

*Commissioner Nick Maddox
Chair*

MPOAC Legislative Newsletter **01/30/2021**

Overview

Greetings everyone!! It is Saturday again and it is good to be with you for another update. This was a busy week, especially for so early in the session. You will see a lot of new bills filed and tracked in this edition of your newsletter. To lead off, let us talk about the proposed budget released by the Governor's office. You will recall that estimates of revenues were for a reduction in the budget of about \$2-\$3 Billion on a roughly \$91 Billion budget for this current state fiscal year. Apparently, Floridians are buying and refinancing a lot of houses which is good for documentary stamp revenues. Also, car sales are going strong which produces a lot of sales tax. So, when the Governor released his budget proposal it was a welcome surprise that it amounted to \$96 Billion. While that budget proposal is optimistic about the finances of Florida, hopefully the Governor is right. We could use some good news about the economy, most of the news has been rather gloomy. Naturally, we are interested in the transportation portion of the budget, let's look at that part. The proposed transportation budget is \$10.4B which is more than a \$1B increase over current year. Although I must remind everyone that this year's budget is about \$1B lower than the previous year. I would also be remiss if I did not remind you that for every dollar invested in Florida's transportation system there is a four dollar return on investment. In other words, investing in transportation is going to help Florida's economy. Some of the highlights from the press release about the transportation budget shows the following investments:

- \$2.5 billion for highway construction to include 210 new lane miles.
- \$1 billion in resurfacing to include 2,689 lane miles.
- \$122.6 million in seaport infrastructure enhancements.
- \$331 million for aviation improvements.
- \$516 million for scheduled repairs of 89 bridges and replacement of 18 bridges.
- \$717 million for rail/transit program advancements.
- \$172.2 million for safety initiatives.

Let us hope that the members of the legislature are as pleased with this budget proposal as we are.

This week, the Florida DOT gave a presentation on electric vehicles and their impact on transportation revenues at the Senate Transportation Committee. This presentation was requested by the Committee after their last meeting when the subject of revenues, electric vehicles and the impact to funding transportation was discussed. The presentation did an excellent job of highlighting the dramatic reduction in the costs of batteries to power electric vehicles and the increased range that electric vehicles are achieving now and are expected to reach in the near future. What all of this means is that electric vehicles will soon be very cost competitive with the traditional gasoline powered car. In fact, when looking at the life-cycle costs of owning a car, electric vehicles will soon be more cost effective. The maintenance on an electric vehicle is much less than a gas-powered car.

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Senator Harrell chairs the Transportation Committee and our compliments to her for bringing forward this important discussion. Her opening remarks were spot on and the presentation by Brad Thoburn, Assistant Secretary for Strategic Development at the Florida DOT was well done. Members of the committee asked insightful questions and demonstrated that they are taking this impact to our transportation funding seriously. The projections for transportation revenues in the future are scary at best. It is very clear that the transportation system cannot be properly funded and maintained in the future with our current funding system.

On Tuesday Senate Bill 62, which would remove Regional Planning Commissions (RPC) from state statutes, had its first committee stop. The bill ultimately passed the Senate Community Affairs Committee on a 6-3 vote. Testimony was overwhelmingly opposed to the bill. The next committee stop is the Judiciary Committee, it has not yet been scheduled to be heard but we are watching for it. The Senate bill also does not have a companion bill in the House as of writing today. In the last newsletter I incorrectly stated that an RPC would be prohibited from hosting an MPO. As it turns out, the ability of an RPC to host an MPO would depend on the intergovernmental agreement which formulated the individual RPC. In Florida, there are 5 MPOs hosted by RPCs and if this bill were to pass, 2 would be allowed to continue hosting their MPO. That leaves 3 MPOs that still have an uncertain future. At the MPOAC meetings this week, formal opposition to removing RPCs from statutes passed. Stay tuned and watch this bill please.

