

MPOAC Year-End Legislative Summary

2021 Florida Legislative Session

Overview

We are pleased to share with you the MPOAC year-end legislative summary for the 2021 Florida Legislative Session. This document contains summaries of legislation that are relevant to transportation planning and metropolitan planning organizations (MPOs). The bills summarized are extensive, and therefore, the summaries in this document only contain information of relevance to the MPOAC membership. The bills are listed in numerical order for your convenience, and each entry includes a summary of the key points, the date signed by the Governor, and the effective date.

Transportation Budget

The newly introduced, “Florida Leads” \$101.5 billion state budget was signed by Governor Ron DeSantis on June 2, 2021. The General Appropriations Act, HB 5001 (2021), provides funding for the 2021-2022 fiscal year. The budget provides a total of \$10.3 billion to the Florida Department of Transportation. Of the \$10.3 billion, \$9.44 billion is to be allocated to the State Transportation Work Program and debt service. The State Transportation Work Program is a five-year funding document for the completion of transportation infrastructure projects. Within this program, \$2.8 billion is to be allocated for new highway construction, \$1 billion in roadway resurfacing funds, and \$515.9 million for 89 bridge repairs and 18 bridge replacements. The “Florida Leads” budget includes \$110.6 million for seaport infrastructure enhancements, \$172.2 million for safety initiatives, \$704.3 million for rail and transit program advancements, and \$325.9 million for aviation improvements. This budget also transfers \$2 billion from the federal COVID-19 relief funds to the State Transportation Trust Fund to provide \$250 million for port operation grants and \$1.75 billion for State Highway System (SHS) projects. The following bullets are a summary of the approved budget for transportation:

- \$10.3 billion overall, \$9.44 billion for the State Transportation Work Program and debt service
- \$2 billion COVID-19 Relief Fund: \$1.75 billion for SHS projects and \$250 million for port operation grants
- \$2.8 billion for new highway construction
- \$1 billion for roadway resurfacing
- \$704.3 million for rail and transit projects
- \$515.9 million for 89 bridge repairs and 18 bridge replacements
- \$325.9 million for aviation improvements
- \$172.2 million for safety initiatives
- \$110.6 million for seaport infrastructure enhancements

HB 59: Growth Management

Approved by Governor: 6/29/2021

Effective Date: 7/1/2021

Establishes a requirement for all local governments to adopt a property rights element into their comprehensive land use plan. This bill mandates that the next initiated amendment to the comprehensive plan must address the property rights element requirement.

Any new real estate development that requires a comprehensive plan amendment is under a moratorium until the local government adopts the property rights element into its comprehensive plan. Each local government will include the property rights element to ensure that private property rights are considered in local decision making.

The following rights shall be considered in local decision making:

- The right of a property owner to physically possess and control his or her interests in the property, including easements, or leases.
- The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
- The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- The right of a property owner to dispose of his or her property through sale or gift.

Additionally, if a property has been donated to the state for transportation purposes, and a transportation facility has not been constructed for at least 5 years, or a plan has not been prepared for its construction, the government entity may authorize for the property to be returned to the original donor.

SB 100 – Highway Projects

Approved by Governor: 6/24/2021

Effective Date: 7/1/2021

This bill highlights the upgrading and increased funding of arterial highways with control access facilities. Additions within this bill indicate that the Florida Department of Transportation (FDOT) will evaluate existing roadways to enhance hurricane evacuation efficiency and effectively plan for population growth and technology changes. The bill also repeals many of the provisions of the multiuse corridors of regional economic significance (M-CORES) program. Additionally, this removes the \$10 million funding for the Transportation Disadvantaged Trust Fund (TDTF). Specifically, this bill:

- Substantially repeals the M-CORES program (Section 338.2278, F.S.) including \$10 million in annual funding for the TDTF.
- Requires that beginning in the 2013-2014 fiscal year, \$35 million shall be transferred to Florida's Turnpike Enterprise annually for up to 30 years, to be used for feeder roads, structures, interchanges, and other rights to create access to the existing turnpike.
- Finds that the extension of the Florida Turnpike from Wildwood to an appropriate terminus, determined by the FDOT, is of strategic interest to the state. The FDOT will commence the project development and

environmental phase of the extension, while also assessing the alignment, cost, and schedule. The FDOT will prepare a summary of the project development and environmental phase by December 31, 2022, and submit it to the Governor, the President of the Senate, and the Speaker of the House.

