

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Infrastructure Strategies
 2 Committee

3 Representative McFarland offered the following:

4
 5 **Amendment to Amendment (011317) by Representative McFarland**

6
 7 Remove lines 7-546 of the amendment and insert:

8
 9 Section 1. Subsections (2) through (6) of section 20.23,
 10 Florida Statutes, are renumbered as subsections (3) through (7),
 11 respectively, paragraph (a) of subsection (1), paragraphs (b)
 12 and (c) of present subsection (2), and paragraph (a) of present
 13 subsection (3) are amended, and a new subsection (2) is added to
 14 that section, to read:

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15 20.23 Department of Transportation.—There is created a
16 Department of Transportation which shall be a decentralized
17 agency.

18 (1) (a) The head of the Department of Transportation is the
19 Secretary of Transportation. The secretary shall be appointed by
20 the Governor from among three persons nominated by the Florida
21 Transportation Commission and shall be subject to confirmation
22 by the Senate. The secretary shall serve at the pleasure of the
23 Governor.

24 (2) The secretary shall establish annual performance and
25 production measures, establish a minimum standard for such
26 measures, and publish a report on actual performance. Such
27 measures shall be developed by a working group comprised of
28 transportation industry leaders and stakeholders, including, but
29 not limited to, Florida Transportation Commission members,
30 members of academia, department staff, and representatives of
31 the agencies and authorities listed in subparagraph (3) (b) 2.
32 Such measures, at a minimum, must include the following:

33 (a) Safety of the current transportation system in this
34 state.

35 (b) Contracts for construction and professional services
36 procured on time and delivered on time and within budget.

37 (c) Preservation of the State Highway System.

38 (d) Financial management.

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39 (e) Effectiveness of other federally and state mandated
40 programs.

41 ~~(3)-(2)~~

42 (b) The Florida Transportation Commission shall:

43 1. Recommend major transportation policies for the
44 Governor's approval and assure that approved policies and any
45 revisions are properly executed.

46 2. Periodically review the status of the state
47 transportation system, including highway, transit, rail,
48 seaport, intermodal development, and aviation components of the
49 system, and recommend improvements to the Governor, ~~and~~ the
50 Legislature, and applicable governing boards.

51 3. Perform an in-depth evaluation of the annual department
52 budget request, the Florida Transportation Plan, and the
53 tentative work program for compliance with all applicable laws
54 and established departmental policies. Except as specifically
55 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
56 not consider individual construction projects but shall consider
57 methods of accomplishing the goals of the department in the most
58 effective, efficient, and businesslike manner.

59 4. Monitor the financial status of the department on a
60 regular basis to assure that the department is managing revenue
61 and bond proceeds responsibly and in accordance with law and
62 established policy.

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63 5. Monitor on at least a quarterly basis the efficiency,
64 productivity, and management of the department using performance
65 and production standards developed by the commission pursuant to
66 s. 334.045.

67 6. Perform an in-depth evaluation of the factors causing
68 disruption of project schedules in the adopted work program and
69 recommend to the Governor and the Legislature methods to
70 eliminate or reduce the disruptive effects of these factors.

71 7. Recommend to the Governor and the Legislature
72 improvements to the department's organization in order to
73 streamline and optimize the efficiency of the department. In
74 reviewing the department's organization, the commission shall
75 determine if the current district organizational structure is
76 responsive to this state's changing economic and demographic
77 development patterns. The report by the commission must be
78 delivered to the Governor and the Legislature by December 15
79 each year, as appropriate. The commission may retain experts as
80 necessary to carry out this subparagraph, and the department
81 shall pay the expenses of the experts.

