



Transportation & Tourism Appropriations Subcommittee

**Monday, February 10, 2020
1:30 PM – 3:30 PM
Sumner Hall (404 HOB)**

Committee Meeting Packet



The Florida House of Representatives

Appropriations Committee

Transportation & Tourism Appropriations Subcommittee

Jose Oliva
Speaker

Jay Trumbull
Chair

AGENDA

Monday, February 10, 2020

404 HOB (Sumner Hall)

1:30 PM – 3:30 PM

- I. Call to Order/Roll Call
- II. Opening Remarks by Chair Trumbull
- III. Consideration of the following bills:
 - CS/HB 21 Transportation Facility Designations by Transportation & Infrastructure Subcommittee, Hill
 - CS/HB 395 Transportation by Transportation & Infrastructure Subcommittee, Andrade
 - CS/HB 435 Electronic Notification by Tax Collectors by Transportation & Infrastructure Subcommittee, Valdés
 - HB 1139 Regional Rural Development Grants by Clemons, Polsky
 - CS/HB 1371 Traffic and Pedestrian Safety by Transportation & Infrastructure Subcommittee, Fine, Caruso
 - HB 1455 Division of Library and Information Services by Rodriguez, A. M.
 - HB 1465 Hardee County Economic Development Authority, Hardee County by Bell
- IV. Closing Remarks/Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 21 Transportation Facility Designations
SPONSOR(S): Transportation & Infrastructure Subcommittee, Hill
TIED BILLS: IDEN./SIM. **BILLS:** SB 78

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	12 Y, 0 N, As CS	Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee		Davis 	Davis
3) State Affairs Committee			

SUMMARY ANALYSIS

State law authorizes legislative designations of transportation facilities for honorary or memorial purposes or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities, nor does the law require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone system listings. State law also requires the appropriate city or county commission to pass a resolution supporting the designation prior to the erection of markers indicating the designation.

The bill designates the General Daniel "Chappie" James, Jr., Bridge in Santa Rosa and Escambia counties and directs the Department of Transportation (DOT) to erect suitable markers for this designation.

DOT estimates a \$1,000 negative fiscal impact to the State Transportation Trust Fund associated with erecting suitable markers for the above designation. This cost can be absorbed within existing DOT resources.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Designations

Section 267.062, F.S., provides for the naming of state buildings and other facilities. The statute provides that except as specifically provided by law, state buildings, roads, bridges, parks, recreational complexes, and other similar facilities may not be named for a living person.

Section 334.071, F.S., authorizes legislative designations of transportation facilities for honorary or memorial purposes or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

Road Markers

The Department of Transportation (DOT) must place a marker at each termini or intersection of an identified road or bridge and erect other markers it deems appropriate for the transportation facility. The appropriate city or county commission must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

General Daniel "Chappie" James, Jr.

Born in Pensacola in 1920, General Daniel "Chappie" James, Jr., was one of the Tuskegee Airmen and served with the U.S. Air Corps and later the United States Air Force in World War II, Korea, and Vietnam. In 1975, he became the first African American Four-Star General in the United States Armed Forces. General James passed away on February 25, 1978.

Effect of the Bill

The bill designates the Pensacola Bay Bridge (bridge numbers 480-289 and 480-290)¹ on U.S. 98/S.R. 30 between 17th Avenue in Escambia County and Baybridge Drive in Santa Rosa County as the "General Daniel 'Chappie' James, Jr., Bridge." The bill also requires DOT to erect suitable markers for this designation.

B. SECTION DIRECTORY:

Section 1 designates the General Daniel "Chappie" James, Jr., Bridge and directs DOT to erect suitable markers.

Section 2 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not impact state government revenues.

¹ These are the new spans of the Pensacola Bay Bridge currently under construction. All construction is expected to be completed in mid-2021. <http://www.pensacolabaybridge.com/overview> (Last visited Nov. 4, 2019).

2. Expenditures:

DOT estimates a cost of \$1,000 per designation for the appropriate markers, which provides for two signs per designation at \$500 per sign.² Therefore, the bill has an estimated negative fiscal impact of \$1,000 to the State Transportation Trust Fund. This cost can be absorbed within existing DOT resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not impact local government revenues.

2. Expenditures:

The bill does not impact local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 13, 2019, the Transportation & Infrastructure Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment updated the bridge numbers being designated to reflect the new spans for the Pensacola Bay Bridge currently under construction, and removed the word "memorial" from the bridge designation.

This analysis is drafted to the committee substitute as approved by the Transportation & Infrastructure Subcommittee.

² Email from Amanda Marsh, Office of Legislative Programs, Florida Department of Transportation, RE: Road Designation Fiscal (Aug. 14, 2019).

1 A bill to be entitled
 2 An act relating to transportation facility
 3 designations; providing honorary designation of a
 4 certain transportation facility in specified counties;
 5 directing the Department of Transportation to erect
 6 suitable markers; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. General Daniel "Chappie" James, Jr., Bridge
 11 designated; Department of Transportation to erect suitable
 12 markers.-

13 (1) The Pensacola Bay Bridge (bridge numbers 480-289 and
 14 480-290) on U.S. 98/S.R. 30 over Pensacola Bay between 17th
 15 Avenue in Escambia County and Baybridge Drive in Santa Rosa
 16 County is designated as "General Daniel 'Chappie' James, Jr.,
 17 Bridge."

18 (2) The Department of Transportation is directed to erect
 19 suitable markers designating General Daniel "Chappie" James,
 20 Jr., Bridge as described in subsection (1).

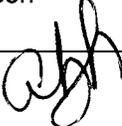
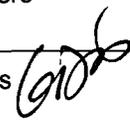
21 Section 2. This act shall take effect July 1, 2020.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 395 Transportation

SPONSOR(S): Transportation & Infrastructure Subcommittee, Andrade

TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	13 Y, 0 N, As CS	Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee		Hicks 	Davis 
3) State Affairs Committee			

SUMMARY ANALYSIS

The bill amends various statutory provisions relating to transportation. In summary, the bill:

- Revises the statutory definition of autocycle to incorporate a reference to federal safety standards;
- Increases the allowable weight of personal delivery devices;
- Authorizes portable radar speed display units to display flashing red and blue lights under certain circumstances;
- Allows the use of flashing lights on vehicles during periods of extreme low visibility on specified roads;
- Authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to waive commercial driver license skill test requirements for qualifying veterans;
- Revises requirements governing the use of tarpaulins and other covers on vehicles hauling agricultural products;
- Authorizes for-hire vehicles to be insured by certain non-admitted carriers and reduces the number of for-hire vehicles required before an owner or lessee may self-insure;
- Requires certain vessels to be removed from marinas located in deepwater seaports during hurricanes;
- Revises qualification requirements for contractors desiring to bid on certain Department of Transportation (DOT) contracts, including the submission of specified financial statements; and
- Establishes a regulatory framework governing the operation of disability-accessible transportation network companies and preempts regulation of such companies to the state.

The bill may have an indeterminate negative fiscal impact on state and local governments. See Fiscal Analysis for details.

The bill provides an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Autocycles

Current Situation

Florida law defines the term “autocycle” as a three-wheeled motorcycle that 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. The autocycle must be manufactured in accordance with the applicable federal motorcycle safety standards by a manufacturer registered with the National Highway Traffic Safety Administration.¹ Autocycle drivers are not required to hold a motorcycle endorsement on his or her driver license.²

Federal Motor Vehicle Safety Standard No. 122,³ provides standards for all motorcycle braking systems.

Effect of the Bill

The bill amends the definition of the term “autocycle” to provide that it must have a “steering mechanism” rather than a “steering wheel”. The bill also removes the requirement that an autocycle have antilock, replacing it with a requirement to have brakes meeting federal safety standards for motorcycle brakes.

Personal Delivery Devices

Present Situation

A personal delivery device (PDD) is electrically powered device that: is operated on sidewalks and crosswalks and intended primarily for transporting property; weighs less than 80 pounds, excluding cargo; has a maximum speed of 10 miles per hour; and is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.⁴

A PDD may operate on sidewalks and crosswalks where it has all the rights and duties applicable to a pedestrian, except that a PDD may not unreasonably interfere with pedestrians or traffic and must yield the right-of-way to pedestrians on the sidewalk or crosswalk.⁵

A PDD must obey all official traffic and pedestrian control signals and devices, include identifying information on the PDD, and be equipped with a braking system.⁶ However, PDDs may not operate on a public highway except to the extent necessary to cross a crosswalk, operate on a sidewalk or crosswalk unless the PDD operator is actively controlling or monitoring its navigation and operation, or transport hazardous materials.⁷

Effect of the Bill

The bill increases the statutory weight limit of a personal delivery device from 80 pounds to 150 pounds.

¹ Section 316.003(2), F.S.

² Sections 322.03(4) and 322.12, F.S.

³ 49 C.F.R. 571.122

⁴ Section 316.003(55), F.S.

⁵ Section 316.2071(1), F.S.

⁶ Section 316.0271(2), F.S.

⁷ Section 316.2071(3), F.S.

Flashing Red and Blue Lights

Present Situation

Florida law prohibits blue lights on any vehicle or equipment, except police vehicles, and vehicles of the Department of Corrections (DOC) or any county correctional agency when responding to emergencies.⁸

Road or street maintenance equipment, road or street maintenance vehicles, road service vehicles, refuse collection vehicles, petroleum tankers, and mail carrier vehicles are authorized to display amber lights when in operation or a hazard exists.⁹ Additionally, road maintenance and construction equipment and vehicles may display flashing white lights or flashing white strobe lights when in operation and where a hazard exists.¹⁰

Effect of the Bill

The bill authorizes portable radar speed display units in advance of a work zone area on roadways with a posted speed limit of 55 miles per hour or more to show or display flashing red or blue lights when workers are present.

Flashing Lights on Vehicles

Present Situation

Florida law prohibits flashing lights on vehicles except:

- As a means of indicating a right or left turn, to change lanes, or to indicate that the vehicle is lawfully stopped or disabled upon the highway;
- When a motorist intermittently flashes his or her vehicle's headlamps at an oncoming vehicle notwithstanding the motorist's intent for doing so; and
- For certain lamps authorized in statute, which may flash, including various types of emergency vehicles.¹¹

With the exception of funeral processions,¹² Florida law does not expressly authorize the use of hazard lights on moving vehicles. The Florida Driver Handbook indicates you **should not** use your emergency flashers in instances of low visibility or rain, and may only be used when a vehicle is disabled or stopped on the side of the road.¹³

Effect of the Bill

The bill authorizes the use of flashing lights during periods of extreme low visibility on roadways with a posted speed limit of 55 hours or more, effectively authorizing the use of hazard lights on moving vehicles under specified circumstances.

Agricultural Loads on Vehicle

Present Situation

Federal rules require that each commercial motor vehicle, when transporting cargo on public roads to have its cargo secured to prevent the cargo from leaking, spilling, blowing or falling from the motor vehicle.¹⁴

⁸ Section 316.2397(2), F.S.

⁹ Section 316.2397(4), F.S.

¹⁰ Section 316.2397(5), F.S.

¹¹ Section 316.2397(7), F.S.

¹² Section 316.1974(3)(c), F.S.

¹³ Department of Highway Safety and Motor Vehicles, *2018 Florida Driver Handbook*, available at: <https://www3.flhsmv.gov/handbooks/englishdriverhandbook.pdf> (last visited Oct. 30, 2019).

¹⁴ 49 C.F.R. 393.100

Under Florida law, a vehicle may not be driven or moved on any highway unless the vehicle is constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping from the vehicle.¹⁵

Every vehicle owner and driver has the duty to prevent items from escaping from his or her vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover or a load securing device meeting federal requirements or a device designed to reasonably ensure that cargo will not shift upon or fall from the vehicle is required and constitutes compliance.¹⁶

However, Florida's load covering and securing provisions do not apply to vehicles carrying agricultural products locally from a harvest site or to or from a farm on roads where the posted speed limit is 65 miles per hour or less and the distance driven on public roads is less than 20 miles.¹⁷

Effect of the Bill

The bill removes the 20-mile maximum distance that vehicles carrying agricultural products may travel without covering the load. This will allow vehicles hauling agricultural products to travel an unlimited distance across the state without covering the load.

Commercial Driver License Testing Exemption for Veterans

Present Situation

Florida law requires every applicant for an original driver license to pass an examination. However, the Department of Highway Safety and Motor Vehicles (DHSMV) may waive the knowledge, endorsement, and skills tests requirements for an applicant who is otherwise qualified and who surrenders a valid driver license issued by another state, a Canadian province, or the United States Armed Forces, if the driver applies for a Florida license of an equal or lesser classification.¹⁸

Under Florida law, the examination for a commercial driver license (CDL) must include various tests including an actual demonstration of the applicant's ability to operate a motor vehicle or combination of vehicles of the type covered by the license classification which the applicant is seeking, including his or her ability to perform a vehicle inspection.¹⁹

Under Federal Motor Carrier Safety Administration rules, states may waive knowledge and skill test requirements for CDLs for military veterans for current and former military service members who have experience driving a commercial motor vehicle in the military for an equivalent state license. The application must be made within one year of discharge of military service and certain conditions must be met.²⁰

Under DHSMV's rules, applicants seeking a waiver of CDL skill testing due to military experience must pass all written knowledge exams for the CDL class and any applicable endorsements, and apply for a waiver while on active duty or within 90 days of separation from military service. Additionally, he or she must certify that he or she for at least two years immediately preceding the application operated a motor vehicle in the appropriate class, and present a Certificate for Waiver of Skill Test for Military Personnel form signed by his or her commanding officer.²¹

¹⁵ Section 316.520(1), F.S.

¹⁶ Section 316.520(2), F.S.

¹⁷ Section 316.520(4), F.S.

¹⁸ Section 322.12(1), F.S.

¹⁹ Section 322.12(4), F.S.

²⁰ 49 C.F.R. 383.77

²¹ Rule 15A-7.018, F.A.C.

Effect of the Bill

The bill authorizes DHSMV to waive the skill test requirements for a CDL for persons with military commercial motor vehicle experience while on active military service or within one year of honorable discharge, which is consistent with federal rules regarding CDL license waivers for veterans.

For-hire Passenger Vehicle Insurance

Current Situation

Section 324.031, F.S., provides that the owner or operator of a taxicab, limousine, jitney, or any other for-hire passenger transportation vehicle may prove financial responsibility by providing satisfactory evidence of holding a motor vehicle liability policy issued by an insurance carrier that is a member of the Florida Insurance Guaranty Association (FIGA).²² However, a motor vehicle owner or lessee required to maintain insurance, including lessors of motor vehicles and owners who loan their motor vehicles, and who operates at least 300 for-hire passenger vehicles may prove financial responsibility through self-insurance.²³

Proposed Changes

The bill provides that a for-hire passenger vehicle's motor vehicle liability policy must be provided by an insurer authorized to do business in this state, and who is a member of FIGA, or by an eligible nonadmitted insurer that has a superior, excellent, exceptional, or equivalent financial strength rating by a rating agency acceptable to the Office of Insurance Regulation. The bill reduces the minimum number of for-hire passenger vehicles an owner or lessee must operate to be eligible to self-insure, from 300 vehicles to 150 vehicles.

Evacuation of Marinas

Present Situation

In order to ensure that protecting the lives and safety of vessel owners is placed before interests of protecting property, s. 327.59(1), F.S., prohibits marinas from adopting, maintaining, or enforcing policies requiring vessels to be removed from marinas following the issuance of a hurricane watch or warning.

After a tropical storm or hurricane watch has been issued, a marina owner or operator may take reasonable actions to further secure any vessel within the marina to minimize damage to a vessel and to protect marina property, private property, and the environment and may charge a reasonable fee for such services.²⁴

A marina owner may provide by contract that in the event a vessel owner fails to promptly remove a vessel from a marina after a tropical storm or hurricane watch has been issued, the marina owner may remove the vessel, if reasonable, from its slip or take whatever reasonable actions are deemed necessary to properly secure a vessel to minimize damage to a vessel and to protect marina property, private property, and the environment. The marina owner may charge the vessel owner a reasonable fee for any such services rendered. In order to add such a provision to a contract, the marina owner must provide notice to the vessel owner in any such contract.²⁵

A marina owner is not liable for any damage incurred to a vessel from storms or hurricanes and is held harmless as a result of such actions. Nothing in s. 327.59, F.S., may be construed to provide immunity

²² The Florida Insurance Guaranty Association is created in s. 631.55, F.S.

²³ Section 324.032(2), F.S. The maximum amount of self-insurance permissible under this section is \$300,000 on a per occurrence basis, and the self-insurer must maintain adequate excess insurance issued by an authorized or eligible insurer licensed or approved by the Office of Insurance Regulation.

²⁴ Section 327.59(2), F.S.

²⁵ Section 327.59(3), F.S.

to a marina owner for any damage caused by intentional acts or negligence when removing or securing a vessel as permitted under s. 327.59, F.S.²⁶

Several of the state's deepwater seaports have recreational marinas located within the seaport, and have encountered problems associated with marina tenants not removing their boats during hurricanes. Seaport managers have expressed concerns that if a boat leaves its slip or bulkhead, it may cause damage to port infrastructure or sink, which may adversely impact other port activities such as cruise traffic and fuel delivery.

Effect of the Bill

The bill provides upon the issuance of a hurricane watch affecting the waters of a marina located in a deepwater seaport, vessels weighing under 500 gross tons may not remain in the waters of such marinas that have been deemed not suitable for refuge during a hurricane.

Vessel owners must promptly remove their vessels upon issuance of an evacuation order by the deepwater seaport. If the U.S. Coast Guard Captain of the Port sets the deepwater seaport condition to Yankee²⁷ and a vessel owner has failed to remove a vessel, the marina owner, operator, employee or agent, regardless of existing contractual provisions between the marina owner and vessel owner, must remove the vessel, or cause it to be removed, if reasonable, from its slip and may charge the vessel owner a reasonable fee for any such services.

A marina owner, operator, employee or agent is not liable for any damage incurred to a vessel from hurricanes and is held harmless as a result of such actions to remove the vessel from the waterways. Section 327.59, F.S., does not provide immunity to a marina owner, operator, employee or agent for any damage caused by intentional acts or negligence when removing a vessel. After the hurricane watch has been issued, the owner or operator of any vessel that has not been removed from the waterway of the marina, pursuant to an order from the deepwater seaport, may be subject to the penalties under s. 313.22(3), F.S., providing that vessels that unnecessarily delay moving in order to vacate or change positions may be penalized up to \$1,000 per hour, plus 150 percent of the damage incurred by a waiting vessel.²⁸

DOT Application for Qualification

Present Situation

Any contractor desiring to bid for the performance of any construction contract in excess of \$250,000 which DOT proposes to let must first be certified by DOT as qualified pursuant to s. 337.14, F.S., and DOT's rules.^{29, 30}

Any contractor who is not qualified and in good standing with DOT as of January 1, 2019, and desires to bid on contracts in excess of \$50 million must have satisfactorily completed two projects, each in excess of \$15 million, for DOT or for any other state department of transportation.³¹

Each application for certification must be accompanied by the applying contractor's latest annual financial statement, which must have been completed within the last 12 months. If the application or the annual financial statement shows the applying contractor's financial condition more than four months prior to the date on which DOT receives the application, the applying contractor must also submit an

²⁶ Section 327.59(4), F.S.

