

|            | LEGISLATIVE ACTION |       |
|------------|--------------------|-------|
| Senate     |                    | House |
| Comm: RCS  |                    |       |
| 04/26/2023 | •                  |       |
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The Committee on Fiscal Policy (DiCeglie) recommended the following:

## Senate Amendment (with title amendment)

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> Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.-

(2) Notwithstanding any other law, from the revenues deposited into the State Transportation Trust Fund a maximum of 7 percent in each fiscal year shall be transferred into the

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Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605, as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be issued under ss. 215.605 and 337.276 or at a minimum amount sufficient to pay for the debt service coverage requirements of outstanding bonds. Notwithstanding the 7 percent annual transfer authorized in this subsection, the annual amount transferred under this subsection may not exceed an amount necessary to provide the required debt service coverage levels for a maximum debt service not to exceed \$425 \$350 million. Such transfer shall be payable primarily from the motor and diesel fuel taxes transferred to the State Transportation Trust Fund from the Fuel Tax Collection Trust Fund.

Section 2. Subsection (3) of section 215.616, Florida Statutes, is amended to read:

215.616 State bonds for federal aid highway construction.-

(3) The term of the bonds may shall not exceed a term of 18 12 years. Before Prior to the issuance of bonds, the Department of Transportation must <del>shall</del> determine that annual debt service on all bonds issued pursuant to this section does not exceed 10 percent of annual apportionments to the department for federal highway aid in accordance with the provisions of Title 23 of the United States Code.

Section 3. Subsections (6) and (7) of section 288.9606, Florida Statutes, are amended to read:

288.9606 Issue of revenue bonds.-

(6) The proceeds of any bonds of the corporation may not be used, in any manner, to acquire any building or facility that will be, during the pendency of the financing, used by, occupied

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40 by, leased to, or paid for by any state, county, or municipal 41 agency or entity. This subsection does not prohibit the use of proceeds of bonds of the corporation for the purpose of 42 43 financing the acquisition or construction of a transportation 44 facility under a public-private partnership agreement authorized 45 under s. 334.30.

- (7) Notwithstanding any provision of this section, the corporation in its corporate capacity may, without authorization from a public agency under s. 163.01(7), issue revenue bonds or other evidence of indebtedness under this section to:
- (a) Finance the undertaking of any project within the state that promotes renewable energy as defined in s. 366.91 or s. 377.803;
- (b) Finance the undertaking of any project within the state that is a project contemplated or allowed under s. 406 of the American Recovery and Reinvestment Act of 2009; or
- (c) If permitted by federal law, finance qualifying improvement projects within the state under s. 163.08; or
- (d) Finance the costs of acquisition or construction of a transportation facility by a private entity or consortium of private entities under a public-private partnership agreement authorized under s. 334.30.
- Section 4. Subsection (6) of section 311.101, Florida Statutes, is amended to read:
- 311.101 Intermodal Logistics Center Infrastructure Support Program.-
- (6) The department shall provide up to 50 percent of project costs for eligible projects. For eligible projects in rural areas of opportunity designated in accordance with s.

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288.0656(7)(a), the department may provide up to 100 percent of project costs.

Section 5. Section 316.0777, Florida Statutes, is amended to read:

316.0777 Automated license plate recognition systems; installation within the rights-of-way of the State Highway System; public records exemption.—

- (1) As used in this section, the term:
- (a) "Active," "criminal intelligence information," and "criminal investigative information" have the same meanings as provided in s. 119.011(3).
- (b) "Agency" has the same meaning as provided in s. 119.011.
- (c) "Automated license plate recognition system" means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data.
- (d) "Criminal justice agency" has the same meaning as provided in s. 119.011.
- (2) (a) As used in this subsection, the term "law enforcement agency" means an agency that has a primary mission of preventing and detecting crime and enforcing state penal, criminal, traffic, and motor vehicle laws and in furtherance of that mission employs law enforcement officers as defined in s. 943.10(1).
- (b) At the discretion of the Department of Transportation, an automated license plate recognition system may be installed within the rights-of-way, as defined in s. 334.03(21), of any road on the State Highway System when installed at the request

