

*Mayor Susan Haynie
Chair*

Legislative Update for the week ending 11/17/2017

Overview

This past week brought another round of committee meetings and hearings on various topics. The Florida Department of Transportation Secretary Mike Dew spoke before Senate Subcommittee on Appropriations for Transportation, Tourism and Economic Development. The topic was Hurricane Irma recovery and he impressed the committee with the overview of the department's response in the days following Hurricane Irma landfall. As I have said in previous newsletters, the department is well respected among the members of our legislature and Secretary Dew's presentation further cemented that respect. Members of the committee had very few questions for the Secretary which demonstrated that the presentation was exactly what the committee wanted to hear and see, subsequent speakers did not have nearly as easy of a time with the committee.

A few bills filed recently will be of interest to the membership. There is the MPO bill filed by Representative Beshears, HB 575, which among other things would reduce the size of MPO boards. MPOs with an urbanized population under 500,000 must have a board of between 5 and 11 members, MPOs with an urbanized population over 500,000 must have a board of between 5 and 15 members. House of Representatives staff have begun analyzing the bill and shared with me that the proposed bill as written does not affect the Miami-Dade TPO. The bill would also ban weighted voting by an MPO board. I have spoken with the staff of Representative Beshears and will be talking with the Representative himself in the near future about this piece of proposed legislation. I also spoke with the House of Representative's staff who review each bill and draft a summary explaining the impacts of each bill. Both the House staff and Representative Beshears staff are aware that the bill as written would be difficult for several of our MPOs. More to come on this proposed bill.

Another bill filed recently that will interest the MPOs in Florida is HB 535, Statewide Alternative Transportation Authority. This bill is new enough that it has not been reviewed by House staff yet. As written, the bill would rename the rail enterprise to the Statewide Transportation Authority. The proposed bill requires each state dollar to be matched by a local dollar for any project. The bill would take the \$60 Million drawdown from the TRIP funds which had gone to the Florida Rail Enterprise and now those monies would be sub-allocated as follows: \$25 to TBARTA for public-private partnerships to design and construct an alternative transportation system for passengers; and \$35 to the Statewide Alternative Transportation

Carl Mikyska, Executive Director

605 Suwannee Street, MS 28B · Tallahassee, Florida 32399-0450
1-866-374-3368 x 4037 or 850-414-4062 · Fax 850-414-4895

www.mpoac.org

Authority for public-private partnerships. Of that \$35 Million, \$25 Million must be spent in home rule counties. The bill defines alternative transportation system as not the traditional use of a roadway system for conveyance and does include “.....without limitation.....” a high-speed rail system.

Friday the 17th brought the last day to submit requests for drafts of general bills and joint resolutions, including requests for companion bills. The MPOs have had a few surprises already this session, the passing of this deadline should mean going forward the surprises will be fewer.

To wrap up this overview, here is a heart-warming event. Senator Perry brought SB 346: Motorcycle and Moped Riders to the Senate Transportation Committee on Tuesday for consideration. This bill will require helmet usage by individuals under the age of 21 on mopeds and scooters, and will hopefully reduce deaths and serious injuries on mopeds and scooters. As the bill was being considered by the committee, the time came for public comments on the bill and a member of ABATE was called forward to speak. Typically ABATE has opposed any and all laws that require helmets and I expected to hear fierce opposition. The spokesman for ABATE approached the podium and stated that this was a good bill! It was a moment of pleasant surprise and cooperation. Congrats to Senator Perry, his bill passed the Transportation Committee unanimously.

As in the last update, shown below are the dates of events for the 2018 legislative session, and included in this legislative update is a listing of bills filed thus far in the session related to transportation. Updates will occur on an as-needed basis until the official start of the 2018 legislative session, then your MPOAC updates will be issued weekly.

Grab a cup of coffee and enjoy this edition of the MPOAC Legislative Update.

