



MPOAC Year-End Legislative Summary

2022 Florida Legislative Session

Overview

We are pleased to share with you the MPOAC year-end legislative summary for the 2022 Florida Legislative Session. This document contains summaries of legislation that are relevant to transportation planning and metropolitan planning organizations (MPOs). The bills are listed in numerical order for your convenience, and each entry includes a summary of the key points, the date passed by the legislature (enrolled), the date signed by the Governor, and the effective date.

Transportation Budget

The General Appropriations Act, HB 5001, provides funding for Fiscal Year 2022-2023. The budget provides \$12.6 billion (approximately \$340 million from general revenue and \$12.3 billion from the State Transportation Trust Fund) to the Florida Department of Transportation. Of the \$12.6 billion, \$11.5 billion is allocated to the State Transportation Work Program (including \$340.1 million in local transportation projects from the general revenue fund). Funding includes \$7.6 billion for Product, \$2.1 billion for Product Support, \$1.7 billion for Operations and Maintenance, \$158 million for Administration, and \$19.2 million for Fixed Capital.

- Of the \$7.6 billion allocated for product:
 - \$5.4 billion is for construction
 - \$1.5 billion is for freight logistics/passenger operations
 - \$568.2 million is for right of way
 - \$210.8 million is for safety grants, economic development grants, Small County Road Assistance Program, and the County Incentive Grant Program
- Of the \$1.5 billion allocated to freight and passenger operations:
 - \$674.3 million is for transit
 - \$194.3 million is for rail
 - \$135.9 million is for seaports
 - \$95.6 million is for intermodal access
 - \$313.4 million is for aviation
 - \$74.4 million is for transportation disadvantaged communities
- Of the \$5.4 billion allocated for construction:
 - \$3.3 billion is for capacity improvements and enhancements
 - \$1.2 billion is for resurfacing

- \$230.9 million is for bridge repairs
- \$111.8 million is for safety enhancements initiatives
- \$572.7 million is for public private partnerships
- All FDOT employees will receive a 5.38% pay increase, effective July 1, 2022, and the per hour minimum pay will be raised to \$15.
- The budget takes into account the Florida Motor Fuel Tax Relief Act of 2022 (HB 7071) which provides a one-month motor fuel sales tax holiday in October 2022.

Approved Legislation

HB 399: Motor Vehicle and Vessel Law Enforcement

Enrolled: 3/4/2022

Approved by Governor: 6/8/2022

Effective Date: 10/1/2022

This bill amends the crimes defined under s. 316.191(2), F.S., to add additional types of vehicles and additional prohibited activities including a street takeover, stunt driving, operating a vehicle to film or record prohibited activities, and carrying fuel for other vehicles involved in prohibited conduct.

Definitions are provided for the terms “burnout”, “doughnut”, “drifting”, “motor vehicle”, “street takeover”, “stunt driving”, and “wheelie.” Street takeovers and stunt driving are added to the list of violations which require an offender to pay a \$65 penalty. This bill also establishes that being a spectator at a race or street takeover is now considered a noncriminal traffic infraction. A spectator is now defined as anyone who is knowingly present and views a street takeover event. Evidence of filming or recording such an event or posting the event to social media can be considered in determining whether a person qualifies as a spectator.

This bill also establishes that a person commits a first-degree misdemeanor under s. 316.2397, F.S., if they operate a vehicle displaying red, red and white, or blue lights in an attempt to stop another vehicle. This was changed from a noncriminal traffic infraction to a first-degree misdemeanor.

SB 620 – Local Business Protection Act

Enrolled: 3/9/2022

Vetoed by Governor: 6/24/2022

Effective Date: Shall take effect upon becoming a law.

This bill, called the Local Business Protection Act, creates a cause of action for an established business, in operation for at least 3 years, to recover a loss of business damages from a county or municipality whose regulatory action (enactment or amendment of an ordinance or charter provision) causes a significant impact on the business. The threshold for a business to sue is at least a 15% loss of profits to the business. Prevailing party attorney fees may be awarded as part of the settlement.

The bill contains exceptions including an ordinance or charter amendment enacted in response to an emergency or that involves growth management, budget, and procurement matters that do not lead to liability. A local government can avoid liability by amending or repealing the local government actions in a timely manner.

HB 631: Airport Funding

Enrolled: 3/2/2022

Approved by Governor: 4/6/2022

Effective Date: 7/1/2022

This bill expands the public airports eligible for higher funding levels for master planning and eligible aviation development projects by the Florida Department of Transportation (DOT).

