

CHAPTER 2024-57

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 1301

An act relating to the Department of Transportation; amending s. 20.23, F.S.; removing the requirement that the Secretary of Transportation be nominated by the Florida Transportation Commission; 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. 333.03, F.S.; revising requirements for the adoption of airport land use compatibility zoning regulations; 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 of a decision to continue with the design phase of a project 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 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.; 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; limiting 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 the local governmental entity to include such needs in its capital comprehensive plan and appropriate fiscal year budget; 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, 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; authorizing the department to retain interest earnings on specified appropriations; requiring such interest earnings to be spent on specified projects; 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; 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 providers 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 administrative costs to be reviewed and approved by certain entities; amending s. 341.822, F.S.; revising the powers of the Florida Rail Enterprise; amending s. 768.1382, F.S.; revising the definition of the term "streetlight provider"; amending s. 316.1575, F.S.; revising provisions requiring a person approaching a railroad-highway grade crossing to stop within a certain distance from the nearest rail; revising penalties; amending s. 316.1576, F.S.; revising circumstances under which a person is prohibited from driving a vehicle through a railroad-highway grade crossing; revising penalties; amending s. 318.18, F.S.; revising the penalties for certain offenses; amending s.

322.27, F.S.; revising the point system for convictions for violations of motor vehicle laws and ordinances; amending ss. 28.37, 142.01, 316.1951, 316.306, 316.622, 318.121, 318.21, and 395.4036, F.S.; conforming cross-references; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) and 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.

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

(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;
- 4. Design.;
- 5. Highway operations.;
- 6. Right-of-way.;
- 7. Toll operations.;
- 8. Transportation technology.
- ~~9.8.~~ Information systems.;
- ~~10.9.~~ Motor carrier weight inspection.;
- ~~11.10.~~ Work program Management and budget.;

~~12.11.~~ Comptroller.;

~~13.12.~~ Construction.;

~~14.~~ Statewide corridors.

~~15.13.~~ Maintenance.;

~~16.~~ Forecasting and performance.

~~17.~~ Emergency management.

~~18.~~ Safety.

~~19.14.~~ Materials.

~~20.~~ Infrastructure and innovation.

~~21.~~ Permitting.

~~22.~~ Traffic operations.

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

Section 2. Present subsection (7) of section 311.101, Florida Statutes, is redesignated as subsection (8), and a new subsection (7) is added to that section, to read:

311.101 Intermodal Logistics Center Infrastructure Support Program.

(7) Beginning with the 2024-2025 fiscal year through the 2029-2030 fiscal year, \$15 million in recurring funds shall be made available from the State Transportation Trust Fund for the program. The Department of Transportation shall include projects proposed to be funded under this section in the tentative work program developed pursuant to s. 339.135(4).

Section 3. Subsection (2) of section 333.03, Florida Statutes, is amended to read:

333.03 Requirement to adopt airport zoning regulations.—

(2) In the manner provided in subsection (1), political subdivisions shall adopt, administer, and enforce airport land use compatibility zoning regulations. At a minimum, airport land use compatibility zoning regulations must address ~~shall, at a minimum, consider~~ the following:

(a) The prohibition of new landfills and the restriction of existing landfills within the following areas:

1. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbine aircraft.

2. Within 5,000 feet from the nearest point of any runway used by only nonturbine aircraft.

3. Outside the perimeters defined in subparagraphs 1. and 2., but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. s. 77.19. Case-by-case review of such landfills is advised.

(b) ~~When~~ Where any landfill is located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.

(c) ~~When~~ Where an airport authority or other governing body operating a public-use airport has conducted a noise study in accordance with 14 C.F.R. part 150, or ~~when~~ where a public-use airport owner has established noise contours pursuant to another public study accepted by the Federal Aviation Administration, the prohibition of incompatible uses, as established in the noise study in 14 C.F.R. part 150, Appendix A or as a part of an alternative Federal Aviation Administration-accepted public study, within the noise contours established by any of these studies, except if such uses are specifically contemplated by such study with appropriate mitigation or similar techniques described in the study.

(d) ~~When~~ Where an airport authority or other governing body operating a public-use airport has not conducted a noise study, the ~~prohibition~~ mitigation of potential incompatible uses associated with ~~residential construction and any educational facilities~~ facility, with the exception of aviation school facilities or ~~residential property near a public-use airport that has as its sole runway a turf runway measuring less than 2,800 feet in length~~, within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

(e) The restriction of new incompatible uses, activities, or substantial modifications to existing incompatible uses within runway protection zones.

Section 4. Section 334.046, Florida Statutes, is amended to read:

334.046 Department mission, goals, and objectives.—

(1) The ~~department shall consider the following~~ prevailing principles ~~when to be considered in planning and developing the state's multimodal an integrated, balanced statewide transportation system are:~~ preserving Florida's the existing transportation infrastructure; supporting its enhancing 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.

