



576-03352-21

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 201.15, F.S.; clarifying that the
4 Department of Revenue is responsible for a certain
5 transfer from the State Treasury to the General
6 Revenue Fund of a portion of documentary stamp tax
7 distributions credited to the State Transportation
8 Trust Fund; amending s. 206.46, F.S.; revising a
9 limitation on an annual transfer from the State
10 Transportation Trust Fund to the Right-of-Way
11 Acquisition and Bridge Construction Trust Fund;
12 amending ss. 206.606, 206.608, and 212.0501, F.S.;
13 removing a requirement for the deduction of certain
14 service charges before the distribution of certain
15 moneys; amending s. 316.545, F.S.; deleting a
16 requirement that the department provide space and
17 video conference capability at each of the
18 department's district offices as an alternative to
19 physical appearance by a person requesting a hearing
20 before the Commercial Motor Vehicle Review Board
21 within the department; requiring the department to
22 allow a person requesting a hearing to appear remotely
23 via communications media technology authorized by a
24 specified rule; amending s. 319.32, F.S.; removing a
25 requirement for the deduction of certain service
26 charges before depositing fees for a certificate of



576-03352-21

27 title into the State Transportation Trust Fund;
28 creating s. 333.15, F.S.; requiring the department to
29 adopt rules to implement ch. 333, relating to airport
30 zoning; amending s. 335.199, F.S.; requiring the
31 department, when proposing any project on the State
32 Highway System which will close or modify an existing
33 access to an abutting property owner, to provide
34 notice to affected property owners, municipalities,
35 and counties at least 180 days before the design phase
36 of the project is completed; requiring the department
37 to hold at least one public meeting before completing
38 the design phase of the project; making a technical
39 change; amending s. 339.135, F.S.; revising the date
40 by which a metropolitan planning organization must
41 annually submit project priorities to the appropriate
42 department district for purposes of developing
43 department district work programs; removing the
44 expiration of provisions relating to approval of
45 department work program amendments when a meeting of
46 the Legislative Budget Commission cannot be held
47 within a specified timeframe; amending s. 339.175,
48 F.S.; revising the date by which a metropolitan
49 planning organization must annually submit a list of
50 project priorities to the appropriate department
51 district for purposes of developing department
52 district work programs and developing metropolitan
53 planning organization transportation improvement
54 programs; providing an effective date.
55



576-03352-21

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

57

58 Section 1. Paragraph (a) of subsection (4) of section
59 201.15, Florida Statutes, is amended to read:

60 201.15 Distribution of taxes collected.—All taxes collected
61 under this chapter are hereby pledged and shall be first made
62 available to make payments when due on bonds issued pursuant to
63 s. 215.618 or s. 215.619, or any other bonds authorized to be
64 issued on a parity basis with such bonds. Such pledge and
65 availability for the payment of these bonds shall have priority
66 over any requirement for the payment of service charges or costs
67 of collection and enforcement under this section. All taxes
68 collected under this chapter, except taxes distributed to the
69 Land Acquisition Trust Fund pursuant to subsections (1) and (2),
70 are subject to the service charge imposed in s. 215.20(1).
71 Before distribution pursuant to this section, the Department of
72 Revenue shall deduct amounts necessary to pay the costs of the
73 collection and enforcement of the tax levied by this chapter.
74 The costs and service charge may not be levied against any
75 portion of taxes pledged to debt service on bonds to the extent
76 that the costs and service charge are required to pay any
77 amounts relating to the bonds. All of the costs of the
78 collection and enforcement of the tax levied by this chapter and
79 the service charge shall be available and transferred to the
80 extent necessary to pay debt service and any other amounts
81 payable with respect to bonds authorized before January 1, 2017,
82 secured by revenues distributed pursuant to this section. All
83 taxes remaining after deduction of costs shall be distributed as
84 follows:



576-03352-21

85 (4) After the required distributions to the Land
86 Acquisition Trust Fund pursuant to subsections (1) and (2) and
87 deduction of the service charge imposed pursuant to s.
88 215.20(1), the remainder shall be distributed as follows:

