

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 206.46, F.S.; increasing the maximum
4 amount of debt service coverage that may be
5 transferred from the State Transportation Trust Fund
6 to the Right-of-Way Acquisition and Bridge
7 Construction Trust Fund; amending s. 215.616, F.S.,
8 increasing the maximum term of state bonds for federal
9 aid highway construction; amending s. 288.9606, F.S.;
10 authorizing Florida Development Finance Corporation
11 revenue bonds to finance acquisition or construction
12 of certain transportation facilities; amending s.
13 316.0777, F.S.; defining the term "law enforcement
14 agency"; authorizing installation of an automated
15 license plate recognition system within the right-of-
16 way of a road on the State Highway System for a
17 specified purpose; prohibiting use of such system for
18 certain purposes; requiring such installation to be in
19 accordance with placement and installation guidelines
20 developed by the department; requiring removal of such
21 system within a specified timeframe upon notification
22 by the department; exempting the department from
23 liability for damages resulting from operation of such
24 system; providing for a maximum period of retention of
25 certain records generated through the use of such

26 | system; amending s. 330.30, F.S.; prohibiting the
 27 | department from requiring that an applicant for
 28 | airport site approval provide a written memorandum of
 29 | understanding or letter of agreement with other
 30 | airport sites except under specified circumstances;
 31 | amending s. 334.044, F.S.; authorizing the department
 32 | to purchase certain promotional items; authorizing the
 33 | department to expend funds for certain training,
 34 | testing, and licensing; amending s. 337.025, F.S.;;
 35 | revising the annual cap for contracts awarded for
 36 | specified purposes; providing exceptions to such cap;
 37 | amending s. 337.11, F.S.; revising the amount of
 38 | construction and maintenance contracts the department
 39 | may enter into without advertising and receiving
 40 | competitive bids; revising requirements for design-
 41 | build contracts; authorizing the department to enter
 42 | into phased design-build contracts under certain
 43 | circumstances; providing requirements for phased
 44 | design-build contracts; requiring the department to
 45 | adopt rules for administering phased design-build
 46 | contracts; amending s. 341.052, F.S.; requiring public
 47 | transit block grant program providers to establish
 48 | plans consistent with certain long-range
 49 | transportation plans; amending s. 341.071, F.S.;;
 50 | revising requirements for public transit provider

51 reports and publication thereof; transferring control
 52 of the Santa Rosa Bay Bridge Authority to the
 53 department; transferring all remaining assets, rights,
 54 powers, and duties of the authority to the department;
 55 authorizing the department to transfer all or a
 56 portion of the bridge system to the turnpike system;
 57 repealing part IV of ch. 348, F.S., relating to the
 58 creation and operation of the Santa Rosa Bay Bridge
 59 Authority; providing effective dates.

60

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

62

63 Section 1. Subsection (2) of section 206.46, Florida
 64 Statutes, is amended to read:

65 206.46 State Transportation Trust Fund.—

66 (2) Notwithstanding any other law, from the revenues
 67 deposited into the State Transportation Trust Fund a maximum of
 68 7 percent in each fiscal year shall be transferred into the
 69 Right-of-Way Acquisition and Bridge Construction Trust Fund
 70 created in s. 215.605, as needed to meet the requirements of the
 71 documents authorizing the bonds issued or proposed to be issued
 72 under ss. 215.605 and 337.276 or at a minimum amount sufficient
 73 to pay for the debt service coverage requirements of outstanding
 74 bonds. Notwithstanding the 7 percent annual transfer authorized
 75 in this subsection, the annual amount transferred under this

76 subsection may not exceed an amount necessary to provide the
 77 required debt service coverage levels for a maximum debt service
 78 not to exceed \$425 ~~\$350~~ million. Such transfer shall be payable
 79 primarily from the motor and diesel fuel taxes transferred to
 80 the State Transportation Trust Fund from the Fuel Tax Collection
 81 Trust Fund.

82 Section 2. Subsection (3) of section 215.616, Florida
 83 Statutes, is amended to read:

84 215.616 State bonds for federal aid highway construction.—

85 (3) The term of the bonds may ~~shall~~ not exceed a term of
 86 18 ~~12~~ years. Before ~~Prior to~~ the issuance of bonds, the
 87 Department of Transportation must ~~shall~~ determine that annual
 88 debt service on all bonds issued pursuant to this section does
 89 not exceed 10 percent of annual apportionments to the department
 90 for federal highway aid in accordance with the provisions of
 91 Title 23 of the United States Code.

