

*Mayor Susan Haynie
Chair*

Legislative Update for the week ending 03/10/2017

Overview

Well Campers, the Florida Legislative Session of 2017 has been started! Tuesday marked the beginning of the 60 day session and already the session has had issues. House Speaker Corcoran and the Governor have been clear leading up to the session and this past week that they have fundamental differences regarding the funding of Visit Florida and Enterprise Florida. The House proposed to give Visit Florida \$25 Million, well below the Governor's request. You should expect that this issue will be coming up again and again during the session. Remember the Senate also gets to weigh in on the funding of these programs.

The House seems to be of a pro-free market and get government out of the lives of Floridians mindset. Another theme appearing is the "clean-up" of government. Efforts and talk about ways to increase accountability and transparency in government are common in the House this year. One veteran lobbyist stated this week that there has not been a legislative session in memory where playing heavy defense this early in the session has occurred. This is shaping up to be an unusual session already and it has the feel of an overtime session coming to you. It is probably too early to predict that, but let's not rule it out. Legislators don't have to hurry back to their home districts and campaign for their seats this year, they can afford the time needed for an overtime session. We shall see.

Our good partners over at the Florida League of Cities are watching a couple of bills very closely. Since many of our members are part of municipal governments, we will want to be watching the following bills:

HB 17 – Local Regulation Preemption

SB 1158 – Regulation of Commerce, Trade and Labor - Similar to HB 17, but not identical

SB 80 – Public Records issues

SB 596 – Wireless devices in the ROW

HB 687 – Identical to SB 596 (companion bill)

This week's edition of the MPOAC Legislative Update contains a special section devoted to these bills which concern municipalities.

Lastly, this issue of the Legislative Update, as all issues do, contains changes to bill status or bills that are new to this Legislative Update in **RED** for your ease of discerning changes from the previous edition. For a fast read, look for the changes in **RED**.

Meetings of interest next week

Monday

Senate Commerce and Tourism Committee

Tuesday

Senate Government Oversight and Accountability Committee

Senate Community Affairs Committee

Senate Transportation Committee

House Transportation and Infrastructure Subcommittee

Wednesday

House Transportation and Tourism Appropriations Subcommittee

House Appropriations Committee

Thursday

Friday

Both the House and Senate are not meeting this day

Legislation of interest to the membership

Changes from last update are shown in RED

HB 47: Texting While Driving – (Stark; Slosberg - CO-INTRODUCERS: McGhee; Smith) - Revises penalties for violations of Florida Ban on Texting While Driving Law; provides enhanced penalties for such violations when committed in school zone or school crossing; removes requirement that specified provisions be enforced as secondary action by law enforcement agency. **HB 545 which is the agency bill for Department of Highway Safety and Motor Vehicles also contains penalties for texting while driving.**

SB 66: Highway Safety – (Clemens) - Deleting the definition of the term “vulnerable road user”; revising provisions relating to the overtaking and passing of a vehicle; exempting bicycles from provisions for passing a vehicle on the right under certain circumstances; providing penalties for specified infractions contributing to bodily injury of a vulnerable user of a public roadway or a vulnerable user, etc. Withdrawn - Similar to SB 408

HB 69: Use of Wireless Communications Devices while Driving – (Slosberg - CO-INTRODUCERS: Baez; McGhee; Smith) - Provides for primary enforcement of Florida Ban on Texting While Driving Law for drivers age 18 or younger; requires deposit of fines into Emergency Medical Services Trust Fund.

HB 139: Local Tax Referenda – (Ingoglia; Avila - CO-INTRODUCERS: Donalds; Gruters; Massullo) – (Companion Bill SB 278 – Steube) - Requires local government discretionary sales surtax referenda to be held on the date of a general election. Passed Local, Federal and Veterans Affairs Subcommittee. **Now in Ways and Means Committee.** Companion bill introduced (SB278) and assigned to committees but has not been heard in committees.

