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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2023	.	
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The Appropriations Committee on Transportation, Tourism, and Economic Development (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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



11 by, leased to, or paid for by any state, county, or municipal
12 agency or entity. This subsection does not prohibit the use of
13 proceeds of bonds of the corporation for the purpose of
14 financing the acquisition or construction of a transportation
15 facility under a public-private partnership agreement authorized
16 under s. 334.30.

17 (7) Notwithstanding any provision of this section, the
18 corporation in its corporate capacity may, without authorization
19 from a public agency under s. 163.01(7), issue revenue bonds or
20 other evidence of indebtedness under this section to:

21 (a) Finance the undertaking of any project within the state
22 that promotes renewable energy as defined in s. 366.91 or s.
23 377.803;

24 (b) Finance the undertaking of any project within the state
25 that is a project contemplated or allowed under s. 406 of the
26 American Recovery and Reinvestment Act of 2009; ~~or~~

27 (c) If permitted by federal law, finance qualifying
28 improvement projects within the state under s. 163.08; or

29 (d) Finance the costs of acquisition or construction of a
30 transportation facility by a private entity or consortium of
31 private entities under a public-private partnership agreement
32 authorized under s. 334.30.

33 Section 2. Subsection (6) of section 311.101, Florida
34 Statutes, is amended to read:

35 311.101 Intermodal Logistics Center Infrastructure Support
36 Program.—

37 (6) The department shall provide up to 50 percent of
38 project costs for eligible projects. For eligible projects in
39 rural areas of opportunity designated in accordance with s.



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40 288.0656(7) (a), the department may provide up to 100 percent of
41 project costs.

42 Section 3. Section 316.0777, Florida Statutes, is amended
43 to read:

44 316.0777 Automated license plate recognition systems;
45 installation within the rights-of-way of the State Highway
46 System; public records exemption.-

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

48 (a) "Active," "criminal intelligence information," and
49 "criminal investigative information" have the same meanings as
50 provided in s. 119.011(3).

51 (b) "Agency" has the same meaning as provided in s.
52 119.011.

53 (c) "Automated license plate recognition system" means a
54 system of one or more mobile or fixed high-speed cameras
55 combined with computer algorithms to convert images of license
56 plates into computer-readable data.

57 (d) "Criminal justice agency" has the same meaning as
58 provided in s. 119.011.

59 (2) (a) As used in this subsection, the term "law
60 enforcement agency" means an agency that has a primary mission
61 of preventing and detecting crime and enforcing state penal,
62 criminal, traffic, and motor vehicle laws and in furtherance of
63 that mission employs law enforcement officers as defined in s.
64 943.10(1).

65 (b) At the discretion of the Department of Transportation,
66 an automated license plate recognition system may be installed
67 within the rights-of-way, as defined in s. 334.03(21), of any
68 road on the State Highway System when installed at the request



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69 of a law enforcement agency for the purpose of collecting active
70 criminal intelligence information or active criminal
71 investigative information as those terms are described in s.
72 119.011(3). Such installations must be in accordance with
73 placement and installation guidelines developed by the
74 Department of Transportation. An automated license plate
75 recognition system may not be used to issue a notice of
76 violation or a traffic citation. An automated license plate
77 recognition system must be removed within 30 days after the
78 Department of Transportation notifies the requesting law
79 enforcement agency that such removal must occur.

80 (c) Installation and removal of an automated license plate
81 recognition system is at the sole expense of the requesting law
82 enforcement agency. The Department of Transportation is not
83 liable for any damages caused to any person by the requesting
84 law enforcement agency's operation of such a system.

85 (d) Records containing images and data generated through
86 use of an automated license plate recognition system may not be
87 retained longer than the maximum period provided in the
88 retention schedule established pursuant to s. 316.0778.

89 (3)~~(2)~~ The following information held by an agency is
90 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
91 of the State Constitution:

92 (a) Images and data containing or providing personal
93 identifying information obtained through the use of an automated
94 license plate recognition system.

95 (b) Personal identifying information of an individual in
96 data generated or resulting from images obtained through the use
97 of an automated license plate recognition system.



