

By the Appropriations Committee on Transportation, Tourism, and Economic Development; 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.; revising the list of areas of
4 program responsibility within the Department of
5 Transportation; deleting the requirement that the
6 secretary of the department appoint the department's
7 inspector general and that he or she be directly
8 responsible to the secretary; amending s. 311.101,
9 F.S.; requiring that a specified amount of recurring
10 funds from the State Transportation Trust Fund be made
11 available for the Intermodal Logistics Center
12 Infrastructure Support Program; requiring the
13 department to include specified projects in its
14 tentative work program; creating s. 334.61, F.S.;
15 requiring a governmental entity that proposes certain
16 projects to conduct a traffic study; requiring notice
17 to property owners, impacted municipalities, and
18 counties affected by such projects within a specified
19 timeframe; providing notice requirements; requiring
20 such governmental entities to hold a public meeting
21 before completion of the design phase of such
22 projects; providing requirements for such public
23 meetings; requiring such governmental entities to
24 review and take into consideration comments and
25 alternatives presented in public meetings in the final
26 project design; amending s. 338.231, F.S.; extending
27 the length of time before which an inactive prepaid
28 toll account becomes unclaimed property; amending s.
29 339.08, F.S.; prohibiting the department from

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30 expending state funds to support a project or program
31 of specified entities; requiring the department to
32 withhold state funds until such entities are in
33 compliance with a specified provision; amending s.
34 339.0803, F.S.; prioritizing availability of certain
35 revenues deposited into the State Transportation Trust
36 Fund for payments under service contracts with the
37 Florida Department of Transportation Financing
38 Corporation to fund arterial highway projects;
39 providing that two or more of such projects may be
40 treated as a single project for certain purposes;
41 amending s. 339.0809, F.S.; specifying priority of
42 availability of funds appropriated for payments under
43 a service contract with the corporation; amending s.
44 339.2818, F.S.; authorizing, subject to appropriation,
45 a local government within a specified area to compete
46 for funding using specified criteria on specified
47 roads; providing an exclusion; amending s. 341.051,
48 F.S.; requiring that certain unallocated funds for the
49 New Starts Transit Program remaining as of a specified
50 date be reallocated to the Strategic Intermodal
51 System; providing for expiration; amending s. 341.071,
52 F.S.; defining terms; requiring each public transit
53 provider to certify annually that its budgeted and
54 actual administrative costs are not greater than a
55 specified amount; requiring the disclosure and posting
56 of specified information; requiring the department to
57 make a certain annual determination for a specified
58 purpose; creating s. 341.072, F.S.; prohibiting a

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59 public transit provider, as a condition of receiving
60 state funds, from expending state funds for certain
61 marketing or advertising activities; requiring the
62 department to incorporate guidelines in the public
63 transportation grant agreement entered into with each
64 public transit provider; providing that certain media
65 on passenger windows of public transit provider
66 vehicles comply with a specified provision; amending
67 s. 341.822, F.S.; revising the powers of the Florida
68 Rail Enterprise; providing an effective date.

69
70 Be It Enacted by the Legislature of the State of Florida:

71
72 Section 1. Paragraphs (b) and (d) of subsection (3) of
73 section 20.23, Florida Statutes, are amended to read:

74 20.23 Department of Transportation.—There is created a
75 Department of Transportation which shall be a decentralized
76 agency.

77 (3)

78 (b) The secretary may appoint positions at the level of
79 deputy assistant secretary or director which the secretary deems
80 necessary to accomplish the mission and goals of the department,
81 including, but not limited to, the areas of program
82 responsibility provided in this paragraph, each of whom shall be
83 appointed by and serve at the pleasure of the secretary. The
84 secretary may combine, separate, or delete offices as needed in
85 consultation with the Executive Office of the Governor. The
86 department's areas of program responsibility include, but are
87 not limited to all of the following:

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- 88 1. Administration.†
 89 2. Planning.†
 90 3. Modal development. ~~Public transportation.†~~
 91 4. Design.†
 92 5. Highway operations.†
 93 6. Right-of-way.†
 94 7. Toll operations.†
 95 8. Transportation technology.
 96 9.8. Information systems.†
 97 10.9. Motor carrier weight inspection.†
 98 11.10. Work program development ~~Management~~ and budget.†
 99 12.11. Comptroller.†
 100 13.12. Construction.†
 101 14. Statewide corridors.
 102 15.13. Maintenance.† and
 103 16. Forecasting and performance.
 104 17. Emergency management.
 105 18. Safety.
 106 19.14. Materials.

