

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. 338.2216,
6 F.S.; authorizing the department to contract with
7 certain financial institutions for the acceptance and
8 processing of electronic payments to the Florida
9 Turnpike Enterprise; providing applicability; amending
10 s. 338.231, F.S.; revising the time period for which a
11 prepaid toll account must remain inactive in order to
12 be presumed unclaimed; amending s. 339.08, F.S.;
13 prohibiting the department from expending certain
14 state funds to support certain projects or programs;
15 amending s. 339.0803, F.S.; prioritizing availability
16 of certain revenues deposited into the State
17 Transportation Trust Fund for payments under service
18 contracts with the Florida Department of
19 Transportation Financing Corporation to fund arterial
20 highway projects; authorizing two or more of such
21 projects to be treated as a single project for certain
22 purposes; amending s. 339.0809, F.S.; specifying
23 priority of availability of funds appropriated for
24 payments under a service contract with the
25 corporation; authorizing the department to enter into

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

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

63

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

65

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

68 20.23 Department of Transportation.—There is created a
 69 Department of Transportation which shall be a decentralized
 70 agency.

71 (3)

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

75 Section 2. Subsection (2) of section 338.2216, Florida

76 Statutes, is amended to read:

77 338.2216 Florida Turnpike Enterprise; powers and
78 authority.—

79 (2) The department may ~~shall have the authority to~~ employ
80 procurement methods available to the Department of Management
81 Services under chapters 255 and 287 and under any rule adopted
82 under such chapters solely for the benefit of the turnpike
83 enterprise. Notwithstanding any other provision of law to the
84 contrary, the department may procure and establish contracts, in
85 a manner consistent with chapter 287, with one or more financial
86 institutions, credit card companies, or other entities for the
87 acceptance and processing of credit cards, charge cards, debit
88 cards, electronic funds transfers, or any other means of
89 electronic payment for the collection of amounts to which the
90 turnpike enterprise is entitled. Section 215.322 does not apply
91 to electronic payment services procured under this section.

92 Section 3. Paragraph (c) of subsection (3) of section
93 338.231, Florida Statutes, is amended to read:

94 338.231 Turnpike tolls, fixing; pledge of tolls and other
95 revenues.—The department shall at all times fix, adjust, charge,
96 and collect such tolls and amounts for the use of the turnpike
97 system as are required in order to provide a fund sufficient
98 with other revenues of the turnpike system to pay the cost of
99 maintaining, improving, repairing, and operating such turnpike
100 system; to pay the principal of and interest on all bonds issued

101 to finance or refinance any portion of the turnpike system as
 102 the same become due and payable; and to create reserves for all
 103 such purposes.

104 (3)

105 (c) Notwithstanding any other provision of law to the
 106 contrary, a any prepaid toll account of any kind which has
 107 remained inactive for 10 ~~3~~ years shall be presumed unclaimed,
 108 ~~and its disposition shall be handled by~~ the Department of
 109 Financial Services shall handle the disposition of the account
 110 in accordance with all applicable provisions of chapter 717
 111 relating to the disposition of unclaimed property, and the
 112 department shall close the ~~prepaid toll account shall be closed~~
 113 ~~by the department.~~

114 Section 4. Subsection (5) is added to section 339.08,
 115 Florida Statutes, to read:

116 339.08 Use of moneys in State Transportation Trust Fund.—

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

- 119 1. A public transit provider as defined in s. 341.031(1);
- 120 2. An authority created pursuant to chapter 343, chapter
 121 348, or chapter 349;
- 122 3. A public-use airport as defined in s. 332.004; or
- 123 4. A port enumerated in s. 311.09(1)

124
 125 which is found in violation of s. 381.00316. The department

126 shall withhold state funds until the public transit provider,
 127 authority, public-use airport, or port is found in compliance
 128 with s. 381.00316.

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

- 131 1. A public transit provider as defined in s. 341.031(1);
- 132 2. An authority created pursuant to chapter 343, chapter
 133 348, or chapter 349;
- 134 3. A public-use airport as defined in s. 332.004; or
- 135 4. A port enumerated in s. 311.09(1)

136
 137 which is found advertising, enforcing, promoting, or displaying
 138 a recommendation, requirement, or mandate relating to COVID-19
 139 or any variant thereof which is produced, recommended, or
 140 enacted by the Centers for Disease Control and Prevention, the
 141 United States Department of Health and Human Services, the
 142 Transportation Security Administration, the United States
 143 Department of Transportation and any operating administration
 144 thereof, or any other governmental entity. The department shall
 145 withhold state funds until the public transit provider,
 146 authority, public-use airport, or port is found no longer
 147 advertising, enforcing, promoting, or displaying such
 148 recommendation, requirement, or mandate.

