

1 A bill to be entitled
 2 An act relating to the Department of Transportation;
 3 amending s. 288.9606, F.S.; authorizing Florida
 4 Development Finance Corporation revenue bonds to
 5 finance acquisition or construction of certain
 6 transportation facilities; amending s. 316.0777, F.S.;
 7 defining the term "law enforcement agency";
 8 authorizing installation of an automated license plate
 9 recognition system within the right-of-way of a road
 10 on the State Highway System for a specified purpose;
 11 requiring such installation to be in accordance with
 12 placement and installation guidelines developed by the
 13 department; requiring removal of such system within a
 14 specified timeframe upon notification by the
 15 department; exempting the department from liability
 16 for damages resulting from operation of such system;
 17 providing for a maximum period of retention of certain
 18 records generated through the use of such system;
 19 amending s. 334.044, F.S.; authorizing the department
 20 to purchase certain promotional items; authorizing the
 21 department to expend funds for certain training,
 22 testing, and licensing; amending s. 337.11, F.S.;
 23 revising the amount of construction and maintenance
 24 contracts the department may enter into without
 25 advertising and receiving competitive bids; amending

26 s. 339.135, F.S.; revising expiration of a provision
 27 authorizing certain adopted work program amendments to
 28 be approved by the chair and vice chair of the
 29 Legislative Budget Commission; amending s. 341.052,
 30 F.S.; requiring public transit block grant program
 31 providers to establish plans consistent with certain
 32 long-range transportation plans; amending s. 341.071,
 33 F.S.; revising requirements for public transit
 34 provider reports and publication thereof; transferring
 35 control of the Santa Rosa Bay Bridge Authority to the
 36 department; transferring all remaining assets, rights,
 37 powers, and duties of the authority to the department;
 38 authorizing the department to transfer all or a
 39 portion of the bridge system to the turnpike system;
 40 repealing part IV of ch. 348, F.S., relating to the
 41 creation and operation of the Santa Rosa Bay Bridge
 42 Authority; providing effective dates.

43
 44 Be It Enacted by the Legislature of the State of Florida:

45
 46 Section 1. Subsection (6) of section 288.9606, Florida
 47 Statutes, is amended, and paragraph (d) is added to subsection
 48 (7) of that section, to read:

49 288.9606 Issue of revenue bonds.—

50 (6) The proceeds of any bonds of the corporation may not

51 | be used, in any manner, to acquire any building or facility that
52 | will be, during the pendency of the financing, used by, occupied
53 | by, leased to, or paid for by any state, county, or municipal
54 | agency or entity. This subsection does not prohibit the use of
55 | proceeds of bonds of the corporation for the purpose of
56 | financing the acquisition or construction of a transportation
57 | facility under a public-private partnership agreement authorized
58 | by s. 334.30.

59 | (7) Notwithstanding any provision of this section, the
60 | corporation in its corporate capacity may, without authorization
61 | from a public agency under s. 163.01(7), issue revenue bonds or
62 | other evidence of indebtedness under this section to:

63 | (d) Finance the costs of acquisition or construction of a
64 | transportation facility by a private entity or consortium of
65 | private entities under a public-private partnership agreement
66 | authorized by s. 334.30.

67 | Section 2. Subsections (2), (3), and (4) of section
68 | 316.0777, Florida Statutes, are renumbered as subsections (3),
69 | (4), and (5), respectively, and a new subsection (2) is added to
70 | that section to read:

71 | 316.0777 Automated license plate recognition systems;
72 | installation within rights-of-way of State Highway System;
73 | public records exemption.—

74 | (2)(a) As used in this subsection, the term "law
75 | enforcement agency" means an agency that has a primary mission

76 of preventing and detecting crime and enforcing state penal,
77 criminal, traffic, and motor vehicle laws and, in furtherance of
78 that mission, employs law enforcement officers as defined in s.
79 943.10(1).

