

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

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30 of an automated license plate recognition system;  
31 amending s. 330.30, F.S.; prohibiting the department  
32 from requiring an applicant to provide a written  
33 memorandum of understanding or letter of agreement  
34 with other airport sites regarding air traffic pattern  
35 separation procedures under certain circumstances;  
36 providing exceptions; amending s. 332.007, F.S.;  
37 authorizing the department, subject to the  
38 availability of appropriated funds, to fund up to 100  
39 percent of eligible project costs of certain projects  
40 at specified publicly owned, publicly operated  
41 airports with no scheduled commercial service;  
42 providing prioritization criteria; providing for  
43 allocation of any remaining funds; amending s.  
44 334.044, 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. 339.175, F.S.; abolishing the Chairs  
53 Coordinating Committee; requiring metropolitan  
54 planning organizations serving specified counties to  
55 submit a certain feasibility report by a specified  
56 date, with certain goals; amending s. 341.052, F.S.;  
57 requiring that public transportation development plans  
58 of eligible providers of public transit block grants

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59 be consistent with the long-range transportation plans  
60 of the metropolitan planning area in which the  
61 providers are located; amending s. 341.071, F.S.;  
62 revising requirements of annual public transit  
63 provider reports; requiring each public transit  
64 provider to publish on its website, rather than in the  
65 local newspaper, certain performance measures;  
66 repealing part IV of ch. 348, F.S., relating to the  
67 Santa Rosa Bay Bridge Authority; transferring the  
68 governance and control of the Santa Rosa Bay Bridge  
69 Authority to the department; transferring the  
70 remaining assets, facilities, property, and property  
71 rights of the authority to the department; providing  
72 that the department succeeds to all powers of the  
73 authority; authorizing the department to review other  
74 contracts, financial obligations, and contractual  
75 obligations and liabilities of the authority and to  
76 assume legal liability for such obligations determined  
77 by the department to be necessary for the continued  
78 operation of the bridge system; authorizing the  
79 department to transfer the bridge system, or any  
80 portion thereof, to become part of the turnpike  
81 system; providing effective dates.

82

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

84

85 Section 1. Subsections (6) and (7) of section 288.9606,  
86 Florida Statutes, are amended to read:

87 288.9606 Issue of revenue bonds.—

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88 (6) The proceeds of any bonds of the corporation may not be  
89 used, in any manner, to acquire any building or facility that  
90 will be, during the pendency of the financing, used by, occupied  
91 by, leased to, or paid for by any state, county, or municipal  
92 agency or entity. This subsection does not prohibit the use of  
93 proceeds of bonds of the corporation for the purpose of  
94 financing the acquisition or construction of a transportation  
95 facility under a public-private partnership agreement authorized  
96 under s. 334.30.

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

101 (a) Finance the undertaking of any project within the state  
102 that promotes renewable energy as defined in s. 366.91 or s.  
103 377.803;

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

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

109 (d) Finance the costs of acquisition or construction of a  
110 transportation facility by a private entity or consortium of  
111 private entities under a public-private partnership agreement  
112 authorized under s. 334.30.

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

115 311.101 Intermodal Logistics Center Infrastructure Support  
116 Program.—

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117 (6) The department shall provide up to 50 percent of  
118 project costs for eligible projects. For eligible projects in  
119 rural areas of opportunity designated in accordance with s.  
120 288.0656(7)(a), the department may provide up to 100 percent of  
121 project costs.

122 Section 3. Section 316.0777, Florida Statutes, is amended  
123 to read:

124 316.0777 Automated license plate recognition systems;  
125 installation within the rights-of-way of the State Highway  
126 System; public records exemption.-

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

128 (a) "Active," "criminal intelligence information," and  
129 "criminal investigative information" have the same meanings as  
130 provided in s. 119.011(3).

131 (b) "Agency" has the same meaning as provided in s.  
132 119.011.

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

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

139 (2)(a) As used in this subsection, the term "law  
140 enforcement agency" means an agency that has a primary mission  
141 of preventing and detecting crime and enforcing state penal,  
142 criminal, traffic, and motor vehicle laws and in furtherance of  
143 that mission employs law enforcement officers as defined in s.  
144 943.10(1).

145 (b) At the discretion of the Department of Transportation,

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146 an automated license plate recognition system may be installed  
147 within the rights-of-way, as defined in s. 334.03(21), of any  
148 road on the State Highway System when installed at the request  
149 of a law enforcement agency for the purpose of collecting active  
150 criminal intelligence information or active criminal  
151 investigative information as those terms are described in s.  
152 119.011(3). Such installations must be in accordance with  
153 placement and installation guidelines developed by the  
154 Department of Transportation. An automated license plate  
155 recognition system may not be used to issue a notice of  
156 violation or a traffic citation. An automated license plate  
157 recognition system must be removed within 30 days after the  
158 Department of Transportation notifies the requesting law  
159 enforcement agency that such removal must occur.

