

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 20.23, F.S.; revising the list of areas of
4 program responsibility within the Department of
5 Transportation; removing provisions requiring the
6 secretary of the department to appoint an inspector
7 general; amending s. 311.101, F.S.; providing an
8 appropriation from the State Transportation Trust Fund
9 for the Intermodal Logistics Center Infrastructure
10 Support Program; requiring the department to include
11 certain projects in the tentative work program;
12 amending s. 334.046, F.S.; revising provisions
13 relating to the department's mission, goals, and
14 objectives; creating s. 334.61, F.S.; requiring a
15 governmental entity that proposes a certain project to
16 conduct a traffic study; requiring notice to affected
17 property owners, impacted municipalities, and counties
18 in which the project is located within a specified
19 timeframe; providing notice requirements; requiring
20 such governmental entity to hold a public meeting
21 before completion of the design phase of such project;
22 providing requirements for such public meeting;
23 requiring such governmental entity to review and take
24 into consideration comments and alternatives presented
25 in such public meeting in the final project design;

26 | amending s. 338.231, F.S.; revising the time period
27 | for which a prepaid toll account must remain inactive
28 | in order to be presumed unclaimed; amending s. 339.08,
29 | F.S.; prohibiting the department from expending
30 | certain state funds to support certain projects or
31 | programs; amending s. 339.0803, F.S.; prioritizing
32 | availability of certain revenues deposited into the
33 | State Transportation Trust Fund for payments under
34 | service contracts with the Florida Department of
35 | Transportation Financing Corporation to fund arterial
36 | highway projects; authorizing two or more of such
37 | projects to be treated as a single project for certain
38 | purposes; amending s. 339.0809, F.S.; specifying
39 | priority of availability of funds appropriated for
40 | payments under a service contract with the
41 | corporation; authorizing the department to enter into
42 | service contracts to finance certain projects;
43 | providing requirements for annual service contract
44 | payments; amending s. 339.2818, F.S.; authorizing
45 | certain local governments, subject to appropriation,
46 | to compete for additional funding for certain county
47 | roads; amending s. 341.051, F.S.; providing voting and
48 | meeting notice requirements for specified public
49 | transit projects; providing meeting notice
50 | requirements for discussion of specified actions by a

51 public transit provider; requiring certain unallocated
52 funds for the New Starts Transit Program to be
53 reallocated for the purpose of the Strategic
54 Intermodal System; limiting the displays a public
55 transit provider, as a condition of receiving state
56 funds, may display on certain vehicles; providing the
57 department and any state agency priority to contract
58 for certain marketing or advertising activities;
59 providing definitions; providing applicability;
60 requiring the department to incorporate guidelines in
61 the public transportation grant agreement entered into
62 with each public transit provider; prohibiting certain
63 media on passenger windows of public transit provider
64 vehicles from being darker than certain window tinting
65 requirements; amending s. 341.071, F.S.; providing
66 definitions; requiring each public transit provider to
67 annually certify that its budgeted and general
68 administration costs do not exceed the annual state
69 average of administrative costs by more than a certain
70 percentage, to annually present a specified budget
71 report, and to annually post a specified disclosure on
72 its website; specifying the method by which the
73 department is required to determine a certain annual
74 state average; requiring a specified increase in
75 general administration costs to be reviewed and

76 approved by certain entities; amending s. 341.822,
 77 F.S.; revising powers of the Florida Rail Enterprise;
 78 providing an effective date.

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

81
 82 Section 1. Paragraph (e) of subsection (3) of section
 83 20.23, Florida Statutes, is redesignated as paragraph (d), and
 84 paragraph (b) and present paragraph (d) of that subsection are
 85 amended to read:

86 20.23 Department of Transportation.—There is created a
 87 Department of Transportation which shall be a decentralized
 88 agency.

