the news media; or

39 (f) Operate a motor vehicle carrying any amount of fuel for



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40 the purposes of fueling a motor vehicle involved in any such  
41 race, drag race, street takeover, stunt driving, competition,  
42 contest, test, or exhibition.

43 (3) (a) Any person who violates subsection (2) commits a  
44 misdemeanor of the first degree, punishable as provided in s.  
45 775.082 or s. 775.083. Any person who violates subsection (2)  
46 shall pay a fine of not less than \$500 and not more than \$2,000  
47 ~~\$1,000~~, and the department shall revoke the driver license of a  
48 person so convicted for 1 year. A hearing may be requested  
49 pursuant to s. 322.271.

50 (b) Any person who commits a second violation of subsection  
51 (2) within 1 year ~~5 years~~ after the date of a prior violation  
52 that resulted in a conviction for a violation of subsection (2)  
53 commits a felony of the third degree ~~misdemeanor of the first~~  
54 ~~degree~~, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or  
55 s. 775.084, and shall pay a fine of not less than \$2,500 ~~\$1,000~~  
56 and not more than \$4,000 ~~\$3,000~~. The department shall also  
57 revoke the driver license of that person for 2 years. A hearing  
58 may be requested pursuant to s. 322.271.

59 (c) Any person who violates subsection (2) and, in the  
60 course of committing the offense, knowingly impedes, obstructs,  
61 or interferes with an authorized emergency vehicle as defined in  
62 s. 316.003(1) which is on call and responding to an emergency  
63 other than a violation of this section, commits a felony of the  
64 third degree, punishable as provided in paragraph (b).

65 (d) Any person who commits a second or subsequent violation  
66 of paragraph (c) commits a felony of the second degree,  
67 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
68 The department shall also revoke the driver license of that



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69 person for 4 years. A hearing may be requested pursuant to s.  
70 322.271.

71 (e) Any person who commits a third or subsequent violation  
72 of subsection (2) within 5 years after the date of a prior  
73 violation that resulted in a conviction for a violation of  
74 subsection (2) commits a ~~felony misdemeanor~~ of the second first  
75 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or  
76 s. 775.084, and shall pay a fine of not less than \$3,500 ~~\$2,000~~  
77 and not more than \$7,500 ~~\$5,000~~. The department shall also  
78 revoke the driver license of that person for 4 years. A hearing  
79 may be requested pursuant to s. 322.271.

80 (f) Any person who violates paragraphs (2) (a), (d), (e), or  
81 (f) while engaged in a coordinated street takeover commits a  
82 felony of the third degree, punishable as provided in s. 775.082  
83 or s. 775.083, and shall pay a fine of not less than \$2,500 and  
84 not more than \$4,000. Pursuant to the Florida Contraband  
85 Forfeiture Act, the arresting law enforcement agency may move to  
86 seize any vehicle used in the violation of paragraph (d). The  
87 department shall also revoke the driver license of that person  
88 for 2 years. A hearing may be requested pursuant to s. 322.271.

89 (g) ~~(d)~~ In any case charging a violation of subsection (2),  
90 the court shall be provided a copy of the driving record of the  
91 person charged and may obtain any records from any other source  
92 to determine if one or more prior convictions of the person for  
93 a violation of subsection (2) have occurred within a specified  
94 period ~~5 years~~ before the charged offense.

95 (4) (a) A person may not be a spectator at any race, drag  
96 race, or street takeover prohibited under subsection (2).