82 8. Monitor the efficiency, productivity, and management of
83 the agencies and authorities created under chapters 348 and 349;
84 the Mid-Bay Bridge Authority re-created pursuant to chapter
85 2000-411, Laws of Florida; ~~and~~ any authority formed under
86 chapter 343; any public transit provider as defined in s.
87 341.031(1); and any community transportation coordinator as

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88 defined in s. 427.011(5). Any performance and production
89 measures used by the commission shall be developed by the
90 working group described in subsection (2). The commission shall
91 also conduct periodic reviews of each agency's and authority's
92 operations and budget, acquisition of property, management of
93 revenue and bond proceeds, and compliance with applicable laws
94 and generally accepted accounting principles. For agencies and
95 authorities that do not achieve the minimum acceptable
96 performance standards, the commission shall make recommendations
97 to the Governor, the President of the Senate, the Speaker of the
98 House of Representatives, department, and the applicable
99 governing board regarding any leadership, process, management,
100 or legislative changes needed to improve performance.

101 (c) The commission or a member thereof may not enter into
102 the day-to-day operation of the department or a monitored
103 authority and is specifically prohibited from taking part in:

104 1. The awarding of contracts.

105 2. The selection of a consultant or contractor or the
106 prequalification of any individual consultant or contractor.

107 However, the commission may recommend to the secretary standards
108 and policies governing the procedure for selection and
109 prequalification of consultants and contractors.

110 3. The selection of a route for a specific project.

111 4. The specific location of a transportation facility.

112 5. The acquisition of rights-of-way.

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113 6. The employment, promotion, demotion, suspension,
114 transfer, or discharge of any department personnel.

115 7. The granting, denial, suspension, or revocation of any
116 license or permit issued by the department.

117 ~~(4)~~(3)(a) The central office shall establish departmental
118 policies, rules, procedures, and standards and shall monitor the
119 implementation of such policies, rules, procedures, and
120 standards in order to ensure uniform compliance and quality
121 performance by the districts and central office units that
122 implement transportation programs. Major transportation policy
123 initiatives or revisions shall be submitted to the commission
124 for review.

125 Section 2. Paragraphs (j) and (m) of subsection (2) of
126 section 110.205, Florida Statutes, are amended to read:

127 110.205 Career service; exemptions.—

128 (2) EXEMPT POSITIONS.—The exempt positions that are not
129 covered by this part include the following:

130 (j) The appointed secretaries and the State Surgeon
131 General, assistant secretaries, deputy secretaries, and deputy
132 assistant secretaries of all departments; the executive
133 directors, assistant executive directors, deputy executive
134 directors, and deputy assistant executive directors of all
135 departments; the directors of all divisions and those positions
136 determined by the department to have managerial responsibilities
137 comparable to such positions, which positions include, but are

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138 not limited to, program directors, assistant program directors,
139 district administrators, deputy district administrators, the
140 Director of Central Operations Services of the Department of
141 Children and Families, the State Transportation Development
142 Administrator, the State Public Transportation and Modal
143 Administrator, district secretaries, district directors of
144 transportation development, transportation operations,
145 transportation support, and the managers of the offices of the
146 Department of Transportation specified in s. 20.23(4)(b) ~~s.~~
147 ~~20.23(3)(b)~~. Unless otherwise fixed by law, the department shall
148 set the salary and benefits of these positions and the positions
149 of county health department directors and county health
150 department administrators of the Department of Health in
151 accordance with the rules of the Senior Management Service.

152 (m) All assistant division director, deputy division
153 director, and bureau chief positions in any department, and
154 those positions determined by the department to have managerial
155 responsibilities comparable to such positions, which include,
156 but are not limited to:

157 1. Positions in the Department of Health and the
158 Department of Children and Families which are assigned primary
159 duties of serving as the superintendent or assistant
160 superintendent of an institution.

161 2. Positions in the Department of Corrections which are
162 assigned primary duties of serving as the warden, assistant

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163 warden, colonel, or major of an institution or that are assigned
164 primary duties of serving as the circuit administrator or deputy
165 circuit administrator.

166 3. Positions in the Department of Transportation which are
167 assigned primary duties of serving as regional toll managers and
168 managers of offices, as specified in s. 20.23(4)(b) and (5)(c)
169 ~~s. 20.23(3)(b) and (4)(e)~~.

