



**JOINT MEETING  
CHAIRS COORDINATING COMMITTEE  
CENTRAL FLORIDA MPO ALLIANCE**

**AGENDA**

**Friday, June 13, 2014  
11:30 a.m. in Room 1104**

**Polk State College  
Advanced Technology Center  
310 Technology Drive  
Bartow, FL 33830**

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**JOINT MEETING OF THE  
WEST CENTRAL FLORIDA CHAIRS  
COORDINATING COMMITTEE (CCC) AND  
CENTRAL FLORIDA METROPOLITAN PLANNING  
ORGANIZATION ALLIANCE (CFMPOA)**



**Polk State College  
Advanced Technology Center  
310 Technology Drive, Bartow, FL 33830**

**June 13, 2014 at 11:30 am in Room 1104  
(Working Lunch)**

**Co-Chairs**

Councilwoman Lisa Montelione, CCC Chair and  
Council Member Stan McClain, CFMPOA Chair

**AGENDA**

**(Co-Chairman Lisa Montelione, presiding)**

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Welcome/Introductions – CCC Chair**
- IV. Introduction of Keynote Speaker**
- V. Keynote Address – Secretary Paul Steinman, FDOT District Seven**
- VI. Public Comments (Limited to 2 Minutes Per Person)**
- VII. Approval of the Meeting Minutes**

**TAB 1**

Highlights from the July 12, 2013 meeting are provided for review and approval.

## **VIII. Other Business**

**(Co-Chair CFMPOA, Stan McClain to preside over the remainder of the meeting)**

## **IX. Presentations**

### **A. Update on the Central Florida Intermodal Logistics Center (CFILC)**

Mr. Bob O'Malley, Resident VP – Florida for CSX Transportation, will give a presentation about the new intermodal terminal located in Winter Haven.

### **B. Orlando Intermodal Center**

Mr. Tom Chandler, Schenkel Shultz, will provide a project overview on the planned Intermodal Center at the Orlando International Airport.

### **C. SunRail**

Ms. Annette Brennen, FDOT District Five, will provide an overview of the SunRail (commuter rail project) including a report on its opening in May.

### **D. Update on the Florida 511 System**

Mr. Terrell Brown, Project Manager, Global-5, will provide an update on the Florida 511 System.

### **E. Legislative Update (Coast-to-Coast Connector)**

Mr. Howard Glassman, Executive Director of the Florida MPOAC, will provide a brief overview of the federal and state legislative sessions.

## **X. Information Items (Time permitting)**

**TAB 2**

A. Florida 2014 Legislative Summaries from APAFL, MPOAC, and Florida League of Cities

B. Announcement of Coast-to-Coast Connector Funding

## **XI. Adjourn**

*In accordance with the Americans with Disabilities Act (ADA), **if any person with a disability as defined by the ADA needs special accommodations** to participate in this proceeding, he or she should contact the Board of County Commissioners, Public Information Office, at 330 W. Church Street, Bartow. Telephone (863) 534-6090, not later than four days prior to the proceeding. If hearing impaired call: (TDD) (863) 534-7777 or 1-800-955-8771, or Voice impaired call: 1-800-955-8770, via Florida Relay Service.*

**TAB 1**



**HIGHLIGHTS FROM THE  
JOINT MEETING OF THE  
WEST CENTRAL CHAIRS COORDINATING COMMITTEE  
& CENTRAL FLORIDA MPO ALLIANCE  
July 12, 2013**



**I. CALL TO ORDER AND INTRODUCTIONS**

The meeting was co-chaired by Mayor Roy Tyler, City of Haines City/CCC and Mayor Pro-Tem Leigh Matusick, City of DeLand/CFMPOA Chair. The meeting was called to order at 11:40 a.m., the pledge was recited, and introductions of those at the table were made.

**II. INTRODUCTION OF KEYNOTE SPEAKER**

Co-Chair Matusick noted that Senator Andy Gardiner had been invited to attend and give the keynote address but was unavailable. She introduced Mr. Howard Glassman, Executive Director of the Florida Metropolitan Planning Organization Advisory Council (MPOAC) who would provide the keynote address for the meeting.

**III. KEYNOTE ADDRESS - Mr. Howard Glassman, MPOAC**

Mr. Glassman provided an overview of the most recent legislative session which he noted included a strong effort on transportation safety.

**IV. WORKING LUNCH**

**V. PUBLIC COMMENTS**

There were no public comments.

**VI. APPROVAL OF 2012 JOINT MEETING SUMMARY**

**MOTION:** Mayor Robert Thielhelm moved for approval of the June 8, 2012 meeting highlights. Councilman Gene Emter seconded the motion, which passed unanimously.

**VII. Other Business**

**A. Coast-to-Coast Connector**

Ms. Samantha Brown, Office of Greenways & Trails provided an overview of the Florida Greenways & Trails System Plan and how it was formulated. Following her presentation, Mr. Brian Smith, Florida Greenways and Trails Foundation Member, reviewed the existing trails and gaps along with the economic and health benefits of trails. Mr. Mighk Wilson, MetroPlan Orlando, provided information on the Coast-to-Coast Connector trail gaps and the costs associated with each gap in order to move forward with the project. Mr. TJ Fish, Lake-Sumter MPO, gave some background information on the recent CFMPOA project prioritization effort that was undertaken in hopes of leveraging additional funding for regional projects. He noted that final

ratification of the regional prioritized project lists would take place at the CFMPOA October meeting. Mr. Fish offered to assist CCC members with a project prioritization effort for their region. Following the presentations, CCC and CFMPOA Board members discussed steps being taken to move forward with the Coast-to-Coast Connector project as a mega-regional effort. A joint resolution in support of the Coast-to-Coast Connector was presented for approval.

**MOTION:** Mayor Jim Richards moved for approval of the joint resolution in support of the Coast-to-Coast Connector. Councilmember Pat Northey seconded the motion, which passed unanimously.

Mr. Dale Allen, Florida Greenways and Trails Foundation thanked CFMPOA/CCC members for their support. He announced that a Coast-to-Coast trail ride is being planned for late October. It will be a supported ride that will go from Titusville to St. Petersburg. Mr. Allen reiterated the importance of the economic benefits of trails and getting the message of these benefits to the Governor and Cabinet. Chair Matusick told committee members that when the trail ride dates are confirmed, the information will be forwarded to them.

(Co-Chairman Roy Tyler, CCC, presided over the remainder of the meeting)

## **VIII. Presentations**

### **A. Greenlight Pinellas**

Mr. Bob Lasher, Manager of Community Relations for Pinellas Suncoast Transit Authority (PSTA), provided an overview of Greenlight Pinellas, a community conversation about transportation in Pinellas County.

### **B. Update on the “All Aboard Florida” Project**

Mr. Rusty Roberts, Florida East Coast Industries, provided an update on the “All Aboard Florida” Project, a privately owned, operated and maintained intercity passenger rail service.

### **C. Update on the Florida Future Corridors Initiative**

Mr. Jim Wood, FDOT, provided an update on the Florida Future Corridors Initiative following the recently advertised public comment period.

### **D. Presentation on the Interstate Four (I-4) Ultimate Project**

Mr. Frank O’Dea, FDOT, provided an overview of the Interstate Four (I-4) Ultimate Project.

### **E. Florida MPOAC Revenue Study**

Mr. Howard Glassman, Executive Director of the Florida MPOAC, provided a brief overview of the Revenue Study conducted by the MPOAC.

**IX. Information Items**

**A. Announcement of I-4 Transit Summit**

Mr. Ray Chiarmonte, Executive Director of the Hillsborough Metropolitan Planning Organization, told committee members about efforts to connect the Tampa to Orlando region. He noted that a summit is planned for October 10<sup>th</sup> at Tampa Airport to initiate this effort. Following that initial meeting, a meeting will be planned in November or December to be held in Orlando. Participants will look at the opportunities a connectivity effort could provide to both cities. If anyone would like additional information, they can contact Mr. Chiarmonte.

**B. Floridians for Better Transportation Summit - July 24-27, 2013, Coral Gables, FL**

**X. MEMBER COMMENTS**

None.

**XI. PUBLIC COMMENTS**

There were no public comments.

**XII. ADJOURNMENT**

The meeting was adjourned at 1:40 p.m.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**TAB 2**





## SUMMARY OF MAJOR ENROLLED BILLS -2014 Legislative Session

Note: These bills have been passed by the Legislature and still need to be presented to the Governor for action.

(Source: Bill Language and Legislative Staff Analyses. Refer to each bill for actual specific wording.)

