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By the Committee on Fiscal Policy; the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Transportation; and Senator DiCeglie

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A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; revising the list of areas of program responsibility within the Department of Transportation; deleting the requirement that the secretary of the department appoint the department's inspector general and that he or she be directly responsible to the secretary; amending s. 311.101, F.S.; requiring that a specified amount of recurring funds from the State Transportation Trust Fund be made available for the Intermodal Logistics Center Infrastructure Support Program; requiring the department to include specified projects in its tentative work program; amending s. 334.046, F.S.; revising provisions relating to the department's mission, goals, and objectives; creating s. 334.61, F.S.; requiring governmental entities that propose certain projects to conduct a traffic study; requiring the governmental entity to give notice to property owners, impacted municipalities, and counties affected by such projects within a specified timeframe; providing notice requirements; requiring such governmental entities to hold a public meeting, with a specified period of prior notice, before completion of the design phase of such projects; providing requirements for such public meetings; requiring such governmental entities to review and take into consideration comments and alternatives presented in public meetings in the final project design; amending

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s. 338.231, F.S.; revising the length of time before which an inactive prepaid toll account becomes unclaimed property; amending s. 338.26, F.S.; revising the date by which fees generated from tolls deposited into the State Transportation Trust Fund must be used to reimburse a local governmental entity for certain costs of operating a specified fire station; providing that a specified interlocal agreement related to the Alligator Alley toll road controls the use of certain State Transportation Trust Fund moneys until the local governmental entity and the department enter into a new agreement or agree to extend the existing agreement; specifying the amount of reimbursement for the 2024-2025 fiscal year; requiring the local governmental entity, by a specified date and at specified intervals thereafter, to provide a maintenance and operations comprehensive plan to the department; providing requirements for the comprehensive plan; requiring the local governmental entity and the department to review and adopt the comprehensive plan as part of the interlocal agreement; requiring the department, in accordance with certain projections, to include the corresponding funding needs in the department's work program; requiring that ownership and title of certain equipment purchased with state funds and used at a specified fire station during the term of the interlocal agreement transfer to the state at the end of the term of the agreement; amending s. 339.08,

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F.S.; prohibiting the department from expending state funds to support a project or program of specified entities; requiring the department to withhold state funds until such entities are in compliance with a specified provision; amending s. 339.0803, F.S.; prioritizing availability of certain revenues deposited into the State Transportation Trust Fund for payments under service contracts with the Florida Department of Transportation Financing Corporation to fund arterial highway projects; providing that two or more such projects may be treated as a single project for certain purposes; amending s. 339.0809, F.S.; specifying availability of funds appropriated for payments under a service contract with the corporation; authorizing the department to enter into service contracts to finance certain projects; providing requirements for annual service contract payments; requiring the department, before execution of a service contract, to ensure that annual payments are programmed for the life of the contract and to ensure that they remain programmed until fully paid; amending s. 339.2818, F.S.; authorizing, subject to appropriation, a local government within a specified area to compete for funding using specified criteria on specified roads; providing an exception; amending s. 341.051, F.S.; providing voting and meeting notice requirements for specified public transit projects; providing meeting notice requirements for discussion of specified actions by a public transit provider;

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requiring that certain unallocated funds for the New Starts Transit Program be reallocated for the purpose of the Strategic Intermodal System; providing for expiration of the reallocation; prohibiting, as a condition of receiving state funds, public transit provider from expending such funds for specified marketing or advertising activities; requiring the department to incorporate certain guidelines in the public transportation grant agreement entered into with each public transit provider; prohibiting certain wraps, tinting, paint, media, or advertisements on passenger windows of public transit provider vehicles from being darker than certain window tinting requirements; amending s. 341.071, F.S.; defining terms; beginning on a specified date and annually thereafter, requiring each public transit provider to take specified actions during a publicly noticed meeting; requiring that a certain disclosure be posted on public transit providers' websites; requiring the department to determine the annual state average of general administrative costs; authorizing certain costs to be excluded from such annual state average; requiring a specified increase in general administration costs to be reviewed and approved by certain entities; amending s. 341.822, F.S.; revising the powers of the Florida Rail Enterprise; providing an effective date.