Important Dates for the 2018 Legislative Session

- August 01, 2017 – Deadline for filing claim bills
- November 17, 2017 - Deadline for submitting requests for drafts of general bills and joint resolutions, including requests for companion bills
- January 5, 2018 – Deadline for approving final drafts of general bills and joint resolutions, including companion bills
- January 9, 2018 - Regular Session convenes, deadline for filing bills for introduction
- February 24, 2018 - All bills are immediately certified, motion to reconsider made and considered the same day
- February 27, 2018 - 50th day, last day for regularly scheduled committee meetings
- March 9, 2018 - 60th day, last day of Regular Session

**Committee Meeting schedule prior to the official
Legislative Session beginning on January 9th**

October 2017 - Week of the 9th
October 2017 - Week of the 23rd
November 2017 - Week of the 6th
November 2017 - Week of the 13th
December 2017 - Week of the 4th

Legislation of interest to the membership

This is a summary of bills filed and published on the legislature's website as of November 17, 2017. The bills are listed in numerical order for your convenience. As the session and bills progress, this ordering of bills will make it easier to follow the status of any particular bill you are tracking.

Changes from last update are shown in RED

SB 72: Use of Wireless Communications Devices While Driving – (Garcia – Co-Introducers: Rodriguez; Mayfield) – Withdrawn. Identical to SB 90.

CS/SB 90: Use of Wireless Communications Devices While Driving – (Perry – Co-Sponsor: Garcia; Mayfield; Rodriguez; Campbell) – Identical to SB 72. 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; 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. Committee Substitute (amendment) and passed by Communications, Energy and Public Utilities (Yeas 7, Nays 1). This bill also picked up three more co-sponsors. Now in Transportation. **The bill now has five co-sponsors.**

SB 116: Operation of Vehicles – (Baxley – Co-Introducers: Passidomo) - Requiring drivers to vacate lanes closest to, or reduce speed and pass, vulnerable road users, authorized emergency, sanitation, and utility service vehicles or workers, and wrecker operators under certain circumstances, subject to certain requirements, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

HB 117: Operation of Vehicles – (Stone) - Companion Bill to SB 116. Referred to Transportation and Infrastructure Subcommittee; Government Accountability Committee.

HB 121: Texting While Driving – (Slosberg; Stark) – Similar to SB 72 and SB 90. Revises short title & legislative intent; revises penalties for violations of provisions re: texting while

driving; provides enhanced penalties for violations committed in school zones & crossings; requires law enforcement agencies to adopt policies prohibiting racial profiling in enforcement; removes requirement that enforcement be accomplished as secondary action. Referred to Transportation and Infrastructure Subcommittee; Judiciary Committee; Government Accountability Committee.

SB 176: Traffic Infraction Detectors – (Hutson) – Similar to HB 6001 - Repealing provisions relating 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. Referred to Transportation; Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

SB 182: Small Business Roadway Construction Mitigation Grant Program – (Rodriguez) – Similar Bill HB 567. Requiring the Department of Transportation to create a Small Business Roadway Construction Mitigation Grant Program; requiring the program to disburse grants using funds allocated to the department by the Legislature to certain qualified businesses for the purpose of maintaining the businesses during a construction project of the department, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

SB 188: Public School Transportation – (Steube) - Requiring district school boards to provide transportation to certain students; revising the speed and road conditions that meet the requirements for a hazardous walking condition; requiring a district school superintendent to request a review of a hazardous walking condition upon receipt of a written request from a parent of a student, etc. Referred to Education; Appropriations Subcommittee on Pre-K - 12 Education; Appropriations.

SB 206: Highway Memorial Markers – (Perry) – Requiring the Department of Transportation to establish a process, including the adoption of any forms deemed necessary by the department, for submitting applications for installation of a memorial marker; authorizing the department to install a certain sign at no charge to an applicant; authorizing an applicant to request an emblem of belief not specifically approved by the United States Department of Veterans Affairs National Cemetery Administration for incorporation in a memorial marker, subject to certain requirements, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

HB 215: Autocycles – (Payne) – Related bill SB 504 (Perry). Defines "autocycle" & revises definition of "motorcycle"; requires safety belt usage by autocycle operator/passenger; authorizes autocycle operation without motorcycle endorsement; provides applicability. Definition of an autocycle: A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards provided in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration. Not knowing from the description what an autocycle looks like, I thought it best to share with you a picture of one.

