

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 20.23, F.S.; revising the list of areas of
4 program responsibility within the Department of
5 Transportation; removing provisions requiring the
6 secretary of the department to appoint an inspector
7 general; amending s. 338.231, F.S.; revising the time
8 period for which a prepaid toll account must remain
9 inactive in order to be presumed unclaimed; amending
10 s. 339.08, F.S.; prohibiting the department from
11 expending certain state funds to support certain
12 projects or programs; amending s. 339.0803, F.S.;
13 prioritizing availability of certain revenues
14 deposited into the State Transportation Trust Fund for
15 payments under service contracts with the Florida
16 Department of Transportation Financing Corporation to
17 fund arterial highway projects; authorizing two or
18 more of such projects to be treated as a single
19 project for certain purposes; amending s. 339.0809,
20 F.S.; specifying priority of availability of funds
21 appropriated for payments under a service contract
22 with the corporation; authorizing the department to
23 enter into service contracts to finance projects
24 identified in the Moving Florida Forward
25 Infrastructure Initiative; providing requirements for

26 annual service contract payments; amending s. 339.155,
27 F.S.; defining the term "nonpecuniary factor";
28 prohibiting the department from considering
29 nonpecuniary factors when developing transportation
30 plans; requiring consideration of certain pecuniary
31 factors; providing applicability; creating s. 339.652,
32 F.S.; creating the Supply Chain Innovation Grant
33 Program within the Department of Commerce; providing
34 the purpose of the program; requiring the Department
35 of Commerce and the Department of Transportation to
36 consider applications and select grant awardees;
37 requiring each award made to be matched by nonstate
38 funds; providing selection criteria; requiring each
39 award made for vertiport development to be matched by
40 nonstate funds; defining the term "vertiport";
41 authorizing the departments to adopt rules; requiring
42 a biennial report to the Governor and Legislature;
43 amending s. 341.051, F.S.; providing voting and
44 meeting notice requirements for specified public
45 transit projects; providing meeting notice
46 requirements for discussion of specified actions by a
47 public transit provider; requiring certain unallocated
48 funds for the New Starts Transit Program to be
49 reallocated for the purpose of the Strategic
50 Intermodal System; amending s. 341.071, F.S.;

51 providing definitions; requiring each public transit
52 provider to annually certify that its budgeted and
53 general administration costs do not exceed the annual
54 state average of administrative costs by more than a
55 certain percentage, to annually present a specified
56 budget report, and to annually post a specified
57 disclosure on its website; specifying the method by
58 which the Department of Transportation is required to
59 determine a certain annual state average; requiring a
60 specified increase in general administration costs to
61 be reviewed and approved by certain entities; creating
62 s. 341.072, F.S.; prohibiting a public transit
63 provider, as a condition of receiving state funds,
64 from expending state funds for certain marketing or
65 advertising activities; providing the department
66 priority placement for certain marketing or
67 advertising activities; requiring the department to
68 incorporate guidelines therefor in the public
69 transportation grant agreement entered into with each
70 public transit provider; prohibiting certain media on
71 passenger windows of public transit provider vehicles
72 from being darker than certain window tinting
73 requirements; providing an effective date.

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

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Section 1. Paragraph (e) of subsection (3) of section 20.23, Florida Statutes, is redesignated as paragraph (d), and paragraph (b) and present paragraph (d) of that subsection are amended to read:

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

(3)

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

1. Administration .~~;~~
2. Planning .~~;~~
3. Modal development. ~~Public transportation;~~
4. Design .~~;~~
5. Highway operations .~~;~~
6. Right-of-way .~~;~~

- 101 7. Toll operations.‡
- 102 8. Transportation technology.
- 103 ~~9.8.~~ Information systems.‡
- 104 ~~10.9.~~ Motor carrier weight inspection.‡
- 105 ~~11.10.~~ Work program development ~~Management~~ and budget.‡
- 106 ~~12.11.~~ Comptroller.‡
- 107 ~~13.12.~~ Construction.‡
- 108 14. Statewide corridors.
- 109 ~~15.13.~~ Maintenance.‡ and
- 110 16. Forecasting and performance.
- 111 17. Emergency management.
- 112 18. Safety office.
- 113 ~~19.14.~~ Materials.

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

117 Section 2. Paragraph (c) of subsection (3) of section
 118 338.231, Florida Statutes, is amended to read:

119 338.231 Turnpike tolls, fixing; pledge of tolls and other
 120 revenues.—The department shall at all times fix, adjust, charge,
 121 and collect such tolls and amounts for the use of the turnpike
 122 system as are required in order to provide a fund sufficient
 123 with other revenues of the turnpike system to pay the cost of
 124 maintaining, improving, repairing, and operating such turnpike
 125 system; to pay the principal of and interest on all bonds issued

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

129 (3)

130 (c) Notwithstanding any other ~~provision of~~ law to the
 131 contrary, any prepaid toll account of any kind which has
 132 remained inactive for 10 ~~3~~ years is ~~shall be~~ presumed unclaimed,
 133 and its disposition shall be handled by the Department of
 134 Financial Services in accordance with all applicable provisions
 135 of chapter 717 relating to the disposition of unclaimed
 136 property, and the prepaid toll account shall be closed by the
 137 department.