This bill removes the requirement that limited funding to airports with no scheduled commercial service. If federal funds are available, the DOT may fund up to 80% of the nonfederal share of such projects. A 20% local match is required. This bill revises the prior restriction so that the current 80% funding levels are available to:

- General aviation airports
- Commercial service airports that have fewer than 100,000 passenger boardings per year as determined by the Federal Aviation Administration

HB 777: Local Tax Referenda Requirements

Enrolled: 3/2/2022

Approved by Governor: 6/24/2022

Effective Date: 10/1/2022

This bill requires that a local government seeking voter approval to levy certain taxes must hold a referendum at a general election. Previously, the time of election was not defined in law and could be held during a special election or in conjunction with a local election, primary election, or general election.

This bill applies to the following local option taxes:

- Local option fuel taxes
- Tourist development taxes
- Tourist impact taxes
- Ad valorem taxes levied by a children's services independent special district
- County, municipal, and school district voted millage increases

SB 914: Department of Highway Safety and Motor Vehicles

Enrolled: 3/4/2022

Approved by Governor: 6/8/2022

Effective Date: 7/1/2022

This bill establishes that by April 1, law enforcement agencies must maintain and report annual texting and driving information to the Department of Highway Safety and Motor Vehicles (DHSMV). Prior to this bill, no date was specified. The DHSMV must annually report this information to the Governor by July 1, 2023 and all years thereafter.

Current law requires the operator of a motor vehicle to provide proof of insurance upon the request of a law enforcement officer, even if the vehicle operator is not the owner or registrant of the vehicle. This bill expands the law to include a nonmoving traffic infraction penalty when a vehicle operator, who is not the owner or registrant of the vehicle, fails to provide proof of insurance.

This bill expands the existing Private Rebuilt Vehicle Inspection Program. The original program required the Florida Department of Transportation to launch a rebuilt inspection program offered by private sector participants in Miami-Dade County. This bill expands the program to include Bay, Broward, Duval, Escambia, Hillsborough, Leon, Manatee, Marion, Orange, Palm Beach, and Volusia Counties and provides an effective date of October 1, 2022.

This bill prohibits individuals from replacing their license plates or renewing vehicle registrations if they have outstanding toll violations.

HB 7053: Statewide Flooding and Sea Level Rise Resilience

Enrolled: 3/9/2022

Approved by Governor: 5/3/2022

Effective Date: 7/1/2022

The Statewide Office of Resilience is established by this bill within the Executive Office of the Governor. The office must be headed by the Chief Resilience Officer, who is appointed by the Governor. The purpose and responsibilities of the office are detailed in the bill.

This bill requires the Florida Department of Transportation (FDOT) to develop a resilience action plan for the State Highway System. FDOT must submit the resilience action plan by June 30, 2023 to the Governor, the President of the Senate, and the Speaker of the House of Representatives. A status report must be submitted to these same officers every third year thereafter on June 30 of that year. The bill details the goals and requirements for the resilience action plan. This information includes, but is not limited to, recommended strategies to enhance infrastructure and the operational resilience of the State Highway System, design changes to existing state highway facilities, and an assessment of the State Highway System to identify areas vulnerable to flooding and sea level rise.

The bill requires the Department of Environmental Protection (DEP) to prepare a report regarding flood resilience and mitigation efforts in the state. The report must be submitted by December 15, 2022. The DEP report must include a list of local governments that have completed vulnerability assessments, a statewide inventory of flooding assessments, and a list of local governments that are not in compliance with the coastal management regulations under s. 163.3178(2)(f).

This bill establishes changes to s. 380.093, F.S., which relates to statewide resiliency funding and planning, as follows:

- Authorizing the use of Resilient Florida Grant Program funds to conduct preconstruction activities for Statewide Flooding and Sea Level Rise Resilience Plan projects in municipalities and counties meeting certain population thresholds.
- Pushing back by one year (from 2023 to 2024), the dates by which the Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment must be completed.
- Increases program funding by establishing a \$100 million minimum threshold on funding proposed for each year of the plan. Previously, funding was capped at \$100 million.

HB 7071: Taxation

Enrolled: 3/14/2022

Approved by Governor: 5/6/2022

Effective Date: 7/1/2022

This bill contains provisions for tax relief and changes to tax policy related to motor fuel taxes by establishing the Florida Motor Fuel Tax Relief Act of 2022. The bill provides a one-month motor fuel sales tax holiday from October 1-31, 2022, amount to an estimated 0.25 cents per gallon. The bill establishes rules and regulations around the administration of this motor fuel sales tax holiday.

For one month this waives the following state and local fuel taxes:

- 1 cent per gallon "county fuel tax", F.S. 206.41(1)(b)
- 1 cent per gallon "municipal fuel tax", F.S. 206.41(1)(c)
- 8.3 cents per gallon "State Comprehensive Enhanced Transportation System Tax", F.S. 206.41(1)(f)
- 15 cents per gallon "fuel sales tax", F.S. 206.41(1)(g)