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

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

169 (3)-(2) The following information held by an agency is  
170 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
171 of the State Constitution:

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

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

178 (4)~~(3)~~ Such information may be disclosed as follows:

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

182 (b) Any such information relating to a license plate  
183 registered to an individual may be disclosed to the individual,  
184 unless such information constitutes active criminal intelligence  
185 information or active criminal investigative information.

186 (5)~~(4)~~ This exemption applies to such information held by  
187 an agency before, on, or after the effective date of this  
188 exemption.

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

194 330.30 Approval of airport sites; registration and  
195 licensure of airports.—

196 (1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD,  
197 REVOCATION.—

198 (d) For the purpose of granting site approval, the  
199 department may not require an applicant to provide a written  
200 memorandum of understanding or letter of agreement with other  
201 airport sites regarding air traffic pattern separation  
202 procedures unless such memorandum or letter is required by the  
203 Federal Aviation Administration or is deemed necessary by the

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204 department.

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

207 332.007 Administration and financing of aviation and  
208 airport programs and projects; state plan.—

209 (10) Subject to the availability of appropriated funds, and  
210 unless otherwise provided in the General Appropriations Act or  
211 the substantive bill implementing the General Appropriations  
212 Act, the department may fund up to 100 percent of eligible  
213 project costs of all of the following at a publicly owned,  
214 publicly operated airport located in a rural community as  
215 defined in s. 288.0656 which does not have any scheduled  
216 commercial service:

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

220 (b) Economic development transportation projects pursuant  
221 to s. 339.2821.

222  
223 Any remaining funds must be allocated for projects specified in  
224 subsection (6).

225 Section 6. Subsection (5) of section 334.044, Florida  
226 Statutes, is amended, and subsection (36) is added to that  
227 section, to read:

228 334.044 Powers and duties of the department.—The department  
229 shall have the following general powers and duties:

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



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233 of scenic highways, traffic and train safety awareness,  
234 alternatives to single-occupant vehicle travel, ~~and~~ commercial  
235 motor vehicle safety, electric vehicle use and charging  
236 stations, autonomous vehicles, and context design for electric  
237 vehicles and autonomous vehicles; to purchase, lease, or  
238 otherwise acquire equipment and supplies; and to sell, exchange,  
239 or otherwise dispose of any property that is no longer needed by  
240 the department.

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

246 Section 7. Paragraph (c) of subsection (6) of section  
247 337.11, Florida Statutes, is amended to read:

248 337.11 Contracting authority of department; bids; emergency  
249 repairs, supplemental agreements, and change orders; combined  
250 design and construction contracts; progress payments; records;  
251 requirements of vehicle registration.-

252 (6)

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

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262 1. To ensure timely completion of projects or avoidance of  
263 undue delay for other projects;

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

267 3. To accomplish nonemergency work necessary to ensure  
268 avoidance of adverse conditions that affect the safe and  
269 efficient flow of traffic.

270  
271 The department shall make a good faith effort to obtain two or  
272 more quotes, if available, from qualified contractors before  
273 entering into any contract. The department shall give  
274 consideration to disadvantaged business enterprise  
275 participation. However, when the work exists within the limits  
276 of an existing contract, the department shall make a good faith  
277 effort to negotiate and enter into a contract with the prime  
278 contractor on the existing contract.

279 Section 8. Paragraph (h) of subsection (7) of section  
280 339.135, Florida Statutes, is amended to read:

281 339.135 Work program; legislative budget request;  
282 definitions; preparation, adoption, execution, and amendment.—

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

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

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291 appropriation category being used for the proposed amendment.  
292 The department shall provide a narrative with the rationale for  
293 not advancing an existing project, or phase thereof, in lieu of  
294 the proposed amendment.

295 2. If the department submits an amendment to the  
296 Legislative Budget Commission and the commission does not meet  
297 or consider the amendment within 30 days after its submittal,  
298 the chair and vice chair of the commission may authorize the  
299 amendment to be approved pursuant to s. 216.177. ~~This~~  
300 ~~subparagraph expires July 1, 2023.~~

301 Section 9. Paragraph (i) of subsection (6) of section  
302 339.175, Florida Statutes, is amended to read:

303 339.175 Metropolitan planning organization.—

304 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,  
305 privileges, and authority of an M.P.O. are those specified in  
306 this section or incorporated in an interlocal agreement  
307 authorized under s. 163.01. Each M.P.O. shall perform all acts  
308 required by federal or state laws or rules, now and subsequently  
309 applicable, which are necessary to qualify for federal aid. It  
310 is the intent of this section that each M.P.O. shall be involved  
311 in the planning and programming of transportation facilities,  
312 including, but not limited to, airports, intercity and high-  
313 speed rail lines, seaports, and intermodal facilities, to the  
314 extent permitted by state or federal law.