80 (b) At the discretion of the Department of Transportation,
81 an automated license plate recognition system may be installed
82 within the right-of-way, as defined in s. 334.03(21), of a road
83 on the State Highway System when installed at the request of a
84 law enforcement agency for the purpose of collecting active
85 criminal intelligence information or active criminal
86 investigative information as defined in s. 119.011(3). Such
87 installation must be in accordance with placement and
88 installation guidelines developed by the Department of
89 Transportation. An automated license plate recognition system
90 must be removed within 30 days after the Department of
91 Transportation notifies the requesting law enforcement agency
92 that such removal must occur.

93 (c) Installation and removal of an automated license plate
94 recognition system are at the sole expense of the requesting law
95 enforcement agency. The Department of Transportation is not
96 liable for any damages caused to any person by the requesting
97 law enforcement agency's operation of such system.

98 (d) Records containing images and data generated through
99 the use of an automated license plate recognition system may not
100 be retained longer than the maximum period provided in the

101 retention schedule established pursuant to s. 316.0778.

102 Section 3. Subsection (5) of section 334.044, Florida
 103 Statutes, is amended, and subsection (36) is added to that
 104 section, to read:

105 334.044 Powers and duties of the department.—The
 106 department shall have the following general powers and duties:

107 (5) To purchase, lease, or otherwise acquire property and
 108 materials, including the purchase of promotional items as part
 109 of public information and education campaigns for the promotion
 110 of scenic highways, traffic and train safety awareness,
 111 alternatives to single-occupant vehicle travel, ~~and~~ commercial
 112 motor vehicle safety, electric vehicle use and charging
 113 stations, autonomous vehicles, and context design for electric
 114 vehicles and autonomous vehicles; to purchase, lease, or
 115 otherwise acquire equipment and supplies; and to sell, exchange,
 116 or otherwise dispose of any property that is no longer needed by
 117 the department.

118 (36) To expend funds, within its discretion, for training,
 119 testing, and licensing for full-time employees of the department
 120 who are required to have a valid Class A or Class B commercial
 121 driver license as a condition of employment with the department.

122 Section 4. Paragraph (c) of subsection (6) of section
 123 337.11, Florida Statutes, is amended to read:

124 337.11 Contracting authority of department; bids;
 125 emergency repairs, supplemental agreements, and change orders;

126 combined design and construction contracts; progress payments;
 127 records; requirements of vehicle registration.—

128 (6)

129 (c) When the department determines that it is in the best
 130 interest of the public for reasons of public concern, economy,
 131 improved operations, or safety, and only when circumstances
 132 dictate rapid completion of the work, the department may, up to
 133 the amount of \$500,000 ~~\$250,000~~, enter into contracts for
 134 construction and maintenance without advertising and receiving
 135 competitive bids. The department may enter into such contracts
 136 only upon a determination that the work is necessary for one of
 137 the following reasons:

138 1. To ensure timely completion of projects or avoidance of
 139 undue delay for other projects;

140 2. To accomplish minor repairs or construction and
 141 maintenance activities for which time is of the essence and for
 142 which significant cost savings would occur; or

143 3. To accomplish nonemergency work necessary to ensure
 144 avoidance of adverse conditions that affect the safe and
 145 efficient flow of traffic.

146

147 The department shall make a good faith effort to obtain two or
 148 more quotes, if available, from qualified contractors before
 149 entering into any contract. The department shall give
 150 consideration to disadvantaged business enterprise

151 participation. However, when the work exists within the limits
152 of an existing contract, the department shall make a good faith
153 effort to negotiate and enter into a contract with the prime
154 contractor on the existing contract.

155 Section 5. Paragraph (h) of subsection (7) of section
156 339.135, Florida Statutes, is amended to read:

157 339.135 Work program; legislative budget request;
158 definitions; preparation, adoption, execution, and amendment.—

159 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

160 (h)1. Any work program amendment that also adds a new
161 project, or phase thereof, to the adopted work program in excess
162 of \$3 million is subject to approval by the Legislative Budget
163 Commission. Any work program amendment submitted under this
164 paragraph must include, as supplemental information, a list of
165 projects, or phases thereof, in the current 5-year adopted work
166 program which are eligible for the funds within the
167 appropriation category being used for the proposed amendment.
168 The department shall provide a narrative with the rationale for
169 not advancing an existing project, or phase thereof, in lieu of
170 the proposed amendment.