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

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Section 1. Paragraphs (b) and (d) of subsection (3) of section 20.23, Florida Statutes, 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, all of the following:
  - 1. Administration.
  - 2. Planning.+
  - 3. Modal development. Public transportation;
- 137 4. Design. +
  - 5. Highway operations. +
    - 6. Right-of-way<u>.</u>;
    - 7. Toll operations. +
    - 8. Transportation technology.
- 9.8. Information systems.÷
- 143 10.9. Motor carrier weight inspection.
- 144 11.<del>10.</del> Work program development Management and budget.
- 145 12.<del>11.</del> Comptroller.÷

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146 13.<del>12.</del> Construction.; 147 14. Statewide corridors. 148 15.<del>13.</del> Maintenance.; and 149 16. Forecasting and performance. 150 17. Emergency management. 151 18. Safety. 152 19.<del>14</del>. Materials. 153 (d) The secretary shall appoint an inspector general pursuant to s. 20.055 who shall be directly responsible to the 154 155 secretary and shall serve at the pleasure of the secretary. 156 Section 2. Present subsection (7) of section 311.101, 157 Florida Statutes, is redesignated as subsection (8), and a new 158 subsection (7) is added to that section, to read: 159 311.101 Intermodal Logistics Center Infrastructure Support 160 Program.-161 (7) Beginning with the 2024-2025 fiscal year through the 162 2029-2030 fiscal year, \$15 million in recurring funds shall be 163 made available from the State Transportation Trust Fund for the 164 program. The Department of Transportation shall include projects 165 proposed to be funded under this section in the tentative work 166 program developed pursuant to s. 339.135(4). 167 Section 3. Section 334.046, Florida Statutes, is amended to 168 read: 169 334.046 Department mission, goals, and objectives.-170 (1) The department shall consider the following prevailing 171 principles when to be considered in planning and developing the 172 state's multimodal an integrated, balanced statewide 173 transportation system are: preserving Florida's the existing transportation infrastructure; supporting its enhancing 174

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Florida's economic competitiveness; promoting the efficient movement of people and goods; and preserving Florida's quality of life improving travel choices to ensure mobility.

- (2) The mission of the Department of Transportation shall be to provide a safe statewide transportation system that promotes the efficient movement ensures the mobility of people and goods, supports the state's enhances economic competitiveness, prioritizes Florida's environment and natural resources prosperity, and preserves the quality of life and connectedness of the state's our environment and communities.
- Transportation Plan, in accordance with s. 339.155 and based upon the prevailing principles outlined in this section shall be incorporated into all of preserving the existing transportation infrastructure, enhancing Florida's economic competitiveness, and improving travel choices to ensure mobility, the goals and objectives that provide statewide policy guidance for accomplishing the department's mission, including the Florida Transportation Plan outlined in s. 339.155.
- (4) At a minimum, the department's goals shall address the following prevailing principles:  $\cdot$
- (a) <u>Maintaining investments</u> <u>Preservation</u>.—Protecting the state's transportation infrastructure investment, which—

  <del>Preservation</del> includes:
- 1. Ensuring that 80 percent of the pavement on the State Highway System meets department standards;
- 2. Ensuring that 90 percent of department-maintained bridges meet department standards; and
  - 3. Ensuring that the department achieves 100 percent of the

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acceptable maintenance standard on the state highway system.