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### **HB 9ER (Representative Nunez): Relating to Legislative Session Dates**

**Effective Date: Upon Becoming Law**

- Requires the 2016 Regular Session of the Legislature to convene on January 12, 2016

### **SB 218ER (Senator Grimsley): Relating to Transportation**

**Effective Date: July 1, 2014**

- Authorizes the display of an amber light on a commercial vehicle or trailer designed for transporting unprocessed logs or pulpwood
- Provides that DOT is allowed but not required to improve or maintain an access road to a state park that is on the county or city street system; if they don't, the county or city is required to maintain it
- Authorizes DOT to use appropriated funds to support the establishment of a statewide system of interconnected multiuse trails and to pay for the cost of planning, land acquisition, design and construction of such trails
- With respect to interference caused by a utility, provides if a county or municipal utility facility was installed in the right-of-way as a means to serve a county or municipal facility on a parcel of property adjacent to the right-of-way and if the intended use of the county or municipal facility is for a use other than transportation purposes, the obligation of the county or municipality to bear the costs of the utility work shall extend only to utility work on the parcel of property on which the facility of the county or municipality originally served by the utility facility is located
- Adds an exception to the general rule that a utility owner must bear the cost of removing or relocating a utility when a municipally- or county-owned utility is located in a RACEC10 and the FDOT determines that the utility is unable, and will not be able within the next 10 years, to pay for the cost of utility work necessitated by an FDOT project on the State Highway System
- Provides that if the relocation of utility facilities is necessitated by the construction of a commuter rail service project or an intercity passenger rail service project and the cost of the project is eligible and approved for reimbursement by the Federal Government, then in that event the utility owning or operating such facilities located by permit on a department-owned rail corridor shall perform any necessary utility relocation work upon notice from the department, and the department shall pay the expense properly attributable to such utility relocation work in the same proportion as federal funds are expended on the commuter rail service project or an intercity passenger rail service project after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility
- Authorizes the monetization of existing FDOT wireless communication leases in order to increase funding for fixed capital expenditures for the statewide transportation system
- Allows a municipality within a RACEC or a RACEC community designated under s. 288.0656(7)(a), F.S., to compete for project funding using the existing criteria of the Small County Outreach Program as specified in s. 339.2818(4), F.S., at up to 100 percent of the project costs, excluding capacity projects



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- Amends the purposes of the Tampa-Hillsborough County Expressway Authority to include facilitation of managed lanes and other transit supporting facilities
- Amends the powers of the Tampa-Hillsborough County Expressway Authority to include, with the consent of the county within whose jurisdiction the activities occur, to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards and managed lanes and other transit supporting facilities outside of the jurisdictional boundaries of Hillsborough County and within the jurisdictional boundaries of counties contiguous to Hillsborough County
- Includes language to address the disposal of personal property found on a public transportation system
- Exempts signs placed on benches, transit shelters, modular news racks, street light poles, public pay telephones, and waste disposal receptacles within the right-of-way from permitting requirements under s. 337.408
- Also exempts: 1) Signs on property stating only the name of the owner, lessee, or occupant of the premises and no larger than 8 square feet in area; 2) certain signs placed by a local tourist-oriented business within an rural area of critical economic concern; 3) Signs measuring up to 32 square feet denoting only the distance or direction of a farm operation which are erected at a road junction with the State Highway System, but only during the harvest season of the farm operation for a period not to exceed 4 months; 4) acknowledgment signs erected upon publicly funded school premises which relate to a specific public school club, team, or event which are placed at least 1,000 feet from any other acknowledgment signs on the same side of the roadway; 5) certain signs erected on a sports facility that are directly related to the facility's activities or where products or services offered on the sports facility property are present
- Clarifies that tourist-oriented directional signs pursuant to s. 479.262 may not be used on roads in urban areas or at interchanges on freeways or expressways

### **HB 325ER (Representative Stone): Relating to Brownfields**

**Effective Date: July 1, 2014**

- Amends s. 376.78(8), F.S., relating to legislative intent, to provide that brownfield redevelopment when done properly can be significant element in community revitalization, especially community redevelopment areas, enterprise zones, empowerment zones, closed military bases, and designated brownfield pilot project areas
- Amends s. 376.80(1) and (2), F.S., and creates subsection (12) of s. 376.80, F.S., relating to the brownfield program administration process, to revise the process for designating brownfield areas and clarifying the criteria that must be met when a brownfield area designation is proposed by a local government or a person other than a governmental entity such as an individual, corporation, community-based organization, or not-for-profit corporation



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- Adds a new subsection (12) to provide that a local government that designates a brownfield area pursuant to the Act is not required to use the term "brownfield area" within the name of the area designated by the local government
- Amends s. 376.82(2), F.S., relating to eligibility criteria and liability protection, to provide relief from liability for property damages caused by contamination for those who execute and comply with the terms of a brownfield site rehabilitation agreement. The liability protection applies to causes of action accruing on or after July 1, 2014
- Adds language to provide the circumstances under which liability protection would not apply
- provides that liability protection does not limit the right of a third party other than the state to pursue an action for damages to persons for bodily harm

### **SB 356ER (Senator Thrasher): Relating to Regulation of Public Lodging Establishments and Public Food Establishments**

**Effective Date: July 1, 2014**

- Amends s. 509.032(7)(b) to delete the prohibition against local laws, ordinances and regulations which restrict the use of vacation rentals, but maintains language which does not allow local governments to prohibit vacation rentals. Language is also added to prohibit local regulation of the duration or frequency of rental of vacation rentals. The provisions do not apply to a local law, ordinance or regulation adopted before June 1, 2011

### **SB 374ER (Senator Detert): Relating to Growth Management**

**Effective Date: Upon Becoming Law**

- Amends s. 163.3167(8), F.S., to remove the requirement that the local initiative or referendum be related to a comprehensive plan or map amendment affecting more than five parcels of land

### **HB 781ER (Representative Powell): Relating to Legal Notices**

**Effective Date: October 1, 2014**

- Amends Section 50.0211, Internet website publications to add that legal notices must be posted on the date that the printed newspaper notice appears in a separate web page entitled, "Legal Notices," "Legal Advertisements," or comparable language
- Provides that the newspaper's web pages that contain legal notices must present the legal notices as the dominant and leading subject matter of those pages
- Provides that no fee may be charged nor may registration be required for viewing or searching legal notices on the statewide site
- Requires that a legal notice placed on the statewide website must be searchable by party or case number, be posted for 90 consecutive days, and retained for 18 months



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- Deletes language which stated that an error in the notice placed on the newspaper or statewide website shall be considered a harmless error and proper legal notice requirements shall be considered met if the notice published in the newspaper is correct

### **SB 1070 ER (Senator Simpson): Relating to Fuel Terminals**

**Effective Date: July 1, 2014**

- Creates s. 163.3206, F.S., to declare that after July 1, 2014 a local government may not amend its comprehensive plan, land use map, zoning districts, or land development regulations in a manner that would conflict with a fuel terminal's classification as a permitted and allowable use. The bill states that it is the intent of the Legislature to maintain, encourage, and ensure adequate and reliable fuel terminal infrastructure in Florida because fuel terminals are essential to the state's economy and the health, safety, welfare, and quality of life of the state's residents and visitors
- Includes a number of definitions of various types of fuel
- Defines "fuel terminal" as "a storage and distribution facility for fuel, supplied by pipeline or marine vessel, which has the capacity to receive and store a bulk transfer of fuel, is equipped with a loading rack through which fuel is physically transferred into tanker trucks or rail cars, and which is registered with the Internal Revenue Service as a terminal"
- Prohibits a local government from amending its comprehensive plan, land use map, zoning districts, or land development regulations after July 1, 2014, in a manner that would conflict with a fuel terminal's classification as a permitted and allowable use, including amendments that would make a terminal a nonconforming use, structure, or development
- Requires that local governments allow a fuel terminal damaged or destroyed by a natural disaster or other catastrophe to be repaired to its pre-existing capacity
- Specifies the authority of a local government to adopt, implement, modify, and enforce applicable federal and state requirements for fuel terminals, is not limited by the bill so long as it does not conflict with federal or state safety and security requirements for fuel terminals. This includes safety and building requirements, and local safety and building standards

### **HB 1161ER (Representative Goodson): Relating to Department of Transportation**

**Effective Date: July 1, 2014**

- Authorizes DOT to enter into agreements with investors to purchase the revenue stream from wireless communications leases
- revises provisions related to public information systems on water management district property
- Revises various definitions related to state's outdoor advertising program
- Clarifies DOT's duties relating to outdoor advertising
- Clarifies that outdoor advertising signs may only be permitted on parcels of land that are in commercial or industrial zones; and creates a process for resolving compliance issues
- Revises DOT's authority to enter private land to remove illegal signs



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- Clarifies that a license is not required of a business that solely constructs signs
- Clarifies disciplinary action for delinquent accounts, and effects of an outdoor advertising license suspension
- Clarifies that DOT may deny or revoke any permit requested or granted if the application contains false or misleading information of material consequence
- Clarifies DOT's authority to remove signs with cancelled permits in addition to those with revoked permits
- Clarifies the notification and permitting processes for signs currently in violation of permit requirements
- Clarifies the vegetation management permit process
- Removes the fine of \$75 against an owner who has been assessed the costs of removing a sign
- Provide that subject to FHWA approval and whenever public acquisition of land which as a lawful permitted (rather than nonconforming) sign occurs, the sign may, at the election of its owner and DOT, be relocated or reconstructed adjacent to the new ROW and in close proximity to the current site (rather than along the roadway within 100 feet to the current location), provided that the sign is not relocated in an area inconsistent with s. 479.024, F.S., (rather than on a parcel zoned residential) and provided further that such relocation shall be subject to the requirements (rather than applicable setback requirements) in the 1972 agreement between the state and the USDOT
- Provides the face of a nonconforming sign may not be increased in size or height or structurally modified at the point of relocation as specified
- Provides a neighboring sign that is already permitted and that is within the spacing requirements of ch. 479.07(9)(a), F.S., is not cause to become nonconforming
- Expands exemptions for sign permits to include: 1) Signs on property stating only the name of the owner, lessee, or occupant of the premises and no larger than 8 square feet in area; 2) signs placed on modular news racks, street light poles and public pay phones within the right-of-way; 3) certain signs placed by a local tourist-oriented business within an rural area of critical economic concern; 3) Signs measuring up to 32 square feet denoting only the distance or direction of a farm operation which are erected at a road junction with the State Highway System, but only during the harvest season of the farm operation for a period not to exceed 4 months; 4) acknowledgment signs erected upon publicly funded school premises which relate to a specific public school club, team, or event which are placed at least 1,000 feet from any other acknowledgment signs on the same side of the roadway; 5) certain signs erected on a sports facility that are directly related to the facility's activities or where products or services offered on the sports facility property are present
- Clarifies the process for allowing sign heights to be increased when constructing sound walls
- Allows the logo sign program on all limited access roads
- States that tourist-oriented directional signs may not be used on roads in urban areas or at interchanges on freeways or expressways
- Provides for a pilot program for the School District of Palm Beach County to recognize business sponsorships
- Repeals a 2012 provision allowing DOT to request permission from the Federal Government for a tourist-oriented sign program.



