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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AE/2R	.	Floor: C
03/06/2024 08:17 PM	.	03/07/2024 05:28 PM
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Senator DiCeglie moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (a) of subsection (1) and 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.

(1) (a) The head of the Department of Transportation is the



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12 Secretary of Transportation. The secretary shall be appointed by  
13 the Governor ~~from among three persons nominated by the Florida~~  
14 ~~Transportation Commission~~ and shall be subject to confirmation  
15 by the Senate. The secretary shall serve at the pleasure of the  
16 Governor.

17 (3)

18 (b) The secretary may appoint positions at the level of  
19 deputy assistant secretary or director which the secretary deems  
20 necessary to accomplish the mission and goals of the department,  
21 including, but not limited to, the areas of program  
22 responsibility provided in this paragraph, each of whom shall be  
23 appointed by and serve at the pleasure of the secretary. The  
24 secretary may combine, separate, or delete offices as needed in  
25 consultation with the Executive Office of the Governor. The  
26 department's areas of program responsibility include, but are  
27 not limited to, all of the following:

- 28 1. Administration.†
- 29 2. Planning.†
- 30 3. Modal development. ~~Public transportation.~~†
- 31 4. Design.†
- 32 5. Highway operations.†
- 33 6. Right-of-way.†
- 34 7. Toll operations.†
- 35 8. Transportation technology.
- 36 ~~9.8.~~ Information systems.†
- 37 ~~10.9.~~ Motor carrier weight inspection.†
- 38 ~~11.10.~~ Work program Management and budget.†
- 39 ~~12.11.~~ Comptroller.†
- 40 ~~13.12.~~ Construction.†



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- 41 14. Statewide corridors.
- 42 ~~15.13. Maintenance.~~ ~~and~~
- 43 16. Forecasting and performance.
- 44 17. Emergency management.
- 45 18. Safety.
- 46 ~~19.14. Materials.~~
- 47 20. Infrastructure and innovation.
- 48 21. Permitting.
- 49 22. Traffic operations.

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  
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 (2) of section 333.03, Florida  
65 Statutes, is amended to read:

66 333.03 Requirement to adopt airport zoning regulations.—

67 (2) In the manner provided in subsection (1), political  
68 subdivisions shall adopt, administer, and enforce airport land  
69 use compatibility zoning regulations. At a minimum, airport land



70 use compatibility zoning regulations must address ~~shall, at a~~  
71 ~~minimum, consider~~ the following:

72 (a) The prohibition of new landfills and the restriction of  
73 existing landfills within the following areas:

74 1. Within 10,000 feet from the nearest point of any runway  
75 used or planned to be used by turbine aircraft.

76 2. Within 5,000 feet from the nearest point of any runway  
77 used by only nonturbine aircraft.

78 3. Outside the perimeters defined in subparagraphs 1. and  
79 2., but still within the lateral limits of the civil airport  
80 imaginary surfaces defined in 14 C.F.R. s. 77.19. Case-by-case  
81 review of such landfills is advised.

82 (b) When ~~where~~ any landfill is located and constructed in a  
83 manner that attracts or sustains hazardous bird movements from  
84 feeding, water, or roosting areas into, or across, the runways  
85 or approach and departure patterns of aircraft. The landfill  
86 operator must incorporate bird management techniques or other  
87 practices to minimize bird hazards to airborne aircraft.

88 (c) When ~~where~~ an airport authority or other governing body  
89 operating a public-use airport has conducted a noise study in  
90 accordance with 14 C.F.R. part 150, or when ~~where~~ a public-use  
91 airport owner has established noise contours pursuant to another  
92 public study accepted by the Federal Aviation Administration,  
93 the prohibition of incompatible uses, as established in the  
94 noise study in 14 C.F.R. part 150, Appendix A or as a part of an  
95 alternative Federal Aviation Administration-accepted public  
96 study, within the noise contours established by any of these  
97 studies, except if such uses are specifically contemplated by  
98 such study with appropriate mitigation or similar techniques



99 described in the study.

100 (d) ~~When~~ ~~where~~ an airport authority or other governing body  
101 operating a public-use airport has not conducted a noise study,  
102 the prohibition ~~mitigation~~ of ~~potential incompatible uses~~  
103 ~~associated with~~ residential construction and ~~any~~ educational  
104 facilities ~~facility~~, with the exception of aviation school  
105 facilities or residential property near a public-use airport  
106 that has as its sole runway a turf runway measuring less than  
107 2,800 feet in length, within an area contiguous to the airport  
108 measuring one-half the length of the longest runway on either  
109 side of and at the end of each runway centerline.

110 (e) The restriction of new incompatible uses, activities,  
111 or substantial modifications to existing incompatible uses  
112 within runway protection zones.

113 Section 4. Section 334.046, Florida Statutes, is amended to  
114 read:

115 334.046 Department mission, goals, and objectives.—

116 (1) The department shall consider the following prevailing  
117 principles ~~when to be considered in~~ planning and developing the  
118 state's multimodal ~~an integrated, balanced statewide~~  
119 transportation system ~~are:~~ preserving Florida's ~~the existing~~  
120 transportation infrastructure; supporting its ~~enhancing~~  
121 Florida's economic competitiveness; promoting the efficient  
122 movement of people and goods; and preserving Florida's quality  
123 of life ~~improving travel choices to ensure mobility.~~

124 (2) The mission of the Department of Transportation shall  
125 be to provide a safe statewide transportation system that  
126 promotes the efficient movement ~~ensures the mobility~~ of people  
127 and goods, supports the state's ~~enhances~~ economic



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128 competitiveness, prioritizes Florida's environment and natural  
129 resources prosperity, and preserves the quality of life and  
130 connectedness of the state's ~~our environment and~~ communities.

131 (3) ~~The department shall document in the Florida~~  
132 ~~Transportation Plan, in accordance with s. 339.155 and based~~  
133 ~~upon the prevailing principles outlined in this section shall be~~  
134 incorporated into all of preserving the existing transportation  
135 infrastructure, enhancing Florida's economic competitiveness,  
136 ~~and improving travel choices to ensure mobility,~~ the goals and  
137 objectives that provide statewide policy guidance for  
138 accomplishing the department's mission, including the Florida  
139 Transportation Plan outlined in s. 339.155.