²⁷ Hurricane Port Condition Yankee means condition set when weather advisories indicate that sustained gale force winds (39-54 mph/34-47 knots) from a tropical or hurricane force storm are predicted to make landfall at the port within 24 hours. 33 C.F.R. s. 165.781

²⁸ Section 313.22, F.S., relates to vessel movements and interference with such movements.

²⁹ DOT's rules regarding qualifications to bid are contained in Ch. 14-22, F.A.C.

³⁰ Section 337.14(1), F.S.

³¹ *Id.*

interim financial statement and an updated application. Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant.³²

Effect of the Bill

The bill clarifies that any contractor who desires to bid on contracts in excess of \$50 million, in addition to have successfully completed two projects, each in excess of \$15 million for DOT or another state transportation department, must also first be certified by DOT as qualified.

The bill requires each application for certification to be accompanied by audited financial statements prepared in accordance with United States generally accepted accounting principles and United States generally accepted auditing standards by a certified public accountant licensed in this state or another state. The applying contractor's audited financial statements must be specifically for the applying contractor and must have been prepared within the immediately preceding 12 months. DOT may not consider any financial information relating to the applying contractor's parent entity. DOT may not certify as qualified any applying contractor that fails to submit the required audited financial statements.

If the application or the annual financial statement shows the applying contractor's financial condition more than four months before the date on which DOT receives the application, the applying contractor must also submit interim audited financial statements.

Disability-Accessible Transportation Network Companies

Present Situation

Transportation Network Companies (TNCs)

In 2017, the Legislature established a regulatory framework for transportation network companies (TNCs). The law defines a "TNC" as an entity operating in this state that uses a digital network to connect a rider³³ to a TNC driver, who provides prearranged rides. A TNC is not deemed to own, control, operate, direct, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract, and is not a taxicab association or for-hire vehicle owner. The term does not include entities arranging nonemergency medical transportation for individuals who qualify for Medicaid or Medicare pursuant to a contract with the state or a managed care organization.³⁴

A "TNC vehicle" is defined as a vehicle that is used by a TNC driver to offer or provide a prearranged ride and that is owned, leased, or otherwise authorized to be used by the TNC driver. A vehicle that is let or rented to another for consideration may be used as a TNC vehicle. The law specifies that a taxicab, jitney, limousine, or for-hire vehicle is not a TNC vehicle.³⁵

A "prearranged ride" is defined as the provision of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network³⁶ controlled by a TNC, continuing while the TNC driver transports the requesting rider, and ending when the last requesting rider departs from the TNC vehicle. The term does not include a taxicab, for-hire vehicle, or street hail³⁷

³² *Id.*

³³ Section 627.748(1)(c), F.S., defines the term "Rider" as an individual who uses a digital network to connect with a TNC driver in order to obtain a prearranged ride in the TNC driver's TNC vehicle between points chosen by the rider.

³⁴ Section 627.748(1)(e), F.S.

³⁵ Section 627.748(1)(g), F.S.

³⁶ Section 627.748(1)(a), F.S., defines the term "digital network" as any online-enabled technology application service, website, or system offered or used by a TNC that enables the prearrangement of riders with TNC drivers.

³⁷ The term "street hail" means an immediate arrangement on a street with a driver by a person using any method other than a digital network to seek immediate transportation.

service and does not include ridesharing,³⁸ carpool,³⁹ or any other type of service in which the driver receives a fee that does not exceed the driver's cost to provide the ride.⁴⁰

A "TNC driver" is defined as an individual who receives connections to potential riders and related services from a TNC and in return for compensation, uses a TNC vehicle to offer or provide a prearranged ride to a rider upon connection through a digital network. The law specifies that a TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does not provide taxicab or for-hire vehicle service. The law provides that a TNC driver is not required to register a TNC vehicle as a commercial motor vehicle or a for-hire vehicle. It requires the TNC's digital network to display the TNC driver's photograph and the TNC vehicle's license plate number before the rider enters the TNC vehicle.⁴¹

If a fare is collected from a rider, a TNC is required to disclose the fare or fare calculation method on its website or within the online-enabled technology application service before beginning the prearranged ride. If the fare is not disclosed, the rider must have the option to receive an estimated fare before beginning the prearranged ride. In addition, a TNC is required to transmit to the rider an electronic receipt within a reasonable period of time after the completion of a ride. The receipt must list the origin and destination of the ride, total time and distance of the ride, and total fare paid.

A TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does not provide taxicab or for-hire vehicle service. Therefore, a TNC driver is not required to register the TNC vehicle as a commercial motor vehicle or a for-hire vehicle.⁴²

While a TNC driver is logged on to the digital network but is not engaged in a prearranged ride, the TNC or TNC driver must have automobile insurance that provides:

- Primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage; and
- Personal injury protection benefits that meet the minimum coverage amounts required under the Florida Motor Vehicle No-Fault Law.^{43, 44}

When a TNC driver is engaged in a prearranged ride, the automobile insurance must provide:

- Primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage; and
- Personal injury protection benefits that meet the minimum coverage amounts required of a limousine under the Florida Motor Vehicle No-Fault Law.⁴⁵

The coverage requirements may be satisfied by automobile insurance maintained by the TNC driver, an automobile insurance policy maintained by the TNC, or a combination of automobile insurance policies maintained by the TNC driver and the TNC.⁴⁶

The law preempts to the state the regulation of TNCs and specifies that a county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision may not:

³⁸ Section 341.031(9)(a), F.S., defines the term "ridesharing" as an arrangement between persons with a common destination, or destinations, within the same proximity, to share the use of a motor vehicle on a recurring basis for round-trip transportation to and from their place of employment or other common destination.

³⁹ Section 450.28(3), F.S., defines the term "carpool" as an arrangement made by the workers using one worker's own vehicle for transportation to and from work and for which the driver or owner of the vehicle is not paid by any third person other than the members of the carpool.

⁴⁰ Section 627.748(1)(b), F.S.

⁴¹ Section 627.748(1)(f), F.S.

⁴² Section 627.748(2), F.S.

⁴³ Sections 627.730-627.7405, F.S. The amount of insurance required is \$10,000 for emergency medical disability, \$2,500 non-emergency medical, and \$5,000 for death.

⁴⁴ Section 627.748(7)(b), F.S.

⁴⁵ Section 627.748(7)(c), F.S.

⁴⁶ Section 627.748(7)(b) & (c), F.S.

- Impose a tax on or require a license for a TNC, TNC driver, or TNC vehicle if such tax or license relates to providing prearranged rides;
- Subject a TNC, TNC driver, or TNC vehicle to any rate, entry, operation, or other requirement of the county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision; or
- Require a TNC or TNC driver to obtain a business license or any other type of similar authorization to operate within the local governmental entity's jurisdiction.⁴⁷

For-Hire Vehicles

With certain exceptions, offering for lease or rent any motor vehicle qualifies the vehicle as a "for-hire vehicle." A "for-hire vehicle" is a motor vehicle used for transporting persons or goods for compensation. When goods or passengers are transported for compensation in a motor vehicle outside a municipal corporation of this state, or when goods are transported in a motor vehicle not owned by the person owning the goods, such transportation is considered "for-hire". The carriage of goods and other personal property in a motor vehicle by a corporation or association for its stockholders, shareholders, and members, cooperative or otherwise, is transportation "for-hire".⁴⁸

Florida law provides specific financial responsibility requirements to for-hire vehicles. For-hire vehicles, such as taxis and limousines must maintain a motor vehicle liability policy with minimum limits of \$125,000 per person for bodily injury, \$250,000 per incident for bodily injury, and \$50,000 for property damage.⁴⁹ The owner or operator of a for-hire vehicle may also prove financial responsibility by providing satisfactory evidence of holding a motor vehicle liability policy issued by an insurance carrier, which is a member of the Florida Insurance Guaranty Association, or by providing a certificate of self-insurance.⁵⁰

For counties, to the extent not inconsistent with general or special law, the legislative and governing body of a county has the power to carry on county government, including, but not restricted to, the power to license and regulate taxis, jitneys, and limousines for-hire, rental cars, and other passenger vehicles for-hire that operate in the unincorporated areas of the county.⁵¹

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) is a civil rights law prohibiting discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else and guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation government services, and telecommunications.⁵²

Private entities providing transportation services to the public are required to be accessible to individuals with disabilities.⁵³ Federal regulations provide ADA specifications for various transportation vehicles including disability-accessible buses and vans.⁵⁴

Effect of the Bill

The bill defines the term "disability-accessible TNC," as a company that uses a digital network to connect riders exclusively to drivers who operate disability-accessible vehicles.

⁴⁷ Section 627.748(15), F.S.

⁴⁸ Section 320.01(15)(a), F.S.

⁴⁹ Section 324.032(1), F.S.

⁵⁰ Section 324.031, F.S.

⁵¹ Section 125.01(1)(n), F.S.

⁵² ADA National Network Website, *What is the Americans with Disabilities Act*, Available at: <https://adata.org/learn-about-ada> (Last visited Jan. 29, 2020).

⁵³ ADA National Network Website, *The ADA & Accessible Ground Transportation*, Available at: <https://adata.org/factsheet/ADA-accessible-transportation> (Last visited Jan 29, 2020).

⁵⁴ 59 C.F.R. part 38

The bill defines the term “disability-accessible vehicle” as a for-hire vehicle, which meets or exceeds the requirements of the ADA.

The entity may elect, upon written notification to the Department of Financial Services (DFS), to be regulated as a disability-accessible TNC. A disability-accessible TNC must comply with all of the requirements of s. 627.748, F.S., that are applicable to a TNC, including the preemption requirements, but is not required to comply with any requirements that prohibit the company from connecting riders to drivers who operate for-hire vehicles. At all times a disability-accessible TNC must maintain insurance coverage at the levels at least equal to the greater of those required in s. 627.748, F.S., and those required of for-hire vehicles, regardless of whether the driver is operating as a for-hire vehicle driver or disability-accessible TNC driver. However, a prospective disability-accessible TNC that satisfies minimum financial responsibility requirements at the time of written notification to DFS by using self-insurance may continue to use self-insurance to satisfy the insurance requirements for a disability-accessible TNC.

A disability-accessible TNC is not considered a for-hire vehicle for purposes of chapter 627, F.S. In order for the bill’s definition of “disability-accessible TNC” to be compatible with current law, the bill makes conforming changes to the definitions of “prearranged ride”, “transportation network company”, and “transportation network company vehicle”, by removing references to “for-hire vehicle”, and “for-hire vehicle owner.” Additionally, the reference to “for-hire vehicle” is removed from the provision of law that states that a TNC or TNC driver is not considered a common carrier and does not have to register a TNC vehicle as a commercial motor vehicle or vehicle for-hire.

The bill authorizes TNC vehicle owners, rather than just TNC drivers, to maintain insurance that satisfies the insurance requirements required for TNCs. This allows the owner of a TNC, who is not necessarily the driver, to maintain insurance on the vehicles.

Lastly, the bill preempts to the state the regulation of disability-accessible TNCs, disability-accessible TNC drivers, and disability-accessible TNC vehicles.

B. SECTION DIRECTORY:

Section 1: Amends s. 316.003, F.S., defining terms.

Section 2: Amends s. 316.2397, F.S., providing that certain lights are prohibited.

Section 3: Amends s. 322.12, F.S., relating to loads on vehicles.

Section 4: Amends s. 316.520, F.S., relating to the examination of applicants.

Section 5: Amends s. 324.031, F.S., relating to the manner of providing financial responsibility.

Section 6: Amends s. 324.032, F.S., relating to proving financial responsibility; for-hire passenger transportation vehicles.

Section 7: Amends s. 327.59, F.S., relating to marina evacuations.

Section 8: Amends s. 337.14, F.S., providing for applications for qualification and certificates of qualification.

Section 9: Amends s. 627.748, F.S., relating to transportation network companies.

Section 10: Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to impact state revenues.

2. Expenditures:

This bill authorizes an entity to operate as a disability-accessible TNC and preempts to the state the regulatory responsibilities. To the extent an entity elects to be regulated by DFS as a disability-accessible TNC, there may be an indeterminate, negative fiscal impact on the department's workload, which can be absorbed within their existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill preempts to the state the regulation of disability-accessible TNCs. To the extent municipalities, counties, and other governmental entities are imposing fees on disability-accessible TNCs, they will experience an indeterminate negative fiscal impact as a result of not being able to continue to impose those fees.

2. Expenditures:

This bill does not appear to impact local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Owners of vessels at marinas located in deepwater seaports may incur some expenditures associated with removing their vessels prior to hurricanes.

The CDL skill test is administered by third party vendors. According to DHSMV, a waiver of the skill test requirements could result in either the vendor absorbing the cost to waive the skill test for veterans who qualify or possibly increasing the cost of the skill test for non-military candidates.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because this bill reduces the ability of a county or municipality to raise revenue; however, an exception may apply since the bill is expected to have an insignificant fiscal impact.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DOT may need to amend Rule 14-22, F.A.C., regarding qualifications to bid on construction projects to incorporate changes made in the bill.

DHSMV may need to amend rule 15A-7.018, F.A.C., to authorize additional time for veterans to be exempt from CDL testing requirements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 28, 2020, the Transportation & Infrastructure Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- Removed provisions authorizing the use of blue lights on construction vehicles;
- Amended the definition of the term "autocycle" to clarify equipment requirements;
- Removed provisions establishing the Secretary of Transportation's salary;
- Increased the allowed weight of a personal delivery device to from 80 to 150 pounds;
- Authorized an exemption for commercial driver license skill test requirements for certain veterans;
- Authorized certain vehicles to transport agricultural products without covering the load;
- Removed the expansion of a public records exemption for certain DOT bid documents;
- Removed provisions revising DOT contractor liability;
- Authorized for-hire vehicles to be insured by certain non-admitted carriers and reduced the number of for-hire vehicles required before an owner or lessee may self-insure;
- Required certain vessels to be removed from marinas located in deepwater seaports during hurricanes;
- Authorized disability-accessible TNCs and preempted their regulation to the state; and
- Removed provisions relating to the reinstatement of tolls after an emergency evacuation.

This analysis is drafted to the committee substitute as approve by the Transportation & Infrastructure Subcommittee.

26 department from considering certain financial
 27 information; requiring the contractor to submit
 28 interim financial statements under certain
 29 circumstances; providing requirements for such
 30 statements; amending s. 627.748, F.S.; revising and
 31 providing definitions; deleting for-hire vehicles from
 32 the list of vehicles not considered TNC vehicles;
 33 revising automobile insurance requirements for TNCs
 34 and TNC drivers; authorizing certain entities to be
 35 regulated as disability-accessible TNCs; providing
 36 requirements; providing that disability-accessible
 37 TNCs, disability-accessible TNC drivers, and
 38 disability-accessible TNC vehicles are governed by
 39 state law; providing an effective date.

40
 41 Be It Enacted by the Legislature of the State of Florida:

42
 43 Section 1. Subsection (2) and paragraph (b) of subsection
 44 (55) of section 316.003, Florida Statutes, are amended to read:
 45 316.003 Definitions.—The following words and phrases, when
 46 used in this chapter, shall have the meanings respectively
 47 ascribed to them in this section, except where the context
 48 otherwise requires:

49 (2) AUTOCYCLE.—A three-wheeled motorcycle that has two
 50 wheels in the front and one wheel in the back; is equipped with

51 a roll cage or roll hoops, a seat belt for each occupant,
 52 ~~antilock~~ brakes meeting Federal Motor Vehicle Safety Standard
 53 No. 122, a steering mechanism ~~wheel~~, and seating that does not
 54 require the operator to straddle or sit astride it; and is
 55 manufactured in accordance with the applicable federal
 56 motorcycle safety standards in 49 C.F.R. part 571 by a
 57 manufacturer registered with the National Highway Traffic Safety
 58 Administration.

59 (55) PERSONAL DELIVERY DEVICE.—An electrically powered
 60 device that:

61 (b) Weighs less than 150 ~~80~~ pounds, excluding cargo;

62
 63 A personal delivery device is not considered a vehicle unless
 64 expressly defined by law as a vehicle. A mobile carrier is not
 65 considered a personal delivery device.

66 Section 2. Subsections (2) and (7) of section 316.2397,
 67 Florida Statutes, are amended to read:

68 316.2397 Certain lights prohibited; exceptions.—

69 (2) It is expressly prohibited for any vehicle or
 70 equipment, ~~except police vehicles,~~ to show or display blue
 71 lights, except that:

72 (a) Police vehicles may show or display blue lights.

73 (b) ~~However,~~ Vehicles owned, operated, or leased by the
 74 Department of Corrections or any county correctional agency may
 75 show or display blue lights when responding to emergencies.

76 (c) Portable radar speed display units in advance of a
 77 work zone area on roadways with a posted speed limit of 55 miles
 78 per hour or more may show or display flashing red and blue
 79 lights when workers are present.

80 (7) Flashing lights are prohibited on vehicles except:

81 (a) As a means of indicating a right or left turn, to
 82 change lanes, or to indicate that the vehicle is lawfully
 83 stopped or disabled upon the highway;

84 (b) When a motorist intermittently flashes his or her
 85 vehicle's headlamps at an oncoming vehicle notwithstanding the
 86 motorist's intent for doing so;

87 (c) During periods of extreme low visibility on roadways
 88 with a posted speed limit of 55 miles per hour or more; and

89 (d) ~~(e)~~ For the lamps authorized under subsections ~~(1)~~,
 90 (2), (3), (4), (5), and (9), s. 316.2065, or s. 316.235(6) which
 91 may flash.

