

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1315 Transportation  
**SPONSOR(S):** Transportation & Infrastructure Subcommittee, Fetterhoff  
**TIED BILLS:** IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	12 Y, 0 N, As CS	Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

**SUMMARY ANALYSIS**

The bill amends various statutes relating to transportation. In summary, the bill:

- Authorizes the Secretary of Transportation to designate an entity within the Department of Transportation (DOT) to coordinate efforts to enhance passenger rail safety;
- Eliminates the \$275 million debt service cap on Right-of-Way Acquisition and Bridge Construction Bonds;
- Removes obsolete references to the General Revenue service charge for transportation-related revenues;
- Makes permanent the funding for the Intermodal Logistics Center Infrastructure Support Program;
- Adds road and bridge maintenance or construction vehicles to the Move Over Law if certain conditions are met;
- Conforms specified airport zoning terminology and regulations to federal requirements;
- Advances the deadline for the metropolitan planning organizations list of project priorities to be submitted to the DOT;
- Makes permanent the authorization for the chair and vice chair of the Legislative Budget Commission to approve certain DOT work program amendments;
- Requires DOT to coordinate the development of rail safety and the operation of publicly funded passenger rail;
- Increases the state's liability insurance cap for passenger rail to \$295 million, consistent with federal limits;
- Authorizes documentary stamp tax revenues allocated to the Florida Rail Enterprise to be expended on rail safety programs; and
- Repeals the inactive Economic Development Transportation Fund.

The bill appears to have a fiscal impact on state and local government revenues and state government expenditures. See Fiscal Analysis for details.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Department of Transportation's Rail Program

##### Present Situation

The Department of Transportation (DOT) is required develop and implement a rail program designed to ensure its proper maintenance, safety, revitalization, and expansion, to assure its continued and increased availability, and to respond to statewide mobility needs. DOT's statutory rail requirements include:

- Providing the overall leadership, coordination, and financial and technical assistance necessary to assure the effective responses of the state's rail system to mobility needs.
- Promoting and facilitating the implementation of advanced rail systems.
- Developing and administering state standards concerning the safety and performance of rail systems.<sup>1</sup>

In 2009, the Legislature created the Florida Rail Enterprise (FRE) within DOT. The FRE was modeled after the existing Florida Turnpike Enterprise. The FRE is headed by an executive director, appointed by the Secretary of Transportation.<sup>2</sup> The FRE's headquarters must be in Leon County.<sup>3</sup>

The Secretary of Transportation must delegate the responsibility for developing and operating the high-speed and passenger rail systems, directing funding for passenger rail systems, and coordinating publicly funded passenger rail operations, including freight rail interoperability issues to the FRE's executive director. The FRE operates pursuant to the Florida Rail Enterprise Act.<sup>4</sup>

For Fiscal Year 2019-2020, the FRE was authorized one position and appropriated \$267 million,<sup>5</sup> including \$60 million from documentary stamp tax collections.<sup>6</sup>

The department, through the FRE, is authorized to use funds allocated to the FRE from documentary stamp collections to fund:

- Up to 50 percent of the nonfederal share of the costs of any eligible passenger rail capital improvement project;
- Up to 100 percent of planning and development costs related to the provision of a passenger rail system;
- The high-speed rail system; and
- Projects necessary to identify or address anticipated impacts of increased freight rail traffic resulting from the implementation of passenger rail systems.<sup>7</sup>

In December 2019, due to the number of rail-related accidents in this state, the Secretary of Transportation directed DOT to implement a number of rail safety measures and to launch a statewide education initiative. The goal of the directive is to prevent additional fatalities on or near rail crossings on state roads and state owned land crossings. The directive included the following actions:

- Implementing "dynamic envelopes"<sup>8</sup> at every existing DOT roadway and state-owned land rail crossing.

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<sup>1</sup> Section 341.302, F.S.

<sup>2</sup> The Secretary of Transportation is the agency head for the Department of Transportation.

<sup>3</sup> Section 20.23(4)(a), F.S.

<sup>4</sup> Section 20.23(4)(f)1, F.S.

<sup>5</sup> Chapter 2019-115, L.O.F. Specific appropriations 1953-1961.

<sup>6</sup> Section 201.15(4)(a)4., F.S.

