

Fiscal Year 2024-2025 Conforming Bill
Relating to Transportation

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1 A bill to be entitled
2 An act relating to related to transportation; amending
3 339.08, F.S.; prohibiting the Department of Transportation
4 from expending funds to support projects or programs of
5 certain transportation entities in violation of Florida's
6 protections against COVID-19 mandates; prohibiting the
7 department from expending funds to support projects or
8 programs of certain transportation entities which
9 advertise, enforce, promote, or display a COVID-19, or any
10 variant thereof, recommendation, requirement, or mandate
11 issued by governmental entities; amending 339.0803, F.S.;
12 specifying that certain funds deposited into the State
13 Transportation Trust Fund shall be made available to fund
14 arterial highway projects; amending s. 339.0809, F.S.;
15 authorizing the Department of Transportation to enter into
16 a service contract to finance projects under Moving
17 Florida Forward; providing service contract payment
18 requirements; amending s. 339.155, F.S.; prohibiting
19 environmental, social, and governance considerations in
20 transportation planning; subjecting metropolitan planning
21 organizations to the same prohibitions; creating s.
22 339.652, F.S., creating the Supply Chain Innovation Grant
23 Program within the Department of Transportation; providing
24 program eligibility and requirements; amending 341.071;
25 requiring public transit providers to annually certify
26 that its budgeted administrative costs are within a
27 statewide average; requiring the department of

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transportation to annually calculate the average administrative costs of public transit providers in this state; creating 341.072, F.S.; prohibiting public transit providers from expending state funds for marketing and advertising activities in support of social, political, or ideological interests; using interest earnings on nonrecurring amounts appropriated; using interest earnings on nonrecurring amounts appropriated from State Fiscal Recovery Fund; providing an effective date.

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

Section 1. Subsection (5) is added to section 339.08, Florida Statutes, to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(5) (a) The department is prohibited from expending any state funds as defined in s. 215.31, to support a project or program of a public transit provider as defined in s. 341.031; an authority created pursuant to chapter 343, chapter 348, or chapter 349; an airport as defined in s. 332.004(14); or a port enumerated in s. 311.09(1); that is found in violation of s. 381.00316, F.S. The department shall withhold state funds until such time the entity is found in compliance with Florida law.

(b) The department is prohibited from expending any state funds as defined in s. 215.31, to support a project or program of a public transit provider as defined in s. 341.031; an authority created pursuant to chapter 343, chapter 348, or

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chapter 349; an airport as defined in s. 332.004(14); or a port enumerated in s. 311.09(1); if the entity is found advertising, enforcing, promoting, or displaying a COVID-19-or any variant thereof, recommendation, requirement, or mandate which is produced, recommended, or enacted by the Centers for Disease Control and Prevention, the United States Department of Health and Human Services, the Transportation Security Administration, the United States Department of Transportation and any Operating Administration thereof, or any other governmental entity. Funds shall be withheld until the public transit provider, authority, airport, or port is found in compliance with this requirement.

Section 2. Subsection (2) is added to Section 339.0803, Florida Statutes, 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 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

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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) Such 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 and such constitute projects under s. 339.0809(4).

Section 3. Subsection (13) of Section 339.0809, Florida Statutes, is amended 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 Department of Transportation Financing Corporation. Funds appropriated for payments under a service contract shall be available after funds pledged to payment on bonds but prior to other statutorily required distributions.

(a) For the purposes of this section, the department is authorized to enter into a service contract to finance those 20 projects identified in the Moving Florida Forward infrastructure initiative in the work program. Service contract payments shall not exceed 7 percent of the funds deposited in the State

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Transportation Trust Fund in each fiscal year. The annual
payments under such agreement shall be included in the
department's tentative work program and legislative budget
request developed under s. 339.135. The department shall ensure
that the annual payments are programmed for the life of the
agreement prior to execution of the agreement and remain
programmed until fully paid.