92 Section 3. Subsection (4) of section 316.520, Florida
 93 Statutes, is amended to read:

94 316.520 Loads on vehicles.—

95 (4) The provision of subsection (2) requiring covering and
 96 securing the load with a close-fitting tarpaulin or other
 97 appropriate cover does not apply to vehicles carrying
 98 agricultural products locally from a harvest site or to or from
 99 a farm on roads where the posted speed limit is 65 miles per
 100 hour or less ~~and the distance driven on public roads is less~~

101 | ~~than 20 miles.~~

102 | Section 4. Paragraph (c) is added to subsection (4) of
 103 | section 322.12, Florida Statutes, to read:

104 | 322.12 Examination of applicants.—

105 | (4) The examination for an applicant for a commercial
 106 | driver license shall include a test of the applicant's eyesight
 107 | given by a driver license examiner designated by the department
 108 | or by a licensed ophthalmologist, optometrist, or physician and
 109 | a test of the applicant's hearing given by a driver license
 110 | examiner or a licensed physician. The examination shall also
 111 | include a test of the applicant's ability to read and understand
 112 | highway signs regulating, warning, and directing traffic; his or
 113 | her knowledge of the traffic laws of this state pertaining to
 114 | the class of motor vehicle which he or she is applying to be
 115 | licensed to operate, including laws regulating driving under the
 116 | influence of alcohol or controlled substances, driving with an
 117 | unlawful blood-alcohol level, and driving while intoxicated; his
 118 | or her knowledge of the effects of alcohol and controlled
 119 | substances and the dangers of driving a motor vehicle after
 120 | having consumed alcohol or controlled substances; and his or her
 121 | knowledge of any special skills, requirements, or precautions
 122 | necessary for the safe operation of the class of vehicle which
 123 | he or she is applying to be licensed to operate. In addition,
 124 | the examination shall include an actual demonstration of the
 125 | applicant's ability to exercise ordinary and reasonable control

126 | in the safe operation of a motor vehicle or combination of
 127 | vehicles of the type covered by the license classification which
 128 | the applicant is seeking, including an examination of the
 129 | applicant's ability to perform an inspection of his or her
 130 | vehicle.

131 | (c) Notwithstanding any provision of law to the contrary,
 132 | the department may waive the skill test requirements provided in
 133 | this subsection for a commercial driver license for a person
 134 | with military commercial motor vehicle experience who qualifies
 135 | under 49 C.F.R. s. 383.77 if the person is on active duty or has
 136 | been honorably discharged from military service for 1 year or
 137 | less.

138 | Section 5. Section 324.031, Florida Statutes, is amended
 139 | to read:

140 | 324.031 Manner of proving financial responsibility.—The
 141 | owner or operator of a taxicab, limousine, jitney, or any other
 142 | for-hire passenger transportation vehicle may prove financial
 143 | responsibility by providing satisfactory evidence of holding a
 144 | motor vehicle liability policy as defined in s. 324.021(8) or s.
 145 | 324.151, which policy is provided by an insurer authorized to do
 146 | business in this state ~~issued by an insurance carrier~~ which is a
 147 | member of the Florida Insurance Guaranty Association or an
 148 | eligible nonadmitted insurer that has a superior, excellent,
 149 | exceptional, or equivalent financial strength rating by a rating
 150 | agency acceptable to the Office of Insurance Regulation of the

151 Financial Services Commission. The operator or owner of any
 152 other vehicle may prove his or her financial responsibility by:

153 (1) Furnishing satisfactory evidence of holding a motor
 154 vehicle liability policy as defined in ss. 324.021(8) and
 155 324.151;

156 (2) Furnishing a certificate of self-insurance showing a
 157 deposit of cash in accordance with s. 324.161; or

158 (3) Furnishing a certificate of self-insurance issued by
 159 the department in accordance with s. 324.171.

160

161 Any person, including any firm, partnership, association,
 162 corporation, or other person, other than a natural person,
 163 electing to use the method of proof specified in subsection (2)
 164 shall furnish a certificate of deposit equal to the number of
 165 vehicles owned times \$30,000, to a maximum of \$120,000; in
 166 addition, any such person, other than a natural person, shall
 167 maintain insurance providing coverage in excess of limits of
 168 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
 169 such excess insurance shall provide minimum limits of
 170 \$125,000/250,000/50,000 or \$300,000 combined single limits.
 171 These increased limits shall not affect the requirements for
 172 proving financial responsibility under s. 324.032(1).

173 Section 6. Subsection (2) of section 324.032, Florida
 174 Statutes, is amended to read:

175 324.032 Manner of proving financial responsibility; for-

176 hire passenger transportation vehicles.—Notwithstanding the
 177 provisions of s. 324.031:

178 (2) An owner or a lessee who is required to maintain
 179 insurance under s. 324.021(9)(b) and who operates at least 150
 180 ~~300~~ taxicabs, limousines, jitneys, or any other for-hire
 181 passenger transportation vehicles may provide financial
 182 responsibility by complying with ~~the provisions of~~ s. 324.171,
 183 such compliance to be demonstrated by maintaining at its
 184 principal place of business an audited financial statement,
 185 prepared in accordance with generally accepted accounting
 186 principles, and providing to the department a certification
 187 issued by a certified public accountant that the applicant's net
 188 worth is at least equal to the requirements of s. 324.171 as
 189 determined by the Office of Insurance Regulation of the
 190 Financial Services Commission, including claims liabilities in
 191 an amount certified as adequate by a Fellow of the Casualty
 192 Actuarial Society.

193
 194 Upon request by the department, the applicant must provide the
 195 department at the applicant's principal place of business in
 196 this state access to the applicant's underlying financial
 197 information and financial statements that provide the basis of
 198 the certified public accountant's certification. The applicant
 199 shall reimburse the requesting department for all reasonable
 200 costs incurred by it in reviewing the supporting information.

201 The maximum amount of self-insurance permissible under this
 202 subsection is \$300,000 and must be stated on a per-occurrence
 203 basis, and the applicant shall maintain adequate excess
 204 insurance issued by an authorized or eligible insurer licensed
 205 or approved by the Office of Insurance Regulation. All risks
 206 self-insured shall remain with the owner or lessee providing it,
 207 and the risks are not transferable to any other person, unless a
 208 policy complying with subsection (1) is obtained.

209 Section 7. Subsection (1) of section 327.59, Florida
 210 Statutes, is amended, and subsection (5) is added to that
 211 section, to read:

212 327.59 Marina evacuations.—

213 (1) Except as provided in this section ~~After June 1, 1994,~~
 214 marinas may not adopt, maintain, or enforce policies pertaining
 215 to evacuation of vessels which require vessels to be removed
 216 from marinas following the issuance of a hurricane watch or
 217 warning, in order to ensure that protecting the lives and safety
 218 of vessel owners is placed before interests of protecting
 219 property.

220 (5) Upon the issuance of a hurricane watch affecting the
 221 waters of a marina located in a deepwater seaport, a vessel that
 222 weighs less than 500 gross tons may not remain in the waters of
 223 such a marina that has been deemed not suitable for refuge
 224 during a hurricane. The owner of such a vessel shall promptly
 225 remove the vessel from the waterway upon issuance of an

226 evacuation order by the deepwater seaport. If the United States
 227 Coast Guard Captain of the Port sets the deepwater seaport
 228 condition to Yankee and a vessel owner has failed to remove a
 229 vessel from the waterway, the marina owner or operator, or an
 230 employee or agent thereof, regardless of existing contractual
 231 provisions between the marina owner and vessel owner, shall
 232 remove the vessel, or cause it to be removed, if reasonable,
 233 from its slip and may charge the vessel owner a reasonable fee
 234 for such removal. A marina owner, operator, employee, or agent
 235 is not liable for any damage incurred by a vessel as the result
 236 of a hurricane and is held harmless as a result of such actions
 237 to remove the vessel from the waterway. This section does not
 238 provide immunity to a marina owner, operator, employee, or agent
 239 for any damage caused by intentional acts or negligence when
 240 removing a vessel under this subsection. After a hurricane watch
 241 has been issued, the owner or operator of a vessel that has not
 242 been removed from the waterway of the marina pursuant to an
 243 evacuation order by the deepwater seaport may be subject to the
 244 penalties provided in s. 313.22(3).

245 Section 8. Subsection (1) of section 337.14, Florida
 246 Statutes, is amended to read:

247 337.14 Application for qualification; certificate of
 248 qualification; restrictions; request for hearing.—

249 (1) Any contractor desiring to bid for the performance of
 250 any construction contract in excess of \$250,000 which the

251 department proposes to let must first be certified by the
 252 department as qualified pursuant to this section and rules of
 253 the department. The rules of the department must address the
 254 qualification of contractors to bid on construction contracts in
 255 excess of \$250,000 and must include requirements with respect to
 256 the equipment, past record, experience, financial resources, and
 257 organizational personnel of the applying contractor which are
 258 necessary to perform the specific class of work for which the
 259 contractor seeks certification. Any contractor who desires to
 260 bid on contracts in excess of \$50 million and is not qualified
 261 and in good standing with the department as of January 1, 2019,
 262 must first be certified by the department as qualified and
 263 ~~desires to bid on contracts in excess of \$50 million~~ must have
 264 satisfactorily completed two projects, each in excess of \$15
 265 million, for the department or for any other state department of
 266 transportation. The department may limit the dollar amount of
 267 any contract upon which a contractor is qualified to bid or the
 268 aggregate total dollar volume of contracts such contractor is
 269 allowed to have under contract at any one time. Each applying
 270 contractor seeking qualification to bid on construction
 271 contracts in excess of \$250,000 shall furnish the department a
 272 statement under oath, on such forms as the department may
 273 prescribe, setting forth detailed information as required on the
 274 application. Each application for certification must be
 275 accompanied by audited financial statements prepared in

276 accordance with United States generally accepted accounting
 277 principles and United States generally accepted auditing
 278 standards by a certified public accountant licensed by this
 279 state or another state ~~the latest annual financial statement of~~
 280 ~~the applying contractor completed within the last 12 months. The~~
 281 audited financial statements must be for the applying contractor
 282 specifically and must have been prepared within the immediately
 283 preceding 12 months. The department may not consider any
 284 financial information relating to the parent entity of the
 285 applying contractor, if any. The department shall not certify as
 286 qualified any applying contractor that fails to submit the
 287 audited financial statements required by this subsection. If the
 288 application or the annual financial statement shows the
 289 financial condition of the applying contractor more than 4
 290 months before ~~prior to~~ the date on which the application is
 291 received by the department, the applying contractor must also
 292 submit interim audited financial statements prepared in
 293 accordance with United States generally accepted accounting
 294 principles and United States generally accepted auditing
 295 standards by a certified public accountant licensed by this
 296 state or another state ~~an interim financial statement and an~~
 297 ~~updated application must be submitted. The interim financial~~
 298 statements ~~statement~~ must cover the period from the end date of
 299 the annual statement and must show the financial condition of
 300 the applying contractor no more than 4 months before ~~prior to~~

301 the date that the interim financial statements are ~~statement is~~
 302 received by the department. However, upon the request of the
 303 applying contractor, an application and accompanying annual or
 304 interim financial statements ~~statement~~ received by the
 305 department within 15 days after either 4-month period under this
 306 subsection shall be considered timely. ~~Each required annual or~~
 307 ~~interim financial statement must be audited and accompanied by~~
 308 ~~the opinion of a certified public accountant.~~ An applying
 309 contractor desiring to bid exclusively for the performance of
 310 construction contracts with proposed budget estimates of less
 311 than \$1 million may submit reviewed annual or reviewed interim
 312 financial statements prepared by a certified public accountant.
 313 The information required by this subsection is confidential and
 314 exempt from s. 119.07(1). The department shall act upon the
 315 application for qualification within 30 days after the
 316 department determines that the application is complete. The
 317 department may waive the requirements of this subsection for
 318 projects having a contract price of \$500,000 or less if the
 319 department determines that the project is of a noncritical
 320 nature and the waiver will not endanger public health, safety,
 321 or property.

322 Section 9. Paragraphs (b), (e), and (g) of subsection (1),
 323 subsection (2), paragraphs (b) and (c) of subsection (7), and
 324 paragraph (a) of present subsection (15) of section 627.748,
 325 Florida Statutes, are amended, and a new subsection (15) is

326 added to that section, to read:

327 627.748 Transportation network companies.—

328 (1) DEFINITIONS.—As used in this section, the term:

329 (b) "Prearranged ride" means the provision of
 330 transportation by a TNC driver to a rider, beginning when a TNC
 331 driver accepts a ride requested by a rider through a digital
 332 network controlled by a transportation network company,
 333 continuing while the TNC driver transports the rider, and ending
 334 when the last rider exits from and is no longer occupying the
 335 TNC vehicle. The term does not include a taxicab, ~~for hire~~
 336 ~~vehicle,~~ or street hail service and does not include ridesharing
 337 as defined in s. 341.031, carpool as defined in s. 450.28, or
 338 any other type of service in which the driver receives a fee
 339 that does not exceed the driver's cost to provide the ride.

340 (e) "Transportation network company" or "TNC" means an
 341 entity operating in this state pursuant to this section using a
 342 digital network to connect a rider to a TNC driver, who provides
 343 prearranged rides. A TNC is not deemed to own, control, operate,
 344 direct, or manage the TNC vehicles or TNC drivers that connect
 345 to its digital network, except where agreed to by written
 346 contract, and is not a taxicab association ~~or for hire vehicle~~
 347 ~~owner~~. An individual, corporation, partnership, sole
 348 proprietorship, or other entity that arranges medical
 349 transportation for individuals qualifying for Medicaid or
 350 Medicare pursuant to a contract with the state or a managed care

351 organization is not a TNC. This section does not prohibit a TNC
 352 from providing prearranged rides to individuals who qualify for
 353 Medicaid or Medicare if it meets the requirements of this
 354 section.

355 (g) "Transportation network company vehicle" or "TNC
 356 vehicle" means a vehicle that is not a taxicab, jitney, or
 357 ~~limousine, or for-hire vehicle as defined in s. 320.01(15)~~ and
 358 that is:

359 1. Used by a TNC driver to offer or provide a prearranged
 360 ride; and

361 2. Owned, leased, or otherwise authorized to be used by
 362 the TNC driver.

363
 364 Notwithstanding any other provision of law, a vehicle that is
 365 let or rented to another for consideration may be used as a TNC
 366 vehicle.

367 (2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a
 368 common carrier, contract carrier, or motor carrier and does not
 369 provide taxicab ~~or for-hire vehicle~~ service. In addition, a TNC
 370 driver is not required to register the vehicle that the TNC
 371 driver uses to provide prearranged rides as a commercial motor
 372 vehicle ~~or a for-hire vehicle~~.

373 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
 374 INSURANCE REQUIREMENTS.—

375 (b) The following automobile insurance requirements apply

376 while a participating TNC driver is logged on to the digital
 377 network but is not engaged in a prearranged ride:

- 378 1. Automobile insurance that provides:
 - 379 a. A primary automobile liability coverage of at least
 - 380 \$50,000 for death and bodily injury per person, \$100,000 for
 - 381 death and bodily injury per incident, and \$25,000 for property
 - 382 damage;
 - 383 b. Personal injury protection benefits that meet the
 - 384 minimum coverage amounts required under ss. 627.730-627.7405;
 - 385 and
 - 386 c. Uninsured and underinsured vehicle coverage as required
 - 387 by s. 627.727.

388 2. The coverage requirements of this paragraph may be
 389 satisfied by any of the following:

- 390 a. Automobile insurance maintained by the TNC driver or
- 391 the TNC vehicle owner;
- 392 b. Automobile insurance maintained by the TNC; or
- 393 c. A combination of sub-subparagraphs a. and b.

394 (c) The following automobile insurance requirements apply
 395 while a TNC driver is engaged in a prearranged ride:

- 396 1. Automobile insurance that provides:
 - 397 a. A primary automobile liability coverage of at least \$1
 - 398 million for death, bodily injury, and property damage;
 - 399 b. Personal injury protection benefits that meet the
 - 400 minimum coverage amounts required of a limousine under ss.

401 627.730-627.7405; and
 402 c. Uninsured and underinsured vehicle coverage as required
 403 by s. 627.727.

404 2. The coverage requirements of this paragraph may be
 405 satisfied by any of the following:

406 a. Automobile insurance maintained by the TNC driver or
 407 the TNC vehicle owner;

408 b. Automobile insurance maintained by the TNC; or

409 c. A combination of sub-subparagraphs a. and b.

410 (15) DISABILITY-ACCESSIBLE TRANSPORTATION NETWORK

411 COMPANIES.-

412 (a) As used in this subsection, the term:

413 1. "Disability-accessible TNC" means a company that:

414 a. Meets the requirements of paragraph (b); and

415 b. Notwithstanding other provisions of this section, uses
 416 a digital network to connect riders to drivers who operate
 417 disability-accessible vehicles.

418 2. "Disability-accessible vehicle" means a for-hire
 419 vehicle as defined in s. 320.01(15) which meets or exceeds the
 420 requirements of the Americans with Disabilities Act.

421 (b) An entity may elect, upon written notification to the
 422 department, to be regulated as a disability-accessible TNC. A
 423 disability-accessible TNC must:

424 1. Comply with all of the requirements of this section
 425 applicable to a TNC, including subsection (16), which do not

426 conflict with subparagraph 2. or prohibit the company from
 427 connecting riders to drivers who operate for-hire vehicles as
 428 defined in s. 320.01(15), including disability-accessible
 429 vehicles.

430 2. Maintain insurance coverage required in this section
 431 when the disability-accessible TNC driver is logged on to a
 432 digital network or while the disability-accessible TNC driver is
 433 engaged in a prearranged ride. However, a prospective
 434 disability-accessible TNC that satisfies minimum financial
 435 responsibility at the time of written notification to the
 436 department through compliance with s. 324.032(2) by using self-
 437 insurance may continue to use self-insurance to satisfy the
 438 requirements of this subparagraph.

439 (16)~~(15)~~ PREEMPTION.—

440 (a) It is the intent of the Legislature to provide for
 441 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC
 442 vehicles, and disability-accessible TNCs, disability-accessible
 443 TNC drivers, and disability-accessible TNC vehicles throughout
 444 the state. TNCs, TNC drivers, ~~and~~ TNC vehicles, disability-
 445 accessible TNCs, disability-accessible TNC drivers, and
 446 disability-accessible TNC vehicles are governed exclusively by
 447 state law, including in any locality or other jurisdiction that
 448 enacted a law or created rules governing TNCs, TNC drivers, ~~or~~
 449 TNC vehicles, disability-accessible TNCs, disability-accessible
 450 TNC drivers, and disability-accessible TNC vehicles before July

451 1, 2017. A county, municipality, special district, airport
 452 authority, port authority, or other local governmental entity or
 453 subdivision may not:

454 1. Impose a tax on, or require a license for, a TNC, a TNC
 455 driver, ~~or~~ a TNC vehicle, a disability-accessible TNC, a
 456 disability-accessible TNC driver, or a disability-accessible TNC
 457 vehicle if such tax or license relates to providing prearranged
 458 rides;

459 2. Subject a TNC, a TNC driver, ~~or~~ a TNC vehicle, a
 460 disability-accessible TNC, a disability-accessible TNC driver,
 461 or a disability-accessible TNC vehicle to any rate, entry,
 462 operation, or other requirement of the county, municipality,
 463 special district, airport authority, port authority, or other
 464 local governmental entity or subdivision; or

465 3. Require a TNC, ~~or~~ a TNC driver, a disability-accessible
 466 TNC, or a disability-accessible TNC driver to obtain a business
 467 license or any other type of similar authorization to operate
 468 within the local governmental entity's jurisdiction.