140 (4) At a minimum, the department's goals shall address the  
141 following prevailing principles:-

142 (a) Maintaining investments Preservation.-Protecting the  
143 state's transportation infrastructure investment, which-  
144 ~~Preservation~~ includes:

145 1. Ensuring that 80 percent of the pavement on the State  
146 Highway System meets department standards;

147 2. Ensuring that 90 percent of department-maintained  
148 bridges meet department standards; and

149 3. Ensuring that the department achieves 100 percent of the  
150 acceptable maintenance standard on the state highway system.

151 (b) Economic competitiveness.-Ensuring that the state has a  
152 clear understanding of the return on investment and economic  
153 impacts consequences of transportation infrastructure  
154 ~~investments,~~ and how such investments affect the state's  
155 economic competitiveness. The department must develop a  
156 macroeconomic analysis of the linkages between transportation



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157 investment and economic performance, as well as a method to  
158 quantifiably measure the economic benefits of the district-work-  
159 program investments. Such an analysis must analyze:

160 1. The state's and district's economic performance relative  
161 to the competition.

162 2. The business environment as viewed from the perspective  
163 of companies evaluating the state as a place in which to do  
164 business.

165 3. The state's capacity to sustain long-term growth.

166 (c) Connected transportation system Mobility.—Ensuring a  
167 cost-effective, statewide, interconnected transportation system  
168 that provides for the most efficient and effective multimodality  
169 and mobility.

170 (d) Preserving Florida's natural resources and quality of  
171 life.—Prioritizing Florida's natural resources and the quality  
172 of life of its communities.

173 Section 5. Section 334.61, Florida Statutes, is created to  
174 read:

175 334.61 Traffic lane repurposing.—

176 (1) When a governmental entity proposes any project that  
177 will repurpose one or more existing traffic lanes, the  
178 governmental entity shall include a traffic study to address any  
179 potential adverse impacts of the project, including, but not  
180 limited to, changes in traffic congestion and impacts on safety.

181 (2) If, following the study required by subsection (1), the  
182 governmental entity elects to continue with the design of the  
183 project, it must notify all affected property owners, impacted  
184 municipalities, and the counties in which the project is located  
185 at least 180 days before the design phase of the project is



186 completed. The notice must provide a written explanation  
187 regarding the need for the project and information on how to  
188 review the traffic study required by subsection (1), and must  
189 indicate that all affected parties will be given an opportunity  
190 to provide comments to the proposing entity regarding potential  
191 impacts of the change.

192 (3) The governmental entity shall hold at least one public  
193 meeting, with at least 30 days prior notice, before completing  
194 the design phase of the project in the jurisdiction where the  
195 project is located. At the public meeting, the governmental  
196 entity shall explain the purpose of the project and receive  
197 public input, including possible alternatives, to determine the  
198 manner in which the project will affect the community.

199 (4) The governmental entity shall review all comments from  
200 the public meeting and take the comments and any alternatives  
201 presented during the meeting into consideration in the final  
202 design of the project.

203 Section 6. Paragraph (c) of subsection (3) of section  
204 338.231, Florida Statutes, is amended to read:

205 338.231 Turnpike tolls, fixing; pledge of tolls and other  
206 revenues.—The department shall at all times fix, adjust, charge,  
207 and collect such tolls and amounts for the use of the turnpike  
208 system as are required in order to provide a fund sufficient  
209 with other revenues of the turnpike system to pay the cost of  
210 maintaining, improving, repairing, and operating such turnpike  
211 system; to pay the principal of and interest on all bonds issued  
212 to finance or refinance any portion of the turnpike system as  
213 the same become due and payable; and to create reserves for all  
214 such purposes.





215 (3)  
216 (c) Notwithstanding any other provision of law to the  
217 contrary, any prepaid toll account of any kind which has  
218 remained inactive for 10 ~~3~~ years is ~~shall be~~ presumed unclaimed  
219 and its disposition shall be handled by the Department of  
220 Financial Services in accordance with all applicable provisions  
221 of chapter 717 relating to the disposition of unclaimed  
222 property, and the prepaid toll account shall be closed by the  
223 department.

224 Section 7. Paragraph (a) of subsection (3) of section  
225 338.26, Florida Statutes, is amended to read:

226 338.26 Alligator Alley toll road.—

227 (3) (a) Fees generated from tolls shall be deposited in the  
228 State Transportation Trust Fund and shall be used:

- 229 1. To reimburse outstanding contractual obligations;
- 230 2. To operate and maintain the highway and toll facilities,  
231 including reconstruction and restoration;
- 232 3. To pay for those projects that are funded with Alligator  
233 Alley toll revenues and that are contained in the 1993-1994  
234 adopted work program or the 1994-1995 tentative work program  
235 submitted to the Legislature on February 22, 1994; and

236 4. By interlocal agreement ~~effective July 1, 2019, through~~  
237 ~~no later than June 30, 2027~~, to reimburse a local governmental  
238 entity for the direct actual costs of operating the fire station  
239 at mile marker 63 on Alligator Alley, which shall be used by the  
240 local governmental entity to provide fire, rescue, and emergency  
241 management services exclusively to the public on Alligator  
242 Alley. The local governmental entity must contribute 10 percent  
243 of the direct actual operating costs.



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244 a. The interlocal agreement effective July 1, 2019, through  
245 June 30, 2027, shall control until such time that the local  
246 governmental entity and the department enter into a new  
247 agreement or agree to extend the existing agreement. For the  
248 2024-2025 fiscal year, the amount of reimbursement may not  
249 exceed \$2 million.

250 b. By December 31, 2024, and every 5 years thereafter, the  
251 local governmental entity shall provide a maintenance and  
252 operations comprehensive plan to the department. The  
253 comprehensive plan must include a current inventory of assets,  
254 including their projected service life, and area service needs;  
255 the call and response history for emergency services provided in  
256 the preceding 5 years on Alligator Alley, including costs; and  
257 future projections for assets and equipment, including  
258 replacement or purchase needs, and operating costs.

