

## Committee on Infrastructure and Security

### **CS/HB 37 — School Bus Safety**

by State Affairs Committee and Rep. Zika and others (CS/SB 290 by Judiciary Committee and Senators Hooper and Berman)

The bill increases the minimum civil penalty for failure to stop for a school bus from \$100 to \$200. For a subsequent offense within five years, the Department of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver license of the driver for not less than 180 days and not more than one year, instead of the current suspension of 90 days to six months.

The bill also increases the minimum civil penalty for passing a school bus on the side that children enter and exit, from \$200 to \$400. For a subsequent offense within five years, the DHSMV must suspend the driver license of the driver for not less than 360 days and not more than two years, instead of the current suspension of 180 days to one year.

If approved by the Governor, these provisions take effect January 1, 2021.

*Vote: Senate 39-0; House 118-0*

## Committee on Infrastructure and Security

### **CS/CS/SB 70 — Alert Systems in Public Schools**

by Appropriations Committee; Infrastructure and Security Committee; and Senators Book, Berman, Stewart, and Torres

The bill creates “Alyssa’s Law” and modifies school safety statute to require each public school, including charter schools, beginning with the 2021-2022 school year, to implement a mobile panic alert system, known as “Alyssa’s Alert.” The system must be capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies.

A public school district may implement additional strategies or systems to any implemented mobile panic alert system to ensure real-time coordination between multiple first responder agencies in a school security emergency.

For the 2020-2021 fiscal year and subject to legislative appropriation, the Department of Education, in consultation with the Marjory Stoneman Douglas High School Public Safety Commission, the Florida Department of Law Enforcement, and the Division of Emergency Management is required to develop a competitive solicitation to contract for a mobile panic alert system that may be used by each school district.

If approved by the Governor, these provisions take effect July 1, 2020.

*Vote: Senate 40-0; House 119-0*

## Committee on Infrastructure and Security

### **CS/CS/SB 78 — Transportation-related Facility Designations**

by Appropriations Committee; Infrastructure and Security Committee; and Senators Broxson, Wright, Powell, Stewart, Bracy, Cruz, Book, Mayfield, Diaz, and Taddeo

The bill creates the following transportation-related facility designations:

- The Pensacola Bay Bridge between 17<sup>th</sup> Avenue in Escambia County and Baybridge Drive in Santa Rosa County as the “General Daniel ‘Chappie’ James, Jr., Bridge.”
- The portion of Bloxham Cutoff Road/S.R. 267 between U.S. 98 in Wakulla County and S.R. 20 in Leon County as the “J.D. Turner Highway.”
- Bridge Numbers 880050, 880051, 880052, and 880053 on S.R. 510 between Wabasso and Wabasso Beach in Indian River County as the “A.B. Michael Bridges.”
- The portion of W. Kennedy Boulevard between Lois Avenue and Dale Mabry Highway in Hillsborough County as the “Master Police Officer Lois Marrero Memorial Highway.”
- The portion of E. Laurel Street between N. Orange Avenue and N. Morgan Street in Hillsborough County as the “Officer James Ronco Memorial Highway.”
- Bridge number 930361 on S.R. A1A/Jack Nicklaus Driver in Palm Beach County as the “Gold Star Family Memorial Bridge, dedicated to Army Captain Joseph M. Berkson.”
- The portion of S.R. 408/Spessard L. Holland East-West Expressway between S. Crystal Lake Drive and S. Semoran Boulevard in Orange County as the “Sergeant Tracy Vickers Memorial Expressway.”
- The portion of S.R. 438 between Winters Landing Drive and Clarke Road in Orange County as the “Julius ‘July’ Perry Memorial Highway.”
- The portion of I-95 between the Florida state line in Nassau County and S.W. 32nd Road in Miami-Dade County as the “Purple Heart Memorial Highway.”
- The portion of U.S. 98 between C.R. 386 and Pine Street in Gulf County as the “Willis V. Rowan Memorial Highway.”
- The portion of U.S. 98 between Pine Street and C.R. 382/Industrial Road in Gulf County as the “John C. Gainous Memorial Highway.”
- The portion of I-10 between U.S. 29/S.R. 95 and S.R. 291 in Escambia County as the “Deputy Donald Ray Cook Memorial Highway.”
- The portion of I-95 between mile markers 105 and 110 in Martin County as the “Trooper Joseph Bullock Memorial Highway.”
- The portion of S.R. 281 between U.S. 90 and U.S. 98 in Santa Rosa County as the “Bart D. and John R. Broxson Parkway.”
- The portion of U.S. 90/Beaver Street between Chaffee Road and U.S. 301 in Duval County as the “John B. Coxwell Memorial Highway.”
- The portion of U.S. 41/S.W. 8th Street between S.W. 82nd Avenue and S.R. 973/87th Avenue in Miami-Dade County as the “Manuel H. ‘Manny’ Piedra Memorial Highway.”
- The portion of U.S. 441 between Deep Creek Bridge and C.R. 6 in Columbia County as the “Austin D. Gay Memorial Highway.”
- The portion of I-10 between the Suwannee County line and mile marker 275 in Suwannee County as the “Wesley L. Silas Memorial Highway.”