- (b) Economic competitiveness.—Ensuring that the state has a clear understanding of the return on investment and economic impacts consequences of transportation infrastructure investments, and how such investments affect the state's economic competitiveness. The department must develop a macroeconomic analysis of the linkages between transportation investment and economic performance, as well as a method to quantifiably measure the economic benefits of the district-work-program investments. Such an analysis must analyze:
- 1. The state's and district's economic performance relative to the competition.
- 2. The business environment as viewed from the perspective of companies evaluating the state as a place in which to do business.
  - 3. The state's capacity to sustain long-term growth.
- (c) <u>Connected transportation system</u> <u>Mobility</u>.—Ensuring a cost-effective, statewide, interconnected transportation system that provides for the most efficient and effective multimodality and mobility.
- (d) Preserving Florida's natural resources and quality of life.—Prioritizing Florida's natural resources and the quality of life of its communities.
- Section 4. Section 334.61, Florida Statutes, is created to read:
  - 334.61 Traffic lane repurposing.-
- (1) When a governmental entity proposes any project that will repurpose one or more existing traffic lanes, the governmental entity shall include a traffic study to address any

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potential adverse impacts of the project, including, but not
limited to, changes in traffic congestion and impacts on safety.

- (2) If, following the study required by subsection (1), the governmental entity elects to continue with the design of the project, it must notify all affected property owners, impacted municipalities, and the counties in which the project is located at least 180 days before the design phase of the project is completed. The notice must provide a written explanation regarding the need for the project and information on how to review the traffic study required by subsection (1), and must indicate that all affected parties will be given an opportunity to provide comments to the proposing entity regarding potential impacts of the change.
- (3) The governmental entity shall hold at least one public meeting, with at least 30 days prior notice, before completing the design phase of the project in the jurisdiction where the project is located. At the public meeting, the governmental entity shall explain the purpose of the project and receive public input, including possible alternatives, to determine the manner in which the project will affect the community.
- (4) The governmental entity shall review all comments from the public meeting and take the comments and any alternatives presented during the meeting into consideration in the final design of the project.
- Section 5. Paragraph (c) of subsection (3) of section 338.231, Florida Statutes, is amended to read:
- 338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls and amounts for the use of the turnpike

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system as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(3)

(c) Notwithstanding any other provision of law to the contrary, any prepaid toll account of any kind which has remained inactive for  $\underline{10}$  3 years  $\underline{is}$  shall be presumed unclaimed and its disposition shall be handled by the Department of Financial Services in accordance with all applicable provisions of chapter 717 relating to the disposition of unclaimed property, and the prepaid toll account shall be closed by the department.

Section 6. Paragraph (a) of subsection (3) of section 338.26, Florida Statutes, is amended to read:

338.26 Alligator Alley toll road.—

- (3) (a) Fees generated from tolls shall be deposited in the State Transportation Trust Fund and shall be used:
  - 1. To reimburse outstanding contractual obligations;
- 2. To operate and maintain the highway and toll facilities, including reconstruction and restoration;
- 3. To pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994; and
  - 4. By interlocal agreement effective July 1, 2019, through

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no later than June 30, 2027, to reimburse a local governmental entity for the direct actual costs of operating the fire station at mile marker 63 on Alligator Alley, which shall be used by the local governmental entity to provide fire, rescue, and emergency management services exclusively to the public on Alligator Alley. The local governmental entity must contribute 10 percent of the direct actual operating costs.

- a. The interlocal agreement effective July 1, 2019, through June 30, 2027, shall control until such time that the local governmental entity and the department enter into a new agreement or agree to extend the existing agreement. For the 2024-2025 fiscal year, the amount of reimbursement shall be \$2 million.
- b. By December 31, 2024, and every 5 years thereafter, the local governmental entity shall provide a maintenance and operations comprehensive plan to the department. The comprehensive plan must include a current inventory of assets, including their projected service life, and area service needs; the call and response history for emergency services provided in the preceding 5 years on Alligator Alley, including costs; and future projections for assets and equipment, including replacement or purchase needs, and operating costs.
- c. The local governmental entity and the department shall review and adopt the comprehensive plan as part of the interlocal agreement.
- d. In accordance with projected incoming toll revenues for Alligator Alley, the department shall include the corresponding funding needs of the comprehensive plan in the department's work program The amount of reimbursement to the local governmental