259 c. The local governmental entity and the department shall  
260 review and adopt the comprehensive plan as part of the  
261 interlocal agreement.

262 d. In accordance with projected incoming toll revenues for  
263 Alligator Alley, the department shall include the corresponding  
264 funding needs of the comprehensive plan in the department's work  
265 program, and the local governmental entity shall include the  
266 same in its capital comprehensive plan and appropriate fiscal  
267 year budget ~~The amount of reimbursement to the local~~  
268 ~~governmental entity may not exceed \$1.4 million in any state~~  
269 ~~fiscal year.~~

270 e. At the end of the term of the interlocal agreement, the  
271 ownership and title of all fire, rescue, and emergency equipment  
272 purchased with state funds and used at the fire station during



273 the term of the interlocal agreement transfers to the state.  
274 Section 8. Subsection (5) is added to section 339.08,  
275 Florida Statutes, to read:  
276 339.08 Use of moneys in State Transportation Trust Fund.—  
277 (5) The department may not expend any state funds as  
278 described in s. 215.31 to support a project or program of any of  
279 the following entities:  
280 (a) A public transit provider as defined in s. 341.031(1);  
281 (b) An authority created pursuant to chapter 343, chapter  
282 348, or chapter 349;  
283 (c) A public-use airport as defined in s. 332.004; or  
284 (d) A port listed in s. 311.09(1),  
285  
286 which is found in violation of s. 381.00316. The department  
287 shall withhold state funds until the public transit provider,  
288 authority, public-use airport, or port is found in compliance  
289 with s. 381.00316.  
290 Section 9. Section 339.0803, Florida Statutes, is amended  
291 to read:  
292 339.0803 Allocation of increased revenues derived from  
293 amendments to s. 320.08 by ch. 2019-43.—  
294 (1) Beginning in the 2021-2022 fiscal year and each fiscal  
295 year thereafter, funds that result from increased revenues to  
296 the State Transportation Trust Fund derived from the amendments  
297 to s. 320.08 made by chapter 2019-43, Laws of Florida, and  
298 deposited into the fund pursuant to s. 320.20(5)(a) must be used  
299 to fund arterial highway projects identified by the department  
300 in accordance with s. 339.65 and may be used for projects as  
301 specified in ss. 339.66 and 339.67. For purposes of the funding



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302 provided in this section, the department shall prioritize use of  
303 existing facilities or portions thereof when upgrading arterial  
304 highways to limited or controlled access facilities. However,  
305 this section does not preclude use of the funding for projects  
306 that enhance the capacity of an arterial highway. The funds  
307 allocated as provided in this section shall be in addition to  
308 any other statutory funding allocations provided by law.

309 (2) Revenues deposited into the State Transportation Trust  
310 Fund pursuant to s. 320.20(5)(a) shall first be available for  
311 appropriation for payments under a service contract entered into  
312 with the Florida Department of Transportation Financing  
313 Corporation pursuant to s. 339.0809(4) to fund arterial highway  
314 projects. For the corporation's bonding purposes, two or more  
315 such projects in the department's adopted work program may be  
316 treated as a single project.

317 Section 10. Subsection (13) of section 339.0809, Florida  
318 Statutes, is amended, and subsection (14) is added to that  
319 section, to read:

320 339.0809 Florida Department of Transportation Financing  
321 Corporation.—

322 (13) The department may enter into a service contract in  
323 conjunction with the issuance of debt obligations as provided in  
324 this section which provides for periodic payments for debt  
325 service or other amounts payable with respect to debt  
326 obligations, plus any administrative expenses of the Florida  
327 Department of Transportation Financing Corporation. Funds  
328 appropriated for payments under a service contract shall be  
329 available after funds pledged to payment on bonds, but before  
330 other statutorily required distributions.



331       (14) The department may enter into a service contract to  
332 finance the projects authorized in s. 215 of chapter 2023-239,  
333 Laws of Florida, and in budget amendment EOG #2024-B0112, and  
334 subsequently adopted into the 5-year work program. Service  
335 contract payments may not exceed 7 percent of the funds  
336 deposited in the State Transportation Trust Fund in each fiscal  
337 year. The annual payments under such service contract shall be  
338 included in the department's work program and legislative budget  
339 request developed pursuant to s. 339.135. The department shall  
340 ensure that the annual payments are programmed for the life of  
341 the service contract before execution of the service contract  
342 and shall remain programmed until fully paid.

343       Section 11. Notwithstanding s. 215 of chapter 2023-239,  
344 Laws of Florida, the Department of Transportation is authorized  
345 to retain the interest earnings on funds appropriated to finance  
346 the projects authorized in s. 215 of chapter 2023-239, Laws of  
347 Florida, and in EOG# 2024-B0112 and subsequently adopted into  
348 the 5-year work program. The interest earnings must be used by  
349 the department to implement such projects.

350       Section 12. Subsection (8) is added to section 339.2818,  
351 Florida Statutes, to read:

352       339.2818 Small County Outreach Program.—

353       (8) Subject to a specific appropriation in addition to  
354 funds appropriated for projects under this section, a local  
355 government either wholly or partially within the Everglades  
356 Agricultural Area as defined in s. 373.4592(15), the Peace River  
357 Basin, or the Suwannee River Basin may compete for additional  
358 funding using the criteria listed in paragraph (4) (c) at up to  
359 100 percent of project costs on state or county roads used



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360 primarily as farm-to-market connections between rural  
361 agricultural areas and market distribution centers, excluding  
362 capacity improvement projects.

363 Section 13. Subsection (6) of section 341.051, Florida  
364 Statutes, is amended, paragraphs (c) and (d) are added to  
365 subsection (2) of that section, and subsection (8) is added to  
366 that section, to read:

367 341.051 Administration and financing of public transit and  
368 intercity bus service programs and projects.—

369 (2) PUBLIC TRANSIT PLAN.—

370 (c) Any lane elimination or lane repurposing,  
371 recommendation, or application relating to public transit  
372 projects must be approved by a two-thirds vote of the transit  
373 authority board in a public meeting to be held after a 30-day  
374 public notice.

375 (d) Any action of eminent domain for acquisition of public  
376 transit facilities carried out by a public transit provider must  
377 be discussed by the public transit provider at a public meeting  
378 to be held after a 30-day public notice.