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- Provides authority and process for DOT to enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship displays on multiuse trails and related facilities and use any concession agreement revenues for the maintenance of the multiuse trails and related facilities. Commercial sponsorship displays are subject to the requirements of the Highway Beautification Act of 1965, and all federal laws and agreements, when applicable

### **HB7023ER (Senator Hutson): Relating to Economic Development**

**Effective Date: July 1, 2014**

- Corrects a cross-reference relating to land development regulations in s.163.3202
- Allows eligible businesses to receive a sales tax refund on electricity purchased in rural areas; tax refunds for all eligible businesses may not exceed \$600,000 per calendar year
- Requires the Office of Economic and Demographic Research (EDR) and the Office of Program Policy Analysis and Government Accountability (OPPAGA) to include the New Markets Development Program in the Economic Development Programs Evaluation required under ch. 288, F.S.
- Adds definitions for loan administrator and loan program in s.288.005
- Creates s.288.006 which establishes requirements for the general operation of loan programs to increase accountability and improve performance of all loan programs administered by DEO under chapter 288, F.S, and authorizes the department to adopt rules to carry out this section
- Amends language dealing with appointment of directors to Triumph Gulf Coast, Inc. in s. 288.8014
- Increases the administrative costs of the Florida Defense Support Task Force from \$200,000 to \$250,000
- Directs DEO to distribute Small Cities CDBG Program grants and loan guarantees through a competitive selection process established by rule and revises provisions in the program to provide greater flexibility in addressing the diverse community and economic development needs of Florida's rural communities
- Requires Space Florida to consult with the Florida Tourism Marketing Corporation in developing a space tourism marketing plan and authorizes Space Florida to develop a Center of Excellence for Aerospace
- Creates s. 331.371 which authorizes FDOT to fund strategic spaceport launch support facilities investment projects which meet certain criteria
- Amends s. 443.091 to require the availability of an on-line assessment of an individual's skills , abilities and career aptitude
- Amends Florida's Short-Time Compensation program to bring the state into conformity with new federal requirements
- Renames "rural areas of critical economic concern" as "rural areas of opportunity" throughout Florida Statutes
- Amends s.380.0651(4)(c) to state that aggregation under the DRI process is not applicable to any development that qualifies for an exemption under s.380.06(29)
- With certain exceptions, provides an additional two year extension for any building permit, and any permit issued by the Department of Environmental Protection or by a water management



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district pursuant to part IV of chapter 373, Florida Statutes, which has an expiration date from January 1, 2014, through January 1, 2016, for a period of 2 years after its previously scheduled date of expiration. This extension includes any local government-issued development order or building permit including certificates of 2039 levels of service. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. This extension is in addition to any 2042 existing permit extension. Extensions granted pursuant to this section; s. 14 of chapter 2009-96, Laws of Florida, as 2044 reauthorized by s. 47 of chapter 2010-147, Laws of Florida; s. 2045 46 of chapter 2010-147, Laws of Florida; s. 73 or s. 79 of 2046 chapter 2011-139, Laws of Florida; or s. 24 of chapter 2012-205, 2047 Laws of Florida, may not exceed 4 years in total. Further, specific development order extensions granted pursuant to s.380.06 (19)(c)2, Florida Statutes, may not be further extended by this section. The commencement and completion dates for any required mitigation associated with a phased construction project are also extended so that mitigation takes place in the same timeframe relative to the phase as originally permitted.

- Requires the holder of a valid permit or other authorization that is eligible for the 2-year extension to notify the authorizing agency in writing by December 31, 2014, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization
- Creates s. 288.993 which establishes the Florida Microfinance Act, intended to assist small businesses and entrepreneurs through a loan program
- Creates s.288.9934 which establishes the Microfinance Loan Program to make short-term, fixed-rate microloans to entrepreneurs and newly established or growing small business
- Creates s.288.9935 which establishes the Microfinance Guarantee Program to provide targeted guarantees to loans made to entrepreneurs and small businesses
- Creates s. 288.9936 and s.288.9937 which sets out the process for the annual report of the Microfinance Loan Program and an evaluation process for the programs
- Authorizes DEO to adopt emergency rules to implement the Florida Microfinance Act
- Appropriates \$10 million in non-recurring funds from General Revenue to implement this program during the 2014-2015 FY



# **Florida Metropolitan Planning Organization Advisory Council**



## **2014 Summary of State Legislation**

**May 27, 2014**



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## 2014 Summary of State Transportation Legislation

### **An Act Relating to the Department of Transportation (HB 7175)**

#### **Section 2 (s. 20.23, F.S.)**

- **Provides for the Florida Transportation Commission (FTC) to monitor certain aspects of the Mid-Bay Bridge Authority and repeals provisions for the Florida Statewide Passenger Rail Commission.**
  - “The commission shall ... Monitor the efficiency, productivity, and management of the authorities created under chapters 348 and 349, including any authority formed using part I of chapter 328; the Mid-Bay Bridge Authority re-created pursuant to chapter 2000-411, Laws of Florida; and any authority formed under chapter 343. The commission shall also conduct periodic reviews of each authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.”

#### **Section 5 (s. 332.075, F.S.)**

- **Authorizes the Florida Department of Transportation to fund strategic airport investments and provides criteria for such funding.**
  - “The department may fund strategic airport investment projects at up to 100 percent of the project's cost if:
    - a) Important access and on-airport capacity improvements are provided;
    - b) Capital improvements that strategically position the state to maximize opportunities in international trade, logistics, and the aviation industry are provided;
    - c) Goals of an integrated intermodal transportation system for the state are achieved; and
    - d) Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.

#### **Section 6 (s. 334.044, F.S.)**

- **Prohibits the Department of Transportation from entering into a lease-purchase agreement with an expressway authority, a regional transportation authority or other entity, but provides that certain lease-purchase agreements are not invalidated by this change in statute. Provides an exception from a requirement in law to purchase all plant materials from Florida commercial nursery stock.**
  - “Notwithstanding any other provision of law, the department may not enter into a lease-purchase agreement with an expressway authority, regional transportation

authority, or other entity. This paragraph does not invalidate a lease-purchase agreement authorized under chapter 348 or chapter 2000-411, Laws of Florida, existing as of July 1, 2013, and does not limit the department's authority under s. 334.30.”

- “To the greatest extent practical, at least 50 percent of the funds allocated under this subsection shall be allocated for large plant materials and the remaining funds for other plant materials. Except as prohibited by applicable federal law or regulation, all plant materials shall be purchased from Florida commercial nursery stock in this state on a uniform competitive bid basis.”

#### **Section 7 (s. 335.06, F.S.)**

*Note: legislative language to the same effect is contained in Section 4 of SB 218, also passed by the 2014 Florida Legislature*

- **Provides for improvement and maintenance of certain roads that provide access to the state park system.**
  - “Any road that provides access to property within the state park system shall be maintained by the department if the road is a part of the State Highway System and may be improved and maintained by the department if the road is part of a county road system or city street system. If the department does not maintain a county or city road that provides access to the state park system, the road shall be maintained by the appropriate county or municipality.”

#### **Section 8 (s. 335.065, F.S.)**

- **Authorizes the Department of Transportation to enter into concession agreements on multiuse trails and related facilities for commercial sponsorship displays and provides for the use of agreement revenues. Also provides that all such agreements are subject to applicable federal laws.**
  - “The department, in cooperation with the Department of Environmental Protection, shall establish a statewide integrated system of bicycle and pedestrian ways in such a manner as to take full advantage of any such ways which are maintained by any governmental entity. The department may enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship displays on multiuse trails and related facilities and use any concession agreement revenues for the maintenance of the multiuse trails and related facilities. Commercial sponsorship displays are subject to the requirements of the Highway Beautification Act of 1965 and all federal laws and agreements, when applicable.”

