By the Committee on Fiscal Policy; the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Transportation; and Senator DiCeglie

594-03824-24 20241226c3 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 tentative work program; amending s. 334.046, F.S.; 14 15 revising provisions relating to the department's mission, goals, and objectives; creating s. 334.61, 16 17 F.S.; requiring governmental entities that propose 18 certain projects to conduct a traffic study; requiring the governmental entity to give notice to property 19 20 owners, impacted municipalities, and counties affected 21 by such projects within a specified timeframe; 22 providing notice requirements; requiring such governmental entities to hold a public meeting, with a 23 24 specified period of prior notice, before completion of 25 the design phase of such projects; providing requirements for such public meetings; requiring such 2.6 27 governmental entities to review and take into 28 consideration comments and alternatives presented in 29 public meetings in the final project design; amending

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30	s. 338.231, F.S.; revising the length of time before
31	which an inactive prepaid toll account becomes
32	unclaimed property; amending s. 338.26, F.S.; revising
33	the date by which fees generated from tolls deposited
34	into the State Transportation Trust Fund must be used
35	to reimburse a local governmental entity for certain
36	costs of operating a specified fire station; providing
37	that a specified interlocal agreement related to the
38	Alligator Alley toll road controls the use of certain
39	State Transportation Trust Fund moneys until the local
40	governmental entity and the department enter into a
41	new agreement or agree to extend the existing
42	agreement; specifying the amount of reimbursement for
43	the 2024-2025 fiscal year; requiring the local
44	governmental entity, by a specified date and at
45	specified intervals thereafter, to provide a
46	maintenance and operations comprehensive plan to the
47	department; providing requirements for the
48	comprehensive plan; requiring the local governmental
49	entity and the department to review and adopt the
50	comprehensive plan as part of the interlocal
51	agreement; requiring the department, in accordance
52	with certain projections, to include the corresponding
53	funding needs in the department's work program;
54	requiring that ownership and title of certain
55	equipment purchased with state funds and used at a
56	specified fire station during the term of the
57	interlocal agreement transfer to the state at the end
58	of the term of the agreement; amending s. 339.08,

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59	F.S.; prohibiting the department from expending state
60	funds to support a project or program of specified
61	entities; requiring the department to withhold state
62	funds until such entities are in compliance with a
63	specified provision; amending s. 339.0803, F.S.;
64	prioritizing availability of certain revenues
65	deposited into the State Transportation Trust Fund for
66	payments under service contracts with the Florida
67	Department of Transportation Financing Corporation to
68	fund arterial highway projects; providing that two or
69	more such projects may be treated as a single project
70	for certain purposes; amending s. 339.0809, F.S.;
71	specifying availability of funds appropriated for
72	payments under a service contract with the
73	corporation; authorizing the department to enter into
74	service contracts to finance certain projects;
75	providing requirements for annual service contract
76	payments; requiring the department, before execution
77	of a service contract, to ensure that annual payments
78	are programmed for the life of the contract and to
79	ensure that they remain programmed until fully paid;
80	amending s. 339.2818, F.S.; authorizing, subject to
81	appropriation, a local government within a specified
82	area to compete for funding using specified criteria
83	on specified roads; providing an exception; amending
84	s. 341.051, F.S.; providing voting and meeting notice
85	requirements for specified public transit projects;
86	providing meeting notice requirements for discussion
87	of specified actions by a public transit provider;

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88	requiring that certain unallocated funds for the New
89	Starts Transit Program be reallocated for the purpose
90	of the Strategic Intermodal System; providing for
91	expiration of the reallocation; prohibiting, as a
92	condition of receiving state funds, public transit
93	provider from expending such funds for specified
94	marketing or advertising activities; requiring the
95	department to incorporate certain guidelines in the
96	public transportation grant agreement entered into
97	with each public transit provider; prohibiting certain
98	wraps, tinting, paint, media, or advertisements on
99	passenger windows of public transit provider vehicles
100	from being darker than certain window tinting
101	requirements; amending s. 341.071, F.S.; defining
102	terms; beginning on a specified date and annually
103	thereafter, requiring each public transit provider to
104	take specified actions during a publicly noticed
105	meeting; requiring that a certain disclosure be posted
106	on public transit providers' websites; requiring the
107	department to determine the annual state average of
108	general administrative costs; authorizing certain
109	costs to be excluded from such annual state average;
110	requiring a specified increase in general
111	administration costs to be reviewed and approved by
112	certain entities; amending s. 341.822, F.S.; revising
113	the powers of the Florida Rail Enterprise; providing
114	an effective date.
115	
116	Be It Enacted by the Legislature of the State of Florida:

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117	594-03824-24 2024122603
118	$C_{continuous} = 1$ Demonstraphs (b) and (d) of subsection (2) of
119	Section 1. Paragraphs (b) and (d) of subsection (3) of
120	section 20.23, Florida Statutes, are amended to read:
	20.23 Department of TransportationThere is created a
121	Department of Transportation which shall be a decentralized
122	agency.
123	(3)
124	(b) The secretary may appoint positions at the level of
125	deputy assistant secretary or director which the secretary deems
126	necessary to accomplish the mission and goals of the department,
127	including, but not limited to, the areas of program
128	responsibility provided in this paragraph, each of whom shall be
129	appointed by and serve at the pleasure of the secretary. The
130	secretary may combine, separate, or delete offices as needed in
131	consultation with the Executive Office of the Governor. The
132	department's areas of program responsibility include, but are
133	not limited to, all of the following:
134	1. Administration <u>.</u> +
135	2. Planning <u>.</u> +
136	3. Modal development. Public transportation;
137	4. Design <u>.</u> +
138	5. Highway operations <u>.</u> +
139	6. Right-of-way <u>.</u>
140	7. Toll operations <u>.</u> ;
141	8. Transportation technology.
142	<u>9.8.</u> Information systems <u>.</u> ;
143	<u>10.9.</u> Motor carrier weight inspection.+
144	<u>11.10.</u> Work program development Management and budget. \div
145	<u>12.11. Comptroller.;</u>

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146	13.12. Construction.;
147	14. Statewide corridors.
148	<u>15.</u> 13. Maintenance <u>.; and</u>
149	16. Forecasting and performance.
150	17. Emergency management.
151	18. Safety.
152	<u>19.14</u> . Materials.
153	(d) The secretary shall appoint an inspector general
154	pursuant to s. 20.055 who shall be directly responsible to the
155	secretary and shall serve at the pleasure of the secretary.
156	Section 2. Present subsection (7) of section 311.101,
157	Florida Statutes, is redesignated as subsection (8), and a new
158	subsection (7) is added to that section, to read:
159	311.101 Intermodal Logistics Center Infrastructure Support
160	Program
161	(7) Beginning with the 2024-2025 fiscal year through the
162	2029-2030 fiscal year, \$15 million in recurring funds shall be
163	made available from the State Transportation Trust Fund for the
164	program. The Department of Transportation shall include projects
165	proposed to be funded under this section in the tentative work
166	program developed pursuant to s. 339.135(4).
167	Section 3. Section 334.046, Florida Statutes, is amended to
168	read:
169	334.046 Department mission, goals, and objectives
170	(1) The department shall consider the following prevailing
171	principles <u>when</u> to be considered in planning and developing <u>the</u>
172	state's multimodal an integrated, balanced statewide
173	transportation system are: preserving <u>Florida's</u> the existing
174	transportation infrastructure; supporting its