<sup>7</sup> Section 341.303(5), F.S.

<sup>8</sup> A dynamic envelope is the area a vehicle should never stop in when it is crossing railroad tracks. Pavement markings and signage are provided around a rail crossing to emphasize the area and make drivers aware of the area they should never stop in. Email from John

- Requiring the inclusion of a dynamic envelope in the standard design of any future railroad crossings on DOT roadways or state-owned land rail crossings.
- Launching a data-driven statewide rail safety education initiative in conjunction with rail partners.
- Partnering with state and local law enforcement agencies to help enforce rail safety laws.
- Continuing to partner with local and private rail partners by sharing DOT rail safety design standards and framework and encouraging their participation and implementation of the safety and engineering efforts.<sup>9</sup>

### Effect of the Bill

The bill removes the statutory references to the FRE in s. 20.23, F.S., which creates DOT, including references to its executive director, FRE's headquarters, and the FRE's exemption from certain DOT policies, procedures, and standards. In its place, the bill authorizes the Secretary of Transportation to delegate to a departmental entity various passenger rail and high-speed rail responsibilities, and adds rail safety to those responsibilities.

The bill revises DOT's statutory duties and responsibilities for rail programs, removing a requirement that DOT promote and facilitate the implementation of advanced rail systems, including high-speed rail and magnetic levitation systems. This requirement is replaced with a requirement that DOT coordinate the development, general rail safety, and operation of public funded passenger rail systems.

The bill authorizes DOT to use documentary stamp tax proceeds currently allocated to the FRE for projects necessary to identify or address needed or desired safety improvements to passenger rail systems. However, the bill does not change the reference to the FRE in the documentary stamp statute. The bill also makes conforming changes to the distribution of documentary stamp taxes,<sup>10</sup> and DOT's contribution of funds to the South Florida Regional Transportation Authority.<sup>11</sup>

The bill does not repeal or amend the Florida Rail Enterprise Act.<sup>12</sup>

### **DOT Debt Service Cap**

#### Present Situation

DOT is authorized to issue Right-of-Way Acquisition and Bridge Construction bonds to finance or refinance the cost of acquiring real property for state roads, or to finance or refinance the cost of state bridge construction. Except for bonds issued to refinance previously issued bonds, bonds must be authorized by the Legislature and must be issued pursuant to the State Bond Act.<sup>13, 14</sup>

Section 206.46, F.S., authorizes DOT to transfer of up to seven percent of the revenues deposited into the State Transportation Trust Fund (STTF) in each fiscal year to the Right-of-Way Acquisition and Bridge Construction Trust Fund, to meet the requirements to meet outstanding or proposed bond obligations. However, notwithstanding this authorized annual transfer, the annual amount transferred may not exceed an amount necessary to provide the required debt service coverage levels for a maximum debt service of \$275 million.<sup>15</sup>

Section 339.139, F.S., requires DOT to manage all levels of debt to ensure that no more than 20 percent of total projected available state and federal revenues from the STTF, together with any local

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Kotyk, Deputy Director Legislative Affairs, Department of Transportation, RE. HB 1315-Rail Safety, Jan. 24, 2020. (Copy on file with Transportation & Infrastructure Subcommittee).

<sup>9</sup> Department of Transportation, Press Release: *FDOT Secretary Directs Unprecedented Rail Safety Measures, Launches Statewide Education Statewide Education Initiative*. Dec. 5, 2019. Available at: [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/info/co/news/newsreleases/12052019-rail-safety.pdf?sfvrsn=f58dd329\\_2](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/info/co/news/newsreleases/12052019-rail-safety.pdf?sfvrsn=f58dd329_2) (Last visited Jan. 23, 2020).

<sup>10</sup> Section 201.15(4)(a)4., F.S.

<sup>11</sup> Section 343.58(4)(b), F.S.

<sup>12</sup> Sections 341.8201 through 341.842, F.S.

<sup>13</sup> Sections 215.57 through 215.83, F.S.

<sup>14</sup> Section. 215.605, F.S.