- The portion of U.S. 19 between Luther Wilson Road and the Econfina River Bridge in Taylor County as the “Joshua S. Montaad Memorial Highway.”
- The portion of the S.R. 90/S.W. 8th Street between S.W. 12th Avenue and S.W. 14th Avenue in Miami-Dade County as the “Rosa Maria Plasencia Way.”
- The portion of U.S. 129/S.R. 49 (31030000) between the Levy County line and the Suwannee County line in Gilchrist County as the “Slaughter, Read, Ramirez, Lindsey Memorial Highway.”
- The portion of the S.R. 223 (S.R. 200/U.S. 301 Truck Route) overpass bridge at S.R. 100 in Bradford County as the “Archibald Johns Thomas Bridge.”
- The portion of S.R. 285 between S.R. 20 and College Boulevard in Okaloosa County as “Mayor Randall Wise Memorial Highway.”
- The roundabout at S.R. 64 and Pope Road/Greyhawk Boulevard in Manatee County as “Chase Coyner and Matthew Powers Memorial Roundabout.”
- Bridge numbers 150213 and 150214 on I-275/U.S. 19/S.R. 93 in Pinellas County as “Phoebe Jonchuck Memorial Bridge.”
- The portion of South Dixie Highway/U.S. 1/S.R. 5 between the Monroe County line and S.R. 9A/I-95 Northbound in Miami-Dade County as the “Harriet Tubman Highway/U.S. 1/S.R. 5.”
- The portion of W. Dixie Highway/S.R. 909 between N.E. 163rd Street in Miami-Dade County as the “Harriet Tubman Highway/State Road 909.”
- The portion of C.R. 435/Apopka Vineland Road between S.R. 91/Florida’s Turnpike and S.R. 535 in Orange County as the “Robert L. ‘Bob’ Billingslea Highway.”
- The portion of S.R. 514 between I-95 and Babcock Street S.E. in Brevard County as the “Deputy Chief Lynne Nungesser Memorial Highway.”

The bill directs the Florida Department of Transportation (FDOT) to erect suitable markers.

For the Harriet Tubman designations, the bill requires the FDOT to examine the feasibility and impact to rename the roads and report its findings to the Legislature by October 1, 2020.

The bill designates the Florida Highway Patrol station located at 2929 N. 25th Street in Fort Pierce as the “Trooper Joseph Bullock Building” and directs the Department of Highway Safety and Motor Vehicles to erect suitable markers.

The bill amends a 2019 designation for the “Robert L. ‘Bob’ Billingslea Highway” to correct the description of the prior designation, and also amends a 2014 designation for “Brigadier General” Bud Day, to reflect a posthumous promotion from the rank of Colonel.

If approved by the Governor, these provisions take effect July 1, 2020.

*Vote: Senate 39-0; House 116-0*

## Committee on Infrastructure and Security

### **CS/CS/HB 343 — Recreational Vehicle Industries**

by Commerce Committee; Business and Professions Subcommittee; and Rep. Fetterhoff (CS/CS/SB 422 by Innovation, Industry, and Technology Committee; Infrastructure and Security Committee; and Senator Perry)

The bill makes a number of statutory changes related to recreational vehicle (RV) regulatory provisions.

Specifically, the bill:

