

By 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. 20.23, F.S.; deleting the requirement that  
4       the secretary of the department appoint the  
5       department's inspector general; amending s. 311.101,  
6       F.S.; requiring that a specified amount of recurring  
7       funds from the State Transportation Trust Fund be made  
8       available for the Intermodal Logistics Center  
9       Infrastructure Support Program; requiring the  
10      department to include specified projects in its  
11      tentative work program; amending s. 334.044, F.S.;  
12      revising requirements for the allocation of funds by  
13      the department for the purchase of plant materials;  
14      amending s. 338.231, F.S.; extending the length of  
15      time before which an inactive prepaid toll account  
16      becomes unclaimed property; amending s. 339.0803,  
17      F.S.; prioritizing availability of certain revenues  
18      deposited into the State Transportation Trust Fund for  
19      payments under service contracts with the Florida  
20      Department of Transportation Financing Corporation to  
21      fund arterial highway projects; providing that two or  
22      more of such projects may be treated as a single  
23      project for certain purposes; amending s. 339.0809,  
24      F.S.; specifying priority of availability of funds  
25      appropriated for payments under a service contract  
26      with the corporation; amending s. 339.2818, F.S.;  
27      authorizing, subject to appropriation, a local  
28      government within specified areas to compete for  
29      funding using specified criteria on specified roads;

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30 providing an exclusion; amending s. 341.071, F.S.;

31 defining the terms "administrative costs" and "public

32 transit provider"; requiring each public transit

33 provider to annually certify that its budgeted and

34 actual administrative costs are not greater than a

35 specified amount; requiring the disclosure of

36 specified information; requiring the department to

37 calculate the annual state average of administrative

38 costs by a specified date; amending s. 341.822, F.S.;

39 revising the powers of the Florida Rail Enterprise;

40 providing an effective date.

41

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

43

44 Section 1. Paragraph (d) of subsection (3) of section

45 20.23, Florida Statutes, is amended to read:

46 20.23 Department of Transportation.—There is created a

47 Department of Transportation which shall be a decentralized

48 agency.

49 (3)

50 ~~(d) The secretary shall appoint an inspector general~~

51 ~~pursuant to s. 20.055 who shall be directly responsible to the~~

52 ~~secretary and shall serve at the pleasure of the secretary.~~

53 Section 2. Present subsection (7) of section 311.101,

54 Florida Statutes, is redesignated as subsection (8), and a new

55 subsection (7) is added to that section, to read:

56 311.101 Intermodal Logistics Center Infrastructure Support

57 Program.—

58 (7) Beginning with the 2024-2025 fiscal year through the

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59 2029-2030 fiscal year, \$15 million in recurring funds shall be  
60 made available from the State Transportation Trust Fund for the  
61 program. The Department of Transportation shall include projects  
62 proposed to be funded under this section in the tentative work  
63 program developed pursuant to s. 339.135(4).

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

66 334.044 Powers and duties of the department.—The department  
67 shall have the following general powers and duties:

68 (26) To provide for the enhancement of environmental  
69 benefits, including air and water quality; to prevent roadside  
70 erosion; to conserve the natural roadside growth and scenery;  
71 and to provide for the implementation and maintenance of  
72 roadside conservation, enhancement, and stabilization programs.

73 (a) Of the total amount appropriated for a contracted  
74 construction project, the percentage allocated for the purchase  
75 of plant materials is as follows:

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

78 2. For projects with a contracted amount of \$50,000,001 to  
79 \$100 million, 1 percent.

80 3. For projects with a contracted amount of \$100,000,001 to  
81 \$250 million, 0.75 percent.

82 4. For projects with a contracted amount of \$250,000,001 to  
83 \$500 million, 0.50 percent.

84 5. For projects with a contracted amount of \$500,000,001 or  
85 more, 0.25 percent. ~~At least 1.5 percent of the amount~~  
86 ~~contracted for construction projects shall be allocated by the~~  
87 ~~department on a statewide basis for the purchase of plant~~

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88 ~~materials.~~

89       (b) Department districts may not expend funds for  
90 landscaping in connection with any project that is limited to  
91 resurfacing existing lanes unless the expenditure has been  
92 approved by the department's secretary or the secretary's  
93 designee. To the greatest extent practical, at least 50 percent  
94 of the funds allocated under this subsection shall be allocated  
95 for large plant materials and the remaining funds for other  
96 plant materials. Except as prohibited by applicable federal law  
97 or regulation, all plant materials shall be purchased from  
98 ~~Florida~~ commercial nursery stock in this state on a uniform  
99 competitive bid basis. The department shall develop grades and  
100 standards for landscaping materials purchased through this  
101 process. To accomplish these activities, the department may  
102 contract with nonprofit organizations having the primary purpose  
103 of developing youth employment opportunities.