138 Section 3. Subsection (5) is added to section 339.08,
 139 Florida Statutes, to read:

140 339.08 Use of moneys in State Transportation Trust Fund.—

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

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

144 (b) An authority created pursuant to chapter 343, chapter
 145 348, or chapter 349;

146 (c) A public-use airport as defined in s. 332.004; or

147 (d) A port enumerated in s. 311.09(1)

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 149 which is found in violation of s. 381.00316. The department
 150 shall withhold state funds until the public transit provider,

151 authority, public-use airport, or port is found in compliance
 152 with s. 381.00316.

153 Section 4. Section 339.0803, Florida Statutes, is amended
 154 to read:

155 339.0803 Allocation of increased revenues derived from
 156 amendments to s. 320.08 by ch. 2019-43.—

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

172 (2) Revenues deposited into the State Transportation Trust
 173 Fund pursuant to s. 320.20(5)(a) shall first be available for
 174 appropriation for payments under a service contract entered into
 175 with the Florida Department of Transportation Financing

176 Corporation pursuant to s. 339.0809(4) to fund arterial highway
177 projects. For the corporation's bonding purposes, two or more of
178 such projects in the department's approved work program may be
179 treated as a single project.

180 Section 5. Subsection (13) of section 339.0809, Florida
181 Statutes, is amended to read:

182 339.0809 Florida Department of Transportation Financing
183 Corporation.—

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

193 (b) For the purposes of this subsection, the department
194 may enter into a service contract to finance those 20 projects
195 identified in the Moving Florida Forward Infrastructure
196 Initiative in the work program. Service contract payments may
197 not exceed 7 percent of the funds deposited in the State
198 Transportation Trust Fund in each fiscal year. The annual
199 payments under such service contract shall be included in the
200 department's tentative work program and legislative budget

201 request developed under s. 339.135. The department shall ensure
 202 that the annual payments are programmed for the life of the
 203 service contract before execution of the service contract and
 204 shall remain programmed until fully paid.

205 Section 6. Subsection (6) is added to section 339.155,
 206 Florida Statutes, to read:

207 339.155 Transportation planning.—

208 (6) PECUNIARY TRANSPORTATION PLANNING REQUIREMENTS.—As
 209 used in this subsection, the term "nonpecuniary factor" means
 210 social, political, or ideological interests, including
 211 environmental, social, and corporate governance (ESG) interests;
 212 or social governance standards, benchmarks, and requirements,
 213 including any initiative adopted by the Federal Government or an
 214 agency thereof to achieve a reduction in carbon dioxide
 215 emissions or thresholds to achieve net zero emissions of carbon
 216 dioxide.

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

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

226 Section 7. Section 339.652, Florida Statutes, is created
 227 to read:

228 339.652 Supply Chain Innovation Grant Program.-

229 (1) (a) There is created the Supply Chain Innovation Grant
 230 Program within the Department of Commerce. Subject to
 231 appropriation by the Legislature and in collaboration with the
 232 Department of Transportation, the Department of Commerce shall
 233 annually consider applications submitted under the program by
 234 ports listed in s. 311.09(1); class I, II, or III freight
 235 railroads; public airports as defined in s. 330.27; and
 236 intermodal logistics centers or inland ports as defined in s.
 237 311.101(2) to fund proposed projects that support supply chain
 238 innovation. Each award made shall be matched dollar-for-dollar
 239 by nonstate funds. Project selection shall be based on projects
 240 that create strategic investments in infrastructure to increase
 241 capacity and address freight mobility to meet the economic
 242 development goals of the state. In the selection process,
 243 priority should be given to projects with innovative plans,
 244 advanced technologies, and development strategies that focus on
 245 future growth and economic prosperity of the supply chain across
 246 the state. Project criteria shall include consideration of:

247 1. Consistency with plans and studies produced by the
 248 Department of Commerce and the Department of Transportation.

249 2. Projects that directly increase efficiency in the
 250 delivery of goods.

251 3. Improved freight mobility access while reducing
252 congestion, including, but not limited to, overnight truck
253 parking at rest areas, weigh stations, and intermodal logistics
254 centers.

255 4. Increased fuel storage and distribution capacity across
256 the state, including, but not limited to, petroleum, hydrogen,
257 ethanol, and natural gas located at seaports and spaceports.

258 5. Securing a sustainable logistics transportation network
259 throughout this state.

260 6. Developing connections to multimodal transportation
261 systems.

262 7. Addressing emerging supply chain and transportation
263 industry challenges.