469 Section 10. This act shall take effect July 1, 2020.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 395 (2020)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Tourism
2 Appropriations Subcommittee
3 Representative Andrade offered the following:
4

5 **Amendment (with directory amendment)**

6 Remove lines 220-244 and insert:

7 (2) Nothing in this section may be construed to restrict
8 the ability of an owner of a vessel or the owner's authorized
9 representative to remove a vessel voluntarily from a marina at
10 any time or to restrict a marina owner from dictating the kind
11 of cleats, ropes, fenders, and other measures that must be used
12 on vessels as a condition of use of a marina. Except as provided
13 in subsection (5), after~~After~~ a tropical storm or hurricane
14 watch has been issued, a marina owner or operator, or an
15 employee or agent of such owner or operator, may take reasonable
16 actions to further secure any vessel within the marina to

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Amendment No. 1

17 minimize damage to a vessel and to protect marina property,
18 private property, and the environment and may charge a
19 reasonable fee for such services.

20 (5) Upon the issuance of a hurricane watch affecting the
21 waters of a marina located in a deepwater seaport, a vessel that
22 weighs less than 500 gross tons may not remain in the waters of
23 such a marina that has been deemed not suitable for refuge
24 during a hurricane. The owner of such a vessel shall promptly
25 remove the vessel from the waterway upon issuance of an
26 evacuation order by the deepwater seaport. If the United States
27 Coast Guard Captain of the Port sets the deepwater seaport
28 condition to Yankee and a vessel owner has failed to remove a
29 vessel from the waterway, the marina owner or operator, or an
30 employee or agent thereof, regardless of existing contractual
31 provisions between the marina owner and vessel owner, shall
32 remove the vessel, or cause it to be removed, if reasonable,
33 from its slip and may charge the vessel owner a reasonable fee
34 for such removal. A marina owner, operator, employee, or agent
35 is not liable for any damage incurred by a vessel as the result
36 of a hurricane and is held harmless as a result of such actions
37 to remove the vessel from the waterway. This section does not
38 provide immunity to a marina owner, operator, employee, or agent
39 for any damage caused by intentional acts or negligence when
40 removing a vessel under this subsection. After a hurricane watch
41 has been issued, the owner or operator of a vessel that has not

Amendment No. 1

42 been removed from the waterway of the marina pursuant to an
43 evacuation order by the deepwater seaport may be subject to a
44 fine in an amount not exceeding three times the cost associated
45 with removing the vessel from the waterway. Such fine, if
46 assessed, shall be imposed and collected by the deepwater
47 seaport issuing the evacuation order.

48 -----

49 **D I R E C T O R Y A M E N D M E N T**

50 Remove line 209 and insert:

51 Section 7. Subsections (1) and (2) of section 327.59,
52 Florida

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Tourism
2 Appropriations Subcommittee
3 Representative Andrade offered the following:

Amendment (with title amendment)

Remove lines 322-468 and insert:

Section 9. Paragraph (b) of subsection (15) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(15)

(b) The following are not included in the term "for-hire vehicle": a motor vehicle used for transporting school children to and from school under contract with school officials; a hearse or ambulance when operated by a licensed embalmer or mortician or his or her agent or employee in this state; a motor

Amendment No. 2

17 vehicle used in the transportation of agricultural or
18 horticultural products or in transporting agricultural or
19 horticultural supplies direct to growers or the consumers of
20 such supplies or to associations of such growers or consumers; a
21 motor vehicle temporarily used by a farmer for the
22 transportation of agricultural or horticultural products from
23 any farm or grove to a packinghouse or to a point of shipment by
24 a transportation company; or a motor vehicle not exceeding 1 1/2
25 tons under contract with the Government of the United States to
26 carry United States mail, provided such vehicle is not used for
27 commercial purposes; or an ADA compliant motor vehicle owned and
28 used by a company that uses a digital network to facilitate
29 prearranged rides to people with disabilities, for compensation.
30
31

32 -----

33 **T I T L E A M E N D M E N T**

34 Remove lines 30-39 and insert:
35 statements; amending s. 320.01, F.S.; revising definitions;
36 providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 435 Electronic Notification by Tax Collectors
SPONSOR(S): Transportation & Infrastructure Subcommittee, Valdés and others
TIED BILLS: HB 1007 **IDEN./SIM. BILLS:** CS/SB 636

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	11 Y, 0 N, As CS	Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee		Hicks 	Davis 
3) State Affairs Committee			

SUMMARY ANALYSIS

The Department of Highway Safety and Motor Vehicles (DHSMV) is the agency responsible for the issuance of motor vehicle and vessel certificates of title and registrations, as well as motor vehicle driver licenses.

The bill expands the authority of DHSMV and its authorized agents (tax collectors) to collect, share, and utilize electronic mail addresses and telephone numbers to contact customers for reasons other than notifying them for renewal purposes. Authorized additional uses include, but are not limited to, information relating to the issuance of titles, registrations, disabled parking permits, driver licenses, and identification cards, tax collector's office locations, hours of operation, contact information, driving skills testing locations, appointment scheduling information, and website information.

The bill provides that all records made or kept by DHSMV for vessel registration are subject to inspection and copying as provided in chapter 119, Laws of Florida.

Finally, the bill removes the Florida Fish and Wildlife Commission as the entity eligible to accept applications by electronic or telephonic means for vessel registration and titling.

The bill will have an indeterminate fiscal impact to state and local government expenditures. See Fiscal Analysis for additional details.

The bill provides an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Department of Highway Safety and Motor Vehicles (DHSMV) is authorized to accept applications for motor vehicle and vessel certificates of title and motor vehicle registration by electronic or telephonic means, and may issue an electronic certificate of title in lieu of printing a paper title.¹ DHSMV is also authorized to collect electronic mail addresses and use electronic mail in lieu of the United States Postal Service (USPS) as a method of notification for motor vehicle and vessel certificates of title and motor vehicle renewal notices for registration.² However, for motor vehicle certificates of title, notices regarding the potential forfeiture or foreclosure of an interest in property must be sent by USPS rather than electronic mail.³ DHSMV may also collect electronic mail addresses and use electronic mail, in lieu of USPS, for the purpose of providing motor vehicle driver license and identification card renewal notices.⁴

The Fish and Wildlife Conservation Commission is identified in s. 328.80, F.S., as the agency authorized to accept applications for vessel registration by electronic or telephonic means; however, DHSMV is the agency responsible for vessel registrations.⁵

Proposed Changes

The bill authorizes DHSMV and its authorized agent tax collectors to collect electronic mail addresses from customers and use them not only as a method of notification for motor vehicle certificates of title, but also for any statutorily authorized use related to motor vehicle certificates of title. All electronic mail addresses must be mutually shared between DHSMV and tax collectors upon request.

The bill authorizes DHSMV and tax collectors to collect electronic mail addresses and telephone numbers from customers for purposes of e-mailing or texting (in lieu of USPS) certain motor vehicle registration, driver license, and identification card information. The information that can be e-mailed or texted includes, but is not limited to, information about the issuance of titles, registrations, disabled parking permits, driver licenses, and identification cards; tax collector's office locations, hours of operation, contact information, driving skills testing locations, appointment scheduling information, or website information. All electronic mail addresses and phone numbers must be mutually shared between DHSMV and tax collectors upon request.

The bill authorizes DHSMV and tax collectors to collect electronic mail addresses and telephone numbers from customers for purposes of e-mailing or texting (in lieu of USPS) certain vessel certificate of title and registration information. The information that can be e-mailed or texted includes, but is not limited to, information about the issuance of titles, registrations, disabled parking permits, driver licenses, and identification cards; tax collector's office locations, hours of operation, contact information, driving skills testing locations, appointment scheduling information, or website information. All electronic mail addresses and telephone numbers must be mutually shared between DHSMV and tax collectors upon request.

¹ Sections 319.40, 320.95, and 328.30, F.S.

² Sections 319.40, 320.95, and 328.30, F.S.

³ Section 319.40(3), F.S.

⁴ Section 322.08(10), F.S.

⁵ In 1999, the Legislature transferred responsibility for the registration of vessels from the Department of Environmental Protection (DEP) to DHSMV (Ch. 99-289, L.O.F.). During the same 1999 regular session, the Legislature transferred other duties of DEP to the Fish and Wildlife Conservation Commission (Ch. 99-245, L.O.F.).

Additionally, the bill corrects obsolete language referring to the vessel registration duties of the Fish and Wildlife Conservation Commission and replaces it with DHSMV, which is the agency responsible for vessel registration.

Lastly, the bill clarifies that all records made or kept by DHSMV for the administration of vessel registration and titling are subject to inspection and copying as provided in chapter 119, Laws of Florida, relating to public records.

B. SECTION DIRECTORY:

Section 1: Amends s. 319.40, F.S., relating to transactions by electronic or telephonic means.

Section 2: Amends s. 320.95, F.S., relating to transactions by electronic or telephonic means.

Section 3: Amends s. 322.08, F.S., relating to application for license; requirements for license and identification card forms.

Section 4: Amends s. 328.30, F.S., relating to transactions by electronic or telephonic means.

Section 5: Amends s. 328.40, F.S., relating to administration of vessel registration and titling laws; records.

Section 6: Amends s. 328.80, F.S., relating to transactions by electronic or telephonic means.

Section 7: Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill will likely have no impact on state government revenues.

2. Expenditures:

DHSMV will incur indeterminate, but likely insignificant, programming costs related to modifying existing database systems to enable the capture of telephone numbers. All costs can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill will likely have no impact on local government revenues.

2. Expenditures:

Local governments may incur indeterminate expenditures relating to information technology programming costs.⁶

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

⁶ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2020 House Bill 435, p. 4 (December 16, 2019).
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DATE: 2/7/2020

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

HB 1007, which this bill is linked to, creates public records exemptions for information similar to the information contained in this bill. HB 1007 uses different terminology to provide public records exemptions for "e-mail addresses" and "cellular phone numbers".

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 4, 2020, the Transportation & Infrastructure Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Clarified that DHSMV's authorized agent is the tax collector.
- Provided that electronic mail addresses must be mutually shared between DHSMV and the tax collectors upon request.
- Provided that DHSMV and the tax collectors are authorized to collect telephone numbers to use in lieu of USPS mail.
- Provided that electronic mail addresses and telephone numbers can be used to provide information relating to the issuance of titles, registration, disabled parking permits, driver licenses, and identification cards.
- Changed the "relating to" clause of the bill to "an act relating to electronic notification by tax collectors."

This analysis is written to the committee substitute as reported favorably by the Transportation & Infrastructure Subcommittee.

26 mutually shared between the department and its
 27 authorized agent tax collectors upon request; amending
 28 s. 328.40, F.S.; requiring that certain records made
 29 or kept by the department be subject to inspection and
 30 copying; amending s. 328.80, F.S.; authorizing the
 31 department, instead of the Fish and Wildlife
 32 Conservation Commission, to accept certain
 33 applications by electronic or telephonic means;
 34 authorizing the department or its authorized agent tax
 35 collectors to collect electronic mail addresses or
 36 telephone numbers and use electronic mail or text
 37 messages in lieu of the United States Postal Service
 38 for certain purposes; requiring that all electronic
 39 mail addresses and telephone numbers be mutually
 40 shared between the department and its authorized agent
 41 tax collectors upon request; providing an effective
 42 date.

43

44 Be It Enacted by the Legislature of the State of Florida:

45

46 Section 1. Subsection (3) of section 319.40, Florida
 47 Statutes, is amended to read:

48 319.40 Transactions by electronic or telephonic means.—

49 (3) The department or its authorized agent tax collectors
 50 may collect electronic mail addresses and use electronic mail

51 for purposes of this chapter, including, but not limited to, use
 52 of electronic mail in lieu of the United States Postal Service
 53 as a method of notification. All electronic mail addresses shall
 54 be mutually shared between the department and its authorized
 55 agent tax collectors upon request. However, any notice regarding
 56 the potential forfeiture or foreclosure of an interest in
 57 property must be sent via the United States Postal Service.

58 Section 2. Subsection (2) of section 320.95, Florida
 59 Statutes, is amended to read:

60 320.95 Transactions by electronic or telephonic means.—

61 (2) The department or its authorized agent tax collectors
 62 may collect electronic mail addresses or telephone numbers and
 63 use electronic mail or text messages in lieu of the United
 64 States Postal Service for the purpose of providing information,
 65 including, but not limited to, information about the issuance of
 66 titles, registrations, disabled parking permits, driver
 67 licenses, and identification cards; renewal notices; or the tax
 68 collector's office locations, hours of operation, contact
 69 information, driving skills testing locations, appointment
 70 scheduling information, or website information. All electronic
 71 mail addresses and telephone numbers shall be mutually shared
 72 between the department and its authorized agent tax collectors
 73 upon request ~~renewal notices.~~

74 Section 3. Subsection (10) of section 322.08, Florida
 75 Statutes, is amended to read:

76 322.08 Application for license; requirements for license
77 and identification card forms.—

78 (10) The department or its authorized agent tax collectors
79 may collect electronic mail addresses or telephone numbers and
80 use electronic mail or text messages in lieu of the United
81 States Postal Service for the purpose of providing information,
82 including, but not limited to, information about the issuance of
83 titles, registrations, disabled parking permits, driver
84 licenses, and identification cards; renewal notices; or the tax
85 collector's office locations, hours of operation, contact
86 information, driving skills testing locations, appointment
87 scheduling information, or website information. All electronic
88 mail addresses and telephone numbers shall be mutually shared
89 between the department and its authorized agent tax collectors
90 upon request ~~renewal notices.~~

91 Section 4. Section 328.30, Florida Statutes, is amended to
92 read:

93 328.30 Transactions by electronic or telephonic means.—

94 (1) The Department of Highway Safety and Motor Vehicles
95 may accept any application provided for under this part ~~chapter~~
96 by electronic or telephonic means.

97 (2) The department may issue an electronic certificate of
98 title in lieu of printing a paper title.

99 (3) The department or its authorized agent tax collectors
100 may collect electronic mail addresses or telephone numbers and

101 use electronic mail or text messages in lieu of the United
102 States Postal Service for the purpose of providing information,
103 including, but not limited to, information about the issuance of
104 titles, registrations, disabled parking permits, driver
105 licenses, and identification cards; renewal notices; or the tax
106 collector's office locations, hours of operation, contact
107 information, driving skills testing locations, appointment
108 scheduling information, or website information. All electronic
109 mail addresses and telephone numbers shall be mutually shared
110 between the department and its authorized agent tax collectors
111 upon request ~~renewal notices.~~

112 Section 5. Subsection (3) of section 328.40, Florida
113 Statutes, is amended to read:

114 328.40 Administration of vessel registration and titling
115 laws; records.—

116 (3) All records made or kept by the Department of Highway
117 Safety and Motor Vehicles under this part are subject to
118 inspection and copying as provided in chapter 119 ~~law are public~~
119 ~~records except for confidential reports.~~

120 Section 6. Section 328.80, Florida Statutes, is amended to
121 read:

122 328.80 Transactions by electronic or telephonic means.—

123 (1) The Department of Highway Safety and Motor Vehicles
124 may ~~commission is authorized to~~ accept any application provided
125 for under this part ~~chapter~~ by electronic or telephonic means.

126 (2) The department or its authorized agent tax collectors
 127 may collect electronic mail addresses or telephone numbers and
 128 use electronic mail or text messages in lieu of the United
 129 States Postal Service for the purpose of providing information
 130 under this part, including, but not limited to, information
 131 about the issuance of titles, registrations, disabled parking
 132 permits, driver licenses, and identification cards; renewal
 133 notices; or the tax collector's office locations, hours of
 134 operation, contact information, driving skills testing
 135 locations, appointment scheduling information, or website
 136 information. All electronic mail addresses and telephone numbers
 137 shall be mutually shared between the department and its
 138 authorized agent tax collectors upon request.

139 Section 7. This act shall take effect July 1, 2020.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1139 Regional Rural Development Grants
SPONSOR(S): Clemons, Polsky & others
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 426

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Workforce Development & Tourism Subcommittee	12 Y, 1 N	Willson	Barry
2) Transportation & Tourism Appropriations Subcommittee		Cobb 	Davis 
3) Commerce Committee			

SUMMARY ANALYSIS

Florida has enacted a number of economic development programs for rural areas. Two such programs are the Regional Rural Development Grants Program and the Rural Infrastructure Fund. The Regional Rural Development Grants Program is a state matching grant program established to provide funding to build the professional capacity of regional economic development organizations. The Rural Infrastructure Fund assists units of local government with the planning, preparing, and financing of infrastructure projects that encourage job creation and capital investment. Both programs are administered by the Department of Economic Opportunity (DEO).

The bill amends the Regional Rural Development Grants Program to clarify how regional economic development organizations may build their professional capacity and to expand grant use for technical assistance. It also defines a "regional economic development organization" to mean an economic development organization located in or contracted to serve a rural area of opportunity (RAO).

The bill increases the total annual grant award available to the three regional economic development organizations recognized by DEO as serving an entire RAO, decreases the annual grant award available to other organizations located in or contracted to serve a RAO, and eliminates grant eligibility for organizations representing rural counties or communities that are not located in a RAO. The bill reduces the percentage of grant funds that must be matched with non-state funds from 100 percent to 25 percent of the state's contribution. The bill increases the maximum amount of funds that DEO may expend for the program, from \$750,000 to \$1 million annually.

The bill amends the Rural Infrastructure Fund by increasing the percentage of total infrastructure costs that may be funded by a grant award, expanding eligible projects and uses to include broadband internet service, and requiring a review of the grant program and procedures by September 1, 2021.

In addition, the bill requires contracts or agreements for both the Regional Rural Development Grants Program and the Rural Infrastructure Fund to contain certain specific provisions and be posted online at least 14 days before execution.

The bill has no fiscal impact on state funds. The expenditure authority for the Regional Rural Development Grant Program is increased from \$750,000 to \$1 million per fiscal year. However, the appropriation for the Rural Community Development Revolving Loan Fund, which funds the grant program, is unchanged. The bill may have a positive fiscal impact on local governments and the private sector. See Fiscal Comments.

The effective date of the bill is July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Regional Economic Development Organizations

Three regional economic development organizations operate in Florida. Each coincides respectively with one of the state's three Rural Areas of Opportunity (RAO). A RAO is a rural community, or a region comprised of rural communities, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster, or that presents a unique economic development opportunity of regional impact.¹ The Governor may designate up to three RAOs, establishing each region as a priority assignment for Rural Economic Development Initiative agencies. The Governor can waive the criteria, requirements, or similar provisions of any economic development incentive for projects in a RAO.²

The three designated RAOs are:³

- Northwest RAO: Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the City of Freeport in Walton County.
- South Central RAO: DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, and South Bay (Palm Beach County), and Immokalee (Collier County).
- North Central RAO: Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.