The image of an autocycle is shown below. Bill referred to Transportation and Infrastructure Subcommittee; Transportation and Tourism Appropriations Subcommittee; Government Accountability Committee. Bill passed the Transportation and Infrastructure Subcommittee (Yeas 12, Nays 2) and is now on the Transportation and Tourism Appropriations Subcommittee agenda for 11/15/2017. **Bill passed the Transportation and Tourism Appropriations Subcommittee, now in Government Accountability Committee.**



HB 243: Charter County and Regional Transportation System Surtax – (Avila; Perez) – Requires certain counties to use surtax proceeds for specified purposes related to fixed guideway rapid transit systems & bus systems; authorizes use of surtax proceeds for refinancing existing bonds; prohibits use of such proceeds for certain purposes. Referred to Transportation and Infrastructure Subcommittee; Ways and Means Committee; Government Accountability Committee.

SB 272: Local Tax Referenda - (Brandes) – Companion bill HB 317. Revises the voter approval threshold required to pass a referendum to adopt or amend local government discretionary sales surtaxes when the referendum is held at any date other than a general election. During a general election a simple majority would be required to pass a change to a sales tax, in a non-general election the threshold would be 60 percent. Referred to Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations; and Rules. Passed Community Affairs, now in Appropriations Subcommittee on Finance and Tax.

HB 317: Local Tax Referenda – (Ingolia) – Companion bill SB 272. Requires local government discretionary sales surtax referenda to be held on specified dates & approved by specified percentage of voters. During a general election a simple majority would be required to pass a change to a sales tax, in a non-general election the threshold would be 60 percent. Referred to Local, Federal and Veterans Affairs Subcommittee; Ways and Means Committee; Government Accountability Committee. Passed Local, Federal and Veterans Affairs Subcommittee. **Bill is now in Ways and Means Committee.**

SB 346: Motorcycle and Moped Riders – (Perry) – Increasing the age (from age 16 to age 21) at which persons who are operating or riding upon a certain motorcycle are exempt from protective headgear requirements, etc. Bill referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations. On Transportation Committee agenda for 11/14/2017. **Passed Transportation Committee, now in Appropriations Subcommittee on Transportation, Tourism and Economic Development.**

HB 353: Autonomous Vehicles – (Fisher; Brodeur – Co-introducers: Jacobs; Payne) –

Related to SB 712. Authorizes person to operate, or engage autonomous technology to operate, autonomous vehicle in autonomous mode; provides that autonomous technology is deemed operator of autonomous vehicle operating in autonomous mode; provides construction & applicability; defines "human operator." Referred to Transportation and Infrastructure Subcommittee; Appropriations Committee; Government Accountability Committee. Passed Transportation and Infrastructure Subcommittee, now in Appropriations Committee.

SB 384: Electric Vehicles – (Brandes) – Requiring the Florida Transportation Commission to review all sources of revenue for transportation infrastructure and maintenance projects and prepare a report to the Governor and the Legislature when the commission determines that electric vehicles make up a certain percentage or more of the total number of vehicles registered in this state; requiring a long-range transportation plan to consider infrastructure and technological improvements necessary to accommodate the increased use of autonomous technology and electric vehicles, etc. Bill referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

SB 504: Autocycles – (Perry) – Related bill HB 215 (see HB 215 for an image of an autocycle). Defining the term “autocycle”; requiring safety belt or, if applicable, child restraint usage by an operator or passenger of an autocycle; including an autocycle in the definition of the term “motorcycle”; authorizing a person to operate an autocycle without a motorcycle endorsement, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations. On agenda for Transportation Committee 11/14/2017. **Passed Transportation Committee, now in Appropriations Subcommittee on Transportation, Tourism and Economic Development.**

HB 525: High-Speed Passenger Rail – (Grall; Magar) – Similar bill SB 572. Requires railroad companies operating high-speed passenger rail system to be responsible for certain maintenance, improvement, & upgrade costs; specifies that governmental entity is not responsible for such costs unless it consents in writing. **Referred to Transportation and Infrastructure Subcommittee; Transportation and Tourism Appropriations Subcommittee; Government Accountability Committee.**