89 (a) The lesser of 24.18442 percent of the remainder or
90 \$541.75 million in each fiscal year shall be paid into the State
91 Treasury to the credit of the State Transportation Trust Fund.
92 Of such funds, \$75 million for each fiscal year shall be
93 transferred by the Department of Revenue to the General Revenue
94 Fund. Notwithstanding any other law, the remaining amount
95 credited to the State Transportation Trust Fund shall be used
96 for:

97 1. Capital funding for the New Starts Transit Program,
98 authorized by Title 49, U.S.C. s. 5309 and specified in s.
99 341.051, in the amount of 10 percent of the funds;

100 2. The Small County Outreach Program specified in s.
101 339.2818, in the amount of 10 percent of the funds;

102 3. The Strategic Intermodal System specified in ss. 339.61,
103 339.62, 339.63, and 339.64, in the amount of 75 percent of the
104 funds after deduction of the payments required pursuant to
105 subparagraphs 1. and 2.; and

106 4. The Transportation Regional Incentive Program specified
107 in s. 339.2819, in the amount of 25 percent of the funds after
108 deduction of the payments required pursuant to subparagraphs 1.
109 and 2. The first \$60 million of the funds allocated pursuant to
110 this subparagraph shall be allocated annually to the Florida
111 Rail Enterprise for the purposes established in s. 341.303(5).

112 Section 2. Subsection (2) of section 206.46, Florida
113 Statutes, is amended to read:



576-03352-21

114 206.46 State Transportation Trust Fund.—

115 (2) Notwithstanding any other ~~provisions of~~ law, from the
116 revenues deposited into the State Transportation Trust Fund a
117 maximum of 7 percent in each fiscal year shall be transferred
118 into the Right-of-Way Acquisition and Bridge Construction Trust
119 Fund created in s. 215.605, as needed to meet the requirements
120 of the documents authorizing the bonds issued or proposed to be
121 issued under ss. 215.605 and 337.276 or at a minimum amount
122 sufficient to pay for the debt service coverage requirements of
123 outstanding bonds. Notwithstanding the 7 percent annual transfer
124 authorized in this subsection, the annual amount transferred
125 under this subsection may ~~shall~~ not exceed an amount necessary
126 to provide the required debt service coverage levels for a
127 maximum debt service not to exceed \$350 ~~\$275~~ million. Such
128 transfer shall be payable primarily from the motor and diesel
129 fuel taxes transferred to the State Transportation Trust Fund
130 from the Fuel Tax Collection Trust Fund.

131 Section 3. Subsection (1) of section 206.606, Florida
132 Statutes, is amended to read:

133 206.606 Distribution of certain proceeds.—

134 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
135 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
136 Fund. Such moneys, after deducting ~~the service charges imposed~~
137 ~~by s. 215.20~~, the refunds granted pursuant to s. 206.41~~7~~, and the
138 administrative costs incurred by the department in collecting,
139 administering, enforcing, and distributing the tax, which
140 administrative costs may not exceed 2 percent of collections,
141 shall be distributed monthly to the State Transportation Trust
142 Fund, except that:



576-03352-21

143 (a) \$6.30 million shall be transferred to the Fish and
144 Wildlife Conservation Commission in each fiscal year and
145 deposited in the Invasive Plant Control Trust Fund to be used
146 for aquatic plant management, including nonchemical control of
147 aquatic weeds, research into nonchemical controls, and
148 enforcement activities. The commission shall allocate at least
149 \$1 million of such funds to the eradication of melaleuca.

150 (b) Annually, \$2.5 million shall be transferred to the
151 State Game Trust Fund in the Fish and Wildlife Conservation
152 Commission and used for recreational boating activities and
153 freshwater fisheries management and research. The transfers must
154 be made in equal monthly amounts beginning on July 1 of each
155 fiscal year. The commission shall annually determine where unmet
156 needs exist for boating-related activities, and may fund such
157 activities in counties where, due to the number of vessel
158 registrations, sufficient financial resources are unavailable.

