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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/20/2024	.	
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The Appropriations Committee on Transportation, Tourism, and Economic Development (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (b) and (d) of subsection (3) of section 20.23, Florida Statutes, are 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 (b) The secretary may appoint positions at the level of
12 deputy assistant secretary or director which the secretary deems
13 necessary to accomplish the mission and goals of the department,
14 including, but not limited to, the areas of program
15 responsibility provided in this paragraph, each of whom shall be
16 appointed by and serve at the pleasure of the secretary. The
17 secretary may combine, separate, or delete offices as needed in
18 consultation with the Executive Office of the Governor. The
19 department's areas of program responsibility include, but are
20 not limited to all of the following:

- 21 1. Administration.~~†~~
- 22 2. Planning.~~†~~
- 23 3. Modal development. ~~Public transportation.~~†
- 24 4. Design.~~†~~
- 25 5. Highway operations.~~†~~
- 26 6. Right-of-way.~~†~~
- 27 7. Toll operations.~~†~~
- 28 8. Transportation technology.
- 29 ~~9.8.~~ Information systems.~~†~~
- 30 ~~10.9.~~ Motor carrier weight inspection.~~†~~
- 31 ~~11.10.~~ Work program development ~~Management and budget.~~†
- 32 ~~12.11.~~ Comptroller.~~†~~
- 33 ~~13.12.~~ Construction.~~†~~
- 34 14. Statewide corridors.
- 35 ~~15.13.~~ Maintenance.~~† and~~
- 36 16. Forecasting and performance.
- 37 17. Emergency management.
- 38 18. Safety.
- 39 19. 14. Materials.



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

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

46 311.101 Intermodal Logistics Center Infrastructure Support
47 Program.—

48 (7) Beginning with the 2024-2025 fiscal year through the
49 2029-2030 fiscal year, \$15 million in recurring funds shall be
50 made available from the State Transportation Trust Fund for the
51 program. The Department of Transportation shall include projects
52 proposed to be funded under this section in the tentative work
53 program developed pursuant to s. 339.135(4).

54 Section 3. Section 334.61, Florida Statutes, is created to
55 read:

56 334.61 Traffic lane repurposing.—

57 (1) Whenever a governmental entity proposes any project
58 that will repurpose one or more existing traffic lanes, the
59 governmental entity shall include a traffic study to address any
60 potential adverse impacts of the project, including, but not
61 limited to, changes in traffic congestion and impacts on safety.

62 (2) If, following the study required by subsection (1), the
63 governmental entity elects to continue with the design of the
64 project, it must notify all affected property owners, impacted
65 municipalities, and the counties in which the project is located
66 at least 180 days before the design phase of the project is
67 completed. The notice must provide a written explanation
68 regarding the need for the project, information on how to review



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69 the traffic study required by subsection (1), and indicate that
70 all affected parties will be given an opportunity to provide
71 comments to the proposing entity regarding potential impacts of
72 the change.

73 (3) The governmental entity shall hold at least one public
74 meeting, with at least 30 days prior notice, before completing
75 the design phase of the project in the jurisdiction where the
76 project is located. At the public meeting, the governmental
77 entity shall explain the purpose of the project and receive
78 public input, including possible alternatives, to determine the
79 manner in which the project will affect the community.

80 (4) The governmental entity shall review all comments from
81 the public meeting and take the comments and any alternatives
82 presented during the meeting into consideration in the final
83 design of the project.

84 Section 4. Paragraph (c) of subsection (3) of section
85 338.231, Florida Statutes, is amended to read:

86 338.231 Turnpike tolls, fixing; pledge of tolls and other
87 revenues.—The department shall at all times fix, adjust, charge,
88 and collect such tolls and amounts for the use of the turnpike
89 system as are required in order to provide a fund sufficient
90 with other revenues of the turnpike system to pay the cost of
91 maintaining, improving, repairing, and operating such turnpike
92 system; to pay the principal of and interest on all bonds issued
93 to finance or refinance any portion of the turnpike system as
94 the same become due and payable; and to create reserves for all
95 such purposes.

96 (3)

97 (c) Notwithstanding any other provision of law to the



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98 contrary, any prepaid toll account of any kind which has
99 remained inactive for 10 ~~3~~ years is ~~shall be~~ presumed unclaimed
100 and its disposition shall be handled by the Department of
101 Financial Services in accordance with all applicable provisions
102 of chapter 717 relating to the disposition of unclaimed
103 property, and the prepaid toll account shall be closed by the
104 department.

105 Section 5. Present subsection (4) of section 339.08,
106 Florida Statutes, is redesignated as subsection (5), and a new
107 subsection (4) is added to that section, to read:

108 339.08 Use of moneys in State Transportation Trust Fund.—

109 (4) The department may not expend any state funds as
110 described in s. 215.31 to support a project or program of any of
111 the following entities which is found in violation of s.
112 381.00316:

113 (a) A public transit provider as defined in s. 341.031;

114 (b) An authority created pursuant to chapter 343, chapter
115 348, or chapter 349;

116 (c) A public-use airport as defined in s. 332.004; or

117 (d) A port listed in s. 311.09(1).