## Section 12 (s. 337.25, F.S.)

- **Authorizes the Department of Transportation to contract for auction services for the conveyance of property. Revises provisions for the disposition of property by Florida Department of Transportation.**

- “The department may contract pursuant to s. 287.055 for auction services used in the conveyance of real or personal property or the conveyance of leasehold interests under subsections (4) and (5). The contract may allow for the contractor to retain a portion of the proceeds as compensation for the contractor's services.”
- “The department may convey, in the name of the state, any land, building, or other property, real or personal, which was acquired under subsection (1) and which the department has determined is not needed for the construction, operation, and maintenance of a transportation facility”.
- “When such a determination has been made, property may be disposed of through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest, with due advertisement for property valued by the department at greater than \$10,000. A sale may not occur at a price less than the department's current estimate of value, except as provided in paragraphs (a)-(d). The department may afford a right of first refusal to the local government or other political subdivision in the jurisdiction in which the parcel is situated, except in a conveyance transacted under paragraph (a), paragraph (c), or paragraph (e).”
  - a) “If the property has been donated to the state for transportation purposes and a transportation facility has not been constructed for at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives.”
  - b) “If the property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.”
  - c) “If the property was originally acquired specifically to provide replacement housing for persons displaced by transportation projects, the department may negotiate for the sale of such property as replacement housing. As compensation, the state shall receive at least its investment in such property or the department's current estimate of value, whichever is lower. It is expressly intended that this benefit be extended only to persons actually displaced by the project. Dispositions to any other person must be for at least the department's current estimate of value.”
  - d) “If the department determines that the property requires significant costs to be incurred or that continued ownership of the property exposes the department to significant liability risks, the department may use the projected maintenance costs over the next 10 years to offset the property's

value in establishing a value for disposal of the property, even if that value is zero”

- e) “If, at the discretion of the department, a sale to a person other than an abutting property owner would be inequitable, the property may be sold to the abutting owner for the department's current estimate of value.”
- “The department may convey a leasehold interest for commercial or other purposes, in the name of the state, to any land, building, or other property, real or personal, which was acquired under subsection (1). However, a lease may not be entered into at a price less than the department's current estimate of value. The department's estimate of value shall be prepared in accordance with department procedures, guidelines, and rules for valuation of real property, the cost of which shall be paid by the party seeking the lease of the property.”
  - a) “A lease may be accomplished through negotiations, sealed competitive bids, auction, or any other means the department deems to be in its best interest.”
  - b) “If, at the discretion of the department, a lease to a person other than an abutting property owner or tenant with a leasehold interest in the abutting property would be inequitable, the property may be leased to the abutting owner or tenant for at least the department's current estimate of value.”
  - c) “A lease signed pursuant to paragraph (a) may not be for more than 5 years; however, the department may renegotiate or extend such a lease for an additional 5 years as the department deems appropriate.”
  - d) “Each lease shall provide that, unless otherwise directed by the lessor, any improvements made to the property during the lease shall be removed at the lessee's expense.”
  - e) “If property is to be used for a public purpose, the property may be leased without consideration to a governmental entity. A lease for a public purpose is exempt from the term limits in paragraph (c).”

#### **Section 14 (s. 338.161, F.S.)**

- **Revises provisions authorizing the Florida Department of Transportation to use its electronic toll collection and video billing systems to collect certain charges for an owner of a transportation facility.**
  - “If the department finds that it can increase nontoll revenues or add convenience or other value for its customers, and if a public or private transportation facility owner agrees that its facility will become interoperable with the department's electronic toll collection and video billing systems, the department may enter into an agreement with the owner of such facility under which the department uses its electronic toll collection and video billing systems to collect and enforce for the owner tolls, fares, administrative fees, and other applicable charges due in connection with use of the owner's facility...”

## Section 16 (Creates s. 339.041, F.S.)

*Note: legislative language to the same effect is contained in Section 4 of SB 218, also passed by the 2014 Florida Legislature*

- **Provides legislative intent to increase funding for capital expenditures for the transportation system from revenues generated through leases for wireless communication facilities on Florida Department of Transportation property. Authorizes the Florida Department of Transportation to enter into agreements with investors to purchase the revenue streams from department leases of wireless communication facilities on such property pursuant to an invitation to negotiate. Prohibits the Florida Department of Transportation from pledging state credit, the general revenues or the taxing power of the state to support such agreements. Allows the Florida Department of Transportation to make certain covenants related to such agreements. Provides for the appropriation and payment of moneys received from such agreements to investors and requires the proceeds from such leases to be used for certain fixed capital expenditures.**
  - “The Legislature finds that efforts to increase funding for capital expenditures for the transportation system are necessary for the protection of the public safety and general welfare and for the preservation of transportation facilities in this state. It is, therefore, the intent of the Legislature to:
    - a) Create a mechanism for factoring future revenues received by the department from leases for wireless communication facilities on department property on a nonrecourse basis;
    - b) Fund fixed capital expenditures for the statewide transportation system from proceeds generated through this mechanism; and
    - c) Maximize revenues from factoring by ensuring that such revenues are exempt from income taxation under federal law in order to increase funds available for capital expenditures.”
  - “The department may solicit investors willing to enter into agreements to purchase the revenue stream from one or more existing department leases for wireless communication facilities on property owned or controlled by the department through the issuance of an invitation to negotiate. Such agreements shall be structured as tax-exempt financings for federal income tax purposes in order to result in the largest possible payout.”
  - “The department may not pledge the credit, the general revenues, or the taxing power of the state or of any political subdivision of the state. The obligations of the department and investors under the agreement do not constitute a general obligation of the state or a pledge of the full faith and credit or taxing power of the state. The agreement is payable from and secured solely by payments received from department leases for wireless communication facilities on property owned or controlled by the department, and the state or any state agency does not have any liability beyond such payments.”

- “The department may make any covenant or representation necessary or desirable in connection with the agreement, including a commitment by the department to take whatever actions are necessary on behalf of investors to enforce the department's rights to payments on property leased for wireless communications facilities. However, the department may not guarantee that revenues actually received in a future year will be those anticipated in its leases for wireless communication facilities. The department may agree to use its best efforts to ensure that anticipated future-year revenues are protected. Any risk that actual revenues received from department leases for wireless communications facilities will be lower than anticipated shall be borne exclusively by investors.”
- “Subject to annual appropriation, the investors shall collect the lease payments on a schedule and in a manner established in the agreements entered into pursuant to this section between the department and the investors. The agreements may provide for lease payments to be made directly to investors by lessees if the lease agreements entered into by the department and the lessees pursuant to s. 365.172(12)(f) allow direct payment.”
- “Proceeds received by the department from leases for wireless communication facilities shall be deposited in the State Transportation Trust Fund created under s. 206.46 and used for fixed capital expenditures for the statewide transportation system.”

#### **Section 17 (s. 339.175, F.S.)**

- **Revises membership and governance requirements of Metropolitan Planning Organizations including increasing the maximum voting membership to 25, clarifying the proportional representation of County Commissioners on an MPO, permitting voting representation by a group of general-purpose local governments through an entity created by and MPO for that purpose, and permitting voting membership for modal authorities or other transportation agencies not under the jurisdiction of a general-purpose local government represented on the MPO. Also, revises the powers and duties of the Metropolitan Planning Organization Advisory Council to establish bylaws by action of its governing board or by rule pursuant to ss. 120.536(1) and 120.54.**
  - “The voting membership of an M.P.O. shall consist of at least 5 but not more than 25 apportioned members, with the exact number determined on an equitable geographic-population ratio basis, based on an agreement among the affected units of general-purpose local government and the Governor, as required by federal regulations. In accordance with 23 U.S.C. s. 134, the Governor may also allow M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area which do not have members on the M.P.O. With the exception of instances in which all of the county commissioners in a single-county M.P.O. are members of the M.P.O. governing board, county commissioners shall compose at least one-third of the M.P.O. governing board membership. A multicounty M.P.O. may satisfy this requirement by any combination of county commissioners from each



of the counties constituting the M.P.O. Voting members shall be elected officials of general-purpose local governments, one of whom may represent a group of general-purpose local governments through an entity created by an M.P.O. for that purpose...”

- “In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are or will be performing transportation functions that are not under the jurisdiction of a general-purpose local government represented on the M.P.O., such authorities or other agencies may be provided voting membership on the M.P.O. In all other M.P.O.’s in which transportation authorities or agencies are to be represented by elected officials from general-purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.”
- “Each M.P.O. shall review the composition of its membership in conjunction with the decennial census, as prepared by the United States Department of Commerce, Bureau of the Census, and with the agreement of the Governor and the affected general-purpose local government units that constitute the existing M.P.O., reapportion the membership as necessary to comply with subsection (3)...”
- “The powers and duties of the Metropolitan Planning Organization Advisory Council are to ... Establish bylaws by action of its governing board providing procedural rules to guide its proceedings and consideration of matters before the council, or, alternatively, adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.”