- Specifies that the Department of Health (DOH) is the exclusive regulatory and permitting authority for sanitary and permitting standards and operational matters for RV parks, mobile home parks, lodging parks, and recreational camps;
- Requires when a mobile home park, lodging park, RV park or recreational camp is sold or its ownership transferred, the transferee must apply for a permit to DOH within 60 days after the date of transfer;
- Creates a rebuttable presumption that a RV park guest is a transient guest, when they occupy a RV in a RV park for less than six months;
- Allows a RV park to be rebuilt after a natural disaster using the original density standards and supersedes local regulation regarding lot size and density, or separation or setback distance;
- Provides that any property that is left by a RV park guest, which remains unclaimed after 90 days, who has vacated the premises without notice to the operator and who has an outstanding account is considered abandoned property, and disposition will be governed by the Disposition of Personal Property Landlord and Tenant Act;
- Allows an operator of a RV park to refuse to provide accommodations, service, or access to the premises to any transient guest or visitor for numerous reasons;
- Provides that a transient guest or visitor who refuses to leave an RV park at the operators request commits the offense of trespass and the operator may call law enforcement to have them and their property removed;
- Modifies the duties of a law enforcement officer called to assist with a person illegally on a RV park's premises to allow removal of such a person in lieu of arrest and limits the officer's liability;
- Requires the Department of Agriculture and Consumer Services (DACS) to establish by rule the requirements for agents qualified to administer liquefied petroleum (LP) gas examinations;
- Requires DACS to establish by rule a specific examination for RV dealers/installers; and
- Clarifies that in order to be eligible to apply for certification as a master qualifier for an LP gas business, "verifiable LP gas experience" or "professional certification" is required.

If approved by the Governor, these provisions take effect July 1, 2020.

*Vote: Senate 35-1; House 115-0*

## Committee on Infrastructure and Security

### **CS/HB 387 — License Plate Fees**

by Transportation and Infrastructure Subcommittee and Rep. Hogan Johnson and others  
(CS/CS/SB 414 by Appropriations Committee; Infrastructure and Security Committee; and  
Senators Bean and Harrell)

The bill creates a uniform annual use fee for specialty license plates. Specifically, the bill provides that unless the amount of an annual use fee is otherwise specified for a particular specialty license plate, the annual use fee of \$25 will be charged for any specialty license plate that is required to be developed.

If approved by the Governor, these provisions take effect October 1, 2020.

*Vote: Senate 39-0; House 115-0*

## Committee on Infrastructure and Security

### **CS/CS/SB 538 — Emergency Management**

by Community Affairs Committee; Infrastructure and Security Committee; and Senators Diaz, Book, Pizzo, and Perry

The bill directs the State Watch Office (SWO) to create and maintain a list of emergency related reportable incidents. The list must include, but is not limited to the following:

- Major fire incidents;
- Search and rescue operations;
- Bomb threats;
- Natural hazards and severe weather;
- Public health and population protective actions;
- Animal or agricultural events;
- Environmental concerns;
- Nuclear power plant events;
- Major transportation events;
- Major utility or infrastructure events; and
- Certain military events.

Political subdivisions must notify the SWO of incidents occurring within their geographic boundaries. The SWO may develop guidelines for reporting and must annually provide the list of reportable incidents to political subdivisions.

If approved by the Governor, these provisions take effect July 1, 2020.

*Vote: Senate 38-0; House 115-0*

## Committee on Infrastructure and Security

### **CS/HB 705 — Emergency Sheltering of Persons with Pets**

by Oversight, Transparency and Public Management Subcommittee and Reps. Killebrew, Toledo, and others (CS/CS/SB 752 by Community Affairs Committee; Infrastructure and Security Committee; and Senators Bean, Book, and Cruz)

The bill requires counties that maintain designated shelters to designate a shelter that can accommodate persons with pets. The shelter must be in compliance with applicable FEMA Disaster Assistance Policies and Procedures and with safety procedures regarding the sheltering of pets established in the shelter component of both local and state comprehensive emergency management plans.

The bill also requires the Department of Education to assist the Division of Emergency Management in determining strategies for the evacuation of persons with pets for the shelter component of the state comprehensive emergency management plan.

If approved by the Governor, these provisions take effect July 1, 2020.

*Vote: Senate 39-0; House 115-0*

## Committee on Infrastructure and Security

### **CS/CS/HB 787 — Driver Licenses and Identification Cards**

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Tomkow and others (CS/CS/SB 1692 by Appropriations Committee; Infrastructure and Security Committee; and Senator Flores)

The bill authorizes an optional “D” designation on the driver license of a person who has been diagnosed with a developmental disability. The licensee, or his or her parent or legal guardian, must present the Department of Highway Safety and Motor Vehicles (DHSMV) with sufficient proof that a licensed physician has diagnosed the licensee with a developmental disability. Additionally, a licensee, or his or her parent or legal guardian, may surrender his or her current driver license at any time to add or remove a “D” designation. If the applicant is not conducting any other transaction affecting the driver license, the standard \$25 replacement fee is waived.

The bill also requires the DHSMV to include an option on the driver license or identification card application form to make a voluntary contribution of \$1 or more to Childhood Cancer Care to be distributed to the Live Like Bella Childhood Cancer Foundation.