149 Section 5. Section 339.0803, Florida Statutes, is amended
 150 to read:

151 339.0803 Allocation of increased revenues derived from
 152 amendments to s. 320.08 by ch. 2019-43.—

153 (1) Beginning in the 2021-2022 fiscal year and each fiscal
 154 year thereafter, funds that result from increased revenues to
 155 the State Transportation Trust Fund derived from the amendments
 156 to s. 320.08 made by chapter 2019-43, Laws of Florida, and
 157 deposited into the fund pursuant to s. 320.20(5)(a) must be used
 158 to fund arterial highway projects identified by the department
 159 in accordance with s. 339.65 and may be used for projects as
 160 specified in ss. 339.66 and 339.67. For purposes of the funding
 161 provided in this section, the department shall prioritize use of
 162 existing facilities or portions thereof when upgrading arterial
 163 highways to limited or controlled access facilities. However,
 164 this section does not preclude use of the funding for projects
 165 that enhance the capacity of an arterial highway. The funds
 166 allocated as provided in this section shall be in addition to
 167 any other statutory funding allocations provided by law.

168 (2) Revenues deposited into the State Transportation Trust
 169 Fund pursuant to s. 320.20(5)(a) shall first be available for
 170 appropriation for payments under a service contract entered into
 171 with the Florida Department of Transportation Financing
 172 Corporation pursuant to s. 339.0809(4) to fund arterial highway
 173 projects. For the corporation's bonding purposes, two or more of
 174 such projects in the department's approved work program may be
 175 treated as a single project.

176 Section 6. Subsection (13) of section 339.0809, Florida
 177 Statutes, is amended to read:

178 339.0809 Florida Department of Transportation Financing
 179 Corporation.—

180 (13) (a) The department may enter into a service contract
 181 in conjunction with the issuance of debt obligations as provided
 182 in this section which provides for periodic payments for debt
 183 service or other amounts payable with respect to debt
 184 obligations, plus any administrative expenses of the Florida
 185 Department of Transportation Financing Corporation. Funds
 186 appropriated for payments under a service contract shall be
 187 available after funds pledged to payment on bonds but before
 188 other statutorily required distributions.

189 (b) For the purposes of this subsection, the department
 190 may enter into a service contract to finance those 20 projects
 191 identified in the Moving Florida Forward Infrastructure
 192 Initiative in the work program. Service contract payments may
 193 not exceed 7 percent of the funds deposited in the State
 194 Transportation Trust Fund in each fiscal year. The annual
 195 payments under such service contract shall be included in the
 196 department's tentative work program and legislative budget
 197 request developed under s. 339.135. The department shall ensure
 198 that the annual payments are programmed for the life of the
 199 service contract before execution of the service contract and
 200 shall remain programmed until fully paid.

201 Section 7. Subsection (6) is added to section 339.155,
 202 Florida Statutes, to read:

203 339.155 Transportation planning.—

204 (6) PROHIBITION ON ENVIRONMENTAL, SOCIAL, AND GOVERNANCE
 205 CONSIDERATIONS IN TRANSPORTATION PLANNING.—As used in this
 206 subsection, the term "nonpecuniary factor" means environmental,
 207 social, and corporate governance (ESG) interests; social
 208 governance standards, benchmarks, and requirements, including,
 209 but not limited to, environmental or social justice; any
 210 initiative, action, framework, or target that advances or
 211 implements the goals of the Paris Agreement, defined as the
 212 resolution adopted by the United Nations Framework Convention on
 213 Climate Change's 21st Conference of Parties in Paris, France; or
 214 any similar initiative adopted by the Federal Government or any
 215 agency thereof to achieve net zero emissions of carbon dioxide.

216 (a) Notwithstanding any other law to the contrary, when
 217 developing plans outlined in this section, the department may
 218 not consider any nonpecuniary social, political, or ideological
 219 factor. Rather, the department shall consider pecuniary factors
 220 including, but not limited to, the material effects on the risk
 221 or return of an investment, mitigation against natural hazards,
 222 and long-term financial viability.