#### **Section 47 (no statute number specified)**

- **Directs the Florida Transportation Commission to study the potential for state revenue from parking meters and other parking time-limit devices and authorizes the Commission to retain experts for this purpose while requiring the Florida Department of Transportation to pay for the experts. Requires certain information from municipalities and counties be provided for the purposes of the study and for certain information to be considered in the study. Requires that the Florida Transportation Commission produce a written report outlining the findings of the study. Provides for the removal of parking meters and parking time-limit devices if a municipality or county does not provide information requested as part of the study and stipulates that municipalities and counties shall be required to pay the cost of such removal. Provides for a moratorium on new parking meters or other parking time-limit devices on the state right-of-way pending the completion of the study.**
  - “The Florida Transportation Commission shall conduct a study of the potential for the state to obtain revenue from any parking meters or other parking time-limit devices that regulate designated parking spaces located within or along the right-of-way limits of a state road. The commission may retain such experts as are reasonably necessary to complete the study, and the department shall pay the

expenses of such experts. On or before August 31, 2014, each municipality and county that receives revenue from any parking meters or other parking time-limit devices that regulate designated parking spaces located within or along the right-of-way limits of a state road shall provide the commission a written inventory of the location of each such meter or device and the total revenue collected from such locations during the last 3 fiscal years. Each municipality and county shall at the same time inform the commission of any pledge or commitment by the municipality or county of such revenues to the payment of debt service on any bonds or other debt issued by the municipality or county. The commission shall consider the information provided by the municipalities and counties, together with such other matters as it deems appropriate, and shall develop policy recommendations regarding the manner and extent that revenues generated by regulating parking within the right-of-way limits of a state road may be allocated between the department and municipalities and counties. The commission shall develop specific recommendations concerning the allocation of revenues generated by meters or devices regulating such parking that were installed before July 1, 2014, and the allocation of revenues that may be generated by meters or devices installed thereafter. The commission shall complete the study and provide a written report of its findings and conclusions to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of each of the appropriations committees of the Legislature by October 31, 2014.”

- “If, by August 31, 2014, a municipality or county does not provide the information requested by the commission, the department is authorized to remove the parking meters or parking time-limit devices that regulate designated parking spaces located within or along the right-of-way limits of a state road, and all costs incurred in connection with the removal shall be assessed against and collected from the municipality or county.”
- “The Legislature finds that preservation of the status quo pending the commission's study and the Legislature's review of the commission's report is appropriate and desirable. From July 1, 2014, through July 1, 2015, no county or municipality shall install any parking meters or other parking time-limit devices that regulate designated parking spaces located within or along the right-of-way limits of a state road. This subsection does not prohibit the replacement of meters or similar devices installed before July 1, 2014, with new devices that regulate the same designated parking spaces.”

## **An Act Relating to Transportation (HB 7005)**

### **Section 2 (s. 311.101, F.S.)**

- **Revises the amount of funds to be made available annually from the State Transportation Trust Fund for the Intermodal Logistics Center Infrastructure Support Program.**
  - “Beginning in fiscal year 2014-2015, at least \$5 million per year shall be made available from the State Transportation Trust Fund for the program. The Department of Transportation shall include projects proposed to be funded under this section in the tentative work program ...”

### **Section 4 (creates s. 316.0778, F.S.)**

- **Defines the term "automated license plate recognition system" and requires the Department of State to consult with the Department of Law Enforcement in establishing a retention schedule for records generated by the use of an automated license plate recognition system.**
  - “As used in this section, the term "automated license plate recognition system" means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data.”
  - In consultation with the Department of Law Enforcement, the Department of State shall establish a retention schedule for records containing images and data generated through the use of an automated license plate recognition system. The retention schedule must establish a maximum period that the records may be retained.”

### **Section 5 (s. 316.081, F.S.)**

- **Revises a provision that prohibits a driver from operating a motor vehicle slower than a specified speed in the furthestmost left-hand lane of certain roads, streets, or highways.**
  - “On a road, street, or highway having two or more lanes allowing movement in the same direction, a driver may not continue to operate a motor vehicle ~~at any speed which is more than 10 miles per hour slower than the posted speed limit~~ in the furthestmost left-hand lane if the driver knows or reasonably should know that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This subsection does not apply to drivers operating a vehicle that is overtaking another vehicle proceeding in the same direction, or is preparing for a left turn at an intersection.”

## **Section 6 (creates s. 316.0817, F.S.)**

- **Prohibits a bus from stopping to load or unload passengers in a manner that impedes, blocks, or otherwise restricts the progression of traffic if there is another reasonable means for the bus to stop parallel to the travel lane and safely load and unload passengers. Provides an exception for school buses.**
  - “Notwithstanding any other law, a bus may not stop to load or unload passengers in a manner that impedes, blocks, or otherwise restricts the progression of traffic on the main-traveled portion of a roadway if there is another reasonable means for the bus to stop parallel to the travel lane and safely load and unload passengers. As used in this section, the term "reasonable means" means sufficient unobstructed pavement or a designated turn lane that is sufficient in length to allow the safe loading and unloading of passengers parallel to the travel lane.”
  - “This section does not apply to a school bus.”

## **Section 7 (s. 316.126, F.S.)**

- **Requires a driver to change lanes when approaching a sanitation or utility service vehicle performing a service-related task on the roadside.**
  - “If an authorized emergency vehicle displaying any visual signals is parked on the roadside, a sanitation vehicle is performing a task related to the provision of sanitation services on the roadside, a utility service vehicle is performing a task related to the provision of utility services on the roadside, or a wrecker displaying amber rotating or flashing lights is performing a recovery or loading on the roadside, the driver of every other vehicle, as soon as it is safe ... Shall vacate the lane closest to the emergency vehicle, sanitation vehicle, utility service vehicle, or wrecker when driving on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle, sanitation vehicle, utility service vehicle, or wrecker, except when otherwise directed by a law enforcement officer. If such movement cannot be safely accomplished, the driver shall reduce speed ...”
  - “This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.”

## **Section 15 (s. 316.86, F.S.)**

- **Revises provisions relating to the operation of vehicles equipped with autonomous technology on state roads for testing purposes and authorizes certain research organizations to operate such vehicles.**
  - “Vehicles equipped with autonomous technology may be operated on roads in this state by employees, contractors, or other persons designated by manufacturers of autonomous technology, or by research organizations associated with accredited

educational institutions, for the purpose of testing the technology. For testing purposes, a human operator shall be present in the autonomous vehicle such that he or she has the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course. Before the start of testing in this state, the entity performing the testing must submit to the department an instrument of insurance, surety bond, or proof of self-insurance acceptable to the department in the amount of \$5 million.”

#### **Section 25 (s. 320.525, F.S.)**

- **Providing that certain public roads may be designated as port district roads and requires the Department of Transportation to designate such roads with appropriate signage.**
  - “Port vehicles and equipment shall be exempt from the provisions of this chapter which require the registration of motor vehicles, the payment of license taxes, and the display of license plates when operated or used within the port facility of any deepwater port of this state ..., for the purpose of transporting cargo, containers, or other equipment ... On public roads connecting port facilities of a single deepwater port ... which are designated as port district roads for the purpose of transporting cargo, containers, and other equipment. The Department of Transportation shall designate port district roads with appropriate signage.”

#### **Section 47 (no statute number specified)**

- **Directs the Office of Program Policy Analysis and Government Accountability to conduct and submit to the Governor and the Legislature a study on the effectiveness of ignition interlock device use.**
  - “By January 1, 2015, the Office of Program Policy Analysis and Government Accountability shall conduct and submit a study on the effectiveness of ignition interlock device use as an alternative to driver license suspension. The study shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives and shall address the following:
    - 1) The effect ignition interlock device use as an alternative to a driver license suspension will have on the DUI recidivism rate while the driver is using the ignition interlock device.
    - 2) The cost of ignition interlock device use compared to the cost associated with a subsequent violation, or suspected violation, of s. 316.193, Florida Statutes, including, but not limited to, a violation involving property damage, bodily injury, and death.
    - 3) In addition to existing penalties, a provision that provides for credit on a day-for-day basis for ignition interlock device use, as an alternative to a driver license suspension, toward any mandatory ignition interlock device use ordered by the court.

- 4) The effectiveness of mandatory ignition interlock device use for all violations of s. 316.193, Florida Statutes.”

**Section 49 (no statute number specified)**

- **Requires a county or municipality to respond to a request by a county or municipality to which it provides, by agreement, traffic signal or traffic control device services regarding the evaluation, installation, operation, or maintenance of such traffic signals or other traffic control devices within a specified timeframe.**
  - “To ensure the safe and efficient operation of this state's roadways, a county or municipality must respond to a request by a county or municipality to which it provides, by agreement, traffic signal or traffic control device services within 60 days after receiving such a request regarding the evaluation, installation, operation, or maintenance of such traffic signals or other traffic control devices.”

**An Act Relating to Bicycle and Pedestrian Ways (SB 2514)**

**Section 1 (s. 335.065, F.S.)**

*Note: legislative language to the same effect is contained in Section 4 of SB 218, also passed by the 2014 Florida Legislature*

- **Authorizes the Florida Department of Transportation to use appropriated funds for the establishment of a statewide system of interconnected multiuse trails. Prioritizes projects for funding and requires funded projects to be included in the Florida Department of Transportation’s Adopted Work Program. Provides that the project must be operated and maintained by an entity other than the Florida Department of Transportation and that the Florida Department of Transportation is not responsible for or obligated to provide funds for the operation and maintenance of any such project once completed.**
  - “The department may use appropriated funds to support the establishment of a statewide system of interconnected multiuse trails and to pay the cost of planning, land acquisition, design, and construction of such trails and related facilities. The department shall give funding priority to projects that:
    - a) Are identified by the Florida Greenways and Trails Council as a priority within the Florida Greenways and Trails System ...
    - b) Support the transportation needs of bicyclists and pedestrians.
    - c) Have national, statewide, or regional importance.
    - d) Facilitate an interconnected system of trails by completing gaps between existing trails.”
  - “A project funded ... shall:
    - a) Be included in the department’s work program ...

- b) Be operated and maintained by an entity other than the department upon completion of construction. The department is not obligated to provide funds for the operation and maintenance of the project.”

