

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 288.9606, F.S.; authorizing Florida
4 Development Finance Corporation revenue bonds to
5 finance acquisition or construction of certain
6 transportation facilities; amending s. 316.0777, F.S.;
7 defining the term "law enforcement agency";
8 authorizing installation of an automated license plate
9 recognition system within the right-of-way of a road
10 on the State Highway System for a specified purpose;
11 requiring such installation to be in accordance with
12 placement and installation guidelines developed by the
13 department; requiring removal of such system within a
14 specified timeframe upon notification by the
15 department; exempting the department from liability
16 for damages resulting from operation of such system;
17 providing for a maximum period of retention of certain
18 records generated through the use of such system;
19 amending s. 330.30, F.S.; prohibiting the department
20 from requiring that an applicant for airport site
21 approval provide a written memorandum of understanding
22 or letter of agreement with other airport sites except
23 under specified circumstances; amending s. 334.044,
24 F.S.; authorizing the department to purchase certain
25 promotional items; authorizing the department to

26 | expend funds for certain training, testing, and
 27 | licensing; amending s. 337.11, F.S.; revising the
 28 | amount of construction and maintenance contracts the
 29 | department may enter into without advertising and
 30 | receiving competitive bids; amending s. 339.135, F.S.;
 31 | revising expiration of a provision authorizing certain
 32 | adopted work program amendments to be approved by the
 33 | chair and vice chair of the Legislative Budget
 34 | Commission; amending s. 341.052, F.S.; requiring
 35 | public transit block grant program providers to
 36 | establish plans consistent with certain long-range
 37 | transportation plans; amending s. 341.071, F.S.;
 38 | revising requirements for public transit provider
 39 | reports and publication thereof; transferring control
 40 | of the Santa Rosa Bay Bridge Authority to the
 41 | department; transferring all remaining assets, rights,
 42 | powers, and duties of the authority to the department;
 43 | authorizing the department to transfer all or a
 44 | portion of the bridge system to the turnpike system;
 45 | repealing part IV of ch. 348, F.S., relating to the
 46 | creation and operation of the Santa Rosa Bay Bridge
 47 | Authority; providing effective dates.

48 |
 49 | Be It Enacted by the Legislature of the State of Florida:
 50 |

51 Section 1. Subsection (6) of section 288.9606, Florida
52 Statutes, is amended, and paragraph (d) is added to subsection
53 (7) of that section, to read:

54 288.9606 Issue of revenue bonds.—

55 (6) The proceeds of any bonds of the corporation may not
56 be used, in any manner, to acquire any building or facility that
57 will be, during the pendency of the financing, used by, occupied
58 by, leased to, or paid for by any state, county, or municipal
59 agency or entity. This subsection does not prohibit the use of
60 proceeds of bonds of the corporation for the purpose of
61 financing the acquisition or construction of a transportation
62 facility under a public-private partnership agreement authorized
63 by s. 334.30.

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

68 (d) Finance the costs of acquisition or construction of a
69 transportation facility by a private entity or consortium of
70 private entities under a public-private partnership agreement
71 authorized by s. 334.30.

72 Section 2. Subsections (2), (3), and (4) of section
73 316.0777, Florida Statutes, are renumbered as subsections (3),
74 (4), and (5), respectively, and a new subsection (2) is added to
75 that section to read:

76 316.0777 Automated license plate recognition systems;
 77 installation within rights-of-way of State Highway System;
 78 public records exemption.—

79 (2) (a) As used in this subsection, the term "law
 80 enforcement agency" means an agency that has a primary mission
 81 of preventing and detecting crime and enforcing state penal,
 82 criminal, traffic, and motor vehicle laws and, in furtherance of
 83 that mission, employs law enforcement officers as defined in s.
 84 943.10(1).