<sup>15</sup> Section 206.46(2), F.S.

funds committed to DOT projects, are committed to certain obligations in any year. Right-of-Way Acquisition and Bridge Construction Bonds are included in DOT's overall debt assessment.<sup>16</sup>

According to DOT, the Right of Way Acquisition and Bridge Construction Bond program's debt service limit has not been adjusted since in 2007. Based on DOT's most recent bond sale and Revenue Estimating Conference projections, the limit on debt service based on the seven percent of revenues threshold would have been \$286.9 million in Fiscal Year 2018-2019, and grow to \$350 million in Fiscal Year 2027-2028.<sup>17</sup>

#### Effect of the Bill

The bill removes the \$275 million cap on funds to be transferred from the STTF to the Right-of-Way Acquisition and Bridge Construction Trust Fund. However, the seven percent cap on the amount to be transferred remains. The removal of the debt service cap will provide DOT with additional bonding capacity, offering it more flexibility in financing certain projects.

### **Obsolete General Revenue Surcharge References**

#### Present Situation

Section 215.20(1), F.S., establishes an eight percent service charge to the General Revenue Fund from all revenues deposited into most state trust funds,<sup>18</sup> representing the estimated pro rata share of the cost of general government.

Section 215.211, F.S., eliminates or reduces the general revenue service charge for specified proceeds. Effective July 1, 2002, the service charge for taxes distributed under s. 206.606(1), F.S., relating the distribution of motor fuel taxes, s. 212.0501(6), F.S., relating to taxes on diesel fuel for business purposes, and s. 319.32(5), F.S., providing for the disposition of fees from certificate of title transactions were eliminated.<sup>19</sup> Additionally, the service charge was eliminated, beginning July 1, 2001, on taxes distributed under s. 206.608, F.S., relating to the State Comprehensive Enhanced Transportation System Tax.<sup>20</sup> While the service charge has been eliminated, references to the service charge remains in the statutes creating each of the above taxes or fees.<sup>21</sup>

#### Effect of the Bill

The bill removes obsolete references to the General Revenue service charge in ss. 206.606(1), 206.608, 212.0501(6) and 319.32(5), F.S.

### **Intermodal Logistics Center Infrastructure Support Program**

#### Present Situation

An intermodal logistics center is a facility serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport where activities relating to transport, logistics, goods distribution, consolidation, or value-added activities are carried out, and whose activities and services are designed to support or be supported by conveyance or shipping through one or more seaports.<sup>22</sup>

The Intermodal Logistics Center Infrastructure Support Program provides funds for roads, rail facilities, or other means for the conveyance or shipment of goods through a seaport. DOT may provide funds to

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<sup>16</sup> DOT Legislative Concepts, Change the Right-of-Way Acquisition and Bridge Construction Bonds Debt Service Cap.(Copy on file with Transportation & Infrastructure Subcommittee).

<sup>17</sup> *Id.*

<sup>18</sup> Exceptions are enumerated in s. 215.22, F.S

<sup>19</sup> Section 215.211(1), F.S.

<sup>20</sup> Section 215.211(2), F.S.

<sup>21</sup> DOT Legislative Proposal, Remove Obsolete Language Relating to Service Charge. (Copy on file with Transportation & Infrastructure Subcommittee.

<sup>22</sup> Section 311.101(2), F.S.

assist with local government projects or projects,<sup>23</sup> and may provide up to 50 percent of project costs for eligible projects.<sup>24</sup>

The statute provides criteria that DOT must consider when evaluating projects, including the ability for a project to serve a strategic state interest, the ability of the project to facilitate the cost effective and efficient movement of goods, the extent the project contributes to economic activity, and certain financial and business commitments related to the project.<sup>25</sup>

At least \$5 million per year must be made available from the STTF for the Intermodal Logistics Center and Infrastructure Support Program. This minimum funding requirement expires on July 1, 2020.<sup>26</sup> According to DOT, this program has leveraged local and private funding to complete 12 unique, geographically-distributed projects across the state.<sup>27</sup>

### Effect of the Bill

The bill makes permanent the \$5 million minimum annual funding for the Intermodal Logistics Center Infrastructure Support Program from the STTF.