92 Section 3. Subsection (6) of section 288.9606, Florida
 93 Statutes, is amended, and paragraph (d) is added to subsection
 94 (7) of that section, to read:

95 288.9606 Issue of revenue bonds.—

96 (6) The proceeds of any bonds of the corporation may not
 97 be used, in any manner, to acquire any building or facility that
 98 will be, during the pendency of the financing, used by, occupied
 99 by, leased to, or paid for by any state, county, or municipal
 100 agency or entity. This subsection does not prohibit the use of

101 proceeds of bonds of the corporation for the purpose of
102 financing the acquisition or construction of a transportation
103 facility under a public-private partnership agreement authorized
104 by s. 334.30.

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

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 by s. 334.30.

113 Section 4. Subsections (2), (3), and (4) of section
114 316.0777, Florida Statutes, are renumbered as subsections (3),
115 (4), and (5), respectively, and a new subsection (2) is added to
116 that section to read:

117 316.0777 Automated license plate recognition systems;
118 installation within rights-of-way of State Highway System;
119 public records exemption.—

120 (2)(a) As used in this subsection, the term "law
121 enforcement agency" means an agency that has a primary mission
122 of preventing and detecting crime and enforcing state penal,
123 criminal, traffic, and motor vehicle laws and, in furtherance of
124 that mission, employs law enforcement officers as defined in s.
125 943.10(1).

126 (b) At the discretion of the Department of Transportation,
127 an automated license plate recognition system may be installed
128 within the right-of-way, as defined in s. 334.03(21), of a road
129 on the State Highway System when installed at the request of a
130 law enforcement agency for the purpose of collecting active
131 criminal intelligence information or active criminal
132 investigative information as defined in s. 119.011(3). An
133 automated license plate recognition system may not be used to
134 issue a notice of violation for a traffic infraction or a
135 uniform traffic citation. Such installation must be in
136 accordance with placement and installation guidelines developed
137 by the Department of Transportation. An automated license plate
138 recognition system must be removed within 30 days after the
139 Department of Transportation notifies the requesting law
140 enforcement agency that such removal must occur.

141 (c) Installation and removal of an automated license plate
142 recognition system are at the sole expense of the requesting law
143 enforcement agency. The Department of Transportation is not
144 liable for any damages caused to any person by the requesting
145 law enforcement agency's operation of such system.

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

150 Section 5. Effective upon this act becoming a law,

151 paragraphs (d) through (g) of subsection (1) of section 330.30,
152 Florida Statutes, are redesignated as paragraphs (e) through
153 (h), respectively, and a new paragraph (d) is added to that
154 subsection to read:

155 330.30 Approval of airport sites; registration and
156 licensure of airports.—

157 (1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD,
158 REVOCATION.—

159 (d) For the purpose of granting site approval, the
160 department may not require an applicant to provide a written
161 memorandum of understanding or letter of agreement with other
162 airport sites regarding air traffic pattern separation
163 procedures unless such memorandum or letter is required by the
164 Federal Aviation Administration or is deemed necessary by the
165 department.

166 Section 6. Subsection (5) of section 334.044, Florida
167 Statutes, is amended, and subsection (36) is added to that
168 section, to read:

169 334.044 Powers and duties of the department.—The
170 department shall have the following general powers and duties:

171 (5) To purchase, lease, or otherwise acquire property and
172 materials, including the purchase of promotional items as part
173 of public information and education campaigns for the promotion
174 of scenic highways, traffic and train safety awareness,
175 alternatives to single-occupant vehicle travel, ~~and~~ commercial

176 motor vehicle safety, electric vehicle use and charging
 177 stations, autonomous vehicles, and context design for electric
 178 vehicles and autonomous vehicles; to purchase, lease, or
 179 otherwise acquire equipment and supplies; and to sell, exchange,
 180 or otherwise dispose of any property that is no longer needed by
 181 the department.

