

Mayor Susan Haynie
Chair

Legislative Update for the week ending 03/17/2017

Overview

Happy St. Patrick's Day!!! This marks the 11th day of the 2017 session and this past week has felt a bit like business as usual for transportation issues. Bills, and their amendments, have been presented to committees and are working their way through the legislative process. Of interest to the transportation world would be SB 460 related to personal delivery devices. This bill is being advanced by Senator Brandes. In the Senate Transportation Committee this week he presented a strike-all amendment that expanded the scope of the bill and the amendment was voted down by the committee. The senator seemed a bit surprised by the committee reaction and frankly so was I. Senator Brandes has been a tireless supporter of advancing technology in our transportation system and specifically autonomous vehicles as well as connected vehicles. Other Senators have been supportive, generally, of his efforts. Admittedly, several are unsure of the new technologies and are likely afraid of handing over control of vehicles and devices to a computer – a valid concern until the technology is proven in the field. However, the anticipation of reducing crashes, fatalities and congestion are very promising and advancing this technology is important to not only Florida, but the nation. Senator Brandes, probably more than any other person, is striving to make Florida the national leader in this field. He has been the type of champion of automated and connected vehicles that planners dream of finding when trying to advance the state of transportation. Senator Brandes' efforts to move Florida into automated delivery marks the beginning of an exciting opportunity. The personal delivery devices concept is to have a microwave oven sized device operate on sidewalks and deliver to homes small packages. An app on the user's cell phone would provide updates on the location of the device and upon arrival at the recipient's residence, the app would be used by the addressee to unlock the automated delivery device. The app opening the delivery device would allow the package to be taken by the recipient. This is a very exciting concept that could greatly ease and improve our time-constrained lives.

Only 49 more days until session is scheduled to adjourn.

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 Appropriations Subcommittee on Transportation, Tourism and Economic Development

Tuesday

House Transportation and Infrastructure Subcommittee

House Transportation and Tourism Appropriations Subcommittee

Wednesday

Senate Transportation 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. **To be heard by Transportation Committee on 03/22/2017.**

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. **To be heard by Transportation Committee on 03/22/2017.** 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, now in Judiciary 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. **The Transportation Committee approved a committee substitute, pending review before advancing to the next 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.

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. **Passed Transportation and Infrastructure Committee, now in Government Accountability Committee.**

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 and is now in the Ethics and Elections 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. **To be heard by Transportation Committee on 03/22/2017.**

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. **To be heard by Transportation Committee on 03/22/2017.**

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.

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. To be heard by the Transportation Committee on 03/22/2017.

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 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. **To be heard by the Governmental Oversight and Accountability Committee on 03/22/2017.**

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, now in Government Operations and Technology Appropriations Subcommittee.

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. **Placed on Special Order Calendar, 03/22/2017.**

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.