97 (b) A person who violates paragraph (a) commits a



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98 noncriminal traffic infraction, punishable by a fine of \$400 as  
99 ~~a moving violation as provided in chapter 318.~~

100 ===== T I T L E A M E N D M E N T =====

101 And the title is amended as follows:

102 Delete lines 3 - 21

103 and insert:

104 316.191, F.S.; defining the term "coordinated street  
105 takeover"; increasing the maximum fine for violations  
106 of prohibitions against drag race, street takeover,  
107 stunt driving, competition, contest, test, or  
108 exhibitions; revising applicability of the penalty for  
109 second violations of prohibitions against drag race,  
110 street takeover, stunt driving, competition, contest,  
111 test, or exhibition; increasing the fine for any such  
112 violations; providing penalties for knowingly  
113 impeding, obstructing, or interfering with an  
114 authorized emergency vehicle that is on call or  
115 responding to an emergency while participating in a  
116 drag race, street takeover, stunt driving,  
117 competition, contest, test, or exhibition; revising  
118 applicability of the penalty for third or subsequent  
119 violations of prohibitions against



By Senator Pizzo

37-01245B-24

20241764\_\_

1 A bill to be entitled  
 2 An act relating to car racing penalties; amending s.  
 3 316.191, F.S.; revising the definition of the term  
 4 "conviction"; increasing the fine for violations of  
 5 prohibitions against drag race, street takeover, stunt  
 6 driving, competition, contest, test, or exhibition;  
 7 revising applicability of the penalty for second  
 8 violations of prohibitions against drag race, street  
 9 takeover, stunt driving, competition, contest, test,  
 10 or exhibition; increasing the fine for any such  
 11 violations; authorizing an arresting law enforcement  
 12 agency to seize any vehicle used in connection with  
 13 any violation, pursuant to the Florida Contraband  
 14 Forfeiture Act; providing penalties for impeding,  
 15 obstructing, or interfering with an emergency vehicle  
 16 while participating in a drag race, street takeover,  
 17 stunt driving, competition, contest, test, or  
 18 exhibition; revising applicability of the penalty for  
 19 third or subsequent violations of prohibitions against  
 20 drag race, street takeover, stunt driving,  
 21 competition, contest, test, or exhibition; increasing  
 22 the fine for any such violations; revising  
 23 circumstances under which a motor vehicle used in  
 24 connection with any violation may be impounded;  
 25 providing an effective date.

26  
 27 Be It Enacted by the Legislature of the State of Florida:

28  
 29 Section 1. Paragraph (b) of subsection (1), subsection (3),

Page 1 of 5

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 paragraph (b) of subsection (4), and paragraph (c) of subsection  
 31 (5) of section 316.191, Florida Statutes, are amended, and  
 32 subsection (2) and paragraph (a) of subsection (4) of that  
 33 section are republished, to read:

34 316.191 Racing on highways, street takeovers, and stunt  
 35 driving.—

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

37 (b) "Conviction" means a determination of guilt that is the  
 38 result of a plea or trial, regardless of whether adjudication is  
 39 withheld. For the purpose of determining whether a conviction is  
 40 a first, second, third, or subsequent conviction for the  
 41 purposes of sentencing under this section, the term "conviction"  
 42 includes being convicted of a violation of this section, the  
 43 completion of any diversion or other program that results in the  
 44 dismissal or change of charge of a violation of this section, or  
 45 the acceptance of a plea creating a change of charge of a  
 46 violation of this section.

47 (2) A person may not:

48 (a) Drive any motor vehicle in any street takeover, stunt  
 49 driving, race, speed competition or contest, drag race or  
 50 acceleration contest, test of physical endurance, or exhibition  
 51 of speed or acceleration or for the purpose of making a speed  
 52 record on any highway, roadway, or parking lot;

53 (b) In any manner participate in, coordinate through social  
 54 media or otherwise, facilitate, or collect moneys at any  
 55 location for any such race, drag race, street takeover, stunt  
 56 driving, competition, contest, test, or exhibition;

57 (c) Knowingly ride as a passenger in any such race, drag  
 58 race, street takeover, stunt driving, competition, contest,

Page 2 of 5

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 test, or exhibition;

60 (d) Purposefully cause the movement of traffic, including  
61 pedestrian traffic, to slow, stop, or be impeded in any way for  
62 any such race, drag race, street takeover, stunt driving,  
63 competition, contest, test, or exhibition;

64 (e) Operate a motor vehicle for the purpose of filming or  
65 recording the activities of participants in any such race, drag  
66 race, street takeover, stunt driving, competition, contest,  
67 test, or exhibition. This paragraph does not apply to bona fide  
68 members of the news media; or

69 (f) Operate a motor vehicle carrying any amount of fuel for  
70 the purposes of fueling a motor vehicle involved in any such  
71 race, drag race, street takeover, stunt driving, competition,  
72 contest, test, or exhibition.

