

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 20.23, F.S.; removing provisions requiring
4 the secretary of the Department of Transportation to
5 appoint an inspector general; amending s. 334.044,
6 F.S.; revising requirements for the allocation of
7 funds by the department for the purchase of plant
8 materials; amending s. 338.2216, F.S.; authorizing the
9 department to contract with certain financial
10 institutions for the acceptance and processing of
11 electronic payments to the Florida Turnpike
12 Enterprise; providing applicability; amending s.
13 338.231, F.S.; revising the time period for which a
14 prepaid toll account must remain inactive in order to
15 be presumed unclaimed; amending s. 339.08, F.S.;
16 prohibiting the department from expending certain
17 state funds to support certain projects or programs;
18 amending s. 339.0803, F.S.; prioritizing availability
19 of certain revenues deposited into the State
20 Transportation Trust Fund for payments under service
21 contracts with the Florida Department of
22 Transportation Financing Corporation to fund arterial
23 highway projects; authorizing two or more of such
24 projects to be treated as a single project for certain
25 purposes; amending s. 339.0809, F.S.; specifying

26 | priority of availability of funds appropriated for
27 | payments under a service contract with the
28 | corporation; authorizing the department to enter into
29 | service contracts to finance projects identified in
30 | the Moving Florida Forward Infrastructure Initiative;
31 | providing requirements for annual service contract
32 | payments; amending s. 339.155, F.S.; defining the term
33 | "nonpecuniary factor"; prohibiting the department from
34 | considering certain nonpecuniary factors when
35 | developing transportation plans; requiring
36 | consideration of certain pecuniary factors; providing
37 | applicability; creating s. 339.652, F.S.; creating the
38 | Supply Chain Innovation Grant Program within the
39 | Department of Commerce; providing the purpose of the
40 | program; requiring the Department of Commerce and the
41 | Department of Transportation to consider applications
42 | and select grant awardees; requiring each award made
43 | for vertiport development to be matched by nonstate
44 | funds; defining the term "vertiport"; authorizing the
45 | departments to adopt rules; amending s. 341.051, F.S.;
46 | requiring funds appropriated from the State
47 | Transportation Trust Fund for the New Starts Transit
48 | Program to revert to the trust fund under certain
49 | circumstances; amending s. 341.071, F.S.; defining the
50 | terms "administrative costs" and "public transit

51 provider"; requiring each public transit provider to
 52 annually certify that its administrative costs do not
 53 exceed the annual state average of administrative
 54 costs by more than a certain percentage; specifying
 55 the method by which the Department of Transportation
 56 is required to determine such state average; creating
 57 s. 341.072, F.S.; prohibiting a public transit
 58 provider from expending certain state funds for
 59 certain marketing or advertising activities;
 60 prohibiting certain media on passenger windows of
 61 public transit provider vehicles to be darker than
 62 certain window tinting requirements; providing an
 63 effective date.

64
 65 Be It Enacted by the Legislature of the State of Florida:

66
 67 Section 1. Paragraph (d) of subsection (3) of section
 68 20.23, Florida Statutes, is amended to read:

69 20.23 Department of Transportation.—There is created a
 70 Department of Transportation which shall be a decentralized
 71 agency.

72 (3)

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

76 Section 2. Subsection (26) of section 334.044, Florida
 77 Statutes, is amended to read:

78 334.044 Powers and duties of the department.—The
 79 department shall have the following general powers and duties:

80 (26) To provide for the enhancement of environmental
 81 benefits, including air and water quality; to prevent roadside
 82 erosion; to conserve the natural roadside growth and scenery;
 83 and to provide for the implementation and maintenance of
 84 roadside conservation, enhancement, and stabilization programs.
 85 To accomplish these activities, the department may contract with
 86 nonprofit organizations having the primary purpose of developing
 87 youth employment opportunities.

88 (a) A percentage ~~At least 1.5 percent~~ of the amount
 89 contracted for construction projects shall be allocated by the
 90 department on a statewide basis as follows for the purchase of
 91 plant materials:

92 1. For projects contracted for up to \$50 million: 1.5
 93 percent.

94 2. For projects contracted for \$50,000,001 through \$100
 95 million: 1 percent.