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594-03824-24 20241226c3 175 Florida's economic competitiveness; promoting the efficient 176 movement of people and goods; and preserving Florida's quality 177 of life improving travel choices to ensure mobility. 178 (2) The mission of the Department of Transportation shall 179 be to provide a safe statewide transportation system that 180 promotes the efficient movement ensures the mobility of people 181 and goods, <u>supports the state's enhances</u> economic 182 competitiveness, prioritizes Florida's environment and natural 183 resources prosperity, and preserves the quality of life and 184 connectedness of the state's our environment and communities. 185 (3) The department shall document in the Florida 186 Transportation Plan, in accordance with s. 339.155 and based 187 upon the prevailing principles outlined in this section shall be 188 incorporated into all of preserving the existing transportation 189 infrastructure, enhancing Florida's economic competitiveness, 190 and improving travel choices to ensure mobility, the goals and 191 objectives that provide statewide policy guidance for 192 accomplishing the department's mission, including the Florida 193 Transportation Plan outlined in s. 339.155. 194 (4) At a minimum, the department's goals shall address the 195 following prevailing principles:-196 (a) Maintaining investments Preservation.-Protecting the 197 state's transportation infrastructure investment, which-198 Preservation includes: 1. Ensuring that 80 percent of the pavement on the State 199 200 Highway System meets department standards; 201 2. Ensuring that 90 percent of department-maintained 202 bridges meet department standards; and 203 3. Ensuring that the department achieves 100 percent of the Page 7 of 18

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204	acceptable maintenance standard on the state highway system.
205	(b) Economic competitivenessEnsuring that the state has a
206	clear understanding of the <u>return on investment and</u> economic
207	impacts consequences of transportation infrastructure
208	investments, and how such investments affect the state's
209	economic competitiveness. The department must develop a
210	macroeconomic analysis of the linkages between transportation
211	investment and economic performance, as well as a method to
212	quantifiably measure the economic benefits of the district-work-
213	program investments. Such an analysis must analyze:
214	1. The state's and district's economic performance relative
215	to the competition.
216	2. The business environment as viewed from the perspective
217	of companies evaluating the state as a place in which to do
218	business.
219	3. The state's capacity to sustain long-term growth.
220	(c) <u>Connected transportation system</u> Mobility.—Ensuring a
221	cost-effective, statewide, interconnected transportation system
222	that provides for the most efficient and effective multimodality
223	and mobility.
224	(d) Preserving Florida's natural resources and quality of
225	<i>life.</i> —Prioritizing Florida's natural resources and the quality
226	of life of its communities.
227	Section 4. Section 334.61, Florida Statutes, is created to
228	read:
229	334.61 Traffic lane repurposing
230	(1) When a governmental entity proposes any project that
231	will repurpose one or more existing traffic lanes, the
232	governmental entity shall include a traffic study to address any

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233	potential adverse impacts of the project, including, but not
234	limited to, changes in traffic congestion and impacts on safety.
235	(2) If, following the study required by subsection (1), the
236	governmental entity elects to continue with the design of the
237	project, it must notify all affected property owners, impacted
238	municipalities, and the counties in which the project is located
239	at least 180 days before the design phase of the project is
240	completed. The notice must provide a written explanation
241	regarding the need for the project and information on how to
242	review the traffic study required by subsection (1), and must
243	indicate that all affected parties will be given an opportunity
244	to provide comments to the proposing entity regarding potential
245	impacts of the change.
246	(3) The governmental entity shall hold at least one public
247	meeting, with at least 30 days prior notice, before completing
248	the design phase of the project in the jurisdiction where the
249	project is located. At the public meeting, the governmental
250	entity shall explain the purpose of the project and receive
251	public input, including possible alternatives, to determine the
252	manner in which the project will affect the community.
253	(4) The governmental entity shall review all comments from
254	the public meeting and take the comments and any alternatives
255	presented during the meeting into consideration in the final
256	design of the project.
257	Section 5. Paragraph (c) of subsection (3) of section
258	338.231, Florida Statutes, is amended to read:
259	338.231 Turnpike tolls, fixing; pledge of tolls and other
260	revenuesThe department shall at all times fix, adjust, charge,
261	and collect such tolls and amounts for the use of the turnpike