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of a law enforcement agency for the purpose of collecting active criminal intelligence information or active criminal investigative information as those terms are described in s. 119.011(3). Such installations must be in accordance with placement and installation guidelines developed by the Department of Transportation. An automated license plate recognition system may not be used to issue a notice of violation or a traffic citation. An automated license plate recognition system must be removed within 30 days after the Department of Transportation notifies the requesting law enforcement agency that such removal must occur.

- (c) Installation and removal of an automated license plate recognition system is at the sole expense of the requesting law enforcement agency. The Department of Transportation is not liable for any damages caused to any person by the requesting law enforcement agency's operation of such a system.
- (d) Records containing images and data generated through use of an automated license plate recognition system may not be retained longer than the maximum period provided in the retention schedule established pursuant to s. 316.0778.
- (3) (2) The following information held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:
- (a) Images and data containing or providing personal identifying information obtained through the use of an automated license plate recognition system.
- (b) Personal identifying information of an individual in data generated or resulting from images obtained through the use of an automated license plate recognition system.

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127 (4) (3) Such information may be disclosed as follows:

- (a) Any such information may be disclosed by or to a criminal justice agency in the performance of the criminal justice agency's official duties.
- (b) Any such information relating to a license plate registered to an individual may be disclosed to the individual, unless such information constitutes active criminal intelligence information or active criminal investigative information.
- (5) (4) This exemption applies to such information held by an agency before, on, or after the effective date of this exemption.

Section 6. Effective upon this act becoming a law, present paragraphs (d) through (q) of subsection (1) of section 330.30, Florida Statutes, are redesignated as paragraphs (e) through (h), respectively, and a new paragraph (d) is added to that subsection, to read:

330.30 Approval of airport sites; registration and licensure of airports.-

- (1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD, REVOCATION. -
- (d) For the purpose of granting site approval, the department may not require an applicant to provide a written memorandum of understanding or letter of agreement with other airport sites regarding air traffic pattern separation procedures unless such memorandum or letter is required by the Federal Aviation Administration or is deemed necessary by the department.

Section 7. Subsection (10) is added to section 332.007, Florida Statutes, to read:



156 332.007 Administration and financing of aviation and 157 airport programs and projects; state plan.-158 (10) Subject to the availability of appropriated funds, and 159 unless otherwise provided in the General Appropriations Act or 160 the substantive bill implementing the General Appropriations 161 Act, the department may fund up to 100 percent of eligible project costs of all of the following at a publicly owned, 162 163 publicly operated airport located in a rural community as 164 defined in s. 288.0656 which does not have any scheduled 165 commercial service: 166 (a) The capital cost of runway and taxiway projects that 167 add capacity. Such projects must be prioritized based on the 168 amount of available nonstate matching funds. 169 (b) Economic development transportation projects pursuant 170 to s. 339.2821. 171 172 Any remaining funds must be allocated for projects specified in 173 subsection (6). 174 Section 8. Subsection (5) of section 334.044, Florida 175 Statutes, is amended, and subsection (36) is added to that 176 section, to read: 177 334.044 Powers and duties of the department.—The department 178 shall have the following general powers and duties: 179

(5) To purchase, lease, or otherwise acquire property and materials, including the purchase of promotional items as part of public information and education campaigns for the promotion of scenic highways, traffic and train safety awareness, alternatives to single-occupant vehicle travel, and commercial motor vehicle safety, electric vehicle use and charging

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stations, autonomous vehicles, and context design for electric vehicles and autonomous vehicles; to purchase, lease, or otherwise acquire equipment and supplies; and to sell, exchange, or otherwise dispose of any property that is no longer needed by the department.