SB 144: Use of Wireless Communications Devices While Driving – (; Garcia ; (CO-INTRODUCERS) Campbell ; Perry) - Revising the legislative intent relating to the authorization of law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving; deleting a provision requiring that enforcement of the Florida Ban on Texting While Driving Law be accomplished only as a secondary action; requiring deposit of fines into the Emergency Medical Services Trust Fund, etc. Referred to Communications, Energy, and Public Utilities; Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations. Passed Communications, Energy, and Public Utilities; now in Transportation.

SB 178: Traffic Infraction Detectors – (Artiles - CO-INTRODUCERS: Brandes; Mayfield) – (Very similar to HB 6007 – Avila; Ingoglia; Diaz, M) - Repealing provisions relating to the definitions of “local hearing officer” and “traffic infraction detector” and to the installation and use of traffic infraction detectors to enforce specified provisions when a driver fails to stop at a traffic signal, provisions that authorize the Department of Highway Safety and Motor Vehicles, a county, or a municipality to use such detectors, and the distribution of penalties collected for specified violations, etc. Did not pass Transportation Committee – Laid on Table.

SB 180: Traffic Infraction Detectors – (Rodriguez) - Decreasing the penalty to be assessed and collected by the department, county, or municipality if a traffic infraction detector is used to enforce specified violations when a driver failed to stop at a traffic signal; prohibiting the suspension of a person’s driver license and privilege to drive or the withholding of the license plate or revalidation sticker for failure to pay certain penalties under certain circumstances, etc.

HB 221: Transportation Network Companies – (Sprowls) - Provides that transportation network company (TNC) driver is not required to register certain vehicles as commercial motor vehicles/for-hire vehicles; requires TNC to designate & maintain agent for service of process; provides fare requirements & requirements for TNC's digital network; provides for electronic receipt; provides automobile insurance requirements & requirements for specified proof of coverage; provides disclosure requirements for TNC driver in event of accident; requires TNC to cause its insurer to issue certain payments directly to certain parties; requires TNC to make specified disclosures in writing to TNC drivers; authorizes specified insurers to exclude certain coverage; provides that right to exclude coverage applies to coverage included in automobile insurance policy; provides that specified automobile insurers have right of contribution against other insurers that provide automobile insurance to same TNC drivers in satisfaction of certain coverage requirements under certain circumstances; requires TNC to provide specified information to certain parties during claims coverage investigation; requires certain insurers to disclose specified information to other insurer involved in claim; provides that TNC drivers are independent contractors if specified conditions are met; requires TNC to implement zero-tolerance policy for drug/alcohol use; provides TNC driver requirements; requires TNC to conduct background check for TNC driver; prohibits TNC driver from accepting certain rides or soliciting/accepting street hails; requires TNC to adopt nondiscrimination policy & notify TNC drivers of policy; requires TNC drivers to comply with nondiscrimination policy & applicable laws regarding nondiscrimination & accommodation of service animals; prohibits TNC from imposing additional charges for providing services to persons who have physical disabilities; requires TNC to maintain specified records; specifies that TNCs, TNC drivers, & TNC vehicles are governed exclusively by state law; prohibits local governmental entities & subdivisions from taking specified actions; provides applicability & construction. **Passed both Committees on 1st reading before the full House.**

SB 250: High-occupancy Toll Lanes and Express Lanes – (Artiles) - Specifying that the Department of Transportation may only collect tolls on high-occupancy toll lanes or express lanes for the discharge of certain bond indebtedness on a project existing before a specified date; requiring that the tolls be eliminated after discharge of the project’s bond indebtedness, etc. Companion Bill HB 777.

