

By the Committee on Transportation; and Senator DiCeglie

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1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 287.057, F.S.; revising the contractual
4 services and commodities that are not subject to
5 specified competitive-solicitation requirements;
6 amending s. 288.9606, F.S.; providing construction
7 regarding the proceeds of bonds of the Florida
8 Development Finance Corporation; revising purposes for
9 which the corporation may, without certain
10 authorization from a public agency, issue revenue
11 bonds or other evidence of indebtedness; amending s.
12 311.101, F.S.; authorizing the department to provide
13 up to 100 percent of project costs for certain
14 eligible projects in rural areas of opportunity;
15 amending s. 316.0777, F.S.; defining the term "law
16 enforcement agency"; authorizing installation of an
17 automated license plate recognition system within the
18 right-of-way of any road on the State Highway System
19 for a specified purpose; providing that such
20 installations are solely within the department's
21 discretion and must be in accordance with placement
22 and installation guidelines developed by the
23 department; requiring removal of such a system within
24 a specified timeframe at the expense of the requesting
25 law enforcement agency upon notification by the
26 department; providing that the department is not
27 liable for any damages resulting from the requesting
28 law enforcement agency's operation of such a system;
29 providing for a maximum period of retention of certain

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30 records generated through the use of an automated
31 license plate recognition system; amending s. 332.007,
32 F.S.; authorizing the department, subject to the
33 availability of appropriated funds, to fund certain
34 projects at specified publicly owned, publicly
35 operated airports with no scheduled commercial
36 service; providing prioritization criteria; providing
37 for allocation of any remaining funds; amending s.
38 330.29, F.S.; requiring that department rules
39 governing public airport site approval include a
40 specified requirement relating to a memorandum of
41 understanding or letter of agreement regarding air
42 traffic pattern separation procedures between
43 specified parties; providing applicability; amending
44 s. 334.044, F.S.; revising the department's powers and
45 duties; amending s. 337.11, F.S.; increasing the
46 maximum cost of contracts for construction and
47 maintenance the department may enter into without
48 advertising and receiving competitive bids; amending
49 s. 339.135, F.S.; abrogating the expiration of
50 provisions authorizing the approval of certain work
51 program amendments submitted by the department;
52 amending s. 341.052, F.S.; requiring that public
53 transportation development plans of eligible providers
54 of public transit block grants be consistent with the
55 long-range transportation plans of the metropolitan
56 planning area in which the providers are located;
57 amending s. 341.071, F.S.; revising requirements of
58 annual public transit provider reports; requiring each

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59 public transit provider to publish on its website,
60 rather than in the local newspaper, certain
61 performance measures; repealing part IV of ch. 348,
62 F.S., relating to the Santa Rosa Bay Bridge Authority;
63 transferring the governance and control of the Santa
64 Rosa Bay Bridge Authority to the department;
65 transferring the remaining assets, facilities,
66 property, and property rights of the authority to the
67 department; providing that the department succeeds to
68 all powers of the authority; authorizing the
69 department to review other contracts, financial
70 obligations, and contractual obligations and
71 liabilities of the authority and to assume legal
72 liability for such obligations determined by the
73 department to be necessary for the continued operation
74 of the bridge system; authorizing the department to
75 transfer the bridge system, or any portion thereof, to
76 become part of the turnpike system; providing
77 effective dates.

78
79 Be It Enacted by the Legislature of the State of Florida:

80
81 Section 1. Paragraph (e) of subsection (3) of section
82 287.057, Florida Statutes, is amended to read:

83 287.057 Procurement of commodities or contractual
84 services.—

85 (3) If the purchase price of commodities or contractual
86 services exceeds the threshold amount provided in s. 287.017 for
87 CATEGORY TWO, purchase of commodities or contractual services

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88 may not be made without receiving competitive sealed bids,
89 competitive sealed proposals, or competitive sealed replies
90 unless:

91 (e) The following contractual services and commodities are
92 not subject to the competitive-solicitation requirements of this
93 section:

94 1. Artistic services. As used in this subsection, the term
95 "artistic services" does not include advertising or typesetting.
96 As used in this subparagraph, the term "advertising" means the
97 making of a representation in any form in connection with a
98 trade, business, craft, or profession in order to promote the
99 supply of commodities or services by the person promoting the
100 commodities or contractual services.

