

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. 316.126, F.S.; requiring vehicle
16 operators to vacate the lane closest to certain road
17 and bridge maintenance or construction vehicles or
18 reduce speed upon approach; amending s. 316.545, F.S.;
19 deleting a requirement that the Department of
20 Transportation provide space and video conference
21 capability at each of the department's district
22 offices as an alternative to physical appearance by a
23 person requesting a hearing before the Commercial
24 Motor Vehicle Review Board within the department;
25 requiring the department to allow a person requesting

26 a hearing to appear remotely via communications media
27 technology authorized by a specified rule; amending s.
28 319.32, F.S.; removing a requirement for the deduction
29 of certain service charges before depositing fees for
30 a certificate of title into the State Transportation
31 Trust Fund; creating s. 333.15, F.S.; requiring the
32 department to adopt rules to implement ch. 333, F.S.,
33 relating to airport zoning; amending s. 335.199, F.S.;
34 requiring the department, when proposing any project
35 on the State Highway System which will close or modify
36 an existing access to an abutting property owner, to
37 provide notice to affected property owners,
38 municipalities, and counties at least 180 days before
39 the design phase of the project is completed;
40 requiring the department to hold at least one public
41 meeting before completing the design phase of the
42 project; making a technical change; amending s.
43 339.135, F.S.; revising the date by which a
44 metropolitan planning organization must annually
45 submit project priorities to the appropriate
46 department district for purposes of developing
47 department district work programs; removing the
48 expiration of provisions relating to approval of
49 department work program amendments when a meeting of
50 the Legislative Budget Commission cannot be held

51 within a specified timeframe; amending s. 339.175,
52 F.S.; revising the date by which a metropolitan
53 planning organization must annually submit a list of
54 project priorities to the appropriate department
55 district for purposes of developing department
56 district work programs and developing metropolitan
57 planning organization transportation improvement
58 programs; amending s. 338.2278, F.S.; conforming
59 cross-references; providing an effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Paragraph (a) of subsection (4) of section
64 201.15, Florida Statutes, is amended to read:

65 201.15 Distribution of taxes collected.—All taxes
66 collected under this chapter are hereby pledged and shall be
67 first made available to make payments when due on bonds issued
68 pursuant to s. 215.618 or s. 215.619, or any other bonds
69 authorized to be issued on a parity basis with such bonds. Such
70 pledge and availability for the payment of these bonds shall
71 have priority over any requirement for the payment of service
72 charges or costs of collection and enforcement under this
73 section. All taxes collected under this chapter, except taxes
74 distributed to the Land Acquisition Trust Fund pursuant to
75 subsections (1) and (2), are subject to the service charge

76 | imposed in s. 215.20(1). Before distribution pursuant to this
77 | section, the Department of Revenue shall deduct amounts
78 | necessary to pay the costs of the collection and enforcement of
79 | the tax levied by this chapter. The costs and service charge may
80 | not be levied against any portion of taxes pledged to debt
81 | service on bonds to the extent that the costs and service charge
82 | are required to pay any amounts relating to the bonds. All of
83 | the costs of the collection and enforcement of the tax levied by
84 | this chapter and the service charge shall be available and
85 | transferred to the extent necessary to pay debt service and any
86 | other amounts payable with respect to bonds authorized before
87 | January 1, 2017, secured by revenues distributed pursuant to
88 | this section. All taxes remaining after deduction of costs shall
89 | be distributed as follows:

90 | (4) After the required distributions to the Land
91 | Acquisition Trust Fund pursuant to subsections (1) and (2) and
92 | deduction of the service charge imposed pursuant to s.
93 | 215.20(1), the remainder shall be distributed as follows:

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

101 for:

102 1. Capital funding for the New Starts Transit Program,
 103 authorized by Title 49, U.S.C. s. 5309 and specified in s.
 104 341.051, in the amount of 10 percent of the funds;

105 2. The Small County Outreach Program specified in s.
 106 339.2818, in the amount of 10 percent of the funds;

107 3. The Strategic Intermodal System specified in ss.
 108 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent
 109 of the funds after deduction of the payments required pursuant
 110 to subparagraphs 1. and 2.; and

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

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

119 206.46 State Transportation Trust Fund.—

120 (2) Notwithstanding any other ~~provisions~~ of law, from the
 121 revenues deposited into the State Transportation Trust Fund a
 122 maximum of 7 percent in each fiscal year shall be transferred
 123 into the Right-of-Way Acquisition and Bridge Construction Trust
 124 Fund created in s. 215.605, as needed to meet the requirements
 125 of the documents authorizing the bonds issued or proposed to be