### **Move Over Law**

#### Present Situation

Under Florida's Move Over Law, if an emergency vehicle, a sanitation vehicle, a utility service vehicle, or a wrecker is working along the side of the road, every other driver must vacate the lane closest to vehicle when driving on a highway with two or more lanes traveling in the direction of the vehicle. If such movement cannot be safely accomplished, the driver must reduce speed to a speed that is 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater; or travel at 5 miles per hour when the posted speed limit is 20 miles per hour or less, when driving on a two-lane road.<sup>28</sup> The purpose of the Move Over Law is to protect these workers while stopped along the road performing their jobs.<sup>29</sup>

A violation of the Move Over Law is a noncriminal traffic infraction, punishable as a moving violation.<sup>30</sup> The statutory base fine for a moving violation is \$60, but with additional fees assessed by the state and local governments, the total fine increases to \$158.<sup>31</sup>

According to DOT, for the safety of both workers and the public, temporary traffic control<sup>32</sup> is required for maintenance and construction activities. However, due to the risks associated with setting up traffic controls, for short duration work activities, such as fence repair, ditch repair, or tree trimming, such controls may be omitted. This places road and bridge maintenance or construction vehicles in situations similar to vehicles currently identified in the Move Over Law,<sup>33</sup> where they are working along the road without any protection from adjacent traffic.

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<sup>23</sup> Section 311.101(1), F.S.

<sup>24</sup> Section 311.101(6), F.S.

<sup>25</sup> Section 311.101(3), F.S.

<sup>26</sup> Section 311.101(7), F.S.

<sup>27</sup> DOT Legislative Proposal, ILC Support Program. (Copy on file with Transportation & Infrastructure Subcommittee).

<sup>28</sup> Section 316.126(1)(b), F.S.

<sup>29</sup> Florida Driver Handbook, 2019, p. 44. Available at <https://www3.flhsmv.gov/handbooks/englishdriverhandbook.pdf> (Last visited Jan. 31, 2020).

<sup>30</sup> Section 316.126(6), F.S.

<sup>31</sup> Florida Court Clerks and Comptrollers Association, *2019 Distribution of Court Related Filing Fees, Service Charges, and Fines*, Available at:

[https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/advisories\\_2019/19bull053\\_Attach\\_1\\_2019\\_Dist.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/advisories_2019/19bull053_Attach_1_2019_Dist.pdf) (Last visited Jan. 13, 2019).

<sup>32</sup> Temporary traffic control is considered the devices and personnel that change road conditions for a work zone or following and incident. Email from John Kotyk, Deputy Director Legislative Affairs, Department of Transportation, Questions, January 31, 2020 (Copy on file with Transportation & Infrastructure Subcommittee)

<sup>33</sup> DOT Legislative Proposal, Move Over Law (Copy on file with Transportation & Infrastructure Subcommittee).

Section 316.2397, F.S., prohibits certain lights on vehicles and provides certain exceptions. With regard to road and bridge construction or maintenance vehicles the statute provides that:

- Road or street maintenance equipment, road or street maintenance vehicles, road service vehicles, refuse collection vehicles, petroleum tankers, and mail carrier vehicles may show or display amber lights when in operation or a hazard exists.
- Road maintenance and construction equipment and vehicles may display flashing white lights or flashing white strobe lights when in operation and where a hazard exists.<sup>34</sup>

#### Effect of the Bill

The bill adds road and bridge maintenance or construction vehicles displaying warning lights consistent with s. 316.2397, F.S., operating on the roadside without advance signs and channelizing devices (such as traffic cones or barricades) to the list of vehicles subject to the Move Over Law. This will require drivers to move over to a different lane or decrease speed when road and bridge maintenance or construction vehicles are displaying warning lights on the roadside.

### **Airport Zoning**

#### Present Situation

Florida's airport zoning laws<sup>35</sup> require every political subdivision having an airport hazard area<sup>36</sup> within its territorial limits to adopt, administer, and enforce airport protection zoning regulations for such area. The statute contains minimum requirements for airport protection zoning regulations, including the requirement for documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and a valid aeronautical study submitted by each person applying for a permit.<sup>37</sup>

#### Effect of the Bill

The bill revises the minimum requirements for airport protection zoning regulations to require a final valid determination from the Federal Aviation Administration, instead of the currently required aeronautical study. This will conform state statutes to federal requirements.<sup>38</sup>