85 (b) At the discretion of the Department of Transportation,
 86 an automated license plate recognition system may be installed
 87 within the right-of-way, as defined in s. 334.03(21), of a road
 88 on the State Highway System when installed at the request of a
 89 law enforcement agency for the purpose of collecting active
 90 criminal intelligence information or active criminal
 91 investigative information as defined in s. 119.011(3). Such
 92 installation must be in accordance with placement and
 93 installation guidelines developed by the Department of
 94 Transportation. An automated license plate recognition system
 95 must be removed within 30 days after the Department of
 96 Transportation notifies the requesting law enforcement agency
 97 that such removal must occur.

98 (c) Installation and removal of an automated license plate
 99 recognition system are at the sole expense of the requesting law
 100 enforcement agency. The Department of Transportation is not

101 liable for any damages caused to any person by the requesting
 102 law enforcement agency's operation of such system.

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

107 Section 3. Paragraphs (d) through (g) of subsection (1) of
 108 section 330.30, Florida Statutes, are redesignated as paragraphs
 109 (e) through (h), respectively, and a new paragraph (d) is added
 110 to that subsection to read:

111 330.30 Approval of airport sites; registration and
 112 licensure of airports.—

113 (1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD,
 114 REVOCATION.—

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

122 Section 4. Subsection (5) of section 334.044, Florida
 123 Statutes, is amended, and subsection (36) is added to that
 124 section, to read:

125 334.044 Powers and duties of the department.—The

126 department shall have the following general powers and duties:

127 (5) To purchase, lease, or otherwise acquire property and
 128 materials, including the purchase of promotional items as part
 129 of public information and education campaigns for the promotion
 130 of scenic highways, traffic and train safety awareness,
 131 alternatives to single-occupant vehicle travel, ~~and~~ commercial
 132 motor vehicle safety, electric vehicle use and charging
 133 stations, autonomous vehicles, and context design for electric
 134 vehicles and autonomous vehicles; to purchase, lease, or
 135 otherwise acquire equipment and supplies; and to sell, exchange,
 136 or otherwise dispose of any property that is no longer needed by
 137 the department.

138 (36) To expend funds, within its discretion, for training,
 139 testing, and licensing for full-time employees of the department
 140 who are required to have a valid Class A or Class B commercial
 141 driver license as a condition of employment with the department.

142 Section 5. Paragraph (c) of subsection (6) of section
 143 337.11, Florida Statutes, is amended to read:

144 337.11 Contracting authority of department; bids;
 145 emergency repairs, supplemental agreements, and change orders;
 146 combined design and construction contracts; progress payments;
 147 records; requirements of vehicle registration.—

148 (6)

149 (c) When the department determines that it is in the best
 150 interest of the public for reasons of public concern, economy,

151 improved operations, or safety, and only when circumstances
152 dictate rapid completion of the work, the department may, up to
153 the amount of \$500,000 ~~\$250,000~~, enter into contracts for
154 construction and maintenance without advertising and receiving
155 competitive bids. The department may enter into such contracts
156 only upon a determination that the work is necessary for one of
157 the following reasons:

158 1. To ensure timely completion of projects or avoidance of
159 undue delay for other projects;

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

163 3. To accomplish nonemergency work necessary to ensure
164 avoidance of adverse conditions that affect the safe and
165 efficient flow of traffic.

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167 The department shall make a good faith effort to obtain two or
168 more quotes, if available, from qualified contractors before
169 entering into any contract. The department shall give
170 consideration to disadvantaged business enterprise
171 participation. However, when the work exists within the limits
172 of an existing contract, the department shall make a good faith
173 effort to negotiate and enter into a contract with the prime
174 contractor on the existing contract.

175 Section 6. Paragraph (h) of subsection (7) of section

176 | 339.135, Florida Statutes, is amended to read:

177 | 339.135 Work program; legislative budget request;
178 | definitions; preparation, adoption, execution, and amendment.—

179 | (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

180 | (h)1. Any work program amendment that also adds a new
181 | project, or phase thereof, to the adopted work program in excess
182 | of \$3 million is subject to approval by the Legislative Budget
183 | Commission. Any work program amendment submitted under this
184 | paragraph must include, as supplemental information, a list of
185 | projects, or phases thereof, in the current 5-year adopted work
186 | program which are eligible for the funds within the
187 | appropriation category being used for the proposed amendment.
188 | The department shall provide a narrative with the rationale for
189 | not advancing an existing project, or phase thereof, in lieu of
190 | the proposed amendment.