315 (i) By December 31, 2023, There is created the Chairs  
316 Coordinating Committee, composed of the M.P.O.'s serving Citrus,  
317 Hernando, Hillsborough, Manatee, Pasco, and Pinellas, Polk, and  
318 Sarasota Counties must submit to the Governor, the President of  
319 the Senate, and the Speaker of the House of Representatives a

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320 feasibility report exploring the benefits, costs, and process of  
321 consolidation into a single M.P.O. serving the contiguous  
322 urbanized area, the goal of which is to. ~~The committee must, at~~  
323 ~~a minimum:~~

324 1. Coordinate transportation projects deemed to be  
325 regionally significant ~~by the committee.~~

326 2. Review the impact of regionally significant land use  
327 decisions on the region.

328 3. Review all proposed regionally significant  
329 transportation projects in the ~~respective~~ transportation  
330 improvement programs ~~which affect more than one of the M.P.O.'s~~  
331 ~~represented on the committee.~~

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

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

337 341.052 Public transit block grant program; administration;  
338 eligible projects; limitation.—

339 (1) There is created a public transit block grant program  
340 which shall be administered by the department. Block grant funds  
341 shall only be provided to "Section 9" providers and "Section 18"  
342 providers designated by the United States Department of  
343 Transportation and community transportation coordinators as  
344 defined in chapter 427. Eligible providers must establish public  
345 transportation development plans consistent, to the maximum  
346 extent feasible, with approved local government comprehensive  
347 plans of the units of local government in which the provider is  
348 located and the long-range transportation plans of the

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349 metropolitan planning area in which the provider is located. In  
350 developing public transportation development plans, eligible  
351 providers must solicit comments from local workforce development  
352 boards established under chapter 445. The development plans must  
353 address how the public transit provider will work with the  
354 appropriate local workforce development board to provide  
355 services to participants in the welfare transition program.  
356 Eligible providers must provide information to the local  
357 workforce development board serving the county in which the  
358 provider is located regarding the availability of transportation  
359 services to assist program participants.

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

362 341.071 Transit productivity and performance measures;  
363 reports.—

364 (2) Each public transit provider shall establish  
365 productivity and performance measures, which must be approved by  
366 the department and which must be selected from measures  
367 developed pursuant to s. 341.041(3). Each provider shall, by  
368 January 31 of each year, report to the department relative to  
369 these measures. In approving these measures, the department  
370 shall give consideration to the goals and objectives of each  
371 system, the needs of the local area, and the role for public  
372 transit in the local area. The report must include the ~~shall~~  
373 ~~also specifically address potential enhancements to productivity~~  
374 ~~and performance which would have the effect of increasing~~  
375 farebox recovery ratio.

376 (3) Each public transit provider shall publish on its  
377 website ~~in the local newspaper of its area~~ the productivity and

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378 performance measures established for the year and a report that  
379 ~~which~~ provides quantitative data relative to the attainment of  
380 established productivity and performance measures.

381 Section 12. Effective upon this act becoming a law, part IV  
382 of chapter 348, Florida Statutes, consisting of ss. 348.965,  
383 348.966, 348.967, 348.968, 348.969, 348.97, 348.971, 348.972,  
384 348.973, 348.974, 348.9751, 348.9761, 348.9771, and 348.9781,  
385 Florida Statutes, is repealed.

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

389 (1) Since the Santa Rosa Bay Bridge Authority's bridge  
390 system was transferred to the department under the terms of the  
391 lease-purchase agreement and a settlement agreement between the  
392 department and the authority which was effective as of the close  
393 of business on June 30, 2022, any remaining assets, facilities,  
394 tangible and intangible property, and any rights in such  
395 property, and other legal rights of the authority are  
396 transferred to the department. The department succeeds to all  
397 powers of the authority. The department may review other  
398 contracts, financial obligations, and contractual obligations  
399 and liabilities of the authority and may assume legal liability  
400 for such obligations that are determined by the department to be  
401 necessary for the continued operation of the bridge system.

402 (2) The bridge system, or any portion thereof, may be  
403 transferred by the department and become part of the turnpike  
404 system under the Florida Turnpike Enterprise Law, ss. 338.22-  
405 338.241, Florida Statutes.

406 Section 14. Except as otherwise expressly provided in this

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407 act and except for this section, which shall take effect upon  
408 this act becoming a law, this act shall take effect July 1,  
409 2023.