(3) ~~The department shall document in the Florida 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:-

(a) *Maintaining investments Preservation.*—Protecting the state's transportation infrastructure investment, ~~which, Preservation~~ 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 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) *Connected transportation system Mobility*.—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 5. 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 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 6. 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 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 10 ~~3~~ years 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 7. 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 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 may not exceed \$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, and the local governmental entity shall include the same in its capital comprehensive plan and appropriate fiscal year budget ~~The amount of reimbursement to the local governmental 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 8. 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(1);

(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 9. 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 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 10. 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 Department of Transportation Financing Corporation. Funds 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 11. Notwithstanding s. 215 of chapter 2023-239, Laws of Florida, the Department of Transportation is authorized to retain the interest earnings on funds appropriated to finance the projects authorized in s. 215 of chapter 2023-239, Laws of Florida, and in EOG# 2024-B0112 and subsequently adopted into the 5-year work program. The interest earnings must be used by the department to implement such projects.

Section 12. 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.

Section 13. Subsection (6) of section 341.051, Florida Statutes, is amended, paragraphs (c) and (d) are added to subsection (2) of that section, 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 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 14. 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 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 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 administrative 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 administrative 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 the total operating budget which is expended on general administrative 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 administrative 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 15. 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 and acquire future rail corridors and rights-of-way in coordination with the department's planning of the State Highway System.

Section 16. Paragraph (e) of subsection (1) of section 768.1382, Florida Statutes, is amended to read:

768.1382 Streetlights, security lights, and other similar illumination; limitation on liability.—

(1) As used in this section, the term:

(e) “Streetlight provider” means the state or any of the state's officers, agencies, or instrumentalities, any political subdivision as defined in s. 1.01, any public utility as defined in s. 366.02(8), or any electric utility as defined in s. 366.02(4). For purposes of this section, electric utility shall include subsidiaries of an electric utility, regardless of whether the electric utility or subsidiary is providing electric street light service inside or outside of its regulated territory.

Section 17. Section 316.1575, Florida Statutes, is amended to read:

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

(1) A Any person cycling, walking or driving a vehicle and approaching a railroad-highway grade crossing under any of the circumstances stated in

this section must shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and may shall not proceed until the railroad tracks are clear and he or she can do so safely. This subsection applies The foregoing requirements apply when:

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

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

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

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

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

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

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

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

1. For a first violation, the person must pay a fine of \$500 or perform 25 hours of community service and shall have 6 points assessed against his or her driver license as set forth in s. 322.27(3)(d)7.

2. For a second or subsequent violation, the person must pay a fine of \$1,000 and shall have an additional 6 points assessed against his or her driver license as set forth in s. 322.27(3)(d)7.

Section 18. Section 316.1576, Florida Statutes, is amended to read:

316.1576 Insufficient clearance at a railroad-highway grade crossing.

(1) A person may not drive ~~a~~ any vehicle through a railroad-highway grade crossing that does not have sufficient space to drive completely through the crossing without stopping or without obstructing the passage of other vehicles, pedestrians, railroad trains, or other railroad equipment, notwithstanding any traffic control signal indication to proceed.

(2) A person may not drive ~~a~~ any vehicle through a railroad-highway grade crossing that does not have sufficient undercarriage clearance to drive

completely through the crossing without stopping or without obstructing the passage of a railroad train or other railroad equipment.

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

(a) For a first violation, the person must pay a fine of \$500 or perform 25 hours of community service and shall have 6 points assessed against his or her driver license as set forth in s. 322.27(3)(d)7.

(b) For a second or subsequent violation, the person must pay a fine of \$1,000, shall have an additional 6 points assessed against his or her driver license as set forth in s. 322.27(3)(d)7., and, notwithstanding s. 322.27(3)(a), (b), and (c), shall have his or her driving privilege suspended for not more than 6 months.

Section 19. Present subsections (10) through (23) of section 318.18, Florida Statutes, are redesignated as subsections (11) through (24), respectively, a new subsection (10) is added to that section, and subsection (9) of that section is amended, to read:

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

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

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

Section 20. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke driver license or identification card.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash—6 points.
4. Passing a stopped school bus:
 - a. Not causing or resulting in serious bodily injury to or death of another 4 points.
 - b. Causing or resulting in serious bodily injury to or death of another 6 points.
 - c. Points may not be imposed for a violation of passing a stopped school bus as provided in s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant s. 316.173. In addition, a violation of s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant to s. 316.173 may not be used for purposes of setting motor vehicle insurance rates.
5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
 - b. In excess of 15 miles per hour of lawful or posted speed—4 points.
 - c. Points may not be imposed for a violation of unlawful speed as provided in s. 316.1895 or s. 316.183 when enforced by a traffic infraction enforcement officer pursuant to s. 316.1896. In addition, a violation of s. 316.1895 or s. 316.183 when enforced by a traffic infraction enforcement officer pursuant to s. 316.1896 may not be used for purposes of setting motor vehicle insurance rates.
6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points. However, points may not be imposed for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer. In addition, a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.
7. Unlawfully driving a vehicle through a railroad-highway grade crossing—6 points.