The bill is linked to HB 789, a fee bill, which provides for the payment of an additional \$1 fee for a new or renewed driver license with a “D” designation or a payment of a \$2 fee upon the surrender and replacement of a current driver license to add or remove a “D” designation.

If approved by the Governor, these provisions take effect October 1, 2020.

*Vote: Senate 39-0; House 117-0*

## Committee on Infrastructure and Security

### **CS/CS/HB 789 — Driver License Fees**

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Tomkow (CS/CS/SB 1694 by Appropriations Committee; Infrastructure and Security Committee; and Senator Flores)

The bill provides for the payment of an additional \$1 fee for a new or renewed driver license with a “D” designation or a payment of a \$2 fee upon the surrender and replacement of a current driver license to add or remove a “D” designation. The fees are deposited into the Highway Safety Operating Trust Fund.

The bill is linked to HB 787, which authorizes an optional “D” designation on the driver license of a person who has been diagnosed with a developmental disability.

If approved by the Governor, these provisions take effect on the same date that CS/CS/HB 787 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

*Vote: Senate 39-0; House 118-0*

## Committee on Infrastructure and Security

### **CS/CS/HB 915 — Commercial Service Airports**

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Avila and others (CS/CS/SB 1258 by Rules Committee; Community Affairs Committee; and Senators Diaz and Baxley)

The bill requires the Auditor General to conduct an operational and financial audit of each large-hub commercial service airport (a publicly owned airport that has at least one percent of the annual passenger boardings in the United States as reported by the Federal Aviation Administration) at least once every seven years. Each member of the governing body of such airports is required to comply with the financial disclosure requirements of s. 112.3145(3), F.S., except for members required to comply with the full and public disclosure of financial interests set out in Art. II, s. 8, State Constitution. The bill also requires the governing body of each commercial service airport (a primary airport as defined by federal law which is classified as a large, medium, or small hub airport by the Federal Aviation Administration) to establish and maintain a website to post information relating to the operation of the airport.

The bill subjects commercial service airports to the requirements of Ch. 287, F.S., relating to procurement, for purchases of commodities or contractual services exceeding a threshold of \$65,000. Such contracts must use a competitive sealed bid, proposal, or reply process (unless an exception applies or an immediate danger to the public or other substantial loss to the airport requires emergency action) and must be posted (with confidential information redacted) on the airport website. After an opportunity for public comment, a governing body must approve, award, or ratify as a separate line item on its agenda each contract executed by or on behalf of a commercial service airport in amounts exceeding a threshold of \$325,000. Approval, award, or ratification of such contracts as part of a consent agenda is prohibited.

Members of a governing body and employees of a commercial service airport are subjected to ch. 112, part III, F.S., relating to the Code of Ethics for Public Officers and Employees, but the bill does not prohibit a county or municipal charter, ordinance, or resolution of the governing body from applying more stringent ethical standards. The bill also imposes on each member of a governing body annual ethics training requirements but exempts members that have completed the training for another public office.

Beginning November 1, 2021, and annually thereafter, each commercial service airport must submit its approved budget, federal financial reports, website link, and a statutory compliance statement to the Florida Department of Transportation (FDOT). The FDOT must review the information submitted and posted on the required websites to determine the accuracy of the information. Beginning January 15, 2022, and annually thereafter, the FDOT must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing commercial service airport compliance with the bill's provisions. Until a commercial service airport demonstrates its compliance, the FDOT is prohibited from expending any funds allocated to the airport unless the funds are pledged for debt service.

If approved by the Governor, these provisions take effect October 1, 2020.  
*Vote: Senate 36-3; House 112-0*

## Committee on Infrastructure and Security

### **CS/SB 966 — Public Records/Disaster Recovery Assistance**

by Governmental Oversight and Accountability Committee and Senator Gainer

The bill makes confidential and exempt from public disclosure requirements property photographs and personal identifying information of an applicant for or a participant in a federal, state, or local housing assistance program for the purpose of disaster recovery assistance for a presidentially declared disaster. The provision applies to photographs and personal identifying information held by the Department of Economic Opportunity, the Florida Housing Finance Corporation, a county, a municipality, or a local housing finance agency.

The bill is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2025, unless reviewed and reenacted by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2020.