126 issued under ss. 215.605 and 337.276 or at a minimum amount
 127 sufficient to pay for the debt service coverage requirements of
 128 outstanding bonds. Notwithstanding the 7 percent annual transfer
 129 authorized in this subsection, the annual amount transferred
 130 under this subsection may ~~shall~~ not exceed an amount necessary
 131 to provide the required debt service coverage levels for a
 132 maximum debt service not to exceed \$350 ~~\$275~~ million. Such
 133 transfer shall be payable primarily from the motor and diesel
 134 fuel taxes transferred to the State Transportation Trust Fund
 135 from the Fuel Tax Collection Trust Fund.

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

138 206.606 Distribution of certain proceeds.-

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

148 (a) \$6.30 million shall be transferred to the Fish and
 149 Wildlife Conservation Commission in each fiscal year and
 150 deposited in the Invasive Plant Control Trust Fund to be used

151 for aquatic plant management, including nonchemical control of
152 aquatic weeds, research into nonchemical controls, and
153 enforcement activities. The commission shall allocate at least
154 \$1 million of such funds to the eradication of melaleuca.

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

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

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

173 b. Unmet needs in coastal counties having a high level of
174 boating-related activities from individuals residing in other
175 counties.

176 2. The remaining \$1.25 million may be used for
 177 recreational boating activities and freshwater fisheries
 178 management and research.

179 3. The commission may adopt rules to administer a Florida
 180 Boating Improvement Program.

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

187 (c) 0.65 percent of moneys collected pursuant to s.
 188 206.41(1)(g) shall be transferred to the Agricultural Emergency
 189 Eradication Trust Fund.

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

195 Section 4. Section 206.608, Florida Statutes, is amended
 196 to read:

197 206.608 State Comprehensive Enhanced Transportation System
 198 Tax; deposit of proceeds; distribution.—Moneys received pursuant
 199 to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the
 200 Fuel Tax Collection Trust Fund, and, after deducting ~~the service~~

201 ~~charge imposed in chapter 215 and~~ administrative costs incurred
202 by the department in collecting, administering, enforcing, and
203 distributing the tax, which administrative costs may not exceed
204 2 percent of collections, shall be distributed as follows:

205 (1) 0.65 percent of the proceeds of the tax levied
206 pursuant to s. 206.41(1)(f) shall be transferred to the
207 Agricultural Emergency Eradication Trust Fund.

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

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

221 212.0501 Tax on diesel fuel for business purposes;
222 purchase, storage, and use.—

223 (6) All taxes required to be paid on fuel used in self-
224 propelled off-road equipment shall be deposited in the Fuel Tax
225 Collection Trust Fund, to be distributed, ~~after deduction of the~~

226 ~~general revenue service charge pursuant to s. 215.20,~~ to the
 227 State Transportation Trust Fund. The department shall, each
 228 month, make a transfer, from general revenue collections, equal
 229 to such use tax reported on dealers' sales and use tax returns.

230 Section 6. Paragraph (b) of subsection (1) of section
 231 316.126, Florida Statutes, is amended to read:

232 316.126 Operation of vehicles and actions of pedestrians
 233 on approach of certain ~~an authorized emergency, sanitation, or~~
 234 ~~utility~~ service vehicles ~~vehicle~~.-

235 (1)

236 (b) If an authorized emergency vehicle displaying any
 237 visual signals is parked on the roadside, a sanitation vehicle
 238 is performing a task related to the provision of sanitation
 239 services on the roadside, a utility service vehicle is
 240 performing a task related to the provision of utility services
 241 on the roadside, ~~or~~ a wrecker displaying amber rotating or
 242 flashing lights is performing a recovery or loading on the
 243 roadside, or a road and bridge maintenance or construction
 244 vehicle displaying warning lights is on the roadside without
 245 advance signs and channelizing devices, the driver of every
 246 other vehicle, as soon as it is safe:

247 1. Shall vacate the lane closest to the emergency vehicle,
 248 sanitation vehicle, utility service vehicle, ~~or wrecker,~~ or road
 249 and bridge maintenance or construction vehicle when driving on
 250 an interstate highway or other highway with two or more lanes

251 traveling in the direction of the emergency vehicle, sanitation
252 vehicle, utility service vehicle, ~~or wrecker,~~ or road and bridge
253 maintenance or construction vehicle, except when otherwise
254 directed by a law enforcement officer. If such movement cannot
255 be safely accomplished, the driver shall reduce speed as
256 provided in subparagraph 2.