96 3. For projects contracted for \$100,000,001 through \$250
 97 million: 0.75 percent.

98 4. For projects contracted for \$250,000,001 through \$500
 99 million: 0.5 percent.

100 5. For projects contracted for \$500,000,001 or more, 0

101 percent.

102 (b) Department districts may not expend funds for
 103 landscaping in connection with any project that is limited to
 104 resurfacing existing lanes unless the expenditure has been
 105 approved by the department's secretary or the secretary's
 106 designee.

107 (c) To the greatest extent practical, at least 50 percent
 108 of the funds allocated under this subsection shall be allocated
 109 for large plant materials and the remaining funds for other
 110 plant materials. Except as prohibited by applicable federal law
 111 or regulation, all plant materials shall be purchased from
 112 Florida commercial nursery stock in this state on a uniform
 113 competitive bid basis. The department shall develop grades and
 114 standards for landscaping materials purchased through this
 115 process. ~~To accomplish these activities, the department may~~
 116 ~~contract with nonprofit organizations having the primary purpose~~
 117 ~~of developing youth employment opportunities.~~

118 Section 3. Subsection (2) of section 338.2216, Florida
 119 Statutes, is amended to read:

120 338.2216 Florida Turnpike Enterprise; powers and
 121 authority.—

122 (2) The department may ~~shall have the authority to~~ employ
 123 procurement methods available to the Department of Management
 124 Services under chapters 255 and 287 and under any rule adopted
 125 under such chapters solely for the benefit of the turnpike

126 enterprise. Notwithstanding any other provision of law to the
 127 contrary, the department may procure and establish contracts, in
 128 a manner consistent with chapter 287, with one or more financial
 129 institutions, credit card companies, or other entities for the
 130 acceptance and processing of credit cards, charge cards, debit
 131 cards, electronic funds transfers, or any other means of
 132 electronic payment for the collection of amounts to which the
 133 turnpike enterprise is entitled. Section 215.322 does not apply
 134 to electronic payment services procured under this section.

135 Section 4. Paragraph (c) of subsection (3) of section
 136 338.231, Florida Statutes, is amended to read:

137 338.231 Turnpike tolls, fixing; pledge of tolls and other
 138 revenues.—The department shall at all times fix, adjust, charge,
 139 and collect such tolls and amounts for the use of the turnpike
 140 system as are required in order to provide a fund sufficient
 141 with other revenues of the turnpike system to pay the cost of
 142 maintaining, improving, repairing, and operating such turnpike
 143 system; to pay the principal of and interest on all bonds issued
 144 to finance or refinance any portion of the turnpike system as
 145 the same become due and payable; and to create reserves for all
 146 such purposes.

147 (3)

148 (c) Notwithstanding any other provision of law to the
 149 contrary, a ~~any~~ prepaid toll account of any kind which has
 150 remained inactive for 10 ~~3~~ years shall be presumed unclaimed,

151 ~~and its disposition shall be handled by~~ the Department of
 152 Financial Services shall handle the disposition of the account
 153 in accordance with all applicable provisions of chapter 717
 154 relating to the disposition of unclaimed property, and the
 155 department shall close the ~~prepaid toll account shall be closed~~
 156 ~~by the department.~~

157 Section 5. Subsection (5) is added to section 339.08,
 158 Florida Statutes, to read:

159 339.08 Use of moneys in State Transportation Trust Fund.—

160 (5) (a) The department may not expend any state funds as
 161 described in s. 215.31 to support a project or program of:

- 162 1. A public transit provider as defined in s. 341.031(1);
- 163 2. An authority created pursuant to chapter 343, chapter
 164 348, or chapter 349;
- 165 3. A public-use airport as defined in s. 332.004; or
- 166 4. A port enumerated in s. 311.09(1)

167
 168 which is found in violation of s. 381.00316. The department
 169 shall withhold state funds until the public transit provider,
 170 authority, public-use airport, or port is found in compliance
 171 with s. 381.00316.