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

186 Section 7. Section 337.025, Florida Statutes, is amended
 187 to read:

188 337.025 Innovative transportation projects; department to
 189 establish program.—

190 (1) The department may establish a program for
 191 transportation projects demonstrating innovative techniques of
 192 highway and bridge design, construction, maintenance, and
 193 finance which have the intended effect of measuring resiliency
 194 and structural integrity and controlling time and cost increases
 195 on construction projects. Such techniques may include, but are
 196 not limited to, state-of-the-art technology for pavement,
 197 safety, and other aspects of highway and bridge design,
 198 construction, and maintenance; innovative bidding and financing
 199 techniques; accelerated construction procedures; and those
 200 techniques that have the potential to reduce project life cycle

201 costs. To the maximum extent practical, the department must use
 202 the existing process to award and administer construction and
 203 maintenance contracts. When specific innovative techniques are
 204 to be used, the department is not required to adhere to those
 205 provisions of law that would prevent, preclude, or in any way
 206 prohibit the department from using the innovative technique.
 207 However, before using an innovative technique that is
 208 inconsistent with another provision of law, the department must
 209 document in writing the need for the exception and identify what
 210 benefits the traveling public and the affected community are
 211 anticipated to receive. The department may enter into no more
 212 than \$200 ~~\$120~~ million in contracts awarded annually for the
 213 purposes authorized by this section.

214 (2) The annual cap on contracts provided in subsection (1)
 215 does not apply to:

216 (a) Turnpike enterprise projects.

217 (b) Low-bid design-build milling and resurfacing
 218 contracts.

219 (c) Contracts awarded under s. 337.11(7)(a).

220 Section 8. Paragraph (c) of subsection (6) and subsection
 221 (7) of section 337.11, Florida Statutes, are amended to read:

222 337.11 Contracting authority of department; bids;
 223 emergency repairs, supplemental agreements, and change orders;
 224 combined design and construction contracts; progress payments;
 225 records; requirements of vehicle registration.-

226 (6)
 227 (c) When the department determines that it is in the best
 228 interest of the public for reasons of public concern, economy,
 229 improved operations, or safety, and only when circumstances
 230 dictate rapid completion of the work, the department may, up to
 231 the amount of \$500,000 ~~\$250,000~~, enter into contracts for
 232 construction and maintenance without advertising and receiving
 233 competitive bids. The department may enter into such contracts
 234 only upon a determination that the work is necessary for one of
 235 the following reasons:

- 236 1. To ensure timely completion of projects or avoidance of
 237 undue delay for other projects;
- 238 2. To accomplish minor repairs or construction and
 239 maintenance activities for which time is of the essence and for
 240 which significant cost savings would occur; or
- 241 3. To accomplish nonemergency work necessary to ensure
 242 avoidance of adverse conditions that affect the safe and
 243 efficient flow of traffic.

244
 245 The department shall make a good faith effort to obtain two or
 246 more quotes, if available, from qualified contractors before
 247 entering into any contract. The department shall give
 248 consideration to disadvantaged business enterprise
 249 participation. However, when the work exists within the limits
 250 of an existing contract, the department shall make a good faith

251 effort to negotiate and enter into a contract with the prime
252 contractor on the existing contract.

253 (7)(a) If the department determines that it is in the best
254 interests of the public, the department may combine the design
255 and construction phases of a ~~building, a major bridge, a limited~~
256 ~~access facility, or a rail corridor~~ project into a single
257 contract. Such contract is referred to as a design-build
258 contract.

259 (b) If the department determines that it is in the best
260 interests of the public, the department may combine the design
261 and construction phases of a project fully funded in the work
262 program into a single contract and select the design-build firm
263 in the early stages of a project to ensure that the design-build
264 firm is part of the collaboration and development of the design
265 as part of a step-by-step progression through construction. Such
266 a contract is referred to as a phased design-build contract. For
267 phased design-build contracts, selection and award must include
268 a two-phase process. For phase one, the department shall
269 competitively award the contract to a design-build firm based
270 upon qualifications. For phase two, the design-build firm shall
271 competitively bid construction trade subcontractor packages and,
272 based upon these bids, negotiate with the department a fixed
273 firm price or guaranteed maximum price that meets the project
274 budget and scope as advertised in the request for
275 qualifications.

276 (c) Design-build contracts and phased design-build
277 contracts may be advertised and awarded notwithstanding the
278 requirements of paragraph (3)(c). However, construction
279 activities may not begin on any portion of such projects for
280 which the department has not yet obtained title to the necessary
281 rights-of-way and easements for the construction of that portion
282 of the project has vested in the state or a local governmental
283 entity and all railroad crossing and utility agreements have
284 been executed. Title to rights-of-way shall be deemed to have
285 vested in the state when the title has been dedicated to the
286 public or acquired by prescription.