171 2. If the department submits an amendment to the
172 Legislative Budget Commission and the commission does not meet
173 or consider the amendment within 30 days after its submittal,
174 the chair and vice chair of the commission may authorize the
175 amendment to be approved pursuant to s. 216.177. This

176 subparagraph expires July 1, 2024 ~~2023~~.

177 Section 6. Subsection (1) of section 341.052, Florida
 178 Statutes, is amended to read:

179 341.052 Public transit block grant program;
 180 administration; eligible projects; limitation.-

181 (1) There is created a public transit block grant program
 182 which shall be administered by the department. Block grant funds
 183 shall only be provided to "Section 9" providers and "Section 18"
 184 providers designated by the United States Department of
 185 Transportation and community transportation coordinators as
 186 defined in chapter 427. Eligible providers must establish public
 187 transportation development plans consistent, to the maximum
 188 extent feasible, with approved local government comprehensive
 189 plans of the units of local government in which the provider is
 190 located and the long-range transportation plans of the
 191 metropolitan planning organization in which the provider is
 192 located. In developing public transportation development plans,
 193 eligible providers must solicit comments from local workforce
 194 development boards established under chapter 445. The
 195 development plans must address how the public transit provider
 196 will work with the appropriate local workforce development board
 197 to provide services to participants in the welfare transition
 198 program. Eligible providers must provide information to the
 199 local workforce development board serving the county in which
 200 the provider is located regarding the availability of

201 transportation services to assist program participants.

202 Section 7. Subsections (2) and (3) of section 341.071,
 203 Florida Statutes, are amended to read:

204 341.071 Transit productivity and performance measures;
 205 reports.—

206 (2) Each public transit provider shall establish
 207 productivity and performance measures, which must be approved by
 208 the department and which must be selected from measures
 209 developed pursuant to s. 341.041(3). Each provider shall, by
 210 January 31 of each year, report to the department relative to
 211 these measures. In approving these measures, the department
 212 shall give consideration to the goals and objectives of each
 213 system, the needs of the local area, and the role for public
 214 transit in the local area. The report shall include the ~~also~~
 215 ~~specifically address potential enhancements to productivity and~~
 216 ~~performance which would have the effect of increasing farebox~~
 217 recovery ratio.

218 (3) Each public transit provider shall publish on its
 219 website ~~in the local newspaper of its area~~ the productivity and
 220 performance measures established for the year and a report which
 221 provides quantitative data relative to the attainment of
 222 established productivity and performance measures.

223 Section 8. (1) Effective upon this act becoming a law,
 224 the governance and control of the Santa Rosa Bay Bridge
 225 Authority is transferred to the Department of Transportation.

226 (2) The authority's bridge system transferred to the
227 department under the terms of the lease-purchase agreement
228 between the department and the authority, effective as of the
229 close of business on June 30, 2022. Any remaining assets,
230 facilities, tangible and intangible property, and any rights in
231 such property, and any other legal rights of the authority, are
232 transferred to the department. The department succeeds to all
233 powers of the authority. The department may review other
234 contracts, financial obligations, and contractual obligations
235 and liabilities of the authority and may assume legal liability
236 for such obligations that are determined by the department to be
237 necessary for the continued operation of the bridge system.

238 (3) The bridge system, or any portion thereof, may be
239 transferred by the department and become part of the turnpike
240 system under the Florida Turnpike Enterprise Law.

241 Section 9. Effective upon this act becoming a law, part IV
242 of chapter 348, Florida Statutes, consisting of sections
243 348.965, 348.966, 348.967, 348.968, 348.969, 348.97, 348.971,
244 348.972, 348.973, 348.974, 348.9751, 348.9761, 348.9771, and
245 348.9781, is repealed.

246 Section 10. Except as otherwise expressly provided in this
247 act, this act shall take effect July 1, 2023.