

*Commissioner Nick Maddox  
Chair*

## **MPOAC Year-End Legislative Summary** **2020 Florida Legislative Session**

### **Overview**

Friends, welcome back! We are pleased to share with you a newsletter summarizing the bills passed during the 2020 legislative session. In place of the usual list of all transportation related bills filed, is a list of bills that passed both chambers and were then sent to the Governor for approval. This will allow you have a one-stop summary of bills passed so you are kept aware of what has happened and what has changed in our transportation world. Many bills had not been sent to the Governor right away for his action so reporting anything to you earlier would not have been informative. At the time of publication, two bills are still pending action by the Governor. The delay in sending bills to the Governor is presumed to be because of the Coronavirus problems that have taken the Governor's attention. In fact, speaking of Coronavirus.....

The last newsletter of the legislative session talked about Coronavirus. It opened with this Coronavirus question: "Should we say anything more or just end the newsletter there? That would be the one-word summary of the last week and a word your retirement account hates right now. There is more to Florida than this though." Funny how those words seem appropriate still today. OK, I am hearing that most retirement accounts are actually doing pretty well, mine included, thankfully. And there is more to Florida, but Coronavirus seems to be that annoying house guest that we just can't get to leave. We will all remember 2020 and may describe it with words that we would not want our grandmother or children to hear come from our mouths. Hopefully 2021 will be much gentler with us.

The Governor signed a budget and the transportation side of it did well. We avoided cuts to our funding. Frankly, given how revenues were declining at the end of session, avoiding cuts is a big win. Recent reports stated that for the state fiscal year ended June 30<sup>th</sup>, revenues came in \$1.9B lower than projected. That is a huge hit to revenues and the impact to the budget is going to hurt, hurt like falling off a bike on concrete at considerable speed. Looking back to the budget for the current fiscal year, I cannot say that earmarks did well, but given the hit to revenues due to coronavirus, we should not be surprised. The hit to local budgets, especially those areas that used to enjoy a lot of tourism, well that is not a pretty thought either – I am thinking of concrete and scraped elbows again. Happily, reports that some of the housing markets are holding on is good to hear, there may be some bright spots in our economy and hopefully they will lead the way when we get back to something resembling normal.

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So you have an idea of what was included in the approved budget for transportation, here is a high level summary of the transportation budget:

- \$9.8 Billion overall, \$9.2 for the state transportation work program.
- \$2.5B for highway construction which includes 101 new lane miles.
- \$840M for resurfacing, 2,073 lane miles.
- \$125M for seaport infrastructure improvements.
- \$401M for aviation improvements, includes \$85M for spaceports.
- \$436M for bridges, replacement of 17 and repairs to 90 bridges.
- \$886M investment in rail/transit projects.
- \$236M for safety initiatives.

The 2020 regular session began on January 14<sup>th</sup>, was scheduled to end on March 13<sup>th</sup> and the final vote was taken on the 20<sup>th</sup>.

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

### Legislation signed into law

This is a summary of all transportation related bills that were signed into law by the Governor following the 2020 session of the Florida Legislature. The bills are listed in numerical order for your convenience. Each entry includes a summary of the key points of the law, the date signed by the Governor, and the effective date.

#### **HB 37: School Bus Safety**

The bill increases the minimum civil penalty for failure to stop for a school bus to \$200 and the period of time that the Department of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver license of the driver for any subsequent offenses committed within five years to not less than 180 days and not more than one year.

The bill also increases the minimum civil penalty for passing a school bus on the side that children enter and exit to \$400. For a subsequent offense within five years, the DHSMV must suspend the driver license of the driver for not less than 360 days and not more than two years.