287 (d)~~(b)~~ The department shall adopt by rule procedures for
288 administering design-build and phased design-build contracts.
289 Such procedures shall include, but not be limited to:

- 290 1. Prequalification requirements.
- 291 2. Public announcement procedures.
- 292 3. Scope of service requirements.
- 293 4. Letters of interest requirements.
- 294 5. Short-listing criteria and procedures.
- 295 6. Bid proposal requirements.
- 296 7. Technical review committee.
- 297 8. Selection and award processes.
- 298 9. Stipend requirements.

299 (e)~~(e)~~ The department must receive at least three letters
300 of interest in order to proceed with a request for proposals.

301 The department shall request proposals from no fewer than three
 302 of the design-build firms submitting letters of interest. If a
 303 design-build firm withdraws from consideration after the
 304 department requests proposals, the department may continue if at
 305 least two proposals are received.

306 Section 9. Subsection (1) of section 341.052, Florida
 307 Statutes, is amended to read:

308 341.052 Public transit block grant program;
 309 administration; eligible projects; limitation.—

310 (1) There is created a public transit block grant program
 311 which shall be administered by the department. Block grant funds
 312 shall only be provided to "Section 9" providers and "Section 18"
 313 providers designated by the United States Department of
 314 Transportation and community transportation coordinators as
 315 defined in chapter 427. Eligible providers must establish public
 316 transportation development plans consistent, to the maximum
 317 extent feasible, with approved local government comprehensive
 318 plans of the units of local government in which the provider is
 319 located and the long-range transportation plans of the
 320 metropolitan planning organization in which the provider is
 321 located. In developing public transportation development plans,
 322 eligible providers must solicit comments from local workforce
 323 development boards established under chapter 445. The
 324 development plans must address how the public transit provider
 325 will work with the appropriate local workforce development board

326 to provide services to participants in the welfare transition
 327 program. Eligible providers must provide information to the
 328 local workforce development board serving the county in which
 329 the provider is located regarding the availability of
 330 transportation services to assist program participants.

331 Section 10. Subsections (2) and (3) of section 341.071,
 332 Florida Statutes, are amended to read:

333 341.071 Transit productivity and performance measures;
 334 reports.—

335 (2) Each public transit provider shall establish
 336 productivity and performance measures, which must be approved by
 337 the department and which must be selected from measures
 338 developed pursuant to s. 341.041(3). Each provider shall, by
 339 January 31 of each year, report to the department relative to
 340 these measures. In approving these measures, the department
 341 shall give consideration to the goals and objectives of each
 342 system, the needs of the local area, and the role for public
 343 transit in the local area. The report shall include the ~~also~~
 344 ~~specifically address potential enhancements to productivity and~~
 345 ~~performance which would have the effect of increasing~~ farebox
 346 recovery ratio.

347 (3) Each public transit provider shall publish on its
 348 website ~~in the local newspaper of its area~~ the productivity and
 349 performance measures established for the year and a report which
 350 provides quantitative data relative to the attainment of

351 established productivity and performance measures.

352 Section 11. (1) Effective upon this act becoming a law,
353 the governance and control of the Santa Rosa Bay Bridge
354 Authority is transferred to the Department of Transportation.

355 (2) The authority's bridge system transferred to the
356 department under the terms of the lease-purchase agreement
357 between the department and the authority, effective as of the
358 close of business on June 30, 2022. Any remaining assets,
359 facilities, tangible and intangible property, and any rights in
360 such property, and any other legal rights of the authority, are
361 transferred to the department. The department succeeds to all
362 powers of the authority. The department may review other
363 contracts, financial obligations, and contractual obligations
364 and liabilities of the authority and may assume legal liability
365 for such obligations that are determined by the department to be
366 necessary for the continued operation of the bridge system.

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

370 Section 12. Effective upon this act becoming a law, part
371 IV of chapter 348, Florida Statutes, consisting of sections
372 348.965, 348.966, 348.967, 348.968, 348.969, 348.97, 348.971,
373 348.972, 348.973, 348.974, 348.9751, 348.9761, 348.9771, and
374 348.9781, is repealed.

375 Section 13. Except as otherwise expressly provided in this

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2023

376 | act and except for this section, which shall take effect upon
377 | this act becoming a law, this act shall take effect July 1,
378 | 2023.