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98 ~~(4)-(3)~~ Such information may be disclosed as follows:

99 (a) Any such information may be disclosed by or to a
100 criminal justice agency in the performance of the criminal
101 justice agency's official duties.

102 (b) Any such information relating to a license plate
103 registered to an individual may be disclosed to the individual,
104 unless such information constitutes active criminal intelligence
105 information or active criminal investigative information.

106 ~~(5)-(4)~~ This exemption applies to such information held by
107 an agency before, on, or after the effective date of this
108 exemption.

109 Section 4. Effective upon this act becoming law, present
110 paragraphs (d) through (g) of subsection (1) of section 330.30,
111 Florida Statutes, are redesignated as paragraphs (e) through
112 (h), respectively, and a new paragraph (d) is added to that
113 subsection, to read:

114 330.30 Approval of airport sites; registration and
115 licensure of airports.—

116 (1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD,
117 REVOCATION.—

118 (d) For the purpose of granting site approval, the
119 department may not require an applicant to provide a written
120 memorandum of understanding or letter of agreement with other
121 airport sites regarding air traffic pattern separation
122 procedures unless such memorandum or letter is required by the
123 Federal Aviation Administration or is deemed necessary by the
124 department.

125 Section 5. Subsection (10) is added to section 332.007,
126 Florida Statutes, to read:



127 332.007 Administration and financing of aviation and
128 airport programs and projects; state plan.—

129 (10) Subject to the availability of appropriated funds, and
130 unless otherwise provided in the General Appropriations Act or
131 the substantive bill implementing the General Appropriations
132 Act, the department may fund up to 100 percent of eligible
133 project costs of all of the following at a publicly owned,
134 publicly operated airport located in a rural community as
135 defined in s. 288.0656 which does not have any scheduled
136 commercial service:

137 (a) The capital cost of runway and taxiway projects that
138 add capacity. Such projects must be prioritized based on the
139 amount of available nonstate matching funds.

140 (b) Economic development transportation projects pursuant
141 to s. 339.2821.

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143 Any remaining funds must be allocated for projects specified in
144 subsection (6).

145 Section 6. Subsection (5) of section 334.044, Florida
146 Statutes, is amended, and subsection (36) is added to that
147 section, to read:

148 334.044 Powers and duties of the department.—The department
149 shall have the following general powers and duties:

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



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

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

166 Section 7. Paragraph (c) of subsection (6) of section
167 337.11, Florida Statutes, is amended to read:

168 337.11 Contracting authority of department; bids; emergency
169 repairs, supplemental agreements, and change orders; combined
170 design and construction contracts; progress payments; records;
171 requirements of vehicle registration.-

172 (6)

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

182 1. To ensure timely completion of projects or avoidance of
183 undue delay for other projects;

184 2. To accomplish minor repairs or construction and



185 maintenance activities for which time is of the essence and for
186 which significant cost savings would occur; or

187 3. To accomplish nonemergency work necessary to ensure
188 avoidance of adverse conditions that affect the safe and
189 efficient flow of traffic.

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

199 Section 8. Paragraph (h) of subsection (7) of section
200 339.135, Florida Statutes, is amended to read:

201 339.135 Work program; legislative budget request;
202 definitions; preparation, adoption, execution, and amendment.-

203 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.-

204 (h)1. Any work program amendment that also adds a new
205 project, or phase thereof, to the adopted work program in excess
206 of \$3 million is subject to approval by the Legislative Budget
207 Commission. Any work program amendment submitted under this
208 paragraph must include, as supplemental information, a list of
209 projects, or phases thereof, in the current 5-year adopted work
210 program which are eligible for the funds within the
211 appropriation category being used for the proposed amendment.
212 The department shall provide a narrative with the rationale for
213 not advancing an existing project, or phase thereof, in lieu of



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214 the proposed amendment.