73 (3) (a) Any person who violates subsection (2) commits a  
74 misdemeanor of the first degree, punishable as provided in s.  
75 775.082 or s. 775.083. Any person who violates subsection (2)  
76 shall pay a fine of not less than \$1,500 ~~\$500~~ and not more than  
77 \$2,500 ~~\$1,000~~, and the department shall revoke the driver  
78 license of a person so convicted for 1 year. A hearing may be  
79 requested pursuant to s. 322.271.

80 (b) Any person who commits a second violation of subsection  
81 (2) within 1 year ~~5 years~~ after the date of a prior violation  
82 that resulted in a conviction for a violation of subsection (2)  
83 commits a felony of the third degree ~~misdemeanor of the first~~  
84 ~~degree~~, punishable as provided in s. 775.082 or s. 775.083, and  
85 shall pay a fine of not less than \$5,000 ~~\$1,000~~ and not more  
86 than \$7,500 ~~\$3,000~~. Pursuant to the Florida Contraband  
87 Forfeiture Act, the arresting law enforcement agency may move to

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88 seize any vehicle used in the violation of subsection (2). The  
89 department shall also revoke the driver license of that person  
90 for 2 years. A hearing may be requested pursuant to s. 322.271.

91 (c) Any person who violates subsection (2) and, in the  
92 course of committing the offense, impedes, obstructs, or  
93 interferes with an emergency vehicle commits a felony of the  
94 third degree, punishable as provided in paragraph (3) (b).

95 (d) Any person who commits a second or subsequent violation  
96 of paragraph (c) commits a felony of the second degree,  
97 punishable as provided in s. 775.082 or s. 775.083.

98 (e) Any person who commits a third or subsequent violation  
99 of subsection (2) within 5 years after the date of a prior  
100 violation that resulted in a conviction for a violation of  
101 subsection (2) commits a felony ~~misdemeanor~~ of the second ~~first~~  
102 degree, punishable as provided in s. 775.082 or s. 775.083, and  
103 shall pay a fine of not less than \$7,500 ~~\$2,000~~ and not more  
104 than \$10,000 ~~\$5,000~~. The department shall also revoke the driver  
105 license of that person for 4 years. A hearing may be requested  
106 pursuant to s. 322.271.

107 (f) ~~(d)~~ In any case charging a violation of subsection (2),  
108 the court shall be provided a copy of the driving record of the  
109 person charged and may obtain any records from any other source  
110 to determine if one or more prior convictions of the person for  
111 a violation of subsection (2) have occurred within 5 years  
112 before the charged offense.

113 (4) (a) A person may not be a spectator at any race, drag  
114 race, or street takeover prohibited under subsection (2).

115 (b) A person who violates paragraph (a) commits a  
116 noncriminal traffic infraction, punishable by a fine of \$500 as

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20241764\_\_

117 ~~a moving violation as provided in chapter 318.~~

118 (5) Whenever a law enforcement officer has probable cause  
119 to believe that a person violated subsection (2), the officer  
120 may arrest and take such person into custody without a warrant.  
121 The court may enter an order of impoundment or immobilization as  
122 a condition of incarceration or probation. Within 7 business  
123 days after the date the court issues the order of impoundment or  
124 immobilization, the clerk of the court must send notice by  
125 certified mail, return receipt requested, to the registered  
126 owner of the motor vehicle, if the registered owner is a person  
127 other than the defendant, and to each person of record claiming  
128 a lien against the motor vehicle.