*Vote: Senate 37-0; House 118-0*

## Committee on Infrastructure and Security

### **CS/CS/HB 971 — Electric Bicycles**

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Grant and others (CS/SB 1148 by Infrastructure and Security Committee and Senator Brandes)

The bill addresses the definition and operation of electric bicycles (e-bikes) within a three-tiered classification system, revising a number of related definitions. The bill creates regulations governing the operation of e-bikes, affording an e-bike or e-bike operator with all of the rights and privileges, and subjecting them to all of the duties, of a bicycle or bicycle operator. E-bikes are authorized to operate where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths. However, the bill provides that the new e-bike regulations may not be construed to prevent a local government from regulating the operation of e-bikes on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; or to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an e-bike on such paths or trail networks.

The bill provides that an e-bike or an e-bike operator is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles. Additionally, the bill sets out labeling requirements for manufacturers and distributors of electric bicycles and prohibits tampering with or modifying an electric bicycle unless the label is replaced after modification.

Lastly, the bill makes a number of technical and conforming changes throughout related statutory provisions.

If approved by the Governor, these provisions take effect July 1, 2020.

*Vote: Senate 39-0; House 118-0*

## Committee on Infrastructure and Security

### **CS/CS/HB 977 — Motor Vehicle Dealers**

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Rommel and others (CS/SB 1738 by Infrastructure and Security Committee and Senator Brandes)

The bill states that subjecting motor vehicle dealers and their leasing and rental affiliates to vicarious liability under the dangerous instrumentality doctrine when a temporary replacement vehicle is provided to a consumer is both unfair and economically disadvantageous in that it causes dealers and their affiliates to suffer higher insurance costs, which are then passed on to consumers.

Additionally, the bill provides that a motor vehicle dealer, or a motor vehicle dealer's leasing or rental affiliate, which provides a temporary replacement vehicle to a customer whose vehicle is being held for repair, service, or adjustment by the dealer is immune from vicarious liability in a civil proceeding. This immunity applies as long as there is no negligent or criminal wrongdoing by the dealer or affiliate. However, it does not apply when an agent or principal of a motor vehicle dealer or a motor vehicle dealer's leasing or rental affiliate is provided a temporary replacement vehicle. In addition, this immunity only applies to an employee of a motor vehicle dealer or a motor vehicle dealer's leasing or rental affiliate when they are provided a temporary replacement vehicle:

- While their personal vehicle is being repaired or serviced by the motor vehicle dealer;
- In the same manner as other customers who are provided a temporary replacement vehicle; and,
- The employee is not acting within the course and scope of their employment.

The bill provides that a motor vehicle dealer or affiliate must execute a written rental or use agreement and obtain a copy of the vehicle operator's driver license and insurance information to qualify for the immunity granted in the bill.

If approved by the Governor, these provisions take effect July 1, 2020.

*Vote: Senate 39-0; House 111-0*

## Committee on Infrastructure and Security

### **CS/CS/HB 1039 — Transportation Network Companies**

by State Affairs Committee; Transportation and Infrastructure Subcommittee; and Rep. Rommel and others (CS/CS/SB 1352 by Rules Committee; Innovation, Industry, and Technology; and Senator Brandes)

The bill establishes a regulatory framework for digital advertising on transportation network company (TNC) vehicles and for luxury ground TNC (LGTNC) vehicles. Specifically, the bill:

- Defines the term “transportation network company digital advertising device” or “TNC digital advertising device;” authorizes a TNC driver or his or her designee to contract with a company to install a TNC digital advertising device (DAD) on a TNC vehicle, which is a part of the vehicle; and provides equipment, operational, lighting, and testing requirements for a TNC DAD.
- Prohibits a TNC DAD from displaying advertisements for illegal products or services or that include nudity or violent images and subjects displayed advertisements to the Florida Deceptive and Unfair Trade Practices Act (FDUTPA).
- Provides immunity from liability for display of an advertisement in violation of the FDUTPA or the new section of law created by the bill for:
  - A TNC, TNC driver, TNC vehicle owner, or an owner or operator of a TNC DAD, unless the TNC, TNC driver, TNC vehicle owner, or an owner or operator of a TNC DAD had actual knowledge that the advertisement constitutes a violation.
  - A TNC that is not the owner or operator of a TNC DAD that displays an advertisement on a TNC DAD, unless the advertisement is displayed on behalf of the TNC.
- Exempts a TNC from liability under general law by reason of owning, operating, or maintaining the digital network accessed by a TNC driver or rider, or by being affiliated with a TNC driver, for harm to persons or property resulting or arising out of the use, operation, or possession of a motor vehicle operating as a TNC vehicle while the driver is logged on to the digital network if:
  - There is no negligence or criminal wrongdoing on the part of the TNC;
  - The TNC has fulfilled all of its obligations under s. 627.748, F.S., with respect to the TNC driver; and
  - The TNC is not the owner or bailee of the motor vehicle that caused the harm.
- Provides that a motor vehicle that is compliant with the Americans with Disabilities Act and is owned and used by a company that uses a digital network to facilitate prearranged rides to persons with disabilities for compensation may be used as a TNC vehicle.
- Revises and provides definitions to delete references to “for-hire vehicles” as the term relates to TNCs, effectively deeming TNC vehicles as for-hire vehicles providing for-hire vehicle service.
- Defines the term “luxury ground transportation network company” or “luxury ground TNC” to mean a company that:
  - Meets the requirements relating to election to be regulated as an LGTNC, and
  - Uses its digital network to connect riders exclusively to drivers who operate for-hire vehicles, including limousines and luxury sedans and excluding taxicabs.