(36) To expend funds, at the department's discretion, for training, testing, and licensing for full-time employees of the department who are required to have a valid Class A or Class B commercial driver license as a condition of employment with the department.

Section 9. Section 337.025, Florida Statutes, is amended to read:

337.025 Innovative transportation projects; department to establish program.-

(1) The department may establish a program for transportation projects demonstrating innovative techniques of highway and bridge design, construction, maintenance, and finance which have the intended effect of measuring resiliency and structural integrity and controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway and bridge design, construction, and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to adhere to those



provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, before using an innovative technique that is inconsistent with another provision of law, the department must document in writing the need for the exception and identify what benefits the traveling public and the affected community are anticipated to receive. The department may enter into no more than \$200 <del>\$120</del> million in contracts awarded annually for the purposes authorized by this section.

- (2) The annual cap on contracts provided in subsection (1) does not apply to:
  - (a) turnpike enterprise projects.
  - (b) Low-bid design-build milling and resurfacing contracts.

Section 10. Paragraph (c) of subsection (6) and subsection

- (7) of section 337.11, Florida Statutes, are amended to read:
- 337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.-

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(c) When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations, or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the amount of \$500,000 \$250,000, enter into contracts for construction and maintenance without advertising and receiving competitive bids. The department may enter into such contracts only upon a determination that the work is necessary for one of the following reasons:

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- 1. To ensure timely completion of projects or avoidance of undue delay for other projects;
- 2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or
- 3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

The department shall make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract. The department shall give consideration to disadvantaged business enterprise participation. However, when the work exists within the limits of an existing contract, the department shall make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract.

- (7)(a) If the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a building, a major bridge, a limited access facility, or a rail corridor project into a single contract. Such contract is referred to as a design-build contract.
- (b) If the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a project fully funded in the work program into a single contract and select the design-build firm in the early stages of a project to ensure that the design-build firm is part of the collaboration and development of the design

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as part of a step-by-step progression through construction. Such a contract is referred to as a phased design-build contract. For phased design-build contracts, selection and award must include a two-phase process. For phase one, the department shall competitively award the contract to a design-build firm based upon qualifications. For phase two, the design-build firm shall competitively bid construction trade subcontractor packages and, based upon these bids, negotiate with the department a fixed firm price or guaranteed maximum price that meets the project budget and scope as advertised in the request for qualifications.

(c) Design-build contracts and phased design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription.

(d) (b) The department shall adopt by rule procedures for administering design-build and phased design-build contracts. Such procedures shall include, but not be limited to:

- 1. Prequalification requirements.
- 2. Public announcement procedures.
- 3. Scope of service requirements.
- 4. Letters of interest requirements.



- 301 5. Short-listing criteria and procedures.
  - 6. Bid proposal requirements.
  - 7. Technical review committee.
  - 8. Selection and award processes.
  - 9. Stipend requirements.

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(e) (c) The department must receive at least three letters of interest in order to proceed with a request for proposals. The department shall request proposals from no fewer than three of the design-build firms submitting letters of interest. If a design-build firm withdraws from consideration after the department requests proposals, the department may continue if at least two proposals are received.

Section 11. Paragraph (i) of subsection (6) of section 339.175, Florida Statutes, is amended to read:

- 339.175 Metropolitan planning organization.
- (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and highspeed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.
- (i) By December 31, 2023, There is created the Chairs Coordinating Committee, composed of the M.P.O.'s serving Citrus, Hernando, Hillsborough, Manatee, Pasco, and Pinellas, Polk, and

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Sarasota Counties must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a feasibility report exploring the benefits, costs, and process of consolidation into a single M.P.O. serving the contiguous urbanized area, the goal of which is to. The committee must, at a minimum:

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

Section 12. Subsection (1) of section 341.052, Florida Statutes, is amended to read:

- 341.052 Public transit block grant program; administration; eligible projects; limitation.-
- (1) There is created a public transit block grant program which shall be administered by the department. Block grant funds shall only be provided to "Section 9" providers and "Section 18" providers designated by the United States Department of Transportation and community transportation coordinators as defined in chapter 427. Eligible providers must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive

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plans of the units of local government in which the provider is located and the long-range transportation plans of the metropolitan planning area in which the provider is located. In developing public transportation development plans, eligible providers must solicit comments from local workforce development boards established under chapter 445. The development plans must address how the public transit provider will work with the appropriate local workforce development board to provide services to participants in the welfare transition program. Eligible providers must provide information to the local workforce development board serving the county in which the provider is located regarding the availability of transportation services to assist program participants.

Section 13. Paragraph (a) of subsection (1) of section 341.061, Florida Statutes, is amended to read:

341.061 Transit safety standards; inspections and system safety reviews.-

(1)(a) The department shall adopt by rule minimum safety standards for governmentally owned fixed-quideway transportation systems, and privately owned or operated fixed-guideway transportation systems operating in this state which are financed wholly or partly by state funds, and any governmentally or privately owned fixed-guideway transportation systems operating in this state which are located within an independent special district created by local act which have boundaries within two contiguous counties. Standards must be site-specific for fixed-quideway transportation systems and shall be developed jointly by the department and representatives of the affected systems, giving full consideration to nationwide industry safety

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norms relating to the development and operation of fixedguideway transportation systems. The department shall conduct structural safety inspections in adherence with s. 335.074 for any fixed-quideway transportation systems that are raised or have bridges, as appropriate. Inspectors must follow departmental safety protocols during safety inspections, including requiring the suspension of system service to ensure safety and welfare of inspectors and the traveling public during such inspections.

Section 14. Subsections (2) and (3) of section 341.071, Florida Statutes, are amended to read:

341.071 Transit productivity and performance measures; reports.-

- (2) Each public transit provider shall establish productivity and performance measures, which must be approved by the department and which must be selected from measures developed pursuant to s. 341.041(3). Each provider shall, by January 31 of each year, report to the department relative to these measures. In approving these measures, the department shall give consideration to the goals and objectives of each system, the needs of the local area, and the role for public transit in the local area. The report must include the shall also specifically address potential enhancements to productivity and performance which would have the effect of increasing farebox recovery ratio.
- (3) Each public transit provider shall publish on its website in the local newspaper of its area the productivity and performance measures established for the year and a report that which provides quantitative data relative to the attainment of

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established productivity and performance measures.

Section 15. Effective upon this act becoming a law, part IV of chapter 348, Florida Statutes, consisting of ss. 348.965, 348.966, 348.967, 348.968, 348.969, 348.97, 348.971, 348.972, 348.973, 348.974, 348.9751, 348.9761, 348.9771, and 348.9781, Florida Statutes, is repealed.

Section 16. Effective upon this act becoming a law, the governance and control of the Santa Rosa Bay Bridge Authority is transferred to the Department of Transportation.

- (1) Since the Santa Rosa Bay Bridge Authority's bridge system was transferred to the department under the terms of the lease-purchase agreement and a settlement agreement between the department and the authority which was effective as of the close of business on June 30, 2022, any remaining assets, facilities, tangible and intangible property, and any rights in such property, and other legal rights of the authority are transferred to the department. The department succeeds to all powers of the authority. The department may review other contracts, financial obligations, and contractual obligations and liabilities of the authority and may assume legal liability for such obligations that are determined by the department to be necessary for the continued operation of the bridge system.
- (2) The bridge system, or any portion thereof, may be transferred by the department and become part of the turnpike system under the Florida Turnpike Enterprise Law, ss. 338.22-338.241, Florida Statutes.