129 (c) Any motor vehicle used in violation of subsection (2)  
130 may be impounded for a period of 30 business days if a law  
131 enforcement officer has arrested and taken a person into custody  
132 pursuant to this subsection ~~and the person being arrested is the~~  
133 ~~registered owner or co-owner of the motor vehicle.~~ If the  
134 arresting officer finds that the criteria of this paragraph are  
135 met, the officer may immediately impound the motor vehicle. The  
136 law enforcement officer shall notify the Department of Highway  
137 Safety and Motor Vehicles of any impoundment for violation of  
138 this subsection in accordance with procedures established by the  
139 department. Paragraphs (a) and (b) shall be applicable to such  
140 impoundment.

141 Section 2. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/6/24 Meeting Date

SB 1764 Bill Number or Topic

TRANSPORTATION Committee

N/A Amendment Barcode (if applicable)

Name CAPTAIN ANTONIO WRIGHT

Phone 407-259-7448

Address 2500 W COLONIAL DR Street

Email antonio.wright@coosoft.com

ORLANDO City

FL State

32804 Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

ORANGE COUNTY SHERIFF'S OFFICE

[ ] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2-6-24

Meeting Date

TRANSPORTATION

Committee

# The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

1764

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jess McCarty, Executive Assistant County Attorney Phone 305-979-7110

Address 111 NW 1st Street, Suite 2800 Email jmm2@miamidade.gov

Street

Miami

City

FL

State

33128

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Miami-Dade County

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

# CourtSmart Tag Report

Room: SB 110 Case No.:  
Caption: Senate Transportation Committee

Type:  
Judge:

Started: 2/6/2024 8:32:19 AM  
Ends: 2/6/2024 10:18:53 AM Length: 01:46:35

8:32:17 AM Chair DiCeglie calls the meeting to order  
8:32:22 AM Roll call  
8:32:25 AM Quorum present  
8:32:54 AM Pledge of Allegiance  
8:33:05 AM Chair DiCeglie with opening comments  
8:33:14 AM Tab 6 SB 1464, Traffic Enforcement introduced  
8:34:24 AM Explanation by Senator Calatayud  
8:35:02 AM Chair DiCeglie  
8:36:08 AM Questions  
8:36:11 AM Senator Torres  
8:36:14 AM Senator Calatayud  
8:36:38 AM Chair DiCeglie  
8:36:44 AM Kelly Abercrombie waives  
8:36:58 AM Chair DiCeglie  
8:37:07 AM Closure waived  
8:37:11 AM Roll Call  
8:37:16 AM SB 1464 reported favorably  
8:37:27 AM Tab 2 SB 948, Divine Nine Specialty License Plate introduced  
8:38:03 AM Explanation by Senator Thompson  
8:38:09 AM Chair DiCeglie  
8:38:51 AM Closure waived  
8:38:55 AM Roll call  
8:38:58 AM SB 948 reported favorably  
8:39:05 AM Tab 5 SB 1380, Special Transportation Services for Persons with Disabilities introduced  
8:39:35 AM Explanation by Senator Hutson  
8:39:52 AM Chair DiCeglie  
8:40:00 AM Amendment Barcode 541278 introduced  
8:40:09 AM Explanation by Senator Hutson  
8:40:20 AM Chair DiCeglie  
8:40:39 AM Closure waived  
8:40:41 AM Amendment adopted  
8:40:44 AM Chair DiCeglie  
8:40:51 AM Questions  
8:40:54 AM Senator Davis  
8:40:57 AM Senator Hutson  
8:42:02 AM Senator Davis  
8:42:07 AM Senator Hutson  
8:43:03 AM Senator Davis  
8:43:10 AM Senator Hutson  
8:43:53 AM Senator Davis  
8:43:58 AM Senator Hutson  
8:45:32 AM Senator Davis