8.7. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, points may not be imposed for a violation of s. 316.0741 or s. 316.2065(11); and points may be imposed for a violation of s. 316.1001 only when imposed by the court after a hearing pursuant to s. 318.14(5).

9.8. Any moving violation covered in this paragraph, excluding unlawful speed and unlawful use of a wireless communications device, resulting in a crash—4 points.

10.9. Any conviction under s. 403.413(6)(b)—3 points.

11.10. Any conviction under s. 316.0775(2)—4 points.

12.11. A moving violation covered in this paragraph which is committed in conjunction with the unlawful use of a wireless communications device within a school safety zone—2 points, in addition to the points assigned for the moving violation.

Section 21. Subsection (6) of section 28.37, Florida Statutes, is amended to read:

28.37 Fines, fees, service charges, and costs remitted to the state.—

(6) Ten percent of all court-related fines collected by the clerk, except for penalties or fines distributed to counties or municipalities under s. 316.0083(1)(b)3. or s. ~~318.18(16)(a)~~ s. ~~318.18(15)(a)~~, must be deposited into the fine and forfeiture fund to be used exclusively for clerk court-related functions, as provided in s. 28.35(3)(a).

Section 22. Paragraph (c) of subsection (1) of section 142.01, Florida Statutes, is amended to read:

142.01 Fine and forfeiture fund; disposition of revenue; clerk of the circuit court.—

(1) There shall be established by the clerk of the circuit court in each county of this state a separate fund to be known as the fine and forfeiture fund for use by the clerk of the circuit court in performing court-related functions. The fund shall consist of the following:

(c) Court costs pursuant to ss. 28.2402(1)(b), 34.045(1)(b), 318.14(10)(b), ~~318.18(12)(a)~~ ~~318.18(11)(a)~~, 327.73(9)(a) and (11)(a), and 938.05(3).

Section 23. Subsection (4) of section 316.1951, Florida Statutes, is amended to read:

316.1951 Parking for certain purposes prohibited; sale of motor vehicles; prohibited acts.—

(4) A local government may adopt an ordinance to allow the towing of a motor vehicle parked in violation of this section. A law enforcement officer,

compliance officer, code enforcement officer from any local government agency, or supervisor of the department may issue a citation and cause to be immediately removed at the owner's expense any motor vehicle found in violation of subsection (1), except as provided in subsections (2) and (3), or in violation of subsection (5), subsection (6), subsection (7), or subsection (8), and the owner shall be assessed a penalty as provided in s. 318.18(22) ~~s. 318.18(21)~~ by the government agency or authority that orders immediate removal of the motor vehicle. A motor vehicle removed under this section shall not be released from an impound or towing and storage facility before a release form prescribed by the department has been completed verifying that the fine has been paid to the government agency or authority that ordered immediate removal of the motor vehicle. However, the owner may pay towing and storage charges to the towing and storage facility pursuant to s. 713.78 before payment of the fine or before the release form has been completed.

Section 24. Subsection (4) of section 316.306, Florida Statutes, is amended to read:

316.306 School and work zones; prohibition on the use of a wireless communications device in a handheld manner.—

(4)(a) Any person who violates this section commits a noncriminal traffic infraction, punishable as a moving violation, as provided in chapter 318, and shall have 3 points assessed against his or her driver license as set forth in s. 322.27(3)(d)8. ~~s. 322.27(3)(d)7~~. For a first offense under this section, in lieu of the penalty specified in s. 318.18 and the assessment of points, a person who violates this section may elect to participate in a wireless communications device driving safety program approved by the Department of Highway Safety and Motor Vehicles. Upon completion of such program, the penalty specified in s. 318.18 and associated costs may be waived by the clerk of the court and the assessment of points must be waived.

(b) The clerk of the court may dismiss a case and assess court costs in accordance with s. 318.18(12)(a) ~~s. 318.18(11)(a)~~ for a nonmoving traffic infraction for a person who is cited for a first time violation of this section if the person shows the clerk proof of purchase of equipment that enables his or her personal wireless communications device to be used in a hands-free manner.

Section 25. Subsection (7) of section 316.622, Florida Statutes, is amended to read:

316.622 Farm labor vehicles.—

(7) A violation of this section is a noncriminal traffic infraction, punishable as provided in s. 318.18(17) ~~s. 318.18(16)~~.