To wrap this up, I want to turn your attention to the Senate Transportation Committee meeting on Tuesday at 3:30PM. Two presentations will be taking place, the Florida DOT will be sharing their legislative proposals with the committee. There will also be a presentation by the Florida Public Transportation Association (FPTA) on the impact of COVID-19 to transit operations. Our good friend and partner, Lisa Bacot, is the Executive Director of the FPTA and I anticipate she will be making this presentation. Please tune into this committee meeting. Here is a link to their website, on meeting day shortly before the meeting time there will be a link to virtually watch the meeting: <https://flsenate.gov/Committees/Show/TR/>

The schedule of pre-session committee weeks is shown below along with key dates for the 2020 Florida Legislative Session. All new bills and any updates to bills shown below are in **RED** so you can quickly distinguish between updates and old news. 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 and changes to existing bills.

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

Important Dates for the 2021 Legislative Session

- August 1, 2020 - Deadline for filing claim bills (Rule 4.81(2))
- January 29, 2021 5:00 p.m. - Deadline for submitting requests for drafts of general bills and joint resolutions, including requests for companion bills.
- February 26, 2021 5:00 p.m. - Deadline for approving final drafts of general bills and joint resolutions, including companion bills.
- March 2, 2021 - Regular Session convenes (Article III, section 3(b), State Constitution) 12:00 noon, deadline for filing bills for introduction (Rule 3.7(1))
- April 17, 2021 - Motion to reconsider made and considered the same day (Rule 6.4.(4)) All bills are immediately certified (Rule 6.8)
- April 20, 2021 50th day – last day for regularly scheduled committee meetings (Rule 2.9(2))
- April 30, 2021 60th day – last day of Regular Session (Article III, section 3(d), State Constitution)

**Committee Meeting schedule prior to the official
Legislative Session beginning on March 2nd**

January 2021 — Week of the 11th
January 2021 — Week of the 25th
February 2021 — Week of the 1st
February 2021 — Week of the 8th
February 2021 — Week of the 15th

Committee Meetings Next Pre-Session Week

Monday – February 01, 2021

No House Committee Meetings Scheduled
No Senate Committees that Transportation is following are meeting today

Tuesday – February 02, 2021

Senate Appropriations – 9:00 AM
Senate Community Affairs – 3:30 PM
Senate Transportation (FDOT and FPTA presentations) – 3:30 PM

Wednesday – February 03, 2021

Senate Appropriations on Transportation, Tourism, and Economic Development – 12:30 PM
House Appropriations Committee – 10:00 AM
House Infrastructure & Tourism Appropriations Subcommittee (FDOT presentation) – 4:30 PM

Thursday – February 04, 2021

Senate Governmental Oversight and Accountability – 8:30 AM

Friday – February 05, 2021

No Senate Committee Meetings Scheduled
No House Committee Meetings Scheduled

Legislation of interest to the membership

This is a summary of transportation related bills filed and published on the legislature's website as of January 15, 2021. More bills will be filed during the 2021 session and as they are made available the newly filed transportation bills will be added to this list. The bills are listed in numerical order for your convenience. As the session progresses and the number of bills tracked in this newsletter grows, this ordering of bills will make it easier to follow the status of any bill you are tracking. All new bills and any updates to bills shown below are in **RED** so you can quickly distinguish between updates and old news.

HB 35: Legal Notices – (Fine; Co-Introducer: Grieco) – Provides for website publication of legal notices; provides criteria for such publication; authorizes fiscally constrained county to use publicly accessible website to publish legally required advertisements & public notices; requires government agency to provide specified notice to residents concerning alternative methods of receiving legal notices. Filed in the House. Referred to Civil Justice and Property Rights Subcommittee; Judiciary Committee. **On Committee agenda-- Civil Justice and Property Rights Subcommittee, 02/03/21, 4:30 pm, Webster Hall.**

HB 53: Public Works Projects – (DiCeglie) – Revises definition of term "public works project"; prohibits state or any political subdivision that contracts for public works project from requiring specified acts by certain persons engaged in such project or prohibiting certain persons from receiving information about public works opportunities. Referred to Government Operations Subcommittee; Public Integrity and Elections Committee; State Affairs Committee.