SB 308: Expressway Authorities – (Artiles) - Repealing provisions relating to the Florida Expressway Authority Act and related provisions, which allows the creation and operation of expressway authorities; transferring the governance and control of any expressway authority formed under the Florida Expressway Authority Act to the Florida Turnpike Enterprise; requiring revenues collected on the expressway system to be considered turnpike revenues, etc. **Withdrawn.**

SB 340: Transportation Network Companies - (Brandes – CO-INTRODUCER: Galvano) - Providing that a transportation network company (TNC) driver is not required to register certain vehicles as commercial motor vehicles or for-hire vehicles; providing requirements for a TNC’s digital network; providing that specified automobile insurers have a right of contribution against other insurers that provide automobile insurance to the same TNC drivers in satisfaction of certain coverage requirements under certain circumstances, etc. **Referred to three Committees, on the 03/14/2017 agenda for the Banking and Insurance Committee.**

SB386: High-Speed Passenger Rail Service – (Mayfield – CO-INTRODUCER: Gainer) – Companion Bill (HB 269) - Citing this act as the "Florida High-Speed Passenger Rail Safety Act"; providing minimum safety standards for high-speed passenger rail; providing certain requirements for railroad companies before operating a high-speed passenger rail system; requiring a railroad company operating a high-speed passenger rail system to be solely responsible for all rail corridor improvements or upgrades relating to its operation and safety, etc. **Referred to three Committees, on the 03/14/2017 agenda for the Transportation Committee.**

SB408: Highway Safety – (Passidomo) - Deleting the definition of the term “vulnerable road user”; revising provisions relating to the overtaking and passing of a vehicle; exempting bicycles from provisions for passing a vehicle on the right at the bicycle rider’s own risk with no liability to other motor vehicle drivers under certain circumstances; specifying that a bicycle is a vehicle under Florida law and shall be operated in the same manner as any other vehicle, etc. **Referred to three Committees.**

SB 428: Local Government Participation in the Florida Retirement System – (Brandes) – Requires that new participants in the Florida Retirement System (including MPO employees) may only participate in the defined contribution portion of the FRS. Companion Bill HB 353. Both bills have been filed and assigned to three committees. **Passed Community Affairs Committee, in Government Oversight and Accountability Committee.**

HB 495: Tampa Bay Area Regional Transportation Authority – (Toledo) - Revises membership of TBARTA's Citizens Advisory Committee. Referred to two committees; passed Transportation and Infrastructure Subcommittee; in Government Accountability Committee.

SB 596: Utilities – (Hutson) - Companion Bill (HB 687) - Utilities; Creating the “Advanced Wireless Infrastructure Deployment Act”; prohibiting the Department of Transportation and certain local governmental entities, collectively referred to as the “authority,” from prohibiting, regulating, or charging for the collocation of small wireless facilities in public rights-of-way under certain circumstances; providing that approval of, and charges by, an authority are not required for routine maintenance, the replacement of certain wireless facilities, or the installation, placement, maintenance, or replacement of certain micro wireless facilities, etc. **Passed Communications, Energy and Public Utilities Committee, in Government Oversight and Accountability Committee. HB 687 Referred to two Committees, in the Energy, Utilities and Commerce Committee.**

HB 647: Hillsborough County Public Transportation Commission - Grant, J. ; Toledo ; (CO-INTRODUCERS) Harrison ; Raburn ; Raulerson ; Shaw ; Spano - Prohibits commission from incurring additional obligations or indebtedness; requires liquidation of assets & satisfaction of existing obligations & indebtedness by a specified date; dissolves commission; corrects cross reference.

SB 720: Central Florida Expressway Authority – (Mayfield) – Companion Bill (HB299) - Central Florida Expressway Authority; Increasing the number of members making up the governing body of the Central Florida

Expressway Authority; adding the geographical boundary of Brevard County to the area served by the authority, etc. **SB720** has been assigned to three committees, and is on the 03/14/2017 agenda for the Transportation Committee. **HB299** has been assigned to two committees and has passed both. It is on second reading before the full House.