379 (6) ANNUAL APPROPRIATION.—

380 (a) Funds paid into the State Transportation Trust Fund  
381 pursuant to s. 201.15 for the New Starts Transit Program are  
382 hereby annually appropriated for expenditure to support the New  
383 Starts Transit Program.

384 (b) The remaining unallocated New Starts Transit Program  
385 funds as of June 30, 2024, shall be reallocated for the purpose  
386 of the Strategic Intermodal System within the State  
387 Transportation Trust Fund. This paragraph expires June 30, 2026.

388 (8) EXTERIOR VEHICLE WRAP, TINTING, PAINT, MARKETING, AND



389 ADVERTISING.—

390 (a) As a condition of receiving funds from the department,  
391 a public transit provider may not expend department funds for  
392 marketing or advertising activities, including any wrap,  
393 tinting, paint, or other medium displayed, attached, or affixed  
394 on a bus, commercial motor vehicle, or motor vehicle that is  
395 owned, leased, or operated by the public transit provider. Such  
396 vehicles are limited to displaying a brand or logo of the public  
397 transit provider, the official seal of the jurisdictional  
398 governmental entity, or a state agency public service  
399 announcement.

400 (b) The department shall incorporate guidelines for the  
401 marketing or advertising activities allowed under paragraph (a)  
402 in the public transportation grant agreement entered into with  
403 each public transit provider.

404 (c) Any new wrap, tinting, paint, medium, or advertisement  
405 on the passenger windows of a vehicle used by a public transit  
406 provider may not be darker than the legally allowed window  
407 tinting requirements provided in s. 316.2954.

408  
409 For purposes of this section, the term "net operating costs"  
410 means all operating costs of a project less any federal funds,  
411 fares, or other sources of income to the project.

412 Section 14. Subsection (4) is added to section 341.071,  
413 Florida Statutes, to read:

414 341.071 Transit productivity and performance measures;  
415 reports.—

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

417 1. "General administrative costs" includes, but is not



418 limited to, costs related to transit service development,  
419 injuries and damages, safety, personnel administration, legal  
420 services, data processing, finance and accounting, purchasing  
421 and stores, engineering, real estate management, office  
422 management and services, customer service, promotion, market  
423 research, and planning. The term does not include insurance  
424 costs.

425 2. "Public transit provider" means a public agency  
426 providing public transit service, including an authority created  
427 pursuant to part II of chapter 343 or chapter 349. The term does  
428 not apply to the Central Florida Commuter Rail Commission or the  
429 authority created pursuant to part I of chapter 343.

430 3. "Tier 1 provider" has the same meaning as in 49 C.F.R.  
431 part 625.

432 4. "Tier 2 provider" has the same meaning as in 49 C.F.R.  
433 part 625.

434 (b) Beginning November 1, 2024, and annually thereafter,  
435 each public transit provider, during a publicly noticed meeting,  
436 shall:

437 1. Certify that its budgeted and general administrative  
438 costs are not greater than 20 percent above the annual state  
439 average of administrative costs for its respective tier.

440 2. Present a line-item budget report of its budgeted and  
441 actual general administrative costs.

442 3. Disclose all salaried executive management-level  
443 employees' total compensation packages, ridership performance  
444 and metrics, and any gift as defined in s. 112.312 accepted in  
445 exchange for contracts. This disclosure shall be posted annually  
446 on the public transit provider's website.





447       (c) To support compliance with paragraph (b), the  
448 department shall determine, by tier, the annual state average of  
449 general administrative costs by determining the percentage of  
450 the total operating budget which is expended on general  
451 administrative costs in this state annually by March 31 to  
452 inform the public transit provider's budget for the following  
453 fiscal year. Upon review and certification by the department,  
454 costs budgeted and expended in association with nontransit-  
455 related engineering and construction services may be excluded.

456       (d) A year-over-year cumulative increase of 5 percent or  
457 more in general administrative costs must be reviewed before the  
458 start of the next fiscal year and must be reviewed and approved  
459 by the department before approval by the public transportation  
460 provider's governing board.

461       Section 15. Paragraph (a) of subsection (2) of section  
462 341.822, Florida Statutes, is amended to read:

463       341.822 Powers and duties.—

464       (2) (a) In addition to the powers granted to the department,  
465 the enterprise has full authority to exercise all powers granted  
466 to it under this chapter. Powers shall include, but are not  
467 limited to, the ability to plan, construct, maintain, repair,  
468 and operate a high-speed rail system, ~~to acquire corridors, and~~  
469 to coordinate the development and operation of publicly funded  
470 passenger rail systems in the state, and to preserve and acquire  
471 future rail corridors and rights-of-way in coordination with the  
472 department's planning of the State Highway System.

473       Section 16. Paragraph (e) of subsection (1) of section  
474 768.1382, Florida Statutes, is amended to read:

475       768.1382 Streetlights, security lights, and other similar



476 illumination; limitation on liability.—

477 (1) As used in this section, the term:

478 (e) "Streetlight provider" means the state or any of the  
479 state's officers, agencies, or instrumentalities, any political  
480 subdivision as defined in s. 1.01, any public utility as defined  
481 in s. 366.02(8), or any electric utility as defined in s.  
482 366.02(4). For purposes of this section, electric utility shall  
483 include subsidiaries of an electric utility, regardless of  
484 whether the electric utility or subsidiary is providing electric  
485 street light service inside or outside of its regulated  
486 territory.