SB 54: Motor Vehicle Insurance – (Burgess; Co-Introducers: Rouson) – Related Bill HB 273 by Plakon and SB 420 by Hooper. Repealing provisions which comprise the Florida Motor Vehicle No-Fault Law; revising the motor vehicle insurance coverages that an applicant must show to register certain vehicles with the Department of Highway Safety and Motor Vehicles; revising financial responsibility requirements for owners or lessees of for-hire passenger transportation vehicles; providing an exception to the circumstances under which a person who is damaged may bring a civil action against an insurer; revising coverages subject to premium discounts for specified motor vehicle equipment; specifying persons whom medical payments coverage must protect, etc. APPROPRIATION: \$83,651. Referred to Banking and Insurance; Judiciary; Rules. **Passed Banking and Insurance; YEAS 10 NAYS 2. Now in Judiciary.**

HB 57: Transportation – (Andrade) – Revises provisions relating to motor vehicle sales tax, competitive solicitations, vehicles displaying flashing lights, annual cap on project contracts, airport restrictions, arbitration of contracts by & membership of State Arbitration Board, borrow pit operation, & performance standards for certain extraction locations. Filed in the House. Referred to Tourism, Infrastructure and Energy Subcommittee; Ways and Means Committee; Infrastructure and Tourism Appropriations Subcommittee; Commerce Committee.

HB 59: Growth Management – (McClain; Co-Introducer Sabatini) – Similar Bill SB 496 by Perry. Requires local governments to include property rights element in their comprehensive plans; provides statement of rights that local government may use; requires local government to adopt property rights element by specified date; prohibits local government's property rights element from conflicting with statutorily provided statement of rights; provides that certain property owners are not required to consent to development agreement changes; prohibits municipality from annexing specified areas; requires DOT to afford right of first refusal to certain individuals; provides requirements & procedures for right of first refusal; authorizes

certain developments of regional impact agreements to be amended. Filed in the House. Referred to Local Administration and Veterans Affairs Subcommittee; Civil Justice and Property Rights Subcommittee; State Affairs Committee. **On Committee agenda-- Local Administration and Veterans Affairs Subcommittee, 02/04/21, 12:00 pm, Sumner Hall.**

SB 62: Regional Planning Councils – (Bradley) – Revising a requirement for the Executive Office of the Governor to review and consider certain reports, data, and analyses relating to the revision of the state comprehensive plan; eliminating the advisory role of regional planning councils in state comprehensive plan preparation and revision; repealing provisions relating to the Florida Regional Planning Council Act; authorizing local governments to recommend areas of critical state concern to the state land planning agency, etc. **RPCs would be able to host MPOs under the bill as currently written. This bill would prohibit RPCs from staffing MPOs. Not yet referred to Committees.** Referred to Community Affairs; Judiciary; Rules. On Committee agenda-- Community Affairs, 01/26/21, 3:30 pm, 37 Senate Building. **CS by Community Affairs; YEAS 6 NAYS 3. Now in Judiciary.**

HB 91: Use of Wireless Communications Devices While Driving – (Slosberg; Co-Introducer: Grieco) – Revises short title & legislative intent; prohibits operation of motor vehicle while holding or touching wireless communications device; provides exceptions; revises information that may be admissible as evidence in proceeding to determine whether violation has been committed; revises procedures for collection & reporting by DHSMV of information recorded on citation; conforms provisions relating to use of wireless communications devices in school & work zones. Filed in the House. Referred to Criminal Justice and Public Safety Subcommittee; Tourism, Infrastructure and Energy Subcommittee; Infrastructure and Tourism Appropriations Subcommittee; Judiciary Committee.