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262	system as are required in order to provide a fund sufficient
263	with other revenues of the turnpike system to pay the cost of
264	maintaining, improving, repairing, and operating such turnpike
265	system; to pay the principal of and interest on all bonds issued
266	to finance or refinance any portion of the turnpike system as
267	the same become due and payable; and to create reserves for all
268	such purposes.
269	(3)
270	(c) Notwithstanding any other provision of law to the
271	contrary, any prepaid toll account of any kind which has
272	remained inactive for <u>10</u> 3 years <u>is</u> shall be presumed unclaimed
273	and its disposition shall be handled by the Department of
274	Financial Services in accordance with all applicable provisions
275	of chapter 717 relating to the disposition of unclaimed
276	property, and the prepaid toll account shall be closed by the
277	department.
278	Section 6. Paragraph (a) of subsection (3) of section
279	338.26, Florida Statutes, is amended to read:
280	338.26 Alligator Alley toll road.—
281	(3)(a) Fees generated from tolls shall be deposited in the
282	State Transportation Trust Fund and shall be used:
283	1. To reimburse outstanding contractual obligations;
284	2. To operate and maintain the highway and toll facilities,
285	including reconstruction and restoration;
286	3. To pay for those projects that are funded with Alligator
287	Alley toll revenues and that are contained in the 1993-1994
288	adopted work program or the 1994-1995 tentative work program
289	submitted to the Legislature on February 22, 1994; and
290	4. By interlocal agreement effective July 1, 2019, through

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291	no later than June 30, 2027, to reimburse a local governmental
292	entity for the direct actual costs of operating the fire station
293	at mile marker 63 on Alligator Alley, which shall be used by the
294	local governmental entity to provide fire, rescue, and emergency
295	management services exclusively to the public on Alligator
296	Alley. The local governmental entity must contribute 10 percent
297	of the direct actual operating costs.
298	a. The interlocal agreement effective July 1, 2019, through
299	June 30, 2027, shall control until such time that the local
300	governmental entity and the department enter into a new
301	agreement or agree to extend the existing agreement. For the
302	2024-2025 fiscal year, the amount of reimbursement shall be $\$2$
303	million.
304	b. By December 31, 2024, and every 5 years thereafter, the
305	local governmental entity shall provide a maintenance and
306	operations comprehensive plan to the department. The
307	comprehensive plan must include a current inventory of assets,
308	including their projected service life, and area service needs;
309	the call and response history for emergency services provided in
310	the preceding 5 years on Alligator Alley, including costs; and
311	future projections for assets and equipment, including
312	replacement or purchase needs, and operating costs.
313	c. The local governmental entity and the department shall
314	review and adopt the comprehensive plan as part of the
315	interlocal agreement.
316	d. In accordance with projected incoming toll revenues for
317	Alligator Alley, the department shall include the corresponding
318	funding needs of the comprehensive plan in the department's work
319	program The amount of reimbursement to the local governmental

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320	entity may not exceed \$1.4 million in any state fiscal year.
321	e. At the end of the term of the interlocal agreement, the
322	ownership and title of all fire, rescue, and emergency equipment
323	purchased with state funds and used at the fire station during
324	the term of the interlocal agreement transfers to the state.
325	Section 7. Subsection (5) is added to section 339.08,
326	Florida Statutes, to read:
327	339.08 Use of moneys in State Transportation Trust Fund
328	(5) The department may not expend any state funds as
329	described in s. 215.31 to support a project or program of any of
330	the following entities:
331	(a) A public transit provider as defined in s. 341.031;
332	(b) An authority created pursuant to chapter 343, chapter
333	<u>348, or chapter 349;</u>
334	(c) A public-use airport as defined in s. 332.004; or
335	(d) A port listed in s. 311.09(1),
336	
337	which is found in violation of s. 381.00316. The department
338	shall withhold state funds until the public transit provider,
339	authority, public-use airport, or port is found in compliance
340	with s. 381.00316.
341	Section 8. Section 339.0803, Florida Statutes, is amended
342	to read:
343	339.0803 Allocation of increased revenues derived from
344	amendments to s. 320.08 by ch. 2019-43
345	(1) Beginning in the 2021-2022 fiscal year and each fiscal
346	year thereafter, funds that result from increased revenues to
347	the State Transportation Trust Fund derived from the amendments
348	to s. 320.08 made by chapter 2019-43, Laws of Florida, and
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349	deposited into the fund pursuant to s. 320.20(5)(a) must be used
350	to fund arterial highway projects identified by the department
351	in accordance with s. 339.65 and may be used for projects as
352	specified in ss. 339.66 and 339.67. For purposes of the funding
353	provided in this section, the department shall prioritize use of
354	existing facilities or portions thereof when upgrading arterial
355	highways to limited or controlled access facilities. However,
356	this section does not preclude use of the funding for projects
357	that enhance the capacity of an arterial highway. The funds
358	allocated as provided in this section shall be in addition to
359	any other statutory funding allocations provided by law.
360	(2) Revenues deposited into the State Transportation Trust
361	Fund pursuant to s. 320.20(5)(a) shall first be available for
362	appropriation for payments under a service contract entered into
363	with the Florida Department of Transportation Financing
364	Corporation pursuant to s. 339.0809(4) to fund arterial highway
365	projects. For the corporation's bonding purposes, two or more
366	such projects in the department's adopted work program may be
367	treated as a single project.
368	Section 9. Subsection (13) of section 339.0809, Florida
369	Statutes, is amended, and subsection (14) is added to that
370	section, to read:
371	339.0809 Florida Department of Transportation Financing
372	Corporation
373	(13) The department may enter into a service contract in
374	conjunction with the issuance of debt obligations as provided in
375	this section which provides for periodic payments for debt