Section 17. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1,



446 2023. 447 448 ======= T I T L E A M E N D M E N T ========= 449 And the title is amended as follows: 450 Delete everything before the enacting clause 451 and insert: 452 A bill to be entitled 453 An act relating to the Department of Transportation; 454 amending s. 206.46, F.S.; increasing the maximum 455 amount of debt service coverage that may be 456 transferred from the State Transportation Trust Fund 457 to the Right-of-Way Acquisition and Bridge 458 Construction Trust Fund; amending s. 215.616, F.S.; 459 increasing the maximum term of state bonds for federal 460 aid highway construction; amending s. 288.9606, F.S.; 461 providing construction regarding the proceeds of bonds 462 of the Florida Development Finance Corporation; 463 revising purposes for which the corporation may, 464 without certain authorization from a public agency, 465 issue revenue bonds or other evidence of indebtedness; 466 amending s. 311.101, F.S.; authorizing the department 467 to provide up to 100 percent of project costs for 468 certain eligible projects in rural areas of opportunity; amending s. 316.0777, F.S.; defining the 469 470 term "law enforcement agency"; authorizing 471 installation of an automated license plate recognition 472 system within the right-of-way of any road on the 473 State Highway System for a specified purpose; providing that such installations are solely within 474

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the department's discretion and must be in accordance with placement and installation guidelines developed by the department; prohibiting use of an automated license plate recognition system to issue a notice of violation or a traffic citation; requiring removal of such a system within a specified timeframe at the expense of the requesting law enforcement agency upon notification by the department; providing that the department is not liable for any damages resulting from the requesting law enforcement agency's operation of such a system; providing for a maximum period of retention of certain records generated through the use of an automated license plate recognition system; amending s. 330.30, F.S.; prohibiting the department from requiring an applicant to provide a written memorandum of understanding or letter of agreement with other airport sites regarding air traffic pattern separation procedures under certain circumstances; providing exceptions; amending s. 332.007, F.S.; authorizing the department, subject to the availability of appropriated funds, to fund up to 100 percent of eligible project costs of certain projects at specified publicly owned, publicly operated airports with no scheduled commercial service; providing prioritization criteria; providing for allocation of any remaining funds; amending s. 334.044, F.S.; revising the department's powers and duties; amending s. 337.025, F.S.; increasing the annual cap on contracts that the department may enter

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into for innovative transportation projects; revising exceptions to such cap; amending s. 337.11, F.S.; increasing the maximum cost of contracts for construction and maintenance the department may enter into without advertising and receiving competitive bids; revising requirements for design-build contracts; authorizing the department to enter into phased design-build contracts under certain circumstances; providing requirements for design-build and phased design-build contracts; requiring the department to adopt rules for administering phased design-build contracts; amending s. 339.175, F.S.; abolishing the Chairs Coordinating Committee; requiring metropolitan planning organizations serving specified counties to submit a certain feasibility report by a specified date, with certain goals; amending s. 341.052, F.S.; requiring that public transportation development plans of eligible providers of public transit block grants be consistent with the long-range transportation plans of the metropolitan planning area in which the providers are located; amending s. 341.061, F.S.; requiring the department to adopt by rule minimum safety standards for certain fixed-quideway transportation systems; requiring the department to conduct certain structural inspections and follow certain safety protocols during such inspections; amending s. 341.071, F.S.; revising requirements of annual public transit provider reports; requiring each public transit provider to

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publish on its website, rather than in the local newspaper, certain performance measures; repealing part IV of ch. 348, F.S., relating to the Santa Rosa Bay Bridge Authority; transferring the governance and control of the Santa Rosa Bay Bridge Authority to the department; transferring the remaining assets, facilities, property, and property rights of the authority to the department; providing that the department succeeds to all powers of the authority; authorizing the department to review other contracts, financial obligations, and contractual obligations and liabilities of the authority and to assume legal liability for such obligations determined by the department to be necessary for the continued operation of the bridge system; authorizing the department to transfer the bridge system, or any portion thereof, to become part of the turnpike system; providing effective dates.