215 2. If the department submits an amendment to the
216 Legislative Budget Commission and the commission does not meet
217 or consider the amendment within 30 days after its submittal,
218 the chair and vice chair of the commission may authorize the
219 amendment to be approved pursuant to s. 216.177. ~~This~~
220 ~~subparagraph expires July 1, 2023.~~

221 Section 9. Paragraph (i) of subsection (6) of section
222 339.175, Florida Statutes, is amended to read:

223 339.175 Metropolitan planning organization.—

224 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
225 privileges, and authority of an M.P.O. are those specified in
226 this section or incorporated in an interlocal agreement
227 authorized under s. 163.01. Each M.P.O. shall perform all acts
228 required by federal or state laws or rules, now and subsequently
229 applicable, which are necessary to qualify for federal aid. It
230 is the intent of this section that each M.P.O. shall be involved
231 in the planning and programming of transportation facilities,
232 including, but not limited to, airports, intercity and high-
233 speed rail lines, seaports, and intermodal facilities, to the
234 extent permitted by state or federal law.

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



243 ~~a minimum:~~

244 1. Coordinate transportation projects deemed to be
245 regionally significant ~~by the committee.~~

246 2. Review the impact of regionally significant land use
247 decisions on the region.

248 3. Review all proposed regionally significant
249 transportation projects in the ~~respective~~ transportation
250 improvement programs ~~which affect more than one of the M.P.O.'s~~
251 ~~represented on the committee.~~

252 ~~4. Institute a conflict resolution process to address any~~
253 ~~conflict that may arise in the planning and programming of such~~
254 ~~regionally significant projects.~~

255 Section 10. Subsection (1) of section 341.052, Florida
256 Statutes, is amended to read:

257 341.052 Public transit block grant program; administration;
258 eligible projects; limitation.—

259 (1) There is created a public transit block grant program
260 which shall be administered by the department. Block grant funds
261 shall only be provided to "Section 9" providers and "Section 18"
262 providers designated by the United States Department of
263 Transportation and community transportation coordinators as
264 defined in chapter 427. Eligible providers must establish public
265 transportation development plans consistent, to the maximum
266 extent feasible, with approved local government comprehensive
267 plans of the units of local government in which the provider is
268 located and the long-range transportation plans of the
269 metropolitan planning area in which the provider is located. In
270 developing public transportation development plans, eligible
271 providers must solicit comments from local workforce development



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272 boards established under chapter 445. The development plans must
273 address how the public transit provider will work with the
274 appropriate local workforce development board to provide
275 services to participants in the welfare transition program.
276 Eligible providers must provide information to the local
277 workforce development board serving the county in which the
278 provider is located regarding the availability of transportation
279 services to assist program participants.

280 Section 11. Subsections (2) and (3) of section 341.071,
281 Florida Statutes, are amended to read:

282 341.071 Transit productivity and performance measures;
283 reports.—

284 (2) Each public transit provider shall establish
285 productivity and performance measures, which must be approved by
286 the department and which must be selected from measures
287 developed pursuant to s. 341.041(3). Each provider shall, by
288 January 31 of each year, report to the department relative to
289 these measures. In approving these measures, the department
290 shall give consideration to the goals and objectives of each
291 system, the needs of the local area, and the role for public
292 transit in the local area. The report must include the ~~shall~~
293 ~~also specifically address potential enhancements to productivity~~
294 ~~and performance which would have the effect of increasing~~
295 farebox recovery ratio.

296 (3) Each public transit provider shall publish on its
297 website ~~in the local newspaper of its area~~ the productivity and
298 performance measures established for the year and a report that
299 ~~which~~ provides quantitative data relative to the attainment of
300 established productivity and performance measures.



301 Section 12. Effective upon this act becoming a law, part IV
302 of chapter 348, Florida Statutes, consisting of ss. 348.965,
303 348.966, 348.967, 348.968, 348.969, 348.97, 348.971, 348.972,
304 348.973, 348.974, 348.9751, 348.9761, 348.9771, and 348.9781,
305 Florida Statutes, is repealed.

306 Section 13. Effective upon this act becoming a law, the
307 governance and control of the Santa Rosa Bay Bridge Authority is
308 transferred to the Department of Transportation.