159 1. A minimum of \$1.25 million shall be used to fund local
160 projects to provide recreational channel marking and other
161 uniform waterway markers, public boat ramps, lifts, and hoists,
162 marine railways, and other public launching facilities, derelict
163 vessel removal, and other local boating-related activities. In
164 funding the projects, the commission shall give priority
165 consideration to:

166 a. Unmet needs in counties having populations of 100,000 or
167 less ~~fewer~~.

168 b. Unmet needs in coastal counties having a high level of
169 boating-related activities from individuals residing in other
170 counties.

171 2. The remaining \$1.25 million may be used for recreational



576-03352-21

172 boating activities and freshwater fisheries management and
173 research.

174 3. The commission may adopt rules to administer a Florida
175 Boating Improvement Program.

176

177 The commission shall prepare and make available on its Internet
178 website an annual report outlining the status of its Florida
179 Boating Improvement Program, including the projects funded, and
180 a list of counties whose needs are unmet due to insufficient
181 financial resources from vessel registration fees.

182 (c) 0.65 percent of moneys collected pursuant to s.
183 206.41(1)(g) shall be transferred to the Agricultural Emergency
184 Eradication Trust Fund.

185 (d) \$13.4 million in fiscal year 2007-2008 and each fiscal
186 year thereafter of the moneys attributable to the sale of motor
187 and diesel fuel at marinas shall be transferred from the Fuel
188 Tax Collection Trust Fund to the Marine Resources Conservation
189 Trust Fund in the Fish and Wildlife Conservation Commission.

190 Section 4. Section 206.608, Florida Statutes, is amended to
191 read:

192 206.608 State Comprehensive Enhanced Transportation System
193 Tax; deposit of proceeds; distribution.—Moneys received pursuant
194 to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the
195 Fuel Tax Collection Trust Fund, and, after deducting ~~the service~~
196 ~~charge imposed in chapter 215~~ and administrative costs incurred
197 by the department in collecting, administering, enforcing, and
198 distributing the tax, which administrative costs may not exceed
199 2 percent of collections, shall be distributed as follows:

200 (1) 0.65 percent of the proceeds of the tax levied pursuant



576-03352-21

201 to s. 206.41(1)(f) shall be transferred to the Agricultural
202 Emergency Eradication Trust Fund.

203 (2) The remaining proceeds of the tax levied pursuant to s.
204 206.41(1)(f) and all of the proceeds from the tax imposed by s.
205 206.87(1)(d) shall be transferred into the State Transportation
206 Trust Fund, and may be used only for projects in the adopted
207 work program in the district in which the tax proceeds are
208 collected and, to the maximum extent feasible, such moneys shall
209 be programmed for use in the county where collected. However, no
210 revenue from the taxes imposed pursuant to ss. 206.41(1)(f) and
211 206.87(1)(d) in a county shall be expended unless the projects
212 funded with such revenues have been included in the work program
213 adopted pursuant to s. 339.135.

214 Section 5. Subsection (6) of section 212.0501, Florida
215 Statutes, is amended to read:

216 212.0501 Tax on diesel fuel for business purposes;
217 purchase, storage, and use.—

218 (6) All taxes required to be paid on fuel used in self-
219 propelled off-road equipment shall be deposited in the Fuel Tax
220 Collection Trust Fund, to be distributed, ~~after deduction of the~~
221 ~~general revenue service charge pursuant to s. 215.20,~~ to the
222 State Transportation Trust Fund. The department shall, each
223 month, make a transfer, from general revenue collections, equal
224 to such use tax reported on dealers' sales and use tax returns.

225 Section 6. Paragraph (f) of subsection (7) of section
226 316.545, Florida Statutes, is amended to read:

227 316.545 Weight and load unlawful; special fuel and motor
228 fuel tax enforcement; inspection; penalty; review.—

229 (7) There is created within the Department of



576-03352-21

230 Transportation the Commercial Motor Vehicle Review Board,
231 consisting of three permanent members who shall be the Secretary
232 of Transportation, the executive director of the Department of
233 Highway Safety and Motor Vehicles, and the Commissioner of
234 Agriculture, or their authorized representatives, and four
235 additional members appointed pursuant to paragraph (b), which
236 may review any penalty imposed upon any vehicle or person under
237 the provisions of this chapter relating to weights imposed on
238 the highways by the axles and wheels of motor vehicles, to
239 special fuel and motor fuel tax compliance, or to violations of
240 safety regulations.

