

Legislative Update for the week ending 03/11/2016

It's official! The Legislative session ended, at 6:45PM yesterday the hankies dropped marking the end of the 60 days. The Legislature could not adjourn until after 2:53PM Friday. Why is 2:53PM important you ask? That marked 72 hours that the budget had been available for review. The legislature is constitutionally required to have a "cooling off" period of 72 hours. The budget must be available for 72 hours before the legislature can take final action on it. One school of thought was that all of the Legislature's work on other bills might be done prior to 2:53PM on Friday and the final action of the Legislature would be to pass the budget and then drop the hankies. For those who are not aware, the Florida legislature has a tradition in which the doors of both chambers are held open and the Sergeant at Arms of each chamber meet in the rotunda and drops a hankie at the same time. Each chamber can see the other and the dropping of the hankie indicates the closing of the chamber's session for the year. Each chamber does this at the same time and it is quite a tradition.

The last week and the last day were a bit of a nail-bitter for transportation bills. The two primary transportation bills, HB 7027 and HB 7061 (HB 7061 was substituted for SB 1392 which we had been following carefully) both passed late in the day Friday and as the day wore on concerns grew about the fate of each bill. Several amendments were tacked on to each bill and ultimately that did not kill the bills. The good news is that both bills passed and the transportation system work program is funded over the next five years at about \$10.7 Billion! That represents an increase of about \$670 Million.

What happens next is the big question. Legislative members remember well the \$460 Million of projects that fell to the Governor's veto pen. There are a number of items that could be subject to cuts on the Governor's desk and this weighs on members minds. The Governor has been good about not revealing his intentions. Governor Scott asked for \$1 billion in tax cuts and a quarter billion in economic development incentives. Revenue estimates were produced that lowered the money available to the legislature and the Governor's initiatives were not fully funded. The Governor did get his much-desired elimination of sales tax in manufacturing. Also, the Governor got about \$400 million in tax cuts, less than half of what he asked for at the beginning of the session. Why does this matter? The big question is how the Governor will react to not getting his initiatives when he reviews the budget and looks at the members initiatives? Will the veto pen work hard this year or have a light touch? The Governor sent a mixed message when he declared the 2016 session a success and stated "I think we have a good budget. I'm thoroughly going to go through the budget like I have every year and make sure that we're spending money wisely". To be sure, the legislature sent a clear message on the budget, it passed the House 119-1 and the Senate 40-0. Of course, the legislature is adjourned and cannot override any line item vetoes. Time will tell.

Legislation that is of interest to the membership:

Updates are shown in Red

SB 168 – Traffic Infraction Detectors (Brandes). This bill could be re-named the “no more red light cameras bill”. I believe this summarizes the intent of the bill and the bill narrowly passed out of the Transportation Committee after much debate. The Transportation Committee Chair (Brandes) is a strong opponent of red light cameras and he is pushing this bill forward. The next stop for this bill is the Senate Transportation, Tourism and Economic Development Appropriations Subcommittee. Committee Substitute – read 1st time. **This bill did not pass.**

SB 1372 – Transportation (Flores) – Companion Bill HB1377. This bill contains the provision for Transportation Reinvestment Zones (TRZs). The bill was a late introduction and therefore does not have an analysis. A further read of the bill illuminated a 50% reduction in TRIP funds. The bill has been referred to committees but has not been called by any of the committees. This bill appears to be stalled and is not likely to make it out of the committees. The companion bill is not identical and does not contain a decrease in TRIP funding or the provision for TRZs. No Change. See HB 1377 Below. **This bill did not pass.**

HB 1377 – Expressway Authorities (Nunez) – Companion Bill SB1372. This bill is the companion bill to SB 1372 however the two bills are not identical and really aren't that similar. Senate and House staff have linked the two bills, but they only share a few similarities. At the first committee stop, staff temporarily postponed this bill. This bill had a strikethrough and rewrite. The strikethrough has been TP'ed (temporarily postponed) in two committees and like the Senate companion bill, this bill looks to be stalled. **This bill did not pass.**

HB 357 – Traffic Safety (Plasencia) – Companion Bill SB522. Called Chloe's Law. This bill requires Florida DOT to install roadside barriers to shield water bodies contiguous with state roads anywhere there has been a motor vehicle crash that resulted in a drowning death in the past 10 years. The law does provide that the chief engineer can decide to not construct a barrier if the barrier itself will create a greater danger by its presence. The bill also requires DOT to conduct a study related to motor vehicle accidents on state roads contiguous with water bodies and requires DOT to submit the report to Legislature. The bill passed through the Highways and Waterways Safety Subcommittee, it is now in the Transportation and Economic Development Appropriations Subcommittee. It does not appear to have opposition but has undergone some technical and operational amendments. **The provisions of this bill have been picked up in HB 7061**

SB 756 – Transportation (Brandes) – This is the FDOT bill and it contains a number of provisions. The bill creates the FDOT Financing Corporation, transfers the Pinellas Bayway System to the Turnpike, increases the funding for the Florida Seaport Transportation and Economic Development Program from \$15M to \$25M, establishes Florida DOT as the lead agency for the NEPA process on highway projects and revises airport zoning regulations. This bill has passed out of committees without a single dissenting vote and is now on the Senate

