



*Mayor Susan Haynie
Chair*

Legislative Update for the week ending 03/31/2017

Overview

Greetings Readers! There are only 35 more days until session is scheduled to adjourn. We will have to see if both chambers can adjourn on time or not. It is looking more questionable as time (and issues) go on.....

The Senate and the House showed their fundamental differences in their approaches to gambling options in the State of Florida. The Senate passed SB 8, a pari-mutuel industry friendly gambling proposal. The bill would allow eight counties to offer slot machines (voters have already approved them in these counties), legalize certain card games which are at the heart of a legal battle with the Seminoles (at this time blackjack is allowed) and allow nearly all tracks and jai alai venues to do away with live racing or games, a process known as “decoupling. The House passed an extension of the 20 year agreement which is sort of already in place with the Seminole Tribe, and known as “the compact”. The compact actually expired back in 2015, the State and the Seminole Tribe have continued to operate under the expired agreement terms. The two chambers are miles apart on this issue and billions apart on the budget.

So what about that budget? The House and Senate are about \$2 Billion apart on their budgets, and you could count it as \$4 Billion if you look closely. Meanwhile, the House Speaker and the Governor are still locking horns about business incentives and the heat in this feud seems to be increasing. The difference in amounts in the two budgets being advanced is actually more like a \$4 Billion dollar difference, the House is counting \$2 Billion worth tuition in their budget (which is \$2 Billion lower than the Senate version) and the Senate is not counting the \$2 Billion of tuition the state receives in their budget. This makes for a spending difference of \$4 Billion! That is a pretty significant difference in starting points when we are talking about a budget around \$82 Billion. When the two chambers sit down to work out their differences this will certainly be one of the elephants in the room. The other issue is the Senate proposal to fund Enterprise Florida at \$80 Million and Visit Florida at \$76 Million. The House Speaker views Enterprise Florida as corporate welfare and the House is suggesting a budget for Enterprise Florida of \$0. The House would eliminate Enterprise Florida and has put into their budget building effort \$25 Million for Visit Florida.

For budget issues, and something that will further complicate the two chambers ability to adjourn on time, is the issue of local funding of schools. The Senate views property tax revenue increases due to rising home values as a potential source of revenue increase because the millage rate does not change. The House sees any increase as a tax increase and House Speaker Corcoran was quoted earlier in the session as saying “Hell No!” on tax increases. Regulars are estimating the odds of an on-time adjournment at 50/50.

In other news this week, Speaker Corcoran won a legislative battle by getting legislation passed that would limit Supreme Court Justices and Appeals Courts Judges to two consecutive terms. It still has to pass the Senate, good luck on that. The US Senate had passed a bill to revoke the MPO Collaboration and Planning Area

Reform Rulemaking a few weeks back. The companion bill was presented in Committee in the US House. The companion bill was marked up and now advances to the Full House floor for consideration. The Senate bill may be presented for a vote on the House Floor, if it passes the House then it would move onto the President's desk. It would be hard to imagine that the President would not want to sign something that undoes work by his predecessor. US Representatives from Florida need to hear from you, MPOAC opposed the initial rulemaking.

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 Committee
House Transportation and Tourism Appropriations Subcommittee

Tuesday

Senate Full Session
Senate Transportation Committee

Wednesday

Senate Appropriations
House Appropriations

Thursday

Senate Appropriations
Senate Full Session

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. 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 on 1st reading before the full House. [On Special Calendar in the House for 04/04/2017.](#)

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 on 1st reading in the 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. [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. **On the Banking and Insurance Committee agenda for 04/03/2017.**

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. **On first reading in the 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. **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. **Now in Community Affairs Committee.**

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. **On Transportation and Tourism Appropriations Subcommittee schedule for 04/03/2017.**

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.

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.**

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. Now in Transportation and Tourism Appropriations Subcommittee.**

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.