- Authorizes an entity to elect, upon written notification to the Department of Financial Services, to be regulated as an LGTNC. The bill requires an LGTNC to:
  - Comply with all of the requirements of s. 627.748, F.S., applicable to TNCs which do not conflict with insurance coverage requirements or which do not prohibit the company from connecting riders to drivers who operate for-hire vehicles, including limousines and luxury sedans and excluding taxicabs; and
  - Maintain at all times insurance coverage as required by s. 627.748(7), F.S. The minimum insurance requirements applicable to a vehicle are dependent upon whether the vehicle is being operated as a limousine, or as an LGTNC.
- Authorizes a prospective LGTNC that satisfies minimum financial responsibility requirements at the time of written notification to the department by using self-insurance to continue to use self-insurance.

Includes LGTNCs, LGTNC drivers, and LGTNC vehicles in existing provisions relating to preemption to the state of regulation of TNCs, TNC drivers, and TNC vehicles, thereby preempting to the state regulation of LGTNCs, LGTNC drivers, and LGTNC vehicles.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 37-2; House 117-0*

## Committee on Infrastructure and Security

### **CS/CS/HB 1095 — Infrastructure Regulation**

by Commerce Committee; Energy and Utilities Subcommittee; and Rep. Fitzenhagen and others (CS/CS/CS/SB 1464 by Rules Committee; Banking and Insurance Committee; Infrastructure and Security Committee; and Senator Flores)

The bill amends provisions of law relating to the Underground Facility Damage Prevention and Safety Act and revises provisions relating to the Office of Public Counsel within the Public Service Commission.

#### *Underground Facility Damage Prevention and Safety Act (The Act)*

The Act is intended to identify and locate underground facilities (*e.g.*, pipes, pipelines, and cables) prior to an excavation or demolition to prevent injury to persons or property or interruption of services resulting from damages to those facilities. Specifically, the bill:

- Expands the list of entities that may issue citations for existing and new enhanced-penalty violations of ch. 556, F.S., to include the State Fire Marshal or his or her statutorily defined agents, and the fire chiefs of special districts, municipalities, and counties; and provides criminal penalties for willful failure to respond to a citation.
- Increases the maximum civil penalty (up to \$2,500, in addition to any other court costs) for certain violations of ch. 556, F.S., that involve an underground pipe or facility transporting hazardous materials regulated by the U.S.D.O.T. Pipeline and Hazardous Material Safety Administration. Eighty percent of the civil penalty will be distributed to the entity that issued the citation, and the remaining 20 percent will be retained by the clerk, in addition to any court costs.
- Requires each clerk of court to submit an annual report to the State Fire Marshal listing each violation notice written under ch. 556, F.S., which was filed in that county during the preceding calendar year.
- Provides a criminal penalty for knowingly and willfully removing or damaging a permanent marker.
- Requires member operators and excavators to transmit reports of incidents that involve high-priority subsurface installations for investigation by the State Fire Marshal, who replaces the Division of Administrative Hearings as the investigative authority. The State Fire Marshal may also issue a citation and impose a civil penalty for a violation of ch. 556, F.S., and 95 percent of any civil penalty imposed will be equally distributed between the Sunshine 811 system and the State Fire Marshal for specified uses. The remaining five percent is retained by the clerk of court to cover administrative costs.
- Requires Sunshine State One-Call of Florida, Inc., to review the reports submitted by the clerks of court to the State Fire Marshal, and any complaints of alleged violations of ch. 556, F.S., in order to identify issues and potential issues with damage prevention and enforcement. Sunshine State One-Call of Florida, Inc., is further required to submit an analysis of its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives on an annual basis.