191 | 2. If the department submits an amendment to the
192 | Legislative Budget Commission and the commission does not meet
193 | or consider the amendment within 30 days after its submittal,
194 | the chair and vice chair of the commission may authorize the
195 | amendment to be approved pursuant to s. 216.177. This
196 | subparagraph expires July 1, 2024 ~~2023~~.

197 | Section 7. Subsection (1) of section 341.052, Florida
198 | Statutes, is amended to read:

199 | 341.052 Public transit block grant program;
200 | administration; eligible projects; limitation.—

201 (1) There is created a public transit block grant program
202 which shall be administered by the department. Block grant funds
203 shall only be provided to "Section 9" providers and "Section 18"
204 providers designated by the United States Department of
205 Transportation and community transportation coordinators as
206 defined in chapter 427. Eligible providers must establish public
207 transportation development plans consistent, to the maximum
208 extent feasible, with approved local government comprehensive
209 plans of the units of local government in which the provider is
210 located and the long-range transportation plans of the
211 metropolitan planning organization in which the provider is
212 located. In developing public transportation development plans,
213 eligible providers must solicit comments from local workforce
214 development boards established under chapter 445. The
215 development plans must address how the public transit provider
216 will work with the appropriate local workforce development board
217 to provide services to participants in the welfare transition
218 program. Eligible providers must provide information to the
219 local workforce development board serving the county in which
220 the provider is located regarding the availability of
221 transportation services to assist program participants.

222 Section 8. Subsections (2) and (3) of section 341.071,
223 Florida Statutes, are amended to read:

224 341.071 Transit productivity and performance measures;
225 reports.—

226 (2) Each public transit provider shall establish
 227 productivity and performance measures, which must be approved by
 228 the department and which must be selected from measures
 229 developed pursuant to s. 341.041(3). Each provider shall, by
 230 January 31 of each year, report to the department relative to
 231 these measures. In approving these measures, the department
 232 shall give consideration to the goals and objectives of each
 233 system, the needs of the local area, and the role for public
 234 transit in the local area. The report shall include the ~~also~~
 235 ~~specifically address potential enhancements to productivity and~~
 236 ~~performance which would have the effect of increasing farebox~~
 237 ~~recovery ratio.~~

238 (3) Each public transit provider shall publish on its
 239 ~~website in the local newspaper of its area~~ the productivity and
 240 performance measures established for the year and a report which
 241 provides quantitative data relative to the attainment of
 242 established productivity and performance measures.

243 Section 9. (1) Effective upon this act becoming a law,
 244 the governance and control of the Santa Rosa Bay Bridge
 245 Authority is transferred to the Department of Transportation.

246 (2) The authority's bridge system transferred to the
 247 department under the terms of the lease-purchase agreement
 248 between the department and the authority, effective as of the
 249 close of business on June 30, 2022. Any remaining assets,
 250 facilities, tangible and intangible property, and any rights in

251 such property, and any other legal rights of the authority, are
 252 transferred to the department. The department succeeds to all
 253 powers of the authority. The department may review other
 254 contracts, financial obligations, and contractual obligations
 255 and liabilities of the authority and may assume legal liability
 256 for such obligations that are determined by the department to be
 257 necessary for the continued operation of the bridge system.

258 (3) The bridge system, or any portion thereof, may be
 259 transferred by the department and become part of the turnpike
 260 system under the Florida Turnpike Enterprise Law.

261 Section 10. Effective upon this act becoming a law, part
 262 IV of chapter 348, Florida Statutes, consisting of sections
 263 348.965, 348.966, 348.967, 348.968, 348.969, 348.97, 348.971,
 264 348.972, 348.973, 348.974, 348.9751, 348.9761, 348.9771, and
 265 348.9781, is repealed.

266 Section 11. Except as otherwise expressly provided in this
 267 act, this act shall take effect July 1, 2023.