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

274 (2) Awardees under this program shall be selected jointly
275 by the Department of Transportation and the Department of

276 Commerce, and grants awarded under this program shall be
 277 administered by the Department of Commerce. The Department of
 278 Transportation and the Department of Commerce may adopt rules to
 279 implement this section.

280 (3) The Department of Commerce, in conjunction with the
 281 Department of Transportation, shall generate a Supply Chain
 282 Innovation Grant Program report that shall include a list of
 283 each Supply Chain Innovation Grant Program project awarded and
 284 the benefit of each project toward meeting the Supply Chain
 285 Innovation Grant Program goals and objectives. The Department of
 286 Commerce must provide the report to the Governor, the President
 287 of the Senate, and the Speaker of the House of Representatives
 288 by October 1, 2025, and biennially thereafter.

289 Section 8. Subsection (6) of section 341.051, Florida
 290 Statutes, is amended, and paragraphs (c) and (d) are added to
 291 subsection (2) of that section, to read:

292 341.051 Administration and financing of public transit and
 293 intercity bus service programs and projects.—

294 (2) PUBLIC TRANSIT PLAN.—

295 (c) Any lane elimination or lane repurposing,
 296 recommendation, or application relating to public transit
 297 projects must be approved by a two-thirds vote of the transit
 298 authority board in a public meeting with a 30-day public notice.

299 (d) Any action of eminent domain for acquisition of public
 300 transit facilities carried out by a public transit provider must

301 be discussed by the public transit provider at a public meeting
 302 with a 30-day public notice.

303 (6) ANNUAL APPROPRIATION.—Funds paid into the State
 304 Transportation Trust Fund pursuant to s. 201.15 for the New
 305 Starts Transit Program are hereby annually appropriated for
 306 expenditure to support the New Starts Transit Program. The
 307 remaining unallocated New Starts Transit Program funds as of
 308 June 30 of each fiscal year shall be reallocated for the purpose
 309 of the Strategic Intermodal System within the State
 310 Transportation Trust Fund.

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

315 Section 9. Subsection (4) is added to section 341.071,
 316 Florida Statutes, to read:

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

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

320 1. "General administration costs" includes, but is not
 321 limited to, costs related to transit service development,
 322 injuries and damages, safety, personnel administration, legal
 323 services, data processing, finance and accounting, purchasing
 324 and stores, engineering, real estate management, office
 325 management and services, customer service, promotion, market

326 research, and planning. The term does not include insurance
327 costs.

328 2. "Public transit provider" means a public agency
329 providing public transit service, including an authority created
330 pursuant to part II of chapter 343 or chapter 349. The term does
331 not include the Central Florida Commuter Rail or the authority
332 created pursuant to part I of chapter 343.

333 3. "Tier I provider" has the same meaning as in 49 C.F.R.
334 part 625.

335 4. "Tier II provider" has the same meaning as in 49 C.F.R.
336 part 625.

337 (b) Beginning November 1, 2024, and annually thereafter,
338 each public transit provider, during a publicly noticed meeting,
339 shall:

340 1. Certify that its budgeted and general administration
341 costs are not greater than 20 percent above the annual state
342 average of administrative costs for its respective tier.

343 2. Present a line-item budget report of its budgeted and
344 actual general administration costs.

345 3. Disclose all salaried executive and management level
346 employees' total compensation packages, ridership performance
347 and metrics, and any gift as defined in s. 112.312 accepted in
348 exchange for contracts. This disclosure shall be posted annually
349 on the public transit provider's website.

350 (c) To support compliance with paragraph (b), the

351 department shall determine, by tier, the annual state average of
352 administrative costs by determining the percentage of the total
353 operating budget that is expended on general administration
354 costs in this state annually by March 31 to inform the public
355 transit provider's budget for the following fiscal year.

356 (d) A year-over-year cumulative increase of 2 percent or
357 more in general administration costs must be reviewed before the
358 start of the next fiscal year and must be reviewed and approved
359 by the Florida Transportation Commission before approval by the
360 public transportation provider's governing board.

361 Section 10. Section 341.072, Florida Statutes, is created
362 to read:

363 341.072 Public transit provider marketing and advertising
364 standards.—

365 (1) (a) As a condition of receiving state funds, a public
366 transit provider may not expend state funds directly,
367 indirectly, or through a grant or agreement for marketing or
368 advertising activities, including any wrap, tinting, or paint on
369 a bus, commercial motor vehicle, or motor vehicle, as those
370 terms are defined in s. 316.003, except those that are limited
371 to displaying a brand or logo of the public transit provider,
372 the official seal of the jurisdictional government entity, or a
373 state agency public service announcement.

374 (b) The department shall have priority placement for
375 marketing or advertising activities, including any wrap,

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376 tinting, or paint on a bus, commercial motor vehicle, or motor
377 vehicle, as those terms are defined in s. 316.003.

378 (2) The department shall incorporate guidelines for the
379 activities allowed under subsection (1) in the public
380 transportation grant agreement entered into with each public
381 transit provider.

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

386 Section 11. This act shall take effect July 1, 2024.