257 2. Shall slow to a speed that is 20 miles per hour less
258 than the posted speed limit when the posted speed limit is 25
259 miles per hour or greater; or travel at 5 miles per hour when
260 the posted speed limit is 20 miles per hour or less, when
261 driving on a two-lane road, except when otherwise directed by a
262 law enforcement officer.

263 Section 7. Paragraph (f) of subsection (7) of section
264 316.545, Florida Statutes, is amended to read:

265 316.545 Weight and load unlawful; special fuel and motor
266 fuel tax enforcement; inspection; penalty; review.—

267 (7) There is created within the Department of
268 Transportation the Commercial Motor Vehicle Review Board,
269 consisting of three permanent members who shall be the Secretary
270 of Transportation, the executive director of the Department of
271 Highway Safety and Motor Vehicles, and the Commissioner of
272 Agriculture, or their authorized representatives, and four
273 additional members appointed pursuant to paragraph (b), which
274 may review any penalty imposed upon any vehicle or person under
275 the provisions of this chapter relating to weights imposed on

276 | the highways by the axles and wheels of motor vehicles, to
 277 | special fuel and motor fuel tax compliance, or to violations of
 278 | safety regulations.

279 | (f) The review board may hold sessions and conduct
 280 | proceedings at any place within the state. As an alternative to
 281 | appearing physically ~~physical appearance, and in addition to any~~
 282 | ~~other method of appearance authorized by rule,~~ the Department of
 283 | Transportation shall allow ~~provide space and video conference~~
 284 | ~~capability at each district office to enable~~ a person requesting
 285 | a hearing to appear remotely before the board via communications
 286 | media technology authorized by chapter 28-109, Florida
 287 | Administrative Code, regardless of the physical location of the
 288 | board proceeding.

289 | Section 8. Subsection (5) of section 319.32, Florida
 290 | Statutes, is amended to read:

291 | 319.32 Fees; service charges; disposition.—

292 | (5) (a) Forty-seven dollars of each fee collected, except
 293 | for fees charged on a certificate of title for a motor vehicle
 294 | for hire registered under s. 320.08(6), for each applicable
 295 | original certificate of title and each applicable duplicate copy
 296 | of a certificate of title, ~~after deducting the service charges~~
 297 | ~~imposed by s. 215.20,~~ shall be deposited into the State
 298 | Transportation Trust Fund. Deposits to the State Transportation
 299 | Trust Fund pursuant to this paragraph may not exceed \$200
 300 | million in any fiscal year, and any collections in excess of

301 that amount during the fiscal year shall be paid into the
302 General Revenue Fund.

303 (b) All fees collected pursuant to subsection (3) shall be
304 paid into the Nongame Wildlife Trust Fund. Twenty-one dollars of
305 each fee, except for fees charged on a certificate of title for
306 a motor vehicle for hire registered under s. 320.08(6), for each
307 applicable original certificate of title and each applicable
308 duplicate copy of a certificate of title, ~~after deducting the~~
309 ~~service charges imposed by s. 215.20,~~ shall be deposited into
310 the State Transportation Trust Fund. All other fees collected by
311 the department under this chapter shall be paid into the General
312 Revenue Fund.

313 Section 9. Section 333.15, Florida Statutes, is created to
314 read:

315 333.15 Rulemaking authority.—The department shall adopt
316 rules pursuant to ss. 120.536(1) and 120.54 to implement this
317 chapter.

318 Section 10. Subsections (1), (3), and (4) of section
319 335.199, Florida Statutes, are amended to read:

320 335.199 Transportation projects modifying access to
321 adjacent property.—

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

326 | modifying an existing access to an abutting property owner, the
 327 | department shall notify all affected property owners,
 328 | municipalities, and counties at least 180 days before the design
 329 | phase of the project is completed ~~finalized~~. The department's
 330 | notice shall provide a written explanation regarding the need
 331 | for the project and indicate that all affected parties will be
 332 | given an opportunity to provide comments to the department
 333 | regarding potential impacts of the change.

334 | (3) The department shall hold at least one public meeting
 335 | before completing the design phase of the project ~~hearing~~ in the
 336 | jurisdiction where the project is located and receive public
 337 | input to determine how the project will affect access to
 338 | businesses and the potential economic impact of the project on
 339 | the local business community.

340 | (4) The department must review all comments from the
 341 | public meeting ~~hearing~~ and take the comments and any
 342 | alternatives presented by a local government under subsection
 343 | (2) into consideration in the final design of the highway
 344 | project.

