

*Mayor Susan Haynie
Chair*

Legislative Update for the week ending 04/14/2017

Overview

Greetings Readers! There are only 21 more days until session is scheduled to adjourn. We are well beyond the halfway mark in the 2017 Florida Legislative Session and at this point, if a bill has not been heard in committee then we should consider it dead. The update next week will list all the bills not moving in the front section and those same bills will be removed from the updates.

This week both chambers of the Legislature passed budgets for the coming state fiscal year. The two budgets are essentially \$3.9 Billion apart when looking at spending and revenues counted in each budget. Last week we covered some of the expected differences in the two budgets and the thoughts of the legislative leaders related to budget provisions.

The House version of the budget is \$1.1 Billion smaller than the current year budget and adding complications to the whole matter is that the Governor announced this week that the federal government would send \$1.5 Billion to Florida to pay for health care for the poor and uninsured patients. This was a larger number than expected and it may allow money in both the House and Senate budgets to be freed up for other uses. These are good problems to have in any budget process.

Either way, a final budget that is acceptable to both the House and Senate must be finalized by May 2nd to allow for a 72 hour “cooling off period” before a final vote on May 5th which is the scheduled end of session. Both legislative leaders are well aware of the public perception problems that could develop if they don’t get the job done on time. Both are also well-seasoned and understand that you have to come to the table and make a deal, a compromise, in order to advance some of your priorities.

We will catch up with you next week – I hope you enjoyed this edition of the Legislative Update!

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

Community Affairs
Commerce and Tourism

House

Transportation and Tourism Appropriations Subcommittee

Tuesday

Senate

Full Session
Appropriations Subcommittee on Transportation, Tourism and Economic Development

House

Full Session

Wednesday

Senate

Full Session
Transportation

House

Full Session

Thursday

Senate

No events scheduled

House

Full Session

Friday

Senate – No events scheduled

House – No events scheduled

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. A committee substitute bill was passed by the Ways and Means Committee and has been sent to the Government Accountability Committee where it is waiting to be heard.

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. Passed Transportation Committee, now in Appropriations Subcommittee on Transportation, Tourism and Economic Development.

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, and passed the House. **Referred to three Committees: Banking and Insurance, Judiciary, and Rules.**

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. Passed Transportation Committee with a Committee Substitute. Now in Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development. 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. The Banking and Insurance Committee moved a committee substitute forward. Committee Substitute passed the Judiciary Committee. Now before the full Senate. **Placed on Special Order Calendar for 04/18/2017.**

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. The Transportation Committee approved a committee substitute. A committee substitute was brought forward by the Community Affairs Committee and was sent back to Transportation, it is on first reading in 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.

SB 460: Personal Delivery Devices – (Brandes) - Authorizing the operation of personal delivery devices within county or municipal jurisdictions under certain circumstances; prohibiting the operation of personal

delivery devices on the Florida Shared-Use Nonmotorized Trail Network; requiring a personal delivery device operator to maintain an insurance policy that provides general liability coverage of at least a specified amount for damages arising from the operation of a personal delivery device; exempting personal delivery devices from certain registration and insurance requirements, etc. Referred to three committees, passed Transportation Committee, now in Banking and Insurance Committee. Passed the Banking and Insurance Committee, now in the Rules 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. Committee Substitute passed Government Oversight and Accountability Committee. **To be heard by Rules Committee on 04/19/2017.** 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. Passed Transportation and Infrastructure Committee. Passed Government Accountability Committee, now before the full House.

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. Passed the Transportation Committee. Now in Rules in the Senate. HB299 has passed 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. To be heard by Transportation Committee on 03/22/2017 – Was temporarily postponed.

SB 842: South Florida Regional Transportation Authority (Artiles - 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. Committee

Substitute proposed by the Transportation Committee, pending reference review. The Committee Substitute is now in Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development.

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. Passed Transportation and Infrastructure Subcommittee. Now in Transportation and Tourism Appropriations Subcommittee.

HB 881: Transportation Disadvantaged (Watson, B) - Requires transportation coordinating boards to consider certain criteria in evaluating multicounty/regional transportation opportunities; authorizes transportation disadvantaged program funds to be used to purchase certain services; provides circumstances under which cash/in-kind match is not required. Referred to three committees. Companion bill SB 1086.

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 1672: Tampa Bay Area Regional Transit Authority (Latvala – Co-Introducers Galvano; Rouson) - Creating the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee to replace the Tampa Bay Area Regional Transportation Authority Metropolitan Planning Organization Chairs Coordinating Committee; revising the definition of the term “authority” to mean the Tampa Bay Area Regional Transit Authority and to include only Hillsborough, Manatee, Pasco, and Pinellas Counties and any other contiguous county that is party to an agreement of participation; creating the Tampa Bay Area Regional Transit Authority, instead of the Tampa Bay Area Regional Transportation Authority, etc. Referred to three committees. Committee Substitute passed the Transportation Committee. **On the agenda in Community Affairs Committee for 04/17/2017.**

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. Referred to Communications, Energy, and Public Utilities; Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

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. Committee Substitute passed the Transportation and Tourism Appropriations Subcommittee, now in the Government Accountability Committee.

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. Passed Government Accountability Committee, placed on full House calendar for vote.

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. **The Appropriations Subcommittee on Criminal and Civil Justice passed a Committee Substitute on 04/13/2017.**

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. Committee Substitute passed the Governmental Oversight and Accountability Committee. Bill has advanced to the Appropriations Committee.

HB 1137: Use of State Funds – (Edwards) - Provides limitation on actual expenses of certain lodging that may be reimbursed for specified employee; authorizes employee to expend own funds on lodging expenses that exceed specified amount; establishes maximum costs per square foot guidelines for new state-funded construction; provides duties of DMS; provides criminal penalties; requires legislative budget requests for fixed capital outlay for new construction to comply with certain requirements; prohibits use of state funds to purchase alcoholic beverages & food or beverages for certain state agency appreciation or recognition events. Referred to three committees. Passed Oversight, Transparency and Administration Subcommittee. Committee Substitute passed Government Operations and Technology Appropriations Subcommittee, now in Government Accountability Committee. Placed on Committee Agenda for 04/06/2017, was not considered.

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. Passed the Transportation and Infrastructure Subcommittee Agenda. [On Transportation and Tourism Appropriations Subcommittee agenda for 04/17/2017.](#)

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. Placed on Special Order Calendar, 03/22/2017. Passed the full House. Now in the Senate and assigned to three committees: Transportation; Community Affairs; and Transportation, Tourism and Economic Development Appropriations Subcommittee

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.