- In terms of arterial rural highway projects, the Department will identify work program projects to increase capacity by widening existing two-lane roads to four lanes. The road must be classified as an arterial rural road, and truck traffic must be at least 15% of all traffic. The FDOT shall fund at least \$20 million annually for such projects. In so doing, FDOT may add new tolled or nontolled limited access alignments to manage congestion points and retrofit existing roadways with a series of electronically tolled or nontolled grade separations that provide an alternative to signalized intersections for through traffic. However, FDOT may not reduce any nontolled general use lanes of an existing facility, must maintain existing access points to the roadway provided by designated streets, graded roads, or driveways, and any tolling points added must be located such that a nontolled alternative exists for local traffic.
- Regarding U.S. 19 controlled access facilities, the FDOT shall develop and include in the work program the construction of facilities to achieve the free flow of traffic. The facilities should be developed no later than December 31, 2035.
- To the greatest extent possible, project alignment and roadway alignments will be designed so that right-of-way locations are not in conservation lands acquired under the Florida Preservation 2000 Act and the Florida Forever Act.

HB 353: Bicycle Operation Regulations

Approved by Governor: 5/7/2021

Effective Date: 7/1/2021

This bill provides an exception to the existing law that required bicycles to be ridden only upon a seat. Specifically, this bill:

- Allows for bicycles to be ridden without seats if the manufacturer designed for it to be ridden that way.
- The bill creates an addition to 316.20655 (1) F.S., adding that nothing prevents local governments from regulating the operation of electric bicycles over beaches or dunes.

SB 566: Motor Vehicle Rentals

Approved by Governor: 6/29/2021

Effective Date: 1/1/2022

This bill primarily adds peer-to-peer car-sharing programs to the existing laws regarding motor vehicle rental companies. It establishes set standards for taxes, insurance, and minimum maintenance record requirements for people who rent their private vehicles on internet platforms. Additionally, this bill requires peer-to-peer car-sharing programs to collect and remit the applicable sales tax, specifies motor vehicle insurance requirements, and requires car-sharing programs to assume certain liability. The goal is to bring parity between peer-to-peer car-sharing programs and traditional rental car companies regarding taxation, insurance, and consumer protection. More specifically, this bill:

- Introduces insurance and operational requirements to protect the vehicle renter and owner from liability claims. The bill requires that during each car-sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle policy that provides property damage liability coverage, bodily injury liability coverage, and additional similar requirements.

- Establishes definitions and additional legal requirements for peer-to-peer car-sharing programs.
- Establishes that Florida's sales tax applies to car-sharing programs.

SB 950: Bicycle and Pedestrian Safety

Approved by Governor: 6/29/2021

Effective Date: 7/1/2021

This bill provides requirements for a vehicle to overtake a bicycle or other nonmotorized vehicle occupying the same travel lane. Additionally, this bill requires the Department of Highway Safety and Motor Vehicles to provide an awareness campaign to increase bicycle and pedestrian safety. More specifically, this bill:

- Establishes definitions for bicycle lanes.
- Explains that no-passing zones do not apply to motorists who safely and briefly drive to the left of center of the roadway to overtake a bicycle, provided that such a passing continues to give the cyclist the necessary three feet passing clearance. If a motorist cannot safely pass at a distance of three feet or more, the law states that they must wait until it is safe to pass.
- Requires a vehicle making a right turn, while passing a cyclist, to do so only if the cyclist is at least 20 feet from the intersection and a distance that the driver of the vehicle may safely turn.
- Authorizes cyclists riding in groups of 10 or less, after coming to a full stop, to go through an intersection. Motorists are now required to let one such group pass before proceeding.
- Provides guidelines for riding a bicycle in a substandard width lane and authorizing cyclists to only ride two abreast (side by side) to avoid dangerous conditions and increase visibility for oncoming motor vehicles.
- Requires the Department of Highway Safety and Motor Vehicles to provide an annual awareness and safety campaign to inform the public about safety precautions to be used when passing bicycles.
- Requires at least 25 questions in the test bank for the driver license test to address bicycle and pedestrian safety.