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594-03824-24 20241226c3 entity may not exceed \$1.4 million in any state fiscal year. e. At the end of the term of the interlocal agreement, the ownership and title of all fire, rescue, and emergency equipment purchased with state funds and used at the fire station during the term of the interlocal agreement transfers to the state. Section 7. Subsection (5) is added to section 339.08, Florida Statutes, to read: 339.08 Use of moneys in State Transportation Trust Fund.-(5) The department may not expend any state funds as described in s. 215.31 to support a project or program of any of the following entities: (a) A public transit provider as defined in s. 341.031; (b) An authority created pursuant to chapter 343, chapter 348, or chapter 349; (c) A public-use airport as defined in s. 332.004; or (d) A port listed in s. 311.09(1), which is found in violation of s. 381.00316. The department shall withhold state funds until the public transit provider, authority, public-use airport, or port is found in compliance with s. 381.00316. Section 8. Section 339.0803, Florida Statutes, is amended to read: 339.0803 Allocation of increased revenues derived from amendments to s. 320.08 by ch. 2019-43.-(1) Beginning in the 2021-2022 fiscal year and each fiscal year thereafter, funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments

to s. 320.08 made by chapter 2019-43, Laws of Florida, and

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deposited into the fund pursuant to s. 320.20(5)(a) must be used to fund arterial highway projects identified by the department in accordance with s. 339.65 and may be used for projects as specified in ss. 339.66 and 339.67. For purposes of the funding provided in this section, the department shall prioritize use of existing facilities or portions thereof when upgrading arterial highways to limited or controlled access facilities. However, this section does not preclude use of the funding for projects that enhance the capacity of an arterial highway. The funds allocated as provided in this section shall be in addition to any other statutory funding allocations provided by law.

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

Section 9. Subsection (13) of section 339.0809, Florida Statutes, is amended, and subsection (14) is added to that section, to read:

339.0809 Florida Department of Transportation Financing Corporation.—

(13) The department may enter into a service contract in conjunction with the issuance of debt obligations as provided in this section which provides for periodic payments for debt service or other amounts payable with respect to debt obligations, plus any administrative expenses of the Florida

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Department of Transportation Financing Corporation. <u>Funds</u> appropriated for payments under a service contract shall be available after funds pledged to payment on bonds, but before other statutorily required distributions.

(14) The department may enter into a service contract to finance the projects authorized in s. 215 of chapter 2023-239, Laws of Florida, and in budget amendment EOG #2024-B0112, and subsequently adopted into the 5-year work program. Service contract payments may not exceed 7 percent of the funds deposited in the State Transportation Trust Fund in each fiscal year. The annual payments under such service contract shall be included in the department's work program and legislative budget request developed pursuant to s. 339.135. The department shall ensure that the annual payments are programmed for the life of the service contract before execution of the service contract and shall remain programmed until fully paid.

Section 10. Subsection (8) is added to section 339.2818, Florida Statutes, to read:

339.2818 Small County Outreach Program. -

(8) Subject to a specific appropriation in addition to funds appropriated for projects under this section, a local government either wholly or partially within the Everglades

Agricultural Area as defined in s. 373.4592(15), the Peace River Basin, or the Suwannee River Basin may compete for additional funding using the criteria listed in paragraph (4)(c) at up to 100 percent of project costs on state or county roads used primarily as farm-to-market connections between rural agricultural areas and market distribution centers, excluding capacity improvement projects.