345 | Section 11. Paragraph (c) of subsection (4) and paragraph
 346 | (g) of subsection (7) of section 339.135, Florida Statutes, are
 347 | amended to read:

348 | 339.135 Work program; legislative budget request;
 349 | definitions; preparation, adoption, execution, and amendment.—

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

351 (c)1. For purposes of this section, the board of county
352 commissioners shall serve as the metropolitan planning
353 organization in those counties which are not located in a
354 metropolitan planning organization and shall be involved in the
355 development of the district work program to the same extent as a
356 metropolitan planning organization.

357 2. The district work program shall be developed
358 cooperatively from the outset with the various metropolitan
359 planning organizations of the state and include, to the maximum
360 extent feasible, the project priorities of metropolitan planning
361 organizations which have been submitted to the district by
362 August 1 ~~October 1~~ of each year pursuant to s. 339.175(8)(b);
363 however, the department and a metropolitan planning organization
364 may, in writing, cooperatively agree to vary this submittal
365 date. To assist the metropolitan planning organizations in
366 developing their lists of project priorities, the district shall
367 disclose to each metropolitan planning organization any
368 anticipated changes in the allocation or programming of state
369 and federal funds which may affect the inclusion of metropolitan
370 planning organization project priorities in the district work
371 program.

372 3. Before ~~Prior to~~ submittal of the district work program
373 to the central office, the district shall provide the affected
374 metropolitan planning organization with written justification
375 for any project proposed to be rescheduled or deleted from the

376 district work program which project is part of the metropolitan
377 planning organization's transportation improvement program and
378 is contained in the last 4 years of the previous adopted work
379 program. By no later than 14 days after submittal of the
380 district work program to the central office, the affected
381 metropolitan planning organization may file an objection to such
382 rescheduling or deletion. When an objection is filed with the
383 secretary, the rescheduling or deletion may not be included in
384 the district work program unless the inclusion of such
385 rescheduling or deletion is specifically approved by the
386 secretary. The Florida Transportation Commission shall include
387 such objections in its evaluation of the tentative work program
388 only when the secretary has approved the rescheduling or
389 deletion.

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

391 (g)1. Any work program amendment which also requires the
392 transfer of fixed capital outlay appropriations between
393 categories within the department or the increase of an
394 appropriation category is subject to the approval of the
395 Legislative Budget Commission.

396 2. If a meeting of the Legislative Budget Commission
397 cannot be held within 30 days after the department submits an
398 amendment to the Legislative Budget Commission, the chair and
399 vice chair of the Legislative Budget Commission may authorize
400 such amendment to be approved pursuant to s. 216.177. ~~This~~

401 ~~subparagraph expires July 1, 2021.~~

402 Section 12. Paragraph (b) of subsection (8) of section
403 339.175, Florida Statutes, is amended to read:

404 339.175 Metropolitan planning organization.—

405 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
406 in cooperation with the state and affected public transportation
407 operators, develop a transportation improvement program for the
408 area within the jurisdiction of the M.P.O. In the development of
409 the transportation improvement program, each M.P.O. must provide
410 the public, affected public agencies, representatives of
411 transportation agency employees, freight shippers, providers of
412 freight transportation services, private providers of
413 transportation, representatives of users of public transit, and
414 other interested parties with a reasonable opportunity to
415 comment on the proposed transportation improvement program.

416 (b) Each M.P.O. annually shall prepare a list of project
417 priorities and shall submit the list to the appropriate district
418 of the department by August 1 ~~October 1~~ of each year; however,
419 the department and a metropolitan planning organization may, in
420 writing, agree to vary this submittal date. Where more than one
421 M.P.O. exists in an urbanized area, the M.P.O.'s shall
422 coordinate in the development of regionally significant project
423 priorities. The list of project priorities must be formally
424 reviewed by the technical and citizens' advisory committees, and
425 approved by the M.P.O., before it is transmitted to the

426 | district. The approved list of project priorities must be used
 427 | by the district in developing the district work program and must
 428 | be used by the M.P.O. in developing its transportation
 429 | improvement program. The annual list of project priorities must
 430 | be based upon project selection criteria that, at a minimum,
 431 | consider the following:

- 432 | 1. The approved M.P.O. long-range transportation plan;
- 433 | 2. The Strategic Intermodal System Plan developed under s.
 434 | 339.64.
- 435 | 3. The priorities developed pursuant to s. 339.2819(4).
- 436 | 4. The results of the transportation management systems;
- 437 | and
- 438 | 5. The M.P.O.'s public-involvement procedures.

439 | Section 13. This act shall take effect July 1, 2021.