

By Senator Harrell

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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  
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

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

57  
58 Section 1. Paragraph (a) of subsection (4) of section

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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:

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.

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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:

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

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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, 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:

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

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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  
172 boating activities and freshwater fisheries management and  
173 research.

174 3. The commission may adopt rules to administer a Florida

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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  
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.

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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  
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



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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~~  
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

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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  
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

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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  
317 metropolitan planning organization.

318 2. The district work program shall be developed  
319 cooperatively from the outset with the various metropolitan

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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  
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

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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 a meeting of the Legislative Budget Commission cannot  
358 be held within 30 days after the department submits an amendment  
359 to the Legislative Budget Commission, the chair and vice chair  
360 of the Legislative Budget Commission may authorize such  
361 amendment to be approved pursuant to s. 216.177. ~~This~~  
362 ~~subparagraph expires July 1, 2021.~~

363 Section 11. Paragraph (b) of subsection (8) of section  
364 339.175, Florida Statutes, is amended to read:

365 339.175 Metropolitan planning organization.—

366 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,  
367 in cooperation with the state and affected public transportation  
368 operators, develop a transportation improvement program for the  
369 area within the jurisdiction of the M.P.O. In the development of  
370 the transportation improvement program, each M.P.O. must provide  
371 the public, affected public agencies, representatives of  
372 transportation agency employees, freight shippers, providers of  
373 freight transportation services, private providers of  
374 transportation, representatives of users of public transit, and  
375 other interested parties with a reasonable opportunity to  
376 comment on the proposed transportation improvement program.

377 (b) Each M.P.O. annually shall prepare a list of project

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

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

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