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

225 Section 8. Section 339.652, Florida Statutes, is created

226 to read:

227 339.652 Supply Chain Innovation Grant Program.—

228 (1) (a) There is created the Supply Chain Innovation Grant
229 Program within the Department of Commerce. Subject to
230 appropriation by the Legislature and in collaboration with the
231 Department of Transportation, the Department of Commerce shall
232 annually consider applications submitted under the program by
233 ports listed in s. 311.09(1); class I, II, or III freight
234 railroads; public airports as defined in s. 330.27; and
235 intermodal logistics centers or inland ports as defined in s.
236 311.101(2) to fund proposed projects that support supply chain
237 innovation. Project selection shall be based on projects that
238 create strategic investments in infrastructure to increase
239 capacity and address freight mobility to meet the economic
240 development goals of the state. Project criteria shall include
241 consideration of:

242 1. Consistency with plans and studies produced by the
243 Department of Commerce and the Department of Transportation.

244 2. Projects that directly increase efficiency in the
245 delivery of goods.

246 3. Improved freight mobility access while reducing
247 congestion, including, but not limited to, overnight truck
248 parking at rest areas, weigh stations, and intermodal logistics
249 centers.

250 4. Increased fuel storage capacity and reliable

251 distribution across the state, including, but not limited to,
 252 alternative fuel.

253 5. Securing a sustainable logistics transportation network
 254 throughout this state.

255 6. Developing connections to multimodal transportation
 256 systems.

257 7. Addressing emerging supply chain and transportation
 258 industry challenges.

259 (b) The Department of Commerce and the Department of
 260 Transportation shall also consider applications for funding
 261 submitted by public and private entities seeking to develop and
 262 establish vertiports in this state. Each award made for
 263 vertiport development shall be matched dollar-for-dollar by
 264 nonstate funds. For purposes of this subsection, the term
 265 "vertiport" means a system or infrastructure with supporting
 266 services and equipment used for landing, ground handling, and
 267 takeoff of manned or unmanned vertical takeoff and landing
 268 (VTOL) aircraft.

269 (2) Awardees under this program shall be selected jointly
 270 by the Department of Transportation and the Department of
 271 Commerce, and grants awarded under this program shall be
 272 administered by the Department of Commerce. The Department of
 273 Transportation and the Department of Commerce may adopt rules to
 274 implement this section.

275 (3) The Department of Commerce, in conjunction with the

276 Department of Transportation, shall generate a Supply Chain
 277 Innovation Grant Program report that shall include a list of
 278 each Supply Chain Innovation Grant Program project awarded and
 279 the benefit of each project toward meeting the Supply Chain
 280 Innovation Grant Program goals and objectives. The Department of
 281 Commerce must provide the report to the Governor, the President
 282 of the Senate, and the Speaker of the House of Representatives
 283 by October 1, 2025, and biennially thereafter.

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

286 341.051 Administration and financing of public transit and
 287 intercity bus service programs and projects.—

288 (6) ANNUAL APPROPRIATION.—Funds paid into the State
 289 Transportation Trust Fund pursuant to s. 201.15 for the New
 290 Starts Transit Program are hereby annually appropriated for
 291 expenditure to support the New Starts Transit Program. If no
 292 funds are allocated to projects that qualify for the New Starts
 293 Transit Program by June 30 of the current fiscal year, such
 294 funds shall revert and are appropriated to the State
 295 Transportation Trust Fund.

296
 297 For purposes of this section, the term "net operating costs"
 298 means all operating costs of a project less any federal funds,
 299 fares, or other sources of income to the project.

300 Section 10. Subsection (4) is added to section 341.071,

301 Florida Statutes, to read:

302 341.071 Transit productivity and performance measures;
303 reports.—

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

305 1. "Administrative costs" includes, but is not limited to,
306 employee salaries and benefits, small business outreach,
307 insurance, professional service contracts not directly related
308 to the operation and maintenance of a transit system, and other
309 overhead costs.

310 2. "Public transit provider" means a public agency
311 providing public transit service, including an authority created
312 pursuant to chapter 343 or chapter 349.

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

317 (c) To support compliance with paragraph (b), the
318 department shall determine the annual state average of
319 administrative costs by calculating the annual administrative
320 costs of all the public transit providers in this state.

321 Section 11. Section 341.072, Florida Statutes, is created
322 to read:

323 341.072 Prohibited use of state funds by public transit
324 providers.—

325 (1) A public transit provider may not expend state funds

326 as described in s. 215.31 directly, indirectly, or through a
327 grant or agreement, for any of the following marketing or
328 advertising activities:

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

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

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

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

347 Section 12. This act shall take effect July 1, 2024.