170 4. Positions in the Department of Environmental Protection
171 which are assigned the duty of an Environmental Administrator or
172 program administrator.

173 5. Positions in the Department of Health which are
174 assigned the duties of Environmental Administrator, Assistant
175 County Health Department Director, and County Health Department
176 Financial Administrator.

177 6. Positions in the Department of Highway Safety and Motor
178 Vehicles which are assigned primary duties of serving as
179 captains in the Florida Highway Patrol.

180
181 Unless otherwise fixed by law, the department shall set the
182 salary and benefits of the positions listed in this paragraph in
183 accordance with the rules established for the Selected Exempt
184 Service.

185 Section 3. Section 316.1575, Florida Statutes, is amended
186 to read:

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187 316.1575 Obedience to traffic control devices at railroad-
188 highway grade crossings.—

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

196 (a) A clearly visible electric or mechanical signal device
197 gives warning of the immediate approach of a railroad train or
198 railroad track equipment;

199 (b) A crossing gate is lowered or a law enforcement
200 officer or a human flagger gives or continues to give a signal
201 of the approach or passage of a railroad train or railroad track
202 equipment;

203 (c) An approaching railroad train or railroad track
204 equipment emits an audible signal or the railroad train or
205 railroad track equipment, by reason of its speed or nearness to
206 the crossing, is an immediate hazard; or

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

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

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

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

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

221 1. For a first violation, the person shall pay a fine of
222 \$500 and have 6 points assessed against his or her driver
223 license pursuant to s. 322.27(3) (d) 7.

224 2. For a second or subsequent violation, the person shall
225 pay a fine of \$1,000 and have 6 points assessed against his or
226 her driver license pursuant to s. 322.27(3) (d) 7.

227 Section 4. Section 316.1576, Florida Statutes, is amended
228 to read:

229 316.1576 Insufficient clearance at a railroad-highway
230 grade crossing.—

231 (1) A person may not drive a ~~any~~ vehicle through a
232 railroad-highway grade crossing that does not have sufficient
233 space to drive completely through the crossing without stopping
234 or without obstructing the passage of other vehicles,
235 pedestrians, railroad trains, or other railroad equipment,

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236 notwithstanding any traffic control signal indication to
237 proceed.

238 (2) A person may not drive a ~~any~~ vehicle through a
239 railroad-highway grade crossing that does not have sufficient
240 undercarriage clearance to drive completely through the crossing
241 without stopping or without obstructing the passage of a
242 railroad train or other railroad equipment.

243 (3) A person who violates ~~violation of~~ this section
244 commits ~~is~~ a noncriminal traffic infraction, punishable as a
245 moving violation as provided in chapter 318.

246 (a) For a first violation, the person shall pay a fine of
247 \$500 and have 6 points assessed against his or her driver
248 license pursuant to s. 322.27(3)(d)7.

249 (b) For a second or subsequent violation, the person shall
250 pay a fine of \$1,000 and have 6 points assessed against his or
251 her driver license pursuant to s. 322.27(3)(d)7., and,
252 notwithstanding s. 322.27(3)(a), (b), and (c), shall have his or
253 her driving privilege suspended for not more than 6 months.

254 Section 5. Subsections (10) through (23) of section
255 318.18, Florida Statutes, are renumbered as subsections (11)
256 through (24), respectively, subsection (9) is amended, and a new
257 subsection (10) is added to that section, to read:

258 318.18 Amount of penalties.—The penalties required for a
259 noncriminal disposition pursuant to s. 318.14 or a criminal
260 offense listed in s. 318.17 are as follows:

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261 (9) Five ~~One~~ hundred dollars for a first violation and
262 \$1,000 for a second or subsequent violation of s. 316.1575.