89 (3)

90 (b) The secretary may appoint positions at the level of
 91 deputy assistant secretary or director which the secretary deems
 92 necessary to accomplish the mission and goals of the department,
 93 including, but not limited to, the areas of program
 94 responsibility provided in this paragraph, each of whom shall be
 95 appointed by and serve at the pleasure of the secretary. The
 96 secretary may combine, separate, or delete offices as needed in
 97 consultation with the Executive Office of the Governor. The
 98 department's areas of program responsibility include, but are
 99 not limited to:

100 1. Administration.†

- 101 2. Planning~~.~~
- 102 3. Modal development. ~~Public transportation;~~
- 103 4. Design~~.~~
- 104 5. Highway operations~~.~~
- 105 6. Right-of-way~~.~~
- 106 7. Toll operations~~.~~
- 107 8. Transportation technology.
- 108 ~~9.8.~~ Information systems~~.~~
- 109 ~~10.9.~~ Motor carrier weight inspection~~.~~
- 110 ~~11.10.~~ Work program development ~~Management~~ and budget~~.~~
- 111 ~~12.11.~~ Comptroller~~.~~
- 112 ~~13.12.~~ Construction~~.~~
- 113 14. Statewide corridors.
- 114 ~~15.13.~~ Maintenance~~.~~ and
- 115 16. Forecasting and performance.
- 116 17. Emergency management.
- 117 18. Safety office.
- 118 ~~19.14.~~ Materials.
- 119 ~~(d) The secretary shall appoint an inspector general~~
- 120 ~~pursuant to s. 20.055 who shall be directly responsible to the~~
- 121 ~~secretary and shall serve at the pleasure of the secretary.~~
- 122 Section 2. Subsection (7) of section 311.101, Florida
- 123 Statutes, is renumbered as subsection (8), and a new subsection
- 124 (7) is added to that section to read:
- 125 311.101 Intermodal Logistics Center Infrastructure Support

126 Program.—

127 (7) Beginning with the 2024-2025 fiscal year through the
 128 2029-2030 fiscal year, \$15 million in recurring funds shall be
 129 made available from the State Transportation Trust Fund for the
 130 program. The Department of Transportation shall include projects
 131 proposed to be funded under this section in the tentative work
 132 program developed pursuant to s. 339.135(4).

133 Section 3. Section 334.046, Florida Statutes, is amended
 134 to read:

135 334.046 Department mission, goals, and objectives.—

136 (1) The department shall consider the following prevailing
 137 principles when to be considered in planning and developing the
 138 state's multimodal an integrated, balanced statewide
 139 transportation system are: preserving Florida's the existing
 140 transportation infrastructure; supporting its enhancing
 141 Florida's economic competitiveness; promoting the efficient
 142 movement of people and goods; and preserving Florida's quality
 143 of life improving travel choices to ensure mobility.

144 (2) The mission of the Department of Transportation shall
 145 be to provide a safe statewide transportation system that
 146 promotes the efficient movement ensures the mobility of people
 147 and goods, supports the state's enhances economic
 148 competitiveness, prioritizes Florida's environment and natural
 149 resources prosperity, and preserves the quality of life and
 150 connectedness of the state's our environment and communities.

151 (3) ~~The department shall document in the Florida~~
152 ~~Transportation Plan, in accordance with s. 339.155 and based~~
153 ~~upon the prevailing principles outlined in this section shall be~~
154 incorporated into all of preserving the existing transportation
155 infrastructure, enhancing Florida's economic competitiveness,
156 ~~and improving travel choices to ensure mobility,~~ the goals and
157 objectives that provide statewide policy guidance for
158 accomplishing the department's mission, including the Florida
159 Transportation Plan outlined in s. 339.155.

160 (4) At a minimum, the department's goals shall address the
161 following prevailing principles:-

162 (a) Maintaining investments Preservation.-Protecting the
163 state's transportation infrastructure investment, which-
164 ~~Preservation~~ includes:

165 1. Ensuring that 80 percent of the pavement on the State
166 Highway System meets department standards;

167 2. Ensuring that 90 percent of department-maintained
168 bridges meet department standards; and

169 3. Ensuring that the department achieves 100 percent of
170 the acceptable maintenance standard on the state highway system.

171 (b) Economic competitiveness.-Ensuring that the state has
172 a clear understanding of the return on investment and economic
173 impacts consequences of transportation infrastructure
174 investments, and how such investments affect the state's
175 economic competitiveness. The department must develop a

176 macroeconomic analysis of the linkages between transportation
 177 investment and economic performance, as well as a method to
 178 quantifiably measure the economic benefits of the district-work-
 179 program investments. Such an analysis must analyze:

180 1. The state's and district's economic performance
 181 relative to the competition.