HB 725: Autonomous Vehicles – (Brodeur ; (CO-INTRODUCERS) Gruters) - Authorizes person to engage autonomous technology to operate autonomous vehicle in autonomous mode; provides that autonomous technology is deemed operator of autonomous vehicle operating in autonomous mode for determining compliance with traffic & motor vehicle laws; provides construction & applicability with respect to specific statutory provisions; provides that autonomous technology is deemed to be validly licensed. Companion Bill **SB 1066**. Referred to Transportation and Infrastructure Subcommittee; Government Accountability Committee. Passed Transportation and Infrastructure Subcommittee; in Government Accountability Committee.

SB 752: Fixed-Guideway Projects – (Flores) – Companion Bill (HB315) - Financing of Fixed-guideway Public Transit Projects; Revising the amount of funding the Department of Transportation may provide for certain phases of fixed-guideway projects not approved for federal funding, etc.

SB 842: South Florida Regional Transportation Authority (Articles - Co-Introducer: Galvano) – Companion Bill HB 695 – Authorizing the South Florida Regional Transportation Authority, in conjunction with the operation of a certain commuter rail service, to have the power to assume specified indemnification and insurance obligations, subject to certain requirements; requiring the Department of Transportation to transfer specified amounts annually from the State Transportation Trust Fund to the authority, etc.

HB 865: Department of Transportation (Williamson – Co-Introducer Fischer) – This is the annual bill put forward by the Department and this year is a fairly “light” year for their bill. It contains clean-up provisions for mostly minor things. The last part of the bill does place some restrictions on the Tri-Rail system and their ability to contract. Here is a link to the bill: <http://flsenate.gov/Session/Bill/2017/00865> The Bill was filed on February 17th and has not had any further action.

Provides for assessment & calculation of fine for unlawful weight & load of natural gas-fueled vehicle; requires written certification of weight information; provides gross vehicle weight requirements; provides exception; requires inspection of certain bridges at intervals required by Federal Highway Administration; revises amount for which DOT may enter into certain construction & maintenance contracts; provides requirements for validation of turnpike revenue bonds & related complaints; waives requirements for approval of certain work program amendments by LBC; deletes provisions regarding Florida Highway Beautification Council; transfers certain powers & duties to DOT; prohibits SFRTA from entering into certain contracts/agreements & committing certain funds w/o DOT approval of expenditures; prohibits certain funds to be provided to authority except under certain circumstances; provides requirements for entering into certain new contracts.

SB 1066: Autonomous Vehicles – (Brandes) - Authorizing a person to engage autonomous technology to operate an autonomous vehicle in autonomous mode; providing that autonomous technology is deemed to be the operator of an autonomous vehicle operating in autonomous mode for purposes of determining compliance with traffic and motor vehicle laws, etc. Referred to three Committees. **HB 725** is the companion bill.

SB 1742: Texting While Driving – (Rodriguez) - Revising penalties for violations of the Florida Ban on Texting While Driving Law; providing enhanced penalties for such violations when committed in a school zone or school crossing; requiring each law enforcement agency in this state to adopt policies to prohibit the practice of racial profiling in the enforcement of this section, etc. Bill filed on 03/03/2017.

Other transportation legislation

HB 29: Specialty License Plates – (McGhee) - Directs DHSMV to develop National Pan-Hellenic Council Sorority or Fraternity license plates. Committee Substitute (CS) in Transportation and Infrastructure Subcommittee, passed; CS completed review and advanced to Transportation and Tourism Appropriations Subcommittee, passed; now in Government Accountability Committee. **On 1st reading.**

SB 72: Voter Registration – (Clemens - CO-INTRODUCER: Rodriguez) - Providing that driver license or identification card applications, driver license or identification card renewal applications, and changes of address for existing driver licenses or identification cards submitted to the department serve as voter registration applications; specifying that an applicant must consent to the use of his or her signature for voter registration purposes; providing for paper-based applications, etc.