### **Work Program Submission Deadline**

#### Present Situation

As part of its budgeting process, DOT prepares a tentative work program, based on the district work programs.<sup>39</sup> Each district's work program is developed cooperatively with the state's metropolitan planning organizations (MPOs)<sup>40</sup> and includes, to the maximum extent feasible, the project priorities of MPOs which have been submitted to the district by October 1 of each year.<sup>41</sup> However, DOT and a MPO may agree, in writing, to vary this submittal date.<sup>42</sup>

Prior to submitting the district work program to the central office, each district holds public hearings and makes a presentation to each MPO to determine the necessity of making any changes to the district work program.<sup>43</sup> Following submission of each district's work program to the central office, DOT develops its tentative work program based on the district work programs.<sup>44</sup>

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<sup>34</sup> Section 316.2397(4) and (5), F.S.

<sup>35</sup> Chapter 333, F.S.

<sup>36</sup> Section 333.03(1)(a), F.S. Section 333.01(4), F.S., defines the term "airport hazard area" as any area of land or water upon which an airport hazard might be established.

<sup>37</sup> Section 333.03(1)(c)3., F.S.

<sup>38</sup> DOT Legislative Proposal, Airport Determination Terminology. (Copy on file with Transportation & Infrastructure Subcommittee.

<sup>39</sup> Section 339.135(4)(b)1, F.S.

<sup>40</sup> Metropolitan Planning Organizations (MPOs), are federally-required regional transportation planning entities in urbanized areas with populations of 50,000 or more persons.

<sup>41</sup> This is pursuant to s. 339.175(8)(b), F.S.

<sup>42</sup> Section 339.135(4)(c)2., F.S.

<sup>43</sup> Section 339.135(4)(d), F.S.

<sup>44</sup> Section 339.135(4)(e), F.S.

DOT's central office submits a preliminary copy of its tentative work program to the Executive Office of the Governor, the legislative appropriations committees, the Florida Transportation Commission, and the Department of Economic Opportunity at least 14 days prior to the convening of the regular legislative session.<sup>45</sup> Following a public hearing and evaluation by the Florida Transportation Commission, DOT submits the tentative work program to the Executive Office of the Governor and the legislative appropriations committees no later than 14 days after the regular legislative session begins.<sup>46</sup>

According to DOT, since the Legislature meets in January in even-numbered years, the statutory time frame for DOT to complete its work program process has accelerated. In the past, DOT has requested the MPOs submit their project priorities lists by August 1, in order for DOT to have ample time to complete its required processes.<sup>47</sup>

#### Effect of the Bill

The bill changes from October 1 to August 1 the deadline for the MPOs to submit their project priorities to DOT, providing DOT with additional time to complete its work program process prior to the beginning of the annual legislative session.

### **Work Program Amendments**

#### Present Situation

Florida law authorizes DOT to amend its adopted work program and provides procedures for such amendments.<sup>48</sup> However, any work program amendment which transfers fixed capital outlay appropriations between categories or increases an appropriation category is subject to Legislative Budget Commission (LBC) approval. Prior to 2016, if a meeting of the LBC could not be held within 30 days after DOT submitted an amendment, the chair and vice chair of the LBC could authorize such amendment to be approved.<sup>49</sup>

In 2016, the Legislature repealed the authorization for the chair and vice chair of the LBC to approve certain work program amendments if the LBC could not meet.<sup>50</sup> In 2019, in the implementing bill to the General Appropriations Act, this authorization was reinstated, with an expiration date of July 1, 2020.<sup>51</sup>

#### Effect of the Bill

The bill permanently authorizes the chair and vice chair of the LBC to approve certain DOT work program amendments if an LBC meeting cannot be held within 30 days.

### **Passenger Rail Insurance Limits**

#### Present Situation

Florida law authorizes DOT to purchase liability insurance for its rail program, which amount may not exceed \$200 million. This liability insurance may include coverage for DOT, certain freight rail operators, the National Railroad Passenger Corporation,<sup>52</sup> commuter rail service providers, governmental entities, or any ancillary development.<sup>53</sup>

In 1997, Federal law set the limit on its passenger rail liability at \$200 million.<sup>54</sup> In 2015, the federal government required its liability cap to be adjusted to reflect changes to the consumer price index and

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<sup>45</sup> Section 339.135(4)(f), F.S.