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Section 11. Subsection (6) of section 341.051, Florida Statutes, is amended, paragraphs (c) and (d) are added to subsection (2), and subsection (8) is added to that section, to read:

- 341.051 Administration and financing of public transit and intercity bus service programs and projects.—
  - (2) PUBLIC TRANSIT PLAN.-
- (c) Any lane elimination or lane repurposing, recommendation, or application relating to public transit projects must be approved by a two-thirds vote of the transit authority board in a public meeting to be held after a 30-day public notice.
- (d) Any action of eminent domain for acquisition of public transit facilities carried out by a public transit provider must be discussed by the public transit provider at a public meeting to be held after a 30-day public notice.
  - (6) ANNUAL APPROPRIATION. -
- (a) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15 for the New Starts Transit Program are hereby annually appropriated for expenditure to support the New Starts Transit Program.
- (b) The remaining unallocated New Starts Transit Program funds as of June 30, 2024, shall be reallocated for the purpose of the Strategic Intermodal System within the State

  Transportation Trust Fund. This paragraph expires June 30, 2026.
- (8) EXTERIOR VEHICLE WRAP, TINTING, PAINT, MARKETING, AND ADVERTISING.—
- (a) As a condition of receiving funds from the department, a public transit provider may not expend department funds for

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marketing or advertising activities, including any wrap,
tinting, paint, or other medium displayed, attached, or affixed
on a bus, commercial motor vehicle, or motor vehicle that is
owned, leased, or operated by the public transit provider. Such
vehicles are limited to displaying a brand or logo of the public
transit provider, the official seal of the jurisdictional
governmental entity, or a state agency public service
announcement.

- (b) The department shall incorporate guidelines for the marketing or advertising activities allowed under paragraph (a) in the public transportation grant agreement entered into with each public transit provider.
- (c) Any new wrap, tinting, paint, medium, or advertisement on the passenger windows of a vehicle used by a public transit provider may not be darker than the legally allowed window tinting requirements provided in s. 316.2954.

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

Section 12. Subsection (4) is added to section 341.071, Florida Statutes, to read:

341.071 Transit productivity and performance measures; reports.—

- (4) (a) As used in this subsection, the term:
- 1. "General administrative costs" includes, but is not limited to, costs related to transit service development, injuries and damages, safety, personnel administration, legal services, data processing, finance and accounting, purchasing

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and stores, engineering, real estate management, office

management and services, customer service, promotion, market

research, and planning. The term does not include insurance

costs.

- 2. "Public transit provider" means a public agency providing public transit service, including an authority created pursuant to part II of chapter 343 or chapter 349. The term does not apply to the Central Florida Commuter Rail Commission or the authority created pursuant to part I of chapter 343.
- 3. "Tier 1 provider" has the same meaning as in 49 C.F.R. part 625.
- 4. "Tier 2 provider" has the same meaning as in defined in 49 C.F.R. part 625.
- (b) Beginning November 1, 2024, and annually thereafter, each public transit provider, during a publicly noticed meeting, shall:
- 1. Certify that its budgeted and general administration costs are not greater than 20 percent above the annual state average of administrative costs for its respective tier.
- 2. Present a line-item budget report of its budgeted and actual general administration costs.
- 3. Disclose all salaried executive management-level employees' total compensation packages, ridership performance and metrics, and any gift as defined in s. 112.312 accepted in exchange for contracts. This disclosure shall be posted annually on the public transit provider's website.
- (c) To support compliance with paragraph (b), the department shall determine, by tier, the annual state average of general administrative costs by determining the percentage of

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administration costs in this state annually by March 31 to inform the public transit provider's budget for the following fiscal year. Upon review and certification by the department, costs budgeted and expended in association with nontransit-related engineering and construction services may be excluded.

(d) A year-over-year cumulative increase of 5 percent or more in general administration costs must be reviewed before the start of the next fiscal year and must be reviewed and approved by the department before approval by the public transportation provider's governing board.

Section 13. Paragraph (a) of subsection (2) of section 341.822, Florida Statutes, is amended to read:

341.822 Powers and duties.-

(2) (a) In addition to the powers granted to the department, the enterprise has full authority to exercise all powers granted to it under this chapter. Powers shall include, but are not limited to, the ability to plan, construct, maintain, repair, and operate a high-speed rail system, to acquire corridors, and to coordinate the development and operation of publicly funded passenger rail systems in the state, and to preserve future rail corridors and rights-of-way in coordination with the department's planning of the State Highway System.

Section 14. This act shall take effect July 1, 2024.