### **An Act Relating to Rental Car Surcharges (HB 343)**

#### **Section 1 (s. 212.0606, F.S.)**

- **Provides an alternative surcharge for use of a motor vehicle pursuant to an agreement with a car-sharing service for less than a specified number of consecutive hours. Defines the term "car-sharing service" and provides for applicability.**
  - “A member of a car-sharing service who uses a motor vehicle ... for less than 24 hours pursuant to an agreement with the car-sharing service shall pay a surcharge of \$1 per usage. A member of a car-sharing service who uses the same motor vehicle for 24 hours or more shall pay a surcharge of \$2 per day or any part of a day ... For purposes of this subsection, the term "car-sharing service" means a membership-based organization or business, or division thereof, which requires the payment of an application or membership fee and provides member access to motor vehicles:
    - a) Only at locations that are not staffed by car-sharing service personnel employed solely for the purpose of interacting with car-sharing service members;
    - b) Twenty-four hours per day, 7 days per week;
    - c) Only through automated means, including, but not limited to, smartphone applications or electronic membership cards;
    - d) On an hourly basis or for a shorter increment of time;
    - e) Without a separate fee for refueling the motor vehicle;
    - f) Without a separate fee for minimum financial responsibility liability insurance; and
    - g) Owned or controlled by the car-sharing service or its affiliates.”
  - “The surcharge imposed under this subsection does not apply to the lease, rental, or use of a motor vehicle from a location owned, operated, or leased by or for the benefit of an airport or airport authority.”



## **ON TAP @ THE CAP**

**Volume 12**

**May 2, 2014**

Below is a brief synopsis of some of the key legislation that was considered during the 2014 session.

# **MAJOR BILLS THAT PASSED**

## **ENERGY, ENVIRONMENT and NATURAL RESOURCES**

### **Department of Agriculture and Consumer Services – Office of Energy**

**CS/HB 7147** (House Energy and Utilities Subcommittee/Diaz, J.) is the Department of Agriculture and Consumer Services (DACS) proposed energy bill for the 2014 legislative session. The bill authorizes the DACS to appoint a representative to the Southern States Energy Board and clarifies that the DACS must promote all forms of renewable energy, not only solar. In addition, the bill authorizes the DACS to post information on alternative fueling stations and electric vehicle charging stations on its website. The bill also gives local governments, with populations over 100,000, the ability to access \$193 million dollars in federal grants for renewable energy projects through the Qualified Energy Conservation Bond (QECB) program. Access to the QECB program was a League priority during 2012 and 2013.

**CS/HB 7147** <http://www.flsenate.gov/Session/Bill/2014/7147>

### **Fish and Wildlife Conservation Commission**

**CS/CS/HB 955** (Goodson) extends the date by which the Fish and Wildlife Conservation Commission is required to submit a report to the governor and Legislature regarding the pilot mooring program in which five cities are currently participating. The date of the report is extended from January 1, 2014, to January 1, 2017. The extension was requested by the agency in an effort to collect more data. The bills also extend the date of expiration of the pilot program from July 1, 2014, to July 1, 2017.

**CS/CS/HB 955** <http://www.flsenate.gov/Session/Bill/2014/0955>

### **Minimum Flows and Levels for Water Bodies**

**HB 7171** exempts rules that the Department of Environmental Protection set establishing minimum flows and levels for the Sante Fe and Ichetucknee Rivers from the statutory legislative ratification requirement.

**HB 7171** <http://www.flsenate.gov/Session/Bill/2014/7171>

## **FINANCE, TAXATION and PERSONNEL**

### **Motor Vehicle License Fees**

Both the Senate and House agreed to reduce the motor vehicle license fees that were increased by the legislature in 2009. The vehicle registration tax cuts passed in mid-March of this year equal approximately \$395 million. This measure was signed into law by the Governor and can be found in the Laws of Florida, Chapter No. 2014-6. This approved tax cut has no fiscal impact on local governments.

**SB 156** <http://www.flsenate.gov/Session/Bill/2014/0156>

### **Tax Incentives and Economic Development**

**HB 5601** (House Finance and Tax Subcommittee) is the comprehensive tax package for this year. The bill includes language clarifying the authority to adjust the local business tax as well as authorizing a state wide sales tax holidays for school supplies, hurricane preparedness supplies, youth bike helmets, medicinal pet food, certain



energy efficient products, and college meal plans. The bill also includes a Public Education Capital Outlay (PECO) tax swap which reduces the sales tax rate and increases the gross receipts tax rate on commercial electricity. The bill also addresses community contribution tax credits. The League was successful in getting language into the bill that holds local governments harmless from this PECO energy tax swap. HB 5601 has a \$105 million fiscal impact to the state and will cost local governments \$13.5 million in nonrecurring and \$16.5 million in recurring revenue. Not included in the tax package is a reduction in the communications services tax or financial incentives for television and film industry projects.

**HB 5601**      <https://www.flsenate.gov/Session/Bill/2014/5601>

### **Emergency Communication—E911 Fee**

The Legislature passed **CS/CS/HB 175** (Steube) unanimously. This League supported legislation allows for the collection of the E911 fee on prepaid phones. The E911 fee helps to fund costs incurred by local governments to install and operate 911 emergency systems. The bill reduces the fee from \$.50 to \$.40 per month but allows the E911 board to amend the rate in the future.

**CS/HB 175**      <https://www.flsenate.gov/Session/Bill/2014/0175>

### **Flood Insurance**

In response to the slow response of Congress to take action on improving the Biggert Waters Act 2012, the Florida Legislature passed **CS/CS/CS/SB 542** (Brandes). The bill allows insurance companies to fast-track their rate reviews from the Office of Insurance Regulation for five years, requires flood policies to be at least as broad as National Flood Insurance Program policies and expands the definition of “flood” to allow claims for damage from soil erosion resulting from a flood. The bill requires policies to offer coverage for additional living expenses and personal property. The League supported this legislation.

**CS/CS/CS/SB 542**      <http://www.flsenate.gov/Session/Bill/2014/0542>

## **GROWTH MANAGEMENT and ECONOMIC DEVELOPMENT**

### **Affordable Housing**

The documentary stamp tax paid on all real estate transaction funds the local housing trust fund which is the funding source for the State Housing Initiative Partnership (SHIP) program and the State Apartment Incentive Loan (SAIL) program. The legislature approved \$100 million for SHIP and \$67.7 million for SAIL for FY 2014-2015. This is fully funding the SAIL program and 75% funding for the SHIP program. This is an excellent outcome considering that the Housing Trust fund had been swept to general revenue for the past four legislative sessions.

### **Small City Community Development Block Grants**

**HB 7023 (Economic Development and Tourism Subcommittee)** is a comprehensive bill amending the Small City Community Development Program (CDBG) to maintain current funding categories with adequate safeguards to ensure grants primarily benefit low and moderate-income families. This section of the bill was drafted in cooperation with the Department of Economic Opportunity and is a League priority. Other provisions of the legislation rebrand what are currently known as “rural areas of critical economic concern” (RACEC) as “rural areas of opportunity.” The bills also revise the administration of all loan programs administered under the Department of Economic Opportunity (DEO) to increase accountability. The loan programs would include the Rural Community Development Revolving Loan Program, Economic Gardening Business Loan Pilot Program and the Black Businesses Loan Program.

In addition, the substance of **CS/SB 1480** (Benacquisto), creating the Florida Microfinance Act, was added to the bill in the waning hours of the session. This language, a League priority, will provide entrepreneurs and small businesses in Florida access to business loans. The bill creates two programs: a loan program and a guarantee program. Under the loan program, the Department of Economic Opportunity (DEO) will competitively award funds to up to three eligible loan administrators who will in-turn provide a 1:1 match to make short-term, microloans of up to \$50,000 to entrepreneurs and small businesses. Under the guarantee program, Enterprise Florida, Inc., (EFI) will utilize state funds to guarantee loans made by private lenders to entrepreneurs and small businesses in Florida. **Unfortunately, HB 7023 also extends the expiration of permits issued by the**

**Department of Environmental Protection, water management districts, local building permits and local government development orders for 2 years.** The permit extension granted by this bill is in addition to any existing permit extension granted by similar legislation in 2010, 2011, 2012, and 2013 but may not exceed 4 years in total. The holder of a valid permit or other authorization that is eligible for the 2-year extension must notify the authorizing agency in writing by December 31, 2014, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

**HB 7023**      <http://www.flsenate.gov/Session/Bill/2014/7023>

### **Regulations Regarding Fuel Terminals**

The legislature passed **CS/CS/SB 1070** (Simpson) relating to the regulation of fuel terminals. As passed by the legislature, CS/CS/SB 1070 prospectively preempts local governments from changing the zoning of land on fuel terminals are located. The bill requires cities to allow the prompt repair of a fuel terminal should damage occur from a natural disaster. The legislation provides that cities may continue to enforce local safety regulations, such as fire suppression requirements or height restrictions.

**SB 1070**      <http://flsenate.gov/Session/Bill/2014/1070>

### **Special Districts**

The House and Senate passed **CS/CS/SB 1632** (Stargel) increasing the accountability and transparency of special districts by authorizing the governor to suspend members of the governing body of special districts. The bill prohibits an inactive special district from collecting taxes, fees or assessments. The bill also requires all special districts to create and maintain a website. Dependent special districts may use the website of the local government that created them.