104       Section 4. Paragraph (c) of subsection (3) of section  
105 338.231, Florida Statutes, is amended to read:

106       338.231 Turnpike tolls, fixing; pledge of tolls and other  
107 revenues.—The department shall at all times fix, adjust, charge,  
108 and collect such tolls and amounts for the use of the turnpike  
109 system as are required in order to provide a fund sufficient  
110 with other revenues of the turnpike system to pay the cost of  
111 maintaining, improving, repairing, and operating such turnpike  
112 system; to pay the principal of and interest on all bonds issued  
113 to finance or refinance any portion of the turnpike system as  
114 the same become due and payable; and to create reserves for all  
115 such purposes.

116       (3)

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117 (c) Notwithstanding any other ~~provision of~~ law to the  
118 contrary, any prepaid toll account of any kind which has  
119 remained inactive for 10 ~~3~~ years is ~~shall be~~ presumed unclaimed  
120 and its disposition shall be handled by the Department of  
121 Financial Services in accordance with all applicable provisions  
122 of chapter 717 relating to the disposition of unclaimed  
123 property, and the prepaid toll account shall be closed by the  
124 department.

125 Section 5. Section 339.0803, Florida Statutes, is amended  
126 to read:

127 339.0803 Allocation of increased revenues derived from  
128 amendments to s. 320.08 by ch. 2019-43.—

129 (1) Beginning in the 2021-2022 fiscal year and each fiscal  
130 year thereafter, funds that result from increased revenues to  
131 the State Transportation Trust Fund derived from the amendments  
132 to s. 320.08 made by chapter 2019-43, Laws of Florida, and  
133 deposited into the fund pursuant to s. 320.20(5)(a) must be used  
134 to fund arterial highway projects identified by the department  
135 in accordance with s. 339.65 and may be used for projects as  
136 specified in ss. 339.66 and 339.67. For purposes of the funding  
137 provided in this section, the department shall prioritize use of  
138 existing facilities or portions thereof when upgrading arterial  
139 highways to limited or controlled access facilities. However,  
140 this section does not preclude use of the funding for projects  
141 that enhance the capacity of an arterial highway. The funds  
142 allocated as provided in this section shall be in addition to  
143 any other statutory funding allocations provided by law.

144 (2) Revenues deposited into the State Transportation Trust  
145 Fund pursuant to s. 320.20(5)(a) shall first be available for

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146 appropriation for payments under a service contract entered into  
147 with the Florida Department of Transportation Financing  
148 Corporation pursuant to s. 339.0809(4) to fund arterial highway  
149 projects. For the corporation's bonding purposes, two or more of  
150 such projects in the department's approved work program may be  
151 treated as a single project.

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

154 339.0809 Florida Department of Transportation Financing  
155 Corporation.—

156 (13) The department may enter into a service contract in  
157 conjunction with the issuance of debt obligations as provided in  
158 this section which provides for periodic payments for debt  
159 service or other amounts payable with respect to debt  
160 obligations, plus any administrative expenses of the Florida  
161 Department of Transportation Financing Corporation. Funds  
162 appropriated for payments under a service contract shall be  
163 available after funds pledged to payment on bonds but before  
164 other statutorily required distributions.

165 Section 7. Subsection (8) is added to section 339.2818,  
166 Florida Statutes, to read:

167 339.2818 Small County Outreach Program.—

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

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175 as farm to market connections between rural agricultural areas  
176 and market distribution centers, excluding capacity improvement  
177 projects.

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

180 341.071 Transit productivity and performance measures;  
181 reports.-

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

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

188 2. "Public transit provider" means a public agency  
189 providing public transit service, including an authority created  
190 pursuant to chapter 343 or chapter 349.

191 (b) Each public transit provider shall, during a publicly  
192 noticed meeting, annually certify that its budgeted and actual  
193 administrative costs are not greater than 20 percent above the  
194 annual state average of administrative costs. The provider shall  
195 also disclose all employees' compensation and benefits,  
196 ridership performance and metrics, and any gifts as defined in  
197 s. 112.312 accepted in exchange for contracts.

198 (c) To support compliance with paragraph (b), the  
199 department shall determine the annual state average of  
200 administrative costs by calculating the annual administrative  
201 costs of all the public transit providers in this state annually  
202 by March 31 to inform the provider's following Fiscal Year  
203 budget.

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204 Section 9. Paragraph (a) of subsection (2) of section  
205 341.822, Florida Statutes, is amended to read:

206 341.822 Powers and duties.—

207 (2) (a) In addition to the powers granted to the department,  
208 the enterprise has full authority to exercise all powers granted  
209 to it under this chapter. Powers shall include, but are not  
210 limited to, the ability to plan, construct, maintain, repair,  
211 and operate a high-speed rail system, ~~to acquire corridors, and~~  
212 to coordinate the development and operation of publicly funded  
213 passenger rail systems in the state, and to preserve future rail  
214 corridors and rights-of-way in coordination with the  
215 department's planning of the State Highway System.

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