101 2. Academic program reviews if the fee for such services
102 does not exceed \$50,000.

103 3. Lectures by individuals.

104 4. Legal services, including attorney, paralegal, expert
105 witness, appraisal, or mediator services.

106 5. Health services involving examination, diagnosis,
107 treatment, prevention, medical consultation, or administration.
108 The term also includes, but is not limited to, substance abuse
109 and mental health services involving examination, diagnosis,
110 treatment, prevention, or medical consultation if such services
111 are offered to eligible individuals participating in a specific
112 program that qualifies multiple providers and uses a standard
113 payment methodology. Reimbursement of administrative costs for
114 providers of services purchased in this manner are also exempt.
115 For purposes of this subparagraph, the term "providers" means
116 health professionals and health facilities, or organizations

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117 that deliver or arrange for the delivery of health services.

118 6. Services provided to persons with mental or physical
119 disabilities by not-for-profit corporations that have obtained
120 exemptions under s. 501(c)(3) of the United States Internal
121 Revenue Code or when such services are governed by Office of
122 Management and Budget Circular A-122. However, in acquiring such
123 services, the agency shall consider the ability of the vendor,
124 past performance, willingness to meet time requirements, and
125 price.

126 7. Medicaid services delivered to an eligible Medicaid
127 recipient unless the agency is directed otherwise in law.

128 8. Family placement services.

129 9. Prevention services related to mental health, including
130 drug abuse prevention programs, child abuse prevention programs,
131 and shelters for runaways, operated by not-for-profit
132 corporations. However, in acquiring such services, the agency
133 shall consider the ability of the vendor, past performance,
134 willingness to meet time requirements, and price.

135 10. Training and education services provided to injured
136 employees pursuant to s. 440.491(6).

137 11. Contracts entered into pursuant to s. 337.11.

138 12. Services or commodities provided by governmental
139 entities.

140 13. Statewide public service announcement programs provided
141 by a Florida statewide nonprofit corporation under s. 501(c)(6)
142 of the Internal Revenue Code which have a guaranteed documented
143 match of at least \$3 to \$1.

144 14. Rating agency services.

145 Section 2. Subsections (6) and (7) of section 288.9606,

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146 Florida Statutes, are amended to read:

147 288.9606 Issue of revenue bonds.—

148 (6) The proceeds of any bonds of the corporation may not be
149 used, in any manner, to acquire any building or facility that
150 will be, during the pendency of the financing, used by, occupied
151 by, leased to, or paid for by any state, county, or municipal
152 agency or entity. This subsection does not prohibit the use of
153 proceeds of bonds of the corporation for the purpose of
154 financing the acquisition or construction of a transportation
155 facility under a public-private partnership agreement authorized
156 under s. 334.30.

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

161 (a) Finance the undertaking of any project within the state
162 that promotes renewable energy as defined in s. 366.91 or s.
163 377.803;

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

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

169 (d) Finance the costs of acquisition or construction of a
170 transportation facility by a private entity or consortium of
171 private entities under a public-private partnership agreement
172 authorized under s. 334.30.

173 Section 3. Subsection (6) of section 311.101, Florida
174 Statutes, is amended to read:

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175 311.101 Intermodal Logistics Center Infrastructure Support
176 Program.—

177 (6) The department shall provide up to 50 percent of
178 project costs for eligible projects. For eligible projects in
179 rural areas of opportunity designated in accordance with s.
180 288.0656(7) (a), the department may provide up to 100 percent of
181 project costs.

182 Section 4. Section 316.0777, Florida Statutes, is amended
183 to read:

184 316.0777 Automated license plate recognition systems;
185 installation within the rights-of-way of the State Highway
186 System; public records exemption.—

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

188 (a) "Active," "criminal intelligence information," and
189 "criminal investigative information" have the same meanings as
190 provided in s. 119.011(3).

191 (b) "Agency" has the same meaning as provided in s.
192 119.011.

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

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

199 (2) (a) For purposes of this subsection, the term "law
200 enforcement agency" means an agency that has a primary mission
201 of preventing and detecting crime and enforcing state penal,
202 criminal, traffic, and motor vehicle laws and in furtherance of
203 that mission employs law enforcement officers as defined in s.