487 Section 17. Section 316.1575, Florida Statutes, is amended  
488 to read:

489 316.1575 Obedience to traffic control devices at railroad-  
490 highway grade crossings.—

491 (1) A Any person cycling, walking or driving a vehicle and  
492 approaching a railroad-highway grade crossing under any of the  
493 circumstances stated in this section must ~~shall~~ stop within 50  
494 feet but not less than 15 feet from the nearest rail of such  
495 railroad and may ~~shall~~ not proceed until the railroad tracks are  
496 clear and he or she can do so safely. This subsection applies  
497 The foregoing requirements apply when:

498 (a) A clearly visible electric or mechanical signal device  
499 gives warning of the immediate approach of a railroad train or  
500 railroad track equipment;

501 (b) A crossing gate is lowered or a law enforcement officer  
502 or a human flagger gives or continues to give a signal of the  
503 approach or passage of a railroad train or railroad track  
504 equipment;



505 (c) An approaching railroad train or railroad track  
506 equipment emits an audible signal or the railroad train or  
507 railroad track equipment, by reason of its speed or nearness to  
508 the crossing, is an immediate hazard; or

509 (d) An approaching railroad train or railroad track  
510 equipment is plainly visible and is in hazardous proximity to  
511 the railroad-highway grade crossing, regardless of the type of  
512 traffic control devices installed at the crossing.

513 (2) A ~~No~~ person may not ~~shall~~ drive a ~~any~~ vehicle through,  
514 around, or under any crossing gate or barrier at a railroad-  
515 highway grade crossing while the gate or barrier is closed or is  
516 being opened or closed.

517 (3) A person who violates ~~violation of~~ this section commits  
518 ~~is~~ a noncriminal traffic infraction, punishable pursuant to  
519 chapter 318 as:

520 (a) ~~either~~ A pedestrian violation; or

521 (b) If the infraction resulted from the operation of a  
522 vehicle, as a moving violation.

523 1. For a first violation, the person must pay a fine of  
524 \$500 or perform 25 hours of community service and shall have 6  
525 points assessed against his or her driver license as set forth  
526 in s. 322.27(3)(d)7.

527 2. For a second or subsequent violation, the person must  
528 pay a fine of \$1,000 and shall have an additional 6 points  
529 assessed against his or her driver license as set forth in s.  
530 322.27(3)(d)7.

531 Section 18. Section 316.1576, Florida Statutes, is amended  
532 to read:

533 316.1576 Insufficient clearance at a railroad-highway grade



534 crossing.-

535 (1) A person may not drive a any vehicle through a  
536 railroad-highway grade crossing that does not have sufficient  
537 space to drive completely through the crossing without stopping  
538 or without obstructing the passage of other vehicles,  
539 pedestrians, railroad trains, or other railroad equipment,  
540 notwithstanding any traffic control signal indication to  
541 proceed.

542 (2) A person may not drive a any vehicle through a  
543 railroad-highway grade crossing that does not have sufficient  
544 undercarriage clearance to drive completely through the crossing  
545 without stopping or without obstructing the passage of a  
546 railroad train or other railroad equipment.

547 (3) A person who violates violation of this section commits  
548 is a noncriminal traffic infraction, punishable as a moving  
549 violation as provided in chapter 318.

550 (a) For a first violation, the person must pay a fine of  
551 \$500 or perform 25 hours of community service and shall have 6  
552 points assessed against his or her driver license as set forth  
553 in s. 322.27(3)(d)7.

554 (b) For a second or subsequent violation, the person must  
555 pay a fine of \$1,000, shall have an additional 6 points assessed  
556 against his or her driver license as set forth in s.  
557 322.27(3)(d)7., and, notwithstanding s. 322.27(3)(a), (b), and  
558 (c), shall have his or her driving privilege suspended for not  
559 more than 6 months.

560 Section 19. Present subsections (10) through (23) of  
561 section 318.18, Florida Statutes, are redesignated as  
562 subsections (11) through (24), respectively, a new subsection



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563 (10) is added to that section, and subsection (9) of that  
564 section is amended, to read:

565 318.18 Amount of penalties.—The penalties required for a  
566 noncriminal disposition pursuant to s. 318.14 or a criminal  
567 offense listed in s. 318.17 are as follows:

568 (9) Five ~~One~~ hundred dollars for a first violation and  
569 \$1,000 for a second or subsequent violation of s. 316.1575.

570 (10) Five hundred dollars for a first violation and \$1,000  
571 for a second or subsequent violation of s. 316.1576. In addition  
572 to this penalty, for a second or subsequent violation, the  
573 department shall suspend the driver license of the person for  
574 not more than 6 months.

575 Section 20. Paragraph (d) of subsection (3) of section  
576 322.27, Florida Statutes, is amended to read:

577 322.27 Authority of department to suspend or revoke driver  
578 license or identification card.—

579 (3) There is established a point system for evaluation of  
580 convictions of violations of motor vehicle laws or ordinances,  
581 and violations of applicable provisions of s. 403.413(6) (b) when  
582 such violations involve the use of motor vehicles, for the  
583 determination of the continuing qualification of any person to  
584 operate a motor vehicle. The department is authorized to suspend  
585 the license of any person upon showing of its records or other  
586 good and sufficient evidence that the licensee has been  
587 convicted of violation of motor vehicle laws or ordinances, or  
588 applicable provisions of s. 403.413(6) (b), amounting to 12 or  
589 more points as determined by the point system. The suspension  
590 shall be for a period of not more than 1 year.

591 (d) The point system shall have as its basic element a



592 graduated scale of points assigning relative values to  
593 convictions of the following violations:  
594 1. Reckless driving, willful and wanton—4 points.  
595 2. Leaving the scene of a crash resulting in property  
596 damage of more than \$50—6 points.  
597 3. Unlawful speed, or unlawful use of a wireless  
598 communications device, resulting in a crash—6 points.  
599 4. Passing a stopped school bus:  
600 a. Not causing or resulting in serious bodily injury to or  
601 death of another—4 points.  
602 b. Causing or resulting in serious bodily injury to or  
603 death of another—6 points.  
604 c. Points may not be imposed for a violation of passing a  
605 stopped school bus as provided in s. 316.172(1)(a) or (b) when  
606 enforced by a school bus infraction detection system pursuant s.  
607 316.173. In addition, a violation of s. 316.172(1)(a) or (b)  
608 when enforced by a school bus infraction detection system  
609 pursuant to s. 316.173 may not be used for purposes of setting  
610 motor vehicle insurance rates.  
611 5. Unlawful speed:  
612 a. Not in excess of 15 miles per hour of lawful or posted  
613 speed—3 points.  
614 b. In excess of 15 miles per hour of lawful or posted  
615 speed—4 points.  
616 c. Points may not be imposed for a violation of unlawful  
617 speed as provided in s. 316.1895 or s. 316.183 when enforced by  
618 a traffic infraction enforcement officer pursuant to s.  
619 316.1896. In addition, a violation of s. 316.1895 or s. 316.183  
620 when enforced by a traffic infraction enforcement officer



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621 pursuant to s. 316.1896 may not be used for purposes of setting  
622 motor vehicle insurance rates.