172 (b) The department may not expend any state funds as
 173 described in s. 215.31 to support a project or program of:

- 174 1. A public transit provider as defined in s. 341.031(1);
- 175 2. An authority created pursuant to chapter 343, chapter

176 348, or chapter 349;
 177 3. A public-use airport as defined in s. 332.004; or
 178 4. A port enumerated in s. 311.09(1)
 179
 180 which is found advertising, enforcing, promoting, or displaying
 181 a recommendation, requirement, or mandate relating to COVID-19
 182 or any variant thereof which is produced, recommended, or
 183 enacted by the Centers for Disease Control and Prevention, the
 184 United States Department of Health and Human Services, the
 185 Transportation Security Administration, the United States
 186 Department of Transportation and any operating administration
 187 thereof, or any other governmental entity. The department shall
 188 withhold state funds until the public transit provider,
 189 authority, public-use airport, or port is found no longer
 190 advertising, enforcing, promoting, or displaying such
 191 recommendation, requirement, or mandate.

192 Section 6. Section 339.0803, Florida Statutes, is amended
 193 to read:

194 339.0803 Allocation of increased revenues derived from
 195 amendments to s. 320.08 by ch. 2019-43.—

196 (1) Beginning in the 2021-2022 fiscal year and each fiscal
 197 year thereafter, funds that result from increased revenues to
 198 the State Transportation Trust Fund derived from the amendments
 199 to s. 320.08 made by chapter 2019-43, Laws of Florida, and
 200 deposited into the fund pursuant to s. 320.20(5)(a) must be used

201 to fund arterial highway projects identified by the department
 202 in accordance with s. 339.65 and may be used for projects as
 203 specified in ss. 339.66 and 339.67. For purposes of the funding
 204 provided in this section, the department shall prioritize use of
 205 existing facilities or portions thereof when upgrading arterial
 206 highways to limited or controlled access facilities. However,
 207 this section does not preclude use of the funding for projects
 208 that enhance the capacity of an arterial highway. The funds
 209 allocated as provided in this section shall be in addition to
 210 any other statutory funding allocations provided by law.

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

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

221 339.0809 Florida Department of Transportation Financing
 222 Corporation.—

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

226 service or other amounts payable with respect to debt
 227 obligations, plus any administrative expenses of the Florida
 228 Department of Transportation Financing Corporation. Funds
 229 appropriated for payments under a service contract shall be
 230 available after funds pledged to payment on bonds but before
 231 other statutorily required distributions.

232 (b) For the purposes of this subsection, the department
 233 may enter into a service contract to finance those 20 projects
 234 identified in the Moving Florida Forward Infrastructure
 235 Initiative in the work program. Service contract payments may
 236 not exceed 7 percent of the funds deposited in the State
 237 Transportation Trust Fund in each fiscal year. The annual
 238 payments under such service contract shall be included in the
 239 department's tentative work program and legislative budget
 240 request developed under s. 339.135. The department shall ensure
 241 that the annual payments are programmed for the life of the
 242 service contract before execution of the service contract and
 243 shall remain programmed until fully paid.

244 Section 8. Subsection (6) is added to section 339.155,
 245 Florida Statutes, to read:

246 339.155 Transportation planning.—

247 (6) PROHIBITION ON ENVIRONMENTAL, SOCIAL, AND GOVERNANCE
 248 CONSIDERATIONS IN TRANSPORTATION PLANNING.—As used in this
 249 subsection, the term "nonpecuniary factor" means environmental,
 250 social, and corporate governance (ESG) interests; social

251 governance standards, benchmarks, and requirements, including,
252 but not limited to, environmental or social justice; any
253 initiative, action, framework, or target that advances or
254 implements the goals of the Paris Agreement, defined as the
255 resolution adopted by the United Nations Framework Convention on
256 Climate Change's 21st Conference of Parties in Paris, France; or
257 any similar initiative adopted by the Federal Government or any
258 agency thereof to achieve net zero emissions of carbon dioxide.

259 (a) Notwithstanding any other law to the contrary, when
260 developing plans outlined in this section, the department may
261 not consider any nonpecuniary social, political, or ideological
262 factor. Rather, the department shall consider pecuniary factors
263 including, but not limited to, the material effects on the risk
264 or return of an investment, mitigation against natural hazards,
265 and long-term financial viability.

266 (b) The requirements of this subsection also apply to all
267 metropolitan planning organizations subject to s. 339.175.