Coinciding with the RAOs are three regional economic development organizations which are public/private 501(c)(6) organizations that provide economic development support to the local governments represented in the RAOs. Opportunity Florida serves the Northwest RAO; Florida's Heartland Regional Economic Development Initiative, Inc. serves the South Central RAO; and North Florida Economic Development Partnership serves the North Central RAO.

Regional Rural Development Grants Program

The Regional Rural Development Grants Program is a state matching grant program established to provide funding to build the professional capacity of regional economic development organizations.⁴ Additionally, grants may be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that it serves.⁵

Applications submitted to DEO must provide proof:

- of official commitments of support from each local government represented by the regional organization;
- that each local government has made a financial or in-kind commitment to the regional organization;
- that the private sector has made financial or in-kind commitments to the regional organization;
- that the regional organization is in existence and actively involved in economic development activities serving the region; and

¹ S. 288.0656(2)(d), F.S.

² S. 288.0656(7)(a), F.S.

³ Department of Economic Opportunity, *Rural Areas of Opportunity*, <http://www.floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity> (last visited Jan. 27, 2020).

⁴ S. 288.018, F.S.

⁵ S. 288.018(1), F.S.

- the manner in which the regional organization coordinates its efforts with those of other local and state organizations.⁶

An organization may receive up to \$50,000 a year or \$150,000 if located in a RAO.⁷ Grants must be matched by an equivalent amount of non-state resources.⁸ DEO is authorized to spend up to \$750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund to carry out this program.⁹

Rural Infrastructure Fund

The Rural Infrastructure Fund is a grant program created to facilitate the planning, preparing, and financing of infrastructure projects in rural communities.¹⁰ The program provides access to federal and state infrastructure funding programs, including, but not limited to, those offered by the U.S. Departments of Agriculture, and Commerce.¹¹ The program funds total infrastructure project grants, infrastructure feasibility grants, and preclearance review grants.

DEO may award grants for up to 30 percent of the total infrastructure project cost. If an application is for a catalyst site,¹² up to 40 percent of the total infrastructure project cost may be awarded.¹³ Projects must be related to specific job-creation or job-retention opportunities. Additionally, projects may include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities.¹⁴

Eligible uses of funds include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure.¹⁵ Infrastructure can include public or public-private partnership facilities, like storm water systems, telecommunication, broadband, roads, and nature-based tourism.¹⁶

The infrastructure feasibility grant provides awards of up to 30 percent of the total project costs for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities.¹⁷ Maximum awards are dependent on the number of jobs that a business commits to create and may be up to \$300,000 if the project is located in a RAO. The total project participation grant may be used in conjunction with the infrastructure feasibility grant.

The preclearance review grant provides awards to help a local government participate in expedited permitting processes through technical assistance in preparing permit applications and local comprehensive plan amendments.¹⁸ Grants may be used for surveys, feasibility studies, and other activities related to the identification and preclearance review of land use modifications. Grants are

⁶ S. 288.018(2), F.S.

⁷ S. 288.018(1), F.S.

⁸ *Id.*

⁹ S. 288.018(4), F.S.

¹⁰ *See* s. 288.0655, F.S.

¹¹ S. 288.0655(2)(b), F.S.

¹² S. 288.0656(2)(b), F.S., defines “catalyst site” as a parcel or parcels of land within a rural area of opportunity that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by the rural economic development initiative and approved by DEO for the purposes of locating a catalyst project.

¹³ S. 288.0655(2)(b), F.S.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ S. 288.0655(2)(c), F.S.

¹⁸ S. 288.0655(2)(e), F.S. Expedited permitting is pursuant to s. 403.9739(18), F.S.

limited to \$75,000 and must be matched 50 percent with local funds. However, projects in a RAO may receive up to \$300,000 and must be matched 33 percent with local funds.¹⁹

Grant applications are reviewed and certified by DEO in consultation with: Enterprise Florida, Inc., VISIT Florida, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission. Reviews include an evaluation of the economic benefit of the projects and their long-term viability.²⁰

Effect of Proposed Changes

Regional Rural Development Grants Program

The bill amends the Regional Rural Development Grants Program to clarify how regional economic development organizations may build their professional capacity, expand grant use for technical assistance, increase the annual grant awards for regional economic development organizations, and reduce match requirements. It also defines a “regional economic development organization” to mean an economic development organization that is located in, or contracted to serve, a RAO.

One authorized use of the matching grant program is to build the professional capacity of regional economic development organizations. The bill specifies that efforts to build professional capacity hiring professional staff to develop, deliver, and provide needed economic development professional services, including technical assistance, education and leadership development, marketing, and project recruitment.

Regional economic development organizations may currently use grant funds to provide technical assistance to businesses within the rural counties and communities it serves. The bill expands this by allowing technical assistance to local governments, local economic development organizations, and existing and prospective businesses.

The bill increases the maximum annual grant award from \$150,000 to \$250,000 for any three regional economic development organizations recognized by DEO as serving an entire region of a RAO. These organizations are: Opportunity Florida, Florida’s Heartland Regional Economic Development Initiative, Inc., and North Florida Economic Development Partnership.

For organizations located in or contracted to serve a RAO, but not recognized as serving the entire RAO, the bill reduces the maximum annual grant amount from \$150,000 to \$50,000.

Under the bill, any organizations that represent rural counties and communities, but are not located in or serve a RAO, would not meet the definition of “regional economic development organizations” and therefore would no longer be eligible to receive any grant funds.

The bill reduces the required match for a grant under this program to a 25% match of the state contribution, instead of the current one-to-one match requirement.

The bill increases the amount that DEO may expend on the program each fiscal year, from \$750,000 to \$1 million. These funds are from the funds appropriated to the Rural Community Development Revolving Loan Fund, and this appropriation in total remains unchanged.

Rural Infrastructure Fund

¹⁹ S. 288.0655(2)(e), F.S.

²⁰ S. 288.0655(3), F.S.

The bill amends the Rural Infrastructure Fund by revising grant award percentages, expanding eligible projects and uses to include broadband internet service, and requiring a review of the grant program and procedures by a specific date.

Currently, grants awarded under the Rural Infrastructure Fund program are limited to 30 percent of the total infrastructure project cost, or up to 40 percent if funding is for a catalyst site. The bill increases the percentage for all grants awarded, including catalyst sites, to 50 percent of the total infrastructure project cost.

The bill specifies that eligible projects may include improving certain inadequate infrastructure that reduces costs to community users of proposed infrastructure improvements that exceeds costs in comparable communities, and improving access to and the availability of broadband Internet service. Further, eligible uses are expanded to include improvements to broadband Internet service and access in unserved or underserved rural communities. These projects must be conducted through a partnership or partnerships with one or more dealers of communications services²¹, established by a publicly noticed and competitive selected process.

The bill requires DEO to reevaluate the Rural Infrastructure Fund application guidelines and criteria by September 1, 2021. The review is to be done in consultation with Enterprise Florida, Inc., VISIT Florida, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission and must include specific factors such as:

- the project's potential for enhanced job creation or increased capital investment;
- the demonstration and level of local public and private commitment;
- whether the project is located in a community development corporation service area or in an urban high-crime area;
- the unemployment rate of the county the project would be located; and
- the poverty rate of the community.

Contracts or Agreements - Regional Rural Development Grants Program and Rural Infrastructure Fund

The bill amends both the Regional Rural Development Grant Program and the Rural Infrastructure Fund to include the same requirements for contracts or agreements that expend grant funds.

A contract or agreement that involves the expenditure of grant funds must include:

- The purpose of the contract or agreement.
- Specific performance standards and responsibilities for each entity under the agreement.
- A detailed project or contract budget, if applicable.
- The value of any services provided.
- The projected travel expenses for employees and board members, if applicable.

These required contract provisions apply to any contract or agreement that expends grant funds, including any contract or agreement between another entity and a regional economic development organization, a unit of local government, or an economic development organization substantially underwritten by a unit of local government.

All contracts and agreements are required to be posted on the contracting regional economic development organization's website at least 14 days before execution. However, specific contracts or agreements that exceed \$35,000 must be posted in "plain-language." This applies to a contract or agreement with a private entity, a municipality, or a vendor of services, supplies, or programs, including marketing, or for the purchase or lease or use of lands, facilities, or properties.

²¹ S. 202.11(2), F.S., defines a "dealer" as a person registered with the Florida Department of Revenue as a provider of communications services in this state.

Additionally, the bill repeals obsolete language relating to enterprise zones and an appropriation for the 2019-20 fiscal year.

B. SECTION DIRECTORY:

Section 1: Amends subsections (1), (3), and (4) of s. 288.018, F.S., relating to the Regional Rural Development Grants Program.

Section 2: Amends s. 288.0655, F.S., relating to the Rural Infrastructure Fund.

Section 3: Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The expenditure authority of the Regional Rural Development Grant Program is increased from \$750,000 to \$1 million per fiscal year. However, the appropriation for the Rural Community Development Revolving Loan Fund, which funds the grant program, is unchanged.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

The bill reduces the required match under the Regional Rural Development Grant Program to a 25 percent match of the state contribution, instead of the current one-to-one match requirement.

The bill also increases the allowable grant award for Rural Infrastructure Fund projects from 30 percent to 50 percent of the total infrastructure project cost.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have

to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to regional rural development grants;
3 amending s. 288.018, F.S.; defining the term "regional
4 economic development organization"; specifying the
5 duties of a regional economic development
6 organization; specifying authorized uses of matching
7 grants; increasing the maximum amount of annual grant
8 funding that specified economic development
9 organizations may receive; revising the required
10 amount of nonstate matching funds; requiring certain
11 information to be included in contracts or agreements
12 involving grant funds; specifying the information that
13 must be posted on a regional economic development
14 organizations website before execution of certain
15 contracts or agreements; deleting an obsolete
16 provision; increasing the amount of funds the
17 Department of Economic Opportunity may expend each
18 fiscal year from the Rural Community Development
19 Revolving Loan Fund for certain purposes; amending s.
20 288.0655, F.S.; increasing the maximum percent of
21 total infrastructure project costs for which the
22 department may award a grant; repealing a provision
23 addressing increased certain maximum percentages;
24 specifying that improving availability of broadband
25 Internet services is an eligible project for certain

26 grant funds; providing that grants for improvements to
 27 broadband Internet service and access must be
 28 conducted through certain partnerships; extending the
 29 date by which the department is required to reevaluate
 30 certain guidelines; requiring certain information to
 31 be included in contracts or agreements involving grant
 32 funds; specifying the information that must be posted
 33 on a regional economic development organizations
 34 website before execution of certain contracts or
 35 agreements; providing an effective date.

36

37 Be It Enacted by the Legislature of the State of Florida:

38

39 Section 1. Subsections (1), (3), and (4) of section
 40 288.018, Florida Statutes, are amended to read:

41

288.018 Regional Rural Development Grants Program.—

42

(1) (a) For the purposes of this section, the term
 43 "regional economic development organization" means an economic
 44 development organization located in or contracted to serve a
 45 rural area of opportunity, as defined in s. 288.0656(2)(d).

46

(b) The department shall establish a matching grant
 47 program to provide funding to regional ~~regionally based~~ economic
 48 development organizations ~~representing rural counties and~~
 49 ~~communities~~ for the purpose of building the professional
 50 capacity of those ~~their~~ organizations. Building the professional

51 capacity of a regional economic development organization
 52 includes hiring professional staff to develop, deliver, and
 53 provide needed economic development professional services,
 54 including technical assistance, education and leadership
 55 development, marketing, and project recruitment. Such Matching
 56 grants may also be used by a regional an economic development
 57 organization to provide technical assistance to local
 58 governments, local economic development organizations, and
 59 existing and prospective businesses within the rural counties
 60 and communities that it serves.

61 (c) A regional economic development organization may apply
 62 annually to the department for a matching grant. The department
 63 is authorized to approve, on an annual basis, grants to such
 64 regional regionally based economic development organizations.
 65 The maximum amount an organization may receive in any year will
 66 be \$50,000, or \$250,000 for any three regional economic
 67 development organizations that serve an entire region of a rural
 68 area of opportunity designated pursuant to s. 288.0656(7) if
 69 they are recognized by the department as serving such a region.

70 (d) Grant funds received by a regional economic development
 71 organization \$150,000 in a rural area of opportunity recommended
 72 by the Rural Economic Development Initiative and designated by
 73 the Governor, and must be matched each year by an equivalent
 74 amount of nonstate resources in an amount equal to 25 percent of
 75 the state contribution.

76 (3) (a) A contract or agreement that involves the
 77 expenditure of grant funds provided under this section,
 78 including a contract or agreement entered into between another
 79 entity and a regional economic development organization, a unit
 80 of local government, or an economic development organization
 81 substantially underwritten by a unit of local government, must
 82 include:

- 83 1. The purpose of the contract or agreement.
- 84 2. Specific performance standards and responsibilities for
 85 each entity under the contract or agreement.
- 86 3. A detailed project or contract budget, if applicable.
- 87 4. The value of any services provided.
- 88 5. The projected travel expenses for employees and board
 89 members, if applicable.

90 (b) At least 14 days before executing a contract or
 91 agreement, the contracting regional economic development
 92 organization shall post on its website:

- 93 1. Any contract or agreement that involves the expenditure
 94 of grant funds provided under this section.
- 95 2. A plain-language version of any contract or agreement
 96 that is estimated to exceed \$35,000 with a private entity, a
 97 municipality, or a vendor of services, supplies, or programs,
 98 including marketing, or for the purchase or lease or use of
 99 lands, facilities, or properties which involves the expenditure
 100 of grant funds provided under this section and which is

101 estimated to exceed \$35,000 ~~The department may also contract for~~
 102 ~~the development of an enterprise zone web portal or websites for~~
 103 ~~each enterprise zone which will be used to market the program~~
 104 ~~for job creation in disadvantaged urban and rural enterprise~~
 105 ~~zones. Each enterprise zone web page should include downloadable~~
 106 ~~links to state forms and information, as well as local message~~
 107 ~~boards that help businesses and residents receive information~~
 108 ~~concerning zone boundaries, job openings, zone programs, and~~
 109 ~~neighborhood improvement activities.~~

110 (4) The department may expend up to \$1 million ~~\$750,000~~
 111 each fiscal year from funds appropriated to the Rural Community
 112 Development Revolving Loan Fund for the purposes outlined in
 113 this section. The department may contract with Enterprise
 114 Florida, Inc., for the administration of the purposes specified
 115 in this section. Funds released to Enterprise Florida, Inc., for
 116 this purpose shall be released quarterly and shall be calculated
 117 based on the applications in process.

118 Section 2. Subsection (5) of section 288.0655, Florida
 119 Statutes, is renumbered as subsection (6), paragraph (b) of
 120 subsection (2), subsection (4), and present subsection (6) are
 121 amended, and a new subsection (5) is added to that section, to
 122 read:

123 288.0655 Rural Infrastructure Fund.—

124 (2)

125 (b) To facilitate access of rural communities and rural

126 areas of opportunity as defined by the Rural Economic
 127 Development Initiative to infrastructure funding programs of the
 128 Federal Government, such as those offered by the United States
 129 Department of Agriculture and the United States Department of
 130 Commerce, and state programs, including those offered by Rural
 131 Economic Development Initiative agencies, and to facilitate
 132 local government or private infrastructure funding efforts, the
 133 department may award grants for up to 50 ~~30~~ percent of the total
 134 infrastructure project cost. ~~If an application for funding is~~
 135 ~~for a catalyst site, as defined in s. 288.0656, the department~~
 136 ~~may award grants for up to 40 percent of the total~~
 137 ~~infrastructure project cost.~~ Eligible projects must be related
 138 to specific job-creation or job-retention opportunities.
 139 Eligible projects may also include improving any inadequate
 140 infrastructure that has resulted in regulatory action that
 141 prohibits economic or community growth, ~~or~~ reducing the costs to
 142 community users of proposed infrastructure improvements that
 143 exceed such costs in comparable communities, and improving
 144 access to and the availability of broadband Internet service.
 145 Eligible uses of funds shall include improvements to public
 146 infrastructure for industrial or commercial sites, upgrades to
 147 or development of public tourism infrastructure, and
 148 improvements to broadband Internet service and access in
 149 unserved or underserved rural communities. Improvements to
 150 broadband Internet service and access must be conducted through

151 a partnership or partnerships with one or more dealers of
 152 communications services, as defined in s. 202.11(2), and the
 153 partnership or partnerships must be established by a publicly
 154 noticed and competitively selected process ~~and upgrades to or~~
 155 ~~development of public tourism infrastructure.~~ Authorized
 156 infrastructure may include the following public or public-
 157 private partnership facilities: storm water systems;
 158 telecommunications facilities; broadband facilities; roads or
 159 other remedies to transportation impediments; nature-based
 160 tourism facilities; or other physical requirements necessary to
 161 facilitate tourism, trade, and economic development activities
 162 in the community. Authorized infrastructure may also include
 163 publicly or privately owned self-powered nature-based tourism
 164 facilities, publicly owned telecommunications facilities, and
 165 broadband facilities, and additions to the distribution
 166 facilities of the existing natural gas utility as defined in s.
 167 366.04(3)(c), the existing electric utility as defined in s.
 168 366.02, or the existing water or wastewater utility as defined
 169 in s. 367.021(12), or any other existing water or wastewater
 170 facility, which owns a gas or electric distribution system or a
 171 water or wastewater system in this state where:

172 1. A contribution-in-aid of construction is required to
 173 serve public or public-private partnership facilities under the
 174 tariffs of any natural gas, electric, water, or wastewater
 175 utility as defined herein; and

176 2. Such utilities as defined herein are willing and able
177 to provide such service.

178 (4) By September 1, 2021 ~~2012~~, the department shall, in
179 consultation with the organizations listed in subsection (3),
180 and other organizations, reevaluate existing guidelines and
181 criteria governing submission of applications for funding,
182 review and evaluation of such applications, and approval of
183 funding under this section. The department shall consider
184 factors including, but not limited to, the project's potential
185 for enhanced job creation or increased capital investment, the
186 demonstration and level of local public and private commitment,
187 whether the project is located ~~in an enterprise zone~~, in a
188 community development corporation service area, or in an urban
189 high-crime area as designated under s. 212.097, the unemployment
190 rate of the county in which the project would be located, and
191 the poverty rate of the community.

192 (5) (a) A contract or agreement that involves the
193 expenditure of grant funds provided under this section,
194 including a contract or agreement entered into between another
195 entity and a regional economic development organization, a unit
196 of local government, or an economic development organization
197 substantially underwritten by a unit of local government, must
198 include:

- 199 1. The purpose of the contract or agreement.
- 200 2. Specific performance standards and responsibilities for

201 each entity.

202 3. A detailed project or contract budget, if applicable.

203 4. The value of any services provided.

204 5. The projected travel expenses for employees and board
 205 members, if applicable.

