

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; providing selection  
43 | criteria; requiring each award made for vertiport  
44 | development to be matched by nonstate funds; defining  
45 | the term "vertiport"; authorizing the departments to  
46 | adopt rules; requiring a biennial report to the  
47 | Governor and Legislature; amending s. 341.051, F.S.;  
48 | requiring funds appropriated from the State  
49 | Transportation Trust Fund for the New Starts Transit  
50 | Program to revert to the trust fund under certain

51 | circumstances; amending s. 341.071, F.S.; defining the  
 52 | terms "administrative costs" and "public transit  
 53 | provider"; requiring each public transit provider to  
 54 | annually certify that its administrative costs do not  
 55 | exceed the annual state average of administrative  
 56 | costs by more than a certain percentage; specifying  
 57 | the method by which the Department of Transportation  
 58 | is required to determine such state average; creating  
 59 | s. 341.072, F.S.; prohibiting a public transit  
 60 | provider from expending certain state funds for  
 61 | certain marketing or advertising activities;  
 62 | prohibiting certain media on passenger windows of  
 63 | public transit provider vehicles to be darker than  
 64 | certain window tinting requirements; providing an  
 65 | effective date.

66 |  
 67 | Be It Enacted by the Legislature of the State of Florida:

68 |  
 69 | Section 1. Paragraph (d) of subsection (3) of section  
 70 | 20.23, Florida Statutes, is amended to read:

71 | 20.23 Department of Transportation.—There is created a  
 72 | Department of Transportation which shall be a decentralized  
 73 | agency.

74 | (3)

75 | ~~(d) The secretary shall appoint an inspector general~~

76 ~~pursuant to s. 20.055 who shall be directly responsible to the~~  
 77 ~~secretary and shall serve at the pleasure of the secretary.~~

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

80 334.044 Powers and duties of the department.—The  
 81 department shall have the following general powers and duties:

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

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

94 1. For projects contracted for up to \$50 million: 1.5  
 95 percent.

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

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

100 4. For projects contracted for \$250,000,001 through \$500

101 million: 0.5 percent.

102 5. For projects contracted for \$500,000,001 or more, 0  
 103 percent.

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

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

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

122 338.2216 Florida Turnpike Enterprise; powers and  
 123 authority.—

124 (2) The department may ~~shall have the authority to~~ employ  
 125 procurement methods available to the Department of Management

126 Services under chapters 255 and 287 and under any rule adopted  
 127 under such chapters solely for the benefit of the turnpike  
 128 enterprise. Notwithstanding any other provision of law to the  
 129 contrary, the department may procure and establish contracts, in  
 130 a manner consistent with chapter 287, with one or more financial  
 131 institutions, credit card companies, or other entities for the  
 132 acceptance and processing of credit cards, charge cards, debit  
 133 cards, electronic funds transfers, or any other means of  
 134 electronic payment for the collection of amounts to which the  
 135 turnpike enterprise is entitled. Section 215.322 does not apply  
 136 to electronic payment services procured under this section.

137 Section 4. Paragraph (c) of subsection (3) of section  
 138 338.231, Florida Statutes, is amended to read:

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

149 (3)

150 (c) Notwithstanding any other provision of law to the

CS/HB 1301

2024

151 contrary, ~~a any~~ prepaid toll account of any kind which has  
152 remained inactive for 10 ~~3~~ years shall be presumed unclaimed,  
153 ~~and its disposition shall be handled by~~ the Department of  
154 Financial Services shall handle the disposition of the account  
155 in accordance with all applicable provisions of chapter 717  
156 relating to the disposition of unclaimed property, and the  
157 department shall close the ~~prepaid toll account shall be closed~~  
158 ~~by the department.~~

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

161 339.08 Use of moneys in State Transportation Trust Fund.—

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

164 1. A public transit provider as defined in s. 341.031(1);

165 2. An authority created pursuant to chapter 343, chapter  
166 348, or chapter 349;

