



191586

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2024	.	
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The Committee on Transportation (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (d) of subsection (3) of section
20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a
Department of Transportation which shall be a decentralized
agency.

(3)



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11 ~~(d) The secretary shall appoint an inspector general~~
12 ~~pursuant to s. 20.055 who shall be directly responsible to the~~
13 ~~secretary and shall serve at the pleasure of the secretary.~~

14 Section 2. Present subsection (7) of section 311.101,
15 Florida Statutes, is redesignated as subsection (8), and a new
16 subsection (7) is added to that section, to read:

17 311.101 Intermodal Logistics Center Infrastructure Support
18 Program.—

19 (7) For the 2024-2025 fiscal year, \$15 million in recurring
20 funds shall be made available from the State Transportation
21 Trust Fund for the program. The Department of Transportation
22 shall include projects proposed to be funded under this section
23 in the tentative work program developed pursuant to s.
24 339.135(4). This subsection expires on July 1, 2030.

25 Section 3. Subsection (26) of section 334.044, Florida
26 Statutes, is amended to read:

27 334.044 Powers and duties of the department.—The department
28 shall have the following general powers and duties:

29 (26) To provide for the enhancement of environmental
30 benefits, including air and water quality; to prevent roadside
31 erosion; to conserve the natural roadside growth and scenery;
32 and to provide for the implementation and maintenance of
33 roadside conservation, enhancement, and stabilization programs.

34 (a) Of the total amount appropriated for a contracted
35 construction project, the percentage allocated for the purchase
36 of plant materials is as follows:

37 1. For projects with a contracted amount of \$50 million or
38 less, 1.5 percent.

39 2. For projects with a contracted amount of \$50,000,001 to



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40 \$100 million, 1 percent.

41 3. For projects with a contracted amount of \$100,000,001 to
42 \$250 million, 0.75 percent.

43 4. For projects with a contracted amount of \$250,000,001 to
44 \$500 million, 0.50 percent.

45 5. For projects with a contracted amount of \$500,000,001 or
46 more, 0.25 percent. At least 1.5 percent of the amount
47 contracted for construction projects shall be allocated by the
48 department on a statewide basis for the purchase of plant
49 materials.

50 (b) Department districts may not expend funds for
51 landscaping in connection with any project that is limited to
52 resurfacing existing lanes unless the expenditure has been
53 approved by the department's secretary or the secretary's
54 designee. To the greatest extent practical, at least 50 percent
55 of the funds allocated under this subsection shall be allocated
56 for large plant materials and the remaining funds for other
57 plant materials. Except as prohibited by applicable federal law
58 or regulation, all plant materials shall be purchased from
59 Florida commercial nursery stock in this state on a uniform
60 competitive bid basis. The department shall develop grades and
61 standards for landscaping materials purchased through this
62 process. To accomplish these activities, the department may
63 contract with nonprofit organizations having the primary purpose
64 of developing youth employment opportunities.

65 Section 4. Paragraph (c) of subsection (3) of section
66 338.231, Florida Statutes, is amended to read:

67 338.231 Turnpike tolls, fixing; pledge of tolls and other
68 revenues.—The department shall at all times fix, adjust, charge,



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69 and collect such tolls and amounts for the use of the turnpike
70 system as are required in order to provide a fund sufficient
71 with other revenues of the turnpike system to pay the cost of
72 maintaining, improving, repairing, and operating such turnpike
73 system; to pay the principal of and interest on all bonds issued
74 to finance or refinance any portion of the turnpike system as
75 the same become due and payable; and to create reserves for all
76 such purposes.

77 (3)

78 (c) Notwithstanding any other ~~provision of~~ law to the
79 contrary, any prepaid toll account of any kind which has
80 remained inactive for 10 ~~3~~ years is ~~shall be~~ presumed unclaimed
81 and its disposition shall be handled by the Department of
82 Financial Services in accordance with all applicable provisions
83 of chapter 717 relating to the disposition of unclaimed
84 property, and the prepaid toll account shall be closed by the
85 department.

86 Section 5. Section 339.0803, Florida Statutes, is amended
87 to read:

88 339.0803 Allocation of increased revenues derived from
89 amendments to s. 320.08 by ch. 2019-43.—

90 (1) Beginning in the 2021-2022 fiscal year and each fiscal
91 year thereafter, funds that result from increased revenues to
92 the State Transportation Trust Fund derived from the amendments
93 to s. 320.08 made by chapter 2019-43, Laws of Florida, and
94 deposited into the fund pursuant to s. 320.20(5)(a) must be used
95 to fund arterial highway projects identified by the department
96 in accordance with s. 339.65 and may be used for projects as
97 specified in ss. 339.66 and 339.67. For purposes of the funding



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98 provided in this section, the department shall prioritize use of
99 existing facilities or portions thereof when upgrading arterial
100 highways to limited or controlled access facilities. However,
101 this section does not preclude use of the funding for projects
102 that enhance the capacity of an arterial highway. The funds
103 allocated as provided in this section shall be in addition to
104 any other statutory funding allocations provided by law.

105 (2) Revenues deposited into the State Transportation Trust
106 Fund pursuant to s. 320.20(5)(a) shall first be available for
107 appropriation for payments under a service contract entered into
108 with the Florida Department of Transportation Financing
109 Corporation pursuant to s. 339.0809(4) to fund arterial highway
110 projects. For the corporation's bonding purposes, two or more of
111 such projects in the department's approved work program may be
112 treated as a single project.