623         6. A violation of a traffic control signal device as  
624 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.  
625 However, points may not be imposed for a violation of s.  
626 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
627 stop at a traffic signal and when enforced by a traffic  
628 infraction enforcement officer. In addition, a violation of s.  
629 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
630 stop at a traffic signal and when enforced by a traffic  
631 infraction enforcement officer may not be used for purposes of  
632 setting motor vehicle insurance rates.

633         7. Unlawfully driving a vehicle through a railroad-highway  
634 grade crossing-6 points.

635         ~~8.7.~~ All other moving violations (including parking on a  
636 highway outside the limits of a municipality)-3 points. However,  
637 points may not be imposed for a violation of s. 316.0741 or s.  
638 316.2065(11); and points may be imposed for a violation of s.  
639 316.1001 only when imposed by the court after a hearing pursuant  
640 to s. 318.14(5).

641         ~~9.8.~~ Any moving violation covered in this paragraph,  
642 excluding unlawful speed and unlawful use of a wireless  
643 communications device, resulting in a crash-4 points.

644         ~~10.9.~~ Any conviction under s. 403.413(6)(b)-3 points.

645         ~~11.10.~~ Any conviction under s. 316.0775(2)-4 points.

646         ~~12.11.~~ A moving violation covered in this paragraph which  
647 is committed in conjunction with the unlawful use of a wireless  
648 communications device within a school safety zone-2 points, in  
649 addition to the points assigned for the moving violation.



650 Section 21. Subsection (6) of section 28.37, Florida  
651 Statutes, is amended to read:

652 28.37 Fines, fees, service charges, and costs remitted to  
653 the state.—

654 (6) Ten percent of all court-related fines collected by the  
655 clerk, except for penalties or fines distributed to counties or  
656 municipalities under s. 316.0083(1)(b)3. or s. 318.18(16)(a) ~~s.~~  
657 ~~318.18(15)(a)~~, must be deposited into the fine and forfeiture  
658 fund to be used exclusively for clerk court-related functions,  
659 as provided in s. 28.35(3)(a).

660 Section 22. Paragraph (c) of subsection (1) of section  
661 142.01, Florida Statutes, is amended to read:

662 142.01 Fine and forfeiture fund; disposition of revenue;  
663 clerk of the circuit court.—

664 (1) There shall be established by the clerk of the circuit  
665 court in each county of this state a separate fund to be known  
666 as the fine and forfeiture fund for use by the clerk of the  
667 circuit court in performing court-related functions. The fund  
668 shall consist of the following:

669 (c) Court costs pursuant to ss. 28.2402(1)(b),  
670 34.045(1)(b), 318.14(10)(b), 318.18(12)(a) ~~318.18(11)(a)~~,  
671 327.73(9)(a) and (11)(a), and 938.05(3).

672 Section 23. Subsection (4) of section 316.1951, Florida  
673 Statutes, is amended to read:

674 316.1951 Parking for certain purposes prohibited; sale of  
675 motor vehicles; prohibited acts.—

676 (4) A local government may adopt an ordinance to allow the  
677 towing of a motor vehicle parked in violation of this section. A  
678 law enforcement officer, compliance officer, code enforcement





679 officer from any local government agency, or supervisor of the  
680 department may issue a citation and cause to be immediately  
681 removed at the owner's expense any motor vehicle found in  
682 violation of subsection (1), except as provided in subsections  
683 (2) and (3), or in violation of subsection (5), subsection (6),  
684 subsection (7), or subsection (8), and the owner shall be  
685 assessed a penalty as provided in s. 318.18(22) ~~s. 318.18(21)~~ by  
686 the government agency or authority that orders immediate removal  
687 of the motor vehicle. A motor vehicle removed under this section  
688 shall not be released from an impound or towing and storage  
689 facility before a release form prescribed by the department has  
690 been completed verifying that the fine has been paid to the  
691 government agency or authority that ordered immediate removal of  
692 the motor vehicle. However, the owner may pay towing and storage  
693 charges to the towing and storage facility pursuant to s. 713.78  
694 before payment of the fine or before the release form has been  
695 completed.

696 Section 24. Subsection (4) of section 316.306, Florida  
697 Statutes, is amended to read:

698 316.306 School and work zones; prohibition on the use of a  
699 wireless communications device in a handheld manner.—

700 (4) (a) Any person who violates this section commits a  
701 noncriminal traffic infraction, punishable as a moving  
702 violation, as provided in chapter 318, and shall have 3 points  
703 assessed against his or her driver license as set forth in s.  
704 322.27(3)(d)8. ~~s. 322.27(3)(d)7.~~ For a first offense under this  
705 section, in lieu of the penalty specified in s. 318.18 and the  
706 assessment of points, a person who violates this section may  
707 elect to participate in a wireless communications device driving



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708 safety program approved by the Department of Highway Safety and  
709 Motor Vehicles. Upon completion of such program, the penalty  
710 specified in s. 318.18 and associated costs may be waived by the  
711 clerk of the court and the assessment of points must be waived.

712 (b) The clerk of the court may dismiss a case and assess  
713 court costs in accordance with s. 318.18(12)(a) ~~s. 318.18(11)(a)~~  
714 for a nonmoving traffic infraction for a person who is cited for  
715 a first time violation of this section if the person shows the  
716 clerk proof of purchase of equipment that enables his or her  
717 personal wireless communications device to be used in a hands-  
718 free manner.

719 Section 25. Subsection (7) of section 316.622, Florida  
720 Statutes, is amended to read:

721 316.622 Farm labor vehicles.—

722 (7) A violation of this section is a noncriminal traffic  
723 infraction, punishable as provided in s. 318.18(17) ~~s.~~  
724 ~~318.18(16)~~.