**SB 1632**      <http://flsenate.gov/Session/Bill/2014/1632>

### **Comprehensive Plan Initiatives**

**SB 374** (Detert) clarifies that certain cities such as Yankeetown and Long Boat Key that had specific initiative and referendum language for comprehensive plan amendments in their charter before June 1, 2011 may remain in place but do not apply to all cities.

**SB 374**      <http://flsenate.gov/Session/Bill/2014/0374>

### **Banking Regulation**

**SB 1012** (Richter) addresses the regulation of financial institutions that are overseen by the Office of Financial Regulation. SB 1012 clarifies that local government litigation against a bank cannot be based on a local ordinance that regulates banking activities or regulates the manner or terms of an individual financial transition that is authorized by state or federal law.

**SB 1012**      <https://www.flsenate.gov/Session/Bill/2014/1012>

### **Military Base Encroachment**

The Legislature passed **CS/CS/HB 7015** (House Veteran and Military Affairs Subcommittee), a comprehensive bill relating to various aspects of military and veterans affairs. Of specific interest to municipalities, the legislation allocates approximately \$7.5 million to purchase non-conservation lands around MacDill Air Force Base, Naval Support Activity Panama City and Naval Station Mayport for the purpose of creating buffers to protect against encroachment. Governor Scott has signed CS/CS/HB 7015 into law.

**HB 7015**      <https://www.flsenate.gov/Session/Bill/2014/7015>

### **ETHICS**

**CS/CS/CS/SB 846** requires elected municipal officers to obtain 4 hours of ethics and sunshine law training annually beginning January 1, 2015. The bill allows local officials to abstain from voting if there is a conflict under locally adopted ethics standards and in specified quasi-judicial proceedings. The bill does NOT contain any provision restricting the ability of elected municipal officers to lobby the legislature or state agencies.

**CS/CS/CS/SB 846**      <http://www.flsenate.gov/Session/Bill/2014/0846>

## **URBAN ADMINISTRATION**

### **Vacation Rentals**

The legislature passed **SB 356** (Thrasher) relating to the regulation of vacation rentals. SB 356 authorizes local governments to regulate vacation rentals with the following exceptions: local governments cannot specifically prohibit vacation rentals and local governments cannot adopt ordinances regulating the duration that a vacation rental can be rented. Under the bill, municipalities are authorized to adopt ordinances for vacation rentals to address parking, noise and other issues often associated with these properties.

**SB 356** <http://www.flsenate.gov/Session/Bill/2014/0356>

### **Homelessness**

The legislature passed **CS/CS/HB 979** (Peters) which allocated \$4 million for homelessness issues. The bill originally created a dedicated funding source for homelessness issues, but was amended during the committee process to only allocate money for FY 2014-2015. This money will be used by the Department of Children and Families for “Challenge Grants” to provide support, training and technical assistance to designated continuums of care.

**CS/CS/HB 979** <http://www.flsenate.gov/Session/Bill/2014/0979>

### **Nicotine Dispensing Devices**

**CS/CS/SB 224** (Benacquisto) amends the current tobacco law to define “nicotine dispensing devices” to include electronic cigarettes (e-cigarettes), electronic cigars and other devices that could be used to deliver nicotine to an individual by inhaling vaporized nicotine. The sale or distribution of nicotine dispensing devices to minors under the age of 18 is a violation punishable as a second degree misdemeanor. The bill makes it a noncriminal violation for people under 18 years of age to possess, purchase or misrepresent their age or military service to obtain nicotine dispensing devices in certain circumstances. The House companion, **CS/CS/CS/HB 169** (Artiles) included an amendment that preempted local ordinances relating to tobacco products and activities, as well as any local ordinances relating to nicotine dispensing devices. However, this preemption language was removed from CS/CS/CS/HB 169 after a lengthy floor debate on the problems associated with the preemption of local government.

**CS/CS/SB 224** <http://www.flsenate.gov/Session/Bill/2014/0224>

### **Synthetic Drugs**

**CS/HB 697**(Ingram) adds six new substances to the Schedule I list of banned substances. The bill is a response to overseas chemists altering the chemical makeup of substances sold as synthetic drugs to circumvent Florida’s list of banned substances.

**CS/HB 697** <http://www.flsenate.gov/Session/Bill/2014/0697>

## **TRANSPORTATION and INTERGOVERNMENTAL RELATIONS**

### **Parking Meters/Outdoor**

**HB 7175** (House Economic Affairs Committee) requires municipalities to provide to the Florida Transportation Commission (FTC) by August 31, 2014, an inventory of all parking meters located on state rights-of-way that were installed prior to July 1, 2014. The bill also prohibits cities from installing any new parking meters on state rights-of-way from July 1, 2014, to June 30, 2015. The FTC is directed to perform a study on parking meters to determine the amount of revenue generated from the meters and develop recommendations for future revenue-sharing options between cities and the state. The legislation also retained language relating to outdoor advertising that prohibits local governments from regulating public information systems (billboards) on water management district property.

**HB 7175:** <http://flsenate.gov/Session/Bill/2014/7175/BillText/Filed/PDF>

### **Utility Relocation**

**CS/CS/CS/SB 218** (Grimsley) permits the Florida Department of Transportation (FDOT) to pay the cost of relocating municipally owned utilities under limited circumstances. CS/CS/CS/SB 218 includes League-supported

language that allows municipalities in certain rural areas to compete for funding under the FDOT Small County Outreach Program. The budget includes \$9 million to be used exclusively for municipal transportation projects within newly designated “rural areas of opportunity.”

**CS/CS/CS/SB 218:** <http://www.flsenate.gov/Session/Bill/2014/0218>

#### **Municipal Governing Body Meetings**

**CS/CS/SB 730** (Galvano) authorizes the governing body of a municipality to hold joint meetings with the governing body of the county in which the municipality is located.

**CS/CS/SB 730:** <http://flsenate.gov/Session/Bill/2014/0730/BillText/er/PDF>

#### **Transportation – Department of Highway Safety and Motor Vehicles**

**CS/CS/HB 7005** (Transportation & Highway Safety Subcommittee / Artiles) is a comprehensive transportation bill that includes provisions authorizing local governments to establish regulations requiring gas stations to provide certain kinds of fueling assistance to motor vehicle operators with disabilities. The bill also requires a bus may not stop to load or unload passengers in a manner that impedes, blocks, or otherwise restricts the progression of traffic on the main traveled portion of a roadway if there is another reasonable means for the bus to stop parallel to the travel lane and safely load and unload passengers; this provision does not apply to school buses.

**CS/CS/HB 7005:** <http://flsenate.gov/Session/Bill/2014/7005>

#### **Department of Transportation – Outdoor Advertising**

**CS/CS/HB 1161** (Goodson) is the Florida Department of Transportation’s (FDOT) comprehensive outdoor advertising bill. Of interest to municipalities, CS/CS/HB 1161 retains existing language relating to outdoor advertising that prohibits local governments from regulating public information systems (billboards) on water management district property.

**CS/CS/HB 1161:** <http://flsenate.gov/Session/Bill/2014/1161/BillText/e1/PDF>

## **MAJOR BILLS THAT FAILED**

### **PENSION REFORM**

#### **Municipal Police and Fire Pensions**

**CS/SB 246** passed the Senate but was not voted on in the House of Representatives. **HB 7181**, which combined the police and fire pension provisions with proposed changes to the Florida Retirement System, passed the House of Representatives but was not voted on in the Senate. The League supported the bills because they contained the agreed upon language with the representatives of the police and fire unions relating to municipal pensions.

### **ENERGY, ENVIRONMENT and NATURAL RESOURCES**

#### **Environmental Regulation**

**CS/HB 703** (Patronis) and **CS/SB 1464** (Simpson) would have prevented local governments from adopting mandatory or optional elements of a comprehensive plan from super-majority approval. HB 703 was amended to allow for 30-year consumptive use permits where landowners participate in a dispersed surface water storage program with the Department of Environmental Protection or the water management districts. CS/HB 703 and CS/SB 1464 died in committee.

#### **Florida Municipal Power Agency**

**HB 861** (Mayfield) and **SB 1294** (Altman) would have amended the definition of public utility to include a municipality or an agency thereof that purchases or receives all or a portion of its power from an entity created under the Florida Interlocal Cooperation Act of 1969. This bill would have effectively dismantled the Florida Municipal Power Agency, of which there are 29 municipal members. HB 861 and SB 1294 died in committee.

### **Fair Associations**

**CS/SB 624** (Simpson) and **HB 1259** (Rodrigues) would have prohibited a governmental entity from imposing an impact or mobility fee on a fair association. In addition, the bills would have prevented a local government from collecting a stormwater fee for the construction, operation, use or maintenance of the storm water facility on land owned by a fair association. SB 624 and HB 1259 died in committee.

### **Springs**

**HB 1313** (Broder) and **CS/CS/CS/SB 1576** (Dean), would have declared springs a vital and unique part of the state's scenic beauty, thus deserving of the highest level of protection afforded under the Florida Constitution. The bills required the Department of Environmental Protection (DEP) to identify by July 1, 2015, springshed protection zones and delineate certain activities that would have been prohibited in the future within these zones. Local governments would have been required to create septic tank remediation plans that would have identified failing septic tanks. Through the remediation plan, the local government would have been required it upgrade or connect to central sewer those identified failing septic tanks at no cost to the property owner. CS/CS/SB 1576 was amended in committee to remove the designated revenue source that could be used by local governments to connect failing septic tanks in outstanding Florida springshed zones to central sewer. The documentary stamp tax revenue source was replaced by a one-time appropriation of up to \$30 million for 2014-2015. The regulatory obligations found in the bill will require potentially hundreds of millions of dollars of investment by local governments within first magnitude spring sheds. HB 1313 died in committee. CS/CS/CS/SB 1576 died in Senate messages.