206 (b) At least 14 days before execution, the contracting
 207 regional economic development organization shall post on its
 208 website:

209 1. Any contract or agreement that involves the expenditure
 210 of grant funds provided under this section.

211 2. A plain-language version of a contract or agreement that
 212 is estimated to exceed \$35,000 with a private entity, a
 213 municipality, or a vendor of services, supplies, or programs,
 214 including marketing, or for the purchase or lease or use of
 215 lands, facilities, or properties which involves the expenditure
 216 of grant funds provided under this section.

217 ~~(6) For the 2019-2020 fiscal year, the funds appropriated~~
 218 ~~for the grant program for Florida Panhandle counties shall be~~
 219 ~~distributed pursuant to and for the purposes described in the~~
 220 ~~proviso language associated with Specific Appropriation 2314 of~~
 221 ~~the 2019-2020 General Appropriations Act. This subsection~~
 222 ~~expires July 1, 2020.~~

223 Section 3. This act shall take effect July 1, 2020.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Tourism
2 Appropriations Subcommittee
3 Representative Clemons offered the following:

Amendment (with directory and title amendments)

Remove lines 110-117

D I R E C T O R Y A M E N D M E N T

Remove line 39 and insert:

Section 1. Subsections (1) and (3) of section

T I T L E A M E N D M E N T

Remove lines 7-9 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1139 (2020)

Amendment No. 1

17 | grants; revising the required

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Tourism
 2 Appropriations Subcommittee
 3 Representative Clemons offered the following:

Amendment (with directory amendment)

Remove lines 217-222

D I R E C T O R Y A M E N D M E N T

11 Remove line 120 and insert:
 12 subsection (2), and subsection (4) are

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1371 Traffic and Pedestrian Safety
SPONSOR(S): Transportation & Infrastructure Subcommittee, Fine and others
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 1000

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	13 Y, 0 N, As CS	Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee		Hicks	Davis
3) State Affairs Committee			

SUMMARY ANALYSIS

Florida law provides the driver of a vehicle must stop for a pedestrian who is walking in the crosswalk at the instruction of a traffic control signal or where signage indicates the driver must stop. If there are no traffic control signals or signage in place at a crosswalk, the driver of a vehicle must yield to a pedestrian who is on the half of the roadway on which the vehicle is traveling. If traffic control signals are in operation, pedestrians may not cross at any place except in a marked crosswalk. If there is no crosswalk, pedestrians crossing a roadway must yield to vehicles.

The Department of Transportation (DOT) and local governments utilize various types of signals to indicate when pedestrians may safely cross midblock crosswalks (crosswalks that are not at an intersection). Two types of signals commonly used are a rectangular rapid flash beacon (RRFB) and a pedestrian hybrid beacon (PHB). The RRFB consists of two rapidly and alternately flashing yellow rectangular LED lights that function as a warning beacon. Pedestrians press the call button to activate the flashing lights, but should wait for motorists to clear the intersection before they cross. The PHB consists of three signal sections with a circular yellow signal indication centered below two horizontally aligned circular red signal indications. The PHB is not illuminated until a pedestrian activates it and triggers the warning flashing yellow lens on the major street. After a set amount of time, the indication changes to a solid yellow light to inform drivers to prepare to stop. The beacon then displays a dual solid red light to drivers and a walking person symbol to pedestrians on the crosswalk.

The bill requires that by October 1, 2024, an entity with jurisdiction over a public highway, street, or road must install PHB at any midblock crosswalk or must remove the midblock crosswalk in its entirety. As of October 1, 2024, midblock crosswalks will no longer be authorized to use RRFB. The state, county, city, or municipality with jurisdiction over the roadway with the midblock crosswalk will be responsible for the cost.

The bill provides a statement that the Legislature finds that this bill fulfills an important state interest.

The bill will likely have a significant, negative fiscal impact to state and local governments. See Fiscal Analysis for details.

The bill provides an effective date of July 1, 2020.

This bill may be a county or municipality mandate requiring a two-thirds vote of the membership of the House. See Section III.A.1 of the analysis.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Unless directed otherwise by a law enforcement officer, pedestrians are required to obey the instructions of official traffic control devices that are specifically applicable to pedestrians.¹ If a sidewalk is provided, and no circumstances prevent a pedestrian's use of the sidewalk, a pedestrian is prohibited from walking on a roadway that is paved for vehicular traffic.² If a sidewalk is not provided, a pedestrian, when practicable, must walk only on the shoulder on the left side of the roadway in relation to the pedestrian's direction of travel, facing traffic that may approach from the opposite direction.³

The driver of a vehicle must stop for a pedestrian who is walking in the crosswalk at the instruction of a traffic control signal or where signage indicates the driver to stop. If there are no traffic control signals or signage in place at a crosswalk, the driver of a vehicle must yield to a pedestrian who is on the half of the roadway on which the vehicle is traveling.⁴ If traffic control signals are in operation, pedestrians cannot cross at any place except in a marked crosswalk.⁵ If there are no crosswalks, pedestrians crossing a roadway must yield to vehicles.⁶

When pedestrian traffic control signals or signage is installed, such indicators must conform to the requirements of the most recent Manual on Uniform Traffic Control Devices (MUTCD).⁷ The MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public travel. The Federal Highway Administration (FHWA) publishes the MUTCD.⁸

The Department of Transportation (DOT) and local governments utilize various types of signals to indicate when pedestrians may safely cross midblock crosswalks.⁹ Two types of signals commonly used by DOT and local governments are a rectangular rapid flash beacon (RRFB) and a pedestrian hybrid beacon (PHB).¹⁰ The RRFB consists of two rapidly and alternately flashing yellow rectangular LED lights that function as a warning beacon.¹¹ Pedestrians press the call button to activate the flashing lights, but should wait for motorists to clear the intersection before they cross.¹² The PHB consists of three signal sections with a circular yellow signal indication centered below two horizontally aligned circular red signal indications.¹³ The PHB is not illuminated until a pedestrian activates it and triggers the warning flashing yellow lens facing the street.¹⁴ After a set amount of time, the indication changes to a solid yellow light to inform drivers to prepare to stop.¹⁵ The beacon then displays a dual

¹ Section 316.130(1), F.S.

² Section 316.130(3), F.S.

³ Section 316.130(4), F.S.

⁴ Section 316.130(7), F.S.

⁵ Section 316.130(11), F.S.

⁶ Section 316.130(10), F.S.

⁷ Section 316.0755, F.S.

⁸ US Department of Transportation, *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)*, (updated December 11, 2019), available at <https://mutcd.fhwa.dot.gov/> (last visited January 23, 2020).

⁹ Florida Department of Transportation, *Pedestrian Facilities*, available at <https://www.fdot.gov/roadway/bikeped/bikepedpf.shtm> (last visited January 23, 2020).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ US Department of Transportation, *Safety Effectiveness of the HAWK Pedestrian Crossing Treatment* (July 2010), available at <https://www.fhwa.dot.gov/publications/research/safety/10045/index.cfm> (last visited January 23, 2020).

¹⁴ *Id.*

¹⁵ *Id.*

solid red light to drivers on the street and a walking person symbol to pedestrians on the crosswalk.¹⁶ At the conclusion of the walk phase, the beacon displays an alternating flashing red light, and pedestrians are shown an upraised hand symbol with a countdown display informing them of the time remaining to cross the street.¹⁷

In July 2008, the MUTCD was updated to provide interim approval via a memorandum¹⁸ to RRFBs for optional use in limited circumstances. The interim approval allows RRFBs usage as a warning beacon to supplement standard pedestrian crossing warning signs and markings at either a pedestrian or school crossing.¹⁹ The cost is approximately \$10,000 to \$15,000 for purchase and installation of two RRFB units (one on either side of a street).²⁰ The FHWA will grant interim approval for the optional use of the RRFB as a warning beacon in addition to standard pedestrian crossing or school crossing signs at crosswalks to any jurisdiction that submits a written request to the Office of Transportation Operations.²¹ A state may request interim approval for all jurisdictions in that state.²²

As of October 2019, DOT reported 4,900 midblock crosswalks without traffic signals or RRFBs and approximately 191 midblock crosswalks with RRFBs on the state highway system.²³ It is unknown how many midblock crosswalks are in use statewide on county and city roads.²⁴

The process for installing a PHB is set out in the MUTCD.²⁵ A PHB may be considered for installation to facilitate pedestrian crossings at a location that does not meet the requirements of a traffic signal need study,²⁶ or at a location that meets the requirements of a traffic signal need study, but a decision is made not to install a traffic control signal.²⁷ If certain traffic and pedestrian patterns exist,²⁸ the need for a PHB should be considered based on an engineering study of major-street volumes, speeds, widths, and gaps in conjunction with pedestrian volumes, walking speeds, and delay.²⁹ The results of the engineering study will determine the necessity of the PHB.³⁰ If installed, the PHB must be used in conjunction with signs and pavement markings to warn and control traffic at locations where pedestrians enter or cross a street or highway.³¹ A PHB can only be installed at a marked crosswalk.³² When an engineering study finds that installation of a PHB is justified, then at least two PHB lights must be installed for each approach of the major street; a stop line must be installed for each approach to the crosswalk; and a pedestrian signal light must be installed at each end of the marked crosswalk.³³ DOT reports that the conversion of five RRFBs to PHBs at midblock crosswalks in Destin cost \$1,035,661

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ See *Memorandum of Interim Approval for Optional Use of Rectangular Rapid Flashing Beacons (IA-11)* (July 16, 2008), available at https://mutcd.fhwa.dot.gov/resources/interim_approval/ia11/fhwamemo.htm (last visited January 23, 2020).

¹⁹ US Department of Transportation, *Rectangular Rapid Flash Beacon (RRFB)*, available at https://safety.fhwa.dot.gov/intersection/conventional/unsignalized/tech_sum/fhwasa09009/ (last visited January 23, 2020).

²⁰ *Id.*

²¹ Memorandum of Interim Approval for Optional Use of Rectangular Rapid Flashing Beacons (IA-11), *supra*, at FN 18.

²² *Id.*

²³ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2020 House Bill 1371, p.5 (November 20, 2019).

²⁴ Email from Amanda Marsh, Legislative Specialist, Department of Transportation, RE: Midblock crosswalks, (October 18, 2019).

²⁵ US Department of Transportation Federal Highway Administration, *Manual on Uniform Traffic Control Devices for Streets and Highways (2009 edition)*, Chapter 4F. *Pedestrian Hybrid Beacons*, p. 509 - 512, available at <https://mutcd.fhwa.dot.gov/pdfs/2009/mutcd2009edition.pdf> (last visited January 23, 2020).

²⁶ See MUTCD Chapter 4C.

²⁷ *Id.* at p. 509.

²⁸ Such as gaps in traffic that are not adequate to permit pedestrians to cross, or if the speed for vehicles approaching on the major street is too high to permit pedestrians to cross, or if pedestrian delay is excessive.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

and that the conversion of one RRFB to a PHB at a midblock crosswalk in Tallahassee cost \$386,658.³⁴

Pedestrians who cross the street at midblock crosswalks are likely more susceptible to injury from contact with a motor vehicle than crosswalks at an intersection. The below table displays the number of pedestrians and bicyclists that were struck at midblock crossings the past three years.

Injury or Death to Non-Motorists at Midblock Crossings³⁵

Injury Level	2017	2018	2019
Midblock - Marked Crosswalk	263	262	247
Pedestrian	164	157	157
Fatal (within 30 days)	12	6	5
Incapacitating	30	22	16
Non-incapacitating	61	57	78
Possible	56	65	50
None	5	7	8
Bicyclist	99	105	90
Fatal (within 30 days)	0	2	0
Incapacitating	15	12	9
Non-incapacitating	33	44	40
Possible	45	39	36
None	6	8	5
As of 01/24/2020. 2019 statistics is preliminary and may change.			

Effect of Proposed Changes

The bill creates s. 316.0756, F.S., and requires by October 1, 2024, that an entity with jurisdiction over a public highway, street, or road must install PHBs at any midblock crosswalk or must remove the midblock crosswalk in its entirety. As of October 1, 2024, midblock crosswalks will no longer be authorized to use RRFBs. The state, county, city, or municipality with jurisdiction over the roadway with the midblock crosswalk will be responsible for the cost.

Additionally, the bill specifies that traffic control signal devices and pedestrian control signals must conform to the requirements provided in chapters 4D (Traffic Control Signal Features) and 4E (Pedestrian Control Features) of the Manual on Uniform Traffic Control Devices.

Lastly, the bill provides that the Legislature finds and declares that the installation of specified traffic and pedestrian signals on roadways fulfills an important state interest.

B. SECTION DIRECTORY:

Section 1: Creates s. 316.0756, F.S., relating to traffic control signal devices and pedestrian control signals at crosswalks other than at intersections.

Section 2: Provides an effective date of July 1, 2020.

³⁴ Email from Amanda Marsh, Legislative Specialist, Department of Transportation, RE: Midblock crosswalks, (October 22, 2019).

³⁵ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE:

non/motorists/midblock crosswalk stats, (January 24, 2020).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill will likely have no impact on state government revenues.

2. Expenditures:

DOT reports a significant negative fiscal impact of \$47 million to convert uncontrolled midblock crosswalks and midblock crosswalks with RRFBs to midblock crosswalks with PHBs. DOT efforts would be limited to midblock crosswalks located on the state highway system. DOT has identified in their inventory 4,900 uncontrolled midblock crosswalks and 191 midblock crosswalks with RRFBs. The department assumes 20 percent of the RRFB locations will warrant either a traffic signal or a PHB. The cost to replace an uncontrolled midblock crosswalk with a traffic signal or PHB is approximately \$300,000; and the cost to remove an uncontrolled midblock crosswalk is approximately \$7,000. If a traffic signal is installed, the annual maintenance cost is approximately \$3,200. In the event a signal warrant engineering study is required, the cost would be an additional \$10,000 per location.³⁶

Of the total cost, \$11.4 million is for the construction cost associated with the conversion of a location and \$35.4 million is for the construction cost to remove midblock crosswalks altogether. These costs are inclusive of site assessments and the purchase of signal and pedestrian control equipment.

The fiscal impact is contained within the confines of the Work Program. Due to the fluid and dynamic nature of the Work Program, the fiscal impact may be partially mitigated by normal changes which may occur with projects throughout the year. The bill also specifies a full implementation date of October 1, 2024, effectively spreading the fiscal impact over a 4-year period before required compliance.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill will likely have no impact on local government revenues.

2. Expenditures:

The fiscal impact to cities and counties is indeterminate, but is likely significant. It is unknown how many midblock crosswalks are in use statewide on county and city roads.³⁷ The cost to replace an uncontrolled midblock crosswalk with a traffic signal or PHB is approximately \$300,000; and the cost to remove an uncontrolled midblock crosswalk is approximately \$7,000. If a traffic signal is installed, the annual maintenance cost is approximately \$3,200. In the event a signal warrant engineering study is required, the cost would be an additional \$10,000 per location.³⁸

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will likely have no fiscal impact on the private sector.

D. FISCAL COMMENTS:

³⁶ Department of Transportation, Agency Analysis of 2020 House Bill 1371, p. 4-5 (November 20, 2019).

³⁷ Email from Amanda Marsh, Legislative Specialist, Department of Transportation, RE: Midblock crosswalks, (October 18, 2019).

³⁸ Department of Transportation, Agency Analysis of 2020 House Bill 1371, p. 4 (November 20, 2019).

According to DOT, the potential installation of an unwarranted traffic signal that does not comply with MUTCD standards may cause potential liability to state and local governments. In addition, because existing RRFBs were likely installed as a safety improvement using federal funds, their removal may result in non-compliance with MUTCD standards and impact federal funding eligibility.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Article VII, section 18, of the Florida Constitution may apply because this bill requires cities/counties to install specified traffic and pedestrian signals on roadways. This bill does not appear to qualify under any exemption or exception. If the bill does qualify as a mandate, the law must fulfill an important state interest and final passage must be approved by two-thirds of the membership of each house of the Legislature.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 28, 2020, the Transportation & Infrastructure Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Specified that traffic control signal devices and pedestrian control signals must conform to the requirements provided in chapters 4D and 4E of the Manual on Uniform Traffic Control Devices.
- Provided that the Legislature finds and declares that the installation of specified traffic and pedestrian signals on roadways fulfills an important state interest.

This analysis is written to the committee substitute as reported favorably by the Transportation & Infrastructure Subcommittee.

1 A bill to be entitled
 2 An act relating to traffic and pedestrian safety;
 3 creating s. 316.0756, F.S.; requiring a pedestrian
 4 crosswalk on a public highway, street, or road which
 5 is located at any point other than at an intersection
 6 with another public highway, street, or road to be
 7 controlled by traffic control signal devices and
 8 pedestrian control signals that conform to specified
 9 requirements; providing coordination requirements for
 10 such devices and signals; requiring, by a specified
 11 date, the entity with jurisdiction over a public
 12 highway, street, or road with a certain pedestrian
 13 crosswalk to ensure that the crosswalk is controlled
 14 by coordinated traffic control signal devices and
 15 pedestrian control signals; authorizing such entity to
 16 alternatively remove any such crosswalk; providing a
 17 declaration of important state interest; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 316.0756, Florida Statutes, is created
 23 to read:

24 316.0756 Traffic control signal devices and pedestrian
 25 control signals at crosswalks other than at intersections.-

26 (1) Notwithstanding any law to the contrary, a pedestrian
 27 crosswalk on a public highway, street, or road which is located
 28 at any point other than at an intersection with another public
 29 highway, street, or road must be controlled by coordinated
 30 traffic control signal devices and pedestrian control signals
 31 that conform to the requirements of chapters 4D and 4E of the
 32 most recent Manual on Uniform Traffic Control Devices and other
 33 applicable Department of Transportation specifications. Traffic
 34 control signal devices and pedestrian control signals at
 35 crosswalk locations described in this section must be
 36 coordinated according to all of the following requirements:

37 (a) Vehicular traffic approaching the crosswalk is
 38 required to come to a complete stop before pedestrians are
 39 permitted to enter the crosswalk.

40 (b) Traffic control signal devices at intersections
 41 adjacent to the crosswalk are taken into consideration as
 42 provided in the most recent Manual on Uniform Traffic Control
 43 Devices and other applicable Department of Transportation
 44 specifications.

45 (2) By October 1, 2024, the entity with jurisdiction over
 46 a public highway, street, or road with a crosswalk described in
 47 subsection (1) which is in existence on July 1, 2020, shall
 48 ensure that such crosswalk is controlled by coordinated traffic
 49 control signal devices and pedestrian control signals as
 50 required under subsection (1). The entity with jurisdiction may

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2020

51 alternatively remove any such existing crosswalk.