***Office of the Public Counsel***

The bill also establishes a four-year term for the Public Counsel beginning March 1, 2021. It clarifies the Public Counsel serves at the pleasure of the Joint Committee on Public Counsel Oversight and is appointed by a majority vote of the committee appointees of each house of the Legislature. The bill provides the committee may remove the Public Counsel with a majority vote of the committee appointees of each house. The joint committee must receive applications, conduct interviews, and appoint a Public Counsel to a four-year term beginning on March 1, 2021, and every four years thereafter. The Public Counsel may continue in office beyond the four-year limit until his or her successor is appointed and takes office, unless removed by the committee. A person serving as the Public Counsel may be reappointed, but in no event may a person serve as the Public Counsel for more than 12 consecutive years. However, the time served by the Public Counsel before July 1, 2020, may not be considered in applying the limitation on consecutive years of service.

If approved by the Governor, these provisions take effect July 1, 2020.

*Vote: Senate 37-1; House 115-0*

## Committee on Infrastructure and Security

### HB 1135 — License Plates

by Rep. Grant, J. and others (CS/CS/SB 412 by Appropriations Committee; Infrastructure and Security Committee; and Senators Bean, Harrell, and Broxson)

The bill authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to issue specialty license plates (SLP) for fleet and motor vehicle dealer vehicles, and establishes a cap of 150 SLPs.

The bill increases the required number of voucher sales needed within 24 months before the DHSMV will manufacture a SLP, increasing the number from 1,000 to 3,000, and requires an out-of-state college or university SLP to meet a minimum sale of 4,000 vouchers.

The bill provides that new SLPs that have been approved by law but are awaiting issuance must be issued in the order they appear in statute as long as they have met the presale requirement and any other provisions of law. If the next awaiting SLP has not met the presale requirement, the DHSMV must proceed in the order provided in statute to identify the next qualified SLP that has met the presale requirement. The DHSMV must cycle through the list in statutory order.

The bill requires the DHSMV to discontinue the SLP with the fewest number of plates in circulation, including SLPs exempt from a statutory sales requirement on January 1 of each year. For the SLPs in the bottom ten percent of sales, the bill requires the DHSMV to mail a warning letter to the sponsoring organizations on December 1 of each year.

In addition to the above discontinuance, beginning July 1, 2023, the DHSMV must discontinue the issuance of an approved SLP if the number of valid registrations falls below 3,000 plates for 12 consecutive months. The threshold for out-of-state college or university SLPs is 4,000. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of registrations is below 3,000, or 4,000 for out-of-state college or university SLPs. In addition to the existing exemption from the 3,000 plate sales requirement for in-state collegiate SLPs, the bill provides exceptions from the discontinuance requirement for SLPs:

- For institutions in and entities of the State University System;
- With statutory eligibility limitations for purchase;
- For which the annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention; and
- For Florida Professional Sports Teams.

The bill revises provisions regarding license plate design or uses of annual use fees for the following existing license plates:

- Special Olympics Florida;
- Live the Dream;
- In God We Trust;
- Fallen Law Enforcement Officers;

- Blue Angels;
- U.S. Paratroopers; and
- Gold Star.

The bill updates the reference from “Prevent Blindness Florida” to “Preserve Vision Florida” to reflect the change in the organization’s name for the distribution of a portion of the motorcycle SLP annual use fees.

The bill repeals the following SLPs that have been discontinued:

- American Red Cross;
- Support Soccer;
- Donate Organs Pass It On;
- St. Johns River; and
- Hispanic Achievers.

The bill creates the following license plates and specifies the design and the distribution of the associated annual use fees;

- Independent College or University;
- Ducks Unlimited;
- Auburn University;
- Beat Childhood Cancer;
- Walt Disney World;
- Florida 4-H;
- Donate Life Florida;
- Florida State Beekeepers Association;
- Rotary;
- Highwaymen;
- Dan Marino Campus;
- Orlando City Soccer Club;
- Daughters of the American Revolution;
- Gadsden Flag;
- America the Beautiful;
- Explore Off Road Florida;
- American Eagle;
- Guardian Ad Litem;
- Jumbo Shrimp;
- Thank A Lineman;
- Best Buddies;
- University of Georgia;
- Divine Nine;
- Florida Bay Forever;
- Bonefish and Tarpon Trust;

- Coastal Conservation Association;
- Johnson and Wales University;
- Florida Stands With Israel;
- Give Kids The World;
- Marine Corps League;
- K9s United;
- Florida Native; and
- University of Alabama.

The bill provides the Divine Nine and Independent College or University SLPs will be based on a standard template with a unique logo or graphic for each eligible entity. Individual SLP sales will be combined for meeting that standard template SLP's minimum sales threshold and for determining the SLP limit. These SLPs must be order directly from the DHSMV.