### **Water and Wastewater Utilities**

**HB 813** (Mayfield) and **SB 1248** (Latvala) would have dealt with municipalities and wastewater utilities. The bills were not identical, but both would have allowed counties to take over a municipal franchise of a water and wastewater utility once the municipal franchise agreement, resolution or ordinance had expired. The county would have had to compensate the municipality for the fair market value of the facilities transferred to serve the unincorporated areas of the county. If the franchise agreement, resolution or ordinance contained no expiration date, the county may have had to provide services subject to meeting the following requirements:

- A majority of the ratepayers in the unincorporated area of the county served by the municipality, either by vote in a referendum or written response to a mail survey, have agreed to be served by the county; and
- The county compensates the municipality for the fair market value of such facilities owned by the municipality that are transferred to the county to serve the unincorporated area of the county.

The bills would have prevented municipalities from extending service to the unincorporated areas of a county without express consent from the county board of commissioners. HB 813 and SB 1248 died in committee.

## **GROWTH MANAGEMENT and ECONOMIC DEVELOPMENT**

### **Television and Film Tax Credits**

The House and Senate failed to agree on a plan to increase film incentives. **SB 7128** (Senate Commerce and Tourism Committee) would have increased tax credits available to film projects filmed in Florida. Florida's film incentive program has become a victim of its own success, allocating all available tax credits that were slated to last until 2016. SB 7128 was the second film incentive bill filed by the Senate Commerce and Tourism Committee. SB 7128 differs from the previous committee bill, SB 1640, by requiring the county in which the production is filmed to match 10 percent of the state tax credit. Underutilized counties, as defined in the bill, would be responsible for a 5 percent match of the tax credit. SB 7128 would have increased credits by \$300 million through the 2019-2020 fiscal year.

### **Developments of Regional Impact**

**HB 241** (Gaetz, M.) and **CS/SB 372** (Galvano) would have exempted developments of regional impact from state review in certain situations. This exemption is currently extended to counties with a population of at least 900,000 and at least 1,000 people per square mile of land area, otherwise known as "dense urban land areas." The legislation would have extended the exemption to counties with a population of at least 300,000 or densities of

400 people per square mile. Twenty cities would have fallen within the new exemption along with seven additional counties: Brevard, Lee, Manatee, Pasco, Escambia, Sarasota and Volusia. The bills died in committee.

### **Enterprise Zones**

**HB 141** (Powell) and **SB 472** (Abruzzo) would have extended the sunset date of the Florida Enterprise Zone Act to 2025. Enterprise Zones are an economic development tool used by local governments to incentivize private investment in economically distressed areas. There are currently 65 zones in Florida. 28 of the zones are located within municipal boundaries. The Enterprise Zone program will sunset from statute in 2015 without legislative action. The bills died in committee.

### **Neighborhood Improvement Districts**

**CS/HB 351** (Nelson) and **CS/SB 510** (Ring) would have provided Neighborhood Improvement Districts (NID) the authority to bond. NIDs are dependent special districts created by city ordinance used to develop safe neighborhoods and promote the health, safety and welfare of the property owners. The bill authorized NIDs with the ability to bond, paving the way for large scale improvements that might not have otherwise been financed. CS/SB 510 passed the Senate and died in messages.

### **Growth Management and Development Exactions**

**HB 1077** (Perry) and **SB 1310** (Evers) would have prohibited local governments from imposing or requiring certain exactions on or against private property when collecting impact fees or requiring transportation concurrency to pay for transportation improvements. The legislation would have eliminated the dual rational nexus test used by courts to determine what fees a local government could impose and would have replaced it with a stricter “essential nexus” standard. The bills prohibited any exaction that does not address the direct impact of a proposed development. The bills died in committee.

### **Growth Management and Private Property Rights**

**HB 395** (Perry) and **SB 1314** (Evers) would have required local governments to address the protection of private property rights in their comprehensive plans. The legislation would have preempted local governments from adopting land regulations inconsistent with certain property rights elements created in the bills. The bills died in committee.

### **Small Business Corporate Tax Credit**

**SB 80** (Soto) and **HB 165** (Cruz) would have established a corporate tax credit for corporations contracting with small businesses. Small businesses were defined as 25 or fewer full-time employees. In order for the corporation to qualify for the corporate tax credit it would have paid at least \$100,000 to the small business for goods or services within 1 year of entering the contract. The bills died in committee.

### **Community Development Districts**

**SB 1518** (Bradley) and **CS/CS/HB 1129** (Caldwell) would have established a process to allow certain water control districts (WCD) to convert to community development districts (CDD). The bills required the WCD to conduct a referendum authorizing the conversion to a CDD. If the referendum was successful, the WCD would codify the conversion by filing a local bill approved by the Legislature. In addition, the bills required the Department of Economic Opportunity to collect and maintain the charter of each special district in the state. SB 1518 died in committee and CS/CS/HB 1129 was not considered on the House floor.

### **Public-Private Partnerships Public Records Exemption**

**CS/SB 1318** (Evers) and **CS/HB 1051** (Roberson) would have provided for a public records exemption for unsolicited public-private partnership proposals to local governments. The exemption would protect items such as financing, designs and contract terms and/or conditions that could give competitors a business advantage. CS/SB 1318 passed the Senate and died in messages.

## **TRANSPORTATION and INTERGOVERNMENTAL RELATIONS**

### **Red Light Cameras**

**No legislation passed that preempted cities from using, installing or regulating existing red-light camera programs.**

### **Municipal Police and Fire Pensions**

**CS/SB 246** passed the Senate but was not voted on in the House of Representatives. **HB 7181**, which combined the police and fire pension provisions with proposed changes to the Florida Retirement System, passed the House of Representatives but was not voted on in the Senate. The League supported the bills because they contained the agreed upon language with the representatives of the police and fire unions relating to municipal pensions.

### **Public Records**

**SB 1648** and **CS/HB 1151** did not pass the legislature. The bills would have made various changes to the public records laws, including requiring training of employees, restricting cost recovery for records searches, and broadening attorney fees.

## **FINANCE, TAXATION and PERSONNEL**

### **Communication Services Tax**

**SB 266** (Hukill) would have reduced the state CST and satellite rate. The League was opposed to this bill. This bill died in committee.

### **Sales Tax on Commercial Leases**

**HB 11**(Steube) and **SB 176** (Hukill) would have reduced the sales tax charged on leased commercial property. The League was opposed to these bills which were not heard in any committee.

## **URBAN ADMINISTRATION**

### **Sober Homes**

**CS/CS/HB 479** (Hager) would have created a voluntary certification program for sober homes. The bill if passed, would have required the Department of Children and Families (DCF) select a credentialing entity to issue certificates of compliance and establish the criteria for selecting the entity. The bill also required a credentialing entity to inspect sober homes prior to the initial certification and during every subsequent renewal period. Certification would be automatically terminated if it is not renewed within one year of the issuance date. Finally, **CS/CS/HB 479** required all sober home staff to pass a Level II background screening and allowed for the credentialing agency to deny or suspend certification if a recovery residence fails to meet and maintain certain criteria. The bill was amended in committee to exempt sober homes owned by licensed treatment facilities. **CS/CS/HB 479** was not considered by the Senate and the bill died in Senate messages. The Senate companion, **CS/SB 582** (Clemens) would have required sober home transitional living facilities to register with the DCF and would have required certain officials associated with the sober home facilities to undergo a background check. **CS/SB 582** died in the Senate Appropriations Committee. We greatly appreciate the hard work of the bill sponsors, Senator Clemens and Representative Hager and look forward to working with them next year on this important issue.



## CHAPTER 2014-50

### Senate Bill No. 2514

An act relating to bicycle and pedestrian ways; amending s. 335.065, F.S.; authorizing the Department of Transportation to use appropriated funds for the establishment of a statewide system of interconnected multiuse trails; prioritizing projects for funding; requiring funded projects to be included in the department's work program; providing that the department is not responsible for or obligated to provide funds for the operation and maintenance of any such project; providing an effective date.

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

Section 1. Subsections (4) and (5) are added to section 335.065, Florida Statutes, to read:

335.065 Bicycle and pedestrian ways along state roads and transportation facilities.—

(4) The department may use appropriated funds to support the establishment of a statewide system of interconnected multiuse trails and to pay the cost of planning, land acquisition, design, and construction of such trails and related facilities. The department shall give funding priority to projects that:

(a) Are identified by the Florida Greenways and Trails Council as a priority within the Florida Greenways and Trails System under chapter 260.

(b) Support the transportation needs of bicyclists and pedestrians.

(c) Have national, statewide, or regional importance.

(d) Facilitate an interconnected system of trails by completing gaps between existing trails.

(5) A project funded under subsection (4) shall:

(a) Be included in the department's work program developed in accordance with s. 339.135.

(b) Be operated and maintained by an entity other than the department upon completion of construction. The department is not obligated to provide funds for the operation and maintenance of the project.

Section 2. This act shall take effect July 1, 2014.

Approved by the Governor June 2, 2014.

Filed in Office Secretary of State June 2, 2014.