52 Section 2. The Legislature finds and declares that this
53 act fulfills an important state interest.

54 Section 3. This act shall take effect July 1, 2020.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Transportation & Tourism
2 Appropriations Subcommittee
3 Representative Fine offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 316.0756, Florida Statutes, is created
8 to read:

9 316.0756 Traffic control devices at crosswalks.-

10 (1) Notwithstanding any law to the contrary, only a
11 pedestrian crosswalk that is located on a public highway,
12 street, or road that has no more than two lanes and for which
13 the speed limit is 35 miles per hour or less may be controlled
14 by yellow rectangular rapid flashing beacon traffic control
15 devices.

16 (2) The Legislature shall request that the Federal

Amendment No. 1

17 Government allow existing yellow rectangular rapid flashing
18 beacon traffic control devices at each crosswalk described in
19 subsection (1) to be replaced by red rectangular rapid flashing
20 beacon traffic control devices. If the Federal Government grants
21 such request, all yellow rectangular rapid flashing beacon
22 traffic control devices at each such crosswalk shall be replaced
23 by red rectangular rapid flashing beacon traffic control devices
24 within 12 months. If the Federal Government does not grant such
25 request, the entity with jurisdiction over a public highway,
26 street, or road with a crosswalk that does not meet the
27 requirements of subsection (1) which is in existence on July 1,
28 2020, shall ensure that, by October 1, 2024, all rectangular
29 rapid flashing beacon traffic control devices are removed from
30 such crosswalk. The entity with jurisdiction may alternatively
31 completely remove such crosswalk or retrofit the crosswalk with
32 legally acceptable equipment.

33 Section 2. The Legislature finds and declares that this
34 act fulfills an important state interest.

35 Section 3. This act shall take effect July 1, 2020.

36

37 -----

38 **T I T L E A M E N D M E N T**

39 Remove everything before the enacting clause and insert:

40 A bill to be entitled

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1371 (2020)

Amendment No. 1

41 An act relating to traffic and pedestrian safety;
42 creating s. 316.0756, F.S.; specifying pedestrian
43 crosswalks that may be controlled by yellow
44 rectangular rapid flashing beacon traffic control
45 devices; requiring the Legislature to request that the
46 Federal Government allow replacement of yellow
47 rectangular rapid flashing beacon traffic control
48 devices with red rectangular rapid flashing beacon
49 traffic control devices; providing requirements for
50 replacement or removal of rectangular rapid flashing
51 beacon traffic control devices based on the decision
52 of the Federal Government regarding such request;
53 providing a declaration of important state interest;
54 providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1455 Division of Library and Information Services
SPONSOR(S): Rodriguez, A. M.
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Public Management Subcommittee	11 Y, 0 N	Villa	Smith
2) Transportation & Tourism Appropriations Subcommittee		Cobb <i>PL</i>	Davis <i>[Signature]</i>
3) State Affairs Committee			

SUMMARY ANALYSIS

The Division of Library and Information Services (Division), within the Department of State, is responsible for managing and administering the State Aid to Libraries Grant Program, the Florida State Archives, the Records Management Program, the State Records Center, and the Library Cooperative Grants Program.

By December 1 of each year, the Division must certify to the Chief Financial Officer the amount to be paid to a political subdivision under the State Aid to Libraries Grant Program. The bill maintains an annual certification, but removes the December 1 deadline.

The Division is responsible for encouraging and initiating efforts to preserve, collect, process, transcribe, index, and research the oral history of Florida government. The Division is also responsible for making preservation duplicates of official state records, or designating existing copies as preservation duplicates. The bill relieves the Division of these responsibilities.

The Division operates the State Records Center that stores official state records transferred to it by state agencies. When a record stored at the facility is eligible for destruction the Division must notify the transferring agency via certified mail. The transferring agency has 90 days upon receipt to request continued storage or authorize destruction or disposal. If the agency does not respond within 90 days, title to the record is transferred to the Division. The bill amends this process and requires the agency to respond and specify their desired management of the record.

Currently, each agency must designate a records management liaison officer. The bill specifies that the liaison officer will serve as the primary point of contact between the Division and agency for records management purposes, and provides that the liaison officer shall conduct any records management function the agency assigns.

Certain libraries may establish library cooperatives for the purpose of sharing resources, and a cooperative can receive an annual grant from the state of not more than \$400,000 for this purpose. The bill removes the \$400,000 annual cap, but total funding for the Library Cooperative Grant Program remains unchanged.

The bill may have an insignificant, positive fiscal impact on state expenditures.

The bill has an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Division of Library and Information Services

The Florida Department of State's Division of Library and Information Services (Division)¹ manages the State Library and Archives, supports public libraries, directs record management services, and is the designated information resource provider of the state.²

The Division may receive gifts of money, books, or other property and may purchase books, periodicals, furniture, and equipment it deems necessary to carry out its mission. The Division may also give aid and assistance to all school, state, academic, free, and public libraries, and to all communities in the state which may establish libraries. The Division is required to maintain a library for state officials and employees and provide research and informational services for all state agencies. The Division must also provide library services to blind and physically handicapped persons within the state.³

State Aid to Libraries Grant Program

The State Aid to Libraries Grant Program (Grant Program), established in 1961, is an incentive program designed to encourage local governments to establish and continue development of free library service to residents and to provide funding to support that library service.⁴ A political subdivision designated by a county or municipality as the single library administrative unit is eligible to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that political subdivision for the operation and maintenance of a library.⁵ Three types of grants are available under the Grant Program. The grants and criteria are:

- Multicounty grants are awarded to systems of two or more counties that qualify for operating grants and have joined together to provide library service to their residents.
- Equalization grants are awarded to county library systems that also meet the requirements for operating grants and have limited financial resources.
- Operating grants are awarded to any county or municipality that meets basic criteria for professional library services.

The Division is tasked with the administration and allocation of grants under the Grant Program.⁶ By December 1 of each year, the Division must certify to the Chief Financial Officer the amount to be paid to each political subdivision.⁷ By January 1, the Division must complete an evaluation and review of applications submitted under the Grant Program.⁸ The Division must verify the amount of local expenditures submitted by a political subdivision as a part of their application.⁹ After the applications are determined sufficient and complete, the Division will award the grant amounts based on the appropriation of funds by the Legislature.¹⁰

¹ Section 20.10(2)(d), F.S.

² Florida Department of State, *Division of Library and Information Services*, <https://dos.myflorida.com/library-archives/> (last visited January 24, 2020).

³ Section 257.04, F.S.

⁴ See R. 1B-2.011(2)(a), F.A.C.

⁵ Section 257.17, F.S.

⁶ Section 257.22, F.S.

⁷ *Id.*

⁸ See R. 1B-2.011(2)(a), F.A.C.

⁹ *Id.*

¹⁰ *Id.*

Effect of the Bill

The bill provides that the certification of funds to be paid to a political subdivision must be made annually – as opposed to December 1 of each year.

Florida State Archives

The Florida State Archives (Archives) collect, preserve, and make available for research the historically significant records of the state, as well as private manuscripts, photographs, and other materials that complement the official state records.¹¹ The Archives are open to anyone interested in learning about Florida history, government, and people.¹² The Division is tasked with the operation, organization, and administration of the Archives.¹³ It is the duty and responsibility of the Division to:

- Preserve and administer the records transferred to its custody;
- Assist in the determination of retention values for records;
- Cooperate with and assist state institutions, departments, agencies, counties, municipalities, and individuals engaged in activities in the field of state archives, manuscripts, and history;
- Accept from any person any paper, book, record, or similar material that the Division believes warrants preservation in the Archives;
- Provide a public research room where the materials in the Archives may be studied;
- Conduct, promote, and encourage research in Florida history, government, and culture;
- Maintain a program of information, assistance, coordination, and guidance for public officials, educational institutions, libraries, the scholarly community, and the general public engaged in such research;
- Cooperate with and assist agencies, libraries, institutions, and individuals in projects designed to preserve original source materials relating to Florida history, government, and culture;
- Prepare and publish handbooks, guides, indexes, and other literature directed toward encouraging the preservation and use of the state's documentary resources; and
- Encourage and initiate efforts to preserve, collect, process, transcribe, index, and research the oral history of Florida government.

Effect of the Bill

The bill amends the Division's duties and responsibilities regarding the Florida State Archives. Specifically, the bill deletes the provision requiring the Division to "[e]ncourage and initiate efforts to preserve, collect, process, transcribe, index, and research the oral history of Florida government."¹⁴ According to the Division, the Division has never performed these activities and has neither the resources nor the staff expertise to do so.¹⁵

Records Management Program

The Division is tasked with administering a records management program responsible for establishing best practices for the creation, utilization, maintenance, retention, preservation, and disposal of records.¹⁶ To that end, it is the duty and responsibility of the Division to:

- Analyze, develop, establish, and coordinate standards, procedures, and techniques of record making and recordkeeping;

¹¹ Florida Department of State, *supra* note 2.

¹² *Id.*

¹³ Section 257.35(1), F.S.

¹⁴ Section 257.35(1)(h), F.S.

¹⁵ Department of State, Agency Analysis of 2020 House Bill 1455, p. 2 (January 22, 2020).

¹⁶ Section 257.36(1), F.S.

- Maintain a training and information program in all phases of records and information management to bring current practices for the efficient and economical management of records to the attention of all agencies;
- Maintain a training and information program regarding laws regulating public record access;
- Make continuous surveys of recordkeeping operations; and
- Recommend improvements in current record management practices.¹⁷

The Division must also cooperate with each agency¹⁸ in the selection and preservation of records considered essential to the operation of government.¹⁹ Each agency must:

- Cooperate with the Division in complying with the provisions of ch. 257, F.S.;
- Designate a records management liaison officer; and
- Establish and maintain an active and continuing program for the economical and efficient management of records.

In the interest of records management, the Division must also make or have made preservation duplicates, or designate existing copies of records as preservation duplicates, to be preserved in a place and manner of safekeeping.²⁰ Any preservation duplicate has the same force and effect as the original record.²¹

Effect of the Bill

The bill amends the records management program and removes the requirement for the Division to make preservation duplicates, or designate existing copies of records as preservation duplicates. The bill also removes the provision specifying that preservation duplicates have the same force and effect as the original record.

State Records Center

The Division is responsible for establishing and operating a records center or centers for the storage, processing, servicing, and security of public records that must be retained for varying periods of time but need not be retained in an agency's office equipment or space.²² The Division must:

- Ensure the maintenance and security of records deemed appropriate for preservation;
- Establish safeguards against unauthorized or unlawful removal or loss of records;
- Initiate appropriate action to recover records removed unlawfully or without authorization.²³

To accomplish this, the Division operates the Edward N. Johnson Records and Information Center (State Records Center), which is equipped to store paper records, microfilm, and electronic media.²⁴ All records transferred to the Division for storage can be held in the State Records Center, or any other records center the state may operate, for such time as the Division deems necessary.²⁵ Title of any record stored by the Division will remain in the agency transferring such record to the Division.²⁶ When a record stored by the Division is eligible for destruction, the Division must provide notice to the agency

¹⁷ *Id.*

¹⁸ The term "agency" is defined to mean any state, county, district, or municipal officer, department, division, bureau, board, commission, or other separate unit of government created or established by law. Section 257.36(5), F.S.

¹⁹ Section 257.36(1)(j), F.S.

²⁰ Section 257.36(1)(k), F.S.

²¹ Section 257.36(4), F.S.

²² Section 257.36(1), F.S.

²³ *Id.*

²⁴ Florida Department of State Division of Library and Information Services, *The Basics of Records Management*, (October 2017), <https://dos.myflorida.com/media/698456/final-basics-of-records-management-2017.pdf> (last visited January 26, 2020).

²⁵ Section 257.36(2)(a), F.S.

²⁶ Section 257.36(2)(b), F.S.

in writing by certified mail.²⁷ The agency has 90 days to respond and request continued retention or authorize destruction or disposal of the record.²⁸ If the agency does not respond within that timeframe, title to the record will pass to the Division.²⁹

Effect of the Bill

The bill amends the process by which the Division must notify an agency that a record held in a records center is eligible for destruction or disposal. Specifically, the bill deletes the requirement for the Division to notify the agency via certified mail, and the provision demanding title of the record to pass to the Division in the case the agency does not respond. Instead, the bill requires the agency to respond to the Division's written notification.

The bill specifies the duties and responsibilities of an agency records management liaison officer is to serve as the primary point of contact between the agency and the Division for records management purposes and to conduct any records management functions the agency assigns.

Library Cooperative Grants Program

Libraries that are under separate governance may establish nonprofit library cooperatives for the purpose of sharing resources.³⁰ The administrative unit of a library cooperative is eligible to receive an annual grant from the state of not more than \$400,000 to be expended on library resource sharing activities such as:

- Bibliographic record enhancement;
- Statewide delivery service support;
- Union catalog support and development;
- Reciprocal borrowing;
- Cooperative cataloging;
- Cooperative reference services;
- Cooperative development;
- Digitization;
- Innovation of technologies related to resource sharing.³¹

There are currently 5 library cooperative organizations in Florida:

- Northeast Florida Library Information Network
- Panhandle Library Access Network, Inc.
- Southeast Florida Library Information Network, Inc.
- Southwest Florida Library Network, Inc.
- Tampa Bay Library Consortium

Effect of the Bill

The bill removes the annual cap of \$400,000 that a library cooperative is eligible to receive.

B. SECTION DIRECTORY:

Section 1 amends s. 257.22, F.S., relating to the allocation of funds.

Section 2 amends s. 257.35, F.S., relating to the Florida State Archives.

²⁷ Section 257.36(2)(c), F.S.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Section 257.41(1), F.S.

³¹ Section 257.42, F.S. See also R. 1B-2.011(2)(c), F.A.C.

Section 3 amends s. 257.36, F.S., relating to records and information management.

Section 4 amends s. 257.42, F.S., relating to library cooperative grants.

Section 5 amends s. 120.54, F.S., to correct a cross reference.

Section 6 amends s. 257.34, F.S., to correct a cross reference.

Section 7 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The removal of the requirement that the Division notify agencies via certified mail that an agency record held in a records center is eligible for destruction or disposal may reduce the Division's mailing expenses. Additionally, the removal of the requirement that the department maintain duplicates of state records may reduce the Division's material expenses.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill removes the current \$400,000 annual award cap for the 5 library cooperative organizations. While the cap is removed for any individual grant award to a cooperative, total funding for the cooperative grant program remains unchanged.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not confer rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to the Division of Library and
 3 Information Services; amending s. 257.22, F.S.;
 4 removing the deadline for certain information to be
 5 certified to the Chief Financial Officer; amending s.
 6 257.35, F.S.; removing duties of the division related
 7 to the oral history of Florida government; amending s.
 8 257.36, F.S.; revising duties and responsibilities of
 9 the division related to records and information
 10 management; providing that certain activities of the
 11 division only apply to stored records; revising
 12 certain requirements for records eligible for
 13 destruction; deleting provisions relating to
 14 preservation duplicates of records; providing
 15 responsibilities for a records management liaison
 16 officer; amending s. 257.42, F.S.; deleting a
 17 limitation on the amount of a certain annual grant;
 18 amending ss. 120.54 and 257.34, F.S.; conforming
 19 cross-references; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 257.22, Florida Statutes, is amended to
 24 read:
 25 257.22 Division of Library and Information Services;

26 allocation of funds.—Any moneys that may be appropriated for use
 27 by a county, a municipality, a special district, or a special
 28 tax district for the maintenance of a library or library service
 29 shall be administered and allocated by the Division of Library
 30 and Information Services in the manner prescribed by law. ~~On or~~
 31 ~~before December 1 of~~ Each year, the division shall certify to
 32 the Chief Financial Officer the amount to be paid to each
 33 county, municipality, special district, or special tax district.

34 Section 2. Paragraphs (h) and (i) of subsection (1) of
 35 section 257.35, Florida Statutes, are amended to read:

36 257.35 Florida State Archives.—

37 (1) There is created within the Division of Library and
 38 Information Services of the Department of State the Florida
 39 State Archives for the preservation of those public records, as
 40 defined in s. 119.011(12), manuscripts, and other archival
 41 material that have been determined by the division to have
 42 sufficient historical or other value to warrant their continued
 43 preservation and have been accepted by the division for deposit
 44 in its custody. It is the duty and responsibility of the
 45 division to:

46 ~~(h) Encourage and initiate efforts to preserve, collect,~~
 47 ~~process, transcribe, index, and research the oral history of~~
 48 ~~Florida government.~~

49 (h)(i) Assist and cooperate with the records and
 50 information management program in the training and information

51 program described in s. 257.36(1)(d) ~~257.36(1)(g)~~.

52 Section 3. Section 257.36, Florida Statutes, is amended to
53 read:

54 257.36 Records and information management.—

55 (1) There is created within the Division of Library and
56 Information Services of the Department of State a records and
57 information management program. It is the duty and
58 responsibility of the division to:

59 (a) Establish and administer a records management program
60 directed to the application of efficient and economical
61 management methods relating to the creation, utilization,
62 maintenance, retention, preservation, and disposal of records.

63 (b) Establish and operate a records center or centers
64 primarily for the storage, processing, servicing, and security
65 of public records that must be retained for varying periods of
66 time but need not be retained in an agency's office equipment or
67 space. The division must:

68 1. Ensure the maintenance and security of stored records.

69 2. Establish safeguards against unauthorized or unlawful
70 access, removal, or loss of stored records.

71 3. Initiate appropriate action to recover stored records
72 removed unlawfully or without authorization.

73 (c) Analyze, develop, establish, and coordinate standards,
74 procedures, and techniques of recordmaking and recordkeeping,
75 including, but not limited to, standards and guidelines for the

76 | retention, storage, security, and disposal of records.
 77 | ~~(d) Ensure the maintenance and security of records which~~
 78 | ~~are deemed appropriate for preservation.~~
 79 | ~~(e) Establish safeguards against unauthorized or unlawful~~
 80 | ~~removal or loss of records.~~
 81 | ~~(f) Initiate appropriate action to recover records removed~~
 82 | ~~unlawfully or without authorization.~~
 83 | (d)~~(g)~~ Institute and maintain a training and information
 84 | program in:
 85 | 1. All phases of records and information management to
 86 | bring approved and current practices, methods, procedures, and
 87 | devices for the efficient and economical management of records
 88 | to the attention of all agencies.
 89 | 2. The requirements relating to access to public records
 90 | under chapter 119.
 91 | ~~(e)~~(h) Make continuous surveys of recordkeeping
 92 | operations.
 93 | ~~(f)~~(i) Recommend improvements in current records
 94 | management practices, including the use of space, equipment,
 95 | supplies, and personnel in creating, maintaining, and servicing
 96 | records.
 97 | ~~(g)~~(j) Establish and maintain a program in cooperation
 98 | with each agency for the selection and preservation of records
 99 | considered essential to the operation of government and to the
 100 | protection of the rights and privileges of citizens.