HB 535: Statewide Alternative Transportation Authority – (Avila) – Please see the 11/17/2017 MPOAC Legislative Update Newsletter Overview for more information on this bill. **Renames Florida Rail Enterprise as Statewide Alternative Transportation Authority; revises annual allocations for Transportation Regional Incentive Program; specifies annual allocations to TBARTA & authority for certain purposes; provides requirements for use of funds provided to authority; requires enterprise contracts to remain with authority; provides requirements for funding requests & county matching funds; revises & provides definitions; replaces powers & duties of enterprise re: high-speed rail system with powers & duties of authority re: alternative transportation system; exempts proposed projects funded under authority from certain development requirement. The bill was referred to Transportation and Infrastructure Subcommittee; Transportation and Tourism Appropriations Subcommittee; Government Accountability Committee.**

SB 542: Public Financing of Construction Projects – (Rodriguez) – Prohibiting state-financed constructors from commencing construction of certain structures in coastal areas without first conducting a sea level impact projection study and having such study published and approved by the Department of Environmental Protection; requiring the department to publish such studies on its website, subject to certain conditions, etc. Referred to Environmental Preservation and Conservation; Governmental Oversight and Accountability; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations.

SB 544: Procurement Procedures – (Brandes) – Specifying the applicability of procedures for the resolution of protests arising from the contract solicitation or award process for certain procurements by specified transportation, expressway, and bridge authorities, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations. On Transportation Committee agenda for 11/14/2017. **Was Temporarily Postponed.**

HB 567: Small Business Roadway Construction Mitigation Grant Program – (Richardson) – Similar Bill SB 182. Requires DOT to create Small Business Roadway Construction Mitigation Grant Program; requires disbursement of grants to qualified businesses; limits grant amount; provides application & eligibility requirements; requires assistance by DEO; provides for award prioritization; requires report & rulemaking. **Referred to Transportation and Infrastructure Subcommittee; Transportation and Tourism Appropriations Subcommittee; Government Accountability Committee.**

SB 572: High-Speed Passenger Rail – (Mayfield; Co-Introducer: Gainer) – Similar bill HB 525. Designating the "Florida High-Speed Passenger Rail Safety Act"; providing powers and duties of the Florida Department of Transportation; requiring the Florida Division of Emergency Management to offer, under certain circumstances, the local communities and local emergency services located along the rail corridor training specifically designed to help them respond to an accident involving rail passengers or hazardous materials; requiring a railroad company operating a high-speed passenger rail system to be solely responsible for certain maintenance, improvement, and upgrade costs, etc. Referred to Transportation; Community Affairs; Appropriations. On Transportation Committee agenda for 11/14/2017. **Passed Transportation Committee.**

HB 575: Metropolitan Planning Organizations – (Beshears) – Revises M.P.O. voting membership requirements according to population; prohibits entire county commission from being members of governing board; revises percentage of membership which may be composed of county commissioners; requires adoption of certain bylaws; revises member reappointment provisions; requires compliance with certain provisions by specified date. Filed on 11/08/2017, no analysis or related bills at this time. **MPOs with an urbanized population under 500,000 must have a board of between 5 and 11 members, MPOs with an urbanized population over 500,000 must have a board of between 5 and 15 members. The bill does not affect the Miami-Dade TPO. The bill also bans weighted voting. Referred to Transportation and Infrastructure Subcommittee; Local, Federal and Veterans Affairs Subcommittee; Government Accountability Committee.**

SB 688: Charter County and Regional Transportation System Surtax – (Garcia) –

Requiring counties, except under certain circumstances, to use surtax proceeds only for specified purposes; prohibiting the use of such proceeds for non-transit purposes, etc. Referred to Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations

SB 712: Autonomous Vehicles – (Brandes) –

Related to HB 353. Exempting an autonomous vehicle being operated in autonomous mode from a certain prohibition on the operation of a motor vehicle if the vehicle is actively displaying certain content that is visible from the driver's seat while the vehicle is in motion; authorizing a fully autonomous vehicle to operate in this state regardless of whether a licensed human operator is physically present in the vehicle; authorizing the Secretary of Transportation to enroll the state in any federal pilot program or project for the collection and study of data for the review of automated driving systems, etc. **Referred to Transportation; Banking and Insurance; Rules.**

HB 6001: Traffic Infraction Detectors – (Avila; Ingoglia) –

Similar to SB 176 - 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. Referred to Appropriations Committee, on the Committee agenda for 10/10/2017. Bill passed Appropriations Committee (Yeas 16, Nays 10).