376 service or other amounts payable with respect to debt

377 obligations, plus any administrative expenses of the Florida

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378	Department of Transportation Financing Corporation. <u>Funds</u>
379	appropriated for payments under a service contract shall be
380	available after funds pledged to payment on bonds, but before
381	other statutorily required distributions.
382	(14) The department may enter into a service contract to
383	finance the projects authorized in s. 215 of chapter 2023-239,
384	Laws of Florida, and in budget amendment EOG #2024-B0112, and
385	subsequently adopted into the 5-year work program. Service
386	contract payments may not exceed 7 percent of the funds
387	deposited in the State Transportation Trust Fund in each fiscal
388	year. The annual payments under such service contract shall be
389	included in the department's work program and legislative budget
390	request developed pursuant to s. 339.135. The department shall
391	ensure that the annual payments are programmed for the life of
392	the service contract before execution of the service contract
393	and shall remain programmed until fully paid.
394	Section 10. Subsection (8) is added to section 339.2818,
395	Florida Statutes, to read:
396	339.2818 Small County Outreach Program
397	(8) Subject to a specific appropriation in addition to
398	funds appropriated for projects under this section, a local
399	government either wholly or partially within the Everglades
400	Agricultural Area as defined in s. 373.4592(15), the Peace River
401	Basin, or the Suwannee River Basin may compete for additional
402	funding using the criteria listed in paragraph (4)(c) at up to
403	100 percent of project costs on state or county roads used
404	primarily as farm-to-market connections between rural
405	agricultural areas and market distribution centers, excluding
406	capacity improvement projects.