182 2. The business environment as viewed from the perspective
 183 of companies evaluating the state as a place in which to do
 184 business.

185 3. The state's capacity to sustain long-term growth.

186 (c) Connected transportation system Mobility.—Ensuring a
 187 cost-effective, statewide, interconnected transportation system
 188 that provides for the most efficient and effective multimodality
 189 and mobility.

190 (d) Preserving Florida's natural resources and quality of
 191 life.—Prioritizing Florida's natural resources and the quality
 192 of life of its communities.

193 Section 4. Section 334.61, Florida Statutes, is created to
 194 read:

195 334.61 Traffic lane repurposing.—

196 (1) Whenever a governmental entity proposes any project
 197 that will repurpose one or more existing traffic lanes, the
 198 governmental entity shall include a traffic study to address any
 199 potential adverse impacts of the project, including, but not
 200 limited to, changes in traffic congestion and impacts on safety.

201 (2) If, following the study required by subsection (1),
202 the governmental entity elects to continue with the design of
203 the project, it must notify all affected property owners,
204 impacted municipalities, and the counties in which the project
205 is located at least 180 days before the design phase of the
206 project is completed. The notice must provide a written
207 explanation regarding the need for the project, include
208 information on how to review the traffic study required by
209 subsection (1), and indicate that all affected parties will be
210 given an opportunity to provide comments to the proposing entity
211 regarding potential impacts of the change.

212 (3) The governmental entity shall hold at least one public
213 meeting, with at least 30 days' prior notice, before completing
214 the design phase of the project in the jurisdiction where the
215 project is located. At the public meeting, the governmental
216 entity shall explain the purpose of the project and receive
217 public input, including possible alternatives, to determine the
218 manner in which the project will affect the community.

219 (4) The governmental entity shall review all comments from
220 the public meeting and take the comments and any alternatives
221 presented during the meeting into consideration in the final
222 design of the project.

223 Section 5. Paragraph (c) of subsection (3) of section
224 338.231, Florida Statutes, is amended to read:

225 338.231 Turnpike tolls, fixing; pledge of tolls and other

226 revenues.—The department shall at all times fix, adjust, charge,
 227 and collect such tolls and amounts for the use of the turnpike
 228 system as are required in order to provide a fund sufficient
 229 with other revenues of the turnpike system to pay the cost of
 230 maintaining, improving, repairing, and operating such turnpike
 231 system; to pay the principal of and interest on all bonds issued
 232 to finance or refinance any portion of the turnpike system as
 233 the same become due and payable; and to create reserves for all
 234 such purposes.

235 (3)

236 (c) Notwithstanding any other ~~provision of~~ law to the
 237 contrary, any prepaid toll account of any kind which has
 238 remained inactive for 10 ~~3~~ years is ~~shall be~~ presumed unclaimed,
 239 and its disposition shall be handled by the Department of
 240 Financial Services in accordance with all applicable provisions
 241 of chapter 717 relating to the disposition of unclaimed
 242 property, and the prepaid toll account shall be closed by the
 243 department.

244 Section 6. Subsection (5) is added to section 339.08,
 245 Florida Statutes, to read:

246 339.08 Use of moneys in State Transportation Trust Fund.—

247 (5) The department may not expend any state funds as
 248 described in s. 215.31 to support a project or program of:

249 (a) A public transit provider as defined in s. 341.031(1);

250 (b) An authority created pursuant to chapter 343, chapter

251 348, or chapter 349;

252 (c) A public-use airport as defined in s. 332.004; or

253 (d) A port enumerated in s. 311.09(1)

254
255 which is found in violation of s. 381.00316. The department
256 shall withhold state funds until the public transit provider,
257 authority, public-use airport, or port is found in compliance
258 with s. 381.00316.