<sup>46</sup> Section 339.135(4)(h), F.S.

<sup>47</sup> DOT Legislative Proposal, Advance MPO Deadline to Submit Project Priorities (Copy on file with Transportation & Infrastructure Subcommittee)

<sup>48</sup> Section 339.135(7), F.S.

<sup>49</sup> Section 339.135(7)(g), F.S., (2015) This approval is pursuant to s. 216.17, F.S.

<sup>50</sup> Chapter 2016-181, L.O.F., Section 16.

<sup>51</sup> Chapter 2019-116, L.O.F., Section 101.

<sup>52</sup> The National Railroad Passenger Corporation is also known as AMTRAK.

<sup>53</sup> Section 341.302(17)(b), F.S.

<sup>54</sup> 49 U.S.C. 28103

required the liability cap to be adjusted to the consumer price index every five years.<sup>55</sup> In 2016, the federal rail passenger liability cap was increased to \$294.3 million.<sup>56</sup>

#### Effect of the Bill

The bill increases the liability insurance cap for DOT's passenger rail systems from \$200 to \$295 million, consistent with the current federal rail liability cap.

### **Economic Development Transportation Projects**

#### Present Situation

The Economic Development Transportation Fund is an economic incentive program intended to encourage specific businesses to locate, expand, or remain in the state.<sup>57</sup>

Under this program, DOT in consultation with the Department of Economic Opportunity (DEO) and Enterprise Florida, Inc., may make and approve expenditures and contract with the appropriate governmental body<sup>58</sup> for the direct costs of eligible transportation projects.<sup>59</sup>

DOT, in consultation with DEO, reviews each transportation project for approval and funding, and DOT must approve a project for it to be eligible for funding. Criteria DOT must consider in reviewing projects include: the cost per job created or retained, average wages for jobs created, capital investment by the business, local commitment, and local unemployment and poverty rates.<sup>60</sup>

This program is appropriated on a non-recurring basis in the STTF.<sup>61</sup> According to DOT, this budget category has not been used for several years. In its work program, DOT has continued funding and financing the program. However, in recent years, the Legislature has utilized a unique budget category for local projects.<sup>62</sup>

#### Effect of the Bill

The bill repeals s. 339.2821, F.S., repealing the economic development transportation program. Repealing this program will release DOT from the requirement to program \$5 million in associated projects into its work program. Without appropriations these projects have to be deferred or deleted, causing a disruption to DOT's work program.<sup>63</sup>

The bill also makes conforming changes to s. 288.0656, F.S., relating to the Rural Economic Development Initiative, s. 339.18, F.S., relating to the use of moneys in the STTF, and s. 337.809, F.S., relating to the Energy Economic Zone Pilot Program.

### **B. SECTION DIRECTORY:**

Section 1 amends s. 20.23, F.S., relating to the Department of Transportation.

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<sup>55</sup> Email from John Kotyk, Deputy Director of Legislative Affairs, Department of Transportation, Rail Liability Adjustment. Jan. 23, 2020. (Copy on file with Transportation & Infrastructure Subcommittee). See Pub. L. 114-94, div. A, title XI, s. 11415(b), Dec. 4, 2015.

<sup>56</sup> Federal Register Document No. 2016-00301, Filed January 8, 2016. Available at: <https://www.federalregister.gov/documents/2016/01/11/2016-00301/adjustment-to-rail-passenger-transportation-liability-cap> (Last visited Jan. 23, 2020).

<sup>57</sup> DOT Legislative Proposal, Deletion of Road Fund. (Copy on file with Transportation & Infrastructure Subcommittee). Chapter 2012-128, L.O.F.

<sup>58</sup> Section 339.2821(1)(b)1, F.S., defines the term "governmental body" as an instrumentality of the state or a county, municipality, district, authority, board, or commission, or an agency thereof, within which jurisdiction the transportation project is located and which is responsible to the department for the transportation project.

<sup>59</sup> Section 339.2821(1)(b)2., F.S., defines the term "transportation project" as a transportation facility which the department, in consultation with the Department of Economic Opportunity, deems necessary to facilitate the economic development and growth of the state.

<sup>60</sup> Section 339.2821(2), F.S.