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

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

113 311.101 Intermodal Logistics Center Infrastructure Support
 114 Program.—

115 (7) Beginning with the 2024-2025 fiscal year through the
 116 2029-2030 fiscal year, \$15 million in recurring funds shall be

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117 made available from the State Transportation Trust Fund for the
118 program. The Department of Transportation shall include projects
119 proposed to be funded under this section in the tentative work
120 program developed pursuant to s. 339.135(4).

121 Section 3. Section 334.61, Florida Statutes, is created to
122 read:

123 334.61 Traffic lane repurposing.-

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

129 (2) If, following the study required by subsection (1), the
130 governmental entity elects to continue with the design of the
131 project, it must notify all affected property owners, impacted
132 municipalities, and the counties in which the project is located
133 at least 180 days before the design phase of the project is
134 completed. The notice must provide a written explanation
135 regarding the need for the project, information on how to review
136 the traffic study required by subsection (1), and indicate that
137 all affected parties will be given an opportunity to provide
138 comments to the proposing entity regarding potential impacts of
139 the change.

140 (3) The governmental entity shall hold at least one public
141 meeting, with at least 30 days prior notice, before completing
142 the design phase of the project in the jurisdiction where the
143 project is located. At the public meeting, the governmental
144 entity shall explain the purpose of the project and receive
145 public input, including possible alternatives, to determine the

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146 manner in which the project will affect the community.

147 (4) The governmental entity shall review all comments from
148 the public meeting and take the comments and any alternatives
149 presented during the meeting into consideration in the final
150 design of the project.

151 Section 4. Paragraph (c) of subsection (3) of section
152 338.231, Florida Statutes, is amended to read:

153 338.231 Turnpike tolls, fixing; pledge of tolls and other
154 revenues.—The department shall at all times fix, adjust, charge,
155 and collect such tolls and amounts for the use of the turnpike
156 system as are required in order to provide a fund sufficient
157 with other revenues of the turnpike system to pay the cost of
158 maintaining, improving, repairing, and operating such turnpike
159 system; to pay the principal of and interest on all bonds issued
160 to finance or refinance any portion of the turnpike system as
161 the same become due and payable; and to create reserves for all
162 such purposes.

163 (3)

164 (c) Notwithstanding any other provision of law to the
165 contrary, any prepaid toll account of any kind which has
166 remained inactive for 10 ~~3~~ years is ~~shall be~~ presumed unclaimed
167 and its disposition shall be handled by the Department of
168 Financial Services in accordance with all applicable provisions
169 of chapter 717 relating to the disposition of unclaimed
170 property, and the prepaid toll account shall be closed by the
171 department.

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

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175 339.08 Use of moneys in State Transportation Trust Fund.—

176 (4) The department may not expend any state funds as
177 described in s. 215.31 to support a project or program of any of
178 the following entities which is found in violation of s.
179 381.00316:

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

181 (b) An authority created pursuant to chapter 343, chapter
182 348, or chapter 349;

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

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

185
186 The department shall withhold state funds until the public
187 transit provider, authority, public-use airport, or port is
188 found in compliance with s. 381.00316.

189 Section 6. Section 339.0803, Florida Statutes, is amended
190 to read:

191 339.0803 Allocation of increased revenues derived from
192 amendments to s. 320.08 by ch. 2019-43.—

193 (1) Beginning in the 2021-2022 fiscal year and each fiscal
194 year thereafter, funds that result from increased revenues to
195 the State Transportation Trust Fund derived from the amendments
196 to s. 320.08 made by chapter 2019-43, Laws of Florida, and
197 deposited into the fund pursuant to s. 320.20(5) (a) must be used
198 to fund arterial highway projects identified by the department
199 in accordance with s. 339.65 and may be used for projects as
200 specified in ss. 339.66 and 339.67. For purposes of the funding
201 provided in this section, the department shall prioritize use of
202 existing facilities or portions thereof when upgrading arterial
203 highways to limited or controlled access facilities. However,

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204 this section does not preclude use of the funding for projects
205 that enhance the capacity of an arterial highway. The funds
206 allocated as provided in this section shall be in addition to
207 any other statutory funding allocations provided by law.