259 Section 7. Section 339.0803, Florida Statutes, is amended
260 to read:

261 339.0803 Allocation of increased revenues derived from
262 amendments to s. 320.08 by ch. 2019-43.—

263 (1) Beginning in the 2021-2022 fiscal year and each fiscal
264 year thereafter, funds that result from increased revenues to
265 the State Transportation Trust Fund derived from the amendments
266 to s. 320.08 made by chapter 2019-43, Laws of Florida, and
267 deposited into the fund pursuant to s. 320.20(5)(a) must be used
268 to fund arterial highway projects identified by the department
269 in accordance with s. 339.65 and may be used for projects as
270 specified in ss. 339.66 and 339.67. For purposes of the funding
271 provided in this section, the department shall prioritize use of
272 existing facilities or portions thereof when upgrading arterial
273 highways to limited or controlled access facilities. However,
274 this section does not preclude use of the funding for projects
275 that enhance the capacity of an arterial highway. The funds

276 allocated as provided in this section shall be in addition to
277 any other statutory funding allocations provided by law.

278 (2) Revenues deposited into the State Transportation Trust
279 Fund pursuant to s. 320.20(5)(a) shall first be available for
280 appropriation for payments under a service contract entered into
281 with the Florida Department of Transportation Financing
282 Corporation pursuant to s. 339.0809(4) to fund arterial highway
283 projects. For the corporation's bonding purposes, two or more of
284 such projects in the department's approved work program may be
285 treated as a single project.

286 Section 8. Subsection (13) of section 339.0809, Florida
287 Statutes, is amended, and subsection (14) is added to that
288 section, to read:

289 339.0809 Florida Department of Transportation Financing
290 Corporation.—

291 (13) The department may enter into a service contract in
292 conjunction with the issuance of debt obligations as provided in
293 this section which provides for periodic payments for debt
294 service or other amounts payable with respect to debt
295 obligations, plus any administrative expenses of the Florida
296 Department of Transportation Financing Corporation. Funds
297 appropriated for payments under a service contract shall be
298 available after funds pledged to payment on bonds but before
299 other statutorily required distributions.

300 (14) The department may enter into a service contract to

301 finance the projects authorized in s. 215 of ch. 2023-239, Laws
302 of Florida, and in Budget Amendment EOG# 2024-B0112, and
303 subsequently adopted into the 5-year work program. Service
304 contract payments may not exceed 7 percent of the funds
305 deposited in the State Transportation Trust Fund in each fiscal
306 year. The annual payments under such service contract shall be
307 included in the department's work program and legislative budget
308 request developed pursuant to s. 339.135. The department shall
309 ensure that the annual payments are programmed for the life of
310 the service contract before execution of the service contract
311 and shall remain programmed until fully paid.

312 Section 9. Subsection (8) is added to section 339.2818,
313 Florida Statutes, to read:

314 339.2818 Small County Outreach Program.—

315 (8) Subject to specific appropriation in addition to funds
316 appropriated for projects under this section, a local government
317 either wholly or partially within the Everglades Agricultural
318 Area as defined in s. 373.4592(15), the Peace River Basin, or
319 the Suwannee River Basin may compete for additional funding
320 using the criteria listed in paragraph (4) (c) at up to 100
321 percent of project costs on state or county roads used primarily
322 as farm-to-market connections between rural agricultural areas
323 and market distribution centers, excluding capacity improvement
324 projects.

325 Section 10. Subsection (6) of section 341.051, Florida

326 Statutes, is amended, paragraphs (c) and (d) are added to
 327 subsection (2), and subsection (8) is added to that section, to
 328 read:

329 341.051 Administration and financing of public transit and
 330 intercity bus service programs and projects.—

331 (2) PUBLIC TRANSIT PLAN.—

332 (c) Any lane elimination or lane repurposing,
 333 recommendation, or application relating to public transit
 334 projects must be approved by a two-thirds vote of the transit
 335 authority board in a public meeting with a 30-day public notice.

336 (d) Any action of eminent domain for acquisition of public
 337 transit facilities carried out by a public transit provider must
 338 be discussed by the public transit provider at a public meeting
 339 with a 30-day public notice.

340 (6) ANNUAL APPROPRIATION.—Funds paid into the State
 341 Transportation Trust Fund pursuant to s. 201.15 for the New
 342 Starts Transit Program are hereby annually appropriated for
 343 expenditure to support the New Starts Transit Program. The
 344 remaining unallocated New Starts Transit Program funds as of
 345 June 30 of each fiscal year shall be reallocated for the purpose
 346 of the Strategic Intermodal System within the State
 347 Transportation Trust Fund.