Floor. This bill was set for a 2nd reading in the Senate and was Temporarily Postponed. **This bill was “Laid on the Table”, meaning it is set-aside and HB 7027 was substituted for this bill.**

SB 7000 – Developments of Regional Impact (Community Affairs general bill) – This bill would increase the acreage for annexation of “enclaves” from 10 acres to 150 acres. An enclave is any unincorporated improved or developed area lying within a single municipality, or surrounded by a single municipality and a manmade or natural obstacle that permits traffic to enter only through the municipality. This bill has passed out of two committees and is now in the Fiscal Policy Committee. The Fiscal Policy Committee Substitute went through 1st reading in the Senate. Has passed both Senate Fiscal Committee and Senate Rules Committee. **This bill did not pass. It was sent to the House where it was placed in messages, but was not considered by the House.**

SB 786 – Electric Vehicles (Sachs) – This bill gives a tax exemption for electric vehicles and would require a study of a mileage based user tax. The bill has not been heard in any committee and appears to be stalled. A similar bill is in the House (HB661), it also has not been heard in any committee and appears to be stalled. **This bill did not pass.**

SB 416 – Location of Utilities (Flores) – This bill would require a state or local government to bear the responsibility for the cost of relocating utility facilities in public easement if there is not an agreement to the contrary. This bill has passed out of committees and is headed to the Senate floor. The Bill passed the Senate (34-4) and an identical bill in the House is through two committees. This Bill passed the House (109-4) on 02/24/2016. **This bill was signed by the Governor on 03/10/2016. It is effective upon signing.**

SB 1392 – Transportation (Brandes) – This bill was the apparent “Transportation Bill” as the legislative session moved along. On Thursday this bill was “Laid on the Table” which basically means it was put aside. The effort to pass the details were then poured in moving HB 7061 as it was the bill that could advance. The provisions of this bill were picked up in HB 7061 (described below)

HB 7027 – Transportation (Rooney – Co-Introducers Artiles and Miller) – This bill will increase funding for the Florida Seaport and Economic Development Program from \$15 Million per year to \$25 Million per Year, give Florida DOT the authority to assume the responsibility for the NEPA process from FHWA and establish the Florida Department of Transportation Financing Corporation. This last provision will give Florida DOT additional financing options to fund the work program by being allowed to borrow money and refinance projects. This Bill has passed the House and has been referred to the Senate Committees for Transportation, Appropriations and the Appropriations Subcommittee for Transportation, Tourism and Economic Development.

A number of amendments were filed onto this bill in the past week. Ultimately the bill was passed with amendments requiring MPOs to consider Automated Vehicles (AV), Connected Vehicles (CV) and technology that implements both AV and CV. Florida DOT is also required to

plan for AV and CV in their SIS planning. The bill also contained a provision requiring the Florida DOT to conduct a pilot study on Truck Platooning (Connected Vehicles for Semi-Trucks) and report the results. The bill awaits the Governors approval or veto.

HB 7061 – Transportation (General Bill by Economic Affairs Committee) – This bill:

- Authorizes the transfer of the Florida Department of Transportation’s (FDOT) Pinellas Bayway System to become part of the turnpike system and, in such event, also requires the transfer of certain funds to be used to help fund the costs of repair and replacement of the transferred facilities.
- Establishes the Seaport Security Advisory Committee within the Florida Seaport Transportation and Economic Development Council and establishes a Seaport Security Grant Program, subject to specific appropriation.
- Revises specifications for bus deceleration lighting systems.
- Establishes commercial megacycles and regulates them. A megacycle is a pedal powered vehicle with 4 wheels and between 5 and 15 seats. The commercial part is self-evident, the other part of this legislation allows the sale of beer and wine on commercial megacycles.
- Revises specifications for bus deceleration lighting systems.
- Revises the Chairs Coordinating Committee of Tampa Bay is renamed the TBARTA Chairs Coordinating Committee and requires the member MPOs and Florida DOT to provide “necessary funding” for the administrative support. It also adds Citrus County to the list of member counties. There was an amendment to an amendment which should have removed the “necessary funding” portion of this bill – however this part of the Bill Tracker is not yet updated from yesterday.
- Raises the population cap for the Small County Outreach Program from 150,000 to 170,000. The population would allow Charlotte, Martin and Santa Rosa counties to be eligible for the SCOP program, under current population limits they are not eligible.
- Revises the definition of the term “port vehicles and equipment.”
- Revised the Airport Zoning requirements which had not been updated since 1945. There are many changes to Airport Zoning. Among them it extends the authorized term of certain airport-related leases.
- Requires the FDOT to install roadside barriers to shield water bodies contiguous with state roads where a death due to drowning resulted from a crash between July 1, 2006, and July 1, 2016. – This was Cloe’s Law or HB 357
- Revises conditions under which the FDOT may waive a required surety bond relating to contracts for construction or maintenance.
- Revises the purpose of the state-funded infrastructure bank within the FDOT to include constructing and improving ancillary facilities that produce or distribute natural gas fuel; authorizes the FDOT to consider applications for loans from the bank for development and construction of certain natural gas fuel production or distribution facilities beginning July 1, 2017; and authorizes such loans to be used to refinance outstanding debt.

- Provides an exemption from permitting for certain outdoor advertising signs in place since 1995.
- Makes several statutory changes specific to the operation and regulation of autonomous vehicles.