241 (f) The review board may hold sessions and conduct
242 proceedings at any place within the state. As an alternative to
243 physical appearance, ~~and in addition to any other method of~~
244 ~~appearance authorized by rule,~~ the Department of Transportation
245 shall allow ~~provide space and video conference capability at~~
246 ~~each district office to enable~~ a person requesting a hearing to
247 appear remotely before the board via communications media
248 technology as authorized by chapter 28-109, Florida
249 Administrative Code, regardless of the physical location of the
250 board proceeding.

251 Section 7. Subsection (5) of section 319.32, Florida
252 Statutes, is amended to read:

253 319.32 Fees; service charges; disposition.-

254 (5) (a) Forty-seven dollars of each fee collected, except
255 for fees charged on a certificate of title for a motor vehicle
256 for hire registered under s. 320.08(6), for each applicable
257 original certificate of title and each applicable duplicate copy
258 of a certificate of title, ~~after deducting the service charges~~



576-03352-21

259 ~~imposed by s. 215.20,~~ shall be deposited into the State
260 Transportation Trust Fund. Deposits to the State Transportation
261 Trust Fund pursuant to this paragraph may not exceed \$200
262 million in any fiscal year, and any collections in excess of
263 that amount during the fiscal year shall be paid into the
264 General Revenue Fund.

265 (b) All fees collected pursuant to subsection (3) shall be
266 paid into the Nongame Wildlife Trust Fund. Twenty-one dollars of
267 each fee, except for fees charged on a certificate of title for
268 a motor vehicle for hire registered under s. 320.08(6), for each
269 applicable original certificate of title and each applicable
270 duplicate copy of a certificate of title, ~~after deducting the~~
271 ~~service charges imposed by s. 215.20,~~ shall be deposited into
272 the State Transportation Trust Fund. All other fees collected by
273 the department under this chapter shall be paid into the General
274 Revenue Fund.

275 Section 8. Section 333.15, Florida Statutes, is created to
276 read:

277 333.15 Rulemaking authority.—The department shall adopt
278 rules pursuant to ss. 120.536(1) and 120.54 to implement this
279 chapter.

280 Section 9. Subsections (1), (3), and (4) of section
281 335.199, Florida Statutes, are amended to read:

282 335.199 Transportation projects modifying access to
283 adjacent property.—

284 (1) Whenever the Department of Transportation proposes any
285 project on the State Highway System which will divide a state
286 highway, erect median barriers modifying currently available
287 vehicle turning movements, or have the effect of closing or



576-03352-21

288 modifying an existing access to an abutting property owner, the
289 department shall notify all affected property owners,
290 municipalities, and counties at least 180 days before the design
291 phase of the project is completed ~~finalized~~. The department's
292 notice shall provide a written explanation regarding the need
293 for the project and indicate that all affected parties will be
294 given an opportunity to provide comments to the department
295 regarding potential impacts of the change.

296 (3) The department shall hold at least one public meeting
297 before completing the design phase of the project ~~hearing~~ in the
298 jurisdiction where the project is located and receive public
299 input to determine how the project will affect access to
300 businesses and the potential economic impact of the project on
301 the local business community.

302 (4) The department must review all comments from the public
303 meeting ~~hearing~~ and take the comments and any alternatives
304 presented by a local government under subsection (2) into
305 consideration in the final design of the highway project.

306 Section 10. Paragraph (c) of subsection (4) and paragraph
307 (g) of subsection (7) of section 339.135, Florida Statutes, are
308 amended to read:

309 339.135 Work program; legislative budget request;
310 definitions; preparation, adoption, execution, and amendment.—

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

312 (c)1. For purposes of this section, the board of county
313 commissioners shall serve as the metropolitan planning
314 organization in those counties which are not located in a
315 metropolitan planning organization and shall be involved in the
316 development of the district work program to the same extent as a



576-03352-21

317 metropolitan planning organization.