348 (8) EXTERIOR VEHICLE WRAP, TINTING, PAINT, MARKETING, AND
 349 ADVERTISING.—

350 (a) As a condition of receiving funds from the department,

351 a public transit provider may not expend department funds for
 352 marketing or advertising activities, including any wrap,
 353 tinting, paint, or other medium displayed, attached, or affixed
 354 on a bus, commercial motor vehicle, or motor vehicle that is
 355 owned, leased, or operated by a public transit provider is
 356 limited to displaying a brand or logo of the public transit
 357 provider, the official seal of the jurisdictional government
 358 entity, or a state agency public service announcement.

359 (b) The department shall incorporate guidelines for the
 360 activities allowed under paragraph (a) in the public
 361 transportation grant agreement entered into with each public
 362 transit provider.

363 (c) Any new wrap, tinting, paint, medium, or advertisement
 364 on the passenger windows of a vehicle used by a public transit
 365 provider may not be darker than the legally allowed window
 366 tinting requirements as provided in s. 316.2954.

367
 368 For purposes of this section, the term "net operating costs"
 369 means all operating costs of a project less any federal funds,
 370 fares, or other sources of income to the project.

371 Section 11. Subsection (4) is added to section 341.071,
 372 Florida Statutes, to read:

373 341.071 Transit productivity and performance measures;
 374 reports.—

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

376 1. "General administration costs" includes, but is not
377 limited to, costs related to transit service development,
378 injuries and damages, safety, personnel administration, legal
379 services, data processing, finance and accounting, purchasing
380 and stores, engineering, real estate management, office
381 management and services, customer service, promotion, market
382 research, and planning. The term does not include insurance
383 costs.

384 2. "Public transit provider" means a public agency
385 providing public transit service, including an authority created
386 pursuant to part II of chapter 343 or chapter 349. The term does
387 not include the Central Florida Commuter Rail or the authority
388 created pursuant to part I of chapter 343.

389 3. "Tier I provider" has the same meaning as in 49 C.F.R.
390 part 625.

391 4. "Tier II provider" has the same meaning as in 49 C.F.R.
392 part 625.

393 (b) Beginning November 1, 2024, and annually thereafter,
394 each public transit provider, during a publicly noticed meeting,
395 shall:

396 1. Certify that its budgeted and general administration
397 costs are not greater than 20 percent above the annual state
398 average of administrative costs for its respective tier.

399 2. Present a line-item budget report of its budgeted and
400 actual general administration costs.

401 3. Disclose all salaried executive and management level
402 employees' total compensation packages, ridership performance
403 and metrics, and any gift as defined in s. 112.312 accepted in
404 exchange for contracts. This disclosure shall be posted annually
405 on the public transit provider's website.

406 (c) To support compliance with paragraph (b), the
407 department shall determine, by tier, the annual state average of
408 administrative costs by determining the percentage of the total
409 operating budget that is expended on general administration
410 costs in this state annually by March 31 to inform the public
411 transit provider's budget for the following fiscal year. Upon
412 review and certification by the department, costs budgeted and
413 expended in association with nontransit-related engineering and
414 construction services may be excluded.

415 (d) A year-over-year cumulative increase of 3 percent or
416 more in general administration costs must be reviewed before the
417 start of the next fiscal year and must be reviewed and approved
418 by the department before approval by the public transportation
419 provider's governing board.

420 Section 12. Paragraph (a) of subsection (2) of section
421 341.822, Florida Statutes, is amended to read:

422 341.822 Powers and duties.—

423 (2)(a) In addition to the powers granted to the
424 department, the enterprise has full authority to exercise all
425 powers granted to it under this chapter. Powers shall include,

426 | but are not limited to, the ability to plan, construct,
427 | maintain, repair, and operate a high-speed rail system, ~~to~~
428 | ~~acquire corridors,~~ and to coordinate the development and
429 | operation of publicly funded passenger rail systems in the
430 | state, and to preserve and acquire future rail corridors and
431 | rights-of-way in coordination with the department's planning of
432 | the State Highway System.

433 | Section 13. This act shall take effect July 1, 2024.