8:45:34 AM Senator Hutson  
8:46:27 AM Chair DiCeglie  
8:46:37 AM Speaker Lisa Bacot  
8:47:05 AM Shauntel Smith waives  
8:47:51 AM Speaker Laura Lee Mnutello  
8:49:07 AM Chair DiCeglie  
8:50:03 AM Michael McCreight  
8:51:22 AM Questions  
8:52:21 AM Senator Torres  
8:52:29 AM Michael McCreight  
8:54:03 AM Chair DiCeglie  
8:54:13 AM Debate  
8:54:17 AM Senator Torres  
8:55:19 AM Senator Davis  
8:55:42 AM Chair DiCeglie  
8:56:46 AM Senator Hutson with closure  
8:57:04 AM Roll call  
8:58:04 AM CS/SB 1380 reported favorably  
8:58:16 AM Tab 1 SB 288, Designation of a Certain Diagnosis on Motor Vehicle introduced  
8:58:38 AM Explanation by Senator Rodriguez  
9:00:18 AM Amendment Barcode 402664 introduced  
9:00:36 AM Explanation by Senator Rodriguez  
9:00:53 AM Chair DiCeglie  
9:00:54 AM Amendment Barcode 923892 introduced  
9:01:11 AM Explanation by Senator Rodriguez  
9:01:17 AM Chair DiCeglie  
9:01:21 AM Questions  
9:01:23 AM Senator Hooper  
9:01:29 AM Senator Rodriguez  
9:01:54 AM Senator Hooper  
9:02:03 AM Senator Rodriguez  
9:02:30 AM Chair DiCeglie  
9:02:42 AM Closure waived  
9:02:47 AM Amendment adopted  
9:02:51 AM Chair DiCeglie  
9:03:07 AM Closure waived  
9:03:11 AM Amendment adopted  
9:03:15 AM Chair DiCeglie  
9:03:23 AM Questions  
9:03:26 AM Senator Torres  
9:03:30 AM Senator Rodriguez  
9:04:00 AM Senator Davis  
9:04:07 AM Senator Rodriguez  
9:05:12 AM Senator Davis  
9:05:14 AM Senator Rodriguez  
9:06:07 AM Senator Davis  
9:06:09 AM Senator Rodriguez  
9:06:35 AM Chair DiCeglie  
9:07:20 AM Amanda Rahochak  
9:07:29 AM Chair DiCeglie  
9:08:31 AM Amanda Rahochak  
9:08:57 AM Speaker Sheriff Bob Johnson

9:10:28 AM Chair DiCeglie  
9:10:39 AM Questions  
9:10:44 AM Senator Davis  
9:10:56 AM Sheriff Johnson  
9:12:15 AM Chair DiCeglie  
9:12:26 AM Michael McCreight waives  
9:12:30 AM Speaker Major Doug Bringmans  
9:14:56 AM Questions  
9:14:59 AM Senator Torres  
9:15:06 AM Major Bringmans  
9:15:33 AM Sheriff Johnson  
9:15:58 AM Senator Davis  
9:16:19 AM Sheriff Johnson  
9:16:45 AM Angela "Big Ang" Nandin  
9:20:41 AM Chair DiCeglie  
9:21:27 AM Speaker Keith Dean  
9:23:26 AM Speaker Cody Gonya  
9:25:43 AM Speaker Abdelilch Skhir  
9:30:13 AM Matt Dunagan waives  
9:30:22 AM Speaker Olivia Babis Keller  
9:38:10 AM Chair DiCeglie  
9:39:16 AM Debate  
9:39:18 AM Senator Hooper  
9:41:01 AM Senator Torres  
9:43:22 AM Chair DiCeglie  
9:45:05 AM Senator Rodriguez with closure  
9:45:16 AM Roll call  
9:45:24 AM CS/SB 288 reported favorably  
9:45:37 AM Tab 7 SB 1528, Violations Against Vulnerable Road Users introduced  
9:46:09 AM Explanation by Senator Collins  
9:46:50 AM Chair DiCeglie  
9:47:07 AM Amendment Barcode 216074 introduced  
9:47:22 AM Explanation by Senator Collins  
9:47:48 AM Chair DiCeglie  
9:48:03 AM Closure waived  
9:48:05 AM Amendment adopted  
9:48:08 AM Chair DiCeglie  
9:48:20 AM E. Ivonne Fernandez waives  
9:48:33 AM Speaker Eric Draper  
9:49:04 AM Courtney Larkin waives  
9:49:25 AM Speaker Keyna Cory  
9:49:39 AM Chair DiCeglie  
9:50:24 AM Closure by Senator Collins  
9:50:28 AM Roll call  
9:50:37 AM CS/SB 1528 reported favorably  
9:50:48 AM Tab 3 SB 1032, Transportation introduced  
9:51:26 AM Explanation by Senator Gruters  
9:51:28 AM Amendment Barcode 607432 introduced  
9:51:42 AM Explanation by Senator Gruters  
9:51:49 AM Chair DiCeglie  
9:52:38 AM Closure waived  
9:52:41 AM Amendment adopted