309 (1) Since the Santa Rosa Bay Bridge Authority's bridge
310 system was transferred to the department under the terms of the
311 lease-purchase agreement and a settlement agreement between the
312 department and the authority which was effective as of the close
313 of business on June 30, 2022, any remaining assets, facilities,
314 tangible and intangible property, and any rights in such
315 property, and other legal rights of the authority are
316 transferred to the department. The department succeeds to all
317 powers of the authority. The department may review other
318 contracts, financial obligations, and contractual obligations
319 and liabilities of the authority and may assume legal liability
320 for such obligations that are determined by the department to be
321 necessary for the continued operation of the bridge system.

322 (2) The bridge system, or any portion thereof, may be
323 transferred by the department and become part of the turnpike
324 system under the Florida Turnpike Enterprise Law, ss. 338.22-
325 338.241, Florida Statutes.

326 Section 14. Except as otherwise expressly provided in this
327 act and except for this section, which shall take effect upon
328 this act becoming a law, this act shall take effect July 1,
329 2023.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the Department of Transportation;
amending s. 288.9606, F.S.; providing construction
regarding the proceeds of bonds of the Florida
Development Finance Corporation; revising purposes for
which the corporation may, without certain
authorization from a public agency, issue revenue
bonds or other evidence of indebtedness; amending s.
311.101, F.S.; authorizing the department to provide
up to 100 percent of project costs for certain
eligible projects in rural areas of opportunity;
amending s. 316.0777, F.S.; defining the term "law
enforcement agency"; authorizing installation of an
automated license plate recognition system within the
right-of-way of any road on the State Highway System
for a specified purpose; providing that such
installations are solely within 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



359 notification by the department; providing that the
360 department is not liable for any damages resulting
361 from the requesting law enforcement agency's operation
362 of such a system; providing for a maximum period of
363 retention of certain records generated through the use
364 of an automated license plate recognition system;
365 amending s. 330.30, F.S.; prohibiting the department
366 from requiring an applicant to provide a written
367 memorandum of understanding or letter of agreement
368 with other airport sites regarding air traffic pattern
369 separation procedures under certain circumstances;
370 providing exceptions; amending s. 332.007, F.S.;

371 authorizing the department, subject to the
372 availability of appropriated funds, to fund up to 100
373 percent of eligible project costs of certain projects
374 at specified publicly owned, publicly operated
375 airports with no scheduled commercial service;
376 providing prioritization criteria; providing for
377 allocation of any remaining funds; amending s.
378 334.044, F.S.; revising the department's powers and
379 duties; amending s. 337.11, F.S.; increasing the
380 maximum cost of contracts for construction and
381 maintenance the department may enter into without
382 advertising and receiving competitive bids; amending
383 s. 339.135, F.S.; abrogating the expiration of
384 provisions authorizing the approval of certain work
385 program amendments submitted by the department;
386 amending s. 339.175, F.S.; abolishing the Chairs
387 Coordinating Committee; requiring metropolitan



388 planning organizations serving specified counties to
389 submit a certain feasibility report by a specified
390 date, with certain goals; amending s. 341.052, F.S.;
391 requiring that public transportation development plans
392 of eligible providers of public transit block grants
393 be consistent with the long-range transportation plans
394 of the metropolitan planning area in which the
395 providers are located; amending s. 341.071, F.S.;
396 revising requirements of annual public transit
397 provider reports; requiring each public transit
398 provider to publish on its website, rather than in the
399 local newspaper, certain performance measures;
400 repealing part IV of ch. 348, F.S., relating to the
401 Santa Rosa Bay Bridge Authority; transferring the
402 governance and control of the Santa Rosa Bay Bridge
403 Authority to the department; transferring the
404 remaining assets, facilities, property, and property
405 rights of the authority to the department; providing
406 that the department succeeds to all powers of the
407 authority; authorizing the department to review other
408 contracts, financial obligations, and contractual
409 obligations and liabilities of the authority and to
410 assume legal liability for such obligations determined
411 by the department to be necessary for the continued
412 operation of the bridge system; authorizing the
413 department to transfer the bridge system, or any
414 portion thereof, to become part of the turnpike
415 system; providing effective dates.