SB 138: Electric Vehicles – (Brandes) – Related Bill SB 140 by Brandes. Revising the Department of Transportation's goals relating to mobility; requiring the department to establish the Electric Vehicle Infrastructure Grant Program; providing for the distribution of grants to certain entities to install electric vehicle charging infrastructure; specifying that certain rules adopted by the Department of Agriculture and Consumer Services may not require specific methods of sale for electric vehicle charging equipment used in, and services provided in, this state, etc. APPROPRIATION: \$5,000,000. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

SB 140: Fees/Electric Vehicles – (Brandes) – Related Bill SB 138 by Brandes. Creating additional fees for electric vehicles; creating a license tax and an additional fee for plug-in hybrid electric vehicles; requiring, on specified dates, the Department of Highway Safety and Motor Vehicles to increase the additional fees, subject to certain requirements; providing that certain vehicles are exempt from specified fees, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

HB 139: Electronic Transactions for Title Certificates and Registrations – (Fernandez-Barquin) – Authorizes tax collectors to accept applications for motor vehicle & vessel certificates of title by electronic or telephonic means, to collect electronic mail addresses for use as method of notification, & to contract with vendors to provide electronic & telephonic transactions; provides that electronic signature that meets certain requirements satisfies signature required for application for certificate of title; specifies tax collection systems for which certain fees may be used for integration with Florida Real Time Vehicle Information System; requires DHSMV to provide tax collectors & approved vendors with certain data access & interface functionality; specifies authorized uses; requires DHSMV to ensure approved vendors protect customer privacy & data collection. Filed in the House. **Referred to Tourism, Infrastructure and**

Energy Subcommittee; Infrastructure and Tourism Appropriations Subcommittee; Commerce Committee.

HB 205: Requirements for Establishing or Increasing Tolls – (Borrero) – Requires increase of current toll or development of new toll collection facility in county with certain population to be approved by board of county commissioners. After July 01, 2022 a toll increase or new toll in a county of over 1 million population will require a two-thirds vote of board of county commissioners at a regularly scheduled meeting. Filed in the House. Referred to Tourism, Infrastructure and Energy Subcommittee; Ways and Means Committee; Commerce Committee.

HB 229: Hazardous Walking Conditions for K-12 Students – (Salzman) – Requires DOT to develop & adopt standards & criteria to identify hazardous walking conditions; Revises provisions relating to the transportation of students subjected to hazardous walking conditions & funding for such students. Filed in the House. Referred to Early Learning and Elementary Education Subcommittee; Tourism, Infrastructure and Energy Subcommittee; Appropriations Committee; Education and Employment Committee.

HB 273: Motor Vehicle Insurance Coverage Exclusions – (Plakon) – Similar to SB54 by Burgess and SB 420 by Hooper. Provides private passenger motor vehicle policies may exclude identified individuals from specified coverages; provides exceptions. Filed in the House.

SB 278: Traffic Offenses – (Baxley) - Creating the “Vulnerable Road User Act”; providing criminal penalties for a person who commits a moving violation that causes serious bodily injury to, or causes the death of, a vulnerable road user; requiring that the person who commits the moving violation pay a specified fine, serve a minimum period of house arrest, and attend a driver improvement course; requiring that the court revoke the person’s driver license for a minimum specified period, etc. Filed in the Senate. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations. Now in Transportation.

HB 297: Child Restraint Requirements – (Hinson) – Identical Bill SB380 by Perry - Increasing the age of children for whom operators of motor vehicles must provide protection by using a crash-tested, federally approved child restraint device; increasing the age of children for whom a separate carrier, an integrated child seat, or a child booster seat may be used, etc. Filed in the House.

HB 337: Impact Fees – (DeCeglie) – Identical to S750 by Gruters - Specifying instances when a local government or special district may collect an impact fee; requiring local governments and special districts to credit against the collection of impact fees any contribution related to public facilities; providing annual limitations on impact fee rate increases; requiring school districts to report specified items regarding impact fees, etc. Referred to Community Affairs; Finance and Tax; Appropriations.

SB 342: Vehicle and Vessel Registration – (Diaz) – Requiring tax collectors to determine service charges collected by privately owned license plate agents for motor vehicle titles; requiring that additional service charges be itemized and disclosed to the person paying them; requiring a license plate agent to enter into a contract with the tax collector for a certain purpose; requiring tax collectors and approved license plate agents to enter into a memorandum of understanding with the department for a certain purpose, etc. Filed in the Senate. Referred to Transportation; Finance and Tax; Rules.