HB 147: Skateboard and Scooter Regulations – (Stark- Companion Bill SB 266 – Book) - Creates "Max's Helmet Law"; requires child under 16 to wear helmet while riding skateboard or foot-propelled scooter; provides helmet standards; prohibits attachment of skateboard or scooter to vehicle; prohibits parent from authorizing violation; prohibits renting or leasing skateboard or scooter without helmet; provides for enforcement, penalties, exceptions, & disposition of fines.

SB 156: Motor Vehicle Insurance – (Brandes) - Authorizing insurers to provide for termination of motor vehicle insurance policies issued or renewed on or after a specified date as a result of the repeal of sections by this act; requiring certain motor vehicle insurance policies to provide certain property damage liability and bodily injury liability coverage, rather than only such policies providing personal injury protection; expanding the scope of certain criminal acts related to false and fraudulent insurance claims by removing limitations to such acts under the no-fault law, etc.

HB 179: Veteran Identification – (Combee) - Veteran Identification; Requires DHSMV to create veteran identification card for certain purposes; provides for design of card; provides eligibility requirements; prohibits use of card for certain purposes; authorizes use of card as proof of veteran status for obtaining waivers of license/registration fees relating to certain businesses & occupations & carrying concealed weapons/firearms. Committee Substitute by Local, Federal and Veteran's Affairs Subcommittee, passed; Completed CS review and advanced to Transportation and Tourism Appropriations Subcommittee.

HB 193: Towing and Storage Fees – (Cortes, R) - Prohibits counties & municipalities from enacting ordinances or rules that impose a fee or charge on wrecker operators or vehicle storage companies when providing certain services; provides exceptions. Committee Substitute by Local, Federal and Veteran's Affairs Subcommittee, passed; Completed CS review and advanced to Transportation and Infrastructure Subcommittee, passed; advanced to Government Accountability Committee.

HB 237: Driving or Boating Under the Influence – (Silvers) - Designates act "Driving Under the Influence of Drugs (DUID) Act"; provides that person with specified amount of delta 9 tetrahydrocannabinol (THC – the drug in marijuana) per milliliter of blood commits offense of driving under influence or boating under influence.

SB 302: Penalties and Fees – (Brandes - CO-INTRODUCERS: Rouson; Young) - Revising requirements relating to the payment of court-related fines or other monetary penalties, fees, charges, and costs; prohibiting the suspension of a person's driver license solely for failure to pay a penalty if the person demonstrates to the court, when specified, that he or she is unable to pay such penalty; revising penalties relating to suspending, revoking, or withholding issuance of driver licenses or driving privileges for minors under a specified age who

possess firearms under certain circumstances, etc. Committee Substitute by Transportation Committee, passed; Completed CS review and advanced to Appropriations Subcommittee on Criminal and Civil Justice.

SB 534: Public Works Project – (Perry) Companion bill HB 599 - Public Works Projects; Prohibiting the state and political subdivisions that contract for public works projects from imposing restrictive conditions on certain contractors, subcontractors, or material suppliers or carriers; prohibiting the state and political subdivisions from restricting qualified bidders from submitting bids or being awarded contracts, etc. Committee Substitute by Community Affairs Committee, now in Government Oversight and Accountability Committee.

HB 1387: Express Lanes – (Nunez) - Requires DOT & Florida Turnpike Enterprise to ensure reasonable & practicably feasible entry & exit points on express lanes & to undertake efforts to expand reasonable & practicably feasible entry & exit points for certain purposes; provides toll requirements. Introduced on 03/07/2017, referred to three Committees.

HB 1419: Obstruction of Traffic during a Protest or Demonstration- (Williamson) - Obstruction of Traffic during a Protest or Demonstration; Prohibits person from obstructing/interfering with traffic during certain protest/demonstration; provides penalties; exempts motor vehicle operator from liability for injury/death to such person under certain circumstances; specifies burden of proof. Introduced on 03/07/2017, referred to three Committees.