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

268 Section 6. Subsection (26) of section 334.044, Florida
269 Statutes, is amended to read:

270 334.044 Powers and duties of the department.—The
271 department shall have the following general powers and duties:

272 (26) (a) To provide for the enhancement of environmental
273 benefits, including air and water quality; to prevent roadside
274 erosion; to conserve the natural roadside growth and scenery;
275 and to provide for the implementation and maintenance of
276 roadside conservation, enhancement, and stabilization programs.
277 At least 1.5 percent of the amount contracted for construction
278 projects shall be allocated by the department on a statewide
279 basis for the purchase of plant materials. Department districts
280 may not expend funds for landscaping in connection with any
281 project that is limited to resurfacing existing lanes unless the
282 expenditure has been approved by the department's secretary or
283 the secretary's designee. To the greatest extent practical, at
284 least 50 percent of the funds allocated under this subsection
285 shall be allocated for large plant materials and the remaining

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286 funds for other plant materials. Except as prohibited by
287 applicable federal law or regulation, all plant materials shall
288 be purchased from Florida commercial nursery stock in this state
289 on a uniform competitive bid basis. The department shall develop
290 grades and standards for landscaping materials purchased through
291 this process. To accomplish these activities, the department may
292 contract with nonprofit organizations having the primary purpose
293 of developing youth employment opportunities.

294 (b) In order to increase cost predictability and
295 programming needs, a project with a total contracted
296 construction cost greater than \$500 million shall have 0.5
297 percent of the total construction cost expended in the fiscal
298 year the project is planned for construction, and the remaining
299 1 percent may be planned and expended over four fiscal years.

300 Section 7. Subsection (4) of section 334.065, Florida
301 Statutes, is renumbered as subsection (5), subsection (3) is
302 amended, and a new subsection (4) is added to that section, to
303 read:

304 334.065 Center for Urban Transportation Research.—

305 (3) An advisory board shall be created to periodically and
306 objectively review and advise the center concerning its research
307 program. Except for projects mandated by law, state-funded base
308 projects shall not be undertaken without approval of the
309 advisory board. The membership of the board shall consist of
310 nine experts in transportation-related areas, including

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311 electrical engineering, enterprise and infrastructure
312 information technology, design architecture drafting, and
313 workforce development, as follows:

314 (a) A member appointed by the President of the Senate.

315 (b) A member appointed by the Speaker of the House of
316 Representatives.

317 (c) The Secretary of Transportation or his or her
318 designee.

319 (d) The Secretary of Commerce or his or her designee. ~~the~~
320 ~~secretaries of the Department of Transportation, the Department~~
321 ~~of Environmental Protection, and the Department of Economic~~
322 ~~Opportunity, or their designees, and~~

323 (e) A member of the Florida Transportation Commission.

324 (f) The nomination of the remaining four members of the
325 board shall be made to the President of the University of South
326 Florida by the College of Engineering at the University of South
327 Florida, and the appointment of these members must be reviewed
328 and approved by the Florida Transportation Commission and
329 confirmed by the Board of Governors.

330 (4) By January 1, 2025, the center must deliver a report
331 to the department on model policies and procedures or best
332 practices for paratransit providers to complete trips within an
333 acceptable time from pickup.

334 (5) By December 1, 2025, the center must deliver to the
335 department, the Governor, the President of the Senate, and the

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336 Speaker of the House of Representatives a report examining
337 alternate revenue sources for the State Transportation Trust
338 Fund.

339 Section 8. Subsection (3) of section 334.066, Florida
340 Statutes, is amended, and subsections (4) and (5) are added to
341 that section, to read:

342 334.066 Implementing Solutions from Transportation
343 Research and Evaluating Emerging Technologies Living Lab.—

344 (3) An advisory board shall be created to periodically
345 review and advise I-STREET concerning its research program. The
346 board shall consist of nine members with expertise in
347 transportation-related areas, including electrical engineering,
348 enterprise and infrastructure information technology, design
349 architecture drafting, and workforce development, as follows:

350 (a) A member appointed by the President of the Senate.

351 (b) A member appointed by the Speaker of the House of
352 Representatives.