167 3. A public-use airport as defined in s. 332.004; or

168 4. A port enumerated in s. 311.09(1)

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

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

- 176        1. A public transit provider as defined in s. 341.031(1);
- 177        2. An authority created pursuant to chapter 343, chapter
- 178 348, or chapter 349;
- 179        3. A public-use airport as defined in s. 332.004; or
- 180        4. A port enumerated in s. 311.09(1)

181

182 which is found advertising, enforcing, promoting, or displaying

183 a recommendation, requirement, or mandate relating to COVID-19

184 or any variant thereof which is produced, recommended, or

185 enacted by the Centers for Disease Control and Prevention, the

186 United States Department of Health and Human Services, the

187 Transportation Security Administration, the United States

188 Department of Transportation and any operating administration

189 thereof, or any other governmental entity. The department shall

190 withhold state funds until the public transit provider,

191 authority, public-use airport, or port is found no longer

192 advertising, enforcing, promoting, or displaying such

193 recommendation, requirement, or mandate.

194        Section 6. Section 339.0803, Florida Statutes, is amended

195 to read:

196        339.0803 Allocation of increased revenues derived from

197 amendments to s. 320.08 by ch. 2019-43.—

198        (1) Beginning in the 2021-2022 fiscal year and each fiscal

199 year thereafter, funds that result from increased revenues to

200 the State Transportation Trust Fund derived from the amendments



201 to s. 320.08 made by chapter 2019-43, Laws of Florida, and  
 202 deposited into the fund pursuant to s. 320.20(5)(a) must be used  
 203 to fund arterial highway projects identified by the department  
 204 in accordance with s. 339.65 and may be used for projects as  
 205 specified in ss. 339.66 and 339.67. For purposes of the funding  
 206 provided in this section, the department shall prioritize use of  
 207 existing facilities or portions thereof when upgrading arterial  
 208 highways to limited or controlled access facilities. However,  
 209 this section does not preclude use of the funding for projects  
 210 that enhance the capacity of an arterial highway. The funds  
 211 allocated as provided in this section shall be in addition to  
 212 any other statutory funding allocations provided by law.

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

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

223 339.0809 Florida Department of Transportation Financing  
 224 Corporation.—

225 (13) (a) The department may enter into a service contract

226 | in conjunction with the issuance of debt obligations as provided  
 227 | in this section which provides for periodic payments for debt  
 228 | service or other amounts payable with respect to debt  
 229 | obligations, plus any administrative expenses of the Florida  
 230 | Department of Transportation Financing Corporation. Funds  
 231 | appropriated for payments under a service contract shall be  
 232 | available after funds pledged to payment on bonds but before  
 233 | other statutorily required distributions.

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

246 |       Section 8. Subsection (6) is added to section 339.155,  
 247 | Florida Statutes, to read:

248 |       339.155 Transportation planning.—

249 |       (6) PROHIBITION ON ENVIRONMENTAL, SOCIAL, AND GOVERNANCE  
 250 | CONSIDERATIONS IN TRANSPORTATION PLANNING.—As used in this

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

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

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

270 Section 9. Section 339.652, Florida Statutes, is created  
271 to read:

272 339.652 Supply Chain Innovation Grant Program.—

273 (1)(a) There is created the Supply Chain Innovation Grant  
274 Program within the Department of Commerce. Subject to  
275 appropriation by the Legislature and in collaboration with the

276 Department of Transportation, the Department of Commerce shall  
277 annually consider applications submitted under the program by  
278 ports listed in s. 311.09(1); class I, II, or III freight  
279 railroads; public airports as defined in s. 330.27; and  
280 intermodal logistics centers or inland ports as defined in s.  
281 311.101(2) to fund proposed projects that support supply chain  
282 innovation. Project selection shall be based on projects that  
283 create strategic investments in infrastructure to increase  
284 capacity and address freight mobility to meet the economic  
285 development goals of the state. Project criteria shall include  
286 consideration of:

287 1. Consistency with plans and studies produced by the  
288 Department of Commerce and the Department of Transportation.