**Date signed by Governor:** June 20, 2020  
**Effective date:** January 1, 2021

#### **HB 133: Towing and Immobilizing Vehicles and Vessels**

The bill makes the following changes to current law relating to the towing of vehicles and vessels:

- Incorporates vessels into the regulatory scheme for the towing of vehicles;
- Prohibits a county or municipality from enacting an ordinance or rule that imposes a fee or charge on authorized wrecker operators or towing businesses for performing towing services;
- Defines the term "towing business" to mean a business that provides towing services for monetary gain;
- Authorizes a county or municipality to impose an administrative fee on the registered owner or lienholder of a vehicle or vessel removed and impounded by an authorized wrecker operator or towing business, as long as the fee does not exceed 25 percent of the local jurisdiction's maximum towing rate. An authorized wrecker operator or towing

operator may impose the fee on behalf of the county or municipality, but such fee must only be remitted to the county or municipality after it has been collected;

- Provides that a wrecker operator or towing business who recovers, removes, or stores a vehicle or vessel must have a lien on the vehicle or vessel that includes the value of the administrative fee imposed by a county or municipality; and
- Requires tow-away zone notices to be placed within 10 feet from the "road" instead of within 5 feet from the "public right-of-way line."

The bill exempts Broward, Palm Beach, and Miami-Dade counties from the prohibition on imposing a fee or charge on an authorized wrecker operator or a towing business.

**Date signed by Governor:** September 18, 2020

**Effective date:** October 1, 2020

### **SB 178: Public Financing of Construction Projects**

The bill requires a public entity that commissions or manages a construction project within the coastal building zone, using funds appropriated from the state, to conduct a sea level impact projection (SLIP) study prior to commencing construction. The Department of Environmental Protection (DEP) must establish, by rule, standards for the SLIP studies. The standards must:

- Use a systematic, interdisciplinary, and scientifically accepted approach in the natural sciences and construction design in conducting the study;
- Assess the flooding, inundation, and wave action damage risks relating to the coastal structure over its expected life or 50 years, whichever is less; and
- Provide alternatives for the coastal structure's design and siting, and how such alternatives would impact the risks identified in the SLIP, as well as the risk and cost associated with maintaining, repairing, and constructing the coastal structure.

The requirement to conduct a SLIP study prior to commencing construction is effective one year after DEP's rule is finalized and only applies to projects that commence after the rule is finalized.

SLIP studies must be conducted, submitted to DEP, and published on DEP's website for 30 days before construction can commence. DEP must publish and maintain a copy of all SLIP studies on its website for 10 years after receipt. The bill requires DEP to adopt rules as necessary to administer and enforce these requirements.

The bill authorizes DEP to bring a civil action to seek injunctive relief to cease construction, enforce the rules, or seek recovery of state funds expended on a coastal structure, if construction commences without compliance to the rules. The requirements of the bill may not be construed to create a cause of action for damages or otherwise authorize the imposition of penalties by a public entity for failure to implement what is contained in a SLIP study.

- Date signed by Governor: June 29, 2020
- Effective date: July 1, 2020

### **HB 279: Local Government Public Construction Works**

The bill reforms how local governments must estimate the projected costs of a public building construction project. Local governments must use a cost estimation formula when deciding whether to use a contractor to complete the project or if it is in the local government's best interest to perform the project using its own services, employees, and equipment. The project

cost estimation formula must include employee compensation and benefits, the cost of direct materials to be used in the construction of the project (including materials purchased by the local government), other direct costs, and an additional factor of 20 percent for management, overhead, and other indirect costs. Local governments must consider the same formula when determining the estimated cost of road and bridge construction and reconstruction projects performed with proceeds from the constitutional gas tax.

A local government constructing a public building using its own services, employees, and equipment must create a report summarizing the project constructed by the local government, which must be publicly reviewed each year by the local government. The Auditor General must also examine the project reports as part of his or her audits of local governments.

The bill also requires local governments issuing bidding documents or other requests for proposals to provide a list of all other governmental entities that may have additional permits or fees generated by a project.

- Date signed by Governor: June 30, 2020
- Effective date: July 1, 2020

### **HB 717: Space Florida Financing**

Space Florida has the authority to issue revenue bonds and raise revenue through the acquisition of debt, including securing bank loans. The bill revises that authority in a variety of ways, including making several conforming changes to relevant sections of Florida statute.