HB 353: Bicycle Operations Regulations – (Hage) – Identical to SB738 by Baxley - Providing an exception to the requirement that a person operating a bicycle ride upon or astride a seat attached thereto, etc. Filed in the House.

HB 357: Photographic Enforcement of School Zone Speed Limits – (Duran and Rodriguez) – Authorizes county or municipality to contract with vendor to install cameras in school speed zones to enforce speed limits; provides civil penalty for violation found through recording of photographic images; provides for disposition & use of funds; provides for determination of liability; provides nonapplication of violation to driver license points assessment, conviction, driving record, or provision of motor vehicle insurance coverage; requires referral to DHSMV resulting in prohibition of motor vehicle registration renewal & transfer of title; provides for removal of penalties. Filed in the House.

HB 365: Motor Vehicle Rentals – (Caruso) – Similar to SB 566 by Perry and S 708 By Brandes - Provides requirements for sales taxes & surcharges on motor vehicle leases & rentals by motor vehicle rental companies & peer-to-peer car-sharing programs; specifies insurance requirements for shared vehicle owners & shared vehicle drivers; provides for liability; provides for exclusions; provides right of contribution to shared vehicle owner's insurer for certain claims; requires provision of certain information regarding liens; specifies recordkeeping, record-sharing, disclosure, & driver license verification & data retention requirements; provides for consumer protections Filed in the House.

SB 376: Jacksonville Transportation Authority Leases – (Gibson) – Related Bill HB 6015 by Duggan. Removing a limitation on the term of a lease into which the authority may enter, etc. Filed in the Senate. Referred to Transportation; Community Affairs; Rules. **Favorable by Transportation; YEAS 8 NAYS 0.** Now in Community Affairs.

SB 380: Child Restraint Requirements – (Perry) – Identical Bill HB297 by Hinson - Increasing the age of children for whom operators of motor vehicles must provide protection by using a crash-tested, federally approved child restraint device; increasing the age of children for whom a separate carrier, an integrated child seat, or a child booster seat may be used, etc. Referred to Children, Families, and Elder Affairs; Transportation; Rules. On Committee agenda - Children, Families, and Elder Affairs, 02/03/21, 9:00 am, 37 Senate Building.

SB 420: Motor Vehicle Insurance Coverage Exclusions – (Hooper) – Similar to SB54 by Burgess and HB273 by Plakon - Providing that private passenger motor vehicle policies may exclude certain identified individuals from specified coverages under certain circumstances; providing that such policies may not exclude coverage under certain circumstances, etc. Referred to Banking and Insurance; Judiciary; Rules.

SB 422: Tampa Bay Area Regional Transit Authority – (Rouson) – Renaming the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee as the Chairs Coordinating Committee; providing that a mayor's designated alternate may be a member of the governing board of the authority; revising a provision requiring the authority to present the regional transit development plan and updates to specified entities, etc. Filed in the Senate. **Referred to Transportation; Community Affairs; Rules.**

SB 496: Growth Management – (Perry) - Similar to HB 59 by McClain. Specifying requirements for certain comprehensive plans effective, rather than adopted, after a specified date and for associated land development regulations; requiring local governments to include a property rights element in their comprehensive plans; prohibiting a local government's property rights element from conflicting with the statement of rights contained in the act; providing that

the consent of certain property owners is not required for development agreement changes under certain circumstances; requiring the Department of Transportation to afford a right of first refusal to certain individuals under specified circumstances, etc. Filed in the Senate. Referred to Community Affairs; Judiciary; Rules.

SB 514: Resiliency – (Rodriguez) - Establishing the Statewide Office of Resiliency within the Executive Office of the Governor; creating the Statewide Sea-Level Rise Task Force adjunct to the office; authorizing the Department of Environmental Protection to contract for specified services, upon request of the task force; requiring the Environmental Regulation Commission to take certain action on the task force’s recommendations, etc. APPROPRIATION: \$500,000. Filed in the Senate. Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations.