208 (2) Revenues deposited into the State Transportation Trust
209 Fund pursuant to s. 320.20(5)(a) shall first be available for
210 appropriation for payments under a service contract entered into
211 with the Florida Department of Transportation Financing
212 Corporation pursuant to s. 339.0809(4) to fund arterial highway
213 projects. For the corporation's bonding purposes, two or more of
214 such projects in the department's adopted work program may be
215 treated as a single project.

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

218 339.0809 Florida Department of Transportation Financing
219 Corporation.—

220 (13) The department may enter into a service contract in
221 conjunction with the issuance of debt obligations as provided in
222 this section which provides for periodic payments for debt
223 service or other amounts payable with respect to debt
224 obligations, plus any administrative expenses of the Florida
225 Department of Transportation Financing Corporation. Funds
226 appropriated for payments under a service contract shall be
227 available after funds pledged to payment on bonds, but before
228 other statutorily required distributions.

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

231 339.2818 Small County Outreach Program.—

232 (8) Subject to specific appropriation, in addition to funds

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233 appropriated for projects under this section, a local government
234 either wholly or partially within the Everglades Agricultural
235 Area as defined in s. 373.4592(15), the Peace River Basin, or
236 the Suwannee River Basin may compete for additional funding
237 using the criteria listed in paragraph (4)(c) at up to 100
238 percent of project costs on state or county roads used primarily
239 as farm to market connections between rural agricultural areas
240 and market distribution centers, excluding capacity improvement
241 projects.

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

244 341.051 Administration and financing of public transit and
245 intercity bus service programs and projects.—

246 (6) (a) ANNUAL APPROPRIATION.—Funds paid into the State
247 Transportation Trust Fund pursuant to s. 201.15 for the New
248 Starts Transit Program are hereby annually appropriated for
249 expenditure to support the New Starts Transit Program.

250 (b) The unallocated New Starts Transit Program funds
251 remaining as of July 1, 2024, must be reallocated for the
252 purpose of the Strategic Intermodal System within the State
253 Transportation Trust Fund. This paragraph expires June 30, 2026.

254
255 For purposes of this section, the term “net operating costs”
256 means all operating costs of a project less any federal funds,
257 fares, or other sources of income to the project.

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

260 341.071 Transit productivity and performance measures;
261 reports.—

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

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

268 2. "Public transit provider" means a public agency
269 providing public transit service, including an authority created
270 pursuant to part II of chapter 343 or chapter 349. This section
271 does not apply to the Central Florida Commuter Rail Commission
272 or the authority created pursuant to part II of chapter 343.

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

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

275 (b) Beginning November 1, 2024, and annually thereafter,
276 each public transit provider shall, during a publicly-noticed
277 meeting, certify that its budgeted and actual administrative
278 costs are not greater than 20 percent above the annual state
279 average of administrative costs for its tier. The provider shall
280 also disclose all employees' compensation and benefits,
281 ridership performance and metrics, and any gifts as defined in
282 s. 112.312 accepted in exchange for contracts. This information
283 must be posted on the provider's website.

284 (c) To support compliance with paragraph (b), the
285 department shall, by tier, determine the percentage of each
286 provider's total operating budget spent on administrative costs
287 annually by March 31 to inform the provider's following fiscal
288 year budget.

289 Section 11. Section 341.072, Florida Statutes, is created
290 to read:

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291 341.072 Public transit provider marketing and advertising
292 standards.-

293 (1) As a condition of receiving funds from the department,
294 a public transit provider may not expend department funds for
295 marketing or advertising activities, including any wrap,
296 tinting, or paint on a bus, commercial motor vehicle, or motor
297 vehicle, as those terms are defined in s. 316.003, except those
298 that are limited to displaying a brand or logo of the public
299 transit provider, the official seal of the jurisdictional
300 governmental entity, or a state agency public service
301 announcement.

302 (2) The department shall incorporate guidelines for the
303 marketing or advertising activities allowed under subsection (1)
304 in the public transportation grant agreement entered with each
305 public transit provider.

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

310 Section 12. Paragraph (a) of subsection (2) of section
311 341.822, Florida Statutes, is amended to read:

312 341.822 Powers and duties.-

313 (2) (a) In addition to the powers granted to the department,
314 the enterprise has full authority to exercise all powers granted
315 to it under this chapter. Powers shall include, but are not
316 limited to, the ability to plan, construct, maintain, repair,
317 and operate a high-speed rail system, ~~to acquire corridors, and~~
318 to coordinate the development and operation of publicly funded
319 passenger rail systems in the state, and to preserve future rail

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320 corridors and rights-of-way in coordination with the
321 department's planning of the State Highway System.

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