The bill relieves Space Florida of the requirement to notify the presiding officers and appropriations chairs of both houses of the Legislature before presenting a bond proposal to the Governor and Cabinet and the requirement for the Governor and Cabinet to approve the bond's issuance.

The bill clarifies that Space Florida is subject to the minimum credit-worthiness requirements in Florida statute (s. 189.051, F.S.). It also authorizes Space Florida to validate its bonds pursuant to ch. 75, F.S., which provides generally for government-issued bond validation. Additionally, the bill reduces the term for which Space Florida may issue a bond to 30 years.

- Date signed by Governor: June 29, 2020
- Effective date: July 1, 2020

### **HB 915: Commercial Service Airports**

The bill requires:

- The Auditor General to conduct an operational and financial audit of each large-hub commercial service airport at least once every seven years (defined as a publicly owned airport that has at least one percent of the annual passenger boardings in the United States as reported by the Federal Aviation Administration);
- Each member of the governing body of such airports is required to comply with financial disclosure requirements (as defined in state statute or constitution);
- The governing body of each commercial service airport to establish and maintain a website to post information relating to the operation of the airport;
- Commercial service airports to comply with statutorily defined procurement requirements for purchases exceeding \$65,000.
  - Contracts must use a competitive sealed bid, proposal, or reply process (with exceptions) and must be posted (with redactions) on the airport website;

- After an opportunity for public comment, a governing body must approve, award, or ratify as a separate line item on its agenda each contract exceeding \$325,000;
- Members of a governing body and employees of a commercial service airport be subjected to Florida Code of Ethics for Public Officers and Employees related requirements.
  - Does not prohibit a county or municipal charter, ordinance, or resolution of the governing body from applying more stringent ethical standards;
  - Imposes on each member of a governing body annual ethics training requirements;
- Each commercial service airport, starting November 1, 2021, must annually submit approved budgets, federal financial reports, website links, and statutory compliance statements to the Florida Department of Transportation (FDOT).
  - The FDOT must annually review the information for accuracy and, starting January 15, 2022, submit a report summarizing commercial service airport compliance the provisions of law to the Governor, the President of the Senate, and the Speaker of the House of Representatives; and
  - The FDOT is prohibited from expending any funds allocated to the airport (unless the funds are pledged for debt service) until a commercial service airport demonstrates compliance.
- Date signed by Governor: September 4, 2020
- Effective date: October 1, 2020

### **HB 969: Broadband Internet Service**

The bill transfers the state’s broadband program from the Department of Management Services (DMS) to the Department of Economic Opportunity (DEO), creating the Florida Office of Broadband within DEOs Division of Community Development. Specifically, the Florida Office of Broadband is directed to:

- Create a strategic plan to increase the use of broadband Internet service in Florida.
  - The plan must include a process to review and verify public input on broadband Internet transmission speeds and availability;
- Build and facilitate local technology planning teams, especially with community members from the areas of education, healthcare, business, tourism, agriculture, economic development, and local government;
- Encourage public use of Internet service through broadband grant programs; and
- Monitor, participate in, and provide input on Federal Communications Commission proceedings that are related to the geographic availability and deployment of broadband Internet in Florida.

The bill also provides that the Department of Transportation may, beginning in Fiscal Year 2022-2023, use up to \$5 million annually from the funds transferred to Florida’s Turnpike Enterprise to the Multi-use Corridors of Regional Economic Significance (M-CORES) program for projects that assist in the development of broadband infrastructure within or adjacent to a multiuse corridor.

- Date signed by Governor: June 9, 2020
- Effective date: July 1, 2020

## **HB 971: Electric Bicycles**

The bill creates a definition for electric bicycles (e-bikes) within a three-tiered classification system and revises several related definitions. E-bike or e-bike operator are endowed with all the rights, privileges, and responsibilities of a bicycle or bicycle operator.