289 2. Projects that directly increase efficiency in the  
290 delivery of goods.

291 3. Improved freight mobility access while reducing  
292 congestion, including, but not limited to, overnight truck  
293 parking at rest areas, weigh stations, and intermodal logistics  
294 centers.

295 4. Increased fuel storage capacity and reliable  
296 distribution across the state, including, but not limited to,  
297 alternative fuel.

298 5. Securing a sustainable logistics transportation network  
299 throughout this state.

300 6. Developing connections to multimodal transportation

301 systems.

302 7. Addressing emerging supply chain and transportation  
303 industry challenges.

304 (b) The Department of Commerce and the Department of  
305 Transportation shall also consider applications for funding  
306 submitted by public and private entities seeking to develop and  
307 establish vertiports in this state. Each award made for  
308 vertiport development shall be matched dollar-for-dollar by  
309 nonstate funds. For purposes of this subsection, the term  
310 "vertiport" means a system or infrastructure with supporting  
311 services and equipment used for landing, ground handling, and  
312 takeoff of manned or unmanned vertical takeoff and landing  
313 (VTOL) aircraft.

314 (2) Awardees under this program shall be selected jointly  
315 by the Department of Transportation and the Department of  
316 Commerce, and grants awarded under this program shall be  
317 administered by the Department of Commerce. The Department of  
318 Transportation and the Department of Commerce may adopt rules to  
319 implement this section.

320 (3) The Department of Commerce, in conjunction with the  
321 Department of Transportation, shall generate a Supply Chain  
322 Innovation Grant Program report that shall include a list of  
323 each Supply Chain Innovation Grant Program project awarded and  
324 the benefit of each project toward meeting the Supply Chain  
325 Innovation Grant Program goals and objectives. The Department of

326 Commerce must provide the report to the Governor, the President  
 327 of the Senate, and the Speaker of the House of Representatives  
 328 by October 1, 2025, and biennially thereafter.

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

331 341.051 Administration and financing of public transit and  
 332 intercity bus service programs and projects.—

333 (6) ANNUAL APPROPRIATION.—Funds paid into the State  
 334 Transportation Trust Fund pursuant to s. 201.15 for the New  
 335 Starts Transit Program are hereby annually appropriated for  
 336 expenditure to support the New Starts Transit Program. If no  
 337 funds are allocated to projects that qualify for the New Starts  
 338 Transit Program by June 30 of the current fiscal year, such  
 339 funds shall revert and are appropriated to the State  
 340 Transportation Trust Fund.

341  
 342 For purposes of this section, the term "net operating costs"  
 343 means all operating costs of a project less any federal funds,  
 344 fares, or other sources of income to the project.

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

347 341.071 Transit productivity and performance measures;  
 348 reports.—

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

350 1. "Administrative costs" includes, but is not limited to,

351 employee salaries and benefits, small business outreach,  
352 insurance, professional service contracts not directly related  
353 to the operation and maintenance of a transit system, and other  
354 overhead costs.

355 2. "Public transit provider" means a public agency  
356 providing public transit service, including an authority created  
357 pursuant to chapter 343 or chapter 349.

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

362 (c) To support compliance with paragraph (b), the  
363 department shall determine the annual state average of  
364 administrative costs by calculating the annual administrative  
365 costs of all the public transit providers in this state.

366 Section 12. Section 341.072, Florida Statutes, is created  
367 to read:

368 341.072 Prohibited use of state funds by public transit  
369 providers.—

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

374 (a) A marketing or public awareness campaign, whether  
375 through a digital or print medium, including the use of any

376 wrap, tinting, or paint on a bus, commercial motor vehicle, or  
377 motor vehicle, as those terms are defined in s. 316.003, in  
378 support of any social, political, or ideological interest.

379 (b) Use of an asset owned or funded by a public transit  
380 provider, including an existing or future asset, which displays,  
381 contains, or markets, whether through a digital or print medium,  
382 any social, political, or ideological interest.

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

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

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