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204 943.10(1).

205 (b) At the discretion of the Department of Transportation,
206 an automated license plate recognition system may be installed
207 within the rights-of-way, as defined in s. 334.03(21), of any
208 road on the State Highway System when installed at the request
209 of a law enforcement agency for the purpose of collecting active
210 criminal intelligence information or active criminal
211 investigative information as those terms are described in s.
212 119.011(3). Such installations must be in accordance with
213 placement and installation guidelines developed by the
214 Department of Transportation. An automated license plate
215 recognition system must be removed within 30 days after the
216 Department of Transportation notifies the requesting law
217 enforcement agency that such removal must occur.

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

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

227 (3)~~(2)~~ The following information held by an agency is
228 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
229 of the State Constitution:

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

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

236 ~~(4)~~~~(3)~~ Such information may be disclosed as follows:

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

240 (b) Any such information relating to a license plate
241 registered to an individual may be disclosed to the individual,
242 unless such information constitutes active criminal intelligence
243 information or active criminal investigative information.

244 ~~(5)~~~~(4)~~ This exemption applies to such information held by
245 an agency before, on, or after the effective date of this
246 exemption.

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

249 332.007 Administration and financing of aviation and
250 airport programs and projects; state plan.—

251 (10) Subject to the availability of appropriated funds, and
252 unless otherwise provided in the General Appropriations Act or
253 the substantive bill implementing the General Appropriations
254 Act, the department may fund all of the following at a publicly
255 owned, publicly operated airport located in a rural community as
256 defined in s. 288.0656 which does not have any scheduled
257 commercial service:

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

261 (b) Economic development transportation projects pursuant

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262 to s. 339.2821.

263
264 Any remaining funds must be allocated for projects specified in
265 subsection (6).

266 Section 6. Subsection (4) of section 330.29, Florida
267 Statutes, is amended to read:

268 330.29 Administration and enforcement; rules; requirements
269 for airport sites and airports.—It is the duty of the department
270 to:

271 (4) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
272 implement ~~the provisions of~~ this chapter. The department rules
273 governing public airport site approval must include a
274 requirement that an applicant provide a copy of a written
275 memorandum of understanding or letter of agreement regarding air
276 traffic pattern separation procedures between the parties
277 representing a proposed airport and any existing airport or any
278 approved airport site located within 3 miles of the proposed
279 site, which must be signed by each of the respective parties.
280 The requirement applies only if such memorandum or letter is
281 required by the final Federal Aviation Administration airspace
282 determination letter or is deemed necessary by the department.

283 Section 7. Subsection (5) of section 334.044, Florida
284 Statutes, is amended, and subsection (36) is added to that
285 section, to read:

286 334.044 Powers and duties of the department.—The department
287 shall have the following general powers and duties:

288 (5) To purchase, lease, or otherwise acquire property and
289 materials, including the purchase of promotional items as part
290 of public information and education campaigns for the promotion

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291 of scenic highways, traffic and train safety awareness,
292 alternatives to single-occupant vehicle travel, ~~and~~ commercial
293 motor vehicle safety, electric vehicle use and charging
294 stations, autonomous vehicles, and context design for electric
295 vehicles and autonomous vehicles; to purchase, lease, or
296 otherwise acquire equipment and supplies; and to sell, exchange,
297 or otherwise dispose of any property that is no longer needed by
298 the department.

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

304 Section 8. Paragraph (c) of subsection (6) of section
305 337.11, Florida Statutes, is amended to read:

306 337.11 Contracting authority of department; bids; emergency
307 repairs, supplemental agreements, and change orders; combined
308 design and construction contracts; progress payments; records;
309 requirements of vehicle registration.—

310 (6)

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

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320 1. To ensure timely completion of projects or avoidance of
321 undue delay for other projects;

322 2. To accomplish minor repairs or construction and
323 maintenance activities for which time is of the essence and for
324 which significant cost savings would occur; or

325 3. To accomplish nonemergency work necessary to ensure
326 avoidance of adverse conditions that affect the safe and
327 efficient flow of traffic.