118
119 The department shall withhold state funds until the public
120 transit provider, authority, public-use airport, or port is
121 found in compliance with s. 381.00316.

122 Section 6. Section 339.0803, Florida Statutes, is amended
123 to read:

124 339.0803 Allocation of increased revenues derived from
125 amendments to s. 320.08 by ch. 2019-43.—

126 (1) Beginning in the 2021-2022 fiscal year and each fiscal



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127 year thereafter, funds that result from increased revenues to
128 the State Transportation Trust Fund derived from the amendments
129 to s. 320.08 made by chapter 2019-43, Laws of Florida, and
130 deposited into the fund pursuant to s. 320.20(5)(a) must be used
131 to fund arterial highway projects identified by the department
132 in accordance with s. 339.65 and may be used for projects as
133 specified in ss. 339.66 and 339.67. For purposes of the funding
134 provided in this section, the department shall prioritize use of
135 existing facilities or portions thereof when upgrading arterial
136 highways to limited or controlled access facilities. However,
137 this section does not preclude use of the funding for projects
138 that enhance the capacity of an arterial highway. The funds
139 allocated as provided in this section shall be in addition to
140 any other statutory funding allocations provided by law.

141 (2) Revenues deposited into the State Transportation Trust
142 Fund pursuant to s. 320.20(5)(a) shall first be available for
143 appropriation for payments under a service contract entered into
144 with the Florida Department of Transportation Financing
145 Corporation pursuant to s. 339.0809(4) to fund arterial highway
146 projects. For the corporation's bonding purposes, two or more of
147 such projects in the department's adopted work program may be
148 treated as a single project.

149 Section 7. Subsection (13) of section 339.0809, Florida
150 Statutes, is amended to read:

151 339.0809 Florida Department of Transportation Financing
152 Corporation.—

153 (13) The department may enter into a service contract in
154 conjunction with the issuance of debt obligations as provided in
155 this section which provides for periodic payments for debt



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156 service or other amounts payable with respect to debt
157 obligations, plus any administrative expenses of the Florida
158 Department of Transportation Financing Corporation. Funds
159 appropriated for payments under a service contract shall be
160 available after funds pledged to payment on bonds, but before
161 other statutorily required distributions.

162 Section 8. Subsection (8) is added to section 339.2818,
163 Florida Statutes, to read:

164 339.2818 Small County Outreach Program.—

165 (8) Subject to specific appropriation, in addition to funds
166 appropriated for projects under this section, a local government
167 either wholly or partially within the Everglades Agricultural
168 Area as defined in s. 373.4592(15), the Peace River Basin, or
169 the Suwannee River Basin may compete for additional funding
170 using the criteria listed in paragraph (4)(c) at up to 100
171 percent of project costs on state or county roads used primarily
172 as farm to market connections between rural agricultural areas
173 and market distribution centers, excluding capacity improvement
174 projects.

175 Section 9. Subsection (6) of section 341.051, Florida
176 Statutes, is amended to read:

177 341.051 Administration and financing of public transit and
178 intercity bus service programs and projects.—

179 (6) (a) ANNUAL APPROPRIATION.—Funds paid into the State
180 Transportation Trust Fund pursuant to s. 201.15 for the New
181 Starts Transit Program are hereby annually appropriated for
182 expenditure to support the New Starts Transit Program.

183 (b) The unallocated New Starts Transit Program funds
184 remaining as of July 1, 2024, must be reallocated for the



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185 purpose of the Strategic Intermodal System within the State
186 Transportation Trust Fund. This paragraph expires June 30, 2026.

187
188 For purposes of this section, the term "net operating costs"
189 means all operating costs of a project less any federal funds,
190 fares, or other sources of income to the project.

191 Section 10. Subsection (4) is added to section 341.071,
192 Florida Statutes, to read:

193 341.071 Transit productivity and performance measures;
194 reports.-

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

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

201 2. "Public transit provider" means a public agency
202 providing public transit service, including an authority created
203 pursuant to part II of chapter 343 or chapter 349. This section
204 does not apply to the Central Florida Commuter Rail Commission
205 or the authority created pursuant to part II of chapter 343.

206 3. "Tier 1 provider" as defined in 49 C.F.R. part 625.

207 4. "Tier 2 provider" as defined in 49 C.F.R. part 625.

208 (b) Beginning November 1, 2024, and annually thereafter,
209 each public transit provider shall, during a publicly-noticed
210 meeting, certify that its budgeted and actual administrative
211 costs are not greater than 20 percent above the annual state
212 average of administrative costs for its tier. The provider shall
213 also disclose all employees' compensation and benefits,



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214 ridership performance and metrics, and any gifts as defined in
215 s. 112.312 accepted in exchange for contracts. This information
216 must be posted on the provider's website.