9:52:44 AM Chair DiCeglie  
9:52:54 AM Speaker Lisa Bacot  
9:53:10 AM Kim Dinkins waives  
9:53:26 AM Chair DiCeglie  
9:53:35 AM Closure waived  
9:53:39 AM Roll call  
9:53:41 AM CS/SB 1032 reported favorably  
9:53:56 AM Tab 8 SB 1764, Car Racing Penalties introduced  
9:54:20 AM Explanation by Senator Pizzo  
9:54:26 AM Chair DiCeglie  
9:54:52 AM Amendment Barcode 551356 introduced  
9:55:03 AM Explanation by Senator Pizzo  
9:55:11 AM Chair DiCeglie  
9:55:28 AM Questions  
9:55:29 AM Senator Gruters  
9:55:33 AM Senator Pizzo  
9:56:20 AM Chair DiCeglie  
9:56:25 AM Senator Pizzo  
9:58:05 AM Chair DiCeglie  
9:58:14 AM Closure waived  
9:58:17 AM Amendment adopted  
9:58:21 AM Chair DiCeglie  
9:58:31 AM Captain Antonio Wright waives  
9:58:40 AM Jess McCarty waives  
9:58:50 AM Chair DiCeglie  
9:58:55 AM Debate  
9:58:57 AM Senator Torres  
9:59:55 AM Chair DiCeglie  
10:00:03 AM Closure by Senator Pizzo  
10:00:09 AM Roll call  
10:00:18 AM CS/SB 1764 reported favorably  
10:00:31 AM Chair passed to Vice Chair Davis  
10:00:41 AM Tab 4 SB 1226, Department of Transportation introduced  
10:01:02 AM Explanation by Senator DiCeglie  
10:01:10 AM Chair Davis  
10:01:53 AM Amendment Barcode 191586 introduced  
10:02:10 AM Explanation by Chair DiCeglie  
10:02:32 AM Chair Davis  
10:03:39 AM Questions  
10:03:40 AM Senator Hooper  
10:03:46 AM Chair DiCeglie  
10:05:22 AM Chair Davis  
10:05:27 AM Amendment Barcode 413686 introduced  
10:05:40 AM Explanation by Chair DiCeglie  
10:05:51 AM Chair Davis  
10:07:12 AM Closure waived  
10:07:19 AM Amendment adopted  
10:07:28 AM Chair Davis  
10:07:53 AM Closure waived  
10:07:56 AM Amendment adopted  
10:08:08 AM Chair Davis  
10:08:27 AM Speaker Lisa Bacot

**10:09:00 AM** Speaker Jeff Caster  
**10:10:59 AM** Speaker Jui Shah  
**10:13:23 AM** Chair Davis  
**10:13:38 AM** Closure by Chair DiCeglie  
**10:13:47 AM** Roll call  
**10:14:29 AM** CS/SB 1226 reported favorably  
**10:14:39 AM** Chair returned to Chair DiCeglie  
**10:14:48 AM** Chair DiCeglie  
**10:14:51 AM** Senator Gruters shown voting in the affirmative on SB 1464 and SB 948  
**10:15:00 AM** Chair DiCeglie  
**10:17:43 AM** Senator Davis moved to adjourn  
**10:18:43 AM** Meeting adjourned