Section 4. Subsection (6) of section 339.155, Florida
Statutes, is added to read:

339.155 Transportation planning.—

(6) PROHIBITION ON ENVIRONMENTAL, SOCIAL, AND GOVERNANCE
CONSIDERATIONS IN TRANSPORTATION PLANNING.— As used in this
section, the term "nonpecuniary factor" includes the
consideration of environmental, social, and corporate governance
(ESG) interests, the prioritization of social governance
standards, benchmarks, requirements, including, but not limited
to, environmental or social justice, and any initiative, action,
framework, or target which advances or implements the goals of
the Paris Agreement, defined as the resolution adopted by the
United Nations Framework Convention on Climate Change's 21st
Conference of Parties in Paris, France, or any similar
initiative adopted by the federal government or any agency
thereof to achieve 'net zero' emissions of carbon dioxide.

(a) Notwithstanding any other law to the contrary, when
developing plans outlined in this section, the department shall
not consider any nonpecuniary social, political, or ideological
factors. Rather, the department shall consider pecuniary factors

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including, but not limited to, the material effects on the risk
or return of an investment, mitigation against natural hazards,
and long-term financial viability.

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

Section 5. Section 339.652, Florida Statutes, is created to
read:

339.652 Supply Chain Innovation Grant Program.-

(1) There is hereby created the Supply Chain Innovation
Grant Program within the Department of Commerce. Subject to
appropriations by the Legislature, and in collaboration with the
Department of Transportation, the Department of Commerce shall
annually consider applications submitted under the program from
seaports as listed in s. 311.09(1), a class I, II, or III
freight railroad, public airports as defined in 330.27(6), and
intermodal logistics centers or inland ports as defined in
311.101(2), to fund proposed projects that increase efficiency
or demonstrably reduce traffic congestion in the delivery of
goods; increase fuel storage and distribution loading rack
capacity; or otherwise expand fuel capacity in this state. The
program shall also consider applications for funding submitted
from public and private entities seeking to develop and
establish vertiports in Florida. Every award made for vertiport
development shall be matched dollar-for-dollar by nonstate
funds. "Vertiport" is defined as a system or infrastructure with
supporting services and equipment utilized for landing, ground

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handling, and takeoff of manned or unmanned vertical takeoff and
landing (VTOL) aircraft.

(2) Awardees under this program shall be selected jointly
by the Department of Transportation and the Department of
Commerce, and grants awarded under this program shall be
administered by the Department of Commerce. The Department of
Transportation and the Department of Commerce are authorized to
adopt rules to implement this section.

Section 6. Subsection (4) is added to section 341.071,
Florida Statutes, to read:

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

(b) To support compliance with the requirement of this
subsection, the department shall determine the annual state
average of administrative costs by calculating the annual
administrative costs of all the public transit providers in this
state. For purposes of this subsection, administrative costs
include, but are not limited to, employee salaries and benefits,
small business outreach, insurance, professional service
contracts not directly related to the operation and maintenance
of the transit system, and other overhead costs.

(c) As used in this subsection, the term public transit
provider means a public agency providing public transit service,
including those authorities created in chapters 343 and 349.

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Section 7. Section 341.072, Florida Statutes, is created to read:

341.072 Prohibited use of state funds by public transit providers.-

(1) A public transit provider may not expend state funds as defined in s. 215.31 either directly, indirectly, or through a grant or agreement, for any marketing or advertising activity as outlined below:

(a) Any marketing, or public awareness campaigns whether through a digital or print medium; including the use of any wrap, tinting, or paint on a bus, commercial motor vehicle, or motor vehicle, as those terms are defined in section 316.003; in support of any social, political, or ideological interest.

(b) Any asset owned or funded by a public transit provider, including existing or future assets, that were supported by state funds as defined in s. 215.31 that display, contain, market whether through a digital or print medium in support of any social, political, or ideological interest.

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

Section 8. In order to implement and provide necessary financing for the Moving Florida Forward Plan, the Department of Transportation is hereby authorized to retain and use the interest earnings accruing from the nonrecurring General Revenue

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appropriation provided in section 215 of chapter 2023-239, Laws of Florida.

Section 9. In order to implement and provide necessary financing for the Moving Florida Forward Plan, the Department of Transportation is hereby authorized to retain and use the interest earnings accruing from the nonrecurring award from the federal Coronavirus State Fiscal Recovery Fund (Public Law 117-2), originally appropriated in section 152 of chapter 2021-36, Laws of Florida, and subsequently appropriated in section 195, section 196, and section 197 of chapter 2022-156, Laws of Florida.

Section 10. This act shall take effect July 1, 2024.