353 (c) The Secretary of Transportation or his or her
354 designee.

355 (d) The Secretary of Commerce ~~Economic Opportunity~~ or his
356 or her designee.

357 (e) A member of the Florida Transportation Commission.

358 (f) Four members nominated by the University of Florida's
359 College of Engineering and approved by the university's
360 president. The College of Engineering's nominees may include

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361 representatives of the University of Florida, other academic and
362 research institutions, or private entities.

363 (4) By January 1, 2025, I-STREET must deliver a
364 comprehensive report on technology and training improvements to
365 better support persons with disabilities utilizing paratransit
366 services, including services administered by the federal, state,
367 or local government, to the department, the Governor, the
368 President of the Senate, and the Speaker of the House of
369 Representatives. The report shall at a minimum include
370 recommendations on technology improvements for paratransit
371 providers serving persons with disabilities, including through
372 local, state, and federal funding sources. At a minimum the
373 report shall include a review and recommendations on:

374 (a) Technology systems to ensure the safety of
375 individuals, including the use of in-cabin camera systems and
376 other technologies to monitor the safety and well-being of
377 individuals utilizing fixed routes.

378 (b) Best practices for data retention, including
379 protection of personally identifiable information, length of
380 retention, and location of retained files.

381 (c) State-of-the-industry on hardware and software,
382 including camera providers, product specifications, and human-
383 machine interfaces.

384 (d) Safety standards of professional engineering
385 organizations on camera mounting best practices

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386 (e) Costs of installation and maintenance of camera
387 systems to paratransit providers.

388 (f) The use of internet, mobile, and application-based
389 interfaces to book, monitor, and seek transportation services.
390 The review must also consider accessibility needs.

391 (5) By December 1, 2025, I-STREET must deliver to the
392 department, the Governor, the President of the Senate, and the
393 Speaker of the House of Representatives a report examining
394 methods of taxation or usage fees for residential charging of
395 electric vehicles.

396 Section 9. Paragraph (c) of subsection (4) of section
397 339.135, Florida Statutes, is amended to read:

398 339.135 Work program; legislative budget request;
399 definitions; preparation, adoption, execution, and amendment.—

400 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

401 (c)1. For purposes of this section, the board of county
402 commissioners shall serve as the metropolitan planning
403 organization in those counties which are not located in a
404 metropolitan planning organization and shall be involved in the
405 development of the district work program to the same extent as a
406 metropolitan planning organization.

407 2. The district work program shall be developed
408 cooperatively from the outset with the various metropolitan
409 planning organizations of the state and include, to the maximum
410 extent feasible, the project priorities of metropolitan planning

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411 organizations which have been submitted to the district by
412 August 1 of each year pursuant to s. 339.175(8) (b) ~~; however, the~~
413 ~~department and a metropolitan planning organization may, in~~
414 ~~writing, cooperatively agree to vary this submittal date.~~ To
415 assist the metropolitan planning organizations in developing
416 their lists of project priorities, the district shall disclose
417 to each metropolitan planning organization any anticipated
418 changes in the allocation or programming of state and federal
419 funds which may affect the inclusion of metropolitan planning
420 organization project priorities in the district work program.

421 3. Before submittal of the district work program to the
422 central office, the district shall provide the affected
423 metropolitan planning organization with written justification
424 for any project proposed to be rescheduled or deleted from the
425 district work program which project is part of the metropolitan
426 planning organization's transportation improvement program and
427 is contained in the last 4 years of the previous adopted work
428 program. By no later than 14 days after submittal of the
429 district work program to the central office, the affected
430 metropolitan planning organization may file an objection to such
431 rescheduling or deletion. When an objection is filed with the
432 secretary, the rescheduling or deletion may not be included in
433 the district work program unless the inclusion of such
434 rescheduling or deletion is specifically approved by the
435 secretary. The Florida Transportation Commission shall include

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436 | such objections in its evaluation of the tentative work program
437 | only when the secretary has approved the rescheduling or
438 | deletion.