HB 1126 – General Transportation Bill

Approved by Governor: 6/29/2021

Effective Date: 7/1/2021

The bill revises the date by which metropolitan planning organizations must submit their project priorities. This bill also repeals many of the provisions of the M-CORES program, details of which can be seen within the SB 100 bill, which contained identical language, and instead creates programs related to arterial highway projects (339.66, F.S.). Additionally, this bill adds road and bridge maintenance or construction vehicles to the list of vehicles subject to the Move Over Law. More specifically, this bill:

- Revises the date by which metropolitan planning organizations must annually submit project priorities from October 1 to August 1.
 - The department and a metropolitan planning organization may, in writing, agree to vary this submittal date.
- Regarding transportation projects modifying access to adjacent property, the FDOT shall hold at least one public meeting before completing the design phase of the project.
- States that project construction is not eligible for funding until 30 percent of the design phase is complete. This does not include projects that are under construction or for which project alignment has been determined.

- Requires drivers to change lanes when approaching a road and bridge maintenance or construction vehicle displaying warning lights on the roadside.
- Removes the expiration of provisions relating to approval of department work program amendments when a meeting of the Legislative Budget Commission cannot be held within a specified timeframe.

SB 1194: Transportation

Approved by Governor: 6/29/2021

Effective Date: 7/1/2021

This is a general transportation bill that contains numerous transportation-related provisions, including the following:

- Removes a provision requiring the Tampa Bay Area Regional Transit Authority (TBARTA) to provide administrative support and direction to the TBARTA Metropolitan Planning Organization (MPO) Chairs Coordinating Committee (CCC).
 - Following enactment of this law, the CCC has rebranded to the Sun Coast Transportation Planning Alliance (SCTPA). <https://suncoasttpa.org>
- Removes a provision, under section 343.922 F.S., requiring that TBARTA coordinate plans and projects with the TBARTA MPO Chairs Coordinating Committee (now the SCTPA).
- Authorizes a municipal or county governing body to abandon roads and rights-of-way dedicated in a recorded residential subdivision plat, and to simultaneously convey the municipality's or the county's interest to a community development district provided that conditions listed in the bill are met.
- Provides that with respect to any port that has received or is eligible to apply for or receive certain state seaport funding, a local ballot initiative or referendum may not restrict maritime commerce in such a port.
- Allows an exception to the prohibition of vehicles displaying flashing lights during periods of extremely low visibility on roadways with speed limits of 55 miles per hour or higher.
- Removes a prohibition against the metropolitan planning organization for Miami-Dade County (the Miami-Dade Transportation Planning Organization (TPO)) from assessing fees against municipalities, counties, or other governmental-entity members of the TPO.
- Increases the number of the Governor's appointees to the Greater Miami Expressway Authority from three to four, one of which must be member of the Miami-Dade TPO, and providing for staggered terms.
- Prohibits the Central Florida Expressway Authority from constructing any extensions, additions, or improvements to the Central Florida Expressway System in Lake County without prior consultation with the Secretary of Transportation.
- Revises provisions relating to an annual cap on the FDOT's authorization to enter contracts for innovative transportation projects.
- Authorizes the FDOT to use surplus toll revenue to support public transportation projects that benefit the operation of high-occupancy toll lanes or express lanes on the State Highway System.

HB 1289 – Autonomous Vehicles

Approved by Governor: 6/29/2021

Effective Date: 7/1/2021

This bill establishes the definition for low-speed autonomous delivery vehicles – a fully autonomous vehicle that meets the definition of a low-speed vehicle and is not intended for human occupancy. This bill also details the circumstances where low-speed autonomous delivery vehicles may be utilized. More specifically, this bill:

- Authorizes operation of low-speed autonomous delivery vehicles on certain roadways, where the speed limit is 35 miles per hour or less. However, a low-speed autonomous delivery vehicle may operate on a street with a posted speed limit of more than 35 miles per hour, but no more than 45 miles per hour, if:
 - The low-speed autonomous vehicle travels no more than 1 continuous mile on the street unless authorized by the entity with jurisdiction over the street
 - The low-speed autonomous delivery vehicle operates in the right lane
- Requires the vehicle be covered by automobile insurance
- The Department of Transportation is allowed to set the maximum weight limit of an electronically powered, personal delivery device. Personal delivery devices primarily transport property, are operated on sidewalks and crosswalks, and have a maximum speed of 10 miles per hour.