E-bikes are authorized to operate where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths. That said, the bill specifically states that nothing prevents local governments from regulating the operation of e-bikes on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction or that a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an e-bike on such facilities;

Under the law, an e-bike or an e-bike operator is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.

The bill also makes technical and conforming changes throughout related statutory provisions.

- Date signed by Governor: June 20, 2020
- Effective date: July 1, 2020

## **SB 7018: Essential State Infrastructure**

The bill contains various provisions relating to essential state infrastructure, including provisions relating to emergency staging areas, utility permit application processing for use of county or municipal rights-of-way, development of a recommended plan for electric vehicle charging stations along the State Highway System, and use of agricultural land subject to a conservation easement for construction of a public or private linear facility and right of access.

Specifically, the bill:

- Provides that a permit application by a county or municipality to use the right-of-way on any public road for a utility must be processed and acted upon within the expedited time frames of the “Advanced Wireless Infrastructure Deployment Act,” s. 337.401(7)(d)7.,8., and 9., F.S.;
- Authorizes the Florida Department of Transportation (FDOT) to plan, design, and construct staging areas for emergency response on the turnpike system. These areas are for the staging of emergency supplies, equipment, and personnel to facilitate the prompt provision of emergency assistance to the public in response to a declared state of emergency;
  - Directs the FDOT, in consultation with the Division of Emergency Management, to consider the extent to which a proposed site:
    - Is located in a geographic area that best facilitates the wide dissemination of emergency-related supplies and equipment;
    - Provides ease of access to major highways and other transportation facilities;
    - Is sufficiently large to accommodate the staging of a significant amount of emergency-related supplies and equipment;
    - Provides space in support of emergency preparedness and evacuation activities, such as fuel reserve capacity;

- Could be used during nonemergency periods for commercial motor vehicle parking and for other uses; and
    - Is consistent with other state and local emergency management considerations;
  - Authorizes the FDOT to acquire property necessary for such staging areas and requires the FDOT to give priority consideration to placement of such staging areas in counties with a population of 200,000 or less in which a multi-use corridor of regional significance is located;
  - Grants the FDOT power to authorize other uses of a staging area and requires that staging-area projects be included in the FDOT's work program;
- Requires the FDOT, in coordination with the Public Service Commission (PSC) and the Office of Energy within the Department of Agriculture and Consumer Services, and any other public or private entities as necessary or appropriate, to develop and recommend a master plan for the development of electric vehicle charging station infrastructure along the State Highway System;
  - The bill sets out a number of legislative findings and sets up a division of the workload between the FDOT and the PSC of goals and objectives of the recommended plan based on area of expertise. In this arrangement, the FDOT is responsible for the following goals and objectives:
    - Identifying the types or characteristics of possible locations for electric vehicle charging station infrastructure along the State Highway System to support a supply of electric vehicle charging stations that will accomplish the goals and objectives of this section, support both short-range and long-range electric vehicle travel, encourage the expansion of electric vehicle use in this state, and adequately serve evacuation routes in this state;
    - Identifying any barriers to the use of electric vehicles and electric vehicle charging station infrastructure both for short-range and long-range electric vehicle travel along the State Highway System;
    - Identifying an implementation strategy for expanding electric vehicle and charging station infrastructure use in this state;
    - Quantifying the loss of revenue to the State Transportation Trust Fund due to the current and projected future use of electric vehicles in this state and summarizing efforts of other states to address such revenue loss.
  - Authorizes the FDOT, the PSC, and the Office of Energy to agree to explore other issues deemed necessary or appropriate for purposes of the required report
  - Requires that the master plan be developed and submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2021. The plan must include recommendations for legislation and may include other recommendations as determined by the FDOT. The bill also requires that the FDOT file a status report containing any preliminary recommendations, including recommendations for legislation to the Governor, the President of the Senate, and the Speaker of the House by December 1, 2020.
- Date signed by Governor: June 9, 2020
- Effective date: July 1, 2020