The bill creates three special use plates:

- Purple Heart motorcycle special use plate;
- Veteran motorcycle special use plate; and
- Bronze Star automobile special use plate.

The bill revises the provision related to the eligible use of fees and interest from the sale of SLPs, and requires the DHSMV to audit any SLP revenue recipient every three years if the organization is not subject to the Florida Single Audit Act. The purpose of this audit is to ensure that SLP proceeds have been used in compliance with Florida Statutes.

The bill revises the eligibility criteria for special license plates for current and former state legislators, requiring they must have served at least two years as a state senator or a state representative prior to January 1, 2021, and revises the eligibility criteria for special license plates for current and former Senate Presidents and House Speakers, requiring that they must have served as President or Speaker prior to January 1, 2021. The bill also repeals special license plates for former members of Congress.

The bill creates a permanent registration period on for-hire vehicles under nine passengers, provided payment of license taxes and fees occurs annually. It also provides that validation stickers for vehicles for hire under nine passengers may be valid for the life of a license plate, and become void if the proper license taxes and fees are not paid annually.

The bill removes existing provisions from law that delineate the \$25 annual use fee for various SLPs. The bill is linked to HB 387, a fee bill, which establishes an annual use fee of \$25 for any SLP unless the amount is otherwise specified in law.

If approved by the Governor, except as otherwise expressly provided in the bill, the bill shall take effect October 1, 2020, but only if HB 387 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

*Vote: Senate 39-0; House 112-0*

## Committee on Infrastructure and Security

### **HB 7001 — OGSR/E-mail Addresses/Department of Highway Safety and Motor Vehicles**

by Oversight, Transparency and Public Management Subcommittee and Rep. Plasencia (SB 7022 by Infrastructure and Security Committee)

The bill amends s. 119.0712, F.S., to save from repeal the current exemption from public records disclosure for e-mail addresses provided to the Department of Highway Safety and Motor Vehicles for the purpose of providing notifications and renewal notices. The bill removes the scheduled repeal date of the exemption, thus continuing the exemption.

If approved by the Governor, these provisions take effect October 1, 2020.

*Vote: Senate 40-0; House 118-0*

## Committee on Infrastructure and Security

### CS/SB 7018 — Essential State Infrastructure

by Appropriations Committee and Infrastructure and Security Committee

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

- Authorizes the Florida Department of Transportation (FDOT) to plan, design, and construct staging areas for emergency response on the turnpike system. These areas are for the staging of emergency supplies, equipment, and personnel to facilitate the prompt provision of emergency assistance to the public in response to a declared state of emergency;
- Directs the FDOT, in consultation with the Division of Emergency Management, to consider specified factors when selecting a proposed site; authorizes the FDOT to acquire property necessary for such staging areas; and requires the FDOT to give priority consideration to placement of such staging areas in counties with a population of 200,000 or less in which a multi-use corridor of regional significance is located;
- Grants the FDOT power to authorize other uses of a staging area and requires that staging-area projects be included in the FDOT's work program;
- Provides that a permit application by a county or municipality to use the right-of-way on any public road for a utility must be processed and acted upon within the expedited time frames of the "Advanced Wireless Infrastructure Deployment Act," s. 337.401(7)(d)7.,8., and 9., F.S.;
- Requires the FDOT, in coordination with the Public Service Commission (PSC) and the Office of Energy within the Department of Agriculture and Consumer Services, and any other public or private entities as necessary or appropriate, to develop and recommend a master plan for the development of electric vehicle charging station infrastructure along the State Highway System. The bill sets out a number of legislative findings and sets up a division of the workload between the FDOT and the PSC of goals and objectives of the recommended plan based on area of expertise;
- Authorizes the FDOT, the PSC, and the Office of Energy to agree to explore other issues deemed necessary or appropriate for purposes of the required report and requires the recommended master plan to be developed and submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2021. The plan must include recommendations for legislation and may include other recommendations as determined by the FDOT. The bill also requires the FDOT, by December 1, 2020, to file a status report containing any preliminary recommendations, including recommendations for legislation to the Governor, the President of the Senate, and the Speaker of the House; and
- Clarifies that ss. 570.71 and 704.06, F.S., not be interpreted to prohibit lands traditionally used for agriculture that are subject to a conservation easement from being utilized for the

construction of any public or private linear facility and right of access, if such rights are voluntarily negotiated.

If approved by the Governor, these provisions take effect July 1, 2020.

*Vote: Senate 38-0; House 97-19*