



*Mayor Susan Haynie
Chair*

Legislative Update for the week ending 12/08/2017

Overview

This week of committee meetings produced some movement on bills and the Governor's budget proposal was brought before committees for review. The Governor is proposing a total state budget of \$87.4 Billion for the upcoming state fiscal year. Transportation Secretary Mike Dew presented the proposed Department of Transportation budget to the House Appropriations Subcommittee for Transportation and Infrastructure on Wednesday and on Thursday he was back at the Capitol presenting to the Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development. The proposed transportation budget is \$10.84 Billion for the coming state fiscal year. A breakdown of the budget is as follows:

- 10.1 Billion for the Transportation Work Program
 - Highway Construction - \$4 Billion
 - Seaport Infrastructure Improvements - \$171.6 Million
 - Aviation Improvements - \$359 Million
 - Bridges (63 bridges repaired, 18 replaced) – \$167.7 Million
 - Safety Initiatives/Bicycle & Pedestrian Trails - \$337 Million
 - Transportation Work Program Integration Initiative - \$14 Million

The last item listed is the system used by the work program office to develop and track projects for the work program. The plan is to revise and update the system which will increase the department's effectiveness and efficiency in managing the work program. The Secretary also commented that the new system will increase transparency. The proposed budget does involve a reduction of 90 Full Time Equivalents to a total of 6209 positions within the Department of Transportation. There were a few questions, but the focus of the committees seemed to be on other agencies whose directors fielded some tough questions. Not Secretary Dew, the Department and Secretary enjoy the benefits of a good reputation, one that is well deserved. Congrats to Secretary Dew on a successful round of presentations.

A pleasing event this week was a press release announcing the filing of House Bill 33 which would move texting and driving from a secondary offense to a primary offense. The bill is co-sponsored by Representative Toledo (Tampa) and Representative Slosberg (Boca Raton). This by itself would not sound like a big deal but the big news contained in the press release was that Speaker of the House Richard Corcoran would be supporting this piece of legislation! He pointed to data that demonstrates the need for this legislation in Florida. Our many thanks to the Representatives Toledo, Slosberg and the Speaker for their support of this important legislation.

In related news, Senate Bill 90 which is the Senate ban on Texting While Driving by Senator Perry (Gainesville), passed out of it's first committee. Members of the committee asked to make the law more stringent and the Senator wisely explained that a more stringent law would be less likely to pass both chambers. Our compliments to Senator Perry for taking a pragmatic approach in order to make headway on this important issue.

Lastly, House Bill 575 which is the bill that will reduce the cap on the number of MPO Board members was presented to it's first committee and unfortunately passed. I had a chance to visit with the bill sponsor, Representative Beshears (Monticello), earlier in the week about this bill. He wants more nimble and effective MPOs and sees this piece of legislation as a step in that direction. The next stop for this bill is Local, Federal & Veterans Affairs Subcommittee, a date for the subcommittee to hear the bill has not been set.

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.

A few bills have been filed, many more will be filed over the coming months. Your MPOAC Legislative Update will keep you apprised of newly filed bills.

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 December 07, 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

HB 33: Texting While Driving – (Toledo; Slosberg – Co-Introducers: Ahern; Burgess; Fitzenhagen; Jacobs; Metz; Stark) – Similar Bill SB 90. Revises legislative intent; requires law enforcement officer to inform motor vehicle operator of certain rights; prohibits certain actions by such officer; removes requirement that enforcement be accomplished as secondary action. Bill has been filed, but not yet assigned to committees.

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; Baxley) – Identical to SB 72. **Similar to HB 33.** 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. **This bill was withdrawn and the bill sponsor (Slosberg) is a co-sponsor of the newly filed HB 33: Texting While Driving bill.**

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. **The bill was amended by the Transportation and Infrastructure Subcommittee to define eligible uses of surtax monies. The bill as written does not allow for surtax monies to be used for salaries or other personnel expenses. The bill passed 12 Yeas, Zero Nays.**

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. **Bill passed Ways and Means Committee, 18 Yeas, Zero Nays. Now in Government Accountability 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. **Bill was amended to add hybrid vehicles, when hybrid and electric vehicles comprise 2% of the total number of vehicles registered in the state, the Florida Transportation Commission must conduct a study of the fiscal impact to transportation funding. Bill as amended passed Transportation Committee 7 Yeas, Zero Nays.**

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. **Bill was amended by Transportation and Infrastructure Subcommittee, passed 13 Yeas, Zero Nays.**

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

SB 548: Traffic Infraction Detectors – (Campbell) – Companion Bill is HB 6001. Repealing provisions relating to the definitions of “local hearing officer” and “traffic infraction detector,” respectively and 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 that cap fines and provide for the deposit and use of fines, and the distribution of specified penalties, respectively, etc. Referred to Transportation; Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

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. **Bill was amended by Transportation and Infrastructure Subcommittee, passed 12 Yeas, Zero Nays.**

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 6 Yeas, Zero Nays. **Now in Community Affairs.**

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 bans weighted voting **and places term limits on Governing Board Members**. Referred to Transportation and Infrastructure Subcommittee; Local, Federal and Veterans Affairs Subcommittee; Government Accountability Committee. **Passed Transportation and Infrastructure Subcommittee with 13 Yeas, Zero Nays. Now in Local, Federal and Veteran Affairs Subcommittee.**

HB 633: Florida Smart City Challenge Grant Program – (Fischer; Co-Introducer: Jacobs) - Creates Florida Smart City Challenge Grant Program within DOT; provides program goals & grant eligibility requirements; requires DOT to issue request for proposals; provides proposal requirements, grant award requirements, & requirements for use of grant funds; requires reports; requires administrative support by DOT; provides appropriation. Annual amount: \$15,000,000.00. Referred to Transportation and Infrastructure Subcommittee; Transportation and Tourism Appropriations 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. **Passed Community Affairs with 5 Yeas, Zero Nays. Now in Appropriations Subcommittee on Finance and Tax.**

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.

SB 782: Bollards Grant Program – (Rodriguez) - Requiring the Department of Transportation to develop the Bollards Grant Program in order to provide grants to municipalities and counties for the installation of bollards in their jurisdictions; requiring a county or municipality to specify in its application the area, which may include private property, where it intends to install bollards and why the installation is needed, etc. Annual amount: \$250,000.00. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

HB 807: Metropolitan Planning Organizations – (Diamond) – Companion Bill is SB 984. Allows MPOs designated after July 01, 2018 as the result of a merger of two or more existing MPOs to have at least 5 Governing Board members. The bill does not place an upper limit on the number of Governing Board members for MPOs designated after July 01, 2018 as a result of the merger of two or more existing MPOs. The bill has been filed but not yet assigned to committees.

SB 984: Metropolitan Planning Organizations – (Brandes) – Companion Bill is HB 807. Allows MPOs designated after July 01, 2018 as the result of a merger of two or more existing MPOs to have at least 5

Governing Board members. The bill does not place an upper limit on the number of Governing Board members for MPOs designated after July 01, 2018 as a result of the merger of two or more existing MPOs. The bill has been filed but not yet assigned to committees.

HB 6001: Traffic Infraction Detectors – (Avila; Ingoglia) – Similar to SB 176. **Companion Bill is SB 548.** 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). **Bill has been placed on Calendar for Full House Vote.**