328

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

337 Section 9. Paragraph (h) of subsection (7) of section
338 339.135, Florida Statutes, is amended to read:

339 339.135 Work program; legislative budget request;
340 definitions; preparation, adoption, execution, and amendment.—

341 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

342 (h)1. Any work program amendment that also adds a new
343 project, or phase thereof, to the adopted work program in excess
344 of \$3 million is subject to approval by the Legislative Budget
345 Commission. Any work program amendment submitted under this
346 paragraph must include, as supplemental information, a list of
347 projects, or phases thereof, in the current 5-year adopted work
348 program which are eligible for the funds within the

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349 appropriation category being used for the proposed amendment.
350 The department shall provide a narrative with the rationale for
351 not advancing an existing project, or phase thereof, in lieu of
352 the proposed amendment.

353 2. If the department submits an amendment to the
354 Legislative Budget Commission and the commission does not meet
355 or consider the amendment within 30 days after its submittal,
356 the chair and vice chair of the commission may authorize the
357 amendment to be approved pursuant to s. 216.177. ~~This~~
358 ~~subparagraph expires July 1, 2023.~~

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

361 341.052 Public transit block grant program; administration;
362 eligible projects; limitation.—

363 (1) There is created a public transit block grant program
364 which shall be administered by the department. Block grant funds
365 shall only be provided to "Section 9" providers and "Section 18"
366 providers designated by the United States Department of
367 Transportation and community transportation coordinators as
368 defined in chapter 427. Eligible providers must establish public
369 transportation development plans consistent, to the maximum
370 extent feasible, with approved local government comprehensive
371 plans of the units of local government in which the provider is
372 located and the long-range transportation plans of the
373 metropolitan planning area in which the provider is located. In
374 developing public transportation development plans, eligible
375 providers must solicit comments from local workforce development
376 boards established under chapter 445. The development plans must
377 address how the public transit provider will work with the

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378 appropriate local workforce development board to provide
379 services to participants in the welfare transition program.
380 Eligible providers must provide information to the local
381 workforce development board serving the county in which the
382 provider is located regarding the availability of transportation
383 services to assist program participants.

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

386 341.071 Transit productivity and performance measures;
387 reports.—

388 (2) Each public transit provider shall establish
389 productivity and performance measures, which must be approved by
390 the department and which must be selected from measures
391 developed pursuant to s. 341.041(3). Each provider shall, by
392 January 31 of each year, report to the department relative to
393 these measures. In approving these measures, the department
394 shall give consideration to the goals and objectives of each
395 system, the needs of the local area, and the role for public
396 transit in the local area. The report must include the ~~shall~~
397 ~~also specifically address potential enhancements to productivity~~
398 ~~and performance which would have the effect of increasing~~
399 farebox recovery ratio.

400 (3) Each public transit provider shall publish on its
401 website ~~in the local newspaper of its area~~ the productivity and
402 performance measures established for the year and a report that
403 ~~which~~ provides quantitative data relative to the attainment of
404 established productivity and performance measures.

405 Section 12. Effective upon this act becoming a law, part IV
406 of chapter 348, Florida Statutes, consisting of sections

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407 348.965, 348.966, 348.967, 348.968, 348.969, 348.97, 348.971,
408 348.972, 348.973, 348.974, 348.9751, 348.9761, 348.9771, and
409 348.9781, Florida Statutes, is repealed.

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

413 (1) Since the Santa Rosa Bay Bridge Authority's bridge
414 system was transferred to the department under the terms of the
415 lease-purchase agreement and a settlement agreement between the
416 department and the authority which was effective as of the close
417 of business on June 30, 2022, any remaining assets, facilities,
418 tangible and intangible property, and any rights in such
419 property, and other legal rights of the authority are
420 transferred to the department. The department succeeds to all
421 powers of the authority. The department may review other
422 contracts, financial obligations, and contractual obligations
423 and liabilities of the authority and may assume legal liability
424 for such obligations that are determined by the department to be
425 necessary for the continued operation of the bridge system.

426 (2) The bridge system, or any portion thereof, may be
427 transferred by the department and become part of the turnpike
428 system under the Florida Turnpike Enterprise Law, ss. 338.22-
429 338.241, Florida Statutes.

430 Section 14. Except as otherwise expressly provided in this
431 act and except for this section, which shall take effect upon
432 this act becoming a law, this act shall take effect July 1,
433 2023.