268 Section 9. Section 339.652, Florida Statutes, is created
269 to read:

270 339.652 Supply Chain Innovation Grant Program.—

271 (1) There is created the Supply Chain Innovation Grant
272 Program within the Department of Commerce. Subject to
273 appropriation by the Legislature and in collaboration with the
274 Department of Transportation, the Department of Commerce shall
275 annually consider applications submitted under the program by

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276 ports listed in s. 311.09(1); class I, II, or III freight
277 railroads; public airports as defined in s. 330.27, and
278 intermodal logistics centers or inland ports as defined in s.
279 311.101(2) to fund proposed projects that increase efficiency or
280 demonstrably reduce traffic congestion in the delivery of goods;
281 increase fuel storage and distribution loading rack capacity; or
282 otherwise expand fuel capacity in this state. The Department of
283 Commerce and the Department of Transportation shall also
284 consider applications for funding submitted by public and
285 private entities seeking to develop and establish vertiports in
286 this state. Each award made for vertiport development shall be
287 matched dollar-for-dollar by nonstate funds. For purposes of
288 this subsection, the term "vertiport" means a system or
289 infrastructure with supporting services and equipment used for
290 landing, ground handling, and takeoff of manned or unmanned
291 vertical takeoff and landing (VTOL) aircraft.

292 (2) Awardees under this program shall be selected jointly
293 by the Department of Transportation and the Department of
294 Commerce, and grants awarded under this program shall be
295 administered by the Department of Commerce. The Department of
296 Transportation and the Department of Commerce may adopt rules to
297 implement this section.

298 Section 10. Subsection (6) of section 341.051, Florida
299 Statutes, is amended to read:

300 341.051 Administration and financing of public transit and

301 intercity bus service programs and projects.—

302 (6) ANNUAL APPROPRIATION.—Funds paid into the State
 303 Transportation Trust Fund pursuant to s. 201.15 for the New
 304 Starts Transit Program are hereby annually appropriated for
 305 expenditure to support the New Starts Transit Program. If no
 306 funds are allocated to projects that qualify for the New Starts
 307 Transit Program by June 30 of the current fiscal year, such
 308 funds shall revert and are appropriated to the State
 309 Transportation Trust Fund.

310
 311 For purposes of this section, the term "net operating costs"
 312 means all operating costs of a project less any federal funds,
 313 fares, or other sources of income to the project.

314 Section 11. Subsection (4) is added to section 341.071,
 315 Florida Statutes, to read:

316 341.071 Transit productivity and performance measures;
 317 reports.—

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

319 1. "Administrative costs" includes, but is not limited to,
 320 employee salaries and benefits, small business outreach,
 321 insurance, professional service contracts not directly related
 322 to the operation and maintenance of a transit system, and other
 323 overhead costs.

324 2. "Public transit provider" means a public agency
 325 providing public transit service, including an authority created

326 pursuant to chapter 343 or chapter 349.

327 (b) Each public transit provider, during a publicly
328 noticed meeting, shall annually certify that its budgeted and
329 actual administrative costs are not greater than 10 percent
330 above the annual state average of administrative costs.

331 (c) To support compliance with paragraph (b), the
332 department shall determine the annual state average of
333 administrative costs by calculating the annual administrative
334 costs of all the public transit providers in this state.

335 Section 12. Section 341.072, Florida Statutes, is created
336 to read:

337 341.072 Prohibited use of state funds by public transit
338 providers.—

339 (1) A public transit provider may not expend state funds
340 as described in s. 215.31 directly, indirectly, or through a
341 grant or agreement, for any of the following marketing or
342 advertising activities:

343 (a) A marketing or public awareness campaign, whether
344 through a digital or print medium, including the use of any
345 wrap, tinting, or paint on a bus, commercial motor vehicle, or
346 motor vehicle, as those terms are defined in s. 316.003, in
347 support of any social, political, or ideological interest.

348 (b) Use of an asset owned or funded by a public transit
349 provider, including an existing or future asset, which displays,
350 contains, or markets, whether through a digital or print medium,

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351 any social, political, or ideological interest.

352 (2) The activities prohibited in subsection (1) include
353 the promotion of environmental, social, and corporate governance
354 (ESG) interests or any campaign related to environmental or
355 social justice causes. This section does not apply to the
356 acknowledgement of recognized holidays under s. 110.117.

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

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