SB 566: Motor Vehicle Rentals – (Perry) – Similar to HB365 by Caruso and SB708 by Brandes - Specifying the applicable sales tax rate on motor vehicle leases and rentals by motor vehicle rental companies and peer-to-peer car-sharing programs; specifying the applicable rental car surcharge on motor vehicle leases and rentals by motor vehicle rental companies and peer-to-peer car-sharing programs; specifying insurance requirements for shared vehicle owners and shared vehicle drivers under peer-to-peer car-sharing programs; providing an exemption from vicarious liability for peer-to-peer car-sharing programs and shared vehicle owners, etc. Filed in the Senate. Referred to Banking and Insurance; Transportation; Appropriations.

HB 605: Bicycle and Pedestrian Safety – (Hunschovsky) – Identical to SB950 by Book - Revising and providing requirements for the driver of a motor vehicle overtaking a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian; requiring the Department of Highway Safety and Motor Vehicles to provide an awareness campaign, and include information in certain educational materials, regarding certain safety precautions; exempting a motor vehicle driver from certain provisions relating to no-passing zones when overtaking a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian; revising requirements for vehicles turning at intersections; prohibiting persons riding bicycles in a bicycle lane from riding more than two abreast, etc. Filed in the House.

SB 708: Peer-to-peer Car Sharing – (Brandes) – Similar to HB365 by Caruso and SB566 by Perry - Specifying motor vehicle insurance requirements for peer-to-peer car-sharing programs; authorizing peer-to-peer car-sharing programs to own and maintain certain policies of motor vehicle insurance; requiring peer-to-peer car-sharing programs to assume certain liability; authorizing motor vehicle insurance policies to exclude specified coverages under certain circumstances; authorizing specified insurers to seek contributions against indemnifications under certain circumstances, etc. Referred to Banking and Insurance; Transportation; Appropriations.

SB 738: Bicycle Operations Regulations – (Baxley) – Identical to HB353 by Hage - Providing an exception to the requirement that a person operating a bicycle ride upon or astride a seat attached thereto, etc. Referred to Transportation; Community Affairs; Rules.

SB 750: Impact Fees – (Gruters) – Identical to HB337 by DiCeglie - Specifying instances when a local government or special district may collect an impact fee; requiring local governments and special districts to credit against the collection of impact fees any contribution related to public facilities; providing annual limitations on impact fee rate increases; requiring school districts to report specified items regarding impact fees, etc. Referred to Community Affairs; Finance and Tax; Appropriations.

SB 950: Bicycle and Pedestrian Safety – (Book) – Identical to HB605 by Hunschofsky - Revising and providing requirements for the driver of a motor vehicle overtaking a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian; requiring the Department of Highway Safety and Motor Vehicles to provide an awareness campaign, and include information in certain educational materials, regarding certain safety precautions; exempting a motor vehicle driver from certain provisions relating to no-passing zones when overtaking a bicycle or other nonmotorized vehicle, an electric bicycle, or a pedestrian; revising requirements for vehicles turning at intersections; prohibiting persons riding bicycles in a bicycle lane from riding more than two abreast, etc. Filed in the Senate.

HB 6009: Traffic Infraction Detectors – (Sabatini; Co-Introducers: Borrero; D. Smith) - Repeals provisions relating to Mark Wandall Traffic Safety Program & authorization to use traffic infraction detectors; repeals provisions relating to distribution of penalties, transitional implementation, & placement & installation; conforms cross-references & provisions to changes made by act. Filed in the House. Referred to Tourism, Infrastructure and Energy Subcommittee; Appropriations Committee; Commerce Committee.

HB 6015: Jacksonville Transportation Authority Leases – (Duggan) – Related Bill SB 376 by Gibson. Removes limitation on term of lease into which authority may enter. Filed in the House. Referred to Tourism, Infrastructure and Energy Subcommittee; Infrastructure and Tourism Appropriations Subcommittee; Commerce Committee.