101 ~~(k) Make, or have made, preservation duplicates, or~~
 102 ~~designate existing copies as preservation duplicates, to be~~
 103 ~~preserved in the place and manner of safekeeping as prescribed~~
 104 ~~by the division.~~

105 (2) (a) All records transferred to the division for storage
 106 may be held by it in a records center or centers, to be
 107 designated by it, for such time as in its judgment retention
 108 therein is deemed necessary. At such time as it is established
 109 by the division, such records as are determined by it as having
 110 historical or other value warranting continued preservation
 111 shall be transferred to the Florida State Archives.

112 (b) Title to any record stored ~~detained~~ in any records
 113 center operated by the division shall remain in the agency
 114 transferring such record to the division. When the Legislature
 115 transfers any duty or responsibility of an agency to another
 116 agency, the receiving agency shall be the custodian of public
 117 records with regard to the public records associated with that
 118 transferred duty or responsibility, and shall be responsible for
 119 the records storage service charges of the division. If an
 120 agency is dissolved and the legislation dissolving that agency
 121 does not assign an existing agency as the custodian of public
 122 records for the dissolved agency's records, then the Cabinet is
 123 the custodian of public records for the dissolved agency, unless
 124 the Cabinet otherwise designates a custodian. The Cabinet or the
 125 agency designated by the Cabinet shall be responsible for the

126 records storage service charges of the division.

127 (c) When a record held in a records center is eligible for
 128 destruction, the division shall notify, in writing, ~~by certified~~
 129 ~~mail,~~ the agency that ~~which~~ transferred the record. The agency
 130 must ~~shall have 90 days from receipt of that notice to~~ respond
 131 requesting continued retention or authorizing destruction or
 132 disposal of the record. ~~If the agency does not respond within~~
 133 ~~that time, title to the record shall pass to the division.~~

134 (3) The division may charge fees for supplies and
 135 services, including, but not limited to, shipping containers,
 136 pickup, delivery, reference, and storage. Fees shall be based
 137 upon the actual cost of the supplies and services and shall be
 138 deposited in the Records Management Trust Fund.

139 ~~(4) Any preservation duplicate of any record made pursuant~~
 140 ~~to this chapter shall have the same force and effect for all~~
 141 ~~purposes as the original record. A transcript, exemplification,~~
 142 ~~or certified copy of such preservation duplicate shall be~~
 143 ~~deemed, for all purposes, to be a transcript, exemplification,~~
 144 ~~or certified copy of the original record.~~

145 (4)~~(5)~~ For the purposes of this section, the term "agency"
 146 shall mean any state, county, district, or municipal officer,
 147 department, division, bureau, board, commission, or other
 148 separate unit of government created or established by law. It is
 149 the duty of each agency to:

150 (a) Cooperate with the division in complying with the

151 provisions of this chapter ~~and designate a records management~~
 152 ~~liaison officer.~~

153 (b) Establish and maintain an active and continuing
 154 program for the economical and efficient management of records.

155 (c) Designate a records management liaison officer to
 156 serve as the primary point of contact between the agency and the
 157 division for records management purposes and to conduct any
 158 records management functions the agency assigns.

159 (5)~~(6)~~ A public record may be destroyed or otherwise
 160 disposed of only in accordance with retention schedules
 161 established by the division. The division shall adopt reasonable
 162 rules not inconsistent with this chapter which shall be binding
 163 on all agencies relating to the destruction and disposition of
 164 records. Such rules shall provide, but not be limited to:

165 (a) Procedures for complying and submitting to the
 166 division records-retention schedules.

167 (b) Procedures for the physical destruction or other
 168 disposal of records.

169 (c) Standards for the reproduction of records for security
 170 or with a view to the disposal of the original record.

171 Section 4. Section 257.42, Florida Statutes, is amended to
 172 read:

173 257.42 Library cooperative grants.—The administrative unit
 174 of a library cooperative is eligible to receive an annual grant
 175 from the state ~~of not more than \$400,000~~ for the purpose of

176 sharing library resources based upon an annual plan of service
 177 and expenditure and an annually updated 5-year, long-range plan
 178 of cooperative library resource sharing. Those plans, which must
 179 include a component describing how the cooperative will share
 180 technology and the use of technology, must be submitted to the
 181 Division of Library and Information Services of the Department
 182 of State for evaluation and possible recommendation for funding
 183 in the division's legislative budget request. Grant funds may
 184 not be used to supplant local funds or other funds. A library
 185 cooperative must provide from local sources matching cash funds
 186 equal to 10 percent of the grant award.

187 Section 5. Subsection (8) of section 120.54, Florida
 188 Statutes, is amended to read:

189 120.54 Rulemaking.—

190 (8) RULEMAKING RECORD.—In all rulemaking proceedings the
 191 agency shall compile a rulemaking record. The record shall
 192 include, if applicable, copies of:

- 193 (a) All notices given for the proposed rule.
- 194 (b) Any statement of estimated regulatory costs for the
 195 rule.
- 196 (c) A written summary of hearings on the proposed rule.
- 197 (d) The written comments and responses to written comments
 198 as required by this section and s. 120.541.
- 199 (e) All notices and findings made under subsection (4).
- 200 (f) All materials filed by the agency with the committee

201 | under subsection (3).

202 | (g) All materials filed with the Department of State under
203 | subsection (3).

204 | (h) All written inquiries from standing committees of the
205 | Legislature concerning the rule.

206 |

207 | Each state agency shall retain the record of rulemaking as long
208 | as the rule is in effect. When a rule is no longer in effect,
209 | the record may be destroyed pursuant to the records-retention
210 | schedule developed under s. 257.36(5) ~~s. 257.36(6)~~.

211 | Section 6. Paragraph (h) of subsection (1) of section
212 | 257.34, Florida Statutes, is amended to read:

213 | 257.34 Florida International Archive and Repository.—

214 | (1) There is created within the Division of Library and
215 | Information Services of the Department of State the Florida
216 | International Archive and Repository for the preservation of
217 | those public records, as defined in s. 119.011, manuscripts,
218 | international judgments involving disputes between domestic and
219 | foreign businesses, and all other public matters that the
220 | department or the Florida Council of International Development
221 | deems relevant to international issues. It is the duty and
222 | responsibility of the division to:

223 | (h) Assist and cooperate with the records and information
224 | management program in the training and information program
225 | described in s. 257.36(1)(d) ~~s. 257.36(1)(g)~~.

HB 1455

2020

226

Section 7. This act shall take effect July 1, 2020.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1465 Hardee County Economic Development Authority, Hardee County
SPONSOR(S): Bell
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration Subcommittee	10 Y, 0 N	Rivera	Miller
2) Transportation & Tourism Appropriations Subcommittee		Cobb <i>PC</i>	Davis <i>[Signature]</i>
3) State Affairs Committee			

SUMMARY ANALYSIS

The state levies an excise tax on the severance of phosphate rock from Florida soil, a portion of which is distributed to the counties from which the phosphate is severed to be used for phosphate-related expenses. Counties designated as a rural area of opportunity receive a portion without the limitation to use it for phosphate-related expenses. Payment is made to the county or a legislatively-created local authority to promote and direct the economic development of the county.

The Hardee County Economic Development Authority (Authority) is an independent special district created in 2004 to solicit, rank, and fund projects that provide economic development opportunities or infrastructure and maximize the use of federal, local, and private resources within Hardee County. The Authority can appropriate the phosphate tax revenue received from the state but has no taxing authority. The Authority also has the power to approve time and cost sheets for the county employees it uses for Authority business, but cannot approve an annual operating budget.

The bill authorizes the Authority to approve an annual operating budget including the ability to directly appropriate funds for the Authority outside of the grant program operated by the Authority.

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Independent and Dependent Special Districts

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.¹ A special district may be created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.² A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.³ Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁴

A "dependent special district" is a special district in which the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of the governing body of a single county or municipality.⁵ The county or municipality upon which the district will be dependent must adopt its charter by local ordinance.⁶ The Legislature may create a dependent special district by special act at the request or with the consent of the local government upon which the special district will be dependent.⁷

An "independent special district" is any district that is not a dependent special district or one that includes more than one county unless the district lies wholly within a single municipality.⁸ Independent special districts are created by the Legislature unless otherwise authorized by general law.⁹ The charter of a newly created district must meet minimum statutory requirements, which includes a statement that it is an independent special district.¹⁰

The governing body of each special district must annually adopt a budget by resolution. At a minimum, the adopted budget must show the level of detail required for the annual financial report required under s. 218.32(1), F.S. The adopted budget must regulate expenditures of the special district, and an officer of a special district may not expend or contract for expenditures in any fiscal year except pursuant to

¹ Section 189.012(6), F.S. The Legislature adopted ch. 189, F.S., in 1989, to provide uniform statutes for the definition, creation, and operation of special districts. See s. 189.011(1), F.S.

² Section 189.012(6), F.S.

³ See ss. 189.02(4)-(5) and 189.031(3), F.S. Counties and municipalities have "home rule" powers allowing them to enact ordinances not inconsistent with general or special law for governmental, corporate, or proprietary purposes. Special districts do not possess home rule powers and are permitted to impose only those taxes, assessments, or fees authorized by special or general law. See art. VIII, ss. 1(f) and (g), 2(b), s. 6(e), Fla. Const. and ss. 166.021 and 125.01, F.S. See also 2018 – 2020 Local Gov't Formation Manual, p. 64, at <https://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&Committeeld=3025&Session=2020&DocumentType=General Publications&FileName=2018-2020 Local Government Formation Manual.pdf> (last visited January 23, 2020)(hereinafter Local Government Manual).

⁴ Local Government Manual, p. 64.

⁵ Section 189.012(2), F.S.

⁶ Sections 189.011(1) and 189.02(1), F.S. A county can create dependent special districts within the boundary lines of the county, subject to the approval of the governing body of the incorporated area affected. Section 189.02(2), F.S.

⁷ Section 189.02(5), F.S. Despite the statutory limitations, the Legislature is permitted under the state Constitution to create a dependent special district without the authorization of the local governing body upon which the district will depend. See art. VIII, s. 6(b), Fla. Const.

⁸ Section 189.012(3), F.S.

⁹ Section 189.031(4), F.S.

¹⁰ Section 189.031(2), (3), and (5), F.S.

the adopted budget.¹¹ The proposed budget of a dependent special district must be contained within the general budget of the local governing authority to which it is dependent and be clearly stated as the budget of the dependent district.

The governing body of each special district may amend its budget at any time within a fiscal year or within 60 days following the end of the fiscal year as permitted by statute.¹² An amended budget must be posted on the district's official website within 5 days after adoption and must remain on the website for at least 2 years.¹³

A local general-purpose government may review the budget or tax levy of any special district located solely within its boundaries.¹⁴

All special districts must comply with the statutory financial reporting requirements for local government entities.¹⁵ A special district must comply with a local general-purpose government's request for the district's financial information if the district is located solely within its boundaries and the request is to satisfy the local general-purpose government's statutory reporting requirements.¹⁶

Rural Economic Development Initiative

The Legislature created the Rural Economic Development Initiative (REDI) to encourage and facilitate the location and expansion of major economic development projects in rural communities and regions.¹⁷ A "rural area of opportunity" is a rural community,¹⁸ or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster, or that presents a unique economic development opportunity of regional impact.¹⁹ The Governor may designate up to three rural areas of opportunity as priority assignment areas for REDI by executive order, allowing the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive.²⁰

¹¹ S. 189.016(3), F.S.

¹² S. 189.016(6), F.S.

¹³ S. 189.016(7), F.S.

¹⁴ S. 189.016(8), F.S.

¹⁵ See ss. 218.32 and 218.39, F.S.

¹⁶ S. 189.016(9), F.S.

¹⁷ Section 288.0656(1)(a)-(b), F.S. REDI is within the Department of Economic Opportunity and state and regional agencies are authorized to participate. REDI is responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems that affect the fiscal, economic, and community viability of Florida's economically distressed rural communities to find ways to balance environmental and growth management issues with local needs. Section 288.0656(3), F.S.

¹⁸ Section 288.0656(2)(e), F.S. A "rural community" is:

1. A county, or a municipality within a county, with a population of 75,000 or fewer;
2. A county, or a municipality within a county, with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer; or
3. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified and verified by the department. "Economic distress" means conditions affecting the fiscal and economic viability of a rural community, including such factors as low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average, low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities. Section 288.0656(2)(c), F.S.

¹⁹ Section 288.0656(2)(d), F.S.

²⁰ Section 288.0656(7)(a), F.S. REDI may recommend up to three rural areas of opportunity to the Governor. Designation as a rural area of opportunity under this subsection shall be contingent upon the execution of a memorandum of agreement among the department; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of opportunity. Section 288.0656(7)(b), F.S.

Phosphate Rock Severance Tax

The state levies an excise tax on those severing phosphate rock from Florida soils or waters for commercial use, which tax is collected, administered, and enforced by the Department of Revenue (DOR).²¹ Each county designated as a rural area of opportunity receive payments from the revenues generated by the tax equal to 8.9 of the county's proportionate share of statewide phosphate mining.²² These payments are made to the local authority designated to promote and direct the economic development of the county, if the Legislature has established one, or alternatively to the county directly.²³

Hardee County Economic Development Authority

Hardee County has been designated a rural area of opportunity.²⁴ The Hardee Economic Development Authority (Authority) is an independent special district created by special act in 2004 to solicit, rank, and fund projects that provide economic development opportunities or infrastructure and maximize the use of federal, local, and private resources within Hardee County.²⁵

The Authority must adopt administrative rules and hold public meetings pursuant to general law, establish procedures for soliciting and awarding grants, direct the county clerk to expend funds upon proper authorization, and create a standardized application form for the award of grants by the Authority. The Authority's discretionary power includes the power to appropriate funds paid to the clerk by the state's chief financial officer in distributing the county's portion of the state's excise tax on the severance of phosphate rock, conduct business and receive funds on behalf of the Authority, approve or amend time and cost sheets submitted by county employees appointed to work for the Authority, and any other acts reasonable and necessary to implement and enforce the charter and rules adopted in accordance with the charter.

The Authority may appropriate funds paid to the clerk by the state's chief financial officer in distributing the county's portion of the state's excise tax on the severance of phosphate rock, but cannot levy taxes or impose fees within the county.²⁶ The Authority does not have the authority to create an annual budget for its operating expenses.

The Authority has a governing body composed of nine members serving staggered terms.²⁷ The Hardee County Board of County Commissioners (BOCC) serves as five members. The remaining four appointed members are the President of the Heartland Workforce Investment Board, Inc., in Hardee County, and three members appointed by the governing bodies of the three municipalities within the county (the City of Bowling Green, City of Wauchula, and Town of Zolfo Springs).²⁸

Appointed members serve four-year terms and the commissioner members serve terms that run concurrent with their commission terms.²⁹ Members are not compensated and may serve successive terms.³⁰ The chair of the BOCC serves as interim chair to call the first meeting of the Authority and the

²¹ Section 211.3103(1), F.S. The tax is in addition to any ad valorem taxes levied upon the separately assessed mineral interest in land the rock was located, or any other tax, permit, or license fee imposed by the state or counties. Section 211.3103(4), F.S.

²² Section 211.3103(6)(b), F.S. After December 31, 2022, the percentage will increase to 10 percent. Section 211.3103(6)(a), F.S.

²³ Section 211.3103(6)(a)4., F.S.

²⁴ Fla. Exec. Order No. 16-150 (June 27, 2016), at https://www.flgov.com/wp-content/uploads/orders/2016/EO_16-150.pdf (last visited January 23, 2020).

²⁵ Ch. 2004-394, Laws of Fla., as amended by chs. 2006-349 and 2010-271, Laws of Fla., and ss. 211.3103(6)(a)4. and (5), F.S.

²⁶ See Ch. 2004-394, s. 4(1), Laws of Fla.

²⁷ Ch. 2004-394, s. 3(1), Laws of Fla., as amended by ch. 2018-185, Laws of Fla.

²⁸ *Id.*

²⁹ Ch. 2004-394, s. 3(2), Laws of Fla., as amended by ch. 2018-185, Laws of Fla.

³⁰ Ch. 2004-394, s. 3(2), Laws of Fla., as amended by ch. 2006-349, Laws of Fla.

Authority may elect any sitting member to serve as chair.³¹ Each member is entitled to one vote and a majority of the members constitutes a quorum.³²

Effect of Proposed Changes

The bill authorizes the Authority to approve an annual operating budget including the ability to directly appropriate funds for the Authority outside of the grant program operated by the Authority.

B. SECTION DIRECTORY:

Section 1. Amends chapter 2004-394, Laws of Florida, as amended; authorizing the Hardee County Economic Development Authority to approve an operating budget for specified purposes under certain circumstances.

Section 2. Provides the bill shall take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 19, 2019

WHERE? *The Herald-Advocate*, Wauchula, Hardee County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

³¹ Ch. 2004-394, s. 3(3), Laws of Fla., as amended by ch. 2018-185, Laws of Fla.

³² Ch. 2004-394, s. 3(3), Laws of Fla., as amended by ch. 2006-349 and 2018-185, Laws of Fla.

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A bill to be entitled
An act relating to Hardee County Economic Development Authority, Hardee County; amending chapter 2004-394, Laws of Florida, as amended; authorizing the Hardee County Economic Development Authority to approve an operating budget for specified purposes under certain circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 4 of chapter 2004-394, Laws of Florida, as amended, is amended to read:

Section 4. Authority powers; mandatory and discretionary.-

(2) The authority may:

(a) Appropriate funds that have been paid by the state Chief Financial Officer, the first such payment to occur in calendar year 2006, to the clerk, in the distribution of the tax on severance of phosphate rock pursuant to section 211.3103, Florida Statutes, as amended from time to time, for the administrative costs, including payroll costs and other expenses as provided by this act, of the authority and for economic development and infrastructure projects in the county.

(b) Conduct the business of the authority and receive funds on its behalf, including those transferred by the state Chief Financial Officer and any others that may have been made

26 | by loan, gift, or grant.

27 | (c) Sue and be sued.

28 | (d) Approve an annual operating budget in accordance with
 29 | the Special District Accountability Program of the Department of
 30 | Economic Opportunity, including direct appropriations exclusive
 31 | of the grant process for economic development and infrastructure
 32 | needs within the geographical boundaries of the county.

33 | (e)~~(d)~~ Approve or amend and approve time and costs sheets
 34 | submitted by specified county employees for payment as well as
 35 | travel and per diem expenses submitted by a member of the
 36 | authority as further provided by this act.

37 | (f)~~(e)~~ Establish written bylaws for its internal
 38 | governance, including the signatures required for the
 39 | expenditure of funds from any of its authorized accounts.

40 | (g)~~(f)~~ Enter into contracts, interlocal agreements, and
 41 | other written documents necessary to conduct the business of the
 42 | authority.

43 | (h)~~(g)~~ Perform any other acts reasonable and necessary to
 44 | implement and enforce the provisions of this act and any rules
 45 | adopted in accordance with this act.

46 | Section 2. This act shall take effect upon becoming a law.