

By Senator DiCeglie

18-01529B-24

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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

18-01529B-24

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:

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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

18-01529B-24

20241226__

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,

18-01529B-24

20241226__

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

18-01529B-24

20241226__

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.