725 Section 26. Section 318.121, Florida Statutes, is amended  
726 to read:

727 318.121 Preemption of additional fees, fines, surcharges,  
728 and costs.—Notwithstanding any general or special law, or  
729 municipal or county ordinance, additional fees, fines,  
730 surcharges, or costs other than the court costs and surcharges  
731 assessed under s. 318.18(12), (14), (19), (20), and (23) ~~s.~~  
732 ~~318.18(11), (13), (18), (19), and (22)~~ may not be added to the  
733 civil traffic penalties assessed under this chapter.

734 Section 27. Subsections (13), (16) through (19), and (21)  
735 of section 318.21, Florida Statutes, are amended to read:

736 318.21 Disposition of civil penalties by county courts.—All



737 civil penalties received by a county court pursuant to the  
738 provisions of this chapter shall be distributed and paid monthly  
739 as follows:

740 (13) Of the proceeds from the fine under s. 318.18(16) ~~s.~~  
741 ~~318.18(15)~~, \$65 shall be remitted to the Department of Revenue  
742 for deposit into the Administrative Trust Fund of the Department  
743 of Health and the remaining \$60 shall be distributed pursuant to  
744 subsections (1) and (2).

745 (16) The proceeds from the fines described in s. 318.18(17)  
746 ~~s. 318.18(16)~~ shall be remitted to the law enforcement agency  
747 that issues the citation for a violation of s. 316.622. The  
748 funds must be used for continued education and enforcement of s.  
749 316.622 and other related safety measures contained in chapter  
750 316.

751 (17) Notwithstanding subsections (1) and (2), the proceeds  
752 from the administrative fee surcharge imposed under s.  
753 318.18(18) ~~s. 318.18(17)~~ shall be distributed as provided in  
754 that subsection. This subsection expires July 1, 2026.

755 (18) Notwithstanding subsections (1) and (2), the proceeds  
756 from the administrative fee imposed under s. 318.18(19) ~~s.~~  
757 ~~318.18(18)~~ shall be distributed as provided in that subsection.

758 (19) Notwithstanding subsections (1) and (2), the proceeds  
759 from the fees Article V assessment imposed under s. 318.18(20)  
760 ~~s. 318.18(19)~~ shall be distributed as provided in that  
761 subsection.

762 (21) Notwithstanding subsections (1) and (2), the proceeds  
763 from the additional penalties imposed pursuant to s.  
764 318.18(5)(c) and (21) ~~(20)~~ shall be distributed as provided in  
765 that section.



766 Section 28. Subsection (1) of section 395.4036, Florida  
767 Statutes, is amended to read:

768 395.4036 Trauma payments.—

769 (1) Recognizing the Legislature's stated intent to provide  
770 financial support to the current verified trauma centers and to  
771 provide incentives for the establishment of additional trauma  
772 centers as part of a system of state-sponsored trauma centers,  
773 the department shall utilize funds collected under s. 318.18 and  
774 deposited into the Emergency Medical Services Trust Fund of the  
775 department to ensure the availability and accessibility of  
776 trauma services throughout the state as provided in this  
777 subsection.

778 (a) Funds collected under s. 318.18(16) ~~s. 318.18(15)~~ shall  
779 be distributed as follows:

780 1. Twenty percent of the total funds collected during the  
781 state fiscal year shall be distributed to verified trauma  
782 centers that have a local funding contribution as of December  
783 31. Distribution of funds under this subparagraph shall be based  
784 on trauma caseload volume for the most recent calendar year  
785 available.

786 2. Forty percent of the total funds collected shall be  
787 distributed to verified trauma centers based on trauma caseload  
788 volume for the most recent calendar year available. The  
789 determination of caseload volume for distribution of funds under  
790 this subparagraph shall be based on the hospital discharge data  
791 for patients who meet the criteria for classification as a  
792 trauma patient reported by each trauma center pursuant to s.  
793 408.061.

794 3. Forty percent of the total funds collected shall be



795 distributed to verified trauma centers based on severity of  
796 trauma patients for the most recent calendar year available. The  
797 determination of severity for distribution of funds under this  
798 subparagraph shall be based on the department's International  
799 Classification Injury Severity Scores or another statistically  
800 valid and scientifically accepted method of stratifying a trauma  
801 patient's severity of injury, risk of mortality, and resource  
802 consumption as adopted by the department by rule, weighted based  
803 on the costs associated with and incurred by the trauma center  
804 in treating trauma patients. The weighting of scores shall be  
805 established by the department by rule.

806 (b) Funds collected under s. 318.18(5)(c) and (21) ~~(20)~~  
807 shall be distributed as follows:

808 1. Thirty percent of the total funds collected shall be  
809 distributed to Level II trauma centers operated by a public  
810 hospital governed by an elected board of directors as of  
811 December 31, 2008.

812 2. Thirty-five percent of the total funds collected shall  
813 be distributed to verified trauma centers based on trauma  
814 caseload volume for the most recent calendar year available. The  
815 determination of caseload volume for distribution of funds under  
816 this subparagraph shall be based on the hospital discharge data  
817 for patients who meet the criteria for classification as a  
818 trauma patient reported by each trauma center pursuant to s.  
819 408.061.

820 3. Thirty-five percent of the total funds collected shall  
821 be distributed to verified trauma centers based on severity of  
822 trauma patients for the most recent calendar year available. The  
823 determination of severity for distribution of funds under this



824 subparagraph shall be based on the department's International  
825 Classification Injury Severity Scores or another statistically  
826 valid and scientifically accepted method of stratifying a trauma  
827 patient's severity of injury, risk of mortality, and resource  
828 consumption as adopted by the department by rule, weighted based  
829 on the costs associated with and incurred by the trauma center  
830 in treating trauma patients. The weighting of scores shall be  
831 established by the department by rule.