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407	Section 11. Subsection (6) of section 341.051, Florida
408	Statutes, is amended, paragraphs (c) and (d) are added to
409	subsection (2), and subsection (8) is added to that section, to
410	read:
411	341.051 Administration and financing of public transit and
412	intercity bus service programs and projects
413	(2) PUBLIC TRANSIT PLAN.—
414	(c) Any lane elimination or lane repurposing,
415	recommendation, or application relating to public transit
416	projects must be approved by a two-thirds vote of the transit
417	authority board in a public meeting to be held after a 30-day
418	public notice.
419	(d) Any action of eminent domain for acquisition of public
420	transit facilities carried out by a public transit provider must
421	be discussed by the public transit provider at a public meeting
422	to be held after a 30-day public notice.
423	(6) ANNUAL APPROPRIATION
424	(a) Funds paid into the State Transportation Trust Fund
425	pursuant to s. 201.15 for the New Starts Transit Program are
426	hereby annually appropriated for expenditure to support the New
427	Starts Transit Program.
428	(b) The remaining unallocated New Starts Transit Program
429	funds as of June 30, 2024, shall be reallocated for the purpose
430	of the Strategic Intermodal System within the State
431	Transportation Trust Fund. This paragraph expires June 30, 2026.
432	(8) EXTERIOR VEHICLE WRAP, TINTING, PAINT, MARKETING, AND
433	ADVERTISING
434	(a) As a condition of receiving funds from the department,
435	a public transit provider may not expend department funds for
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436	marketing or advertising activities, including any wrap,
437	tinting, paint, or other medium displayed, attached, or affixed
438	on a bus, commercial motor vehicle, or motor vehicle that is
439	owned, leased, or operated by the public transit provider. Such
440	vehicles are limited to displaying a brand or logo of the public
441	transit provider, the official seal of the jurisdictional
442	governmental entity, or a state agency public service
443	announcement.
444	(b) The department shall incorporate guidelines for the
445	marketing or advertising activities allowed under paragraph (a)
446	in the public transportation grant agreement entered into with
447	each public transit provider.
448	(c) Any new wrap, tinting, paint, medium, or advertisement
449	on the passenger windows of a vehicle used by a public transit
450	provider may not be darker than the legally allowed window
451	tinting requirements provided in s. 316.2954.
452	
453	For purposes of this section, the term "net operating costs"
454	means all operating costs of a project less any federal funds,
455	fares, or other sources of income to the project.
456	Section 12. Subsection (4) is added to section 341.071,
457	Florida Statutes, to read:
458	341.071 Transit productivity and performance measures;
459	reports
460	(4)(a) As used in this subsection, the term:
461	1. "General administrative costs" includes, but is not
462	limited to, costs related to transit service development,
463	injuries and damages, safety, personnel administration, legal
464	services, data processing, finance and accounting, purchasing
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465	and stores, engineering, real estate management, office
466	management and services, customer service, promotion, market
467	research, and planning. The term does not include insurance
468	costs.
469	2. "Public transit provider" means a public agency
470	providing public transit service, including an authority created
471	pursuant to part II of chapter 343 or chapter 349. The term does
472	not apply to the Central Florida Commuter Rail Commission or the
473	authority created pursuant to part I of chapter 343.
474	3. "Tier 1 provider" has the same meaning as in 49 C.F.R.
475	part 625.
476	4. "Tier 2 provider" has the same meaning as in defined in
477	<u>49 C.F.R. part 625.</u>
478	(b) Beginning November 1, 2024, and annually thereafter,
479	each public transit provider, during a publicly noticed meeting,
480	shall:
481	1. Certify that its budgeted and general administration
482	costs are not greater than 20 percent above the annual state
483	average of administrative costs for its respective tier.
484	2. Present a line-item budget report of its budgeted and
485	actual general administration costs.
486	3. Disclose all salaried executive management-level
487	employees' total compensation packages, ridership performance
488	and metrics, and any gift as defined in s. 112.312 accepted in
489	exchange for contracts. This disclosure shall be posted annually
490	on the public transit provider's website.
491	(c) To support compliance with paragraph (b), the
492	department shall determine, by tier, the annual state average of
493	general administrative costs by determining the percentage of

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494	the total operating budget which is expended on general
495	administration costs in this state annually by March 31 to
496	inform the public transit provider's budget for the following
497	fiscal year. Upon review and certification by the department,
498	costs budgeted and expended in association with nontransit-
499	related engineering and construction services may be excluded.
500	(d) A year-over-year cumulative increase of 5 percent or
501	more in general administration costs must be reviewed before the
502	start of the next fiscal year and must be reviewed and approved
503	by the department before approval by the public transportation
504	provider's governing board.
505	Section 13. Paragraph (a) of subsection (2) of section
506	341.822, Florida Statutes, is amended to read:
507	341.822 Powers and duties
508	(2)(a) In addition to the powers granted to the department,
509	the enterprise has full authority to exercise all powers granted
510	to it under this chapter. Powers shall include, but are not
511	limited to, the ability to plan, construct, maintain, repair,
512	and operate a high-speed rail system, to acquire corridors, and
513	to coordinate the development and operation of publicly funded
514	passenger rail systems in the state, and to preserve future rail
515	corridors and rights-of-way in coordination with the
516	department's planning of the State Highway System.
517	Section 14. This act shall take effect July 1, 2024.

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