<sup>61</sup> DOT, Economic Development Transportation Fund Fact Sheet (Copy on file with Transportation & Infrastructure Subcommittee)

<sup>62</sup> DOT Legislative Proposal, Deletion of Road Fund (Copy on file with Transportation & Infrastructure Subcommittee).

<sup>63</sup> *Id.*

Section 2 amends s. 201.15, F.S., relating to the distribution of taxes collected.

Section 3 amends s. 206.46, F.S., relating to the State Transportation Trust Fund.

Section 4 amends s. 206.606, F.S., relating to the distribution of certain proceeds.

Section 5 amends s. 206.606, F.S., relating to the State Comprehensive Transportation System Tax.

Section 6 amends s. 212.0501, F.S., relating to the tax on diesel fuel for business purposes.

Section 7 amends s. 311.101, F.S., relating to the Intermodal Logistics Center Infrastructure Support Program.

Section 8 amends s. 316.136, F.S., relating to the operation of vehicles and actions of pedestrians on approach of an authorized emergency, sanitation, or utility service vehicle.

Section 9 amends s. 319.32, F.S., relating to fees; service charges; disposition.

Section 10 amends s. 333.03, F.S., relating to requirements to adopt airport zoning regulations.

Section 11 amends s. 339.135, F.S., relating to the work program.

Section 12 amends s. 339.175, F.S., relating to metropolitan planning organizations.

Section 13 amends s. 341.302, F.S., relating to the rail program; duties and responsibilities of DOT.

Section 14 amends s. 341.303, F.S., relating to funding authorization and appropriations; eligibility and participation.

Section 15 amends s. 343.58, F.S., relating to county funding for the South Florida Regional Transportation Authority.

Section 16 repeals s. 339.2821, F.S., relating to economic development transportation projects.

Sections 17 through 19 amends ss. 288.0656, 339.08, and 377.807, F.S., to conform to the repeal of s. 339.2821, F.S.

Section 20 provides that the bill is effective upon becoming a law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

Including road and bridge construction or maintenance vehicles to the list of vehicles subject to the Move Over Law may increase the state's revenues associated with penalties for violations. However, the impact is indeterminate.

#### **2. Expenditures:**

DHSMV may incur expenditures associated with enforcement and public education regarding changes to the Move Over Law.<sup>64</sup> The amount is indeterminate, but is likely to be insignificant.

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<sup>64</sup> Section 316.126(1)(c), F.S., requires DHSMV to provide an educational awareness campaign regarding the Move Over Law and to provide information about the act in all newly printed driver license educational materials.

## B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

### 1. Revenues:

Including road and bridge construction or maintenance vehicles to the list of vehicles subject to the Move Over Law may increase local government revenues associated with penalties for violations. However, the impact is indeterminate.

### 2. Expenditures:

This bill does not appear to impact local government expenditures.

## C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Permanent funding of the Intermodal Logistics Center Infrastructure Support Program may provide for additional intermodal logistics center projects in the state.

The bill repeals Economic Development Transportation Projects program, which targets economic development. While this program has not been used in several years, lack of program funding may hinder the development of new or relocation of existing businesses to Florida.<sup>65</sup>

## D. FISCAL COMMENTS:

Removing the \$275 million debt cap on Right-of-Way and Bridge Construction Bonds will give DOT the flexibility to utilize that program to meet future bridge replacement needs with minimal disruption to capacity projects in DOT's work program.<sup>66</sup>

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

#### 2. Other:

None.

### B. RULE-MAKING AUTHORITY:

This bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 4, 2020, the Transportation & Infrastructure Subcommittee adopted three amendments and reported the bill favorably as a committee substitute. The amendments:

- Made conforming changes to statutes relating to the distribution of documentary stamp tax revenue and county funding of the South Florida Regional Transportation Authority.
- Removed a provision regarding notice associated with conveyance of property to public agencies.

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<sup>65</sup> DOT Legislative Proposal, Deletion of Road Fund

<sup>66</sup> DOT Legislative Proposal, Change in Right-of-Way Acquisition and Bridge Construction Bond Debt Service Cap.

- Clarified the lighting requirement for road and bridge construction and maintenance vehicles associated with the Move Over Law.

This analysis is drafted to the committee substitute as approved by the Transportation & Infrastructure Subcommittee.