217 (c) To support compliance with paragraph (b), the
218 department shall, by tier, determine the percentage of each
219 provider's total operating budget spent on administrative costs
220 annually by March 31 to inform the provider's following fiscal
221 year budget.

222 Section 11. Section 341.072, Florida Statutes, is created
223 to read:

224 341.072 Public transit provider marketing and advertising
225 standards.—

226 (1) As a condition of receiving funds from the department,
227 a public transit provider may not expend department funds for
228 marketing or advertising activities, including any wrap,
229 tinting, or paint on a bus, commercial motor vehicle, or motor
230 vehicle, as those terms are defined in s. 316.003, except those
231 that are limited to displaying a brand or logo of the public
232 transit provider, the official seal of the jurisdictional
233 governmental entity, or a state agency public service
234 announcement.

235 (2) The department shall incorporate guidelines for the
236 marketing or advertising activities allowed under subsection (1)
237 in the public transportation grant agreement entered with each
238 public transit provider.

239 (3) Any new wrap, tinting, paint, medium, or advertisement
240 on the passenger windows of a vehicle used by a public transit
241 provider may not be darker than the legally allowed window
242 tinting as provided in s. 316.2954.



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243 Section 12. Paragraph (a) of subsection (2) of section
244 341.822, Florida Statutes, is amended to read:

245 341.822 Powers and duties.—

246 (2) (a) In addition to the powers granted to the department,
247 the enterprise has full authority to exercise all powers granted
248 to it under this chapter. Powers shall include, but are not
249 limited to, the ability to plan, construct, maintain, repair,
250 and operate a high-speed rail system, ~~to acquire corridors, and~~
251 to coordinate the development and operation of publicly funded
252 passenger rail systems in the state, and to preserve future rail
253 corridors and rights-of-way in coordination with the
254 department's planning of the State Highway System.

255 Section 13. This act shall take effect July 1, 2024.

256
257 ===== T I T L E A M E N D M E N T =====

258 And the title is amended as follows:

259 Delete everything before the enacting clause
260 and insert:

261 A bill to be entitled
262 An act relating to the Department of Transportation;
263 amending s. 20.23, F.S.; revising the list of areas of
264 program responsibility within the Department of
265 Transportation; deleting the requirement that the
266 secretary of the department appoint the department's
267 inspector general and that he or she be directly
268 responsible to the secretary; amending s. 311.101,
269 F.S.; requiring that a specified amount of recurring
270 funds from the State Transportation Trust Fund be made
271 available for the Intermodal Logistics Center



272 Infrastructure Support Program; requiring the
273 department to include specified projects in its
274 tentative work program; creating s. 334.61, F.S.;
275 requiring a governmental entity that proposes certain
276 projects to conduct a traffic study; requiring notice
277 to property owners affected by such projects within a
278 specified timeframe; providing notice requirements;
279 requiring such governmental entities to hold a public
280 meeting before completion of the design phase of such
281 projects; providing requirements for such public
282 meetings; requiring such governmental entities to
283 review and take into consideration comments and
284 alternatives presented in public meetings in the final
285 project design; amending s. 338.231, F.S.; extending
286 the length of time before which an inactive prepaid
287 toll account becomes unclaimed property; amending s.
288 339.08, F.S.; prohibiting the department from
289 expending state funds to support a project or program
290 of specified entities; requiring the department to
291 withhold state funds until such entities are in
292 compliance with a specified provision; amending s.
293 339.0803, F.S.; prioritizing availability of certain
294 revenues deposited into the State Transportation Trust
295 Fund for payments under service contracts with the
296 Florida Department of Transportation Financing
297 Corporation to fund arterial highway projects;
298 providing that two or more of such projects may be
299 treated as a single project for certain purposes;
300 amending s. 339.0809, F.S.; specifying priority of



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301 availability of funds appropriated for payments under
302 a service contract with the corporation; amending s.
303 339.2818, F.S.; authorizing, subject to appropriation,
304 a local government within a specified area to compete
305 for funding using specified criteria on specified
306 roads; providing an exclusion; amending s. 341.051,
307 F.S.; requiring that certain unallocated funds for the
308 New Starts Transit Program remaining as of a specified
309 date be reallocated to the Strategic Intermodal
310 System; providing for expiration; amending s. 341.071,
311 F.S.; defining terms; requiring each public transit
312 provider to certify annually that its budgeted and
313 actual administrative costs are not greater than a
314 specified amount; requiring the disclosure and posting
315 of specified information; requiring the department to
316 make a certain annual determination for a specified
317 purpose; creating s. 341.072, F.S.; prohibiting a
318 public transit provider, as a condition of receiving
319 state funds, from expending state funds for certain
320 marketing or advertising activities; requiring the
321 department to incorporate guidelines in the public
322 transportation grant agreement entered into with each
323 public transit provider; providing that certain media
324 on passenger windows of public transit provider
325 vehicles comply with a specified provision; amending
326 s. 341.822, F.S.; revising the powers of the Florida
327 Rail Enterprise; providing an effective date.