113 Section 6. Subsection (13) of section 339.0809, Florida
114 Statutes, is amended to read:

115 339.0809 Florida Department of Transportation Financing
116 Corporation.—

117 (13) The department may enter into a service contract in
118 conjunction with the issuance of debt obligations as provided in
119 this section which provides for periodic payments for debt
120 service or other amounts payable with respect to debt
121 obligations, plus any administrative expenses of the Florida
122 Department of Transportation Financing Corporation. Funds
123 appropriated for payments under a service contract shall be
124 available after funds pledged to payment on bonds but before
125 other statutorily required distributions.

126 Section 7. Subsection (8) is added to section 339.2818,



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127 Florida Statutes, to read:

128 339.2818 Small County Outreach Program.—

129 (8) Subject to specific appropriation in addition to funds
130 appropriated for projects under this section, a local government
131 either wholly or partially within the Everglades Agricultural
132 Area as defined in s. 373.4592(15), the Peace River Basin, or
133 the Suwannee River Basin may compete for additional funding
134 using the criteria listed in paragraph(4)(c) at up to 100
135 percent of project costs on state or county roads used primarily
136 as farm to market connections between rural agricultural areas
137 and market distribution centers, excluding capacity improvement
138 projects.

139 Section 8. Subsection (4) is added to section 341.071,
140 Florida Statutes, to read:

141 341.071 Transit productivity and performance measures;
142 reports.—

143 (4) (a) As used in this subsection, the term:

144 1. "Administrative costs" includes, but is not limited to,
145 salaries employees' compensation and benefits, small business
146 outreach, professional service contracts not directly related to
147 the operation and maintenance of a transit system, and other
148 overhead expenses. This term does not include insurance costs.

149 2. "Public transit provider" means a public agency
150 providing public transit service, including an authority created
151 pursuant to chapter 343 or chapter 349.

152 (b) Each public transit provider shall, during a publicly
153 noticed meeting, annually certify that its budgeted and actual
154 administrative costs are not greater than 20 percent above the
155 annual state average of administrative costs. The provider shall



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156 also disclose all employees' compensation and benefits,
157 ridership performance and metrics, and any gifts as defined in
158 s. 112.312 accepted in exchange for contracts.

159 (c) To support compliance with paragraph (b), the
160 department shall determine the annual state average of
161 administrative costs by calculating the annual administrative
162 costs of all the public transit providers in this state annually
163 by March 31 to inform the provider's following Fiscal Year
164 budget.

165 Section 9. (1) The Legislature finds that it is in the
166 strategic interest of the state and the traveling public to
167 extend to Tampa the existing passenger rail service currently
168 terminating in Orlando. To facilitate this extension, the
169 Department of Transportation shall preserve a 44 foot wide rail
170 corridor within the right-of-way of Interstate 4 between Orlando
171 and Tampa and provide for a minimum vertical clearance for
172 bridges and overpasses therein.

173 (2) The Department of Transportation shall use advanced
174 multimodal planning along and within the Interstate 4 corridor
175 to minimize future disruption while optimizing the cost of
176 infrastructure therein. To that end, future infrastructure
177 improvements made along the Interstate 4 corridor should, to the
178 greatest extent feasible, include grading of the median within
179 the proposed rail envelope and placement of necessary drainage
180 structures; providing adequate bridge column spacing and
181 vertical clearances; and providing a physical barrier separating
182 the rail envelope from travel lanes. The Department of
183 Transportation shall monitor and record the incremental costs of
184 such improvements and is authorized to recover such incremental



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185 costs in any future lease agreement of the rail corridor.

186 Section 10. This act shall take effect July 1, 2024.

187

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

189 And the title is amended as follows:

190 Delete everything before the enacting clause

191 and insert:

192 A bill to be entitled

193 An act relating to the Department of Transportation;

194 amending s. 20.23, F.S.; deleting the requirement that

195 the secretary of the department appoint the

196 department's inspector general; amending s. 311.101,

197 F.S.; requiring that a specified amount from the State

198 Transportation Trust Fund be made available for the

199 Intermodal Logistics Center Infrastructure Support

200 Program; requiring the department to include specified

201 projects in its tentative work program; providing for

202 expiration; amending s. 334.044, F.S.; revising

203 requirements for the allocation of funds by the

204 department for the purchase of plant materials;

205 amending s. 338.231, F.S.; extending the length of

206 time before which an inactive prepaid toll account

207 becomes unclaimed property; amending s. 339.0803,

208 F.S.; prioritizing availability of certain revenues

209 deposited into the State Transportation Trust Fund for

210 payments under service contracts with the Florida

211 Department of Transportation Financing Corporation to

212 fund arterial highway projects; providing that two or

213 more of such projects may be treated as a single



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214 project for certain purposes; amending s. 339.0809,
215 F.S.; specifying priority of availability of funds
216 appropriated for payments under a service contract
217 with the corporation; amending s. 339.2818, F.S.;
218 authorizing, subject to appropriation, a local
219 government within specified areas to compete for
220 funding using specified criteria on specified roads;
221 providing an exclusion; amending s. 341.071, F.S.;
222 defining the terms "administrative costs" and "public
223 transit provider"; requiring each public transit
224 provider to annually certify that its budgeted and
225 actual administrative costs are not greater than a
226 specified amount; requiring the disclosure of
227 specified information; requiring the department to
228 calculate the annual state average of administrative
229 costs by a specified date; providing a legislative
230 finding; requiring the department to preserve a rail
231 corridor within the right of way of Interstate 4
232 between Orlando and Tampa for a specified purpose;
233 providing specifications for the corridor; requiring
234 the use of advanced multimodal planning along the
235 Interstate 4 corridor to minimize future disruption
236 and optimize the cost of infrastructure within the
237 corridor; requiring that future infrastructure
238 improvements include certain projects; requiring the
239 department to monitor and record the incremental costs
240 of such projects; authorizing the department to
241 recover such costs in any future lease agreement of
242 the rail corridor; providing an effective date.



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