318 2. The district work program shall be developed
319 cooperatively from the outset with the various metropolitan
320 planning organizations of the state and include, to the maximum
321 extent feasible, the project priorities of metropolitan planning
322 organizations which have been submitted to the district by
323 August 1 ~~October 1~~ of each year pursuant to s. 339.175(8)(b);
324 however, the department and a metropolitan planning organization
325 may, in writing, cooperatively agree to vary this submittal
326 date. To assist the metropolitan planning organizations in
327 developing their lists of project priorities, the district shall
328 disclose to each metropolitan planning organization any
329 anticipated changes in the allocation or programming of state
330 and federal funds which may affect the inclusion of metropolitan
331 planning organization project priorities in the district work
332 program.

333 3. Before ~~Prior to~~ submittal of the district work program
334 to the central office, the district shall provide the affected
335 metropolitan planning organization with written justification
336 for any project proposed to be rescheduled or deleted from the
337 district work program which project is part of the metropolitan
338 planning organization's transportation improvement program and
339 is contained in the last 4 years of the previous adopted work
340 program. By no later than 14 days after submittal of the
341 district work program to the central office, the affected
342 metropolitan planning organization may file an objection to such
343 rescheduling or deletion. When an objection is filed with the
344 secretary, the rescheduling or deletion may not be included in
345 the district work program unless the inclusion of such



576-03352-21

346 rescheduling or deletion is specifically approved by the
347 secretary. The Florida Transportation Commission shall include
348 such objections in its evaluation of the tentative work program
349 only when the secretary has approved the rescheduling or
350 deletion.

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

352 (g)1. Any work program amendment which also requires the
353 transfer of fixed capital outlay appropriations between
354 categories within the department or the increase of an
355 appropriation category is subject to the approval of the
356 Legislative Budget Commission.

357 2. If the department submits an amendment to a meeting of
358 the Legislative Budget Commission and the commission does not
359 meet or consider the amendment cannot be held within 30 days
360 after its submittal ~~the department submits an amendment to the~~
361 ~~Legislative Budget Commission~~, the chair and vice chair of the
362 Legislative Budget Commission may authorize such amendment to be
363 approved pursuant to s. 216.177. ~~This subparagraph expires July~~
364 ~~1, 2021.~~

365 Section 11. Paragraph (b) of subsection (8) of section
366 339.175, Florida Statutes, is amended to read:

367 339.175 Metropolitan planning organization.—

368 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
369 in cooperation with the state and affected public transportation
370 operators, develop a transportation improvement program for the
371 area within the jurisdiction of the M.P.O. In the development of
372 the transportation improvement program, each M.P.O. must provide
373 the public, affected public agencies, representatives of
374 transportation agency employees, freight shippers, providers of



576-03352-21

375 freight transportation services, private providers of
376 transportation, representatives of users of public transit, and
377 other interested parties with a reasonable opportunity to
378 comment on the proposed transportation improvement program.

379 (b) Each M.P.O. annually shall prepare a list of project
380 priorities and shall submit the list to the appropriate district
381 of the department by August 1 ~~October 1~~ of each year; however,
382 the department and a metropolitan planning organization may, in
383 writing, agree to vary this submittal date. Where more than one
384 M.P.O. exists in an urbanized area, the M.P.O.'s shall
385 coordinate in the development of regionally significant project
386 priorities. The list of project priorities must be formally
387 reviewed by the technical and citizens' advisory committees, and
388 approved by the M.P.O., before it is transmitted to the
389 district. The approved list of project priorities must be used
390 by the district in developing the district work program and must
391 be used by the M.P.O. in developing its transportation
392 improvement program. The annual list of project priorities must
393 be based upon project selection criteria that, at a minimum,
394 consider the following:

- 395 1. The approved M.P.O. long-range transportation plan;
396 2. The Strategic Intermodal System Plan developed under s.
397 339.64.
398 3. The priorities developed pursuant to s. 339.2819(4).
399 4. The results of the transportation management systems;

400 and

- 401 5. The M.P.O.'s public-involvement procedures.

402 Section 12. This act shall take effect July 1, 2021.