HB 6007: Traffic Infraction Detectors – (Avila; Ingoglia - CO-INTRODUCER: Diaz, M.) – (Very similar to SB 178 - Artiles - CO-INTRODUCERS: Brandes; Mayfield) - Traffic Infraction Detectors; Repeals provisions relating to installation & use of traffic infraction detectors to enforce specified provisions when driver fails to stop at traffic signal, provisions that authorize DHSMV, county, or municipality to use such detectors, & provisions for distribution of penalties collected for specified violations. Passed Transportation and Infrastructure Subcommittee; Passed Appropriations Committee; Passed Government Accountability Committee; Placed on Calendar. On 2nd Reading.

HB 6009: Motorcycle Safety – (Hahnfeldt) - Removes provisions authorizing certain persons over 21 years of age to operate/ride motorcycle without wearing protective headgear; provides penalties.

Florida League of Cities Legislative Watch List

Please note that this is not a complete list of Legislation being watched by the team at the Florida League of Cities but instead are the top issues at this point in time. There is a mention of Dillon's Law in the description of a couple of proposed bills below. For more about Dillon's Law, see this explanation by the National League of Cities: <http://www.nlc.org/local-government-authority>

HB 17: Local Regulation Preemption – (GENERAL BILL by Careers and Competition Subcommittee; Fine) - Prohibits certain local governments from imposing or adopting certain regulations on businesses, professions, & occupations after certain date; preempts to state regulations concerning businesses, professions, & occupations; provides exceptions to preemption. This bill is very broad and would strip a great deal of rights from both municipalities and counties. Similar to SB 1158 but not identical. This bill would institute Dillon's Law on the counties and municipalities.

SB 1158: Regulation of Commerce, Trade and Labor – (Passidomo) - Reserving to the state the exclusive right to regulate matters of commerce, trade, and labor under certain circumstances; prohibiting counties,

municipalities, and special districts from engaging in specified actions that regulate commerce, trade, or labor, unless otherwise expressly authorized to do so by special or general law; providing that an ordinance, rule, or regulation that violates a specified provision is null and void, etc. This bill would remove a great deal of rights from both municipalities and counties. Similar to HB 17 but not identical. This bill would institute Dillon's Law on the counties and municipalities.

SB 80: Public Records – (Stuebe) - Requiring a complainant to timely provide written notice of a public records request in order to be entitled to the reasonable costs of enforcement, including attorney fees, in certain civil actions for enforcement of ch. 119, F.S.; specifying factors for a court to consider in determining whether an agency unlawfully refused to permit a public record to be inspected or copied, etc. This bill changes the “must” award provisions related to damages for not complying perfectly with the public records requirements to “may” award. Local units of government are getting records requests that are designed to test the unit of government and if they mis-step, then a lawsuit follows. The records request being brought forward actually has no purpose other than trying to trip up the local unit of government so that a lawsuit can be brought. This gives a judge more latitude in determining whether or not to award damages.

SB 596: Utilities – (Hutson) - Creating the “Advanced Wireless Infrastructure Deployment Act”; prohibiting the Department of Transportation and certain local governmental entities, collectively referred to as the “authority,” from prohibiting, regulating, or charging for the collocation of small wireless facilities in public rights-of-way under certain circumstances; prohibiting an authority from requiring approval or charges for routine maintenance, the replacement of certain wireless facilities, or the installation, placement, maintenance, or replacement of certain micro wireless facilities, etc. This bill would allow telecommunications companies to attach to city and county infrastructure their communications devices in any way. The bill would also strip local units of government of any regulatory rights. If your region, municipality or county government has worked to designate a historic district (and enforce design that is consistent with that historic designation) or to redevelop an area with a specific architectural theme, this bill would allow a wireless device to be installed without local government oversight. The telecommunications industry is fully behind this bill and they are a powerful group. MPOAC is also tracking this bill.

HB 687: Utilities – (La Rosa) – identical to SB 596/companion bill. MPOAC is also tracking this bill.