Section 26. Section 318.121, Florida Statutes, is amended to read:

318.121 Preemption of additional fees, fines, surcharges, and costs.— Notwithstanding any general or special law, or municipal or county ordinance, additional fees, fines, surcharges, or costs other than the court costs and surcharges assessed under s. 318.18(12), (14), (19), (20), and (23) ~~s. 318.18(11), (13), (18), (19), and (22)~~ may not be added to the civil traffic penalties assessed under this chapter.

Section 27. Subsections (13), (16) through (19), and (21) of section 318.21, Florida Statutes, are amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(13) Of the proceeds from the fine under s. 318.18(16) ~~s. 318.18(15)~~, \$65 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund of the Department of Health and the remaining \$60 shall be distributed pursuant to subsections (1) and (2).

(16) The proceeds from the fines described in s. 318.18(17) ~~s. 318.18(16)~~ shall be remitted to the law enforcement agency that issues the citation for a violation of s. 316.622. The funds must be used for continued education and enforcement of s. 316.622 and other related safety measures contained in chapter 316.

(17) Notwithstanding subsections (1) and (2), the proceeds from the administrative fee surcharge imposed under s. 318.18(18) ~~s. 318.18(17)~~ shall be distributed as provided in that subsection. This subsection expires July 1, 2026.

(18) Notwithstanding subsections (1) and (2), the proceeds from the administrative fee imposed under s. 318.18(19) ~~s. 318.18(18)~~ shall be distributed as provided in that subsection.

(19) Notwithstanding subsections (1) and (2), the proceeds from the fees Article V assessment imposed under s. 318.18(20) ~~s. 318.18(19)~~ shall be distributed as provided in that subsection.

(21) Notwithstanding subsections (1) and (2), the proceeds from the additional penalties imposed pursuant to s. 318.18(5)(c) and (21) ~~(20)~~ shall be distributed as provided in that section.

Section 28. Subsection (1) of section 395.4036, Florida Statutes, is amended to read:

395.4036 Trauma payments.—

(1) Recognizing the Legislature's stated intent to provide financial support to the current verified trauma centers and to provide incentives for the establishment of additional trauma centers as part of a system of state-sponsored trauma centers, the department shall utilize funds collected

under s. 318.18 and deposited into the Emergency Medical Services Trust Fund of the department to ensure the availability and accessibility of trauma services throughout the state as provided in this subsection.

(a) Funds collected under s. 318.18(16) ~~s. 318.18(15)~~ shall be distributed as follows:

1. Twenty percent of the total funds collected during the state fiscal year shall be distributed to verified trauma centers that have a local funding contribution as of December 31. Distribution of funds under this subparagraph shall be based on trauma caseload volume for the most recent calendar year available.

2. Forty percent of the total funds collected shall be distributed to verified trauma centers based on trauma caseload volume for the most recent calendar year available. The determination of caseload volume for distribution of funds under this subparagraph shall be based on the hospital discharge data for patients who meet the criteria for classification as a trauma patient reported by each trauma center pursuant to s. 408.061.

3. Forty percent of the total funds collected shall be distributed to verified trauma centers based on severity of trauma patients for the most recent calendar year available. The determination of severity for distribution of funds under this subparagraph shall be based on the department's International Classification Injury Severity Scores or another statistically valid and scientifically accepted method of stratifying a trauma patient's severity of injury, risk of mortality, and resource consumption as adopted by the department by rule, weighted based on the costs associated with and incurred by the trauma center in treating trauma patients. The weighting of scores shall be established by the department by rule.

(b) Funds collected under s. 318.18(5)(c) and (21) ~~(20)~~ shall be distributed as follows:

1. Thirty percent of the total funds collected shall be distributed to Level II trauma centers operated by a public hospital governed by an elected board of directors as of December 31, 2008.

2. Thirty-five percent of the total funds collected shall be distributed to verified trauma centers based on trauma caseload volume for the most recent calendar year available. The determination of caseload volume for distribution of funds under this subparagraph shall be based on the hospital discharge data for patients who meet the criteria for classification as a trauma patient reported by each trauma center pursuant to s. 408.061.

3. Thirty-five percent of the total funds collected shall be distributed to verified trauma centers based on severity of trauma patients for the most recent calendar year available. The determination of severity for distribution of funds under this subparagraph shall be based on the department's International Classification Injury Severity Scores or another statistically

valid and scientifically accepted method of stratifying a trauma patient's severity of injury, risk of mortality, and resource consumption as adopted by the department by rule, weighted based on the costs associated with and incurred by the trauma center in treating trauma patients. The weighting of scores shall be established by the department by rule.

Section 29. This act shall take effect July 1, 2024.

Approved by the Governor April 3, 2024.

Filed in Office Secretary of State April 3, 2024.