832 Section 29. This act shall take effect July 1, 2024.

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

834 And the title is amended as follows:

835 Delete everything before the enacting clause  
836 and insert:

837 A bill to be entitled  
838 An act relating to the Department of Transportation;  
839 amending s. 20.23, F.S.; removing the requirement that  
840 the Secretary of Transportation be nominated by the  
841 Florida Transportation Commission; revising the list  
842 of areas of program responsibility within the  
843 Department of Transportation; deleting the requirement  
844 that the secretary of the department appoint the  
845 department's inspector general and that he or she be  
846 directly responsible to the secretary; amending s.  
847 311.101, F.S.; requiring that a specified amount of  
848 recurring funds from the State Transportation Trust  
849 Fund be made available for the Intermodal Logistics  
850 Center Infrastructure Support Program; requiring the  
851 department to include specified projects in its  
852 tentative work program; amending s. 333.03, F.S.;



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853 revising requirements for the adoption of airport land  
854 use compatibility zoning regulations; amending s.  
855 334.046, F.S.; revising provisions relating to the  
856 department's mission, goals, and objectives; creating  
857 s. 334.61, F.S.; requiring governmental entities that  
858 propose certain projects to conduct a traffic study;  
859 requiring the governmental entity to give notice of a  
860 decision to continue with the design phase of a  
861 project to property owners, impacted municipalities,  
862 and counties affected by such projects within a  
863 specified timeframe; providing notice requirements;  
864 requiring such governmental entities to hold a public  
865 meeting, with a specified period of prior notice,  
866 before completion of the design phase of such  
867 projects; providing requirements for such public  
868 meetings; requiring such governmental entities to  
869 review and take into consideration comments and  
870 alternatives presented in public meetings in the final  
871 project design; amending s. 338.231, F.S.; revising  
872 the length of time before which an inactive prepaid  
873 toll account becomes unclaimed property; amending s.  
874 338.26, F.S.; providing that a specified interlocal  
875 agreement related to the Alligator Alley toll road  
876 controls the use of certain State Transportation Trust  
877 Fund moneys until the local governmental entity and  
878 the department enter into a new agreement or agree to  
879 extend the existing agreement; limiting the amount of  
880 reimbursement for the 2024-2025 fiscal year; requiring  
881 the local governmental entity, by a specified date and



882 at specified intervals thereafter, to provide a  
883 maintenance and operations comprehensive plan to the  
884 department; providing requirements for the  
885 comprehensive plan; requiring the local governmental  
886 entity and the department to review and adopt the  
887 comprehensive plan as part of the interlocal  
888 agreement; requiring the department, in accordance  
889 with certain projections, to include the corresponding  
890 funding needs in the department's work program;  
891 requiring the local governmental entity to include  
892 such needs in its capital comprehensive plan and  
893 appropriate fiscal year budget; requiring that  
894 ownership and title of certain equipment purchased  
895 with state funds and used at a specified fire station  
896 during the term of the interlocal agreement transfer  
897 to the state at the end of the term of the agreement;  
898 amending s. 339.08, F.S.; prohibiting the department  
899 from expending state funds to support a project or  
900 program of specified entities; requiring the  
901 department to withhold state funds until such entities  
902 are in compliance with a specified provision; amending  
903 s. 339.0803, F.S.; prioritizing availability of  
904 certain revenues deposited into the State  
905 Transportation Trust Fund for payments under service  
906 contracts with the Florida Department of  
907 Transportation Financing Corporation to fund arterial  
908 highway projects; providing that two or more such  
909 projects may be treated as a single project for  
910 certain purposes; amending s. 339.0809, F.S.;





911 specifying availability of funds appropriated for  
912 payments under a service contract with the  
913 corporation; authorizing the department to enter into  
914 service contracts to finance certain projects;  
915 providing requirements for annual service contract  
916 payments; requiring the department, before execution  
917 of a service contract, to ensure that annual payments  
918 are programmed for the life of the contract and to  
919 ensure that they remain programmed until fully paid;  
920 authorizing the department to retain interest earnings  
921 on specified appropriations; requiring such interest  
922 earnings to be spent on specified projects; amending  
923 s. 339.2818, F.S.; authorizing, subject to  
924 appropriation, a local government within a specified  
925 area to compete for funding using specified criteria  
926 on specified roads; providing an exception; amending  
927 s. 341.051, F.S.; providing voting and meeting notice  
928 requirements for specified public transit projects;  
929 providing meeting notice requirements for discussion  
930 of specified actions by a public transit provider;  
931 requiring that certain unallocated funds for the New  
932 Starts Transit Program be reallocated for the purpose  
933 of the Strategic Intermodal System; providing for  
934 expiration of the reallocation; prohibiting, as a  
935 condition of receiving state funds, public transit  
936 providers from expending such funds for specified  
937 marketing or advertising activities; requiring the  
938 department to incorporate certain guidelines in the  
939 public transportation grant agreement entered into



940 with each public transit provider; prohibiting certain  
941 wraps, tinting, paint, media, or advertisements on  
942 passenger windows of public transit provider vehicles  
943 from being darker than certain window tinting  
944 requirements; amending s. 341.071, F.S.; defining  
945 terms; beginning on a specified date and annually  
946 thereafter, requiring each public transit provider to  
947 take specified actions during a publicly noticed  
948 meeting; requiring that a certain disclosure be posted  
949 on public transit providers' websites; requiring the  
950 department to determine the annual state average of  
951 general administrative costs; authorizing certain  
952 costs to be excluded from such annual state average;  
953 requiring a specified increase in general  
954 administrative costs to be reviewed and approved by  
955 certain entities; amending s. 341.822, F.S.; revising  
956 the powers of the Florida Rail Enterprise; amending s.  
957 768.1382, F.S.; revising the definition of the term  
958 "streetlight provider"; amending s. 316.1575, F.S.;  
959 revising provisions requiring a person approaching a  
960 railroad-highway grade crossing to stop within a  
961 certain distance from the nearest rail; revising  
962 penalties; amending s. 316.1576, F.S.; revising  
963 circumstances under which a person is prohibited from  
964 driving a vehicle through a railroad-highway grade  
965 crossing; revising penalties; amending s. 318.18,  
966 F.S.; revising the penalties for certain offenses;  
967 amending s. 322.27, F.S.; revising the point system  
968 for convictions for violations of motor vehicle laws



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969 and ordinances; amending ss. 28.37, 142.01, 316.1951,  
970 316.306, 316.622, 318.121, 318.21, and 395.4036, F.S.;  
971 conforming cross-references; conforming provisions to  
972 changes made by the act; providing an effective date.